

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA • MARCH 14, 2017

City Commission Chamber

Regular City Commission Meeting

7:00 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 C. Danio

District 2 - Commissioner
Penny Currie

District 4 - Commissioner
Chris Via

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. RECESS THE CC MTG & CONVENE AS THE CRA**3. CRA AGENDA**

- 1. Resolution 2017-R-19 A Resolution of the Community Redevelopment Agency (CRA) of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into a Contract with Carter Electric to Bury Overhead Utilities in Accordance with Sealed Bid #13 St 03 Phase III on US1 from Mason Avenue to Walker Street; and Providing Severability; and Providing an Effective Date.

(Requested by Valerie Manning, City Clerk)

4. ADJOURN AS THE CRA & RECONVENE THE CC MTG**5. PUBLIC COMMENTS****6. APPROVAL OF MINUTES**

- 1. Minutes - February 28, 2017 - Workshop Session

(Requested by Valerie Manning, City Clerk)

7. CONSENT AGENDA - ITEMS (1 - 4)

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?

- 1. Labor Attorney Rate Adjustment

(Requested by Valerie Manning, City Clerk)

- 2. Resolution Resolution 2017-R-23 A Resolution of the City Commission of the City of Holly Hill, Florida, Appointing Gilles Blais to the Bicycle and Pedestrian Advisory Committee (BPAC).

(Requested by Valerie Manning, City Clerk)

- 3. Resolution Resolution 2017-R-24 a Resolution of the City Commission of the City of Holly Hill, Florida, Amending the Fiscal Year 2016-2017 Annual Budget; and Providing for Severability; and Providing for an Effective Date.

(Requested by Kurt Swartzlander, Finance)

- 4. TPO Project Carry Forward Request to the TPO to Carry Forward Projects on the Project Priority Lists.

(Requested by Thomas Harowski, Board of Planning and Appeals)

8. REGULAR AGENDA

1. Resolution Resolution 2017-R-22 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into a Contract with Carter Electric to Bury Overhead Utilities in Accordance with Sealed Bid #13 St 03 Phase III on US1 from Mason Avenue to Walker Street; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

9. 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.

1. Ordinance Ordinance 2987 An Ordinance of the City of Holly Hill, Florida, Amending Section 82-322 (Evaluation of Request for Accommodation Pursuant to the Fair Housing Act) of the City of Holly Hill Code of Ordinance to Incorporate Recent Changes in Federal Law Regarding the Review and Approval of Group Homes; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Thomas Harowski, Board of Planning and Appeals)

2. Ordinance Ordinance 2988 An Ordinance of the City of Holly Hill, Florida, Adopting a Twelve (12) Month Moratorium on the Approval of Any Development Order or Issuance of Any Business Tax Receipt for the Growing, Processing, Manufacturing, Distribution, Dispensing and Selling of Medical Cannabis Within the City Limits; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Thomas Harowski, Board of Planning and Appeals)

3. Ordinance Ordinance 2989 An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Rezoning the Parcels Described in Exhibit "A" from City of Holly Hill R-7 Medium Density Multi-Family Residential to City of Holly Hill R-3 Medium Density Single-Family; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Thomas Harowski, Board of Planning and Appeals)

4. Ordinance Ordinance 2990 An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Rezoning the Parcels Described in Exhibit "A" to City of Holly Hill CC-1 Commercial Corridor; Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.

(Requested by Thomas Harowski, Board of Planning and Appeals)

5. Ordinance Ordinance 2991 An Ordinance of the City of Holly Hill, Florida, Approving the Fountainhead Mixed Use Planned Unit Development (MPUD) Agreement; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Thomas Harowski, Board of Planning and Appeals)

6. Ordinance Ordinance 2992 An Ordinance of the City of Holly Hill, Florida, Approving the Sixth Amendment to Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD) Agreement; Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.

