

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA • FEBRUARY 16, 2015

City Commission Chamber

Regular City Commission Meeting

3:47 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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



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

CITY COMMISSION MEMBERS

Mayor
John Penny

District 1 - Commissioner
Arthur J. Byrnes

District 3 - Commissioner
John F. Capers

District 2 - Commissioner
Penny Currie

District 4 - Commissioner
Elizabeth Albert

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance to the Flag

2. PRESENTATION

- 1. Boy Scouts of America made a presentation
- 2. **Motion:** This is Actionable

3. PUBLIC PARTICIPATION

Pursuant to Florida Law, the public has a right to be heard on all propositions, except when the City Commission is acting on ministerial or emergency matters, or conducting a meeting exempt from Section 286.011, Florida Statutes. Public comment time on propositions shall be five (5) minutes. The public will be provided the opportunity to be heard on non-agenda matters at the end of the meeting only if the 45 minute allotted time at the beginning of the meeting has come to a close. Proper decorum will be observed.

4. APPROVAL OF MINUTES**5. CONSENT AGENDA - ITEMS (A-D)**

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items. Is there anyone in the audience who wishes to speak on any item on the Consent Agenda?

- A. Purchase Consideration by the Commission to Purchase a New Police Car - *Add-On*
(Requested by Steve Aldrich, Police)

6. PULLED FROM CONSENT

- 1. DOC-2015-1 - Amendment Consideration by the Council to Approve Front Yard Variance Request
(Requested by Steve Aldrich, Police)

7. REGULAR AGENDA

- 1. 2015-R-25 - Resolution Test Workflow
(Requested by Steve Aldrich, Police)
- 2. Amendment Front Yard Variance Request
(Requested by Steve Aldrich, Police)

8. PUBLIC HEARINGS

Please silence any cell phone, pager or noise making device as not to interrupt the meeting. Staff will introduce each item for consideration, with comments and recommendations. The applicant or appellant and supporters will be

heard first. Those in opposition to the request will be heard next. Comments should be restricted to pertinent information regarding the agenda item under discussion. Out of courtesy to others, we ask that speakers keep their comments brief and try to limit these comments to information not previously discussed. Speakers should state their name and address clearly for the record. The City Clerk's office is required to retain any documents, photographs, drawings, etc. that are shown to the City Commissioners in support of a position. The City Commission may ask questions of speakers or of staff members. The Mayor will then ask the City Commission to make a recommendation or motion. Once a motion has been made and seconded, discussion will be closed to the floor. Following City Commission discussion, a vote will be taken. During voting, Commissioners who do not cast objecting votes are considered to have voted in support of the motion.

9. PUBLIC PARTICIPATION - AS NEEDED

10. COMMUNICATIONS

- a. City Manager & Staff Reports
- b. City Attorney
- c. Mayor's Report
- d. Distric Commissioners Reports

11. 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**

**City Commission
Agenda Item**

MEETING DATE: February 16, 2015
FROM: Steve Aldrich
SUBJECT: Consideration by the Commission to Purchase a New Police Car
NUMBER: (ID # 1002)
APPLICANT: Anthony LaGreeca
PLANNER: Jim Bland

INTRODUCTION:

Type my Introduction

- This is a changeBullets
- Numbered lists
- Tables

BACKGROUND:

DISCUSSION:

RECOMMENDATION:

- Resolution (PDF)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING
ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika,
Alabama (the “City”) as follows:

Section 1. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika,
Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided
for and referred to therein, as previously amended and/or modified, be and the same is hereby
amended by rezoning or redistricting the parcels of land hereinafter in this section described, so
as to change such parcels from one class of district to another class of district as follows, to-wit:

- (a) From an R-2 District (Low Density Residential District) to a R-1A District
(Residential Transition District) the parcels of land hereinafter described:

Lake Forest Subdivision and a portion of Cedar Creek subdivision

Lots 1 through 41, inclusive, as shown on the Lake Forest Estates Subdivision plat as
recorded in Plat Book 8 at Page 81 in the Office of the Judge of Probate of Lee County,
Alabama. Lots 1 – 41 contain 156 acres more or less.

