



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • SEPTEMBER 14, 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	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Absent	

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. BOPA MINUTES APPROVAL

(Requested by Brian Walker, City Planner)

Brian Walker, Community Development Director/City Planner summarized his staff report.

This request is to annex approximately 9.7 acres of property (Volusia County) on the northeast corner of the intersection of 10th and Vine Streets and that is more specifically known as 1088 10th Street. This application precedes a comprehensive plan amendment (CPA-2020-01) and a Rezone (Z-2020-02).

This parcel is located entirely within unincorporated Volusia County and currently contains a single family home built in 1958. Florida Statutes Section 171.044 presents the requirements for voluntary annexation. The subject property is contiguous to city limits on the east side, and the annexation will result in a city limit that is reasonably compact.

However, it appears the annexation will create an enclave, as defined in, Florida Statute 171.031. The applicant will need to resolve this issue prior to the annexation.

This request precedes a request for a comprehensive plan amendment and a Rezone. The proposed comprehensive plan map amendment will request Medium Density Residential (Holly Hill) which is reasonably consistent with the property's current future land use of Urban Medium Intensity (Volusia County). The proposed rezone request will be to R-6 which allows a slightly higher density per acre (4 additional dupa) than is currently permitted. The property's current zoning is R-5.

Staff conditionally recommends the City Commission annex approximately 9.7 acres of property on the northeast corner of the intersection of 10th and Vine Streets and that is more specifically known as 1088 10th St. Staff's recommendation is conditioned upon the annexation being consistent with City and County Codes, as well as State Statute, with respect to annexations not creating an enclave.

Arthur Byrnes asked to describe the definition of an enclave.

Brian Walker, stated the Florida Statue definition of an enclave.

A new diagram was shown (displaying the enclave) to the members of the board, and made available to public.

Arthur Byrnes asked what the density of the property would be if they were to build residential units? Brian Walker answered, that 12 dwelling units per net buildable acre is permitted. However, the property has some wetland acres which would come out of the overall calculation, so overall possibly 32 additional dwelling units over what is currently permitted would be allowed.

Dennis Smith asked if we could annex the red section shown on the new diagram presented earlier. Brian responded that those owners would have to voluntarily annex.

Mike Myer asked if density would be increased on the property if they annexed? Brian stated, that no, a request to increase density would be separate and come further down the line.

Atty. Corey Brown, with Storch Law Firm, stated he was available to answer any questions.

Lynn Stark McDonald, 104 Palm Terrace, asked for clarification on zoning being R-6, due to application stating R-8, Mr. Walker stated that staff brought it down to R-6. Ms. McDonald asked how many property owners are involved? The lawyer would be able to provide you with that list.

Discussion was had (involving Mike Myer, Arthur Byrnes, and Lynn Stark McDonald) about the annexation process, regarding the steps of BOPA to Commission Meeting.

Discussion was had regarding the potentially created enclave, Brian walker stated that if an inter-local agreement is done between the County and the City that addresses the issue of annexation in a gradual way, state law says you can create enclaves. It is a process through the County and the City. Or, they can modify the legal description in such a way that they are not completely closed off; leaving a portion of Volusia County open so they aren't creating an island effect.

Pat Copello, 102 Palm Terrace, spoke clarifying the definition of an enclave, and regarding the statement that an opening would have to exist to get to the property without going through Holly Hill.

Phillip Wiggins, 511 Eagle Dr., asked who was going to develop the property?
Atty. Corey Brown, stated that they didn't have a development plan for the property yet.

Arthur Byrnes moved to approve the annexation, no second, motion dies for lack of second. Robin Hanger moved to disapprove the annexation, seconded by Dennis Smith. This will go to the Commission without a recommendation from the Board of Planning and Appeals, due to a tie.

Meeting Adjourned 6:32.40

5. **AGENDA ITEM(S)**
6. **OLD BUSINESS**
7. **BOARD/STAFF COMMUNICATIONS**
8. **ADJOURNMENT**

Eleni Deligianis

Eleni Deligianis, Assistant

9/14/2020

Mike Myer

Mike Myer, Chairman

9/14/2020