

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • DECEMBER 4, 2023

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
Dennis Smith

Board Member
Loretta Arthur

Board Member
Tony Cassata

Board Member
Lorraine Geiger

CITY PLANNER
Brian Walker

Building & Zoning
Leslie Montgomery

1. CALL TO ORDER**2. ROLL CALL****3. INVOCATION****4. PLEDGE OF ALLEGIANCE****5. MINUTES - NONE****6. AGENDA ITEM(S) - NONE****7. ORDINANCES**

1. Ordinance An Ordinance of the City of Holly Hill, Florida, Approving the Second Major Amendment to the Malkit Salh Business Planned Unit (BPUD) Development Agreement; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)

8. OLD BUSINESS**9. BOARD / STAFF COMMUNICATIONS****10. 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

Board of Planning and Appeals
Ordinance

MEETING DATE: December 4, 2023
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Florida, Approving the Second Major Amendment to the Malkit Salh Business Planned Unit (BPUD) Development Agreement; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.
NUMBER: (ID # 4345)
APPLICANT: Brian Walker
PLANNER:

INTRODUCTION:

MALKIT SALH BPUD DEVELOPMENT AGREEMENT MAJOR AMENDMENT AND REZONE - Consider a major amendment and rezone to The Malkit Salh BPUD Development Agreement located on approximately .8 acres, on the west side of Nova Road S on the corner of S. Nova Road and Alabama Avenue and more specifically known as 1190 and 1184 S Nova Road.

BACKGROUND:

On March 11, 2003, the City Commission adopted Ordinance # 2653, which approved a rezone from B-5 Heavy Commercial (Volusia County) to Business Planned Unit Development (BPUD) Holly Hill for the property on the west side of Nova Road S on the corner of S. Nova Road and Alabama Avenue. The property contains two structures and was approved for automotive sales, services and repairs and for use as a single-family dwelling.

On 1/27/04 the City Commission approved a major amendment to the BPUD to allow the uses stated in the B-5 zoning district. This added the uses described in **Exhibit A**.

Over the last 19 years, there have been changes along Nova Road S, and the applicant's property is now surrounded by properties that are zoned CC-1 that permit a greater variety of uses. In response to changing times, the applicant would like to added additional uses to their BPUD and make adjustments to development requirements such as to setbacks and minimum building separation. That is the purpose is this major amendment request.

The applicant is requesting to amend the approved BPUD as follows:

1. The use of a single-family home has been removed. Shed sales and display along with all uses within the B-6 zoning district have been added as permitted uses. **(Exhibit B)** Specific criteria have been added as a requirement for any proposed shed use. See letter D of the proposed amendment.

2. Development standards have been updated. An example is that setbacks and minimum building separations have been reduced and are now consistent with those of the surrounding CC-1 zoned properties. See letter E in the proposed amendment.

Consistency with the Land Development Code

The proposed PD zoning designation and requested major amendment have been evaluated for compatibility with the Land Development Regulations of Holly Hill. Staff finds the requested PD Major Amendment to be consistent with the City's Land Development Regulations, and compatible with the trend of development in the area.

Consistency with the Comprehensive Plan

The rezone request has been evaluated for consistency with all applicable policies of the City's Comprehensive Plan. Per Policy FLU 1.1.2 the ratio of building floor area (FAR) for the General Commercial Development future land use designation shall not exceed 1.95. Future development shall not exceed the permitted F.A.R.

Per Policy FLU 1.1.5, the City is compelled to review the rezone request for consistency with the uses, density, and compatibility of the Comprehensive Plan. The uses and density proposed within this Business Planned Unit Development (BPUD) zoning classification are compatible with the General Commercial Development future land use designation as well as with existing adjacent land uses.

STAFF RECOMMENDATION:

Recommend to the City Commission to adopt the Ordinance enacting a Rezone from Business Planned Unit Development to Business Planned Unit Development, a Major Amendment adding uses and modifying specific development standards, and the associated Development Agreement for approximately .8 acres, on the west side of Nova Road S on the corner of S. Nova Road and Alabama Avenue and more specifically known as 1190 and 1184 S Nova Road.

ATTACHMENTS:

- Aerials (PDF)
- Current Development Agreement (PDF)
- EXHIBIT A (PDF)
- EXHIBIT B (PDF)
- Proposed Second Major Amendment (PDF)
- Zoning and Location Map (PDF)
- Application (PDF)

Ordinance No. (ID # 4345)**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SECOND MAJOR AMENDMENT TO THE MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SECOND MAJOR AMENDMENT TO THE MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MALKIT SALH REVOCABLE LIVING TRUST has proposed a second Major Amendment to the BPUD on property described in Exhibit A, to amend that certain Development Agreement (the “Agreement”) dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739.

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 hereby approves the second Major Amendment to MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT as described in Exhibit “B”.

SECTION 2. 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 3. That all ordinances made in conflict with this Ordinance are hereby

repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

SECTION 5. That this Ordinance shall be posted at City Hall as required by law.

EXHIBIT A

Legal Description

S 225 FT OF E 193 1/3 FT OF LOT 21 W OF OLD KINGS RD BLK 21 FLEMING FITCH GRANT PER DB 526 PG 383 EXC PT IN RD PER DB 549 PG & EXC TRIANG IN NEW R/W BEING E 31.99 FT OF S 32.05 FT PER OR 5098 PG 2762 PER OR 5871 PGS 2104-2106 INC PER OR 7115 PGS 0219-0221 INC PER OR 7779 PG 0771

EXHIBIT B

SECOND MAJOR AMENDMENT TO THE MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT

THIS SECOND MAJOR AMENDMENT TO THE MALKIT SALH BPUD DEVELOPMENT AGREEMENT is made this _____ day of _____, 2024, by and between **MALKIT SALH REVOCABLE LIVING TRUST**, and the **CITY OF HOLLY HILL**, a Florida municipal corporation (the “City”).