Lots 14 through 26, inclusive, as shown on the Cedar Creek, Phase 1A Subdivision plat
as recorded in plat book 26 at Page 68 in the Office of the Judge of Probate of Lee
County, Alabama. Lots 14 to 26 contain 29.4 acres more or less

Lots 1 through 13, inclusive, as shown on the Cedar Creek, Phase 1C Subdivision plat
as recorded in Plat Book 27 at Page 103 in the Office of the Judge of Probate of Lee
County, Alabama. Lots 1 to 13 contain 19.5 acres more or less

**Properties fronting along Sanders Creek Drive, Beverly Dr., Evans Dr., Highpoint
Dr., portion of Morris Ave, Oak Bowery Road, and Whittelsey Ct.**

Lots 1 through 20, inclusive, and Parcel A (62 acres) as shown on the Sanders Creek,
Phase 1 Subdivision plat as recorded in Plat Book 1 at Page 146 in the Office of the
Judge of Probate of Lee County, Alabama, less and except the following property of
said Parcel A: Point of Beginning being the southeast corner of section 35, then run
South 88 degrees 02 minutes 10 seconds for 357.2 feet; then run in a northwesterly
direction 332 feet to the south right-of-way margin of Evans Drive; then run in a
northeasterly direction along the said south right-of-way margin of Evans Drive for
1,080 feet more or less to a point; then run South 63 degrees 16 minutes 09 seconds for
176.7 feet to a point; then run South 26 degrees 55 minutes 24 seconds for 83.6 feet to
a point; then run South 01 degrees 4 1minutes 10 seconds for 556.3 feet to the Point of
Beginning. Less and except property containing 5.1 acres more or less

Parcels D as shown on the Whittelsey Acres, 2nd Addition Subdivision plat (sheet 2) as
recorded in Plat Book 11 at Pages 7 - 7.5 in the Office of the Judge of Probate of Lee
County, Alabama, and include adjacent properties east of said Parcel D to the west
right-of-way margin of Oak Bowery Road as shown on said Whittelsey Acres, 2nd

Attachment: Resolution (1002 : Purchase a New Police Car)

Addition Subdivision plat (sheet 2). Parcels D and adjacent properties contains 28 acres more or less

Parcels 6A, 6B, 7A and 8A as shown on the “Wood Subdivision, First Revision” Subdivision plat as recorded in Plat Book 13 at Page 55 in the Office of the Judge of Probate of Lee County, Alabama. Lots contain 4.4 acres more or less

Lots 5B, 5C, 10A, 4A, 3A, 2A, 1A, and 11 as shown on the “Wood Subdivision, 2nd Revision” Subdivision plat as recorded in Plat Book 20 at Page 20 in the Office of the Judge of Probate of Lee County, Alabama. Lots contain 23.7 acres more or less

Lots 1, 2, and 3 as shown on the “Dene Bence” subdivision plat as recorded in Plat Book 20 at Page 52 in the Office of the Judge of Probate of Lee County, Alabama. Lots contain 5.7 acres more or less

Lots 1 through 7, inclusive, as shown on the “Molina Woods” subdivision plat as recorded in Plat Book 8 at Page 194 in the Office of the Judge of Probate of Lee County, Alabama.

Lot 1 and then Lot 5 through 22, inclusive, as shown on the “High Point” Subdivision plat, as recorded in Plat Book 9 at Page 26 in the Office of the Judge of Probate of Lee County, Alabama.

Commence at the southwest corner of Section 36, Township 20 North, Range 26 East, run North 29 degrees 42 minutes East for 1,870.6 feet to a point on the east right-of-way margin of Oak Bowery Road; then run in a northerly direction along the said east margin of Oak Bowery Road 696 feet more or less to a point at the intersection of Oak Bowery Road and Morris Avenue; then run east along the south right-of-way margin of Morris Avenue 1,615 feet more or less to the Point of Beginning of the parcel herein described: then run in a southerly direction 741 feet more or less to a point; then run in a easterly direction 331 feet more or less to a point; then run in a northerly direction 756 feet more or less to a point on the south right-of-way margin of Morris Avenue; then run in a westerly direction along the said south right-of-way margin of Morris Avenue 326 feet more or less to the Point of Beginning. Parcel contains 5.6 acres. Address: 1309 Morris Avenue

