



# A G E N D A

## ORMOND BEACH PLANNING BOARD

### Regular Meeting

October 8, 2015

#### City Commission Chambers

22 South Beach Street

Ormond Beach, FL

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

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

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

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

- V. **APPROVAL OF THE MINUTES:** September 10, 2015
- VI. **PLANNING DIRECTOR'S REPORT**
- VII. **PUBLIC HEARINGS**

A. **LUPA 2015-123: 10 Magnolia Avenue, Small Scale Land Use Map Amendment.**

This is a request submitted by William Navarra, Managing Member of RPA Vestments, LLC (applicant), authorized representative, for the property at 10 Magnolia Avenue for a Small Scale Comprehensive Plan Land Use Map amendment. The application seeks to amend the land use designation at 10 Magnolia Avenue, approximately 1.70 acres from LDR, "Low Density Residential" to ROR, "Residential, Office, Retail".

**B. RZ 2015-124: 10 Magnolia Avenue, Amendment to Official Zoning Map.**

This is a request submitted by William Navarra, Managing Member of RPA Vestments, LLC (applicant), authorized representative, for the property at 10 Magnolia Avenue for a Zoning Map amendment. The application seeks to amend the zoning map designation at 10 Magnolia Avenue, approximately 1.70 acres from R-3, Single-Family Medium Density to B-1, Professional Office/Hospital.

**VIII. OTHER BUSINESS****IX. MEMBER COMMENTS****X. ADJOURNMENT**

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

September 10, 2015

7:00 PM

**City Commission Chambers**  
22 South Beach Street  
Ormond Beach, FL 32174

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

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**I. ROLL CALL**

Members Present

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

Staff Present

Ric Goss, AICP, Planning Director  
Randy Hayes, City Attorney  
Melanie Nagel, Recording Technician

**II. INVOCATION**

Mr. Briley led the invocation.

**III. PLEDGE OF ALLEGIANCE**

**IV. NOTICE REGARDING ADJOURNMENT**

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**V. MINUTES**

**August 13, 2015**

Ms. Press stated that on Page 5 of the minutes, she would like the last paragraph to state "Board members of the civic group, Citizens for Ormond Beach, visited the

vacant houses on the City's registry list and compiled a spread sheet indicating the condition of these homes."

**Mr. Briley moved to approve the August 15, 2015 Minutes with the stated corrections. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.**

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

Mr. Goss reported that information was provided to the Board about the Hand Avenue extension, and what flags were identified by Federal Agencies and FDOT. If the Board has any questions, he can answer them, but this report explains why the project has been moved back. Under the 2040 Long Range Transportation Plan, it is listed in the last five years. It is on the priority list, but it is not on the cost feasible portion of the plan.

Mr. Jorczak stated that the extension of Hand Avenue looks like a daunting task. Mr. Goss stated that it is, unless there would be some relief from the environmental standards.

Mr. Briley asked Mr. Goss if he had checked to see if Granada could be made into six lanes, if the medians were taken out. Mr. Goss stated that when Consolidated Tomoka was going through development south of St. Rt. 40, there were only two ways of relieving traffic – running a parallel road reliever to St. Rt. 40, or providing more lanes where the impact is at on Granada.

Chairman Thomas asked if Mr. Goss if he knew for sure that the infrastructure was put in to handle six lanes? Chairman Thomas thought that the road was not designed to go to six lanes. Mr. Goss stated that he doesn't know about the history, but when the City was going through the Consolidated Tomoka zoning at the VGMC, there was a lot of discussion about impacts on adjacent cities, and there was no discussion from DOT that it couldn't happen. Chairman Thomas would like to know for sure what can be done on Granada, because that can impact decisions that the board makes. Mr. Goss stated that he will look into this and get the Board an answer.

Mr. Goss stated that an application will be filed sometime this month for a building permit for the CVS store at the corner of Nova Rd. and Granada Blvd. Construction may be starting sooner than originally expected.

## **VII. PUBLIC HEARINGS**

### **A. LDC 2015-119: Electronic Changeable Copy Signage, Land Development Code Amendment.**

Mr. Ric Goss, Planning Director, stated that the two items before the Board tonight are closely linked. In order for the Planned Business Development (PBD) to happen, there has to be a provision in the Land Development Code (LDC) to allow the change. The application was filed by Mr. Jim Morris, attorney for the property owner, requesting that Section 1-22 definitions for electronic change copy to be

amended to update the definition, and to allow for electronic copy signs based upon certain criteria.

Mr. Goss explained the updated definition has taken out references to pixels within a certain diameter, since that can change with new technology, and replaced it with language that will go with current technology, based upon electronic signs. It was decided that the electronic signs would be deemed appropriate in an area where there is an entertainment complex, determined by its location, size and uses. There is no other area in the city like Destination Daytona, which can be classified as an entertainment area. The amendment for electronic signs can only be done to a PBD, which would require a public hearing before both the Planning Board and the City Commission.

Mr. Goss reviewed the General Requirements for the Electronic Changeable Copy sign. Mr. Briley asked if Destination Daytona already had an electronic sign. Mr. Goss replied that there is a sign in Destination Daytona I, which went before the City Commission back in 2008. Staff recommended that City Commission not support it, but they decided to allow the sign, because Volusia County allows electronic signs. When Destination Daytona was annexed in, the sign became non-conforming.

Ms. Tolland asked if the sign would be visible from I-95. Mr. Goss stated yes. Ms. Tolland asked if the purpose of the sign was to get people on I-95 to stop. Mr. Goss stated that the sign would be principally for the tenants to advertise to travelers.

Ms. Behnke asked if there would be anything to stop other businesses that met the criteria from coming and asking for a variance. Mr. Goss explained that businesses can't ask for a variance for signs. The only way a business could get an electronic change copy sign is to be in the Destination Daytona Phase I or Phase II, they would have to file for a PBD Amendment, they would have to provide specifics of the sign, and there would have to be support from the property owner. Ms. Behnke asked what would stop them from applying. Mr. Goss explained that criteria limits it to Destination Daytona I and II.

Randy Hayes, City Attorney, stated that at one time there was no criteria for electronic copy signs in the Land Development Code, and the PBD process isn't the best way to try and create regulations. The City has always been consistent in its approach, that when it applies regulations, they have to be in the Land Development Code for use in development, whether it be a PBD or Special Exception. From the early point of this project, the Commission and Planning Staff went through an exercise to try and develop some standards regulations for the Land Development Code. There was not a desire to adopt regulations city-wide, so they came up with what they thought was a good approach to limit an area, which was basically the US 1 corridor.

Attorney Hayes continued that what the Planning Staff has put together is even more limited from the standpoint that it is limited to an entertainment venue. There is no other entertainment venue like Destination Daytona. In answer to Ms. Behnke's question, if someone submitted an application, it would be rejected because they wouldn't meet the criteria. Someone could ask for the code to be amended, but just because they asked, doesn't mean they will get it.

Ms. Behnke stated that a sign that changes every two minutes is almost a rolling sign. Code Enforcement can't enforce all of the signs now, why do we think they can enforce something else. Mr. Goss replied that Destination Daytona has been very responsible during recognized events – they are very organized, they make sure they follow given criteria, they hold vendors in line, they have one of the better security plans, and there is no reason to believe that the property owners wouldn't be just as responsible with this sign.

Mr. Jorzak asked if the existing sign is 30'. Mr. Goss stated that part of the development order that Destination Daytona had with the county, allowed them to have a 30' pylon sign with a structure at the top that is about 9' x 13'. Mr. Jorzak asked if the sign being discussed falls within those same parameters, and was the Board going to be establishing a standard of 30'. Mr. Goss explained that this amendment is only for this 30' sign. If Destination Daytona would want to put more signs in, they would need to come back to the Board.

Ms. Press stated that the entertainment area has been identified, but it isn't part of the zoning for the area. Ms. Press feels that the entertainment area needs to be defined somewhere in the code. What happens if someone else buys up land on US Hwy 1 and wants to put in a bowling alley, a bingo parlor, a pool hall, and a nightclub, and they call it an entertainment area. When they come to the City for a PBD, how can they be turned down? Atty. Hayes stated that requirement 3A of the amendment states "electronic changeable copy signage shall be limited to the entertainment area between I-95 and Destination USA Circle, commonly referred to as Destination Daytona Phases I and II." So that requirement limits it to that area only and is very specific.

Mr. Jim Morris, representative to the applicant, stated that Destination Daytona is a unique property in Ormond Beach, and it is also an interstate frontal piece of property. There is approximately 2,000 feet of frontage on I-95, and at the time it was zoned by the county, there was an Interlocal Agreement where the City was creating gateway standards. At that time, Mr. Morris and his clients came to the Ormond Beach City Commission for a review to determine that this property would be developed consistent with the gateway standards.

Mr. Morris explained that as someone comes into Ormond Beach on I-95, traffic is usually traveling about 75 mph, and there is a radius curve with lots of trees, making the vision of the property an issue. The sign they are proposing will change every two minutes, although most signs of this type change every minute. Since this is a static image, and is very sharp and clear, it won't be any more distracting than the Ormond Beach logo. Ms. Tolland asked if the sign would be visible as someone is exiting off of the interstate. Mr. Morris replied no, that the sign would be located approximately 1800 feet north of the exit.

Mr. Morris continued that this type of sign is operated by a computer, and in the criteria it calls for computer records to be available for the City to look at. The pixel spacing, or clarity of the picture, will be very clear, and the sign will be in a more remote location, than on US 1. Chairman Thomas stated that with the trees at the location of the sign, it won't be visible for a very long time while traveling past it. Mr. Morris stated that the sign is limited to 30' in height, so what will be

perceived is a lit image that will be the same image the entire time that traffic is driving past it.

Ms. Press asked what was going to be put on the sign that it has to change every two minutes. Mr. Dean Pepe, General Counsel for the Rossmeyer Group, and oversees the Destination Daytona Properties, stated that there are six 10,000 sq. ft. retail warehouses that have been built to very high standards, and they fit the architectural design of all of Destination Daytona. Four facilities have been empty, and this sign is important to perspective tenants. A company from Utah, which has a trampoline business, is going to be purchasing two of the units. The owner is excited about the possibility of the sign. Other tenants include Ultimate Seats, Coastal Moto Wheels, and Daytona Harley Davidson who will post messages on the board.

Mr. Briley stated that there is a concern since city-wide the electronic signs are not allowed. There is already an electronic sign in Phase I, and this would probably be the only electronic sign in Phase II. Mr. Briley suggested that maybe this could be made even more restrictive by stating that this is available for properties that front I-95 within a certain distance of US 1. Mr. Morris stated that they have no objection to that.

Mr. Pepe stated that the electronic signs do help tremendously when you have a large facility with several businesses. The electronic sign on US1 helps the 13 tenants that are hidden from the roadway. It is hard on businesses that don't have exposure on the main road, and if you don't have signs, then your rental places aren't as attractive to tenants. Ms. Press stated that she is normally an opponent to changeable signs, and she still doesn't like that the sign will be changing every two minutes.

Chairman Thomas questioned who will be affected if the sign changes every two minutes. Anyone traveling on the interstate will not see the sign change, and there is an advantage to having a well-lit sign. Ms. Tolland also stated that Destination Daytona has done a fabulous job complying with codes, and although she is not a proponent of signs, she thinks that the electronic signs are far more attractive than the wooden structures that are falling down. The City needs to change with the times, and get clearer images. Ms. Tolland thinks that one minute is an eternity when driving in a car, and was wondering if two minutes was chosen to placate the City. Mr. Morris stated that he had talked to Staff about one minute changes, but the Staff was careful in their selection of two minutes.

Chairman Thomas stated that he agrees with Ms. Press and Ms. Behnke that there is nothing more annoying than a flashing sign, but this is not a flashing sign. Ms. Behnke asked if she could be assured that as she is driving by, she isn't going to see the sign changing. Mr. Morris stated only if she is driving really slow on the interstate, but if she is driving with the flow of traffic she would not see it change.

Mr. Jorczak feels this type of sign is perfectly appropriate for the Destination Daytona facility, within the parameters that have been outlined. This is exactly the type of facility where this kind of sign can be used to benefit the businesses.

**Ms. Tolland moved to approve LDC 2015-119: Electronic Changeable Copy Signage, Land Development Code Amendment. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved (6-0).**

**B. PBD 2015-118: Strasser, aka Destination Daytona Phase 2, Planned Business Development Amendment**

Mr. Goss stated that this amendment to the PBD is for Destination Daytona Phase 2, and is seeking to add additional permitted uses, wall sign standards and electronic changeable copy signage. Mr. Goss explained the location and characteristics of the property and gave some history of the zoning and PBD. He reviewed the planned uses that would be added to the development order, reviewed the changes to the wall signage, and mentioned the electronic changeable copy signage that was approved previously this evening.

Mr. Goss reviewed the subsequent dates that the Land Development Code and Planned Business Development Amendments would be going to City Commission. Staff is recommending approval of the amendment to the Planned Business Development.

**Ms. Tolland moved to approve PBD 2015-118: Strasser, aka Destination Daytona Phase 2, Planned Business Development Amendment. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved (6-0).**

**OTHER BUSINESS**

None.

**VIII. MEMBER COMMENTS**

Chairman Thomas asked Ms. Tolland for an update on the community gardens. Ms. Tolland stated that the leased areas have all been solarized, which means that the spring and summer crops have been pulled out, plastic has been laid down, and the heat kills any bugs. They will be meeting with the City next week to clarify responsibilities of the groups. Chairman Thomas asked if there will be any expansion in the future. Ms. Tolland stated that there is a waiting list of people who are interested in the gardens. She also expressed much thanks to Mr. Briley's son, Alex, who set up a 2-sided kiosk which explains the gardens, as his Eagle Scout project.

Ms. Press had been speaking with City Engineer, John Noble, and he told her that there were going to be several kayak launching facilities established. Ms. Press would love it if the city became known as the "Kayak City" and held a special kayak day with lots of activities. Chairman Thomas commented that he would like to see the city put in a launch area on the Tomoka River, more to the south and west part of the river.

Mr. Briley stated that the River to Sea TPO is helping to sponsor a pedestrian study done by FDOT, along A1A from Bethune to Marineland. The first meeting will be at 2:00 p.m. on Monday, September 28 at the lifeguard headquarters on A1A in

Daytona Beach. At this meeting they will review the goals of the general approach of this study, present crash data trends along the A1A corridors, discuss citation data, seek stakeholder input regarding observed and perceived safety issues along the corridor, and identify three specific focus areas for detailed field reviews.

