



# A G E N D A

## ORMOND BEACH PLANNING BOARD

### Regular Meeting

March 10, 2011

7:00 PM

**City Commission Chambers**  
22 South Beach Street  
Ormond Beach, FL

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

- I. ROLL CALL**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. NOTICE REGARDING ADJOURNMENT**

THE PLANNING BOARD WILL NOT HEAR NEW ITEMS AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

- V. PLANNING DIRECTOR'S REPORT**
- VI. PUBLIC HEARINGS**

**A. LDC 11-23: Land Development Amendment, Type "D" Restaurants:**

This is a request by Ms. Dorian Burt, authorized agent of the Highlander Corporation, to amend the Land Development Code as follows:

1. Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definitions, to include a definition of a Restaurant type "D";
2. Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-25, B-4 Central Business zoning district, to add the restaurant type "D" as conditional use to the B-4 zoning district; and
3. Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions, to include certain criteria for the restaurant type "D" use.

The amendment seeks to allow restaurants under certain conditions that have a minimum requirement of 100 seats, are limited to 4COP alcohol licenses, and derive at least 25% of its gross revenue from the sale of food and nonalcoholic beverages.

**B. Internet Café and Automatic Amusement Center/Game Room, Moratorium Ordinance:**

An administrative request imposing a temporary moratorium for 180 days on the receipt, consideration, or issuance of any Business Tax Receipt, Building Permit, Conditional Use, Special Exception or site plan approval or any other official action having the effect of permitting or allowing the operation of internet cafés, internet sweepstakes redemption centers or adult arcade amusement centers. Sections of the Land Development Code potentially affected by this moratorium include:

1. Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definitions - Automatic Amusement Centers/Game Rooms;
2. Chapter 2, District and General Regulations, Article II, District Regulations, Sections 2-25.E, B4 Zoning District, 2-28.E, B7 Zoning District, and Section 2-29.E, B8 Zoning District; and
3. Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57.A.7, Automatic Amusement Centers/Game Rooms.

**C. LDC 09-09: Land Development Amendment, Chapter 3, Article II, Section 3-18, Surface Water Runoff Control:**

This is a request to amend Chapter 3, Article II, Section 3-18, Surface Water Runoff Control, of the Land Development Code (LDC) to update, clarify and expand the requirements for preparing and executing the Storm Water Management Plans, including new language for Low Impact Development. **Staff is requesting that this item be continued to a date uncertain.**

**VII. OTHER BUSINESS**

**VIII. MEMBER COMMENTS**

**IX. ADJOURNMENT**

# CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

**TO:** Planning Board Members

**FROM:** Steven Spraker, AICP, Senior Planner

**DATE:** March 3, 2011

**SUBJECT:** February Planning Board Minutes

The Planning Board minutes for the February 10, 2011 are not complete at this time and will be provided with the April Planning Board packet. If there are any questions, I can be contacted at 676.3341 or by e-mail at [spraker@ormondbeach.org](mailto:spraker@ormondbeach.org). Thank you.

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** March 3, 2011

**SUBJECT:** LDC Amendment – Restaurant type “D”

**APPLICANT:** Ms. Dorian Burt, authorized agent of the Highlander Corporation

**NUMBER:** LDC 11-23

**PROJECT PLANNER:** Steven Spraker, AICP, Senior Planner

**INTRODUCTION:** This is a request by Ms. Dorian Burt, authorized agent of the Highlander Corporation, to amend the Land Development Code (LDC) as follows:

1. Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definitions, to include a definition of a Restaurant type “D”;
2. Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-25, B-4 Central Business zoning district, to add the restaurant type “D” as conditional use to the B-4 zoning district; and
3. Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions, to include certain criteria for the restaurant type “D” use.

The amendment seeks to allow restaurants under certain conditions that have a minimum requirement of 100 seats, are limited to 4COP alcohol licenses, and derive at least 25% of its gross revenue from the sale of food and nonalcoholic beverages.

**BACKGROUND:** The application seeks to allow an alternative type restaurant than the City’s Land Development currently permits. The City currently allows the following types of restaurants:

Classification	Characteristics
Type “A”	<ol style="list-style-type: none"><li>1. Have at least 150 seats.</li><li>2. Derives at least 51% of its gross revenue from the sale of food and non-alcoholic beverages.</li><li>3. Can serve all types of alcohol, typically through a state SRX alcohol license.</li><li>4. Examples: Outback and Lulu’s restaurant</li></ol>

Classification	Characteristics
Type "B"	<ol style="list-style-type: none"> <li>1. Have less than 150 seats.</li> <li>2. Permitted to offer only beer and wine, typically through a state 2COP alcohol license.</li> <li>3. Examples: Italian Village and Pickles</li> </ol>
Type "C"	<ol style="list-style-type: none"> <li>1. Short order food to be consumed on or off premise that may have walk-up or drive through windows.</li> <li>2. Permitted to offer only beer and wine, typically through a state 2COP alcohol license.</li> <li>3. Examples: McDonalds, Subway, Wendy's</li> </ol>

Restaurants typically utilize two state alcohol licenses. The first is a "SRX" license. This license allows all forms of alcohol, including beer, wine and liquor. The SRX has certain state requirements for restaurants, as follows:

1. A minimum of 2,500 square feet of service area;
2. Shall be equipped to serve 150 persons full course meals at tables at one time;
3. Derive at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages.

The state SRX license parallels the City's requirements for a type "A" restaurant and these establishments may serve beer, wine or liquor in association with the restaurant.

The second typical state alcohol license used is a 2COP (Consumption on Premise). Restaurants utilized a 2COP when the number of seats fall below 150 and are permitted to sell beer and wine only.

The state also has a 4COP alcohol license that allows the sale of beer, wine, and liquor without the limitations of service area, seating, or food sales. The state limits the number of 4COP alcohol licenses based on each county's population. The license is valuable and is utilized in many bars. The City has four establishments that operate with a 4 COP that include Babes Blue room, Rose Villa, Julian's, and the Rocking Ranch. The Land Development Code allows full alcohol service with a type "A" restaurant and beer and wine only with a type "B" and "C" restaurants.

**LDC AMENDMENT:** Itemized below (and also illustrated in Exhibit A) are the proposed amendments to allow a type "D" restaurant:

1. Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definitions is proposed be amended as denoted in underline as follows:

**Type “D”:** Have a minimum requirement of 100 seats, are limited to 4COP alcohol licenses, and derive at least 25% of its gross revenue from the sale of food and nonalcoholic beverages.

2. Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-25, B-4 Central Business zoning district, shall be amended as denoted in underline as follows:

24. Restaurant type “D”.

Note: Items 25- 30 are re-numbered with no changes in text

3. Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions shall be amended as denoted in underline as follows:
  1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
  2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
  3. The restaurant shall have a minimum of 4000 total square feet, to include exterior dining area.
  4. A minimum of 100 seats is required.
  5. Shall be located within the Downtown Community Redevelopment Area.
  6. Only a 4COP alcohol license is permitted.
  7. The kitchen shall remain open to service and a full menu shall be available at all times during which alcohol is consumed.
  8. A minimum of 25% gross revenue must be derived from the sale of food and nonalcoholic beverages. The restaurant shall provide the City Planning Director documentation by September 15th of each year that a minimum of 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages. If the documentation is not submitted or shows that less than 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages, the restaurant shall be denied a Business Tax Receipt for a type “D” restaurant for the next year.
  9. If inside entertainment is provided, there shall be no additional charge for admission, and hours of operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.
  10. Outdoor seating is permitted and shall be reviewed by the SPRC.

