

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • NOVEMBER 2, 2020

City Commission Chamber

BOPA Regular Meeting

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

PLANNING & APPEALS BOARD MEMBERS

Chairman
Mike Myer

Board Member
Arthur J. Byrnes

Board Member
Dennis Smith

Board Member
Robin D. Hanger

Board Member
Tony Cassata

CITY PLANNER
Brian Walker

Building & Zoning
Eleni Deligianis

1. CALL TO ORDER**2. INVOCATION****3. PLEDGE OF ALLEGIANCE****4. BOPA MINUTES APPROVAL****1. Minutes - September 14, 2020**

(Requested by Eleni Deligianis, Board of Planning and Appeals)

5. AGENDA ITEM(S)

1. Ordinance An Ordinance of the City of Holly Hill, Volusia County, Florida, Annexing by Voluntary Petition Approximately 1.34 Acres Identified as Parcel Number 4242-40-40-0160 Contiguous to the City of Holly Hill; Providing for Severability; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

6. OLD BUSINESS**7. BOARD/STAFF COMMUNICATIONS****8. ADJOURNMENT**

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.



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

4.1

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: November 2, 2020
FROM: Eleni Deligianis
SUBJECT: Minutes - September 14, 2020
NUMBER: (ID # 3096)
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from September 14, 2020 BOPA meeting.

MOTION:

Approve as submitted by staff.

- SEPTEMBER 2020 MINUTES (PDF)



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • SEPTEMBER 14, 2020

City Commission Chamber

BOPA Regular Meeting

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	Board Member	Present	
Mike Myer	Chairman	Present	
Robin D. Hanger	Board Member	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Absent	

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. BOPA MINUTES APPROVAL

(Requested by Brian Walker, City Planner)

Brian Walker, Community Development Director/City Planner summarized his staff report.

This request is to annex approximately 9.7 acres of property (Volusia County) on the northeast corner of the intersection of 10th and Vine Streets and that is more specifically known as 1088 10th Street. This application precedes a comprehensive plan amendment (CPA-2020-01) and a Rezone (Z-2020-02).

This parcel is located entirely within unincorporated Volusia County and currently contains a single family home built in 1958. Florida Statutes Section 171.044 presents the requirements for voluntary annexation. The subject property is contiguous to city limits on the east side, and the annexation will result in a city limit that is reasonably compact.

However, it appears the annexation will create an enclave, as defined in, Florida Statute 171.031. The applicant will need to resolve this issue prior to the annexation.

This request precedes a request for a comprehensive plan amendment and a Rezone. The proposed comprehensive plan map amendment will request Medium Density Residential (Holly Hill) which is reasonably consistent with the property's current future land use of Urban Medium Intensity (Volusia County). The proposed rezone request will be to R-6 which allows a slightly higher density per acre (4 additional dupa) than is currently permitted. The property's current zoning is R-5.

Attachment: SEPTEMBER 2020 MINUTES (3096 : Minutes)

Staff conditionally recommends the City Commission annex approximately 9.7 acres of property on the northeast corner of the intersection of 10th and Vine Streets and that is more specifically known as 1088 10th St. Staff's recommendation is conditioned upon the annexation being consistent with City and County Codes, as well as State Statute, with respect to annexations not creating an enclave.

Arthur Byrnes asked to describe the definition of an enclave.

Brian Walker, stated the Florida Statue definition of an enclave.

A new diagram was shown (displaying the enclave) to the members of the board, and made available to public.

Arthur Byrnes asked what the density of the property would be if they were to build residential units? Brian Walker answered, that 12 dwelling units per net buildable acre is permitted. However, the property has some wetland acres which would come out of the overall calculation, so overall possibly 32 additional dwelling units over what is currently permitted would be allowed.

Dennis Smith asked if we could annex the red section shown on the new diagram presented earlier. Brian responded that those owners would have to voluntarily annex.

Mike Myer asked if density would be increased on the property if they annexed? Brian stated, that no, a request to increase density would be separate and come further down the line.