Mr. Jorczak reminded the Board that there will be a workshop on October 6 with the City and the Airport Advisory Board. Anyone interested in the future of the airport might want to attend, to get an update on the Master Plan. Mr. Briley stated that he had attended the public hearing and it was well attended, and most people spoke in favor of what is trying to be done with the airport.

Ms. Behnke explained about the problem with people wanting to park on the beach, and with the new ticket system, if they get on at Granada and the beach is full, and then they have to exit at Andy Romano Park and go around it, and re-enter, that is their one re-entry. If they want to leave and go anywhere for lunch, they have to pay to get back on the beach. Ms. Behnke doesn't think this is a good situation, and people do complain a lot about it. Chairman Thomas expressed that it should be a daily pass, so they can enter and exit several times that day.

Chairman Thomas stated that Ormond Beach is a pretty special place. He has been involved in the Police Athletic League and with the D.A.R.E program, and this summer, for the first time he was not in town for National Night Out. He attended National Night Out in Punxsutawney, PA and there was no comparison to our program here in Ormond Beach. We have worked really hard in Ormond Beach to give our kids a purpose and offer so many programs to them.

## **IX. ADJOURNMENT**

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

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Ric Goss, AICP, Planning Director

ATTEST:

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Doug Thomas, Chair

*Minutes transcribed by Melanie Nagel.*

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 1, 2015

**SUBJECT:** 10 Magnolia Avenue, Small Scale Land Use Map  
Amendment

**APPLICANT:** William Navarra, Managing Member of RPA Vestments,  
LLC (applicant), authorized representative

**NUMBER:** LUPA 2015-123

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

### **INTRODUCTION:**

This is a request submitted by William Navarra, Managing Member of RPA Vestments, LLC (applicant), authorized representative, for the property at 10 Magnolia Avenue for a Small Scale Comprehensive Plan Land Use Map amendment. The application seeks to amend the land use designation at 10 Magnolia Avenue, approximately 1.70 acres from LDR, "Low Density Residential" to ROR, "Residential, Office, Retail".

### **BACKGROUND:**

The property at 10 Magnolia Avenue is located at the intersection of West Granada Boulevard and Magnolia Avenue. The subject property is currently vacant and no improvements exist on the property. In a previous pre-application meeting, the applicant stated that the intent of the project is to construct a retail facility with a variety of uses such as retail, office, personal services and restaurants.

The Future Land Use Element of the Comprehensives Plan provides the following purpose, density and maximum floor area ratio for the existing "Low Density Residential" land use category:

Purpose: To protect and encourage the continued development of typical single-family residential areas and stabilize and protect the character of such neighborhoods. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: up to 4.3 units per acre

Maximum FAR: 0.2

The Future Land Use Element of the Comprehensives Plan provides the following purpose, density and maximum floor area ratio for the Residential, Office, Retail" land use category:

Purpose: A multi-use land use category to provide areas served by transit for use by residential uses, general office, medical and professional uses, restaurants, retail sales and personal services. It is expected that at least 30% of the undeveloped office/professional lands in the City will be developed with multi-family residential

uses and adult care/retirement facilities. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

Density: Maximum: 15 units per acre.

Maximum FAR: Restaurants, retail sales, and personal services shall not exceed a 0.2 FAR. All other uses shall not exceed 0.5.

The project is proposing to eliminate residential uses as an allowed land use.

Below is a site aerial of the subject property and abutting uses:



Source: Bing maps

It should be noted that the applicant's submittal information indicated an application to "General Commercial" land use and the B-8 (Commercial). After discussion, it was decided to apply for the ROR, "Residential, Office, Retail" land use and B-1 (Professional Office/Hospital) zoning designation based upon the existing land use and zoning within this corridor of Granada Boulevard.

### **ANALYSIS:**

The proposed land use amendment seeks to change the land use designation of approximately 1.70 acres from LDR, "Low Density Residential" to ROR, "Residential, Office, Retail". 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 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.
5. If the amendment is a map amendment, impacts to surrounding jurisdictions.”

Staff’s analysis of the review criteria is below.

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

The following Goals, Objectives, and Policies would be applicable to this application:

Goal 1 of the Future Land Use Element currently states,

FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.

THE FUTURE LAND USE ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING OR A CONTINUED HIGH LEVEL OF OPEN SPACE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.

POLICY 1.1.3.	Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character and by encouraging voluntary rehabilitation and sound maintenance programs in viable neighborhoods which are capable of self-renewal and establishing code enforcement or public redevelopment activities in areas not capable of self-renewal.
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<p>Objective 1.2                  Future Land Use                  Element</p>	<p>Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.</p>
<p>POLICY 1.2.6.                  Future Land Use                  Element</p>	<p>New commercial development shall be required to provide appropriate buffers and landscaping to minimize negative impacts on surrounding uses.</p>
<p>POLICY 2.1.14.                  Future Land Use                  Element</p>	<p>The City shall maintain citywide architectural standards for the new development and redevelopment of existing buildings.</p>
<p>GOAL 1.                  LAND USE                  Transportation                  Element</p>	<p>PROMOTE A BALANCED, AFFORDABLE, RELIABLE, CONVENIENT AND EFFICIENT MULTI-MODAL TRANSPORTATION SYSTEM THAT SUPPORTS THE LAND USE VISION OF THE ORMOND BEACH COMPREHENSIVE PLAN.</p>
<p>POLICY 1.5.2.                  Transportation                  Element</p>	<p>Development and redevelopment within designated TCEAs is exempt from traditional state-mandated transportation concurrency requirements but shall comply with Objective 1.6 of the Transportation Element and associated policies as well as transit design principles.</p>

The Goals, Objectives and Policies of the Comprehensive Plan can be used to support or deny the land use application. The key policy if one sought to deny the application would be Policy 1.1.3 that seeks to preserve the character of existing neighborhoods by not allowing the intrusion of a land use that would alter the neighborhood character. In support of the application, there are several policies that encourage the adequate amount of commercial land uses and requiring certain development standards to ensure compatibility, such as landscaping and architectural controls.

**2. Does it meet the criteria established in the City's Comprehensive Plan and the Florida Statute?**

**COMPREHENSIVE PLAN**

**Amendment of adopted comprehensive plan:**

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

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

The subject property is 1.70 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 shall not exceed the 120 acres in the calendar year.

**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.

The application meets the processing standards of the City's Comprehensive Plan and the Florida Statute.

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

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

	Current Land Uses	Future Land Use Designation	Zoning
North	Across Granada Boulevard, non-conforming single-family houses	"Residential, Office, Retail"	B-1 (professional Office/Hospital)
South	Vacant & Single-family house	"Low Density Residential"	R-3 (Single Family Medium Density)
East	Single-family houses	"Low Density Residential"	R-3 (Single Family Medium Density)
West	City facility	"Open Space/Conservation"	Special Environmental

The subject property is 1.70 acres located at the intersection of West Granada Boulevard and Magnolia Avenue. There are single-family houses located to the east, across Magnolia Avenue, and to the south of the subject property. To the west is an unopened right-of-way owned by Volusia County and a parcel owned by the City of Ormond Beach which includes a sewer lift station. Across the street are a row of non-conforming single-family homes that have the ROR land use and are zoned B-1.

There are arguments that can be made for and against the land use application as described below:

Case against the application:

1. The change of land use would introduce more intensive uses than the current land use allows and impact the existing residential uses.
2. There is no commercial land use(s) on the south side of Granada Boulevard in this location.
3. The existing land use allows residential and institutional uses that are consistent with the existing residential uses.

Case for the application:

1. The subject property is located along the primary arterial roadway within the City of Ormond Beach and low intensity commercial is consistent with the roadway characteristics. Granada Boulevard has an average daily trip volume in excess of 30,000 vehicles which is more appropriate for commercial uses.
2. There is existing "Residential, Office, Retail" land use along the north side of Granada Boulevard.

3. The regulations within the Land Development Code provide compatibility standards for any new development, including landscape standards, lighting requirements, buffer (wall) requirements, and a required neighborhood meeting.

There were recent discussions, Comprehensive Plan amendments, and Land Development Code amendments that have expanded the commercial uses along Granada Boulevard where office only districts existed previously. The amendments have created interest in the remaining vacant parcels along Granada Boulevard for commercial uses. The key aspect of the subject property is the method of site development and the existing land development regulations which are separate from the land use amendment.

#### **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. Below is an analysis of the existing and proposed land use categories and the maximum Floor Area Ratio (FAR) and residential density.

**Transportation:** The subject property is located within a Transportation Concurrency Exception Area (TCEA) as defined in Policy 1.5.1. of the Transportation Element of the Comprehensive Plan. The transportation and multi-modal strategies contained in Objectives 1.5 through 1.8 of the Transportation Element of the Comprehensive Plan would be applied to the project.

For the purposes of demonstrating the theoretical maximum traffic impacts, staff has prepared the chart below noting that maximum traffic impacts may not be the likely development scenario. The existing residential land use allows a variety of uses including single-family residential and institutional uses. Based on the site location along Granada Boulevard, the land use assumptions will focus on the institutional uses allowed. The proposed ROR land use allows retail, personal services and restaurants up to a 0.20 floor area ratio and office uses to a 0.50 floor area ratio.

Land use amendment traffic infrastructure analysis:

	"Low Density Residential"	"Residential, Office, Retail", Retail	"Residential, Office, Retail", Medical Office
Land area in acres	1.70	1.70	1.70
Square footage of parcel	74,052	74,052	74,052
Maximum FAR	0.20	0.20	0.50
Maximum building Square Footage	14,810	14,810	37,026
Maximum residential units	7	Not allowed	Not allowed
Maximum trip generation - proposed land use, (Daycare, ITE rate, 9 <sup>th</sup> edition #565)	79.26	NA	NA
Maximum trip generation – existing land use (shopping center ITE rate, 9 <sup>th</sup> edition, #820)	NA	42.7	NA
Maximum trip generation - proposed land use, (Medical/Dental, ITE rate, 9 <sup>th</sup> edition #720)	NA	NA	36.13
Maximum trip generation rate	1,174	632	1,338
Total impact in Average Daily Trips		-541	164

As stated above, the project is within a transportation concurrency exception area and this analysis is to provide a projected traffic impact and not a concurrency analysis. The retail uses would be a theoretical reduction in the maximum number of trips and the sole medical use would be a theoretical increase based on the additional permitted floor area ratio. In reviewing the subject property, any development under either land use category would likely have a right in/right out along Granada Boulevard and a full access driveway along Magnolia Avenue.

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. There is adequate water and sewer capacity to serve the site.

Stormwater Management: The subject property is vacant and any site development would require a stormwater management system.

Solid Waste: Solid waste provision would be addressed at time of site development.

Schools: The change of land use would eliminate any residential uses and school concurrency shall not be impacted.

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.

There is adequate infrastructure to support the amendment to the “Residential, Office, Retail” land use.

## **5. 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.

**RECOMMENDATION:** The subject property is a corner parcel of 1.70 acres located along Granada Boulevard. The report above analyzes Policy 2.5.2. of the Future Land Use Element of the City’s Comprehensive Plan regarding the land use amendment. It is understood that there are existing residential uses abutting the subject property. Staff believes that the regulations of the Land Development Code are designed to promote compatibility with residential uses, including the required neighborhood meeting for site development. It is recommended that the Planning Board **APPROVE** the Small Scale Land Use Map amendment to amend the land use designation of 10 Magnolia Avenue, approximately 1.70 acres from LDR, “Low Density Residential” to ROR, “Residential, Office, Retail”.

If there is a desire to deny the land use application, staff would recommend the use of the following criteria of Policy 2.5.2. of the Future Land Use Element of the City’s Comprehensive Plan:

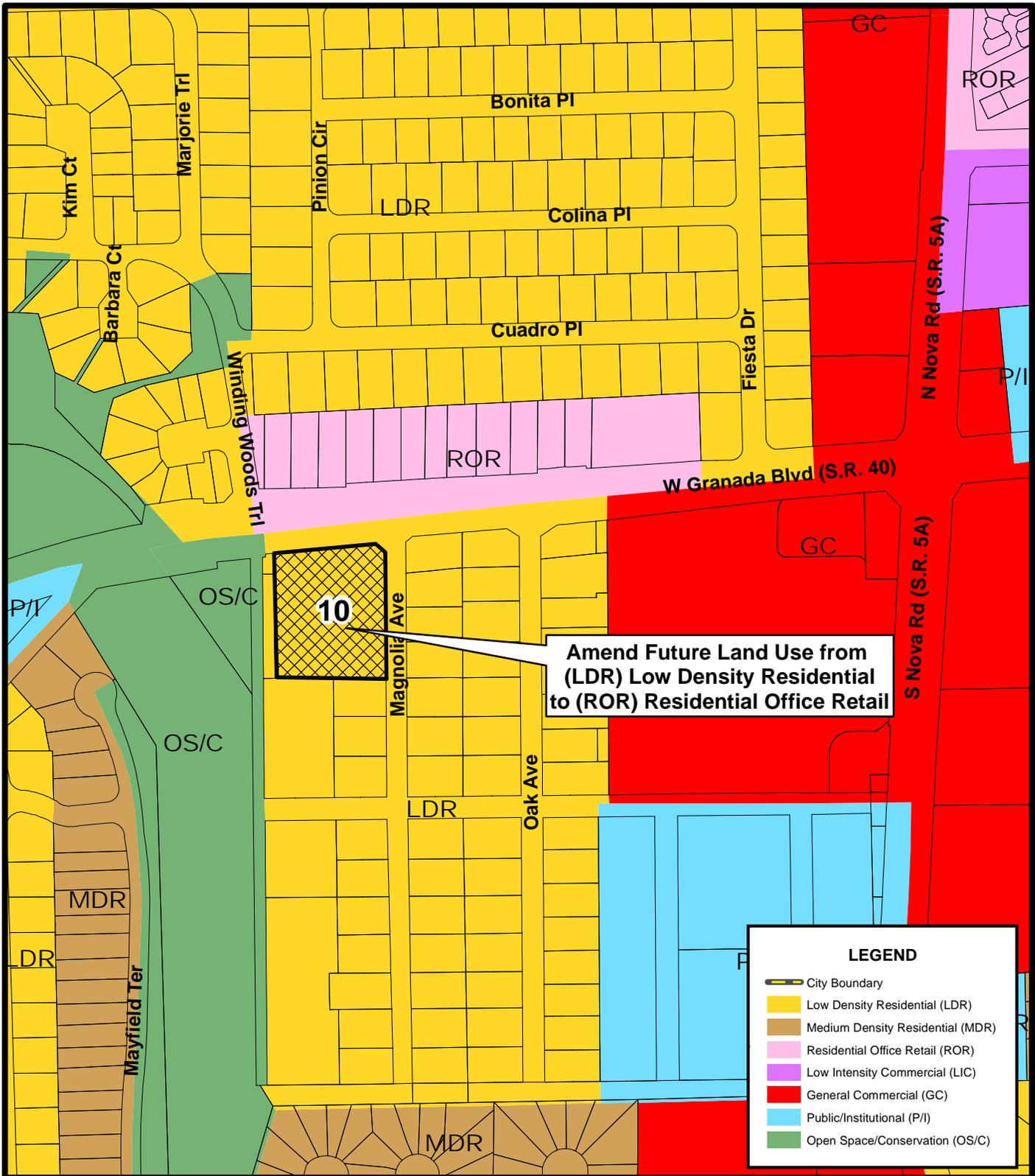
1. Criteria 1: Consistency with the Goals, Objectives, and Policies of this Plan. Specially Policy 1.1.3 of the Future Land Use Element of the Comprehensive Plan that states “*Preserve the character of existing neighborhoods by not allowing intrusion of land uses that would threaten to alter the neighborhood character...*”
2. Criteria 3: Whether the land use is an appropriate use of the land. This criteria would state the belief that the proposed land use is an unwarranted encroachment into a residential area.