## **ANALYSIS:**

The primary concern staff had when reviewing this amendment is the balance between a restaurant and a bar. The conditions proposed by the applicant in the amendment seek to ensure that the restaurant type “D” use would operate as a restaurant. The key conditions include:

1. 100 seat minimum;
2. 4,000 square feet of floor area.
3. The kitchen shall remain open to service and a full menu shall be available at all times during which alcohol is consumed.
4. Requirement that 25% of all sales be food and nonalcoholic beverage related.
5. Annual reporting requirement to the City.

The amendment is also limited in scope to only the properties within the Community Redevelopment Area, zoned B-4 zoning district. Staff believes that the amendment is consistent with the City’s effort to encourage redevelopment and unique uses within the redevelopment area. The Ormond MainStreet Economic Restructuring Committee and the Board of Directors of Ormond MainStreet, Inc. both reviewed and recommended approval of the amendment.

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

No specific development is proposed. The intent of the proposed amendment is to provide a newly identified use. The proposed standards do not appear to adversely affect public health, safety, welfare or the quality of life.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendment is consistent with the Comprehensive Plan. The Comprehensive Plan adopts the Downtown Master Plan by reference which encourages the development of restaurants and after business hours activities.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

Not applicable.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

This proposed amendment is not anticipated to have a significant impact on adjacent properties and the proposed uses will continue to operate as restaurants.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

Not applicable.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

Not applicable.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

Not applicable.

8. **The proposed development provides for the safety of occupants and visitors.**

Not applicable.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

Not applicable.

10. **The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

#### **RECOMMENDATION:**

It is expected that the amendment will be reviewed by the City Commission on April 20, 2011 (1<sup>st</sup> reading) and May 3, 2011 (2<sup>nd</sup> reading). It is recommended that the Planning Board **APPROVE** LDC 11-23, to add restaurants type "D" as conditional use to the B-4 zoning classification, as shown above and in Exhibit A.

# EXHIBIT “A”

## Proposed LDC Amendments

1. **Chapter 1, General Administration, Article III, Definitions, Section 1-22, Definitions** is proposed be amended as denoted in underline as follows:

**Type “D”:** Have a minimum requirement of 100 seats, are limited to 4COP alcohol licenses, and derive at least 25% of its gross revenue from the sale of food and nonalcoholic beverages.

2. **Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-25, B-4 Central Business zoning district**, shall be amended as denoted in underline as follows:

24. Restaurant type “D”.

Note: Items 25- 30 are re-numbered with no changes in text

3. **Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions** shall be amended as denoted in underline as follows:

1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
3. The restaurant shall have a minimum of 4000 total square feet, to include exterior dining area.
4. A minimum of 100 seats is required.
5. Shall be located within the Downtown Community Redevelopment Area.
6. Only a 4COP alcohol license is permitted.
7. The kitchen shall remain open to service and a full menu shall be available at all times during which alcohol is consumed.
8. A minimum of 25% gross revenue must be derived from the sale of food and nonalcoholic beverages. The restaurant shall provide the City Planning Director documentation by September 15th of each year that a minimum of 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages. If the documentation is not submitted or shows that less than 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages, the restaurant shall be denied a Business Tax Receipt for a type “D” restaurant for the next year.
9. If inside entertainment is provided, there shall be no additional charge for admission, and hours of operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.
10. Outdoor seating is permitted and shall be reviewed by the SPRC.

# EXHIBIT “B”

Applicant submitted  
information

Highlander Corp.  
460 Walker Street  
Holly Hill, Fl 32117

February 4, 2011

Mr. Ric Goss  
Planning Director - City of Ormond Beach  
22 S. Beach Street  
Ormond Beach, Fl 32174

Re: Proposed Amendment to the Land Development Code, Downtown Overlay District

Dear Ric,

The Highlander Corp. is seeking to have the Land Development Code, Downtown Overlay District, amended to include a Type D restaurant.

The Highlander Corp. has invested numerous monies, time and energy into the redevelopment of the Downtown Overlay District and is continuing to do so as evidenced by the ongoing improvements to Granada Crossings, The Carriage House, and 156 West Granada to mention a few.

The Highlander Corp. believes the City of Ormond Beach is as committed to the redevelopment of the "Downtown" as much as the Highlander Corp. is and is most grateful for it's efforts and spirit of cooperation with the shareholders.

In an effort to recoup some monies towards it's expenses Highlander Corp. enlarged the seating amount in Caffeine up to the 150 seats required to obtain a Special Restaurant License as termed by the City, which is called 4COPSRX license by the State. This license carries with it a quota requirement of 51% gross revenue obtained by food sales and sales of nonalcoholic beverages. While revenues have increased Caffeine has fallen short of the required 51% and in actuality is running at about 25 to 30 % food sales.

A bar is a conditional use allowed in the Downtown Overlay District. Highlander is preempted from that conditional use as it is located closer to Ormond Elementary's nearest boundary by less than 1000 ft. Highlander is not seeking a waiver of the distance requirement but instead seeks to amend the LDC by allowing for a Type D restaurant. Such license would require the owner to purchase a 4COP license but would require that it be tied to a restaurant, that the kitchen be open at all times and food service be available during all operating hours but would by City code require that a minimum of 25 % food and nonalcoholic beverages be maintained with yearly reporting requirements to the City. A more detailed description of the proposed Type D

restaurant is contained in the attached Proposed Amendment to the Land Development Code, Downtown Overlay District is included in this packet.

Page two  
February 4, 2011

Highlander does not seek a special exception for themselves and their specific properties but rather an amendment that will benefit other Downtown entrepreneurs as well. Highlander Corp. along with other entities, as well as Ormond Main Street, is committed to the revitalization of Downtown. Highlander feels that this amendment will help insure that the revitalization will continue in a positive manner. Highlander will bring this proposed amendment to the Economic Restructuring Committee of Ormond Main Street on February 16, and will report to you the Committee's input.

While the recent News Journal article quoted, "Mr. Jones has deep pockets", they are unfortunately not bottomless and he does need to mitigate some of his losses so that he may continue with his passion for improving Ormond's Downtown, even in these most difficult economic times.

Recently Mr. Jones was approached to act as guardian and curator for the Reginald Dana Marsh collection which came out of the home formerly located on the ocean in Ormond Beach known as the "Battleship". When that landmark was torn down in the dead of night these treasures were salvaged and have been locked away in storage at Embry Riddle. Mr. Jones would like to display these treasures for all the public to see a part of Ormond Beach's heritage inside the soon to be completed Thirty-One restaurant.

This is perhaps an aside to the issue at hand, but further illustrates his level of commitment to the preservation of history belonging solely to Ormond Beach.

Included in this packet are:

Public Hearing - LDC Amendment application

Check in the amount of \$2200 payable to the City of Ormond Beach

Print out from the Secretary of State showing the Highlander Corp. to be an active corporation in good standing and showing William H. Jones, Jr. to be the president.

Proposed Amendment to the Land Development Code, Downtown Overlay District

Highlander is most anxious to move this forward on the fast track so if you require any additional items please do not hesitate to contact me.

I want to thank you and your staff for the most helpful and expeditious manner the display to all of our numerous inquiries.

Sincerely,



Dorian Burt

Project Coordinator - Highlander Corp.

386 296-4610

db/encls.

Cc: William H. Jones, Jr.

PROPOSED AMENDMENT TO  
LAND DEVELOPMENT CODE  
DOWNTOWN OVERLAY DISTRICT  
ADDING RESTAURANT TYPE "D"  
UNDER SECTION S  
1-22, 2-25, AND 2-57

Applicant, Highlander Corp. through it's President, William H. Jones, Jr., seeks to have the Land Development Code, Downtown Overlay District, amended to include a fourth restaurant type, Restaurant type D and to allow Restaurant Type D as a conditional use in the Downtown Overlay District of Ormond Beach, Florida.

