

# The City and the Developers have selected a Special Magistrate

The first mediation meeting has been set for:

**Date:** Thursday, September 19, 2024

**Time:** 9:00 am

**Location:** TBD (Will occur within Ormond Beach)

**Special Magistrate:** [Darren Elkind](#); an attorney in Deland, FL

The City of Ormond Beach passed **Resolution 2024-111** ([attached](#)) outlining the procedures for this process. This Resolution closely parallels [Florida Statute 70.51](#) - Land Use and Environmental Dispute Resolution.

Some highlights of this Resolution state:

- The proceedings will consist of two phases: a **Mediation** phase and a **Hearing** phase, which may be held on separate days.
- The proceedings are open to the public.
- A Special Magistrate may not impose a decision. Their purpose is to explore potential solutions to the golf course property zoning dispute and make a recommendation.
- The City will be mailing letters to Tomoka Oaks residents whose homes border the golf course and to anyone who submitted testimony at public hearings on the Tomoka Reserve zoning amendment. These letters will contain a form titled "Request To Participate in Special Magistrate Hearing" that must be returned to the City within 21 days. See page 25 of **Resolution 2024-111** ([attached](#)). The Special Magistrate will respond to the resident informing them if their Participant request has been granted.
- Participants may not directly participate in the **Mediation** phase between the City and the developer. But the Special Magistrate may allow participants to address aspects of the mediation that affect the participant's substantial interest.
- Participants may be asked to present information during the **Hearing** phase. Participants may be questioned by the Special Magistrate, the City and the developers.

- The Special Magistrate will provide a recommendation to all parties and participants within 14 days after the conclusion of the proceeding even if the parties did not reach an agreement during the mediation.
- The recommendation is not binding. The City Commission can vote to accept or reject the recommendation. The developer can accept or reject the City Commission's decision.

I am not a lawyer, so please read the [Statute](#) and [Resolution](#) for full details! I will keep you informed of new information as I receive it.

## **Developers purchased the home at 100 N. St. Andrews**

One of our residents informed me the developer's purchased 100 N. St. Andrews which is located at the back, north end of the golf course property. Are they going to tear it down and use it as another entrance/exit? Or do they plan to sell or rent the home and have an easement along the side for emergency access as was shown in the PRD layout? Who knows. But it is something to keep in mind as we move forward with mediation.

ALSO: There is an island in front of the home which makes the potential access to any development problematic. I can't see fire engines maneuvering around this island. Also, if 100 N. St. Andrews becomes a secondary entrance/exit for a new neighborhood, what does that additional traffic mean to the homeowners on N. St. Andrews, Rio Pinar, and the Trails???

## **Remember - Development is NOT a Done Deal**

For those of you who think the development of the golf course property is a DONE deal - please think again. We have come so far in stating our legitimate objections to a new neighborhood inside our Tomoka Oaks neighborhood. We would not be looking at mediation if the development was a slam dunk.

And for those of you who think the R-2 Zoning denial was the final outcome, please understand that denial was just one win in our ongoing battle to retain the golf course property in perpetuity. Our passion and dedication are paying off, and I am confident we will continue to educate our City Commission and Mayor regarding the necessity of protecting our green space!



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**Tomoka Oaks**

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## **Tomoka Oaks Times**

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