



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • APRIL 1, 2019

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	Present	

2. INVOCATION

Invocation was given by Chairman Mike Myer.

3. PLEDGE OF ALLEGIANCE

Mike Myer led the Pledge of Allegiance.

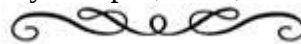
4. BOPA MINUTES APPROVAL

1. Minutes of February 4, 2019 Meeting

(Requested by Brian Walker, City Planner)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robin D. Hanger, Board Member
SECONDER:	Dennis Smith, Board Member
AYES:	Byrnes, Myer, Hanger, Smith, Cassata

Enacted and approved this 1st day of April, 2019, in Holly Hill



5. AGENDA ITEM(S)

1. An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 6 (Alcoholic Beverages) Amending the Distance Restrictions and Adopting Specific Distance Restrictions Within the Community Redevelopment Area; Amending Section 78-14 (Definitions) to Add Definitions;

Providing for Severability; Providing for Codification; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

Brian Walker, City Planner summarized his staff report stating that this is an amendment to the Land Development Regulations by amending Chapter 6 (alcoholic beverages) amending the distance restrictions and adopting specific distance restrictions within the Community Redevelopment Area. The current regulations require that a minimum of 750 feet exist between an establishment that services alcohol and an established church or school. In the case of a restaurant where the sale is limited to beer and wine which is incidental to the primary business of selling food, the required distance from an established church or school is 200 feet. These same distance separations apply to a church or school that desires to locate near an established restaurant. It has been 35 years since the City made any major changes to the alcoholic beverage chapter.

This proposal is being made for a few reasons: requests have come from some in the business community who have been unable to accept offers to rent their establishment to a restaurant because of not being able to meet the separation requirement; to enable Holly Hill to compete more effectively in the area with neighboring jurisdictions which require either less separation, or none at all, between restaurant and places of worship; and to facilitate economic activity, especially within the Community Redevelopment Area.

The other proposed change involves Sica Hall. Section 6-2(b) of the Land Development Regulations, currently permits wine and champagne to be served and consumed inside of Sica Hall only for wedding receptions. The proposed ordinance would allow beer, wine and champagne to be served and consumed inside of Sica Hall for other events and adds the requirement that a law enforcement officer be present during the event, if alcohol is service, at the host or applicant's expense.

Staff recommends approval of the Ordinance amending the land development regulations, Chapter 6 and amending section 78-14 to add definitions.

A discussion ensued regarding the need for changing the Sica Hall alcohol requirements. The Board members came to the consensus that the new changes are acceptable, agreeing that law enforcement needs to be onsite when alcoholic beverages are served in Sica Hall.

Mike Myer, stated that there are 2 contradicting rules within the Ordinance.

Heidi Heller, 460 Ridgewood Avenue, Holly Hill, informed the Board that the contradicting statements are in Section 6.20(c&d) of the Ordinance. She too was questioning those statements that seem to contradict each other.

Brian Walker, City Planner stated that this was a typo and should read: Section 6.2(c) should read "There shall be a minimum distance of 375 feet between an establishment where alcoholic beverages are sold for consumption on premises, such as a restaurant or bar, from a house of worship." **(or school)** will be deleted from that this section.

Heidi Heller, 460 Ridgewood Avenue questioned if in Section 6.1 Definitions, School - included nursery school. She was informed no. She further questioned if the City will be using the property descriptions from the Volusia County Property Appraisers office for determining a school. She noted that some of these are no longer operating. She was informed that the City will use the criteria of an active Business Tax Receipt.

Nancy Wahby, 518 Ridgewood Avenue, owner of the vacant Ted II Diner, stated that over the past 9 years, they have lost several opportunities to lease their space to restaurants that wanted to serve beer and wine, due to the fact that the property is within the prohibited distance to a church. If this Ordinance passes, they will be outside of the prohibited area. She is in favor of the Ordinance change.

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]
MOVER:	Robin D. Hanger, Board Member
SECONDER:	Arthur J. Byrnes, Board Member
AYES:	Byrnes, Myer, Hanger, Smith, Cassata



6. OLD BUSINESS

None

7. BOARD/STAFF COMMUNICATIONS

Chairman Mike Myer asked about the training for the Board Members. Brian Walker stated that he will get that together for them soon.

8. ADJOURNMENT

Adjourned at 6:35 PM