



# A G E N D A

## ORMOND BEACH PLANNING BOARD

### Regular Meeting

October 10, 2013

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. APPROVAL OF THE MINUTES:** September 12, 2013.
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

- A. PBD 13-122: Hospice of Volusia/Flagler Wall Waiver – Special Exception, 235 Booth Road**

This is a request for a Special Exception by Robert Merrell III, Esquire, Cobb Cole (applicant) on behalf of the property owner, Halifax Hospital Medical Center for a wall waiver along the south property line for the property located at 235 Booth Road. The hospice facility consists of a 20,320 square feet building (12 beds) and has been approved by the City's Site Plan Review Committee. The Special Exception application is solely to consider the wall waiver request. The applicant proposes additional landscaping along the south property boundary in lieu of the masonry wall.

**B. LUPA 13-112: Zoning Map Amendment, 1298 West Granada Boulevard**

This is a request to amend the City's Official Zoning Map by Roger W. Strcula, P.E., President of Upham, Inc. on behalf of the property owner West Granada LLC, for a 14.53 acre property at 1298 West Granada Boulevard from the existing zoning designation of Volusia County R-4 (Urban Single-Family Residential) to City of Ormond Beach B-8 (Commercial) for a 4.64 acre portion of the site and SE (Special Environmental) for a 9.89 acres portion of the site as the result of annexation.

**C. LDC 13-128: Vehicle repair, type "B"– Special Exception, 266 North Yonge Street**

This is a request for a Special Exception by John A. Cronin Jr., Top Gun Motorsports, Inc., (applicant) for a Special Exception to allow a vehicle paint booth at the property at 266 North Yonge Street. The subject property is zoned as B-5 (Service Commercial). The proposed vehicle paint booth is included in a vehicle repair, type "B" use and requires a Special Exception. The proposed vehicle paint booth is located completely within the building and no additional building or site construction is proposed as part of this application.

**D. LUPA 13-101: Land Use Map Amendment, 200-208 Booth Road and 1720 and 1760 West Granada Boulevard (Tomoka Landings)**

This is an administrative request to change the existing Future Land Use designation of  $\pm 6.9$  acres from Volusia County "Low Impact Urban" to City of Ormond Beach "Low Intensity Commercial" and the existing land use designation of  $\pm 4.2$  acres from Volusia County "Environmental Systems Corridor" to City of Ormond Beach "Open Space/Conservation" as a result of an annexation of  $\pm 11.1$  total acres at 200-208 Booth Road and 1720 and 1760 West Granada Boulevard.

**E. RZ 13-102: Zoning Map Amendment, 200-208 Booth Road and 1720 and 1760 West Granada Boulevard (Tomoka Landings)**

This is an administrative request to amend the City's Official Zoning Map of  $\pm 6.0$  acres from the existing zoning classification of Volusia County BPUD (Business Planned Unit Development) to City of Ormond Beach PBD (Planned Business Development), of  $\pm 4.2$  acres from Volusia County RC (Resource Corridor) to City SE (Special Environmental) and of  $\pm 0.9$  from Volusia County R-7 (Multifamily Residential) to City B-1 (Professional Office/Hospital) as the result of an annexation of  $\pm 11.1$  total acres at 200-208 Booth Road and 1720 and 1760 West Granada Boulevard.

**F. LUPA 13-099: Land Use Map Amendment, 1740 West Granada Boulevard (FDOT Retention Pond)**

This is a City initiated request, to change the existing Future Land Use designation of a ±0.90-acre property located at 1740 West Granada Boulevard from the existing land use designation of Volusia County “Low Impact Urban” to City of Ormond Beach “Low Intensity Commercial” as the result of an annexation at 1740 West Granada Boulevard.

**G. RZ 13-102: Zoning Map Amendment, 1740 West Granada Boulevard (FDOT Retention Pond)**

This is a city initiated request to amend the City’s Official Zoning Map for a ±0.90-acre parcel of land from the existing zoning classification of Volusia County R-7 (Urban Multifamily Residential) to City of Ormond Beach B-1 (Professional Office/Hospital) at 1740 West Granada Boulevard as the result of an annexation.

**H. RZ 13-126: Zoning Map Amendment, 1951 West Granada Boulevard**

This is a city initiated request to amend the City’s Official Zoning Map for a ±0.5-acre parcel of land from the existing zoning classification of Volusia County B-4 (General Commercial) to City of Ormond Beach B-8 (Commercial) at 1951 West Granada Boulevard as the result of an annexation.

**I. RZ 13-127: Zoning Map Amendment, 1999 West Granada Boulevard and 33 Tymber Creek Road**

This is a city initiated request to amend the City’s Official Zoning Map for a ±2.9-acre parcel of land from the existing zoning classification of Volusia County B-4 (General Commercial) to City of Ormond Beach B-8 (Commercial) at 1999 West Granada Boulevard and 33 North Tymber Creek Road as the result of an annexation.

**J. LDC 13-114 Chapter 1: General Provisions, Article III – Definitions and Acronyms, Section 2-22: Definitions of terms and words.**

This is a request to amend Chapter I, Article III, Definitions and Acronyms, Section 1-22, Definition of Terms and Words of the Land Development Code (LDC) for the height, building definition.

**VIII. OTHER BUSINESS**

**IX. MEMBER COMMENTS**

**X. ADJOURNMENT**

**M I N U T E S**  
**ORMOND BEACH PLANNING BOARD**  
**Regular Meeting**

September 12, 2013

7:00 PM

**City Commission Chambers**

22 South Beach Street  
Ormond Beach, FL 32174

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.

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**I. ROLL CALL**

Members Present

Pat Behnke  
Harold Briley  
Rita Press  
Al Jorczak  
Doug Wigley  
Doug Thomas  
Lewis Heaster

Staff Present

Ric Goss, AICP, Planning Director  
Steven Spraker, AICP, Senior Planner  
S. Lauren Kornel, AICP, Senior Planner  
Randy Hayes, City Attorney  
Meggan Znorowski, Recording Technician

**II. INVOCATION**

Mr. Wigley led the invocation.

**III. PLEDGE OF ALLEGIANCE**

**IV. NOTICE**

**REGARDING**

**ADJOURNMENT**

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD 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. MINUTES**

**A. August 8, 2013**

**Mr. Jorczak moved to approve the minutes. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

## **VI. PLANNING DIRECTOR'S REPORT**

Ric Goss, Planning Director, stated he received some comments on the wireless primer, and staff finalized the document, which was provided to the Board in the packet. Mr. Goss explained one of the comments was to hire a consultant as an expert, and that has been done. Mr. Goss continued that he felt the Board would be interested in the article provided regarding misconceptions on wireless facilities.

Mr. Thomas asked if the expert is in-house.

Mr. Goss answered that he is a consultant. Mr. Goss explained that the City has put out an RFP and he was one of 3 responses.

Ms. Press commended staff and the City for hiring the expert.

Mr. Briley stated he concurred with Ms. Press' sentiment.

Mr. Heaster asked for the consultant's name and background.

Mr. Goss replied Pallans Associates, and he would forward the Board their resume.

## **VII. PUBLIC HEARINGS**

### **A. SE 13-108: Special Exception for Outdoor Music, 790 S. Atlantic Avenue, Dimitri's Bar and Grill**

Mr. Steven Spraker, Senior Planner stated this is an application for a special exception for outdoor music at 790 South Atlantic Avenue. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker explained staff's recommendations contained in the staff report. Mr. Spraker stated that staff has received 3 letters of objections which will be included as part of the Planning Board minutes. Mr. Spraker stated staff is recommending approval of the application with conditions. Mr. Spraker explained that this application could be voted either way, and that the true nature of this application is how it is managed by restaurant owner and manager.

Mr. Briley asked if karaoke is permitted inside any building currently.

Mr. Spraker responded that it is permitted inside.

Mr. Briley stated his desire is to not have the karaoke outside.

Ms. Press asked who determined the location and orientation of the speakers.

Mr. Spraker answered that the applicant set up the speakers. Mr. Spraker explained that they had a previous sound test and the speakers were oriented differently and based on experience they found that this was the best location and orientation to keep it from the residential neighborhood. Mr. Spraker stated the Board can mandate the location of the speakers so that they are not directed at the residential neighborhood.

Mr. Heaster asked if Mr. Spraker is aware of any violations at Caffeine or Rivergrille.

Mr. Spraker responded that Caffeine was cited for exceeding the hours allowed for outdoor music, but he was not aware of the status of the code enforcement case. Mr. Spraker continued that he is not aware of any code violations against Rivergrille.

Mr. Heaster asked what the regulations were for Caffeine and Rivergrille for timing and days of the week the music was permitted.

Mr. Spraker responded that his general recollection is that they were both given to 11 PM on Friday and Saturday and 10 PM the remainder of the week and begin at 4 PM.

Mr. Heaster stated to eliminate some of the concerns, he would recommend to keep those same hours.

Ms. Behnke stated this was tested with 1 musician, and what difference would there be if there were 2 as is requested in the application.

Mr. Spraker responded that the sound test is an indication of what happened that night, a different night could have different conditions. Mr. Spraker explained that it is up to the owner and the manager of the restaurant to regulate the sound of the music. Mr. Spraker continued that if the wind is blowing to the east they may have to turn it down; they may not have the same volume at the source every evening.

Mr. Wigley asked if the enforcement is complaint driven.

Mr. Spraker responded yes.

Mr. Dimitri Bourtzakis, 790 South Atlantic Avenue, Ormond Beach, stated that he has owned the property for 10 years, and had to reestablish a business after the hurricanes with wonderful food. Mr. Bourtzakis thanked the City for putting the park across the street, which is why he built the deck and has spent all the money he could since the hurricanes which almost put him out of business. Mr. Bourtzakis explained that he saved to put every penny back into his business because he believes in this area and the community. Mr. Bourtzakis explained the reason he wants to put the music upstairs is to give his business the bump it needs. Mr. Bourtzakis stated that even if there is more than one performer, everything will go through one amplifier and come out evenly on the speakers. Mr. Bourtzakis stated he wants to simply allow music on the deck, not a hard rock café. Mr. Bourtzakis explained his ideas are: Thursday jazz night; Friday salsa night; Saturday Caribbean night, somewhere you can enjoy your dinner and still be able to talk to the people next to you. Mr. Bourtzakis stated he has karaoke downstairs, and no one goes down there because everyone wants to be upstairs. Mr. Bourtzakis explained that if there is an amplifier the volume would be controlled.

Ms. Behnke stated that Mr. Bourtzakis had still not told the Board how he is going to decide what the decibels are on any given night.

Mr. Bourtzakis answered the decibels can be monitored on their cell phones via various applications.

Ms. Behnke responded that she has done that, but it will not hold up if there is a complaint. The recording would have to be by a legitimate sound meter that has been certified in order to prove that the music is being maintained within the range. Ms.

Behnke stated her concern is that there is no buffering because is the outdoor deck up high.

Mr. Bourtzakis stated that he is in a mostly commercial area, and the 3 houses behind him have provided letters stating that they actually like the music. Mr. Bourtzakis explained that right now he only has a radio playing and no one has complained.

Ms. Behnke stated she has a problem with subjecting anyone to the torture of karaoke that does not choose to listen to it. Ms. Behnke asked if the application restricts the number of entertainers to only 2.

Mr. Spraker stated it is staff's recommendation that there be only 2 entertainers which was the condition placed on the other 2 special exceptions for outdoor music.

Mr. Bourtzakis stated the reason he wanted the music to start at 11 AM is because he wants to open to do a jazz brunch on the weekends.

Ms. Behnke stated she is for only 4 PM to 11 PM.

Mr. Briley asked if the properties for which he has a letter of support along Ponce DeLeon Drive are owner occupied homes.

Mr. Bourtzakis answered that they are rentals, and the renters of those homes do not have issues with the music.

Ms. Behnke asked how the Board is to consider the people that do have issues.

Mr. Briley responded that the Board should take that into consideration.

Mr. Wigley asked if the City currently allows outdoor music via radios or other digital means.

Mr. Spraker responded yes with a special exception and the Land Development Code does not allow any outdoor music without a special exception.

Mr. Wigley stated the application is already in violation of the code.

Mr. Spraker responded that he is in violation once he is proven to be in violation through the code enforcement process. Mr. Spraker continued that code enforcement is a complaint driven activity, and he is not aware of any active violations.

Mr. Wigley asked what happens when multiple businesses in the same area as far as the decibel level.

Mr. Spraker responded that is something for the Board to consider when/if other restaurants apply for a Special Exception and the cumulative impact. Mr. Spraker explained that the new applicants will have to do a sound test, notice property owners within 600', and perform decibel readings. Mr. Spraker continued that just because there are multiple locations with outdoor music, there is no right to exceed the decibel limit at the property line. Mr. Spraker stated it may become difficult for code enforcement or police to determine who is in violation, but the City has had outdoor activity for the last 4-5 years in the code, and there have only been 3 applications. Mr. Spraker explained that

in the Board's deliberations, it needs to be considered how this is being enforced and the additional pressure on code enforcement and the police department.

Mr. Heaster asked how the police department or code enforcement would pull up this new regulation.

Mr. Spraker responded that they have the ability to pull up this information and they have done it for Caffeine and Rivergrille.

Ms. Press asked if the special exception stayed with the restaurant.

Mr. Spraker replied yes, it runs with the property not the owner.

Ms. Press stated the Board could address the brunch music by stating 11 AM to 1 PM and 4 PM to 10 or 11 PM to limit the hours of music instead of 11 AM to 10 or 11 PM. Ms. Press stated her vote is to allow the outdoor music with no karaoke. Ms. Press continued that the onus is on Mr. Bourtzakis to follow the rules or 2 strikes and there will be no more special exception. Ms. Press explained this is a protection for the people that live in the area.

Mr. Heaster stated he takes issue with the different hours because of the logistics for the police department and code enforcement, and feels it is important to stay consistent. Mr. Heaster stated he also does not want to see the karaoke.

Mr. Wigley stated there are 3 letters against this, and if you take the time to read the letters they make a strong argument against this special exception. Mr. Wigley stated their main concern is the height that the music is going to be played at. Mr. Wigley explained that the wind will predominantly be out of the northeast and will carry into the residential area and the subject property borders residential property. Mr. Wigley stated enforcement is based on manpower and the Board knows what the City is facing budget, and there is not the manpower to regulate with decibel meters.

Mr. Wigley stated enforcement will be complaint driven and will be unenforceable and the applicant is already in violation of an ordinance that does not allow for outdoor music without a special exception. Mr. Wigley concluded in his opinion that he has no confidence that the applicant will be any different with live music and when there are customers singing along and consuming alcohol it will be a loud deck. Mr. Wigley finished by stating he will not be endorsing this application.

Ms. Behnke stated she has a concern because of the lack of buffering. Ms. Behnke asked if a backdrop could be installed to provide some buffering to that area.

Mr. Bourtzakis responded that he built bathrooms upstairs, which has reduced the sound carrying to the back towards the residential, but he could also raise some tarps.

Ms. Behnke stated she does not mind the idea of music on the deck, but the hours should be consistent with the other special exceptions, and without karaoke.

Mr. Jorczak stated that this has been permitted in other instances with a set of limits, and it should stay consistent with those special exceptions with regards to time frames and subject to the same set of rules. Mr. Jorczak continued that this business should not be discriminated against because there are regulations for enforcement and a penalty should they fail to comply.

Mr. Briley asked how many performers were allowed for Caffeine and Rivergrille.

Mr. Spraker responded 2 with no base.

Mr. Briley stated that he feels the time frames should be consistent with the other special exceptions that have been approved so there isn't confusion. Mr. Briley continued that he feels it will police itself, and will vote to approve this application with restrictions.

Mr. Bourtzakis stated on his behalf he would like to state that ignorance is not an excuse, but he was not aware that there was rule that prohibited outdoor music or he would never have done it without approval.

Mr. Thomas stated that A1A is a different environment than at Caffeine or Rivergrille and that is that it is more tourist oriented. Mr. Thomas stated he liked Ms. Press' idea about allowing the 11 AM to 1 PM because there are different zoning districts. Mr. Thomas added that a condition should be that the speakers must face east.

Mr. Heaster stated the Board should be consistent with what has been approved previously.

Mr. Hayes stated that the police department does not have the ability to pull up development orders and the like, and consistency goes a long way. Mr. Hayes added that the decibel standard in the code is a sufficient barometer and the onus is on the business owner to ensure compliance with the code. Mr. Hayes continued consistency to the maximum extent possible would be the desirable approach, and any complaints generated at the hours of 4 PM to 10 PM would probably be handled by police officers followed up with by code enforcement.

**Mr. Briley moved to approve SE 13-108 with the conditions:**

- 1. Karaoke is prohibited outside;**
- 2. The speakers must face eastward;**
- 3. The hours are Sunday through Thursday from 4-10PM and 4-11 PM on Friday and Saturday; music without base; and**
- 4. Only two performers are allowed**

**Mr. Jorczak seconded the motion. Vote was called: Mr. Heaster for; Mr. Jorczak for; Ms. Press for; Mr. Wigley against; Ms. Behnke for; Mr. Briley for; Mr. Thomas for. The motion carried.**

**B. LDC 13-111: Land Development Code Amendment, Section 1-20 Codes and Standards adopted by reference**

Mr. Spraker stated this is a request to adopt 3 documents by reference. Mr. Spraker presented the staff report and stated staff is recommending approval.

**Mr. Briley moved to approve LDC 13-111 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**C. LUPA 13-106; Small Scale Land Use Map Amendment, 260 Williamson Boulevard (United States Post Office)**

Ms. Lauren Kornel, Senior Planner stated this is a land use plan amendment for 260 Williamson Boulevard as a result of an annexation. Ms. Kornel presented the staff report and stated staff is recommending approval.

**Mr. Jorczak moved to approve LUPA 13-106 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**D. PBD 13-107: Zoning Map Amendment, 260 Williamson Boulevard (United States Post Office)**

Ms. Kornel stated this is a rezoning for 260 Williamson Boulevard. Ms. Kornel presented the staff report and stated staff is recommending approval.

**Mr. Heaster moved to approve PBD 13-107 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**VIII. OTHER BUSINESS**

None.

**IX. MEMBER COMMENTS**

Mr. Jorczak commended staff on the wireless communications information provided and stated it is an excellent idea on the City's part to hire an RF engineer for specific guidance.

Mr. Briley echoed Mr. Jorczak's comments.

Ms. Press stated the packets the Board receives from staff are excellent. Ms. Press stated in all of the years she has been on the Board it is rare that staff recommends no, and this is the second time in a short amount of time. Ms. Press stated she is happy that happens, and that it isn't always yes to every request.

Mr. Thomas stated he appreciated the wireless telecommunications information. Mr. Thomas echoed the comments that staff is doing a great job.

**X. ADJOURNMENT**

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

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Ric Goss, AICP, Planning Director

ATTEST:

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Doug Thomas, Chair

*Minutes transcribed by Meggan Znorowski.*

## Spraker, Steven

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**From:** Joan [joanbobfox@gmail.com]  
**Sent:** Tuesday, September 10, 2013 2:11 PM  
**To:** Spraker, Steven  
**Subject:** Dimitri's A1A / Milsap Permit for Outside Music

We may not be able to attend the September 12th meeting regarding Dimitri's but would like to document concerns and issues which should be addressed.

We live at the corner of Milsap and Marvin and are concerned about the noise level of live music. The decibel level at the previous meeting averaged out at 63 with it peaking at 69 and the music being played seemed to be softer, slower songs and we can only assume that louder, faster music will be played plus karaoke singers may get even louder.

The wind blows off the ocean from east to west so we know the sound will travel in our direction.

We had informed the Planning Board that we hear music from Rip Tide which is one block south of our home and Rip Tide is east of A1A -- much further away from us than Dimitri's.

We have lived here for 26 years and chose this quiet neighborhood for a reason! We spend a lot of time living outside enjoying our porch, pool, and yard and turn off the air and open windows for months and enjoy hearing the waves crashing the shoreline.

We are not old folks trying to prevent others from having a good time but we did not buy a home in an area of nightclubs and we are concerned with how loud and how often music will be played if permit is issued.

We are concerned that if Dimitri's gets a permit for outside music that Peppers, Charlie Horse, Bonfish Grill, Olive Garden, and Black Sheep may also request permits and then they will play music louder and louder in competition with each other so that their paying patrons can hear it.

Could that happen ? !

If the permit is issued to Dimitri's we hope the Planning Board and Commissioners will make specific restrictions and/or limitations regarding the hours and number of nights a week for music to be played.

We want the Planning Board and Commissioners to look ahead ---- if this permit is issued how do you deny other establishments on the west side of A1A a permit????? One permit could lead to 5 more.....

Please consider the residents in this neighborhood as you make your decision.

Bob and Joan Fox

P.S. please acknowledge receipt of this e-mail

## Spraker, Steven

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**From:** dwloc@aol.com  
**Sent:** Wednesday, September 11, 2013 8:39 AM  
**To:** Spraker, Steven  
**Subject:** September 12,2013 Planning Committee Meeting-Dimitri's Bar, Deck & Grill

Dear Mr. Spraker:

As a homeowner directly affected by the decisions made at the above meeting, and since we will be unable to attend the Planning Committee Meeting on Thursday, September 12, 2013, we are sending this e-mail. We have concerns regarding the request by Dimitri's Bar, Deck and Grill to incorporate on a nightly basis live music off of Milsap Road and South Atlantic Avenue.

Because of the close proximity of this location to many residential homes, families will be negatively impaired by the approval of this request.

An example of this is the fact that at present there is a bar (which we would estimate to be approximately 1/8 of a mile away) that plays music that can be heard by residents on our street, and the fact that Dimitri's is much closer creates the possibility of a much louder situation.

Therefore given these facts plus the fact that the music will be played on an outside, open air elevated deck close to homes we do not think this request should be approved.

Thank you for your consideration.

David W. Lanham  
Marilyn S Lanham  
792 Marvin Road  
Ormond Beach, Fl 32176

Please acknowledge receipt of this e-mail.

September 6, 2013

Steven Spraker, AICP  
Ormond Beach Planning Board  
22 South Beach Street  
Ormond Beach, Florida 32174

Dear sir,

I am the property owner at 227 Ponce De Leon Drive, Ormond Beach. I am unable to attend the Public Hearing on September 12, 2013 regarding the request by Dimitri's Bar Deck & Grill for authorization to allow live music at 790 South Atlantic Ave., but wish to express my views nonetheless.

I am adamantly opposed to this request since this establishment has in the past conducted live music which has been loud enough to disturb the peace and quiet of the neighborhood.

The residential home owners should not have to be subjected to listening to this type of disruption. People such as our senior citizens are entitled to peaceful enjoyment of their homes for quiet activities such as study, work or rest without having to contend with noise made by others, particularly loud music.

Denial of this request would help further the image of Ormond Beach as family friendly, while avoiding turning the area into another "Daytona Beach Main Street" and consequent negative effect on property values in this vicinity.

Sincerely yours,



Joseph Gardner  
227 Ponce De Leon Drive  
Ormond Beach, FL 32176

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 3, 2013

**SUBJECT:** Hospice of Volusia/Flagler Wall Waiver – Special Exception

**APPLICANT:** Robert Merrell III, Esquire, Cobb Cole

**NUMBER:** 13-122

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

### **INTRODUCTION:**

This is a request for a Special Exception by Robert Merrell III, Esquire, Cobb Cole (applicant) on behalf of the property owner, Halifax Hospital Medical Center for a wall waiver along the south property line for the property located at 235 Booth Road (EXHIBIT 1). The hospice facility consists of a 20,320 square feet building (12 beds) and has been approved by the City's Site Plan Review Committee. **The Special Exception application is solely to consider the wall waiver request.** The applicant proposes additional landscaping along the south property boundary in lieu of the masonry wall.

### **BACKGROUND:**

The subject property is currently under construction. The property has a future land use designation of "Office/Professional" and a zoning designation of B-1 (Professional Office/Hospital). The City's Site Plan Review Committee (SPRC) received and approved a site plan application for a 20,320 square foot hospice facility with 12 beds and associated site improvements. The use is a permitted use in the zoning district.

The site plan (EXHIBIT 2) shows the following site attributes:

1. A 20,320 square foot building centered on the property.
2. Parking areas south and north of the building. The south parking area is designed for visitors and the north area is designed for staff, trucks, and emergency vehicles.
3. The stormwater is located at the southeast portion of the site.
4. The required masonry wall requested to be waived.
5. There is an extensive garden and walking area to the rear of the building with a labyrinth center, gazebos, pergolas, fountain and walkways.

6. The property has a 50’ easement for right-of-way (EXHIBIT 2) purposes dedicated to Patricia Lagoni abutting the single-family homes within the Southern Trace subdivision.

Below is a summary of the properties abutting the project:

**Table 1: Surrounding Uses with Land Use and Zoning Designations:**

		Use	Future Land Use Designation	Zoning
<b>North</b>	1	Medical offices	“Office Professional/Hospital)	B-1 Professional Office/Hospital)
<b>South</b>	2	Southern Trace Subdivision	“Low Density Residential”	R-3 (Single Family Medium Density)
<b>East</b>	3	Assisted Living Facility and vacant land	“Tourist Commercial”	B-7 (Highway Tourist Commercial)
<b>West</b>	4	Vacant land	VC “Low Impact Urban”	RR (Rural Residential)

**Table 2: Site Aerial: Surrounding Uses**



Section 2-50.N.14(a) of the Land Development Code states, “In order to promote privacy and reduce noise, glare, and visual impacts when nonresidential uses abut residential uses, a minimum six-foot (6’) high wall with decorative columns shall be constructed along the property line of any side or rear yard buffer”. Section 2-50.N.14(c) of the Land Development Code states:

“Where noted as SPRC, the requirement for a wall may be waived by the site plan review committee or a wooden fence may be allowed in lieu of a wall where there are large areas of natural vegetation to remain or other distinct topographical features such as waterways, wetlands, stormwater retention areas, bridges, highways or sharp changes in elevation which would make construction of walls difficult and not necessary for the reduction of noise or increased privacy. In all other situations, wall requirements may be waived through the special exception process based on the same findings as noted in this subsection.”

The Site Plan Review Committee’s determination was that the project did not meet the criteria established above for a wall waiver and the applicant has applied for a Special Exception to waive the wall requirement.

As part of the site plan application process, a community meeting was conducted on July 9, 2013. The applicant sent out notices to all property owners within 600 feet of the site. The community meeting was attended by residents of the Southern Trace subdivision and topics discussed included stormwater, location of the building, landscaping and the buffer wall.

**ANALYSIS:**

**The sole issue subject to the Special Exception application is the wall waiver request.** In consideration of the requested staff reviewed the following points:

1. The southern property boundary of the Hospice site abuts seven single-family residential homes.
2. The single-family homes within Southern Trace abut a 50’ easement for right-of-way (ROW) purposes. It is important to note that the easement is not dedicated to a governmental organization, but instead an easement between private property owners.
3. Within the 50’ easement, a drainage swale exists that was constructed to assist in directing stormwater into Booth Road stormwater system.
4. Distance from single-family home, as measured to the property line, to site improvements are as follows

<b>Improvement</b>	<b>Lots 1-3</b>	<b>Lots 4-6</b>
Landscape buffer	50’	50’
Parking	80’	NA
Stormwater Pond (dry)	NA	55’
Building	169’	220’-320’

5. The Land Development Code requires a 20’ landscape buffer where a “Office/Professional” land use abuts a “Low Density Residential” land use. In calculating the landscape buffer, staff does not consider the 50’ ROW easement

as part of a landscape buffer, because it can be utilized for non-landscaping purposes. The landscape plan shows the project has a 20' landscape buffer.

6. It is understood that the proposed use is a low intensity medical type of use. The amount of traffic and noise impact from a Hospice facility is projected to be low. The Hospice facility provides a good transition from medical office uses to the north to the single-family homes to the south of the property.
7. The City previously approved a wall waiver in 2010 with additional landscaping that has caused issues with residents and the business owner who requested the wall waiver which resulted in a number of staff hours dedicated to wall waiver issues.
8. The City Landscape Architect has provided the following Land Development Code analysis for the proposed additional landscape planting in lieu of the wall:

The proposed wall waiver landscape plan is (1) 19 trees, (2) 154 shrubs at 2' in height and (3) 55 shrubs planted at a 5' height, above the Land Development Code requirements. The proposed plan utilizes existing trees and vegetation within an 50' wide easement that have the potential to be cleared for a future roadway. The Land Development Code requirements and landscape plan analysis for the 20' wide landscape buffer is provided below:

**Required Buffer - 20' by 539'**

4 trees per 100' = 21 trees @ 2.5" caliper/ 10' height minimum.

40 shrubs per 100' = 216 shrubs @ 2' height minimum.

40 shrubs per 100' = 216 groundcovers.

**Approved Landscape Plan**

Trees - 13 existing and 8 proposed @ 2.5" caliper/ 10' height minimum.

Shrubs - Existing vegetation with note to infill if required by City.

Groundcover - Existing vegetation with note to infill if required by City.

**Proposed Wall Waiver Landscape Plan**

Trees – 13 existing and 27 proposed @ 2.5" caliper/ 10' height minimum.

Shrubs – 55 proposed @ 5' ht. and 370 proposed at 2' height.

Groundcover – Existing vegetation.

Additional screening note on Sheets LA1 and LA2, and material layout note 2 on Sheet LA2 are additional requirements of this wall waiver above code.

9. Attached in Exhibit 3 is a letter dated September 10, 2013, from the Southern Trace Home Owner's Association. The letter states that the Home Owner's Association conducted a meeting where the decision was to request that the Planning Board and City Commission waive the wall requirement for the additional landscape plantings. The letter includes the minutes from the Home Owner's Association meeting.

## **Special Exception Criteria**

Section 2-56 of the Land Development Code outlines the general criteria for all Special Exception approvals:

- A. *Off-street parking loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.***

The project provides 27 parking spaces exceeding the 22 parking space requirement by 5 spaces. The requested Special Exception wall waiver will not impact the project parking.

- B. *Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.***

The project meets or exceeds the required yards, screening and buffering as proposed. The request of the Special Exception is to waive the required wall and to provide additional landscaping. Staff does not believe that the criteria to waive a wall (large areas of natural vegetation to remain or other distinct topographical features such as waterways, wetlands, stormwater retention areas, bridges, highways or sharp changes in elevation which would make construction of walls difficult and not necessary for the reduction of noise or increased privacy) has been met.

- C. *Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.***

There have been no other Special Exceptions in this area in the recent past and this request is solely for the wall waiver. The requested use is allowed as a permitted use.

- D. *Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.***

The proposed use is a hospice facility which is a low intensity use in terms of noise and anticipated impacts to adjoin properties. There is not a need to restrict the hours of operation based on the proposed use.

- E. *The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.***

This Special Exception will not generate hazardous waste.

**F. All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein for residential, commercial or mixed use development and shall also comply with appearance and design guidelines for historic structures.**

The project is not located within, or adjacent to, a historic district and this criteria doe not apply to the project development.

**G. Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.**

The applicant has provided site lighting on the site plan and has demonstrated that the project will not have lighting impacts beyond their property boundary.

**CONCLUSION:**

Per Section 1-17.D.4 of the Land Development Code, “The Board may make a recommendation to the City Commission for approval, approval with conditions, or denial. Where the Board recommendation is for denial, the reason(s) for the denial shall be included in the motion. In making its recommendation, the Board shall consider the following findings, which shall be made by the City Commission in conjunction with the issuance of any Development Order subject to public hearing, other than rezonings”:

**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.**

Section 2-50.N.14(c) of the Land Development Code states that a wall should be waived when there are large areas of natural vegetation to remain or other distinct topographical features such as waterways, wetlands, stormwater retention areas, bridges, highways or sharp changes in elevation which would make construction of walls difficult and not necessary for the reduction of noise or increased privacy. In staff’s review there are no conditions within the hospice property where there are large areas of natural vegetation and the landscape buffer is the width required by the Land Development Code.

It is understood that the Southern Trace Homeowner’s Association is in support of the wall waiver request based on the additional landscaping material proposed. The key unknown in this application is what will become of the 50’ ROW easement. If this ROW easement is removed and replaced with a conservation easement, the wall waiver would meet the criteria for a large buffer area and would not need City Commission approval because the Site Plan Review Committee could have approved the wall waiver. However, the intended purpose of the easement is a right-of-way and staff does not believe that the wall waiver application meets the criteria of the Land Development Code.

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

The site has a Future Land Use designation of “Office/Professional”, which is consistent with the proposed use. Policy 1.2.1 of the Future Land Use Element states that the “Office/Professional” land use category is designed for , “Areas of the City that are intended for use by general office, medical and professional uses.” The Directive Text states that the “Office/Professional” land use is compatible next to residential uses.

**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.**

The proposed Special Exception wall waiver will not adversely impact environmentally sensitive lands or natural resources and is an existing developed site.

**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.**

The purpose of the buffer requirement in the Land Development is to provide a permanent buffer between commercial and office uses to single-family homes and districts. Wall waivers are approved by the City Commission after review by the Planning Board in order to provide property owners abutting the development an opportunity to provide input. In this application, the Southern Trace Home Owner’s Association is in support of the wall waiver request to obtain additional landscaping. The applicant has also provided a letter detailing the proposed hospice use is a low intensity use and would not impact abutting residences.

Members of the Site Plan Review Committee do not believe that this application has satisfied this condition and there is a potential to create a nuisance and have a negative visual impact on adjoining properties. The property has a 50’ ROW easement that may or may not be utilized in the future and the application has provided the Land Development Code required buffer width of 20. There is no additional buffer width proposed. Staff is also concerned with lots 4-6 having an unobstructed view based on the location of the dry retention pond that would provide a view corridor to the rear of the building.

**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.**

Public facilities were approved as part of the site plan review process and the site has adequate capacity to serve the proposed use. The Special Exception wall waiver will have no impacts on public facilities.

- 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.**

The site plan has been reviewed and determined acceptable for traffic movement, including fire and solid waste trucks. The Special Exception wall waiver will have no impacts on traffic patterns.

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

The Special Exception wall waiver will have no impacts and the site plan is functional and the proposed building and site renovations are acceptable.

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

The overall design indicates safe movement on the site for occupants and visitors.

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

The proposed materials and architectural features were approved as part of the site plan approval and will not negatively impact the neighborhood or aesthetics of the area.

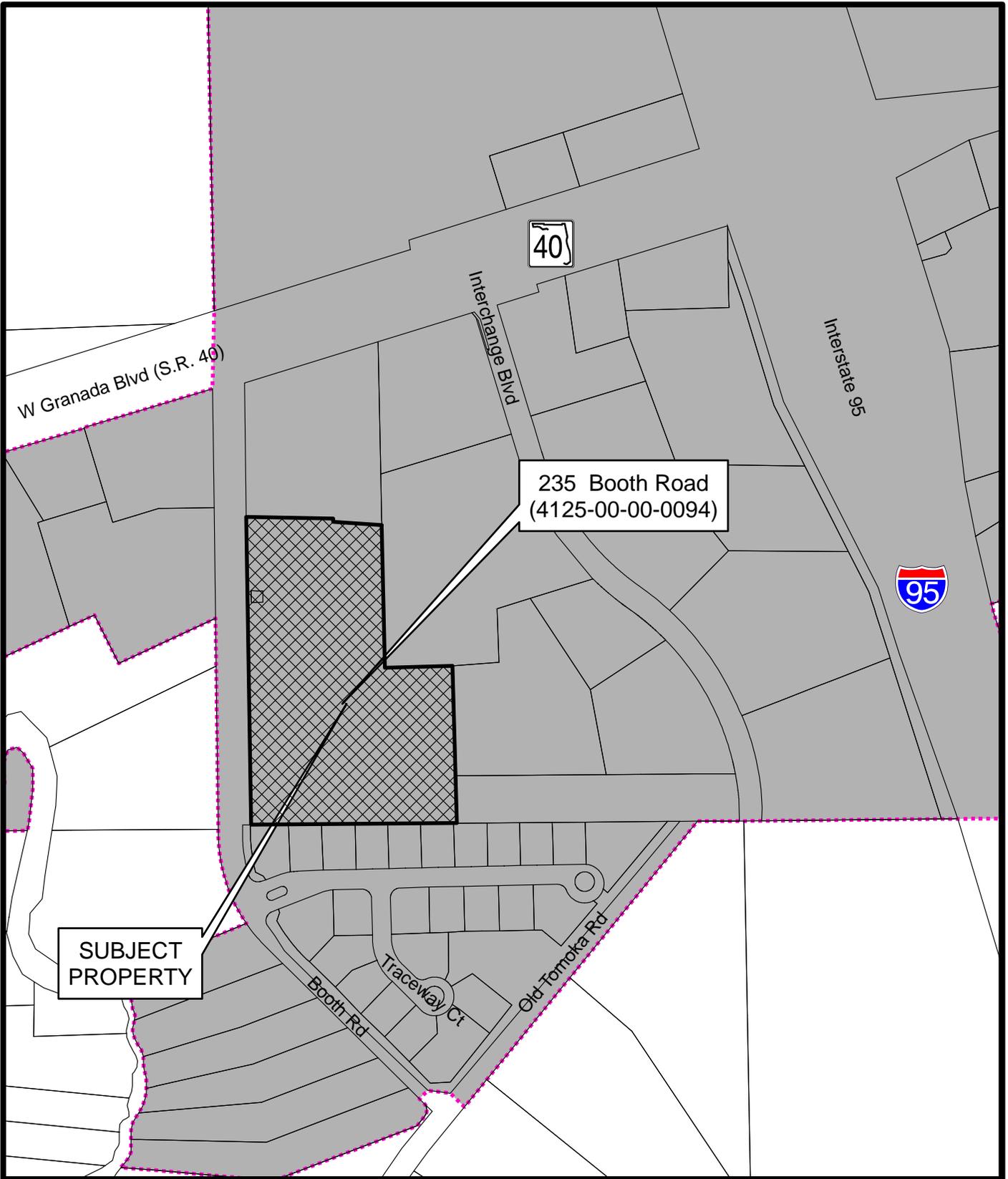
- 10. The testimony provided at public hearings.**

This application has not been reviewed in a public forum and no testimony has been provided.