(Requested by Thomas Harowski, Board of Planning and Appeals)

10. COMMUNICATIONS

- A. City Manager and Staff Comments
- B. City Attorney Comments
- C. Mayor's Comments
- D. City Commission Comments

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
CRA Resolution**

MEETING DATE: March 14, 2017
FROM: Valerie Manning
SUBJECT: Resolution 2017-R-19 A Resolution of the Community
Redevelopment Agency (CRA) of the City of Holly Hill,
Florida, Authorizing the City Manager to Enter into a
Contract with Carter Electric to Bury Overhead Utilities in
Accordance with Sealed Bid #13 St 03 Phase III on US1 from
Mason Avenue to Walker Street; and Providing Severability;
and Providing an Effective Date.
NUMBER: (ID # 1617)
APPLICANT:
PLANNER:

DISCUSSION:

On January 27, 2017, sealed Bids were opened and read aloud for the burying of overhead utilities underground on US1 from Mason Avenue to Walker Street. Four (4) bids were received for consideration:

- ElectriCon LLC, Paoli, IN
- Carter Electric Co. Inc., Daytona Beach, FL
- Wilco Electrical LLC, Miami, FL
- Masci Corporation, Port Orange, FL

Of the four (4) bids received, only two (2) met the requirements set forth in the bidding documents. FP&L requires that all contractors and subcontractors must be pre-approved by FP&L to perform the work. ElectriCom LLC and Masci Construction are not FP&L approved contractors and therefore, their bids were not considered.

The bid specifications also limited the amount of mobilization expenses to 2% of the project total. Carter Electric's bid does exceed the 2% threshold, but the difference is less than \$100.00 so we consider this issue an insignificant irregularity.

Of the two (2) bids submitted that were FP&L pre-qualified, Carter Electric's bid of \$2,697,130.82 was the lowest. See Bid Tabulation Exhibit "A".

FISCAL ANALYSIS:

This project is fully funded by CRA funds and the bid amount is within the allocated budget.

STAFF RECOMMENDATION:

The City of Holly Hill has successfully worked with Carter Electric in the past (US1 Secondaries Phase I) and staff recommends award of the US1 Utility Undergrounding Project to Carter Electric of Daytona Beach, Florida. Attached is the Engineer of Record's Letter of Recommendation shown as Exhibit "B".

COMMISSION GOALS:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #2: 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.

Goal #3: Implement the CRA master plan with a focus on the best utilization of vacant properties and blighted properties in the city. Attention should also focus on infrastructure improvements within the district and strategies to encourage private investment and business retention.

MOTION:

APPROVE RESOLUTION 2017-R-19 AND WAIVE THE 2% MOBILIZATION REQUIREMENT AND AWARD US1 UTILITY UNDERGROUND PROJECT TO CARTER ELECTRIC AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$2,687,130.82.

- Exhibit A (PDF)
- Exhibit B (PDF)

CITY OF HOLLY HILL
 US1 UTILITY UNDERGROUNDING PRIMARIES CONDUIT STREETLIGHTS
 (MASON AVE. TO WALKER ST.)
 BID #13-ST-03 PHASE III
 BID TABULATION
 January 27, 2017

