CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES ● 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

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Present	
Loretta Arthur	Board Member	Absent	
Lorraine Geiger	Board Member	Present	

3. INVOCATION

Mr. Smith led the invocation.

4. PLEDGE OF ALLEGIANCE

Mr. Myer led the Pledge of Allegiance to the Flag.

5. MINUTES - NONE

None

6. AGENDA ITEM(S) - NONE

None

7. ORDINANCES

1. 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)

   Brian Walker, City Planner briefly went through his staff report that was in the agenda packet. This item is to 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. 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 January 27, 2004 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. Mr. Walker stated that 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 of 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.

Mr. Walker briefly discussed the consistency with the Land Development Code and the consistency with the Comprehensive Plan. 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’s recommendation is to 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.

Mr. Myer opened public participation. No spoke.

Mr. Myer stated he would entertain a recommendation 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 USE AND MODIFYING SPECIFIC DEVELOPMENT STANDARDS AND THE ASSOCIATED DEVELOPMENT AGREEMENT FOR APPROXIMATELY 0.8 ACRES ON THE WEST SIDE OF NOVA ROAD SOUTH ON THE CORNER OF SOUTH NOVA ROAD AND ALABAMA AVENUE AND MORE SPECIFICALLY KNOWN AS 1190 AND 1184 SOUTH NOVA ROAD,*** the motion was made by Mr. Cassata and seconded by Mr. Smith.

ROLL CALL VOTE: Cassata - Yes; Smith - Yes; Geiger - Yes; Myer - Yes.

THE MOTION CARRIES: 4-0.

(A copy of this meeting in its entirety is available on CD upon request in the Building and Zoning Department or online on the city's YouTube channel)

RESULT:	**RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]**
MOVER:	Tony Cassata, Board Member
SECONDER:	Dennis Smith, Board Member
AYES:	Myer, Smith, Cassata, Geiger
ABSENT:	Arthur

8. OLD BUSINESS / NEW BUSINESS

Mr. Walker informed the board that there will be a City Commission workshop on December 12, 2023 at 5:00 PM. The City Manager will be discussing as to whether or not they would like to allow staff to approve certain distances when it comes to variances or certain percentages. That topic will be brought before them for discussion.

Mr. Myer mentioned that he some new business that he would like to discuss and asked Attorney Simpson if he could help him with the rules. It has to do with attendance.

Attorney Simpson was looking to see what the city's rules are on the attendance.

Mrs. Montgomery stated it's actually two consecutive times missed or four times in a calendar year.

Mr. Myer stated and that doesn't matter whether they're excused or not it's just you got to be here. Ms. Arthur is three this year, is that correct?

Mrs. Montgomery stated we recorded two but that could be she could be wrong. It could have had something prior to my being in this position. There could very well be a third.

Mr. Myer stated attendance is really important and which goes without saying. We can't you know and it's not that he doesn't want Ms. Arthur to be on the board but he wants Ms. Arthur to be on the board.

Mr. Cassata stated we're here to do a job.

Mr. Myer stated exactly right. It doesn't take long, we're rarely here more than an hour.

Mr. Cassata stated we've had one or two longer but you're right.

Mr. Myer stated he would like to know for sure the number of absences.

Mrs. Montgomery stated she can email him the Resolution tomorrow and will send it to Attorney Simpson as well.

Mr. Myer stated the first order of business in January 2024 will to elect a Chairman of the board and he will tell them now that he will take the job if the board nominates him. So, there's no questions about that as there was last year.

Mr. Cassata stated, perfect.

Mr. Myer stated so, he's telling them that he will do that but he's not politicking for the job.

Mr. Cassata stated you're the man for the job.

Mr. Myer stated he is just saying if they choose him again, he would be honored to do it.

Attorney Simpson stated also at the next meeting on the agenda to go over Sunshine Law, Public Records Law, and various issues that are common. Since that's an organizational meeting, that would be a good meeting to go over those at that time.

Mr. Myer stated, yes. Absolutely. That's a great idea. Thank you.

9. BOARD / STAFF COMMUNICATIONS

None.

10. ADJOURNMENT

Leslie Montgomery

Leslie Montgomery 12/4/2023

Mike Myer

Mike Myer, Chairman 12/4/2023