CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES ● JUNE 5, 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	
Robin D. Hanger	Board Member	Absent	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Excused	
Loretta Arthur	Board Member	Present	

3. INVOCATION

Mr. Myer led the invocation.

4. PLEDGE OF ALLEGIANCE

Ms. Arthur led the Pledge of Allegiance to the Flag.

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Mr. Myer informed the board members that he just received a text from Mr. Cassata who said he is at the ER with his grandchild and won't be able to attend the meeting tonight.

Ms. Arthur made a motion to ***EXCUSE MR. CASSATA FROM THE BOPA MEETING TONIGHT****, seconded by Mr. Smith.*

Mr. Myer opened public participation. No one spoke.

PASSED, 3-0.

5. MINUTES

1. Minutes - August 22, 2022 - BOPA Meeting and January 9, 2023 BOPA Meeting

   (Requested by Valerie Manning, City Clerk)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Loretta Arthur, Board Member
SECONDER:	Dennis Smith, Board Member
AYES:	Myer, Smith, Arthur
ABSENT:	Hanger
EXCUSED:	Cassata

Enacted and approved this 5th day of June, 2023, in Holly Hill

6. AGENDA ITEM(S)

1. Request a Variance from the Requirements of Sec. 114-765 - Schedule of Dimensional Requirements, Requiring that Principal Structures in the R-2 (Single-Family) Zoning District be a Minimum of Thirty-Feet (30') from the Front Property Line. Such Request is Made in Order to Install a 300 Square Foot Above-Ground Swimming Pool with Enclosure and or a 6 Foot Fence, on the West Side Property Line of the Existing House. the Property is Located on the Southeast Corner of Ridge Avenue, and Flomich Street, and More Particularly Known as 317 Flomich Street; V-2023-01 (Kate Smith and Joe Ducati, Applicant) (Brian Walker, Community Development Director).

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

   Mr. Walker went through his staff report with the board members and asked if the City Clerk can show the aerial view of the property, 317 Flomich Street. Mr. Walker mentioned the home was built in 1956 on a 5,900 square foot corner lot. Because corner lots front on two roads, the property lines abutting the roads are considered to be front yard property lines for zoning purposes. The two remaining property lines are considered side yard property lines. Therefore, the home has two front yard property lines, and two side yard property lines, and is not considered to have a rear property line. The home is currently setback approximately 19.8 linear feet from the western property line on Ridge Avenue, and varies between approximately 30 to 34.6 linear feet from the northern property line on Flomich Street. Both of these property lines are front yard property lines and require a 30-foot setback. The two remaining property lines on the east and south require an 8-foot set-back. The home is approximately 5 feet from the east side property line, and 7 feet from the south side property line. Mr. Walker stated the property owner desires to install a pool and screen enclosure on the west side of the property. This is the most logical proposed location for the pool since it is functionally the side yard of the home and contains a 40-foot grassed ROW buffer between the road and property line. However, the applicant is unable to meet the required 30-foot front-yard setback as required and for this reason has applied for a front-yard setback variance. Should the variance request be granted, the applicant will be permitted to place a pool and enclosure, along with a 6 foot fence, on the west property line along Ridge Avenue. Mr. Walker informed the board members that this request meets the variance criteria's according to Section 82-317, which is included in their packet. Mr. Walker stated the variance shall begin to serve the purpose for which it was granted within 18 months following the granting action by the City Commission and shall otherwise become void. However, a shorter period of time may be stipulated by the City Commission in an individual case as a condition imposed pursuant to Section 82-316. Therefore, it is staff's recommendation of the approval of a front-yard setback variance from the requirements of Sec. 11-765, Schedule of Dimensional Requirements, from thirty (30) feet to zero (0) feet on the west property line only and to allow the construction of an up to 300 square foot pool and an enclosure and 6-foot fence at the home located on the southeast corner of Ridge Avenue and Flomich Street, particularly known as 317 Flomich Street.

Mr. Myer opened public participation.

The following individuals spoke to the Board members: Mary Ann Trussell, Holly Hill and Heidi Heller, Holly Hill.

Mr. Myer closed public participation.