Item	Description	Qty.	Unit	ElectriCom, LLC Paoli, IN		Carter Electric Co., Inc. Daytona Beach, FL		Wilco Electrical, LLC Miami, FL		Masco Corporation Port Orange, FL	
				Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost
1	Mobilization (<2% of total bid)	1	LS	\$90,000.00	\$90,000.00	\$54,012.00	\$54,012.00	\$15,000.00	\$15,000.00	\$69,687.00	\$69,687.00
2	Pre-construction video	1	LS	\$1,500.00	\$1,500.00	\$2,221.00	\$2,221.00	\$2,500.00	\$2,500.00	\$2,575.00	\$2,575.00
3	Survey Layout	1	LS	\$8,600.00	\$8,600.00	\$11,879.00	\$11,879.00	\$25,000.00	\$25,000.00	\$21,500.00	\$21,500.00
4	Soil/Erosion Control	1	LS	\$30,000.00	\$30,000.00	\$29,376.00	\$29,376.00	\$7,500.00	\$7,500.00	\$45,720.00	\$45,720.00
5	Traffic Control	1	LS	\$22,000.00	\$22,000.00	\$59,416.00	\$59,416.00	\$15,000.00	\$15,000.00	\$27,990.00	\$27,990.00
6	Florida Power & Light										
a	FNC, 1-6" Conduit (11,846 LF Shown on Plans, S.O.P.)	13,000	LF	\$18.31	\$238,030.00	\$16.90	\$219,700.00	\$22.00	\$286,000.00	\$27.70	\$360,100.00
b	6PN6C, 6-2" Conduit (224 LF S.O.P.)	250	LF	\$21.50	\$5,375.00	\$68.50	\$17,125.00	\$24.00	\$6,000.00	\$43.75	\$10,937.50
c	4PN4C, 4-2" Conduit (310 LF S.O.P.)	340	LF	\$19.50	\$6,630.00	\$50.66	\$17,224.40	\$19.50	\$6,630.00	\$39.90	\$13,566.00
d	3PN3C, 3-2" Conduit (11,728 LF S.O.P.)	12,900	LF	\$17.81	\$229,749.00	\$18.98	\$244,842.00	\$17.00	\$219,300.00	\$24.30	\$313,470.00
e	2PN2C, 2-2" Conduit (1,549 LF S.O.P.)	1,700	LF	\$14.00	\$23,800.00	\$25.57	\$43,469.00	\$16.50	\$28,050.00	\$19.15	\$32,555.00
f	1PN1C, 1-2" Conduit (102 LF S.O.P.)	120	LF	\$12.50	\$1,500.00	\$66.60	\$7,992.00	\$16.00	\$1,920.00	\$27.77	\$3,332.40
g	24" Handhole (7 EA S.O.P.)	15	EA	\$550.00	\$8,250.00	\$323.54	\$4,853.10	\$150.00	\$2,250.00	\$355.99	\$5,339.85
h	30" Handhole (55 EA S.O.P.)	60	EA	\$650.00	\$39,000.00	\$400.53	\$24,031.80	\$600.00	\$36,000.00	\$385.75	\$23,145.00
i	Transformer Pad (45 EA S.O.P.)	50	EA	\$775.00	\$38,750.00	\$379.37	\$18,968.50	\$300.00	\$15,000.00	\$893.35	\$44,667.50
j	Switchgear Chamber (10 EA S.O.P.)	12	EA	\$850.00	\$10,200.00	\$1,682.38	\$20,188.56	\$500.00	\$6,000.00	\$1,997.00	\$23,964.00
k	Feeder Splice Box (15 EA S.O.P.)	18	EA	\$680.00	\$12,240.00	\$1,557.43	\$28,033.74	\$1,400.00	\$25,200.00	\$2,440.00	\$43,920.00
l	Bollard (16 EA S.O.P.)	30	EA	\$600.00	\$18,000.00	\$587.53	\$17,625.90	\$300.00	\$9,000.00	\$750.00	\$22,500.00
