



A G E N D A
ORMOND BEACH PLANNING BOARD
Regular Meeting

May 8, 2014

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: April 10, 2014**
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

A. LUPA 14-079: 815, 855, 915, and 935 Ocean Shore Boulevard Condominium Associations, Small Scale Comprehensive Plan Amendment

This is a request submitted by Gary Mann, authorized agent on behalf of the property owners of Shoreham Beach Condominium, Ormond Ocean Club North, Ormond Holiday Club, and The Bent Palm Club properties located at 815, 855, 915, and 935 Ocean Shore Boulevard, respectively, for a Small Scale Comprehensive Plan Land Use Map amendment. This application seeks to amend the four properties with a total acreage of ± 7.62 from the existing land use designation of City of Ormond Beach "High Density Residential" to Ormond Beach "Tourist Commercial" to continue historical short-term rental/transient lodging.

B. RZ 14-080: 815, 855, 915, and 935 Ocean Shore Boulevard Condominium Associations, Amendment to Official Zoning Map

This is a request to amend the City's Official Zoning Map by Gary Mann, authorized agent on behalf of the property owners of Shoreham Beach Condominium, Ormond Ocean Club North, Ormond Holiday Club, and The Bent Palm Club properties located at 815, 855, 915, and 935 Ocean Shore Boulevard, respectively. This application seeks to amend the four properties with a total acreage of +7.62 from the existing zoning classification of R-6 (Multifamily Medium-High Density Zoning District) to B-6 (Oceanfront Tourist Commercial Zoning District)

C. SE 14-078: 200 Highland Avenue – A1A Landscaping, LLC, Special Exception for Outdoor Activity Use

This is a request for a Special Exception submitted by Tom Anthony, A1A Landscaping (applicant), to allow an outdoor activity use to include permanent product display including pavers and pergolas, and sales of finished hardscape material under certain conditions. The subject property is located at 200 Highland Avenue and zoned B-4 (Central Business).

D. LUPA 14-074: 640 North Nova Road, Tomoka Oakwood North Condominium Association, Small Scale Comprehensive Plan Amendment

This is a request submitted by Martin Wohl, authorized representative of the property owners for the Tomoka Oakwood North Condominium, to change the existing Future Land Use designation of a ±4.64-acre parcel from "Medium Density Residential" to Ormond Beach "High Density Residential" located at 640 N. Nova Road. The purpose of this application to provide a land use designation that would allow the existing developed site density of 19.38 units per acre to be conforming with the city's Comprehensive Plan.

E. RZ 14-075: 640 North Nova Road, Tomoka Oakwood North Condominium Association, Amendment to Official Zoning Map

This is a request submitted by Martin Wohl, authorized representative of the property owners for the Tomoka Oakwood North Condominium, to amend the City's Official Zoning Map for the Tomoka Oakwood North Condominiums, a 90 unit Condominium on a ±4.64-acre parcel located at 640 North Nova Road from the existing zoning classification of R-5 (Multifamily Medium Density Zoning District) to R-6 (Multifamily Medium-High Density Zoning District).

F. LDC 14-076: LDC Amendment – Amending the Multifamily Density and Height of Section 2-19, R-6 Multifamily Medium High Density Zoning District

This is a request by Martin Wohl, authorized representative of the property owners for the Tomoka Oakwood North Condo Association to amend Chapter 2, Article II, District Regulations, Section 2-19, R-6, Multifamily Medium-High Density Zoning District of the Land Development Code (LDC). The amendment proposes to amend the dimensional standards for the multifamily density from 12 units per acre to 32 units per acre and the multifamily maximum building height from 30' to 75'.

G. SE 14-081: Special Exception - 815 and 821 North US Highway 1, Special Exception for Recreational Facilities, Outdoor.

This is a request submitted by George Moremen (applicant), with authorization of the property owner, L & J Building Enterprises, Inc., for a Special Exception to allow recreational facilities, outdoor at 815 and 821 North US Highway 1 within the B-8 (Commercial) zoning district. The request proposes a phased project that would provide an office and parking at 821 North US Highway 1. Kayak/canoe/paddle board launching, outdoor storage of kayaks/canoes/paddle boards, walking paths, volleyball area, gazeboes, picnic tables, game toss area and other related outdoor recreational activities are proposed at 815 North US Highway 1.

VIII. OTHER BUSINESS

IX. MEMBER COMMENTS

X. ADJOURNMENT

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

April 10, 2014

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.

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

Members Present

Lewis Heaster
Harold Briley, Vice Chair
Rita Press
Al Jorczak
Doug Wigley (excused)
Pat Behnke (excused)
Doug Thomas (excused)

Staff Present

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

II. INVOCATION

Lewis Heaster 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

March 13, 2014

Mr. Heaster moved to approve the March 13, 2014 Minutes. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

None.

VII. PUBLIC HEARINGS

A. SE 14-070: 869 South Atlantic Avenue – Riptides Raw Bar and Grill, Special Exception for Outdoor Activity

Mr. Spraker stated this is a request for a Special Exception to allow outdoor activity to be used at 869 South Atlantic Avenue. Mr. Spraker explained the location, orientation, and characteristics of the property, and presented the staff report. Mr. Spraker stated staff is recommending approval of the application.

Vice Chairman Briley asked if there were any questions from the board members. The Board had none.

Mr. Walter Kraszlowky, 901 S. Atlantic Avenue, lives in the neighboring condominium, and is exposed to music every night from the Beach Bucket until 9:00 PM, and is concerned about music going until 10:00 PM at Riptides and is opposed to the request.

Ms. Press stated that several other locations have outdoor music and they have to abide by the restrictions on how loud they can be, and if they have two reports to code enforcement, that would be it. It is difficult to tell one restaurant they can't have outdoor music when others are allowed to. The way the rules are written, it does give protection to the residents.

Mr. Heaster questioned the establishment behind Riptides having outdoor music, and are they currently in violation of the codes?

Mr. Spraker replied that if they are doing outdoor music and have no Special Exceptions, then yes they are in violation. Each application has to stand on its own and get a sound check, and have to go to Planning Board and City Commission.

Mr. Heaster asked if Riptides has ever had any other outdoor music.

Mr. Spraker understands that they have been doing outdoor music for awhile, and were not aware of the restrictions in the City's Land Development Code. Once Dimitri's went through the process, Riptides was made aware of it, and immediately came in for an application to allow it under conditions.

Mr. Heaster was concerned about the consistency of code enforcement for different establishments. He would like to mirror what Dimitri's has, and keep the same restrictions for other places in that corridor on beachside that may request the same.

Mr. Briley would like to take it one step further and see uniformity throughout the city.

Ms. Press thinks it is a good idea to stay consistent in that one corridor. She asked to hear from the applicant about the hours.

Mr. Brad Hoffman, owner of Riptides, stated they have done live music for almost a year, from mid-February through October. They are a family business and usually don't have music after 10:00 PM. Occasionally on the weekend they will bring in an artist for the

afternoon, starting at 1:00 PM, and then possibly a second artist at 6:00 PM. That is why he requested 1:00 – 10:00 PM.

Mr. Heaster moved to approve SE 14-070 with the hours of Sunday through Thursday, 4:00 – 8:00 PM, and Friday and Saturday, 11:00 AM – 11:00 PM. Ms. Press seconded the motion. The motion carried unanimously (4-0).

B. LUPA 14-041 and LUPA 14-043: 275 and 395 Williamson Boulevard, Scale Comprehensive Plan Amendment.

Ms. Kornel stated this is a request to change the existing Future Land Use designation at 275 and 395 Williamson Boulevard from County Commercial to Low Intensity Commercial. The total acreage is 5.15 acres. Ms. Kornel explained the location, orientation, and characteristics of the property, and presented the staff report. Ms. Kornel stated staff is recommending approval of the amendment.

Ms. Press asked if the Low Intensity Commercial allows for a drive-thru on that property.

Rob Merrill, of Cobb Cole at 149 S. Ridgewood, Daytona Beach, on behalf of the owner, explained that the approved zoning that will be discussed for approval in the next item, does allow for a pharmacy drive-thru.

Mr. Goss explained that the characteristics are much different between a drive-thru restaurant and pharmacy. The pharmacy drive-thru would be just dropping off and picking up, whereas the restaurant drive-thru people wait in line to order and then pick up.

Vice Chair Briley asked if there were any more comments.

Mr. Heaster moved to approve LUPA-14-041 and LUPA 14-043 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved (4-0).

C. RZ 14-042 and RZ 14-044: 275 and 395 Williamson Boulevard, Amendment to Official Zoning Map.

Ms. Kornel stated this is a request to amend the Official Zoning Map for 5.15 acres located at 275 and 395 Williamson Boulevard from County Business Planned Unit Development to City of Ormond Beach Planned Business Development. Ms. Kornel explained the location, orientation, and characteristics of the property, and presented the staff report. Ms. Kornel stated staff is recommending approval of the amendment.

Rob Merrill, of Cobb Cole at 149 S. Ridgewood, Daytona Beach, on behalf of the owner, wanted to point out that the zoning would also include banks with drive-thru, not just pharmacy.

Vice Chair Briley asked if there were any more comments.

Mr. Jorczak moved to approve RZ-14-042 and RZ 14-044 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved (4-0).

D. LUPA 14-033 1287 and 1301 West Granada Boulevard, Small Scale Land Use Map Amendment.

Mr. Spraker stated this is a request to amend the existing land use designation of the 2.53 acre parcel at 1287 West Granada Boulevard from “Office/Professional” to “Low Intensity Commercial,” and to amend the existing land use designation of the 2.47 acre parcel at 1301 West Granada Boulevard from “Suburban Low Density Residential” to “Low Intensity Commercial.” Mr. Spraker explained the location, orientation, and characteristics of the property, and presented the staff report with a recommendation for denial based upon the following findings:

1. The proposed application intensifies the property beyond that of any office use. The introduction of two drive-thru restaurants and commercial space will serve only to increase traffic and fragment other retail centers of their tenants. Policy 1.6.7 states, the City shall not encourage development proposals that require comprehensive plan amendments in order to be consistent with the City’s FLUM in terms of land use and density or intensity for property that is located on Multi-Modal Corridors where current and projected 2017 level-of-service standards are not being met. Current and future projected levels of service indicate W. Granada Boulevard between I-95 and Clyde Morris Road is LOS E. The adopted LOS for the City is LOS C.
2. The proposed land use change is for speculative purposes. There is no demonstrated need for the community to have additional commercial space. The City’s Economic Development Plan adopted by Resolution 2011-2014 provides a Retail Gap Analysis and found out of 14 sectors, only two sectors had more demand than supply. The top 5 retail opportunities from those sectors within a 3 mile radius indicates a need for:
 - A. Gas stations;
 - B. Pharmacies;
 - C. Other Convenient stores;
 - D. Nursery and Garden Centers; and
 - E. Office supplies/stationary stores.

The applicant identifies this 26,000 square foot building as a neighborhood retail center. Neighborhood retail centers market area has a 0-3 mile radius.

3. The Department analyzed the data provided by the applicant indicating no market for additional office space. Staff found 19 retail shopping centers having 57 vacant spaces containing 190,802 square feet. The reported vacancy rate was 37% with an average rental rate of \$12.53 a square foot. Thirty-two office complexes were analyzed and 50 spaces were reported vacant involving 137,788 square feet. The reported vacancy rate was 33.8% with a rental rate of \$12.52 an average rental rate of square foot.
4. While both Retail and Office Sectors are improving, there is no immediate need for additional commercial or office space at the current time. There is a high reported vacancy rate for both uses.
5. Using Location Quotients (LC) which have one or greater indicates the occupation has a higher share of employment than average. The LC for food and service sector is 1.37. The LC for Retail & Sales Sector is 1.31. Twenty-Five percent (25%) of the local economy is Food/Services and Retail/Sales with a median hourly wage of \$9.06 and \$10.72 respectively. Healthcare support and office support occupations pay

\$11.66 and \$12.88 per hour respectively. Jobs are important, but quality jobs are even more important. Existing land use designations should remain unchanged when it can be demonstrated that there is sufficient office and retail space for users.

6. The policies cited by the applicant in support of increased commercial land use are development related policies – not land use policies. These development-related policies are used to guide and require applications for Planned Business Developments (rezoning) to mitigate and exceed minimum standards. However, the applicant failed to address Comp Plan Policy 1.6.6 regarding development proposals that require a comprehensive plan amendment in order to be consistent. The applicant did not address the multi-modal requirements.
7. The introduction of 26,000 commercial square feet on elongated parcels will create the same issues that the City has experienced with Amaral Plaza on US 1 North. Increased signage will be needed because not all 26,000 square feet will have exposure to W. Granada Boulevard. Successful commercial by its very nature must be designed to have ease of access from all directions (median cuts) and to divert trips which in turn attract a greater number and percentage of trips which in turn require larger and larger signs. West Granada Boulevard is not designed for commercial development to capture a percentage of 35,000 vehicles a day, because of the minimal number of medians that exist, the wide median buffer with landscaping, and the requirement for monument signs. However, it is these very same attributes (vehicle volume, aesthetics) that attract commercial development.
8. The applicant partially justified the requested land use plan amendment based upon the commercial land use plan amendment approved for 1298 West Granada Boulevard. This property had commercial in the county. The city had a choice. The city could annex and give the property a similar land use and development based upon Comp Plan Policy 5.1.1 or the city could permit the project to develop under Volusia County standards and annex the property upon site plan approval. Staff deliberated over the various Comprehensive Plan policies, and chose to annex the property prior to development. The city's annexation of the subject property should not be used or construed as support of the city to commercialize West Granada Boulevard.
9. The subject property constitutes a large area of land in this corridor with "Suburban Low Density Residential" and "Office/Professional". This application shall set the future policy direction of how this section of Granada Boulevard will look and feel. If approved, staff would expect that there would be additional amendments to amend property to the "Low Intensity Commercial" land use.
10. As demonstrated and shown in Policy 2.5.1 of the Future Land Use Element, "Commercial" land uses are more intensive than "Office Professional".

Staff is not supportive of the intensification of West Granada Boulevard recommends denial.

Mr. Jorczak asked about the approved structure that has already been permitted, if it fully complies with the current EAR program and permitted land usage. Mr. Spraker answered yes.

Ms. Press questioned if buildings put on these properties would have to be orientated towards the depth, as opposed to the width. Could a building be put across both lots, facing Granada? Mr. Spraker stated that it is a possibility.

Mr. Glenn Storch, who represents the contract purchases for the two properties, stated there are two contract purchases and they are working together to develop these sites. The property on the west side has been owned by a gentleman for about 30 years, and the other property has been marketed several times, but the market just isn't there. Regulations that made sense years ago do not make sense any more. There is no market for Office Professional on Granada, but there is a market for Retail. There is a need for additional restaurants in this area.

We want to encourage investment in this community. We need people who want to build. If the government requires construction of un-needed office buildings, just so they can have what is needed, it will not encourage investment.

Mr. Jorczak questioned Mr. Spraker about the limitation of 900 daily trips, and how that is policed and known if it goes above that number. Mr. Spraker explained there is a Trip Generation Manual that gives a trip generation for each use of property and there is concern for the impact of the trip. Mr. Jorczak asked if it was ever cross-checked after the facility is in. Mr. Spraker replied that no one actually goes and counts the number of cars in and out.

Mr. Jorczak asked that with some of the concessions that Glenn mentioned – relocating the access road, eliminating other uses would that change staff's recommendation? Mr. Spraker explained that those were items that were already in the original application submittal. The access road was part of the original approval, and there is an existing access easement there, and they would have to vacate and relocate it.

Mr. Jorczak requested Mr. Spraker to explain to the Board some examples of uses that could go into the commercial property across the street that was brought into the city. Mr. Spraker explained that the existing land use in the county allowed up to 50,000 sq. ft. of general commercial. They could do any type of retail, drive-thru, office, restaurant, basically anything you can do in a commercial center.

Mr. Paul Holub, 675 N. Beach St, stated that this is the most important and passionate application he has ever filed with the City of Ormond Beach. The medical professionals are not expanding, but are merging with larger facilities. Office professionals are working out of their homes. If Mr. Holub wanted to put a retail store in this location, under today's code, in order to put in 20,000 sq. ft. of retail, he has to put in 21,000 sq. ft. of office, which will sit vacant. It makes no sense. Retail businesses do not want to go to Nova or U.S. 1, but they want to be on Granada, close to Lowes, Walmart & I95. And if not Granada, they will go to other communities.

Mr. Holub showed a list of several retail chains who have inquired within the last year as to available land in Ormond Beach. Some of them would go into a retail center, others need to be free-standing or need to be an end cap. There is a restaurant chain that wants to go on this property right now. We are asking for the Board's support on the application, and the only provision would be to do a PBD on the west side of the property that abuts Seminole Drive.

Mr. Kit Cory, attorney for the property owner, wanted to confirm that this project move forward, and they are willing to move the existing easement from the east to the west. The family is asking for the Board's support.

Mr. Roger Strcula, 265 Kenworth Ave, engineer for the project across the street, and is involved in the land use amendment for that project also. The type of development that is being proposed is not going to increase the net trips, because there will be all of the pass-by trips going to Walmart and Lowes, whereas office type use will be all new trips. You're not looking at the same type of consistencies, but just looking at the ITE Manual. What is in his consistencies report states that the proposed use is going to have a lesser impact than what's currently allowed.

Mr. John Toth, Prudential Real Estate, 120 S Palmetto, Daytona Beach, confirmed that there is no need for additional office space in this area. Florida Hospital has a new campus with available office space, and physicians are now working on campus. There just is no demand for office space. There are only a few parcels left on Granada, and a few opportunities to get it right.

Mr. Harley Hoffman, 108 Seminole Dr, lives on the adjoining residential property, and is also the Civic Association president for the 193 homes in this area. He would like to talk about the human aspects and implications of this development. The Civic Association has not taken a stand or vote on this application, because they don't know what is happening. Whichever way it goes, they will probably have a vote and present something to the Board and City Commission. We believe in the PED process as a way to stay involved in everything. From the standpoint of the Civic Association and as a landowner, the worst possible scenario would be an absentee owner buy this property and hang on to it for development years down the road. Either a home owner needs to be living there, or someone needs to come in and develop it. We like the idea that local developers are interested in this property and will work with the Civic Association. Our recommendation is to give this land use change and zoning application a chance to work.

Mr. Bill Blackburn, an attorney from Georgia, represents franchisees coming into this county, who think Ormond Beach is a wonderful community. His client is representing Zaxby's who is interested in this property. He feels it will create additional jobs for the community, additional tax revenue, and they would hope to add to the community experience by putting back into the community.

Ms. Press asked if this was a definite that Zaxby's would be one of the tenants. Mr. Blackburn stated that the east property is presently under contract to jointly develop with Mr. Holub, subject to getting everything worked out.

City Attorney Hayes interjected that this is an application for a land use change, not a development project. If the board members are inclined to approve the land use change, the process that will come next is the development review and approval process. The process is as defined by the land development code.

Ms. Press asked what options were to be discussed. Mr. Hayes replied they could approve the application for the land use change, or deny the application. Ms. Press asked if they deny the application, what happens then. Mr. Hayes replied that it keeps the land use that it has. If it's approved, it would only change the land use, not any decisions on what specific use will go in or not.

Mr. Briley asked if they don't approve the land use change, then they won't change the zoning. Mr. Hayes replied that Mr. Briley was correct. Whether the Board changes the land use or not, will determine whether or not the property should be re-zoned.

Mr. Heaster feels that the reason the Board exists is to review items such as this. Obviously times change, markets change, and the Board serves to make changes that make sense with what the trends are. It is also very rare to have neighborhoods support something like this and to come here and they're enthusiastic about the project. Also, to have a developer who has a history of projects in close proximity and works with the neighborhoods says a lot.

Ms. Press is going to support this because she doesn't think it is fair to pigeon-hole a developer into something they can't use, and there will be more types of businesses that can go into these properties if there is a change. It is essential that the neighborhood in the surrounding area have a say in what goes in.

Mr. Jorczak stated no matter what we do, we have traffic issues on 40. Another point, it is a commercial area, and we need to look at the best use of the property. We have a property that does need to be developed, and present land use and zoning would limit the use of the property.

Mr. Briley stated that there isn't a lot of retail along Granada, and we don't have a lot of opportunities for retail development. He would rather see this as retail since we lack retail along this corridor.

Mr. Holub addressed the Board asking them to consider support of the application as written, without the staff's additional conditions. Those conditions would be an issue for Zaxby's to proceed and close on the property. Staff requested a Planned Business Development, and a tap on the daily trips. Mr. Holub would do a PBD as this project gets into the next phase of the development.

City Attorney Hayes addressed the group and explained that there is a process for land use changes and a process for zoning changes. The Land Use change, as presented, has given the Board many options to consider, to help them make a decision on approving the Land Use or not. But some of what the Board has heard is not appropriate for the Land Use change, but is appropriate for the Zoning item.

Mr. Briley stated that when the Board talks about re-zoning, they can talk about potential uses rather than specific uses, since there is no application before them for a specific use.

Vice Chair Briley asked if there were any more comments.

Mr. Heaster moved to approve LUPA-14-033, Option A, as submitted. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved (4-0).

E. RZ 14-034: 1287 and 1301 West Granada Boulevard Zoning Map Amendment.

Mr. Spraker stated this is an application for re-zoning the two properties that just had the Land Use change. The application was to take both properties, 1287 and 1301 West Granada Boulevard from existing zoning of Planned Business Development and Suburban Residential to B-8. Mr. Spraker stated the Mr. Holub, for his parcel, was willing to go to the PBD.

Mr. Holub explained that a commitment was made to the neighbors that on 1301, they would go through a PBD, and since that portion was not advertised, they would have to withdraw that portion of it, advertise, and come back with a PBD.

Mr. Briley questioned if the Board should just approve both parcels for B-8, and then come back and change the one to PBD.

City Attorney Hayes stated that parcel 1287 should be considered from PBD to B-8 zoning, and to withdraw the application currently before them for the property at 1301. B-8 would only require an administrative site plan approval process for the project itself. The property at 1301 would be taken through the PBD process, which is a different category and hasn't been advertised.

Mr. Heaster asked how it worked with staggering the times, since the PBD has to be advertised, and then it would come back before the Board?

Mr. Spraker stated that the application would be amended to go from B-8 to PBD, they would perform the site plan, perform the neighborhood meeting, and then come back to the Board. Mr. Heaster asked if the Land Use would go on to the City Commission, and Mr. Spraker explained that the Land Use would continue on.

Vice Chair Briley asked if there were any more comments.

Mr. Heaster moved to approve RZ-14-034 for parcel #1 at 1287 W. Granada Blvd. from PBD to B-8 and withdrawing parcel #2 at 1301 W. Granada Blvd. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved (4-0).

OTHER BUSINESS

None.

VIII. MEMBER COMMENTS

Mr. Jorczak wanted to recognize the airport manager, Steven Lichliter, who is an active member in the Civil Air Patrol in Ormond Beach. That squadron has won the southeast region championship for cadets within the Civil Air Patrol. That is quite an accomplishment.

Ms. Press wanted to say that this was one of the toughest decisions she has had to make on this board. It was difficult and she is hoping it will all work out. Ms. Press also noted that the civic group that is very much involved in unoccupied homes, will be making a presentation on May 6 at the workshop.

Mr. Heaster stated that tonight is a good example of why he enjoys serving on this Board, and working with staff. He knows the staff puts a lot of time into presentations, there was good discussion, he respects their stance on things that are best for the city, and he appreciates when things come up and they supply the Board with information and help them through the process. He also thanked Harold for stepping in as Chair and doing an excellent job with the meeting.

Mr. Briley thanked staff. He thinks the market is changing, and he's not sure how much of an opportunity there will be for new retail on Granada. He feels this is a common sense thing to make this retail.

Mr. Jorczak said one of his biggest concerns to the restaurant concept is whether there is a drive-thru or not. It is a nightmare at the Dunkin' Donuts on Nova with traffic backed up to go through the drive-thru lane. He doesn't know what we can do to minimize the impact on the artery, but when we get into the zoning issue with respect to Zaxby's, if we don't get an ingress/egress road off of there, we will have a huge problem.

Mr. Goss stated that since there is no market for Professional Office in the future, perhaps we need to go back and investigate the Multi-Model Plan. The Plan was based on the existing land use. Trips were calculated based upon the corridor's existing land use, based upon what you could develop. If we're going to introduce commercial, we should go back and look at the Plan and re-calculate it based upon commercial.

Mr. Briley asked if there were any more questions. There were no additional questions.

IX. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Ric Goss, AICP, Planning Director

ATTEST:

Harold Briley, Vice Chair

Minutes transcribed by Melanie Nagel.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: May 8, 2014

SUBJECT: 815, 855, 915, and 935 Ocean Shore Boulevard – Small-Scale Land Use Plan Amendment

APPLICANT: Gary Mann, authorized agent on behalf of the property owners of Shoreham Beach Condominium, Ormond Ocean Club North, Ormond Holiday Club, and The Bent Palm Club properties

NUMBER: LUPA 14-079

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

INTRODUCTION: This is a request submitted by Gary Mann, authorized agent on behalf of the property owners of Shoreham Beach Condominium, Ormond Ocean Club North, Ormond Holiday Club, and The Bent Palm Club properties located at 815, 855, 915, and 935 Ocean Shore Boulevard, respectively, for a Small Scale Comprehensive Plan Land Use Map amendment. This application seeks to amend the four properties with a total acreage of ± 7.62 from the existing land use designation of City of Ormond Beach “High Density Residential” to Ormond Beach “Tourist Commercial” (see Exhibit A) to continue historical short-term rental/transient lodging. There are no site or building improvements proposed as part of this application.

BACKGROUND: There are four properties at 815, 855, 915, and 935 Ocean Shore Boulevard owned by Ormond Holiday Club Association, Incorporated, a Florida Non Profit Corporation; Ormond Ocean Club North, Incorporated, a Florida Non Profit Corporation; Shoreham Condominium Association, Incorporated, a Florida Non Profit Corporation; and The Bent Palm Club, Incorporated, a Florida Non Profit Corporation; and other individual owners (see Exhibit B). The subject properties are completely built out with condominium structures.

The Ormond Holiday Club Condominium is located at 815 Ocean Shore Boulevard and was built around 1969 with 39 units. The Ormond Ocean Club North was built around 1971 with 47 units and is located at 855 Ocean Shore Boulevard. The Shoreham Condominium located at 915 Ocean Shore Boulevard was built around 1970 with approximately 56 units. The Bent Palm Club condominium located at 935 Ocean Shore Boulevard was constructed in 1972 and completed in 1973 with 41 units.

The four properties are currently zoned Ormond Beach R-6 (Multifamily Medium-High Density). The expected zoning classification will be Ormond Beach B-6 (Oceanfront Tourist Commercial) and will follow upon the completion of the administrative land use change. The proposed land use amendment tentative schedule of the subject properties are as follows:

Action/Board	Date
Planning Board	May 8, 2014
Transmit to Volusia County Growth Management Commission and adjoining jurisdictions	May 12, 2014
City Commission 1 st Reading	July 1, 2014
City Commission 2 nd Reading	July 15, 2014
Transmit to Florida Department of Economic Opportunity (DEO)	July 21, 2014

In December 2013 staff received a number of inquiries regarding the use of transient lodging at 815, 855, 915 and 935 Ocean Shore Boulevard. Transient lodging is defined in the Land Development Code as, "short-term rental of any residential dwelling for a period of less than six (6) months. The term "transient lodging" also includes a facility providing sleeping quarters to the general public for a fee, such that the facility must be licensed by the state for a hotel, motel timeshare resort, bed and breakfast, executive suite or similar use."

The current land use and zoning designation for the properties located at 815, 855, 915 and 935 Ocean Shore Boulevard is High Density Residential (HDR) and R-6 respectively. The R6 designation currently does not permit transient lodging.

Ordinance 1956-29 (Exhibit C) was the zoning ordinance in effect from 1956 from 1978. The R-4 (Multi-family residences (Oceanfront)) zoning district permitted multi-family units, hotels and motels as permitted uses. In researching the permit cards from the Building Department, all four structures above were permitted/constructed between 1969 and 1973. The permit cards also contain the zoning of the properties (R-4) and the fact that Ordinance 1956-29 was in effect.

Ordinance 1978-35 was a major zoning ordinance rewrite that also included multiple property re-zonings. Ordinance 1978-35 eliminated the permitted uses of hotel/motels from the R-4 zoning district. The four properties above were rezoned to R-6 that also did not include hotel/motel uses as an allowed use. Staff verified that there were no rezonings of the above properties prior to 1978 by reviewing historical Ordinance titles.

Assuming that the above properties had a hotel/motel component, Ordinance 1978-35 rendered them legal non-conforming uses. The condominium properties were unable to produce evidence to substantiate their respective claims that transient rentals complied at all times with applicable regulations since 1978. Consequently, in the absence of clear evidence that the condo developments were approved as transient housing, they are not considered lawful uses. An unlawful use may not be grandfathered. Therefore, the only way to continue the original use of short term rentals/transient lodging was for the properties to submit an application for a land use and zoning map amendment to Tourist Commercial and B-6 (Oceanfront Tourist Commercial) respectively. The Planning Department received letters from all four affected properties. The Bent Palm Club (935 Ocean Shore Boulevard); Shoreham Club (915 Ocean Shore Boulevard), Ormond Ocean Club North (855 Ocean Shore Boulevard); and Ormond Holiday Club (815 Ocean Shore Boulevard) support the land use and zoning change (Exhibit D).

ANALYSIS The proposed land use amendment is an applicant initiated change to the land use designation of the subject property from Ormond Beach "High Density Residential" to Ormond Beach "Tourist Commercial" on the future land use map (Exhibit B) in order to continue the historic short term rental/transient lodging use. Staff has reviewed the proposed Future Land

Use Map amendment based upon the criteria under Policy 2.5.2 of the Future Land Use Element of the City Comprehensive Plan:

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

City’s Comprehensive Plan:

The future land use designation presently assigned to the subject property is “High Density Residential”. The directive text of the city’s Comprehensive Plan states the following for the “High Density Residential” land use category:

Purpose: To provide lands suitable for the development of multi-family residential structures. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: Minimum 12-32 units per acre

Maximum FAR: 0.3

The request is for an amendment to the City “Tourist Commercial” land use category. The directive text of the City’s Comprehensive Plan states the following for the “Tourist Commercial” category:

Purpose: A multi-use land use category to provide uses along the Atlantic Ocean, SR A1A and highway interchanges, that include transit availability, retail services, tourist attractions, restaurants, multi-family and lodging to visitors to the City. For projects that propose a mixture of residential and nonresidential uses, the minimum FAR should be 0.2.

Density: Maximum: 32 units per acre.

Maximum FAR: 1.5

Below are specific Goals, Objectives, and Policies of the Comprehensive Plan that are applicable to this application:

<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 <i>(Staff Analysis: This amendment is consistent with this objective.)</i></p>
<p>POLICY 1.1.4. Future Land Use Element</p>	<p>Preserve the single-family estate character of oceanfront properties north of Granada Boulevard. Preserve the existing beachside, single-family residential areas, south of Granada Boulevard and east of South Atlantic Avenue, by maintaining their land use designation of “Low Density Residential.” <i>(Staff Analysis: The proposed amendment does not decrease any existing Low Density Residential land use designations.)</i></p>
<p>POLICY 1.1.6. Future Land Use Element</p>	<p>Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments that will meet the varied needs of the citizens of Ormond Beach. <i>Staff Analysis: This amendment is consistent with this policy.)</i></p>

<p>POLICY 1.1.14. Future Land Use Element</p>	<p>Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit oriented development and walkable residential areas. <i>(Staff Analysis: This amendment is consistent with this policy.)</i></p>
<p>POLICY 1.2.1. Future Land Use Element</p>	<p>New development and redevelopment shall not exceed the FAR established in Section B of the Future Land Use Element. Parking garages shall not be calculated as floor area ratio. <i>(Staff Analysis: This amendment is consistent with this policy.)</i></p>
<p>POLICY 1.2.4. Future Land Use Element</p>	<p>Tourist oriented hotel/motel development and appropriate support facilities shall be located along A1A south of Granada Boulevard and near highway interchanges, and shall not be permitted to intrude into established residential areas north of Granada Boulevard nor established residential areas east of South Atlantic Avenue, further westward of A1A than is currently permitted south of Granada Boulevard. <i>(Staff Analysis: The existing condominium units are currently being rented for shorter time periods less than six months. The intent of this amendment is to allow the historic short-term rental previously allowed before the 1978 Zoning Ordinance major modification. This amendment does not create any additional intrusion into established residential areas.</i></p>
<p>POLICY 1.2.7. Future Land Use Element</p>	<p>Maintain the tourist commercial character of the A1A corridor, except as noted in Policies 1.1.4. and 1.2.4. Design guidelines should be established for all new development along the ocean so that, in the future, buildings will be homogeneous and compatible with surrounding constructions and will represent a common theme. Maintain oceanfront setbacks for properties located along the Atlantic Ocean. Oceanfront development should be airy and open with a minimum of interference with the ocean view and breeze. <i>(Staff Analysis: This amendment is consistent with this policy.)</i></p>

Planning staff concludes that the amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

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

In accordance with Chapter 163.3187(1), 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.**

The subject property is ±7.62 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. The following represents amendments currently approved in calendar year 2014:

Case #	Address	±Acreage
13-099	1740 W. Granada Boulevard	0.90
14-006	55 & 75 North Nova Road	3.13
14-003	1451-1459 N US Highway 1	8.30
13-041 13-043	275 & 395 Williamson Boulevard	5.15
14-033	1287 and 1301 West Granada Boulevard	5.00
Total Acres Calendar Year 2014		22.48 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.

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

<u>Land Use:</u> The adjacent land uses and zoning are as follows: Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Single-family home	Ormond Beach "Tourist Commercial"	Ormond Beach B-6 "Oceanfront Tourist Commercial"
South	Single-family home	Ormond Beach "Low Density Residential"	Ormond Beach R-1 "Residential Estate"
East	Atlantic Ocean	N/A	N/A
West	Single-family homes	Ormond Beach "Low Density Residential"	Ormond Beach R-2.5 "Single-Family Low-Medium Density"

The applicant has requested a land use amendment to assign the City "Tourist Commercial" future land use category. There are four residential land use categories: Rural Estate/Agriculture, Rural Residential, Suburban Low Density Residential, and Low Density. None of the listed Residential land use categories are compatible with zoning districts that allow transient lodging. The City's Comprehensive Plan has five potential commercial land use categories as follows:

Category	Maximum Density (units per acre)	Maximum FAR (Floor Area Ratio)	Existing Areas
General Commercial	32	0.7	Nova Road, US1 (Nova Road to Wilmette Avenue)
Heavy Commercial	18	0.8	US1 (Granada Blvd. to Hand Avenue)
Tourist Commercial	32	1.5	South Atlantic Avenue, Ocean Shore Blvd., Interchange Blvd., Granada Blvd. and I-95, and US1 and I-95
Office/Professional	15	0.5	Granada Boulevard, Clyde Morris Blvd., Hand Avenue
Low Intensity Commercial	10	0.6	North US1

The existing Floor Area Ratio for the most intense condominium is 0.75 so the Tourist Commercial is the only land use applicable. Also, the Tourist Commercial land use designation is the most appropriate as it is generally applied to properties along the Atlantic Ocean and is compatible with the adjacent land uses on the north side of 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. Below is an analysis of the existing and proposed land use categories and the maximum Density and Floor Area Ratio (FAR) for residential and commercial developments.

Current Future Land Use Density				
High Density Residential	Acres	Maximum Units per Acre	Maximum Dwelling Units Allowed	
935 Ocean Shore Blvd	1.89	32	60	
915 Ocean Shore Blvd	1.63	32	52	
855 Ocean Shore Blvd	2.04	32	65	
815 Ocean Shore Blvd	2.07	32	66	
Total	7.63	128	243	
Proposed Future Land Use Density				
Tourist Commercial (B-6 allows up to 64 transient lodging units)	Acres	Maximum Units per Acre	Maximum Transient Lodging Units Allowed	Current Dwelling Units
935 Ocean Shore Blvd	1.89	64	121	41
915 Ocean Shore Blvd	1.63	64	104	56
855 Ocean Shore Blvd	2.04	64	131	47
815 Ocean Shore Blvd	2.07	64	132	39
Total	7.63	128	488	183
Increase/Decrease			+245	
Current Future Land Use FAR				
High Density Residential	Lot S.F.	Maximum FAR	Maximum Building SF	
935 Ocean Shore Blvd	82,247	0.3	24,674	
915 Ocean Shore Blvd	71,087	0.3	21,326	
855 Ocean Shore Blvd	88,681	0.3	26,604	
815 Ocean Shore Blvd	90,000	0.3	27,000	
Total	332,015		99,604	
Proposed Future Land Use FAR				
Tourist Commercial	Lot S.F.	Maximum FAR	Maximum Building SF	Approx. Existing FAR
935 Ocean Shore Blvd	82,247	1.5	123,371	0.29
915 Ocean Shore Blvd	71,087	1.5	106,631	0.75
855 Ocean Shore Blvd	88,681	1.5	133,022	0.26
815 Ocean Shore Blvd	90,000	1.5	135,000	0.29
Total	332,015		498,024	

Transportation: The ITE Trip Generation Rates (9th Edition), ITE Code # 311 (All Suites Hotel) with a potential of 488 rooms was used for the future land use analysis. Under the City’s Land Development Code, a hotel would only be allowed seven floors, parking requirements would limit the number of rooms permitted, and the side yard setback requirements for oceanfront properties is very limiting as well. The Land Development Code allows up to 64 commercial lodging units per acre. A maximum scenario of 488 based on 64 commercial lodging units per acre is very liberal. This was compared to the existing use of Residential Condo/Townhouse ITE Trip Generation Code 230 as detailed below:

Existing Land Use Residential Condo/Townhouse	ITE #	Units	Maximum Scenario DU	ITE Avg Trip Gen Rate	Avg Daily Trips
935 Ocean Shore	230	DU	60	5.81	349
915 Ocean Shore	230	DU	52	5.81	302
855 Ocean Shore	230	DU	65	5.81	378
815 Ocean Shore	230	DU	66	5.81	383
Total			243		1,412
Proposed Land Use All Suites Hotel	ITE #	Units	Maximum Scenario Rooms	ITE Avg Trip Gen Rate	Avg Daily Trips
935 Ocean Shore	311	Suites	121	4.90	593
915 Ocean Shore	311	Suites	104	4.90	510
855 Ocean Shore	311	Suites	131	4.90	642
815 Ocean Shore	311	Suites	132	4.90	647
Total			488		2,392
Increase/Decrease			+245		+980

In the event an additional 245 suites were constructed for transient lodging, the Level of Service for the segment of SRA1A from Neptune to SR 40 is “B” in 2013, 2020, and 2025 based upon FDOT’s Traffic Trend Analysis Tool. The adopted Level of Service is LOS “C”. Road capacity is projected to be available in the future to absorb an additional 245 suites.

Since the site is already developed and the intent of this amendment is to designate a compatible Future Land Use to allow the historic short-term rental/transient lodging, the proposed change will not generate an increase in new trips at this time. If the site is redeveloped in the future, a concurrency analysis will be required.

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

Stormwater Management: The site is developed and was constructed prior to current stormwater regulations. Any new development will require stormwater review.

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

Schools: The site is developed as a residential use. The land use amendment is for a commercial land use so there will be no impacts to schools as a result of the subject land use amendment.

Other Services: City police and fire protection services serve this area. The parcel is located within an approximate 4-5 minute response time from emergency facilities.

4. Whether the proposed map amendment impacts surrounding jurisdictions. The property is not located next to another City and there are no impacts expected to any surrounding jurisdiction.