Atty. Corey Brown, with Storch Law Firm, stated he was available to answer any questions.

Lynn Stark McDonald, 104 Palm Terrace, asked for clarification on zoning being R-6, due to application stating R-8, Mr. Walker stated that staff brought it down to R-6. Ms. McDonald asked how many property owners are involved? The lawyer would be able to provide you with that list.

Discussion was had (involving Mike Myer, Arthur Byrnes, and Lynn Stark McDonald) about the annexation process, regarding the steps of BOPA to Commission Meeting.

Discussion was had regarding the potentially created enclave, Brian walker stated that if an inter-local agreement is done between the County and the City that addresses the issue of annexation in a gradual way, state law says you can create enclaves. It is a process through the County and the City. Or, they can modify the legal description in such a way that they are not completely closed off; leaving a portion of Volusia County open so they aren't creating an island effect.

Pat Copello, 102 Palm Terrace, spoke clarifying the definition of an enclave, and regarding the statement that an opening would have to exist to get to the property without going through Holly Hill.

Phillip Wiggins, 511 Eagle Dr., asked who was going to develop the property?
Atty. Corey Brown, stated that they didn't have a development plan for the property yet.

Arthur Byrnes moved to approve the annexation, no second, motion dies for lack of second. Robin Hanger moved to disapprove the annexation, seconded by Dennis Smith. This will go to the Commission without a recommendation from the Board of Planning and Appeals, due to a tie.

Meeting Adjourned 6:32.40

5. **AGENDA ITEM(S)**
6. **OLD BUSINESS**
7. **BOARD/STAFF COMMUNICATIONS**
8. **ADJOURNMENT**



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

**Board of Planning and Appeals
Ordinance**

MEETING DATE: November 2, 2020
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Volusia County, Florida,
Annexing by Voluntary Petition Approximately 1.34 Acres
Identified as Parcel Number 4242-40-40-0160 Contiguous to
the City of Holly Hill; Providing for Severability; and
Providing for an Effective Date.
NUMBER: (ID # 3097)
APPLICANT: Brian Walker
PLANNER:

INTRODUCTION:

This is a request to annex approximately 1.34 acres of property on the west side of North Nova Road, approximately 400 feet north of LPGA Blvd., and that is more specifically known as 1652 North Nova Road. This application precedes a comprehensive plan amendment (CPA-2020-02) and a rezone (Z-2020-03).

BACKGROUND:

The parcel is located entirely within unincorporated Volusia County and is currently a vacant parcel used for parking by the adjacent business. The applicant purchased the property in 2001 and recently submitted a petition for voluntary annexation.

DISCUSSION:

Florida Statutes Section 171.044 presents the requirements for voluntary annexation. The subject property is contiguous to city limits on the north side, and the annexation will result in a city limit that is reasonably compact and does not create an enclave. Therefore, the request meets the statutory requirements.

This request precedes a request for a comprehensive plan amendment and a rezone. The proposed comprehensive plan map amendment will request Commercial future land use (Holly Hill) which is reasonably consistent with the property's current future land use of Mixed Use Zone (Volusia County). The proposed rezone request will be from I-1 Light Industrial (Volusia County) to CC-1 Commercial Corridor (Holly Hill).

RECOMMENDATION:

Recommend the City Commission annex approximately 1.34 acres of property on the west side of North Nova Road, approximately 400 feet north of LPGA Blvd., and that is more specifically

known as 1652 North Nova Road.