7	City Conduit										
a	2-2" Conduits (9,247 LF S.O.P.)	10,200	LF	\$15.31	\$156,162.00	\$16.64	\$169,728.00	\$16.00	\$163,200.00	\$25.60	\$261,120.00
b	1-2" Conduit (9,220 LF S.O.P.)	7,500	LF	\$11.81	\$88,575.00	\$11.54	\$86,550.00	\$14.50	\$108,750.00	\$22.80	\$171,000.00
c	3-1.25" Conduits (0 LF S.O.P.)	2,700	LF	\$18.06	\$48,762.00	\$14.39	\$38,853.00	\$20.00	\$54,000.00	\$39.10	\$105,570.00
d	City Handhole / Pullboxes (37 EA S.O.P.)	50	EA	\$1,200.00	\$60,000.00	\$463.30	\$23,165.00	\$1,450.00	\$72,500.00	\$1,427.00	\$71,350.00
e	30"x48" Handholes (0 EA S.O.P.)	6	EA	\$1,350.00	\$8,100.00	\$2,223.70	\$13,342.20	\$1,900.00	\$11,400.00	\$2,720.00	\$16,320.00
8	AT&T Conduit										
a	1-4" Conduit (13,308 LF S.O.P.)	14,000	LF	\$15.31	\$214,340.00	\$16.58	\$232,120.00	\$20.00	\$280,000.00	\$27.70	\$387,800.00
b	2-4" Conduits (2,972 LF S.O.P.)	3,500	LF	\$24.00	\$84,000.00	\$30.21	\$105,735.00	\$34.00	\$119,000.00	\$43.75	\$153,125.00
c	3-4" Conduits (13,961 LF S.O.P.)	14,000	LF	\$32.31	\$452,340.00	\$33.74	\$472,360.00	\$41.00	\$574,000.00	\$49.50	\$693,000.00
d	4-4" Conduits (4,581 LF S.O.P.)	5,000	LF	\$39.50	\$197,500.00	\$50.52	\$252,600.00	\$48.00	\$240,000.00	\$69.90	\$349,500.00
e	30"x48" Handholes (46 EA S.O.P.)	50	EA	\$1,350.00	\$67,500.00	\$3,353.00	\$167,650.00	\$1,900.00	\$95,000.00	\$2,512.00	\$125,600.00
9	Restoration										
a	6" Thick Concrete	2,500	SF	\$34.00	\$85,000.00	\$15.97	\$39,925.00	\$21.00	\$52,500.00	\$5.95	\$14,875.00
b	4" Thick Concrete	4,000	SF	\$32.00	\$128,000.00	\$14.54	\$58,160.00	\$19.00	\$76,000.00	\$4.75	\$19,000.00
c	Concrete Curb	600	LF	\$60.00	\$36,000.00	\$67.51	\$40,506.00	\$27.00	\$16,200.00	\$31.20	\$18,720.00
d	Asphalt	5,600	SF	\$24.00	\$134,400.00	\$16.76	\$93,556.00	\$19.00	\$106,400.00	\$12.95	\$72,520.00
e	Sodding	5,700	SF	\$0.72	\$4,104.00	\$1.87	\$10,659.00	\$3.00	\$17,100.00	\$0.35	\$1,995.00
f	Landscaping (Allowance)	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
	Unsuitable Material/Rock Excavation	100	CY	\$40.00	\$4,000.00	\$252.00	\$25,200.00	\$30.00	\$3,000.00	\$15.00	\$1,500.00
11	As-built Survey	1	LS	\$18,000.00	\$18,000.00	\$29,247.00	\$29,247.00	\$15,000.00	\$15,000.00	\$9,500.00	\$9,500.00
12	Post-construction Video	1	LS	\$1,500.00	\$1,500.00	\$1,586.00	\$1,586.00	\$5,000.00	\$5,000.00	\$1,575.00	\$1,575.00