CONCLUSION: Staff supports the land use amendment from Volusia County “High Density Residential” to Ormond Beach “Tourist Commercial”. The small scale land use map amendment is an administrative amendment required to assign a City Future Land Use Map designation to the subject parcel. Staff has determined that the Ormond Beach “Tourist Commercial” land use category is appropriate for the following reasons:

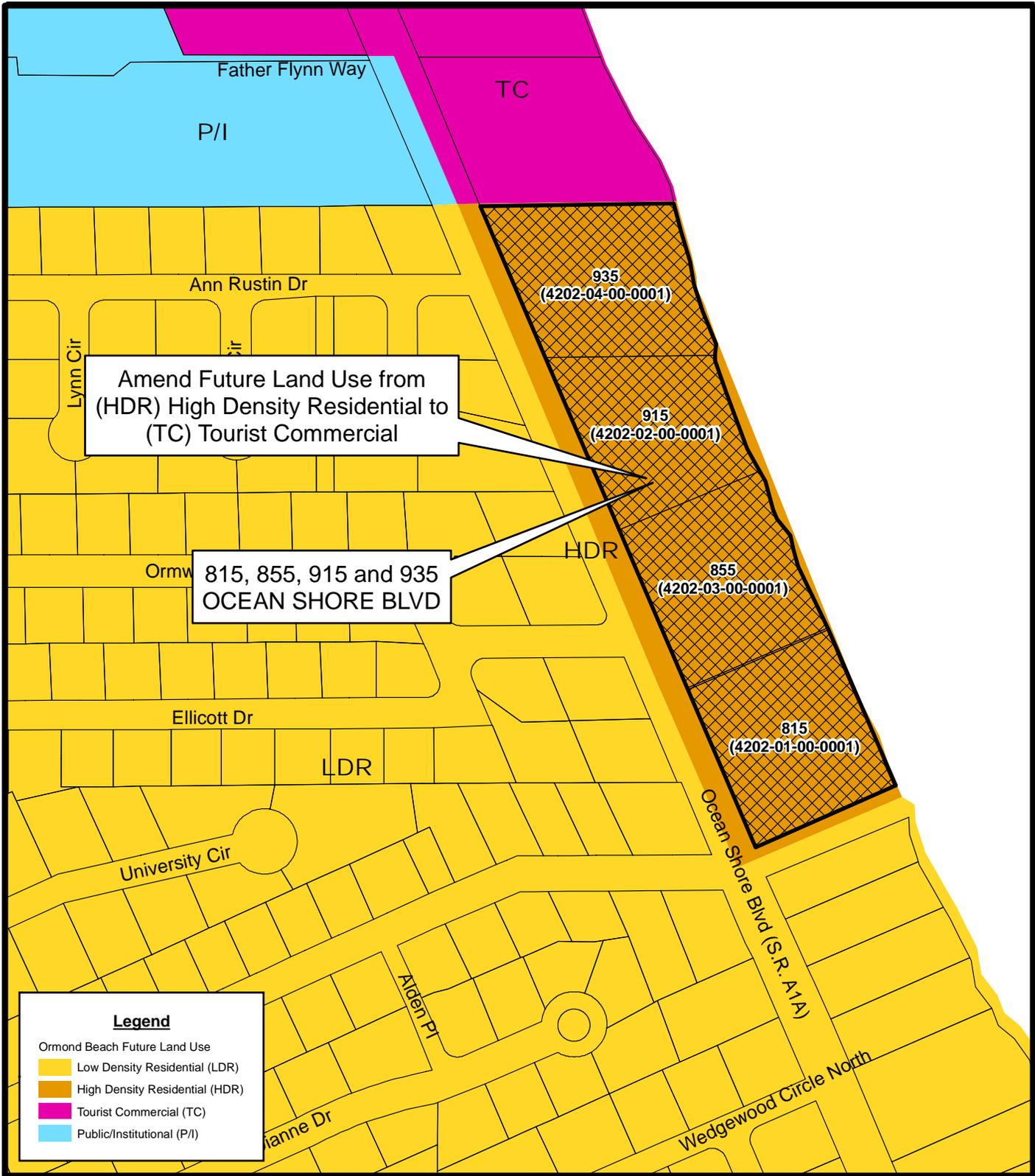
1. The amendment meets the Goals, Objectives, and Policies of the City’s comprehensive plan;
2. The amendment meets the requirements established in the Florida Statutes;
3. The proposed land use is an appropriate use of land;
4. There is adequate infrastructure to serve the proposed land use. Since the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

Public Input: The Planning Department received a note from Mrs. Margaret Damare expressing her desire that all plans remain “status quo”. The request in writing has been attached for the record (Exhibit E).

RECOMMENDATION: Staff recommends that the Planning Board recommend **APPROVAL** of Case # LUPA 14–079 a Future Land Use map amendment for ±7.62 acres from the existing land use designation of Ormond Beach “High Density Residential” to City of Ormond Beach “Tourist Commercial” for the Bent Palm Club (935 Ocean Shore Boulevard); Shoreham Club (915 Ocean Shore Boulevard), Ormond Ocean Club North (855 Ocean Shore Boulevard); and Ormond Holiday Club (815 Ocean Shore Boulevard).

Attachments:

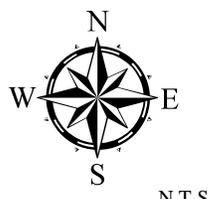
- Exhibit A: Existing and Proposed Future Land Use Map
- Exhibit B: Legal, Depiction, and Ownership Information
- Exhibit C: Ordinance 1956-29
- Exhibit D: Letters of Authorization
- Exhibit E: Public Input Letter



Legend

Ormond Beach Future Land Use

- Low Density Residential (LDR)
- High Density Residential (HDR)
- Tourist Commercial (TC)
- Public/Institutional (P/I)



N.T.S.

PROPOSED FUTURE LAND USE MAP
815, 855, 915 and 935
OCEAN SHORE BLVD

Prepared By: The City of Ormond Beach
 G.I.S. Department - April 14, 2014

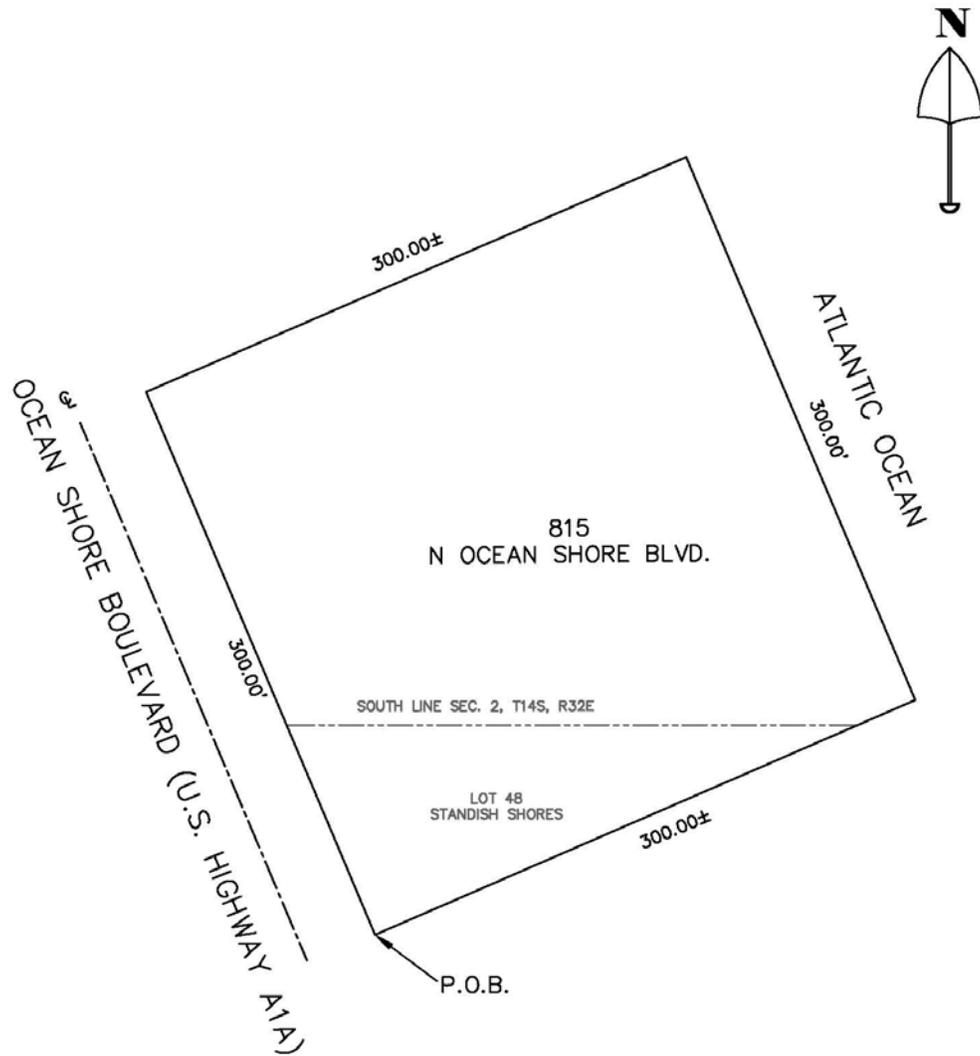


EXHIBIT B – 815 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

THE SOUTH 490' OF THAT PORTION OF FRACTIONAL SECTION 2 LYING EASTERLY OF OCEAN SHORE BOULEVARD, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND ALSO LOT 48, STANDISH SHORES, OF RECORD IN MAP BOOK 9, PAGE 127, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS AND SHORE RIGHTS THAT MAY BE APPERTAINING THERETO.

Depiction:



Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-01-00-0001 4202-01-00-0001	ORMOND HOLIDAY CLUB CNDO ASSOC	815 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-01-01-0010 4202-01-01-0010	WORTHINGTON BETTY J TE	815 OCEAN SHORE BLVD UT 1 ORMOND BEACH 32176
02-14-32-01-01-0100 4202-01-01-0100	CLEVELAND CAROL K	815 OCEAN SHORE BLVD UT 10 ORMOND BEACH 32176
02-14-32-01-02-0100 4202-01-02-0100	APPLE REBECCA MCDONALD	815 OCEAN SHORE BLVD UT 10A ORMOND BEACH 32176
02-14-32-01-02-0101 4202-01-02-0101	815 OCEAN SHORE BLVD 10B LLC	815 OCEAN SHORE BLVD UT 10B ORMOND BEACH 32176
02-14-32-01-01-0110 4202-01-01-0110	HURLBURT JOHN C & BLAIR	815 OCEAN SHORE BLVD UT 11 ORMOND BEACH 32176
02-14-32-01-02-0110 4202-01-02-0110	GRAHAM JESSE E & KATHLEEN T	815 OCEAN SHORE BLVD UT 11A ORMOND BEACH 32176
02-14-32-01-02-0111 4202-01-02-0111	INMAN HUGH M JR TR &	815 OCEAN SHORE BLVD UT 11B ORMOND BEACH 32176
02-14-32-01-01-0120 4202-01-01-0120	HOLIDAY CLUB LAND HOLDINGS LLC	815 OCEAN SHORE BLVD UT 12 ORMOND BEACH 32176
02-14-32-01-02-0120 4202-01-02-0120	GOUGH THOMAS J & CAROL F	815 OCEAN SHORE BLVD UT 12A ORMOND BEACH 32176
02-14-32-01-02-0121 4202-01-02-0121	WALTERS SANDRA F TR	815 OCEAN SHORE BLVD UT 12B ORMOND BEACH 32176
02-14-32-01-01-0130 4202-01-01-0130	CRENSHAW DONALD L & JEAN W &	815 OCEAN SHORE BLVD UT 13 ORMOND BEACH 32176
02-14-32-01-02-0130 4202-01-02-0130	HURLBURT JOHN C & BLAIR H	815 OCEAN SHORE BLVD UT 13A ORMOND BEACH 32176
02-14-32-01-02-0131 4202-01-02-0131	STAKER WILLIAM C & SUSAN A	815 OCEAN SHORE BLVD UT 13B ORMOND BEACH 32176
02-14-32-01-02-0010 4202-01-02-0010	ROMAIN BRIAN A & DEBORAH A	815 OCEAN SHORE BLVD UT 1A ORMOND BEACH 32176
02-14-32-01-02-0011 4202-01-02-0011	HAYWARD ANDREW S	815 OCEAN SHORE BLVD UT 1B ORMOND BEACH 32176
02-14-32-01-01-0020 4202-01-01-0020	MANCINIK JEFFERSON J &	815 OCEAN SHORE BLVD UT 2 ORMOND BEACH 32176
02-14-32-01-02-0020 4202-01-02-0020	GUNBY POLLY P TRUSTEE	815 OCEAN SHORE BLVD UT 2A ORMOND BEACH 32176
02-14-32-01-02-0021 4202-01-02-0021	BLALOCK JOHN C JR & JANE N	815 OCEAN SHORE BLVD UT 2B ORMOND BEACH 32176

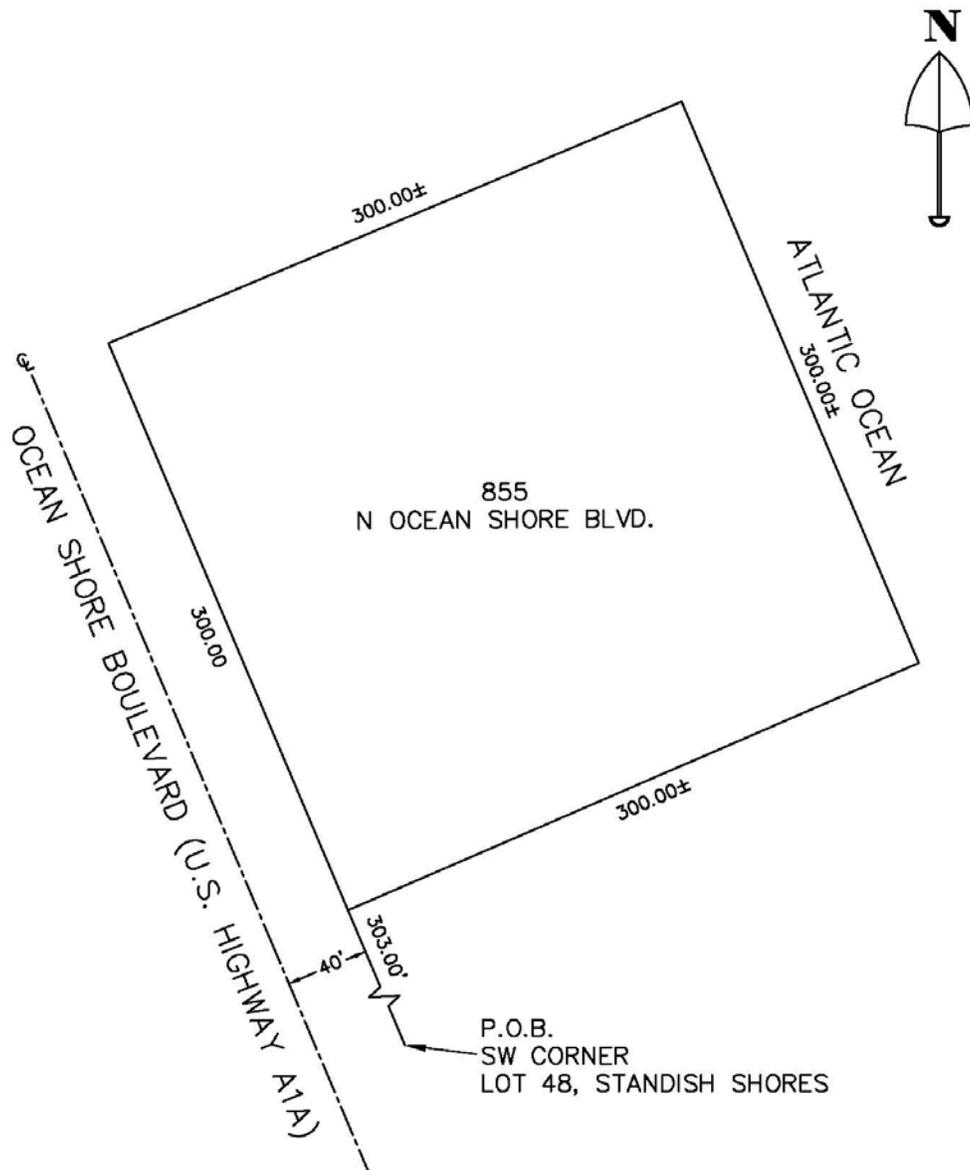
02-14-32-01-01-0030 4202-01-01-0030	ORMOND HOLIDAY CLUB ASSOC INC	815 OCEAN SHORE BLVD UT 3 ORMOND BEACH 32176
02-14-32-01-02-0030 4202-01-02-0030	TIMMER GERALDINE A RICHARDSON	815 OCEAN SHORE BLVD UT 3A ORMOND BEACH 32176
02-14-32-01-02-0031 4202-01-02-0031	THREE SISTERS PROPERTIES LLC	815 OCEAN SHORE BLVD UT 3B ORMOND BEACH 32176
02-14-32-01-01-0040 4202-01-01-0040	CLEVELAND CAROL K	815 OCEAN SHORE BLVD UT 4 ORMOND BEACH 32176
02-14-32-01-02-0040 4202-01-02-0040	WILLIAMS BRITT TRTEE ETAL	815 OCEAN SHORE BLVD UT 4A ORMOND BEACH 32176
02-14-32-01-02-0041 4202-01-02-0041	WALTERS SANDRA F TR	815 OCEAN SHORE BLVD UT 4B ORMOND BEACH 32176
02-14-32-01-01-0050 4202-01-01-0050	815 OCEAN SHORE BLVD 5 LLC	815 OCEAN SHORE BLVD UT 5 ORMOND BEACH 32176
02-14-32-01-02-0050 4202-01-02-0050	FALLAW WILLIAM H & MARTHA K	815 OCEAN SHORE BLVD UT 5A ORMOND BEACH 32176
02-14-32-01-02-0051 4202-01-02-0051	NORRIS WILLIAM A III TR	815 OCEAN SHORE BLVD UT 5B ORMOND BEACH 32176
02-14-32-01-01-0060 4202-01-01-0060	WILSON MERLE SNIPES	815 OCEAN SHORE BLVD UT 6 ORMOND BEACH 32176
02-14-32-01-02-0060 4202-01-02-0060	CLEVELAND CAROL	815 OCEAN SHORE BLVD UT 6A ORMOND BEACH 32176
02-14-32-01-02-0061 4202-01-02-0061	HURLBURT JOAN W TTEE	815 OCEAN SHORE BLVD UT 6B ORMOND BEACH 32176
02-14-32-01-01-0070 4202-01-01-0070	CLEVELAND CAROL K	815 OCEAN SHORE BLVD UT 7 ORMOND BEACH 32176
02-14-32-01-02-0070 4202-01-02-0070	THREE SISTERS PROPERTIES LLC	815 OCEAN SHORE BLVD UT 7A ORMOND BEACH 32176
02-14-32-01-02-0071 4202-01-02-0071	GLOVER DAVID Z & LEE F	815 OCEAN SHORE BLVD UT 7B ORMOND BEACH 32176
02-14-32-01-01-0080 4202-01-01-0080	KEMP DANIEL L & BRENDA J	815 OCEAN SHORE BLVD UT 8 ORMOND BEACH 32176
02-14-32-01-02-0080 4202-01-02-0080	CARTER FAMILY PROPERTIES LP	815 OCEAN SHORE BLVD UT 8A ORMOND BEACH 32176
02-14-32-01-02-0081 4202-01-02-0081	THREE SISTERS PROPERTIES LLC	815 OCEAN SHORE BLVD UT 8B ORMOND BEACH 32176
02-14-32-01-01-0090 4202-01-01-0090	GOUGH HOLDING CORP	815 OCEAN SHORE BLVD UT 9 ORMOND BEACH 32176
02-14-32-01-02-0090 4202-01-02-0090	RUHL KENNETH & JILL SUSAN	815 OCEAN SHORE BLVD UT 9A ORMOND BEACH 32176
02-14-32-01-02-0091 4202-01-02-0091	GOUGH HOLDING CORP	815 OCEAN SHORE BLVD UT 9B ORMOND BEACH 32176

EXHIBIT B – 855 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

THE SOUTH 490' OF THAT PORTION OF FRACTIONAL SECTION 2 LYING EASTERLY OF OCEAN SHORE BOULEVARD, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND ALSO LOT 48, STANDISH SHORES, OF RECORD IN MAP BOOK 9, PAGE 127, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS AND SHORE RIGHTS THAT MAY BE APPERTAINING THERETO.

Depiction:



Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-03-00-0001 4202-03-00-0001	ORMOND OCEAN CLUB NORTH ASSOC	855 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-03-00-1010 4202-03-00-1010	FERRARA ANDREA & CARLA	855 OCEAN SHORE BLVD 1010 ORMOND BEACH 32176
02-14-32-03-00-1020 4202-03-00-1020	HANDLEY LEON & MARY V	855 OCEAN SHORE BLVD 1020 ORMOND BEACH 32176
02-14-32-03-00-1030 4202-03-00-1030	ORR RENEE	855 OCEAN SHORE BLVD 1030 ORMOND BEACH 32176
02-14-32-03-00-1040 4202-03-00-1040	BEACHIN DAYS LLC	855 OCEAN SHORE BLVD 1040 ORMOND BEACH 32176
02-14-32-03-00-1050 4202-03-00-1050	WALDEN WILLIAM A JR &	855 OCEAN SHORE BLVD 1050 ORMOND BEACH 32176
02-14-32-03-00-1060 4202-03-00-1060	IORIO SAMMY A & CAROL A	855 OCEAN SHORE BLVD 1060 ORMOND BEACH 32176
02-14-32-03-00-1070 4202-03-00-1070	ORMOND OCEAN CLUB NORTH INC	855 OCEAN SHORE BLVD 1070 ORMOND BEACH 32176
02-14-32-03-00-1080 4202-03-00-1080	PEARCE DOUGLAS & MARY	855 OCEAN SHORE BLVD 1080 ORMOND BEACH 32176
02-14-32-03-00-1090 4202-03-00-1090	MURPHY CHARLOTTE T TRUSTEE	855 OCEAN SHORE BLVD 1090 ORMOND BEACH 32176
02-14-32-03-00-1100 4202-03-00-1100	VEAL MARVIN LEON & VICKI	855 OCEAN SHORE BLVD 1100 ORMOND BEACH 32176
02-14-32-03-00-1110 4202-03-00-1110	REX LAWRENCE G	855 OCEAN SHORE BLVD 1110 ORMOND BEACH 32176
02-14-32-03-00-1120 4202-03-00-1120	VEAL MARVIN LEON & VICKI	855 OCEAN SHORE BLVD 1120 ORMOND BEACH 32176
02-14-32-03-00-1130 4202-03-00-1130	MORT MICHAEL J & ANISSA M	855 OCEAN SHORE BLVD 1130 ORMOND BEACH 32176
02-14-32-03-00-1140 4202-03-00-1140	DIXON OTHA C	855 OCEAN SHORE BLVD 1140 ORMOND BEACH 32176
02-14-32-03-00-1150 4202-03-00-1150	HASSLINGER PAUL E & CAROLYN R	855 OCEAN SHORE BLVD 1150 ORMOND BEACH 32176
02-14-32-03-00-1160 4202-03-00-1160	STOOTHOFF FREDERICK J & JANE	855 OCEAN SHORE BLVD 1160 ORMOND BEACH 32176
02-14-32-03-00-2160 4202-03-00-2160	VEAL MARVIN LEON & VICKI K	855 OCEAN SHORE BLVD 2160 ORMOND BEACH 32176
02-14-32-03-00-2170 4202-03-00-2170	DURGIN LINDA F TR &	855 OCEAN SHORE BLVD 2170 ORMOND BEACH 32176

02-14-32-03-00-2180 4202-03-00-2180	SUNSET LLC	855 OCEAN SHORE BLVD 2180 ORMOND BEACH 32176
02-14-32-03-00-2190 4202-03-00-2190	MOON DENNIS M & BRENDA S	855 OCEAN SHORE BLVD 219 ORMOND BEACH 32176
02-14-32-03-00-2200 4202-03-00-2200	FAMBRO WILLIAM P & MARY C	855 OCEAN SHORE BLVD 2200 ORMOND BEACH 32176
02-14-32-03-00-2210 4202-03-00-2210	HARBERT LOIS S TRUSTEE	855 OCEAN SHORE BLVD 2210 ORMOND BEACH 32176
02-14-32-03-00-2220 4202-03-00-2220	GOODSON CHARLES L & DOROTHY E	855 OCEAN SHORE BLVD 2220 ORMOND BEACH 32176
02-14-32-03-00-2230 4202-03-00-2230	BUGGYHUT LLC	855 OCEAN SHORE BLVD 2230 ORMOND BEACH 32176
02-14-32-03-00-2240 4202-03-00-2240	WILD HARRY E JR &	855 OCEAN SHORE BLVD 2240 ORMOND BEACH 32176
02-14-32-03-00-2250 4202-03-00-2250	SJUGGERUD MICHAEL A	855 OCEAN SHORE BLVD 2250 ORMOND BEACH 32176
02-14-32-03-00-2260 4202-03-00-2260	MCGARRY CHERYL L TR	855 OCEAN SHORE BLVD 2260 ORMOND BEACH 32176
02-14-32-03-00-2270 4202-03-00-2270	GOUGH HOLDING CORP	855 OCEAN SHORE BLVD 2270 ORMOND BEACH 32176
02-14-32-03-00-2280 4202-03-00-2280	HALE STEPHEN P & KAREN M	855 OCEAN SHORE BLVD 2280 ORMOND BEACH 32176
02-14-32-03-00-2290 4202-03-00-2290	CHION DONALD C CO-TR &	855 OCEAN SHORE BLVD 2290 ORMOND BEACH 32176
02-14-32-03-00-2300 4202-03-00-2300	ANDERSEN MAUREEN G & JOSEPH L	855 OCEAN SHORE BLVD 2300 ORMOND BEACH 32176
02-14-32-03-00-2310 4202-03-00-2310	HALLIDAY CHRISTOPHER M &	855 OCEAN SHORE BLVD 2310 ORMOND BEACH 32176
02-14-32-03-00-2320 4202-03-00-2320	TONKIN CAROL A	855 OCEAN SHORE BLVD 2320 ORMOND BEACH 32176
02-14-32-03-00-2330 4202-03-00-2330	FISHER JOHN W & GAIL A	855 OCEAN SHORE BLVD 2330 ORMOND BEACH 32176
02-14-32-03-00-2340 4202-03-00-2340	WILLIS SCOTT D &	855 OCEAN SHORE BLVD 2340 ORMOND BEACH 32176
02-14-32-03-00-2350 4202-03-00-2350	GOODSON SHERRY D &	855 OCEAN SHORE BLVD 2350 ORMOND BEACH 32176
02-14-32-03-00-2360 4202-03-00-2360	HEDRICK M ERIC & WANDA	855 OCEAN SHORE BLVD 2360 ORMOND BEACH 32176
02-14-32-03-00-2370 4202-03-00-2370	LEWIS LOUISE E	855 OCEAN SHORE BLVD 2370 ORMOND BEACH 32176
02-14-32-03-00-2380 4202-03-00-2380	WOOD RAYMOND S JR & JILL H	855 OCEAN SHORE BLVD 2380 ORMOND BEACH 32176
02-14-32-03-00-2390 4202-03-00-2390	DIXON BRUCE & OTHA	855 OCEAN SHORE BLVD 2390 ORMOND BEACH 32176

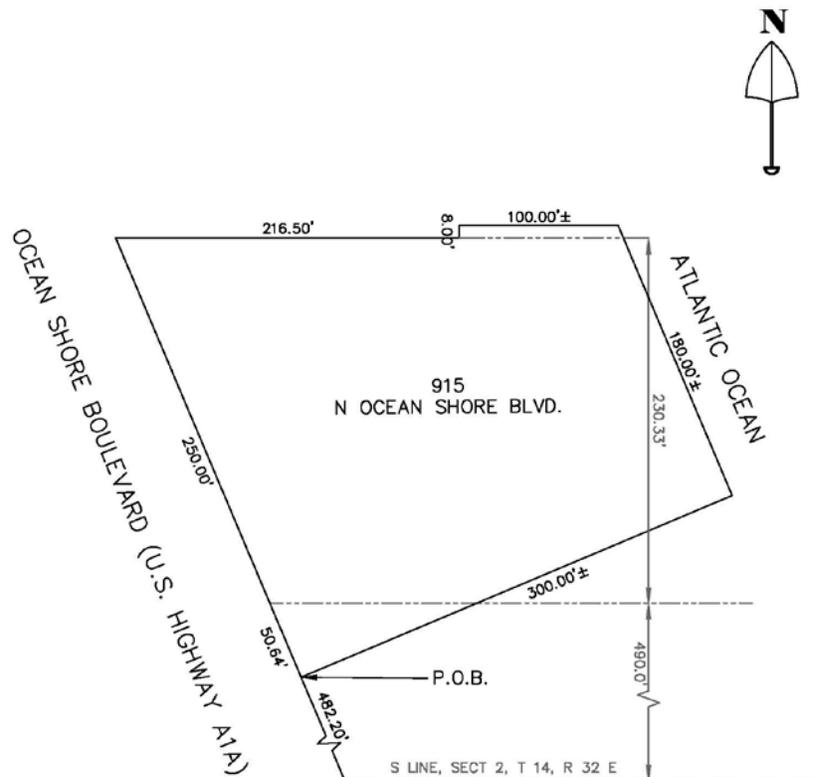
02-14-32-03-00-2400 4202-03-00-2400	MARVEL CAROL J TRUSTEE	855 OCEAN SHORE BLVD 2400 ORMOND BEACH 32176
02-14-32-03-00-2410 4202-03-00-2410	AVERETT JAMES & RUTH	855 OCEAN SHORE BLVD 2410 ORMOND BEACH 32176
02-14-32-03-00-2420 4202-03-00-2420	MUNDY MATE Y	855 OCEAN SHORE BLVD 2420 ORMOND BEACH 32176
02-14-32-03-00-2430 4202-03-00-2430	COHELEY JOHN A & WENDI B	855 OCEAN SHORE BLVD 2430 ORMOND BEACH 32176
02-14-32-03-00-4440 4202-03-00-4440	BANNISTER CHARLES HILL &	855 OCEAN SHORE BLVD 4440 ORMOND BEACH 32176
02-14-32-03-00-4450 4202-03-00-4450	THOMAS MARION ALDERMAN TR	855 OCEAN SHORE BLVD 4450 ORMOND BEACH 32176
02-14-32-03-00-4460 4202-03-00-4460	ORMOND BEACH RETREAT LLC	855 OCEAN SHORE BLVD 4460 ORMOND BEACH 32176

EXHIBIT B – 915 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

THAT PORTION OF FRACTIONAL SECTION 2, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT A POINT IN THE EASTERLY LINE OF OCEAN SHORE BOULEVARD, AN 80' STREET AS NOW LAID OUT, SAID POINT BEING A DISTANCE OF 50.64' SOUTHERLY OF THE INTERSECTION OF SAID LINE WITH THE NORTH LINE OF THE SOUTH 490' OF SAID FRACTION SECTION 2; THENCE NORTHERLY ALONG THE WESTERLY LINE OF OCEAN SHORE BOULEVARD, A DISTANCE OF 30.64' TO THE NORTH LINE OF THE SOUTH 230.33' OF THE NORTH 490' OF THE SOUTH 980' OF FRACTIONAL SECTION 2; THENCE EAST ALONG SAID LINE, A DISTANCE OF 216.5' TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE LAST LINE, A DISTANCE OF 80' TO A POINT; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF FRACTIONAL SECTION 2, A DISTANCE OF 100' MORE OR LESS TO THE SHORE LINE OF THE ATLANTIC OCEAN; THENCE SOUTHERLY ALONG SAID SHORE LINE A DISTANCE OF 180' MORE OF LESS TO A POINT IN A LINE THAT IS PERPENDICULAR TO OCEAN SHORE BOULEVARD FROM THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE WESTERLY ALONG SAID LINE A DISTANCE OF 300' MORE OR LOESS, TO THE POINT OF BEGINNING.

Depiction:



Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-02-00-0001 4202-02-00-0001	SHOREHAM BEACH CONDO ASSOC	915 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-02-00-1050 4202-02-00-1050	SHOREHAM BEACH CONDO ASSOC	915 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-02-00-1010 4202-02-00-1010	SHANTZ ROBERT J & JEANNINE M	915 OCEAN SHORE BLVD 1010 ORMOND BEACH 32176
02-14-32-02-00-1020 4202-02-00-1020	BETTY DEWBERRY FAMILY	915 OCEAN SHORE BLVD 1020 ORMOND BEACH 32176
02-14-32-02-00-1030 4202-02-00-1030	CASSIDY JOSEPH W JR &	915 OCEAN SHORE BLVD 1030 ORMOND BEACH 32176
02-14-32-02-00-1040 4202-02-00-1040	STOCKHAMMER STANLEY F &	915 OCEAN SHORE BLVD 1040 ORMOND BEACH 32176
02-14-32-02-00-1060 4202-02-00-1060	KEMP JIMMY W & KAY M	915 OCEAN SHORE BLVD 1060 ORMOND BEACH 32176
02-14-32-02-00-1070 4202-02-00-1070	BEARD MARY H	915 OCEAN SHORE BLVD 1070 ORMOND BEACH 32176
02-14-32-02-00-1080 4202-02-00-1080	TOWNSEND BARRETT S TR &	915 OCEAN SHORE BLVD 1080 ORMOND BEACH 32176
02-14-32-02-00-2010 4202-02-00-2010	BEARD JAMES H & MARY H	915 OCEAN SHORE BLVD 2010 ORMOND BEACH 32176
02-14-32-02-00-2020 4202-02-00-2020	KESLER THURMAN D & VICKIE D	915 OCEAN SHORE BLVD 2020 ORMOND BEACH 32176
02-14-32-02-00-2030 4202-02-00-2030	WILSON JOHNIE R JR & MARY ANN	915 OCEAN SHORE BLVD 2030 ORMOND BEACH 32176
02-14-32-02-00-2040 4202-02-00-2040	KIRBY PAMELA ELLEN TRS &	915 OCEAN SHORE BLVD 2040 ORMOND BEACH 32176
02-14-32-02-00-2050 4202-02-00-2050	SCHANTZ GORDON K ETAL	915 OCEAN SHORE BLVD 2050 ORMOND BEACH 32176
02-14-32-02-00-2060 4202-02-00-2060	ROWLEY BRIAN H & CHERYL L	915 OCEAN SHORE BLVD 2060 ORMOND BEACH 32176
02-14-32-02-00-2070 4202-02-00-2070	DAVILA DIANNE	915 OCEAN SHORE BLVD 2070 ORMOND BEACH 32176
02-14-32-02-00-2080 4202-02-00-2080	ADAMS GREGORY T	915 OCEAN SHORE BLVD 2080 ORMOND BEACH 32176
02-14-32-02-00-3010 4202-02-00-3010	THOMAS JOHN J & JUNE M	915 OCEAN SHORE BLVD 3010 ORMOND BEACH 32176
02-14-32-02-00-3020 4202-02-00-3020	BATEMAN DAVID F & BRENDA S	915 OCEAN SHORE BLVD 3020 ORMOND BEACH 32176

02-14-32-02-00-3040 4202-02-00-3040	TAFFARO JOSEPH T	915 OCEAN SHORE BLVD 3040 ORMOND BEACH 32176
02-14-32-02-00-3050 4202-02-00-3050	HINKLE WILLIAM J & BARBARA J E	915 OCEAN SHORE BLVD 3050 ORMOND BEACH 32176
02-14-32-02-00-3060 4202-02-00-3060	ADAMS ANTHONY W & RITA L	915 OCEAN SHORE BLVD 3060 ORMOND BEACH 32176
02-14-32-02-00-3070 4202-02-00-3070	MILLER LORRAINE R	915 OCEAN SHORE BLVD 3070 ORMOND BEACH 32176
02-14-32-02-00-3080 4202-02-00-3080	FAWCETT ALAN C	915 OCEAN SHORE BLVD 3080 ORMOND BEACH 32176
02-14-32-02-00-4010 4202-02-00-4010	ROBINSON EARL G &	915 OCEAN SHORE BLVD 4010 ORMOND BEACH 32176
02-14-32-02-00-4020 4202-02-00-4020	WOERNER MARJORIE H	915 OCEAN SHORE BLVD 4020 ORMOND BEACH 32176
02-14-32-02-00-4030 4202-02-00-4030	PAAVOLA GEORGE E & KAREN J TRS	915 OCEAN SHORE BLVD 4030 ORMOND BEACH 32176
02-14-32-02-00-4040 4202-02-00-4040	EIBEN EARL L JR & DAWN R	915 OCEAN SHORE BLVD 4040 ORMOND BEACH 32176
02-14-32-02-00-4050 4202-02-00-4050	SLOVAK MARY PAGE W TTEE	915 OCEAN SHORE BLVD 4050 ORMOND BEACH 32176
02-14-32-02-00-4060 4202-02-00-4060	KENNEDY MAUREEN A &	915 OCEAN SHORE BLVD 4060 ORMOND BEACH 32176
02-14-32-02-00-4070 4202-02-00-4070	MACLEOD KATHI	915 OCEAN SHORE BLVD 4070 ORMOND BEACH 32176
02-14-32-02-00-4080 4202-02-00-4080	HARRELL ROBERT L	915 OCEAN SHORE BLVD 4080 ORMOND BEACH 32176
02-14-32-02-00-5010 4202-02-00-5010	MACLEOD SCOTT L & ALISON M	915 OCEAN SHORE BLVD 5010 ORMOND BEACH 32176
02-14-32-02-00-5020 4202-02-00-5020	HOLCOMB LINDA L	915 OCEAN SHORE BLVD 5020 ORMOND BEACH 32176
02-14-32-02-00-5030 4202-02-00-5030	MEYER DANIEL & HILDA	915 OCEAN SHORE BLVD 5030 ORMOND BEACH 32176
02-14-32-02-00-5040 4202-02-00-5040	GAUTHIER CHRISTIANE &	915 OCEAN SHORE BLVD 5040 ORMOND BEACH 32176
02-14-32-02-00-5050 4202-02-00-5050	CHALMERS MURRAY O & SUZANNE T	915 OCEAN SHORE BLVD 5050 ORMOND BEACH 32176
02-14-32-02-00-5060 4202-02-00-5060	HARNEY THOMAS M & CATHERINE R	915 OCEAN SHORE BLVD 5060 ORMOND BEACH 32176
02-14-32-02-00-5070 4202-02-00-5070	REILLY NOREEN M	915 OCEAN SHORE BLVD 5070 ORMOND BEACH 32176
02-14-32-02-00-5080 4202-02-00-5080	WRIGHT PEGGY W TRS	915 OCEAN SHORE BLVD 5080 ORMOND BEACH 32176
02-14-32-02-00-6010 4202-02-00-6010	WINSTEAD WILHELMINA	915 OCEAN SHORE BLVD 6010 ORMOND BEACH 32176

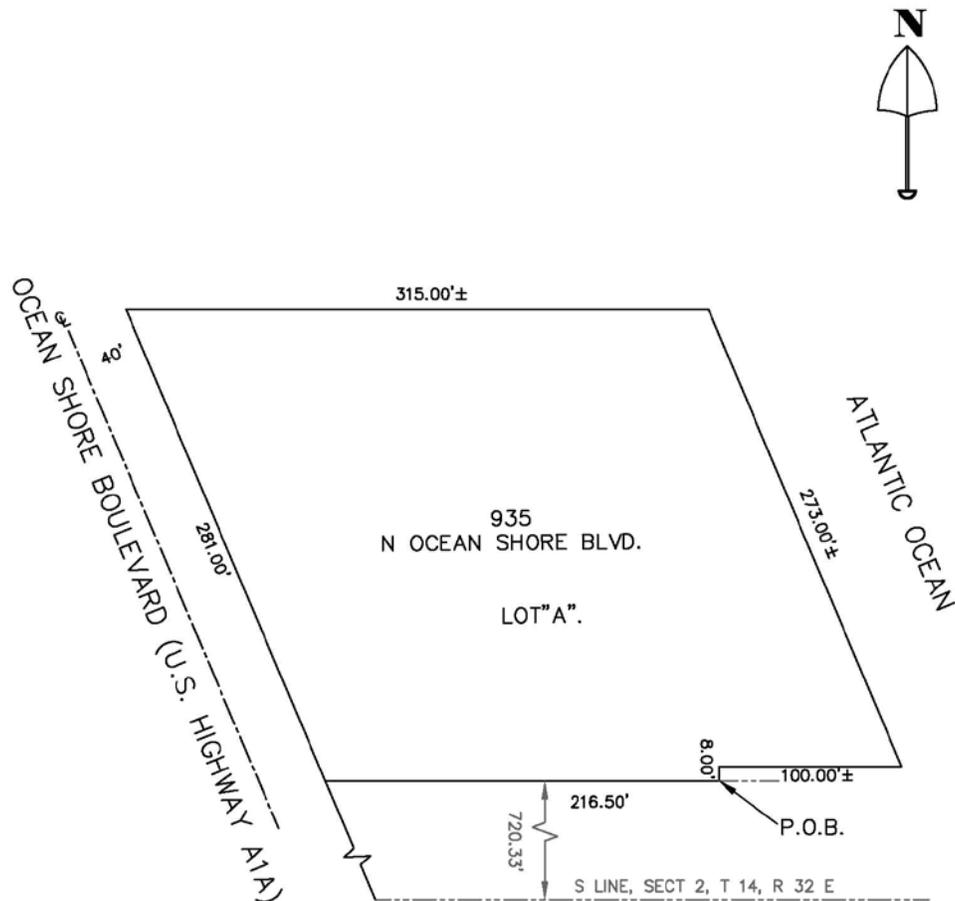
02-14-32-02-00-6020 4202-02-00-6020	KEMP ALVIN LEE JR & PATTI S	915 OCEAN SHORE BLVD 6020 ORMOND BEACH 32176
02-14-32-02-00-6030 4202-02-00-6030	POIRIER RANDELL J & DEBRA H	915 OCEAN SHORE BLVD 6030 ORMOND BEACH 32176
02-14-32-02-00-6040 4202-02-00-6040	VEZINA CHARLES	915 OCEAN SHORE BLVD 6040 ORMOND BEACH 32176
02-14-32-02-00-6050 4202-02-00-6050	STILLION GLENN W & JUDITH M TR	915 OCEAN SHORE BLVD 6050 ORMOND BEACH 32176
02-14-32-02-00-6060 4202-02-00-6060	CAPUTO MICHAEL R & NORA	915 OCEAN SHORE BLVD 6060 ORMOND BEACH 32176
02-14-32-02-00-6070 4202-02-00-6070	SIMRIL DONALD L & GAIL H	915 OCEAN SHORE BLVD 6070 ORMOND BEACH 32176
02-14-32-02-00-6080 4202-02-00-6080	LAYSON ZED C JR TR &	915 OCEAN SHORE BLVD 6080 ORMOND BEACH 32176
02-14-32-02-00-7010 4202-02-00-7010	BOGDAN STEPHEN R & SANDRA J	915 OCEAN SHORE BLVD 7010 ORMOND BEACH 32176
02-14-32-02-00-7020 4202-02-00-7020	GORMAN JOHNSON GRESHAM TR	915 OCEAN SHORE BLVD 7020 ORMOND BEACH 32176
02-14-32-02-00-7030 4202-02-00-7030	SHOREHAM BEACH ASSOC INC	915 OCEAN SHORE BLVD 7030 ORMOND BEACH 32176
02-14-32-02-00-7040 4202-02-00-7040	BOGDAN STEPHEN R & SANDRA J	915 OCEAN SHORE BLVD 7040 ORMOND BEACH 32176
02-14-32-02-00-7050 4202-02-00-7050	YOELAO-LAGANA ARCHAREEPOM	915 OCEAN SHORE BLVD 7050 ORMOND BEACH 32176
02-14-32-02-00-7060 4202-02-00-7060	ROKICSAK VINCENT P	915 OCEAN SHORE BLVD 7060 ORMOND BEACH 32176
02-14-32-02-00-7070 4202-02-00-7070	BURTON ALAN H	915 OCEAN SHORE BLVD 7070 ORMOND BEACH 32176
02-14-32-02-00-7080 4202-02-00-7080	YORK COLLIN &	915 OCEAN SHORE BLVD 7080 ORMOND BEACH 32176
02-14-32-02-00-8010 4202-02-00-8010	LEIDIGH LAURA	915 OCEAN SHORE BLVD 8010 ORMOND BEACH 32176
02-14-32-02-00-8020 4202-02-00-8020	HARDING KENNETH &	915 OCEAN SHORE BLVD 8020 ORMOND BEACH 32176

EXHIBIT B – 935 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

The North 490' of the South 980', excepting therefrom the South 230.33'; thereof, of that portion of Fractional Section 2 lying Easterly of Ocean Shore Boulevard, an 80' street as now' laid out, Township 14 South, Range 32 East, Volusia County, Florida, excepting therefrom the following described property; Begin at a point in the North line of the South 230.33' of the North 490' of the South 980' of said Fractional Section 2, said point being a distance of 216. 5' East of the intersection of said line with the Easterly line of Ocean Shore Boulevard; thence North and at right angles to last line, a distance of 8.0' to a point; thence East and parallel to the South line of Fractional Section 2, a distance of 100' more or less to the shore line of the Atlantic Ocean; thence Southerly along said shore line, a distance of 8' more or less to the North line of the South 230.33' of the North 490' of the South 980' of said Fractional Section 2; thence West a distance of 100' more or less to the point of beginning.

