



# Board of Planning and Appeals

## BOPA Regular Meeting

### ~ Agenda ~

1065 Ridgewood Ave  
Holly Hill, FL 32117  
[www.hollyhillfl.org](http://www.hollyhillfl.org)

Thomas Harowski  
386-248-9424

Monday, October 5, 2015

6:30 PM

City Commission Chamber

## 1. Call to Order

### A. Roll Call

| Attendee Name                    | Present                  | Absent                   | Late                     | Arrived |
|----------------------------------|--------------------------|--------------------------|--------------------------|---------|
| Chairman Mike Myer               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Vice Chairman Christopher Via    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Board Member Edward H Perkins    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Board Member Dorothy Featherston | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |
| Board Member Jim Legary          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |         |

### C. Invocation

### D. Pledge of Allegiance to the Flag

## 2. Minutes

### A. Agenda Item (ID # 1194)

August 17, 2015 Minutes

#### ATTACHMENTS:

- August 17, 2015 BOPA Minutes (PDF)

## 3. New Business

### 1. Agenda Item (ID # 1190)

CPA 2015-01 the Mirage An Administrative Request by the City of Holly Hill to Amend the Future Land Use Map for a Portion of the Mirage Project from Low Density Residential to Medium Density Residential to Ensure Consistency Between the Comprehensive Plan and the R-6 Low Density Multi-Family Zoning.

**INTRODUCTION:** This application is asking for a comprehensive plan amendment to the Future Land Use Map to change a portion of The Mirage subdivision from Low Density Residential to Medium Density Residential. The change is being requested to make the existing zoning consistent with the future land use designation for the residential project which is partially developed.

**BACKGROUND:** The Mirage Subdivision was platted as a 161 unit townhome project in 2007. Subsequent to the approval of the plat 20 units were constructed in four buildings

fronting on Alabama Avenue. Subdivision improvements were also constructed for 33 additional townhome lots in seven proposed buildings along Primo Court which is accessed from Flomich Street. None of these lots were developed prior to end of the housing boom, and the balance of the subdivision was not completed.

In 2009 the project owners submitted a request to amend the plat to reduce the number of units from 161 to 100 to allow for expansion of the retention pond within the project. The purpose of the amendment was to allow shell mining in advance of the construction of the remainder of the subdivision. The City Commission approved the amended plat, but the amendment was never recorded. The shell removal was begun, but was ultimately suspended when the project was taken over by a bank. When the bank took over the project, the bank requested a return to the original plat and filled in the lake area that had been dug in excess of the area approved by the original plat.

The current owners are seeking to renew the proposal for the smaller 100 unit project with the larger lake allowing them to remove additional shell from the site. The City and the current ownership are in discussion about the City assuming control of the larger lake once it is complete so that it can be incorporated into the City's overall stormwater management program. Properties in this area are generally low, and the residential neighborhood to the east of The Mirage project suffered substantial flooding in 2009. Reduced impervious area from the smaller project and the larger lake with excess storage capacity has some appeal in terms of stormwater impacts in the general area. This is the same drainage basin where Volusia County has purchased homes on Rio Way and demolished them in advance of constructing a retention area.

The issue that has arisen related to the comprehensive plan is the consistency between the current R-6 Zoning for the project and the Low Density Residential Land Use that is applied to all of the project except for the Primo Court portion of the project. Future Land Use Policy 1.1.3 identifies R-1 through R-5 as the residential zoning classifications that are consistent with the Low Density future land use classification. The current R-6 zoning is inconsistent with the future land use designation. The records do not provide any reason as to how the R-6 Zone was assigned when it was inconsistent with the future land use designation, but it may have been an assumption that since the project density was within the low density range, that the zoning was acceptable. We do not agree with this position and have determined that the zoning and future land use designation must be made compatible.

There are two options to address the issue. One option is to change the zoning to be compatible with the future land use designation, but since a portion of the project has already been developed it seemed better to change the future land use. Changing the land use rather than the zoning will preserve the plat layout and dimensional requirements. Changing the land use will require the City to do an analysis of the subject property as if it were to be developed at the maximum allowable density rather than the density allowed by the plat. This analysis will be more of a theoretical exercise required by the State review than an actual assessment of the impact of the project as it will be constructed.