Commence at the southwest corner of Section 36, Township 20 North, Range 26 East, run North 29 degrees 42 minutes East for 1,870.6 feet to a point on the east right-of-way margin of Oak Bowery Road; then run in a northerly direction along the said east margin of Oak Bowery Road 696 feet more or less to a point at the intersection of Oak Bowery Road and Morris Avenue; then run east along the south right-of-way margin of Morris Avenue 2,266 feet more or less to the Point of Beginning of the two parcels herein described: then run in a southerly direction 772 feet more or less to a point; then run in a easterly direction 601 feet more or less to a point; then run in a northerly direction 822 feet more or less to a point on the south right-of-way margin of Morris Avenue; then run in a westerly direction along the said south right-of-way margin of Morris Avenue 617 feet more or less to the Point of Beginning. The two parcels contain 11.1 acres. Address: 1301 Morris Avenue and 1303 Morris Avenue

- (b) From an R-4 District (Medium Density Residential District) to a R-2 District (Low Density Residential District) the parcels of land hereinafter described:

Properties in Stonybrook subdivision and Bent Creek subdivision

Lots 1 through 53, inclusive, as shown on the “Stonybrook Subdivision” Subdivision plat as recorded in Plat Book 26 at Page 8 in the Office of the Judge of Probate of Lee County, Alabama.

Lots 1 through 35, inclusive, as shown on the “Bent Creek Subdivision, Deer Run Section, Section 2” Subdivision plat as recorded in Plat Book 15 at Page 154 in the Office of the Judge of Probate of Lee County, Alabama.

Lots 1 through 16, inclusive, as shown on the “Bent Creek Subdivision, Deer Run Section” Subdivision plat as recorded in Plat Book 9 at Page 82 in the Office of the Judge of Probate of Lee County, Alabama.

Commencing at the northeast corner of Section 26, Township 19 North, Range 26 East, run South 3 degrees, 29 minutes East for 2,386 feet more or less to the Point of Beginning of the two parcels herein described: then run in a southerly direction 356 feet more or less to a point; then run in a westerly direction 640 feet more or less to a point on the eastern right-of-way margin of Hamilton Road; then run along said easterly right-of-way margin of Hamilton road in a northerly direction for 339 feet to a point; then run in a easterly direction for 663 feet more or less to the Pont of Beginning. The two lots contain 5.1 acres more or less

Section 2. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____day of _____, 2015.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

Attachment: Resolution (1002 : Purchase a New Police Car)



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: February 16, 2015
FROM: Steve Aldrich
SUBJECT: Consieration by the Council to Approve Front Yard Variance Request
NUMBER: DOC-2015-1
APPLICANT: David H. Carter, Jr
PLANNER: Thomas Harowski

INTRODUCTION:

The applicant is requesting a variance to allow construction of a garage to extend ten feet into the required 35-foot front yard setback. The property is located at the corner of Riverside Drive and Elizabeth Street and is zoned R-1 Low Density Single Family Residential. The requested variance would be 28.5% of the required setback. The Board of Planning and Appeals is being requested to provide a recommendation to the City Commission.

BACKGROUND:

The subject property is located at the corner of Riverside Drive and Elizabeth Street. The property is zoned R-1 which requires a front yard setback of 35 feet. The applicant is requesting a variance of ten feet to allow an extension of the garage into the required front yard. The building façade appears to be a double door garage, but the owner has stated that the actual garage area is only about eight feet deep. This makes it impractical to use as a garage. The addition of the 10-foot extension would allow the space to function as a garage.

It is not clear when the original house was built, but the property underwent a substantial addition in 2003 and 2004. Exhibit A shows the structure on the survey of the property. The hatched area is the area of the 2003-04 addition. A review of the building plans on file with the City shows a garage that was planned to be 24 feet deep. The plan also shows the proposed garage area would extend into the required yard. (Note the building plans are inconsistent with the data shown on Exhibit A.) The covered carport shown on Exhibit A was converted into a bedroom and storage area as part of a substantial interior remodel that accompanied the addition. The garage area therefore did not extend into the area of the original structure.

What was actually constructed matches the building layout shown on Exhibit A. Staff researched the records and did not find any request for a variance which would have allowed the construction of the garage as planned. While the construction plans and site plans do not match, the result of the modifications done in 2003 resulted in the construction of a garage area with a garage façade that is not functional for the intended use. The applicant is seeking variance relief to allow the garage space to be made into a functional area.

