



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, September 19, 2016

6:30 PM

City Commission Chamber

1. Call to Order

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Christopher Via	Vice Chairman	Excused	
Edward H Perkins	Board Member	Excused	
Jim Legary	Board Member	Present	
Robin D. Hanger	Board Member	Present	

2. Invocation

Invocation was given by Mike Myer.

3. Pledge of Allegiance

Jim Legary lead the Pledge of Allegiance.

4. Minutes Approval

1. Agenda Item (ID # 1393)

Minutes

DISCUSSION: Approve July 18, 2016 Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes from July 18, 2016 Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board

COMMENTS - Current Meeting:

Unanimously approved as submitted.

ATTACHMENTS:

- July 18, 2016 - BOPA Minutes (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Legary, Board Member
SECONDER:	Robin D. Hanger, Board Member
AYES:	Mike Myer, Jim Legary, Robin D. Hanger
EXCUSED:	Christopher Via, Edward H Perkins

5. Agenda Item

1. Agenda Item 2016-17

Marina Grande MPUD Amendment 6TH Amendment to the Marina Grande MPUD Modifying Exhibit E Regarding Signage.

INTRODUCTION: The applicant is requesting to amend Exhibit E to the approved development agreement regarding signs to establish a plan and program for temporary real estate signage in addition to the approved program for permanent project signage. Adding the signage provisions as a component of the planned unit development agreement allows the City to approve a site specific signage plan.

BACKGROUND: In 2005 the City Commission approved Ordinance 2714 which approved a mixed use planned unit development agreement for the property which has become known as Marina Grande. The agreement includes approval for four residential towers, club house and pool amenities, boat docks, parking garage and retail-office space. Two of the residential towers have been constructed along with the parking garage, retail space, boat docks and some of the amenities. Over the years the initial MPUD agreement has been amended several times to address modifications to the plan and to address some procedural issues.

The current agreement includes a plan for signage including project identification signs and signage for the retail spaces. The agreement does not address real estate signage to be used for the sale and rental of residential and commercial units. Under the terms of the MPUD agreement, the regulations for real estate signage defer to the standard city code. Over time the applicants have found the standard city codes for real estate signage to be too limiting in their efforts to complete sales of the residential units and lease the commercial space. As a large project with multiple sales objectives and a project that is unique in the city, the applicant is seeking approval to include in the adopted MPUD agreement a plan for real estate signage that would replace the standard real estate signage as regulated by the City code.

DISCUSSION: The applicants are proposing a signage plan that includes the following elements (refer to photographs offered as the amendment to Exhibit E for signage details and locations):

1. Three two-panel signs located along the Riverside Drive frontage north of the park entrance, at the main project entrance, and across from Third Street.
2. Two signs located on the seawall face on either side of the dock.

3. Three flutter flag signs located on the dock.
4. One banner sign located on the south tower, south side approximately 100 feet long
5. Removal of two non-conforming signs at the Third Street entrance.

The requested sign sizes are as follows:

South Panel Sign	4' 8" x 15'
Central Panel Sign	4' x 5'
North Panel Sign	3' x 18'
Seawall Signs	3' x 48'
Flutter Flags	33" x 152"
Banner Sign	3' 6" x 60'

It is staff's position that the proposed signage may be displayed only during the term of new unit sales (at a maximum) and that signage for resales be addressed through the standard rules in the land development regulations. Any limits on the time the real estate signage may be displayed should be noted in Section E 9 of the development agreement or added to Exhibit E.

The real estate signs located along Riverside Drive are consistent with City regulations for height and area for the amount of property frontage. The number is appropriate given the project frontage. The signs on the seawall and the dock are attempting to take advantage of an advertising opportunity that is available for very few properties in the city and not clearly addressed in the city codes. The banner sign requested is similar to the banner sign that had been displayed on the south tower in prior years. Removal of the signs that remain from prior uses will complete a process that should have been done with the original demolition.

As the signage will be installed in common areas (yards) and on common facilities (building, dock, seawall) the staff has asked that the City Attorney research whether the property owners association needs to be a party to the amendment. If code enforcement is required, the City's primary recourse for code enforcement action is with the property owner.

