



Board of Planning and Appeals

BOPA Regular Meeting

~ Minutes ~

1065 Ridgewood Ave
Holly Hill, FL 32117
www.hollyhillfl.org

Liz Nelson
386-248-9442

Monday, July 18, 2016

6:30 PM

City Commission Chamber

I. Call to Order

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Christopher Via	Vice Chairman	Present	
Edward H Perkins	Board Member	Absent	
Dorothy Featherston	Board Member	Excused	
Jim Legary	Board Member	Present	

II. Invocation

Invocation was given by Chairman Mike Myer.

III. Pledge of Allegiance

Chris Via lead the Pledge of Allegiance.

IV. Minutes Approval

1. Agenda Item (ID # 1352)

Minutes

DISCUSSION: Approve May 2, 2016 BOPA Meeting Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes of May 2, 2016 Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board

ATTACHMENTS:

- May 2, 2016 Minutes (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Christopher Via, Vice Chairman
SECONDER:	Jim Legary, Board Member
AYES:	Mike Myer, Christopher Via, Jim Legary
ABSENT:	Edward H Perkins
EXCUSED:	Dorothy Featherston

V. Agenda Item

1. Agenda Item (ID # 1371)

Food Truck Proposal A Proposal to Allow Food Truck Operations by Permit at Business, Industrial and Civic Locations Within the City of Holly Hill

INTRODUCTION: At the May BOPA meeting the Board considered a report on food truck operations and directed staff to bring forward a proposal to permit food trucks in the City for occasions in addition to City sanctioned and City sponsored events. This proposal is offered in response to the BOPA direction.

BACKGROUND: Food trucks have seen increased popularity in recent years through increased exposure through television programs on channels such as the Food Channel and through other outlets such as social media. At the May BOPA meeting the Board considered a staff report that discussed food truck operations and issues related to food truck operations including:

- Health Compliance
- Conflict with brick and mortar restaurants
- Cleanliness of the vending area
- Restrooms
- Noise
- Parking
- Signage

The staff report discussed each of these issues and provided suggestions on how these issues could be addressed in a proposed regulation. The Board directed staff to prepare a specific proposal that could serve as a starting point for discussion of a permit process for recommendation to the City Commission.

DISCUSSION: A review of the land development regulations suggests that the most appropriate location for a food truck permit process is to add a section to Division 11 of the land development code. This Division currently includes a section on outdoor display of merchandise by businesses and a section on special use permits for activities such as Bike Week, Biketoberfest and holiday sales of Christmas trees and pumpkins. This is also the Division where we are considering adding a new section governing special events other than those covered by special use permits. The food truck authorization may be considered a class of special event and may best be placed with this group of regulations.

The staff proposal is offered below and covers most of the issue areas noted previously.

Food Truck Service: Non-residential locations may apply for temporary permits to allow food truck operations subject to compliance with the following conditions. Vacant lots may not host food trucks and food trucks may not serve from public streets and rights-of-way.

1. All food truck units shall comply with State requirements for food service and display certification of compliance.
2. No discharge of grease or other cooking waste is permitted
3. The property owner is responsible for the provision of trash receptacles and the cleanliness of the service and dining area.
4. The property owner is responsible for the provision of restroom facilities.
5. No site may host food trucks for more than one day per week and no more than 25 days per year. Food truck operations approved as part of a City-sponsored special event or under a special use permit issued per Section 114-902 shall not count against the day limitations of this section.
6. Food trucks may not occupy more than 20% of the vehicular use area or disrupt parking area operation. Food trucks may not be parked in landscaped areas.
7. Temporary dining areas may be provided in association with the food truck operations. The temporary dining area may be located in landscaped areas exclusive of planting beds and landscaped buffers.
8. Any music provided shall comply with the City's standard noise ordinance.
9. Food trucks may place one supplemental a-frame or similar temporary sign not to exceed six (6) square feet of area.
10. Each food truck location shall obtain a permit from the City at least seven (7) days prior to opening for business. A single permit may include multiple business dates. The permit application shall be on a form issued by the City and contain at a minimum the following information:
 - a. Location address
 - b. Property owner approval
 - c. Dimensioned sketch of the proposed location showing compliance with the requirements set forth above.
 - d. Proposed date(s) and hours of operation
 - e. Owner contact information

- f. Vendor contact information
- g. Photo of the vendor and food truck
- h. Fees as established by the City Commission

The proposed regulation has been constructed to address the issues noted in our previous analysis. The following comments are offered as additional explanation about how the proposed regulation is intended to address the planning and operational concerns.