**DISCUSSION:** The area affected by the future land use map amendment is identified on the attached map. The area, including the developed portion of the project fronting on

Alabama Avenue constitutes 25.33 acres. The potential increase in total units based on a change from the Low Density to Medium Density Residential is 14 units per acre or 355 units total. (Note, the actual increase in housing units in the subject area is 108 under the current 161 unit plat or 47 units under the proposed revised plat.) The current R-6 zoning also has a maximum of 12 units per acre. Without a change in zoning, the maximum unit increase that could be achieved under the Medium Density Residential land use classification would be 152 units. Obviously the impacts generated by the current zoning are far less than can be achieved based on the future land use alone.

The surrounding zoning and future land use is as follows:

North: The property opposite the subject property on Alabama Avenue is designated low density residential and developed with single-family homes. To the east and west of these single family homes is the Riviera Golf Course and the Dog Park, both of which are designated as Parks and Open Space.

South: The property to the south is developed with single-family homes on the north side of Flomich Street and designated as Low Density Residential on the future land use map. On the south side of Flomich, the future land use is Medium Density Residential and zoned R-6 and developed with The Heritage project. There is also a small area of B-3 zoning which accommodated a hair salon which is now closed. The balance of these properties is used as single-family residences.

East: The property is designated Low Density Residential on the future land use map and zoned R-5 Duplex and R-6 Low Density Multi-Family. The R-6 area is developed with single-family units and the R-5 zoned area is developed with two family units.

West: A portion of the area to the west is designated as Medium Density Residential and developed with the Primo Court portion of The Mirage project. The balance of the area to the west is designated as low density residential and zoned R-6. The R-6 zoned area is undeveloped.

The City code sets forth a series of questions to be considered when an amendment to the future land use map is proposed. These questions are addressed below:

**Is the proposed amendment consistent with the adopted comprehensive plan?**

Yes. The purpose of this amendment is to resolve a current inconsistency between the future land use and the applied zoning.

**Is there an impact upon the environment or natural resources?**

No significant impact. The site is in an urban location and the site has been cleared for development based on current zoning and subdivision approvals. There is a proposal to extract shell from the site as part of the construction of the planned lake which is part of the stormwater management system for the project, so there will be some short-term mining activity on the site. There are no known plant or animal species that are

considered threatened or endangered on the site, and no historic resources have been identified on the site.

**Is there an impact upon the economy of the affected area?**

No significant impact? The proposed amendment to the future land use map is being done to accommodate the existing level of approved development, so no change in economic impact from either construction activity or added residential units is expected.

**Are there impacts to existing governmental services?**

In practice there will be no increase in service demand resulting from the proposed amendment to the future land use map as the level of approved development is not changing. However, in theory there could be an increase in the number of housing units based on the new land use classification. The staff has done an assessment of the theoretical impacts of added service demands and found that adequate capacity exists to serve a project built to the maximum level allowed by the future land use classification. The maximum potential increase in housing units is 355 based on the maximum density levels allowed by the comprehensive plan.

Sewer demand would increase by 120,672 gallons per day while the treatment plant can accommodate 3.0 million gallons per day and current average daily flow is 1.75 MGD.

Water demand would increase by 83,800 gallons per day while the treatment plant can produce 2.3 MGD and current average daily consumption is 0.93 MGD.

Estimated traffic generation is 3,200 average daily trips for the increased units and peak hour traffic is estimated at 288 trips. The 2014 ADT for the closest segment of Flomich Street is 5,140 trips with a road capacity of 13,640 ADT at LOS E.

Park service requires three acres per 1,000 population or 2.5 acres for the increased project demand. The City currently has approximately 62 acres of parkland versus a minimum requirement for 36 acres.

Solid waste is projected to generate about 5,000 lbs. per day. The landfill capacity is available to support the demand.

With regard to school capacity, the current project is exempt from school concurrency as it was approved for development prior to the adoption of the public school facilities element. Based on the theoretical addition of 355 units the anticipated student generation would be 108 students for all grade levels. The Holly Hill School which serves the project for K-8 is currently has adequate capacity to accept the additional students as does the high school group serving the Halifax Area.