When considering provisions under a planned unit development format, the process allows for establishment of regulatory provisions that are appropriate to the project which may not be appropriate throughout the community as a whole. In terms of regulatory intent, the city has significant leeway with some aspects of signage such as the size, location and number of signs permitted. Given the overall size of the structures and the Marina Grande project as a whole, the number and size of the signs requested are generally appropriate to the size of the project. The signage requested

on the riverfront face of the project is more extensive than the signage requested for the street side signage, but the visual impacts of the requested signs to the community as a whole is relatively minor as only people boating will be exposed to the signs.

The large banner sign on the south tower will replace a temporary sign of similar size that has previously been displayed on that tower. When previously displayed, the banner sign generated some comment from tower residents and from a few of the public at large. Whether a sign of this size and location is appropriate for the project, is really a policy decision of the city rather than an issue of debatable planning merit. The comprehensive plan Future Land Use Element includes one policy which addresses signage. The policy reads as follows:

Policy 1.2.8 - *Such regulations shall ensure that new and replacement signs shall adhere to the community standard for aesthetics and minimize confusion that results from visual disarray, while allowing reasonable identification and promotion of businesses.*

This policy references the city's land development regulations, but does not include specific measurable standards that can be applied to the proposed banner sign or to any of the proposed signage. The Board of Planning and Appeals and the City Commission is left to its judgment as to whether the proposed signage program adheres to community standards for aesthetics; minimizes confusion from visual disarray; and allows reasonable identification and promotion of business.

FISCAL ANALYSIS: This item has no budgetary impact to city operations.

RECOMMENDATION: The Board of Planning and Appeals should recommend the City Commission approve the proposed amendment to the MPUD agreement if the Board, in its opinion, finds the proposed signage program consistent with Policy 1.2.8 of the Future Land Use Element. This approval should be conditioned upon the inclusion of a maximum time limit for the display of real estate signage and clarification of the role of the property owners association in the approval and display of the signage.

COMMENTS - Current Meeting:

Tom Harowski, City Planner summarized his staff report regarding the request before the Board. The applicant is requesting to amend the approved mixed use planned unit development agreement. The current agreement includes a plan for signage including project identification signs and signage for the retail spaces. However, the agreement does not address real estate signage to be used for the sale and rental of residential and commercial units. The applicant has found the standard city codes for real estate signage to be too limiting. The applicant is seeking approval to including the adopted MPUD agreement a plan for real estate signage that would replace the standard real estate signage as regulated by the City code for a period of three (3) years. The following is their proposed signage plan: Three (3) two-panel signs located along the Riverside Drive frontage north of the park entrance, at the main project entrance, and across from 3rd Street. Two (2) signs located on the seawall face on either side of the dock. Three (3)

flutter flag signs located on the dock. One (1) banner sign located on the south tower, south side approximately 100 feet long and to remove the two (2) non-conforming signs at the 3rd Street.

Scott Simpson, City Attorney pointed out that because there are only (3) board members in attendance, the voting results have to be unanimous.

Rob Merrell III, with Cobb Cole, 149 S Ridgewood Avenue, Suite 700, Daytona Beach, Florida, Attorney representing the applicant, stepped to the podium stating that he would like to hear what the citizens have to say and then respond to their concerns. He further stated that Tom Harowski, City Planner explained their request very well, but explaining that the present city sign code does not adequately cover a project of this size. At this time he would like to hear what the audience members had to say and answer any of their concerns.

John Brauner, Marina Grande resident, expressed concern that Marina Grande is not really wanting to sell the units, as much as they seem to be wanting to rent the units. The only issue he has with their proposed signage is that he wants to make sure that they use the word "sales" and not "rent or lease" Mr. Merrell stated that the only use of the words "lease or rent" will be for the commercial area on the west side of the property.

Scott Simpson, City Attorney, suggested the wording be changed to reflect that the south panel sign, central panel sign and north panel sign, can advertise for "sales" and/or "leasing". The banner sign, seawall signs and flutter flags state "sales" only. Rob Merrell stated that they may want to lease the boat slips and would like to advertise leasing at the boat dock.

George Phillips, Marina Grande resident, asked if there is a plan for maintenance of these banners and flags. He was informed by City staff their there is maintenance requirements within our existing codes. If that becomes an issue Code Enforcement will handle the situation.

Ernie Myers, Marina Grande resident, is very concerned that this condo is being turned into a College dormitory and is against all the signage the applicant is requesting. He feels that there could be better ways to market the Marina Grande Condo then by banners and flags. He further stated that the property owner is spending a lot of money advertising with local College social media sites and overseas promoting this as a rental community.