Bid Totals (with corrected extension errors)	\$2,586,907.00	\$2,697,200.20	\$2,730,400.00	\$3,554,039.25
Bid Totals (with corrected extension errors and mobilization amounts)	\$2,547,864.29	\$2,697,130.82	\$2,730,400.00	\$3,554,039.25
FPL Approved Contractor/Subcontractor?	No	Yes	Yes	No

Notes:

- Extension Error - Wilco Electric, Item 6e, 9d, and 9e - corrected total shown. Total bid price adjusted.
- Extension Error - Masco, Item 9a, 9b, and 9c - corrected total shown. Total bid price not adjusted (bid form had correct total listed.)
- Mobilization line item in submitted bid by Carter Electric exceeds the allowable 2%.
- Mobilization line item in submitted bid by ElectriCom exceeds the allowable 2%.



February 10, 2017

Mark Juliano
Public Works Director
City of Holly Hill
453 LPGA Boulevard
Holly Hill, FL 32117

Email: mjuliano@hollyhillfl.org
Hard Copy Mailed Only on Request

**RE: US1 UTILITY UNDERGROUNDING PRIMARIES CONDUITS & STREETLIGHTS
(MASON AVENUE TO WALKER STREET)
BID #13-ST-03 Phase III**

Dear Mark,

Enclosed please find the bid tabulation for this project for which four bids were received on January 27. This project includes the installation of conduits that will be utilized by FPL, AT&T and other utilities to underground their facilities. This project phase follows the recently completed phases (Phase I and II) that converted all of the electrical services (secondaries) along the project length. Future work phases will include the installation of facilities in the conduits by the utility companies, ITS facility relocation, streetlight change-outs and overhead facility removal.

As shown in the bid tabulation, two bidders made mathematical errors in their unit price extensions. The other two bidders submitted higher than allowed unit item bids for Mobilization which was limited to 2% of the overall bid. The corrected bid totals are shown.

The bid tabulation also includes information on whether or not the bidders (or their listed subcontractor for the FPL facility installation) are FPL approved contractors. This was a requirement in the bidding documents due to such being a stipulation in the FPL Applicant Installed Facilities Agreement for Underground Conversions that will be executed by the City. QLH contacted FPL after the bids were received and FPL stated that two of the four contractors are FPL approved. Of these two FPL approved contractors, Carter Electric Company, Inc. of Daytona Beach submitted the lowest bid of \$2,697,130.82.

Our firm and the City are both familiar with Carter Electric. Carter Electric successfully completed the electrical service conversions for the City for Phase I of this project. Carter Electric has completed many successful projects as an electrical subcontractor on past QLH projects. Carter Electric is currently completing a portion of the Orange Avenue utility undergrounding effort for Daytona Beach. It is our opinion based on this past experience, that Carter Electric has the necessary knowledge and abilities to successfully complete this



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

**City Commission
Agenda Item**

MEETING DATE: March 14, 2017
FROM: Valerie Manning
SUBJECT: Minutes - February 28, 2017 - Workshop Session
NUMBER: (ID # 1613)
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from February 28th workshop session.

FISCAL ANALYSIS:

N/A

STAFF RECOMMENDATION:

Approve the workshop minutes from February 28, 2017.

COMMISSION GOAL:

N/A

MOTION:

Approve as submitted by staff.

- Minutes - February 28, 2017 - Workshop Session (PDF)



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • FEBRUARY 28, 2017

City Commission Chamber

Work Session

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

1. Roll Call

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John C. Danio	District 3 - Commissioner	Present	
Chris Via	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

2. PAY & CLASSIFICATION STUDY

1.

Pay and Classification Study

(Requested by Diane Cole, Human Resources)

Diane Cole, Human Resources Manager shared the following classification and compensation study for scope of services with the Mayor and Commissioners.

CLASSIFICATION AND COMPENSATION STUDY - SCOPE OF SERVICES

- Examination of all job descriptions to include a review of position FLSA designations; essential functions; minimum qualifications, license requirements, working conditions, etc.; provide recommended updates and/or changes
- Establish criterion for the selection of survey participants with City staff members; prepare/create survey, send to the agencies and prepare an analysis based on the results
- Conduct salary survey and analysis to include all 60 classifications which covers approximately 107 full-time employees and 5 members of the City Commission
- Comprehensive study and analysis to include the benefit package as it relates to vacation/personal/sick accruals, holidays and other types of paid time off, group insurance, tuition assistance, retirement, additional compensation (cell phone, auto allowances)
- Establish an equitable classification methodology and salary ranges to provide for the recruitment and retention of qualified staff; ensure equitable relationships of one job to another within the organization; ensure compression does not occur between pay

grades and classifications

- Provide recommendations to classify/reclassify positions as appropriate
- Review department staffing and organizational structures and make recommendations/proposals
- Evaluate existing compensation policies and propose any recommended changes
- Develop and recommend a new or revised performance appraisal form and procedure which supports the classification and compensation plan
- Develop and recommend an implementation plan for adoption of the proposed classification plan and salary adjustments to include an estimated fiscal impact ; with options for a 3-year and a 5-year implementation
- Develop an ongoing internal maintenance of the plan
- Conduct interviews with employees from the various work areas and meetings with staff as needed
- Prepare and deliver presentations to the City Commission

There was **consensus** from the Mayor and Commissioners for Ms. Cole to move forward with the study.