**Are there changes in circumstances or conditions affecting the area?**

No.

**Were there mistakes in the original classification?**

At the time The Mirage development was originally approved, either the zoning or the future land use designation should have been modified to ensure consistency between the two documents.

**Is there an effect upon the use or value of the affected area?**

No. The development plan remains unchanged. The proposed amendment is being offered to address and issue of consistency between the future land use and the zoning.

**Is there an impact upon the public health, welfare, safety or morals?**

No negative impact is anticipated.

**RECOMMENDATION:** Staff is recommending the Board recommend the City Commission adopt the proposed amendment.

**ATTACHMENTS:**

- SP-2015-01 Aerial with Existing Land Use (PDF)
- MIRAGE LAND USE CURRENT (PDF)
- MIRAGE LAND USE PROPOSED (PDF)

**4. Old Business****5. Communications****6. Adjournment**



**STAFF REPORT  
CITY OF HOLLY HILL, FLORIDA**

**Board of Planning and Appeals  
Agenda Item**

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**MEETING DATE:** October 5, 2015  
**FROM:** Bridget Barton  
**SUBJECT:** August 17, 2015 Minutes  
**NUMBER:** (ID # 1194)  
**APPLICANT:**  
**PLANNER:**

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- August 17, 2015 BOPA Minutes (PDF)



# Board of Planning and Appeals

## BOPA Regular Meeting

~ Minutes ~

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Thomas Harowski  
386-248-9424

Monday, August 17, 2015

6:30 PM

City Commission Chamber

### 1. Call to Order

Mr. Myer called the meeting to order at 6:30pm

#### A. Roll Call

| Attendee Name       | Title         | Status  | Arrived |
|---------------------|---------------|---------|---------|
| Mike Myer           | Chairman      | Present |         |
| Christopher Via     | Vice Chairman | Present |         |
| Edward H Perkins    | Board Member  | Present |         |
| Dorothy Featherston | Board Member  | Present |         |
| Jim Legary          | Board Member  | Present |         |

#### C. Invocation

Mr. Via led the invocation.

#### D. Pledge of Allegiance to the Flag

Mr. Meyer led the pledge of allegiance.

### 2. Minutes

#### A. Agenda Item (ID # 1120)

June 1, 2015 Minutes

ATTACHMENTS:

- Minutes June 1, 2015 (PDF)

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Christopher Via, Vice Chairman  
**SECONDER:** Edward H Perkins, Board Member  
**AYES:** Myer, Via, Perkins, Featherston, Legary

### 3. New Business

#### 1. Agenda Item 2015-38

Temporary Sign Rules Z-2015-04 Revision of the Rules Governing Temporary Signage Including Business Signage, Real Estate Signs and Campaign Signs.

Attachment: August 17, 2015 BOPA Minutes (1194 : August 17, 2015 Minutes)

## COMMENTS - Current Meeting:

*Tom gave a detailed description as it pertains to: Z-2015-04-Revision of the Rules Governing Temporary Signage Including Business Signage, Real Estate Signs and Campaign Signs.*

*The members of the Board along with the City attorney discussed in detail the staff report before them and recommended staff go back and work on the temporary sign rule to address the issues, comments and concerns discussed.*

*Mr. Myer opened public discussion.*

*No one from the public spoke.*

*Mr. Myer closed the item.*

## ATTACHMENTS:

- Section 110-7 Adopted Temporary Sign Rules (PDF)
- Draft Temporary Sign Rule with BOPA Commentary (PDF)

**RESULT: PRESENTATION****2. Agenda Item 2015-39**

R-1 Building Setback Study Progress Report on Study of Existing R-1 Residentially Zoned Areas to Determine the Level of Compliance with Existing Front Yard Setbacks.

## COMMENTS - Current Meeting:

*Tom gave a brief progress report as it pertains to: R-1 Building Setback Study, Progress Report on Study of Existing R-1 Residentially Zoned Areas to Determine the Level of Compliance with Existing Front Yard Setbacks.*

*Mr. Harowski further stated he should have a completed report for the Board to review by October.*

*Mr. Myer opened public discussion.*

*No one from the public spoke.*

*Mr. Myer closed the item.*

## ATTACHMENTS:

- Strangem Letter (PDF)

**RESULT: PRESENTATION****3. Agenda Item 2015-37**

Z-2015-05 Fountainhead MPUD Request by the Applicant to Approve a Mixed Use Planned Unit Development for the 1200 Center Street Property.