Chapter 1- Article III - Definitions and Acronyms, Sec. 1-22 on page 56, sets forth:

**Chapter 1: General Administration**

**Article III: Definitions and Acronyms**

**Restaurant:** A building or room, not operated as a dining room in connection with a hotel or motel, where meals or prepared foods, including beverages and confections, are served to customers. The term restaurant does not include catering services. Restaurants are hereby classified as follows:

**Type "A":** Restaurants have minimum requirements to serve at least 150 persons full course meals at tables at one time, and derives at least 51% of its gross revenue from the sale of food and nonalcoholic beverages. Any Type "A" restaurant may apply for a Special Restaurant License to serve alcohol.

**Type "B":** Have less than 150 seats that serve customers attracted from their immediate area and not generally dependent on exposure to heavy automotive traffic. Type "B" establishments are permitted to offer beer and wine only.

**Type "C":** Are those specializing in short-order foods and beverages to be consumed on or off the premises, or providing service at walk-up windows or drive-up windows. Characteristically, such establishments are heavily dependent on high levels of automotive traffic to attract customers. Such establishments are the only types permitted to have a drive-thru window. Type C" establishments are permitted to offer beer and wine only.

Applicant proposes that the following language be added to include:  
Definition-

Type "D" Restaurants are those that have minimum requirements of 100 seats, 4000 total square feet, to include exterior dining area, have their kitchen open with the ability to serve food during all hours of operation, and have a 4 COP license from the State allowing the service of all alcoholic beverages but must derive 25% of their gross revenue from the sale of food and nonalcoholic beverages. Type "D" restaurants must provide yearly documentation to the City documenting that 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages. Restaurant must be located in designated redevelopment area.

Under the Land Development Code, Chapter 2 District and General Regulations - Article IV: Conditional Uses and Special Exceptions the following is set forth under Sec. 2-57, Criteria for Review of Special Conditional and Special Exceptions on pages 38 and 39,

**5. RESTAURANT, TYPE "A"**

1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
3. A full menu must be available at all times during which alcohol is consumed.
4. If inside entertainment is provided, there shall be no additional charge for admission and hours of operation may be limited. All entertainment will be contained inside, unless granted approval through Public Hearing.
5. Outdoor seating is permitted and shall be reviewed by the SPRC.

**6. RESTAURANT, TYPE "B"**

1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
3. Type "B" establishments are permitted to offer beer and wine only.
4. If inside entertainment is provided, there shall be no additional charge for admission, and hours of operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.
5. Outdoor seating is permitted and shall be reviewed by the SPRC.

**7. RESTAURANT, TYPE "C"**

1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.
2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.
3. Outdoor seating is permitted and shall be reviewed by the SPRC.
4. Type "C" establishments are permitted to offer beer and wine only.

Applicant seeks to amend this Section by adding:

8. RESTAURANT, TYPE “D”

1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, order, fumes and glare impacts.

2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.

3. A full menu must be available at all times during which alcohol is consumed.

4. A 4COP license is required.

5. A minimum of 25% gross revenue must be derived from the sale of food and nonalcoholic beverages.

6. Must provide yearly documentation to the City documenting that 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages.

7. If inside entertainment is provided, there shall be no additional charge for admission and hours of operation may be limited.

8. Outdoor seating is permitted and shall be reviewed by the SPRC.

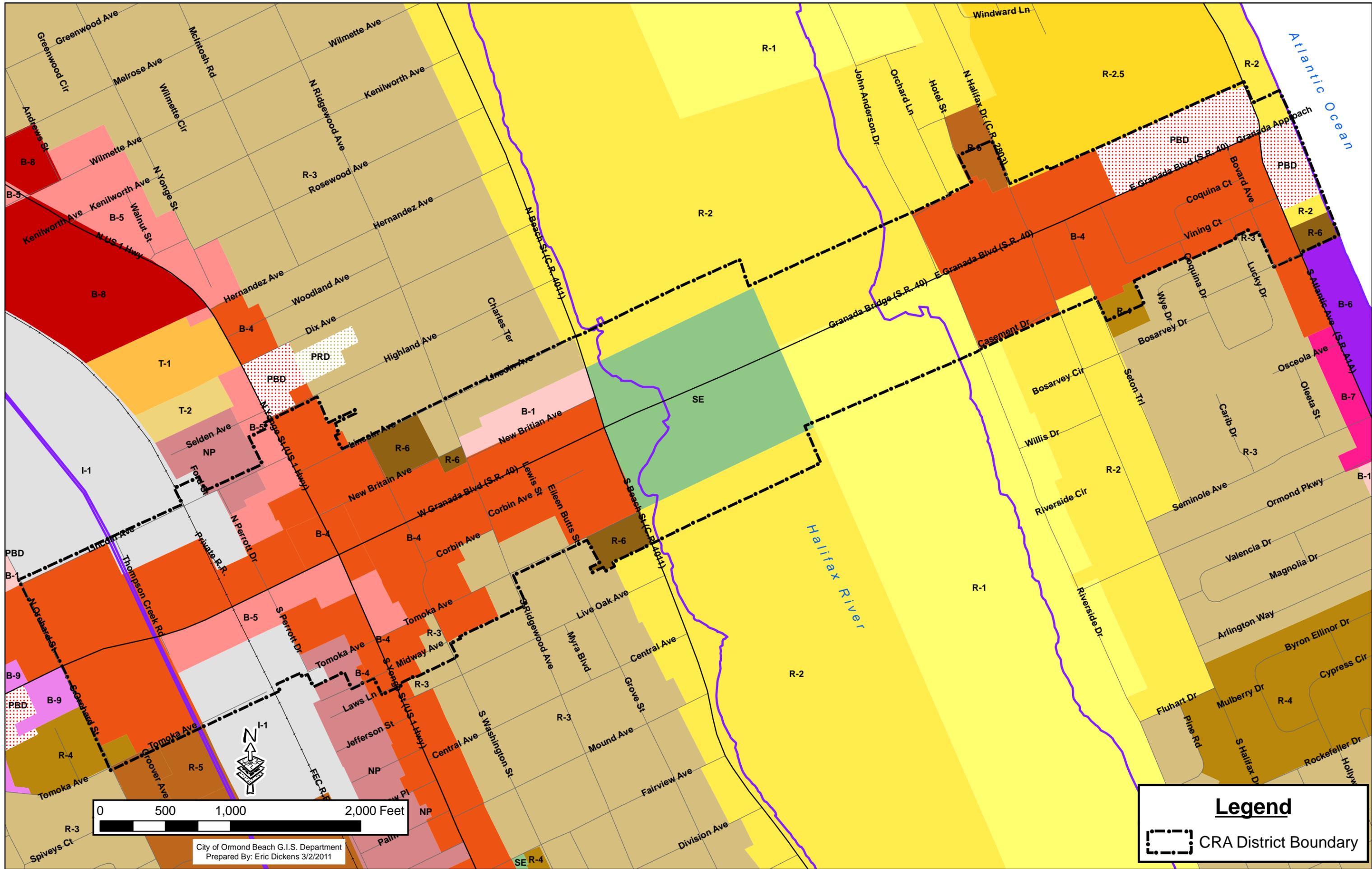
Under Section 2-25: B-4: CENTRAL BUSINESS Zoning District, Section D. Conditional Uses page 20, the Land Development Code states as follows:  
(SEE INSERT ON FOLLOWING PAGE)

Applicant seeks to amend said Section D by adding:

30. Restaurant Type "D"

# EXHIBIT “C”

## B-4 Zoning District



City of Ormond Beach G.I.S. Department  
Prepared By: Eric Dickens 3/2/2011

**Legend**

 CRA District Boundary

# STAFF REPORT

City of Ormond Beach  
Department of Planning

**DATE:** February 24, 2011

**SUBJECT:** Internet Café' & Automatic Amusement Center/Game Room

**APPLICANT:** City Initiated

**NUMBER:** N/A Moratorium Ordinance

**PROJECT PLANNER:** Richard P. Goss, AICP

Affected Code Section Title	Code Section
Chapter 1, Article III	Section 1-22
Chapter 2, Article II	Section 2-25 E B 4 Zoning District
	Section 2-28 E B 7 Zoning District
	Section 2-29 E B 8 Zoning District
Chapter 2, Article IV	Section 2-57 A 7

**INTRODUCTION:** In the past few years, cities and counties in Florida have started to experience companies offering sweepstakes promotions in connection with the sale of internet time and prepaid phone cards.

