



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • JUNE 1, 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	Excused	
Dennis Smith	Board Member	Absent	
Tony Cassata	Board Member	Present	

2. INVOCATION

Invocation was given by Chairman Mike Myer.

3. PLEDGE OF ALLEGIANCE

Chairman Mike Myer led us in the Pledge of Allegiance.

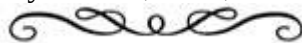
4. BOPA MINUTES APPROVAL

1. Minutes - May 4, 2020

(Requested by Brian Walker, City Planner)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tony Cassata, Board Member
SECONDER:	Arthur J. Byrnes, Board Member
AYES:	Byrnes, Myer, Cassata
ABSENT:	Smith
EXCUSED:	Hanger

Enacted and approved this 1st day of June, 2020, in Holly Hill



5. AGENDA ITEM(S)

1. An Amendment Request to the Waiver Granted on June 3, 2019, with Regard to the Type "A" Visual Screening Requirement in Section 98-67(A) of the LDR for Property Located at 1171 S. Nova Road

(Requested by Brian Walker, City Planner)

Brian Walker, Community Development Director/City Planner summarized his staff report. The applicant is in the process of building a 29,150 square foot building that abuts residential property on the east. Article III of the land development regulations require that a visual screen be placed between residential and commercial properties. The building is 35 feet away from the residential properties on the east, therefore a Type A visual screen consisting of a brick masonry wall and a tree every 25 feet along the wall was required. Per Section 98-69(a) of the LDR, "Waiver or reduction of requirements for the visual screens," the Board of Planning and Appeals may, upon appeal by an applicant, waive or reduce the required visual screen where such visual screen would be unreasonable and excessive. On June 3, 2019, the applicant petitioned the Board of Planning and Appeals to waive the visual screen requirements. The applicant maintained that a masonry wall was not necessary due to the natural existing vegetation and tree line on the property which screens the homes from the commercial site. Additionally, a 35' buffer in the rear contains a retention pond. The back of the building, would also be used as a visual screen, since no access or parking is provided to the back of the building. Mr. Walker summarized the five (5) conditions the BOPA put in the granted waiver request. One of the conditions was that the existing tree line and vegetation on the east be left undisturbed and that if gaps or thinning are evident, the vegetated buffer shall be supplemented with additional canopy and understory trees.

Once construction of the building got underway, it became evident that the site would need to be modified in such a way that the east property line would be affected. Per the conditions of approval for granting the waiver on June 3, 2019, because the site is being modified, the waiver request must come back to the BOPA. Some of the changes that occurred was that one of the lots to the east was purchased by the applicant for use as part of the drainage system. This means that a continuous screen of landscaping and trees along the entire eastern property line as required by the previously granted waiver, is not possible. However, since the lot is now owned by the applicant and is part of their development, it is not required to be screened from the commercial site. There is a significant drop in grade between the rear of the building and the residential homes. When the occupants of the homes look thorough the existing vegetation, they see an 8 foot painted brick wall that is part of the building. The applicant feels that this offers the same, if not more, of a visual screen, than the 6 foot wall and tree every 25 feet that the code requires.

The applicant requests that based upon the evidence presented at this meeting, the waiver to Section 98-67(a) of the LDR approved on June 3, 2019, be amended in that the 8 foot back wall of the building, along with the existing vegetation serve entirely as the required visual screen between the commercial property and residential homes. Staff has no objection to the applicant's requested waiver amendment. Staff does recommend that should the Board of Planning and Appeals approve the requested amendment, the following conditions be imposed.

That the applicant maintain the existing visual screen by replacing vegetation that dies or is destroyed or damaged on their property.

That this waiver be valid conditioned upon the site being generally developed as proposed per the approved site plan, and that if significant modifications occur in the future such as proposed parking in the rear of the building, the waiver and amendment be nullified, and that all conditions as required by code must be met. Whether or not a modification is significant shall be determined solely by the City.

That the applicant purchase ten 6 foot wooden privacy panels for an approximate total cost of \$400, for placement along the rear property line of property identified as 1716 Palm Road, Ormond Beach, and supplement the existing vegetation with shrubs, at a time agreed upon by both parties. Should this condition not be met, the applicant will be considered in violation of the waiver amendment and face code enforcement action.

Arthur Brynes expressed concerns that in the future, the building use could change and there could be parking in the rear of the property. He is requesting that a fence be placed along the entire east property line. He was informed by staff that a fence could not be constructed completely along the east property line due to the fact that the applicant owns one of the lots. Also if a fence was constructed along that property line, it would be down in a ditch and would be of no use.