3. LISTING THE MARKET FOR SALE

Mr. Forte stated they have talked about the sale of The Market several months ago. It's in the CRA so they will have to do the same advertisement that they did for 1200 Center Avenue. They have to advertise it for no less than thirty days and seek bids. When they had it appraised in 2015 it came back that it was appraised at \$825,000 and the vacant land was appraised at \$120,000. What he can tell the Commissioners from some of the people that have looked at the property, is they believe that the appraiser valued the property as if it was sitting on US1 and they had a high traffic count but it doesn't have the same traffic count. He has had two people make in-direct offers in the neighborhood of \$600,000 based on the values of the rent that are coming in. That's just for The Market not for the vacant land. He would like to go ahead and advertise these as an "A" and "B" option where somebody can come in and offer one price for The Market or another price for the vacant land, it can be one or the other or it can be both. If somebody comes in and they want to buy both and it's less than if it were two separate options, the Commission will have to consider that to see what the best options are with that. He would like to get it out and put a minimum bid on it at \$600,000. The other thing that the Commission has to be aware of is that the roof needs a lot of work. It needs about \$250,000 worth of work so they will never get \$825,000 for it in its current condition.

Mayor asked if Mr. Forte was going to put a minimum on the vacant land too.

Mr. Forte stated they can if the Commissioners like, he just doesn't know what number he would use.

Mayor Penny stated he doesn't know what that number would be.

Commissioner Via stated it was assessed at \$120,000 but that was based on if it had the

traffic like on US1.

Commissioner Byrnes stated his concern is that if somebody owned that property and wanted to put on there, what's on there now, he doesn't believe they legally meet the parking requirements.

Mr. Forte stated the people that have looked at it have told him that there's plenty of parking associated with The Market. The problem is, what the city has currently leased it to is beyond what it's capacity use it. Those building are supposed to be for 3, 4, or 5 people to work in there not 20 people coming to a class. There is enough room for parking in there. That's what he is saying. If they have somebody that is interested in this parking, they certainly can buy it and use the vacant land for parking but what if they have somebody that says, "You know what, I want to put up a 2,000 square foot building, a little retention pond and some parking and add a separate business, the city should be able to consider it.

Commissioner Currie stated and the tax return on that is going to be much better.

Mayor Penny stated basically, they are valuing the building at \$600,000, needing \$225,000 on the roof, that puts them at the \$825,000 that it was assessed at.

Commissioner Via stated this money will be put back in the CRA because they used CRA money to fix it up.

Mr. Forte stated, correct.

Commissioner Via stated so they will have \$600,000 more in the CRA to work on other programs.

Mr. Forte stated they will go ahead and get it advertised out and see what kind of bids come back.

4. CHARTER DISCUSSION

Mayor Penny stated his main concern with the Charter was the city and the entire City Commission took a big black eye when it came to residency. The city formed a Charter Review Committee and several questions were put on the ballot and the residency requirement was passed but he just doesn't think it goes far enough. His concern was that according to our Charter, someone can have homestead exemption outside of our city and still be eligible to run for office in our city. Mayor Penny stated he doesn't think that's right. He would go so far as to put it, he doesn't know if they legally can, if you or your spouse have homestead exemption on any property outside the City of Holly Hill, you are not eligible to run for office. That might be going too far but that's what they ran into and it was a mess.

Commissioner Byrnes stated he doesn't think that the homestead restriction is fair.