Mr. Smith made a motion to ***APPROVE STAFF'S RECOMMENDATION OF THE APPROVAL OF A FRONT-YARD SETBACK VARIANCE FROM THE REQUIREMENTS OF SEC. 11-765, SCHEDULE OF DIMENSIONAL REQUIREMENTS, FROM THIRTY (30) FEET TO ZERO (0) FEET ON THE WEST PROPERTY LINE ONLY AND TO ALLOW THE CONSTRUCTION OF AN UP TO 300 SQUARE FOOT POOL AND AN ENCLOSURE AND 6-FOOT FENCE AT THE HOME LOCATED ON THE SOUTHEAST CORNER OF RIDGE AVENUE AND FLOMICH STREET, PARTICULARLY KNOWN AS 317 FLOMICH STREET,*** *Ms. Arthur.*

PASSED, 3-0.

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

Enacted and approved this 5th day of June, 2023, in Holly Hill

7. ORDINANCE - PUBLIC HEARING

1. An Ordinance of the City of Holly Hill Florida, Amending the Comprehensive Plan by Amending the Future Land Use Map Designation of Certain Property Identified in Attachment A, by Virtue of a Small Scale Future Land Use Map Amendment; Changing the Future Land Use Map Designation from Low Medium-Density Residential (LMDR) to Commercial and Further Adding Text to Restrict Commercial Development on Such Parcels to Specific Storage Uses; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date. And An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Amending the Official Zoning Map to Designate the Property Described in Exhibit a from CC-1 (Commercial Corridor District) and R-7 (Medium-Density Multi-Family Residential) to BPUD

(Business Planned Unit Development); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

Mr. Walker went through these two Ordinances and staff report with the board members and asked the City Clerk to pull up Exhibit "D", which is the aerial map for the board members and audience. Mr. Walker mentioned that this property fronts on Nova Road and is asking the board to consider an Ordinance enacting a Small Scale Future Land Use Map Amendment from Low Medium-Density Residential (LMDR) to Commercial, and a separate Ordinance enacting a Rezone from CC-1 (Commercial Corridor District) and R-7 (Medium-Density Multi-Family Residential) to BPUD (Business Planned Unit Development), together totaling approximately 8.05 acres, located in the general area of the northeast corner of 13th Street and Old Kings Road with a parcel touching N Nova Road addressed as 1704 N Nova Road. Mr. Walker mentioned that the applicant is requesting an amendment and rezone in order to develop a 3 story, indoor climate-controlled storage facility on N Nova Road with covered and uncovered vehicle, boat and RV parking to the west, in back of the facility. The overall project area consists of a commercial parcel used as a parking lot on N Nova Road that is approximately 2.4 acres in size, and a vacant, wooded residential area to the west that, is approximately 5.65 acres in size. The applicant has submitted renderings and a proposed signage plan. The vacant wooded property abuts residential homes on 3 sides and commercial on the east, while the commercial portion abuts commercial on three sides and residential to the west. While the wooded residential area proposed for boat and RV storage is primarily surrounded by homes in unincorporated Volusia County, it can currently be developed as an apartment community. The applicant feels that boat and RV storage would be a quieter, and less intense use. The boat and RV storage area will be a paved area with carport type structures. The applicant is tying the boat and RV storage use on the west to a more robust storage development project along Nova Road. The proposed BPUD will require that the indoor storage building on Nova Road obtain a certificate of occupancy prior to the boat and RV storage area being approved and opened for use. However, both projects may be built simultaneously. Mr. Walker stated there's a Comprehensive Plan text amendment is also proposed to limit the commercial use on the parcels for which a FLU map amendment is proposed. The text amendment shall be allowed for parcels, 424204340220, 424286030260, 424286030250, 424286030240, 424286020060, 424286020070, 424286020050, 424286020040, 424286020030, 424286020011, to change the future land use from Low Medium-Density Residential (LMDR) to the General Retail Commercial designation, subject to a limitation on development of the site for mini warehouses, vehicle/trailer, and outdoor covered storage uses, limited to the traffic generating equivalent of 700 personal storage units. In addition to criteria established in the Comprehensive Plan, the amendment has been analyzed in terms of its infrastructure impacts. For considering a change of land use, an analysis comparing the maximum development potential under each land use and available capacity is required. Impacts to traffic, potable water and waste water is shown in Exhibit "I" and Exhibit "J" titled, Utility Impact Analysis and Traffic Impact Analysis respectively. The change in land use will not result in any increased utility or traffic impacts. Mr. Walker informed the board that a review of the goals, objectives and policies of the comprehensive plan was conducted to determine if the proposed amendment to the future land use map is consistent with the comprehensive plan, which is in their packet along with the consistency with the Urban Sprawl Rule as required by Florida Statutes. In reviewing the appropriateness of the requested BPUD zoning designation, the Board of Planning and Appeals and City Commission, must consider the 8 specific criteria listed in Sec. 82-372 of the Land Development Regulations. The applicant has reviewed the criteria and provided a narrative in attachment Exhibit "K" in their staff report within the packet. It is staff's opinion that the requested rezone from R-7 and CC-1 to BPUD is justified and appropriate for the area. Mr. Walker mentioned that staff is recommending approval for two different Ordinances as presented tonight. The first Ordinance would be to adopt an Ordinance of the City of Holly Hill Florida, amending the comprehensive plan by amending the future land use map designation of certain properties totaling 5.19 acres, listed and legally described in Exhibit "L" titled; Comprehensive Plan Properties, by virtue of a small scale future land use map amendment; changing the future land use map designation from low medium density residential to Commercial and to further limit permitted commercial activity on such parcels to miniwarehouse storage, covered and uncovered vehicle, boat and RV storage, via a comprehensive plan text amendment; providing for conflicting ordinances; providing for severability; and providing an effective date. The second Ordinance would be to adopt the proposed Ordinance enacting a Rezone from CC-1 (Commercial Corridor District) and R-7 (Medium-Density Multi-Family Residential) to BPUD (Business Planned Unit Development) for parcels and the area legally described in Exhibit "A", titled; Legal Description, together totaling approximately 8.05 acres.

