

# Tomoka Oaks Times

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

## Highlights of the newest Site Plan and Staff Report

A [new site plan](#) was provided to the City on 9/6/23 showing:

- The number of total lots was reduced from 276 to 272.
- The total number of lots surrounding the golf course perimeter increased from 155 to 157.
- The inside lots in the center core increased in width from 50' to 60'
- The total number of interior lots (including the core) were reduced from 121 to 115.

A [new Staff Report](#) recommending **DENIAL** was issued indicating:

- There are still issues with the perimeter lots which are 80' wide rather than 100' as was requested by the City.
- The proposed buffer is still a Type 4 rather than the recommended Type 6. And the buffer will not contain the irrigation system requested by the City.

Highlights of [SPRC Comments](#) include:

- Rationale needed for not making perimeter lot widths 100'
- Request for a 6 year buffer maintenance bond; not the 2 year bond proposed by the applicant.
- Storm package discharge rates need to be identified.
- More specifics on the emergency access connection at 100 N. St. Andrews
- Functioning of dry retention ponds and whether they can be considered in natural preservation calculations.



[See larger image.](#)

### Impact of Nova Road Improvements

LTG's [traffic analysis](#) of FDOT's Nova Road improvements conclude no adverse level of service impact, but the applicant failed to address that Nova improvements will be occurring at the same time Tomoka Reserve is being built, thus construction vehicles for both projects utilizing Nova at the same time (semi's, bulldozers, concrete trucks, etc.) present traffic and safety concerns for Tomoka Oaks, Escondido, The Trails, Talaquah & Tomoka Oakwood N. condos.

### Planning Board - Third Hearing

Tuesday, September 26, 2023  
6:00 PM

**Calvary Christian Center**  
1687 W. Granada Blvd.  
Ormond Beach, FL 32174

(Just west of I-95)  
[Directions](#)

Residents will be allowed 3 minutes to speak.

**REMEMBER - this development is NOT a done deal. DENIAL is an option.**



## Carolyn's Message

Dear Neighbors,

Over a year ago, in June 2022, I provided the City a 100+ page report ([view here: pages 11-130](#)) containing deeds, restrictions, original marketing materials, and newspaper articles which documented and cited that the land use of the golf course property was to remain a golf course or recreational green space in perpetuity. Yet a June 30, 2022 email ([page 121-123](#)) shows how the City's legal department cherry picked just two documents (from all research provided) to support City Attorney Randy Hayes' conclusion that "there is no covenant requiring the golf course to be used in perpetuity" thus summarily dismissing any facts that might contradict his opinion of the land's legal use. Why? Shouldn't the city embrace any opportunity to save this showcase green space?

Land Use Attorney Brent Spain of the Theriaque & Spain Law Firm provided his legal opinion ([view letter](#)) to the City on July 12, 2023 which clearly cites case law upholding the use of the property as either a golf course or recreational green space in perpetuity. There is nothing ambiguous about Mr. Spain's opinion that residential

development is restricted. Mr. Spain further outlines how the City's legal conclusion is "misplaced" because the documents relied upon in the City's opinion do not actually release, waive or modify the perpetuity use.

Residents, be prepared for the City to go on the defensive at the upcoming Sept 26 Planning Board hearing by claiming their own analysis still stands. Watch how Mr. Hayes will continue to place the legal and financial burden **on our shoulders** by asserting residents have to defend their rights via civil court. After all, better for **us** to shoulder the costs than for the City to risk a lawsuit from the developers if they deny development based on Mr. Spain's case citations, right?

In stark contrast to his civil court conclusion disallowing Mr. Spain's opinion at our first hearing, Mr. Hayes allowed the developer's attorney, Rob Merrell, to testify at the second Planning Board hearing on August 21st that "**Key Issue #1- Development Ability of the former golf course**" had been "quickly resolved" by Randy Hayes' assessment. Merrell's PowerPoint slide stated: *City staff are not aware of any private document that requires the subject property to be utilized as a golf course only.* When I heard Mr. Merrell's testimony I wondered, "Why claim just private documents? And why is the developer allowed to cite the City's summary, but

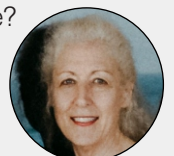
the city wouldn't recognize Mr. Spain's opinion at the first hearing?" Is anyone else bothered by the City attorney's obvious one-sided bias towards developer rights over resident rights?

How many times have we heard "something is going to go in there" regarding residential development of the golf course property? We have been told this over and over and over again *even before the property was formally closed on in April 2021.* Each time I hear that "something is going to go in there," I ask myself, "Who benefits the most from this constant repetition which only serves to brainwash residents into believing they have no say?"

At the first and second Planning Board hearings we heard both the Chairman and other members state that "something is going to go in there." Even the City Attorney made the statement at the second hearing that "something is going to go in there." What do these influential, policy shapers know that we don't? How are they **so sure**? How can this claim be made before the City Commission has even cast their formal vote?

*Not giving in or up,*

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



## Highlights - August 21, 2023 Planning Board Hearing

The second Planning Board hearing on August 21 was relatively short at 1 hour and 15 minutes, compared to the first hearing which ran 5 hours. Approximately 175 residents attended the second hearing. Public comments were not allowed.

Several days before the August 21 hearing, the City received a new site plan containing material changes. Planning Board members voted to continue the August 21 hearing to September 26 to allow the



Barbara Doliner, Tomoka Oaks  
PHOTO: David Tucker/News-Journal

SPRC and the public time to review these changes and schedule the September 26 public hearing allowing resident testimony. Since the August hearing, another site plan was provided in early September (details on page 1).