Attachments:

- 1: Land Use Map
- 2: Site map(s) and pictures
- 3: Applicant submittal

# **ATTACHMENT 1**

Land Use Map



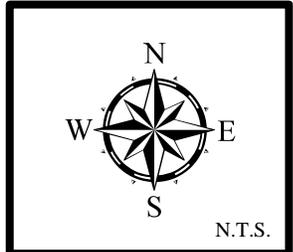
LEGEND	
	City Boundary
	Low Density Residential (LDR)
	Medium Density Residential (MDR)
	Residential Office Retail (ROR)
	Low Intensity Commercial (LIC)
	General Commercial (GC)
	Public/Institutional (P/I)
	Open Space/Conservation (OS/C)



**PROPOSED FUTURE LAND USE MAP**  
 10 MAGNOLIA AVE (4220-02-05-0010)

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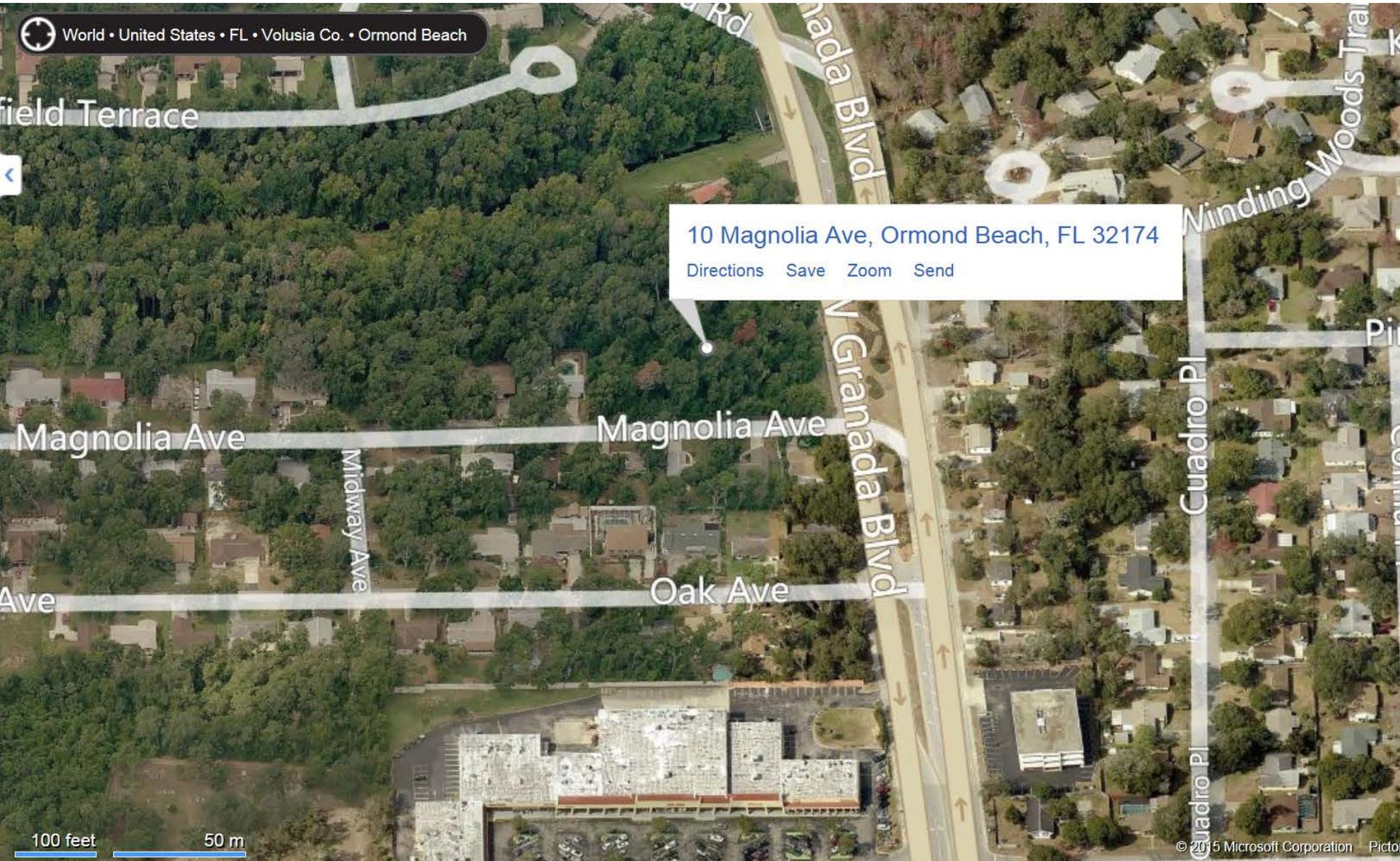
Prepared By: The City of Ormond Beach  
 G.I.S. Department - September 21, 2015



# **ATTACHMENT 2**

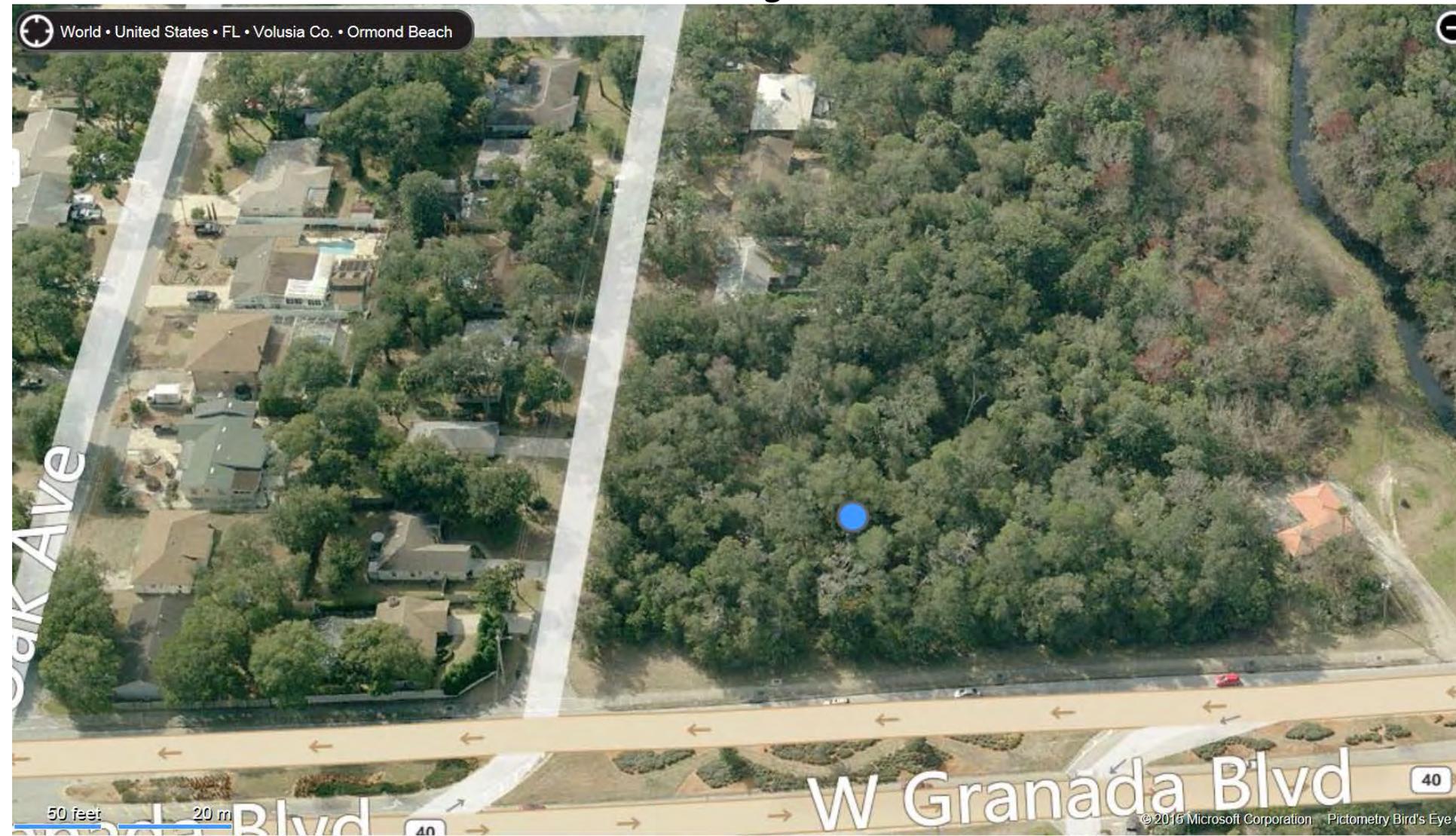
Site aerial and pictures

# Aerial of 10 Magnolia Avenue



Source: Bing Maps

# Aerial of 10 Magnolia Avenue



Source: Bing Maps

# Looking from Granada Boulevard towards Magnolia Avenue



Source: Google street view

## Looking south along Magnolia Avenue



Source: Google street view

# **ATTACHMENT 3**

Applicant submittal



**NEWKIRK ENGINEERING, INC.**  
**Civil Engineering – Land Development – CEI**  
1370 North US1, Suite 204  
Ormond Beach, FL 32174  
(386) 290-7599  
[Harry@Newkirk-Engineering.com](mailto:Harry@Newkirk-Engineering.com)

September 1, 2015

**Mr. Steven Spraker, AICP**  
City of Ormond Beach  
Planning Department  
22 South Beach Street  
Ormond Beach, FL 32174

**RE: REALTY PROS OFFICE AND RETAIL CENTRE**  
**10 MAGNOLIA AVENUE - PARCEL 4220-02-05-0010**

Dear Steven:

Submitted is a Zoning Map Amendment and Small Scale Comprehensive Plan Amendment Application for the above referenced project. The following material are attached for your review:

- Check in the Amount of 5,100 (\$1,900 Zoning Map Amendment, \$3,200 Small Scale Comprehensive Plan Amendment)
- Public Hearing Application
- Warranty Deed
- Property Appraiser Card
- 2 Site Plan Drawings with Proposed B-8 Commercial Zoning Information
- 2 Color Site Plan Drawings (11x17)
- 2 Boundary Surveys
- Traffic Statement
- Water and Sewer Flow Rate Analysis
- CD-rom of Entire Submittal

The Applicant, RPA Vestments LLC, proposes a Zoning Map Amendment and Small Scale Comprehensive Plan Amendment to rezone a 1.692 acre property on the southwest corner of Granada Boulevard and Magnolia Avenue from R3B (Single Family- Medium Density) to B-8 (Commercial Zoning) to allow for a commercial building consisting of office, retail and restaurant tenant spaces.

If you have any questions or need additional information, please feel free to call or email me at [Harry@Newkirk-Engineering.com](mailto:Harry@Newkirk-Engineering.com).

Sincerely,

Harry Newkirk, PE  
President/CEO of Newkirk Engineering  
Florida License No. 62971

# GLENN D. STORCH, P.A.

ATTORNEYS AT LAW

GLENN D. STORCH, ESQUIRE  
glenn@storchlafirm.com

COREY D. BROWN, ESQUIRE  
corey@storchlafirm.com

A. JOSEPH POSEY, ESQUIRE  
joey@storchlafirm.com

September 1, 2015

Mr. Steven Spraker, AICP  
Senior Planner  
City of Ormond Beach Planning & Building  
22 South Beach Street  
Ormond Beach, Florida 32174

**Re: Parcel 4220-02-05-0010 / Small Scale Comprehensive Plan Amendment / West Granada Boulevard**

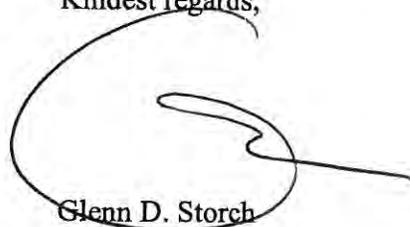
Dear Steven:

Thank you for meeting with me last week to discuss a small scale comprehensive plan amendment for the above property. I am excited about this project and I am sure you are happy about the prospect of additional economic development along Granada Boulevard. This request seeks to change the existing Low Density Residential designation on the property to General Commercial.

This request is consistent with the City's intent to encourage commercial development along Granada Boulevard and provides for a more compatible use than the existing residential designation on the property. As you can see from the City's Future Land Use Map, most of the properties along major arterial roads are designated commercial. In fact, this property is across the street from Residential Office Retail and a short distance from many properties designated General Commercial. Although the property abuts a residential designation, sufficient buffers can be provided and traffic can be routed in such away so surrounding residences are not affected. We will work closely with staff to ensure that the neighbors are not adversely affected in any way by this development.

My client's goal is to create a project that everyone can be proud of and to incentivize commercial growth along Granada Boulevard. Please let me know if you have any questions or concerns.

