

# Tomoka Oaks Times

An Independent Newsletter Focused on Preventing Residential Development of the Tomoka Oaks Golf Course



## Carolyn's Message

Dear Neighbors,

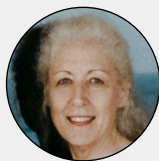
This newsletter will be short and to the point. I have spent almost 2 years willingly and passionately researching our rights and advocating to save our neighborhood from residential development. I have done this not just for myself, but for all of us. And now I need you to help me (and each other) by sending me your own passionate and heartfelt reasons why this development is not right for Tomoka Oaks or for Ormond Beach. Page 2 explains how!

I am devoting this issue to how you can still make a difference as we get closer to public hearings which may begin as soon as July 13. You came through for me when I asked you to attend the February Neighborhood Meeting. You came through for me when I asked for your traffic concerns. And I am 100% confident each of you reading this newsletter will come through for me as I ask you to send me your letters on why you don't want this development.

My newsletter subscribers are not just limited to Tomoka Oaks residents. You live throughout Ormond Beach, and everyone reading this newsletter is most likely a registered voter, right? Well now is the time to let your voice be heard by the Planning Board, Mayor and Commissioners; especially those running for local and state offices in 2024. There is power in our numbers, and we will make a difference!

*Not giving in or up,*

Carolyn Davis  
46 Oakmont Circle  
[CarolynDavis3@gmail.com](mailto:CarolynDavis3@gmail.com)



## Listen up everyone! We are getting close to the public hearings on the Planned Residential Development zoning of the Tomoka Oaks golf course property.

It has been over a year since the developer first submitted their application to rezone the golf course property to a Planned Residential Development zone, which, if approved by the Commission, allows the developer to build residential homes on the golf course property.

Many of you have been involved in reviewing the multiple site plans submitted, and like me, have raised concerns with the City regarding the proposed development that is going to occur in our backyard. The most recent site plan shows 276 lots with lot widths ranging from 50', 60' and 80'. These are still not compatible with Tomoka Oaks lot widths of 100'. We have been vocal about our concerns regarding lot widths **as well as so many other aspects of this proposed development.** But the clock for questioning the developer's plans is quickly winding down.

### Where do things stand?

The developer (Applicant) is asking to have the Planning Board hearing on Thursday, July 13th, which is one month away. This is a tentative date. Also, due to the anticipated large turnout of residents and limited seating in City Hall's hearing chamber, the City is considering an alternate location but have not made a final decision. *Per Carolyn - I will email you this vital information (date, time, place) once it is confirmed.*

You can also check the Planning Board hearing status at: [ormondbeach.org/1013/Tomoka-Reserve](http://ormondbeach.org/1013/Tomoka-Reserve)

### Who makes up the Planning Board?

Five of the seven Board members are appointed by the City Commission. And then those five appoint two more at-large Board members.

### What will the Planning Board do?

The Planning Board will:

- Review the City's Staff Report which is compiled from the information received by the Site Plan Review Committee (SPRC) over the past 18 months.
- Review written comments submitted by residents.
- Listen to oral comments made by the applicant, city staff, and residents at the public Planning Board hearing.
- Make a recommendation to the City Commission on whether the Commission should approve or deny the developer's application when the Commission votes at their separate Commission public hearing (date TBD).

### What can YOU do?

1. Submit a letter to Carolyn Davis explaining why you do not want this development. Carolyn will compile all letters and provide to the City the week before the hearing. (See page 2 of this newsletter for complete instructions.)
2. Attend the Planning Board hearing; tentative date is July 13.
3. At the hearing, you can choose to speak for 3 minutes to inform the Board

(Continues on page 2)

## Criteria City Will Consider When Voting

Both the Planning Board and the City Commission must ensure the development adheres to the Ormond Beach Comprehensive Plan and the City's Land Use Development Code. Regulations pertinent to the residential development of the Tomoka Oaks golf course property are listed here. You should reference this list when writing your letter as explained on page 2 of this newsletter.

### The new development must NOT:

- Alter the character of Tomoka Oaks or existing neighborhoods such as The Trails and Escondido
- Substantially and permanently depreciate the value of the surrounding property
- Create undue crowding
- Adversely affect the public health, safety, welfare or quality of life
- Present potential adverse environmental impacts

### The new development MUST:

- Ensure safe and convenient traffic flow
- Protect wildlife habitat areas
- Encourage retention of natural vegetation and not destroy significant aesthetic and natural features
- Be compatible with Tomoka Oaks (i.e., lot widths, house square footage, architectural styles, distance between homes, front and rear property setbacks, parking places per residence)
- Be compatible with the ecological function of the protected Tomoka River and adjacent lands including wetlands and vegetative buffers.
- Have adequate emergency access independent of the primary access
- Be consistent with the City's Flood Damage & Surface Water Runoff Controls
- Meet hurricane evacuation criteria
- Maintain adequate facilities and services: schools, roads, stormwater management, police and fire protection, EMS, and evacuation facilities

# We are getting close to hearings on the PRD application

(continued from page 1)

why this development is not a good fit for Tomoka Oaks.

4. You do not have to speak at the hearing. But know that your presence alone will send a powerful message to the Planning Board. Our goal is to PACK THE HEARING chamber!

Carolyn will have Development Opposition signs available that residents can hold up during the meeting.