## COMMENTS - Current Meeting:

*Mr. Harowski gave a detailed description as it pertains to: Z-2015-05 Fountainhead MPUD, Request by the Applicant to Approve a Mixed Use Planned Unit Development for the 1200 Center Street Property.*

*Mr. Myer stated the is currently no information on this agenda item and the Board is being asked to defer the item to the next meeting.*

*Mr. Simpson stated the item should be continued and not deferred.*

*Mr. Myer opened public discussion.*

*No one from the public spoke.*

*Mr. Myer asked for a motion to continue the item until it is re-noticed.*

*Mr. Harowski clarified the notice process to the public.*

|                  |                                         |
|------------------|-----------------------------------------|
| <b>RESULT:</b>   | <b>CONTINUED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Christopher Via, Vice Chairman          |
| <b>SECONDER:</b> | Edward H Perkins, Board Member          |
| <b>AYES:</b>     | Myer, Via, Perkins, Featherston, Legary |

#### 4. Old Business

None

#### 5. Communications

##### 1. Agenda Item 2015-40

September Meeting Date

COMMENTS - Current Meeting:

*The September meeting is cancelled at this time unless the MPUD is ready then a special meeting will be held.*

|                |                     |
|----------------|---------------------|
| <b>RESULT:</b> | <b>PRESENTATION</b> |
|----------------|---------------------|

#### 6. Adjournment

*The meeting adjourned around 8:25pm.*



**STAFF REPORT  
CITY OF HOLLY HILL, FLORIDA**

**Board of Planning and Appeals  
Agenda Item**

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**MEETING DATE:** October 5, 2015  
**FROM:** Thomas Harowski  
**SUBJECT:** CPA 2015-01 the Mirage An Administrative Request by the City of Holly Hill to Amend the Future Land Use Map for a Portion of the Mirage Project from Low Density Residential to Medium Density Residential to Ensure Consistency Between the Comprehensive Plan and the R-6 Low Density Multi-Family Zoning.  
**NUMBER:** (ID # 1190)  
**APPLICANT:** City of Holly Hill  
**PLANNER:** Thomas Harowski

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**INTRODUCTION:** This application is asking for a comprehensive plan amendment to the Future Land Use Map to change a portion of The Mirage subdivision from Low Density Residential to Medium Density Residential. The change is being requested to make the existing zoning consistent with the future land use designation for the residential project which is partially developed.

**BACKGROUND:** The Mirage Subdivision was platted as a 161 unit townhome project in 2007. Subsequent to the approval of the plat 20 units were constructed in four buildings fronting on Alabama Avenue. Subdivision improvements were also constructed for 33 additional townhome lots in seven proposed buildings along Primo Court which is accessed from Flomich Street. None of these lots were developed prior to end of the housing boom, and the balance of the subdivision was not completed.