Kindest regards,



Glenn D. Storch

GDS/ajp



**NEWKIRK ENGINEERING, INC.**  
**Civil Engineering – Land Development – CEI**  
1370 North US Highway 1, Suite 204  
Ormond Beach, FL 32174  
(386) 290-7599  
[Harry@Newkirk-Engineering.com](mailto:Harry@Newkirk-Engineering.com)

September 1, 2015

**Mr. Steven Spraker, AICP**

City of Ormond Beach  
Planning Department  
22 South Beach Street  
Ormond Beach, FL 32174

**RE: REALTY PROS OFFICE AND RETAIL CENTRE  
10 MAGNOLIA AVENUE - PARCEL 4220-02-05-0010**

Dear Steven:

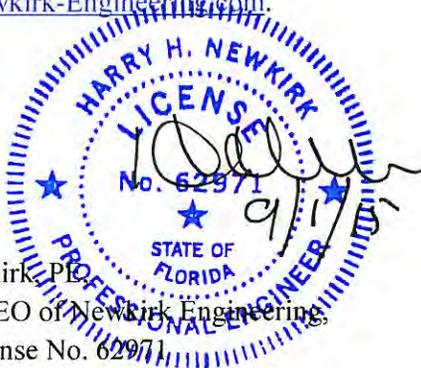
The proposed Realty Pros Office and Retail Centre consists 11,530 ± square feet of mixed use commercial consisting of office, retail and restaurant spaces, stand along ATM and 62 parking spaces. Site access is provided by a proposed right-in and right-out driveway on Granada Boulevard and Magnolia Avenue. The traffic trip generation and impact analysis was calculated from the following commercial use square footages:

❖ General Office (710):	4,500 SF
❖ Shopping Centers (820):	4,000 SF
❖ <u>High Turnover/Site Down Restaurant (932):</u>	<u>3,030 SF</u>
❖ Total:	11,530 SF

The trip generation calculations show that the total project generated trip to external roadway network is 540 Daily Trip, 40 AM Peak Trips (17 in, 10 out and 13 Pass-By) and 50 PM Peak Hour (15 In, 18 and 17 Pass-By). Furthermore, this project will have only minimal or insignificant traffic impact onto the Granada Boulevard, Magnolia Avenue and surrounding roadway networks.

If you have any questions or need additional information, please feel free to call or email me at [Harry@Newkirk-Engineering.com](mailto:Harry@Newkirk-Engineering.com).

Sincerely,



Harry Newkirk, PE  
President/CEO of Newkirk Engineering,  
Florida License No. 62971

Description / ITE Code	Units	ITE Vehicle Trip Generation Rates (peak hours are for peak hour of adjacent streets)									
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out		
		General Office (710)	KSF <sup>2</sup>	11.01	1.55	1.49		88%	12%	17%	83%
Shopping Center (820)	KSF <sup>2</sup>	42.94	1.00	3.73	34%	61%	39%	49%	51%		
High Turnover/Site Down Rest (932)	KSF <sup>2</sup>	127.15	11.52	11.15	43%	52%	48%	57%	43%		

Description / ITE Code	Total Generated Trips						Total Distribution of Generated Trips					
	Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By	PM In	PM Out	
	General Office (710)	50	7	7	6	1	0	1	6	0	6	0
Shopping Center (820)	172	4	15	2	1	1	5	5	5	5	5	
High Turnover/Site Down Rest (932)	318	29	28	9	8	12	9	7	12	7	12	
Total	540	40	50	17	10	13	15	18	17	18	17	



# Volusia County Property Appraiser

Morgan B. Gilreath Jr.  
M.A., A.S.A., C.F.A.



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Parcel Number **Property Information**

Parcel Information: 4220-02-05-0010 **2015 Preliminary Tax Roll** Last Updated: 08-30-2015

## Owner Name and Address

Alternate Key	3067037	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	4220-02-05-0010	Mill Group	201 Ormond Beach
Full Parcel ID	20-14-32-02-05-0010	2014 Final Mill Rate	20.64470
Created Date	23 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	HOWARD CYNTHIA ETAL		
Owner Name/Address 1			
Owner Address 2	114 COUNTRYSIDE LANE		
Owner Address 3	CARY NC		
Owner Zip Code	27511		
Situs Address	10 MAGNOLIA AV ORMOND BEACH 32174		

## Legal Description

20 14 32 LOTS 1 TO 15 INC & LOTS 22 TO 25 INC & N 35 FT OF LOTS 16 & 26 BLK 5 EXC W 25 FT & EXC RDS DAYTONA OAK RIDGE MB 10 PG 143 PER OR 4496 PGS 2045-2049 PER OR 5867 PG 0872 PER OR 5893 PG 1602

## Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5893	1602	07/2006	Trustee's Deed	Unqualified Sale	No	100
5867	0872	06/2006	Unknown	Unqualified Sale	No	100
4496	2045	11/1999	Trustee's Deed	Multi parcel sale	No	10
4454	1976	06/1999	Warranty Deed	Multi parcel sale	No	10
4022	4089	06/1995	Quit Claim Deed	Affiliated Parties	No	100
2348	1913	03/1982	Warranty Deed	Unqualified Sale	No	100

## History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	90,832	0	0	90,832	90,832	90,832	0	90,832	0	90,832
2013	90,832	0	0	90,832	90,832	90,832	0	90,832	0	90,832
2012	97,688	0	0	97,688	97,688	97,688	0	97,688	0	97,688
2011	102,829	0	0	102,829	102,829	102,829	0	102,829	0	102,829
2010	102,829	0	0	102,829	102,829	102,829	0	102,829	0	102,829
2009	102,829	0	0	102,829	102,829	102,829	0	102,829	0	102,829
2008	200,518	0	0	200,518	200,518	200,518	0	200,518	0	200,518
2007	200,518	0	0	200,518	200,518	200,518	0	200,518	0	200,518
2006	200,517	0	0	200,517	200,517	200,517	0	200,517	0	200,517
2005	129,565	0	0	129,565	129,565	129,565	0	129,565	0	129,565
2004	129,565	0	0	129,565	129,565	129,565	0	129,565	0	129,565
2003	95,974	0	0	95,974	95,974	95,974	0	95,974	0	95,974
2002	68,553	0	0	68,553	68,553	68,553	0	68,553	0	68,553
2001	68,553	0	0	68,553	68,553	68,553	0	68,553	0	68,553
2000	68,553	0	0	68,553	68,553	68,553	0	68,553	0	68,553
1999	68,553	0	0	68,553	68,553	68,553	0	68,553	0	68,553

1998	68,553	0	0	68,553	68,553	68,553	0	68,553	0	68,553
1997	51,415	0	0	51,415	51,415	51,415	0	51,415	0	51,415
1996	51,415	0	0	51,415	51,415	51,415	0	51,415	0	51,415
1995	51,415	0	0	51,415	51,415	51,415	0	51,415	0	51,415
1994	51,415	0	0	51,415	51,415	51,415	0	51,415	0	51,415
1993	51,415	0	0	51,415	51,415	51,415	0	51,415	0	51,415
1992	51,415	0	0	51,415	51,415	51,415	0	51,415	0	51,415
1991	51,415	0	0	51,415	51,415	51,415	0	51,415	0	51,415
1990	38,185	0	0	38,185	38,185	38,185	0	38,185	0	38,185
1989	38,185	0	0	38,185	38,185	38,185	0	38,185	0	38,185
1988	35,639	0	0	35,639	35,639	35,639	0	35,639	0	35,639
1987	33,094	0	0	33,094	33,094	33,094	0	33,094	0	33,094
1986	31,951	0	0	31,951	31,951	31,951	0	31,951	0	31,951
1985	31,951	0	0	31,951	31,951	31,951	0	31,951	0	31,951
1984	31,951	0	0	31,951	31,951	31,951	0	31,951	0	31,951
1983	24,688	0	0	24,688	24,688	24,688	0	24,688	0	24,688

**Land Data**

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value	
0006	VAC PVD 1 - 1.99 AC	253.0	285.0	253.00	FRONT FEET	265.00	135	100	100	100	90,832	
<b>Neighborhood</b> 3210 DAYTONA OAK RIDGE ESTATES											<b>Total Land Classified</b>	0
											<b>Total Land Just</b>	90,832

**Parcel Notes**

\*M011891 COMBINED RTF-VALUE BASED ON HWY 40 FRONTG CHGS PER

PER APPRAISAL LETTER & DOT SURVEY

CFB072795 4022 PGS 4089-4091 R H & L FREEDMAN REV LIV TR

062295 TLA072795

HMW080399 OR 4458 PG 1407 ROBERT HARRISON FREEDMAN DOD110698

PER LTRS OF ADMIN.AND AN UNDIV 1/2 INT TO LUCILLE FREEDMAN

INDIVIDUALLY. PSD080699

LUCILLE T FREEMAN DOD 10-15-05 PER VC CP 5697/0218

POST ONLY 5867/0872

LU = 0006.

1/5 REVIEW COMPLETED 10/2/2013 BY CJH.

ETAL=SHARON SHULER, PATRICIA HOLLINGSWORTH, VICTORIA FREEDMAN AND ROBERT H FREEDMAN II ALL 1/5 INT

**Total Values**

<b>Land Value</b>	90,832	<b>New Construction Value</b>	0
<b>Building Value</b>	0	<b>City Econ Dev/Historic</b>	0
<b>Miscellaneous</b>	0		
<b>Just Value</b>	90,832	<b>Previous Just Value</b>	90,832
<b>School Assessed</b>	90,832	<b>Previous School Assessed</b>	90,832
<b>Non-School Assessed</b>	90,832	<b>Previous Non-School Assessed</b>	90,832
<b>Exemption Value</b>	0	<b>Previous Exemption Value</b>	0
<b>Additional Exemption Value</b>	0	<b>Previous Additional Exemption Value</b>	0
<b>School Taxable</b>	90,832	<b>Previous School Taxable</b>	90,832
<b>Non-School Taxable</b>	90,832	<b>Previous Non-School Taxable</b>	90,832

**MapIT:** Your basic parcel record search including lot dimensions.

**PALMS:** Basic parcel record searches with enhanced features.

**Map Kiosk:** More advanced tools for custom searches on several layers including parcels.





Scale 1:1,925 - 1 in = 160 ft  
 Date Created:  
 01-Sep-15 05:06 PM

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of his information should review or consult the primary data and information sources to ascertain the usability of the information. Use at your own risk.  
 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

## SITE DEVELOPMENT FLOW RATE ANALYSIS

PROJECT: REALTY PROS OFFICE AND RETAIL CENTRE  
 LOCATION: GRANADA BOULEVARD, ORMOND BEACH, FL 32174

### WASTEWATER DEMAND

#### OFFICE

A) FLOOR SPACE	4,500 SF
B) AVERAGE FLOW	15 GPD/100 SF
C) PER CAPITA FLOW FACTOR	1.0
D) MAXIMUM DAY FACTOR	2
E) MAXIMUM HOUR FACTOR (OPEN 8 HOURS)	3
AVERAGE FLOW = (A x B x C)	
	675 GPD
	PEAK DAY DEMAND 1,350 GPD
	PEAK HOUR DEMAND 253 GPH
	PEAK MINUTE DEMAND 4.2 GPM
	ESTIMATED MONTHLY FLOW 20,250 GAL

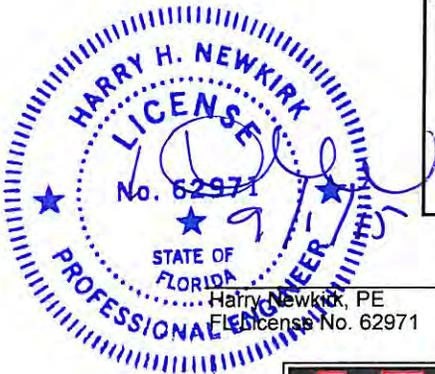
#### RETAIL

A) FLOOR SPACE	4,000 SF
B) AVERAGE FLOW	0.1 GPD/SF
C) PER CAPITA FLOW FACTOR	1
D) MAXIMUM DAY FACTOR	2
E) MAXIMUM HOUR FACTOR (OPEN 8 HOURS)	3
AVERAGE FLOW (A x B x C)	
	400 GPD
	MAXIMUM DAY DEMAND 800 GPD
	PEAK HOUR DEMAND 150.0 GPH
	PEAK MINUMTE DEMAND 2.5 GPM
	ESTIMATED MONTHLY FLOW 12,000 GAL

#### RESTAURANT

A) SEATS	70 SEATS
B) AVERAGE FLOW	40 GPD/SEAT
C) PER CAPITA FLOW FACTOR	1
D) MAXIMUM DAY FACTOR	2
E) MAXIMUM HOUR FACTOR (OPEN 16 HOURS)	3
AVERAGE FLOW (A x B x C)	
	2,800 GPD
	MAXIMUM DAY DEMAND 5,600 GPD
	PEAK HOUR DEMAND 525.0 GPH
	PEAK MINUMTE DEMAND 8.8 GPM
	ESTIMATED MONTHLY FLOW 84,000 GAL

TOTAL AVERAGE FLOW	3,875 GPD
MAXIMUM DAY DEMAND	7,750 GPD
PEAK HOUR DEMAND	928.1 GPH
PEAK MINUMTE DEMAND	15.5 GPM
ESTIMATED MONTHLY FLOW	116,250 GAL



Harry Newkirk, PE  
 FL License No. 62971



**NEWKIRK ENGINEERING, INC.**  
 1370 North US Highway 1, Suite 204  
 Ormond Beach, FL 32174  
 (386) 290-7599  
[harry@newkirk-engineering.com](mailto:harry@newkirk-engineering.com)

## SITE DEVELOPMENT FLOW RATE ANALYSIS

PROJECT: REALTY PROS OFFICE AND RETAIL CENTRE  
 LOCATION: GRANADA BOULEVARD, ORMOND BEACH, FL 32174

### POTABLE WATER DEMAND

#### OFFICE

A) FLOOR SPACE	4,500 SF
B) AVERAGE FLOW	15 GPD/100 SF
C) PER CAPITA FLOW FACTOR	1.1
D) MAXIMUM DAY FACTOR	2
E) MAXIMUM HOUR FACTOR (OPEN 8 HOURS)	3
AVERAGE FLOW = (A x B x C)	
	743 GPD
	PEAK DAY DEMAND 1,485 GPD
	PEAK HOUR DEMAND 278 GPH
	PEAK MINUTE DEMAND 4.6 GPM
	ESTIMATED MONTHLY FLOW 22,275 GAL

#### RETAIL

A) FLOOR SPACE	4,000 SF
B) AVERAGE FLOW	0.1 GPD/SF
C) PER CAPITA FLOW FACTOR	1.1
D) MAXIMUM DAY FACTOR	2
E) MAXIMUM HOUR FACTOR (OPEN 8 HOURS)	3
AVERAGE FLOW (A x B x C)	
	440 GPD
	MAXIMUM DAY DEMAND 880 GPD
	PEAK HOUR DEMAND 165.0 GPH
	PEAK MINUMTE DEMAND 2.8 GPM
	ESTIMATED MONTHLY FLOW 13,200 GAL

