

Tomoka Oaks Times Newsletter

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

Dear Neighbors,

The developers have withdrawn their PRD application and are moving forward with their R-2 plan. City Planning Director Steven Spraker confirmed the Planning Board will be hearing the R-2 zoning map amendment in January; actual date to be announced.

Why was the PRD application withdrawn?

Despite the best efforts of the voluntary HOA's mitigation meetings for fewer homes and for 100' lot widths, and the City Commission's decision to send the application back to the Planning Board to negotiate a significant reduction to the proposed 272 lots, the developer decided the PRD was "an exercise in futility" and withdrew it. They are now pursuing their R-2 re-zoning application.

What does R-2 mean?

In the August 2023 *Tomoka Oaks Times*, I gave a brief explanation of PRD vs R-2 ([screenshot](#)).

Bottom line:

- R-2 theoretically allows development of 317 homes as compared to 272 homes in the rejected PRD, BUT the application STILL must meet the City's Land Development Codes and Comprehensive Plan.
- The PRD buffer between existing golf course-facing homes was 50' whereas the R-2 buffer requirement is only 6'. So current golf course-facing homes which had a buffer of anywhere from 50' to much, much more open space due to retention ponds, could now be looking at a 6' buffer separating all existing golf course-facing homes and the proposed development.

Should we be worried?

NO. THREATS of more intense development have been a consistent part of the developer's playbook. Recently, an additional Ponte Vedra attorney was retained to make additional threats in a November 21 letter to City Attorney Randy Hayes. This does not mean the developer will prevail in their threat to blanket the entire golf course property with homes.

What are possible options for us?

- I believe an approved 2006 PRD which retained the golf course green space while clustering townhomes and condos in the center of the golf course, is evidence that the City and Cobb Cole attorney Rob Merrell (who represented the 2006 applicant) **implicitly** recognized land use restrictions that the golf course property is protected as open green space, or as a golf course, in perpetuity (see attachment **A**). The **development order** expired in 2014, but, per City mandate, it intentionally "runs with the land" meaning the green space easements apply as precedent for any golf course owners (pg 8, item J). I will be providing Planning Board members the 2006 PRD documents prior to their hearing.
- The Tomoka Oaks voluntary HOA's golf course committee chair, Jim Rose, stated in the November 26, 2023 *Daytona Beach News-Journal*, "We do not believe it's a slam dunk for them. We think we have legal positions that we can assert. We're ready to go." I will be reaching out to Mr. Rose to see if we can join efforts to accept limited development in the property's core i.e., 122 units, while retaining the green space of the golf course property

as was agreed upon in the 2006 City Commission development order.

- What might the City be up to? Remanding the PRD application back to the Planning Board was obviously a strategic decision even though it resulted in the PRD withdrawal and the forward movement of R-2, which the City must have anticipated. Let's hope the City has a plan to protect Tomoka Oaks and neighboring subdivisions.
- Lastly, we still retain our fallback position - our legal defense outlined in Attorney Brent Spain's [Letter of Opinion](#) should the golf course green space not be preserved and protected as was done in 2006.

What can we expect at the January Planning Board hearing (date TBD)?

I reached out to City Planning Director Steven Spraker who informed me:

- The hearing is for a zoning map amendment.
- The focus of the January hearing is the appropriateness of the zoning district.
- A site plan is not required prior to the hearing.
- Residents can provide testimony.

Is there anything Tomoka Oaks residents can do in the meantime?

Not at the moment. But in the near future, I will be emailing our residents regarding any homeowner documents in their possession which could prove invaluable should we need to go to court.

Read the *Tomoka Oaks Times* newsletters at tomokaokshistory.com/newsletter

Not giving in or up,

Carolyn Davis
Tomoka Oaks
CarolynDavis3@gmail.com