Depiction:



Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-04-00-0001 4202-04-00-0001	ORMOND CONDO CLUB ASSOC	935 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-04-00-1010 4202-04-00-1010	JONES ALFRED W JR	935 OCEAN SHORE BLVD 1010 ORMOND BEACH 32176
02-14-32-04-00-1020 4202-04-00-1020	ADAMS KATHRYN K TR	935 OCEAN SHORE BLVD 1020 ORMOND BEACH 32176
02-14-32-04-00-1030 4202-04-00-1030	HATCHER MARION F TR	935 OCEAN SHORE BLVD 1030 ORMOND BEACH 32176
02-14-32-04-00-1040 4202-04-00-1040	TOWNSEND BARRETT S TR &	935 OCEAN SHORE BLVD 1040 ORMOND BEACH 32176
02-14-32-04-00-1050 4202-04-00-1050	KEMP DAVID & GAIL	935 OCEAN SHORE BLVD 1050 ORMOND BEACH 32176
02-14-32-04-00-1060 4202-04-00-1060	BENT PALM CLUB INC	935 OCEAN SHORE BLVD 1060 ORMOND BEACH 32176
02-14-32-04-00-1070 4202-04-00-1070	SPINELLI WILLIAM G & STEPHANIE	935 OCEAN SHORE BLVD 1070 ORMOND BEACH 32176
02-14-32-04-00-1080 4202-04-00-1080	KINNETT FAMILY LLC	935 OCEAN SHORE BLVD 1080 ORMOND BEACH 32176
02-14-32-04-00-1090 4202-04-00-1090	TAFT JOHN L & A MARGARET L/E	935 OCEAN SHORE BLVD 1090 ORMOND BEACH 32176
02-14-32-04-00-1100 4202-04-00-1100	SHIPLETT JAMES R & IMOGENE E	935 OCEAN SHORE BLVD 1100 ORMOND BEACH 32176
02-14-32-04-00-1110 4202-04-00-1110	CERISANO JOHN E TRUSTEE &	935 OCEAN SHORE BLVD 1110 ORMOND BEACH 32176
02-14-32-04-00-2010 4202-04-00-2010	BERLINSKY JAY H & KATHLEEN J	935 OCEAN SHORE BLVD 2010 ORMOND BEACH 32176
02-14-32-04-00-2020 4202-04-00-2020	BARRY PALM LLC	935 OCEAN SHORE BLVD 2020 ORMOND BEACH 32176
02-14-32-04-00-2030 4202-04-00-2030	DUNCAN PATRICIA JONES &	935 OCEAN SHORE BLVD 2030 ORMOND BEACH 32176
02-14-32-04-00-2040 4202-04-00-2040	SANDERSON MARY H TR	935 OCEAN SHORE BLVD 2040 ORMOND BEACH 32176
02-14-32-04-00-2050 4202-04-00-2050	ROGER HOLLER CHEVROLET CO	935 OCEAN SHORE BLVD 2050 ORMOND BEACH 32176
02-14-32-04-00-2060 4202-04-00-2060	NOVAK WILLIAM P & JANET A	935 OCEAN SHORE BLVD 2060 ORMOND BEACH 32176
02-14-32-04-00-2070 4202-04-00-2070	TREVARTHEN ROBERT & SALLY	935 OCEAN SHORE BLVD 2070 ORMOND BEACH 32176
02-14-32-04-00-2080 4202-04-00-2080	BOSWELL SUPPLY LTD	935 OCEAN SHORE BLVD 2080 ORMOND BEACH 32176
02-14-32-04-00-2090	MCKENNA MARGARET E &	935 OCEAN SHORE BLVD 2090 ORMOND BEACH

4202-04-00-2090		32176
02-14-32-04-00-2100 4202-04-00-2100	FELLOWS DALE H & NANCY E	935 OCEAN SHORE BLVD 2100 ORMOND BEACH 32176
02-14-32-04-00-2110 4202-04-00-2110	BOBBITT MARY IRENE	935 OCEAN SHORE BLVD 2110 ORMOND BEACH 32176
02-14-32-04-00-2120 4202-04-00-2120	KELLUM C RICHARD & ROSE MARY	935 OCEAN SHORE BLVD 2120 ORMOND BEACH 32176
02-14-32-04-00-2130 4202-04-00-2130	COLLINS JILL M TR &	935 OCEAN SHORE BLVD 2130 ORMOND BEACH 32176
02-14-32-04-00-2140 4202-04-00-2140	WYLLIE MARILYN L	935 OCEAN SHORE BLVD 2140 ORMOND BEACH 32176
02-14-32-04-00-2150 4202-04-00-2150	VARUNOK PETER & CATHERINE	935 OCEAN SHORE BLVD 2150 ORMOND BEACH 32176
02-14-32-04-00-2160 4202-04-00-2160	WEBSTER GEORGE D & DULCIE D	935 OCEAN SHORE BLVD 2160 ORMOND BEACH 32176
02-14-32-04-00-2170 4202-04-00-2170	JERNIGAN BEN W JR TR	935 OCEAN SHORE BLVD 2170 ORMOND BEACH 32176
02-14-32-04-00-2180 4202-04-00-2180	RASCHKE CARL H &	935 OCEAN SHORE BLVD 2180 ORMOND BEACH 32176
02-14-32-04-00-2190 4202-04-00-2190	LORRAINE S SPLAIN REV TRUST	935 OCEAN SHORE BLVD 2190 ORMOND BEACH 32176
02-14-32-04-00-2200 4202-04-00-2200	TIDWELL JENNY L	935 OCEAN SHORE BLVD 2200 ORMOND BEACH 32176
02-14-32-04-00-2210 4202-04-00-2210	GAILEY JACQUELYN TRS	935 OCEAN SHORE BLVD 2210 ORMOND BEACH 32176
02-14-32-04-00-3010 4202-04-00-3010	GRACA SANDRA S JTRS &	935 OCEAN SHORE BLVD 3010 ORMOND BEACH 32176
02-14-32-04-00-3020 4202-04-00-3020	LOTZ THEO &	935 OCEAN SHORE BLVD 3020 ORMOND BEACH 32176
02-14-32-04-00-3030 4202-04-00-3030	TOROK ERNEST	935 OCEAN SHORE BLVD 3030 ORMOND BEACH 32176
02-14-32-04-00-3040 4202-04-00-3040	CATALFAMO CARMEN J TR &	935 OCEAN SHORE BLVD 3040 ORMOND BEACH 32176
02-14-32-04-00-4010 4202-04-00-4010	RUSSELL JOHN & NANCY	935 OCEAN SHORE BLVD 4010 ORMOND BEACH 32176
02-14-32-04-00-4020 4202-04-00-4020	DRISCOLL JOHN R & JUDITH	935 OCEAN SHORE BLVD 4020 ORMOND BEACH 32176
02-14-32-04-00-4030 4202-04-00-4030	NELDNER ROBERT F & PEGGY M	935 OCEAN SHORE BLVD 4030 ORMOND BEACH 32176
02-14-32-04-00-4040 4202-04-00-4040	LANIER JACK L TR	935 OCEAN SHORE BLVD 4040 ORMOND BEACH 32176
02-14-32-04-00-4050 4202-04-00-4050	HOPPER MARGARET W	935 OCEAN SHORE BLVD 4050 ORMOND BEACH 32176

2. Public Buildings: One off-street parking space for each regular employee, plus adequate parking space for public use.

3. Schools: One off-street parking space for each staff member, plus one off-street parking space for each 10 fixed seats in auditorium or for each 100 square feet of floor space in assembly rooms with movable seats. Plus, one off-street parking space for each classroom.

4. Churchs; Sunday Schools: One off-street parking space for each 5 fixed seats (computing seating capacity of pews and benches at one person to each 24 inches) plus one off-street parking space for each 50 square feet of space in Assembly Rooms in which movable seats are used.

SECTION 10. Signs and Billboards.

No signs, billboards, posters, bulletin boards or like matter shall be permitted except as follows:

1. Professional signs as provided under "Permitted Accessory Uses and Structures" in connection with home occupations.

2. One sign only, not exceeding 3 square feet in area, to advertise the premises on which said sign is displayed for sale, rent or lease, provided that such sign shall not be more than 4 feet in height, and shall not be placed closer than 10 feet to any property line.

3. Official public notices may be erected by any public governing body at appropriate locations on property affected.

4. One bulletin board, not exceeding 10 square feet in area, may be erected by any church.

SYMBOL - R-4

MULTIPLE-FAMILY RESIDENCE (OCEAN FRONT)

SECTION 1. Permitted Principal Uses and Structures.

Any structure or use permitted as in R-1, i.e. Single-Family detached dwellings, and in addition:

1. Groves, Nurseries, Non-Commercial Greenhouses, and other customary agricultural uses and structures, provided that no odor or dust producing substance or use shall be permitted within 100 feet of any property line if the adjoining property is being used for residential purposes, and further provided that no products shall be publicly displayed or offered for sale at the roadside.

2. Two-Family and Multiple-Family Dwellings.

3. Apartment Houses, Hotels, Motels.

4. Private clubs and lodges, excepting those in which the conduct of commercial affairs plays a major part.

SECTION 2. Permitted Accessory Uses and Structures.

Customary accessory structures and uses, located on the same lot or plot as the principal structure or use, including customary home occupations conducted in dwellings, such as the offices of physicians, architects, lawyers, writers, or artists, provided that:

- (a) Not more than one person not resident on the premises shall be employed;
- (b) Such occupation shall be clearly incidental and secondary to the use of the building for residential purposes;
- (c) The external appearance of the buildings, and the appearance of the grounds, shall not be changed as a result of the occupation, and there shall be no external evidence of such occupation on the building or grounds, except that a small sign or notice, not exceeding one square foot in area, may be mounted against the side of a building.

SECTION 3. Special Exceptions Permissible By City Board of Managers.
(Page 10 Sec. 10)

After Public Notice and Hearing, and subject to appropriate conditions and safeguards, the City Board of Managers may permit:

1. Private Hospitals, Clinics and Sanitariums, government buildings, parks & playgrounds, schools and churches.
2. Temporary structures for warehousing and field offices in connection with construction, provided that such permit shall not be for a period of more than 6 months.
3. Eating and drinking establishments and gift shops in hotels, where such businesses are conducted primarily for the benefit of the patrons of the hotel.

SECTION 4. Prohibited Uses and Structures.

1. Automotive Service Stations and Garages for Automotive Repairs.
2. Trailer Parks.
3. Private driveways for access to commercial districts.
4. Storage yards for commercial or industrial vehicles or materials.
5. All uses and structures not of a nature specifically or provisionally permitted herein.

SECTION 5. Minimum Lot Requirements (Area and Width).

Single-Family and Multiple-Family Dwellings:

LOT AREA...10,000 SQ. FT.
LOT WIDTH.. 75 FEET.

SECTION 6. Maximum Lot Coverage (By All Buildings).

50%

SECTION 7. Minimum Yard Requirements.

In this district, yards on both the ocean side and the land side shall be considered "FRONT" yards, and no building, main or accessory, shall extend to the east beyond a line projected between the eastern-most corners of existing buildings to the north and south which project furthest to the east. Existing buildings used to determine this line shall lie within a distance of 800 feet to the north and south of the proposed building. The minimum Side Yard shall be 5 feet and the minimum combination of Side Yards shall be 15 feet.

Front Yard on land side to be 20 feet.

SECTION 8. Maximum Heights.

HEIGHTS..... 30 FEET
STORIES..... 2 (Single-Family & Duplex Residences)

HEIGHTS..... 45 FEET
STORIES..... 4 (Other Structures)

SECTION 9. Minimum Off-Street Parking and Off-Street Loading Requirements.

1. Dwellings: One off-street parking space for each dwelling unit.
2. Public Buildings: One off-street parking space for each regular employee, plus adequate parking space for public use.
3. Schools: One off-street parking space for each staff member, plus one off-street parking space for each 10 fixed seats in auditorium or for each 100 square feet of floor space in assembly rooms with movable seats. Plus, one off-street parking space for each classroom.
4. Churchs; Sunday Schools: One off-street parking space for each 5 fixed seats (computing seating capacity of pews and benches at one person to each 24 inches) plus one off-street parking space for each 50 square feet of space in Assembly Rooms in which movable seats are used.
5. Multiple-Family Dwellings, Apartments, Hotels and Motels: One off-street parking space for each rental unit, suite, dwelling unit, apartment, or room if rented separately; plus one off-street parking space for each non-rental dwelling unit. Off-street loading space for operation.
6. Private Clubs and Lodges: One off-street parking space for each table for service of food or drinks, plus one off-street parking space for each 2 bar stools, OR one off-street parking space for each 150 square feet of floorspace, whichever requires the greatest number of off-street parking spaces. Off-street loading space for club or lodge operations.
7. FURTHER PROVIDED THAT IN AN R-4 DISTRICT: Off-street parking may be provided in a required Front Yard.

SECTION 10. Signs and Billboards.

No signs, billboards, posters, bulletin boards or like matter shall be permitted except as follows:

1. Professional signs as provided under "Permitted Accessory Uses and Structures" in connection with home occupations.
2. One sign only, not exceeding 3 square feet in area, to advertise the premises on which said sign is displayed for sale, rent or lease, provided that such sign shall not be more than 4 feet in height, and shall not be placed closer than 10 feet to any property line.
3. Official public notices may be erected by any public governing body at appropriate locations on property affected.
4. One bulletin board, not exceeding 10 square feet in area, may be erected by any church.
5. Not more than 2 signs with a total area of not more than 20 square feet (outside dimensions) for any one establishment, indicating the name and nature of the establishment, and the kind of accommodations offered. Such signs may be mounted on the establishment or in front or side yards, provided that no sign shall be placed closer than 20 feet to any front lot line.
6. Name signs, designating name of establishment only, and decorative designs, shall not be limited as to size, but shall be mounted on the building in the form of cut-out lettering, or outlined in neon lighting. Signs painted on the building or mounted on sign boards shall not be considered in the above category.

SYMBOL -- R-5

MULTIPLE-FAMILY RESIDENCE

SECTION 1. Permitted Principal Uses and Structures.

Any structure or use permitted as in R-1, i.e. Single-Family detached dwellings, and in addition:

1. Groves, Nurseries, Non-Commercial Greenhouses, and other customary agricultural uses and structures, provided that no odor or dust producing substance or use shall be permitted within 100 feet of any property line if the adjoining property is being used for residential purposes, and further provided that no products shall be publicly displayed or offered for sale at the roadside.
2. Two-Family and Multiple-Family Dwellings.
3. Apartment Houses, Hotels, Motels.
4. Private clubs and lodges, excepting those in which the conduct of commercial affairs plays a major part.

SHOREHAM BEACH CONDOMINIUM ASSOCIATION, INC.

**915 Ocean Shore Blvd.
Ormond Beach, FL 32176**

~~~~~  
April 4, 2014

City of Ormond Beach  
City Managers Office  
Ormond Beach, FL

Re: Shoreham beach Condominium Association, Inc.  
Zoning Amendment request

To whom it may concern:

This letter serves as an affidavit that the Board of Directors of Shoreham Beach Condominium Association, Inc. has agreed to have Gary Mann who is the property manager for Ormond Holiday Club be the liaison to the city on our behalf regarding the Application process for the Zoning amendment request.

If you have any questions regarding this matter, please feel free to contact our property manager Mark Roskamp with Atlantic Shores Management at 386-761-5733.

Sincerely,  
Barbara Eastman,

  
\_\_\_\_\_  
President, Shoreham Beach Condominium Association,



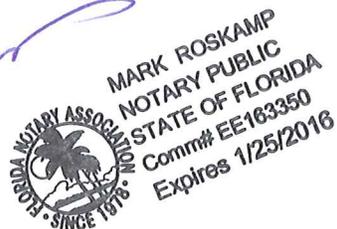


Exhibit D - Authorization Letter of Support

**ORMOND OCEAN CLUB NORTH, INC.**

**855 Ocean Shore Blvd.  
Ormond Beach, FL 32176**

~~~~~  
April 4, 2014

City of Ormond Beach
City Managers Office
Ormond Beach, FL

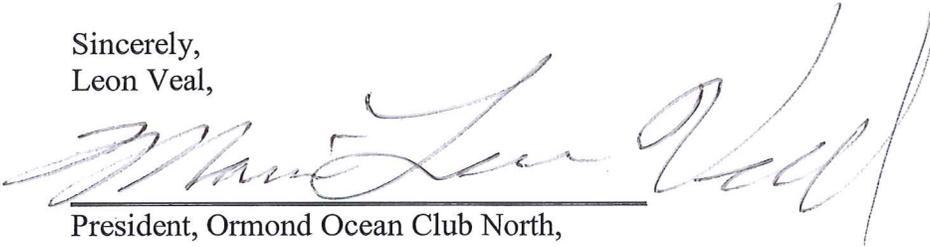
Re: Ormond Ocean Club North, Inc.
Zoning Amendment request

To whom it may concern:

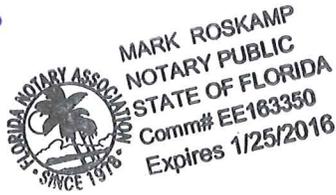
This letter serves as an affidavit that the Board of Directors of Ormond Ocean Club North, Inc. has agreed to have Gary Mann who is the property manager for Ormond Holiday Club be the liaison to the city on our behalf regarding the Application process for the Zoning amendment request.

If you have any questions regarding this matter, please feel free to contact our property manager Mark Roskamp with Atlantic Shores Management at 386-761-5733.

Sincerely,
Leon Veal,



President, Ormond Ocean Club North,



MARK ROSKAMP
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE183350
Expires 1/25/2016

Ormond Holiday Club Association, Inc.

815 OCEAN SHORE BLVD #3

ORMOND BEACH, FL 32176

OFFICE: 386-441-1535

FAX: 386-444-1707

April 10, 2014

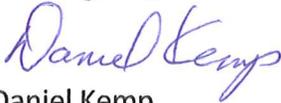
City of Ormond Beach
City Manager's Office3
Ormond Beach, FL 32174

Re: Ormond Holiday Club
Zoning Amendment Request

To whom it may concern:

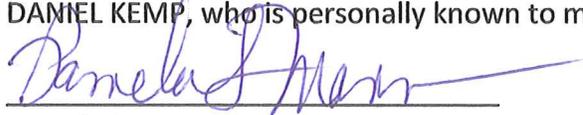
Please accept this letter as our authorization that the Board of Directors of Ormond Holiday Club Association, Inc. has agreed to have Gary Mann, Property Manager, to be the liaison to the city on our behalf regarding the application process for the zoning amendment request.

Best regards,



Daniel Kemp
Vice President
ORMOND HOLIDAY CLUB
ASSOCIATION, INC.

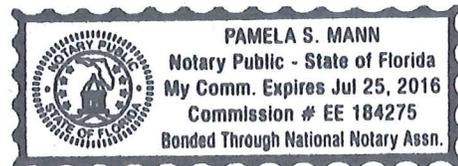
The foregoing instrument was acknowledged before me this 10th day of April, 2014 by DANIEL KEMP, who is personally known to me.



Pamela S. Mann

Notary Public - Name typed, printed, or stamped:

My commission expires: 7/25/16



815 Ocean Shore Blvd. #3
Ormond Beach, FL 32176

PHONE (386) 441-1535
FAX (386) 441-1707
E-MAIL manager@ormondholidayclub.net
WEB SITE www.ormondholidayclub.net

Exhibit D - Authorization Letter of Support

The Bent Palm Club, Inc.

935 Ocean Shore Blvd

Ormond Beach, FL 32176

April 9, 2014

Resolution

BOARD OF DIRECTORS RESOLUTION FOR ZONING MAP AMENDMENT SIGNATURES for:

_____The Bend Palm Club, Inc._____

Upon a motion duly made, seconded, and unanimously carried, it was adopted that the Board of Directors have agreed that the Bent Palm Club located at 935 Ocean Shore Blvd in Ormond Beach will join with # 815,855 and 915 in application to have the City of Ormond Beach prepare a land use and zoning map amendment for the referenced properties from the current non complying R-6 to B-6, in order to achieve compliance regarding rental activity.

The Board further agrees to work in conjunction with the other properties by appointing Gary Mann, LCAM, Manager of the Ormond Holiday Club Association, Inc. located at 815 Ocean Shore Blvd as their representative during the application process.

The Bent Palm Club will share the cost of the application by remitting a payment of \$1,275.00 with a completed application to the City of Ormond Beach. The fee represents one fourth (1/4) of the total cost of \$5,100.00.

Signatures, - The undersigned certifies that they are duly elected as Treasurer of this Corporation, and that the above is a true and correct. This is the resolution that was duly adopted at a meeting of the Board of Directors, which was held in accordance with State law and the Bylaws of the Corporation. Dated: April 9, 2014

Wilhelm Spruell 4/9/14

Paul Samaha 4/8/14

Vice-President

Date: 4-9-2014

Treasurer:

Date: 4-9-14

Exhibit E - Public Input

Mrs. Margaret Danare
230 Standish Dr.
Ormond Beach, FL 32176-4753

4/26/14

So planning -

Since I am unable to attend the meeting at 7⁰⁰pm on 5/8/14 due to my age and health problems, I would like to express my vote that all plans etc. remain "status quo". Thank you for the information

Sincerely,
Margaret Danare

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: May 8, 2014

SUBJECT: 815, 855, 915, and 935 Ocean Shore Boulevard, Zoning Map Amendment

APPLICANT: Gary Mann, authorized agent on behalf of the property owners of Shoreham Beach Condominium, Ormond Ocean Club North, Ormond Holiday Club, and The Bent Palm Club properties

NUMBER: RZ 14-080

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

INTRODUCTION: This is a request to amend the City's Official Zoning Map by Gary Mann, authorized agent on behalf of the property owners of Shoreham Beach Condominium, Ormond Ocean Club North, Ormond Holiday Club, and The Bent Palm Club properties located at 815, 855, 915, and 935 Ocean Shore Boulevard, respectively. This application seeks to amend the four properties with a total acreage of ± 7.62 from the existing zoning classification of R-6 (Multifamily Medium-High Density Zoning District) to B-6 (Oceanfront Tourist Commercial Zoning District) (See Exhibit A).

BACKGROUND: There are four properties at 815, 855, 915, and 935 Ocean Shore Boulevard owned by Ormond Holiday Club Association, Incorporated, a Florida Non Profit Corporation; Ormond Ocean Club North, Incorporated, a Florida Non Profit Corporation; Shoreham Condominium Association, Incorporated, a Florida Non Profit Corporation; The Bent Palm Club, Incorporated, a Florida Non Profit Corporation; and other individual owners (see Exhibit B). The subject properties are completely built out as condominiums. The rezoning is contingent on the land use amendment from "High Density Residential" to "Tourist Commercial" which is being processed concurrently with this application.

In December 2013 staff received a number of inquiries regarding the use of transient lodging at 815, 855, 915 and 935 Ocean Shore Boulevard. Transient lodging is defined in the Land Development Code as, "short-term rental of any residential dwelling for a period of less than six (6) months. The term "transient lodging" also includes a facility providing sleeping quarters to the general public for a fee, such that the facility must be licensed by the state for a hotel, motel timeshare resort, bed and breakfast, executive suite or similar use."

The current land use and zoning designation for the properties located at 815, 855, 915 and 935 Ocean Shore Boulevard is High Density Residential (HDR) and R-6 respectively. The R6 designation currently does not permit transient lodging.

Ordinance 1956-29 (Exhibit C) was the zoning ordinance in effect from 1956 from 1978. The R-4 (Multi-family residences (Oceanfront)) zoning district permitted multi-family units, hotels and motels as permitted uses. In researching the permit cards from the Building Department, all four structures above were permitted/constructed between 1969 and 1973. The permit cards also contain the zoning of the properties (R-4) and the fact that Ordinance 1956-29 was in effect.

Ordinance 1978-35 was a major zoning ordinance rewrite that also included multiple property re-zonings. Ordinance 1978-35 eliminated the permitted uses of hotel/motels from the R-4 zoning district. The four properties above were rezoned to R-6 that also did not include hotel/motel uses as an allowed use. Staff verified that there were no rezonings of the above properties prior to 1978 by reviewing historical Ordinance titles.

Assuming that the above properties had a hotel/motel component, Ordinance 1978-35 rendered them legal non-conforming uses. The condominium properties were unable to produce evidence to substantiate their respective claims that transient rentals complied at all times with applicable regulations since 1978. Consequently, in the absence of clear evidence that the condo developments were approved as transient housing, they are not considered lawful uses. An unlawful use may not be grandfathered. Therefore, the only way to continue the original use of short term rentals/transient lodging was for the properties to submit an application for a land use and zoning map amendment to Tourist Commercial and B-6 (Oceanfront Tourist Commercial). The Planning Department received letters from all four affected properties. The Bent Palm Club (935 Ocean Shore Boulevard); Shoreham Club (915 Ocean Shore Boulevard), Ormond Ocean Club North (855 Ocean Shore Boulevard); and Ormond Holiday Club (815 Ocean Shore Boulevard) supporting the land use and zoning change (Exhibit D).

The purpose of this zoning map amendment is to assign a city zoning classification to the subject property consistent with the Ormond Beach “Tourist Commercial” land use designation to ensure conformity. The proposed rezoning from R-6 to B-6 is contingent upon adopting the land use change. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action on August 6, 2014 (1st hearing) and August 19, 2014 (2nd adoption hearing).

Project Description: The project currently consists of the following:

Property Address	Lot SF	Acres	Existing Building SF	Max Allow SF (1)	Existing FAR	Existing DU	Max Allowed (2)
935 Ocean Shore	82,247	1.89	43,031	24,674	0.52	41	23
915 Ocean Shore	71,087	1.63	87,310	21,326	1.23	56	20
855 Ocean Shore	88,681	2.04	46,410	26,604	0.52	47	24
815 Ocean Shore	90,000	2.07	53,949	27,000	0.60	39	25

Note: (1) Based on institutional of 0.30 FAR allowed.

(2) Current R-6 Zoning District regulations only allow 12 units/acre. A concurrent LDC amendment is proposed to change the allowable units peracre from 12 to 32 consistent with the City Comprehensive Plan.

The allowable uses in the R-6 zoning district are: Permitted: Community Residential Home, Dwelling, Duplex, Dwelling, Single-Family Detached, and School, Public. Conditional: Adult Day Care Center, Adult Family Care Home, Assisted Living Facility, Cluster Subdivision, Single-Family, Dwelling, **Multifamily**, Family Day Care Home, Foster Home, Golf Course and Country Club, Group Home, Nursing Home, Parks and Recreation Facilities (Private and Public), Patio Home Subdivision, Public Facilities, Public Utilities, School (Private), Telecommunication Tower or Antenna (Camouflaged), Townhouses, Water Survival Instruction, Wind Energy System, and Zero Lot Line Subdivisions. Special Exception: Child Care Facility, Historic Preservation Mixed Use, and House of Worship.

ANALYSIS: There is a separate land use amendment that proposes a change from “High Density Residential” to “Tourist Commercial”. If approved as “Tourist Commercial”, these are the following options for zoning designations:

Comprehensive Plan Future Land Use Map Designation	Corresponding Compatible Zoning District
Tourist Commercial	B-6, Oceanfront Tourist Commercial B-7, Highway Tourist Commercial PRD, Planned Residential Development PBD, Planned Business Development

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

Staff analyzed the potential City zoning districts under the proposed future land use designation of Tourist Commercial as follows:

Zoning District	Staff Review
Oceanfront Tourist Commercial (B-6)	Intended for oceanfront tourist development as envisioned in the comprehensive plan with the goal of establishing a high-quality environment for the development of oceanfront properties for transient lodging and high-density residential development related to tourism and seasonal occupancy. The district strives for efficient use of the land, preservation of ocean breezes, marine habitats, ocean amenities for and maintenance of view sheds, landscaping, open space and beach access for visitors and residents alike. Architectural and urban design features are also important.
Highway Tourist Commercial (B-7)	Intended for a variety of tourist facilities and tourist related support activities in an attractive setting which will promote pedestrian activity and reinforces positive visitor experience. This district is designed for use within or in close proximity to other districts within which major Transient Lodging development has occurred or is permitted.” <i>Since this zoning designation is for developments primarily along US 1 and SR 40 at the I-95 interchanges, it is not applicable.</i>
Planned Residential Development (PRD)	The purpose of the PRD, Planned Residential Development District classification is to provide more flexibility with regard to land use, density and dimensional standards, and other requirements of the LDC, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall. <i>Since this is for planned residential developments, this zoning district is not applicable.</i>
Planned Business Development (PBD)	Intended for individual sites that desire to negotiate certain site development standards, such as permitted uses, dimensional standards, or phasing. <i>Since this is for planned developments, this zoning district is not applicable.</i>

Staff concluded the B-6, Oceanfront Tourist Commercial Zoning District is the most applicable as it is intended for high-quality development of oceanfront properties for transient lodging and high-density residential development related to tourism and seasonal occupancy. Also, it allows the historical use of short-term rental/transient lodging to continue as conforming.

Zoning and Adjacent Land Uses

The adjacent land uses and zoning classifications are illustrated in the following table:

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Single-family home	Ormond Beach "Tourist Commercial"	Ormond Beach B-6 "Oceanfront Tourist Commercial"
South	Single-family home	Ormond Beach "Low Density Residential"	Ormond Beach R-1 "Residential Estate"
East	Atlantic Ocean	N/A	N/A
West	Single-family homes	Ormond Beach "Low Density Residential"	Ormond Beach R-2.5 "Single-Family Low-Medium Density"

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 the applicant's request to change the zoning district from R-6 to B-6 such that the property will be conforming. The zoning map amendment is contingent on a City future land use being assigned and will not adversely affect public health, safety, welfare, or the quality of life. Subsequent to the land use and zoning amendments a Land Development Code amendment will be needed to increase the density and height of the multifamily Dimensional Standards.

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

There is a separate land use map amendment that proposes a land use change from "High Density Residential" to "Tourist Commercial". The requested B-6 Zoning District is allowed under the "Tourist Commercial" land use category thereby making the rezoning consistent with the Comprehensive Plan. No further development other than the existing condominiums is proposed at this time.

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

The subject property is currently developed and built out in accordance with approval from Ormond Beach. There is no new construction proposed. Therefore, 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 Condominium 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 is currently developed and built out. There is no construction proposed. Therefore, 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 is currently developed and built out. There is no new construction proposed. Therefore this criterion is not applicable.

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

The property is currently developed and built out. There is no new construction proposed. Therefore, the criterion is not applicable.

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

The property is currently developed and built out. There is no new construction proposed. Therefore, 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 is currently developed and built out. There is no new construction proposed. Therefore the criterion is not applicable.

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

This application has not been heard and no public testimony has been provided.

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:

- Currently there is approximately 6.0 acres of property designated Tourist Commercial land use and B-6 (Oceanfront Tourist Commercial) zoning adjacent to the north of the subject properties. Also, there is approximately 5.0 acres designated as Tourist Commercial land use and B-7 Tourist Commercial zoning across SR A1A directly to the north. Since the Tourist Commercial and the B-6 Zoning District already exist, a new designation along Ocean Shore Boulevard along the ocean is not occurring but simply an extension of the existing land use and zoning districts to the south.
- The impacts on facilities and services will not change as a result of the requested zoning amendment from R-6 to B-6.
- The proposed city zoning classification of B-6 is the most applicable for the intent of continuing the historical short-term rental/transient lodging use that the current R-6 Zoning District does not allow.
- The request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of “Tourist Commercial”.
- There is a concurrent proposed amendment to the Land Development Code to amend the R-6 Zoning District to change the maximum building height from 30’ to 75’ and 12 units per acre to 32 units per acre consistent with the Comprehensive Plan. Even if the proposed Land Development Code amendment is approved, 915 Ocean Shore Boulevard (Shoreham Condominiums) will still be nonconforming as it is currently built out at approximately 34.36 dwelling units per acre. If the amendment to rezone the properties to B-6 is approved, the Shoreham Condominiums will become conforming allowing up to 64 commercial lodging units.

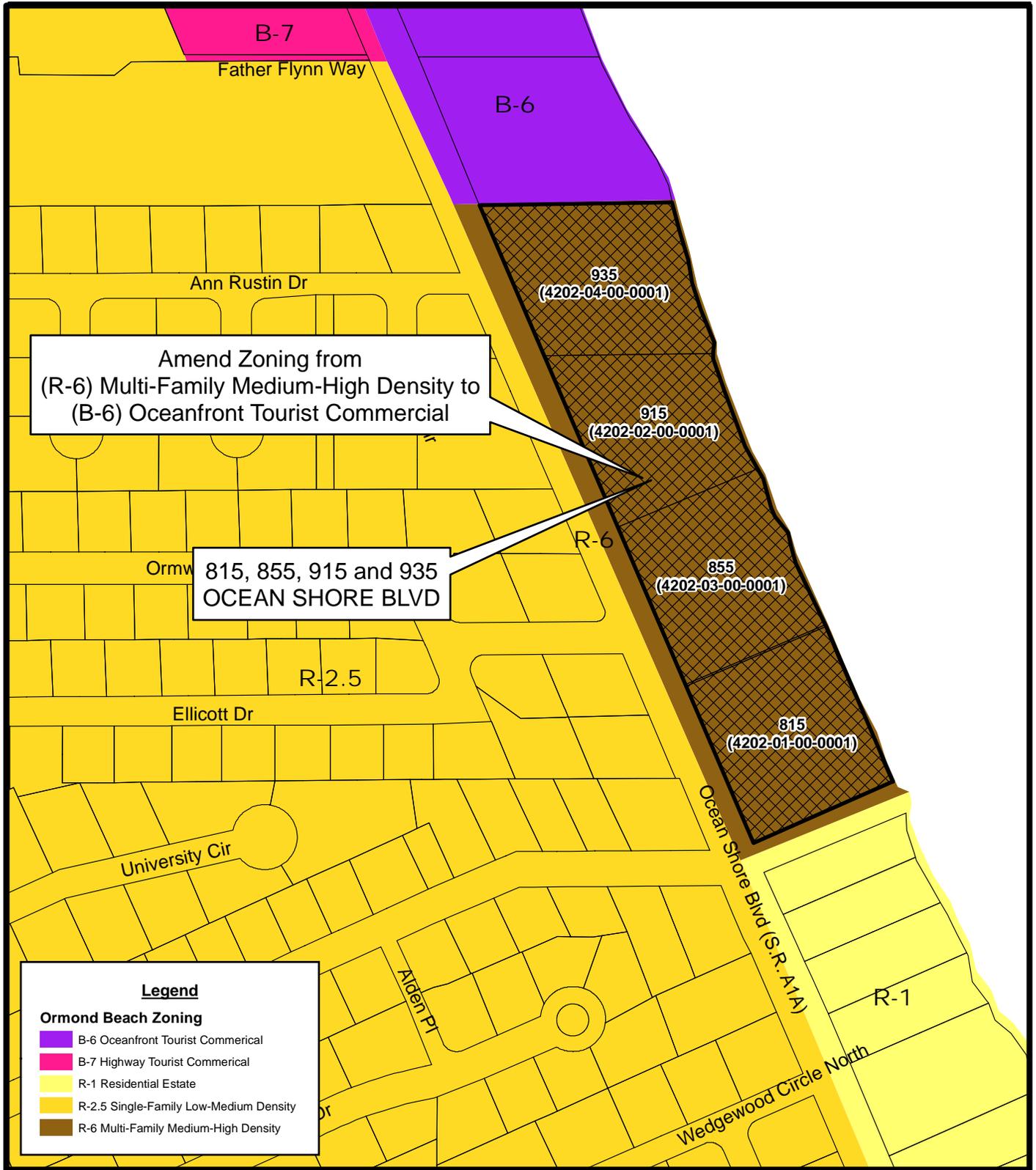
Public Input: The Planning Department received a note from Mrs. Margaret Damare expressing her desire that all plans remain “status quo”. The request in writing has been attached for the record (Exhibit E).

RECOMMENDATION: Staff recommends that the Planning Board recommend APPROVAL to the City Commission of Case RZ-14-080, a request by Gary Mann, authorized representative of the property owners for the Bent Palm Club (935 Ocean Shore Boulevard); Shoreham Club (915 Ocean Shore Boulevard), Ormond Ocean Club North (855 Ocean Shore Boulevard); and Ormond Holiday Club (815 Ocean Shore Boulevard), to amend the Official Zoning Map to change the zoning classification from R-6 (Multifamily Medium-High Density) to B-6 (Oceanfront Tourist Commercial).

Attachments:

- Exhibit A: Zoning Map
- Exhibit B: Legal, Depiction, and Ownership Information
- Exhibit C: Ordinance 1956-29
- Exhibit D: Letters of Authorization
- Exhibit E: Public Input Letter
- Exhibit F: Section 2-27 of the LDC, B-6 zoning district

Exhibit A - Zoning Map



PROPOSED ZONING MAP
815, 855, 915 and 935
OCEAN SHORE BLVD

Prepared By: The City of Ormond Beach
 G.I.S. Department - April 14, 2014

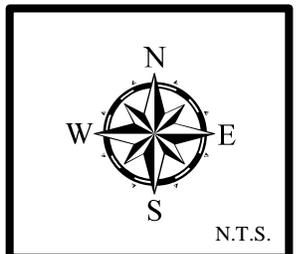


EXHIBIT B – 815 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

THE SOUTH 490' OF THAT PORTION OF FRACTIONAL SECTION 2 LYING EASTERLY OF OCEAN SHORE BOULEVARD, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND ALSO LOT 48, STANDISH SHORES, OF RECORD IN MAP BOOK 9, PAGE 127, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS AND SHORE RIGHTS THAT MAY BE APPERTAINING THERETO.