#### RESTAURANT

A) SEATS	70 SEATS
B) AVERAGE FLOW	40 GPD/SEAT
C) PER CAPITA FLOW FACTOR	1.1
D) MAXIMUM DAY FACTOR	2
E) MAXIMUM HOUR FACTOR (OPEN 16 HOURS)	3
AVERAGE FLOW (A x B x C)	
	3,080 GPD
	MAXIMUM DAY DEMAND 6,160 GPD
	PEAK HOUR DEMAND 577.5 GPH
	PEAK MINUMTE DEMAND 9.6 GPM
	ESTIMATED MONTHLY FLOW 92,400 GAL

TOTAL AVERAGE FLOW	4,263 GPD
MAXIMUM DAY DEMAND	8,525 GPD
PEAK HOUR DEMAND	1,021 GPH
PEAK MINUMTE DEMAND	17.0 GPM
ESTIMATED MONTHLY FLOW	127,875 GAL



Harry Newkirk, PE  
 FL License No. 62971



**NEWKIRK ENGINEERING, INC.**  
 1370 North US Highway 1, Suite 204  
 Ormond Beach, FL 32174  
 (386) 290-7599  
[harry@newkirk-engineering.com](mailto:harry@newkirk-engineering.com)

This instrument prepared by  
and to be returned to:  
Judson D. King, Attorney  
125 South Palmetto Avenue  
Daytona Beach, FL 32114

PARCEL I.D. #: 4220-02-05-0010

---

**TRUSTEE'S DISTRIBUTIVE DEED**

THIS INDENTURE is executed this July 31, 2006, between:

Grantor: SHARON SHULER, Trustee of the LUCILLE T. FREEDMAN Revocable Trust of 1999, whose address is: 1340 Adger Road, Columbia, South Carolina 29205; and

Grantees: The following individual beneficiaries of the said Revocable Trust as to an undivided one-fifth (1/5<sup>th</sup>) interest each:

CYNTHIA HOWARD 114 Countryside Lane  
Cary, NC 27511

SHARON SHULER 1340 Adger Road  
Columbia, SC 29205

PATRICIA HOLLINGSWORTH 1530 Olympic Drive  
Davis, CA 95656

VICTORIA FREEDMAN 505 East 87<sup>th</sup> St, Apt 2D  
New York, NY 10128

ROBERT H. FREEDMAN II 425 Marietta Street,  
Apt. 308  
Atlanta, GA 30313

WITNESSETH:

The Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations in hand paid, grants, bargains, sells, aliens, remises, releases, conveys

and confirms to the Grantees, their successors and assigns forever, all the Grantor's interest in that certain parcel of real property in Volusia County, Florida, more particularly described as:

Lots 1 through 15 inclusive, the Northerly 35' of Lot 16, the Northerly 35' of Lot 26 and all of Lots 22, 23, 24 and 25, Block 5, Daytona Oak Ridge, of record in Map Book 10, Page 143, Public Records of Volusia County, Florida, excepting therefrom that part of Lots 1 through 11 used for State Road #40, known as the Ormond-Barberville Road and excepting the west 25' of the above described property.

TOGETHER WITH all and singular tenements, hereditaments and appurtenances thereto belonging or anywise appertaining to that real property.

TO HAVE AND TO HOLD the same to the Grantees, their heirs and assigns, in fee simple forever.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal on the day and year first above written.

Signed, sealed and delivered in the presence of:

Laura J. Jones  
LAVIA J. JONES  
(1<sup>st</sup> witness printed name)

Sharon Shuler  
SHARON SHULER, as Trustee of the  
LUCILLE T. FREEDMAN Revocable  
Trust of 1999

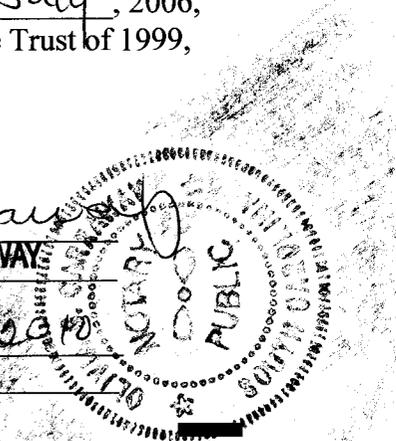
Olivia G. Carraway  
OLIVIA G. CARRAWAY  
(2<sup>nd</sup> witness printed name)

STATE OF SOUTH CAROLINA  
COUNTY OF Richland

The foregoing instrument was acknowledged before me this 31<sup>st</sup> of July, 2006, by SHARON SHULER, as Trustee of the LUCILLE T. FREEDMAN Revocable Trust of 1999, who is personally known to me.

(Seal)

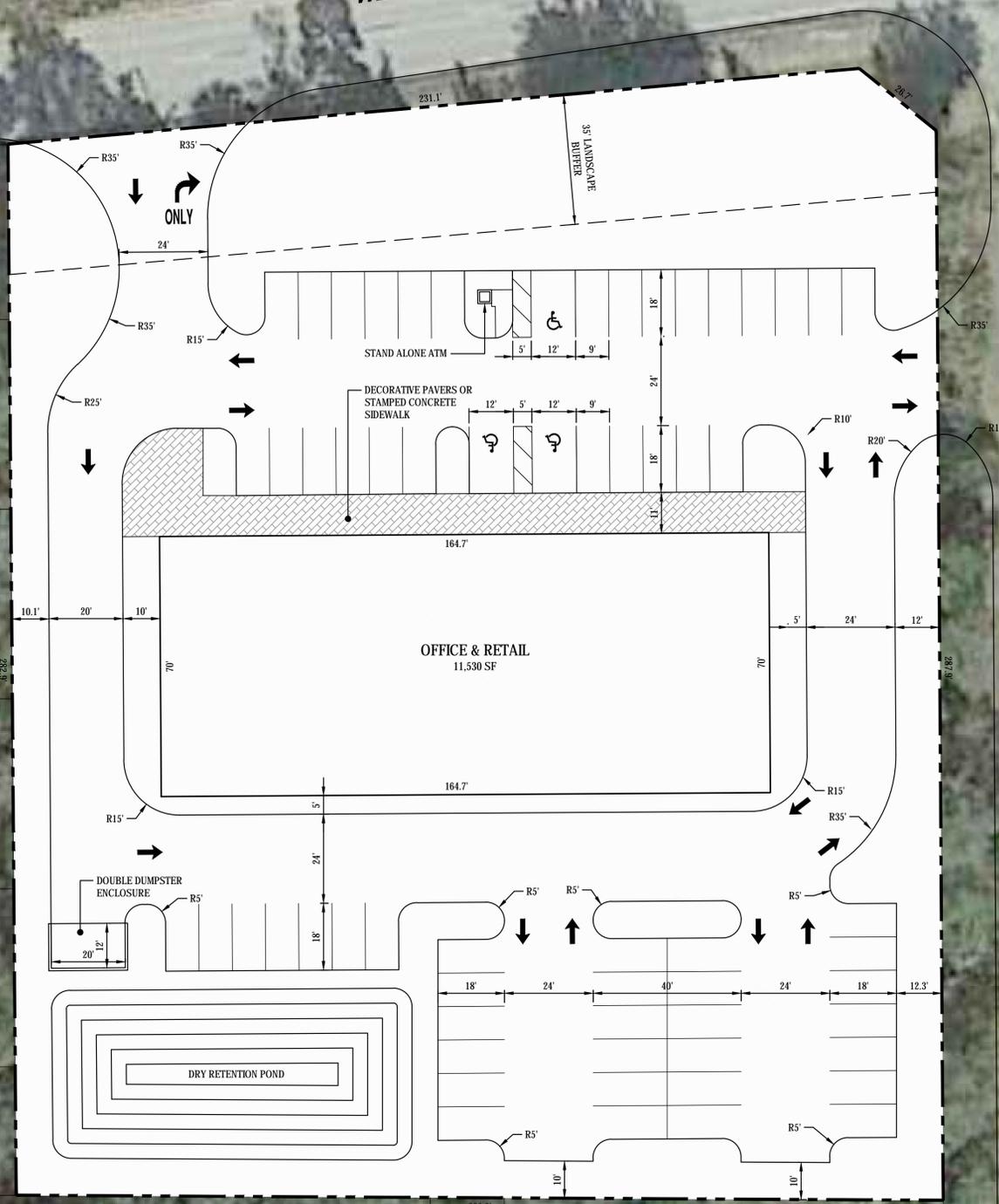
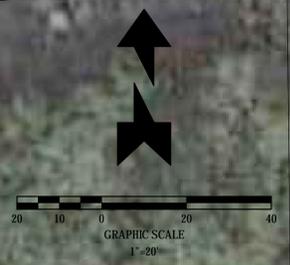
Sign: Olivia G. Carraway  
Printed name: OLIVIA G. CARRAWAY  
Notary Public of SC  
My Commission Expires: 7/11/2010  
Serial Number: \_\_\_\_\_



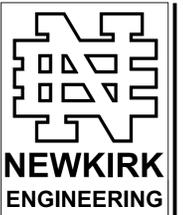


WEST GRANADA BOULEVARD

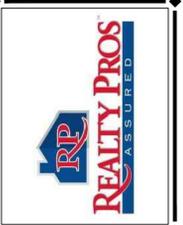
MAGNOLIA AVENUE



REVISIONS	
DATE	DESCRIPTION



**NEWKIRK ENGINEERING**  
 1370 North US1, Suite 204  
 Ormond Beach, Florida 32174  
 Phone (386) 290-7599  
 Harry@Newkirk-Engineering.com  
 Certificate of Authorization  
 No. 30219  
 ©2013  
 Civil Engineering  
 Land Development  
 Construction Engineering &  
 Inspection



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**B-8, COMMERCIAL ZONING:**

**PERMITTED USES**

- ADULT DAY CARE CENTER
- BUSINESS AND PROFESSIONAL OFFICE
- BUSINESS SERVICE
- CLUBS AND FRATERNAL ORGANIZATION
- FINANCIAL INSTITUTION
- NURSING HOME
- PERSONAL SERVICE
- RETAIL SALES AND SERVICES
- SCHOOL OF ART
- SCHOOL, PUBLIC
- VETERINARIAN

**SPECIAL EXCEPTION USES**

- AUTOMATIC AMUSEMENT CENTER
- OUTDOOR ACTIVITY
- RECREATIONAL FACILITIES, OUTDOOR

**PROHIBITED USES**

- ASSISTED LIVING FACILITY
- CONVENIENCE STORES (TYPES A, B AND C)
- SCHOOL, PUBLIC
- HOUSE OF WORSHIP
- SEXUALLY ORIENTED BUSINESS
- THEATER
- OUTDOOR STORAGE
- WAREHOUSE, MINI-RENTAL
- RESIDENTIAL, ANY TYPE

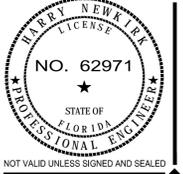
**CONDITIONAL USES**

- BOWLING CENTER
- CHILD CARE FACILITY
- COMMUNITY RESIDENTIAL HOME
- FAMILY DAY CARE HOME
- PARKS AND RECREATION FACILITIES, PRIVATE
- PARKS AND RECREATION FACILITIES, PUBLIC
- PUBLIC FACILITIES
- PUBLIC UTILITIES
- RECREATION FACILITIES, INDOOR
- RESTAURANT, TYPE "A"
- RESTAURANT, TYPE "B"
- RESTAURANT, TYPE "C"
- SCHOOL, PRIVATE
- SHOPPING CENTER
- TELECOMMUNICATION TOWER, CAMOUFLAGED
- WIND ENERGY SYSTEM

**SITE DEVELOPMENT USAGE**

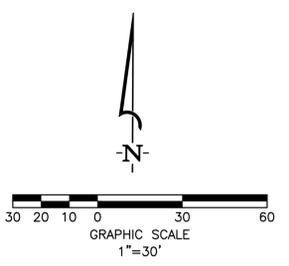
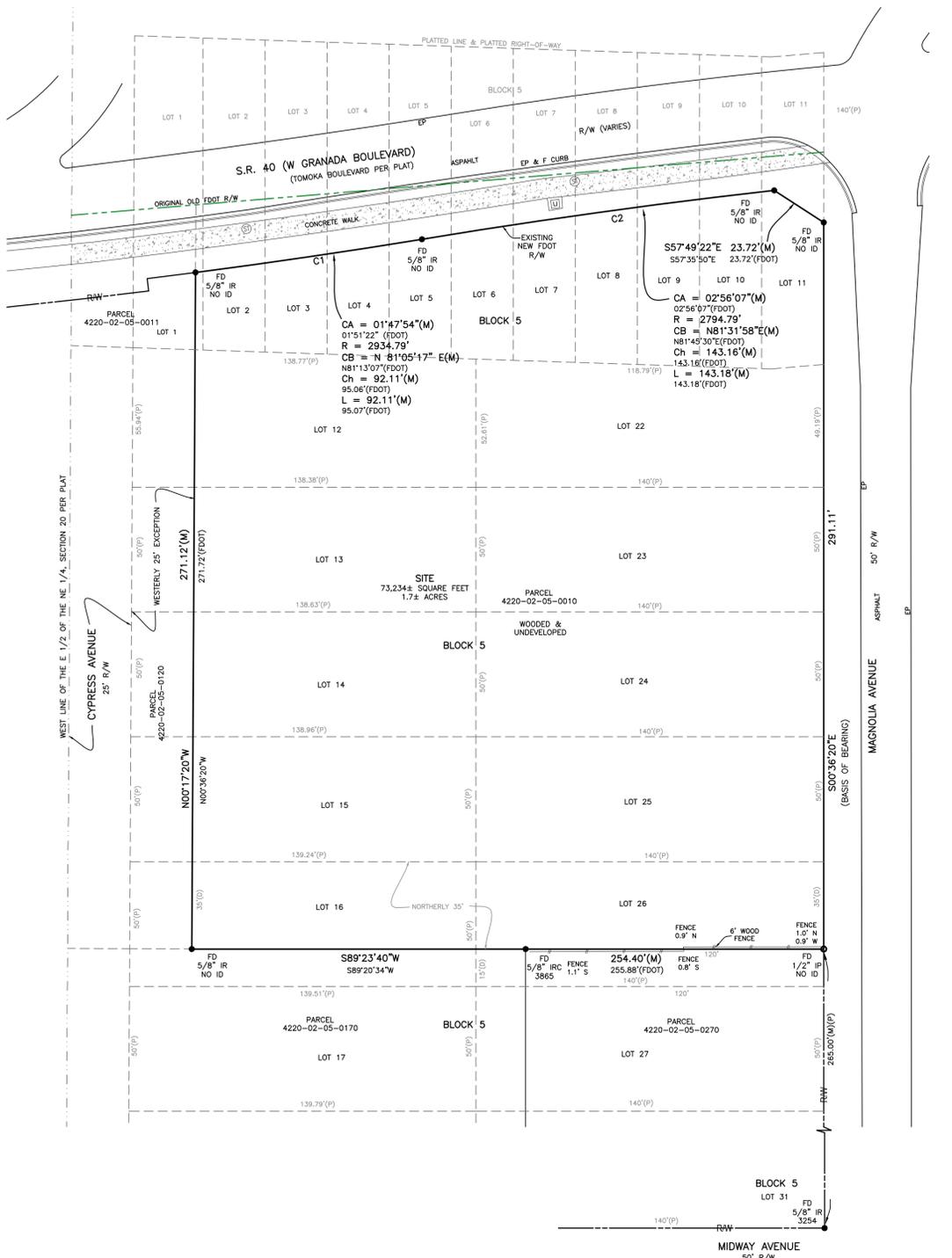
1. SETBACK:		
FRONT (GRANADA BOULEVARD)	BUILDING	LANDSCAPE
REAR (NORTH)	51 FEET	35 FEET
SIDE (MAGNOLIA AVENUE)	30 FEET	10 FEET
SIDE (WEST)	25 FEET	10 FEET
SIDE (WEST)	20 FEET	10 FEET
2. LOT AREA: 73,715 SF OR 1.692 ACRES		
3. FLOOR AREA RATION (FAR):		
MAXIMUM FAR	SQ. FT	%
PROPOSED FAR	22,115	30.0
	11,530	15.6
4. PARKING REQUIREMENTS		
1 SPACE PER 250 SF x 11,530 = 47 SPACES		
5. PARKING PROVIDED		
STANDARD PARKING	59	
HANDICAP PARKING	3	
TOTAL PARKING PROVIDED	62	
6. BICYCLE PARKING REQUIRED		
5% OF PARKING	4	
7. BICYCLE PARKING PROVIDED		
	4	