The City of Ormond Beach has in the past considered these types of activities as gambling in that they contained three basic elements of gambling: chance, consideration, and a prize. Also, the activity and machines are not highly regulated, making it possible to manipulate the games utilizing simulated gambling devices which can deceive members of the public, including the elderly and the economically disadvantaged, into believing that they are engaging in a lawfully permitted gaming activity, thus making the use of simulated gambling devices inherently deceptive. Consequently, the City has not permitted them to operate within the corporate boundaries of the city.

Simulated gambling devices using game promotions where a person may conduct a game in connection with the sale of consumer products or services and win a prize is a relatively new occurrence. Cards are used to play a simulated gaming device that reveals whether a player has won a prize. Throughout Florida, law enforcement has indicated it is unclear whether these types of simulated gaming devices are illegal slot machines or are legal under the game promotion statute. In this context, applying the automatic amusement centers/game rooms provisions to internet sweepstakes café when using simulated gaming devices presents a number of issues needing clarification and further study, hence the recommended moratorium ordinance.

**B. DESCRIPTION:** This is a proposed ordinance imposing a temporary moratorium for 180 days on the receipt, consideration, or issuance of any Business Tax Receipt, Building Permit, Conditional Use, Special Exception or site plan approval or any other official action having the effect of permitting or allowing the operation

of internet cafés, internet sweepstakes redemption centers or adult arcade amusement centers. Gambling is an activity and the LDC regulates uses, but the moratorium has the potential of affecting use and activity. Internet Sweepstakes Cafes are regulated by sections of the Land Development Code depicted above while the gambling activity is regulated by the City Code of Ordinances. Because the former affects the LDC, staff is bringing this ordinance to the Planning Board for review and a recommendation to the City Commission.

**ANALYSIS:** In November 2008, the Florida Senate held fact finding meetings before the Senate Regulated Industries Committee and issued an Interim Report<sup>1</sup> on the review of electronic gaming exceptions for adult arcades and game promotions.

An Internet Sweepstakes Café is a business that uses sweepstakes promotions to market a product using Internet time as the principal media. Customers purchase Internet access time, and are given free sweepstakes entries. Customers travel the internet using computers terminals to find out whether they receive winning entries. The sweepstakes use simulated gambling devices that resemble slot machines or have keno or poker themes that often convey the feel and look of playing casino games. Sweepstakes may or may not be gambling depending on whether the machine is free from the use of morphing, coasting, and limited payouts.

A sweepstakes is a self-funded promotion that offers a chance for participants to win. The cost of entry is used to pay winners and winners are selected from a finite pool of entries. To make money, the total amount paid by customers is more than the total amount paid out as prizes. The sweepstakes sponsor or café keeps the resulting balance. Sometimes a percentage of the proceeds are distributed to a charity.

One of the difficulties in enforcing or applying the gambling restrictions and exemptions in Chapter 849, F.S., is determining whether a device or machine is a game of chance or game of skill. The “safe harbor” exemption under s. 849.161, F.S., requires that the game or machine must have a person playing or operating the game or machine by application of skill to receive points or coupons that may be exchanged for merchandise. Morphing or limiting the payout percentage through the use of a dip switch located on the computer board can overcome skill by manipulating the game and result. In addition, simulated gaming devices can be set to coast which basically prevents emblems from stopping. As such, the Legislature was given a number of options regarding arcade amusement centers and game promotions. They included:

- Maintain the status quo and not amend the statutes. However, law enforcement agencies and state attorney offices believed that changes should be made to clarify what is or is not a legal electronic gaming machine.
- Amend the statutes to assure that the electronic gaming machines were not cheating the operators or the patrons by prohibiting “morphing,” “coasting,”

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<sup>1</sup> Review of Electronic Gaming Exceptions for Adult Arcades and Game Promotions. Florida Senate. Interim Report 2009-123. November 2008

and the setting of a payout percentage; provide for the testing of the computer source code to assure compliance with the game promotion requirements; increase bond requirements for electronic game promotions; provide more regulatory authority by Department of Agriculture and Consumer Services (DACs); prohibit the electronic gaming machines from having a kill switch.

- Provide a range of regulation, either by the state or local government, that could include random testing of machines;
- Restrict payouts and prohibit "server-based" electronic gaming machines.

Unfortunately, the legislature did none of the above. Consequently, it has been left up to local governments to fill in the loop hole regarding whether or not the internet sweepstakes café type operations is entertainment or gambling. In addition, there are companion bills introduced at the House and Senate regarding Gambling Device. HB 0217 filed on 1.14.11 and referred to the Business & Consumer Affairs, Agriculture & Natural Resources Appropriations, and Economic Affairs Committees. SB 0576 regarding Gambling Devices was filed with the Senate on 1.25.11 and it was referred to the Commerce and Tourism, Regulated Industries; and Budget subcommittees. These bills as drafted and if passed in tact, could clarify the issue once and for all. Since there are a number of governments currently deciding these issues, and there are bills filed in the state legislature to clarify the loopholes, the city believes it is prudent to pass a moratorium till such time that legislation is passed and sufficient deliberation occurs based upon such legislation.

**CONCLUSION:** In conclusion, there are a number of governments taking up the internet sweepstakes cafe issue and it is multiplying as this report is written. Winter Park and Casselberry instituted moratorium ordinances to study the issue. Casselberry is on its third extension of the moratoria. Palm Bay and Seminole County passed ordinances prohibiting simulated gambling devices. Seminole County's ordinance banning simulated gaming devices countywide had a temporary restraining order put in place right before the effective date/enforcement of the ordinance at the beginning of February. The City of Orange City had a moratorium but then voted to permit them in the Industrial land use designation but the only land with that designation is a land dump. Volusia County has permitted them as an entertainment activity. Jacksonville is currently going through the public hearing process to possibly eliminate them. Doug Vanderlaan, chairman of the Urban Core Citizens Planning Advisory Committee in Jacksonville stated such businesses aren't fun for the community but they bring the same rise in crime, suicide and bankruptcy rates as any other form of gambling. This sampling of communities and how local government is responding indicates a vast array of different actions regarding the regulation of simulated gambling devices and internet sweepstakes cafes. Consequently, it would be prudent for Ormond Beach to step back, wait for legislation and study the issue prior to implementing a quick-fix ordinance to permit and regulate or prohibit such activities and uses.