**RECOMMENDATION:** It is expected that the application will be reviewed by the City Commission on November 19, 2013. It is staff's recommendation that the Special Exception for a wall waiver for Hospice of Volusia/Flagler at 235 Booth Road be **DENIED** based on criteria 1 and 4 of Section 1-17.D.4 of the Land Development Code, as stated above.

# EXHIBIT 1

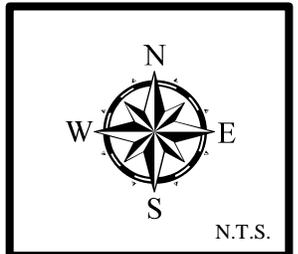
Location maps and site  
pictures



**LOCATION MAP**  
**235 Booth Road**

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Prepared By: The City of Ormond Beach  
G.I.S. Department 9/20/2013





Right-of-way  
easement

Stormwater  
retention under  
construction



Right-of-way  
easement

# Location of wall waiver request



Wall waiver request area

Right-of-way  
easement



# EXHIBIT 2

- Site plan, Sheet C-4
- Survey
- ROW easement deed





This instrument prepared by:  
Robert F. Apgar, Esquire  
Post Office Box 10809  
Daytona Beach, FL. 32120

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and entered into effective the 5th day of August, 1991, by HALIFAX HOSPITAL MEDICAL CENTER ("Halifax") and PATRICIA LAGONI, AS TRUSTEE ("Lagoni").

A. By Warranty Deed dated December 8, 1989, filed December 11, 1989, and recorded in Official Records Book 3398, Page 1119, Public Records of Volusia County, Florida, Lagoni and The Charles Wayne Group, Ltd., a Florida limited partnership, conveyed to Laurence H. Bartlett, as Trustee, their respective interests in certain real property more particularly described in Exhibit "A" attached hereto and made a part hereof ("Halifax Property").

B. By Warranty Deed dated December 27, 1990 and recorded in Official Records Book 3527, Page 1274, Public Records of Volusia County, Florida, Laurence H. Bartlett, as Trustee conveyed the Halifax Property to Halifax.

C. Halifax desires to grant and convey to Lagoni a perpetual and nonexclusive easement in, upon, over and across the south fifty (50') feet of the Halifax Property for right-of-way purposes as hereinafter set forth.

D. The parties desire to enter into this Agreement to set forth their respective rights and responsibilities with reference to said easement, all as more particularly hereinafter set forth.

NOW, THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, Lagoni and Halifax hereby agree as follows:

1. Access Easement. Halifax hereby confirms, ratifies, grants and conveys to Lagoni a perpetual and nonexclusive easement in, upon, over and across the south fifty (50') of the Halifax Property (the "Easement Area") for a road right-of-way for the purpose of ingress, egress, passage, (both pedestrian and vehicular) for the benefit of and appurtenant to adjacent property owned by Lagoni and all portions thereof more particularly described in Exhibit "B" attached hereto and made a part hereof ("Access Easement").

2. Access Points. The Access Easement shall be used and enjoyed through such access points as may be approved by local governmental authorities from time to time ("Access Points"). Halifax agrees to not block, barricade or impede the free flow of traffic through the Access Points and across the Easement Area.

3. General Provisions. The following general provisions shall apply to all other terms and provisions set forth in this Easement Agreement:

a. Nonexclusive Rights. Lagoni recognizes and acknowledges that the easement rights granted herein are nonexclusive in nature. Halifax shall continue to have the right to use the Easement Area for ingress and egress to the Halifax Property, subject to the terms and provisions of this Easement Agreement.

b. Covenants With The Land. All rights, privileges, benefits and burdens created herein are covenants running with the land binding upon and inuring to the benefit of the parties and their respective successors in title. All rights, privileges and benefits granted herein to the parties shall benefit their successors in title during their respective periods of title holding. Reference to Lagoni and Halifax shall include their respective successors in title. Notwithstanding anything contained herein to the contrary, the obligations to maintain and repair and other financial liabilities arising hereunder shall bind the

FILED FOR RECORD  
RECORD VERIFIED

106075

91 AUG 26 AM 8:05  
CLERK OF THE CIRCUIT  
CITY COURT VOLUSIA CO., FL.

REG FEE \$ 24.00  
DUST \$ -0-  
INT. TAX \$  
PENALTY \$  
INTEREST \$  
STAMP TAXES SIGNED

RECORD PAYMENT AS  
INDICATED FOR CLASS  
BY RECORDER'S DOC  
STAMP TAXES SIGNED

parties and their respective successors in title only to the extent arising during their respective periods of title holding.

c. Individuals Benefitted. The rights and privileges granted herein to the parties and their respective successors in title may be used by and inure to the benefit of their respective officers, employees, business guests, business invitees, agents, licensees, tenants and customers and the officers, employees, business guests, business invitees, agents, licensees, subtenants and customers of their respective tenants and subtenants and all other persons lawfully upon their respective properties. Nothing contained herein shall create any rights of the general public.

d. Future Use. The parties may change from time to time the use and occupancy of their respective properties. The use of their properties is not confined to present uses or present means of transportation. The rights and privileges granted herein shall benefit all improvements now or hereafter located on the adjacent property of Lagoni and nothing contained herein shall restrict the right of Lagoni to subdivide the ownership of said property of Lagoni into smaller parcels, each of which shall continue to enjoy the benefits granted hereunder. No reasonable exercise of any rights granted hereunder shall be deemed an overburdening of the Easement Area.

e. Improvement and Maintenance Expenses. All improvements to, within or upon the Easement Area, including but not limited to site preparations, paving, stormwater drainage, water retention facilities and landscaping, whether or not mandated by local governmental authorities, shall be carried out by Lagoni and shall be at the expense of Lagoni. Each such improvement shall be maintained by Lagoni at Lagoni's expense except that should any paved road within the Easement Area be dedicated to and accepted by a local governmental authority, then Lagoni shall be released from any obligation hereunder to maintain that area so dedicated and accepted.

f. Stormwater Drainage Retention. All improvements within the Easement Area shall be designed and built so as to retain all stormwater runoff on site within the Easement Area or on Lagoni's adjacent property.

g. Captions. The captions included herein are for reference only and should not be used in construing any of the terms hereof. This Agreement shall be construed and enforced in accordance with the laws of the State of Florida.

h. Incidental Rights. Each of the rights and benefits granted herein shall include all those additional rights and benefits which are necessary for the full enjoyment thereof and are customarily included incidental thereto.

i. Recovery of Attorneys Fees. In the event that either party or its successors in title institutes legal proceedings against the other party or its successor in title to enforce any term of this Easement Agreement, the party prevailing in said legal proceedings shall be entitled to recover reasonable attorneys fees and court costs incurred incidental thereto from the party not prevailing in said legal proceedings.

IN WITNESS WHEREOF, Lagoni and Halifax have caused this Easement Agreement to be executed on the date first stated above.

HALIFAX HOSPITAL MEDICAL CENTER

By: [Signature]

Attest: William J. Huff

PATRICIA LAGONI, as Trustee, under the provisions of a certain Trust Agreement dated October 6, 1988, and known as Trust No. IDI-1

Patricia Lagoni, as Trustee  
Patricia Lagoni

Jeanne B. Gray  
Gill P. Lust  
Witnesses

STATE OF FLORIDA )  
COUNTY OF VOLUSIA )

The foregoing instrument was acknowledged before me this 5th day of August, 1991, by Ron R. Pees as Administrator / CEO of Halifax Hospital Medical Center, authorized to execute the foregoing instrument on behalf of Halifax Hospital Medical Center.

NOTARY PUBLIC, State of Florida at Large  
My Commission Expires August 15, 1993  
Bonded by American Fidelity Casualty Insurance Co.

Kay Apero  
Notary Public  
My Commission Expires:  
(NOTARIAL SEAL)

STATE OF FLORIDA )  
COUNTY OF Volusia )

The foregoing instrument was acknowledged before me this 26th day of July, 1991, by PATRICIA LAGONI, as Trustee, under the provisions of a certain Trust Agreement dated October 6, 1988, and known as Trust No. IDI-1.

Jeanne B. Gray  
Notary Public  
My Commission Expires:  
Notary Public, State of Florida  
My Commission Expires April 13, 1995  
Bonded thru Troy Fair - Insurance Inc.  
(NOTARIAL SEAL)

BOOK PAGE Best Available Copy  
3679 1393  
VOLUSIA CO., FL

LEGAL DESCRIPTION

A portion of the Southeast 1/4 of Section 25, Township 14 South, Range 31 East, Volusia County, Florida, being more particularly described as follows: As a point of reference, commence at an iron pipe marking the Southeast corner of said Section 25, being also the Northeast corner of said Section 36; thence run S 87° 56' 10" W, along the South line of said Section 25, being also the North line of said Section 36, a distance of 1274.66' to the POINT OF BEGINNING of this description, said point lying in the Easterly right-of-way line of Booth Road, a 50' county road as described in Official Records Book 0974, Page 0447, and Official Records Book 0976, Page 0165, both of the Public Records of Volusia County, Florida; thence run N 00° 45' 21" W, along said Easterly right-of-way of Booth Road, a distance of 1135.06' to a concrete monument in the Southerly right-of-way of Florida State Road 440, a 200-foot right-of-way as shown on the Florida Department of Transportation Right-of-Way Maps, Section [REDACTED] thence run N 73° 06' 29" E (N 73 02' 40" E per D.O.T. maps), along the Southerly line of said State Road 440, a distance of 374.76' to a point; thence departing the Southerly right-of-way line of said State Road 440, run S 00° 45' 21" E, and parallel to the Easterly line of aforementioned Booth Road, a distance of 805.45' to a point; thence run S 88° 51' 34" E a distance of 178.56' to a point; thence run S 00° 45' 21" E, and parallel to the Easterly right-of-way of aforementioned Booth Road, a distance of 415.56' to a point on the Southerly line of aforementioned Section 25; thence run S 87° 56' 10" W, along said Southerly line of Section 25, a distance of 538.60' to the POINT OF BEGINNING of this description, said parcel containing 11.500 acres and being subject to any easements of record in the Public Records of Volusia County, Florida.



BOOK PAGE  
3679 1394  
VOLUSIA CO., FL

EXHIBIT B

ACCESS EASEMENT

A portion of the SE 1/4 of Section 25, Township 14 South, Range 31 East of Volusia County, Florida, more particularly described as follows: As a point of reference, commence at an iron pin marking the Southeast corner of said Section 25, being also the Northeast corner of Section 36; thence run South 87°56'10" West along the South line of Section 25, being also the North line of Section 36, a distance of 736.06 feet to the POINT OF BEGINNING of this description; thence run North 00°45'21" West and parallel to the Easterly Right-of-Way line of Booth Road, a distance of 50 feet; thence run South 87°56'10" West and parallel to the South line of Section 25, a distance of 538.60 feet more or less to the Easterly Right-of-way line of Booth Road, a 50 foot County Road as described in Official Records Book 0976, Page 0165, and Official Records Book 0974, Page 0447, Public Records of Volusia County, Florida; thence run South 00°45'21" East along the Easterly right-of-way of Booth Road, a distance of 50 feet more or less to the South line of Section 25; thence run North 87°56'10" East along the South line of Section 25, a distance of 538.60 to the POINT OF BEGINNING.

/ease

106075

# EXHIBIT 3

## Applicant provided Information

- Cover letter from Cobb Cole.
- Letter of support from Southern Trace Homeowners Association.
- Proposed Landscape Plan in lieu of constructing masonry wall.

William M. Cobb  
(1881-1939)  
Thomas T. Cobb  
(1916-2004)  
W. Warren Cole, Jr.  
(1926-2008)

Harold C. Hubka  
Scott W. Cichon  
Robert A. Merrell III  
Bruce A. Hanna  
John P. Ferguson  
Thomas J. Leck  
Mark A. Watts  
Heather Bond Vargas  
Joshua J. Pope  
Andrea M. Kurak



Daytona Beach • DeLand

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Matthew S. Welch  
Kathryn D. Weston  
Kelly Parsons Kwiatek  
Michael J. Woods  
Katherine Hurst Miller  
Michael O. Sznajstajler  
Melissa B. Murphy

OF COUNSEL  
C. Allen Watts  
Thomas S. Hart  
Larry D. Marsh  
Maja Sander Bowler  
Lori J. Sandman\*

RETIRED  
Jay D. Bond, Jr.  
Rhoda Bess Goodson

\*Admitted only in Pennsylvania

September 11, 2013

**VIA HAND DELIVERY**

Steven Spraker  
Senior Planner  
City of Ormond Beach  
22 S. Beach Street  
Ormond Beach, FL 32174

Re: Halifax Hospital Medical Center  
Hospice of Volusia/Flagler  
Special Exception - Wall  
235 Booth Road, Ormond Beach, FL

Dear Steven:

As you may know, it is this Firm's pleasure to represent Halifax Hospital Medical Center in regard to their request for a Special Exception to permit a landscape buffer in lieu of a wall in accordance with Ch. 2, Art III Sec. 2-50 (n)(14)(c) of the LDC at the future Hospice of Volusia/Flagler facility located at 235 Booth Road, in Ormond Beach.

In connection with their request, please find enclosed the following:

1. City of Ormond Beach Public Hearing Application - Special Exception;
2. Special Exception Application Fee in the amount of \$1,650.00;
3. Three (3) sets of the Landscape Plan & Details prepared by Zev Cohen & Associates, Inc.;
4. Legal Description;
5. Property Appraiser's Information Card; and
6. A letter from the Southern Trace Homeowners Association in support of our request.

Steven Spraker  
September 11, 2013  
Page 2

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On July 9, 2013, there was a Community Meeting with the residents of the Southern Trace community to explain the details regarding the proposed Halifax Health Medical Center Hospice of Volusia/Flagler facility to be developed at 235 Booth Road, in Ormond Beach. At that meeting, the Executive Director of Hospice of Volusia/Flagler and the President of Zev Cohen & Associates addressed the residents' questions and concerns. After the meeting, the Southern Trace Homeowner's Association met with you on July 15, 2013, to discuss the hospice development and the impact on Southern Trace community. Subsequently, the Southern Trace Homeowner's Association voted unanimously on August 2, 2013 to request a special exception from the requirement for a buffer wall between the hospice facility and the community. The attached letter from the Southern Trace Homeowner's Association shows the Association's support of the development of the Volusia/Flagler Hospice facility and its desire to allow a landscape buffer instead of the required wall.

We understand that the approved development meets all applicable standards and requirements of the Ormond Beach Land Development Code other than the provision in Ch. 2, Art III Sec. 2-50 (n)(14)(a) requiring a buffer wall between nonresidential uses and residential uses. Granting this special exception request pursuant to Ch. 2, Art III Sec. 2-50 (n)(14)(c) will not create undue crowding beyond the conditions normally permitted in the zoning district because the location of the primary structure will still meet the setback requirements. Granting this special exception request and thereby allowing a landscape buffer instead of a wall will not adversely affect the public health, safety, welfare or quality of life because the landscape buffer accomplishes the goals of the buffer wall required by the LDC including to promote privacy and reduce noise, glare, and visual impacts when nonresidential uses abut residential uses. Furthermore, the letter from the Southern Trace Homeowners Association attached to this request shows the residents protected by the buffer wall requirement prefer to have a landscape buffer. Therefore, the goals of the applicable regulations are met through the implementation of a landscape buffer as it provides a more aesthetically pleasing buffer than a traditional buffer wall, which is what the residents of the Southern Trace community prefer.

All other aspects of the originally approved Volusia/Flagler Hospice site plan remain unchanged by this special exception request. As such, we understand the approved Hospice facility remains in compliance with all Ormond Beach LDC requirements and remains consistent with the comprehensive plan.

Steven Spraker  
September 11, 2013  
Page 3

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It is our understanding this matter will be heard before the Ormond Beach Planning Board on October 10, 2013. If you have any questions regarding this request, please don't hesitate to contact me. I look forward to working with you in this matter.

Sincerely,



**Robert A. Merrell III**

Direct Dial (386) 323-9263  
Email Rob.Merrell@CobbCole.com  
Fax (386) 944-7955

RAM:ddl  
Enclosures  
cc: Mr. Michael S. Morgan  
Mr. Dwight DuRant

Ted Frank  
18 Southern Trace Blvd.  
Ormond Beach, FL 32174  
386-672-3612  
TSFrank@cfl.rr.com

September 10, 2013

Mr. Steven S. Spraker  
Senior Planner – The City of Ormond Beach  
22 South Beach Street  
Ormond Beach, FL 32175

Dear Mr. Spraker –

Members of The Southern Trace Home Owner's Association have great interest in the development of the hospice facility on Booth Road. I appreciate the meeting that I had with you on July 15 as we attempted to learn more about the hospice development and the impact on our community. You and other staff took the time to meet with a neighbor and myself although we had no appointment. I was impressed by your courtesy.

To come the point, on August 2, our Home Owner's Association voted unanimously to request a waiver of the requirement for a wall between our community and the hospice. This was an informed decision with every member of the Association having opportunity for input and discussion. At the August 2 meeting we reviewed the following:

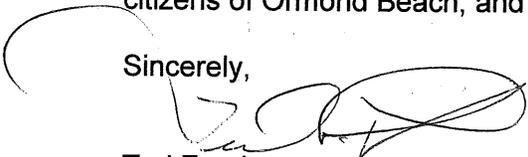
1. the content of a meeting on July 9 between members of the community and representatives from Zev Cohen and Associates as well Halifax Health Volusia/Flagler Hospice.
2. the content of a meeting on July 15 involving myself, another neighbor, and three planners from the City of Ormond Beach.
3. the site plan and the planting plan which were provided by Zev Cohen and Associates, Inc. Each homeowner received a copy.
4. the content of a letter from City Manager, Joyce Shanahan, which outlined the process necessary in order to waive the requirement for a wall. Her letter also included the assertion that, "the City has not had good experiences with using natural or manmade buffers in lieu of walls."

Additionally, there were many contacts with Dwight DuRuant of Zev Cohen seeking answers for questions from the community. Two of the neighbors that live adjacent to the hospice property are engineers who have, perhaps, more understanding than most of the site plan and the proposed buffer.

In light of the Homeowner Association's decision, we respectfully request that the Planning Board and City Commission waive the requirement for a wall. I've attached a copy of our minutes.

I've learned that you have a complex and challenging job. I thank you for your service to the citizens of Ormond Beach, and for your consideration of our request.

Sincerely,



Ted Frank  
President – Southern Trace Homeowner's Association.

**Southern Trace Homeowners Association**  
**PO Box 730146**  
**Ormond Beach, FL 32173**

**Minutes of the Special Homeowner's Meeting**  
**August 2, 2013**  
**Held at 18 Southern Trace Blvd., Ormond Beach**

Present were:	Carol Allen	17 & 19 Southern Trace Blvd.
	Jack & Cindy Bisland	20 Southern Trace Blvd.
	Ted & Sue Frank	18 Southern Trace Blvd.
	Bahram Joulaee	12 Southern Trace Blvd.
	Alice F. Kelder	10 Traceway Court
	Betty Payne	5 Southern Trace Blvd.
	David Luke	7 Traceway Court
	Jim Silvernail	12 Traceway Court
	Al & Patti Sorrentino	6 Southern Trace Blvd.
	Stephen & Cindy Lescarbeau	2 Southern Trace Blvd.

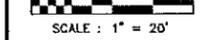
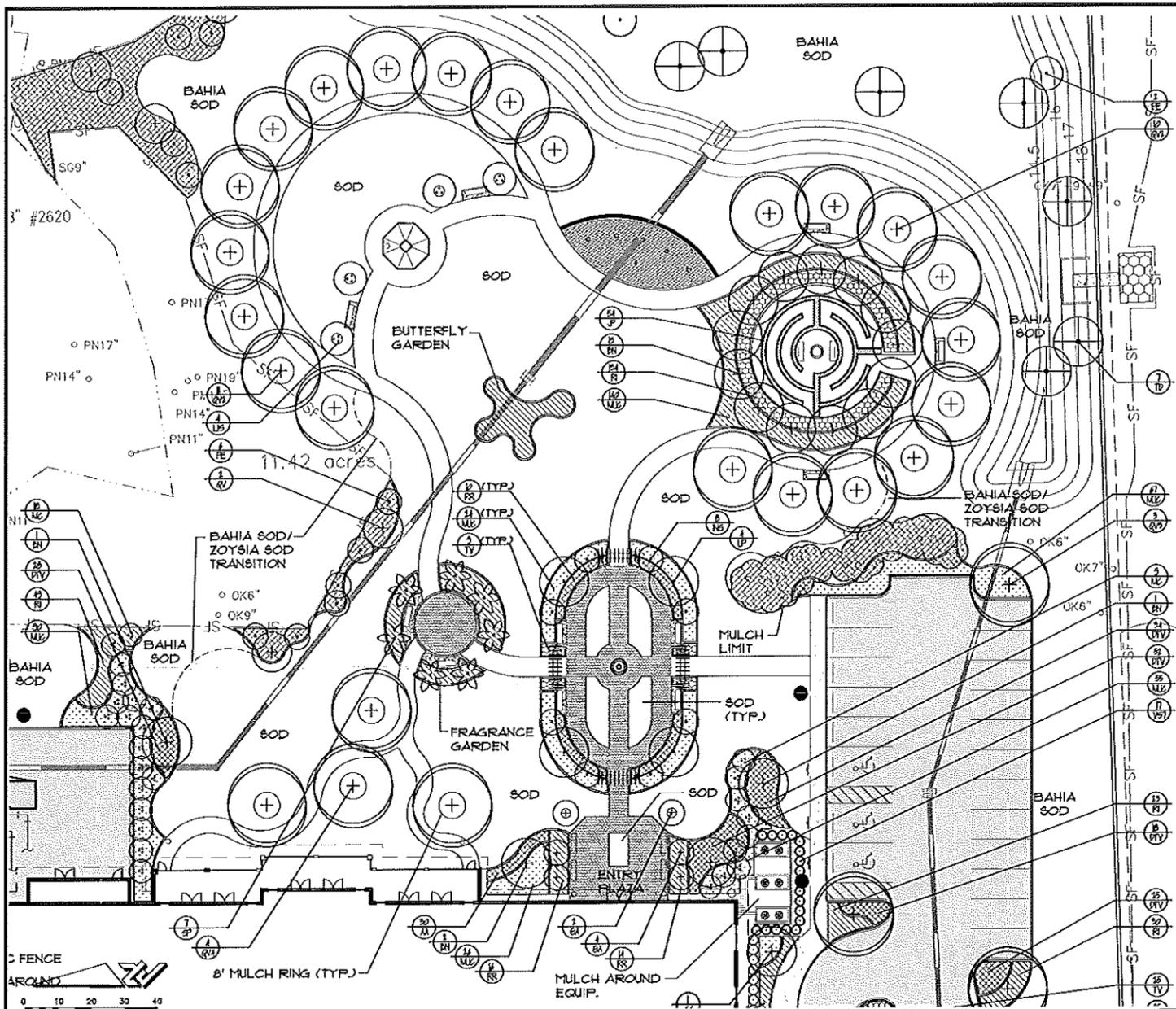
Voting by proxy were:	Bob Gilmore	8 Southern Trace Blvd.
	Anthony Morinelli	6 Traceway Court
	Joe Valenti	3 Traceway Court

Meeting was called to order with a quorum at 7:12 p.m.

Discussion was held on the question of whether association members would choose a wall or a vegetative barrier between Southern Trace and the new Halifax Hospice facility:

1. Ted reviewed the July 9 meeting with Halifax Health and Zev Cohen & Associates, Inc.
2. Ted reviewed in sequence emails, meetings, and phone calls, related to the project.
3. A discussion ensued regarding how much vegetation is considered "dense vegetation."
4. Al brought up his understanding that there will be no lights in the parking lot.
5. Each homeowner that this decision affects most directly had opportunity to voice their thoughts and concerns.
6. After had opportunity to speak or ask questions, Al Sorrentino made a motion to have a vegetative barrier between the hospice facility and the Southern Trace subdivision. The motion was seconded by Cindy Lescarbeau. There was discussion regarding preservation of as much existing vegetation as possible, and not having a "cheap" vegetative barrier. The motion for a vegetative barrier carried unanimously with fourteen votes.
7. The meeting adjourned at 8:10 p.m.

The minutes were recorded by Cindy Bisland



**GENERAL PLANT LIST**

SYM.	QTY.	SPECIES	COMMON NAME	SPECIFICATIONS
<b>TREES</b>				
BN	21	BEILIA NIGRA 'DUMM'	DURA-HEAT RAVER BIRCH	50 GAL, 1 1/2" CAL, 10 FT, 3 TRUNKS PER TREE
CC	4	CERES CAUDICENSIS	EASTERN REDBUD	50 GAL, 1 1/2" CAL, 10 FT
EA	11	ERGONIA JASMINIFLORA	ERGONIA VINA SUPREME	8 GAL, 5 FT, 1 CT, STD
HS	1	HELIOS COPULIFLORA	HILLE STEVENS HOLLY	30 GAL, 1 1/2" CAL, 8 FT
LS	4	LARIX PRINCEPS	LAVENDER GRAPE MYRTLE	15 GAL, 3 1/2" CAL, 12 FT
MC	17	MYRTICA CERIFERA	WAX MYRTLE	15 GAL, 5 FT, X 5' SPED, 1 1/2" CAL, FTB
PE	19	PERSEA MILITARI	SLASH PINE	7 GAL, 1" CAL
QV	19	QUERCUS VIRGINIANA	LIVE OAK	7 GAL, 1" CAL
QV2	11	QUERCUS VIRGINIANA	LIVE OAK	30 GAL, 1 1/2" CAL, 10 FT
QV3	5	QUERCUS VIRGINIANA	LIVE OAK	15 GAL, 3 1/2" CAL, 12 FT
QV4	11	QUERCUS VIRGINIANA	LIVE OAK	100 GAL, 4" CAL, 14 FT
TD	11	TAXODIUM DISTICHUM	BALD CYPRESS	60 GAL, 3 1/2" CAL, 12 FT
UP	4	ULMUS PARVIFLORA 'ALICE'	ALICE BLM	60 GAL, 1 1/2" CAL, 10 FT
<b>PALMS</b>				
SP	7	SCHLUMBERGERIA TRILLIACEA	GARDNER PALM	SLK, MATCHED HT'S 12'
<b>SHRUBS &amp; GRASS/COVER</b>				
AA	504	ASPERITIS AFRICANUS	LLY OF THE NILE	3 GAL, 20" HT, X 18" SPED, 30" OC
AV	117	AVICENNIA TORREANA VARIANTEA	VARIABLE FLUX LLY	1 GAL, 12" HT, X 12" SPED, 24" OC
CP	54	CYPRISSUS CONFERTA	SHORE JUNPER	3 GAL, 20" HT, X 18" SPED, FULL, 30" OC
LC	55	LOREPETAUM GIBBERNS RUDY	LOREPETAUM	3 GAL, 10" HT, X 18" SPED, FULL, 30" OC
MLE	414	MULLEBERBERIA CAPILLARIS	MULY ERASS	1 GAL, 10" HT, X 18" SPED, 30" OC
RI	67	RAPHANOPUS NIGRA 'ALBA'	WHITE INDIAN HANTHORN	3 GAL, 10" HT, X 18" SPED, 24" OC
RR	30	ROSA ROZAYANA	ROSA ROZAYANA	3 GAL, 10" HT, X 18" SPED, 30" OC
TH	95	TRICHOPHYLLUM ASHATUM 'NANA'	DWARF ASHATUM	1 GAL, 12" SPED, 18" OC
TV	150	TULAGHIA VOLCANICA	SOEITY EARLE	1 GAL, 12" SPED, 18" OC
VS	59	VOURNUM SUPPESUM	SANDWICH VOURNUM	3 GAL, 24" HT, X 18" SPED, 36" OC
VST	17	VOURNUM SUPPESUM	SANDWICH VOURNUM	7 GAL, 4" HT, X 5' SPED, 36" OC

**BUTTERFLY GARDEN PLANT LIST**

SYM.	QTY.	SPECIES	COMMON NAME	SPECIFICATIONS
<b>SHRUBS &amp; GRASS/COVERS</b>				
AV	50%	ASPERITIS	MILKWEED	1 GAL, 18" OC
CP	5%	CYPRISSUS	GOLDEN CANNA	1 GAL, 18" OC
DR	50%	DIANTHUS DEUTERIS	BEACH SUNFLOWER	1 GAL, 18" OC
LC	50%	LOREPETAUM	GOLDENROD	1 GAL, 18" OC
LC	10%	LOREPETAUM	LANTANA	1 GAL, 18" OC
GC	10%	GALVA COCCINEA	SALVA	1 GAL, 18" OC

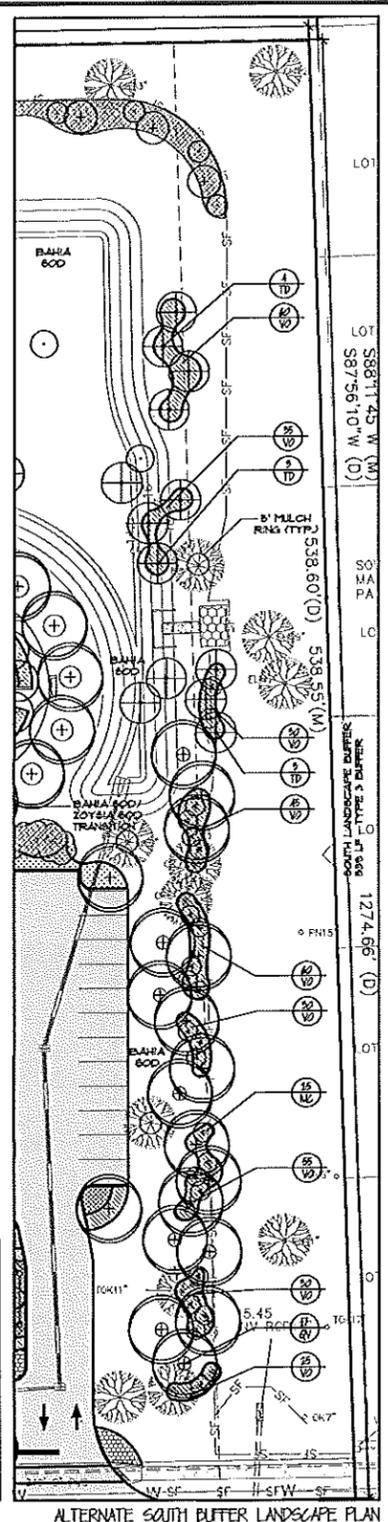
**FRAGRANCE GARDEN PLANT LIST**

SYM.	QTY.	SPECIES	COMMON NAME	SPECIFICATIONS
<b>SHRUBS &amp; GRASS/COVERS</b>				
EA	50%	ERGONIA RADICANS	DWARF ERGONIA	1 GAL, 18" OC
ZZ	50%	ZINERUS ZERUBIET	PRECIOUS GEMER	3 GAL, 24" OC

**SOUTH LANDSCAPE BUFFER PLANTING REQUIREMENTS**

1. EXISTING NATURALLY OCCURRING VEGETATION SHALL BE UTILIZED TO PROVIDE SHADING IN LIEU OF PLANTED BUFFER REQUIREMENTS. ADDITIONAL SCREENING PLANTINGS (BUFFER INFILL PLANTINGS) WILL BE REQUIRED IF THESE AREAS ARE DEEMED UNSUITABLE BY VIRTUE OF THEIR SPECIES, TYPE, DENSITY, OR QUALITY.

2. PLANTINGS SHOWN ARE FOR GRAPHICAL/DESIGN INTENT PURPOSES ONLY. IN THE EVENT THE MASONRY WALL IS NOT CONSTRUCTED AND IT IS DETERMINED BUFFER INFILL PLANTINGS ARE REQUIRED OR DESIRED TO ENHANCE FULLY ENGINEERED SCREENING CONTRACTOR SHALL COORDINATE WITH LANDSCAPE ARCHITECT PRIOR TO ANY WORK IN THIS AREA FOR STAKING AND LAYOUT OF ALL PROPOSED PLANTINGS IN AN EFFORT TO ENSURE MATERIAL IS PROPERLY LOCATED WITH CONSIDERATION TO ALL KNOWN VARIABLES.