WHEREAS, Malkit Salh and the City entered into that certain Development Agreement (the “Agreement”) dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739, for the development of certain real property as described in said Agreement; and

WHEREAS, Owners and City wish to further modify certain provisions of the Agreement as detailed below; and

NOW, THEREFORE, in consideration of the mutual covenants and promises made herein, the parties hereto covenant and agree to bind themselves as follows:

1. The above recitations are true and correct and incorporated herein by reference.
2. Owners and City mutually agree that letter D of the current agreement titled, Land Uses Within the PUD, is replaced in its entirety with the language below labeled **D**, and that letter E of the current agreement titled, Development Standards is replaced in its entirety with the language below labeled **E**,

D. Land Uses Within the PUD. The development of the parcel shall be consistent with the uses prescribed within the proposed PUD. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

- a. Automotive Repairs, Servicing and Sales
- b. Shed sales and display - a site plan showing the proposed layout and number of sheds to be displayed must be submitted for review and approval by the City. Parking and traffic circulation on the site must be addressed within the details of the site plan and shall not be impeded.
- c. All uses permitted in the B-6 zoning district except as otherwise prohibited.

Prohibited Uses:

- a. Bars and nightclubs.
- b. Self-service laundromats
- c. Any other uses not specifically listed under Permitted Uses
- d. Single-family home - **the property owner waives and relinquishes any claims to grandfathering with regard to the use of a single-family home.**

E. Development Standards:

1. Minimum lot area: 34,600 square feet
 2. Minimum lot width: 170 feet
 3. Minimum yard size:
 - a. Front yard - 15 feet - Property is a corner lot and considered to have two front yards that abut the road
 - b. *Side yard (north) - 10 feet / Side yard west abutting residential property - 20 feet.

*The existing building on the north end of the property shall be considered legal non-conforming but must come into conformity with all setbacks should the property be damaged in excess of 50% of its value at the time of damage.
 4. Maximum lot coverage: 75%
 5. Maximum building height: 45 feet
 6. Landscape buffer requirements - minimum 5 feet along all property lines
 7. Minimum building separation: As determined by Fire Marshal and Chief Building Official.
 8. Parking standards as required in the Holly Hill Land Development Regulations
 9. Signage Requirements as required in the Holly Hill Land Development Regulations
3. All other provisions, conditions, and requirements of the Agreement dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739 remain in full force and effect.

NOW THEREFORE, the undersigned parties hereby agree to the above terms and conditions of the Major Amendment.

CITY OF HOLLY HILL, FLORIDA
a Florida municipal corporation

By: _____
Chris Via, Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, **by means of** ☐ **physical presence or**
☐ **online notarization**, this _____ day of _____, 2024 by
_____, who is personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Notary Signature

Printed Name

Commission No.: _____

My Commission Expires: _____

WITNESSES:

Malkit Sahl

By: _____

Name: _____

Title: _____

(Name Printed or Typed)

(Name Printed or Typed)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me, **by means of** ☐ **physical presence or**
☐ **online notarization**, this _____ day of _____, 2024 by
_____, who is personally known to me or produced

Ordinance (ID # 4345)

Meeting of December 4, 2023

_____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Notary Signature

Printed Name

Commission No.: _____
My Commission Expires: _____

General Aerial



Blow Up Aerial



Attachment: Aerials (4345 : Malkit Sahl PD Amendment)

ORDINANCE NO. 2679

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE WRITTEN DEVELOPMENT AGREEMENT FOR THE MALKIT SALH BUSINESS PLANNED UNIT DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NOVA ROAD (SR 5A) AND ALABAMA; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et seq., Florida Statutes; and

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the City Commission did previously adopt Ordinance 2653 which amended the Holly Hill Land Development Regulations by rezoning the property referenced here below from B-5 (Volusia County) to Business Planned Unit Development; and

WHEREAS, Ordinance 2653 included a Written Development Agreement and Preliminary Site Development Plan, collectively referred to as a Master Development Plan, which govern the use and development of the Malkit Salh Business Planned Unit Development; and

WHEREAS, Malkit Salh, the owner of the property comprising the Business Planned Unit Development, has requested that the Written Development Agreement be amended to permit a wider range of uses; and

WHEREAS, the City Commission has determined that the request is consistent with the City's adopted comprehensive plan and will further the purpose and intent of the City's adopted Land Development Regulations.

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

SECTION 1. The Written Development Agreement for the Malkit Salh Business Planned Unit Development, enacted by Ordinance 2653 and governing the use and development of the property described here below, is hereby amended by changing the list of permitted uses as indicated in Exhibit A.

The legal description of the Malkit Salh Business Planned Unit Development is as follows:

That portion of Lot 21, Block 21, Mary C. Fleming Subdivision of the Thomas Fitch Grant, according to map in Map Book 1 Page 1, Public Records of Volusia County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of the Highland Park Subdivision, which subdivision is recorded in Map Book 10, Page 64, Public Records of Volusia County, Florida, thence northerly 55 feet along a continuation of Old Kings Road extended to a point, which point is the north side of Alabama Avenue, a 55 foot street, and the Point of Beginning of the property hereby conveyed; thence westerly along the north side of Alabama Avenue, a distance of 193.33 feet to a point; thence northerly on a line parallel to a continuation of Old Kings Road extended, a distance of 220 feet to the point of beginning. Excepting there from that part and portion of the above described real property deeded to the State of Florida for highway purposes.