**RECOMMENDATION:** Staff recommends the Planning Board support the moratorium ordinance as it pertains to the use.

Attachment: as

ORDINANCE NO. 2011-XX

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, IMPOSING A TEMPORARY MORATORIUM FOR 180 DAYS ON THE RECEIPT, CONSIDERATION OR ISSUANCE OF ANY BUSINESS TAX RECEIPT, BUILDING PERMIT, SPECIAL EXCEPTION, SITE PLAN APPROVAL OR ANY OTHER OFFICIAL ACTION OF THE CITY OF ORMOND BEACH HAVING THE EFFECT OF PERMITTING OR ALLOWING THE OPERATION OF INTERNET CAFES, INTERNET SWEEPSTAKES REDEMPTION CENTERS, OR ADULT ARCADE AMUSEMENT CENTERS, PENDING THE STUDY OF THE LEGALITIES OF SUCH OPERATIONS AND WHETHER THE REGULATION OF SUCH ACTIVITIES AND FACILITIES IS REQUIRED; PROVIDING LEGISLATIVE FINDINGS; PROVIDING THE DURATION; SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission is aware of the opening of several businesses in adjoining and surrounding cities and in Volusia County that simulate a casino type, gambling atmosphere. These businesses use electronic machines/computers that have the appearance of gambling devices used in casinos. These businesses are typically described as internet cafes, internet redemption centers, or adult arcade amusement centers, and

**WHEREAS**, the proliferation of these operations and facilities has been swift. These businesses have taken advantage of rapidly changing digital and internet technology to expand, and whereas such use was not contemplated by current codes regulating gambling and adult arcades, and

**WHEREAS**, the City requires time to: 1) study the legality of such operations to determine if the use of the electronic machines and devices constitutes illegal gambling,

and 2) if the operations are deemed lawful, whether amendments to the code are required to regulate the businesses to minimize any negative impacts, and

**WHEREAS**, the lawfulness of the devices is currently before the Florida Legislature. Companion bills, HB 217 and SB 576, the “Electronic Machines and Devices for Sweepstakes Prohibited Act”, would prohibit electronic machines and devices to enable gambling through pretextual sweepstakes relationships with Internet services, telephone cards, and other products. If enacted, violation of the Act would constitute racketeering. The unlawful devices described in the proposed Act are similar to those found in internet cafes, internet redemption centers, or adult arcade amusement centers spreading throughout surrounding cities and Volusia County. The bills provide that there is a compelling state interest in addressing the deleterious effects caused to society as a result of the proliferation of electronic machines and devices used for sweepstakes gambling; that such electronic sweepstakes systems using video gambling machines and other similar simulated game play create the same encouragement of vice and dissipation as other forms of gambling, and

**WHEREAS**, it is the position of the City Commission that there is a compelling local interest in addressing the harmful effects caused to its citizens as a result of the proliferation of electronic machines and devices that promote gambling and a gambling/casino atmosphere; and

**WHEREAS**, a moratorium is required to preserve the status quo while the City develops and implements amendments to its code to either prohibit such activities as illegal gambling, or regulate (if deemed lawful) to minimize negative impacts on abutting

properties, property values, community and neighborhood preservation, possible harm to the City's economic and redevelopment activities, creation of nuisance properties, increased crime, or other significant and adverse effect on the public health, safety, morals and welfare of the citizens of the City of Ormond Beach, and

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE. PURPOSE AND LEGISLATIVE FINDINGS**

The above recitals are hereby adopted as the legislative purpose of this Ordinance and as the City Commission's legislative findings.

**SECTION TWO. TEMPORARY MORATORIUM**

ON THE RECEIPT, CONSIDERATION OR ISSUANCE OF ANY BUSINESS TAX RECEIPT, BUILDING PERMIT, SPECIAL EXCEPTION, SITE PLAN APPROVAL OR ANY OTHER OFFICIAL ACTION OF THE CITY OF ORMOND BEACH HAVING THE EFFECT OF PERMITTING OR ALLOWING THE OPERATION OF INTERNET CAFES, INTERNET SWEEPSTAKES REDEMPTION CENTERS, OR ADULT ARCADE AMUSEMENT CENTERS.

All activities relating to the acceptance, review and action upon permit applications, approvals or business tax receipts for internet cafes, sweepstakes redemption centers, adult arcade amusement centers and similar indoor entertainment and amusement facilities are temporarily suspended in order for the City of Ormond Beach, through its officials and staff, to have adequate time and opportunity to conduct a study or studies and comprehensively analyze the regulation and proper location of

these businesses. A moratorium is required to preserve the status quo in the community pending the consideration of remedial legislation.

During the time the temporary moratorium is in effect, the City will accept no applications or act on any pending applications for permits, approvals or business tax receipts for such activities or facilities and no such new activities or facilities shall be permitted within the City. The City shall return any funds accepted for pending applications for approvals, permits, or business tax receipts.

**SECTION THREE. GEOGRAPHIC AREA COVERED.**

The temporary moratorium established in this Ordinance shall be effective in the corporate and municipal boundaries of the City of Ormond Beach.

**SECTION FOUR. DURATION.**

(a) The temporary moratorium set forth in this Ordinance shall take effect immediately upon the effective date of this Ordinance and shall terminate one hundred and eighty (180) days after said effective date. The City will accept no applications or act on pending applications which are subject to the moratorium until the moratorium has expired.

(b) The City Commission may extend the temporary moratorium established in this ordinance for additional periods not to exceed ninety (90) days per extension upon a finding by the City Commission set forth in the ordinance that the problems giving rise to the need for the temporary moratorium established herein continue to exist and that reasonable progress is being made in carrying out a specific and prompt plan

of corrective legislative action, but that additional time is reasonably needed to adequately address the issues facing the City.

**SECTION FIVE. SEVERABILITY.**

Any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION SIX. REPEAL.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION SEVEN. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its adoption.

**PASSED UPON** at the first reading of the City Commission, this \_\_\_ day of March 2011.

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**ED KELLEY**  
Mayor

**ATTEST:**

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**VERONICA PATTERSON**  
City Clerk

# CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

**TO:** Planning Board Members

**FROM:** Steven Spraker, AICP, Senior Planner

**DATE:** March 3, 2011

**SUBJECT: Request for a Continuance:**

LDC 09-09: Land Development Code Amendments: Chapter 3, Article II, Section 3-18, Surface Water Runoff Control

There was a legal advertisement for a Land Development Code amendment to the City stormwater section, Section 3-18. Staff requires additional time to complete the proposed amendments and requests a continuance. Staff is not requesting a date certain continuance and will re-advertise the item when presented back to the Planning Board. If there are any questions, I can be contacted at 676.3341 or by e-mail at [spraker@ormondbeach.org](mailto:spraker@ormondbeach.org). Thank you.