**ALTERNATE SOUTH BUFFER PLANT LIST (BUFFER INFILL PLANTINGS)**

SYM.	QTY.	SPECIES	COMMON NAME	SPECIFICATIONS
<b>TREES</b>				
MC	17	MYRTICA CERIFERA	WAX MYRTLE	15 GAL, 5 FT, X 5' SPED, 1 1/2" CAL, FTB
QV	11	QUERCUS VIRGINIANA	LIVE OAK	30 GAL, 1 1/2" CAL, 10 FT
TD	10	TAXODIUM DISTICHUM	BALD CYPRESS	30 GAL, 1 1/2" CAL, 10 FT
<b>SHRUBS &amp; GRASS/COVERS</b>				
VV	510	VOURNUM OBOVATUM	WALTERS VOURNUM	3 GAL, 24" HT, X 18" SPED, FULL, 30" OC

**GENERAL LANDSCAPE NOTES**

- FLORIDA: ALL PLANT MATERIAL SHALL BE GRADE FLORIDA NO. 1 OR BETTER IN QUALITY AS DESCRIBED IN THE MOST RECENT PUBLICATION OF SPECIFICATIONS FOR NURSERY PLANTS PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- EXISTING PLANTS: IF PROPOSED PLANTINGS SHOWN ON PLAN INTERFERE WITH EXISTING LANDSCAPE, THE EXISTING LANDSCAPE IS TO BE REMOVED IN FAVOR OF THE NEW PLANTINGS.
- MULCH: ALL PLANTING BEDS SHALL BE TOP DRESSED WITH FINE DARK MULCH. ALL TREES NOT IN BEDS SHALL HAVE A 5" DIAMETER MULCH RING. ALL PALMS NOT IN BEDS SHALL HAVE A 3" DIAMETER MULCH RING.
- SOD: SOD SHALL BE EMPIRE ZOYSIA UNLESS OTHERWISE SPECIFIED ON THE PLANS.
- QUANTITIES: IN THE EVENT OF A VARIATION BETWEEN THE QUANTITIES SHOWN ON THE PLAN LIST AND THE ACTUAL QUANTITY OF PLANTS SHOWN ON THE PLAN, THE PLAN SHALL CONTROL. SOD QUANTITY TOLERANCES ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- UNFORESEEN CONDITIONS: CONTRACTOR SHALL NOT WILLFULLY INSTALL ANY PORTION OF THE LANDSCAPE PLAN AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNFORESEEN OBSTRUCTIONS, GREAT DIFFERENCES, STRONG WINDS, OR OTHER CONDITIONS EXIST. SUCH UNFORESEEN CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE AND THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- SUBSTITUTIONS: NO SUBSTITUTIONS OR VARIATIONS OF ANY PLANT MATERIAL OR ITS INSTALLED LOCATION WILL BE PERMITTED WITHOUT THE PRIOR WRITTEN CONSENT AND APPROVAL FROM THE LANDSCAPE ARCHITECT.
- CONTAINERS: IF BALLANCE FOR PLANTS OR TREES IS SHOWN THEY SHALL BE CONTAINER GROWN AND THE SIZE SHOWN SHALL REPRESENT THE MINIMUM ALLOWABLE BALLANCE. ACCEPTED IN ALL CASES THE PLANT SPECIFIED SIZE SHALL GOVERN OVER THE BALLANCE INDICATED.
- PLANTING SOIL: CONTRACTOR SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE TO THE PLANT SPECIES. IF SOIL CONDITIONS ARE DEEMED UNSUITABLE FOR PROPER PLANT HEALTH, CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT AND PROPER SUBSTITUTIONS SHALL BE SPECIFIED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. ADDITIONALLY, IF PRESENT, THE CONTRACTOR SHALL REMOVE LIMB ROCK, CONCRETE AND OTHER DEBRIS FROM PLANTING BEDS. IF DEBRIS IS INTEGRATED IN THE SOIL, THE SOIL MUST BE EXCAVATED AND REPLACED WITH ACCEPTABLE SOIL. SOIL MUST BE PLACED IN LANDSCAPE AREAS MUST HAVE A PH RANGE BETWEEN 5.8 AND 7.5, BE ORGANIC IN NATURE, AND BE FREE OF ROCKS AND DEBRIS.
- TOPSOIL: TOPSOIL MATERIAL, IF REQUIRED, SHALL BE FREE FROM ALL HARD CLUMPS, WEEDS, STONES OVER 1" IN DIAMETER, GLASS, HARD PAW, NODULAR PLANTS, SOD, INSECTS OR OTHER UNDESIRABLE PLANTS, SEEDS, OR MATERIAL WHICH MAY BE HARMFUL FOR GROWTH AND SHALL BE CERTIFIED AS STERILE.
- WEEDS: IF PRESENT, THE CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE ANY WEEDS FROM PLANTING AREAS PRIOR TO THE INSTALLATION OF PROPOSED PLANT MATERIAL AND MULCH COVER. CONTRACTOR SHALL BE RESPONSIBLE TO KEEP BEDS FREE OF WEEDS FOR THE DURATION OF THE 30 DAY MAINTENANCE PERIOD.
- GRADING: UNLESS OTHERWISE STATED ON THESE PLANS, THE LANDSCAPE CONTRACTOR SHALL GRADE ALL AREAS TO BE PLANTED AND SLOPED IN ORDER TO ELIMINATE RUNOFF AND PREVENT EROSION. GRADING SHALL BE DEFINED AS THE FINAL 1" OF GRADE TO BE ACHIEVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND REGRADING WASHOUT AREAS CAUSED BY EROSION UNTIL FINAL ACCEPTANCE OF THE PROJECT.
- STAKING: ALL TREES AND PALMS ARE TO BE STAKED ACCORDING TO THE DETAILS IN THESE PLANS. IF THE CONTRACTOR PREFERENCES TO USE OTHER STAKING METHODS THAN SHOWN IN THE DETAILS HE OR SHE MUST SUBMIT PROPOSED STAKING DETAILS TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION. THE LANDSCAPE CONTRACTOR SHALL STRAIGHTEN, REPAIR, AND/OR REPLACE ANY PLANTS DAMAGED BY FAILURE TO CORRECTLY STAKE OR BUY ANY TREES ON SITE, AT THEIR OWN EXPENSE.
- GRASS/COVER: CURVILINEAR LANDSCAPED BEDS ARE TO BE EDGED WITH SHARPLY POINTED CURVES. STRAIGHT-LINE LANDSCAPED BEDS ARE TO BE EDGED IN A STRAIGHT LINE PARALLEL TO PARKING LOTS AND STRUCTURES UNLESS OTHERWISE SPECIFIED.
- FERTILIZER: ORGANIC SLOW RELEASE FERTILIZER OR EQUIVALENT SHALL BE APPLIED TO ALL TREE, SHRUB, AND GRASS/COVER PLANTING AREAS AT THE RATE OF THREE (3) TABLESPOONS PER 1 SF. OF PLANTING AREA.
- IRRIGATION: THE LANDSCAPE CONTRACTOR SHALL ASSURE THAT THIS WORK DOES NOT INTERRUPT EXISTING OR PROPOSED IRRIGATION PATTERNS AND SHALL NOTIFY THE OWNER'S REPRESENTATIVE IMMEDIATELY SHALL A CONFLICT ARISE.
- SPECIFICATIONS: THE LANDSCAPE ARCHITECT SHALL BE PERMITTED THE RIGHT DURING INSTALLATION TO SELECT ANY AND ALL PLANT MATERIAL AND WORKMANSHIP WHICH IN HIS OR HER OPINION DOES NOT MEET THE REQUIREMENTS OF THESE SPECIFICATIONS.
- NATURAL AREAS: NATURAL VEGETATION PRESERVATION AREAS SHALL BE CLEARED UP INCLUDING BUT NOT LIMITED TO THE REMOVAL OF ANY DEBRIS OR WEEDS AND FRUITS OF RED OR YELLOW BRANCHED AND PALM FRUITS. MULCH EDGE OF NATURAL AREA IS 5 FEET.
- WARRANTY: UNLESS NOTIFIED BY THE CLIENT OR CONTRACTOR IN WRITING, LANDSCAPE ARCHITECT SHALL NOT BE HELD RESPONSIBLE FOR DAMAGES TO PROPOSED PLANT MATERIAL CAUSED BY DEER OR OTHER ANIMALS. UPON NOTIFICATION OF PEST ANIMAL EXISTENCE PROPER PLANT SUBSTITUTIONS SHALL BE PROVIDED BY THE LANDSCAPE ARCHITECT.
- APPROVAL REQUIRED: CERTAIN PLAN VIEW CALLOUT TAGS FOR PLANT MATERIAL HAVE BEEN MARKED WITH "APP. REQ." AND PLANT MATERIAL SHALL BE OF EXCELLENT QUALITY AND APPROVAL MUST BE OBTAINED BY LANDSCAPE ARCHITECT PRIOR TO DELIVERY TO THE SITE AND INSTALLATION. CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE PICTURES OR OTHER MEANS BY WHICH WRITTEN APPROVAL MAY BE OBTAINED FROM THE LANDSCAPE ARCHITECT.
- IRRIGATION: CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR A TURNOVER DATE TO PERFORM IRRIGATION. ANY WORK DEEMED UNACCEPTABLE SHALL BE CORRECTED IMMEDIATELY AND REINVESTED AS SCHEDULED.
- MAINTENANCE: CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE TO BEGIN AFTER EACH PLANT HAS BEEN INSTALLED AND SHALL CONTINUE 30 DAYS AFTER FINAL WRITTEN ACCEPTANCE BY THE OWNER. MAINTENANCE SHALL INCLUDE WATERING, PRUNING, WEEDING, MOWING, FERTILIZING, REPLACEMENT OF SICK OR DEAD PLANTS, AND ANY OTHER CARE NECESSARY IN ORDER TO MAINTAIN PROPER PLANT HEALTH AND SOIL MOISTURE CONTENT.
- WARRANTY: CONTRACTOR SHALL GUARANTEE ALL INSTALLED PLANT MATERIAL FOR ONE (1) CALENDAR YEAR STARTING FROM THE TURNOVER DATE SHOULD WORK BE FOUND ACCEPTABLE. ANY CORRECTED WORK SHALL HAVE A PROPORTIONAL EXTENSION OF WARRANTY ONCE APPROVED. ANY SICK OR DEAD PLANTS SHALL BE REPLACED IMMEDIATELY. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE TO HONOR ANY WARRANTY FOR THE LOSS OF ANY PLANT MATERIAL CAUSED BY FLOODING, FIRE, FREEZING TEMPERATURES WINDS OVER 50 MPH, LIGHTNING, ANY OTHER NATURAL DISASTER, OR ANY LOSS/DAMAGE CAUSED BY VANDALISM OR NEGLIGENCE ON THE PART OF THE OWNER.

**IRRIGATION NOTES**

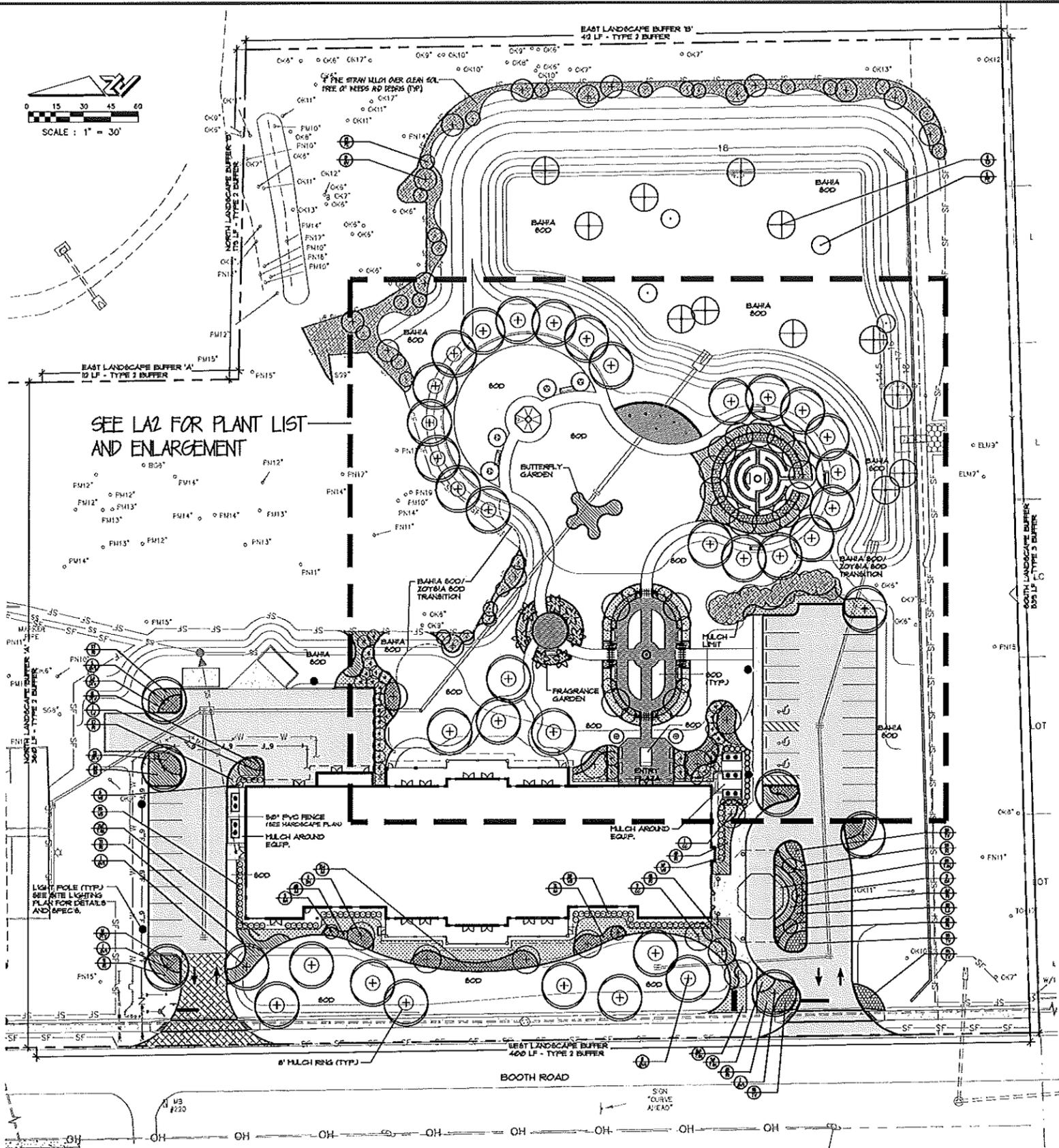
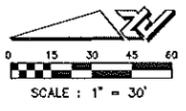
- AN AUTOMATIC TIME CONTROLLED IRRIGATION SYSTEM WITH A RAIN SENSOR SHALL BE INSTALLED TO PROVIDE WATER HEAD TO HEAD COVERAGE OF ALL NEW PLANTINGS. SEE IRRIGATION PLAN.

**HOSPICE OF VOLUSIA/FLAGLER**  
**PRELIMINARY SITE PLAN**  
**LANDSCAPE PLAN & DETAILS**

VOLUSIA COUNTY, FLORIDA  
CITY OF ORLAND BEACH

PROJECT NO: 1737	DATE: 01/15/17	DESIGNED BY: ZEV COHEN
ISSUE DATE: 01/15/17	CHECKED BY: PM	PROJECT MANAGER: ZEV COHEN
DATE: 01/15/17	DESIGNED BY: ZEV COHEN	PROJECT MANAGER: ZEV COHEN

FILE LOCATION: \_\_\_\_\_  
 NOT VALID WITHOUT EXHIBITORS SEAL  
 SCALE: 1" = 20'  
 SHEET: LA2 OF 2



**LANDSCAPE BUFFER REQUIREMENTS**

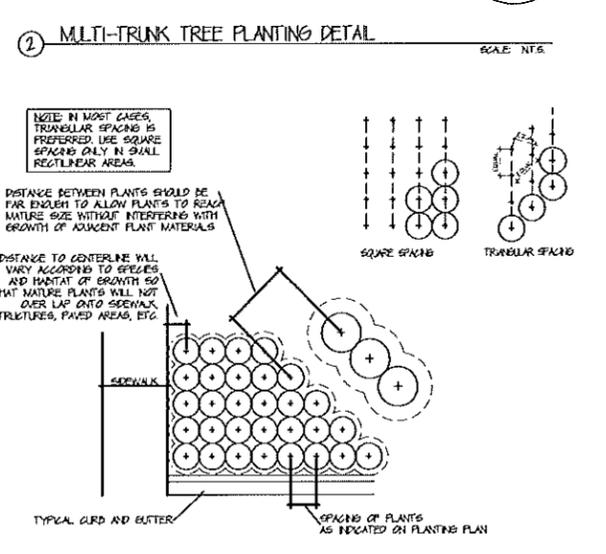
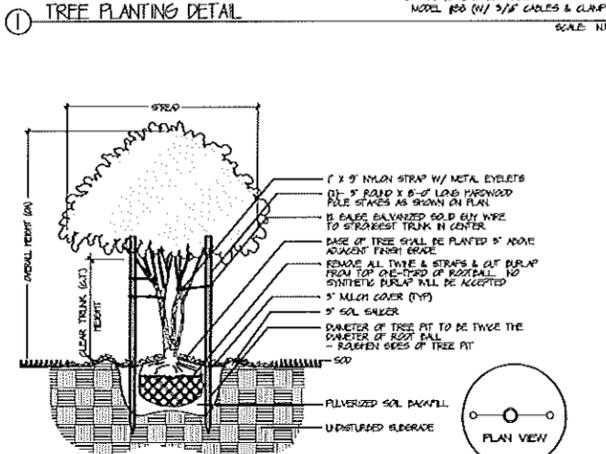
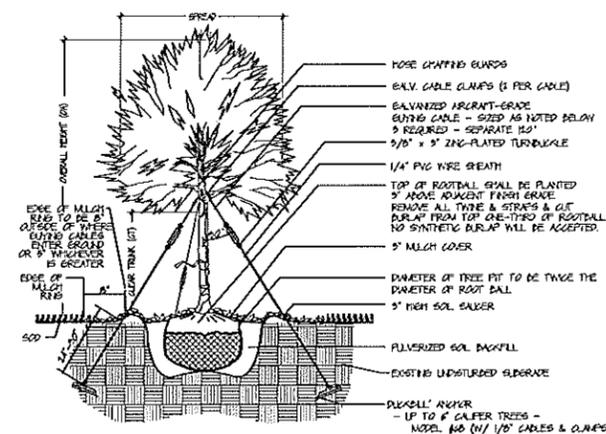
	REQUIRED	PLANTED
<b>NORTH A (100 LF)</b>		
MINIMUM WIDTH	12'	12'
3 TREES PER 100 LF.	11	11
50 SHRUBS PER 100 LF.	125	125
GROUND COVER	YES	YES
<b>NORTH B (75 LF)</b>		
MINIMUM WIDTH	12'	12'
3 TREES PER 100 LF.	25	25
50 SHRUBS PER 100 LF.	25	25
GROUND COVER	YES	YES
<b>SOUTH (225 LF)</b>		
MINIMUM WIDTH	12'	12'
3 TREES PER 100 LF.	11	11
50 SHRUBS PER 100 LF.	25	25
GROUND COVER	YES	YES
<b>EAST A (11 LF)</b>		
MINIMUM WIDTH	12'	12'
3 TREES PER 100 LF.	4	4
50 SHRUBS PER 100 LF.	24	24
GROUND COVER	YES	YES
<b>EAST B (43 LF)</b>		
MINIMUM WIDTH	12'	12'
3 TREES PER 100 LF.	11	11
50 SHRUBS PER 100 LF.	24	24
GROUND COVER	YES	YES
<b>WEST (100 LF)</b>		
MINIMUM WIDTH	12'	12'
3 TREES PER 100 LF.	4	4
50 SHRUBS PER 100 LF.	24	24
GROUND COVER	YES	YES

EXISTING NATURALLY OCCURRING VEGETATION MAY BE UTILIZED TO PROVIDE SCREENING IN LIEU OF PLANTED BUFFER REQUIREMENTS. ADDITIONAL SCREENING PLANTING WILL BE REQUIRED IF THESE AREAS ARE DEEMED UNSUITABLE BY VIRTUE OF THEIR SPECIES, TYPE, DENSITY OR QUALITY.

**SUITABLE BUFFER PLANT SPECIES:**

**TREES:**  
 GLENN'S VIBURNUM, 12' CAL. 2 1/2" CAL. 12' HT.  
 TAXODIUM DISTICHUM, 12' CAL. 2 1/2" CAL. 12' HT.

**SHRUBS:**  
 VIBURNUM CRATAEGUM, 12' CAL. 2 1/2" CAL. 12' HT.  
 NYSSA GERARDI, 12' CAL. 2 1/2" CAL. 12' HT.



**ZEV COHEN & ASSOCIATES, INC.**  
 300 WINTERGARDEN BLVD., ORLANDO BEACH, FL 32714  
 (407) 677-3482 FAX (407) 677-2225  
 ST. AUGUSTINE  
 4475 U.S. 1, S. STE. # 101 ST. AUGUSTINE, FL 32088  
 (800) 797-1610 FAX (800) 797-4130  
 AMELIA ISLAND  
 1900 SOUTH 14 ST. STE. # 217 FURNACE BEACH, FL 32034  
 (800) 481-5466 FAX (800) 491-5470

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REVISIONS:

NO.	DATE	DESCRIPTION

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**HOSPICE OF VOLUSIA/FLAGLER**  
**PRELIMINARY SITE PLAN**  
**LANDSCAPE PLAN & DETAILS**  
 CITY OF ORLANDO BEACH, VOLUSIA COUNTY, FLORIDA

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**ZEV COHEN & ASSOCIATES, INC.**  
 CIVIL ENGINEERS - LANDSCAPE ARCHITECTS  
 PLANNERS - TRANSPORTATION - ENVIRONMENTAL  
 WWW.ZEVCOHEN.COM

PROJECT NO. 12121  
 DRAWN BY: SBK  
 CHECKED BY: PM  
 ISSUE DATE: 11/2013  
 DESIGNED BY: SBK

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FILE LOCATION: -

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NOT VALID WITHOUT ENCLOSED SEAL  
 SCALE: 1" = 30'  
 SHEET **LA1** OF 2

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 3, 2013

**SUBJECT:** 1298 West Granada Boulevard  
Amendment to Official Zoning Map

**APPLICANT:** Roger W. Strcula, P.E., President of Upham, Inc. on behalf  
of the property owner, West Granada LLC

**NUMBER:** RZ 13-112

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

### **INTRODUCTION:**

This is a request to amend the City's Official Zoning Map by Roger W. Strcula, P.E., President of Upham, Inc. on behalf of the property owner West Granada LLC, for a 14.53 acre property at 1298 West Granada Boulevard from the existing zoning designation of Volusia County R-4 (Urban Single-Family Residential) to City of Ormond Beach B-8 (Commercial) for a 4.64 acre portion of the site and SE (Special Environmental) for a 9.89 acres portion of the site as the result of annexation (see Exhibit 1).

### **BACKGROUND:**

The property at 1298 West Granada Boulevard is currently vacant and annexed into the City of Ormond Beach on August 20, 2013. The applicant is seeking the development of the property to include approximately 34,000 square feet of commercial uses along the Granada Boulevard frontage and stormwater management, compensating storage, and wetland preservation at the rear of the property.

Adjacent land uses and zoning are as follows:

	<b>Current Land Uses</b>	<b>Land Use Designation</b>	<b>Zoning</b>
<b>North</b>	Offices	"Office/Professional"	B-10 (Suburban Boulevard)
<b>South</b>	Chelsea Place subdivision	"Urban Low Intensity"	R-4 (Urban Single-Family Residential)
<b>East</b>	Chelsea Place subdivision	"Urban Low Intensity"	R-4 (Urban Single-Family Residential)
<b>West</b>	Lowes Home Improvement store	"General Commercial"	B-8 (Commercial)

## Site location aerial



The subject property is surrounded to the east and south by the Chelsea Place subdivision and to the west by the Lowe's Home Improvement store. The intent of the applicant is to develop the retail square footage next to the Granada Boulevard frontage (4.64 acres) and provide the stormwater management, compensating storage, and wetland preservation at the rear of the property (9.89 acres). Any site development for the project would require a neighborhood meeting.

On August 8, 2013, the Planning Board reviewed the land use amendment for a Florida Expedited State Review Process Large Scale Comprehensive Plan Land Use Map amendment for the subject property from the existing land use designation of Volusia County "Urban Medium Intensity (UMI)" to City of Ormond Beach "Commercial" for a 4.64 acre portion of the site and "Open Space/Conservation (OS/C)" for 9.89 acres portion of the site as the result of annexation. The Planning Board unanimously recommended approval of the application. The land use amendment is scheduled to be reviewed by the City Commission on November 5<sup>th</sup> and 19<sup>th</sup>. Until a City land use designation and zoning classification is adopted, the property maintains its County land use and zoning classifications.

### **ANALYSIS:**

The existing Volusia County zoning classification for the subject property is R-4 (Urban Single-Family Residential). The Volusia County Land Development Code states the purpose and intent for the R-4 zoning is as follows:

“The purpose and intent of the R-4 Urban Single-Family Residential Classification is to provide medium-density residential developments, preserving the character of existing or proposed residential neighborhoods .”

Below is the Section of the Volusia County R-4 zoning classification:

Cluster and zero lot line subdivisions (refer to subsection 72-304).

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills (refer to subsection 72-293(16)).

Fire stations.

Home occupations, class A (refer to section 72-283).

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or manufactured modular dwelling.

*Permitted special exceptions:* Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Bed and breakfast (refer to subsection 72-293(19)).

Cemeteries (refer to subsection 72-293(4)).

Communication towers exceeding 70 feet in height above ground level.

Day care centers (refer to subsection 72-293(6)).

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Excavations only for stormwater retention ponds for which a permit is required by this article.

Garage apartments.

Off-street parking areas (refer to subsection 72-293(14)).

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to subsection 72-293(1)).

Recreational areas (refer to subsection 72-293(3)).

Schools, parochial or private (refer to subsection 72-293(4)).

*Dimensional requirements:*

*Minimum lot size:*

Area: 7,500 square feet.

Width: 75 feet.

*Minimum yard size:*

Front yard: 25 feet.

Rear yard: 20 feet.

Side yard: 20 feet combined, minimum of eight feet on any one side.

Waterfront yard: 25 feet.

*Maximum building height:* 35 feet.

*Maximum lot coverage:* The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

*Minimum floor area:* 850 square feet.

*Off-street parking and loading requirements:* Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

This zoning application is required by Florida Statutes and the City's Land Development Code to be consistent with the Future Land Use designation of the property. The land use map designates 4.64 acres as Ormond Beach "General Commercial" and 9.89 acres as "Open Space/Conservation (OS/C)".

The Future Land Use Element of the Comprehensive Plan states the following for the "General Commercial" land use designation:

**Purpose:** A multi-use land use category to provide for the sales of retail goods and services, high density multi-family, professional offices and services, and restaurants, depending on the range of population to be served and the availability of transit. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

**Density:** Maximum: 32 units per acre.

**Maximum FAR:** 0.7

The Future Land Use Element of the Comprehensive Plan states the following for the "Open Space/Conservation" land use category:

**Purpose:** This category includes two (2) subcategories: Parks, which includes public areas used for passive recreation, and Conservation which consists of areas within the City that have significant limitations to development, related to elevations, soils, probability of flooding, relationship to a major water body, wetland characteristics, or similar factors. This category of land use is applicable to all zoning districts.

**Density:** Not permitted.

**Maximum FAR:** 0.5

In order to restrict development to be less than what is permitted under the Volusia County "Urban Medium Intensity" land use category, the land use application adopted two land use map restrictions, as follows:

1. No residential uses are permitted in the 4.64 acre "General Commercial" or 9.89 acre "Open Space/Conservation" land use categories.

2. The 9.89 acre “Open Space/Conservation” land use shall not permit non-residential uses and shall be used for stormwater management, compensating storage, and wetland preservation and mitigation.

Based on the subject property being split into two land uses, two separate zoning designations shall be required. This application is similar to the Lowe’s Home Improvement store. On the Lowe’s property, B-8 zoning is located where the store and site improvements exists and SE where the stormwater and wetland preservation areas are located.

4.64 acres, “General Commercial” land use analysis

Based on Section 2-02 of the Land Development Code, the “General Commercial” land use designation has five potential zoning categories, one of which is reserved.

Staff analyzed the potential City zoning districts as follows:

<b>Zoning District</b>	<b>Staff Review</b>
Neighborhood Commercial (B-2)	This commercial zoning designation is designed for areas that were intended for neighborhood retail uses associated with the development of a subdivision. Staff concluded this was not an appropriate zoning classification for the subject property.
Reserved (B-3)	No zoning district exists.
Central Business (B-4)	Intended for the existing core area of the City, such as the Community Redevelopment Area. Staff concluded this was not appropriate zoning classification for land on this portion of West Granada Boulevard.
Commercial (B-8)	Intended for general commercial activities (other than automotive) along arterial roadways. The West Granada Boulevard has other areas zoned as B-8, including the abutting Lowe’s Home Improvement store.
Planned Business Development (PBD)	Intended for individual sites that desire to negotiate certain site development standards, such as permitted uses, dimensional standards, or phasing.

Staff concluded that the B-8 zoning district is the most appropriate zoning district with the “General Commercial” land use based geographic location requirements of the B-2 and B-4 zoning districts. The applicant has indicated that their intention is to meet all applicable Land Development Code regulations and a PBD zoning district would not be required.

### 9.89 acre “Open Space/Conservation”, land use analysis

The Comprehensive Plan land use text for the “Open Space/Conservation” category states any zoning designation is appropriate. In reviewing the zoning map, the SE (Special Environmental) category has consistently been used for stormwater management areas, compensating storage, and wetland preservation. As stated previously, the abutting Lowe’s store has the rear portion of its property designation SE for the stormwater areas and wetlands on-site. The SE would allow the stormwater management, compensating storage, and wetland preservation. Per the land use restrictions, no commercial or residential development is allowed with the 9.89 acres designated as Open Space/Conservation”.

### **CONCLUSION/CRITERIA FOR APPROVAL:**

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 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 and request based on a need to assign a City zoning classification to the property as the result of annexation. The zoning map amendment will not adversely affect public health, safety, welfare or the quality of life. The Site Plan Review Committee shall review any proposed site development.

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

Section 2-02 of the Land Development Code establishes consistent zoning designations with the future land use map designations. The B-8 (Commercial) and SE (Special Environmental) zoning districts are consistent with the City’s Comprehensive Plan.

- 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.**

The zoning amendment application does not propose any site development. Any site development in the future be required to comply with all applicable regulations regarding environmentally sensitive lands and protected animal species.

- 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 zoning map amendment is not anticipated to have a significant impact on adjacent properties and has been designed with the SE zoned property to abut the Chelsea Place subdivision.

**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.**

The zoning map amendment does not propose any site development. Public facilities shall be reviewed with any site development.

**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.**

The zoning map amendment does not propose any specific site development. Traffic impacts and patterns shall be reviewed with any site development.

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

The zoning map amendment does not propose any specific site development. Any site development shall be reviewed by the City's Site Plan Review Committee.

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

The zoning map amendment does not propose any specific site development. Any site development shall be reviewed by the City's Site Plan Review Committee.

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

The zoning map amendment does not propose any specific site development. Any site development shall be reviewed by the City's Site Plan Review Committee.

**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.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on public facilities and services will not be negatively impacted as a result of the requested zoning amendment from Volusia County R-4 (Urban Single-Family Residential) to City of Ormond Beach B-8 (Commercial) for a 4.64 acre portion of the site and SE (Special Environmental) for a 9.89 acres portion of the site.
- The proposed city zoning classification of B-8 and SE are the most appropriate based on the land use categories of "General Commercial" and "Open Space/Conservation (OS/C)".

**RECOMMENDATION:**

Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of a zoning map amendment of 14.53 acres at 1298 West Granada Boulevard from Volusia County R-4 (Urban Single-Family Residential) to City of Ormond Beach B-8 (Commercial) for a 4.64 acre portion of the site and SE (Special Environmental) for a 9.89 acres portion of the site as the result of annexation.

Attachments:

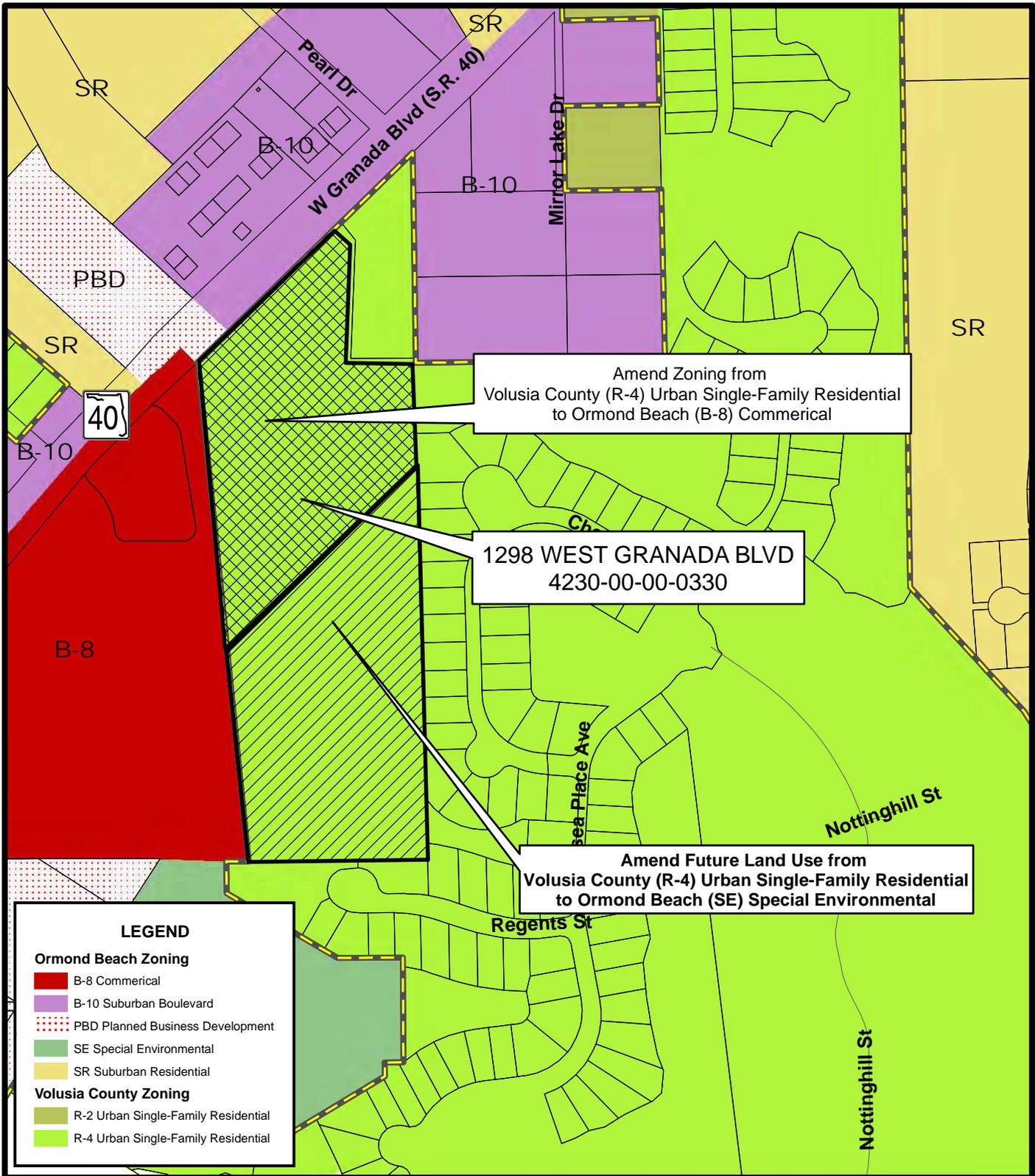
Exhibit 1: Zoning Map

Exhibit 2: Legal Descriptions and Sketches

Exhibit 3: Section 2-08 of the LDC, SE zoning district  
Section 2-29 of the LDC, B-8 zoning district

# EXHIBIT 1

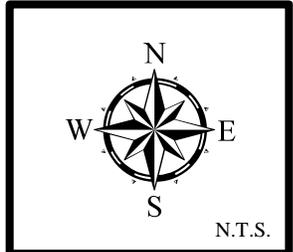
Proposed zoning map



**PROPOSED ZONING MAP**  
**1298 WEST GRANADA BLVD**

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Prepared By: The City of Ormond Beach  
G.I.S. Department - September 20, 2013



# EXHIBIT 2

## Legal Descriptions and Sketches



NORTH

WEST GRANADA BOULEVARD

ZONED SUBURBAN BOULEVARD (B-10)

REZONING LINE BETWEEN COMMERCIAL B-8 ZONING (4.64 AC) AND CONSERVATION SE ZONING (9.89 AC)

4.64 AC B-8 ZONING

VOLUSIA COUNTY ZONED R-4C

ZONED SUBURBAN BOULEVARD (B-10)

LOWE'S HOME CENTERS ZONED COMMERCIAL (B-8)

9.89 AC SE ZONING

STORMWATER AREA

REZONING BOUNDRY 14.53 AC

CHELSEA PLACE VOLUSIA COUNTY ZONED R-4 SUBDIVISION

ZONED SPECIAL EXCEPTION (SE)

VOLUSIA COUNTY ZONED R-4C

COMPENSATORY STORAGE

# REZONING EXHIBIT

SCALE: 1"=200'

PROJECT LOCATION: 1298 W. GRANADA BOULEVARD, ORMOND BEACH  
TAX PARCEL ID# 30-14-32-00-00-0330

DRAWN BY:  
HMT



**UPHAM**  
UNZ  
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Voice: 386.672.9515 • Fax: 386.673.6554 • uphaminc.com  
LB # 0003612 LC # 0000357

## EXHIBIT "C"

PROJECT No:

120810

DATE:

09/3/2013

CHECKED BY:

RWS

DRAWING No.