ATTACHMENTS:

- Exhibit A - Legal Description (PDF)
- Exhibit B - Location and Property Map (PDF)
- PA Property Info Card (PDF)
- Property Owner (PDF)

Ordinance No. (ID # 3097)**AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.34 ACRES IDENTIFIED AS PARCEL NUMBER 4242-40-40-0160 CONTIGUOUS TO THE CITY OF HOLLY HILL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.34 ACRES IDENTIFIED AS PARCEL NUMBER 4242-40-40-0160 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHT-OF-WAY OF NOVA ROAD; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BB&B Investments Inc. the owner of the real property described herein; and

WHEREAS, the owner has filed, pursuant to Florida Statue 171.044, a petition for voluntary annexation of said property as described in Attachment A into the municipal limits of the City of Holly Hill; and

WHEREAS, the City Commission of the City of Holly Hill has determined all of the property, which is proposed to be annexed into the City of Holly Hill, is within an unincorporated area of Volusia County, is contiguous to the City of Holly Hill, and is reasonably compact; and

WHEREAS, the map attached hereto as Exhibit B shows the property which is

proposed to be annexed into the City of Holly Hill; and

WHEREAS, Exhibit A is the legal description of the property which is proposed to be annexed into the City of Holly Hill.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission of the City of Holly Hill, based upon the above findings, hereby annexes into the City of Holly Hill by voluntary petition the following described property:

(Tax Parcel Number 4242-40-40-0160 and the adjacent right-of-way of Nova Road)

LEGAL DESCRIPTION: See Attached Exhibit A.

SECTION 2. The City of Holly Hill City boundary is hereby amended to incorporate the above described property.

SECTION 3. That within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court, with the Chief Administrative Officer of Volusia County, and with the Department of State.

SECTION 4. That upon approval on first reading, the City Clerk is hereby directed to publish the Notice of Annexation required by Section 171.044(2), Florida Statutes, at least once each week for two (2) consecutive weeks in a newspaper of general circulation in the City of Holly Hill.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 6. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 7. That this Ordinance shall become effective immediately upon its adoption.

THE SOUTHERLY 179.42 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF BLOCK 40, HOPKINS MAP OF FITCH GRANT, AS PER MAP RECORDED IN DEED BOOK "C",
PAGE 79, OF THE PUBLIC RECORDS OF VOLUSIA

COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT AN INTERSECTION OF THE SOUTH LINE OF SAID BLOCK 40 WITH THE ORIGINAL WESTERLY LINE OF STATE ROAD #415 (A 100 FOOT RIGHT OF WAY AS NOW LAID OUT AND USED); THENCE NORTH 25°43'43" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 280.22 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1859.86 FEET A CENTRAL ANGLE OF 10°22'30" AND A CORD BEARING OF N30°54'58"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 336.78 FEET; THENCE DEPARTING FROM SAID ORIGINAL RIGHT-OF-WAY S63°59'33"W, A DISTANCE OF 12.83' (WESTERLY AND PARALLEL TO 11TH STREET A DISTANCE OF 331.10 FEET TO A POINT IN THE EASTERLY LINE OF MISTLETOE DRIVE (A 50 FOOT STREET AS RECORDED IN OFFICIAL RECORDS BOOK 4, PAGE 260, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA) TO THE EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD AND THE POINT OF BEGINNING; THENCE ALONG A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 2232.83 FEET; A CENTRAL ANGLE OF 04°04'08" AND A CHORD BEARING OF S34°56'47"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 158.57 FEET; THENCE S63°59'33"W, A DISTANCE OF 344.80 FEET TO THE EASTERLY LINE OF MISTLETOE DRIVE (A 50 FOOT STREET AS RECORDED IN OFFICIAL RECORDS BOOK 4, PAGE 260, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA); THENCE N25°43'13"W ALONG SAID MISTLETOE DRIVE, 179.42 FEET; THENCE S63°59'33"W A DISTANCE OF 314.72 FEET TO THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF NOVA ROAD (STATE ROAD 5A) TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 2232.83 FEET A CENTRAL ANGLE OF 00°35'49" AND A CHORD BEARING

G OF S37°16'46"W; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 23.26 FEET TO THE POINT OF BEGINNING.