- The proposal will allow food trucks in commercial and industrial areas and in residential areas where civic uses are established. For example, a church in a residentially zoned area could host a food truck.
- Items 1 through 4 are intended to address the cleanliness and operational needs of the service area during and following the activity. These sections make the owner responsible for these issues so that code enforcement has a specific control if problems occur.
- The limitation on the number of days per location and number of days per week is to help mitigate any negative impacts with our brick and mortar restaurants. The rule will allow a location to host a food truck about every other week on average.
- Items 6 and 7 go to on-site operations. The area limitations will effectively limit the number of food trucks that can be placed at a given location. A business with a large parking area (Florida Health Care for example) could host multiple food trucks while a smaller business site may be limited to just one truck. We also discuss where dining areas can be located if the businesses wish to provide picnic tables or something similar. The rule also seeks to maintain basic parking and vehicular maneuvering area for normal parking activity.
- Item 9 provides for some limited additional signage to advertise the location.

Fiscal Analysis: This item has no budgetary impact other than the potential for an increase in receipts of permit fees.

RECOMMENDATION: The Board should review the proposal and make a recommendation to the City Commission based on its assessment of the proposal.

COMMENTS - Current Meeting:

Thomas Harowski, City Planner summarized his staff report and the proposal for the City Commission. The proposal he offered was in response to the BOPA direction. The Board's consensus was to recommend approval of the proposal to the City Commission.

Glen Doherty, owner of The Sandwich Shoppe located at 1008 Ridgewood Avenue expressed concerns that food trucks would hurt the brick and mortar restaurants. That there should be a distance placed between the food trucks and the brick and mortar restaurants.

ATTACHMENTS:

- Z-2016-02 BOPA Reports (DOC)
- Root and Tail Farm Comments (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Christopher Via, Vice Chairman
SECONDER: Jim Legary, Board Member
AYES: Mike Myer, Christopher Via, Jim Legary
ABSENT: Edward H Perkins
EXCUSED: Dorothy Featherston

2. Agenda Item (ID # 1370)

Special Event Ordinance Amend the City's Current Regulations for Special Events to Include a Process for Approving Additional Types of Business and Community Special Events.

INTRODUCTION: City staff has developed a proposed revision to the special events provisions in the land development regulations. This item is being presented to the Board of Planning and Appeals for review and recommendation prior to presentation to the City Commission.

BACKGROUND: The City code does not have a clear process for dealing with special events for business and community activities that are not associated with recognized special events such as Bike Week and Biketoberfest. Section 114-902 of the current code establishes a special use permit for these events, but it does not deal with events such as special business sales, customer appreciation events, grand opening events and similar activities. There have been past attempts to address this issue by administrative policy, but the situation remains confusing for local businesses. Current staff prefers to include a new section in Division 11 of the land development code that provides clearer guidance for local businesses. A draft ordinance proposal is attached for the Board's review.

DISCUSSION: The proposed ordinance lays out an application procedure with required submittals, a review process including lead times, specifications on how the site can be used, and related procedures.

The key provision is that the proposed ordinance clearly establishes that a business can conduct on-site events such as special sales, grand opening events, customer appreciation events and similar business activities with permits from the City. A business will be entitled to events totaling 20 days per year with a maximum length of 10 days per event. Should a business participate in other special events allowed under Section 114-902, these event days will not count toward the annual total of special event days allowed under the proposed amendment.

The proposed ordinance prohibits special events on vacant property unless specific approval is granted by the City Commission. This provision would exclude someone from renting a vacant lot to sell used cars or some other type of goods, but it keeps the door open for the City Commission to approve a special event that it considers reasonable and valuable to the community.

The review process established by this proposal includes review by a committee composed of zoning, police, fire and public works. Police and fire review gives the City an opportunity to determine if the event requires traffic control support or live safety support. If police and fire services are required, the applicant can hire services privately or potentially make arrangements with the City.