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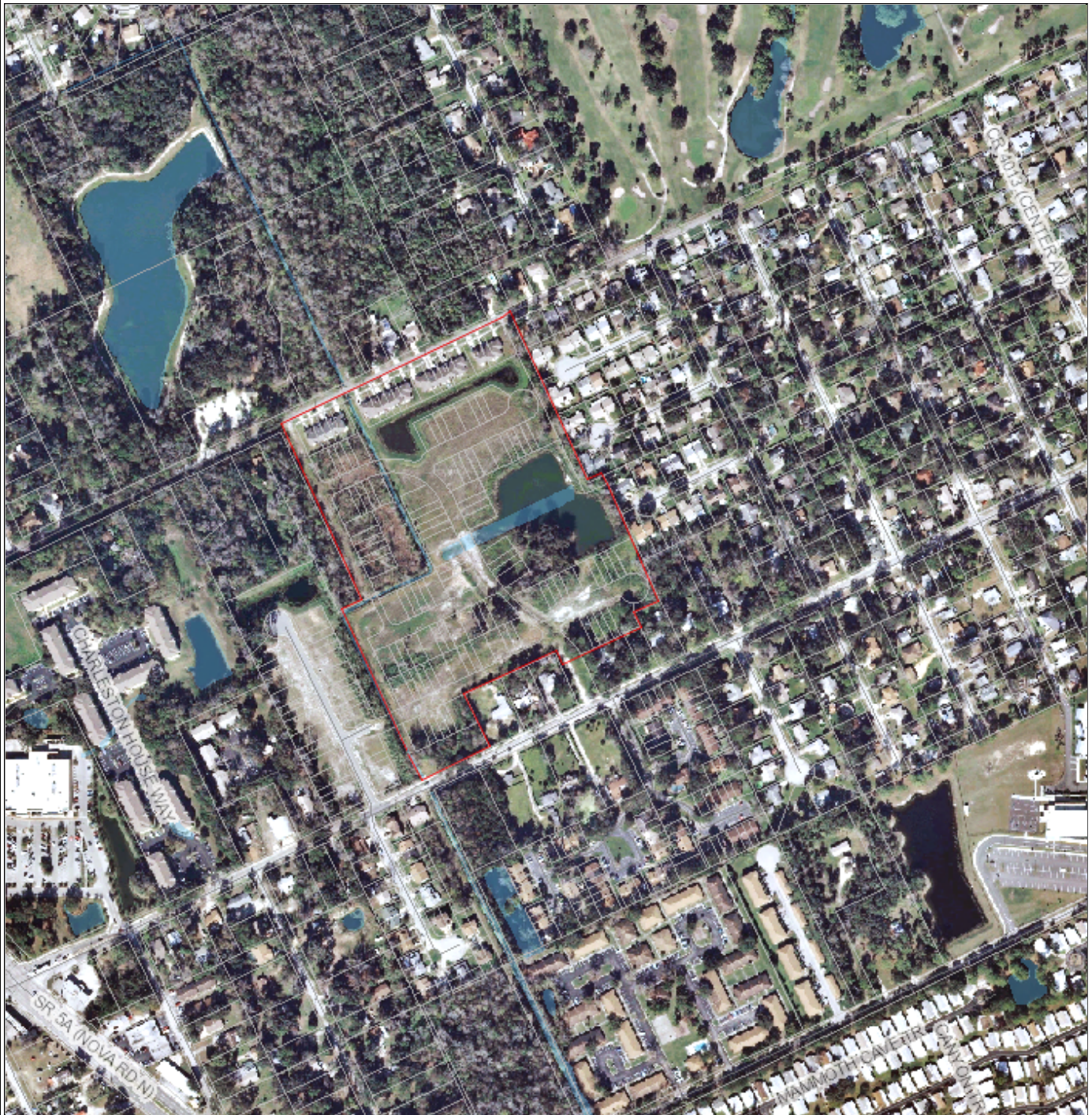
**Is there an impact upon the public health, welfare, safety or morals?**

No negative impact is anticipated.

**RECOMMENDATION:** Staff is recommending the Board recommend the City Commission adopt the proposed amendment.

- SP-2015-01 Aerial with Existing Land Use (PDF)
- MIRAGE LAND USE CURRENT (PDF)
- MIRAGE LAND USE PROPOSED (PDF)

## SP-2015-01 AERIAL WITH EXISTING



Scale 1:6,000 - 1 in = 500 ft  
 Date Created:  
 17-Sep-15 11:41 AM

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 this 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

Attachment: SP-2015-01 Aerial with Existing Land Use (1190 : CPA 2015-01 the Mirage)