John Cavedo, Marina Grande resident, stated that he is all in favor of promoting the selling of the condo units, however, expressed concern that the owner of this property seem to be promoting it as a rental facility and that 48% of the units are rentals. He proceeded to read the following email into record: *"Good Evening Randy, Due to the upcoming hearing regarding signage, please let residents know that, as an owner, I intend to put forth the following proposal regarding violations of HOA policy... No owner is allowed to interfere with the marketing of the Marian Grande. It is a by-law and one for which EVERY resident agreed to when they signed their documents. I have contacted the City and they have assured me that all communications with their office is public knowledge. I have requested those records involving anyone who has interfered with signage and/or marketing of the Marina Grande. Any residential who is in violation will be subject to a \$1500 fine for each and every violation. That is the proposal that I shall put forth to the fining committee. Should this proposal pass, I expect you to enforce it. Sincerely, Michael Donoval Hall, 241 Riverside Dr, Unit 2605, Holly Hill, FL 32117 USA"*

Rob Merrell, Attorney for the applicant stated that he has no knowledge of this email.

Mike Myer, Chairman for the Board stated that this email has no relevance to the case before this Board tonight. The Board is here to make a recommendation regarding the request for additional signage.

Arthur Morris, 397 Silver Beach Drive, Holly Hill, stated that he is against all the signage requested, he feels it as a distraction to drivers and that the owners of this property could use a different way to advertise the sale of these units.

Robert Van Winkle, Marina Grande resident, is okay with some of the signage, but is against the banner that is proposed on the side of Tower I. He feels it is visual pollution and that these towers can be seen for miles and that if someone is interested in one of the units, they could drive to the complex and see the signage at ground level.

Frank Lewis, 302 Riverside Drive, stated that he is against the signage request, he feels they are distracting and unsightly.

Leonard Stanley, Marina Grande resident, expressed that the only concerns he has is that the "leasing" signs need to be at the location of the commercial office suites and not in the middle of the property as they are now. He fears that boat traffic will be coming in, thinking they can rent a boat slip, because of the "leasing" signs on the boat dock. He stated that the only way you can get a boat slip is to purchase a unit. The only signs he is in favor of are the ones that say "sales/selling", he is also against the large banner on the side of the Tower.

Bob Mercer, feels that none of the proposed signage will help with the selling of the units. He further commented that he feels the owner of the property is only interested in renting the units.

Steve Smith, 1410 Riverside Drive wanted to know if he could discuss other items within the MPUD for Marina Grande. He was informed that they are here to only hear the signage amendment to the MPUD at Marina Grande. Nothing else has been advertised, therefore could not be discussed.

Jim Legary, asked if a Commissioner could bring up the email that was presented to this Board at a Commission Meeting. He was informed by staff that it was irrelevant to the matter before them.

Mr. Merrell stated that his client wants to sell the units and feels the signs will help them accomplish this.

John Cavedo, Marina Grande resident, stated that if the owners put as much effort into selling the units as they do trying to rent them, they would be selling them.

Frank Lewis, 302 Riverside Dr, stated again that he is against all the signs in this amendment request.

Kimberly Clark, Marina Grande resident, informed the Board that she and her Mom bought a condo here 3 years ago after much research and there were no signs at that time. She stated that everything that the Board has heard from the owners is true. She is very involved with the Ormond Beach Chamber of Commerce, has friends in the real estate business as well as the mortgage business and they informed her that because of the amount of rentals within the complex, a mortgage interest rate will be much higher. She has seen TV commercial ads for the rentals at Marina Grande and there was no mention of selling the units.

Sandy Smith, Marina Grande resident, stated that she drove down A1A looking at condo buildings and not one had a banner on their building.

Jim Legary made a motion to approve amendment without the banner on the Tower. Being no second, the motion fails.

No other motion was made.

This item will go before the City Commission on October 11, 2016 without a recommendation from the Board of Planning & Appeals.

ATTACHMENTS:

- Marina Grande MPUD Amendment Application (PDF)
- Marina Grande MPUD Amendment Rezoning Checklist and Requirements (PDF)
- Marina Grande MPUD Amendment Proposed Exhibit E (PDF)
- Marina Grande MPUD Amendment Proposed Sixth Amendment (PDF)

RESULT: PRESENTATION

6. Old Business

None

A. Board/Staff Communications

7. Adjournment

Meeting Adjourned at 7:47 PM