Less and except the following:

That part of Lot 21, Block 21, Mary C. Fleming Subdivision of the Thomas Fitch Grant, as recorded in Map Book 1, Page 1, Public Records of Volusia County, Florida, described as follows:

Commence at the southwest corner of said Lot 21, said corner being in the northerly right-of-way line of Alabama Avenue, run thence north 64°13'58" east, along said northerly right-of-way line, a distance of 242.96 feet to the point of beginning; thence continue north 64°13'58" east, and along said northerly right-of-way line a distance of 31.99 feet to an intersection with the westerly right-of-way line, a distance of 32.05 feet; thence south 19°11'11" west, a distance of 45.29 feet to the Point of Beginning.

(Tax Parcel Number 4242-04-21-0215)

Containing 1.375 acres, more or less.

SECTION 2. This amended Written Development Agreement shall supercede and replace the Written Development Agreement enacted by Ordinance 2653, and shall, in concert with the Preliminary Development Plan previously enacted by Ordinance 2653, comprise the Master Development Plan for the property described above and referred to as the Malkit Salh Business Planned Unit Development.

SECTION 3. The Mayor is hereby authorized to sign the amended Written Development Agreement as evidence of the Commission's approval.

SECTION 4. That if any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. That all laws or parts of laws in conflict herewith are hereby repealed.

SECTION 6. That this Ordinance shall become effective immediately upon its adoption.

The within and foregoing Ordinance was introduced and read on first reading before City Commission of the City of Holly Hill, Florida, at its regularly scheduled meeting held in Commission Chambers at City Hall on the 13th day of January, 2004.

It was moved by Commissioner Schmitt and seconded by Commissioner Via that said Ordinance be approved on first reading. A roll call vote of the Commission held on said motion for approval of the Ordinance resulted as follows:

Mayor William Arthur	Yes
Commissioner Arthur Byrnes	Yes
Commissioner Gilles Blais	Yes
Commissioner Lou Schmitt	Yes
Commissioner Roland Via	Yes

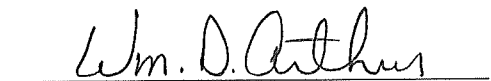
The within and foregoing Ordinance was introduced and read on second reading before City Commission of the City of Holly Hill, Florida, at its regularly scheduled meeting held in Commission Chambers at City Hall on the 27th day of January, 2004.

It was moved by Commissioner Byrnes and seconded by Commissioner Via that said Ordinance be approved on first reading. A roll call vote of the Commission held on said motion for approval of the Ordinance resulted as follows:

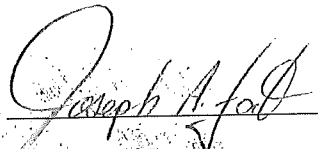
Mayor William Arthur	Yes
Commissioner Arthur Byrnes	Yes
Commissioner Gilles Blais	Yes
Commissioner Lou Schmitt	Absent
Commissioner Roland Via	Yes

Whereupon, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk and has caused the official seal of said City to be affixed all at City Hall of Holly Hill, Florida, this 27th day of January, 2003, for the purpose of authenticity as is required by law.

City of Holly Hill

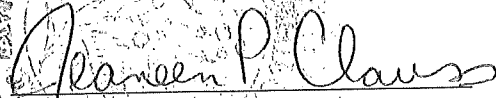


William D. Arthur, Mayor



Joseph A. Forte, City Manager

Attest:



Jeanne P. Clauss, CMC, City Clerk

Attachment: Current Development Agreement (4345 : Malkit Sahl PD Amendment)

EXHIBIT A – Ordinance No. 2679

MALKIT SALH BUSINESS PUD

WRITTEN DEVELOPMENT AGREEMENT (amended)

(attach here)

Attachment: Current Development Agreement (4345 : Malkit Sahl PD Amendment)

MALKIT SALH BPUD DEVELOPMENT AGREEMENT

(amended 01-27-04)
[enter date]

BEFORE THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA

IN RE: (Case # z-02-12-03), Application of Malkit Salh

RESOLUTION #

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM B-5 (Volusia County) TO MALKIT SALH BPUD – BUSINESS PLANNED UNIT DEVELOPMENT

The application of Malkit Salh, hereinafter, “Applicant”, for rezoning was heard by and before the City Commission of the City of Holly Hill, Florida, on January 14, 2003. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments, the advice, report, and recommendations of the City staff and consultants, and the testimony adduced and evidence received at the Public Hearing on this Application by the Board of Planning and Appeals on December 9, 2002, and otherwise being fully advised, the Holly Hill City Commission does hereby find and determine as follows:

- A. That the application of Malkit S. Salh was duly and properly filed on November 18, 2002 as required by law.
- B. That all fees and costs which are by law, regulation, or ordinance required to be borne by the Applicant have been paid.
- C. That the Applicant is the owner of a 1.375 acre parcel of land which is situated within the corporate boundary of the City of Holly Hill. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit “A”.
- D. That the Applicant has held a pre-application meeting as required by the Holly Hill Ordinance No. 2573.

Attachment: Current Development Agreement (4345 : Malkit Sahl PD Amendment)

- E. That the Applicant has complied with the “due public notice” requirements of the Holly Hill Code of Ordinances.
- F. That the owner of the property, Malkit S. Salh, agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

- A. That the Applicant has applied for a change of zoning from the present zoning classification(s) of the parcel described in Exhibit “A” from B-5 to a(n) BPUD (Business Planned Unit Development).
- B. That the said rezoning to a(n) BPUD is consistent with both the City’s Comprehensive Plan and the purpose and intent of Ordinance 2352, the Land Use and Development Regulations, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the requested rezoning.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, IN OPEN PUBLIC MEETING DULY ASSEMBLED IN THE COMMISSION CHAMBERS, HOLLY HILL CITY HALL, HOLLY HILL, FLORIDA, THIS 14th DAY OF JANUARY, 2003, A.D., AS FOLLOWS:

- A. That the Application of Malkit S. Salh for the rezoning of the subject parcel is hereby granted.
- B. That the zoning classification of the subject parcel described in Exhibit “A” attached hereto is hereby amended from B-5 to BPUD.
- C. That the Official Zoning Map of the City of Holly Hill is hereby amended to show the rezoning of said property to Malkit Salh BPUD – Business Planned Unit Development.
- D. That Ordinance 2352, the Land Use and Development Regulations, as amended, is consistent with the provisions of the “Development Agreement” as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance 2352, as amended, and the Development Agreement, the provisions of the Development Agreement shall govern. Ordinance 2352, the Land Use and Development Regulations, as amended, shall govern with respect to any matter not covered by the

Development Agreement. The Holly Hill Development Code Administrator will ensure overall compliance with this Order and Resolution.