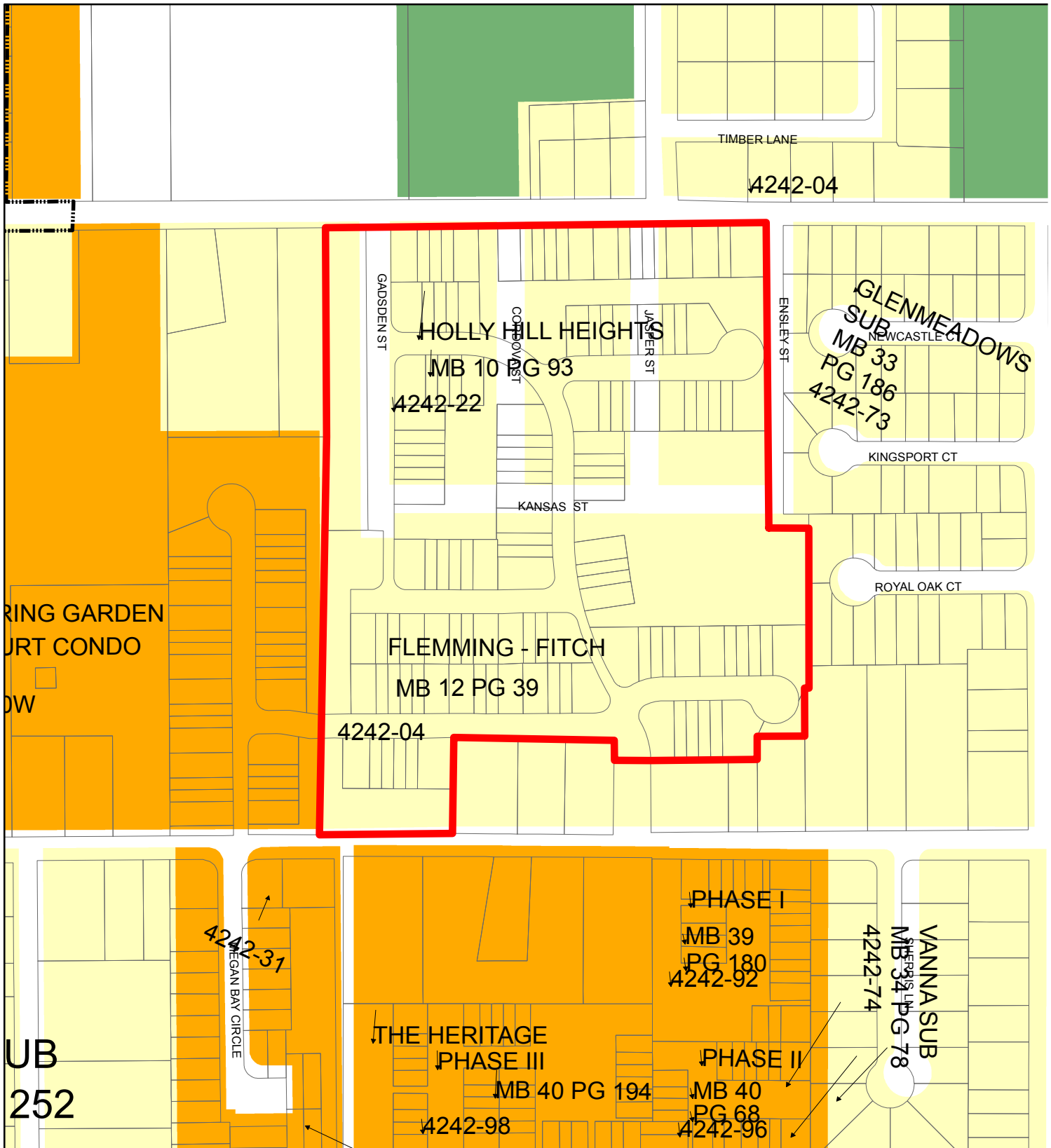
# FUTURE LAND USE MAP

## City of Holly Hill, Florida



3.1.b

0 0.0150.03 0.06 0.09 0.12 Mile



MIRAGE\_LAMD\_USE\_CHANGE\_BORDER\_2015

### Future Land Use Categories

- Low Density Single Family Residential
- Low-Medium Density Residential
- Medium Density Residential

- High Density Residential
- Mobile Home Residential
- Mixed Use II
- Mixed Use III

- Residential-Based Mixed Use
- General Retail Commercial
- Wholesale Commercial & Industrial
- Churches Schools & Institutions

- Parks and Open Space
- Conservation
- No City Future Land Use

Attachment: MIRAGE LAND USE CURRENT (1190 : CPA 2015-01 the Mirage)