*BTW: The front page of the [Hometown News](#) dated June 9, 2023, reported the Daytona Beach Planning Board voted to delay their vote on the Silver Beach condo-tel due to frustrated (and angry) residents expressing concerns about how the proposal will affect beach erosion, quality of life and traffic, as well as create over-development. The attorney representing the developer, Rob Merrell of Cobb Cole, asked for a continuance minutes before the Planning Board was about to vote to "not recommend" the development.*

*Merrell also represents the applicant for the Tomoka Oaks golf course development so Cobb Cole knows first hand the power of residents attending public hearings to voice opposition.*

## Instructions for writing letters for the Planning Board

No later than Monday, June 26:

- Email, mail, or drop off a letter to Carolyn writing why you do not want this development.  
[CarolynDavis3@gmail.com](mailto:CarolynDavis3@gmail.com)  
46 Oakmont Circle, Ormond Beach 32174
- Your letter should identify at least one item from page 1 in the chart "Criteria City Will Consider When Voting." Explain why you are concerned. For example, if you select traffic, explain why traffic will be an issue. If you select "undue crowding," write why more residents creates problems.
- You do not need to live in Tomoka Oaks to submit a letter.
- Include as many concerns as you wish, but keep each concern short and concise.
- Include your name(s) and address
- Include pictures if you wish of yourself, family, pet, garden, home - whatever is representative of YOU.
- Children are welcome to submit letters or drawings if they also contain a parent's signature.
- Carolyn will not edit any responses

- other than to remove email address.
- Carolyn will compile all letters and pictures into a binder and provide to the City a week before the hearing.
- Carolyn must include your name(s) and addresses for the city record.

Remember - Elections occur in 2024 and the commission and mayor need to be reminded that we are not only homeowners; we are VOTERS.

This is OUR neighborhood and OUR city that we are defending. Even if you are not a resident of Tomoka Oaks, your letter is important!! The city must understand that Tomoka Oaks represents everyone's backyard. If we can't save Tomoka Oaks from residential development inside the heart of our neighborhood, whose neighborhood is next? Yours?

The Tomoka Oaks Times is an independent newsletter whose goal is to prevent residential development of the Tomoka Oaks Golf Course. This newsletter is separate from the voluntary Tomoka Oaks HOA Golf Course Committee whose efforts are directed only at mitigating development. It is our belief that our development opposition is necessary to accurately and fairly represent Tomoka Oaks residents who desire zero residential development.  
Carolyn Davis • 46 Oakmont Circle • 32174

## COMMISSION CORNER

When it comes time for each of you to vote on the Tomoka Reserve PRD rezoning application, I trust that you will be guided by the Comprehensive Plan and Land Development Code that you swore to uphold after being elected. Before voting, I respectfully ask you to consider:

[Land Development Code](#), Chapter 1, Article II, Section 1-18, (e) (2) (d)

Criteria for issuance of development order - The proposed use will not substantially or permanently depreciate the value of surrounding property.

[Comprehensive Plan](#), Goal 1, Policy 1.1.3

Preserve the character of existing neighborhoods by not allowing intrusions of land uses that would threaten to alter the neighborhood's character.

Property value loss is a reasonable expected outcome. Real estate experts rank premium property values in the following order:

- #1 Ocean front
- #2 River front
- #3 Adjacent to a golf course
- #4 Adjacent to a conservation area or expansive green space
- #5 Adjacent to another residential property

It is a logical conclusion that Tomoka

Oaks homes, especially those which currently border the golf course property, will see a loss in value should Tomoka Reserve be built.

I emailed City Attorney Randy Hayes to ask how the City defines what constitutes "substantially or permanently depreciate the value of surrounding property." I was fully expecting Mr. Hayes to provide objective, measurable standards. Instead, he responded in part:

*The Land development Code does not prescribe specific criteria that must be evaluated regarding the referenced condition. The standard of review by the city commission is based on the "competent substantial evidence standard" which will require the commission to weigh the credibility and reliability of all evidence presented at the public hearing.*

This answer was an eye opener. Basically the subjective opinion of the mayor and four commissioners decides if Tomoka Oaks property values will depreciate. Even if we paid for a professional analysis (at an estimated cost of \$30,000 for analysis by a national golf course property appraiser), would this analysis be enough to convince the city of depreciation since the Commission could subjectively decide this professional is not credible or reliable?

After pondering what "might" be worthy of the commission's subjective standard for credibility and reliability, I dug through my research notes related to the 2006 Tomoka Oaks Golf Village PRD application

which retained the golf course while adding 122 residential units. These research documents are chock-full of statements made by City staff, the Mayor, Commissioners, the city attorney, the Applicant, and the Applicant's attorney Rob Merrell (who also represents the current Tomoka Reserve project). Surely these people would pass the "competent substantial evidence standard" test for what is necessary to protect Tomoka Oaks home values. What did these worthy professionals say on the public record?

The unanimous 2006 consensus of all parties was that new home development could not occur adjacent to existing homes. And the golf course property would be restricted in perpetuity to remain a golf course or recreational area as per the development order.

The 2006 Tomoka Oaks Golf Village PRD decision makes a powerful statement about protecting the character of Tomoka Oaks by reinforcing the implied covenants of golf course or recreational green space perpetuity that homeowners have relied on for decades when purchasing homes in Tomoka Oaks.

Today's proposed Tomoka Reserve PRD is a total contradiction of our 60-year historical character as a landmark Ormond Beach development.

Thank you,  
*Carolyn*