- E. Unless otherwise provided for herein, Article III, Supplementary Regulations of Chapter 114, Sub-part B, Holly Hill Code of Ordinances, shall apply to the BPUD in the same manner as the B-5 zoning classification.
- F. Nothing in this Order and Resolution shall abridge the requirements of any Ordinance of the City of Holly Hill other than Ordinance 2352, the Land Use and Development Regulations, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Land Development Regulations, Sub-part B, Holly Hill Code of Ordinances, as amended.

DEVELOPMENT AGREEMENT

- A. Development Concept. The property shall be developed as a(n) BPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a(n) BPUD and shall regulate the future land use of this parcel.
 - 1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by Urban Design Services and dated November 18, 2002 and this Development Agreement. The Preliminary Plan is hereby approved and incorporated into this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the office of the City Clerk and it shall constitute a supplement to the Official Zoning Map of the City of Holly Hill.
 - 2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Development Code Administrator to be minor amendments as set out in s. 5.6.21, G, 4, as amended by Ordinance 2573, shall require the review and recommendation of the Board of Planning and Appeals and action by the City Commission in the same manner as a rezoning of the parcel.
 - 3. Subdivision Approval. (This paragraph applies only to PUDs requiring land subdivision.) After the Master Development Plan is recorded, and prior to any construction, including clearing and landfill, an application for subdivision approval shall be submitted for review and approval in

the manner required by s. 3.4.4 of Ordinance 2352, the Land Use and Development Regulations, as amended.

4. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Development Plan shall be prepared and submitted for review and approval in the manner required by Article III, Ordinance 2352, the Land Use and Development Regulations, as amended.
- B. Unified Ownership. The Applicant and his successors shall maintain unified ownership of the subject parcel until after issuance of the Final Development Order.
- C. Phases of Development. Phase 1 consists of the existing Tire City facility and Phase 2 consists of the Used Car Lot.
- D. Land Uses Within the PUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed PUD. The location and size of said land use areas are shown on the Preliminary Plan, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:
 - Automotive Repair and Services
 - Automobile Sales
 - One Single Family Residence (existing)
 - Any use permitted in the B-5 General Commercial Districts
- E. Development Standards.
 1. Minimum lot area: 43,560 sq. ft.
 2. Minimum lot width: 100 ft.
 3. Minimum yard size:
 - a. Front yard - 30 ft.
 - b. Rear yard - 30 ft.
 - c. Side yard - 20 ft.
 - d. Waterfront yard – n/a
 4. Minimum floor area
 5. Maximum lot coverage - 75 %

6. Maximum building height - 45 ft.
 7. Landscape buffer requirements - minimum of 5 ft. along all property lines
 8. Project perimeter building setback - 30 ft.
 9. Minimum building separation - 30 ft.
 10. Off-street parking requirements – as provided in current Holly Hill Code of Ordinances
 11. Signage requirements – as provided in current Holly Hill Code of Ordinances
 12. Open space and/or common area requirements - n/a
- F. Environmental Considerations. Existing trees on the site shall be preserved where possible.
- G. Sewage Disposal and Potable Water. The project shall be connected to the City of Holly Hill sanitary sewage system and potable water system or to another municipal sanitary sewage system and/or municipal potable water system if connection to the City of Holly Hill system(s) is not reasonably feasible.
- H. Stormwater Management. Provision for stormwater management shall be in accordance with Sections 94-71 through 94-104, Holly Hill Code of Ordinances, as amended.
- I. Access and Transportation System Improvements. The project shall be in substantial accordance with the following access and transportation system improvements:
1. Access. The site shall have two access points on Nova Road, subject to approval by the Florida Department of Transportation, and one access point on Alabama Avenue, subject to approval by Volusia County.
 2. Transportation System Improvements. No other improvements are proposed along Nova Road since it is currently under construction.
- J. Internal Roadways. n/a
- K. Building or Property Owners Association. The owner shall be responsible for maintenance of all improvements.

With respect to the enforcement of any property owners association charter and by-laws, any other agreements, covenants, easements or restrictions entered into by and between the applicant and the owners or occupiers of property within the PUD, the City will only enforce the provisions of the

Development Agreement and the Holly Hill Code of Ordinances, as amended, whichever is applicable. The City will not be responsible for enforcement of any private agreements.

- L. Other. All proposed utilities will be installed underground.
- M. Binding Effect of Plans; Recording; and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The PUD zoning, provisions of the Development Agreement, and all approved plans shall run with the land and shall be administered in a manner consistent with Sub-part B, Land Development Regulations, Holly Hill Code of Ordinances, as amended.

This Order and Resolution and all subsequent orders and resolutions shall be filed with the Clerk of the Circuit Court and recorded within forty-five (45) days following execution of the document by the Holly Hill City Commission, in the Official Records of Volusia County, Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the City Clerk. The date of receipt of this document by the City Clerk shall constitute the effective date of the PUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

- N. Conceptual Approval. The parties hereto acknowledge that reductions in density and/or intensity may occur, and that minor changes to the Preliminary Plan including roadway design, location and size of structures, actual location of parking spaces, specific locations of land uses, and locations and design of stormwater storage, landscape buffers may result. Any such changes to the Preliminary Plan may be approved by the Development Code Administrator if he determines that said changes are consistent with the purpose and intent of the Master Development Plan and do not violate any terms of the Development Agreement and any applicable provision of the Holly Hill Code of Ordinances. The Applicant agrees to revise and record the Revised Preliminary Plan, which reflects any such changes with the Clerk of the Court immediately following approval by the Development Code Administrator. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record assigned to the document, shall be submitted to the City Clerk. The date of receipt of this document by the City Clerk shall constitute the effective date of the Revised Preliminary Plan.

