CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA ● AUGUST 6, 2018

City Commission Chamber	BOPA Regular Meeting	6:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

HOLLY HILL
FLORIDA

City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

PLANNING & APPEALS BOARD MEMBERS

Chairman
Mike Myer

Board Member
Arthur Cappuccio

Board Member
Jim Legary

Board Member
Arthur W. Morris

Board Member
Robin D. Hanger

CITY PLANNER
Brian Walker

Building & Zoning
Liz Nelson

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. BOPA MINUTES APPROVAL

1. Minutes of July 2, 2018 BOPA Meeting
   (Requested by Brian Walker, City Planner)

5. AGENDA ITEM(S)

1. Outdoor Display Amendment
   (Requested by Brian Walker, City Planner)

6. OLD BUSINESS

7. BOARD/STAFF COMMUNICATIONS

8. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Agenda Item

MEETING DATE:	**August 6, 2018**
FROM:	**Brian Walker**
SUBJECT:	**Minutes of July 2, 2018 BOPA Meeting**
NUMBER:	**(ID # 2100)**
APPLICANT:	
PLANNER:	**Brian Walker**

DISCUSSION: Approve July 2, 2018 BOPA Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve July 2, 2018 BOPA Minutes

COMMISSION GOAL: N/A

MOTION: As determined by the Board of Planning & Appeals

- July 2, 2018 BOPA Minutes(PDF)
- Form 8B - Voting Conflict - Robin Hanger July 2, 2018 Meeting (PDF)

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES ● JULY 2, 2018

City Commission Chamber **BOPA Regular Meeting** **6:30 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
Mike Myer	Chairman	Present	
Jim Legary	Board Member	Present	
Robin D. Hanger	Board Member	Present	
Arthur Cappuccio	Board Member	Present	
Arthur W. Morris	Board Member	Present	

2. INVOCATION

Invocation was given by Chairman Mike Myer.

3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Robin Hanger.

4. BOPA MINUTES APPROVAL

1.

Minutes of June 4, 2018 BOPA Meeting

(Requested by Brian Walker, City Planner)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Arthur Cappuccio, Board Member
SECONDER:	Robin D. Hanger, Board Member
AYES:	Myer, Legary, Hanger, Cappuccio, Morris

Enacted and approved this 2nd day of July, 2018, in Holly Hill

5. AGENDA ITEM(S)

1.

Tenth Street FLU Amendment and Rezone (320)

(Requested by Brian Walker, City Planner)

Attachment: July 2, 2018 BOPA Minutes (2100 : Minutes of July 2, 2018 BOPA Meeting)

The recording secretary Liz Nelson informed the Board of Planning & Appeals that she had received Form 8B - Memorandum of Voting Conflict for County, Municipal and other Local Public Officers from Robin D Hanger. This form was read into the record and is attached to these minutes.

Brian Walker, City Planner summarized his staff report, stating that the applicant is requesting a Small Scale Future Land Use Map amendment from Parks and Open Space to General Commercial and a Rezone from B-4 (Highway Business District) to CC-1 (Commercial Corridor District) for 0.765 acres, located on the north side of 10th Street, also known as 320 10th Street. Mr. Hanger's request is in order to expand his business of trailer sales, service and inventory storage. The site is currently used as a church and bible school. Prior to its current use, the site served as the location for uses such as an auto detailing facility and child daycare business and has been used for commercial purposes for approximately 40 years. Property Appraiser records indicate the property was developed with a 2000 square foot commercial structure in 1973.

The subject property is located within the city's Community Redevelopment Area (CRA) and is surrounded on the north, east and south, by properties with active commercial uses and CC-1 (Commercial Corridor) zoning designations. Although the parcel abuts Holly Land Park to the west and has a Parks and Opens Space Future Land Use, the property is not a part of the park system. Having been a commercially used property for several decades, there is no intention for the parcel ever to become part of the park system.

The applicant is requesting a change to the future land use map and a change to the current zoning so that the future land use and corresponding zoning pattern allow the actual and proposed usage of the property. Buffers and landscaping shall be required in accordance with Chapter 98, of the Land Development Regulations of Holly Hill. The proposed revision is consistent with the comprehensive plan. The requested CC-1 (Commercial Corridor) zoning classification will recognize the long-standing use of the property as a commercial business site and is consistent with the development in the area.

Staff finds the requested General Commercial future land use and CC-1 zoning classification to be consistent with the Comprehensive Plan and compatible with the trend of development in the area. Therefore, staff recommends the adoption of the proposed Ordinance enacting a Small Scale Future Land Use Map Amendment from Parks and Open Space to General Retail Commercial and a Rezone from B-4 (Highway Business District) to CC-1 (Commercial Corridor District).