Riverside Drive is one of the longest developed streets in the City. While nearly all of the lots on Riverside Drive are zoned R-1, it is common to have houses that are closer to the road than the 35 foot front setback. The subject property is on a corner lot. The next two parcels to the south are vacant. A visual check of the next two houses south from the subject parcel indicates that they both sit further forward than the 35 foot setback. To the north, the house across Elizabeth Street has a larger setback on Riverside Drive than the subject house, and this pattern continues to the north. There are single family units across Riverside Drive adjacent to the river, and again these units appear to be a mixed bag with regard to compliance with the 35 foot front yard setback. The units directly opposite the subject property appear to meet the required setback.

DISCUSSION:

The city files include a plan set, while not identified as an “approved” plan, is presumed to be the plans upon which the remodeling permit was issued. We have been advised that it was common practice during this time period not to identify and mark plan sets as approved plans when permits were issued. There is no explanation or documentation in the file which might explain why the plans differ from the dwelling as constructed.

The current property owner was aware of the condition of the false garage when the property was purchased, but the current owner assumed the existing condition and was not responsible for creating garage area as constructed. The only feasible method of converting the false garage into a functioning garage is to extend the garage east into the required front yard.

An examination of properties along Riverside Drive finds that it is common to have properties developed with portions of units in the required front yard setback. This condition results from the older nature of the residential area where many of the houses predate the current zoning regulations. In the immediate area of the subject property, the houses to the south appear to extend into the required front yard while those to north across Elizabeth Street do not. The same condition exists on the east side of Riverside Drive where some units appear to conform to the setback and some do not.

In terms of the criteria the Board has to consider in granting a variance, we have some difficult conditions to assess.

- We may have a special condition peculiar to the structure where the addition was constructed with a “false” garage that is not usable for storing vehicles. This construction appears to be inconsistent with plans reviewed by the City, and there is no record of how the issue was resolved at the time. Based on the plan set in the file a variance should have been sought to allow the construction now being requested by the applicant, or the remodel should have been modified to extend the garage area deeper into the existing structure.

- The current condition was not the result of action by the applicant, but the applicant was aware of the condition when the house was purchased.
- Given the “as-built” nature of the structure, the front yard setback as applied probably precludes the ability to have a garage on the property. There is no other practical place on the property where a garage could be constructed without impacting a required yard area or setback. One would expect that the ability to have a garage is a common element of standard single family construction.
- The unique nature of the circumstances surrounding this structure would not seem to confer any special privilege to this property owner should the variance be granted.
- The applicant is requesting a 10 foot variance which would result in the garage being approximately 18 feet in overall depth. This depth is about the minimum depth for a functioning garage.
- There does not appear to be anything in this request that is substantially at odds with the purpose of the code and the comprehensive plan. The variance would create a non-conforming structure, but it would support the renovation of the structure and improved property values.
- It does not appear that granting the variance would cause any situation that is detrimental to the area. The lots are generally large and able to support the additional construction. There are a number of other structures along Riverside Drive that extend into required yards both in the area of the request and along the road generally.

RECOMMENDATION:

On balance the staff believes there are more factors supporting the variance than suggesting a denial. Allowing the extension for the garage will allow the garage to serve as a truly functioning element of the structure and therefore support improved property values over time. The extension of the garage into the required front yard would not create a condition that is unusual for properties in the immediate area or with R-1 zoned properties along Riverside Drive. While the property owner was aware of the condition when the property was purchased, the current building layout was not a situation that was created by the current owner.

Location Map



- Koala(JPG)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Arthur J. Byrnes, District 1 - Commissioner
SECONDER: John F. Capers, District 3 - Commissioner
AYES: Byrnes, Currie, Capers, Albert, Penny





**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Resolution**

MEETING DATE: February 16, 2015
FROM: Steve Aldrich
SUBJECT: Test Workflow
NUMBER: 2015-R-25
APPLICANT: Arthur J. Byrnes
PLANNER:

This is a change, Im Sorry it will never happen again

ATTACHMENTS:

- Penguins (JPG)

Resolution No. 2015-25

TEST WORKFLOW





**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: February 16, 2015
FROM: Steve Aldrich
SUBJECT: Front Yard Variance Request
NUMBER: (ID # 1000)
APPLICANT: David H. Carter, Jr
PLANNER: Thomas Harowski

INTRODUCTION:

BACKGROUND:

DISCUSSION:

RECOMMENDATION:

RESULT: TABLED [UNANIMOUS]
MOVER: Arthur J. Byrnes, District 1 - Commissioner
SECONDER: Elizabeth Albert, District 4 - Commissioner
AYES: Byrnes, Currie, Capers, Albert, Penny