Depiction:

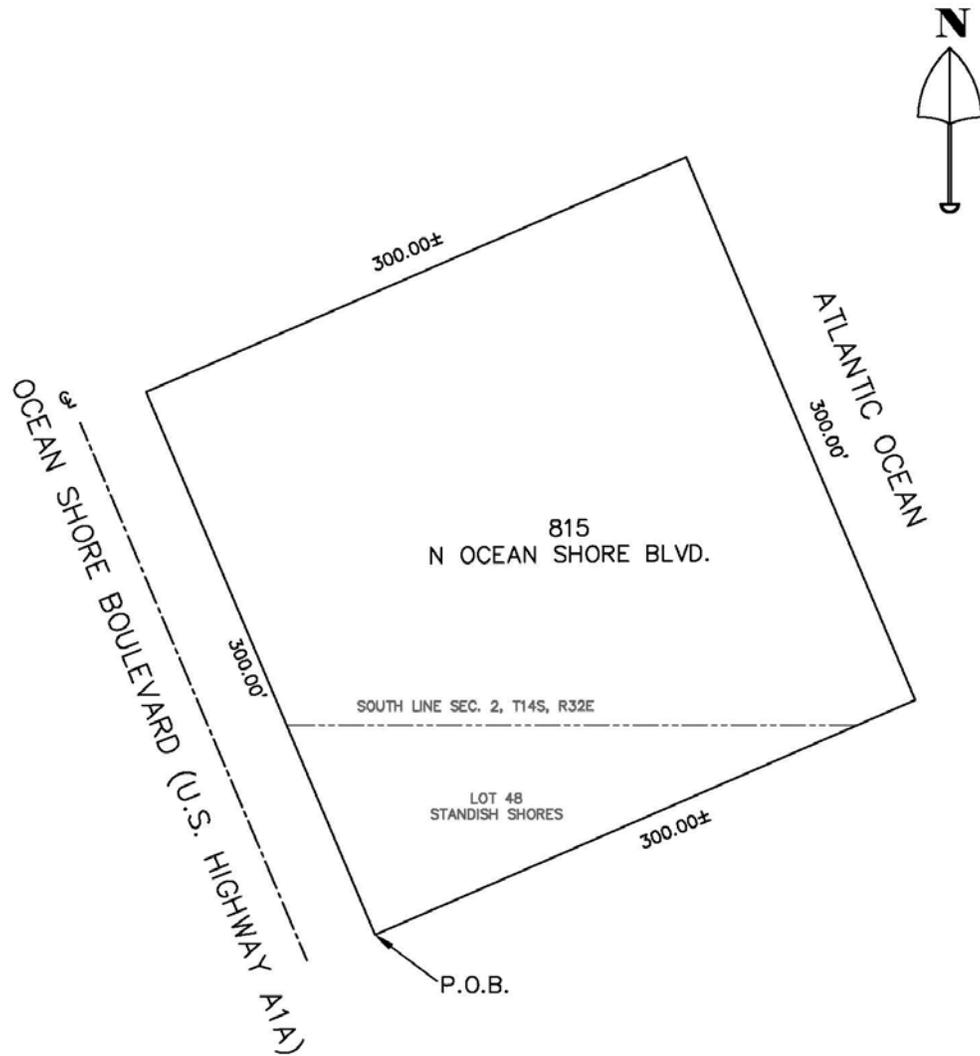


Exhibit B - 815 Ocean Shore Blvd.

Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-01-00-0001 4202-01-00-0001	ORMOND HOLIDAY CLUB CNDO ASSOC	815 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-01-01-0010 4202-01-01-0010	WORTHINGTON BETTY J TE	815 OCEAN SHORE BLVD UT 1 ORMOND BEACH 32176
02-14-32-01-01-0100 4202-01-01-0100	CLEVELAND CAROL K	815 OCEAN SHORE BLVD UT 10 ORMOND BEACH 32176
02-14-32-01-02-0100 4202-01-02-0100	APPLE REBECCA MCDONALD	815 OCEAN SHORE BLVD UT 10A ORMOND BEACH 32176
02-14-32-01-02-0101 4202-01-02-0101	815 OCEAN SHORE BLVD 10B LLC	815 OCEAN SHORE BLVD UT 10B ORMOND BEACH 32176
02-14-32-01-01-0110 4202-01-01-0110	HURLBURT JOHN C & BLAIR	815 OCEAN SHORE BLVD UT 11 ORMOND BEACH 32176
02-14-32-01-02-0110 4202-01-02-0110	GRAHAM JESSE E & KATHLEEN T	815 OCEAN SHORE BLVD UT 11A ORMOND BEACH 32176
02-14-32-01-02-0111 4202-01-02-0111	INMAN HUGH M JR TR &	815 OCEAN SHORE BLVD UT 11B ORMOND BEACH 32176
02-14-32-01-01-0120 4202-01-01-0120	HOLIDAY CLUB LAND HOLDINGS LLC	815 OCEAN SHORE BLVD UT 12 ORMOND BEACH 32176
02-14-32-01-02-0120 4202-01-02-0120	GOUGH THOMAS J & CAROL F	815 OCEAN SHORE BLVD UT 12A ORMOND BEACH 32176
02-14-32-01-02-0121 4202-01-02-0121	WALTERS SANDRA F TR	815 OCEAN SHORE BLVD UT 12B ORMOND BEACH 32176
02-14-32-01-01-0130 4202-01-01-0130	CRENSHAW DONALD L & JEAN W &	815 OCEAN SHORE BLVD UT 13 ORMOND BEACH 32176
02-14-32-01-02-0130 4202-01-02-0130	HURLBURT JOHN C & BLAIR H	815 OCEAN SHORE BLVD UT 13A ORMOND BEACH 32176
02-14-32-01-02-0131 4202-01-02-0131	STAKER WILLIAM C & SUSAN A	815 OCEAN SHORE BLVD UT 13B ORMOND BEACH 32176
02-14-32-01-02-0010 4202-01-02-0010	ROMAIN BRIAN A & DEBORAH A	815 OCEAN SHORE BLVD UT 1A ORMOND BEACH 32176
02-14-32-01-02-0011 4202-01-02-0011	HAYWARD ANDREW S	815 OCEAN SHORE BLVD UT 1B ORMOND BEACH 32176
02-14-32-01-01-0020 4202-01-01-0020	MANCINIK JEFFERSON J &	815 OCEAN SHORE BLVD UT 2 ORMOND BEACH 32176
02-14-32-01-02-0020 4202-01-02-0020	GUNBY POLLY P TRUSTEE	815 OCEAN SHORE BLVD UT 2A ORMOND BEACH 32176
02-14-32-01-02-0021 4202-01-02-0021	BLALOCK JOHN C JR & JANE N	815 OCEAN SHORE BLVD UT 2B ORMOND BEACH 32176

Exhibit B - 815 Ocean Shore Blvd.

02-14-32-01-01-0030 4202-01-01-0030	ORMOND HOLIDAY CLUB ASSOC INC	815 OCEAN SHORE BLVD UT 3 ORMOND BEACH 32176
02-14-32-01-02-0030 4202-01-02-0030	TIMMER GERALDINE A RICHARDSON	815 OCEAN SHORE BLVD UT 3A ORMOND BEACH 32176
02-14-32-01-02-0031 4202-01-02-0031	THREE SISTERS PROPERTIES LLC	815 OCEAN SHORE BLVD UT 3B ORMOND BEACH 32176
02-14-32-01-01-0040 4202-01-01-0040	CLEVELAND CAROL K	815 OCEAN SHORE BLVD UT 4 ORMOND BEACH 32176
02-14-32-01-02-0040 4202-01-02-0040	WILLIAMS BRITT TRTEE ETAL	815 OCEAN SHORE BLVD UT 4A ORMOND BEACH 32176
02-14-32-01-02-0041 4202-01-02-0041	WALTERS SANDRA F TR	815 OCEAN SHORE BLVD UT 4B ORMOND BEACH 32176
02-14-32-01-01-0050 4202-01-01-0050	815 OCEAN SHORE BLVD 5 LLC	815 OCEAN SHORE BLVD UT 5 ORMOND BEACH 32176
02-14-32-01-02-0050 4202-01-02-0050	FALLAW WILLIAM H & MARTHA K	815 OCEAN SHORE BLVD UT 5A ORMOND BEACH 32176
02-14-32-01-02-0051 4202-01-02-0051	NORRIS WILLIAM A III TR	815 OCEAN SHORE BLVD UT 5B ORMOND BEACH 32176
02-14-32-01-01-0060 4202-01-01-0060	WILSON MERLE SNIPES	815 OCEAN SHORE BLVD UT 6 ORMOND BEACH 32176
02-14-32-01-02-0060 4202-01-02-0060	CLEVELAND CAROL	815 OCEAN SHORE BLVD UT 6A ORMOND BEACH 32176
02-14-32-01-02-0061 4202-01-02-0061	HURLBURT JOAN W TTEE	815 OCEAN SHORE BLVD UT 6B ORMOND BEACH 32176
02-14-32-01-01-0070 4202-01-01-0070	CLEVELAND CAROL K	815 OCEAN SHORE BLVD UT 7 ORMOND BEACH 32176
02-14-32-01-02-0070 4202-01-02-0070	THREE SISTERS PROPERTIES LLC	815 OCEAN SHORE BLVD UT 7A ORMOND BEACH 32176
02-14-32-01-02-0071 4202-01-02-0071	GLOVER DAVID Z & LEE F	815 OCEAN SHORE BLVD UT 7B ORMOND BEACH 32176
02-14-32-01-01-0080 4202-01-01-0080	KEMP DANIEL L & BRENDA J	815 OCEAN SHORE BLVD UT 8 ORMOND BEACH 32176
02-14-32-01-02-0080 4202-01-02-0080	CARTER FAMILY PROPERTIES LP	815 OCEAN SHORE BLVD UT 8A ORMOND BEACH 32176
02-14-32-01-02-0081 4202-01-02-0081	THREE SISTERS PROPERTIES LLC	815 OCEAN SHORE BLVD UT 8B ORMOND BEACH 32176
02-14-32-01-01-0090 4202-01-01-0090	GOUGH HOLDING CORP	815 OCEAN SHORE BLVD UT 9 ORMOND BEACH 32176
02-14-32-01-02-0090 4202-01-02-0090	RUHL KENNETH & JILL SUSAN	815 OCEAN SHORE BLVD UT 9A ORMOND BEACH 32176
02-14-32-01-02-0091 4202-01-02-0091	GOUGH HOLDING CORP	815 OCEAN SHORE BLVD UT 9B ORMOND BEACH 32176

EXHIBIT B – 855 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

THE SOUTH 490' OF THAT PORTION OF FRACTIONAL SECTION 2 LYING EASTERLY OF OCEAN SHORE BOULEVARD, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND ALSO LOT 48, STANDISH SHORES, OF RECORD IN MAP BOOK 9, PAGE 127, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS AND SHORE RIGHTS THAT MAY BE APPERTAINING THERETO.

Depiction:

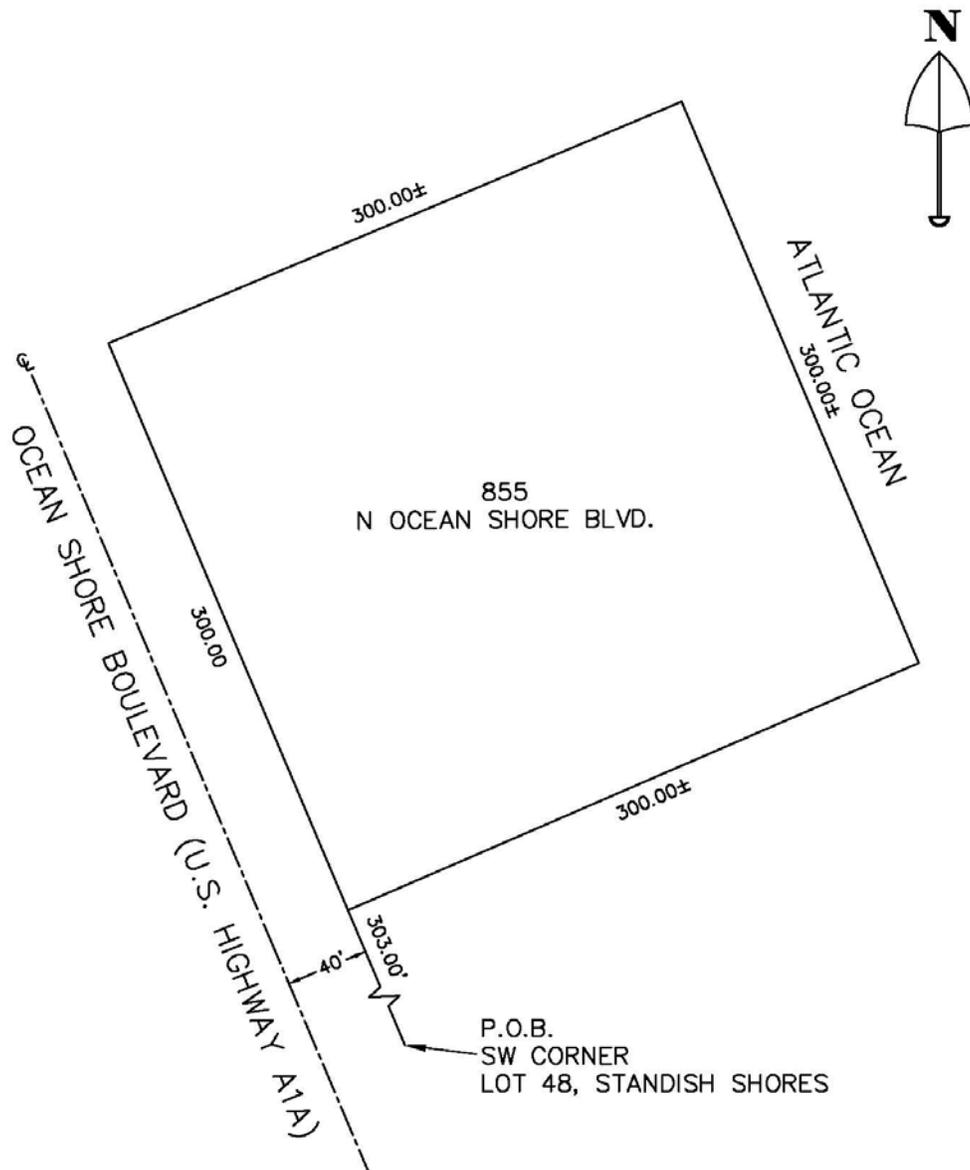


Exhibit B - 855 Ocean Shore Blvd.

Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-03-00-0001 4202-03-00-0001	ORMOND OCEAN CLUB NORTH ASSOC	855 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-03-00-1010 4202-03-00-1010	FERRARA ANDREA & CARLA	855 OCEAN SHORE BLVD 1010 ORMOND BEACH 32176
02-14-32-03-00-1020 4202-03-00-1020	HANDLEY LEON & MARY V	855 OCEAN SHORE BLVD 1020 ORMOND BEACH 32176
02-14-32-03-00-1030 4202-03-00-1030	ORR RENEE	855 OCEAN SHORE BLVD 1030 ORMOND BEACH 32176
02-14-32-03-00-1040 4202-03-00-1040	BEACHIN DAYS LLC	855 OCEAN SHORE BLVD 1040 ORMOND BEACH 32176
02-14-32-03-00-1050 4202-03-00-1050	WALDEN WILLIAM A JR &	855 OCEAN SHORE BLVD 1050 ORMOND BEACH 32176
02-14-32-03-00-1060 4202-03-00-1060	IORIO SAMMY A & CAROL A	855 OCEAN SHORE BLVD 1060 ORMOND BEACH 32176
02-14-32-03-00-1070 4202-03-00-1070	ORMOND OCEAN CLUB NORTH INC	855 OCEAN SHORE BLVD 1070 ORMOND BEACH 32176
02-14-32-03-00-1080 4202-03-00-1080	PEARCE DOUGLAS & MARY	855 OCEAN SHORE BLVD 1080 ORMOND BEACH 32176
02-14-32-03-00-1090 4202-03-00-1090	MURPHY CHARLOTTE T TRUSTEE	855 OCEAN SHORE BLVD 1090 ORMOND BEACH 32176
02-14-32-03-00-1100 4202-03-00-1100	VEAL MARVIN LEON & VICKI	855 OCEAN SHORE BLVD 1100 ORMOND BEACH 32176
02-14-32-03-00-1110 4202-03-00-1110	REX LAWRENCE G	855 OCEAN SHORE BLVD 1110 ORMOND BEACH 32176
02-14-32-03-00-1120 4202-03-00-1120	VEAL MARVIN LEON & VICKI	855 OCEAN SHORE BLVD 1120 ORMOND BEACH 32176
02-14-32-03-00-1130 4202-03-00-1130	MORT MICHAEL J & ANISSA M	855 OCEAN SHORE BLVD 1130 ORMOND BEACH 32176
02-14-32-03-00-1140 4202-03-00-1140	DIXON OTHA C	855 OCEAN SHORE BLVD 1140 ORMOND BEACH 32176
02-14-32-03-00-1150 4202-03-00-1150	HASSLINGER PAUL E & CAROLYN R	855 OCEAN SHORE BLVD 1150 ORMOND BEACH 32176
02-14-32-03-00-1160 4202-03-00-1160	STOOTHOFF FREDERICK J & JANE	855 OCEAN SHORE BLVD 1160 ORMOND BEACH 32176
02-14-32-03-00-2160 4202-03-00-2160	VEAL MARVIN LEON & VICKI K	855 OCEAN SHORE BLVD 2160 ORMOND BEACH 32176
02-14-32-03-00-2170 4202-03-00-2170	DURGIN LINDA F TR &	855 OCEAN SHORE BLVD 2170 ORMOND BEACH 32176

Exhibit B - 855 Ocean Shore Blvd.

02-14-32-03-00-2180 4202-03-00-2180	SUNSET LLC	855 OCEAN SHORE BLVD 2180 ORMOND BEACH 32176
02-14-32-03-00-2190 4202-03-00-2190	MOON DENNIS M & BRENDA S	855 OCEAN SHORE BLVD 219 ORMOND BEACH 32176
02-14-32-03-00-2200 4202-03-00-2200	FAMBRO WILLIAM P & MARY C	855 OCEAN SHORE BLVD 2200 ORMOND BEACH 32176
02-14-32-03-00-2210 4202-03-00-2210	HARBERT LOIS S TRUSTEE	855 OCEAN SHORE BLVD 2210 ORMOND BEACH 32176
02-14-32-03-00-2220 4202-03-00-2220	GOODSON CHARLES L & DOROTHY E	855 OCEAN SHORE BLVD 2220 ORMOND BEACH 32176
02-14-32-03-00-2230 4202-03-00-2230	BUGGYHUT LLC	855 OCEAN SHORE BLVD 2230 ORMOND BEACH 32176
02-14-32-03-00-2240 4202-03-00-2240	WILD HARRY E JR &	855 OCEAN SHORE BLVD 2240 ORMOND BEACH 32176
02-14-32-03-00-2250 4202-03-00-2250	SJUGGERUD MICHAEL A	855 OCEAN SHORE BLVD 2250 ORMOND BEACH 32176
02-14-32-03-00-2260 4202-03-00-2260	MCGARRY CHERYL L TR	855 OCEAN SHORE BLVD 2260 ORMOND BEACH 32176
02-14-32-03-00-2270 4202-03-00-2270	GOUGH HOLDING CORP	855 OCEAN SHORE BLVD 2270 ORMOND BEACH 32176
02-14-32-03-00-2280 4202-03-00-2280	HALE STEPHEN P & KAREN M	855 OCEAN SHORE BLVD 2280 ORMOND BEACH 32176
02-14-32-03-00-2290 4202-03-00-2290	CHION DONALD C CO-TR &	855 OCEAN SHORE BLVD 2290 ORMOND BEACH 32176
02-14-32-03-00-2300 4202-03-00-2300	ANDERSEN MAUREEN G & JOSEPH L	855 OCEAN SHORE BLVD 2300 ORMOND BEACH 32176
02-14-32-03-00-2310 4202-03-00-2310	HALLIDAY CHRISTOPHER M &	855 OCEAN SHORE BLVD 2310 ORMOND BEACH 32176
02-14-32-03-00-2320 4202-03-00-2320	TONKIN CAROL A	855 OCEAN SHORE BLVD 2320 ORMOND BEACH 32176
02-14-32-03-00-2330 4202-03-00-2330	FISHER JOHN W & GAIL A	855 OCEAN SHORE BLVD 2330 ORMOND BEACH 32176
02-14-32-03-00-2340 4202-03-00-2340	WILLIS SCOTT D &	855 OCEAN SHORE BLVD 2340 ORMOND BEACH 32176
02-14-32-03-00-2350 4202-03-00-2350	GOODSON SHERRY D &	855 OCEAN SHORE BLVD 2350 ORMOND BEACH 32176
02-14-32-03-00-2360 4202-03-00-2360	HEDRICK M ERIC & WANDA	855 OCEAN SHORE BLVD 2360 ORMOND BEACH 32176
02-14-32-03-00-2370 4202-03-00-2370	LEWIS LOUISE E	855 OCEAN SHORE BLVD 2370 ORMOND BEACH 32176
02-14-32-03-00-2380 4202-03-00-2380	WOOD RAYMOND S JR & JILL H	855 OCEAN SHORE BLVD 2380 ORMOND BEACH 32176
02-14-32-03-00-2390 4202-03-00-2390	DIXON BRUCE & OTHA	855 OCEAN SHORE BLVD 2390 ORMOND BEACH 32176

Exhibit B - 855 Ocean Shore Blvd.

02-14-32-03-00-2400 4202-03-00-2400	MARVEL CAROL J TRUSTEE	855 OCEAN SHORE BLVD 2400 ORMOND BEACH 32176
02-14-32-03-00-2410 4202-03-00-2410	AVERETT JAMES & RUTH	855 OCEAN SHORE BLVD 2410 ORMOND BEACH 32176
02-14-32-03-00-2420 4202-03-00-2420	MUNDY MATE Y	855 OCEAN SHORE BLVD 2420 ORMOND BEACH 32176
02-14-32-03-00-2430 4202-03-00-2430	COHELEY JOHN A & WENDI B	855 OCEAN SHORE BLVD 2430 ORMOND BEACH 32176
02-14-32-03-00-4440 4202-03-00-4440	BANNISTER CHARLES HILL &	855 OCEAN SHORE BLVD 4440 ORMOND BEACH 32176
02-14-32-03-00-4450 4202-03-00-4450	THOMAS MARION ALDERMAN TR	855 OCEAN SHORE BLVD 4450 ORMOND BEACH 32176
02-14-32-03-00-4460 4202-03-00-4460	ORMOND BEACH RETREAT LLC	855 OCEAN SHORE BLVD 4460 ORMOND BEACH 32176

EXHIBIT B – 915 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

THAT PORTION OF FRACTIONAL SECTION 2, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT A POINT IN THE EASTERLY LINE OF OCEAN SHORE BOULEVARD, AN 80' STREET AS NOW LAID OUT, SAID POINT BEING A DISTANCE OF 50.64' SOUTHERLY OF THE INTERSECTION OF SAID LINE WITH THE NORTH LINE OF THE SOUTH 490' OF SAID FRACTION SECTION 2; THENCE NORTHERLY ALONG THE WESTERLY LINE OF OCEAN SHORE BOULEVARD, A DISTANCE OF 30.64' TO THE NORTH LINE OF THE SOUTH 230.33' OF THE NORTH 490' OF THE SOUTH 980' OF FRACTIONAL SECTION 2; THENCE EAST ALONG SAID LINE, A DISTANCE OF 216.5' TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE LAST LINE, A DISTANCE OF 80' TO A POINT; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF FRACTIONAL SECTION 2, A DISTANCE OF 100' MORE OR LESS TO THE SHORE LINE OF THE ATLANTIC OCEAN; THENCE SOUTHERLY ALONG SAID SHORE LINE A DISTANCE OF 180' MORE OF LESS TO A POINT IN A LINE THAT IS PERPENDICULAR TO OCEAN SHORE BOULEVARD FROM THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE WESTERLY ALONG SAID LINE A DISTANCE OF 300' MORE OR LOESS, TO THE POINT OF BEGINNING.

Depiction:

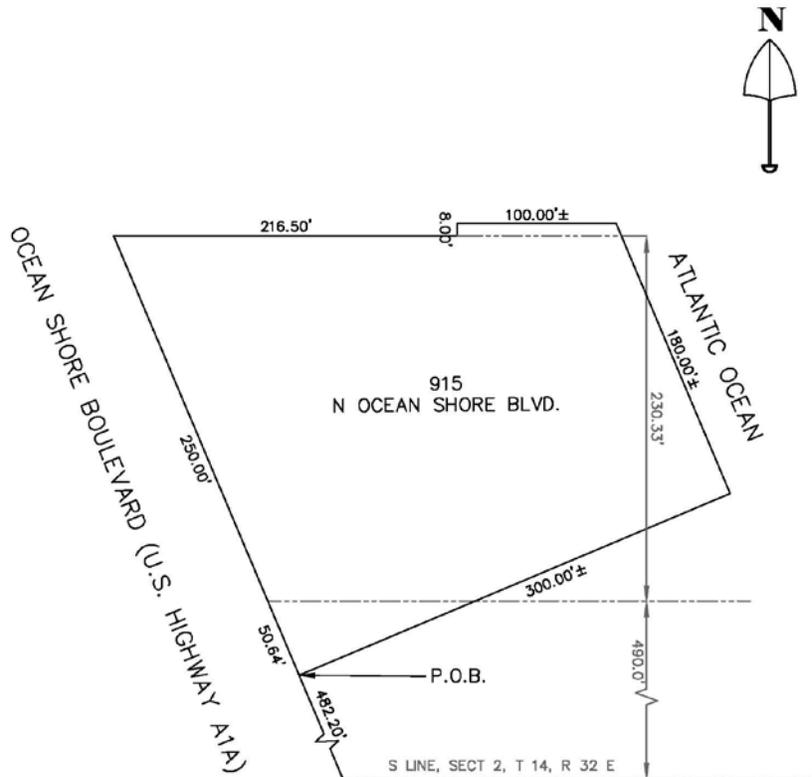


Exhibit B - 915 Ocean Shore Blvd.

Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-02-00-0001 4202-02-00-0001	SHOREHAM BEACH CONDO ASSOC	915 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-02-00-1050 4202-02-00-1050	SHOREHAM BEACH CONDO ASSOC	915 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-02-00-1010 4202-02-00-1010	SHANTZ ROBERT J & JEANNINE M	915 OCEAN SHORE BLVD 1010 ORMOND BEACH 32176
02-14-32-02-00-1020 4202-02-00-1020	BETTY DEWBERRY FAMILY	915 OCEAN SHORE BLVD 1020 ORMOND BEACH 32176
02-14-32-02-00-1030 4202-02-00-1030	CASSIDY JOSEPH W JR &	915 OCEAN SHORE BLVD 1030 ORMOND BEACH 32176
02-14-32-02-00-1040 4202-02-00-1040	STOCKHAMMER STANLEY F &	915 OCEAN SHORE BLVD 1040 ORMOND BEACH 32176
02-14-32-02-00-1060 4202-02-00-1060	KEMP JIMMY W & KAY M	915 OCEAN SHORE BLVD 1060 ORMOND BEACH 32176
02-14-32-02-00-1070 4202-02-00-1070	BEARD MARY H	915 OCEAN SHORE BLVD 1070 ORMOND BEACH 32176
02-14-32-02-00-1080 4202-02-00-1080	TOWNSEND BARRETT S TR &	915 OCEAN SHORE BLVD 1080 ORMOND BEACH 32176
02-14-32-02-00-2010 4202-02-00-2010	BEARD JAMES H & MARY H	915 OCEAN SHORE BLVD 2010 ORMOND BEACH 32176
02-14-32-02-00-2020 4202-02-00-2020	KESLER THURMAN D & VICKIE D	915 OCEAN SHORE BLVD 2020 ORMOND BEACH 32176
02-14-32-02-00-2030 4202-02-00-2030	WILSON JOHNIE R JR & MARY ANN	915 OCEAN SHORE BLVD 2030 ORMOND BEACH 32176
02-14-32-02-00-2040 4202-02-00-2040	KIRBY PAMELA ELLEN TRS &	915 OCEAN SHORE BLVD 2040 ORMOND BEACH 32176
02-14-32-02-00-2050 4202-02-00-2050	SCHANTZ GORDON K ETAL	915 OCEAN SHORE BLVD 2050 ORMOND BEACH 32176
02-14-32-02-00-2060 4202-02-00-2060	ROWLEY BRIAN H & CHERYL L	915 OCEAN SHORE BLVD 2060 ORMOND BEACH 32176
02-14-32-02-00-2070 4202-02-00-2070	DAVILA DIANNE	915 OCEAN SHORE BLVD 2070 ORMOND BEACH 32176
02-14-32-02-00-2080 4202-02-00-2080	ADAMS GREGORY T	915 OCEAN SHORE BLVD 2080 ORMOND BEACH 32176
02-14-32-02-00-3010 4202-02-00-3010	THOMAS JOHN J & JUNE M	915 OCEAN SHORE BLVD 3010 ORMOND BEACH 32176
02-14-32-02-00-3020 4202-02-00-3020	BATEMAN DAVID F & BRENDA S	915 OCEAN SHORE BLVD 3020 ORMOND BEACH 32176

Exhibit B - 915 Ocean Shore Blvd.

02-14-32-02-00-3040 4202-02-00-3040	TAFFARO JOSEPH T	915 OCEAN SHORE BLVD 3040 ORMOND BEACH 32176
02-14-32-02-00-3050 4202-02-00-3050	HINKLE WILLIAM J & BARBARA J E	915 OCEAN SHORE BLVD 3050 ORMOND BEACH 32176
02-14-32-02-00-3060 4202-02-00-3060	ADAMS ANTHONY W & RITA L	915 OCEAN SHORE BLVD 3060 ORMOND BEACH 32176
02-14-32-02-00-3070 4202-02-00-3070	MILLER LORRAINE R	915 OCEAN SHORE BLVD 3070 ORMOND BEACH 32176
02-14-32-02-00-3080 4202-02-00-3080	FAWCETT ALAN C	915 OCEAN SHORE BLVD 3080 ORMOND BEACH 32176
02-14-32-02-00-4010 4202-02-00-4010	ROBINSON EARL G &	915 OCEAN SHORE BLVD 4010 ORMOND BEACH 32176
02-14-32-02-00-4020 4202-02-00-4020	WOERNER MARJORIE H	915 OCEAN SHORE BLVD 4020 ORMOND BEACH 32176
02-14-32-02-00-4030 4202-02-00-4030	PAAVOLA GEORGE E & KAREN J TRS	915 OCEAN SHORE BLVD 4030 ORMOND BEACH 32176
02-14-32-02-00-4040 4202-02-00-4040	EIBEN EARL L JR & DAWN R	915 OCEAN SHORE BLVD 4040 ORMOND BEACH 32176
02-14-32-02-00-4050 4202-02-00-4050	SLOVAK MARY PAGE W TTEE	915 OCEAN SHORE BLVD 4050 ORMOND BEACH 32176
02-14-32-02-00-4060 4202-02-00-4060	KENNEDY MAUREEN A &	915 OCEAN SHORE BLVD 4060 ORMOND BEACH 32176
02-14-32-02-00-4070 4202-02-00-4070	MACLEOD KATHI	915 OCEAN SHORE BLVD 4070 ORMOND BEACH 32176
02-14-32-02-00-4080 4202-02-00-4080	HARRELL ROBERT L	915 OCEAN SHORE BLVD 4080 ORMOND BEACH 32176
02-14-32-02-00-5010 4202-02-00-5010	MACLEOD SCOTT L & ALISON M	915 OCEAN SHORE BLVD 5010 ORMOND BEACH 32176
02-14-32-02-00-5020 4202-02-00-5020	HOLCOMB LINDA L	915 OCEAN SHORE BLVD 5020 ORMOND BEACH 32176
02-14-32-02-00-5030 4202-02-00-5030	MEYER DANIEL & HILDA	915 OCEAN SHORE BLVD 5030 ORMOND BEACH 32176
02-14-32-02-00-5040 4202-02-00-5040	GAUTHIER CHRISTIANE &	915 OCEAN SHORE BLVD 5040 ORMOND BEACH 32176
02-14-32-02-00-5050 4202-02-00-5050	CHALMERS MURRAY O & SUZANNE T	915 OCEAN SHORE BLVD 5050 ORMOND BEACH 32176
02-14-32-02-00-5060 4202-02-00-5060	HARNEY THOMAS M & CATHERINE R	915 OCEAN SHORE BLVD 5060 ORMOND BEACH 32176
02-14-32-02-00-5070 4202-02-00-5070	REILLY NOREEN M	915 OCEAN SHORE BLVD 5070 ORMOND BEACH 32176
02-14-32-02-00-5080 4202-02-00-5080	WRIGHT PEGGY W TRS	915 OCEAN SHORE BLVD 5080 ORMOND BEACH 32176
02-14-32-02-00-6010 4202-02-00-6010	WINSTEAD WILHELMINA	915 OCEAN SHORE BLVD 6010 ORMOND BEACH 32176

Exhibit B - 915 Ocean Shore Blvd.

02-14-32-02-00-6020 4202-02-00-6020	KEMP ALVIN LEE JR & PATTI S	915 OCEAN SHORE BLVD 6020 ORMOND BEACH 32176
02-14-32-02-00-6030 4202-02-00-6030	POIRIER RANDELL J & DEBRA H	915 OCEAN SHORE BLVD 6030 ORMOND BEACH 32176
02-14-32-02-00-6040 4202-02-00-6040	VEZINA CHARLES	915 OCEAN SHORE BLVD 6040 ORMOND BEACH 32176
02-14-32-02-00-6050 4202-02-00-6050	STILLION GLENN W & JUDITH M TR	915 OCEAN SHORE BLVD 6050 ORMOND BEACH 32176
02-14-32-02-00-6060 4202-02-00-6060	CAPUTO MICHAEL R & NORA	915 OCEAN SHORE BLVD 6060 ORMOND BEACH 32176
02-14-32-02-00-6070 4202-02-00-6070	SIMRIL DONALD L & GAIL H	915 OCEAN SHORE BLVD 6070 ORMOND BEACH 32176
02-14-32-02-00-6080 4202-02-00-6080	LAYSON ZED C JR TR &	915 OCEAN SHORE BLVD 6080 ORMOND BEACH 32176
02-14-32-02-00-7010 4202-02-00-7010	BOGDAN STEPHEN R & SANDRA J	915 OCEAN SHORE BLVD 7010 ORMOND BEACH 32176
02-14-32-02-00-7020 4202-02-00-7020	GORMAN JOHNSON GRESHAM TR	915 OCEAN SHORE BLVD 7020 ORMOND BEACH 32176
02-14-32-02-00-7030 4202-02-00-7030	SHOREHAM BEACH ASSOC INC	915 OCEAN SHORE BLVD 7030 ORMOND BEACH 32176
02-14-32-02-00-7040 4202-02-00-7040	BOGDAN STEPHEN R & SANDRA J	915 OCEAN SHORE BLVD 7040 ORMOND BEACH 32176
02-14-32-02-00-7050 4202-02-00-7050	YOELAO-LAGANA ARCHAREEPOM	915 OCEAN SHORE BLVD 7050 ORMOND BEACH 32176
02-14-32-02-00-7060 4202-02-00-7060	ROKICSAK VINCENT P	915 OCEAN SHORE BLVD 7060 ORMOND BEACH 32176
02-14-32-02-00-7070 4202-02-00-7070	BURTON ALAN H	915 OCEAN SHORE BLVD 7070 ORMOND BEACH 32176
02-14-32-02-00-7080 4202-02-00-7080	YORK COLLIN &	915 OCEAN SHORE BLVD 7080 ORMOND BEACH 32176
02-14-32-02-00-8010 4202-02-00-8010	LEIDIGH LAURA	915 OCEAN SHORE BLVD 8010 ORMOND BEACH 32176
02-14-32-02-00-8020 4202-02-00-8020	HARDING KENNETH &	915 OCEAN SHORE BLVD 8020 ORMOND BEACH 32176

EXHIBIT B – 935 Ocean Shore Boulevard
Legal Description, Depiction, and Ownership Information

Legal Description

The North 490' of the South 980', excepting therefrom the South 230.33'; thereof, of that portion of Fractional Section 2 lying Easterly of Ocean Shore Boulevard, an 80' street as now' laid out, Township 14 South, Range 32 East, Volusia County, Florida, excepting therefrom the following described property; Begin at a point in the North line of the South 230.33' of the North 490' of the South 980' of said Fractional Section 2, said point being a distance of 216. 5' East of the intersection of said line with the Easterly line of Ocean Shore Boulevard; thence North and at right angles to last line, a distance of 8.0' to a point; thence East and parallel to the South line of Fractional Section 2, a distance of 100' more or less to the shore line of the Atlantic Ocean; thence Southerly along said shore line, a distance of 8' more or less to the North line of the South 230.33' of the North 490' of the South 980' of said Fractional Section 2; thence West a distance of 100' more or less to the point of beginning.

Depiction:

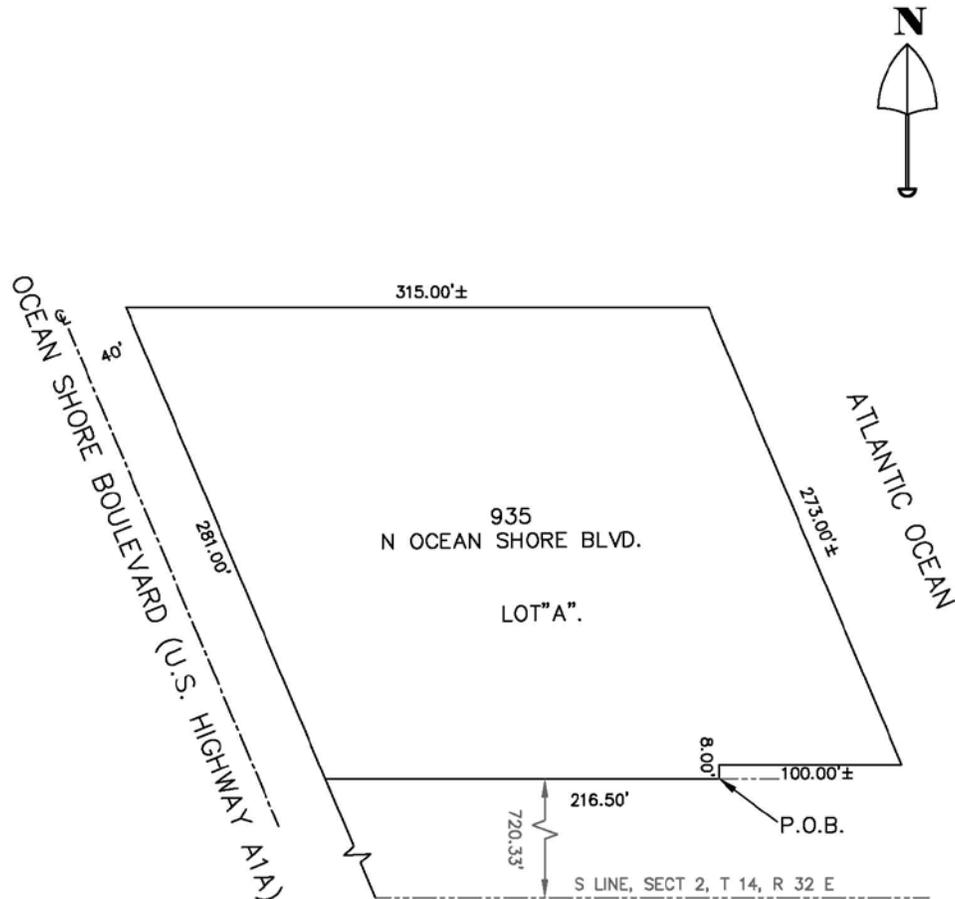


Exhibit B - 935 Ocean Shore Blvd.

Ownership Information:

Volusia County Property Appraiser's Office
Property Record Card (PRC)

Full Parcel ID Short Parcel ID	Owner Name	Location
02-14-32-04-00-0001 4202-04-00-0001	ORMOND CONDO CLUB ASSOC	935 OCEAN SHORE BLVD ORMOND BEACH 32176
02-14-32-04-00-1010 4202-04-00-1010	JONES ALFRED W JR	935 OCEAN SHORE BLVD 1010 ORMOND BEACH 32176
02-14-32-04-00-1020 4202-04-00-1020	ADAMS KATHRYN K TR	935 OCEAN SHORE BLVD 1020 ORMOND BEACH 32176
02-14-32-04-00-1030 4202-04-00-1030	HATCHER MARION F TR	935 OCEAN SHORE BLVD 1030 ORMOND BEACH 32176
02-14-32-04-00-1040 4202-04-00-1040	TOWNSEND BARRETT S TR &	935 OCEAN SHORE BLVD 1040 ORMOND BEACH 32176
02-14-32-04-00-1050 4202-04-00-1050	KEMP DAVID & GAIL	935 OCEAN SHORE BLVD 1050 ORMOND BEACH 32176
02-14-32-04-00-1060 4202-04-00-1060	BENT PALM CLUB INC	935 OCEAN SHORE BLVD 1060 ORMOND BEACH 32176
02-14-32-04-00-1070 4202-04-00-1070	SPINELLI WILLIAM G & STEPHANIE	935 OCEAN SHORE BLVD 1070 ORMOND BEACH 32176
02-14-32-04-00-1080 4202-04-00-1080	KINNETT FAMILY LLC	935 OCEAN SHORE BLVD 1080 ORMOND BEACH 32176
02-14-32-04-00-1090 4202-04-00-1090	TAFT JOHN L & A MARGARET L/E	935 OCEAN SHORE BLVD 1090 ORMOND BEACH 32176
02-14-32-04-00-1100 4202-04-00-1100	SHIPLETT JAMES R & IMOGENE E	935 OCEAN SHORE BLVD 1100 ORMOND BEACH 32176
02-14-32-04-00-1110 4202-04-00-1110	CERISANO JOHN E TRUSTEE &	935 OCEAN SHORE BLVD 1110 ORMOND BEACH 32176
02-14-32-04-00-2010 4202-04-00-2010	BERLINSKY JAY H & KATHLEEN J	935 OCEAN SHORE BLVD 2010 ORMOND BEACH 32176
02-14-32-04-00-2020 4202-04-00-2020	BARRY PALM LLC	935 OCEAN SHORE BLVD 2020 ORMOND BEACH 32176
02-14-32-04-00-2030 4202-04-00-2030	DUNCAN PATRICIA JONES &	935 OCEAN SHORE BLVD 2030 ORMOND BEACH 32176
02-14-32-04-00-2040 4202-04-00-2040	SANDERSON MARY H TR	935 OCEAN SHORE BLVD 2040 ORMOND BEACH 32176
02-14-32-04-00-2050 4202-04-00-2050	ROGER HOLLER CHEVROLET CO	935 OCEAN SHORE BLVD 2050 ORMOND BEACH 32176
02-14-32-04-00-2060 4202-04-00-2060	NOVAK WILLIAM P & JANET A	935 OCEAN SHORE BLVD 2060 ORMOND BEACH 32176
02-14-32-04-00-2070 4202-04-00-2070	TREVARTHEN ROBERT & SALLY	935 OCEAN SHORE BLVD 2070 ORMOND BEACH 32176
02-14-32-04-00-2080 4202-04-00-2080	BOSWELL SUPPLY LTD	935 OCEAN SHORE BLVD 2080 ORMOND BEACH 32176
02-14-32-04-00-2090	MCKENNA MARGARET E &	935 OCEAN SHORE BLVD 2090 ORMOND BEACH

Exhibit B - 935 Ocean Shore Blvd.