Fiscal Analysis: This item includes permit fees and additional charges as determined by the requirements of the event i.e. public safety or any other governmental services being required. Fees could vary by event.

RECOMMENDATION: Review the draft ordinance proposal for special events and provide recommendations to the City Commission.

COMMENTS - Current Meeting:

Thomas Harowski, City Planner summarized his staff report, stating that the City does not have a clear process for dealing with special events for businesses and community activities that are not associated with Bike Week or Biketoberfest. The proposed ordinance establishes that a business can conduct on-site events such as special sales, grand opening events, customer appreciation events and similar business activity with permits from the City.

The Board and staff had a brief discussion on the history of how and why the City has no provisions for special events that are outside of the Bike Week/Biketoberfest events.

Deborah Snow, 302 Daytona Avenue, stepped to the podium stating that she would like to see the businesses to inform our local Chamber of Commerce of any special events that they may have. The Chamber may be able to help promote their events.

Lisa Hall, 629 Florida Avenue, stepped to the podium stating that she did not agree with local businesses having to get a "Bike Week" or "Biketoberfest" special permit.

ATTACHMENTS:

- Special Event Ordinance July 2016 Draft (DOC)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Legary, Board Member
SECONDER:	Christopher Via, Vice Chairman
AYES:	Mike Myer, Christopher Via, Jim Legary
ABSENT:	Edward H Perkins
EXCUSED:	Dorothy Featherston

3. Agenda Item (ID # 1368)

7Th Street Park Map Amendment An Amendment of the Future Land Use Map to Designate the City Owned Property at 7Th Street and Center Avenue as Parks and Open Space in Place of the Current Designation as Medium Density Residential.

INTRODUCTION: The City of Holly Hill is proposing to amend the future land use map to designate City-owned property at Center Avenue and 7th Street as Parks and Open Space to recognize the current use of the parcel.

BACKGROUND: In 2002 the City of Holly Hill purchased a parcel on Center Avenue at 7th Street for stormwater management. Subsequent to the purchase, the City

developed a stormwater pond and supporting infrastructure on the site. In 2015, the City obtained grant funding to develop recreation facilities on the site. The plan calls for construction of a walking path around the existing pond; the addition of playground equipment; and the addition of picnic tables and benches. The project is well underway and the park will be finished later this year.

The property is designated as medium density on the future land use map and zoned R-7 Medium Density Multi-Family Residential. The City is proposing to amend the Future Land Use Map to designate the property as Parks and Open Space to recognize the revised use of the property.

DISCUSSION: The Future Land Use Map provides a graphic representation of the planned use of land within the City. The subject property had been designated for medium density multi-family development until the City purchased the land for stormwater use. Once the stormwater management facilities were developed on the property, no change was made to the comprehensive plan and Future Land Use Map. However, the City decided in 2015 to take advantage of the upland area on the site to expand the use of the site as a public park. This action supports Policy 1.1.2 of the Recreation and Open Space Element which reads:

Policy 1.1.2 - Parks and recreational facilities shall be located throughout the City to allow access opportunities to all segments of the population.

The closest additional recreation facility to the 7th Street Neighborhood Park is essentially Hollyland Park. Centennial Park, Milt Hallman Memorial Park, and Grove Street Park are a little closer but these facilities are passive recreation opportunities that offer very limited recreation facilities. The southeast quadrant of the City has no active recreation facility suitable for smaller children. The new park will expand recreation opportunities in this quadrant of the City.

The facility is anticipated to be a walk-in neighborhood level park where families and individuals can use the walking path in conjunction with the City's sidewalk network to access healthy outdoor walking and jogging activity. The play equipment and picnic facilities will give families and opportunity to access outdoor recreation opportunities closer to their homes. As a neighborhood level facility, the City wishes to encourage park users to walk to the park; however, on-street parking is available on both Center Avenue and 7th Street.

Designation of the property as Parks and Open Space will recognize the revised role of this property in the City's parks network. By formally designating the site as a park, the designation assures that the site will be used in the calculation of locational decisions when spacing from a park is considered as a criterion. Supporting documentation includes the current and proposed Future Land Use Maps.

No action is required with regard to zoning as the R-7 Medium Density Multi-Family Residential District allows City-owned parks and open space as a permitted use. (Refer to Section 114-273 (4))

Fiscal Analysis: This item has no budgetary impact.