Newspaper articles summarizing the hearing are available at:

**Observer** [article link](#)

**Daytona Beach News-Journal** [article link](#) *Subscription required.*

The 1.25 hour audio and Power Point from the Planning Board hearing held August 21, 2023 is located at <https://www.youtube.com/watch?v=mCVJh3WI-cg>

## Save Tomoka Oaks

Get a T-Shirt to wear to the Hearings!



Our HOA has given out the last of our green Preserve Tomoka Oaks T-shirts, and Doug & Darla Widnall of The Trails have generously stepped in to supply a fresh supply of red SAVE TOMOKA OAKS

T-shirts! They are offering shirts to all area residents for \$5 a shirt. Just text or call Darla at 386-235-5549 to place an order and discuss delivery options.

Darla will also be selling T-shirts before the Planning Board hearing at Calvary Christian Center. Look for her table at the entrance to the building where the September 26 hearing is being held.

BTW: The Widnalls have done more than just print T-shirts. They are truly committed to helping us, their Tomoka Oaks neighbors, save our green space. The Widnalls sponsored *Tomoka Oaks Times* mailings to every resident in The Trails and Tomoka Oakwood North Condos. We are truly blessed by their support. Thank you Darla & Doug!

## Shout-outs to residents who sent letters to the City

Thanks to the following who submitted letters to the City from [8/10/23 - 9/13/23](#):

**Natalie Weaver** - great question about Tomoka Reserve gates congesting traffic. I wonder about that too.

**John Jeyaseelan** - thank you for informing the city you have not, and will not, authorize any Tomoka Reserve access through your property.

**Denise Corley** - appreciate your calling out deceptive drawings, buffer flaws, and poor emergency access logic.

**Kelsey Kipi** - I applaud your innovative suggestion on how the developers can make a profit while still retaining the golf course and safeguarding our property values.

**Brett McGinnis** - I agree, the proposed redesign of the traffic diamond is pointless and does nothing to solve traffic at this primary intersection.

**Paul Hughes** - excellent points that: no formal notice provided to Escondido for alternations to their entranceway; no variance notice posted at 100 N. St. Andrews for the EMS ingress/egress for Tomoka Reserve; railroad traffic for the proposed fuel terminal will result in further traffic backups at the Nova RR crossing.

**Julie Freidus** - I think the city's Land Development Codes should be updated to include proof of available critical care infrastructure. Why was it ever omitted?

**Tom Harowski** - much appreciation for your professional assessment that the site plan submitted in August was misleading regarding 100' and 90' wide lots. And your evaluation of green space reductions was insightful. Thank you.

**Barbara Doliner** - I too take offense whenever I hear "Don't bother fighting it. It's a done deal." It is NOT a done deal.

**Scott Ryals** - great suggestion that the city appoint an exploratory committee to ensure the use of the land results in positive outcomes for our entire city.

**Michelle Zirkelbach** - I believe your 19 years as a Realtor qualifies your testimony as meeting the threshold for the "competent substantial evidence standard" the Commission uses when voting. Let's hope they listen to you.

**Tyler Brown** - Thank you for advocating that residents be allowed to publically comment on material changes submitted after the first Planning Board hearing.

**Bonnie Kloepfer** - every time I look at your home, I think about the additional 2,774 daily trips that will pass in front of it. I truly feel for you and the other Tomoka Oaks Blvd residents facing this outcome.

## COMMISSION CORNER

Dear Mayor and Commissioners,

Like many Ormond Beach residents, I have been following with great concern the potential Belvedere fuel storage facility which will be just 1.5 miles from Tomoka Oaks if allowed to be built at 874 Hull Road. I understand this facility is actually under the jurisdiction of Volusia County and not Ormond Beach, but unfortunately the land borders our city.

I listened to the Commission hearing on September 6, 2023 and am most appreciative of the efforts being made by yourselves and City staff to find an alternate location for this proposed fuel farm. Passionate testimony from residents and commissioners proved how much we all want to prevent this facility from becoming a reality. I want to highlight and reinforce the testimony of one of those residents - our own Tomoka Oaks homeowner Flavia Casassola.

Flavia does not want Tomoka Oaks to get overlooked by the Commission as you diligently push forward to identify strategies to prevent Belvedere from locating their facility in our figurative backyard. Any disaster at the fuel farm

could have devastating effects on the safety of Tomoka Oaks and Tomoka Reserve residents who would be competing for emergency evacuation.

The Planning Board will be holding their third (and hopefully final) hearing on the Tomoka Reserve PRD on September 26. One of the outstanding SPRC comments concerns emergency access in and out of Tomoka Reserve. The potential addition of a fuel farm to the equation makes it even more crucial that emergency access be properly addressed now, which includes 100 N. St. Andrews Dr., and the critical configuration of the "diamond" intersection of Tomoka Oaks Blvd with North and South St. Andrews Drives.

Regardless of the Planning Board's ultimate recommendation to the Commission regarding the Tomoka Reserve PRD application, I echo Flavia's request that you deny the PRD and instead honor and preserve the 147 acres of open green space still remaining in this coveted area of our city.

Respectfully,

*Carolyn*

The *Tomoka Oaks Times* is an independent newsletter whose goal is to prevent residential development of the Tomoka Oaks Golf Course property. This newsletter is separate from the voluntary Tomoka Oaks HOA Golf Course Committee whose efforts are directed at mitigating development. It is our belief our development opposition is necessary to accurately and fairly represent Tomoka Oaks residents who desire no residential development.

Carolyn Davis • 46 Oakmont Circle • 32174  
CarolynDavis3@gmail.com