4202-04-00-2090		32176
02-14-32-04-00-2100 4202-04-00-2100	FELLOWS DALE H & NANCY E	935 OCEAN SHORE BLVD 2100 ORMOND BEACH 32176
02-14-32-04-00-2110 4202-04-00-2110	BOBBITT MARY IRENE	935 OCEAN SHORE BLVD 2110 ORMOND BEACH 32176
02-14-32-04-00-2120 4202-04-00-2120	KELLUM C RICHARD & ROSE MARY	935 OCEAN SHORE BLVD 2120 ORMOND BEACH 32176
02-14-32-04-00-2130 4202-04-00-2130	COLLINS JILL M TR &	935 OCEAN SHORE BLVD 2130 ORMOND BEACH 32176
02-14-32-04-00-2140 4202-04-00-2140	WYLLIE MARILYN L	935 OCEAN SHORE BLVD 2140 ORMOND BEACH 32176
02-14-32-04-00-2150 4202-04-00-2150	VARUNOK PETER & CATHERINE	935 OCEAN SHORE BLVD 2150 ORMOND BEACH 32176
02-14-32-04-00-2160 4202-04-00-2160	WEBSTER GEORGE D & DULCIE D	935 OCEAN SHORE BLVD 2160 ORMOND BEACH 32176
02-14-32-04-00-2170 4202-04-00-2170	JERNIGAN BEN W JR TR	935 OCEAN SHORE BLVD 2170 ORMOND BEACH 32176
02-14-32-04-00-2180 4202-04-00-2180	RASCHKE CARL H &	935 OCEAN SHORE BLVD 2180 ORMOND BEACH 32176
02-14-32-04-00-2190 4202-04-00-2190	LORRAINE S SPLAIN REV TRUST	935 OCEAN SHORE BLVD 2190 ORMOND BEACH 32176
02-14-32-04-00-2200 4202-04-00-2200	TIDWELL JENNY L	935 OCEAN SHORE BLVD 2200 ORMOND BEACH 32176
02-14-32-04-00-2210 4202-04-00-2210	GAILEY JACQUELYN TRS	935 OCEAN SHORE BLVD 2210 ORMOND BEACH 32176
02-14-32-04-00-3010 4202-04-00-3010	GRACA SANDRA S JTRS &	935 OCEAN SHORE BLVD 3010 ORMOND BEACH 32176
02-14-32-04-00-3020 4202-04-00-3020	LOTZ THEO &	935 OCEAN SHORE BLVD 3020 ORMOND BEACH 32176
02-14-32-04-00-3030 4202-04-00-3030	TOROK ERNEST	935 OCEAN SHORE BLVD 3030 ORMOND BEACH 32176
02-14-32-04-00-3040 4202-04-00-3040	CATALFAMO CARMEN J TR &	935 OCEAN SHORE BLVD 3040 ORMOND BEACH 32176
02-14-32-04-00-4010 4202-04-00-4010	RUSSELL JOHN & NANCY	935 OCEAN SHORE BLVD 4010 ORMOND BEACH 32176
02-14-32-04-00-4020 4202-04-00-4020	DRISCOLL JOHN R & JUDITH	935 OCEAN SHORE BLVD 4020 ORMOND BEACH 32176
02-14-32-04-00-4030 4202-04-00-4030	NELDNER ROBERT F & PEGGY M	935 OCEAN SHORE BLVD 4030 ORMOND BEACH 32176
02-14-32-04-00-4040 4202-04-00-4040	LANIER JACK L TR	935 OCEAN SHORE BLVD 4040 ORMOND BEACH 32176
02-14-32-04-00-4050 4202-04-00-4050	HOPPER MARGARET W	935 OCEAN SHORE BLVD 4050 ORMOND BEACH 32176

2. Public Buildings: One off-street parking space for each regular employee, plus adequate parking space for public use.

3. Schools: One off-street parking space for each staff member, plus one off-street parking space for each 10 fixed seats in auditorium or for each 100 square feet of floor space in assembly rooms with movable seats. Plus, one off-street parking space for each classroom.

4. Churchs; Sunday Schools: One off-street parking space for each 5 fixed seats (computing seating capacity of pews and benches at one person to each 24 inches) plus one off-street parking space for each 50 square feet of space in Assembly Rooms in which movable seats are used.

SECTION 10. Signs and Billboards.

No signs, billboards, posters, bulletin boards or like matter shall be permitted except as follows:

1. Professional signs as provided under "Permitted Accessory Uses and Structures" in connection with home occupations.

2. One sign only, not exceeding 3 square feet in area, to advertise the premises on which said sign is displayed for sale, rent or lease, provided that such sign shall not be more than 4 feet in height, and shall not be placed closer than 10 feet to any property line.

3. Official public notices may be erected by any public governing body at appropriate locations on property affected.

4. One bulletin board, not exceeding 10 square feet in area, may be erected by any church.

SYMBOL - R-4

MULTIPLE-FAMILY RESIDENCE (OCEAN FRONT)

SECTION 1. Permitted Principal Uses and Structures.

Any structure or use permitted as in R-1, i.e. Single-Family detached dwellings, and in addition:

1. Groves, Nurseries, Non-Commercial Greenhouses, and other customary agricultural uses and structures, provided that no odor or dust producing substance or use shall be permitted within 100 feet of any property line if the adjoining property is being used for residential purposes, and further provided that no products shall be publicly displayed or offered for sale at the roadside.

2. Two-Family and Multiple-Family Dwellings.

3. Apartment Houses, Hotels, Motels.

4. Private clubs and lodges, excepting those in which the conduct of commercial affairs plays a major part.

SECTION 2. Permitted Accessory Uses and Structures.

Customary accessory structures and uses, located on the same lot or plot as the principal structure or use, including customary home occupations conducted in dwellings, such as the offices of physicians, architects, lawyers, writers, or artists, provided that:

- (a) Not more than one person not resident on the premises shall be employed;
- (b) Such occupation shall be clearly incidental and secondary to the use of the building for residential purposes;
- (c) The external appearance of the buildings, and the appearance of the grounds, shall not be changed as a result of the occupation, and there shall be no external evidence of such occupation on the building or grounds, except that a small sign or notice, not exceeding one square foot in area, may be mounted against the side of a building.

SECTION 3. Special Exceptions Permissible By City Board of Managers.
(Page 10 Sec. 10)

After Public Notice and Hearing, and subject to appropriate conditions and safeguards, the City Board of Managers may permit:

1. Private Hospitals, Clinics and Sanitariums, government buildings, parks & playgrounds, schools and churches.
2. Temporary structures for warehousing and field offices in connection with construction, provided that such permit shall not be for a period of more than 6 months.
3. Eating and drinking establishments and gift shops in hotels, where such businesses are conducted primarily for the benefit of the patrons of the hotel.

SECTION 4. Prohibited Uses and Structures.

1. Automotive Service Stations and Garages for Automotive Repairs.
2. Trailer Parks.
3. Private driveways for access to commercial districts.
4. Storage yards for commercial or industrial vehicles or materials.
5. All uses and structures not of a nature specifically or provisionally permitted herein.

SECTION 5. Minimum Lot Requirements (Area and Width).

Single-Family and Multiple-Family Dwellings:

LOT AREA...10,000 SQ. FT.
LOT WIDTH.. 75 FEET.

SECTION 6. Maximum Lot Coverage (By All Buildings).

50%

SECTION 7. Minimum Yard Requirements.

In this district, yards on both the ocean side and the land side shall be considered "FRONT" yards, and no building, main or accessory, shall extend to the east beyond a line projected between the eastern-most corners of existing buildings to the north and south which project furthest to the east. Existing buildings used to determine this line shall lie within a distance of 800 feet to the north and south of the proposed building. The minimum Side Yard shall be 5 feet and the minimum combination of Side Yards shall be 15 feet.

Front Yard on land side to be 20 feet.

SECTION 8. Maximum Heights.

HEIGHTS..... 30 FEET
STORIES..... 2 (Single-Family & Duplex Residences)

HEIGHTS..... 45 FEET
STORIES..... 4 (Other Structures)

SECTION 9. Minimum Off-Street Parking and Off-Street Loading Requirements.

1. Dwellings: One off-street parking space for each dwelling unit.
2. Public Buildings: One off-street parking space for each regular employee, plus adequate parking space for public use.
3. Schools: One off-street parking space for each staff member, plus one off-street parking space for each 10 fixed seats in auditorium or for each 100 square feet of floor space in assembly rooms with movable seats. Plus, one off-street parking space for each classroom.
4. Churchs; Sunday Schools: One off-street parking space for each 5 fixed seats (computing seating capacity of pews and benches at one person to each 24 inches) plus one off-street parking space for each 50 square feet of space in Assembly Rooms in which movable seats are used.
5. Multiple-Family Dwellings, Apartments, Hotels and Motels: One off-street parking space for each rental unit, suite, dwelling unit, apartment, or room if rented separately; plus one off-street parking space for each non-rental dwelling unit. Off-street loading space for operation.
6. Private Clubs and Lodges: One off-street parking space for each table for service of food or drinks, plus one off-street parking space for each 2 bar stools, OR one off-street parking space for each 150 square feet of floorspace, whichever requires the greatest number of off-street parking spaces. Off-street loading space for club or lodge operations.
7. FURTHER PROVIDED THAT IN AN R-4 DISTRICT: Off-street parking may be provided in a required Front Yard.

SECTION 10. Signs and Billboards.

No signs, billboards, posters, bulletin boards or like matter shall be permitted except as follows:

1. Professional signs as provided under "Permitted Accessory Uses and Structures" in connection with home occupations.
2. One sign only, not exceeding 3 square feet in area, to advertise the premises on which said sign is displayed for sale, rent or lease, provided that such sign shall not be more than 4 feet in height, and shall not be placed closer than 10 feet to any property line.
3. Official public notices may be erected by any public governing body at appropriate locations on property affected.
4. One bulletin board, not exceeding 10 square feet in area, may be erected by any church.
5. Not more than 2 signs with a total area of not more than 20 square feet (outside dimensions) for any one establishment, indicating the name and nature of the establishment, and the kind of accommodations offered. Such signs may be mounted on the establishment or in front or side yards, provided that no sign shall be placed closer than 20 feet to any front lot line.
6. Name signs, designating name of establishment only, and decorative designs, shall not be limited as to size, but shall be mounted on the building in the form of cut-out lettering, or outlined in neon lighting. Signs painted on the building or mounted on sign boards shall not be considered in the above category.

SYMBOL -- R-5

MULTIPLE-FAMILY RESIDENCE

SECTION 1. Permitted Principal Uses and Structures.

Any structure or use permitted as in R-1, i.e. Single-Family detached dwellings, and in addition:

1. Groves, Nurseries, Non-Commercial Greenhouses, and other customary agricultural uses and structures, provided that no odor or dust producing substance or use shall be permitted within 100 feet of any property line if the adjoining property is being used for residential purposes, and further provided that no products shall be publicly displayed or offered for sale at the roadside.
2. Two-Family and Multiple-Family Dwellings.
3. Apartment Houses, Hotels, Motels.
4. Private clubs and lodges, excepting those in which the conduct of commercial affairs plays a major part.

SHOREHAM BEACH CONDOMINIUM ASSOCIATION, INC.

**915 Ocean Shore Blvd.
Ormond Beach, FL 32176**

~~~~~  
April 4, 2014

City of Ormond Beach  
City Managers Office  
Ormond Beach, FL

Re: Shoreham beach Condominium Association, Inc.  
Zoning Amendment request

To whom it may concern:

This letter serves as an affidavit that the Board of Directors of Shoreham Beach Condominium Association, Inc. has agreed to have Gary Mann who is the property manager for Ormond Holiday Club be the liaison to the city on our behalf regarding the Application process for the Zoning amendment request.

If you have any questions regarding this matter, please feel free to contact our property manager Mark Roskamp with Atlantic Shores Management at 386-761-5733.

Sincerely,  
Barbara Eastman,

  
\_\_\_\_\_  
President, Shoreham Beach Condominium Association,



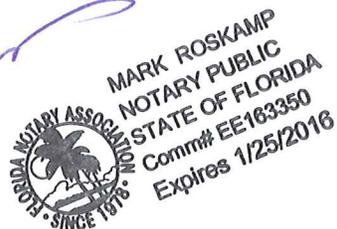


Exhibit D - Authorization Letter of Support

**ORMOND OCEAN CLUB NORTH, INC.**

**855 Ocean Shore Blvd.  
Ormond Beach, FL 32176**

~~~~~  
April 4, 2014

City of Ormond Beach
City Managers Office
Ormond Beach, FL

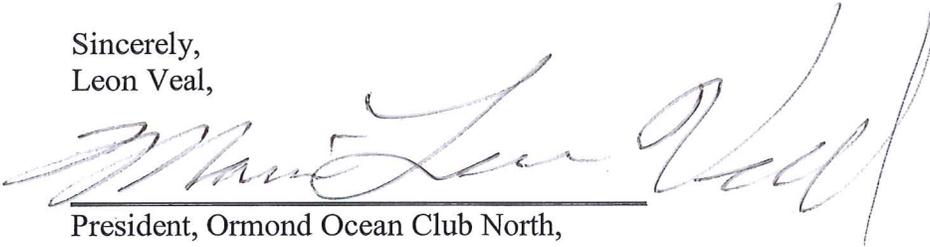
Re: Ormond Ocean Club North, Inc.
Zoning Amendment request

To whom it may concern:

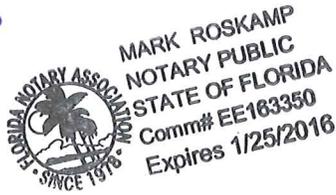
This letter serves as an affidavit that the Board of Directors of Ormond Ocean Club North, Inc. has agreed to have Gary Mann who is the property manager for Ormond Holiday Club be the liaison to the city on our behalf regarding the Application process for the Zoning amendment request.

If you have any questions regarding this matter, please feel free to contact our property manager Mark Roskamp with Atlantic Shores Management at 386-761-5733.

Sincerely,
Leon Veal,



President, Ormond Ocean Club North,



MARK ROSKAMP
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE183350
Expires 1/25/2016

Ormond Holiday Club Association, Inc.

815 OCEAN SHORE BLVD #3
ORMOND BEACH, FL 32176
OFFICE: 386-441-1535
FAX: 386-444-1707

April 10, 2014

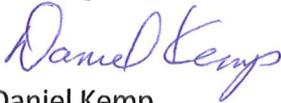
City of Ormond Beach
City Manager's Office3
Ormond Beach, FL 32174

Re: Ormond Holiday Club
Zoning Amendment Request

To whom it may concern:

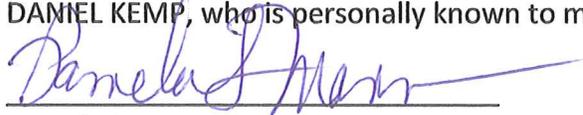
Please accept this letter as our authorization that the Board of Directors of Ormond Holiday Club Association, Inc. has agreed to have Gary Mann, Property Manager, to be the liaison to the city on our behalf regarding the application process for the zoning amendment request.

Best regards,



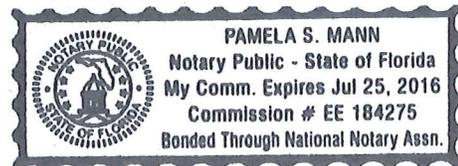
Daniel Kemp
Vice President
ORMOND HOLIDAY CLUB
ASSOCIATION, INC.

The foregoing instrument was acknowledged before me this 10th day of April, 2014 by DANIEL KEMP, who is personally known to me.



Pamela S. Mann

Notary Public - Name typed, printed, or stamped:
My commission expires: 7/25/16



815 Ocean Shore Blvd. #3
Ormond Beach, FL 32176

PHONE (386) 441-1535
FAX (386) 441-1707
E-MAIL manager@ormondholidayclub.net
WEB SITE www.ormondholidayclub.net

Exhibit D - Authorization Letter of Support

The Bent Palm Club, Inc.

935 Ocean Shore Blvd

Ormond Beach, FL 32176

April 9, 2014

Resolution

BOARD OF DIRECTORS RESOLUTION FOR ZONING MAP AMENDMENT SIGNATURES for:

_____The Bend Palm Club, Inc._____

Upon a motion duly made, seconded, and unanimously carried, it was adopted that the Board of Directors have agreed that the Bent Palm Club located at 935 Ocean Shore Blvd in Ormond Beach will join with # 815,855 and 915 in application to have the City of Ormond Beach prepare a land use and zoning map amendment for the referenced properties from the current non complying R-6 to B-6, in order to achieve compliance regarding rental activity.

The Board further agrees to work in conjunction with the other properties by appointing Gary Mann, LCAM, Manager of the Ormond Holiday Club Association, Inc. located at 815 Ocean Shore Blvd as their representative during the application process.

The Bent Palm Club will share the cost of the application by remitting a payment of \$1,275.00 with a completed application to the City of Ormond Beach. The fee represents one fourth (1/4) of the total cost of \$5,100.00.

Signatures, - The undersigned certifies that they are duly elected as Treasurer of this Corporation, and that the above is a true and correct. This is the resolution that was duly adopted at a meeting of the Board of Directors, which was held in accordance with State law and the Bylaws of the Corporation. Dated: April 9, 2014

Wilhelm Spruell 4/9/14

Paul Samaha 4/8/14

Vice-President

Date: 4-9-2014

Treasurer:

Date: 4-9-14

Exhibit E: Public Input

Mrs. Margaret Danare
230 Standish Dr.
Ormond Beach, FL 32176-4753

4/26/14

To planning -

Since I am unable to attend the meeting at 7⁰⁰pm on 5/8/14 due to my age and health problems, I would like to express my vote that all plans etc. remain "status quo". Thank you for the information

Sincerely,
Margaret Danare

Exhibit F - Section 2-27: B-6 Oceanfront Tourist Commercial Zoning District

SECTION 2-27: B-6: OCEANFRONT TOURIST COMMERCIAL Zoning District

A. PURPOSE: The Oceanfront Tourist Commercial (B-6) zoning district is specifically designed for oceanfront tourist development as envisioned in the Comprehensive Plan with the goal of establishing a high quality environment for the development of oceanfront properties for Transient Lodging and high-density residential development related to tourism and seasonal occupancy. The district strives for efficient use of the land, preservation of ocean breezes, marine habitats, ocean amenities for and maintenance of view sheds, landscaping, open space, and beach access for visitors and residents alike. Architectural and urban design features are also important.

B. DIMENSIONAL STANDARDS

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. Side	c. Street Side/ Corner	d. Rear Yard, Oceanfront Yard
Single-Family	2.2	30'	35%	75%	20,000 SF	100'	N/A	30'	8' total 20'	20'	Yards adjacent to the ocean shall be considered "rear" yards, and no structure, except for sun-decks and walkways provided in this Section and Chapter 3, Article II (<i>Coastal Management</i>), shall extend beyond a line projected between the average setback of all buildings within eight hundred feet (800') of each side lot line of the lot upon which the proposed building is to be constructed or within a building setback otherwise established under Florida Statutes or Chapter 3, Article II of this Code, whichever is greater. Such line shall run parallel with the street right-of-way line.
Duplex	2.2	30'	35%	75%	20,000 SF	100'	N/A	30'	8' total 20'	20'	
Multi-Family	32	75'	40%	75%	30,000 SF	150'	N/A	30'	25' plus 5' additional combined side yard required for each story over 2	25'	
Commercial	64	75'	40%	75%	30,000 SF	150'	N/A	30'	25' plus 5' additional combined side yard required for each story over 2	25'	

C. PERMITTED USES

D. CONDITIONAL USES

E. SPECIAL EXCEPTION USES

F. OTHER STANDARDS

<ol style="list-style-type: none"> 1. Adult Day Care Center 2. Clubs and Fraternal Organizations 3. Community Residential Home 4. Dwelling, Duplex 5. Dwelling, Single-Family, Detached 6. School, Public 7. Transient Lodging 	<ol style="list-style-type: none"> 1. Adult Family Care Home 2. Community Residential Home 3. Dwelling, Multi-Family 4. Family Day Care Home 5. Foster Home 6. Group Home 7. Park and Recreation Facilities, Private 8. Park and Recreation Facilities, Public 9. Public Facilities 10. Public Utilities 11. Nightclub 12. Recreation Facilities, Indoor 13. Telecommunications Towers, Camouflaged 14. Wind Energy Systems 	<ol style="list-style-type: none"> 1. Outdoor Activity 2. Outdoor Storage 3. Recreation Facilities, Outdoor 4. Type "A" Restaurant 	<p>All development must comply with setback requirements for:</p> <ol style="list-style-type: none"> 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) 4. Preservation of Breezeway, Views, and Access to Light and Air <ol style="list-style-type: none"> a. In order that landward properties may continue to enjoy the several ocean amenities, no structural obstruction may completely impede light, air, ocean view and breezes for a distance of more than 100' (except as provided for below) as measured along the front property line parallel to the beach. b. Distance between Buildings. No building shall be located closer than 30' to any other building on the same lot. However, a connecting walkway or service connection between buildings is allowed, provided that the ground floor or first story is open and in no way obstructed for a vertical distance of 15' from ground level so as to impede the free flow of light, air, ocean view and breezes. c. Restriction of Building Mass. The length of the building at its longest point measured along the front lot line parallel to the beach shall not exceed one hundred thirty percent (130%) of the depth of the buildable area utilized by the principal structure, measured perpendicular to the front lot line. In order for a building to exceed 100', but not more than 200', in length as measured along the front property line parallel to the beach, the following requirements must be met: <ol style="list-style-type: none"> (1) The 30' that would have been required between two buildings shall be added to the combined side yard setback. (2) If two or more principal structures, one of which exceeds 100' in length, are constructed on the same lot, the minimum distance between the principal structures shall increase at a rate of 0.3 feet for each foot that the longest building exceeds 100'. 5. Multi-family and duplex residential dwelling units shall have the following minimum square footage per bedroom: <table border="1" style="margin-left: 20px; width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="padding: 2px;">1 Bedroom = 600 SF</td> <td style="padding: 2px;">3 Bedroom = 900 SF</td> </tr> <tr> <td style="padding: 2px;">2 Bedroom = 750 SF</td> <td style="padding: 2px;">Ea. Additional Bedroom = 150 SF</td> </tr> </tbody> </table> 	1 Bedroom = 600 SF	3 Bedroom = 900 SF	2 Bedroom = 750 SF	Ea. Additional Bedroom = 150 SF
1 Bedroom = 600 SF	3 Bedroom = 900 SF						
2 Bedroom = 750 SF	Ea. 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: April 25, 2014

SUBJECT: 200 Highland Avenue, A1A Landscaping: Special Exception for Outdoor Activity Use

APPLICANT: Tom Anthony, A1A Landscaping (applicant)

NUMBER: SE 14-078

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

INTRODUCTION: This is a request for a Special Exception submitted by Tom Anthony, A1A Landscaping (applicant), to allow an outdoor activity use to include permanent product display including pavers and pergolas, and sales of finished hardscape material under certain conditions. The subject property is located at 200 Highland Avenue and zoned B-4 (Central Business).

BACKGROUND: The applicant owns and operates a hardscape design center store on property ± 0.517 acres in size. As illustrated in Exhibit 1, the subject property has approximately 110 linear feet of frontage on Highland Avenue and is located ± 250 feet east from the intersection of North Yonge Street and Highland Avenue. The front east side of the subject property proposed for the pavers and pergolas is landscaped with seven 5-6 foot high viburnum shrubs and fenced with black pickets. The southern boundary of the area is fenced with solid wood.



Within the B-4 zoning district, outdoor activity requires a Special Exception. The issue of outdoor activity has been an item of discussion by the Planning Board and the City Commission in 2012. It was decided by the City Commission at the recommendation of the Planning Board to continue requiring a Special Exception for outdoor activity.

Below is an aerial illustration of the site and table which provides the existing uses and land use/zoning designations surrounding the subject property.

Site Aerial

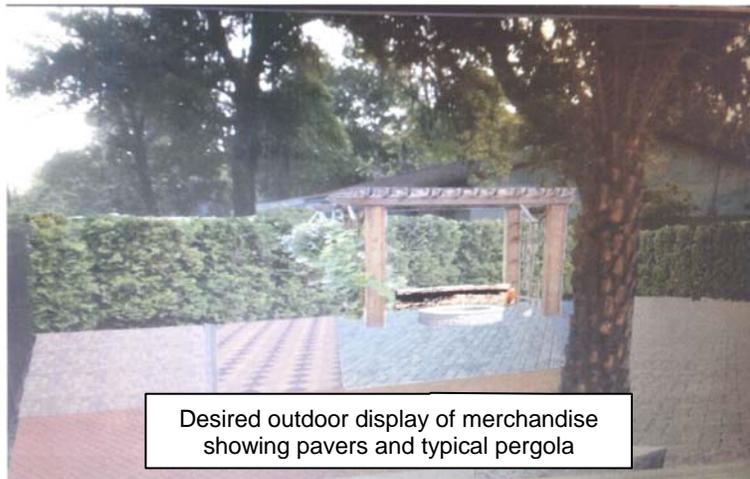


Direction	Current Land Uses	Future Land Use Designation	Zoning Classification
North	Vacant Land	"General Commercial" and "Low Density Residential"	B-4 (Central Business) and R-3(Single-Family Medium Density)
South	Vacant Land	"General Commercial"	B-4 (Central Business)
East	Single Family Residential Home	"Low Density Residential"	R-3 (Single-Family Medium Density)
West	Vacant Land	"General Commercial"	B-4 (Central Business)

PROJECT DESCRIPTION:

1. The outdoor product display would be year round and include pavers as well as pergolas;
2. There would be no impedance to pedestrian traffic or means of ingress/egress;
3. The outdoor product display of merchandise would be displayed 24 hours a day.
4. There are no bulk or raw materials proposed at this site.
5. There will be no outdoor product display within the required landscape buffer area of 20 feet between the subject property (commercial) and the property located directly adjacent to and to the east (residential) of the subject property. The landscaped buffer will be automatically irrigated.

Below are illustrations showing the project area and also roughly depicting the desired outdoor display of merchandise:



ANALYSIS: There are multiple Land Development Code sections related to the outdoor display and sales of merchandise. Section 1-22 of the Land Development Code defines outdoor activity as “the display of merchandise offered for sale or any activity, such as live entertainment, outside the building walls of a completely enclosed building.” Within the B-4 zoning district outdoor activity is regulated as a Special Exception with review/recommendation by the Planning Board and a final decision by the City Commission. The Special Exception requires review of the criteria of the following Land Development Code Sections:

1. Section 2-57.O.1, Outdoor Activity (applies to specific use);
2. Section 2-56: General criteria and Special Exception review criteria (applies to all Special Exception requests);
3. Section 1-15.E: Planned Developments and Special Exceptions (Planning Board criteria for all Special Exceptions); and
4. Section 1-18.E: Criteria for Issuance of Development Order (City Commission criteria for all Special Exceptions).

The following other Sections of the Land Development Code are applicable to permanent outdoor storage, display, and sales of merchandise.

Section 2-50.U, Outdoor Activities, of the Land Development Code allows the outdoor sale of merchandise through a special event permit four times per year for fourteen days (56 days) with certain conditions. The conditions include that the outdoor sale of merchandise is limited to what is sold inside the business. If the Special Exception is approved, the property would still be eligible for the outdoor activities events of the accessory use section of the Land Development Code for 56 days per year.

Section 2-50-V, Outdoor Storage, Parking, or Use of Personal Property, of the Land Development Code states the following:

2. Commercial

- a. Outdoor storage of any type is prohibited in all commercial zoning districts unless a development order is received from the City Commission as a Special Exception or Planned Development or a Special Event permit is obtained.

Section 3-06, Buffer area requirements, of the Land Development Code requires calculated landscaped buffers between specific land uses. In this case, since the subject property which has a "Commercial" land use abuts a residential property with a "Low Density Residential" land use, the Code requires a 20 foot area buffer where no outdoor display of product is permitted. The calculated landscaped buffer will be automatically irrigated and consist of 2 trees, 20 shrubs and 20 ground cover in accordance with the trees and plants guide of Section 3-02 of the city's Land Development Code.

1. Section 2-57.O.1, Outdoor Activity Criteria:

Section 2-57.O.1 of the Land Development Code outlines the criteria for outdoor activity:

O-

1. OUTDOOR ACTIVITY

1. **If located adjacent to a residential use, appropriate screening and buffering shall be provided to minimize noise and glare impact to the maximum extent feasible.**

The proposed outdoor activity is minimal and there is no noise or glare impact to any residential uses. There exists a six foot high buffer of planted shrubs along the east side of the subject property that acts as a visual screen between the subject property and 180 Highland Avenue where a single family house stands. However, because the subject commercial property abuts residential property, the Land Development Code requires a 20-foot automatically irrigated landscape buffer area. The calculated buffer is required along the east side of the subject property from the front of the property back to the south side of the proposed product display area as shown on the attached survey attached as Exhibit 2. The landscaped buffer area will consist of 2 trees, 20 shrubs and 20 ground cover in accordance with the city's trees and plants guidelines.

2. A site plan displaying the area for activity and pedestrian movement shall be required.

As illustrated in Exhibit 2, the applicant has provided a site plan that delineates the area for permanent outdoor storage, display, and sales of merchandise. The location of the proposed merchandise has no impact on pedestrian movement.

3. Outdoor music shall provide a sound study demonstrating compliance with the adopted maximum decibel levels.

There is no outdoor music proposed and this criterion is not applicable.

2. Section 2-56: 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 Special Exception request involves a developed retail property. There are no changes proposed to the parking areas and there will be no adverse impacts regarding 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 Special Exception application is limited to the display of outdoor merchandise. There are no proposed changes to the existing site landscaping since the use is permitted.

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 several applications for Special Exceptions regarding outdoor activity that include the following:

1. Dairy Queen, 1626 N. US Highway 1, outdoor product display;
2. Curb Appeal Hardscaping, 661 North Nova Road, - outdoor product display;
3. Lowe's at 1340 West Granada Boulevard – outdoor product display;
4. Kickstart Saloon at 906 North US Highway1 – Special Event activities;
5. Caffeine's at 49 West Granada Boulevard – outdoor music;
6. Rivergrille at 950 North US Highway 1 – outdoor music; and

7. Tropic Casual at 294 South Yonge Street – outdoor product display.

The Special Exception would not negatively impact the overall character of the area along Highland Avenue that includes a mix of commercial and residential land uses.

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 hours of the outdoor product display are 24 hours a day, seven days a week. A six foot high fence and landscaped buffer stand between the subject property and the adjacent residential property. An automatically irrigated landscaped buffer totaling 20 feet will be required along the east side of the subject property. The Planning Board and City Commission previously approved 24 hours a day, seven days a week outside storage for Curb Appeal Landscaping and for Lowe's.

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 request 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.

No additional lighting is proposed at this time and the application is solely for permanent outdoor product display, and sales of merchandise. Any additional lighting would be reviewed by the Site Plan Review Committee.

3. Section 1-15.E: Planning Board Criteria and Section 1-18.E: City Commission Criteria

Sections 1-15.E. and 1-18.E of the Land Development Code establish the Planning Board and City Commission Development Order criteria. The Land Development Code states that the following criteria shall be considered:

- 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 Land Development Code does not prohibit outdoor activity. Section 2-50.U allows retailers temporary outdoor activity four times per year for 14 days for each event. Within the B-4 zoning district, the outdoor activity use is allowed through a Special Exception with the criteria focusing on impacts to residential uses and the provision of an exhibit demonstrating the limits of the activity. Approving this request is not expected to create negative impacts to residential uses due to the required landscape buffer on the east side the property as shown in Exhibit 2. The request will not adversely affect the public health, safety, welfare or quality of life.

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

The site has a Future Land Use designation of "General Commercial", which is consistent with the proposed use. The Future Land Use Element states that the "Commercial" land use category is designed, "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." The retail sales of merchandise, either inside or outside of the building, is consistent with the "General Commercial" land use category.

- 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 application for outdoor storage, display, and sales of merchandise 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 application for outdoor storage, display, and sales of merchandise will not depreciate the value of surrounding property if the merchandise is displayed per the proposed plan. Included with this report under Exhibit 2 are two letters from property owners located within 300 feet of the subject property.

- 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 currently serve the site and there would be no impact to the existing infrastructure.

- 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 Special Exception application would have no impact to traffic patterns or vehicle movement.

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

There is no development proposed with the outdoor activity application.

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

There are no changes to the site and there is 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 outdoor improvements (paved floor and pergolas) are aesthetic improvements. As shown in Exhibit 2, a 20-foot automatically irrigated landscaped buffer will be required along the east side of the proposed outdoor product display area so that the outside activity will be buffered from the residential homes to the east.

- 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 June 17, 2014. It is recommended that the Planning Board **APPROVE** the application for the outdoor, display, and sales of merchandise per the attached site plan exhibit and conditions listed below for the Ormond Beach A1A Landscaping store located at 200 Highland Avenue:

Proposed Conditions:

1. The permanent outdoor product display, and sales of merchandise shall be year round;

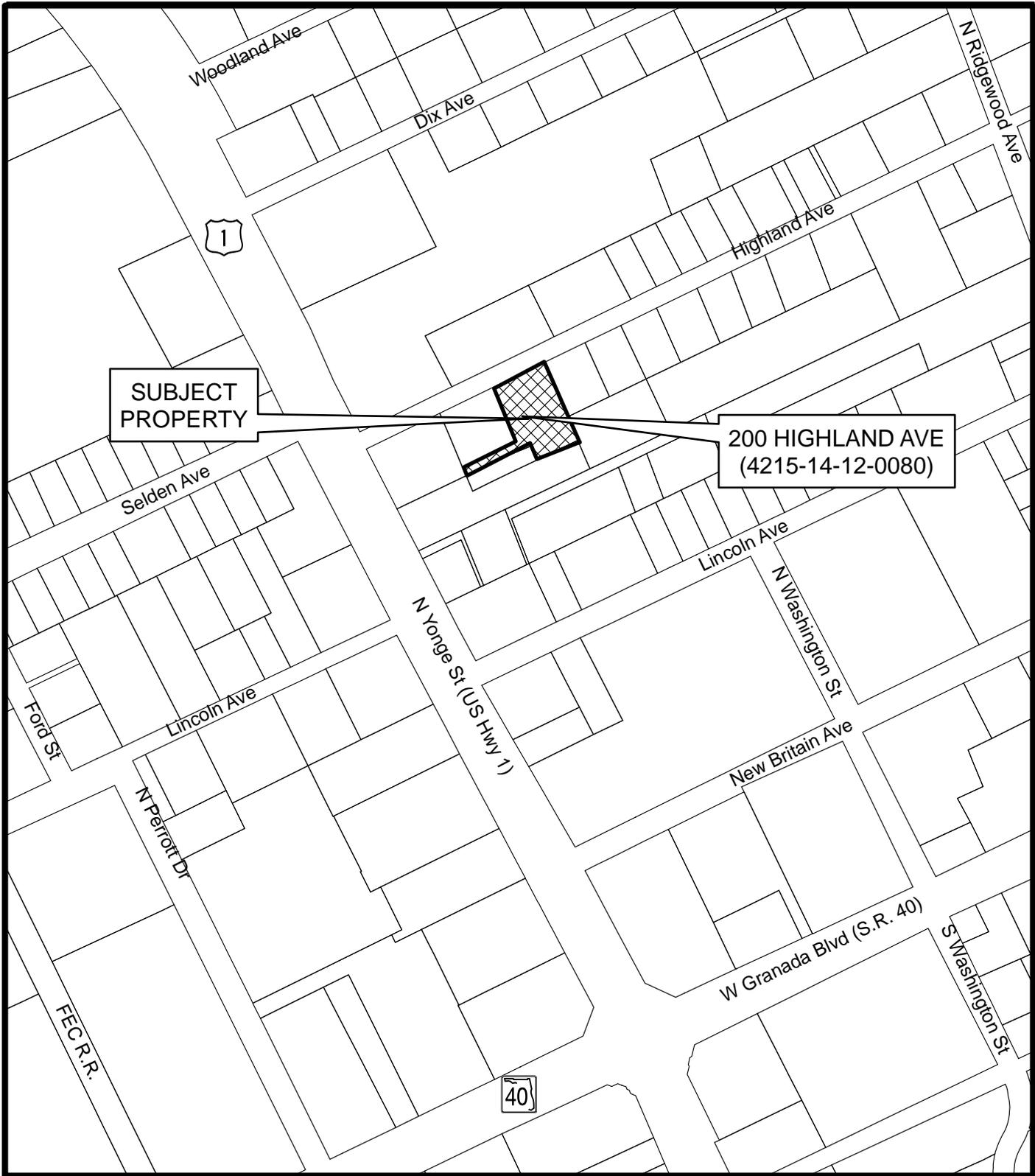
2. There would be no impedance to pedestrian traffic or means of egress;
3. The outdoor product display of merchandise would be 24 hours a day 7 days a week;
4. Outdoor finished product can only be displayed, or sold within the delineated areas shown on the site plan exhibit;
5. There will be no outside storage of bulk materials such as rocks, stones, mulch or other raw materials.
6. Delineated outdoor product display areas shall be defined by the paver area;
7. A 20-foot automatically irrigated landscape buffer area of 20 feet will be required along the east side of the subject property from the front of the property back to the south side of the proposed product display area as shown on the attached survey. The landscaped buffer area will consist of 2 trees, 20 shrubs and 20 ground cover in accordance with the city's trees and plants guidelines.
8. Finished product cannot encroach outside the defined area and must not be located within the agreed 20-foot landscaped buffer along the east side of the subject property as illustrated in the attached survey.
9. If within any one (1) year period, there are two (2) demonstrated code violations of the outdoor storage, display, and sales of merchandise per the site plan attached, as proven through the Special Master code enforcement system, the right to permanent outdoor storage, display, and sales of merchandise under the Special Exception development order shall be automatically revoked without further action of the City Commission. Upon the issuance of a second notice of code enforcement violation by either a Neighborhood Improvement Officer or Police Officer the ability to have until the finding of the Special Master hearings are complete. If the Special Master determines that a second violation has occurred, the ability to have outdoor music shall thereafter be deemed to have been revoked. If the Special Master determines that no violation occurred, the applicant shall be permitted to resume the permanent outdoor storage, display, and sales of merchandise.

Exhibits: Exhibit 1: Location Map

Exhibit 2: Applicant Provided Information

EXHIBIT 1

Location Map



200 HIGHLAND AVE
LOCATION MAP

Prepared By: The City of Ormond Beach
 G.I.S. Department - April 15, 2014

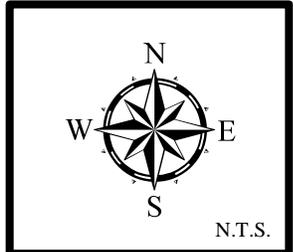


EXHIBIT 2

Applicant Provided Information

BOUNDARY SURVEY OF:

All of Lot E, Block 10 1/2, All of Lot H, Block 10, and all of Lot F, Block 10, except the West 150 feet and the South 30 feet, ASSESSOR'S SUBDIVISION OF RIVER LOTS, ORMOND, according to the Plat or Map thereof in Map Book 3, Page 124, of the Public Records of Volusia County, Florida, and the South 30 feet of Lot F, except the West 150 feet of Lot F, Sub River Lot 10, ASSESSOR'S SUBDIVISION OF RIVER LOTS, ORMOND, according to the Plat or Map thereof in Map Book 3, Page 124, of the Public Records of Volusia County, Florida.

THIS SURVEY IS CERTIFIED TO:

A1A Landscaping, LLC
Lighthouse Title of East Florida, Inc
Stewart Title Guaranty Company
R & M Investment Group, LLC

PROPERTY ADDRESS:

200 HIGHLAND AVE., ORMOND BEACH, FL 32174

BEARINGS BASED ON ASSUMED DATUM--The Westerly line of Lot E being N.01°55'18"W
Platted lots are not dimensioned and no angular information is shown. Survey is based on existing monumentation found at property.

NOTES:

- 1) Subject to restrictions, reservations, easements and rights-of-way, if any, appearing of record.
- 2) Survey performed without the benefit of a title search.
- 3) Underground utilities and other below ground features, not located, other than shown.