1 OF 1

WEST GRANADA BOULEVARD (SR-40)  
(TOMOKA ROAD)

B' (\*S& fl) "9  
123.41'

B' ( ) S( +B& "9  
158.10'

G' ( ' S( +B& "9  
5.00'

B' ( ' S) +fl, "K  
5.00'

G' ( ' S( , fl& "9  
49.27'

B' (\*S& fl, "9  
100.00'

4.64 AC

B' , , S) ( fl& "9  
155.51'

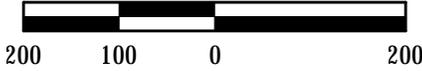
G' (\*S& fl' "K ' ) , , & fl

G' S& fl& fl' "9  
87.71'

POINT OF BEGINNING

SECTION 30,  
TOWNSHIP 14 SOUTH,  
RANGE 32 EAST

POINT OF COMENCEMENT  
SOUTHEAST CORNER OF THE WEST 1/2  
OF THE OF THE NORTHEAST 1/4 OF  
SECTION 30



GRAPHIC SCALE

1"=200'

CONSERVATION EASEMENT  
OR 6676, PG 3887

B' S( - fl' "K ' ) " " fl

G' S& fl& fl' "9 " " fl

SOUTHERLY LINE OF THE WEST 1/2 OF THE  
OF THE NORTHEAST 1/4 OF SECTION 30  
G' : - S) , fl& K ' : S' , fl

EASTERNLY LINE OF THE WEST 1/2 OF THE  
OF THE NORTHEAST 1/4 OF SECTION 30

CHELSEA PLACE  
PHASE I  
MB 52, PGS 150-158

REGENTS STREET

CHESSHAM STREET  
CHELSEA PLACE PHASE II  
MB 52, PGS 49-55

# SKETCH AND LEGAL DESCRIPTION (B-8 PARCEL)

SCALE: 1"=200'

PROJECT LOCATION: 1298 W. GRANADA BOULEVARD, ORMOND BEACH  
TAX PARCEL ID# 30-14-32-00-00-0330

DRAWN BY:  
**DAB**



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LB # 0003612 LC # 000357

## EXHIBIT "A"

PROJECT No:  
**120810**

DATE:  
**09/3/2013**

CHECKED BY:  
**RWS**

DRAWING No.  
**1 OF 2**

## LEGAL DESCRIPTION:

BEING A PORTION OF THE WEST ONE-HALF (1/2), OF THE NORTHEAST ONE-QUARTER (1/4), SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4), SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND THE NORTHEASTERLY CORNER OF LOT 64, CHELSEA PLACE, PHASE 1, AS RECORDED IN MAP BOOK 52, PAGES 150 THROUGH 158, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; RUN THENCE NORTH 89 DEGREES 58 MINUTES 11 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID CHELSEA PLACE, FOR A DISTANCE OF 380.86 FEET TO THE SOUTHEASTERLY CORNER OF A CONSERVATION EASEMENT, AS RECORDED IN OFFICIAL RECORD BOOK 6676, PAGE 3687, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE NORTH 04 DEGREES 49 MINUTES 46 SECONDS WEST ALONG THE EASTERLY LINE OF SAID CONSERVATION EASEMENT, FOR A DISTANCE OF 843.96 FEET FOR THE POINT OF BEGINNING; CONTINUE THENCE NORTH 04 DEGREES 49 MINUTES 46 SECONDS WEST ALONG SAID EASTERLY LINE FOR A DISTANCE OF 573.96 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40 (ALSO KNOWN AS GRANADA AVENUE AND TOMOKA ROAD) (A RIGHT-OF-WAY THAT VARIES); THENCE NORTH 46 DEGREES 25 MINUTES 45 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 40, FOR A DISTANCE OF 123.41 FEET; THENCE SOUTH 43 DEGREES 47 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 5.00 FEET; THENCE NORTH 46 DEGREES 23 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 100.00 FEET; THENCE NORTH 43 DEGREES 57 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 5.00 FEET; THENCE NORTH 45 DEGREES 47 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 158.10 FEET; THENCE SOUTH 43 DEGREES 48 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 49.27 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 308.51 FEET; THENCE NORTH 88 DEGREES 54 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 155.51 FEET TO A POINT ON THE EASTERLY LINE OF WEST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF AFORESAID SECTION 30, SAID POINT BEING ON THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF CHELSEA PLACE, PHASE II, AS RECORDED IN MAP BOOK 52, PAGES 49 THROUGH 55, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 01 DEGREES 16 MINUTES 03 SECONDS EAST ALONG THE EASTERLY LINE OF SAID WEST ONE-HALF 1/2, FOR A DISTANCE OF 87.71 FEET; THENCE DEPARTING SAID EASTERLY LINE SOUTH 46 DEGREES 09 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 588.23 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 4.640 ACRES MORE OR LESS.

## SKETCH AND LEGAL DESCRIPTION (B-8 PARCEL)

SCALE: N/A

PROJECT LOCATION: 1298 W. GRANADA BOULEVARD, ORMOND BEACH  
TAX PARCEL ID# 30-14-32-00-00-0330

DRAWN BY:  
**DAB**

**UPHAM**<sup>0</sup><sub>3</sub>  
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LB # 0003612 LC # 000357

**EXHIBIT "A"**

PROJECT No:  
**120810**

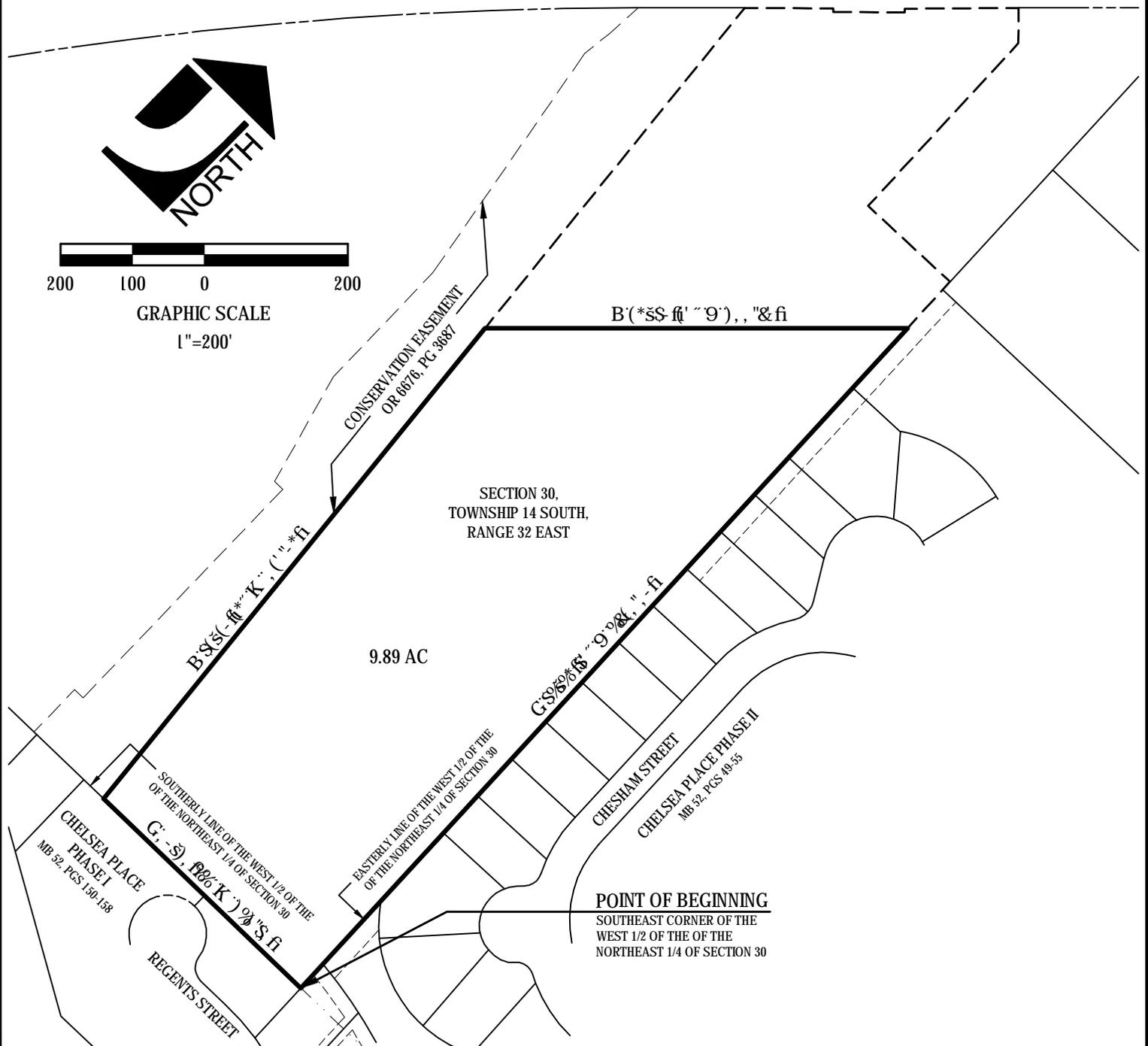
DATE:  
**09/3/2013**

CHECKED BY:  
**RWS**  
DRAWING No.  
**2 OF 2**

WEST GRANADA BOULEVARD (SR-40)  
(TOMOKA ROAD)



GRAPHIC SCALE  
1"=200'



**SKETCH AND LEGAL DESCRIPTION (SE PARCEL)**

SCALE: 1"=200'

PROJECT LOCATION: 1298 W. GRANADA BOULEVARD, ORMOND BEACH  
TAX PARCEL ID# 30-14-32-00-00-0330

DRAWN BY:  
**DAB**

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**EXHIBIT "B"**

PROJECT No:  
**120810**

DATE:  
**09/3/2013**

CHECKED BY:  
**RWS**

DRAWING No.  
**1 OF 2**

## LEGAL DESCRIPTION:

BEING A PORTION OF THE WEST ONE-HALF (1/2), OF THE NORTHEAST ONE-QUARTER (1/4), SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4), SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND THE NORTHEASTERLY CORNER OF LOT 64, CHELSEA PLACE, PHASE 1, AS RECORDED IN MAP BOOK 52, PAGES 150 THROUGH 158, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; RUN THENCE NORTH 89 DEGREES 58 MINUTES 11 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID CHELSEA PLACE, FOR A DISTANCE OF 515.08 FEET TO THE SOUTH EASTERLY CORNER OF A CONSERVATION EASEMENT, AS RECORDED IN OFFICIAL RECORD BOOK 6676, PAGE 3687, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE NORTH 04 DEGREES 49 MINUTES 46 SECONDS WEST ALONG THE WESTERLY LINE OF SAID CONSERVATION EASEMENT, FOR A DISTANCE OF 843.96 FEET; THENCE DEPARTING SAID EASTERLY LINE NORTH 46 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 588.23 FEET TO A POINT ON THE EASTERLY LINE OF WEST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF AFORESAID SECTION 30, SAID POINT BEING ON THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF CHELSEA PLACE, PHASE II, AS RECORDED IN MAP BOOK 52, PAGES 49 THROUGH 55, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 01 DEGREES 16 MINUTES 03 SECONDS EAST ALONG THE EASTERLY LINE OF SAID WEST ONE-HALF 1/2, FOR A DISTANCE OF 1248.89 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 9.886 ACRES MORE OR LESS.

## SKETCH AND LEGAL DESCRIPTION (SEE PARCEL)

SCALE: N/A

PROJECT LOCATION: 1298 W. GRANADA BOULEVARD, ORMOND BEACH  
TAX PARCEL ID# 30-14-32-00-00-0330

DRAWN BY:  
DAB

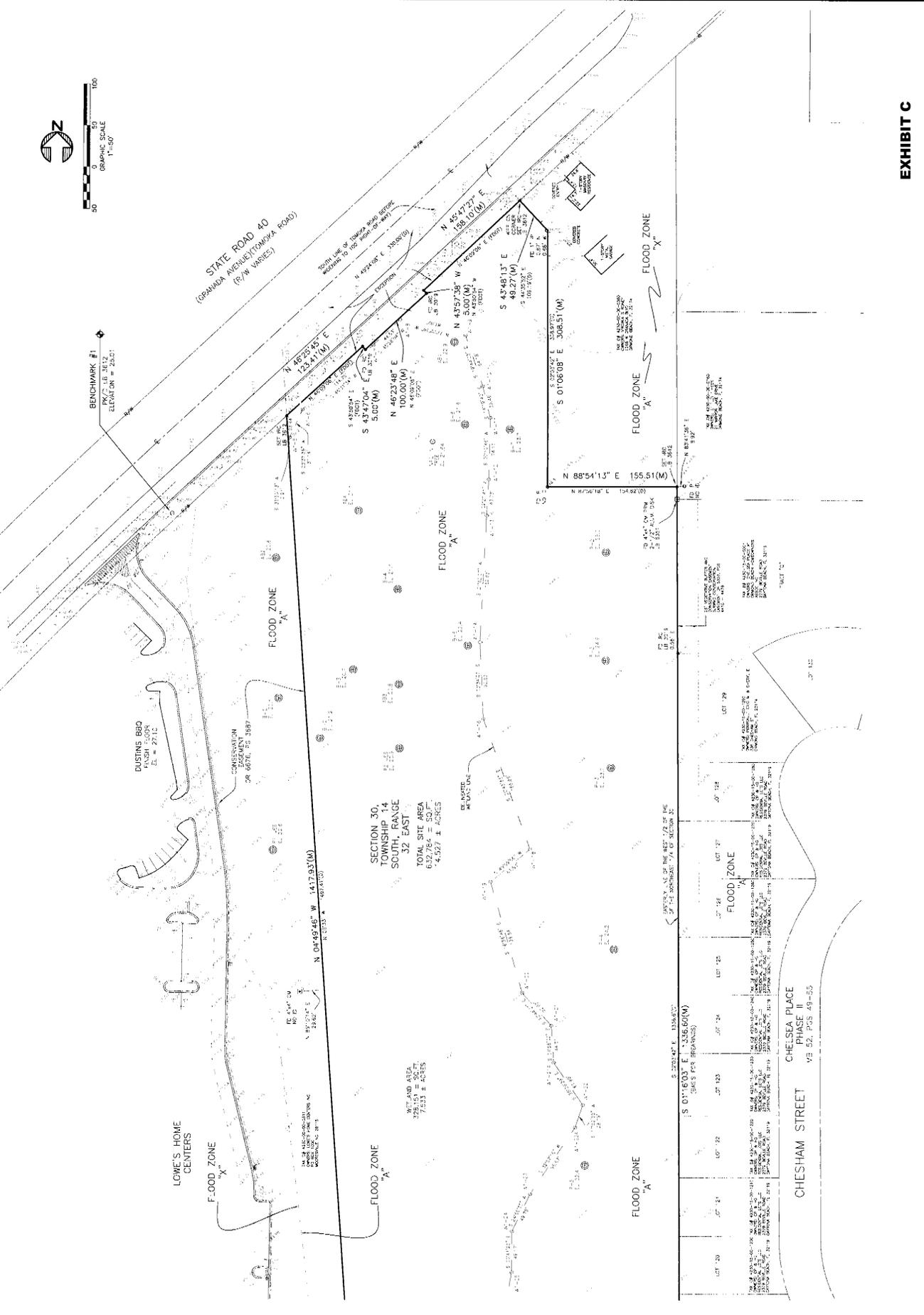
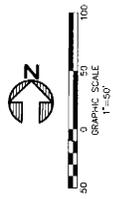
**UPHAM**<sup>0</sup><sub>2</sub>  
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LB # 0003612 LC # 000357

**EXHIBIT "B"**

PROJECT No:  
120810

DATE:  
09/3/2013

CHECKED BY:  
RWS  
DRAWING No.  
2 OF 2



**EXHIBIT C**  
 SHEET 1 OF 2



# EXHIBIT 3

- Section 2-08 of the LDC, SE zoning district
- Section 2-29 of the LDC, B-8 zoning district

**Sec. 2-08. SE, Special Environment Zoning District.**

<p><b>A. PURPOSE:</b> To protect persons and private property from the hazards of floodwater inundation and to conserve important natural, ecological, historic, or unique resources for the enjoyment and education of current and future residents, while providing for limited public or commercial outdoor activities and facilities such as equestrian trails, campgrounds, commercial recreation facilities and other centralized outdoor facilities. This classification is primarily intended to be applied to environmentally sensitive lands, public lands, lands held in trust for future open space use or lands held by nonprofit organizations or homeowners' associations and intended for open space uses.</p>												
<p><b>B. DIMENSIONAL STANDARDS</b></p>												
1. Density	2. Maximum Building Height	3. Maximum Building Coverage	4. Maximum Impervious Lot Coverage	5. Minimum Lot Size	6. Minimum Lot Width	7. Minimum Lot Depth	8. Minimum Perimeter	9. Setbacks				
								a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
—	30'	35%	75%	1 acre	120'	200'	None	50'	30'	20'	50'	50'
<b>C. PERMITTED USES</b>			<b>D. CONDITIONAL USES</b>				<b>E. SPECIAL EXCEPTION USES</b>			<b>F. OTHER STANDARDS</b>		
<p>1. Wildlife Management Area, Fishing and Hunting 2. Wetland Preservation Area</p>			<p>1. Parks and Recreation Facilities, Private 2. Parks and Recreation Facilities, Public 3. Telecommunication Tower/Antennas, Camouflaged 4. Wind Energy System</p>				<p>1. Campground 2. Golf Course/Country Club 3. Hunting Lodge 4. Riding Stables, Horse 5. Telecommunication Tower</p>			<p>All development must comply with setback requirements for: 1. Wetlands (chapter 3, article II). 2. Special corridors and buffer requirements (chapter 3, article I). 3. See conditional and special exception regulations (chapter 2, article IV).</p>		
<p><b>G. PERMITTED ACCESSORY USES:</b> Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.</p>												

**Sec. 2-29. B-8, Commercial Zoning District.**

<p><b>A. PURPOSE:</b> The purpose of the B-8, Commercial Zoning District is to provide for the establishment of general commercial activities, other than automotive or heavy commercial uses, on properties that abut arterial roads. Due to the proximity of lands in the district to residential areas, these district regulations are intended to promote the preservation of natural vegetation, increase opportunities for beautification and provide extensive buffering between nonresidential and residential uses not otherwise separated from each other by a collector or arterial road. Multifamily, governmental and institutional uses are also encouraged in such corridors as a relief from extensive strip commercial development, and allowable uses are restricted to those most compatible with residential uses. When used in conjunction with the Planned Business Development District, these regulations are intended to encourage the establishment of totally planned, multiuse, community-level centers having a variety of retail, office, restaurant, recreation and institutional uses.</p>																
<p><b>B. DIMENSIONAL STANDARDS</b></p>																
1.  Type	2.  Density	3.  Maximum Building Height	4.  Maximum Building Coverage	5.  Maximum Impervious Lot Coverage	6.  Minimum Lot Size	7.  Minimum Lot Width	8.  Minimum Lot Depth	9. Setbacks								
								a.  Front	b.  Rear	c.  Side	d.  Street Side/ Corner	e.  Waterfront				
Nonresidential Uses	36 (transient lodging)	30'	35%	75%	28,000 SF	100'	N/A	50' 20' for properties located on U.S. 1 adjacent to Dodson Creek	20' 30' if abutting residential district; 5' additional combined side yard required for each story over 2	10' 20' when abutting a multifamily district; 25' when abutting a single-family district; 5' of additional combined yard area required for each story over 2	20'	30'				
Multifamily	10	30'	35%	75%	20,000 SF	100'	N/A	50'	20' 30' if abutting residential district	10'; 20' when abutting a multifamily district; 25' when abutting a single-family district	20'	30'				
<b>C. PERMITTED USES</b>				<b>D. CONDITIONAL USES</b>				<b>E. SPECIAL EXCEPTION USES</b>			<b>F. OTHER STANDARDS</b>					
<ol style="list-style-type: none"> <li>1. Adult Day Care Center</li> <li>2. Assisted Living Facility</li> <li>3. Business and Professional Office</li> <li>4. Business Service</li> <li>5. Clubs and Fraternal Organization</li> <li>6. Convenience Store, Type A</li> <li>7. Financial Institution</li> <li>8. Nursing Home</li> <li>9. Personal Services</li> <li>10. Retail Sales and Services</li> <li>11. School of Art</li> <li>12. School, Public</li> <li>13. Veterinarian</li> </ol>				<ol style="list-style-type: none"> <li>1. Bowling Center</li> <li>2. Child Care Facility</li> <li>3. Community Residential Home</li> <li>4. Convenience Store, Type B</li> <li>5. Convenience Store, Type C</li> <li>6. Dwelling, Multifamily</li> <li>7. Family Day Care Home</li> <li>8. House of Worship</li> <li>9. Parks and Recreation Facilities, Private</li> <li>10. Parks and Recreation Facilities, Public</li> <li>11. Public Facilities</li> <li>12. Public Utilities</li> <li>13. Recreational Facilities, Indoor</li> <li>14. Restaurant, Type A</li> <li>15. Restaurant, Type B</li> <li>16. Restaurant, Type C</li> <li>17. School, Private</li> <li>18. Sexually Oriented Business</li> <li>19. Shopping Center</li> <li>20. Telecommunications Towers, Camouflaged</li> <li>21. Theater</li> <li>22. Wind Energy System</li> </ol>				<ol style="list-style-type: none"> <li>1. Automatic Amusement Center</li> <li>2. Outdoor Activity</li> <li>3. Outdoor Storage</li> <li>4. Recreational Facilities, Outdoor</li> <li>5. Warehouse, Mini-Rental</li> </ol>			<p>All development must comply with the following requirements:</p> <ol style="list-style-type: none"> <li>1. Wetlands (chapter 3, article II).</li> <li>2. Special corridors and buffer requirements (chapter 3, article I).</li> <li>3. See conditional and special exception regulations (chapter 2, article IV).</li> <li>4. Multifamily residential dwelling units shall have the following minimum square footage per bedroom:</li> </ol> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>One Bedroom = 600 SF</td> <td>Three Bedrooms = 900 SF</td> </tr> <tr> <td>Two Bedrooms = 750 SF</td> <td>Each Additional Bedroom = 150 SF</td> </tr> </table>		One Bedroom = 600 SF	Three Bedrooms = 900 SF	Two Bedrooms = 750 SF	Each Additional Bedroom = 150 SF
One Bedroom = 600 SF	Three Bedrooms = 900 SF															
Two Bedrooms = 750 SF	Each Additional Bedroom = 150 SF															
<p><b>G. PERMITTED ACCESSORY USES:</b> Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.</p>																

(Ord. No. 2012-03, § 7, 2-7-2012)

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 3, 2013

**SUBJECT:** 266 North Yonge Street, vehicle repair, type “B”– Special Exception

**APPLICANT:** John A. Cronin Jr., Top Gun Motorsports, Inc.

**NUMBER:** 13-128

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

### **INTRODUCTION:**

This is a request for a Special Exception by John A. Cronin Jr., Top Gun Motorsports, Inc., (applicant) for a Special Exception to allow a vehicle paint booth at the property at 266 North Yonge Street. The subject property is zoned as B-5 (Service Commercial). The proposed vehicle paint booth is included in a vehicle repair, type “B” use and requires a Special Exception. The proposed vehicle paint booth is located completely within the building and no additional building or site construction is proposed as part of this application.

### **BACKGROUND:**

The Land Development Code classifies vehicle repair into two categories as described below:

- (1) Type A. A business primarily engaged in servicing of motor vehicles including the sales and installation of automotive accessories, tires, batteries, engine tune-ups and repairs, detailing, upholstery, wheel balancing and alignment, and brake service, but not including the sale of motor vehicles or type B uses, other than those that inadvertently result from the initiation of permitted repair activities.
  
- (2) Type B. A business primarily engaged in rebuilding or reconditioning of engines, motor vehicles or trailers, and providing collision service, including body, frame or fender, straightening or repair, painting, or repairs of trucks and other large vehicles.

The subject property is zoned as B-5 (Service Commercial) and allows vehicle repair, type “A” as a conditional use (staff approval) and a vehicle repair, type “B” as a Special Exception.

The property at 266 North Yonge Street currently houses two tenant areas. The first tenant area faces Rosewood Avenue and has historically been used for vehicle repair,

type “A” uses. The second tenant area fronts on North Yonge Street and has been used for the Easy Does It fraternal organization since at least 1999. The current application seeks to allow a vehicle repair, type “B” use in the first tenant area facing Rosewood Avenue.

The applicant currently operates a vehicle repair type “B” use at 265 Rosewood Avenue, named Top Gun Motorsports, which abuts the property at 266 North Yonge Street. The property at 265 Rosewood Avenue was formerly occupied by a variety of vehicle repair uses that utilized a 1992 Special Exception to allow vehicle repair, type “B” uses.

The applicant is seeking the current Special Exception to place an indoor vehicle painting booth at the first tenant area of the 266 North Yonge Street property (See Exhibit 2). As explained in the attached letter from the applicant, Top Gun Motorsports currently sublets a vehicle paint booth off-site which provides a number of issues for the repair and painting of vehicles. The applicant’s letter states the desire to install a “state of the art paint booth that will allow us to complete all of our work on the premises”. The installation of the vehicle paint booth would be in association with the existing Top Gun Motorsports use and all vehicles would be staged and stored in the fenced lot behind the building at 265 Rosewood Avenue.

Below is a summary of the properties abutting the project:

**Table 1: Surrounding Uses with Land Use and Zoning Designations:**

		<b>Use</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>
<b>North</b>	1	Commercial	“Heavy Commercial”	B-5 (Service Commercial)
<b>South</b>	2	Restaurant	“Heavy Commercial”	B-5 (Service Commercial)
<b>East</b>	3	Single-Family Residential	“Low Density Residential”	R-3 (Single Family Medium Density)
<b>West</b>	4	Vehicle Repair	“Heavy Commercial”	B-5 (Service Commercial)

Table 2: Site Aerial: Surrounding Uses



There are no site improvements or building expansion associated with the Special Exception application. The applicant would be required to obtain a building permit to install the vehicle paint booth. The vehicle paint booth is proposed completely inside the building.

**ANALYSIS:**

Vehicle repair, type "B" involves the more intensive vehicle repair such as collision, painting or engine overhauls. The City's Land Development Code allows vehicle repair, type "B" as a conditional use in the I-1 zoning district and a Special Exception in the B-5 zoning district. The primary purpose of restricting the vehicle repair, type "B" us in the I-1 and B-5 zoning districts is the impact or potential impact on residential and other commercial uses. The Special Exception application seeks to better utilize the operations of the Top Gun Motorsports use by locating a vehicle paint booth at the building next to the primary business rather than an off-site location. All operations, such as vehicle storage and repair, shall occur at the existing business at 265 Rosewood Avenue.

In the event that Top Gun Motorsports vacated the property, another business could utilize the vehicle repair, type "B" if the use is not vacant for longer than six months. If this were to occur, the unit could stand alone with the required number of parking spaces for a one-bay vehicle repair facility.

**Special Exception Criteria**

Section 2-56 of the Land Development Code outlines the general criteria for all Special Exception approvals:

**A. Off-street parking loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.**

There are 16 parking spaces located around the building at 266 North Yonge Street between the two uses. The proposed vehicle paint booth is an extension of the existing Top Gun Motorsports business and parking and car storage shall be performed at 265 Rosewood Avenue.

**B. Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.**

The proposed vehicle paint booth is located completely within the building and no additional screening or buffering is required. The property is an existing non-conforming property that has the parking split between the private property and the right-of-way.

**C. Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.**

There have been no other recent Special Exceptions in this area. As stated previously, the property at 265 Rosewood Avenue was granted a Special Exception in 1992.

**D. Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.**

There are no residential uses in close proximity to the location of the indoor vehicle paint booth.

**E. The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.**

Vehicle repair, including the painting of vehicles is regulated by multiple governmental agencies and the Special Exception will not generate hazardous waste.

**F. All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein for residential, commercial or mixed use development and shall also comply with appearance and design guidelines for historic structures.**

The project is not located within, or adjacent to, a historic district and this criteria does not apply to the project development.

**G. *Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.***

The proposed Special Exception application does not propose any changes to the existing site lighting.

**CONCLUSION:**

Per Section 1-17.D.4 of the Land Development Code, “The Board may make a recommendation to the City Commission for approval, approval with conditions, or denial. Where the Board recommendation is for denial, the reason(s) for the denial shall be included in the motion. In making its recommendation, the Board shall consider the following findings, which shall be made by the City Commission in conjunction with the issuance of any Development Order subject to public hearing, other than rezonings”:

- 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.**

The proposed Special Exception conforms to the standards and requirements of the Land Development 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.

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

The B-5 (Service Commercial) zoning district implements the “Heavy Commercial” land use. The proposed use is allowed through the Special Exception process and is consistent with the City’s adopted Comprehensive Plan.

- 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.**

The proposed Special Exception will not adversely impact environmentally sensitive lands or natural resources and is an existing developed site.

- 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.**

The proposed Special Exception 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. The proposed use is entirely inside the existing building.

- 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.**

The proposed Special Exception will have no impacts on public facilities.

- 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.**

The proposed Special Exception will have no impacts on traffic patterns within this area of the City.

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

The proposed Special Exception will have no impacts and the existing site and building improvements.

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

The proposed Special Exception will have no impacts and the existing site and building improvements.

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

The proposed Special Exception will have no impacts and the existing site and building improvements.

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

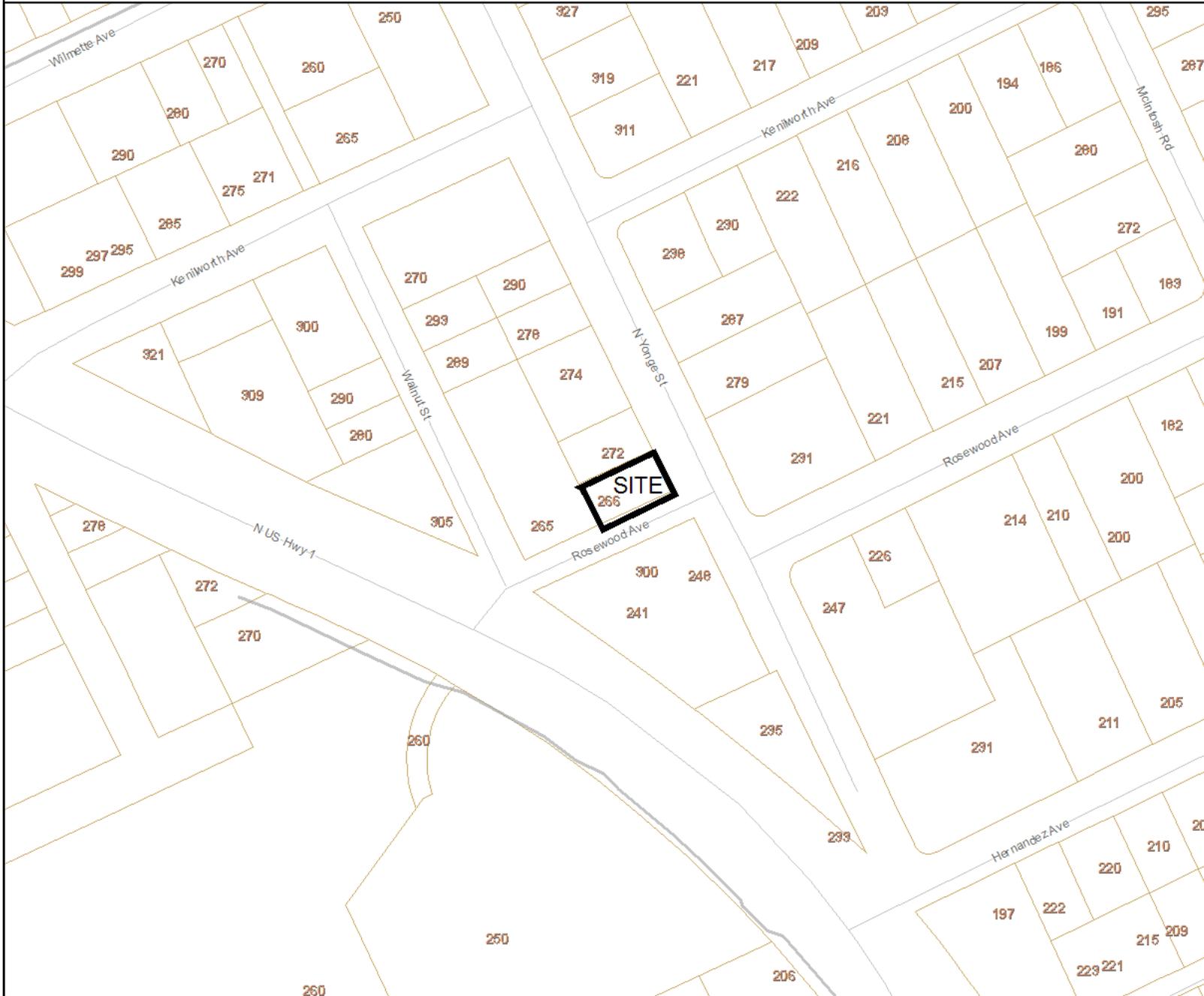
This application has not been reviewed in a public forum and no testimony has been provided.

**RECOMMENDATION:** It is staff's recommendation that the Planning Board **APPROVE** a Special Exception to allow an indoor vehicle paint booth, a vehicle repair, type "B" use, at the property at 266 North Yonge Street with a condition that the vehicles to be painted at 266 North Yonge Street shall be staged and stored in the fenced area behind 265 Rosewood Avenue (Top Gun Motorsports) and that no vehicle are allowed to be stored outside of the fenced area.

# EXHIBIT 1

Location map and site  
pictures

# 266 North Yonge Street Location Map



- Sidewalks
- Golf Courses
- Address Points
- ⚡ Traffic Signals
- ✈ Airport and Railroad
- AIRPORT
- RAILROAD
- City Streets
- DIRT
- MAJOR
- PAVED
- Water Features
- Property Lines

178 ft



GIS data is provided on an "as is" basis. The accuracy or reliability of the data is not guaranteed or warranted in any way. The City of Ormond Beach specifically disclaims any warranty either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance of the data is with the end user. In no event will the City, its staff or it's representatives be liable for any direct, indirect, incidental, special, consequential, or other damages, including loss of profit, arising out of the use of this data even if the City has been advised of the possibility of such damages.





**Proposed vehicle paint booth location  
266 North Yonge Street**



**Existing Top Gun Motorsports location  
265 Rosewood Avenue**



Easy Does  
It Club

Proposed  
Special  
Exception



© 2013 Google Image Date: May 2011

Report a problem

# EXHIBIT 2

Applicant letter

# TopGun Motorsports, Inc.

Ormond Beach Special Exception Hearing  
October 10, 2013

## 1 ABOUT THE OWNERS

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Good Afternoon. I am John Cronin, owner-operator of TopGun Motorsports located at 265 Rosewood Ave. in Ormond Beach. I am a veteran of the U.S. Marine Corps and served on active duty for 8 years before I began my career in the automotive industry. This has been a passion of mine all of my life, although I took a break and pursued a career in law enforcement with the Flagler Police Department and other law enforcement agencies. I continued working in the industry and ultimately retired from law enforcement to open TopGun Motorsports in August 2012. My vision is to have a full service facility that caters to the collector/enthusiast as well as the American love of the automobile. Though originally opened in Bunnell, I quickly grew out of that facility after a few short months and moved the operations to our current location in Ormond Beach. In just over one year, I've expanded the business and brought in two partners, Joseph Carini and Christian Rojas.

Joey Carini is also veteran of the United States Marines. After the Corps, he followed his passion for cars to Halifax Ford-Mercury, where he began his 20-year career in the automotive service industry in the greater Daytona Beach area of Central Florida. Throughout his career, Joey has advanced from service advisor to manager/director within reputable establishments throughout the area and has established a loyal clientele in both the automobile and motorcycle communities. Customers follow him wherever he goes, ensuring an established customer base of over 2000 individuals who will continue to rely on TopGun Motorsports, Inc. for all of their motor vehicle needs.

Christian Rojas brings 25 years of custom painting experience. He is a master automobile paint technician and his work is second to none, having appeared on the cable TV series Unique Whip which aired on the Speed Network (now Fox Sports 1). Christian's contribution is what this meeting is all about because it is extremely important for our success that Christian has the tools he needs to produce quality work in a facility that is always readily available to complete the job. That is why we've invested in the paint-booth and want to lease the building next door (266 B N. Yonge St.) to house it, enabling an efficient, effective way to provide complete automobile service and body work for the customers we serve.

## 2 PRODUCTS AND SERVICES

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TopGun Motorsports currently provides complete automotive service to custom vehicles, from street rods to high-end show cars as well as fleet and daily-driven vehicles. We can meet all of our customers' repair, restoration or customization needs with quality, professional auto repair and maintenance services. We utilize today's latest automotive technology and are equipped to handle all major and minor repairs on foreign and domestic vehicles.

TopGun Motorsports is a certified NAPA AutoCare Center; we are able to provide the benefits of an established national entity while maintaining the personal touch of a locally owned business. We

understand that your vehicle is a major investment and that is why we care for each customer's vehicle as if it were our own.