Mr. Walker suggested that the Board could add a condition that if the property is sold and any changes are requested to the east side of the building, that this matter would have to come back to the Board for approval.

Scott Simpson, City Attorney informed the Board members that the property owners to the east of this building could put up a fence if they so desire.

Matt Schwarmann, applicant stated that he will be putting a fence along the property in the northeast corner of this property. He further commented that the east side of the building is being used as a dry retention pond, which includes large tanks in the ground. It will hold water for 1 day, then it dries up quickly. He is also not opposed to any conditions placed on the building as far as it being used for recreational purposes only.

Tammy ?, 1714 Palm Road, asked if a fence could be placed around the retention pond. She was informed that it is a dry pond and there is no regulation requiring a fence.

Heidi Heller, 460 Ridgewood Avenue also stated that she would like to see a fence constructed along the east property line.

Arthur Brynes moved, seconded by Tony Cassata for approval of the waiver with the staff imposed conditions and a further condition that if there are any changes to the east side of the building the waiver would be nullified.

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

Enacted and approved this 1st day of June, 2020, in Holly Hill



2. An Ordinance of the City of Holly Hill, Florida, Approving the Seventh Amendment to Marina Grande Residential Based Mixed Use Planned Unit Development (Mpud) Development

(Requested by Brian Walker, City Planner)

Brian Walker, City Planner stated that Marina Grande is asking the Board to consider an amendment to the Marina Grande MPUD by reapproving and extending the display time, for temporary signage as approve on March 28, 2017. Over the years the initial MPUD agreement has been amended several times, to address modifications to the plan and address some procedural issues. The original agreement, provided a plan for signage, including project identification signs and signage for retail spaces, However, the agreement did not address real estate signage to be used for the sale and rental of residential and commercial units. On March 28, 2017, the City Commission approved the applicant's plan for real estate signage by approving the 6th Amendment to the Marina Grande MPUD. However, the approval was limited to a 3 year term that expired on March 27, 2020. The applicant has now submitted a 7th request for amendment of the Marina Grande MPUD asking that the plan be reapproved for an additional three (3) years from the date of the approval of this request or until such time that the owners no longer own or control greater than 3% of the total residential units, whichever occurs sooner.

Staff states the City Commission can approve the proposed amendment to the MPUD agreement if the Commission, in its opinion, finds the proposed signage program consistent with Policy 1.2.8 of the Future Land Use Element.

Robert A Merrell III, Attorney representing the applicant stated that the banner on the tower has helped with the sales of units. There were 137 units for sale when the banner was installed in 2017, there are now 95 units left.

Walter Borgin, Broker for onsite sales of the condo units was asked if there is any owner financing of the units. The Board was informed there was no owner financing available. He further stated that the temporary signs and banner have been very helpful in selling these units. When the banner was removed for repairs the sales dropped tremendously.

Robert A Merrell, applicant came back to the podium to answer questions about bulk owners and the percentage of units left before the banner would need to be removed from the side of the tower. It was the consensus of the Board that a number of units would be

better, than a percentage. He also stated that the Agreement goes with the land not the owner.

Don Durm, 241 Riverside Drive, Unit 806 and the Marina Grande on the Halifax I Condominium Association Board of Directors President, stepped to the podium, stating that Daytona Grande LLC (owner of the banner) has been a great partner to Marina Grande and that the issue of the banner was addressed at a Board Meeting of the Condo HOA. Of the comments that they received, people having to look at the banner from their condo units was expressed mostly. He suggested that Daytona Grande look at maybe placing the banner or some other type of signage around the top of the tower, instead of going down the side. Daytona Grande LLC would still have signage, and the condo owners would not have to look at the banner.

Robert Van Winkle, 231 Riverside Drive #1903, stated he can see the banner from his condominium and has been looking at it for 5 years now and would really like to see it removed. He is against this request.

Terry Wood, 231 Riverside Drive, 19th Floor, also expressed that he is against the banner on the tower.

Arthur Byrnes moved, seconded by Tony Cassata that they would approve the Seventh Amendment to Marina Grande Residential Based Mixed use Plan Unit Development with the restriction that the banner will be removed when there are 5 units or less to sell or three (3) years, which ever occurs first.

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]
MOVER:	Arthur J. Byrnes, Board Member
SECONDER:	Tony Cassata, Board Member
AYES:	Byrnes, Myer, Cassata
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6. OLD BUSINESS

None

7. BOARD/STAFF COMMUNICATIONS

None

8. ADJOURNMENT

7:40 PM

Liz M Nelson

Liz M Nelson, Permit/License Technician 6/1/2020

Mike Myer

Mike Myer, Chairman 6/1/2020