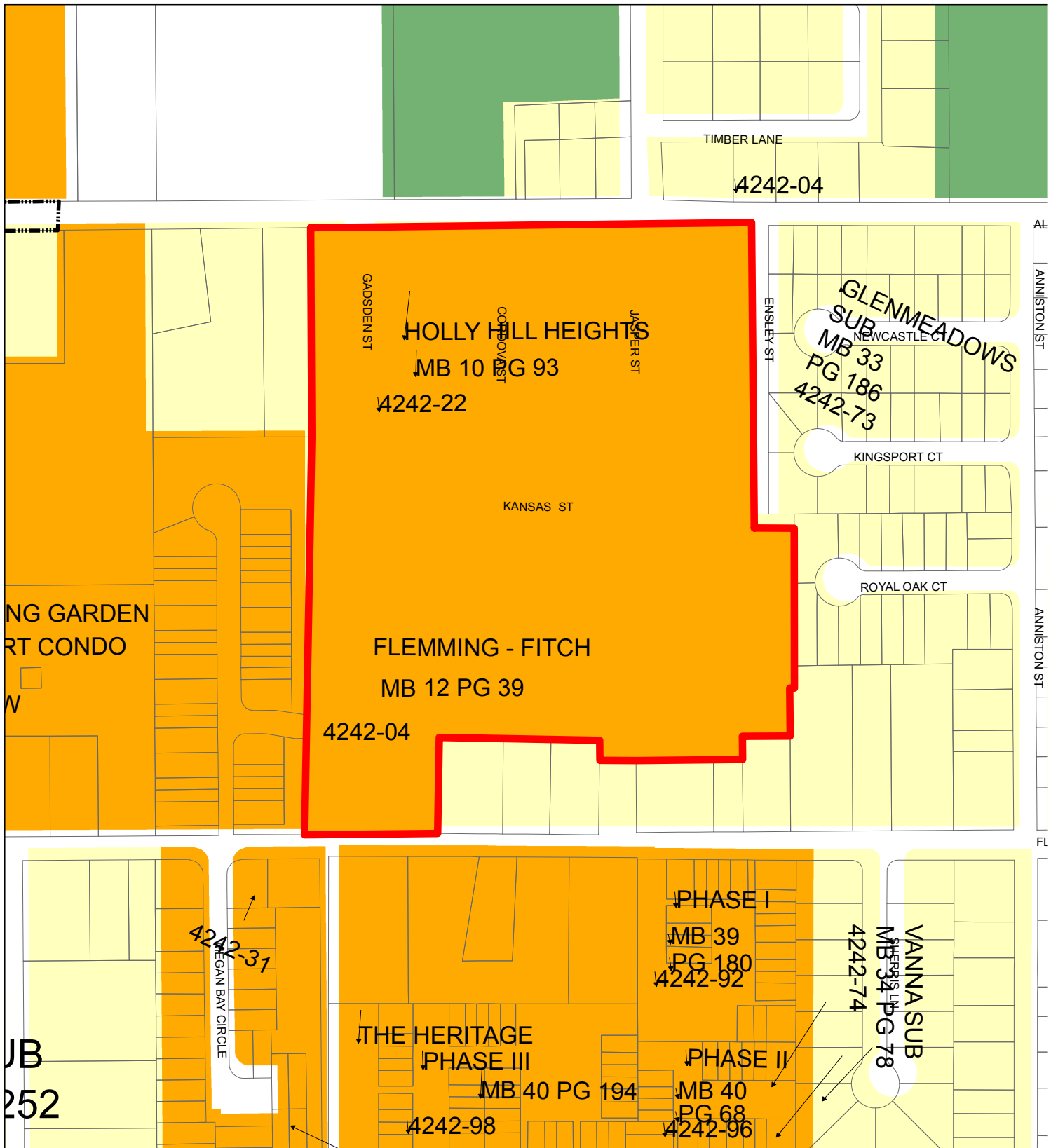
# PROPOSED LAND USE MAP

## City of Holly Hill, Florida



3.1.c

0 0.0150.03 0.06 0.09 0.12 Mile



Attachment: MIRAGE LAND USE PROPOSED (1190 : CPA 2015-01 the Mirage)

MIRAGE\_LAMD\_USE\_CHANGE\_BORDER\_2015

### Future Land Use Categories

- Low Density Single Family Residential
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- Parks and Open Space
- Conservation
- No City Future Land Use