TopGun also specialize in custom high quality paint including spray candy paint, pearl, chameleon, suede or satin and much more, from wild air brushed graphics to original paint. We use only the best paint and materials and offer a lifetime warranty on all paint jobs. Our licensed, bonded and insured professionals will transform any vehicle before your eyes.

### 3 PROPOSAL FOR 266 B N. YONGE ST.

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Currently, we are subletting a paint booth in order to fulfill this important part of our business. Our goal is to lease the building at 266 B N. Yonge St., which is directly next to our current location, to house a state-of-the-art paint booth that will allow us to complete all of our work on the premises. This facility will be used only during vehicle painting phase of the body repair process. While the previous owner kept a paint booth outside the building, fully exposed and visible to the public, we intend to house our booth inside the premises of 266 B N. Yonge, ensuring a quiet process, fully contained and virtually unseen in the surrounding neighborhood.

Vehicles will be stored in our full size storage lot, which is situated directly behind our main building at 265 Rosewood Ave., so there will be no vehicles parked on or around the Yonge St. location. In fact, the parking spots in front of the building will be made available to the patrons of the clubhouse next door (eliminating any threat of towing).

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 10, 2013

**SUBJECT:** Tomoka Landings – (200-208 Booth Road, 1720 and 1760 West Granada Boulevard)  
Future Land Use Map Amendment through the State Expedited Review Process

**APPLICANT:** City Initiated

**NUMBER:** LUPA 13-101

**PROJECT PLANNER:** Becky Weedo, AICP, CFM, Senior Planner

### **INTRODUCTION:**

This is a City initiated request for a Future Land Use Map amendment pursuant to the Florida Expedited State Review Process for the Tomoka Landings property as described in Exhibit "A". The request is to change approximately 11.1 acres which has split land use designations. The existing land use designation of  $\pm 6.9$  acres is proposed to be changed from Volusia County "Low Impact Urban" to City of Ormond Beach "Low Intensity Commercial." The existing land use designation of  $\pm 4.2$  acres is to be changed from Volusia County "Environmental Systems Corridor" to City of Ormond Beach "Open Space/Conservation" as a result of an annexation on August 20, 2013.

### **BACKGROUND:**

In 2007, the subject property owner signed an annexation agreement to receive City utilities for the property at 200-208 Booth Road and 1720 and 1760 West Granada Boulevard (Tomoka Landings), three separate parcels, approximately 11.1 total acres. The Tomoka Landings property was originally approved as a Business Planned Unit Development (BPUD) by Resolution #98-29 on April 13, 1998. On June 21, 2007, the Tomoka Landings BPUD was amended changing permitted uses and revising the site plan.

Currently, two of four buildings have been constructed in accordance with the Final Site Plan attached as Exhibit "B" The property connected to City water in 2011 and was annexed into the City on August 20, 2013 based on the connection to City utilities and contiguity with the City of Ormond Beach boundary lines. Since the subject property is now located within the City of Ormond Beach, it is required to have a similar land use

and compatible zoning. Until a City land use designation and zoning classification are adopted, the property maintains its County land use and zoning classifications.

The expected zoning classifications will be PBD (Planned Business Development), B-1 (Professional Office/Hospital) and SE (Special Environmental) and will follow upon the completion of the administrative land use change. This Future Land Use Map Amendment is being processed pursuant to the Expedited State Review process, Section 163.3184(3) and (5), Florida Statutes. Thus, the proposed land use amendment tentative schedule of the subject property is as follows:

Action/Board	Date
Planning Board	October 10, 2013
City Commission Transmittal Hearing	December 17, 2013
Transmit to Florida Department of Economic Opportunity (DEO), State agencies, Volusia County Growth Management Commission, and adjoining jurisdictions.	Within 10 days of public hearing date
City Commission Adoption Hearing	February 2014
Send adopted package to DEO	Within 10 days of City Commission Adoption Date.
Amendment Effective Date (If <b>no</b> challenge is received by DEO)	31 days after State Land Planning Agency determines package is complete.
Amendment Effective Date (If a challenge <b>is</b> received by DEO)	The date the State or Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance (No challenge is expected).

**ANALYSIS:**

The proposed amendment seeks to change the land use designation of the subject property from unincorporated Volusia County to the City of Ormond Beach on the future land use map (Exhibit C). Staff has reviewed the proposed Future Land Use Map amendment according to the following criteria:

**1. Whether the future land use amendment is consistent with the Comprehensive Plan Goals, Objectives and Policies.**

The proposed FLU amendment is consistent with the Goals Objectives, and Policies of the Comprehensive Plan, including but not limited to:

<p>GOAL 1                  Future Land Use Element</p>	<p>FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.</p> <p>THE FUTURE LAND USE PLAN ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING FOR A CONTINUED HIGH LEVEL OF OPEN SPACE. SPECIFIC GOALS AND POLICIES ARE LISTED BELOW FOR EACH TYPE OF LAND USE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.</p>
<p>OBJECTIVE                  1.2.                  COMMERCIAL LAND USE                  Future Land Use Element</p>	<p>Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.</p>
<p>GOAL 5                  Annexation                  Future Land Use Element</p>	<p>THE CITY PROVIDES UTILITY SERVICE BEYOND IT’S MUNICIPAL LIMITS AND SHALL REQUIRE THAT ANY CONNECTION TO THE CITY UTILITY SYSTEM EITHER ANNEX INTO THE CITY OR ENTER INTO AN ANNEXATION AGREEMENT IF NOT CONTIGUOUS FOR UTILITY SERVICE.</p>
<p>Policy 5.1.1.                  Future Land Use Element</p>	<p>Properties that are annexed into the City of Ormond Beach shall be assigned a similar land use that existed in Volusia County. Property owners may apply for more intensive land uses, but shall be required to provide the data and analysis to justify the increase in density and/or intensity.</p>

**2. Whether the proposed plan amendment meets the criteria established in the Florida Statutes:**

In accordance with Chapter 163.3184(3) and (5), Florida Statutes, any local government comprehensive plan amendments except for small-scale and state coordinated review amendments may be approved through the Expedited State review process. Planning staff concludes that the requirements and review criteria of Chapter 163.3184(3) and (5), Florida Statutes are included in this report. Thus, planning staff concludes that the amendment meets or exceeds the criteria established in the Comprehensive Plan and Florida Statute.

**3. Whether the land use is an appropriate use of the land.**

**Land Use:** The adjacent land uses and zoning are as follows:

	<b>Current Land Uses</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>
<b>North</b>	Calvary Church Vacant Land	Volusia County "Urban High Intensity"	Volusia County R-7C (Urban Multi-family Residential)
<b>South</b>	Single-family Dwelling (waterfront)	Volusia County "Low Impact Urban"	Volusia County RR (Rural Residential)
<b>East</b>	Halifax Hospital Medical Center	Ormond Beach "Office/Professional"	Ormond Beach B-1 (Professional Office/Hospital)
<b>West</b>	Tomoka River	Volusia County "Environmental Systems Corridor"	Volusia County RC (Resource Corridor)

The current land use of the subject property is Volusia County Low Impact Urban (LIU) and Environmental Systems Corridor (ESC) while the proposed future land use classification is Ormond Beach "Low Intensity Commercial" and "Open Space/Conservation". The Volusia County Comprehensive plan states the following for these land use categories:

"Low Impact Urban (LIU) – This designation consists of lands which are determined to be suitable for urban type development, and are adjacent to existing urban development. Lands designated LIU serve as a transition between highly protected natural resource areas and existing urban development. The LIU is primarily a residential designation but may allow limited commercial development. Sites within this designation may be determined to be suitable for urban type development only if they meet the following criteria:

- (1) The Planned Unit Development zoning process will be used to implement the LIU provisions.
- (2) The site is serviced by central utilities at the time of application for development approval.
- (3) The gross residential density does not exceed one (1) dwelling unit per acre.
- (4) At least twenty percent (20%) of the total development site is set aside for the preservation of upland habitat sited in an ecologically strategic manner (e.g., adjacent to wetlands).
- (5) Encroachment into wetlands and wetland buffers shall be avoided to the maximum extent practicable.
- (6) Residential developments are clustered and individual residential lots in subdivisions cannot exceed one (1) acre in size.
- (7) Low intensity, commercial development may be allowed in the LIU designation only if it meets the following additional criteria:
  - (a) The development does not exceed a Floor Area Ratio of thirty-five percent (0.35 FAR).
  - (b) The proposed use is ancillary to residential development in the immediate area. Nonresidential developments intended to serve the community or regional market area (see Shopping Center definition in Chapter 20) are not allowed in the LIU.
  - (c) The buildings within the development are clustered.
- (8) In order to protect environmental resources and ensure neighborhood compatibility, commercial development proposals may also be required to:
  - (a) Use stricter lot coverage or impervious surface ratios.
  - (b) Provide increased landscaped buffers and/or open space requirements.
  - (c) Reduce the amount of parking on-site either through adjusted parking ratios or reduced parking space size.
  - (d) Limit the type of commercial uses allowed.”

“Environmental Systems Corridor (ESC) - This designation consists of important ecological corridors comprised of environmentally sensitive and ecologically significant lands. Land use activities occurring within these corridors shall not degrade these natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the County's vast natural resources. ESC's shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. The ESC's are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMP's), will be the preferred use, however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long term ecological stability of the system, as well as adjacent lands and waterways. The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features.

- (1) The maximum residential density shall not exceed one (1) dwelling unit per twenty-five (25) acres.
- (2) The maximum Floor Area Ratio shall not exceed ten percent (0.10 FAR).

This request is for a land use amendment to assign the City “Low Intensity Commercial” and “Open Space/Conservation” future land use categories. The directive text of the City’s Comprehensive Plan states the following for the “Low Intensity Commercial” category:

“Purpose: A multi-use land use category to depict those areas of the city that are now developed, or appropriate to be developed, for retail, office and professional services, residential, and restaurants consistent with the surrounding uses, transportation facilities and natural resource characteristics of such areas. For projects that propose a mixture of residential and nonresidential uses, the minimum FAR should be 0.2.

Density: Maximum 10 units per acre.  
Maximum FAR: 0.6”

The directive text of the City’s Comprehensive Plan states the following for the “Open Space/Conservation” category:

“Purpose: This category includes two (2) subcategories: Parks, which includes public areas used for passive recreation, and Conservation which consists of areas within the City that have significant limitations to development, related to elevations, soils, probability of flooding, relationship to a major water body, wetland characteristics, or similar factors. This category of land use is applicable to all zoning districts.

Density: Not permitted.  
Maximum FAR: 0.5”

The proposed future land use classifications are the most comparable with the existing County classifications and compatible with adjacent land uses to the subject property.

#### **4. Whether there is adequate infrastructure to serve the proposed land use.**

Typically, an infrastructure analysis is performed to determine the maximum development scenario. This application is unique in that the project was originally approved by Volusia County as Tomoka Landings, a Low Impact Urban and Environmental System Corridor development and the land use amendment is the result of annexation.

**Transportation:** The subject property is currently developed as professional offices and private school approved for four buildings. Currently, only two buildings have been constructed. An Art-Plan analysis was prepared April 27, 2007 as part of the Volusia County site plan review required for the additional square footage to an approved BPUD, Tomoka Landings. The land use analyzed a drive-in bank with four drive thru lanes and a general building of 15,800 SF for trip generation projections. Since the current development built is less than what the County Development Order

approved, the land use amendment shall not impact the trip generation rate. If the site were to expand in the future, a concurrency analysis would be required.

**Water & Sewer.** The subject property is located in the utility service area of the City of Ormond Beach and will not generate an increase in demand.

**Stormwater Management.** The property has an approved site plan that contains a stormwater management system.

**Solid Waste.** This property is developed and will not generate an increase in demand.

**Schools.** The site is currently approved for the development of a bank and three office buildings. Currently, only two office buildings have been constructed. There are no school impacts as a result of this future land use amendment.

## **5. Whether the proposed map amendment impacts surrounding jurisdictions.**

The proposed Future Land Use Map Amendment is to assign a similar City land use designation due to the annexation of the subject property. The proposed amendment will not impact surrounding jurisdictions.

### **CONCLUSION:**

Staff supports the land use amendment from Volusia County "Volusia County "Low Impact Urban" to City of Ormond Beach "Low Intensity Commercial" ( $\pm 6.9$  acres) and from Volusia County "Environmental Systems Corridor" to City of Ormond Beach "Open Space/Conservation" ( $\pm 4.2$  acres). Since the existing parcel is developed as Tomoka Landings, this land use map amendment is an administrative amendment required to assign a City Future Land Use Map designation to the subject parcel. The Ormond Beach "Low Intensity Commercial" and "Open Space/Conservation" land use categories are most appropriate land use categories for the following reasons:

1. The amendment meets the Goals, Objectives, and Policies of the City's comprehensive plan;
2. The amendment meets the requirements established in the Florida Statutes;
3. The proposed land use is an appropriate use of land; and
4. There is adequate infrastructure to serve the proposed land use. Since the site is already developed, there will be no change to impacts on facilities and services as a result of the administrative change in land use from "Volusia County "Low Impact Urban" to City of Ormond Beach "Low Intensity Commercial" and from Volusia County "Environmental Systems Corridor" to City of Ormond Beach "Open Space/Conservation".
5. The proposed land use will not impact surrounding jurisdictions.

## **RECOMMENDATION:**

Staff recommends that the Planning Board recommend **APPROVAL** of Case # LUPA 13-101 – a Future Land Use map amendment to change the land use for ±11.1 acres “Volusia County “Low Impact Urban” to City of Ormond Beach “Low Intensity Commercial” (±6.9 acres) and from Volusia County “Environmental Systems Corridor” to City of Ormond Beach “Open Space/Conservation” (±4.2 acres) at 200-208 Booth Road and 1720 and 1760 West Granada Boulevard, also known as Tomoka Landings.

# Exhibit A

## Legal Description and Sketch of Property

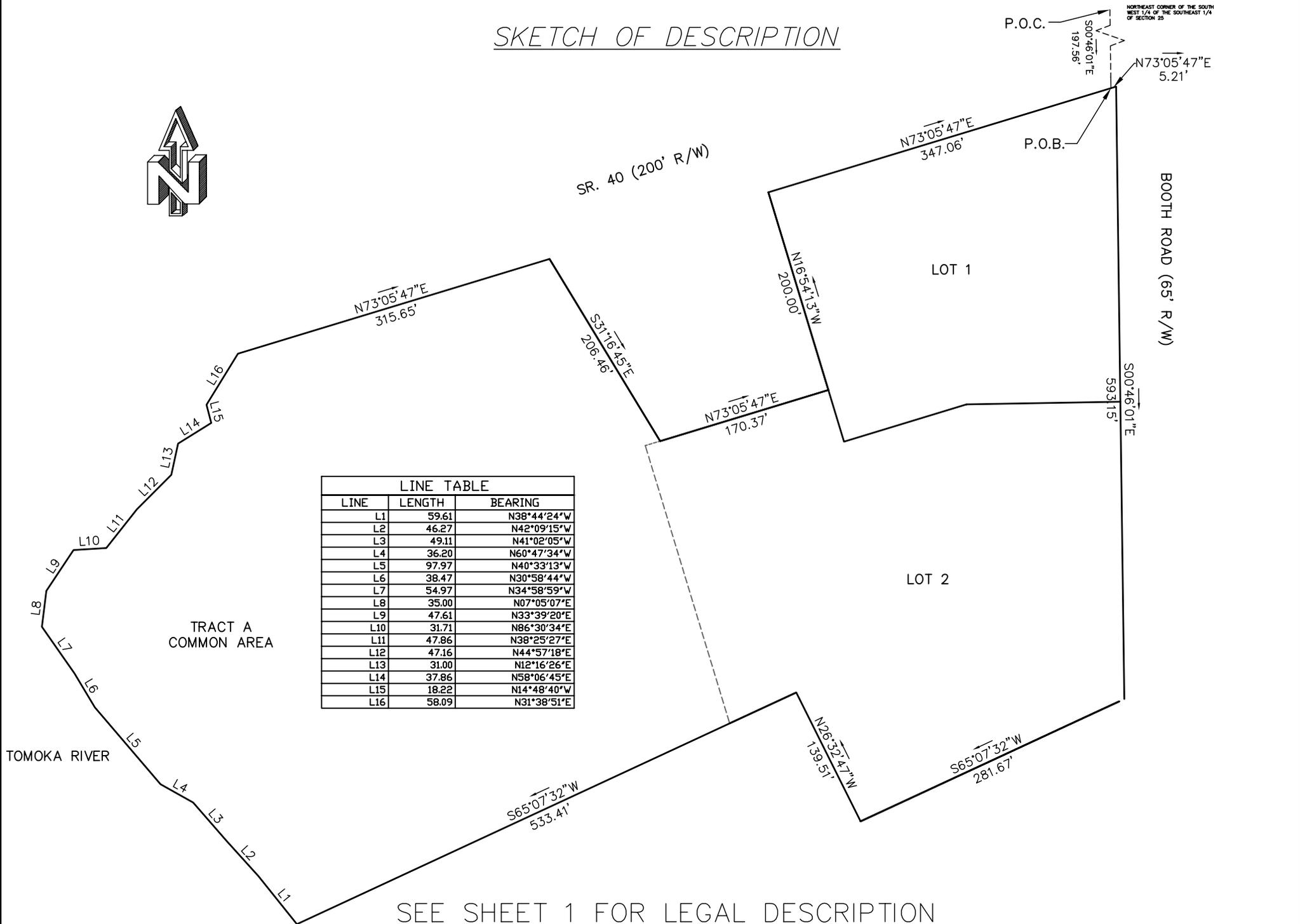
LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25, THENCE S00°46'01"E ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25 A DISTANCE OF 197.56 FEET TO POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40 (A 200' RIGHT-OF-WAY AS NOW OCCUPIED AND ESTABLISHED) SAID POINT BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE N73°05'47"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 5.21 FEET TO THE WESTERLY LINE OF BOOTH ROAD (A 65' RIGHT-OF-WAY AS NOW OCCUPIED AND ESTABLISHED); THENCE S00°46'01"E ALONG SAID WEST LINE A DISTANCE OF 593.15 FEET; THENCE DEPARTING SAID WESTERLY LINE S65°07'32"W A DISTANCE OF 281.67 FEET; THENCE N26°32'47"W A DISTANCE OF 139.51 FEET; THENCE S65°07'32"W A DISTANCE OF 533.41 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY MEAN HIGH WATER LINE OF THE TOMOKA RIVER; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING COURSES AND DISTANCES; N38°44'24"W A DISTANCE OF 59.61 FEET; N42°09'15"W A DISTANCE OF 46.27 FEET; N41°02'05"W A DISTANCE OF 49.11 FEET; N60°47'34"W A DISTANCE OF 36.20 FEET; N40°33'13"W A DISTANCE OF 97.97 FEET; N30°58'44"W A DISTANCE OF 38.47 FEET; N34°58'59"W A DISTANCE OF 54.97 FEET; N07°05'07"E A DISTANCE OF 35.00 FEET; N33°39'20"E A DISTANCE OF 47.61 FEET; N86°30'34"E A DISTANCE OF 31.71 FEET; N38°25'27"E A DISTANCE OF 47.86 FEET; N44°57'18"E A DISTANCE OF 47.16 FEET; N12°16'26"E A DISTANCE OF 31.00 FEET; N58°06'45"E A DISTANCE OF 37.86 FEET; N14°48'40"W A DISTANCE OF 18.22 FEET; N31°38'51"E A DISTANCE OF 58.09 FEET TO A POINT OF INTERSECTION WITH SOUTHERLY RIGHT-OF-WAY LINE OF AFORESAID STATE ROAD 40; THENCE N73°05'47"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 315.65 FEET; THENCE DEPARTING SAID SOUTHERLY LINE S31°16'45"E A DISTANCE OF 206.46 FEET; THENCE N73°05'47"E AND PARALLEL TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40 A DISTANCE OF 170.37 FEET; THENCE N16°54'13"W A DISTANCE OF 200.00 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 40; THENCE N73°05'47"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 347.06 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 485,260 SQ.FT. OR 11.14 ACRES MORE OR LESS

SEE SHEET 2 FOR SKETCH OF DESCRIPTION

# SKETCH OF DESCRIPTION



LINE TABLE		
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L15	18.22	N14°48'40\"W
L16	58.09	N31°38'51\"E

SEE SHEET 1 FOR LEGAL DESCRIPTION

# Exhibit B

## Final Site Plan



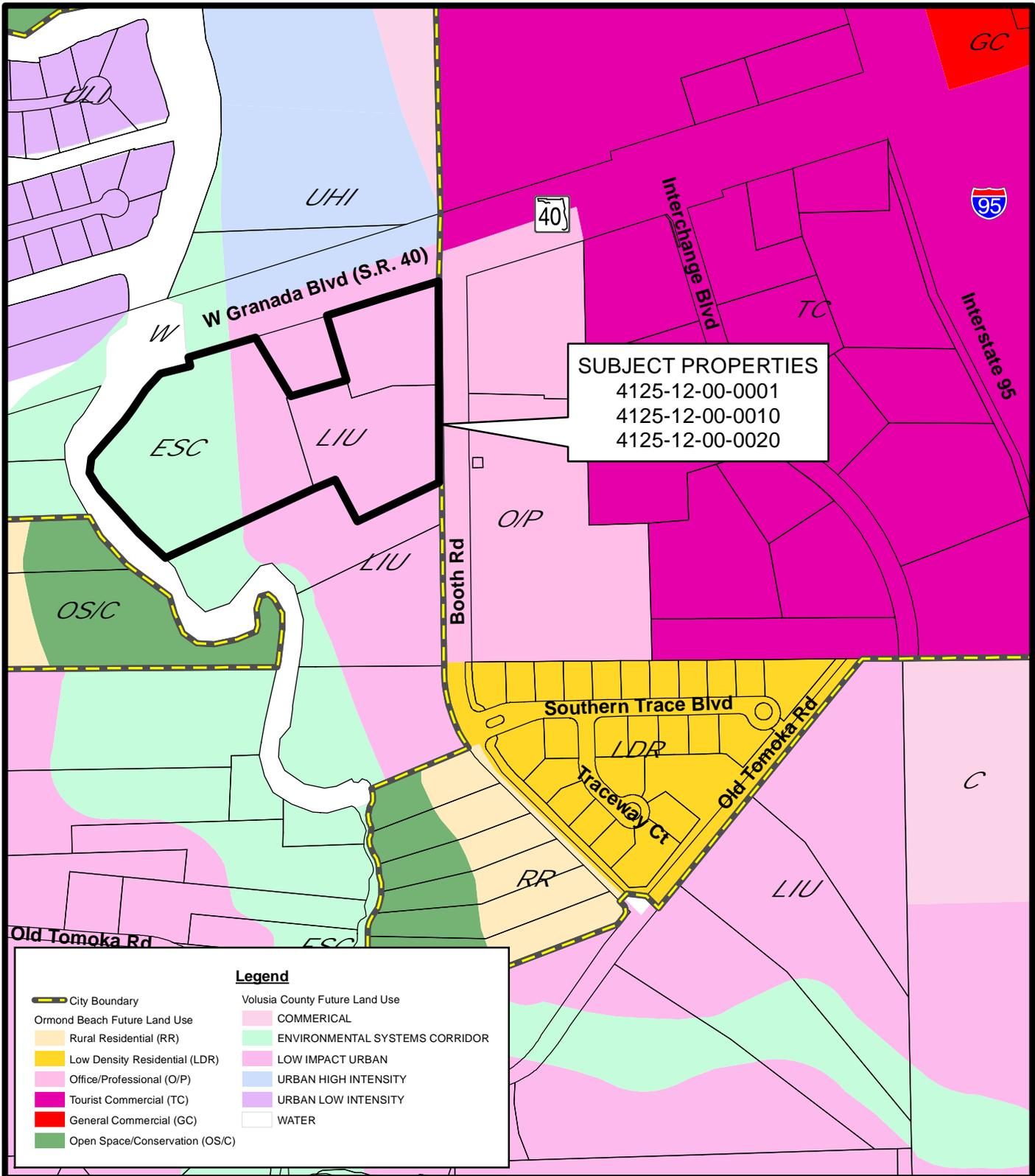
**EXHIBIT "C"**  
**USE SCHEDULE**

Permitted Uses:

Retail Sales and Services  
Professional Offices and Services  
Dental Clinic, Medical Clinic  
Veterinary Clinic  
Medical Research Lab  
Medical Supplies  
Pharmacies  
Restaurant, Types A, and B  
Liquor Store  
Cultural Arts Center  
Financial Institution  
Museums  
Libraries  
Schools, Parochial or Private, Art, Dance  
Cafeterias  
Health Spas  
Travel Agencies

# Exhibit C

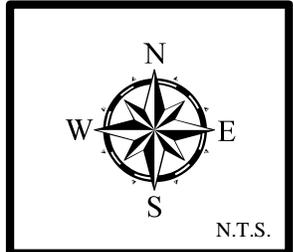
## Existing and Proposed Future Land Use Maps

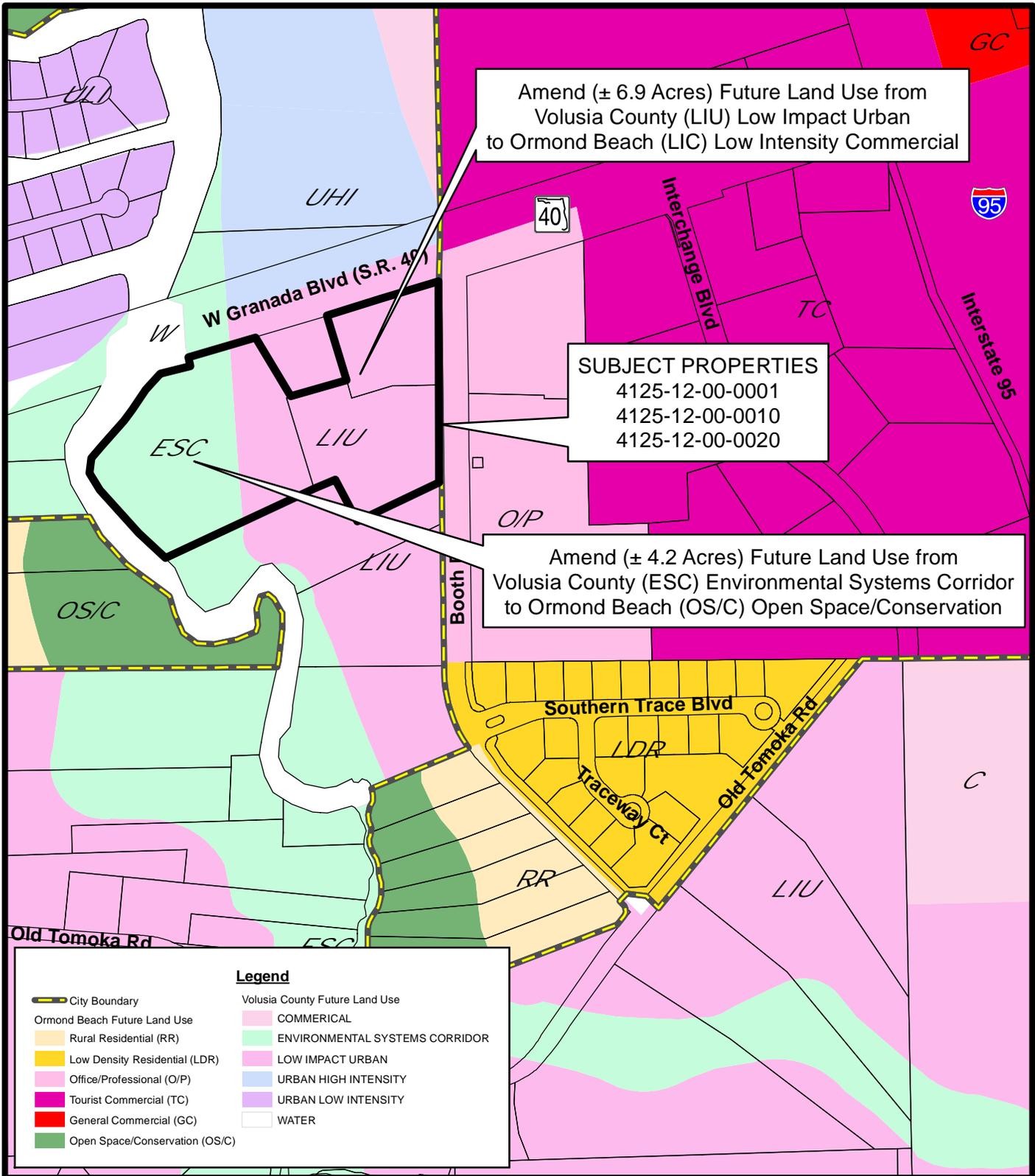


**CURRENT FUTURE LAND USE MAP**  
**200-208 BOOTH ROAD, 1720 AND**  
**1760 W GRANADA BLVD (± 11.1 Acres)**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - August 14, 2013

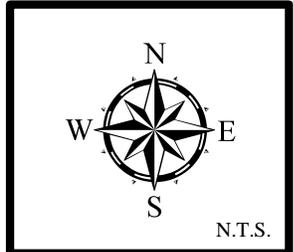




**PROPOSED FUTURE LAND USE MAP**  
**200-208 BOOTH ROAD, 1720 AND**  
**1760 W GRANADA BLVD ( $\pm$  11.1 Acres)**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - August 21, 2013



# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 10, 2013

**SUBJECT:** Tomoka Landings, 200-208 Booth Rd and 1720 & 1760 W.  
Granada Blvd. Amendment to Official Zoning Map

**APPLICANT:** City Initiated

**NUMBER:** RZ13-102

**PROJECT PLANNER:** Becky Weedo, AICP, CFM, Senior Planner

### **INTRODUCTION:**

This is a City initiated request, as the result of an annexation, to amend the City's Official Zoning Map for approximately 11.1 acres from the existing three Volusia County zoning classifications for property located at 200-208 Booth Road and 1720 and 1760 West Granada (Tomoka Landings) as follows:

### **Zoning Designations**

<b>From Volusia County Designation</b>	<b>To Ormond Beach Designation</b>	<b>Acreage</b>
R-7 Urban Multifamily Residential	B-1- Professional Office/Hospital	0.9
RC- Resource Corridor	SE-Special Environmental	4.2
BPUD-Business Planned Unit Development	PBD – Planned Business Development	6.0
		11.1

### **BACKGROUND:**

In 2007, the subject property owner signed an annexation agreement to receive City utilities for the property at 200-208 Booth Road and 1720 and 1760 West Granada Boulevard, three separate parcels approximately 11.1 total acres. The property was zoned with three different Volusia County designations and approved as a Business Planned Unit Development (BPUD) by Resolution #98-29 on April 13, 1998. On June 21, 2007, the Tomoka Landings BPUD was amended changing permitted uses and revising the site plan by Volusia County Resolution #2007-116.

The County development order approved a maximum of 46,000 building square footage. Currently, 2 office buildings have been constructed. The property connected to City water in 2006. The City Commission approved the annexation of Tomoka Landings

on August 20, 2013 based on the connection to City utilities and contiguity with the City of Ormond Beach boundary lines.

The City is presently processing a separate land use amendment from Volusia County “Low Impact Urban” to City of Ormond Beach “Low Intensity Commercial” ( $\pm 6.9$  acres) and from Volusia County “Environmental Systems Corridor” to City of Ormond Beach “Open Space/Conservation” ( $\pm 4.2$  acres). The proposed rezoning from Volusia County R-7 (Urban Multifamily Residential) to City of Ormond Beach B-1 (Professional Office/Hospital), from Volusia County BPUD (Business Planned Unit Development) to City PBD (Planned Business Development, and from Volusia County RC (Resource Corridor) to Ormond Beach SE (Special Environmental) is contingent upon adopting the land use change.

As previously stated, the subject property is already developed and there are no additional site development or alterations proposed for the subject property associated with this rezoning. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action.

**ANALYSIS:**

The existing Volusia County zoning classification for the subject property is R-7 (Urban Multifamily Residential), BPUD (Business Planned Unit Development), and SE (Special Environmental). Volusia County designates the following allowed uses:

<b>Tomoka Landings BPUD Resolution #2007-116 permitted uses (+6 acres)</b>			
Retail Sales and Services	Professional Offices and Services	Dental Clinic, Medical Clinic	Veterinary Clinic
Medical Research Lab	Medical Supplies	Pharmacies	Restaurant, Types A, and B
Cultural Arts Center	Financial Institution	Liquor Store	Libraries
Cafeterias	Museums	Health Spas	Travel Agencies
Schools, Parochial or Private, Art, Dance			
<b>Volusia County RC permitted uses (<math>\pm 4.2</math> acres)</b>			
Apiaries	Aquatic preserves (state or federal designated).	Aviaries;	Docks in accordance with section 72-278.
Communication towers not exceeding 70 feet in height above ground	Essential utility services.	Exempt excavations.	Fire stations.

level.			
Fishing, hunting and wildlife management areas.	Historical or archeological sites.	Hobby breeder.	Home occupations, class A (refer to section 72-283).
Pasture for the grazing, boarding or raising of livestock, subject to the maximum lot coverage requirements below.	Publicly owned parks and recreational areas.	Publicly owned or regulated water supply wells.	Silvicultural operations
Single-family standard or manufactured modular dwelling.	Worm raising,		
<b>Volusia County R-7 permitted uses (+0.9 acres)</b>			
Community residential home (refer to subsection 72-290(3)).	Communication towers not exceeding 70 feet in height above ground level.	Essential utility services.	Exempt excavations
Exempt landfills (refer to subsection 72-293(16)).	Fire stations.	Home occupations, class A (refer to section 72-283).	Houses of worship.
Multifamily standard or manufactured modular dwellings, [town houses].	Parks and recreation areas accessory to residential developments.	Public schools.	Publicly owned parks and recreational areas.

The subject property is undergoing a land use amendment to assign a City Future Land Use designation of “Low Intensity Commercial” and “Open Space/Conservation”. The goal of the zoning classification is to provide the most similar classification assigned by Volusia County. In choosing an appropriate zoning district, Table 2.2 under Chapter 2, Article I – Establishment of Zoning Districts and Official Zoning Map, Section 2.02 of the City’s Land Development Code was referenced.

<b>Comprehensive Plan Future Land Use Map Designation</b>	<b>Corresponding Compatible Zoning District</b>
Low Intensity Commercial	B-1, Professional Office–Hospital B-4, Central Business B-5, Service Commercial

	B-6, Oceanfront Tourist Commercial B-7, Highway Tourist Commercial B-8, Commercial B-9, Boulevard B-10, Suburban Boulevard PBD, Planned Business Development
Open Space/Conservation	SE, Special Environmental

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2-2

Given the County’s adopted Business Planned Unit Development (BPUD) zoning classification, under the “Low Intensity Commercial” (LIC) future land use designation, the Planned Business Development (PBD) zoning district is the most similar. Under the City’s proposed LIC, B-1 is most compatible with the County R-7 as it allows multi-family as a conditional use and promotes the professional office and medical uses that are currently in the area. Under the Open Space/Conservation Future Land Use Designation, the Special Environmental (SE) is the only compatible Zoning District.

**Zoning Adjacent Land Use:**

Adjacent land uses and zoning are as follows:

**Land Use Designations and Zoning Classifications of Surrounding Property**

<b>Land Use and Zoning Designations of Adjacent Property</b>			
	<b>Current Land Uses</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>
<b>North</b>	Calvary Church Vacant Land	Volusia County “Urban High Intensity”	Volusia County R-7(Urban Multi-family Residential)
<b>South</b>	Single-family Dwelling (waterfront)	Volusia County “Low Impact Urban”	Volusia County RR (Rural Residential)
<b>East</b>	Halifax Hospital Medical Center	Ormond Beach “Office/Professional”	Ormond Beach B-1 (Professional Office/Hospital)
<b>West</b>	Tomoka River	Volusia County “Environmental Systems Corridor”	Volusia County RC (Resource Corridor)

**CONCLUSION/CRITERIA FOR APPROVAL:**

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 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 additional new development is proposed with this rezoning and the request is based on a need to assign a City zoning classification to the property as the result of annexation. The zoning map amendment is contingent on a City land use being assigned and will not adversely affect public health, safety, welfare, or the quality of life.