DONE and ORDERED by the City Commission of the City of Holly Hill, Florida, this
27th day of January, 2004.

ATTEST:

Jeaneen P. Clauss
Jeaneen Clauss, City Clerk

HOLLY HILL CITY COMMISSION

Wm. D. Arthur
William Arthur, Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

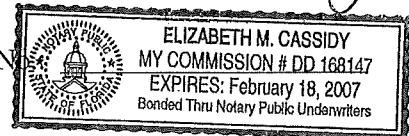
The foregoing instrument was acknowledged before me this 30th day of
January, 2004, by Jeaneen Clauss and William Arthur, as City Clerk and Mayor, City
of Holly Hill, respectively, on behalf of the City of Holly Hill, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Elizabeth M. Cassidy

Commission No.



My Commission Expires: _____

WITNESSES:

Wm. D. Arthur

[Signature]

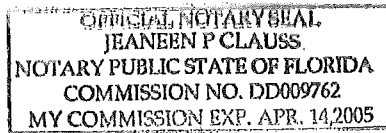
[Signature]

Applicant's Name, Title & Corporation

Applicant's Name, Title & Corporation

Owner of Property (if other than Applicant)

The foregoing instrument was acknowledged before me this 30th day of January, 2004, by Malkit Sahl.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Jeaneen P. Clauss

Commission No.: DD009762

My Commission Expires: 4-14-05

Attachment: Current Development Agreement (4345 : Malkit Sahl PD Amendment)

EXHIBIT A

Permitted principal uses and structures in the B-5 district are as follows:

- (1) Any use permitted in the B-1 professional office/hospital-medical district.
- (2) Any use permitted in the B-4 highway business district.
- (3) Self-service storage facilities (mini-ware-houses). (Refer to section 114-686.)
- (4) Application of permanent makeup.
- (5) Adult day care centers.

Permitted principal uses and structures in the B-1 district are as follows:

- (1) Administrative offices.
- (2) Professional services offices.
- (3) Hospitals.
- (4) Laboratories: biological, optical, medical, dental, and X-ray, but not including research and development laboratories related to the manufacturing of drugs for distribution and sale, and not including blood banks.
- (5) Prescription pharmacies.
- (6) Adult congregate living facilities not exceeding 65 clients per acre (licensed capacity).
- (7) Rest and convalescence homes.
- (8) Banks and savings and loans.
- (9) Adult day care centers.

Permitted principal uses and structures in the B-4 district are as follows:

- (1) Any use permitted in the B-1 professional office/hospital-medical district.
- (2) Administrative offices.
- (3) Retail sales and services.
- (4) Personal services.
- (5) Restaurants, type A and B, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (6) Bars and nightclubs, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (7) Houses of worship.
- (8) Application of permanent makeup.
- (9) Adult day care centers.

EXHIBIT B

Permitted principal uses and structures in the **B-6** district are as follows:

- (1) Any use permitted in the B-1 professional office/hospital-medical district.
- (2) Any use permitted in the B-2 planned shopping center district.
- (3) Any use permitted in the B-3 neighborhood commercial district.
- (4) Any use permitted in the B-4 highway business district.
- (5) Any use permitted in the B-5 general commercial district.

Permitted principal uses and structures in the **B-1** district are as follows:

- (1) Administrative offices.
- (2) Professional services offices.
- (3) Hospitals.
- (4) Laboratories: biological, optical, medical, dental, and X-ray, but not including research and development laboratories related to the manufacturing of drugs for distribution and sale, and not including blood banks.
- (5) Prescription pharmacies.
- (6) Adult congregate living facilities not exceeding 65 clients per acre (licensed capacity).
- (7) Rest and convalescence homes.
- (8) Banks and savings and loans.
- (9) Adult day care centers.

Permitted principal uses and structures in the **B-2** district are as follows:

- (1) Administrative offices.
- (2) Professional services offices.
- (3) Retail sales and services.
- (4) Personal services.
- (5) Restaurants, type A and B, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (6) Medical and dental clinics.
- (7) Bars and nightclubs, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (8) Adult day care centers.

Permitted principal uses and structures in the **B-3** district are as follows:

- (1) Self-service laundromats.
- (2) Convenience grocery stores.
- (3) Beauty salons.
- (4) Barbershops.
- (5) Newsstands.
- (6) Adult day care centers.
- (7) Bed and breakfast accommodations.
- (8) Catering services.
- (9) Coffee shops (See Note 1, below).

(10) Convenience and specialty foods (including the sale of sundry goods incidental to the sale of food).

(11) Post offices (limited services only).

(12) Professional offices (See Note 1, below).

(13) Restaurants (not including drive-through take-out service) (See Note 1, below).

(14) Low-intensity, neighborhood-compatible specialty retail sales and services establishments which are deemed by the city commission to be similar in character to another expressly permitted principal use and clearly within the legislative intent of the B-3 neighborhood commercial classification. Any interested person, specifically including the administration of the city, may request the city commission to interpret whether a specific use.

(15) Accessory residential use of no greater than one dwelling unit per commercial business.

Note 1: These uses are permitted uses only when the property has access and is directly adjacent to an arterial or collector roadway as identified in the adopted comprehensive plan. Otherwise the uses may be approved by special exception only.

Permitted principal uses and structures in the B-4 district are as follows:

(1) Any use permitted in the B-1 professional office/hospital-medical district.