RECOMMENDATION: Recommend the City Commission approve the small scale map amendment designating the 7th Street Neighborhood Park as “Parks and Open Space” on the Future Land Use Map and submit the amendment to the Florida Department of Economic Opportunity and the Volusia Growth Management Commission.

In addition staff is recommending the Board of Planning and Appeals recommend the City Commission vacate the underlying Holly Ridge Subdivision. Vacating the plat will clean up the parcel which was once planned for condominium development and eliminate an existing road easement which is no longer required.

COMMENTS - Current Meeting:

Thomas Harowski, City Planner, summarized his staff report stating that the City needs to amend the Future Land Use Map to designate City-owned property at Center Avenue and 7th Street as Parks and Open Space to recognize the current use of the parcel as a City Park. The park is to be a walk-in neighborhood level park where families and individuals can use the walking paths, play equipment and picnic facilities. There will be no public restrooms at this facility.

Kristie Law, 629 Florida Avenue, stepped to the podium and stated she is in favor of the park and glad there will be no restrooms facilities.

ATTACHMENTS:

- 7th Street Park Location Map (PDF)
- Current Future Land Use Map (PDF)
- Proposed Future Land Use Map (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Christopher Via, Vice Chairman
SECONDER:	Jim Legary, Board Member
AYES:	Mike Myer, Christopher Via, Jim Legary
ABSENT:	Edward H Perkins
EXCUSED:	Dorothy Featherston

4. Agenda Item (ID # 1369)

Holly Ridge Subdivision Vacation Vacation of the Holly Ridge Subdivision Plat in Its Entirety.

INTRODUCTION: This application is a request to vacate the Holly Ridge Plat that was approved for a condominium project in 1986 but never developed. The City has subsequently purchased the entire subdivision parcel for use as a stormwater management facility and more recently a public park.

BACKGROUND: The subject property is located on the east side of Center Avenue north of Seventh Street. The Holly Ridge subdivision was approved by the City of Holly Hill in 1986 and recorded in the public records of Volusia County. A copy of the plat is attached. The plat provides for an access easement, 66 condominium units and common area. The project was never developed and in 2002 the City purchased the property for its stormwater management program. Subsequently, the City developed a retention pond on the site along with supporting drainage infrastructure. In 2015, the City applied for grant funding to add recreation facilities to the site in the form of a

walking path, playground equipment and picnic facilities. In another application, the City is requesting the future land use designation be changed to Parks and Open Space to reflect the use of the site as a park. The park will open later in 2016.

DISCUSSION: As the City has purchased and developed the entire land area occupied by the Holly Ridge Plat, it makes sense to vacate the plat and return the land to a single parcel. This action will avoid any future issues that might arise from platted easements and planned building sites. This action is more in the line of a housekeeping activity to give the City the cleanest possible parcel. It will also reduce the parcel records that the property appraiser needs to track.

Fiscal Analysis: This item has no budgetary impact.

RECOMMENDATION: Staff recommends the Board of Planning and Appeals recommend the City Commission vacate the Holly Ridge Plat.

COMMENTS - Current Meeting:

Thomas Harowski, City Planner, stated that this is a request to vacate the Holly Ridge Plat that was approved for a condominium project in 1986 but never developed. The city has purchased the entire subdivision for the use as a stormwater facility and recently a public park, that was the subject of the item just before this one this evening. The property is located on the east side of Center Avenue and north of 7th Street. Staff recommends the BOPA recommend the City Commission vacate the Holly Ridge Plat.

ATTACHMENTS:

- Holly Ridge Sub. (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Christopher Via, Vice Chairman
SECONDER:	Jim Legary, Board Member
AYES:	Mike Myer, Christopher Via, Jim Legary
ABSENT:	Edward H Perkins
EXCUSED:	Dorothy Featherston

VI. Old Business

None

VII. Board/Staff Communications

1. September 5, 2016 BOPA Meeting

The September BOPA meeting falls on Labor Day. Discuss alternative date for this meeting.

COMMENTS - Current Meeting:

The Board decided to make the decision on the September meeting date at the August meeting.

VIII. Adjournment

Adjourned at 7:40 PM