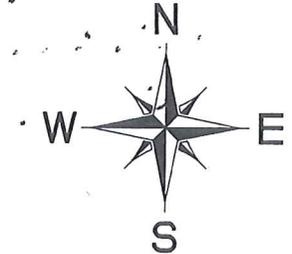
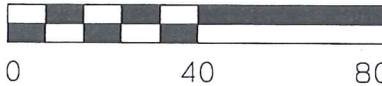
PROPERTY SERVED BY CITY WATER

LEGEND:

- U.E.=Utility Easement
- D.E.=Drainage Easement
- U.&D.E.=Utility & Drainage Easement
- PI=Plat data
- ID=Deed data
- NI=Field measured data
- CI=Calculated data
- F.=Found
- F.C.=Fence corner
- P.C.=Point of Curve
- P.T.=Point of Tangency
- P.C.C.=Point of Compound Curve
- P.R.C.=Point of Reverse Curve
- R/W=Right of way
- LS=Land Surveyor
- LB=Licensed Business
- PSM=Professional Surveyor & Mapper
- C/S=Concrete Slab
- MPP=Wood Privacy Fence
- MRF=Wood Rail fence
- BMF=Barbed Wire Fence
- WF=Wire Fence
- MRF=Metal Rail Fence
- CLF=Chain Link Fence
- PF=Privacy Fence
- WM=Water Meter
- ETP=Electric Transformer Pad
- TR=Telephone Riser
- TVR=Cable TV Riser
- ER=Electric Riser
- CM=Concrete Monument
- CBM=Concrete Block Wall
- L/P=Light Pole
- C/E=Covered Entry

LEGAL DESCRIPTION AS PROVIDED BY TITLE COMPANY

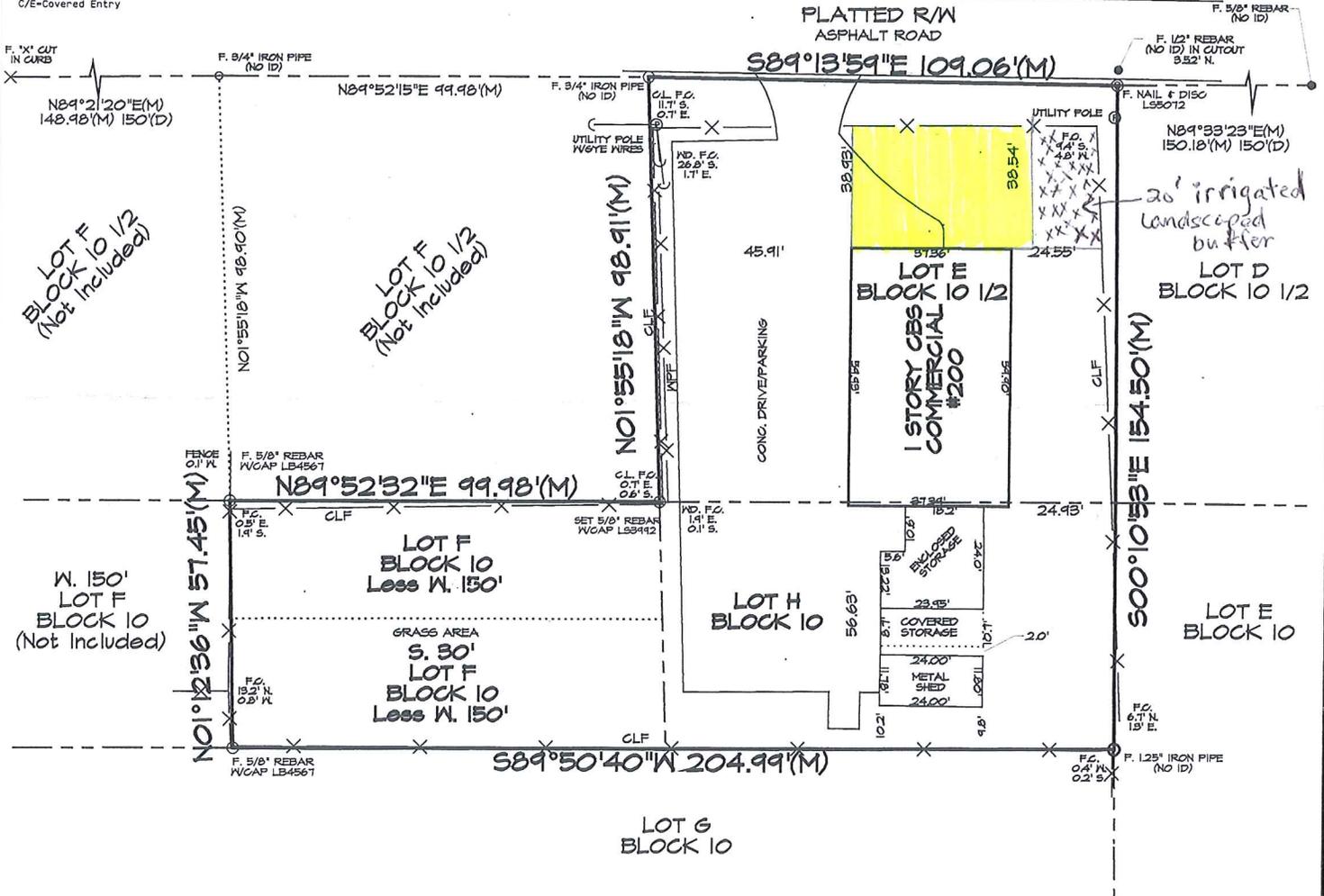
SCALE 1"=40'



HIGHLAND AVENUE

PLATTED R/W
ASPHALT ROAD

S89°13'59"E 109.06'(M)



FLOOD CERTIFICATION:

This is to certify that I have consulted the National Flood Insurance Flood Hazard Boundary Map and found the subject property is not within a special flood hazard area, according to Map No. 12127C 0212H, dated 02/19/2003. (ZONE X)

April 10, 2014

To Whom it May Concern,

I, Steve Courteaux, owner of the property located at 93 N Yonge Street, Ormond Beach, Florida, have no objection to the improvements being made at 200 Highland Avenue Ormond Beach, Florida, to include the addition of hardscapes, landscaping, and a pergola, etc. I do not have any objection with this special exception of outdoor activity.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Courteaux", written in a cursive style.

Steve Courteaux

(386)672-4900

Courteau@bellsouth.net

April 25, 2014

To Whom it May Concern:

I, Tim Mercier, assistant manager of the property located at 109 N Yongue Street, Ormond Beach, Florida, have no objection to the improvements being made at 200 Highland Avenue Ormond Beach, Florida, to include the addition of hardscapes, landscaping, and a pergola, etc. I do not have any objection with this special exception of outdoor activity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Mercier', with a long horizontal flourish extending to the right.

Tim Mercier

(386)672-6370

SW2137@Sherwin.com

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 25, 2014

SUBJECT: 640 N. Nova Road – Small-Scale Land Use Map
Amendment

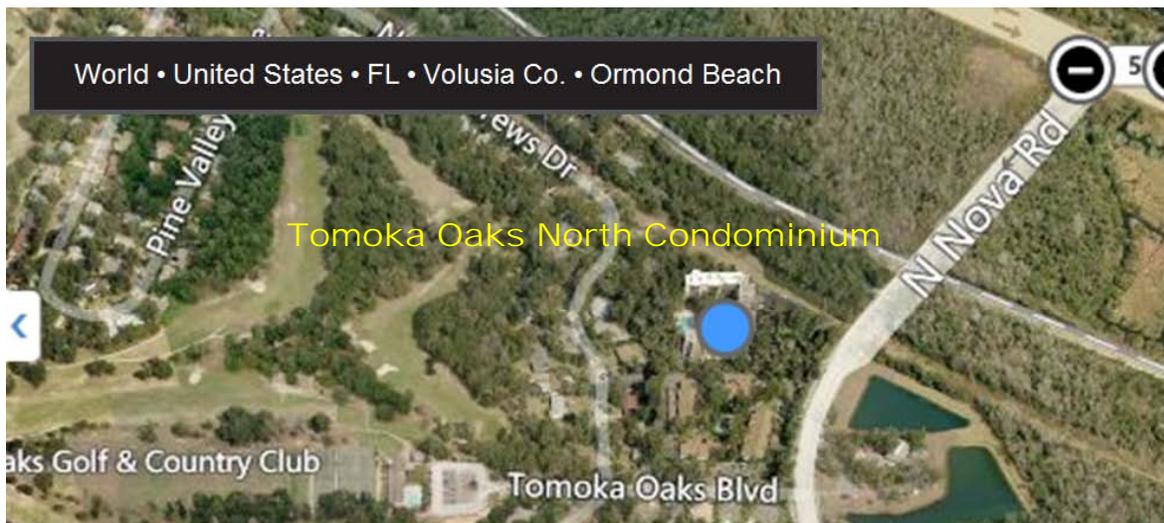
APPLICANT: Martin Wohl, authorized representative of the Tomoka
Oakwood North Condominium

NUMBER: LUPA 14-074

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

INTRODUCTION: This is a request submitted by Martin Wohl, authorized representative of the property owners for the Tomoka Oakwood North Condominium, to change the existing Future Land Use designation of a ±4.64-acre parcel from “Medium Density Residential” to Ormond Beach “High Density Residential” located at 640 N. Nova Road. The purpose of this application to provide a land use designation that would allow the existing developed site density of 19.38 units per acre to be conforming with the city’s Comprehensive Plan.

BACKGROUND: The property located at 640 N. Nova Road was developed with the Tomoka Oaks North Condominium permitted in 1973 and consists of 90 units. The subject property currently has a Future Land Use Map designation of “Medium Density Residential” and fronts the west side of North Nova Road. As illustrated below, the property abuts vacant land to the north and Escondido at Tomoka Condominiums to the south. To the east of the property lies a retention pond and there are single family homes to the west. The property is currently developed as a five-story condominium and there are presently no plans for further site development.



Along with the land use application a zoning amendment is being processed to change the current zoning classification from R-5 (Multifamily Medium Density) to R-6 (Multifamily Medium-High Density). Subsequent to Planning Board review, the land use amendment will be submitted to the Volusia County Growth Management Commission for review, followed by review by the City Commission for final action. The tentative land use amendment schedule of the subject property is as follows:

Action/Board	Date
Planning Board	May 8, 2014
Transmit to Volusia County Growth Management Commission	May 9, 2014
City Commission 1 st Reading	July 1, 2014
City Commission 2 nd Reading	July 15, 2014
Transmit to Florida Department of Economic Opportunity	July 21, 2014

In June 2013, the Planning Department completed a Determination for Conformity or Nonconformity for the Tomoka Oakwood North Condominium, located at 640 North Nova Road. The zoning of the property is R-5 (Multifamily Medium Density) which allows a density of 12 units per acre. In addition, the maximum height allowed under the multifamily R-5 zoning district is 30 feet. However, the Tomoka Oakwood North Condominium has an existing density of 19.38 units per acre with a building height of five stories thereby exceeding the allowed maximum density height of the R-5 zoning district. Consequently, the subject property is considered a legal nonconformity as it pertains to density and height. If a catastrophic event were to occur, the maximum units permitted to be built back would only be 56 units while the height would only be permitted for up to 30 feet.

Subsequent to issuing the attached Non-Conforming Determination status dated June 21, 2013, planning staff was advised that Fannie Mae, would not purchase mortgages of condominium units if the property is a legal non-conforming use and if destroyed cannot be rebuilt as is. Further research indicated that the current Fannie Mae rules were likely changed in about 2009 after the housing bubble. The only recent sales that have occurred at 640 North Nova Road are cash purchases. It appears there have been no recently approved mortgages for any of the units located in the subject condominium complex.

ANALYSIS: The applicant has proposed an amendment that seeks to change the land use designation of the subject property from “Medium Density Residential” to “High Density Residential” as a remedy to density and height nonconformities. Policy 2.5.2. of the Future Land Use Element of the City’s Comprehensive Plan provides the review

criteria for land use map amendments. The policy states the following criteria shall be used in reviewing Comprehensive Plan amendments:

1. Consistency with the Goals, Objectives, and Policies of this Plan;
2. Consistency with state requirements, including 9J-5 and Florida Statutes requirements;
3. If the amendment is a map amendment, is the proposed change an appropriate use of land;
4. If the amendment is a map amendment, the impacts on the Level of Service of public infrastructure including schools, roadways, utilities, stormwater, and park and recreation facilities; and
5. If the amendment is a map amendment, impacts to surrounding jurisdictions.

Staff has reviewed the proposed Future Land Use Map amendment based upon the following criteria provided above:

1. Consistency with the Goals, Objectives, and Policies of this Plan.

City's Comprehensive Plan:

The future land use designation presently assigned to the subject property is "Medium Density Residential". The directive text of the city's Comprehensive Plan states the following for the "Medium Density Residential" land use category:

"Purpose: To allow a variety of highly aesthetic dwelling units, encouraging the establishment of recreation areas and open space and discouraging look-alike rows of dwellings. MDR also allows the development of relatively low density duplex, townhouse and multi-family projects which emphasize open space and maintain a low profile, thus maximizing the compatibility with single-family areas. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: Minimum 5-12 units per acre except in the Downtown Community Redevelopment Area where 5 - 15 units shall be allowed.

Maximum FAR: 0.3"

The request is for an amendment to the City "High Density Residential" land use category. The directive text of the city's Comprehensive Plan states the following for "High Density Residential" category:

"Purpose: To provide lands suitable for the development of multi-family residential structures. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: Minimum 12-32 units per acre

Maximum FAR: 0.3"

Below are specific Goals, Objectives, and Policies of the Comprehensive Plan that are applicable to this application:

<p>OBJECTIVE 1.1. RESIDENTIAL LAND USE Future Land Use Element</p>	<p>Ensure the availability of adequate lands to meet the residential land use needs of the community.</p>
<p>POLICY 1.1.6. Future Land Use Element</p>	<p>Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.</p>
<p>POLICY 1.1.7. Future Land Use Element</p>	<p>Continuously review and modify development and building regulations to provide for sound residential communities and quality housing.</p>
<p>POLICY 1.1.9. Future Land Use Element</p>	<p>Medium and high density multi-family residential development shall be encouraged near employment centers with convenient access to public recreational facilities, the thoroughfare system and mass transit routes.</p>
<p>POLICY 1.1.14. Future Land Use Element</p>	<p>Enhance community livability in the central core and older sections of the City by encouraging infill as appropriate, transit oriented development and walkable residential areas.</p>

The purpose of this amendment is to amend the land use designation of the subject property to a land use category that would allow the current 19.38 units per acre which was permitted in 1973. The amendment to “High Density Residential” would not change the physical construction of the property, but would make the existing use conforming to the density provisions of the city’s Comprehensive Plan. The request is consistent with the adopted Comprehensive Plan.

2. Consistency with state requirements, including 9J-5 and Florida Statutes requirements.

Florida Statute: In accordance with Chapter 163.3187(1), 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 ±4.64 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 sixth amendment for the current year 2014. The following table illustrates previous small scale future land use amendments for 2014:

Case #	Address	±Acreage
13-099	1740 W. Granada Boulevard	0.90
14-006	55 & 75 North Nova Road	3.13
14-003	1451-1459 N US Highway 1	8.30
13-041 13-043	275 & 395 Williamson Boulevard	5.15
14-033	1287 and 1301 West Granada Boulevard	5.00
		22.48

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.

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

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

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Vacant Land	"Medium Density Residential"	R-5 (Multifamily Medium Density)
South	Escondido Condominiums	"Medium Density Residential"	R-5 (Multifamily Medium Density)
East	Retention Pond	"Office Professional"	B-1 (Professional Office/Hospital)
West	Single Family Homes	"Low Density Residential"	R-2 (Single-Family Low Density)

The future land use designation presently assigned to the subject property is "Medium Density Residential" and the requested designation is "High Density Residential". The comprehensive plan identifies four other potential residential land use categories as follows:

Land Use Category	Maximum Density (units per acre)	Maximum FAR (Floor Area Ratio)	Existing Areas
Rural Estate/Agriculture	1 unit per 5 acres	0.2	Durrance Acres, Woodland Trail and Pine Bluff, and Pineland Trail
Rural Residential	1 unit per 2.5 acres to 1 unit per acre	0.2	Broadwater, Laurelwood lane, Lynwood Land and Parrulli Drive, Old Tomoka Road
Suburban Low Density Residential	0.2-6 units per acre	0.2	West Ormond Beach
Low Density Residential	4.3 units per acre	0.2	Throughout Ormond Beach

The applicant has requested a land use amendment to change the land use to “High Density Residential” so that the property will be conforming with respect to its density. All of the other residential land use categories have densities below 15 units per acre. Since the properties existing density is 19.38 units per acre, the only applicable land use designation to allow the existing developed property to be conforming is the “High Density Residential” land use category. Staff did consider the commercial land uses that allow residential density but did not believe that it was appropriate to amend the land use to a commercial designation.

By assigning the “High Density Residential” designation to the subject property, the property would be conforming in the land use density. If the land use amendment is approved, the property would be required to be rezoned from R-5 to R-6 and a Land Development Code amendment will be required to further ensure conformity by increasing the density and height of the R-6 Zoning District.

The subject property is located along Nova Road, a major arterial roadway and higher density residential is an appropriate use of land. The development provides a transition from the major roadway to the single-family residential located to the west of the property. The proposed “High Density Residential” city land use designation is compatible with adjacent land uses.

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

Infrastructure: 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 ±4.64 developed acres to be assigned the “High Density Residential” land use.

It is important to note that the subject property is an existing developed condominium development with no proposed further development. The purpose of the amendment is to allow the development to be conforming as it was when constructed in 1973. There would be no impact as the result of the land use amendment because the infrastructure impacts have been existing since 1974 when constructed. For the purpose of the land use amendment, staff has analyzed the potential impacts and concluded there are no negative infrastructure impacts.

Below is a summary of the existing density and intensity of the “Medium Density Residential” land use:

Existing Land Use	"Medium Density Residential"
Land area in acres	4.64
Square footage of land area	202,118
FAR Permitted	0.3
Maximum square footage, existing land use	60,636
MDR Maximum residential	12
Property maximum residential	55.68

Below is a summary of the proposed density and intensity of the "High Density Residential" land use:

Proposed Land Use	"High Density Residential"
Land area in acres	4.64
Square footage of land area	202,118
FAR Permitted	0.3
Maximum square footage, existing land use	60,636
MDR Maximum residential	32
Property maximum residential	148.48

The change in land use would allow an additional 92 residential units and would not change the allowable square footage of institutional land uses of 60,636 square feet.

Transportation: Based on the ITE Trip Generation Rates (9th Edition), ITE use #232, a high rise residential condominium with 90 units is estimated to generate 376 daily trips. Below is the analysis of residential and institutional land uses for the proposed land use change:

	ITE #	ITE Traffic rate	Acres	Square Footage	Existing Density	Proposed Density	Average Trips - Existing land use	Average Trips - proposed land use	Net difference
Residential (Multifamily)	232	4.18	4.64	60,636	12	32	232.74	620.65	387.90
Institutional (Child care facility)	730	79.26	4.64	60,636	12	32	4,806.01	4,806.01	0

In summary, the most intensive traffic use would be an institutional use, such as a child care facility. In the event of an Institutional use or 92 additional units, the Level of Service for the segment of Nova Road from US Highway 1 to Wilmette Avenue is LOS "A" in 2013, 2020 and 2025 based upon FDOT's Traffic Trend Analysis Tool. The adopted Level of Service is LOS "C". Road capacity is projected to be available

in the future to absorb either an institutional use or 92 additional units. There is no negative impact on current and projected LOS based upon a .30 floor area ratio for each land use. The site is already developed and a change in Future Land Use to “High Density Residential” will not generate an increase in new trips at this time.

Water & Sewer: The City of Ormond Beach operates a single water treatment plant with a rated capacity of 12 million gallons per day (MGD). The current committed capacity is 6 MGD. The permitted capacity of the wastewater treatment plant is 8 MGD with a committed capacity of 4 MGD. Both water and sewer lines are located within the area proposed for development. Below is the analysis of residential and institutional land uses for the proposed land use change:

	Gallons of water per day	Acres	Square Footage	Existing Density	Proposed Density	Average use-existing land use	Average use - proposed land use	Net difference
Residential (Multifamily)	110	4.64	60,636	12	32	6,124.80	16,332.80	10,208.00
Institutional (Child care facility)	15% of SF	4.64	60,636	12	32	9,095.40	9,095.40	0

The land use would increase the maximum theoretical demand for water and sewer based on the increase of 92 units. The amendment would have no impact to the institutional theoretical maximum because the floor area ratio is the same for both land uses. There are sufficient water and sewer services for the existing developed site and the theoretical maximum allowed by the land use change.

Stormwater Management: The site is developed and was constructed in accordance with the Ormond Beach stormwater regulations. Any future redevelopment of the site would require stormwater review.

Solid Waste: This property is developed and will not generate an increase in demand since the property is already being served by the City of Ormond Beach.

Schools: Attached to this report is a determination from the Volusia County School Board. The site is developed as a 5-story condominium and there will be no additional impacts to schools as a result of the subject land use amendment.

Other Services: City police and fire protection services serve this area. The parcel is located within an approximate 4-5 minute response time from emergency facilities.

5. Whether the proposed map amendment impacts surrounding jurisdictions.

The developed property is not located next to another city and there are no new impacts expected to any surrounding jurisdiction.

CONCLUSION: Staff supports the land use amendment from “Medium Density Residential” to “High Density Residential”. Since the existing parcel is developed as a

condominium, this small-scale land use map amendment is an amendment required to assign a City Future Land Use Map designation to the subject parcel such that the property will be conforming to the density criteria established in the city's Comprehensive Plan. Staff believes that the "High Density Residential" land use category is 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 criteria established in the City's Comprehensive Plan and Florida Statute;
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 requested change in land use from "Medium Density Residential" to "High Density Residential".
5. The proposed land use will not impact surrounding jurisdictions.

RECOMMENDATION: Staff recommends that the Planning Board recommend **APPROVAL** of Case # LUPA 14-074 – a Future Land Use map amendment to change the land use for ±4.64 acres from the existing land use designation of "Medium Density Residential" to "High Density Residential" for 640 N. Nova Road.

- Attachments
- Exhibit 1: Location Aerial and Photo
 - Exhibit 2: Future Land Use Maps
 - Exhibit 3: Legal Description and Survey
 - Exhibit 4: Nonconforming Determination
 - Exhibit 5: School Board Determination

EXHIBIT 1

Location Aerial and Photo



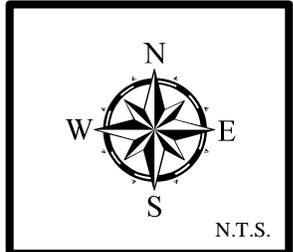
SUBJECT
PROPERTY

640 NORTH NOVA ROAD
(3242-20-01-0003)



AERIAL MAP
640 NORTH NOVA ROAD

Prepared By: The City of Ormond Beach
G.I.S. Department - April 9, 2014

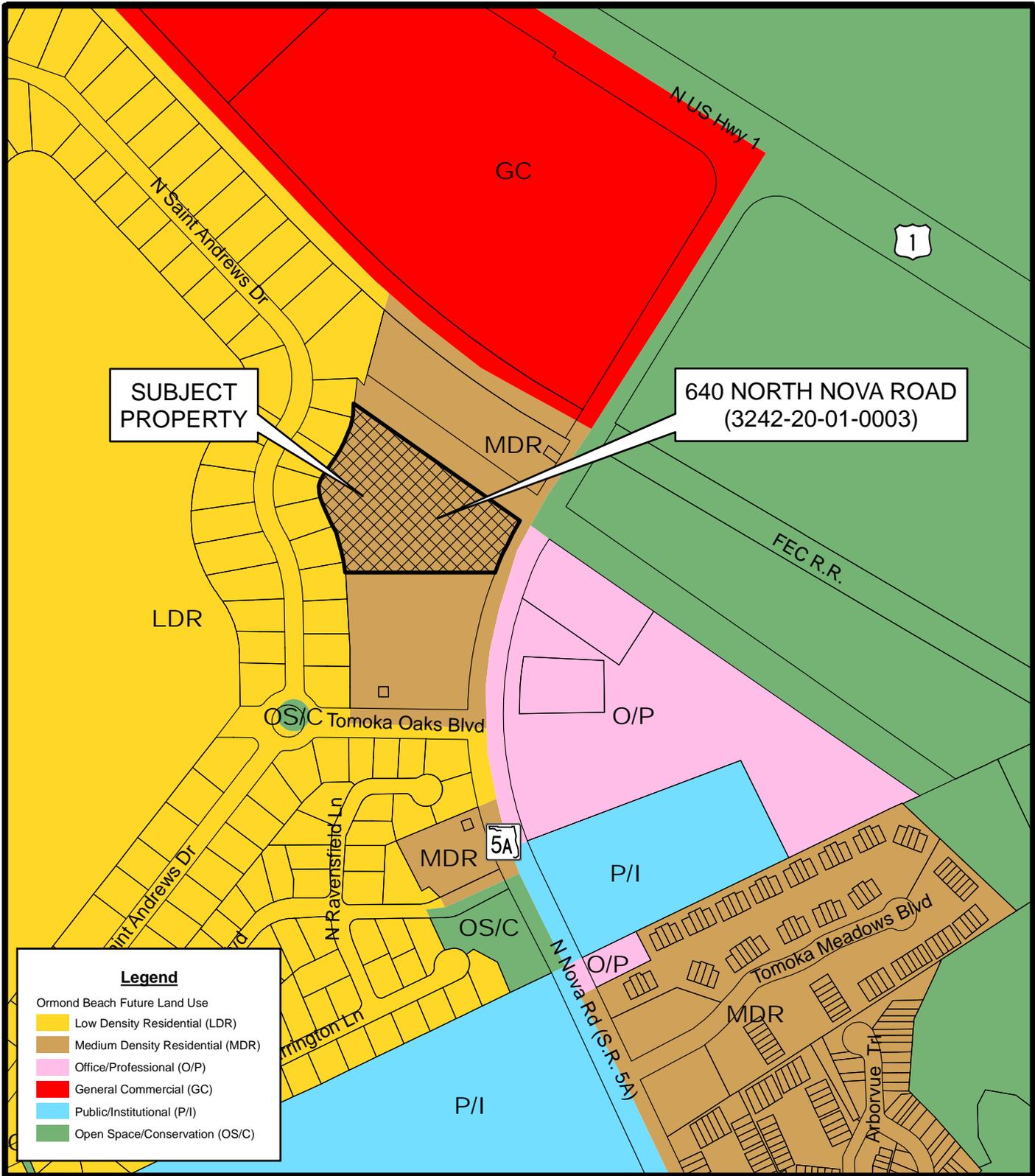




640 N. Nova Road (Tomoka Oakwood North Condominiums)

EXHIBIT 2

Future Land Use Maps



Legend

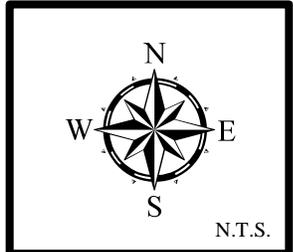
Ormond Beach Future Land Use

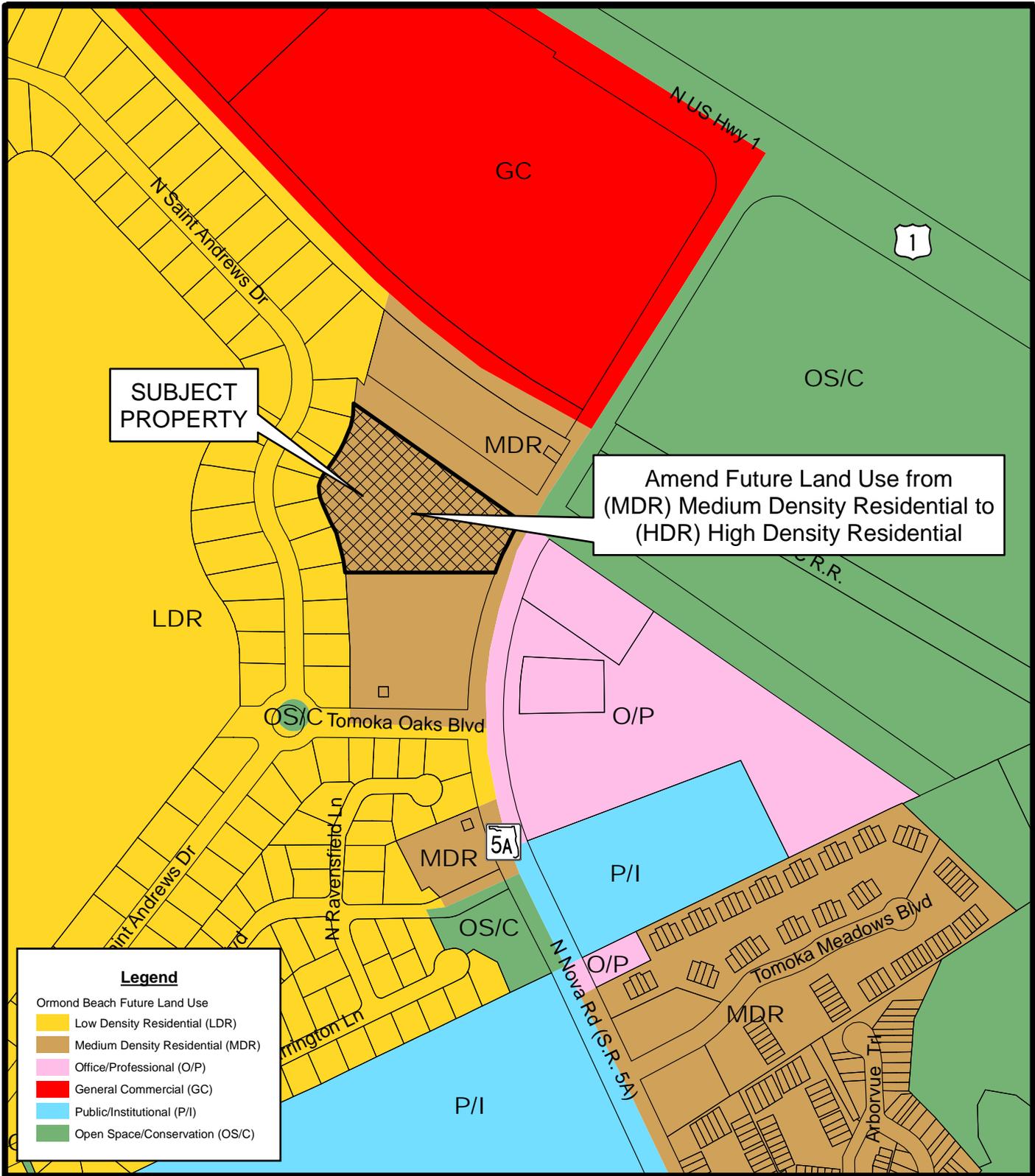
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- Office/Professional (O/P)
- General Commercial (GC)
- Public/Institutional (P/I)
- Open Space/Conservation (OS/C)



CURRENT FUTURE LAND USE MAP
640 NORTH NOVA ROAD

Prepared By: The City of Ormond Beach
 G.I.S. Department - April 9, 2014





Legend

Ormond Beach Future Land Use

- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- Office/Professional (O/P)
- General Commercial (GC)
- Public/Institutional (P/I)
- Open Space/Conservation (OS/C)



PROPOSED FUTURE LAND USE MAP
640 NORTH NOVA ROAD
(3242-20-01-0003)

Prepared By: The City of Ormond Beach
 G.I.S. Department - April 9, 2014

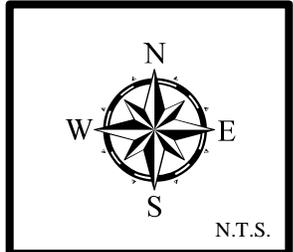
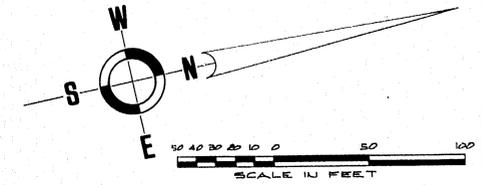


EXHIBIT 3

Legal Description and Survey

TOMOKA OAKS CONDOMINIUM NORTH

MB 33 PG 54



LEGAL DESCRIPTION

TOMOKA OAKS CONDOMINIUM NORTH:
 A PORTION OF BLOCK 1, TOMOKA OAKS COUNTRY CLUB ESTATES UNIT NO 1, AS PER MAP RECORDED IN MAP BOOK 25, PAGES 58 & 59, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 FROM A REFERENCE POINT SAID POINT BEING THE INTERSECTION OF THE SOUTH LINE OF THE THOMAS FITCH GRANT, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, WITH THE CENTERLINE OF STATE ROAD 5-A AS BOTH NOW ESTABLISHED AND OCCUPIED;
 THENCE S81° NORTH 25 DEGREES 39 MINUTES 57 SECONDS WEST ALONG THE ESTABLISHED CENTERLINE OF SAID STATE ROAD 5-A FOR A DISTANCE OF 332.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1146.28 FEET THENCE S81° NORTH 25 DEGREES 39 MINUTES 57 SECONDS WEST FROM THE POINT OF CURVATURE OF SAID CURVE FOR A DISTANCE OF 50 FEET; THENCE NORTHERLY ALONG THE LINE OF A CURVE CONCENTRIC WITH THAT ABOVE MENTIONED CURVE AND HAVING A RADIUS OF 1196.28 FEET FOR AN ARC LENGTH OF 541.67 FEET AND/OR THROUGH A CENTRAL ANGLE OF 56 DEGREES 56 MINUTES 36 SECONDS; THENCE NORTH 09° DEGREES 43 MINUTES 21 SECONDS WEST A DISTANCE OF 367.18 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 308.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 166.50 FEET; THENCE ALONG SAID CIRCULAR CURVE AN ARC DISTANCE OF 128.00 FEET AND/OR THROUGH A CENTRAL ANGLE OF 09 DEGREES 54 MINUTES 09 SECONDS TO THE POINT OF BEGINNING OF THE FOLLOWING DEPARTMENTS; THENCE CONTINUE ALONG SAID CURVE AN ARC DISTANCE OF 207.99 FEET AND/OR THROUGH A CENTRAL ANGLE OF 15 DEGREES 32 MINUTES 51 SECONDS TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 108.75 FEET AND A CENTRAL ANGLE OF 04 DEGREES 34 MINUTES 06 SECONDS; THENCE CONTINUE ALONG SAID CURVE AN ARC LENGTH OF 127.50 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1196.28 FEET AND A CENTRAL ANGLE OF 35 DEGREES 55 MINUTES 02 SECONDS; THENCE CONTINUE ALONG SAID CURVE FOR AN ARC DISTANCE OF 277.58 FEET; THENCE SOUTH 43° DEGREES 01 MINUTE 25 SECONDS EAST A DISTANCE OF 591.94 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1196.28 FEET AND A CENTRAL ANGLE OF 11 DEGREES 37 MINUTES 24 SECONDS; THENCE SOUTHERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 213.00 FEET; THENCE LEAVING SAID CURVE RUN NORTH 89 DEGREES 56 MINUTES 52 SECONDS WEST A DISTANCE OF 170.19 FEET TO THE POINT OF BEGINNING; RESERVING A PERMANENT EASEMENT FOR UTILITY PURPOSES 100 FEET WIDE; 50.00 FEET THEREOF.

CERTIFICATE OF SURVEYOR

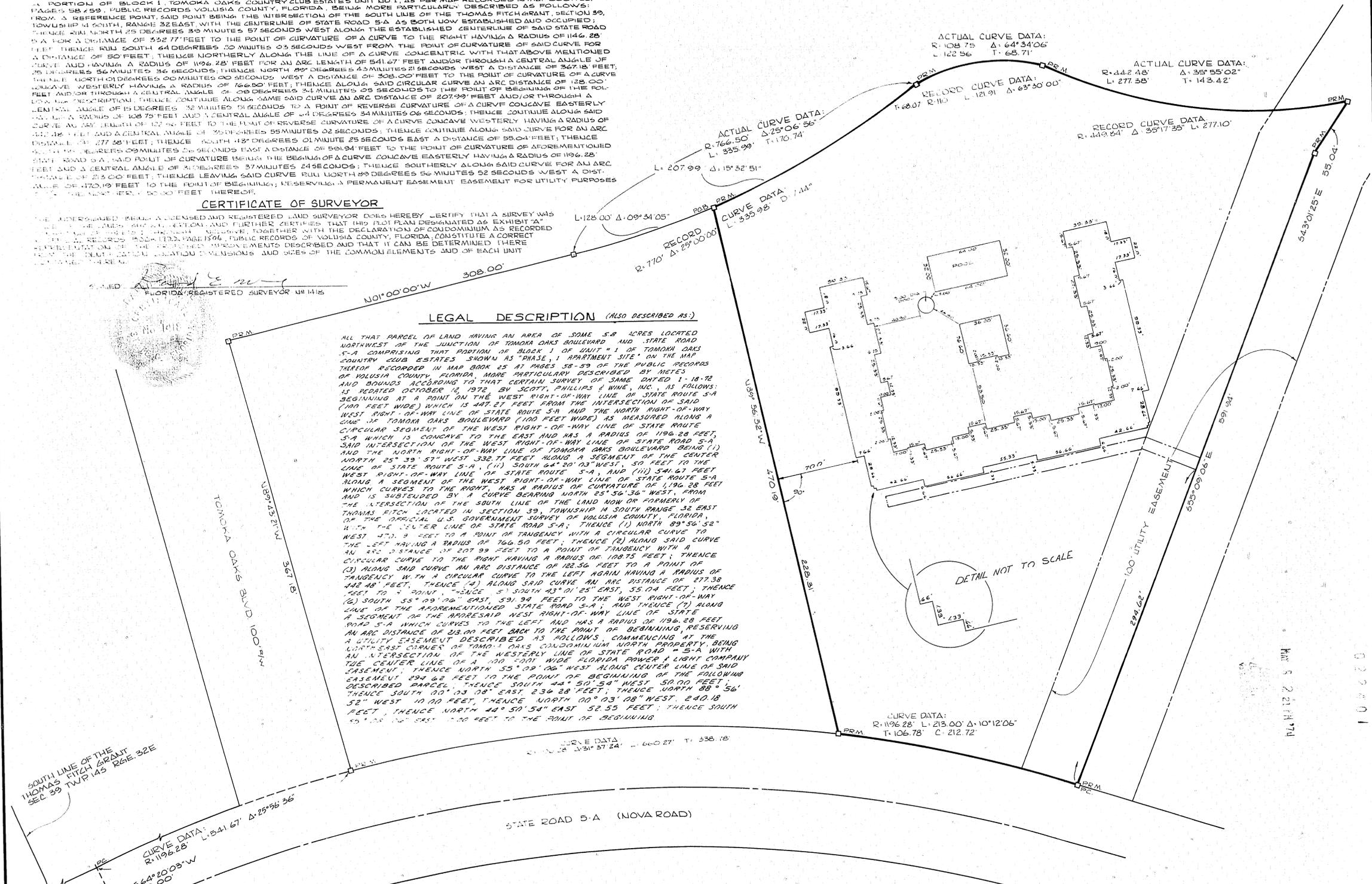
I, THE UNDERSIGNED BEING A LICENSED AND REGISTERED LAND SURVEYOR DOES HEREBY CERTIFY THAT A SURVEY WAS MADE OF THE LANDS SHOWN HEREON, AND FURTHER CERTIFIES THAT THE PLAN DESIGNATED AS EXHIBIT "A" OF THIS MAP, TOGETHER WITH THE DECLARATION OF CONDOMINIUM AS RECORDED IN PUBLIC RECORDS BOOK 1706, PAGE 1506, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, CONSTITUTE A CORRECT REPRESENTATION OF THE REFERENCED IMPROVEMENTS DESCRIBED AND THAT IT CAN BE DETERMINED THEREFROM THE EXACT LOCATIONS, DIMENSIONS AND SIZES OF THE COMMON ELEMENTS AND OF EACH UNIT THEREOF.

SCOTT
 PHILLIPS & WINE
 REGISTERED SURVEYOR No. 1115

LEGAL DESCRIPTION (ALSO DESCRIBED AS:)

ALL THAT PARCEL OF LAND HAVING AN AREA OF SOME 5.8 ACRES LOCATED NORTHWEST OF THE JUNCTION OF TOMOKA OAKS BOULEVARD AND STATE ROAD 5-A COMPRISING THAT PORTION OF BLOCK 1 OF UNIT 1 OF TOMOKA OAKS COUNTRY CLUB ESTATES SHOWN AS "PARCEL 1 APARTMENT SITE" ON THE MAP THEREOF RECORDED IN MAP BOOK 25 AT PAGES 58-59 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ACCORDING TO THAT CERTAIN SURVEY OF SAME DATED 1-18-72 AS REDATED OCTOBER 12, 1972 BY SCOTT, PHILLIPS & WINE, INC. AS FOLLOWS:
 BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 5-A (100 FEET WIDE) WHICH IS 100 FEET FROM THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF STATE ROUTE 5-A AND THE NORTH RIGHT-OF-WAY LINE OF TOMOKA OAKS BOULEVARD (100 FEET WIDE) AS MEASURED ALONG A CIRCULAR SEGMENT OF THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 5-A WHICH IS CONCAVE TO THE EAST AND HAS A RADIUS OF 1196.28 FEET, SAID INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 5-A AND THE NORTH RIGHT-OF-WAY LINE OF TOMOKA OAKS BOULEVARD BEING (1) NORTH 25° 39' 57" WEST 332.77 FEET ALONG A SEGMENT OF THE CENTER LINE OF STATE ROUTE 5-A (11) SOUTH 64° 20' 03" WEST 50 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 5-A, AND (II) 541.67 FEET ALONG A SEGMENT OF THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 5-A WHICH CURVES TO THE RIGHT, HAS A RADIUS OF CURVATURE OF 1196.28 FEET AND IS SUBTENDED BY A CURVE BEARING NORTH 25° 36' 36" WEST FROM THE INTERSECTION OF THE SOUTH LINE OF THE LAND NOW OR FORMERLY OF THOMAS FITCH LOCATED IN SECTION 39, TOWNSHIP 14 SOUTH RANGE 32 EAST OF THE ORIGINAL U.S. GOVERNMENT SURVEY OF VOLUSIA COUNTY, FLORIDA, WITH THE CENTER LINE OF STATE ROAD 5-A; THENCE (1) NORTH 89° 56' 52" WEST 170.19 FEET TO A POINT OF TANGENCY WITH A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 166.50 FEET; THENCE (2) ALONG SAID CURVE AN ARC DISTANCE OF 207.99 FEET TO A POINT OF TANGENCY WITH A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 108.75 FEET; THENCE (3) ALONG SAID CURVE AN ARC DISTANCE OF 128.00 FEET TO A POINT OF TANGENCY WITH A CIRCULAR CURVE TO THE LEFT AGAIN HAVING A RADIUS OF 1196.28 FEET; THENCE (4) ALONG SAID CURVE AN ARC DISTANCE OF 277.58 FEET TO A POINT OF TANGENCY WITH A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1196.28 FEET; THENCE (5) SOUTH 43° 01' 25" EAST, 591.94 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 5-A WHICH CURVES TO THE LEFT AND HAS A RADIUS OF 1196.28 FEET AN ARC DISTANCE OF 213.00 FEET BACK TO THE POINT OF BEGINNING, RESERVING A UTILITY EASEMENT DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF TOMOKA OAKS CONDOMINIUM NORTH PROPERTY BEING AN INTERSECTION OF THE WESTERLY LINE OF STATE ROAD 5-A WITH THE CENTER LINE OF A 100 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE NORTH 55° 09' 06" WEST ALONG CENTER LINE OF SAID EASEMENT 294.62 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE SOUTH 44° 50' 54" WEST 50.00 FEET; THENCE SOUTH 00° 03' 08" EAST 236.28 FEET; THENCE NORTH 89° 56' 52" WEST 10.00 FEET; THENCE NORTH 00° 03' 08" WEST, 240.18 FEET; THENCE NORTH 44° 50' 54" EAST 52.55 FEET; THENCE SOUTH 55° 09' 06" EAST 100 FEET TO THE POINT OF BEGINNING.