Rob Merrell, Cobb Cole Law Firm, 149 S. Ridgewood Avenue was present and spoke briefly about the storage facility; gave a brief overview of the storage facility to the board members and was available for questions. Mr. Merrell mentioned that Mr. Walker covered everything in great detail and hit all of the high marks.

Mark Dowst and Associates, Inc., 536 N. Halifax Avenue, was present and spoke briefly about the storage facility and the buffering on the property.

Mr. Myer opened public participation.

The following individual spoke to the board members: Steve Sweeny, Holly Hill.

Mr. Myer closed public participation.

Ms. Arthur made a motion to ***ADOPT AN ORDINANCE OF THE CITY OF HOLLY HILL FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTIES TOTALING 5.19 ACRES, LISTED AND LEGALLY DESCRIBED IN EXHIBIT L TITLED; COMPREHENSIVE PLAN PROPERTIES, BY VIRTUE OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT; CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM LOW MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL AND TO FURTHER LIMIT PERMITTED COMMERCIAL ACTIVITY ON SUCH PARCELS TO MINIWAREHOUSE***

STORAGE, COVERED AND UNCOVERED VEHICLE, BOAT AND RV STORAGE, VIA A COMPREHENSIVE PLAN TEXT AMENDMENT, seconded by Mr. Smith.

PASSED, 3-0.

Mr. Smith made a motion to ***ADOPT THE PROPOSED ORDINANCE ENACTING A REZONE FROM CC-1 (COMMERCIAL CORRIDOR DISTRICT) AND R-7 (MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL) TO BPUD (BUSINESS PLANNED UNIT DEVELOPMENT) FOR PARCELS AND THE AREA LEGALLY DESCRIBED IN EXHIBIT A, TITLED; LEGAL DESCRIPTION, TOGETHER TOTALING APPROXIMATELY 8.05 ACRES,*** *seconded by Ms. Arthur.*

PASSED, 3-0.

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

8. OLD BUSINESS

Mr. Myer asked Mr. Walker if he has had a chance to work on the administrative write-off up to 10% that he brought up at the last meeting.

Mr. Walker stated he has not started on that yet but he doesn't see a problem with staff supporting that. He will work on it for the board.

9. BOARD / STAFF COMMUNICATIONS

None

10. ADJOURNMENT

The meeting adjourned at approximately 6:45 PM.

Leslie Montgomery

Leslie Montgomery 6/5/2023

Mike Myer

Mike Myer, Chairman 6/5/2023