(2) Administrative offices.

(3) Retail sales and services.

(4) Personal services.

(5) Restaurants, type A and B, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.

(6) Bars and nightclubs, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.

(7) Houses of worship.

(8) Application of permanent makeup.

(9) Adult day care centers.

Permitted principal uses and structures in the B-5 district are as follows:

(1) Any use permitted in the B-1 professional office/hospital-medical district.

(2) Any use permitted in the B-4 highway business district.

(3) Self-service storage facilities (mini-ware-houses). (Refer to section 114-686.)

(4) Application of permanent makeup. (5) Adult day care centers.

SECOND MAJOR AMENDMENT TO THE MALKIT SALH BUSINESS PLANNED UNIT (BPUD) DEVELOPMENT AGREEMENT

THIS SECOND MAJOR AMENDMENT TO THE MALKIT SALH BPUD DEVELOPMENT AGREEMENT is made this _____ day of _____, 2024, by and between **MALKIT SALH REVOCABLE LIVING TRUST**, and the **CITY OF HOLLY HILL**, a Florida municipal corporation (the “City”).

WHEREAS, Malkit Salh and the City entered into that certain Development Agreement (the “Agreement”) dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739, for the development of certain real property as described in said Agreement; and

WHEREAS, Owners and City wish to further modify certain provisions of the Agreement as detailed below; and

NOW, THEREFORE, in consideration of the mutual covenants and promises made herein, the parties hereto covenant and agree to bind themselves as follows:

1. The above recitations are true and correct and incorporated herein by reference.
2. Owners and City mutually agree that letter D of the current agreement titled, Land Uses Within the PUD, is replaced in its entirety with the language below labeled **D**, and that letter E of the current agreement titled, Development Standards is replaced in its entirety with the language below labeled **E**,

D. Land Uses Within the PUD. The development of the parcel shall be consistent with the uses prescribed within the proposed PUD. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

- a. Automotive Repairs, Servicing and Sales
- b. Shed sales and display – a site plan showing the proposed layout and number of sheds to be displayed must be submitted for review and approval by the City. Parking and traffic circulation on the site must be addressed within the details of the site plan and shall not be impeded.
- c. All uses permitted in the B-6 zoning district except as otherwise prohibited.

Prohibited Uses:

- a. Bars and nightclubs.
- b. Self-service laundromats
- c. Any other uses not specifically listed under Permitted Uses
- d. Single-family home – **the property owner waives and relinquishes any claims to grandfathering with regard to the use of a single-family home.**

E. Development Standards:

1. Minimum lot area: 34,600 square feet

2. Minimum lot width: 170 feet
 3. Minimum yard size:
 - a. Front yard – 15 feet - Property is a corner lot and considered to have two front yards that abut the road
 - b. *Side yard (north) – 10 feet / Side yard west abutting residential property – 20 feet.

*The existing building on the north end of the property shall be considered legal non-conforming but must come into conformity with all setbacks should the property be damaged in excess of 50% of its value at the time of damage.
 4. Maximum lot coverage: 75%
 5. Maximum building height: 45 feet
 6. Landscape buffer requirements – minimum 5 feet along all property lines
 7. Minimum building separation: As determined by Fire Marshal and Chief Building Official.
 8. Parking standards as required in the Holly Hill Land Development Regulations
 9. Signage Requirements as required in the Holly Hill Land Development Regulations
3. All other provisions, conditions, and requirements of the Agreement dated January 27, 2004, recorded in the public records of Volusia County Florida, in Book: 5254 Page 2739 remain in full force and effect.

NOW THEREFORE, the undersigned parties hereby agree to the above terms and conditions of the Major Amendment.

CITY OF HOLLY HILL,
a Florida municipal corporation

By: _____
Chris Via, Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, **by means of ☐ physical presence or ☐ online notarization**, this _____ day of _____, 2024 by _____, who is personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Notary Signature

Printed Name

Commission No.: _____
 My Commission Expires: _____

WITNESSES:

Malkit Sahl

 (Name Printed or Typed)

 (Name Printed or Typed)

STATE OF _____
 COUNTY OF _____

By: _____
 Name: _____
 Title: _____

The foregoing instrument was acknowledged before me, **by means of ☐ physical presence or ☐ online notarization**, this _____ day of _____, 2024 by _____, who is personally known to me or produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