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

There is a separate land use map amendment that proposes to assign a City “Low Intensity Commercial” and “Open Space/Conservation designation to the property. Policy 5.1.1. of the Future Land Use Element states that properties annexed into the City of Ormond Beach shall be assigned similar land uses that they had in Volusia County. The subject property is developed and no additional improvements are proposed. The requested PBD and B-1 zoning districts are consistent with the “Low Intensity Commercial” and the SE zoning district is consistent with the Open Space/Conservation land use designations.

- 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.**

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is 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 zoning map amendment is not anticipated to have a significant impact on adjacent properties and the existing business center will continue to operate as it historically has.

- 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.**

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is 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.**

The property has existing building and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is not applicable.

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

The property has existing buildings and site improvements. There is no construction proposed so this criterion is not applicable.

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

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is not applicable.

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

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is 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.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from Volusia County R-7 (Urban Multifamily Residential) to City of Ormond Beach B-1 (Professional Office/Hospital), from Volusia County BPUD (Business Planned Unit Development) to City PBD (Planned Business Development), and from Volusia County RC (Resource Corridor) to Ormond Beach SE (Special Environmental).
- The proposed City zoning classifications of PBD, B-1, and SE are most consistent with the Volusia County zoning classifications of BPUD, R-7, and RC, and provides similar types of uses.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of “Low Intensity Commercial” and “Open Space/Conservation”.

**RECOMMENDATION:**

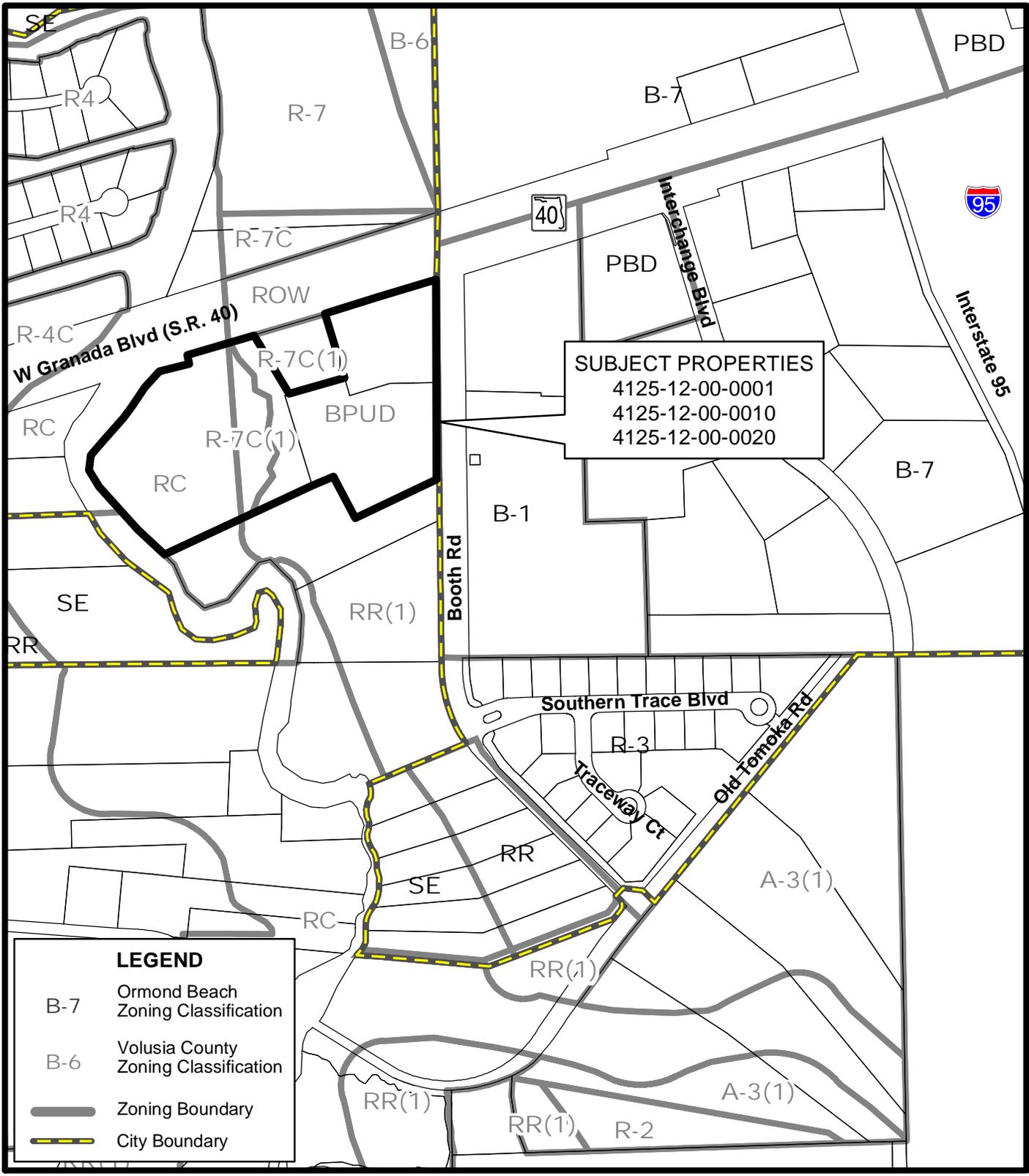
Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of the administrative request to amend the Official Zoning Map to change the zoning classification of 200-208 Booth Road and 1720 and 1760 West Granada Boulevard, also known as “Tomoka Landings”, as described in the attached legal description, from Volusia County R-7 (Urban Multifamily Residential) to City of Ormond Beach B-1 (Professional Office/Hospital), from Volusia County BPUD (Business Planned Unit Development) to City PBD (Planned Business Development, and from Volusia County RC (Resource Corridor) to Ormond Beach SE (Special Environmental).

Attachments:

- Exhibit 1: Current and Proposed Zoning Map
- Exhibit 2: Aerial Location Map
- Exhibit 3: Legal Description and Sketch
- Exhibit 4: Volusia County Resolution #2007-116

# Exhibit 1

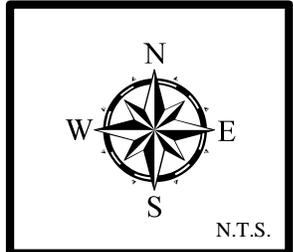
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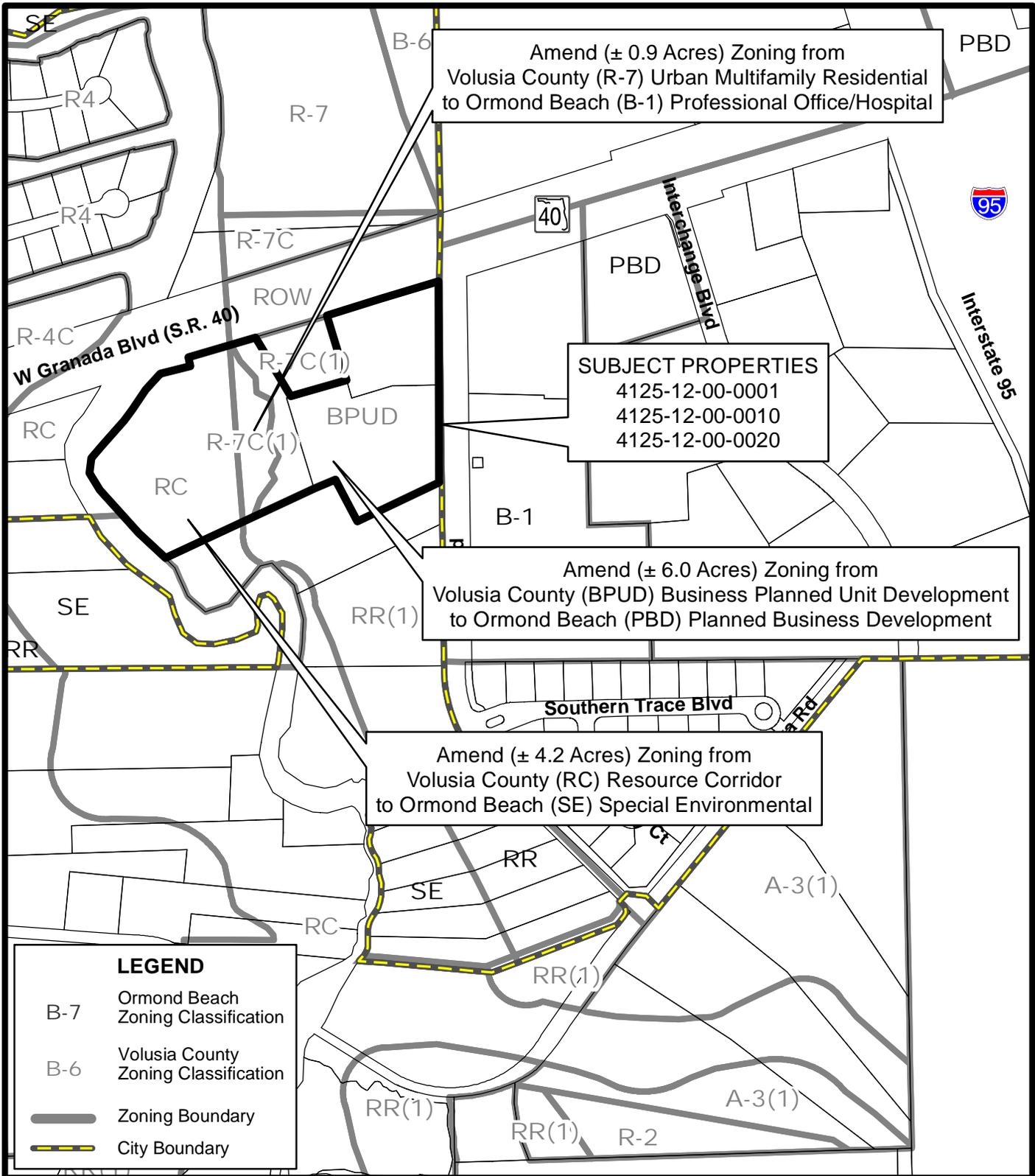


**CURRENT ZONING MAP**  
**200-208 BOOTH ROAD,**  
**1720, 1760 W GRANADA BLVD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - August 21, 2013

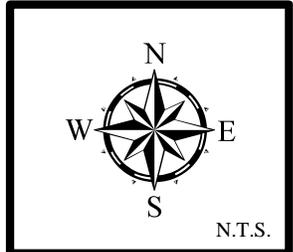




**PROPOSED ZONING MAP**  
**200-208 BOOTH ROAD,**  
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Prepared By: The City of Ormond Beach  
 G.I.S. Department - August 21, 2013



# Exhibit 2

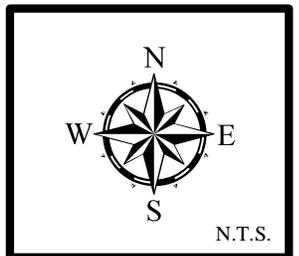
## Aerial Location Map



**AERIAL MAP  
200 BOOTH ROAD**

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Prepared By: The City of Ormond Beach  
G.I.S. Department - April 11, 2013



# Exhibit 3

## Legal Description and Sketch

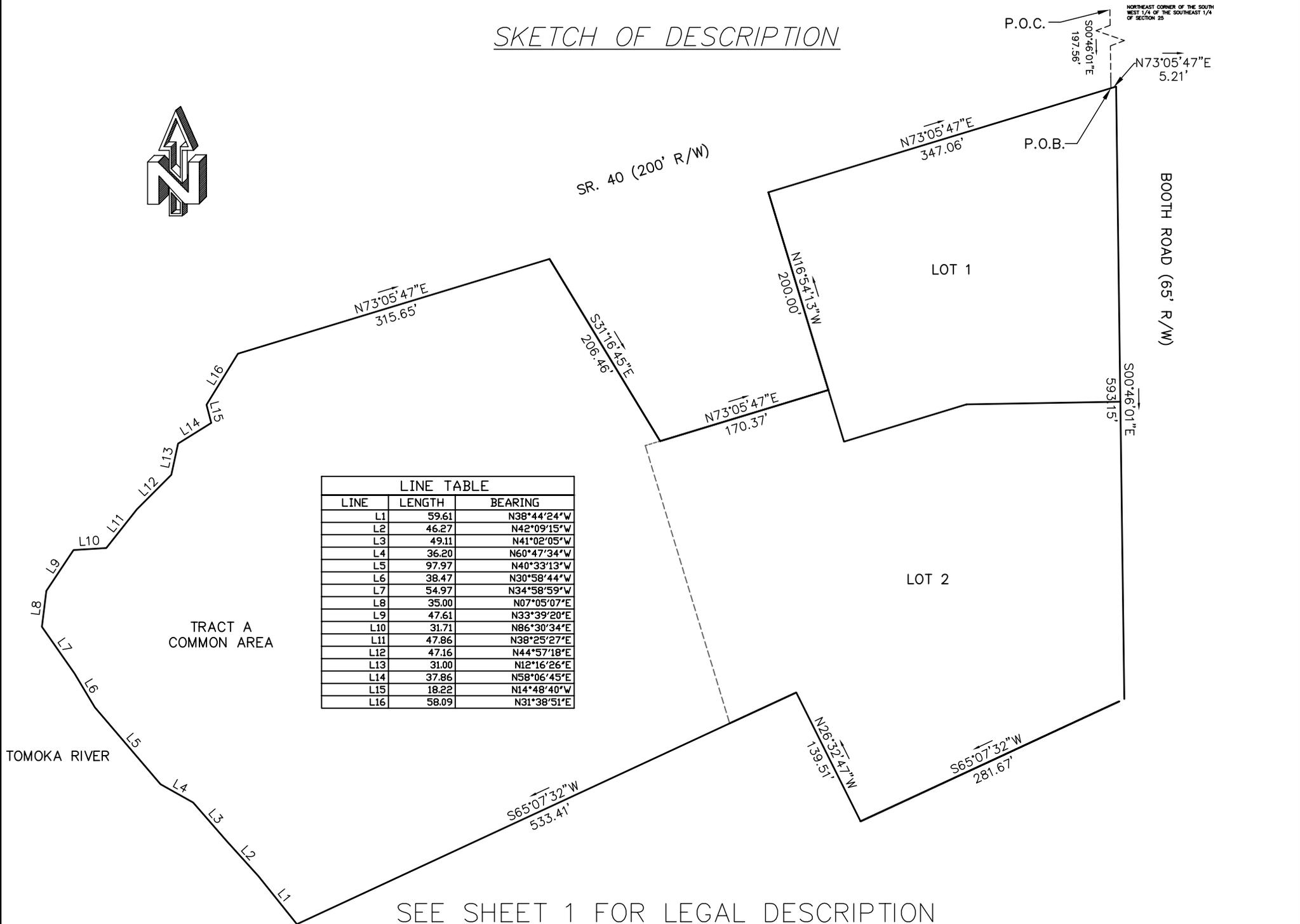
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L11	47.86	N38°25'27\"E
L12	47.16	N44°57'18\"E
L13	31.00	N12°16'26\"E
L14	37.86	N58°06'45\"E
L15	18.22	N14°48'40\"W
L16	58.09	N31°38'51\"E

SEE SHEET 1 FOR LEGAL DESCRIPTION

# Exhibit 4

Volusia County

Resolution #2007-116

PUD DEVELOPMENT AGREEMENT

IN THE COUNTY COUNCIL OF THE  
COUNTY OF VOLUSIA, FLORIDA

IN RE: (PUD-07-045) Application of

Tomoka Landings (A Florida Partnership)

RESOLUTION # 2007-116

ORDER AND RESOLUTION

GRANTING AN AMENDMENT TO THE TOMOKA LANDINGS

BPUD PLANNED UNIT DEVELOPMENT

The application of TOMOKA LANDINGS, for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on June 21, 2007. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth Management Department, Legal Department, and other departments and agencies of Volusia County and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on May 8, 2007, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

## GENERAL FINDINGS

A. That the application of TOMOKA LANDINGS, was duly and properly filed herein on March 23, 2007, as required by law.

B. That all fees and costs which are by law, regulation or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the OWNER of a 6.09-acre area of land which is situated in Volusia County. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A". Note: Retail uses shall be limited to 20% of the square footage of the gross useable area of all the buildings.

D. That the Applicant has held a pre-application meeting as required by the Volusia County Zoning Ordinance No. 80-8, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.

F. That the owner of the property, TOMOKA LANDINGS, agrees with the provisions of the Development Agreement.

## FINDINGS REGARDING REZONING

A. That the Applicant has applied for major amendment to the present Business Planned Unit Development zoning classification on the parcel described in Exhibit "A".

B. That the said major amendment to the BPUD is consistent with both the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, and the intent and purpose of the Volusia County Zoning Ordinance No. 80-8, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 21ST DAY OF JUNE, A.D., 2007, AS FOLLOWS:

A. That the Application of TOMOKA LANDINGS, for a new PUD order governing the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is BPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County shows the zoning of said parcel as TOMOKA LANDINGS BPUD.

D. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent

with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

E. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the BPUD in the same manner as the Commercial B-4 zoning classification.

F. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance 80-8, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

#### DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as a BPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a BPUD and shall regulate the future land use of this parcel.

1. Master Development Plan The Master Development Plan consisting of the Preliminary Plan prepared by PARKER MYNCHENBERG, P.E., and dated November 24, 1997, attached as Exhibit "B" to Resolution No. 98-29 is superseded and replaced by the attached Preliminary Plan dated December 13, 2006 as prepared by Parker Mynchenberg and Associates, Inc. and this development agreement. The Master Development Plan shall be filed and retained for public inspection in the Growth Management Department and it shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Subdivision Approval. After the Master Development Plan is recorded, and prior to any construction, including clearing and landfill, site plan approval of the area to be subdivided shall be submitted for review and approval in the manner required by Article II of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

4. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Site Plan Development Order.

C. Phases of Development. This project may be developed in one or more phases of one or more buildings as shown on Exhibit B.

D. Land Uses Within the BPUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed BPUD. The location and size of said land use areas are shown on the Preliminary Plan, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures: See Exhibit "C".

E. Development Standards.

1. Minimum lot area - 1 acre
2. Minimum lot width - 150 feet; Lot 1 – 300 feet
3. Minimum yard size - Front yard abutting S.R. 40 - 75 feet; all other yards - 35 feet.
4. Maximum building square footage – 46,000 sq. ft. total. Buildings may be combined.
5. Maximum building height - 35' on Lot 2; five stories (55 feet) on Lot 1
6. Landscape buffer requirements:

A 10 foot landscape buffer along the east, west and south project

perimeter and a 36 foot landscape buffer along S.R. 40, both landscape buffers to include: a minimum of three (3) canopy trees (Group A trees), two (2) understory trees (Group B trees), and eighteen (18) shrubs shall be planted for every one hundred (100) linear feet less the width of the driveway measured at the property line. A proportionate number of canopy trees, understory trees, and shrubs shall be planted. If the City of Ormond Beach has additional or more stringent planting requirements, then those standards shall be followed per section 827 of the Zoning Ordinance.

- a) Required Mix of Tree Species - When eight (8) or more trees are required to be planted to meet the requirements of this subsection, a mix of tree species shall be provided, at least one of which shall be native to the Central Florida region. A minimum number of species to be planted are indicated below:

**REQUIRED MIX OF TREE SPECIES**

Required Number of Trees	Minimum Number of Species
8 - 14	2
14 - 20	3
21 - 30	4
30+	5

Landscaping shall otherwise comply with Section 821.04 of the Zoning Ordinance 80-8, as amended. Existing natural vegetation shall be preserved wherever possible.

7. Off-street parking requirements: Shall comply with Section 821.03 of the Zoning Ordinance 80-8, as amended.

8. Signage requirements:

No ground sign shall exceed 15 feet in height for any sign which is 32 square feet or less of copy area or 8 feet in height for any sign which exceeds 32 square feet of copy area, but not more than 40 square feet of copy area. The maximum permissible height for any ground sign is 15 feet, and the maximum permissible copy area for any ground sign is 40 square feet. The maximum height and copy area of a proposed ground sign for Lot 1 (per attached survey revised 07-27-2004) shall be 8 feet in height and 40 square feet of sign copy area. If the City of Ormond Beach has additional or more stringent standards, then these standards shall be followed per Section 827 of the Zoning Ordinance.

F. Environmental Considerations. All on site natural vegetation will be preserved where possible. There are no environmental easements or conservation areas on this site. A ± 6.08 acres of land area owned by the applicant, but is not within the confines of this BPUD, has been placed within a conservation easement recorded OR 5446 PGS [REDACTED]. Please note that the minimum requirements of the Land Development Code Ordinance No. 88-3, as amended, shall be met. Existing wetlands shall be properly buffered in accordance with the Land Development Code (LDC).

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the BPUD will be provided in accordance with the Comprehensive Plan, Ordinance No. 90-10, as amended, the Land Development Code Ordinance No. 88-3, as amended, and State of Florida Administrative Code 64E-6. Water and Sewer shall be provided by the City of Ormond Beach (adjacent to site).

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Code, Article VIII, Ordinance No. 88-3, as amended.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Per Exhibit "B", a new right-in/right-out driveway connection to SR 40 is shown near the western perimeter of platted Lot 1. An existing full access driveway is located on Booth Road.

2. Transportation System Improvements. In accordance with the requirements of the Land Development Code.

J. Internal Roadways. See Exhibit "B".

K. Underground utilities: - To be provided as per code. Location to be determined.

L. Binding Effect of Plans, Recording, and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The BPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

M. Expiration of Agreement. This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth Management Department. The date of receipt of this document by the Growth Management Department shall constitute the effective date of the BPUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

N. Conceptual Approval. The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the Volusia County Land Development Code Ordinance

No. 88-3, as amended. Upon determination of the Zoning Enforcement Official, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth Management Department.

WITNESSES:

Donna Battick-Howell  
Donna Battick-Howell

\_\_\_\_\_

TOMOKA LANDINGS, LLC

Francis M. Nielsen  
Francis M. Nielsen

B. Paul Katz  
Applicant's Name, Title & Corporation  
B. Paul Katz, Manager

\_\_\_\_\_

Owner of Property (if other than applicant)

STATE OF FLORIDA  
COUNTY OF VOLUSIA

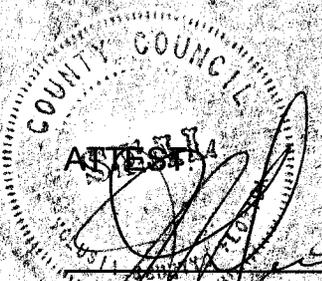
The foregoing instrument was acknowledged before me this 31 day of  
July, 2007, by B. PAUL KATZ, as  
Manager, \_\_\_\_\_, respectively, on behalf of the  
TOMOKA LANDINGS, LLC.

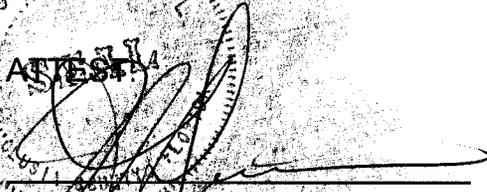


Donna Battick-Howell  
NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name:  
Donna Battick-Howell  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

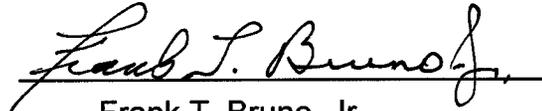
DONE and ORDERED by the County Council of Volusia County, Florida, this

21st day of June, 2007.



ATTEST  
  
James T. Dinneen  
County Manager

VOLUSIA COUNTY COUNCIL



Frank T. Bruno, Jr.  
County Chair

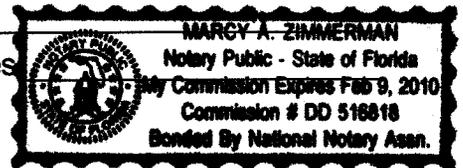
STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 19th day of July, 2007, by Frank T. Bruno, Jr. and James T. Dinneen, as County Chair, Volusia County Council, and County Manager, respectively, on behalf of the County of Volusia.



NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name:

Commission No.: \_\_\_\_\_  
My Commission Expires \_\_\_\_\_





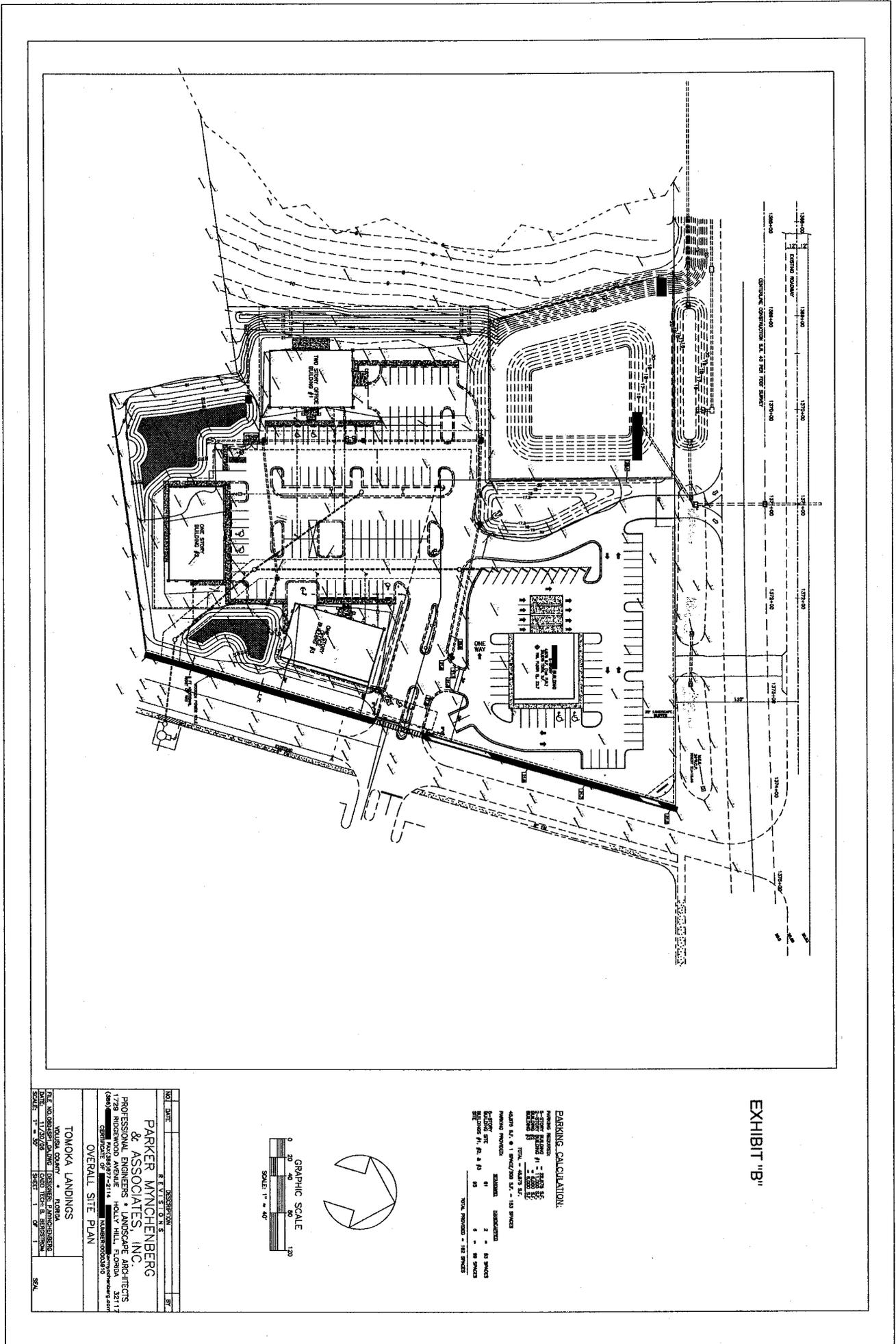
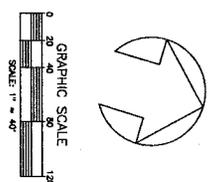


EXHIBIT "B"

**PARKING CALCULATION:**

APPROXIMATE	100
MINIMUM REQUIRED	100
AVAILABLE	100
DEFICIT	0
TOTAL	100

40,000 S.F. @ 1 SPACE/200 S.F. = 200 SPACES  
 40,000 S.F. @ 1 SPACE/200 S.F. = 200 SPACES  
 TOTAL = 40,000 S.F.  
 40,000 S.F. @ 1 SPACE/200 S.F. = 200 SPACES  
 40,000 S.F. @ 1 SPACE/200 S.F. = 200 SPACES  
 TOTAL PROVIDED = 400 SPACES



NO.	DATE	DESCRIPTION	BY
1		REVISIONS	
PARKER MYNCHENBERG & ASSOCIATES, INC. PROFESSIONAL ENGINEERS & LANDSCAPE ARCHITECTS 1725 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117 (407) 939-0800 FAX (407) 939-0801 WWW.PARKERMYNCHENBERG.COM			
TONOKA LANDINGS OVERALL SITE PLAN			
FILE NO.	DATE	DESIGNER	SCALE
11-20-08	11-20-08	JOSEPH E. BERNSTEIN	1" = 40'

**EXHIBIT "C"**  
**USE SCHEDULE**

Permitted Uses:

Retail Sales and Services  
Professional Offices and Services  
Dental Clinic, Medical Clinic  
Veterinary Clinic  
Medical Research Lab  
Medical Supplies  
Pharmacies  
Restaurant, Types A, and B  
Liquor Store  
Cultural Arts Center  
Financial Institution  
Museums  
Libraries  
Schools, Parochial or Private, Art, Dance  
Cafeterias  
Health Spas  
Travel Agencies

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 10, 2013

**SUBJECT:** 1740 W. Granada Blvd. – Small-Scale Land Use Map Amendment

**APPLICANT:** Administrative

**NUMBER:** LUPA 13-099

**PROJECT PLANNER:** Becky Weedo, AICP, CFM, Senior Planner

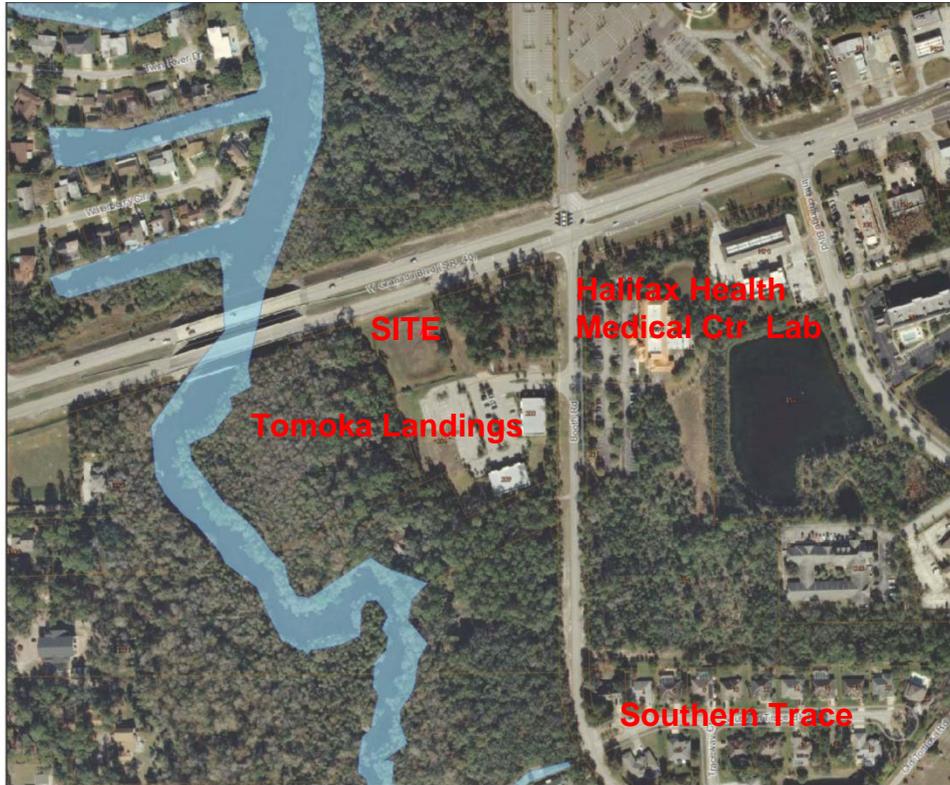
**INTRODUCTION:** This is a City initiated request, to change the existing Future Land Use designation of a  $\pm 0.90$ -acre property located at 1740 West Granada Boulevard from the existing land use designation of Volusia County “Low Impact Urban” to City of Ormond Beach “Low Intensity Commercial” as the result of an annexation.

**BACKGROUND:** The property located at 1740 West Granada Boulevard as described in Exhibit “A”, is owned by the Florida Department of Transportation and is a retention pond for State Road 40. The property was annexed on August 20, 2013 in order to prevent a future enclave. Until a City future land use designation and zoning classification are adopted, the property maintains its County land use and zoning classifications.

Site picture:



Site aerial:



The purpose of this land use amendment is to assign a similar City land use to the property as the Volusia County “Commercial” designation based on the required annexation. Subsequent to Planning Board review, the amendment will be submitted to the Volusia County Growth Management Commission for review, followed by review by the City Commission for final action. Along with the land use application, a zoning amendment is being processed to assign a City B-1 (General Commercial) zoning designation to the property.

The tentative schedule is as follows:

Action/Board	Date
Planning Board	October 10, 2013
Transmit to Volusia County Growth Management Commission and adjoining jurisdictions	October 11, 2013
City Commission 1 <sup>st</sup> Reading	December 3, 2013

City Commission 2 <sup>nd</sup> Reading	January 7, 2013
Transmit to Florida Department of Economic Opportunity	January 8, 2013

**ANALYSIS:**

The proposed amendment seeks to change the land use designation of the subject property from unincorporated Volusia County to the City of Ormond Beach on the future land use map (Exhibits B). Staff has reviewed the proposed Future Land Use Map amendment according to the following criteria:

**1. Whether the future land use amendment is consistent with the Comprehensive Plan Goals, Objectives and Policies.**

The proposed FLU amendment is consistent with the Goals Objectives, and Policies of the Comprehensive Plan, including but not limited to:

<p>GOAL 1                  Future Land Use Element</p>	<p>FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.</p> <p>THE FUTURE LAND USE PLAN ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING FOR A CONTINUED HIGH LEVEL OF OPEN SPACE. SPECIFIC GOALS AND POLICIES ARE LISTED BELOW FOR EACH TYPE OF LAND USE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.</p>
<p>OBJECTIVE                  1.2.                  COMMERCIAL LAND USE                  Future Land Use Element</p>	<p>Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.</p>

Policy 5.1.1. Future Land Use Element	Properties that are annexed into the City of Ormond Beach shall be assigned a similar land use that existed in Volusia County. Property owners may apply for more intensive land uses, but shall be required to provide the data and analysis to justify the increase in density and/or intensity.
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**2. Whether the proposed plan amendment meets the criteria established in the Florida Statutes.**

In accordance with Chapter 163.31879(c), Florida Statutes, any local government comprehensive plan amendments directly related to proposed small-scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small-scale development amendment may be adopted only under the following conditions:

**a. The proposed amendment involves a use of 10 acres or fewer and:**

The subject property is ±0.90 acres (less than 10 acres).

**b. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does not exceed a maximum of 120 acres in a calendar year.**

The proposed small-scale amendment complies with this requirement and will be the eleventh amendment for the current year 2013. The following table illustrates previous small scale future land use amendments for 2013:

Case #	Address	±Acreage
LUPA 13-011	1428 North US Highway 1	0.53
LUPA 13-009	1438 North US Highway1	0.15
LUPA 13-007	1444 North US Highway1	0.72
LUPA 12-116	1433, 1435, 1437, and 1439 North US Highway 1	3.97
LUPA 12-099	1608 N US Highway 1	6.88
LUPA 12-101	1622 N US Highway 1	1.15
LUPA 12-103	1626 N US Highway 1	0.46
LUPA 13-041	305 N. Tymber Creek Road	0.44
LUPA 13-056	250 Williamson Boulevard	1.25
LUPA 13-092	1535 N US Highway 1	1.01
		16.56 acres

**c. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that**

**relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.**

The proposed amendment is solely to the Future Land Use Map and does not propose any text amendments to the City’s Comprehensive Plan.

- d. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. [420.0004\(3\)](#), and is located within an area of critical state concern designated by s. [380.0552](#) or by the Administration Commission pursuant to s. [380.05\(1\)](#).**

The site location is not located within an area of state critical concern, and this criterion does not apply.