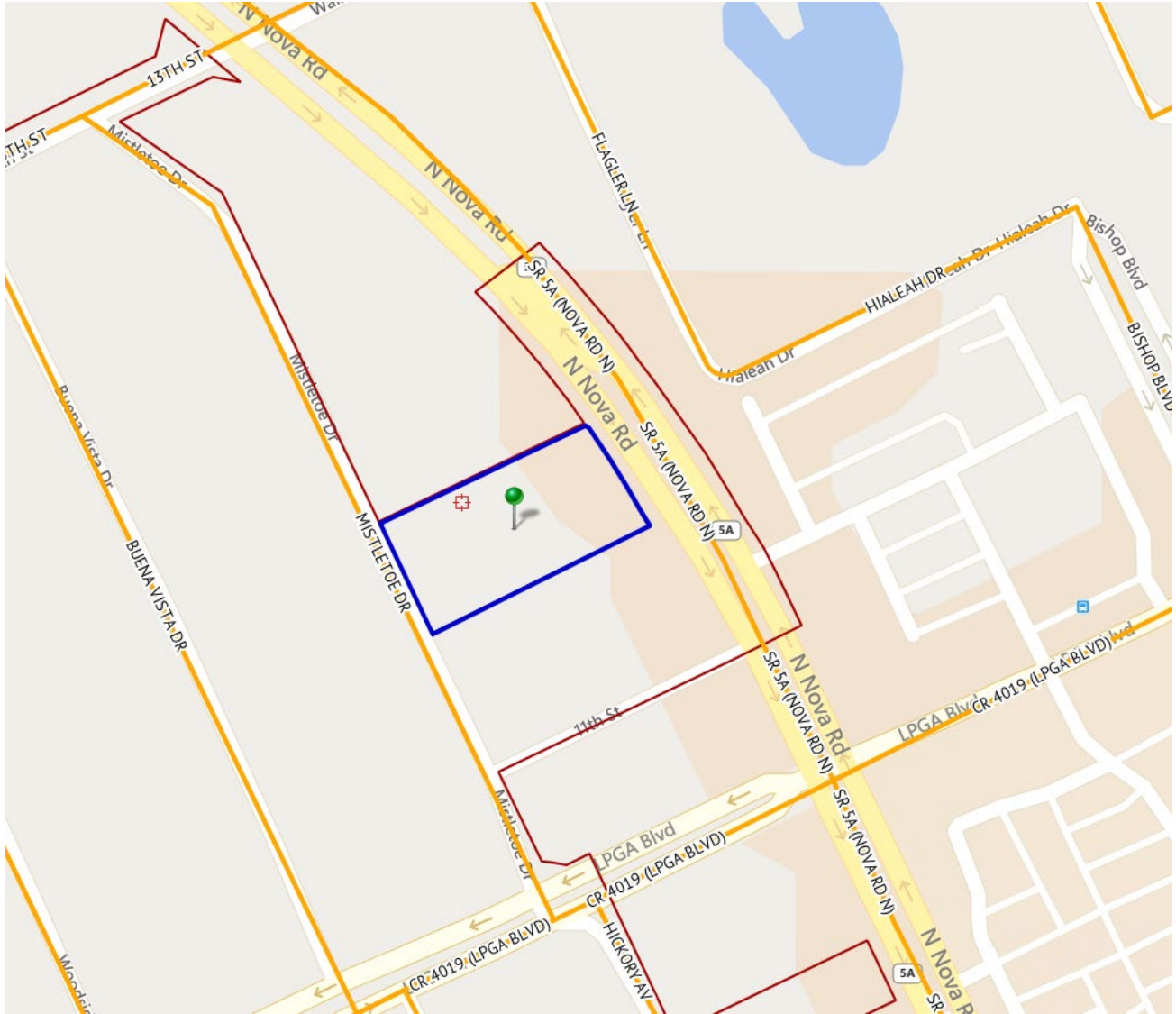
CONTAINING 59,390 SQ. FT., 1.36 ACRES

**EXHIBIT B
AERIAL PROPERTY MAP**



Attachment: Exhibit B - Location and Property Map (3097 : Beazley Annexation (1652 Nova))

PROPERTY LOCATION MAP



Attachment: Exhibit B - Location and Property Map (3097 : Beazley Annexation (1652 Nova))