 Notary Signature

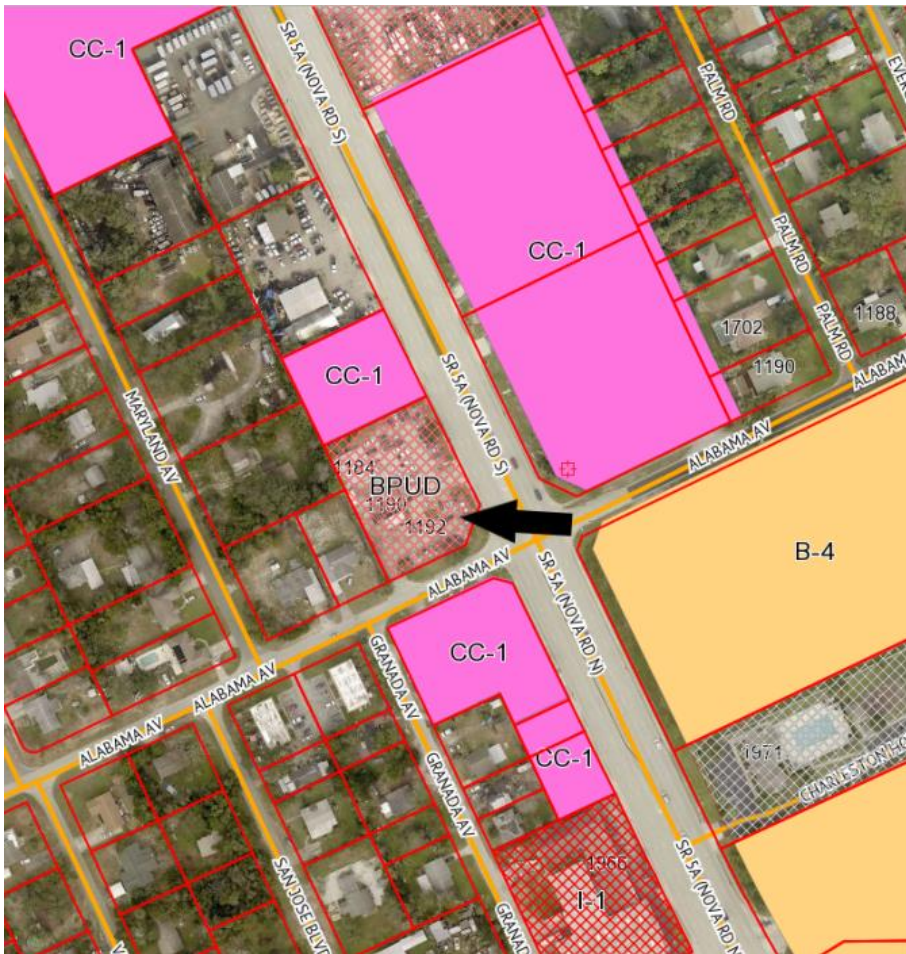
 Printed Name

Commission No.: _____
 My Commission Expires: _____

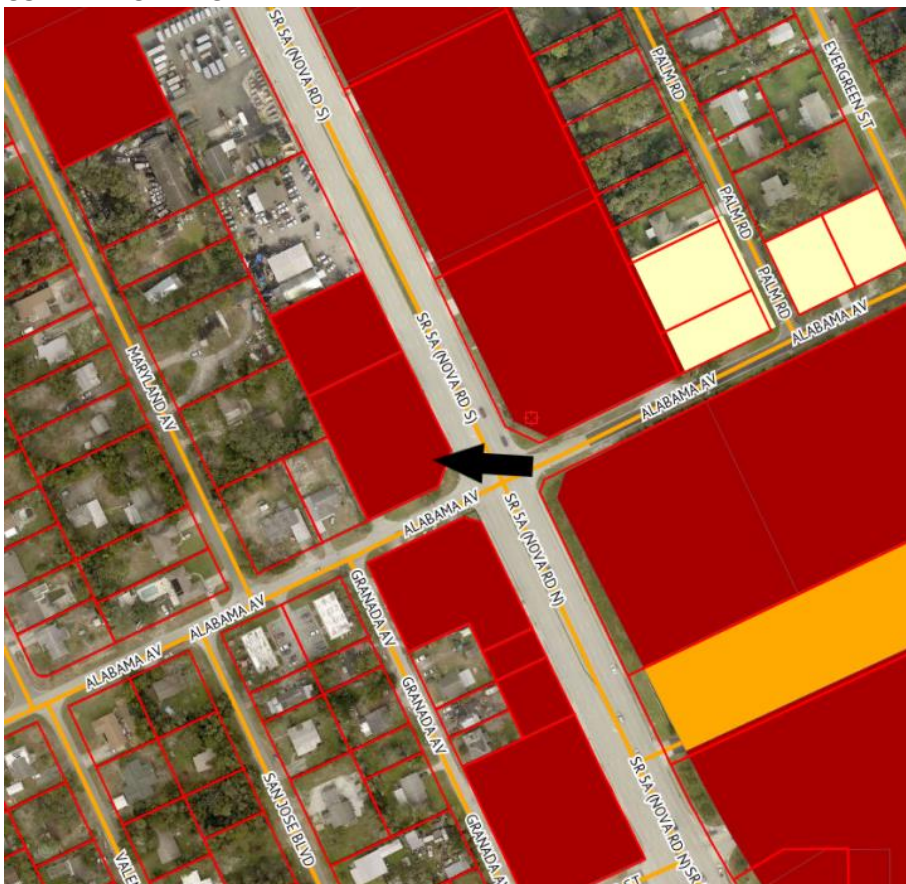
Attachment: Proposed Second Major Amendment (4345 : Malkit Sahl PD Amendment)

ZONING, FLU AND LOCATION MAP

BPUD ZONING



COMMERICAL FLU





1065 Ridgewood Avenue, Holly Hill, FL 32117

Phone: (386) 248-9442 Fax: (386) 248-9498 Permitdesk@hollyhillfl.org

01/2023

RECEIVED
OCT 6 2023

REZONE/ FUTURE LAND USE AMENDMENT

23-1745

Date Received: _____ Application ID: _____ Submitted By: _____

PROJECT INFORMATION:

PROJECT NAME: Malkit Sahl
 PARCEL ID #(S): 4242-04-21-0215
 LOCATION: 1184/1190 S. Nova Rd.
 EXISTING USE(S): Offices
 PROPOSED USE(S): Add Shed Sales & Uses to PD
 TOTAL ACREAGE: .80
 WATER PROVIDER: _____ SEWER PROVIDER: _____
 PRIVATE WELL _____ PRIVATE SEPTIC _____
 CURRENT ZONING: BPUD PROPOSED ZONING: Amendment
 CURRENT FUTURE LAND USE: COM PROPOSED FUTURE LAND USE: Same

APPLICANT INFORMATION:

Name: Sahl Malkit Singh E-Mail: mssahl474@gmail.com
 Address: 74 N St. Andrews Dr. Ormond Beach Phone: 386-852-0195
 Company: _____ Fax: _____
☒ Owner ☐ Agent for Owner ☐ Attorney for Owner

OWNER INFORMATION:

Name: Same E-Mail: _____
 Address: _____ Phone: _____
 Fax: _____

CONSULTANT INFORMATION:

Name: _____ E-Mail: _____
 Address: _____ Phone: _____
 Company: _____ Fax: _____

Attachment: Application (4345 : Malkit Sahl PD Amendment)



1065 Ridgewood Avenue, Holly Hill, FL 32117

Phone: (386) 248-9442 Fax: (386) 248-9498 Permitdesk@hollyhillfl.org

01/2023

WHO SHOULD ALL COMMUNICATION BE DIRECTED TO?