CONCEPTUAL SITE PLAN  
 REALTY PROS OFFICE  
 GRANADA BOULEVARD  
 ORMOND BEACH, FLORIDA 32174



PROJECT No: 2015-84  
 DATE: SEPTEMBER 2015  
 DESIGN BY: HHN  
 DRAWN BY: DAB  
 CHECKED BY: HHN  
 SCALE: 1" = 20'  
 DRAWING NUMBER

**1**



**LEGAL DESCRIPTION:**

LOTS 1 THROUGH 15 INCLUSIVE, THE NORTHERLY 35' OF LOT 16, THE NORTHERLY 35' OF LOT 26 AND ALL OF LOTS 22, 23, 24 AND 25, BLOCK 5, DAYTONA OAK RIDGE, OF RECORD IN MAP BOOK 10, PAGE 143, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THAT PART OF LOTS 1 THROUGH 11 USED FOR STATE ROAD #40, KNOWN AS THE ORMOND- BARBERVILLE ROAD AND EXCEPTING THE WEST 25' OF THE ABOVE DESCRIBED PROPERTY.

**GENERAL NOTES AND SURVEY REPORT:**

- BEARING STRUCTURE ASSUMED (S 00°36'20" E) ALONG THE WESTERLY RIGHT-OF-WAY LINE OF MAGNOLIA AVENUE (50' R/W), PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR STATE ROAD 40 (W GRANADA BOULEVARD)(TOMOKA BOULEVARD), SECTION 79100-2516. FOR ANGLE MEASUREMENT ONLY.
- LEGAL DESCRIPTION PROVIDED BY CLIENT PER OFFICIAL RECORD BOOK 5893, PAGE 1602, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
- RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS ( ), WHEN DIFFERS FROM MEASURED.
- FLOOD PLANE CERTIFICATION ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), CITY OF ORMOND BEACH, FLORIDA, COMMUNITY NO. 125136, MAP NO. 1212700214 J, DATED: FEBRUARY 19, 2014. THE PROPERTY IS IN FLOOD ZONE "X" THE BASE 100 YEAR FLOOD ELEVATION IS NONE.
- ACCURACY STATEMENT: THE ACCURACY OF THE BOUNDARY CONTROL OF THE SUBJECT PROPERTY IS SUBURBAN: LINEAR: THE CLOSURE IS : 1 foot in 7,500, THE MINIMUM RELATIVE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATIONS OF A CLOSED GEOMETRIC FIGURE IS FOUND TO EXCEED THIS REQUIREMENT.
- MEASUREMENT METHODS: HORIZONTAL AND VERTICAL MEASURES MADE BY ONE OR MORE OF THE FOLLOWING INSTRUMENTS: TOPCON INSTRUMENTS ES-105, TOPCON HIPER SR GPS INSTRUMENTS, PAL-2 LUFKIN STEEL TAPE, CST STEEL TAPE, STEEL HIGHWAY CHAIN, CST & LUFKIN FIBERGLASS TAPE FOR DIMENSIONS FOR BUILDINGS.
- DATA SOURCES: NONE
- HISTORY REFERENCE TO PREVIOUS SURVEY OR HELPER SURVEYS, LINEAGE OF DATA HORIZONTAL DATA REFERENCES, DATE OF ORIGINAL PLAT.
  - FLORIDA DEPARTMENT RIGHT-OF-WAY MAPS, SECTION 79100-2516.
  - DAYTONA OAK RIDGE, AS RECORDED IN MAP BOOK 10, PAGE 143, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
- LIMITATIONS:
  - SOME INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY AND OR OWNERSHIP WHEN FURNISHED TO THIS SURVEYOR EXCEPT, AS SHOWN, THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTES RULE 5J-17.05(2)(d)(4)
  - IT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND THE FIRM, FROM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM, DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYOR'S OPINION.
  - ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY. PER FLORIDA STATUTES CHAPTER RULE 5J-17.05(3)(b)(6)
  - THE ACCEPTANCE OF THIS SURVEY AS CERTIFIED FOR THE EXCLUSIVE USE OF NAMES SHOWN HEREON SHALL CONSTITUTE FULFILLMENT OF MY CONTRACTUAL OBLIGATION. "ORIGINAL" AS DEFINED HEREON REFERS TO THE SIGNED AND SEALED GRAPHIC REPRESENTATION OF THE FIELD SURVEY. CAD FILES ARE NOT THE SURVEY AND THERE MAY BE A SURCHARGE FOR THEM.
  - TAX PARCEL IDENTIFICATION NUMBERS, ADJACENT OWNERS NAMES AND ADDRESS WHEN SHOWN SHOWN IS EITHER SUPPLIED BY CLIENT AND/OR TAKEN FROM COUNTY APPRAISER'S INTERNET WEB PAGE AND MAY NOT BE THE MOST CURRENT.

**ABBREVIATIONS / LEGEND:**

A/C	AIR CONDITIONER	○	IRON PIPE &/ OR CAP (AS NOTED)
CA	CENTRAL ANGLE / DELTA	⊙	PARKER KALON NAIL & DISK (AS NOTED)
CB	CHORD BEARING	●	IRON ROD &/ OR CAP (AS NOTED)
CH	CHORD DISTANCE	□	CONCRETE MONUMENT (AS NOTED)
CM	CONCRETE MONUMENT	⊞	UTILITY BOX
(C)	CALCULATED	⊞	STORM MANHOLE
C/O	CARE OF	▨	CONCRETE HATCH
(D)	DESCRIPTION OR DEED		
DWG	DRAWING		
EP	EDGE OF PAVEMENT		
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION		
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY		
F.I.R.M	FLOOD INSURANCE RATE MAP		
FL	FLORIDA		
ID	IDENTIFICATION		
IP	IRON PIPE (AS NOTED)		
IR	IRON ROD (AS NOTED)		
IPC	IRON PIPE & CAP (AS NOTED)		
IRC	IRON ROD & CAP (AS NOTED)		
L	LENGTH		
LB	LICENSED BUSINESS		
LC	LICENSED CORPORATION		
LLC	LIMITED LIABILITY COMPANY		
LS	LICENSED SURVEYOR		
(M)	MEASURED		
M.B.	MAP BOOK		
NAVD	NORTH AMERICAN VERTICAL DATUM		
NA	NOT APPLICABLE AND/OR NOT AVAILABLE		
NGVD	NATIONAL GEODETIC VERTICAL DATUM		
No.	NUMBER		
N/P	NOT POSTED ON PANEL		
(P)	PLAT		
PG	PAGE		
P.A.	PROFESSIONAL ASSOCIATION		
PKD	PARKER KALON NAIL & DISK (AS NOTED)		
P.O.	POST OFFICE		
PRM	PERMANENT REFERENCE MONUMENT		
R	RADIUS		
(R)	RECORD		
R/W	RIGHT-OF-WAY		
WO#	WORK ORDER NUMBER		

<b>REVISIONS:</b> - - -	<b>PREPARED FOR THE EXCLUSIVE USE OF:</b> RPA Vestments, LLC Realty Pros Assured, LLC Stewart Title Guaranty Company Southern Title Holding Company LLC Seacoast National Bank, its successors and/or assigns	<b>TYPE OF SURVEY:</b> BOUNDARY  FIELD WORK BY: DM DATE: 08/06/15 OFFICE WORK BY: AM DATE: 08/14/15 FIELD BOOK - PAGE: 5-30	THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE 1" = 30' OR SMALLER. ANY USE OF THIS FILE AT A SCALE LARGER THAN STATED SHALL BE AT THE USER'S OWN RISK.  THE FOREGOING PLAT IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 5J17-6, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.   ANTHONY SANZONE	PROJECT No: 2015-66  SCALE: 1"=30' MAP SUBJECT: RPA SITE ADDRESS: 10 Magnolia Ormond Beach, FL	 <b>LAND SURVEYING CONSTRUCTION LAYOUT</b> 1366 N.U.S. Hwy 1, Ste 602 Ormond Beach Florida 32174 Voice: 386.405.6797 a1ageoinc@gmail.com LB # 7967 LS # 6309

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** October 1, 2015

**SUBJECT:** 10 Magnolia Avenue, Amendment to Official Zoning Map

**APPLICANT:** William Navarra, Managing Member of RPA Vestments, LLC (applicant), authorized representative

**NUMBER:** RZ 2015-124

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

### **INTRODUCTION:**

This is a request submitted by William Navarra, Managing Member of RPA Vestments, LLC (applicant), authorized representative, for the property at 10 Magnolia Avenue for a Zoning Map amendment. The application seeks to amend the zoning map designation at 10 Magnolia Avenue, approximately 1.70 acres from R-3, Single-Family Medium Density to B-1, Professional Office/Hospital.

### **BACKGROUND:**

The property at 10 Magnolia Avenue is located at the intersection of West Granada Boulevard and Magnolia Avenue. The subject property is currently vacant and no improvements exist on the property. In a previous pre-application meeting, the applicant stated that the intent of the project is to construct a retail facility with a variety of uses such as retail, office, personal services and restaurants.

**ANALYSIS:** The subject property is undergoing a separate Small Scale Comprehensive Plan Land Use Map amendment seeking to amend the land use from LDR, "Low Density Residential" to ROR, "Residential, Office, Retail" land use designation. Section 2-02 of the Land Development Code provides the compatible zoning districts to the "Residential, Office, Retail" land use designation which are:

1. B-1, Professional Office/Hospital
2. B-9, Boulevard
3. B-10, Suburban Boulevard
4. PBD, Planned Business Development

Staff analyzed the potential zoning districts as follows:

**B-1, Professional Office, Hospital:** Section 2-22(A) of the Land Development Code provides the purpose of the B-1, Professional Office, Hospital zoning district as follows:

The purpose of the Professional Office/Hospital (B-1) Zoning District is to provide areas primarily for professional offices, institutional uses, also allowing

multifamily residential and retail uses with special emphasis given to sound architectural design practices, site planning, landscaping and sign location.

The B-1 zoning district is used throughout the City and has a minimum lot size of 20,000 square feet. The maximum height in the B-1 zoning district is 40'. The B-1 zoning district is located immediately north of the subject property along Granada Boulevard.

**B-9, Boulevard:** Section 2-30(A) of the Land Development Code provides the purpose of the B-9, Boulevard zoning district as follows:

The purpose of the B-9, Boulevard Zoning District is to provide for the maintenance of the character of relatively large and extensively wooded areas abutting major transportation routes. The district provides for large lot uses having setbacks adequate to preserve noticeable amounts of the natural amenities and, at the same time, provide for highly intensive and architecturally significant uses within the district compatible with the density and intensity of the surrounding uses in the corridor. The district is suitable for use along major routes where it is in the interest of the public to minimize access cuts in order to promote safety and avoid traffic congestion.

The B-9 zoning district is located along Granada Boulevard between Old Kings Road and Orchard Street. The zoning district minimum is 1.5 acres and the maximum allowable height is 75'.

**B-10, Suburban Boulevard:** Section 2-31(A) of the Land Development Code provides the purpose of the B-10, Suburban Boulevard zoning district as follows:

The purpose of the B-10, Suburban Boulevard Zoning District is to provide for the maintenance of the character of relatively large and extensively wooded areas abutting the city's major transportation routes. The district provides for large lot uses having setbacks adequate to preserve noticeable amounts of the natural amenities and, at the same time, provide for architecturally significant uses within the district that project a lower intensity suburban environment. The district is particularly suitable for use along major entrance routes where it is in the interest to minimize access cuts in order to promote safety and avoid traffic congestion.

*The B-10 zoning district is located along Granada Boulevard, west of Old Tomoka Road and along Clyde Morris and Hand Avenue. The zoning district minimum is 1.5 acres and the maximum allowable height is 45' for commercial structures.*

**PBD, Planned Business Development.** This zoning district requires the development of a detailed site plan and review by the Planning Board and approval of the City Commission. Applicants of the PBD zoning district are often seeking flexibility with use and/or design standards.

The application to rezone seeks the B-1, Professional Office/Hospital zoning district. Based on the location of the existing B-1 zoning district along the north side of Granada Boulevard and the ROR land use, the B-1 would be the most appropriate to the subject property.

**Zoning Adjacent Land Use:**

Adjacent land uses and zoning are as follows:

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

	Current Land Uses	Future Land Use Designation	Zoning
North	Across Granada Boulevard, non-conforming single-family houses	"Residential, Office, Retail"	B-1 (professional Office/Hospital)
South	Vacant & Single-family house	"Low Density Residential"	R-3 (Single Family Medium Density)
East	Single-family houses	"Low Density Residential"	R-3 (Single Family Medium Density)
West	City facility	"Open Space/Conservation"	Special Environmental

The subject property is 1.70 acres located at the intersection of West Granada Boulevard and Magnolia Avenue. There are single-family houses located to the east, across Magnolia Avenue, and to the south of the subject property. To the west is an unopened right-of-way owned by Volusia County and a parcel owned by the City of Ormond Beach which includes a sewer lift station. Across the street are a row of non-conforming single-family homes that have the ROR land use and are zoned B-1.