The applicant Robin Hanger stepped to the podium stating that he wants to expand his business to the location of 320 10th Street, which has been used commercially since at least 1974. Upon investigating the zoning of the property after the purchase of it, it was determined that the zoning and future land use needed to be changed to be compatible with the uses. He has plans to bring this dilapidated building up to date and enhance it with landscaping, painting and building repairs.

Art Cappuccio asked if the children's safety would be in jeopardy with this use or storage of any harmful items. He was informed that there would be no use that would cause harm to any children on the ball fields.

Attachment: July 2, 2018 BOPA Minutes (2100 : Minutes of July 2, 2018 BOPA Meeting)

Marie Beitia, owner of the property located at 1008 Ridgewood Avenue, stepped to the podium stating that she is against this request due to traffic that would be generated by trailers being moved back and forth across 10th Street. She feels it's a public safety issue.

Members expressed that they have been to this location many times and have never seen any public safety concerns. Also they felt that due to the commercial nature of this location it should be rezoned to CC-1 (Commercial Corridor District) and the land use changed to commercial.

RESULT:	**RECOMMEND APPROVAL TO CITY COMMISSION [4 TO 0]**
MOVER:	Jim Legary, Board Member
SECONDER:	Arthur W. Morris, Board Member
AYES:	Myer, Legary, Cappuccio, Morris
ABSTAIN:	Hanger

Enacted and approved this 2nd day of July, 2018, in Holly Hill

6. OLD BUSINESS

None

7. BOARD/STAFF COMMUNICATIONS

There will be a meeting on August 6, 2018. Scott Simpson City Attorney informed the Board that they may be presented with a proposal for a concept of a pickleball facility, restaurant and activity center to be located within the Hollyland Park.

8. ADJOURNMENT

7:05 PM

Attachment: July 2, 2018 BOPA Minutes (2100 : Minutes of July 2, 2018 BOPA Meeting)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
ROBIN D HANGER	BOARD OF PLANNING + APPEALS
MAILING ADDRESS: PO BOX 250309	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY: HOLLY HILL COUNTY: VOLUSIA 32125	☒ CITY HOLLY HILL ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED: JULY 2 2018	NAME OF POLITICAL SUBDIVISION: CITY OF HOLLY HILL
	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

Attachment: Form 8B - Voting Conflict - Robin Hanger July 2, 2018 Meeting (2100 : Minutes of July 2, 2018 BOPA Meeting)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robin D Hanger, hereby disclose that on JULY 2, 20 18:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I CAN NOT VOTE TONIGHT ON THE REZONE OF PROPERTY 320 10th STREET HOLLY HILL FL BECAUSE I AM the OWNER OF THE PROPERTY. ROBIN D Hanger TRUSTEE OF THE LAND TRUST AGREEMENT 1704 DATED APRIL 12 2017 IS ME. I TOOK OWNERSHIP OF THIS property the DEED IS Recorded 6/29/17 11:52:32

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/2/18
Date Filed

Robin D Hanger
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

Attachment: Form 8B - Voting Conflict - Robin Hanger July 2, 2018 Meeting (2100 : Minutes of July 2, 2018 BOPA Meeting)

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Agenda Item

MEETING DATE:	**August 6, 2018**
FROM:	**Brian Walker**
SUBJECT:	**Outdoor Display Amendment**
NUMBER:	**(ID # 2101)**
APPLICANT:	**City of Holly Hill**
PLANNER:	**Brian Walker**

TITLE:
Consider Adoption of an Ordinance amending Section 114-707 titled, "Outdoor display of merchandise" of the Land Development Regulations of Holly Hill.

DISCUSSION:
The Redevelopment District Overlay, herein after called the Corridor, was adopted by the City Commission on April 26, 2005. Its purpose is, in part, to promote redevelopment of property and visually enhance the US 1 (Ridgewood Avenue) and LPGA Boulevard corridor.

Much work, such as the undergrounding of utilities and the placement of landscaping, is being done within the Corridor with a view toward making a visually pleasing impact on the community and visitors to our city. In an effort to continue making progress toward the beautification of the Corridor, the Commission has considered the community's feedback with regard to making additional adjustments that will have a positive impact on our enhancement efforts. One area of discussion has been that of the outdoor display of merchandise within the Corridor.

Per Section 114-707 of the Land Development Regulations, the outdoor display of merchandise is permitted within the Redevelopment District only if approved by Special Exception. A Special Exception gives the Commission the ability and opportunity to impose conditions on the placement of merchandise outdoors within the Corridor. Currently, one of the conditions imposed for the outdoor display of merchandise is as follows:

"The goods and merchandise is intended for use outdoors (such as lawn equipment, patio furniture, grills, etc.)"