_____ APPLICANT _____ OWNER _____ CONSULTANT

APPLICATION TYPE(S)/FEE(S)*

LAND USE AMENDMENT

- ☐ LARGE SCALE FUTURE LAND USE AMENDMENT (>10 ACRES) \$3,000.00
- ☐ SMALL SCALE FUTURE LAND USE AMENDMENT (≤10 ACRES) \$2,000.00

REZONE (NON-PD)

- ☐ STRAIGHT REZONE / LDR TEXT AMENDMENT \$1,400

REZONE (PD)

- ☐ PD REZONE \$2,000
- ☒ MAJOR AMENDMENT TO EXISTING PD \$1,250
- ☐ MINOR AMENDMENT TO EXISTING PD \$400 (This does not include changes in uses items such or density but means minor changes such as layout and landscaping that do not affect the overall intent or "spirit" of the PD.

***THERE MAY BE ADDITIONAL PASS-THROUGH FEES FOR REVIEWS DONE BY REVIEWERS OUTSIDE OF THIS AGENCY. ALL FEES ARE DUE AT THE TIME OF APPLICATION SUBMITTAL.**

ATTACHMENT CHECKLIST

REQUIRED SUBMITTALS

- ☒ COPY OF PRE-APPLICATION COMMENTS. IF YOU HAVE NOT HAD A PRE-APPLICATION MEETING TO DISCUSS THIS PROJECT PLEASE CONTACT THE CITY PLANNER TO ARRANGE AN APPOINTMENT AT 386-248-9424.
- ☒ ELECTRONIC COPY OF ALL ITEMS SUBMITTED
- ☒ APPLICATION AND FEE
- ☒ PROOF THAT TAXES ARE CURRENT
- ☒ PROPERTY APPRAISER'S PROPERTY INFORMATION PRINTOUT
- ☒ OWNERSHIP DISCLOSURE FORM (ADD'L DOCUMENTATION MAY REQUIRED IF OWNER IS A TRUST OR CORPORATION)
- ☒ OWNER'S AUTHORIZATION FORM, IF APPLICABLE (ADD'L DOCUMENTATION REQUIRED IF OWNER IS A TRUST OR CORPORATION)
- ☒ 2 CURRENT SIGNED AND SEALED BOUNDARY SURVEYS
- ☒ LEGAL DESCRIPTION IN MS WORD FORMAT (EMAIL THIS TO THE CITY PLANNER)
- ☒ SCHOOL CAPACITY REVIEW – IF PROPOSING OVER 10 RESIDENTIAL UNITS (CONTACT SCHOOL BOARD PLANNING & BUSINESS SERVICES AT 386-734-7190 FOR APPLICATION)

Attachment: Application (4345 : Malkit Sahl PD Amendment)



1065 Ridgewood Avenue, Holly Hill, FL 32117

Phone: (386) 248-9442 Fax: (386) 248-9498 Permitdesk@hollyhillfl.org

01/2023

- ☐ TRAFFIC IMPACT ANALYSIS FOR PROJECTS GENERATING OVER 1000 TRIPS PER DAY ACCORDING TO RATES PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS "TRIP GENERATION MANUAL" (LATEST EDITION)
- ☒ DRAFT DEVELOPMENT ORDER IN MS WORD FORMAT (*PD REZONE ONLY – CONTACT THE CITY PLANNER*)
- ☒ PRELIMINARY DEVELOPMENT PLAN (*PD REZONE ONLY - SEE CODE SEC. 114-771*)
- ☒ **REZONES ONLY:** ANSWER THE 8 QUESTIONS ATTACHED ON THE REZONING REQUIREMENTS SHEET
- ☐ **COMPREHENSIVE PLAN AMENDMENTS ONLY:** Provide a **Facility Demand Comparison**. For example, for the existing Future Land Use designation, show the demands on the city's infrastructure at the highest intensity, and for the proposed Future Land Use, show what the demands would be at the highest intensity. Show this information for the following facilities:
 - Potable Water
 - Sanitary Sewer
 - Stormwater
 - Transportation (Use current year ITE Trip Generation Rates—Provide PM Peak Hour and Avg Daily)
 - Solid Waste Collection
 - School (Residential Only)
- ☐ **COMPREHENSIVE PLAN AMENDMENTS ONLY:** Provide a **Demonstration of Capacity:** Show that there is capacity and ability to meet increased demands on facilities. The city's public works department can assist in providing information regarding potable water, sanitary sewer and solid waste.

Applicant's Signature: _____

M. Sahl
(Signature)

10.6.23
(Date)

MARK T. SAHL
(Print)

Applications must be complete to initiate the review process. For questions please contact the City Planner at (386) 248-9424, fax (386) 248-9498 or email at bwalker@hollyhillfl.org

Attachment: Application (4345 : Malkit Sahl PD Amendment)

MALKIT S SAHL TRUST ACCOUNT
74 N St Andrews Dr
Ormond Beach, FL 32174

1098
63-466/631

10-6-23
DATE

PAY TO THE
ORDER OF

City of Holly Hill

\$ 1250.00

One Thousand Two Hundred Fifty Exactly

DOLLARS

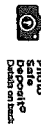


Photo
Deposit
Details on back



FOR 1184-1190 5.10.19.

M.S. Sahl

⑆063104668⑆ 0316549163⑈01098

HEAT SENSITIVE