CURVE DATA:
 R=166.50 L=207.99 Δ=15°32'51"
 R=108.75 L=128.00 Δ=09°34'05"
 R=1196.28 L=541.67 Δ=25°36'36"
 R=1196.28 L=213.00 Δ=10°12'06"
 R=106.78 L=212.72 Δ=10°12'06"



PREPARED BY:
PHILLIPS, WINE & PHILLIPS, INC.
 CONSULTING ENGINEERS AND
 LAND SURVEYORS
 595 N. NOVA RD. ORMOND BEACH, FLA.

EXHIBIT "A"
 SHEET 1 OF
 DRAWN - R.R. RADFORD

SCALE: 1" = 50 FT.
 DATE - DEC. 20, 1973
 CHECKED - D.G.J.

EXHIBIT 4

Nonconforming Determination



CITY OF ORMOND BEACH

Planning • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3311 • Fax (386) 676-3361

June 21, 2013

Ms. Anne Leon
380 S. Nova Road
Ormond Beach, Florida

Re: Non-conforming Determination for 640 N. Nova Road

Dear Ms. Leon:

The property located at 640 N. Nova Road is 4.6429 acres (mol) with 90 units depicted in the Tomoka Oaks Condominium North plat documents filed with the Volusia County Clerk of the Circuit Court dated December 1973. A copy of which is attached.

The current zoning for the property is R-5, Multi-family Medium Density Zoning. The characteristics of the improvements on this site were compared to the zoning district regulations to determine non-conformities. The following conformities and non-conformities were found should the structure be destroyed beyond 50%.

STANDARDS	CONFORMING	NON-CONFORMING
1. TYPE - MFD	X	
2. DENSITY (12 U/A)		X
3. MAXIMUM HEIGHT		X
4. MAXIMUM LOT COVERAGE	X	
5. MAXIMUM ISR	X	
6. MINIMUM LOT AREA	X	
7. MINIMUM WIDTH	X	
8. MINIMUM LOT DEPTH	X	
9. SETBACKS		
A) FRONT	X	
B) SIDE	X	
C) REAR	X	

With respect to the non-conformities, the built density per acre is 19.38 units/acre and the building on site is considered a multi-family structure. Maximum units permitted should the structure be destroyed are approximately 56 units. The maximum height permitted in the R5 zoning is 30 feet. The current building is 5 stories tall and exceeds the permitted height. Consequently, the property is considered a legal nonconformity as it pertains to density and height.

A review of outstanding code violations was made and none were found. A letter dated July 15, 2011 from the Building Official and Acting Fire Chief to June Lank, President of the Association, suggesting that the electrical chases in each unit be fire caulked was found. These chases if fire caulked would prohibit the spread of smoke to abutting units

in the event of a fire. This was not a fire code requirement but it was strongly suggested. In speaking with the Building Official, he remembers the Association had people come in to discuss it and believes it was done but was not sure since no permit was required.

Should you have further questions regarding this letter, please do not hesitate to contact me.

Sincerely,

Richard P. Goss, AICP
Planning Director

EXHIBIT 5

School Board Determination

Kornel, Laureen

From: smorriss@volusia.k12.fl.us
Sent: Tuesday, April 22, 2014 6:28 PM
To: Kornel, Laureen
Subject: RE: 640 N. Nova Road

As a developed parcel with existing residential, this parcel is already developed at a greater density than is currently permitted by the existing land use. I understand the basis for the amendment and believe the existing development will be consistent with the new land use. Further evaluation for school capacity is not necessary. I appreciate your ongoing communication and coordination efforts.

*Saralee L. Morrissey, AICP
Director, Planning
Volusia County Schools
386-255-6475 ext. 50772*

Make no little plans; they have no magic to stir men's blood...
Make big plans, aim high in hope and work.
~Daniel Burnham

From: Kornel, Laureen [<mailto:Laureen.Kornel@ormondbeach.org>]
Sent: Wednesday, April 16, 2014 7:39 AM
To: Morrissey, Saralee L.
Subject: 640 N. Nova Road

Sarah,

The city is currently processing a small scale land use amendment in order to rectify a nonconformity with the subject property located at 640 N. Nova Road. The land use change is from "Medium Density Residential" (5-12 units per acre) to "High Density Residential" (12-32 units per acre). The subject property is 4.64 acres and is already developed with a condominium (90 units). The current density is roughly 20 units per acre. The maximum units per acre under the proposed land use will be 32 units per acre, however, no further development of the site is proposed. I am attaching the proposed land use change map for your reference. If you need any other information, please advice. I would be grateful if you could get back to me by April 24, 2014. Thank you.

S. Laureen Kornel, AICP
Senior Planner
City of Ormond Beach
22 S. Beach Street, Room 104
Ormond Beach, FL
32174

Phone: 386-676-3345
e-mail: kornel@ormondbeach.org

Please take a moment to complete our [Customer Service Questionnaire](#).

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 25, 2014

SUBJECT: 640 N. Nova Road, Tomoka Oakwood North Condominium,
Zoning Map Amendment

APPLICANT: Martin Wohl, Tomoka Oakwood North Condominium
Association

NUMBER: RZ 14-075

PROJECT PLANNER: S. Laureen Kornel, AICP, Senior Planner

INTRODUCTION: This is a request submitted by Martin Wohl, authorized representative of the property owners for the Tomoka Oakwood North Condominium, to amend the City's Official Zoning Map for the Tomoka Oakwood North Condominiums, a 90 unit Condominium on a ±4.64-acre parcel located at 640 North Nova Road from the existing zoning classification of R-5 (Multifamily Medium Density Zoning District) to R-6 (Multifamily Medium-High Density Zoning District).

BACKGROUND: The subject property has a current zoning classification of R-5 and is developed with the Tomoka Oakwood North Condominium, a 90 unit Condominium, five stories in height permitted in 1973. The property abuts vacant land to the north and Escondido at Tomoka Condominiums to the south. To the east of the property lies a retention pond and there are single family homes to the west. There are no plans for further development of the site. The rezoning is contingent on the land use amendment from "Medium Density Residential" to "High Density Residential" which is being processed concurrently with this application.

In June 2013, the Planning Department completed a Determination for Conformity or Nonconformity for the Tomoka Oakwood North Condominium, located at 640 North Nova Road. The zoning at the time of the determination was and remains R-5 (Multifamily Medium Density) which currently allows a density of 12 units/acre. In addition, the maximum height allowed under the multifamily R-5 zoning district is 30 feet. However, the Tomoka Oakwood North Condominium has an existing density of 19.38 units/acre with a building height of five stories thereby exceeding the allowed maximum density height of the R-5 zoning district. Consequently, the subject property is considered a legal nonconformity as it pertains to density and height. If a catastrophic event were to occur, the maximum units permitted to be built back would only be 56 units while the height would only be permitted for up to 30 feet.

Subsequent to issuing the Non-Conforming Determination status dated June 21, 2013, planning staff was advised that Fannie Mae, would not purchase mortgages of condominium units if the property is a legal non-conforming use and if destroyed cannot be rebuilt as is. Further research indicated that the current Fannie May rules were likely

changed in about 2009 after the housing bubble. The only recent sales that have occurred at 640 North Nova Road are cash purchases. It appears there have been no recently approved mortgages for any of the units located in the subject condominium complex.

The Tomoka Oakwood North Condominium was approved by the City of Ormond Beach and construction completed in 1974. A review of the city's past Land Development Codes shows that development of the subject property was in accordance with Ordinance 56-29 at such time when the Land Development Code allowed a multifamily density of 30 units per acre and a building height of 7 stories, or seventy-five feet. Staff reviewed the city's ordinances between 1971 before the development of the subject property and 1978 and could only find a change in density and height in 1978 with Ordinance 78-35 identifying the multifamily density as 10 units per acre and a height requirement of two stories, not to exceed 30 feet. With the adoption of Ordinance 1978-35, a zoning code re-write of the 1956 Ordinance, the subject property was made non-conforming in terms of height and density.

Based upon the subject property's current density and height nonconformities the applicant has first requested a land use amendment to address the density issue and also filed a zoning amendment from R-5 to R-6. However, as previously stated, the R-6 zoning district only allows a density of 12 units per acre and a height of 30'. As such, the applicant is also requesting a separate Land Development Code amendment to amend the multifamily density from 12 units per acre to 32 units per acre and the height from 30' to 75' to reflect the development entitlements of the property at the time of development.

The city is presently processing a separate land use amendment from "Medium Density Residential" to "High Density Residential". The purpose of this zoning map amendment is to assign a city zoning classification to the subject property consistent with the Ormond Beach "High Density Residential" land use designation to ensure conformity. Subsequent to completing the land use and zoning amendment, a Land Development Code amendment will be processed to increase the density and height of the multifamily Dimensional Standards from 12 units per acre to 32 units per acre and from 30' to 75' respectively. The proposed rezoning from R-5 to R-6 is contingent upon adopting the land use change. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action on August 6, 2014 (1st hearing) and August 19, 2014 (2nd adoption hearing).

PROJECT DESCRIPTION: The project consists of a 90 unit, five-story building along with a naturally landscaped buffer along the front, rear and south side of the project, and parking along the front and sides of the buildings. The project has one access point along North Nova Road. The specified permitted uses under the R-5 zoning district are Community Residential Home, Dwelling Duplex, Dwelling Single Family Detached and School, Public.

ANALYSIS:

There is a separate land use amendment that proposes a change from “Medium Density Residential” to “High Density Residential”. If approved as “High Density Residential”, these are the following options for zoning designations:

Comprehensive Plan Future Land Use Map Designation	Corresponding Compatible Zoning District
High Density Residential	T-1, Manufactured/Mobile Home R-6, Multifamily Medium-High Density

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

The T-1, Manufactured/Mobile Home zoning district is not an appropriate zoning district to assign to the subject property under the “High Density Residential” land use category since the property is already developed with condominiums.

R-6, Multifamily Medium-High Density Zoning District

According to Chapter 2, Article II, Section 2-19 of the Land Development Code, the purpose of the R-6 zoning district is:

“to provide for the development of multiple-family residential developments at medium to high densities..”

Consistency with Comprehensive Plan

The property is designated as “Medium Density Residential” and is seeking a land use map amendment to “High Density Residential”. The directive text of “High Density Residential” land use designation within the Future Land Use Element of the Comprehensive Plan states,

“Purpose: To provide lands suitable for the development of multi-family residential structures. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: Minimum 12-32 units per acre

Maximum FAR: 0.3”

Zoning and Adjacent Land Uses

The adjacent land uses and zoning classifications are illustrated in the following table:

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Vacant Land	"Medium Density Residential"	R-5 (Multifamily Medium Density)
South	Escondido Condominiums	"Medium Density Residential"	R-5 (Multifamily Medium Density)
East	Retention Pond	"Office Professional"	B-1 (Professional Office/Hospital)
West	Single Family Homes	"Low Density Residential"	R-2 (Single-Family Low Density)

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 the applicant's request to change the zoning district from R-5 to R-6 such that the property will be conforming. The zoning map amendment is contingent on a City future land use being assigned and will not adversely affect public health, safety, welfare, or the quality of life. Subsequent to the land use and zoning amendments a Land Development Code amendment will be needed to increase the density and height of the multifamily Dimensional Standards.

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

There is a separate land use map amendment that proposes a land use change from "Medium Density Residential" to "High Density Residential". The requested R-6 Zoning District is allowed under the "High Density Residential" land use category thereby making the rezoning consistent with the Comprehensive Plan. No further development other than the existing condominium is proposed at this time.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to water bodies, wetlands, xeric communities, wildlife habitats, endangered or threatened**

plants and animal species or species of special concern, wellfields, and individual wells.

The subject property is currently developed and built out in accordance with approval from Ormond Beach. There is no new construction proposed. Therefore, 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 Condominium 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 is currently developed and built out. There is no construction proposed. Therefore, 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 is currently developed and built out. There is no new construction proposed. Therefore this criterion is not applicable.

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

The property is currently developed and built out. There is no new construction proposed. Therefore, the criterion is not applicable.

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

The property is currently developed and built out. There is no new construction proposed. Therefore, 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 is currently developed and built out. There is no new construction proposed. Therefore the criterion is not applicable.

10. The testimony provided at public hearings.

This application has not been heard and no public testimony has been provided.

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 R-5 to R-6.
- The proposed city zoning classification of R-6 allows exactly the same permitted uses as the current R-5 Zoning District.
- The request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of “High Density Residential”.

RECOMMENDATION: Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of Case RZ 14-075, a request by Martin, Wohl, authorized representative of the property owners for the Tomoka Oaks Condominium to amend the Official Zoning Map to change the zoning classification of 640 North Nova Road, as described in the attached legal description, from R-5 (Multifamily Medium Density) to R-6 (Multifamily Medium-High Density).

Attachments:

- Exhibit 1: Photo and Location Aerial
- Exhibit 2: Zoning Map
- Exhibit 3: Legal Description and Survey
- Exhibit 4: Section 2-19 of the LDC, R-6 Zoning District

EXHIBIT 1

Location Aerial



AERIAL MAP
640 NORTH NOVA ROAD

Prepared By: The City of Ormond Beach
G.I.S. Department - April 9, 2014

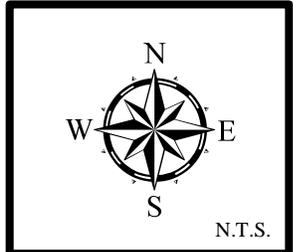
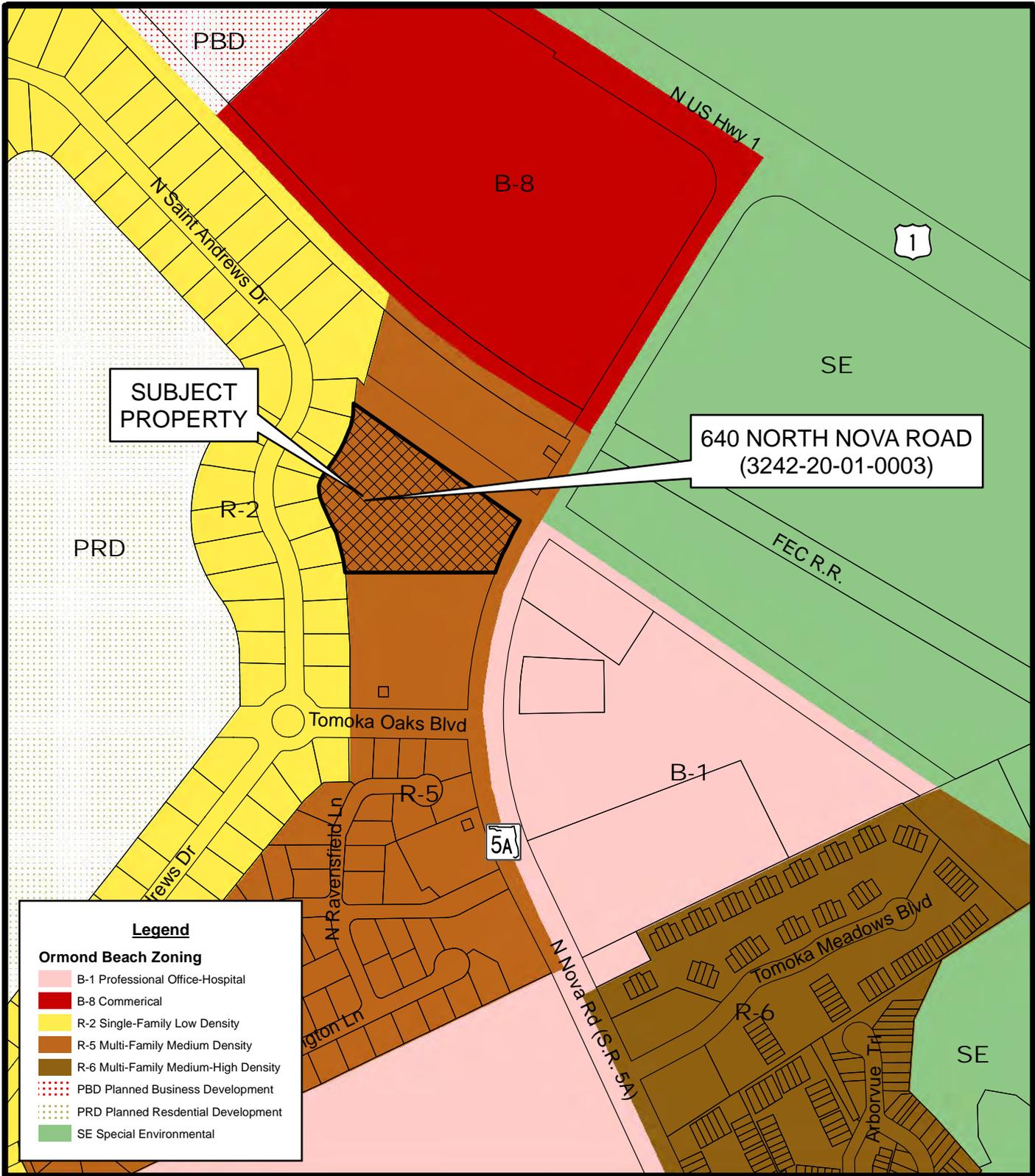


EXHIBIT 2

Zoning Map



Legend

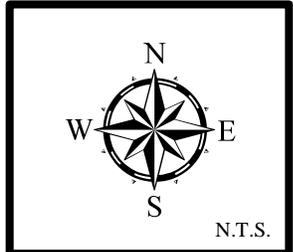
Ormond Beach Zoning

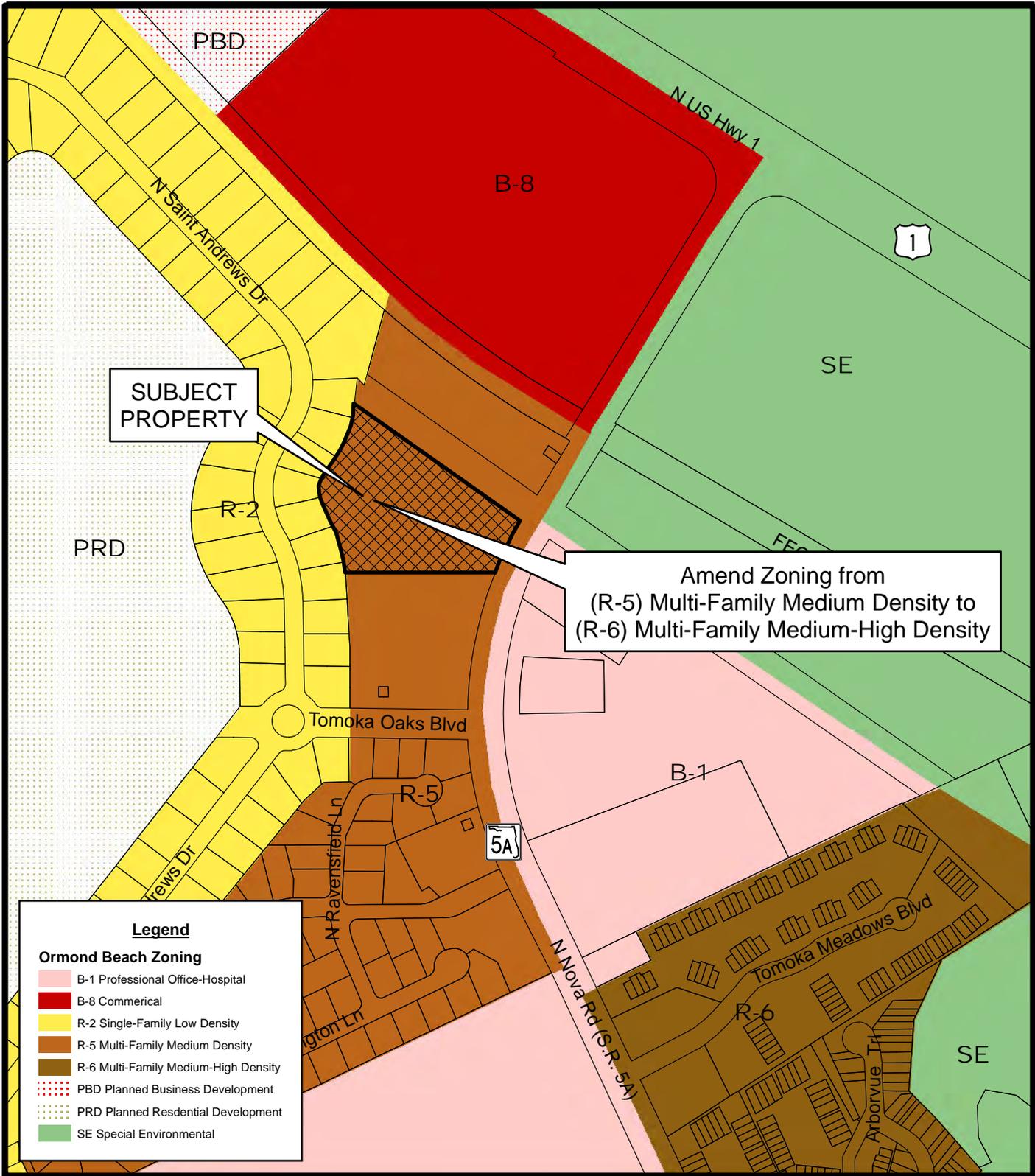
- B-1 Professional Office-Hospital
- B-8 Commercial
- R-2 Single-Family Low Density
- R-5 Multi-Family Medium Density
- R-6 Multi-Family Medium-High Density
- PBD Planned Business Development
- PRD Planned Residential Development
- SE Special Environmental



CURRENT ZONING MAP
640 NORTH NOVA ROAD

Prepared By: The City of Ormond Beach
 G.I.S. Department - April 9, 2014





PROPOSED ZONING MAP
640 NORTH NOVA ROAD
(3242-20-01-0003)

Prepared By: The City of Ormond Beach
 G.I.S. Department - April 9, 2014

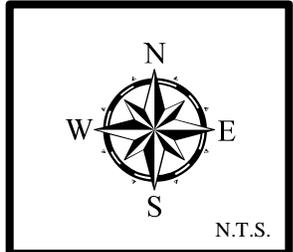


EXHIBIT 3

Legal Description and Survey

EXHIBIT 4

Section 2-19 of the LDC, R-6 Zoning District

Sec. 2-19. R-6, Multifamily Medium-High Density Zoning District.																																
A. PURPOSE: The purpose of the R-6, Multifamily Medium-High Zoning District is to provide for the development of multiple-family residential developments at medium to high densities.																																
B. DIMENSIONAL STANDARDS																																
1. Type	2. Density (Units per acre)	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. Waterbody																				
Single-Family	5.05	30'	35%	75%	8,625 SF	75'	115'	25'	25'	8' total 20'	20'	30'; or Ocean Yard Setbacks: Yards adjacent to the ocean shall be considered "rear" yards, and no structure, except for sun decks and walkways provided in this section and chapter 3, article II (Coastal Management), shall extend beyond a line projected between the average setback of all buildings within 800' of each side lot line of the lot upon which the proposed building is to be constructed or within a building setback otherwise established under Florida Statutes or chapter 3, article II of this Code, whichever is greater. Such line shall run parallel with the street right-of-way line.																				
Cluster	6.70	30'	35%	75%	6,500 SF	65'	-	25'	25'	8' total 20'	20'																					
Patio	6.89	30'	35%	75%	6,325 SF	55'	115'	25'	25'	8' total 20'	20'																					
Zero-Lot-Line	8.71	30'	35%	75%	5,000 SF	50'	-	25'	25'	0', 20'	20'																					
Multifamily	12	30'	35%	75%	43,560 SF	125'	-	25'	25'	10'	20'																					
Duplex	8.71	30'	35%	75%	10,000 SF	100'	-	30'	25'	20'	20'																					
Townhouse	6.31	30'	35%	75%	6,900 SF	60'	115'	25'	25'	15'	-																					
C. PERMITTED USES				D. CONDITIONAL USES				E. SPECIAL EXCEPTION USES			F. OTHER STANDARDS																					
<ol style="list-style-type: none"> Community Residential Home Dwelling, Duplex Dwelling, Single-Family – Detached School, Public 				<ol style="list-style-type: none"> Adult Day Care Center Adult Family Care Home Assisted Living Facility Cluster Subdivision, Single-Family Community Residential Home Dwelling, Multifamily Family Day Care Home Foster Home Golf Course and Country Club Group Home Nursing Home Parks and Recreation Facilities, Private Parks and Recreation Facilities, Public Patio Home Subdivision Public Facilities Public Utilities School, Private Telecommunication Tower or Antennas, Camouflaged Townhouse Wind Energy System Zero-Lot Line Subdivision 				<ol style="list-style-type: none"> Child Care Facility Historic Preservation Mixed Use House of Worship 			All development must comply with the following requirements: <ol style="list-style-type: none"> Wetlands (chapter 3, article II) Special corridors and buffer requirements (chapter 3, article I) See conditional and special exception regulations (chapter 2, article IV) Use of dwelling units for transient lodging is prohibited in order to protect and maintain the residential character of the zoning district. Single-family residential buildings shall have the following minimum floor area: <table border="1"> <thead> <tr> <th>Type</th> <th>1-Story</th> <th>Split Level</th> <th>2-Story</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1,500 SF</td> <td>1,800 SF</td> <td>2,100 SF</td> </tr> <tr> <td>B</td> <td>1,350 SF</td> <td>1,650 SF</td> <td>2,000 SF</td> </tr> <tr> <td>C</td> <td>1,150 SF</td> <td>1,400 SF</td> <td>1,750 SF</td> </tr> </tbody> </table> Multifamily, duplex and triplex residential dwelling units shall have the following minimum square footage per bedroom: <table border="1"> <tbody> <tr> <td>One = 750 SF</td> <td>Three = 1,050 SF</td> </tr> <tr> <td>Two = 900 SF</td> <td>Each additional bedroom = 150 SF</td> </tr> </tbody> </table> 		Type	1-Story	Split Level	2-Story	A	1,500 SF	1,800 SF	2,100 SF	B	1,350 SF	1,650 SF	2,000 SF	C	1,150 SF	1,400 SF	1,750 SF	One = 750 SF	Three = 1,050 SF	Two = 900 SF	Each additional bedroom = 150 SF
Type	1-Story	Split Level	2-Story																													
A	1,500 SF	1,800 SF	2,100 SF																													
B	1,350 SF	1,650 SF	2,000 SF																													
C	1,150 SF	1,400 SF	1,750 SF																													
One = 750 SF	Three = 1,050 SF																															
Two = 900 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.																																
H. SPECIAL STANDARDS:																																
<p>Nonconformance: Single-family residential lots having a minimum lot area of 7,500 square feet, a minimum width of 75', and are located in areas of the city where established street patterns and lot configurations are generally consistent with the 75'/7,500 square foot standard, shall be deemed to be conforming lots, subject to the setback and buffer requirements of Ordinance No. 78-35, as existed on December 31, 1991. Parcels within such districts may be divided into lots having minimum lot areas of 7,500 square feet and minimum widths of 75', provided the structure on each lot meets the setback and buffer requirements of Ordinance No. 78-35. However, where the recorded plat or covenants indicate front yards in excess of current city standards for principal buildings, said plat or covenants shall first be properly amended prior to the issuance of a building permit.</p> <p>Approved Plats: Setbacks that are less restrictive than the standards listed above are acceptable, provided that they are either shown on the approved plat or a less restrictive standard was in place at the time of recording the original plat.</p>																																

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 25, 2014

SUBJECT: Land Development Code Amendment: Chapter 2, Article II, District Regulations

APPLICANT: Martin Wohl, Tomoka Oakwood North Condominium Association

NUMBER: LDC 14-076

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

INTRODUCTION: This is a request by Martin Wohl, authorized representative of the property owners for the Tomoka Oakwood North Condo Association to amend Chapter 2, Article II, District Regulations, Section 2-19, R-6, Multifamily Medium-High Density Zoning District of the Land Development Code (LDC). The amendment proposes to amend the dimensional standards for the multifamily density from 12 units per acre to 32 units per acre and the multifamily maximum building height from 30' to 75'.

BACKGROUND: This Land Development Code amendment is based on the applicant's request as the result of density and height nonconformities on property located at 640 North Nova Road, also known as the Tomoka Oakwood North Condominium. However, by amending the R-6 multifamily density and height, the proposed amended zoning district will apply to all properties zoned R-6 within the city limits.

The Tomoka Oakwood North Condominium was approved by the City of Ormond Beach and construction completed in 1974. A review of the city's past Land Development Codes shows that development of the subject property was in accordance with Ordinance 56-29 at such time when the Land Development Code allowed a multifamily density of 30 units per acre and a building height of 7 stories, or seventy-five feet. Staff reviewed the city's ordinances between 1971 before the development of 640 North Nova Road and 1978 after development of 640 North Nova Road and could only find a change in density and height in 1978 with Ordinance 78-35 identifying the multifamily density as 10 units per acre and a height requirement of two stories, not to exceed 30 feet. With the adoption of Ordinance 1978-35, a zoning code re-write of the 1956 Ordinance, the subject property was made non-conforming in terms of height and density.

In 2013 the Planning Department received a request for a zoning determination for 640 North Nova Road. The zoning determination revealed two nonconformities as follows:

1. The existing building density was calculated to be 19.38 units per acre based on 4.6429 acres with 90 units. The current “Medium Density Residential” (MDR) land use designation and R-5 Zoning District multifamily dimensional standards only allow a density of up to 12 units per acre. Maximum units permitted should the structure be destroyed are approximately 56 units. The condominium would not be allowed to build back at its current density or 90 units; and
2. The current building height is five stories tall which exceeds the maximum 30 foot height requirement of the current R-5 zoning district.

Consequently, the property is considered a legal nonconforming property with respect to density and height. As such, recent Federal regulations forbid mortgage lenders from writing mortgages subject to contingent limitations on future rebuilding. In this particular case, having a nonconforming density and height would prevent the right to build back at the current density and height due to a catastrophic event. In addition, the density and height nonconformities prevents potential buyers of condominium units from acquiring mortgages and also keeps owners of condominium units from taking reverse mortgages or an equity line of credit.

To remedy the density and height nonconformities, the applicant has requested a land use change from “Medium Density Residential” (“MDR”) to “High Density Residential” (“HDR”) such that the property will meet the density standard of the “HDR” land use category. Since the R-5 Zoning District, which is the current zoning of the property is not allowed under the “HDR” land use category, the applicant has also requested a change in zoning districts from the R-5 Zoning District to the R-6 Zoning District. However, the R-6 zoning district only allows up to 12 units per acre and a maximum height of 30 feet. As such, the applicant has requested an amendment to the city’s Land Development Code to amend the density to 32 units/acre with a maximum height of 75 feet under the multifamily dimensional standards of the R-6 Zoning District.

The amendment is applicant initiated, but would impact all properties that have the R-6 zoning designation. The analysis of this report identifies specific properties with the R-6 zoning designation and what impact the amendments could have. It is reasonable that the City’s highest residential zoning category should allow the maximum City allowance in terms of density and height. In order for an R-6 zoning property to achieve that “High Density Residential” land use density of 32 units per acre, it would be required to obtain a Planned Development.

As illustrated below, an analysis of the potential impacts of the proposed amendment to properties currently zoned with the R-6 Zoning District was completed. It should be noted that the data collected for these properties was collected using surveys, the city’s mapping system as well has historical data through previous staff reports, the county’s property appraiser website and aerial views from the internet. Any property consisting of two stories or less was assumed to be less than 30 feet tall unless otherwise indicated.

City of Ormond Beach R-6 Zoned Properties			
Property Address/Community Name	Density (units per acre)	Estimated Height (feet or stories)	Existing Condition
Bermuda Estates	N/A	2 Story	Zoned Planned Residential Development but maintains the R-6 Zoning District Standards. Conforming with respect to height and density.
Shadow Lakes Apartment Complex	19	2 Story	188 units developed on 9.975 acres with nonconforming density. The proposed amendment would make the apartment complex conforming for density.
Tomoka Meadows (Townhomes/Condos)	N/A	2 Story	Conforming with respect to height and density.
55 N. Washington	N/A	2 Story (likely ≥ 30 feet)	Developed with a school with nonconforming height. Height will become conforming as a result of proposed amendment.
140 Lincoln Avenue (Ormond Shores Apartments)	20.8	3 Story	Nonconforming density and height. The proposed amendment would make the property conforming.
100 New Britain (Housing Authority)	N/A	1 Story	Conforming with respect to height and density.
815 Ocean Shore Boulevard (Ormond Holiday Club Condominiums)	18.84	3 Story	Property is in the process of changing their land use and zoning to remedy nonconformities. The proposed amendment will ultimately make the Condominium conforming.
855 Ocean Shore Boulevard (Ormond Ocean Club North)	23.04	4 Story	Property is in the process of changing land use and Zoning. The proposed amendment will ultimately make the Condominium conforming.

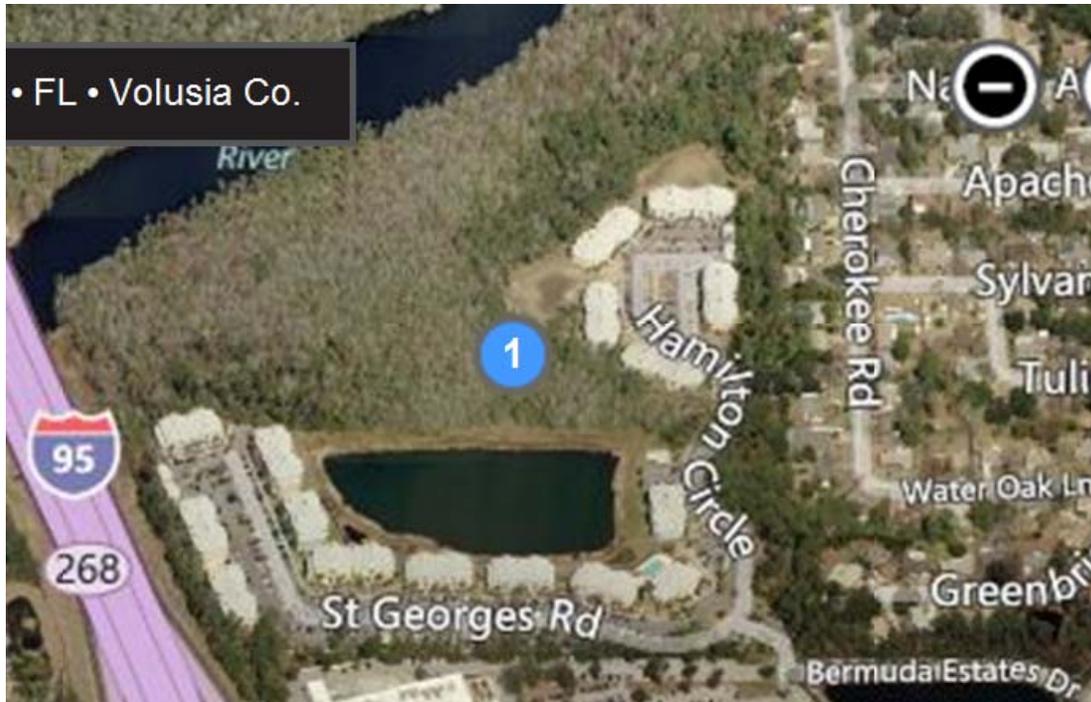
City of Ormond Beach R-6 Zoned Properties Cont'd			
Property Address/Community Name	Density (units per acre)	Estimated Height (feet or stories)	Existing Condition
915 Ocean Shore (Shoreham Condominium)	34.36	8 Story (88.67 feet with height exemption)	Property is in the process of changing land use and Zoning. The proposed amendment will ultimately make the Condominium conforming.
935 Ocean Shore Boulevard (The Bent Palm Club Condominiums)	21.69	4 Story	Property is in the process of changing land use and Zoning. The proposed amendment will ultimately make the Condominium conforming.
89 S. Atlantic Avenue	79	15 Story (154' feet with height exemption)	Nonconforming due to density. The property will continue to be nonconforming due to its density.
375 - 385 S. Atlantic Avenue (Tranquility Base Condominiums)	N/A	1 Story	Conforming with respect to height and density.
395 S. Atlantic Avenue (Tidesfall Condominiums)	30.1	79.2 feet and maintains a height exemption	Nonconforming due to density. The proposed amendment will ultimately make the Condominium conforming in terms of density.
20 Tomoka Avenue (Riverbridge Condominiums)	19.3	3 Story	Nonconforming due to density and height. The proposed amendment will ultimately make the Condominium conforming.
84 S. Beach Street (Rio Robles Apartments)	20.97	2 Story	Nonconforming due to density. The proposed amendment will ultimately make the Condominium conforming.

Of the 15 properties maintaining the R-6 zoning district analyzed, a total of 10 properties are considered nonconforming. 10 of the properties have a density greater than 12 units per acre and 6 of the properties are over 30 feet tall (3 properties maintain a height exemption). By amending the R-6 zoning district to increase the density per acres as well as the height, most of the properties list above will become conforming.

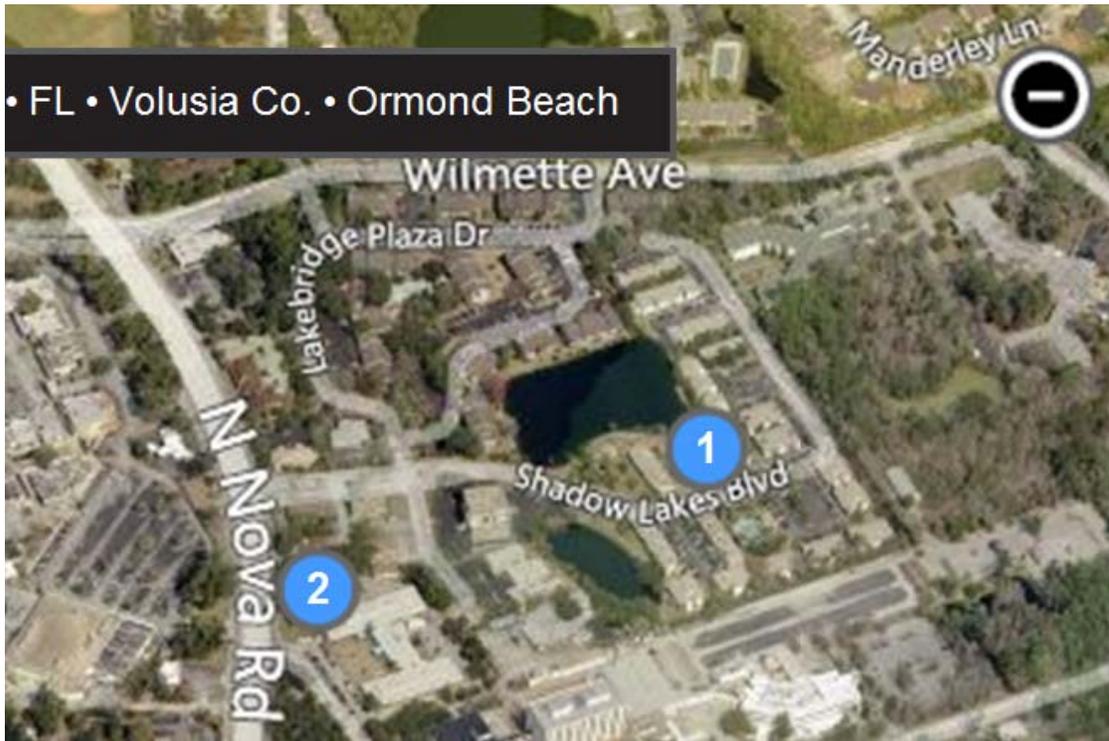
Ideally a higher density land use or zoning district should transition into a lower density land use or zoning district to prevent or minimize high-low density compatibility issues. However, as illustrated below, generally properties currently maintaining the R-6 zoning district, the zoning district that maintains the most intense density, are buffered from single family homes by using vegetated buffers, parking lots or rights-of-ways. Specifically, 640 N. Nova Road which was approved at 30 units per acre and 75 feet in the early 1970's and was developed next to single family development, has shown no appreciable difference in property degradation due to high-low density compatibility issues. The following aerials illustrate typical transition areas between R-6 zoned properties and other adjacent single family zoned properties.