Altkey: 3199251
B B & B INVESTMENTS INC

Parcel ID: 424240400160
1652 N NOVA RD , DAYTONA BEACH

Parcel

Short Parcel Id 424240400160
Property Location 1652 N NOVA RD, DAYTONA BEACH, 32117
PC Code 4000 - VACANT INDUS
Total Bldgs 1
Neighborhood 7250 - NOVA RD - HOLLY HILL
Business Name
Homestead Property No

Primary Owner

Owner B B & B INVESTMENTS INC

In Care Of
Mailing Address 1670 N NOVA RD

DAYTONA BEACH FL 32117
[Change Mailing Address Online](#)

All Owners

#	Owner 1	Owner 2	Owner %	Owner Type(s)
0	B B & B INVESTMENTS INC		100	FS - Fee Simple

Legal

Millage Group 200-UNINCORPORATED - NORTHEAST
Legal Description N 179.42 FT OF S 617 FT MEAS ON E/L OF LOT 40
HOPKINS FITCH GRANT MB 12 PG 115 E OF MISTLTOW
DR & W OF NOVA RD MEAS 331.10 FT ON N/L PER OR
5030 PGS 3356
Map TWP-RNG-SEC 14 - 32 - 42
Subdivision-Block-Lot 40 - 40 - 0160
Date Created 26-DEC-81
Year Annexed

Sales

Book/Page	Instr Type	Inst #	Sale Date	V/I	Sale Price
5030 / 3356	QC-QUIT CLAIM DEED	2003054037	02/15/2003	V	\$105,000
4724 / 2086	WD-WARRANTY DEED	2001162779	07/15/2001	V	\$105,500
4508 / 2279	WD-WARRANTY DEED	1999252468	12/15/1999	V	\$10
3875 / 2369	WD-WARRANTY DEED	1993167161	11/15/1993	V	\$100
2136 / 0085	WD-WARRANTY DEED		01/15/1980	V	\$110,000
1557 / 0730	QC-QUIT CLAIM DEED		03/15/1973	V	\$45,000

County Links

Property Tax Bill [CLICK HERE](#)
Link to Permits [CLICK HERE](#)

Other Links

Google Street Address
Bing Maps

[CLICK HERE](#)
[CLICK HERE](#)

Attachment: PA Property Info Card (3097 : Beazley Annexation (1652 Nova))



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Profit Corporation

B B & B INVESTMENTS, INC.

Filing Information

Document Number P00000011066
FEI/EIN Number 59-3619482
Date Filed 01/27/2000
State FL
Status ACTIVE

Principal Address

1670 N. NOVA ROAD
DAYTONA BEACH, FL 32117

Mailing Address

1670 N. NOVA ROAD
DAYTONA BEACH, FL 32117

Registered Agent Name & Address

BEAZLEY, CLAYTON EI
1670 N. NOVA ROAD
DAYTONA BEACH, FL 32117

Name Changed: 01/26/2012

Officer/Director Detail

Name & Address

Title D

BEAZLEY, CLAYTON EI
1670 N. NOVA ROAD
DAYTONA BEACH, FL 32117

Title D

BEAZLEY, WANDA M
5 MISNERS TRAIL
ORMOND BEACH, FL 32174

Title D

Attachment: Property Owner (3097 : Beazley Annexation (1652 Nova))

BEAZLEY, RICHARD HII
 3790 CARRICK DR.
 ORMOND BEACH, FL 32174

Annual Reports

Report Year	Filed Date
2018	01/16/2018
2019	02/19/2019
2020	01/20/2020

Document Images

01/20/2020 -- ANNUAL REPORT	View image in PDF format
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01/14/2003 -- ANNUAL REPORT	View image in PDF format
01/17/2002 -- ANNUAL REPORT	View image in PDF format
01/30/2001 -- ANNUAL REPORT	View image in PDF format
01/27/2000 -- Domestic Profit	View image in PDF format

Attachment: Property Owner (3097 : Beazley Annexation (1652 Nova))