Below is a site aerial of the subject property and abutting uses:



## **CONCLUSION/CRITERIA FOR APPROVAL**

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

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

No specific development is proposed and the request is based on a need to assign a City zoning classification consistent with the proposed "Residential, Office, Retail" land use designation. The zoning map amendment will not adversely affect public health, safety, welfare or the quality of life. Any future site redevelopment shall be reviewed based upon the standards of the Land Development Code.

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

There is a separate land use map amendment that proposes to assign a City "Residential, Office, Retail" land use designation to the property. The requested B-1 zoning district is consistent with the "Residential, Office, Retail" land use designation.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This 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. Any site development would require separate approvals and a neighborhood meeting.

- 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 vacant and any new construction would require review by the Site Plan Review Committee. This 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 vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This 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 vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

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

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

- The impacts on facilities and services will not change as a result of the requested zoning amendment.
- The proposed city zoning classification of B-1 is the most consistent with the "Residential, Office, Retail" land use.

**RECOMMENDATION:**

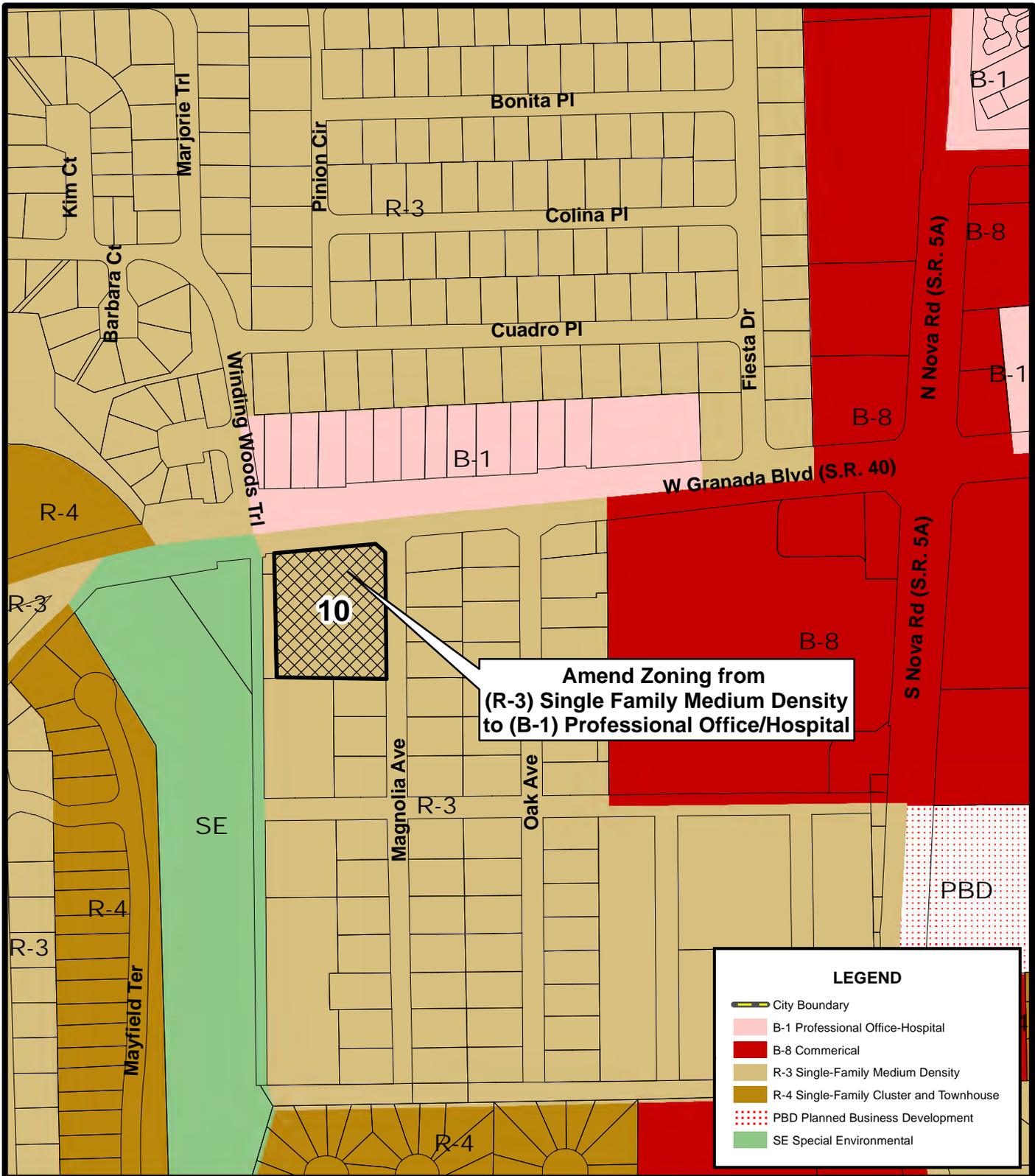
Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission to amend the zoning designation of 1.70± acres at 10 Magnolia Avenue from R-3, Single-Family Medium Density to B-1, Professional Office/Hospital, consistent with the "Residential, Office, Retail" land use.

Attachments:

- 1: Zoning Map
- 2: Site map(s) and pictures
- 3: Survey
- 4: Ormond Beach Land Development Code, B-1 zoning district

# **ATTACHMENT 1**

## Zoning Map

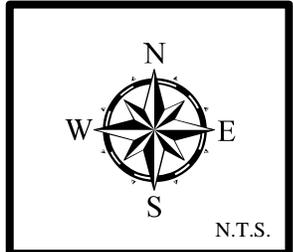


**PROPOSED ZONING MAP**

10 MAGNOLIA AVE (4220-02-05-0010)

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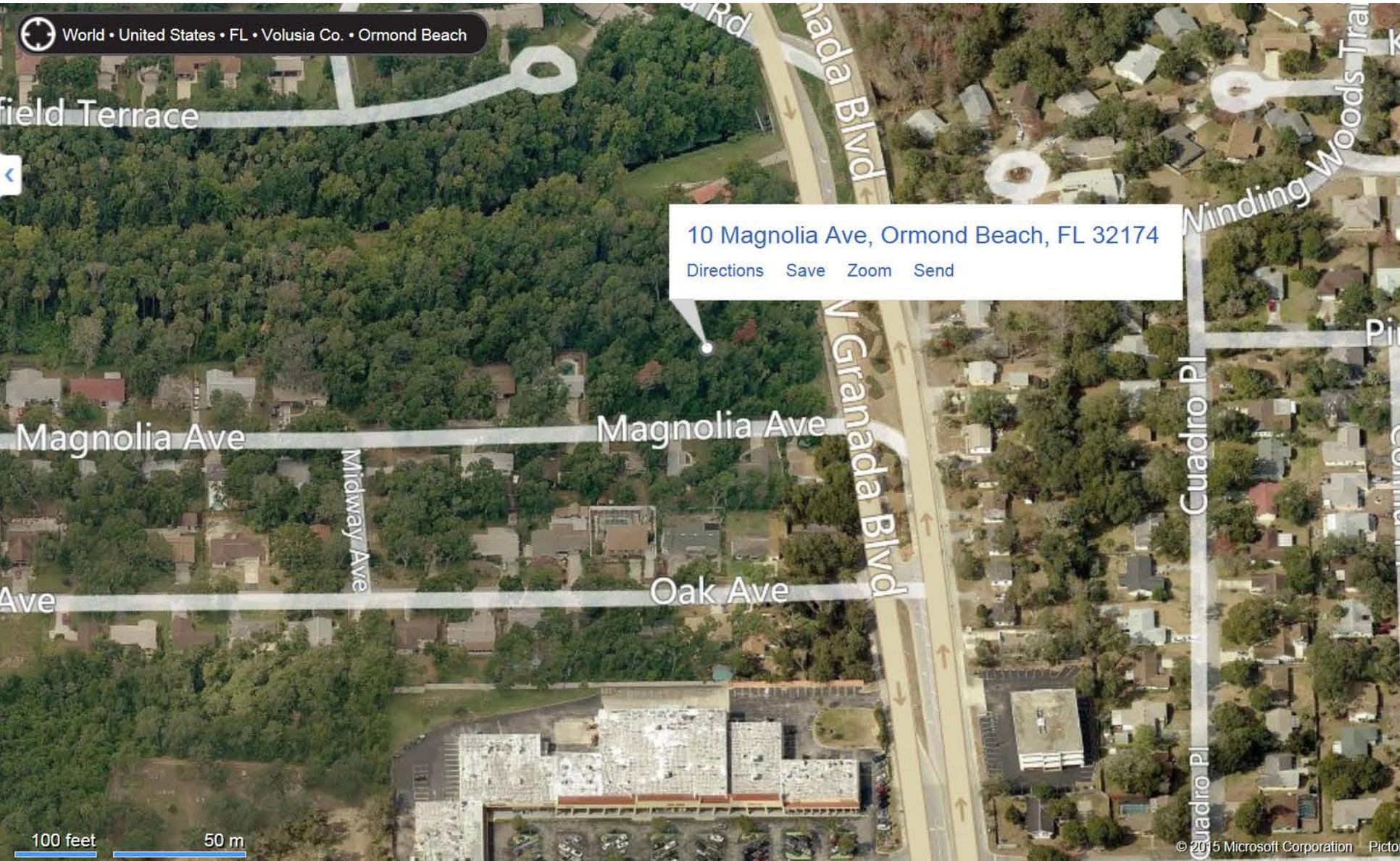
Prepared By: The City of Ormond Beach  
G.I.S. Department - September 21, 2015