**2. Whether the land use is an appropriate use of the land.**

**Land Use:** The adjacent land uses and zoning are as follows:

	<b>Current Land Uses</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>
<b>North</b>	Calvary Church Vacant Land	Volusia County "Urban High Intensity"	Volusia County R-7C (Urban Multi-family Residential)
<b>South, East, and West</b>	Tomoka Landings (Annexed 8/20/13- undergoing Future Land Use and Zoning Map Amendments)	<u>Current:</u> Volusia County "Low Impact Urban" and "Environmental Systems Corridor" <u>Proposed</u> City "Low Intensity Commercial" and Open Space/Conservation	<u>Current:</u> Volusia County R-7 (Urban Multi-family Residential), RC (Resource Corridor), and BPUD (Business Planned Unit Development) <u>Proposed:</u> Ormond Beach B-1 (Professional Office/Hospital), SE (Special Environmental), and PBD (Planned Business Development)

The current land use of the subject property is Volusia County Low Impact Urban (LIU) while the proposed future land use classification is Ormond Beach Low Intensity Commercial (LIC). The Volusia County Comprehensive plan states the following for this land use category:

This designation consists of lands which are determined to be suitable for urban type development, and are adjacent to existing urban development. Lands designated LIU serve as a transition between highly protected natural resource areas and existing urban development. The LIU is primarily a residential designation but may allow limited commercial development. Sites

within this designation may be determined to be suitable for urban type development only if they meet the following criteria:

- (1) The Planned Unit Development zoning process will be used to implement the LIU provisions.
- (2) The site is serviced by central utilities at the time of application for development approval.
- (3) The gross residential density does not exceed one (1) dwelling unit per acre.
- (4) At least twenty percent (20%) of the total development site is set aside for the preservation of upland habitat sited in an ecologically strategic manner (e.g., adjacent to wetlands).
- (5) Encroachment into wetlands and wetland buffers shall be avoided to the maximum extent practicable.
- (6) Residential developments are clustered and individual residential lots in subdivisions cannot exceed one (1) acre in size.
- (7) Low intensity, commercial development may be allowed in the LIU designation only if it meets the following additional criteria:
  - (a) The development does not exceed a Floor Area Ratio of thirty-five percent (0.35 FAR).
  - (b) The proposed use is ancillary to residential development in the immediate area. Nonresidential developments intended to serve the community or regional market area (see Shopping Center definition in Chapter 20) are not allowed in the LIU.
  - (c) The buildings within the development are clustered.
- (8) In order to protect environmental resources and ensure neighborhood compatibility, commercial development proposals may also be required to:
  - (a) Use stricter lot coverage or impervious surface ratios.
  - (b) Provide increased landscaped buffers and/or open space requirements.
  - (c) Reduce the amount of parking on-site either through adjusted parking ratios or reduced parking space size.
  - (d) Limit the type of commercial uses allowed.”

**This request is for a land use amendment to assign the City “Low Intensity Commercial” future land use category. The directive text of the City’s Comprehensive Plan states the following for the “Low Intensity Commercial” category:**

“Purpose: A multi-use land use category to depict those areas of the city that are now developed, or appropriate to be developed, for retail, office and professional services, residential, and restaurants consistent with the surrounding uses, transportation facilities and natural resource characteristics of such areas. For projects that propose a mixture of residential and nonresidential uses, the minimum FAR should be 0.2.

Density: Maximum 10 units per acre.  
Maximum FAR: 0.6”

The proposed future land use classification is the most comparable with the existing County classifications and compatible with adjacent land uses to the subject property.

### **3. Whether there is adequate infrastructure to serve the proposed land use.**

Impact analysis examines the maximum expected impacts of the current designation versus the requested designation based on a preliminary development scenario. This analysis is not meant to replace or contradict the findings of a Concurrency Management Review. However, the relative differences between designations can provide useful information in the long-range planning process. This analysis is based on ±0.90 developed acres to be assigned the City “Low Intensity Commercial” land use.

**Transportation:** The subject property is currently developed as a stormwater retention pond for State Road 40. Since the site is already developed and designated Volusia County “Low Impact Urban”, a change in Future Land Use to Ormond Beach “Low Intensity Commercial” will not generate an increase in new trips at this time. If the site were to be redeveloped in the future, a concurrency analysis would be required.

**Water & Sewer:** The subject property is located in the utility service area of the City of Ormond Beach and will not generate an increase in demand.

**Stormwater Management:** The property is developed as a stormwater management pond for State Road 40. Any new development would require stormwater review.

**Solid Waste:** This property is developed and will not generate an increase in demand.

**Schools:** The site is currently developed as a stormwater retention pond for State Road 40. There are no school impacts as a result of this future land use amendment.

### **4. Whether the proposed map amendment impacts surrounding jurisdictions.**

The proposed Future Land Use Map Amendment is to assign a similar City land use designation due to the annexation of the subject property. The proposed amendment will not impact surrounding jurisdictions.

### **CONCLUSION:**

Staff supports the land use amendment from Volusia County “Volusia County “Low Impact Urban” to City of Ormond Beach “Low Intensity Commercial”. Since the existing

parcel is developed as a stormwater retention pond, this land use map amendment is an administrative amendment required to assign a City Future Land Use Map designation to the subject parcel. The Ormond Beach “Low Intensity Commercial” land use category is the most appropriate for the following reasons:

1. The amendment meets the Goals, Objectives, and Policies of the City’s comprehensive plan;
2. The amendment meets the requirements established in the Florida Statutes;
3. The proposed land use is an appropriate use of land;
4. There is adequate infrastructure to serve the proposed land use. Since the site is already developed, there will be no change to impacts on facilities and services as a result of the administrative change in land use from “Volusia County “Low Impact Urban” to City of Ormond Beach “Low Intensity Commercial”; and
5. The proposed land use will not impact surrounding jurisdictions.

**RECOMMENDATION:**

Staff recommends that the Planning Board recommend **APPROVAL** of Case # LUPA 13-099 – a Future Land Use map amendment to change the land use for ±0.90 acres “Volusia County “Low Impact Urban” to City of Ormond Beach “Low Intensity Commercial” at 1740 West Granada Boulevard.

# Exhibit A

## Legal Description and Sketch of Property

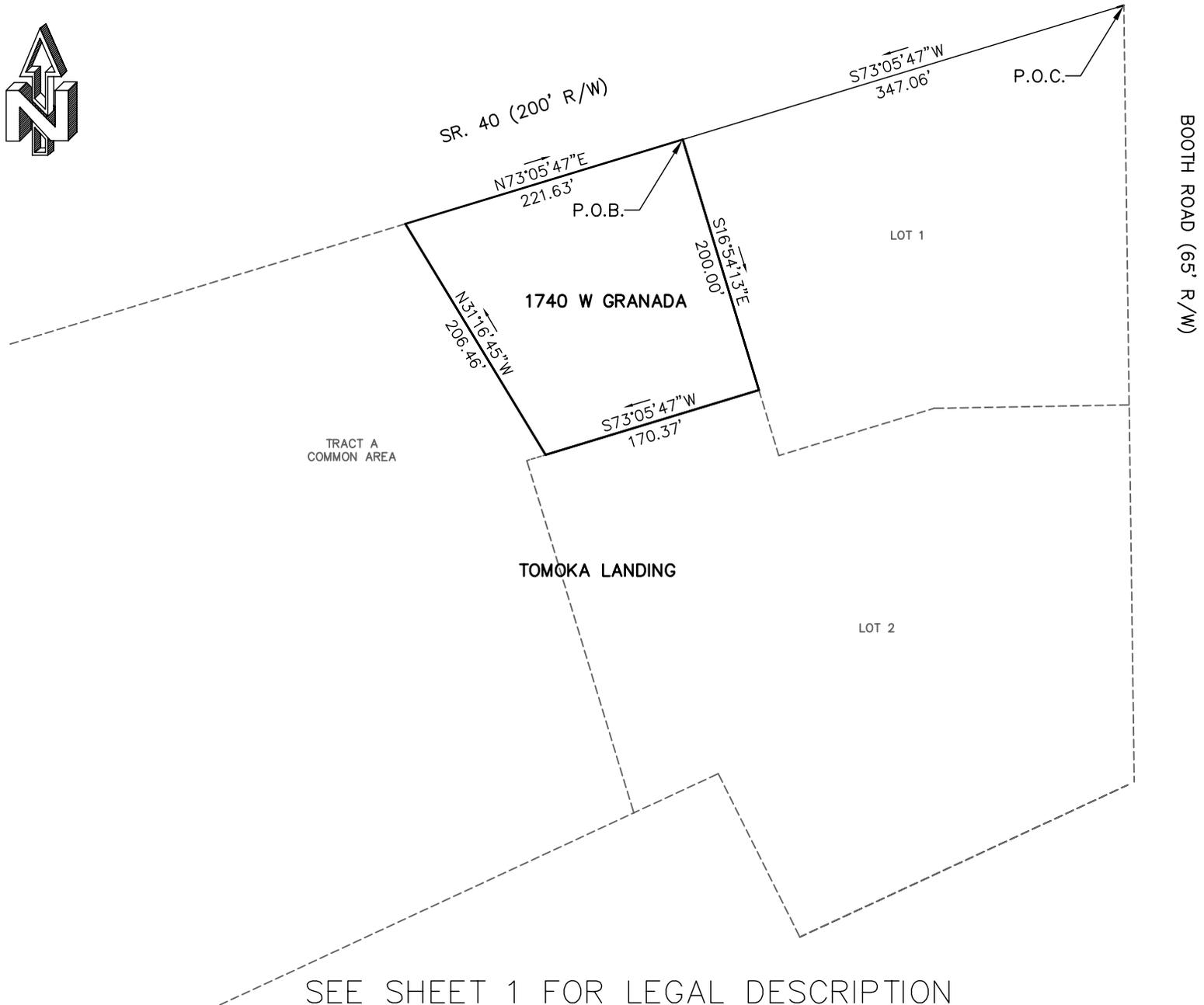
LEGAL DESCRIPTION

AS POINT OF COMMENCEMENT BEGIN AT A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40 (A 200' RIGHT-OF-WAY AS NOW OCCUPIED AND ESTABLISHED) AND THE NORTHEAST CORNER OF LOT 1, TOMOKA LANDING, AS RECORDED IN MAP BOOK 51, PAGE 91, OF THE PUBLIC RECORDS, OF VOLUSIA COUNTY FLORIDA, THENCE S73°05'47"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 40 A DISTANCE OF 347.06 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE DEPARTING SAID SOUTHERLY LINE RUN THENCE S16°54'13"E A DISTANCE OF 200.00 FEET; THENCE S73°05'47"W A DISTANCE OF 170.37 FEET; THENCE N31°16'45"W A DISTANCE OF 206.46 FEET TO A POINT OF INTERSECTION WITH THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40; THENCE N73°05'47"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 221.63 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 39,199 SQ.FT. OR .90 ACRES MORE OR LESS

SEE SHEET 2 FOR SKETCH OF DESCRIPTION

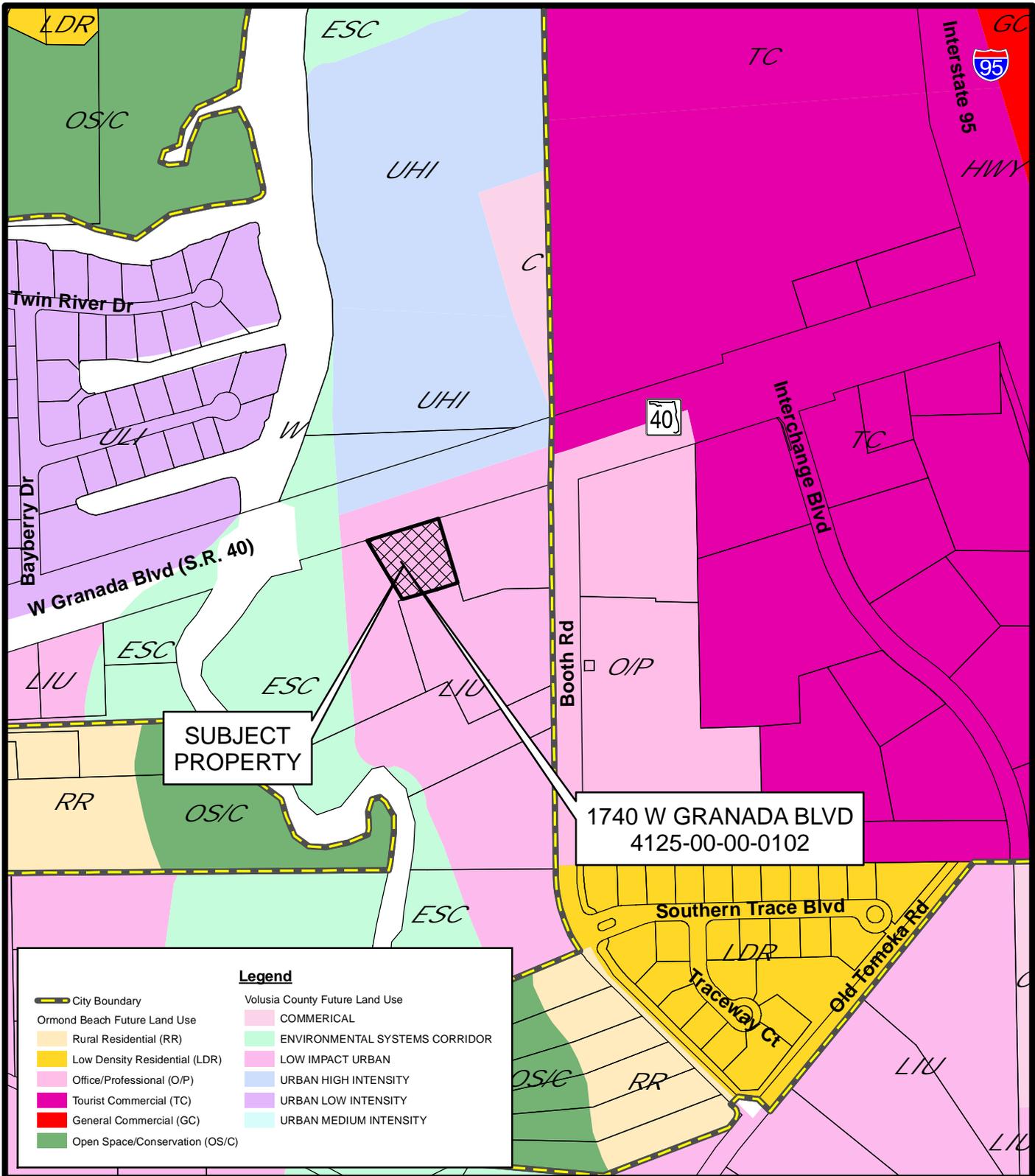
SKETCH OF DESCRIPTION



SEE SHEET 1 FOR LEGAL DESCRIPTION

# Exhibit B

## Existing and Proposed Future Land Use Maps



**SUBJECT PROPERTY**

**1740 W GRANADA BLVD  
4125-00-00-0102**

**Legend**

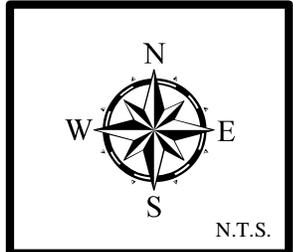
City Boundary	Volusia County Future Land Use COMMERCIAL
Ormond Beach Future Land Use Rural Residential (RR)	ENVIRONMENTAL SYSTEMS CORRIDOR
Low Density Residential (LDR)	LOW IMPACT URBAN
Office/Professional (O/P)	URBAN HIGH INTENSITY
Tourist Commercial (TC)	URBAN LOW INTENSITY
General Commercial (GC)	URBAN MEDIUM INTENSITY
Open Space/Conservation (OS/C)	

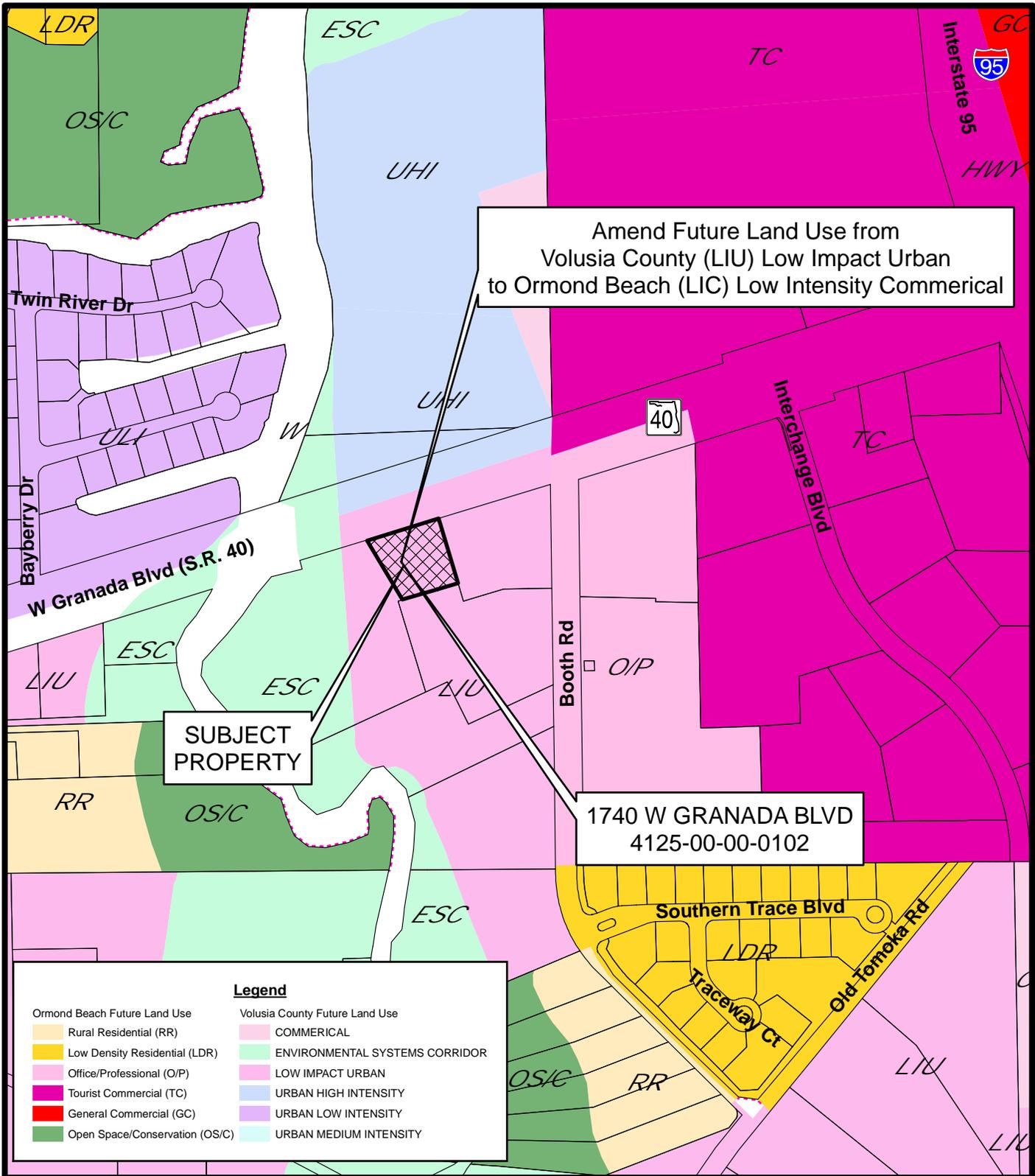


**CURRENT FUTURE LAND USE MAP  
1740 WEST GRANADA BLVD (± 0.9 Acres)**

---

Prepared By: The City of Ormond Beach  
G.I.S. Department - May 13, 2013





**Legend**

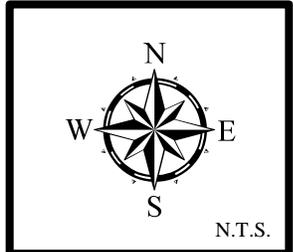
Ormond Beach Future Land Use	Volusia County Future Land Use
Rural Residential (RR)	COMMERICAL
Low Density Residential (LDR)	ENVIRONMENTAL SYSTEMS CORRIDOR
Office/Professional (O/P)	LOW IMPACT URBAN
Tourist Commercial (TC)	URBAN HIGH INTENSITY
General Commercial (GC)	URBAN LOW INTENSITY
Open Space/Conservation (OS/C)	URBAN MEDIUM INTENSITY



**PROPOSED FUTURE LAND USE MAP**  
**1740 WEST GRANADA BLVD (± 0.9 Acres)**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - September 18, 2013



# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 10, 2013

**SUBJECT:** 1740 W. Granada Blvd - Amendment to Official Zoning Map

**APPLICANT:** Administrative

**NUMBER:** RZ13-100

**PROJECT PLANNER:** Becky Weedo, AICP, CFM, Senior Planner

### **INTRODUCTION:**

This is a city initiated request to amend the City's Official Zoning Map for a ±0.90-acre parcel of land from the existing zoning classification of Volusia County R-7 (Urban Multifamily Residential) to City of Ormond Beach B-1 (Professional Office/Hospital) at 1740 West Granada Boulevard as the result of an annexation on August 20, 2013.

### **BACKGROUND:**

The property located at 1740 West Granada Boulevard, is owned by the Florida Department of Transportation and is a retention pond for State Road 40. The property was annexed on August 20, 2013 in order to prevent a future enclave.

The City is presently processing a separate land use amendment from Volusia County "Low Impact Urban" to Ormond Beach "Low Intensity Commercial". The proposed rezoning from Volusia County R-7 (Urban Multifamily Residential) to City of Ormond Beach B-1 (Professional Office/Hospital) is contingent upon adopting the land use change. There are no site developments or alterations proposed for the subject property associated with this rezoning. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action.

### **ANALYSIS:**

The existing Volusia County zoning classification for the subject property is R-7 (Urban Multifamily Residential). Volusia County designates the following allowed uses:

<b>Volusia County R-7 permitted uses (+0.9 acres)</b>			
Community residential home (refer to subsection 72-290(3)).	Communication towers not exceeding 70 feet in height above ground level.	Essential utility services.	Exempt excavations
Exempt landfills (refer to subsection 72-293(16)).	Fire stations.	Home occupations, class A (refer to section 72-283).	Houses of worship.
Multifamily standard or manufactured modular dwellings, [town houses].	Parks and recreation areas accessory to residential developments.	Public schools.	Publicly owned parks and recreational areas.

The subject property is undergoing a land use amendment to assign a City Future Land Use designation of “Low Intensity Commercial”. The goal of the zoning classification is to provide the most similar classification assigned by Volusia County. In choosing an appropriate zoning district, Table 2.2 under Chapter 2, Article I – Establishment of Zoning Districts and Official Zoning Map, Section 2.02 of the City’s Land Development Code was referenced.

<b>Comprehensive Plan Future Land Use Map Designation</b>	<b>Corresponding Compatible Zoning District</b>
Low Intensity Commercial	B-1, Professional Office–Hospital B-4, Central Business B-5, Service Commercial B-6, Oceanfront Tourist Commercial B-7, Highway Tourist Commercial B-8, Commercial B-9, Boulevard B-10, Suburban Boulevard PBD, Planned Business Development

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2-2

Under the City’s proposed Low Intensity Commercial Future Land Use Map Designation, B-1 is most comparable with the County R-7 as it allows multi-family as a conditional use and promotes the professional office and medical uses that are currently in the area.

**Zoning Adjacent Land Use:**

**Land Use Designations and Zoning Classifications of Surrounding Property**

	<b>Current Land Uses</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>
<b>North</b>	Calvary Church Vacant Land	Volusia County "Urban High Intensity"	Volusia County R-7C (Urban Multi-family Residential)
<b>South, East, and West</b>	Tomoka Landings (Annexed 8/20/13- undergoing Future Land Use and Zoning Map Amendments)	<u>Current:</u> Volusia County "Low Impact Urban" and "Environmental Systems Corridor" <u>Proposed City</u> "Low Intensity Commercial" and "Open Space/Conservation"	<u>Current:</u> Volusia County R-7 (Urban Multi-family Residential), RC (Resource Corridor), and BPUD (Business Planned Unit Development) <u>Proposed:</u> Ormond Beach B-1 (Professional Office/Hospital), SE (Special Environmental), and PBD (Planned Business Development)

**CONCLUSION/CRITERIA FOR APPROVAL:**

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 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 and the request is based on a need to assign a City zoning classification to the property as the result of annexation. The zoning map amendment is contingent on a City land use being assigned and will not adversely affect public health, safety, welfare, or the quality of life.

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

There is a separate land use map amendment that proposes to assign a City "Low Intensity Commercial" designation to the property. Policy 5.1.1. of the Future Land Use Element states that properties annexed into the City of Ormond Beach shall be assigned similar land uses that they had in Volusia County. The requested B-1 zoning district is consistent with the "Low Intensity Commercial" land use designation.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

- 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 zoning map amendment is not anticipated to have a significant impact on adjacent properties.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

## 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.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from Volusia County R-7 (Urban Multifamily Residential) to Ormond Beach B-1 (Professional Office/Hospital).
- The proposed City zoning classification of B-1 is most consistent with the Volusia County zoning classification of R-7 and provides similar types of uses.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Low Intensity Commercial".

### **RECOMMENDATION:**

Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of the administrative request to amend the Official Zoning Map to change the zoning classification of 1740 West Granada Boulevard, as described in the attached legal description, from Volusia County R-7 (Urban Multifamily Residential) to City of Ormond Beach B-1 (Professional Office/Hospital).

#### Attachments

Exhibit A: Legal Description and Sketch

Exhibit B: Current and Proposed Zoning Maps

# Exhibit A

## Legal Description and Sketch of Property

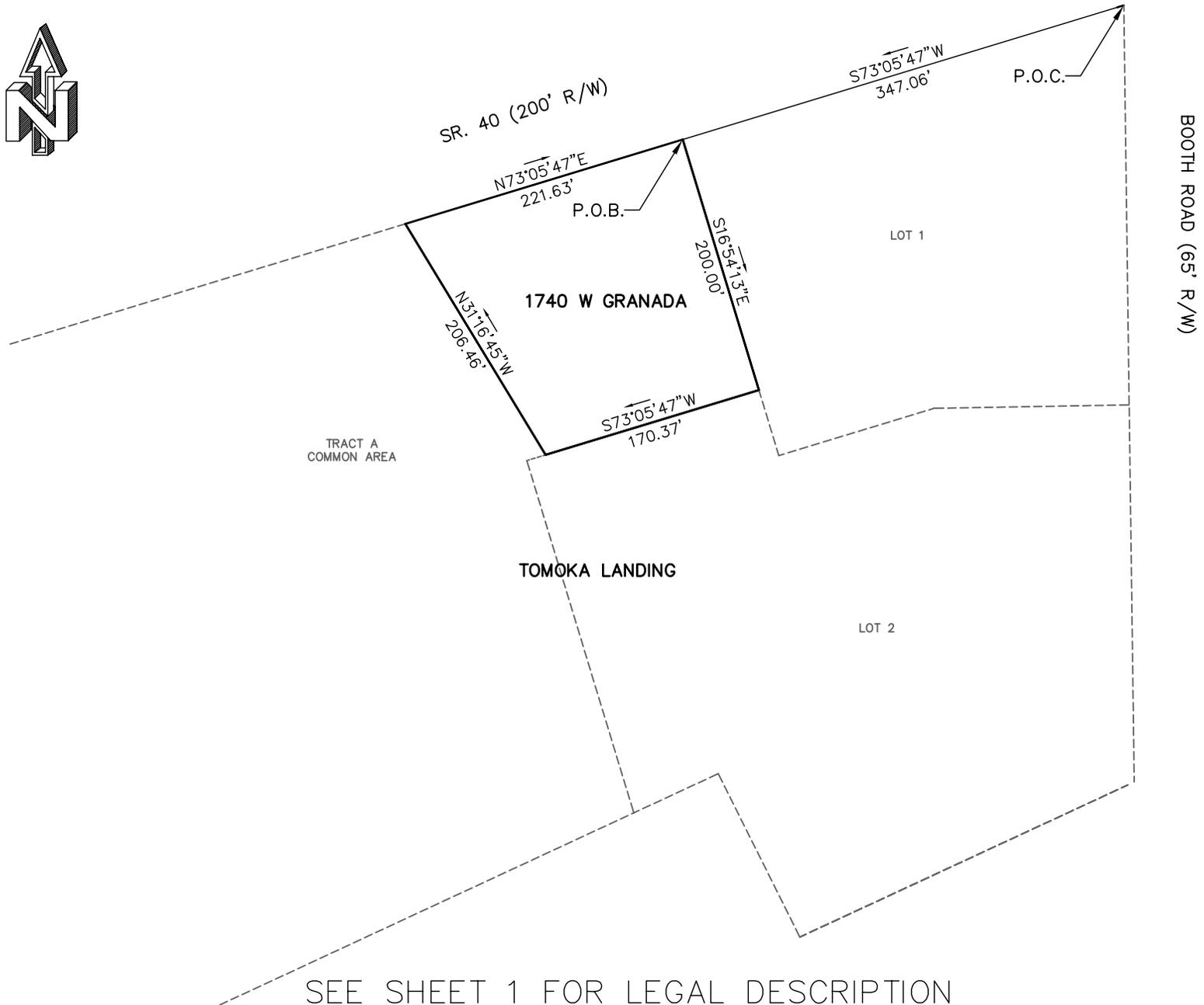
LEGAL DESCRIPTION

AS POINT OF COMMENCEMENT BEGIN AT A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40 (A 200' RIGHT-OF-WAY AS NOW OCCUPIED AND ESTABLISHED) AND THE NORTHEAST CORNER OF LOT 1, TOMOKA LANDING, AS RECORDED IN MAP BOOK 51, PAGE 91, OF THE PUBLIC RECORDS, OF VOLUSIA COUNTY FLORIDA, THENCE S73°05'47"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 40 A DISTANCE OF 347.06 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE DEPARTING SAID SOUTHERLY LINE RUN THENCE S16°54'13"E A DISTANCE OF 200.00 FEET; THENCE S73°05'47"W A DISTANCE OF 170.37 FEET; THENCE N31°16'45"W A DISTANCE OF 206.46 FEET TO A POINT OF INTERSECTION WITH THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40; THENCE N73°05'47"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 221.63 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 39,199 SQ.FT. OR .90 ACRES MORE OR LESS

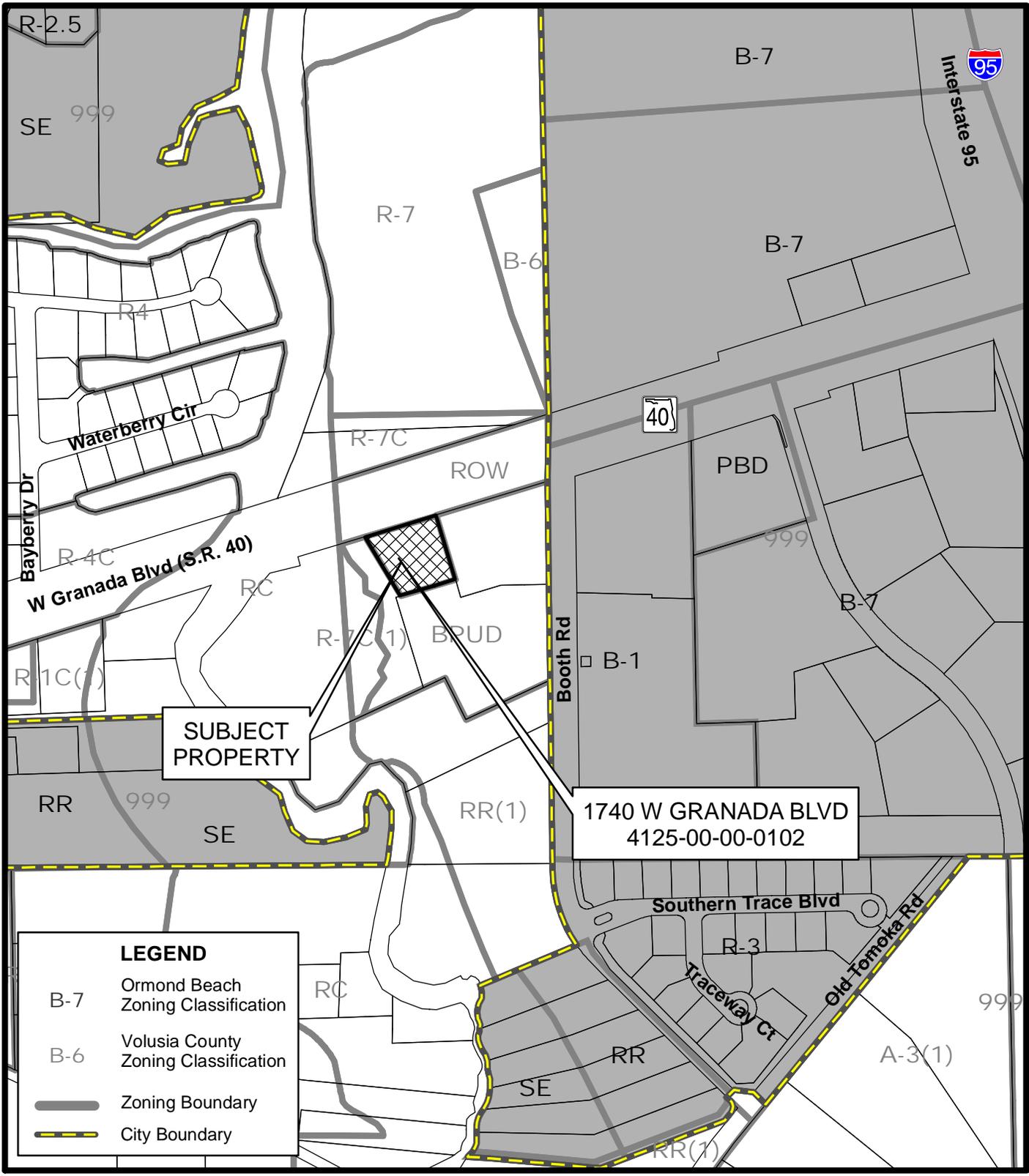
SEE SHEET 2 FOR SKETCH OF DESCRIPTION

SKETCH OF DESCRIPTION



# Exhibit B

## Current and Proposed Zoning Maps



**LEGEND**

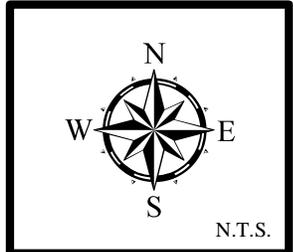
- B-7 Ormond Beach Zoning Classification
- B-6 Volusia County Zoning Classification
- Zoning Boundary
- City Boundary

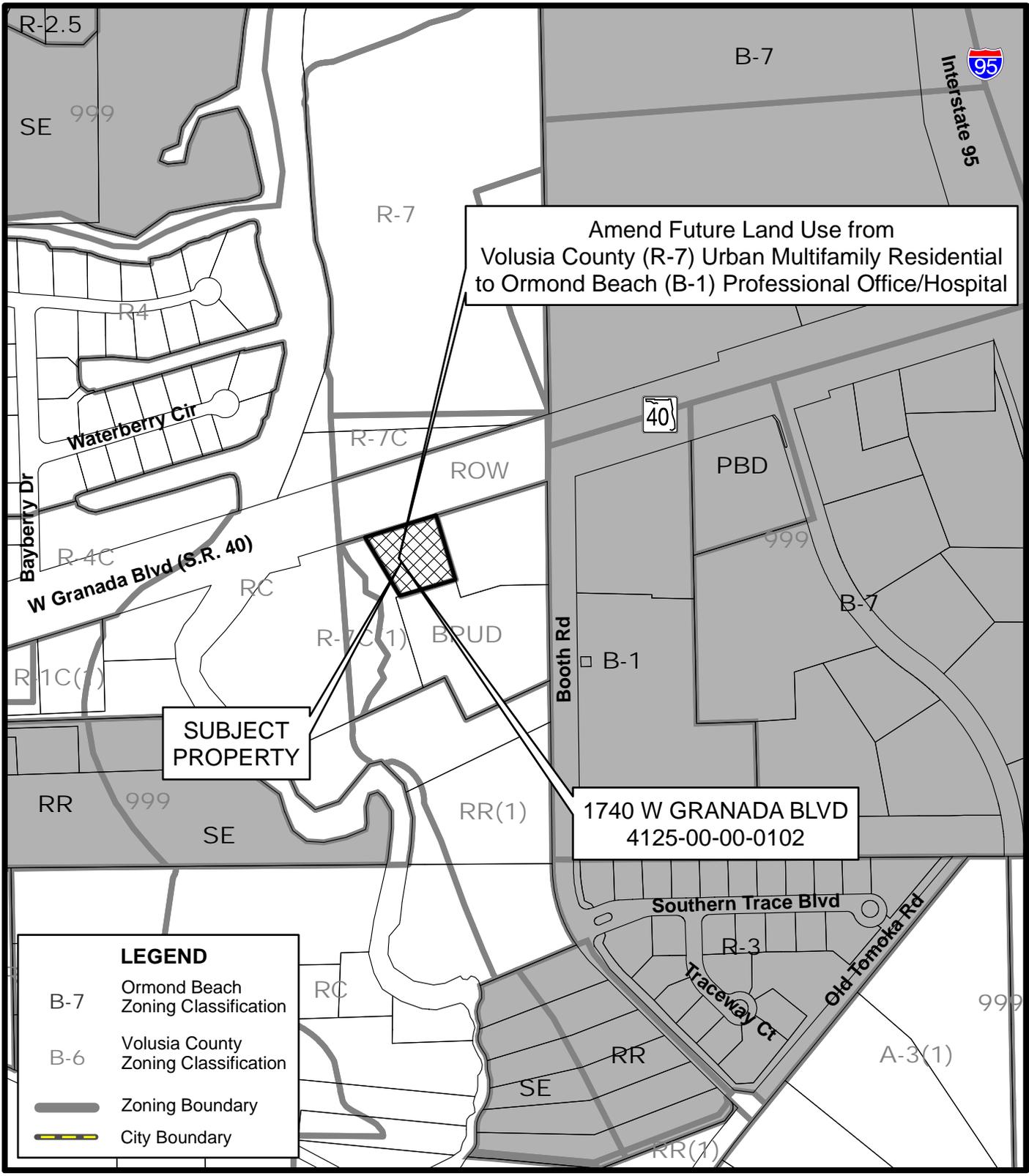


**CURRENT ZONING MAP**  
**1740 WEST GRANADA BLVD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - May 13, 2013





Amend Future Land Use from  
Volusia County (R-7) Urban Multifamily Residential  
to Ormond Beach (B-1) Professional Office/Hospital

SUBJECT  
PROPERTY

1740 W GRANADA BLVD  
4125-00-00-0102

**LEGEND**

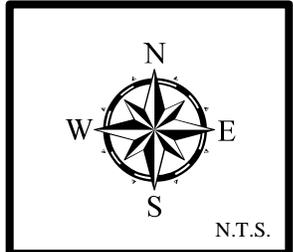
- B-7 Ormond Beach Zoning Classification
- B-6 Volusia County Zoning Classification
- Zoning Boundary
- City Boundary



**PROPOSED ZONING MAP**  
**1740 WEST GRANADA BLVD**

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Prepared By: The City of Ormond Beach  
G.I.S. Department - September 18, 2013



# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 10, 2013

**SUBJECT:** 1951 West Granada Blvd - Amendment to Official Zoning Map

**APPLICANT:** Administrative

**NUMBER:** RZ13-126

**PROJECT PLANNER:** Becky Weedo, AICP, CFM, Senior Planner

### **INTRODUCTION:**

This is a city initiated request to amend the City's Official Zoning Map for a ±0.5-acre parcel of land from the existing zoning classification of Volusia County B-4 (General Commercial) to City of Ormond Beach B-8 (Commercial) at 1951 West Granada Boulevard as the result of an annexation on October 5, 2005.