**City of Ormond Beach Commercial Development Report -- March 3, 2011**

#	Project	Description	Appli- cation Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Final Approval	DO Expiration	LDC Extension Expiration	SB Expiration	Advisory Board	City Commis- sion	Building Permit Info	Building Permit Value	Eng. Permit	Clearing Permit	Under Construct ion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
1	<b>400 Clyde Morris Boulevard</b> 400 Clyde Morris Boulevard 07-1240	Minor Modification to approved site plan for 2 office buildings (9,384 and 7,671 SF)	12.26.07	01.16.08	04.01.08				06.19.08	06.19.10	06.19.11	06.19.13	NA	NA	Not Applied						E = Harpster Engineering O = Ormond Medical Arts ARC = BPF Design
2	<b>889 - 917 W. Granada Boulevard</b> 889 - 917 W. Granada Boulevard 07-1228	Redevelopment of 4 single-family homes into two 4.437 SF office buildings	12.03.07	12.26.07	03.04.08	12.23.08							NA	NA	NA						E = Parker Mynchenberg & Associates O = Donald & Shirley Gay ARC = David Leete
3	<b>AIRPORT RD EXTENSION/SR 40 ROAD IMPROVEMENTS</b> 2701 West Granada Boulevard 09-25000002	Connection of Airport Road to SR40	04.14.09	04.28.09	02.02.10				02.04.10	02.04.12 Under Const.			NA	NA		\$73,403	02.09.10	02.09.10	15%		E = Hunter's Ridge Development Services, Inc. O = Ormond Beach/FDOT
4	<b>ATLANTIC CENTRAL ENTERPRISES</b> 14 West Tower Circle 08-25000008	New 26,500 +/- SF Industrial Warehouse/Office	04.08.08	04.22.08	06.10.08				07.03.08	07.03.10	07.03.11	07.03.12	NA	NA	Not Applied						O = Atlantic Central Enterprises A = Steve Traulson E = W.A. Cross Engineering, Inc
5	<b>BETNR HANGERS @ OB AIRPORT</b> 85 Hanger Way 10-00000036	Phased construction of three buildings (1: 1,000 SF office, 5,300 SF manufacturing, 6,300 SF hanger) (2: 1,600 SF office, 10,500 SF hanger) (3: 4,800 Warehouse)	12.08.09	12.22.09	02.09.10				03.22.10	03.22.12			NA	NA							E = McKim & Creed A = BETNR ARC = BPF Design
6	<b>BROWN/THOMPSON COMMERCIAL</b> 1287 West Granada Boulevard 08-25000037	2 Buildings = 18,992 Square Feet	12.01.08	12.16.08	01.04.11								Required	Required							E = Danny Johns O = Brown/Thompson
7	<b>CARDINAL DRIVE LIFEGUARD STATION</b> 301 Cardinal Drive 11-23	Demolish existing structure and build new lifeguard station with public restrooms and expand parking	02.22.11	03.08.11									NA	NA							
8	<b>CASA DEL MAR</b> 621 South Atlantic Avenue 11-18	Site improvements including landscaping and driveway access.	01.04.11	01.18.11	03.15.11								NA	NA							E = Upham Engineering O = Casa Del Mar Condo
9	<b>COURTYARD PBD</b> 135 N. US1 (between Highland and Dix) 07-1243	12,000 Square Feet Retail (Dollar General complete) and 16 MF units	01.04.08	02.04.08	12.01.08	02.17.09			06.12.09	06.12.11	Not Applied	NA	04.09.09 PB	06.02 CC Ord 09-17 Expires Ph.2 06.02.12							E = Danny Johns O = Ormond Central Market Place ARC = Richard Brookfield
10	<b>ELAB EXPANSION</b> 8 East Tower Circle 08-25000017	Expansion of 7,000 SF	07.15.08	07.29.08	08.17.10				10.25.210	Under Const.			NA	NA	Issued 11.29.10	\$920,936	11.12.10	11.12.10	68%		E = Mark Dowst & Associated O = Ameritech & ELAB APP = Pace Analytical Services
11	<b>MARIA BONITA</b> 195 West Granada Boulevard 08-19000005	Expansion of restaurant to 177 +/- seats and site improvements	09.08.09	09.22.09	01.05.10	01.05.10			11.11.10	11.11.12			App. 6-0; 01.14.10	Ord.10-22 02.16.10	\$193,000 for site work	01.19.11	01.19.11	15%			E = Alann Engineering O = Taxco ARC = BPF Design
12	<b>MIRO MEDICAL</b> 150 Sage Brush Trail 08-25000013	Construct new 6,400 SF medical office & site improvements	08.12.08	08.26.08	12.23.08				09.16.09	Under Const.			NA	NA	See below						E = Parker Mynchenberg & Associates O = Miro Group LLC ARC = BPF Design
12	<b>MIRO MEDICAL</b> 150 Sage Brush Trail 10-00000041	Wall waiver request; Community Meeting 03.01.10	12.15.09						06.02.10	Under Const.			04.08.10	05.18.10- Approved 2010-071	See below						E = Parker Mynchenberg & Associates O = Miro Group LLC ARC = BPF Design
12	<b>MIRO MEDICAL</b> 150 Sage Brush Trail 10-135	Phase construction of building with Phase one being a 3,320 square foot building	8.17.10	08.31.10					09.08.10	Under Const.			NA	NA	Issued 11.12.10	\$624,800	11.12.10	11.12.10	65%		E = Parker Mynchenberg & Associates O = Miro Group LLC ARC = BPF Design
13	<b>NORTH ORCHARD CENTER</b> 150 North Orchard 07-1167	New 7,400 SF office (2,000SF), warehouse (10 units) and mini-storage (218 units)	05.14.07	06.06.07	08.29.07	11.14.07	01.02.08		04.08.08	04.08.10	04.07.11	04.07.13	PB 01.10.08 APP (6-0)	CC 03.04.08 Ord 08-09 Expires 03.04.13							E = Alaen Engineering Group, Inc O = Brian Share

\* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

**City of Ormond Beach Commercial Development Report -- March 3, 2011**

#	Project	Description	Appli- cation Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Final Approval	DO Expiration	LDC Extension Expiration	SB Expiration	Advisory Board	City Commis- sion	Building Permit Info	Building Permit Value	Eng. Permit	Clearing Permit	Under Construct ion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
14	<b>NOVA BANK</b> 169 North Nova 07-1200	1,800 SF Bank	08.29.07	09.12.07	10.24.07	12.05.07			01.08.08	01.09.10	01.09.11	01.09.12	NA	NA	Not Applied		X				E = Alaan Engineering Group, Inc O = Paul F. Holub, Jr. ARC = BPF Design
15	<b>ORMOND BEACH MIDDLE SCHOOL</b> 151 Domicilo Avenue 11-26	Demolition of 9 structures and construction of 2 new buildings (3 & 6) and associated site improvements.	02.15.11	03.02.11									NA	NA							E= Kilma Weeks O = Volusia County School Board
16	<b>OLIVE GROVE</b> 765 W. Granada Boulevard 10-125	Amend Granada Grande approved from 208 housing units to 88	07.06.10	07.14.10					10.14.10	Under Const.	NA	NA	08.12.10 Approved	Approved 09.21.10 Ord 10-44	12.01.10	\$14,269.77	12.01.10	12.01.10	20%		E = Alaan Engineering Group, Inc O = Beneficial Communities ARC = Forum Architects
17	<b>ORMOND CROSSINGS PMUD</b> 100 Ormond Crossings Boulevard 10-134	Master Development Plan zoning document for Ormond Crossings project (no site plan approval)	08.16.10	09.02.10																	O = Tomoka Holdings LLC A = Tomoka Holdings LLC
18	<b>ON THE BOULEVARD</b> 11-43 West Granada Boulevard 08-25000004	Rose Villa (43 Granada) complete othe improvements under construction	03.18.08	04.01.08	07.01.08				11.26.08	Under Const.	NA	NA	Approved 07.24.08 DRB	Approved 08.26.08 R 2008-146	Multiple Permits	X	X	X	94%		E = Harpster Engineering O = Highlander Corporation ARC = Brookfield
19	<b>ORMOND GRANDE</b> 1255 North US1 10-00000006	New 4,800 SF industrial and 60 townhomes (see residential report)	10.13.09	10.27.09	01.05.10				01.11.10	01.11.12		NA	Not required	Not Required							E = Parker Mynchenberg & Assoc O/A = Ormond Grande LLC
20	<b>ORMOND MEDICAL CENTER</b> 600 West Granada Boulevard 07-1166	New 25,275 SF medical center	05.14.07	06.06.07	10.10.07	01.25.08				04.01.11 PBD			PB 02.07.08	Approved 04.01.08 Ord 08-15							O = JKLM Properties, LLC E = The Performance Group Inc. Arch = Schweizer Waldroff Architects
21	<b>PARHAM BUILDING MODIFICATION</b> 3 Aviator Way 09-19000003	Construct new 5,340 SF warehouse at rear of site	07.28.09	08.11.09					10.08.09	10.08.11	Under Const.	Under Const.	NA	NA	Site work permit issued	\$78,700 (site work only)	11.25.09	11.25.09	25%		O = Parham Florida Development LLC E = Mark Dowst & Associates A = Stan Hoelle
22	<b>PRINCE OF PEACE - SOCIAL SERVICE</b> 600 South Nova Road 10-00000007	12,160 square foot new building for Church thrift shop, meeting area, offices, and food pantry	11.03.09	11.17.09 (concept)	12.29.09								04.08.10	05.18.10							E - Alann Engineering O = Prince of Peace ARC + DJ Designs
23	<b>RIVERBEND CHURCH EXPANSION</b> 2080 West Granada Boulevard 09-25000008	Site improvements and utility connect in association with expansion in Daytona Beach	09.08.09	09.22.09	01.18.11								NA	NA							E = Mark Dowst & Associates O = Riverbend Church
24	<b>ROOT COMMERCE PARK</b> 900 North US Highway 1 06-4-1107	New 99,000 SF (49,200 office) and warehouse in 5 buildings on 12.48 acres	04.26.06	05.18.06	08.17.06	10.12.06	12.07.06		06.27.08	06.27.10	06.06.11	06.06.13	PB 11.09.06 A (5-0)	02.20.07- CC Ord 07- 07 Exp: 02.20.130	Not Applied						E = Parker Mynchenberg & Associates ARC = BPF Design A = Root Chapman
25	<b>S.R. PERROTT - US 1 DISTRIBUTION CENTER</b> 1280 North US1 06-8-1124 (HTE 06-157)	New 128,922 SF distribution center (29,348 SF office)	08.03.06	08.31.06	01.24.07	04.04.07	05.15.07		07.27.07	07.27.09	07.27.10	07.27.11	NA	NA	On Hold						E = Parker Mynchenberg & Associates O = Michele P. Connors, Trustee
26	<b>SPACE COAST BANK AT TYMBER CREEK</b> 1940 West Granada Boulevard 08-19000007	Minor Modification to approved site plan to modify the building structure.	11.18.08	12.02.08	03.25.09				10.28.09	10.28.11	Not Applied	NA	NA	NA							E = Zahn Engineering O = Space Coast Credit Union ARC = Building Management Systems, Inc.

\* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

**City of Ormond Beach Commercial Development Report -- March 3, 2011**

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Final Approval	DO Expiration	LDC Extension Expiration	SB Expiration	Advisory Board	City Commission	Building Permit Info	Building Permit Value	Eng. Permit	Clearing Permit	Under Construction	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant	
27	<b>ST. JAMES EXPANSION</b> 44 South Halifax Drive 08-25000012	A 4,336 SF expansion of the existing site with site improvements	05.28.08	06.10.08	07.08.08								NA	NA								E = Zev Cohen & Associates O = St. James Episcopal Church Arc = Cummings & McCrady, Inc.
28	<b>T-MOBILE TOWER</b> 1 South Old Kings Road 10-000096	Construct a 140 foot camouflaged flagpole.	04.06.10	04.20.10	02.16.11								NA	NA								E = KCI Technologies, Inc. O = Omega 40 Enterprises LTD
29	<b>TOMOKA CHRISTIAN CHURCH</b> 1450 Hand Avenue 07-1201	Proposed New Church - 61,000 SF, 801 seats	08.29.07	09.26.07	11.14.07	02.05.08	03.04.08	04.01.08	06.19.08	06.16.10	06.16.11	05.06.12	Approved 03.27.08 DRB	App 05.06.08 Res. 08-102 Expires 05.06.12								E = Zev Cohen & Associates O = Tomoka Christian Church ARC = Hyde West Architects
30	<b>WASTEWATER TREATMENT EXPANSION</b> 550 Orchard Street 10-0000001	Wastewater treatment Expansion	10.06.09	10.20.09	03.02.10				03.10.10	03.10.12 Under Const.					Issued 10.20.20		Issued 10.20.20	Issued 10.20.20	20%			E = Camp Dresser & McKee Inc. O = City of Ormond Beach
31	<b>WAL-MART PARKING MODIFICATIONS</b> 1521 West Granada Boulevard 09-2500007	Modify parking - remove 89 spaces, façade renovations	07.07.09	07.21.09	08.18.09				11.04.09	11.04.11	Not Applied	NA	Approved 09.10.09	App. 11.03.09 Ord 09-37 Expires 11.03.11								E = Duplantis Group O = Wal-Mart Stores
32	<b>WEST GRANADA OFFICES</b> 1291 West Granada Boulevard 08-2500038	Two buildings = 33,000 square feet	12.08.08	12.23.08	08.11.09								Required	Required								E = Alann Engineering O = IEL Medmal LLC ARC = BPF Design

\* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

**City of Ormond Beach Residential Development Report -- Ending March 3, 2011**

#	Project	Description	Applica-tion Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Final Approval	DO Expiration	LDC Extension Expiration	SB 360 Expiration	Advisory Board	City Commis-sion	Building Permit Info	Eng. Permit	Clearing Permit	Under Construct-ion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
A	<b>COURTYARD PBD</b> 135 N. US1 (between Highland and Dix) 07-1243	21,000 Square Feet Retail (9,000 Dollar General) and 16 MF units	01.04.08	02.04.08	12.01.08	02.17.09			06.12.09	06.12.11	Not Applied	NA	04.09.09 PB	06.02 CC Ord 09-17 Expires Ph.2 06.02.12	None for Residential					E = Danny Johns O = Ormond Central Market Place ARC = E.M.P. Architecture & Design
B	<b>DEER CREEK SUBDIVISION</b> 2400 Airport Road 04-08-989	346 Single-Family Lots (4 phases)	08.24.04						08.31.05	Under Const.	Under Const.	Under Const.	Final Plat: O 2006-11 (Ph. 1) Final Plat: O 2007-13 (Ph. 2) Final Plat: O 2007-14 (Ph. 3) Final Plat: O 2007-15 (Ph. 4)	Phase 1 Phase 2 Phase 3 Phase 4				Done Done Done 0%	E = Mark Dowst & Associates O/A = Hunter's Ridge, Inc	
C	<b>ENCLAVE AT NORTH POINTE</b> Tymber Creek Road (Parcel # 4113-00-00-0032) 05-06-1041	34 Single-Family Lots	06.29.05	03.02.06	03.23.06	10.12.06	02.21.07	04.11.07	09.10.07	08.01.09 PRD Zoning	08.01.10	08.01.12 Zoning & 10.08.12 Site Plan	O 06-08 (PRD) R- 04-206 Plat	Not Applied						E = Land Plan Engineering Group O = Silverstein & Goldberg Trust A = White Falcon Land & Development
C	<b>ENCLAVE AT NORTH POINTE</b> Tymber Creek Road (Parcel # 4113-00-00-0032) 10-153	34 Single-Family Lots - <b>PRD Amendment</b> Transfer traffic concurrency vesting to Marshside subdivision	10.04.10	10.19.10									Required	Required						E = Land Plan Engineering Group O = Silverstein & Goldberg Trust A = White Falcon Land & Development
D	<b>MARSHSIDE AT GROOVER BRANCH</b> Tymber Creek Rd. & Airport Rd. (Parcel # 4124-00-00-0240) 05-06-1035	68 Single-Family Lots	06.08.05	12.08.05	02.02.06	03.23.06	09.19.07	6.10.08		11.14.09 PRD Rezoning	11.14.10 Zoning	11.14.12 Zoning	PB 06.08.06 Deny (3-2)	11.14.06 Ord. 06-09						E = Land Plan Engineering Group O = Enclave of Timber Creek LLC A = White Falcon Land & Development
D	<b>MARSHSIDE AT GROOVER BRANCH</b> Tymber Creek Rd. & Airport Rd. (Parcel # 4124-00-00-0240) 10-152	Amendment & rezoning for Marshside subdivision to increase the number of lots from 68 to 104 units.	10.04.10	10.19.10									Required	Required						E = Land Plan Engineering Group O = Enclave of Timber Creek LLC A = White Falcon Land & Development
E	<b>OLIVE GROVE</b> 765 W. Granada Boulevard 10-125	Amend Granada Grande approved from 208 housing units to 88	07.06.10	07.14.10					10.14.10	10.14.12			08.12.10 Approved	09.07.10 & 09.21.10				25%		E = Alaan Engineering Group, Inc O = Beneficial Communities ARC = Forum Architects
F	<b>ORMOND GRANDE</b> 1255 North US1 10-00000006	New 4,800 SF industrial and 60 townhomes	10.13.09	10.27.09	01.05.10				01.11.10	01.11.12		NA	Not required	Not Required						E = Parker Mynchenberg & Assoc O/A = Ormond Grande LLC
G	<b>ORMOND STATION</b> 644 North Nova Road 08-25000039	29 Townhomes	11.06.08	12.02.08	06.09.09	12.22.09	02.23.10 (final)		03.09.10	03.09.12										E = Harpster Engineering O = Scott Vanacore
H	<b>PINELAND</b> East of I-95, north of Airport Road 08-23000002	Preliminary Plat of 192 Single-Family Lots	11.04.08	11.18.08	02.17.09					10.21.13 PRD Rezoning		NA	PB Approved (4-2)	Approved Ord 08-44						E = Zahn Engineering O = Funcoast Developers
I	<b>RIVER OAKS</b> Airport Road (Parcel # 4124-00-00-0040) 03-10-935	101 Single-Family Lots	06.28.06	07.13.06	01.24.07	08.01.07	09.12.07		11.07.07	Under Const.	Under Const.	Under Const.	10.25.07 DRB (6- 0)	12.18.07 R07-226 (P. Plat)	Subdivision Imp. Value: \$1,256,900	05.12.10	05.12.10	50%		E =Harpster Engineering O/A = Vanacore Homes
J	<b>TOMOKA GOLF VILLAGE</b> 20 Tomoka Oaks Blvd. 05-06-1039	122 Townhomes & 3 Single-Family Lots	06.15.05	09.29.05	05.03.06	07.27.06				10.17.08 PRD Rezoning	10.17.10	10.17.12	08.10.06	10.17.06 O 06-17						E/A = CPH Engineers, Inc. O = Tomoka Oaks Golf/Country Club

\* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

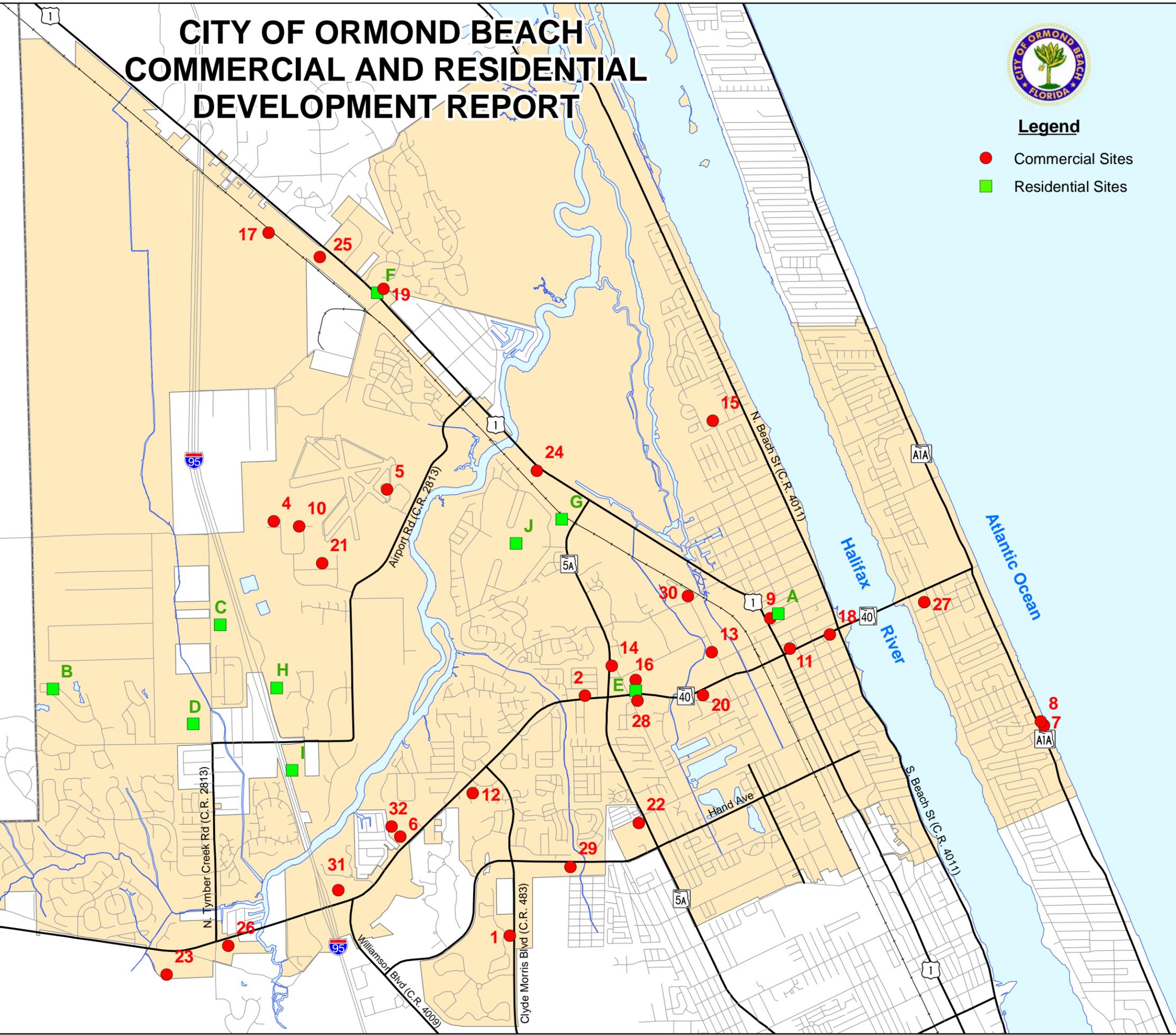
# CITY OF ORMOND BEACH COMMERCIAL AND RESIDENTIAL DEVELOPMENT REPORT



### Legend

- Commercial Sites
- Residential Sites

<b>RESIDENTIAL PROJECTS</b>	
A	Courtyard PBD
B	Deer Creek Subdivision
C	Enclave at North Point
D	Marshside at Groover Branch
E	Olive Grove
F	Ormond Grande
G	Ormond Station
H	Pineland
I	River Oaks
J	Tomoka Golf Village
<b>COMMERICAL PROJECTS</b>	
1	400 Clyde Morris Boulevard
2	889 - 917 W. Granada Boulevard
3	Airport Rd Extension/SR 40 Improvements
4	Atlantic Central Enterprises
5	Betr Hangars at OB Airport
6	Brown/Thompson Commerical
7	Cardinal Drive Lifeguard Station
8	Casa Del Mar
9	Courtyard PBD
10	ELAB Expansion
11	Maria Bonita
12	Miro Medical
13	North Orchard Center
14	Nova Bank
15	Ormond Beach Middle School
16	Olive Grove
17	Ormond Crossings PMUD
18	On The Boulevard
19	Ormond Grande
20	Ormond Medical Center
21	Parham Building Modification
22	Prince of Peace - Social Service
23	Riverbend Church Expansion
24	Root Commerce Park
25	S.R. Perrott - US 1 Distribution Center
26	Space Coast Bank at Tymber Creek
27	St. James Expansion
28	T-Mobile Tower
29	Tomoka Christian Church
30	Wastewater Treament Expansion
31	Wal-Mart Parking Modifications
32	West Granada Offices



0 0.5 1 Miles