# **ATTACHMENT 2**

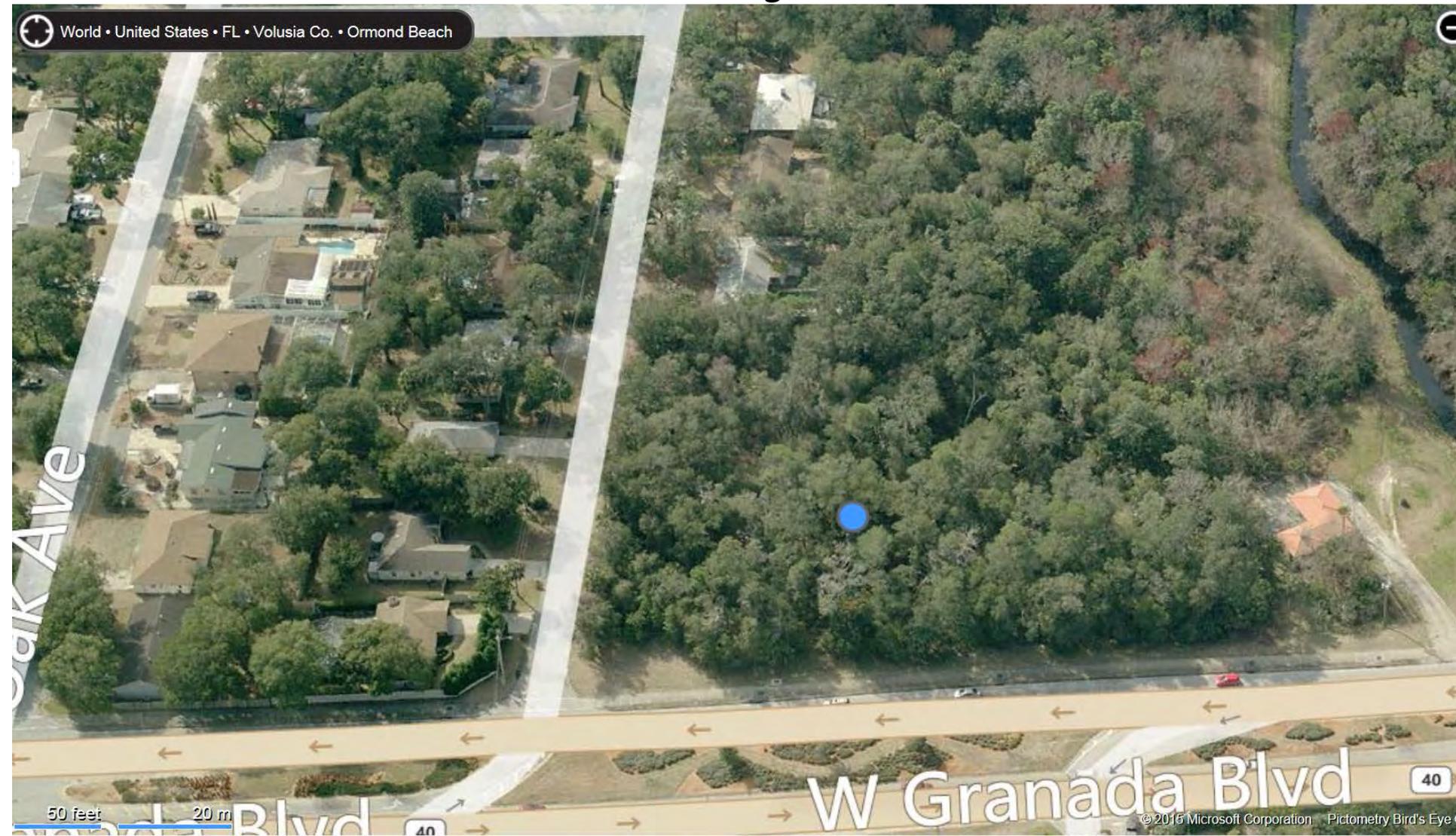
Site aerial and pictures

# Aerial of 10 Magnolia Avenue



Source: Bing Maps

# Aerial of 10 Magnolia Avenue



Source: Bing Maps

# Looking from Granada Boulevard towards Magnolia Avenue



Source: Google street view

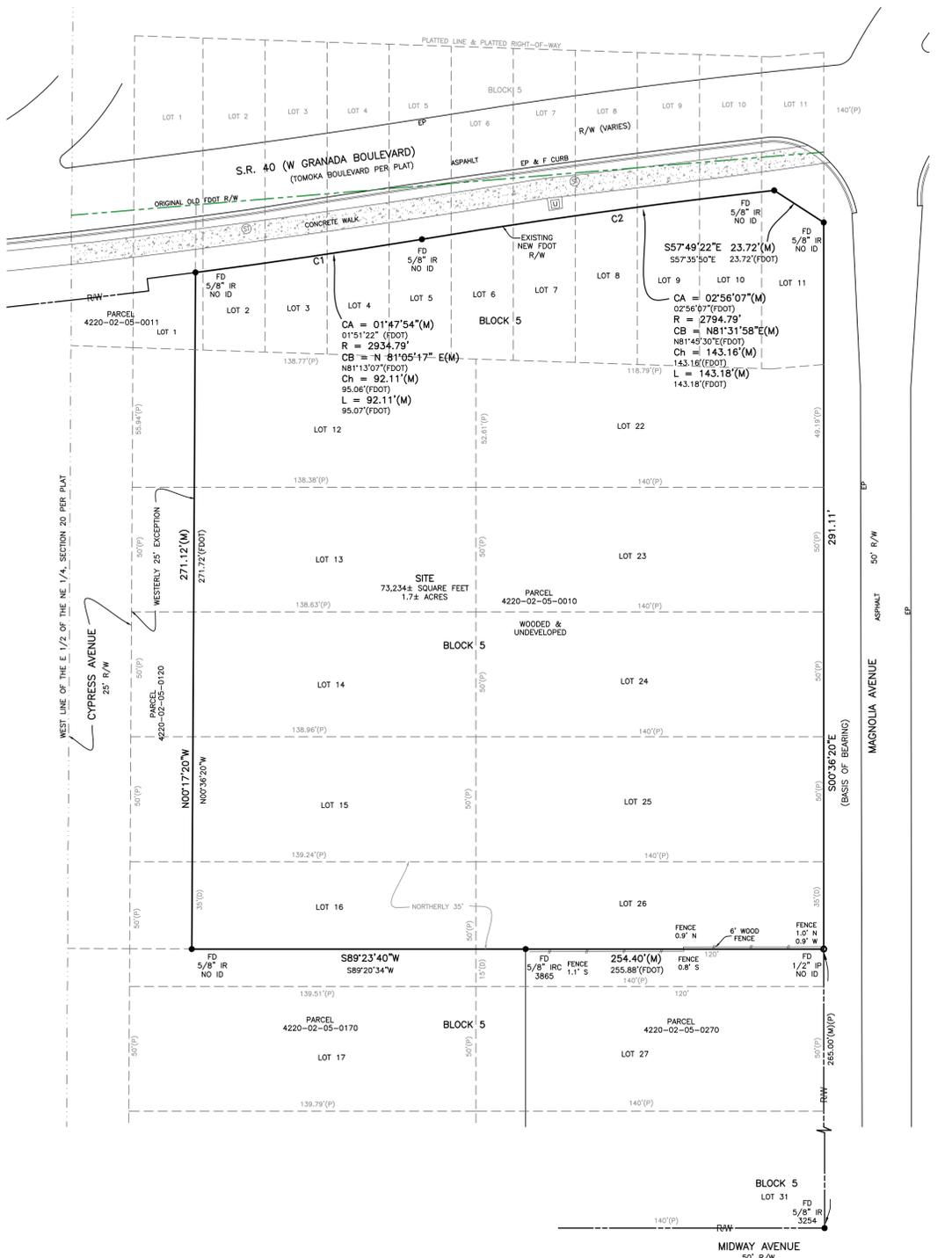
## Looking south along Magnolia Avenue



Source: Google street view

# **ATTACHMENT 3**

Survey



**LEGAL DESCRIPTION:**

LOTS 1 THROUGH 15 INCLUSIVE, THE NORTHERLY 35' OF LOT 16, THE NORTHERLY 35' OF LOT 26 AND ALL OF LOTS 22, 23, 24 AND 25, BLOCK 5, DAYTONA OAK RIDGE, OF RECORD IN MAP BOOK 10, PAGE 143, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THAT PART OF LOTS 1 THROUGH 11 USED FOR STATE ROAD #40, KNOWN AS THE ORMOND- BARBERVILLE ROAD AND EXCEPTING THE WEST 25' OF THE ABOVE DESCRIBED PROPERTY.

**GENERAL NOTES AND SURVEY REPORT:**

- BEARING STRUCTURE ASSUMED (S 00°36'20" E) ALONG THE WESTERLY RIGHT-OF-WAY LINE OF MAGNOLIA AVENUE (50' R/W), PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR STATE ROAD 40 (W GRANADA BOULEVARD)(TOMOKA BOULEVARD), SECTION 79100-2516. FOR ANGLE MEASUREMENT ONLY.
- LEGAL DESCRIPTION PROVIDED BY CLIENT PER OFFICIAL RECORD BOOK 5893, PAGE 1602, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
- RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS ( ), WHEN DIFFERS FROM MEASURED.
- FLOOD PLANE CERTIFICATION ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), CITY OF ORMOND BEACH, FLORIDA, COMMUNITY NO. 125136, MAP NO. 1212700214 J, DATED: FEBRUARY 19, 2014. THE PROPERTY IS IN FLOOD ZONE "X" THE BASE 100 YEAR FLOOD ELEVATION IS NONE.
- ACCURACY STATEMENT: THE ACCURACY OF THE BOUNDARY CONTROL OF THE SUBJECT PROPERTY IS SUBURBAN: LINEAR: THE CLOSURE IS : 1 foot in 7,500, THE MINIMUM RELATIVE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATIONS OF A CLOSED GEOMETRIC FIGURE IS FOUND TO EXCEED THIS REQUIREMENT.
- MEASUREMENT METHODS: HORIZONTAL AND VERTICAL MEASURES MADE BY ONE OR MORE OF THE FOLLOWING INSTRUMENTS: TOPCON INSTRUMENTS ES-105, TOPCON HIPER SR GPS INSTRUMENTS, PAL-2 LUFKIN STEEL TAPE, CST STEEL TAPE, STEEL HIGHWAY CHAIN, CST & LUFKIN FIBERGLASS TAPE FOR DIMENSIONS FOR BUILDINGS.
- DATA SOURCES: NONE
- HISTORY REFERENCE TO PREVIOUS SURVEY OR HELPER SURVEYS, LINEAGE OF DATA HORIZONTAL DATA REFERENCES, DATE OF ORIGINAL PLAT.
  - FLORIDA DEPARTMENT RIGHT-OF-WAY MAPS, SECTION 79100-2516.
  - DAYTONA OAK RIDGE, AS RECORDED IN MAP BOOK 10, PAGE 143, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
- LIMITATIONS:
  - SOME INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY AND OR OWNERSHIP WHEN FURNISHED TO THIS SURVEYOR EXCEPT, AS SHOWN, THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTES RULE 5J-17.05(2)(d)(4)
  - IT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND THE FIRM, FROM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM, DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYOR'S OPINION.
  - ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY. PER FLORIDA STATUTES CHAPTER RULE 5J-17.05(3)(b)(6)
  - THE ACCEPTANCE OF THIS SURVEY AS CERTIFIED FOR THE EXCLUSIVE USE OF NAMES SHOWN HEREON SHALL CONSTITUTE FULFILLMENT OF MY CONTRACTUAL OBLIGATION. "ORIGINAL" AS DEFINED HEREON REFERS TO THE SIGNED AND SEALED GRAPHIC REPRESENTATION OF THE FIELD SURVEY. CAD FILES ARE NOT THE SURVEY AND THERE MAY BE A SURCHARGE FOR THEM.
  - TAX PARCEL IDENTIFICATION NUMBERS, ADJACENT OWNERS NAMES AND ADDRESS WHEN SHOWN SHOWN IS EITHER SUPPLIED BY CLIENT AND/OR TAKEN FROM COUNTY APPRAISER'S INTERNET WEB PAGE AND MAY NOT BE THE MOST CURRENT.

**ABBREVIATIONS / LEGEND:**

A/C	AIR CONDITIONER	○	IRON PIPE &/ OR CAP (AS NOTED)
CA	CENTRAL ANGLE / DELTA	⊙	PARKER KALON NAIL & DISK (AS NOTED)
CB	CHORD BEARING	●	IRON ROD &/ OR CAP (AS NOTED)
CH	CHORD DISTANCE	□	CONCRETE MONUMENT (AS NOTED)
CM	CONCRETE MONUMENT	⊞	UTILITY BOX
(C)	CALCULATED	⊞	STORM MANHOLE
C/O	CARE OF	▨	CONCRETE HATCH
(D)	DESCRIPTION OR DEED		
DWG	DRAWING		
EP	EDGE OF PAVEMENT		
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION		
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY		
F.I.R.M	FLOOD INSURANCE RATE MAP		
FL	FLORIDA		
ID	IDENTIFICATION		
IP	IRON PIPE (AS NOTED)		
IR	IRON ROD (AS NOTED)		
IPC	IRON PIPE & CAP (AS NOTED)		
IRC	IRON ROD & CAP (AS NOTED)		
L	LENGTH		
LB	LICENSED BUSINESS		
LC	LICENSED CORPORATION		
LLC	LIMITED LIABILITY COMPANY		
LS	LICENSED SURVEYOR		
(M)	MEASURED		
M.B.	MAP BOOK		
NAVD	NORTH AMERICAN VERTICAL DATUM		
NA	NOT APPLICABLE AND/OR NOT AVAILABLE		
NGVD	NATIONAL GEODETIC VERTICAL DATUM		
No.	NUMBER		
N/P	NOT POSTED ON PANEL		
(P)	PLAT		
PG	PAGE		
P.A.	PROFESSIONAL ASSOCIATION		
PKD	PARKER KALON NAIL & DISK (AS NOTED)		
P.O.	POST OFFICE		
PRM	PERMANENT REFERENCE MONUMENT		
R	RADIUS		
(R)	RECORD		
R/W	RIGHT-OF-WAY		
WO#	WORK ORDER NUMBER		

REVISIONS: - - -	PREPARED FOR THE EXCLUSIVE USE OF: RPA Vestments, LLC Realty Pros Assured, LLC Stewart Title Guaranty Company Southern Title Holding Company LLC Seacoast National Bank, its successors and/or assigns	TYPE OF SURVEY: <b>BOUNDARY</b>	THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE 1" = 30' OR SMALLER. ANY USE OF THIS FILE AT A SCALE LARGER THAN STATED SHALL BE AT THE USER'S OWN RISK.  THE FOREGOING PLAT IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 5J17-6, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.   ANTHONY SANZONE	PROJECT No: 2015-66  SCALE: 1"=30' MAP SUBJECT: RPA SITE ADDRESS: 10 Magnolia Ormond Beach, FL	 <b>LAND SURVEYING CONSTRUCTION LAYOUT</b> 1366 N.U.S. Hwy 1, Ste 602 Ormond Beach Florida 32174 Voice: 386.405.6797 a1ageoinc@gmail.com LB # 7967 LS # 6309
	FIELD WORK BY: DM DATE: 08/06/15 OFFICE WORK BY: AM DATE: 08/14/15 FIELD BOOK - PAGE: 5-30	NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	PROJECT No: 2015-66 SCALE: 1"=30' MAP SUBJECT: RPA SITE ADDRESS: 10 Magnolia Ormond Beach, FL		

# **ATTACHMENT 4**

B -1 zoning district

**Sec. 2-22. B-1, Professional Office/Hospital Zoning District.**

A. PURPOSE: The purpose of the Professional Office/Hospital (B-1) Zoning District is to provide areas primarily for professional offices, institutional uses, also allowing multifamily residential, and retail uses with special emphasis given to sound architectural design practices, site planning, landscaping and sign location.												
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. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
Nonresidential Uses	—	40', Hospitals may be 55'	35%	75%	20,000 SF	100'	—	20	20'; 30' if abutting residential district; 5' additional combined side yard required for each story over 2	10'	20'	30'
Multifamily	8 (10 units per acre if 2 stories)	30'	35%	75%	43,560 SF	125'	—	30	20'; 30' if abutting residential district	20'; 25' if abutting a single-family residential district; 5' additional combined side yard required for each story over 2	20'	30'

C. PERMITTED USES	D. CONDITIONAL USES	E. SPECIAL EXCEPTION USES	F. OTHER STANDARDS				
<ol style="list-style-type: none"> <li>1. Adult Day Care Center</li> <li>2. Assisted Living Facility</li> <li>3. Business/Professional Office</li> <li>4. Business Service</li> <li>5. Financial Institution</li> <li>6. Hospital</li> <li>7. Instructional physical activity</li> <li>8. Medical Research Laboratory</li> <li>9. Medical Supply/Rental</li> <li>10. Nursing Home</li> <li>11. Pharmacy</li> <li>12. School, Public</li> <li>13. Veterinarian</li> </ol>	<ol style="list-style-type: none"> <li>1. Child Care Facility</li> <li>2. Community Residential Home</li> <li>3. Dwelling, Multifamily</li> <li>4. Family Day Care Home</li> <li>5. Historic Preservation Mixed Use</li> <li>6. House of Worship</li> <li>7. Parks and Recreation Facilities, Private</li> <li>8. Parks and Recreation Facilities, Public</li> <li>9. Personal Services</li> <li>10. Public Facilities</li> <li>11. Public Utilities</li> <li>12. Recreation Facilities</li> <li>13. Restaurant, Type A</li> <li>14. Restaurant, Type B</li> <li>15. Retail Sales and Service</li> <li>16. School, Private</li> <li>17. Telecommunication Tower/Antennas, Camouflaged</li> <li>18. Wind Energy System</li> </ol>	<ol style="list-style-type: none"> <li>1. Cemetery</li> <li>2. Funeral Home</li> <li>3. Outdoor Activity</li> <li>4. Outdoor Storage</li> <li>5. Recreation Facilities, Outdoor</li> <li>6. Restaurant Type C</li> </ol>	<p>All development must comply with setback requirements:</p> <ol style="list-style-type: none"> <li>1. Wetlands (chapter 3, article II).</li> <li>2. Special corridors and buffer requirements (chapter 3, article I).</li> <li>3. See conditional and special exception regulations (chapter 2, article IV).</li> <li>4. Multifamily residential dwelling units shall have the following minimum square footage per bedroom:</li> </ol> <table border="1" data-bbox="2048 641 2648 717" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 2px;">One = 750 SF</td> <td style="padding: 2px;">Three = 1,050 SF</td> </tr> <tr> <td style="padding: 2px;">Two = 900 SF</td> <td style="padding: 2px;">Each Additional Bedroom = 150 SF</td> </tr> </table>	One = 750 SF	Three = 1,050 SF	Two = 900 SF	Each Additional Bedroom = 150 SF
One = 750 SF	Three = 1,050 SF						
Two = 900 SF	Each Additional Bedroom = 150 SF						
<p><b>G. PERMITTED ACCESSORY USES:</b> Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.</p>							

(Ord. No. 2015-11, § 2, 4-7-2015; Ord. No. 2015-16, §§ 3—5, 4-21-2015)