### **BACKGROUND:**

The property located at 1951 West Granada Boulevard was annexed into the City of Ormond Beach on October 5, 2005. A City of Ormond Beach Future Land Use Map Amendment of "Commercial" was adopted on June 19, 2007. The next step is to assign a City Zoning designation; otherwise, the property maintains its County zoning classification of B-4.

The existing use of the property is a professional office. There are no site developments or alterations proposed for the subject property associated with this rezoning. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action.

### **ANALYSIS:**

The existing Volusia County zoning classification for the subject property is B-4 (General Commercial). Volusia County designates the following allowed uses:

<b>Volusia County B-4 permitted uses (±0.5 acres)</b>			
Art, dance, modeling and music schools.	Auction parlors	Automobile sales or rental agencies	Automobile driving schools.
Automotive service stations, types A and C	Barber and beauty shops	Bars and liquor stores	Bowling alleys.
Catering services.	Communication towers not exceeding 70 in height	Convenience stores with more than eight vehicular service positions	Cultural arts center
Day Care Centers	Dental laboratories	Essential utility services	Exempt excavations
Exempt landfills	Financial Institutions	Fire stations	Funeral homes.
Game rooms	General offices	Government sponsored civic centers	Hardware/home improvement retail center
Health clubs or spas	Home occupations, class A	Household moving center	Houses of worship
Laundry and dry-cleaning establishments	Libraries	Medical and dental clinics.	Museums
Nightclubs	Outdoor entertainment event	Pawnshops	Pest exterminators
Recycling collection center	Restaurants, types A and B	Retail plant nursery	Retail sales and services
Retail specialty shops	Tailors	Taxicab stands	Theaters
Travel agencies	Veterinary clinics		

The subject property adopted a land use amendment to assign a City Future Land Use designation of “General Commercial”. The goal of the zoning classification is to provide the most similar classification assigned by Volusia County. In choosing an appropriate zoning district, Table 2.2 under Chapter 2, Article I – Establishment of Zoning Districts and Official Zoning Map, Section 2.02 of the City’s Land Development Code was referenced.

<b>Comprehensive Plan Future Land Use Map Designation</b>	<b>Corresponding Compatible Zoning District</b>
General Commercial	B-2, Neighborhood Commercial B-4, Central Business B-8, Commercial PBD, Planned Business Development

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2-2

**Zoning Adjacent Land Use:**

**Land Use Designations and Zoning Classifications of Surrounding Property**

	<b>Current Land Uses</b>	<b>Zoning</b>
<b>North</b>	Single Family Homes	Volusia County R-4 (Urban Single-Family Residential)
<b>South</b>	7-11 and Tymber Creek Plaza	Ormond Beach B-8 (Commercial)
<b>East</b>	Single-Family Homes	Volusia County R-4 (Urban Single-Family Residential)
<b>West</b>	Walgreen's	Ormond Beach B-8 (Commercial)

The City B-8 zoning district is comparable with the County B-4 as it allows financial institutions, retail sales and services, convenience stores, Type A, and business and professional offices which are uses currently in the area. Also, the B-8 zoning district is the most compatible with and similar to the adjacent land uses.

**CONCLUSION/CRITERIA FOR APPROVAL:**

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 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 at this time and the request is based on a need to assign a City zoning classification to the property as the result of annexation. The zoning map amendment will not adversely affect public health, safety, welfare, or the quality of life.

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

There is City land use designation is "General Commercial". Policy 5.1.1. of the Future Land Use Element states that properties annexed into the City of Ormond Beach shall be assigned similar land uses that they had in Volusia County. The

requested B-8 zoning district is consistent with the “General Commercial” land use designation.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

- 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 zoning map amendment is not anticipated to have a significant impact on adjacent properties.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

## 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.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from Volusia County B-4 (General Commercial) to Ormond Beach B-8 (Commercial).
- The proposed City zoning classification of B-8 is most consistent with the Volusia County zoning classification of B-4 and provides similar types of uses.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Low Intensity Commercial".

### **RECOMMENDATION:**

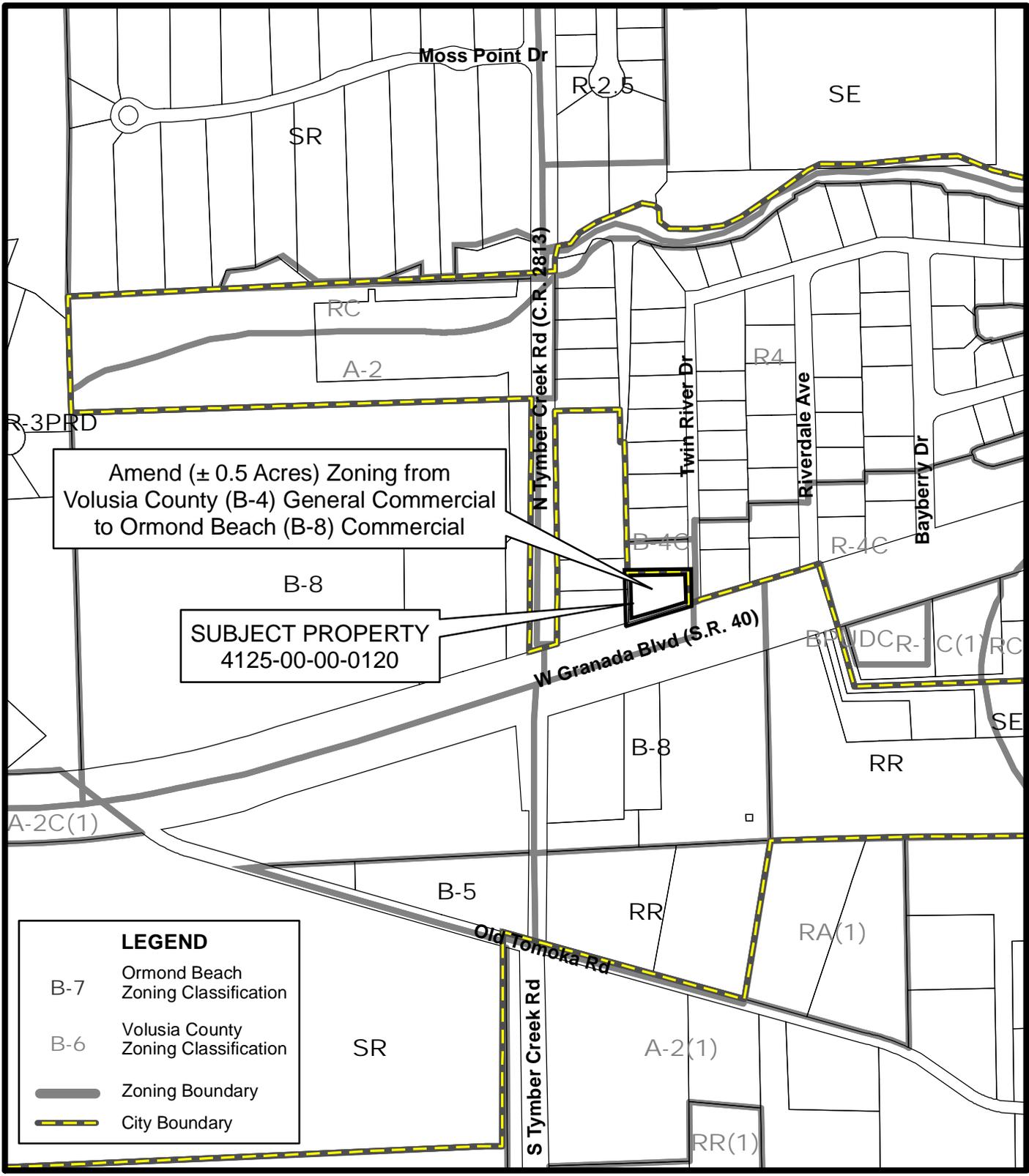
Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of the administrative request to amend the Official Zoning Map to change the zoning classification of 1951 West Granada Boulevard, as described in the attached legal description, from Volusia County B-4 (General Commercial) to City of Ormond Beach B-8 (Commercial).

#### Attachments

- Exhibit 1: Current and Proposed Zoning Map  
Exhibit 2: Section 2-29 of the LDC, B-8 Zoning District

# Exhibit 1

## Current and Proposed Zoning Maps



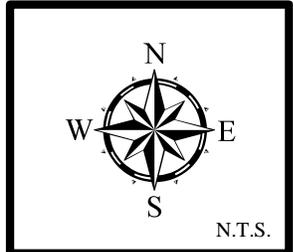
LEGEND	
B-7	Ormond Beach Zoning Classification
B-6	Volusia County Zoning Classification
	Zoning Boundary
	City Boundary



**PROPOSED ZONING MAP**  
**151 W GRANADA BLVD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - August 22, 2013



# Exhibit 2

Section 2-29  
of the LDC, B-8  
Zoning District

**SECTION 2-29: B-8: COMMERCIAL Zoning District**

**A. PURPOSE:** The purpose of the Commercial (B-8) zoning district is to provide for the establishment of general commercial activities (other than automotive or heavy commercial uses) on properties that abut arterial roads. Due to the proximity of lands in the district to residential areas, these district regulations are intended to promote the preservation of natural vegetation, increase opportunities for beautification, and provide extensive buffering between non-residential and residential uses not otherwise separated from each other by a collector or arterial road. Multi-family, governmental and institutional uses are also encouraged in such corridors as a relief from extensive strip commercial development, and allowable uses are restricted to those most compatible with residential uses. When used in conjunction with the Planned Business Development District, these regulations are intended to encourage the establishment of totally planned, multi-use, community-level centers having a variety of retail, office, restaurant, recreation and institutional uses.

**B. DIMENSIONAL STANDARDS**

1.	2.	3.	4.	5.	6.	7.	8.	9.				
								a.	b.	c.	d.	e.
Type	Density	Maximum Building Height	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Front	Rear	Side	Street Side/Corner	Waterfront
Non-Residential Uses	36 (Transient Lodging)	30'	35%	75%	28,000 SF	100'	N/A	50' 20' for properties located on US1 adjacent to Dodson Creek	30' if abutting residential district; 5' additional combined side yard required for each story over 2.	10' 20' when abutting a multi-family district; 25' when abutting a single-family district; 5' of additional combined yard area required for each story over 2	20'	30'
Multi-Family	10	30'	35%	75%	20,000 SF	100'	N/A	50'	30' if abutting residential district	10; 20' when abutting a multi-family district; 25' when abutting a single-family district;	20'	30'

**C. PERMITTED USES**

- Adult Day Care Center
- Assisted Living Facility
- Business/Professional Services
- Business Services
- Clubs and Fraternal Organizations
- Convenience Store, Type "A"
- Financial Institution
- Nursing Home
- Personal Services
- Retail Sales and Services
- School of Art
- School, Public
- Veterinarian

**D. CONDITIONAL USES**

- Bowling Center
- Child Care Facility
- Community Residential Home
- Convenience Store, Type "B"
- Convenience Store, Type "C"
- Dwelling, Multi-Family
- Family Day Care Home
- House of Worship
- Parks and Recreation Facilities, Private
- Parks and Recreation Facilities, Public
- Public Facilities
- Public Utilities
- Recreational Facilities, Indoor
- Restaurant, Type "A"
- Restaurant, Type "B"
- Restaurant, Type "C"
- School, Private
- Sexually Oriented Business
- Shopping Center
- Telecommunication Tower, Camouflaged
- Theater
- Wind Energy System

**E. SPECIAL EXCEPTION USES**

- Automatic Amusement Center
- Outdoor Activity
- Outdoor Storage
- Recreational Facilities, Outdoor
- Warehouse, Mini-rental

**F. OTHER STANDARDS**

- All development must comply with the following requirements:
- Wetlands (Chapter 3, Article II)
  - Special corridors and buffer requirements (Chapter 3, Article I)
  - See Conditional and Special Exception regulations (Chapter 2, Article IV)
  - Multi-family dwelling units shall have the following minimum square footage per bedroom:

1 Bedroom = 600 SF	3 Bedroom = 900 SF
2 Bedroom = 750 SF	Each Additional Bedroom = 150 SF

**G. PERMITTED ACCESSORY USES:** Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 10, 2013

**SUBJECT:** 1999 W. Granada Blvd and 33 N. Tymber Creek Rd.  
Amendment to Official Zoning Map

**APPLICANT:** Administrative

**NUMBER:** RZ13-127

**PROJECT PLANNER:** Becky Weedo, AICP, CFM, Senior Planner

### **INTRODUCTION:**

This is a city initiated request to amend the City's Official Zoning Map for a ±2.9-acre parcel of land from the existing zoning classification of Volusia County B-4 (General Commercial) to City of Ormond Beach B-8 (Commercial) at 1999 West Granada Boulevard and 33 North Tymber Creek Road as the result of an annexation on October 5, 2005.

### **BACKGROUND:**

The property located at 1999 West Granada Boulevard and 33 North Tymber Creek Road was annexed into the City of Ormond Beach on October 5, 2005. A City of Ormond Beach Future Land Use designation of "General Commercial" was adopted on June 19, 2007. The next step is to assign a City Zoning designation; otherwise, the property maintains its County zoning classification of B-4.

The property is currently vacant commercial land. There are no site developments or alterations proposed for the subject property associated with this rezoning. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action.

### **ANALYSIS:**

The existing Volusia County zoning classification for the subject property is B-4 (General Commercial). Volusia County designates the following allowed uses:

<b>Volusia County B-4 permitted uses (+2.9 acres)</b>			
Art, dance, modeling and music schools.	Auction parlors	Automobile sales or rental agencies	Automobile driving schools.
Automotive service stations, types A and C	Barber and beauty shops	Bars and liquor stores	Bowling alleys.
Catering services.	Communication towers not exceeding 70 in height	Convenience stores with more than eight vehicular service positions	Cultural arts center
Day Care Centers	Dental laboratories	Essential utility services	Exempt excavations
Exempt landfills	Financial Institutions	Fire stations	Funeral homes.
Game rooms	General offices	Government sponsored civic centers	Hardware/home improvement retail center
Health clubs or spas	Home occupations, class A	Household moving center	Houses of worship
Laundry and dry-cleaning establishments	Libraries	Medical and dental clinics.	Museums
Nightclubs	Outdoor entertainment event	Pawnshops	Pest exterminators
Recycling collection center	Restaurants, types A and B	Retail plant nursery	Retail sales and services
Retail specialty shops	Tailors	Taxicab stands	Theaters
Travel agencies	Veterinary clinics		

The subject property adopted a land use amendment to assign a City Future Land Use designation of “General Commercial”. The goal of the zoning classification is to provide the most similar classification assigned by Volusia County. In choosing an appropriate zoning district, Table 2.2 under Chapter 2, Article I – Establishment of Zoning Districts and Official Zoning Map, Section 2.02 of the City’s Land Development Code was referenced.

<b>Comprehensive Plan Future Land Use Map Designation</b>	<b>Corresponding Compatible Zoning District</b>
General Commercial	B-2, Neighborhood Commercial B-4, Central Business B-8, Commercial PBD, Planned Business Development

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2-2

**Zoning Adjacent Land Use:**

**Land Use Designations and Zoning Classifications of Surrounding Property**

	<b>Current Land Uses</b>	<b>Zoning</b>
<b>North</b>	Single Family Homes	Volusia County R-4 (Urban Single-Family Residential)
<b>South</b>	7-11 and Tymber Creek Plaza	Ormond Beach B-8 (Commercial)
<b>East</b>	Office	<b>Current</b> Volusia County B-4 (General Commercial) <b>Proposed</b> City B-8 (Commercial)
<b>West</b>	Walgreen's	Ormond Beach B-8 (Commercial)

The City B-8 zoning district is comparable with the County B-4 as it allows financial institutions, retail sales and services, convenience stores, Type A, and business and professional offices which are uses currently in the area. Also, the B-8 zoning district is the most compatible with adjacent land uses.

**CONCLUSION/CRITERIA FOR APPROVAL:**

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 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 at this time and the request is based on a need to assign a City zoning classification to the property as the result of annexation. The zoning map amendment will not adversely affect public health, safety, welfare, or the quality of life.

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

There is City land use designation is "General Commercial". Policy 5.1.1. of the Future Land Use Element states that properties annexed into the City of Ormond Beach shall be assigned similar land uses that they had in Volusia County. The

requested B-8 zoning district is consistent with the “General Commercial” land use designation.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

- 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 zoning map amendment is not anticipated to have a significant impact on adjacent properties.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

- 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.**

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

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

There is no construction proposed so the criterion is not applicable. Any future development will be required to go through the site plan review process.

## 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.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from Volusia County B-4 (General Commercial) to Ormond Beach B-8 (Commercial).
- The proposed City zoning classification of B-8 is most consistent with the Volusia County zoning classification of B-4 and provides similar types of uses.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Low Intensity Commercial".

### **RECOMMENDATION:**

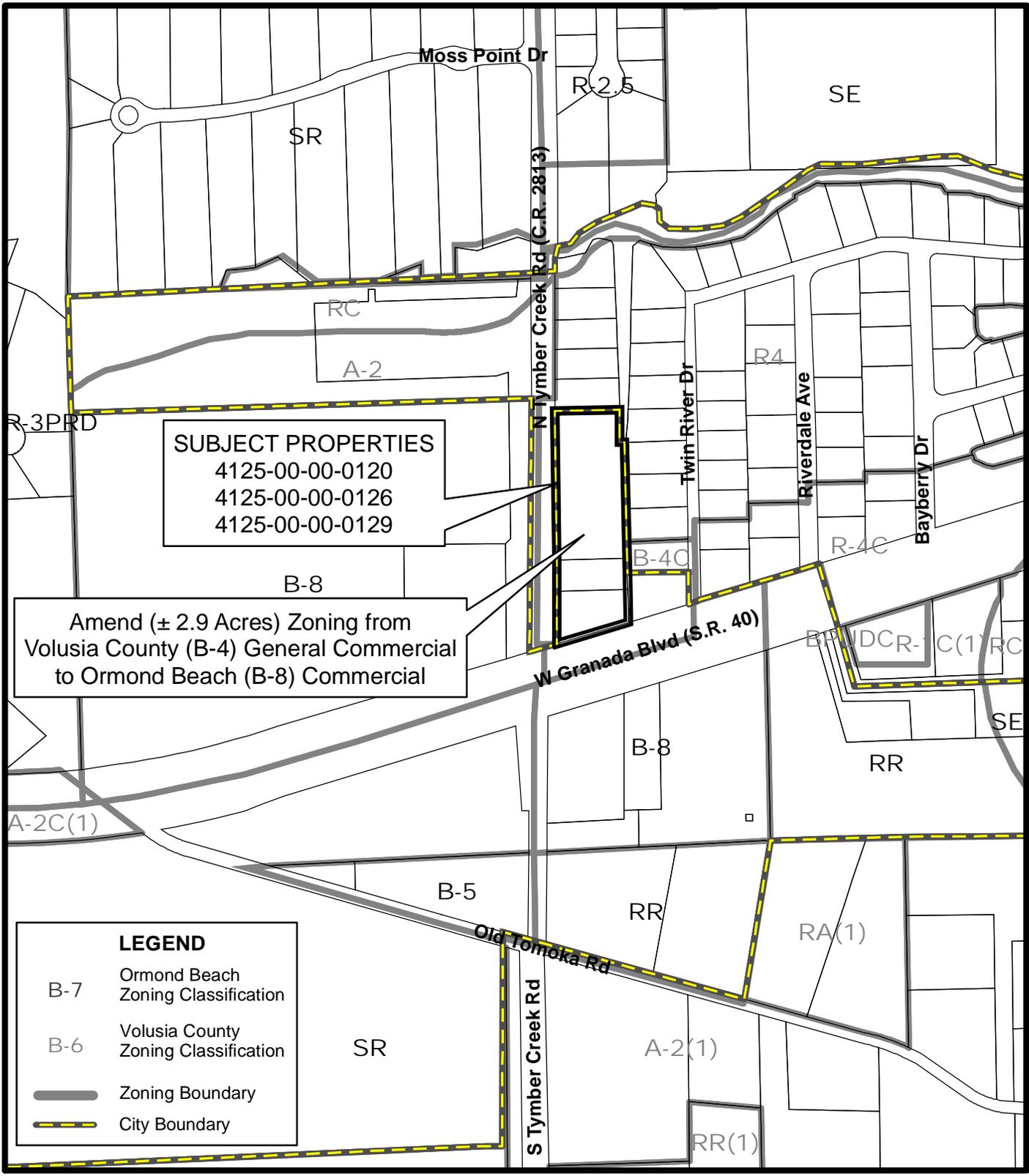
Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of the administrative request to amend the Official Zoning Map to change the zoning classification of 1999 West Granada Boulevard and 33 North Tymber Creek Road, as described in the attached legal description, from Volusia County B-4 (General Commercial) to City of Ormond Beach B-8 (Commercial).

#### Attachments

- Exhibit 1: Current and Proposed Zoning Map  
Exhibit 2: Section 2-29 of the LDC, B-8 zoning district

# Exhibit 1

## Current and Proposed Zoning Maps



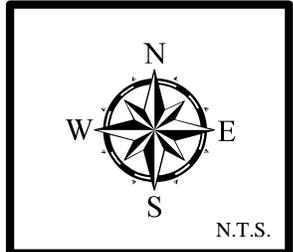
LEGEND	
B-7	Ormond Beach Zoning Classification
B-6	Volusia County Zoning Classification
	Zoning Boundary
	City Boundary



**PROPOSED ZONING MAP**  
**1999 W GRANADA BLVD AND**  
**33 N TYMBER CREEK ROAD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - August 22, 2013



# Exhibit 2

Section 2-29  
of the LDC, B-8  
Zoning District

**SECTION 2-29: B-8: COMMERCIAL Zoning District**

**A. PURPOSE:** The purpose of the Commercial (B-8) zoning district is to provide for the establishment of general commercial activities (other than automotive or heavy commercial uses) on properties that abut arterial roads. Due to the proximity of lands in the district to residential areas, these district regulations are intended to promote the preservation of natural vegetation, increase opportunities for beautification, and provide extensive buffering between non-residential and residential uses not otherwise separated from each other by a collector or arterial road. Multi-family, governmental and institutional uses are also encouraged in such corridors as a relief from extensive strip commercial development, and allowable uses are restricted to those most compatible with residential uses. When used in conjunction with the Planned Business Development District, these regulations are intended to encourage the establishment of totally planned, multi-use, community-level centers having a variety of retail, office, restaurant, recreation and institutional uses.

**B. DIMENSIONAL STANDARDS**

1.	2.	3.	4.	5.	6.	7.	8.	9.				
								a.	b.	c.	d.	e.
Type	Density	Maximum Building Height	Maximum Building Coverage	Maximum Impervious Lot Coverage	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Front	Rear	Side	Street Side/Corner	Waterfront
Non-Residential Uses	36 (Transient Lodging)	30'	35%	75%	28,000 SF	100'	N/A	50' 20' for properties located on US1 adjacent to Dodson Creek	30' if abutting residential district; 5' additional combined side yard required for each story over 2.	10' 20' when abutting a multi-family district; 25' when abutting a single-family district; 5' of additional combined yard area required for each story over 2	20'	30'
Multi-Family	10	30'	35%	75%	20,000 SF	100'	N/A	50'	30' if abutting residential district	10; 20' when abutting a multi-family district; 25' when abutting a single-family district;	20'	30'

**C. PERMITTED USES**

- Adult Day Care Center
- Assisted Living Facility
- Business/Professional Services
- Business Services
- Clubs and Fraternal Organizations
- Convenience Store, Type "A"
- Financial Institution
- Nursing Home
- Personal Services
- Retail Sales and Services
- School of Art
- School, Public
- Veterinarian

**D. CONDITIONAL USES**

- Bowling Center
- Child Care Facility
- Community Residential Home
- Convenience Store, Type "B"
- Convenience Store, Type "C"
- Dwelling, Multi-Family
- Family Day Care Home
- House of Worship
- Parks and Recreation Facilities, Private
- Parks and Recreation Facilities, Public
- Public Facilities
- Public Utilities
- Recreational Facilities, Indoor
- Restaurant, Type "A"
- Restaurant, Type "B"
- Restaurant, Type "C"
- School, Private
- Sexually Oriented Business
- Shopping Center
- Telecommunication Tower, Camouflaged
- Theater
- Wind Energy System

**E. SPECIAL EXCEPTION USES**

- Automatic Amusement Center
- Outdoor Activity
- Outdoor Storage
- Recreational Facilities, Outdoor
- Warehouse, Mini-rental

**F. OTHER STANDARDS**

- All development must comply with the following requirements:
- Wetlands (Chapter 3, Article II)
  - Special corridors and buffer requirements (Chapter 3, Article I)
  - See Conditional and Special Exception regulations (Chapter 2, Article IV)
  - Multi-family dwelling units shall have the following minimum square footage per bedroom:

1 Bedroom = 600 SF	3 Bedroom = 900 SF
2 Bedroom = 750 SF	Each Additional Bedroom = 150 SF

**G. PERMITTED ACCESSORY USES:**

Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article III.

# STAFF REPORT

City of Ormond Beach  
Department of Planning

**DATE:** September 30, 2012

**SUBJECT:** Land Development Code Amendment: Chapter I, Article III, Definitions and Acronyms

**APPLICANT:** Administrative

**NUMBER:** LDC 13-114

**PROJECT PLANNER:** S. Lauren Kornel, AICP, Senior Planner

**INTRODUCTION:**

This is a request to amend Chapter I, Article III, Definitions and Acronyms, Section 1-22, Definition of terms and words of the Land Development Code (LDC) for the following definitions:

- Lot consolidation
- Finished grade
- Height, building.

**BACKGROUND:**

Planning staff is requesting the amendment of three definitions based upon past observation of issues or new regulations.

**ANALYSIS:**

Below is a summary of the requested Land Development Code amendments:

#	Definition	Reason for change:
1.	Lot consolidation	The amendment adds a definition for Lot Consolidation to define how lots are joined together to create a single lot. The definition provides clarification that lots shall not be consolidated across public rights of way.

2.	Finished grade	The amendment deletes the Finished grade definition since the Land Development Code further defines Grade, finished. The Grade finished definition will be kept with the intent to ensure that applicants shall not artificially raise an area on a site to allow an artificial increase in building height.
3.	Height, building	The amendment provides clarification to the existing definition to specify that the height of a building is taken from the midpoint of the most continuous roofline between the eave and highest ridge for gable, hip and gambrel roofs. The “Height, building” definition was last amended on February 7, 2012, by Ordinance 2012-04. The purpose of that amendment was to amend the “height, building” definition to delete the highest finished grade to prevent the artificial berming of property to raise building height. In addition, the required 4.5/12 roof pitch requirement to allow an average height calculation was removed. See Exhibit “A”: Height, Building Definition Illustration.

**CONCLUSION:**

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.**

The proposed Land Development Code amendment 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. The purpose of the amendment is to provide clarification of the height, building definition and improve the application of the City’s zoning code and ensure accurate definitions of terms and uses.

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

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

- 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.**

The proposed Land Development Code amendments will not have adverse impact on environmentally sensitive lands.

- 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.**

The proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

- 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.**

The proposed Land Development Code amendments are not applicable to public facilities.

- 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.**

There is no development proposed for this amendment. The application pertains to changing the language of Chapter 1, Article III of a Land Development Code.

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

There is no development proposed for this amendment. The application pertains to changing the language of Chapter 1, Article III of a Land Development Code.

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

There is no development proposed for this amendment. The application pertains to changing the language of Chapter 1, Article III of a Land Development Code.

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**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.

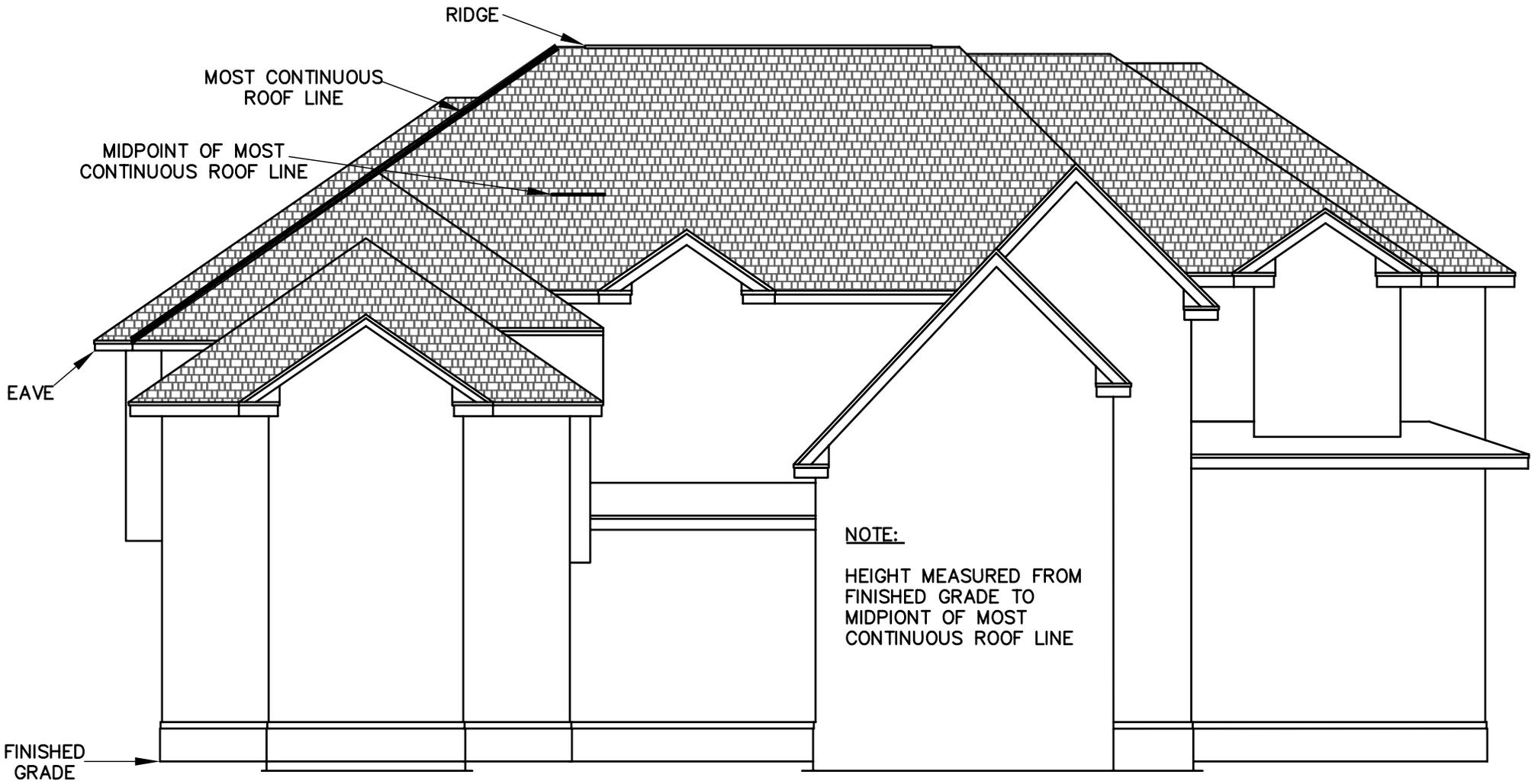
**RECOMMENDATION:**

It is recommended that the Planning Board **APPROVE** the amendments as shown in Exhibit “B” to revise Chapter I, Article III, Definitions and Acronyms, of the Land Development Code.

# EXHIBIT "A"

HEIGHT, BUILDING  
DEFINITION ILLUSTRATION

# "EXHIBIT A" - HEIGHT, BUILDING DEFINITION ILLUSTRATION



FRONT ELEVATION

# EXHIBIT "B"

## PROPOSED DEFINITIONS AMENDMENT

## EXHIBIT “B” – PROPOSEDS AMENDMENT

*Finding of no available school capacity: No change to existing text...*

*Finished Grade:* ~~means the completed surface of lawns, walks and driveways brought to grade as shown on building plans or designs relating thereto.~~

*Firewise landscaping: No change to existing text...*

*Hedge: No change to existing text...*

*Height, Building:* The vertical distance from finished grade to the highest finished roof surface in the case of flat roofs or to the midpoint of the highest most continuous roofline ~~a point at the highest level~~ between the eaves and ridge for gable, hip, and gambrel roofs, except that in no case shall any building exceed a maximum height of seventy-five feet (75’) when measured from the average median lot elevation to the highest point of any structure and/or attached services.

*Height, Satellite Dish Antenna: No change to existing text...*

*Double frontage or through lots: No change to existing text...*

*Lot Consolidation:* A consolidation is when more than one contiguous or adjacent lot is joined together legally to create a new single lot. For purposes of this definition, lots shall not be considered contiguous or adjacent if public rights-of-way platted in fee simple or granted as a perpetual easement separate the lots.

*Lot Corner: No change to existing text...*

*Deleted text is shown in ~~striketrough~~ and proposed text is shown in underline.*