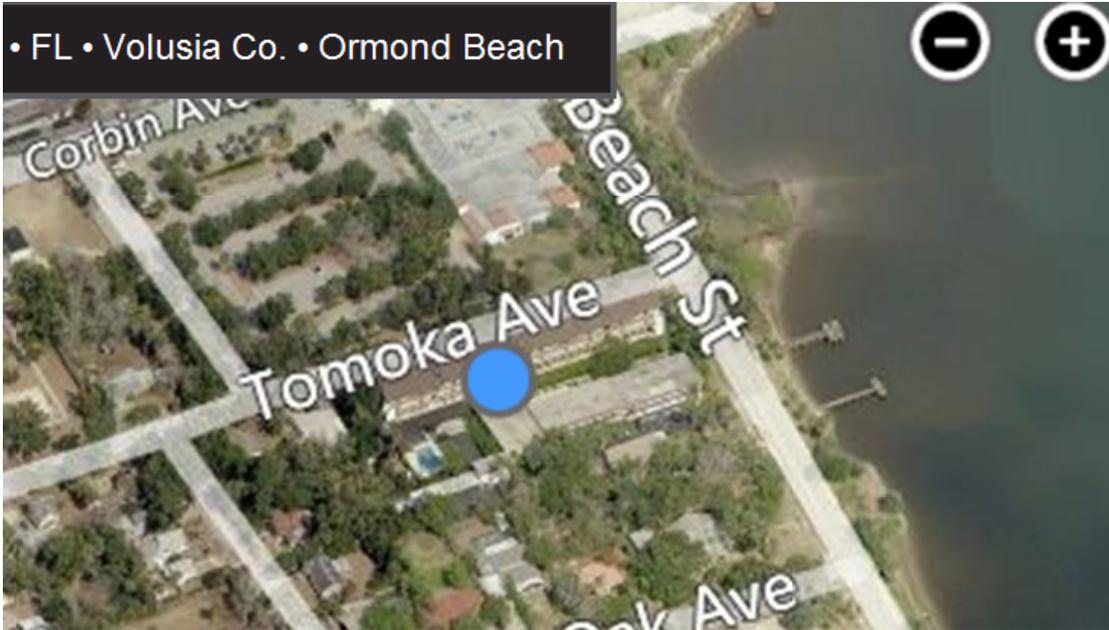
640 N. Nova Road has a significant vegetated buffer along the west side of the property between itself and single family homes.



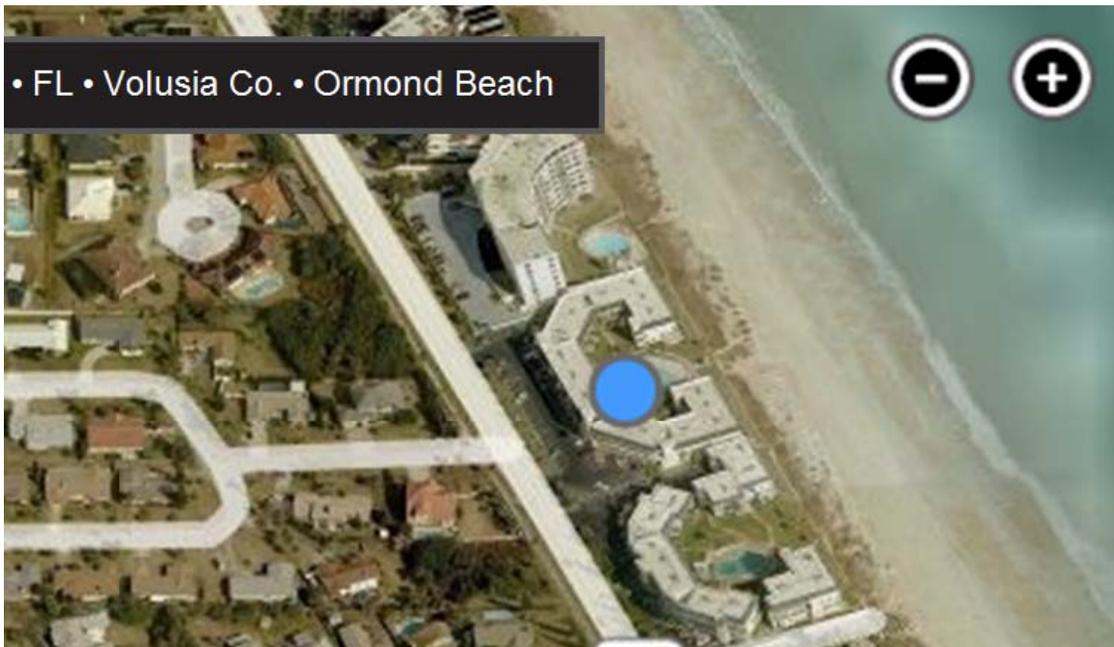
Bermuda Estates also transitions from multifamily to single family along its east side by using a vegetated buffer.



Shadow lakes maintains a vegetated buffer along its eastern boundary though there are no single family homes in the immediate area.



20 Tomoka Avenue (Riverbridge Condominiums) and 84 S. Beach Street (Rio Robles Apartments) maintain a vegetated buffer along the western boundaries of their properties. Rio Robles Apartments is buffered with vegetation along its southern boundary where it abuts single family.



Typically the Oceanside condominiums transition by using parking lots, the A1A right-of-way and vegetation across from single family.

Land use and zoning amendments for the property located at 640 N. Nova Road are being processed separately from the subject Land Development Code amendment. The land use, zoning and LDC amendments as requested by the applicant, will provide a remedy for the two density and height nonconformities such that the property will be

conforming and correct a zoning issue for height and density for the R-6 zoning district. In addition, the proposed amendment would also address the limited density and height for all other R-6 zoned property in the City of Ormond Beach.

LDC AMENDMENT: Below (and also in Exhibit A) is a summary of the requested Land Development Code amendments to Amend Section 2-19, R-6 Multifamily – High Density Zoning District:

Type	Dimensional Standard	Proposed change and Purpose of amendment:
Multifamily	Density(units/acre)	The amendment increases the multifamily density from 12 units per acre to 32 units per acre. By increasing the density (units per acre) the density nonconformity located at 640 N. Nova Road will be remedied. The amendment would also address the limited density for the other R-6 zoned properties except for 89 S. Atlantic Avenue which has an existing density of 79 units per acre.
	Maximum Building Height	The amendment increases the maximum building height from 30' to 75'. By increasing the height, the height nonconformity located at 640 N. Nova Road will be remedied. The amendment would also address the limited height for the other R-6 zoned property.

ANALYSIS: The proposed amendment is necessary to establish density and height dimensional standards under the multifamily R-6 Zoning District of the LDC such that 640 N. Nova Road will be conforming and to allow other similarly zoned property to achieve the density permitted under the “High Density Residential” land use. There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC), the Planning Board must consider the following criteria when making their recommendation.

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

No specific development is proposed. The 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 amend the density and height of the R-6 zoning district to remedy nonconformities affecting the applicant’s developed property and other similarly zoned properties.

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

No specific development is proposed. The proposed LDC amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discusses the need to update Land Development Code regulations as necessary. The Comprehensive Plan land use designation for properties with the R-6 zoning is “High Density Residential” with a permitted density of 32 units per acre. These properties have been identified as where more intense residential development is expected to occur.

The Land Development Code is inconsistent with the adopted Comprehensive Plan because the R-6 zoning district is limiting potential development to 12 units per acre with a maximum height of 30 feet. There is not a mechanism for high density residential to develop at 12 units per acre and a 30 foot height limit. The R-6 zoning district standards would force new residential development to seek a rezoning to Planned Development and makes existing high density residential properties non-conforming. One recent example of a case where an applicant was forced to apply for rezoning to a Planned Development was with the rezoning of 550 Williamson Boulevard (Crown Pointe). The existing density of that property was 12.32 units per acre thereby preventing the consideration of the possible rezoning of the property to R-6. In the Crowne Point case, there were other nonconformities that forced the rezoning to Planned Residential Development. However, because the R-6 density is currently limited to 12 units per acre, the R-6 zoning could not be considered as a possible option. The proposed amendment would eliminate the inconsistency between the “High Density Residential” land use and the R-6 zoning 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.

No specific development is proposed. 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.

As previously stated, an analysis of city properties maintaining the R-6 zoning district was completed. It appears that there are no undeveloped R-6 properties. In the event of redevelopment, the city would review, on a case by case basis, any new proposal and its potential impacts to surrounding properties. For example, there are provisions in the land development code designed to minimize impacts by ensuring that buffers between uses are in place. The proposed Land Development Code amendment is not anticipated to have a significant adverse impact 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. By maintaining the existing density and height standards, existing properties would have difficulty financing the sale of units and could lead to foreclosures and signs of blight.

- 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 multifamily density and maximum building height of the R-6 Zoning District in Chapter 2, Article II 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 multifamily density and maximum building height of the R-6 Zoning District in Chapter 2, Article II 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 multifamily density and maximum building height of the R-6 Zoning District in Chapter 2, Article II of a Land Development Code.

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

There is no development proposed for this amendment. The application pertains to changing the multifamily density and maximum building height of the R-6 Zoning District in Chapter 2, Article II of a Land Development Code.

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

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

RECOMMENDATION: It is expected that the amendment will be reviewed by the City Commission on July 1, 2014 (1st reading) and July 15, 2014 (2nd reading). It is recommended that the Planning Board **APPROVE** LDC 14-076, a request by Martin Wohl, authorized representative of the property owners for the Tomoka Oakwood North Condo Association, to amend Chapter 2, Article II, District Regulations, of the LDC as shown above and in Exhibit "A".

Exhibit “A” - Amendment

Amend the multifamily density and height dimensional standards of Section 2-19, R-6, Multifamily Medium-High Density Zoning District from 12 units/acre to 32 units/acre and from 30’ to 75’ respectively. No changes to the allowed uses are proposed.

SECTION 2-19: R-6: MULTI-FAMILY MEDIUM-HIGH DENSITY Zoning District

A. PURPOSE: The purpose of the Multi-Family Medium-High (R-6) zoning district is to provide for the development of multiple-family residential developments at medium to high densities.

B. DIMENSIONAL STANDARDS

1. Type	2. Density (Units per Acre)	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. Waterbody
Single-Family	5.05	30'	35%	75%	8,625 SF	75'	115'	25'	25'	8' total 20'	20'	<p>30'; or</p> <p>Ocean Yard Setbacks: Yards adjacent to the ocean shall be considered "rear" yards, and no structure, except for sun decks and walkways provided in this Section and Chapter 3, Article II (Coastal Management), shall extend beyond a line projected between the average setback of all buildings within 800' of each side lot line of the lot upon which the proposed building is to be constructed or within a building setback otherwise established under Florida Statutes or Chapter 3, Article II of this Code, whichever is greater. Such line shall run parallel with the street right of way line.</p>
Cluster	6.70	30'	35%	75%	6,500 SF	65'	-	25'	25'	8' total 20'	20'	
Patio	6.89	30'	35%	75%	6,325 SF	55'	115'	25'	25'	8' total 20'	20'	
Zero-Lot-Line	8.71	30'	35%	75%	5,000 SF	50'	-	25'	25'	0', 20'	20'	
Multi-Family	4.32	30'-75'	35%	75%	43,560 SF	125'	-	25'	25'	10'	20'	
Duplex	8.71	30'	35%	75%	10,000 SF	100'	-	30'	25'	20'	20'	
Townhouse	6.31	30'	35%	75%	6,900 SF	60'	115'	25'	25'	15'	-	

C. PERMITTED USES

D. CONDITIONAL USES

E. SPECIAL EXCEPTION USES

F. OTHER STANDARDS

<ol style="list-style-type: none"> Community Residential Home Dwelling, Duplex Dwelling, Single Family – Detached School, Public 	<ol style="list-style-type: none"> Adult Day Care Center Adult Family Care Home Assisted Living Facility Cluster Subdivision, Single Family Community Residential Home Dwelling, Multi-family Family Day Care Home Foster Home Golf Course and Country Club Group Home Nursing Home Parks and Recreation Facilities, Private Parks and Recreation Facilities, Public Patio Home Subdivision Public Facilities Public Utilities School, Private Telecommunication Tower or Antennae, Camouflaged Townhouse Wind Energy System Zero-Lot Line Subdivision 	<ol style="list-style-type: none"> Child Care Facility Historic Preservation Mixed Use House of Worship 	<p>All development must comply with the following requirements:</p> <ol style="list-style-type: none"> Wetlands (Chapter 3, Article II) Special corridors and buffer requirements (Chapter 3, Article I) See Conditional and Special Exception regulations (Chapter 2, Article IV) Use of dwelling units for Transient Lodging is prohibited in order to protect and maintain the residential character of the zoning district. Single-family residential buildings shall have the following minimum floor area: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Type</th> <th>1-Story</th> <th>Split Level</th> <th>2-Story</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1,500 SF</td> <td>1,800 SF</td> <td>2,100 SF</td> </tr> <tr> <td>B</td> <td>1,350 SF</td> <td>1,650 SF</td> <td>2,000 SF</td> </tr> <tr> <td>C</td> <td>1,150 SF</td> <td>1,400 SF</td> <td>1,750 SF</td> </tr> </tbody> </table> Multi-family, duplex and triplex residential dwelling units shall have the following minimum square footage per bedroom: <table border="1" style="margin-left: 20px;"> <tr> <td>One = 750 SF</td> <td>Three = 1,050 SF</td> </tr> <tr> <td>Two = 900 SF</td> <td>Each Additional Bedroom = 150 SF</td> </tr> </table> 	Type	1-Story	Split Level	2-Story	A	1,500 SF	1,800 SF	2,100 SF	B	1,350 SF	1,650 SF	2,000 SF	C	1,150 SF	1,400 SF	1,750 SF	One = 750 SF	Three = 1,050 SF	Two = 900 SF	Each Additional Bedroom = 150 SF
Type	1-Story	Split Level	2-Story																				
A	1,500 SF	1,800 SF	2,100 SF																				
B	1,350 SF	1,650 SF	2,000 SF																				
C	1,150 SF	1,400 SF	1,750 SF																				
One = 750 SF	Three = 1,050 SF																						
Two = 900 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.

H. SPECIAL STANDARDS:

Nonconformance: Single-family residential lots having a minimum lot area of 7,500 square feet, a minimum width of 75', and are located in areas of the City where established street patterns and lot configurations are generally consistent with the 75'/7,500 square foot standard, shall be deemed to be conforming lots, subject to the setback and buffer requirements of Ordinance 78-35, as existed on December 31, 1991. Parcels within such districts may be divided into lots having minimum lot areas of 7,500 square feet and minimum widths of 75', provided the structure on each lot meets the setback and buffer requirements of Ordinance 78-35. However, where the recorded plat or Covenants indicate front yards in excess of current City standards for principal buildings, said plat or Covenants shall first be properly amended prior to the issuance of a building permit.

Approved Plats: Setbacks that are less restrictive than the standards listed above are acceptable, provided that they are either shown on the approved plat or a less restrictive standard was in place at the time of recording the original plat.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: May 1, 2014

SUBJECT: 815 and 821 North US Highway 1, Special Exception for Recreational Facilities, Outdoor

APPLICANT: George Moremen

NUMBER: SE 14-081

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION: This is a request submitted by George Moremen (applicant), with authorization of the property owner, L & J Building Enterprises, Inc., for a Special Exception to allow recreational facilities, outdoor at 815 and 821 North US Highway 1 within the B-8 (Commercial) zoning district. The request proposes a phased project that would provide an office and parking at 821 North US Highway 1. Kayak/canoe/paddle board launching, outdoor storage of kayaks/canoes/paddle boards, walking paths, volleyball area, gazebos, picnic tables, game toss area and other related outdoor recreational activities are proposed at 815 North US Highway 1.

BACKGROUND: Below is a site aerial illustrating the surrounding area and a table summarizing the surrounding land uses.

Site Aerial: Surrounding Uses



Surrounding Uses with Land Use and Zoning Designations:

		Use	Future Land Use Designation	Zoning
East	1	Dodson & Strickland Creek	“Open Space/Conservation”	SE (Special Environmental) & R-2 (Low Density Residential)
South	2	Restaurant	“General Commercial”	B-8 (Commercial)
West	3	Ditches	“Open Space/Conservation”	SE (Special Environmental)
North	4	Commercial	“General Commercial”	B-8 (Commercial)

The application includes two separate properties as described below:

821 North US Highway 1: This property is developed as a mixture of office and warehouse uses and was constructed in 1993. Existing businesses include Lou’s Plumbing and Elegant Limousines.



815 North US Highway 1: This property is currently vacant.



PROJECT DESCRIPTION: The applicant has applied for an outdoor recreational facilities use which is a Special Exception use in the B-8 (Commercial) zoning district. The specific recreational use is focused around the rentals and use of kayaks/canoes/paddle boards and includes a land area activity center. The attached applicant information (see ATTACHMENT 2) provides the name of the use as “The Daytona OAKS Outfitters” with the OAKS standing for “Outdoors Adventures Kayak Spirit”. The applicant has described the proposed use as an eco-tourism use that seeks to allow individuals, business groups, church/school groups, and community organizations the opportunity to kayaks/canoes/paddle boards within the abutting creeks including Strickland, Dodson, and Thompson or for longer trips, the Tomoka River. The project site is located in close proximity to Sanchez Park and the Tomoka State Park which can provide additional recreational activities.

The project has the following attributes:

1. The office and parking for the outdoor recreational facilities use shall occur at 821 North US Highway 1.
2. The outdoor recreational facilities uses shall occur at 815 North US Highway 1 (vacant lot) and will include:
 - a. Gazebos;
 - b. Picnic tables;
 - c. Waterfront chairs and swings;
 - d. Fire pits;
 - e. Game toss area (bean bag, horseshoes, and similar games);
 - f. Play area (including Frisbee and ball catching);
 - g. Basket shooting;
 - h. Sand paths;
 - i. Volleyball area;
 - j. Storage and distribution shed; and
 - k. Fenced in kayak and canoe stacker storage area.
3. The improvements are proposed to be phased and would be added as the kayaks/canoes/paddle boards rental business grows and succeeds.

ANALYSIS: The subject properties are zoned B-8 (Commercial) and a recreational facility, outdoors is allowed as a Special Exception use. Section 2-57 of the Land Development Code provides specific conditions for the proposed use and is listed below:

1. Located on an arterial or major collector road.

Staff response: The property is located on North US Highway 1 which is listed in the City’s Comprehensive Plan as an arterial road.

2. Designed to minimize noise and glare impacts on adjoining conforming residential uses and residential districts.

Staff response: The subject property is uniquely located abutting Dodson and Strickland Creek and the land areas within the creek are owned by the State of Florida. The closest residential uses are located along West Street and Putnam and Cumberland Avenue approximately 850 linear feet from the subject property. It is not expected that the proposed would have any impacts to residential uses.

3. Hours of operation may be limited if the site is adjacent to a residential use.

Staff response: The applicants submittal states the office hours are 10 am to 5 pm on Monday to Friday and as needed to provide service to scheduled trips. The applicant submittal further states that the recreational facilities hours would tentatively be planned for:

Friday: 5pm to 10:30 pm;

Saturday: until 10:30 pm;

Sunday: 2pm till dusk (or completing a schedule combo guided excursion tour including sunset/moonlit tour)

Monday – Thursday: 5 pm till dusk (or completing a schedule combo guided excursion tour including sunset/moonlit tour)

The property is not immediately abutting residential uses and the hours of operation can vary based on the season. Staff would not recommend establishing hours of operation restriction for the proposed use.

4. A detailed lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.

The proposed recreational facilities, outdoors is in its infancy and the applicant is not proposing any exterior lights at this time at 815 North US Highway 1. The primary operation would be in daylight hours and if (when) additional lighting is added, staff would recommend that it be approved by the Site Plan Review Committee.

Staff has the following comments in reviewing the application:

1. Staff would recommend that a condition be added that no improvements, including sandy paths be added within the 25' Greenbelt buffer.
2. There are existing Palm trees that serve as the properties landscape buffer along North US Highway 1.
3. The storage shed shall be required to meet the principal building setbacks of 20' on the side yards, 30' on the waterfront yard.
4. The gazebos shall be considered accessory structures and would have a required setback of 7.5' for the side and rear yards.
5. A 6' buffer shall be maintained along the south property line, abutting 801 North US Highway 1.

6. No outdoor music has been proposed. Staff would recommend prohibiting live entertainment and any other music shall comply with the requirements of the Code of Ordinances.
7. Any addition of lighting to the property at 815 North US Highway 1 shall require approval of the Site Plan Review Committee.
8. The applicant can phase improvements to the vacant property at 815 North US Highway 1 and the exhibit is considered conceptual. Specific improvements, such as gazebos or play areas can be moved as deem necessary by the applicant, with final review and approval by the Site Plan Review Committee.

In addition the conditions listed above, Special Exceptions require review of the criteria of the following Land Development Code Sections:

1. Section 2-56: General criteria and Special Exception review criteria (applies to all Special Exception requests);
2. Section 1-15.E: Planned Developments and Special Exceptions (Planning Board criteria for all Special Exceptions); and
3. Section 1-18.E: Criteria for Issuance of Development Order (City Commission criteria for all Special Exceptions).

Section 2-56: 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.***

Staff response: Parking and loading shall occur at 821 North US Highway 1 and are not expected to generate any adverse impacts to surrounding properties.

- 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.***

Staff response: The requested recreational facilities, outdoor shall not impact any landscaping or modifying the existing buffers along property boundaries.

- 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.***

Staff response: The subject property is among a very limited number of properties surrounded by environmentally sensitive lands along the 800 and 900 block of North US1. There have not been any other Special Exceptions that

would impact the overall character of the surrounding area. The recreational facilities, outdoor is unique in utilizing the existing environmental assets that surround the subject properties.

- 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.***

Staff response: As stated in the analysis section of this report, staff does not recommend specific hours of operation limitations for the recreational facilities, outdoor use. The subject property is not in close proximity to residential uses and the operation of the use shall require flexibility in scheduling of outings.

- 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.***

Staff response: This Special Exception request for recreational facilities, outdoor 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.***

Staff response: The request for recreational facilities, outdoor shall not impact the appearance or design of buildings as it relates to historic structures.

- 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.***

Staff response: As stated in the analysis section of this report, there are no current plans for outdoor lighting. If the business operations of the use are successful and outdoor lighting is needed, staff would recommend that the Site Plan Review Committee review and approve any lighting plans.

Section 1-15.E: Planning Board Criteria and Section 1-18.E: City Commission Criteria

Sections 1-15.E. and 1-18.E of the Land Development Code establish the Planning Board and City Commission Development Order criteria. The Land Development Code states that the following criteria shall be considered:

- 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.**

Staff response: The Land Development Code establishes the recreational facilities, outdoor as a Special Exception use with certain conditions and public hearing standards. The proposed use at 815 and 821 North US Highway 1 would not create 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.

Staff response: The site has a Future Land Use designation of “Commercial”, which is consistent with the proposed use. The intent of the “Commercial” land use is to provide a broad range of uses. The proposed recreational facilities, outdoor is an appropriate use and the application is consistent with the 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.

Staff response: The proposed application for recreational facilities, outdoor will not adversely impact environmentally sensitive lands or natural resources. The project shall provide an opportunity for individuals to access the natural resources of the City.

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.

Staff response: The recreational facility, outdoor use is not expected to substantially or permanently depreciate the value of surrounding property. The use is expected to provide an outdoor eco-tourism use along North US Highway 1.

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.

Staff response: Public facilities currently serve the site at 821 North US Highway 1 and there would be no impact to the existing infrastructure as the result of this application.

- 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.**

Staff response: The request for recreational facilities, outdoor will not impact ingress or egress or any aspect of site access.

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

Staff response: The concept plan is functional and will permit the recreational facilities, outdoor. As the business succeeds, additional improvements can make to the site.

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

Staff response: The requested application of recreational facilities, outdoor will not impact the safety of occupants and visitors.

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

Staff response: There is no new building development for the recreational facilities, outdoor and this criterion is not applicable.

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

Staff response: 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 June 17, 2014. It is recommended that the Planning Board **APPROVE** the application for the recreational facilities as shown on the attached conceptual exhibit, outdoor located at 815 and 821 North US Highway 1 as follows:

1. No improvements, including sandy paths, shall be allowed within the 25' Greenbelt buffer.
2. The storage shed shall be required to meet the principal building setbacks of 20' on the side yards, 30' on the waterfront yard.
3. The gazebos shall be considered accessory structures and would have a required setback of 7.5' for the side and rear yards.
4. A 6' buffer shall be maintained along the south property line, abutting 801 North US Highway 1.
5. Outside live entertainment is prohibited and any other music shall comply with the requirements of the Code of Ordinances.

6. Any addition of lighting to the property at 815 North US Highway 1 shall require approval of the Site Plan Review Committee.
7. The applicant can phase improvements to the vacant property at 815 North US Highway 1 and the exhibit is considered conceptual. Specific improvements, such as gazebos or play areas can be moved as deem necessary by the applicant, with final review and approval by the Site Plan review Committee.

Attachments:

1. Maps/Pictures.
2. Applicant provided information.

ATTACHMENT 1

Site maps and pictures

815 & 821 North US Highway 1 location map



Address Points

 Traffic Signals

 Airport and Railroad

— AIRPORT

— RAILROAD

City Streets

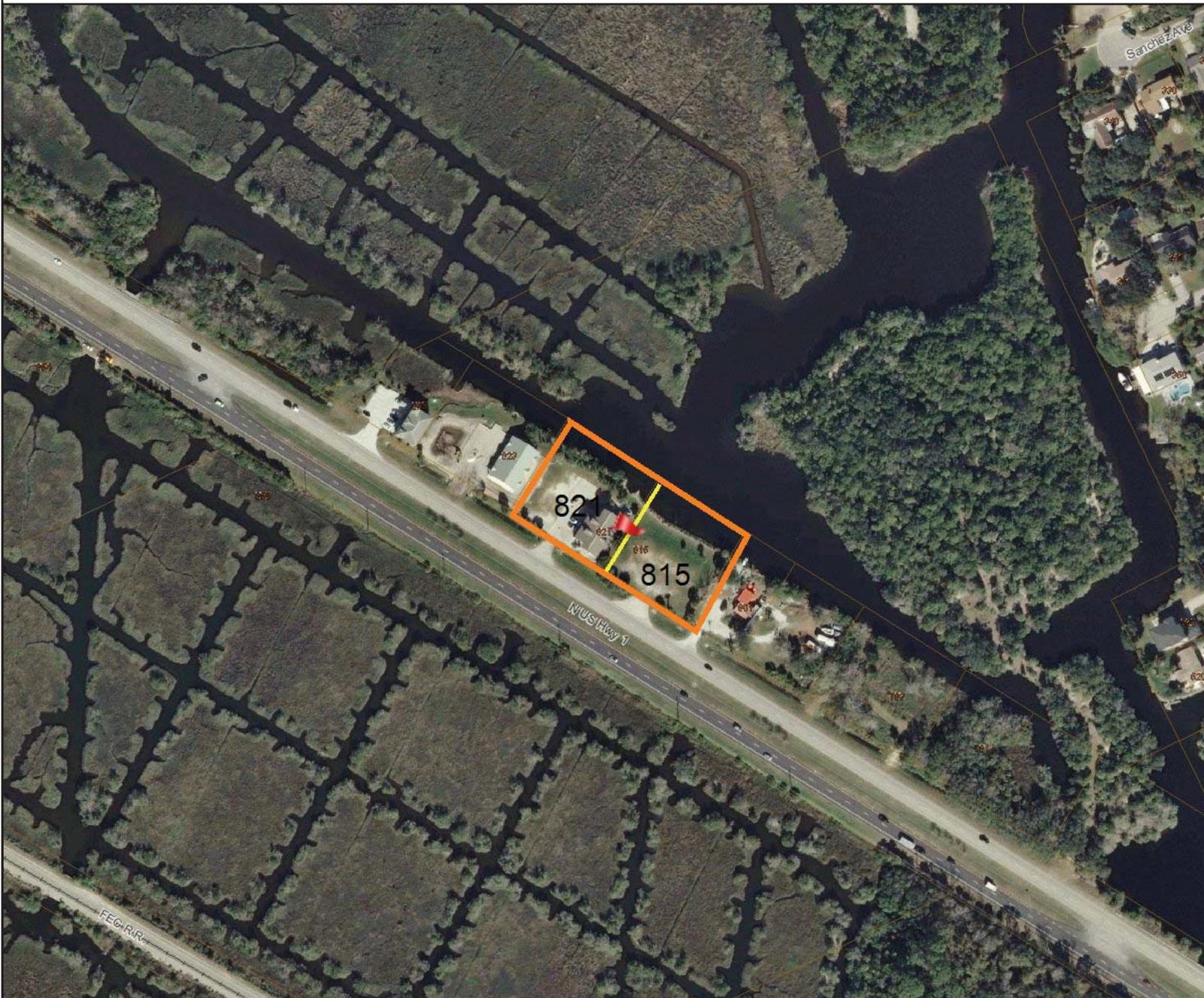
— DIRT

— MAJOR

— PAVED

 Property Lines

266 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.

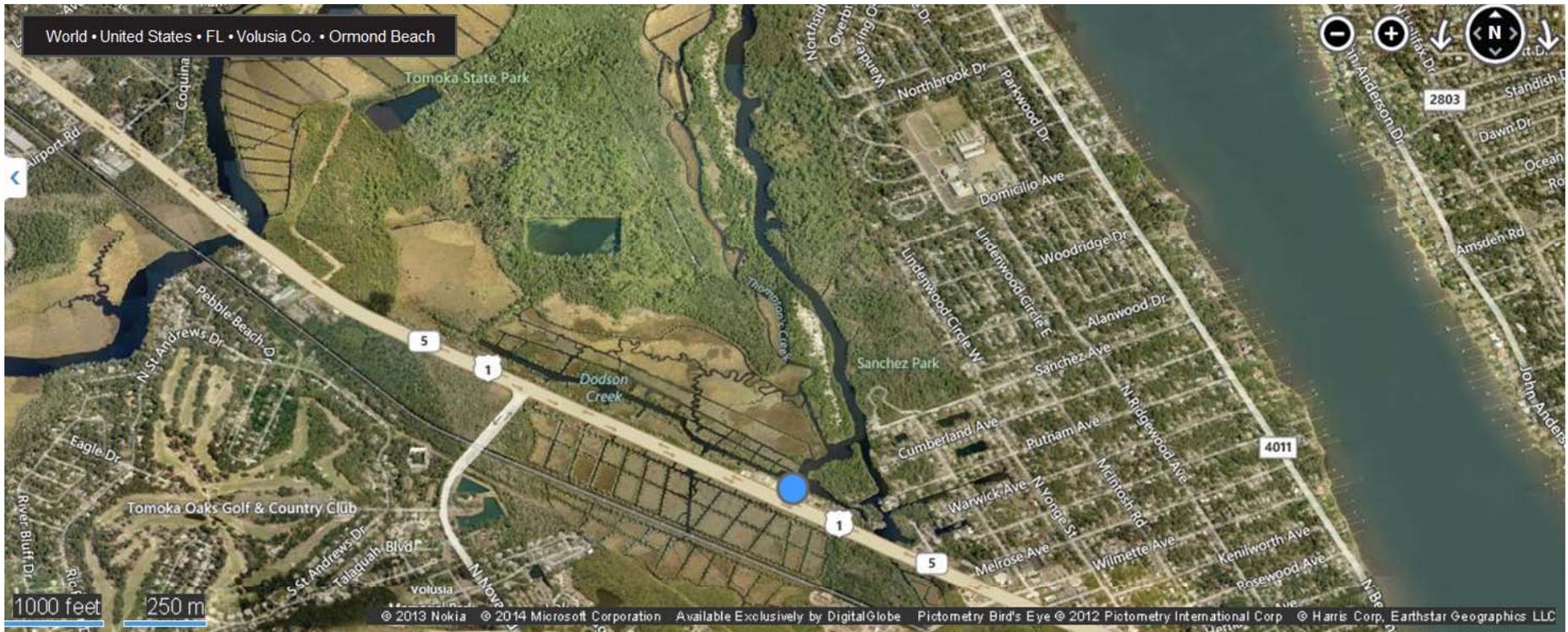


Aerial view of 815 and 821 North US1



Source: Bing maps

Aerial view of 815 and 821 North US1 (broader view)



Source: Bing maps

821 North US Highway 1 - proposed office location



815 North US Highway 1 - looking east from US1



815 North US Highway 1 - existing palm trees along US1



815 North US Highway 1 - looking west from creek



815 North US Highway 1 - south view



815 North US Highway 1 - looking east from property



815 North US Highway 1 - looking east into creeks



ATTACHMENT 2

Applicant provided
information

Daytona OAKS Outfitters'

Proposed Seasonal Office and Operations Schedule

Office & Operational Hours

We Will Provide an Automatic Timed Dusk to Dawn Outdoor Lighting Plan 7 Days A Week;

Page | 1

I-Daytona OAKS Outfitters' Base Outpost Camp - @ 815 U.S. Highway 1 Office & Operations

Office Hours:

Monday – Friday 10AM-5PM

Staff may also be available from the Storage/Distribution Shed during operational hours when servicing a guided excursion that has a "Go" reservation filled trip at operation hours if needed.

Basic Operation Hours (May also be based on guided pre-reservations; Seasonal activities/events & programs other than water vessel services until fully established):

Annual Calendar Planning will work around the Daylight Savings Time changes and post hours when needed, otherwise the following allows both for our water and base camp activities, events and programs anticipated at this time:

- Friday 5PM-10:30PM
- Saturday till 10:30PM
- Sunday 2PM till Dusk (or completing a schedule combo guided excursion tour including sunset/moonlit tours)
- Monday – Thursday 5PM till Dusk (or completing a schedule combo guided excursion tour including sunset/moonlit tours)
- Special Groups' (Schools-Churches-Community Travel Clubs or Businesses) desiring any offsite excursions may schedule to meet with our staff through pre-planning and reserved excursions but may not at this time park on our Base Camp site. They may meet us at excursion site and/or may schedule a time to meet at our Base Camp with their own bus (or lease our bus for pick up at their site) or caravan to follow us to offsite activities, events and/or programs other than at 815 US Highway 1. Only Exception would be special reservation s of Hiking or Biking groups who may locate themselves on our on our Base Camp site.

II-Daytona OAKS Outfitters' @ Flagler Beach Outpost- A1A

Not-relevant to Ormond Beach Base Outpost Camp- other than staff transporting Kayak and Equipment to and from our Base Camp from time to time.

A Daytona **OAKS** Outfitters'

Outdoors **A**dventure **K**ayak **S**pirit

"COME SEA - HEAR - SMELL - FEEL AND TASTE"

THE LAND- WATER & SKY GATEWAY TO THE WORLD OF FLORIDA'S BEACHES-RIVERS-CREEKS-LAKES & FRESH WATER SPRINGS

Steven Spraker
Senior Planner
Ormond Beach, FL.

Greetings,

April 16, 2014

Thank you for your assistance to date in preparing for a "Special Exception" application for the additional outdoor uses for 815 & 821 U.S. Highway 1, Ormond Beach, Florida.

Enclosed is the application and supporting information.

- Application Completed
- Land Owners Letter Louis Vagliotti
- Description Information Sheet
- Draft Marketing page
- Plot Plan Phases Survey Sheet and Color Aerial of site

George Mbremen



"...THE REAL FLORIDA"

Begins on The Tomoka River from Daytona OAKS Outfitter Base Camp & Many Outpost and then Blends itself Into

Biking-Hiking-Kayaking- as Your Journey Begins From Destination Daytona by the Sea' World's Most Famous Beaches
-Rivers-Creeks-Springs-Lakes & Forest Wildernesses

The Daytona **OAKS** Outfitters'

SCHEDULED TIMES FOR GUIDED PADDLE BOARD & KAYAK - SUNRISE - SUNSET - MOONLIT TOURS

LAUNCHED DIRECTLY OFF OUR WATERFRONT' OUTPOST ONTO 3 AWESOME TOMOKA CREEKS

OUTDOORS ADVENTURE KAYAK SPIRIT

"Get Up & Get Outdoors" Come "Catch the **OAKS** Spirit"

SAP-OR-SUP

MUCH MORE IS COMING

"...THE REAL ORMOND/VOLUSIA/FLAGLER"

Begin Your Paddle Adventure from The Daytona **OAKS** Outfitters Waterfront Launch directly onto Tomoka's Awesome 3 Creeks: Dodson short training creek and/or Thompson & Strickland Creeks -& then Connects and Blends itself into the Tomoka River SAP or SUP as Your Journey Begins Your Destination @ Daytona **OAKS** by the Seas' to discover Daytona's World Most Famous Beaches -Flagler-Ormond-Daytona and connecting -Rivers-Creeks-& then Set up for a Biking-Hiking the Tomoka Basin Parks, Fairchild Oaks, North Peninsula-Bulow Hiking-Biking and Paddling Trails. Boards-Even Surfing Group Trips Planned and Custom Designed. End up Back at our local waterfront Base Camp or Outpost enjoy more water activities and a great gathering & connection place around a bit' of fun and conversation around a fire pit - smores roast - bocce ball or Cornbag toss - Frisbee fun - volleyball - before - or after a creek adventure - hiking or biking the trails or simply gather your family & friends or gather up you own community church, school, club or business groups to register for your own private excursion.

"COME SEA - HEAR - SMELL - FEEL AND TASTE"

THE LAND- WATER & SKY GATEWAY TO THE WORLD OF FLORIDA'S BEACHES-RIVERS-CREEKS-LAKES & FRESH WATER SPRINGS

"...MORE OF THE REAL FLORIDA"

Plus, future plans is the ability to deliver you to the many Other State & National Forest Wildernesses Parks Springs-Lakes Through our 'One of Kind' Outdoor Adventure Travel Group Sleeper Motor Coach- Fully Equipped & Holds up to a group of 30+ -for sleeping and feeding your groups independently at many parks-for a Day Trip, Overnight Trip or Tour Trip May be customize for Kayak- Board Paddle - Bike Peddle or Hike Back Pack Trails

"...MORE OF THE REAL USA"

Launch your Guided Paddle -Peddle or Hiking excursion directly from the waterfront banks of Daytona **OAKS** Outfitters' Base Outpost Camp located at Highway 815 US 1 Ormond Beach and enter into "The Greatest Created Universal Outdoor Attractions" inviting you to...

... "Get Up and Get Outdoors!!!"

Located 815 Highway 1 Ormond Beach, FL 32174 -I-95 Exit 273 Go South 4 Miles to Tomoka River's 3 Creeks or 1 mile N of Granada Ave.

Email: ADaytonabytheSeasRetreats@gmail.com or Write: A Daytona **OAKS** PO Box 2796-Ormond Beach, FL. 32175

Daytona OAKS Outfitters'

Outdoor Adventure Kayak Spirit

COME 'SEA' - HEAR - SMELL - FEEL AND TASTE

THE LAND- WATER & SKY GATEWAY TO THE WORLD OF FLORIDA'S BEACHES-RIVERS-CREEKS-LAKES & FRESH WATER SPRINGS

"...THE REAL FLORIDA"

Begins on Tomoka River's 3 Creeks @ The OAKS Outfitter Base Outpost Camp & then Blends itself into

THE WORLD OF CREATION

Biking-Hiking-Kayaking- The Real Florida's Greatest Created

NATURAL ATTRACTIONS

Begin Your Journey

Destination Daytona OAKS by the Seas'

World's Most Famous Beaches-Rivers-Creeks-Springs-Lakes & Forest Wildernesses of...

Florida's - Ormond - Daytona - Volusia & Flagler - Brevard Counties

Stay @ Destination Daytona Suites or Florida's Private Lodging & State Parks

Highlighting All The Bulow & Tomoka Basin Creeks & State Parks

Get Off Exit 273 @ I-95 Crossroads of Hwy US 1-Go South 4 Miles to

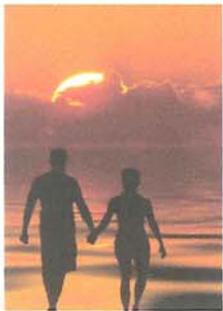
Tomoka River's 3 Awesome Creeks

For Your Trip Tour or Retreat Rentals & Retail Stop by Daytona OAKS Outfitters Base Outpost Camp

The OAKS Post Office Box 2796 Ormond Beach, FL 32175

For Info & Reservations Info@DaytonaOAKSRetreats.com or 386-586-8928

Beaching



Kayaking



The OAKS
Outpost
Carolina's
Destination
Ashville Mountain
Travel Retreats



A Daytona
OAKS Outfitters
Local & Travel
Tours & Trips



The OAKS
Outpost
Florida's
Destination
Daytona by the
Seas
Trip Retreats

Add Biking - Hiking & So Much More

Daytona OACKS Outfitters Base Camp - Facilities on US-1 Sanchez Park Trail



1

© 2013 Google

Imagery Date: 1/19/2012 29°17'42.62" N 81°04'36.60" W