At issue are two things: 1. Some businesses were displaying outdoor merchandise prior to the adoption of this restriction and therefore are displaying items that are not intended for use outdoors; 2. The restriction as written, has been very loosely interpreted which has resulted in the intent of the restriction not being met. For example, while strollers are intended for outdoor use, it was not the intent of the restriction to allow them for outdoor display.

The resulting feedback from the community has been that the outdoor display of merchandise has reached a point where it detracts from the beautification efforts being made. In an effort to

look more carefully at the issue, the City Commission held a work session. The purpose of the work session was to discuss ways of reducing nonconformities with regard to outdoor displays.

The proposed Ordinance amends Section 114-707, of the Land Development Regulations titled, "Outdoor display of merchandise," by providing for a specific time in which the display of outdoor merchandise within the Redevelopment District Overlay, that does not meet the requirements of this section, but that existed at the time of the passage of this section, must come into conformance with this section. The Ordinance also more specifically clarifies what items qualify for outdoor display and provides additional requirements for such display.

COMMISSION GOAL:

Enhance City aesthetics through beautification and maintenance of city property and public rights of way, consistent enforcement of zoning and property maintenance codes, and development of reasonable design standards and a corresponding process which is applicable to all new developments and business improvements in the city.

STAFF RECOMMENDATION:

Adopt the Ordinance amending Section 114-707 titled, "Outdoor display of merchandise" of the Land Development Regulations of Holly Hill.

- Ordinance Outdoor Display (PDF)

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 114-707 TO ADD REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that outdoor displays of merchandise other than vehicles, and items specifically made and intended for outdoor use, can detract from the attractiveness of business areas and impede pedestrian and vehicular traffic within the Redevelopment District Overlay; and

WHEREAS, the City is in the process of providing aesthetic enhancements within the Redevelopment District Overlay, it is desirable to regulate outdoor displays of merchandise so as to enhance the attractiveness of the Overlay by preventing the visual perception of clutter; and

WHEREAS, it is the intent of the City Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by taking steps to prevent economic deterioration and blight;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1.
Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2.
That Sec. 114-707. – "Outdoor display of merchandise" is amended as follows:
Outdoor display of merchandise in the Redevelopment District overlay **~~[shall be allowed]~~** **will be permitted** provided the following conditions are met:

- ~~**The goods and merchandise is intended for use outdoors (such as lawn equipment, patio furniture, grills, etc.).**~~

A. The goods and merchandise permitted for outdoor display are: motorized vehicles, trailers, boats, lawn & garden equipment (not to include supplies or materials such as bags of fertilizer, rocks, etc.,), furniture specifically made and intended for outdoor use, barbeque grills, plants and landscape related hardscape such as fountains.

Attachment: Ordinance Outdoor Display (2101 : Outdoor Display Amendment)

B. **No outdoor display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.**

C. **With the exception of areas used for sale of motorized vehicles, trailers and boats, the area used for outdoor sales and display of merchandise visible to the public, shall not exceed ten (10%) percent of the gross floor area of the corresponding commercial building.**

D. **With the exception of motorized vehicles, trailers, boats, plants and landscaping related hardscape, merchandise not enclosed within a solid fence shall not exceed a maximum height of six (5' 0") feet.**

E. **All city fire, building and other codes shall be strictly complied with.**

F. **The display goods and merchandise is not permitted on a sidewalk or any portion of a public right-of-way.**

G. **The display of merchandise must be neat and orderly as determined by the City Manager or their designee.**

H. The merchandise is displayed in an area designated for outdoor display that does not impede visibility or access to and within the site.

I. The merchandise is only displayed during hours of operation.

J. Outside display and sale of merchandise for approved vendors at temporary special events shall be permitted as a function of the temporary event permit **or in accordance with Section 114-902.**

The display of outdoor merchandise within the Redevelopment District Overlay that does not meet the requirements of this section and that exist at the time of the passage of this section, may be continued for a period of six months from the date of the adoption of this section. At the expiration of the six month period, any further display of outdoor merchandise not in conformity with the provisions of this section shall be discontinued.

This special exception is a limitation on the outside display, storage or sale of goods, merchandise or services as permitted by section 114-901.

SECTION 3. SEVERABILITY

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Attachment: Ordinance Outdoor Display (2101 : Outdoor Display Amendment)

SECTION 4. CONFLICTS

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 5. CODIFICATION

It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 3, 4, 5 and 6 of this Ordinance shall not be codified.

SECTION 6. EFFECTIVE DATE

That this Ordinance shall become effective immediately upon its adoption.

Attachment: Ordinance Outdoor Display (2101 : Outdoor Display Amendment)