Mayor Penny stated the problem is if somebody claims homestead in Ormond Beach and wants to represent the taxpayers in Holly Hill, what's fair about that?

Mr. Forte stated the Mayor's not saying you have to be homesteaded.

Mayor Penny stated I'm not saying you have to be homesteaded. I'm saying, Bill Arthur, on the 11th hour, decided not to run in this last election. Bill Arthur claims homestead exemption in Ormond Beach. Mayor Penny stated he told him that if he decided to run he would be dully obligated to challenge it in court. According to the City Clerk, there is nothing she can do except ask him for a driver's license.

Commissioner Byrnes stated that's the thing that bothers him more than anything. When the city passed that the last time, he would have sworn before a judge that the wording they had in there said that the City Clerk can deny...

Mayor Penny stated she can't deny anything. All she can do is accept it. If the Commissioners put the rules forward and if someone has homestead somewhere else, he doesn't think that they should be able to vote in the city...

Commissioner Byrnes stated before they go that far, if somebody comes in and their driver's license is from out of town, the electric bill they don't have, all they have is their sworn statement that says they live in Holly Hill. The City Clerk can tell them they're not supposed to run but she still has to accept their paperwork. It would have to be up to the individual running against them to sue the opponent.

Attorney Simpson stated what the law says is the City Clerk cannot look into the accuracy of what is put on the document. The city's Charter says there are certain things they have to provide. They have to provide a voter registration card. If a person shows up and doesn't have a voter registration card, he thinks the City Clerk can say, "You're not qualified", because the city has things that you have to produce.

Commissioner Byrnes stated, okay.

Attorney Simpson stated if they show up with a driver's license that says they live in Georgia, where's their proof that...or maybe they come with something else, maybe they just haven't changed their address yet, whatever, they have to show proof that they live here in the city. What the City Clerk can't do is say, "Yes, you own a piece of property here, you're driver's license says Holly Hill but you have homestead over here so this can't be accurate."

Commissioner Byrnes stated, okay.

Attorney Simpson stated the City Clerk can't look into the accuracy of it. She just has to make sure it's complete. Now, it could be a lie, if it's incomplete, the City Clerk can say, "I'm sorry you're not a registered voter here in Holly Hill, you can't apply."

Commissioner Byrnes stated he was under the opinion that she couldn't reject anybody at all.

Mayor Penny stated his problem is that even if they change the Charter and it says if you have homestead exemption somewhere else, you're ineligible. The City Clerk isn't going to research that but if it's a known fact that someone has homestead exemption somewhere else then it will be challenged. If they don't have this in their Charter, it's his understanding that someone can claim their "intent" was to live here in Holly Hill. Remember Paul Lockaby and

Donnie Moore. There is case law that Attorney Simpson can quote from New York but if the Charter says if you have it, you are not eligible. It may be easier, in his opinion, for someone to challenge it and they won't have to know what someone's intent was, it says it in black and white. The City Clerk can't be the judge and jury. Someone is going to have to file it at the Clerk of the Court level and challenge it but he believes it makes it more defensible.

Commissioner Currie stated Attorney Simpson, in order to keep that from happening again, it would have to be in the city's Charter to say what the Mayor is indicating?

Attorney Simpson stated, yes. There are actually court cases where somebody was a qualified elector in one jurisdiction and had homestead in another jurisdiction. That can happen.

Commissioner Currie stated she remembers when the city went through all of that.

Commissioner Byrnes stated the attorney said it could happen, can the city outlaw that?

Attorney Simpson stated he would say most likely, he would have to check but he thinks they can setup the criteria, that is reasonable, that is what the city wants, as long as it's a reasonable criteria. It's easily circumvented. They will just put the house in their wife's name and she claims homestead.

Mayor Penny stated he would even go so far as "you and your spouse" because...

Attorney Simpson stated you're getting a little harder there now because...they will have to look and see.

Mayor Penny stated he doesn't know what's legally possible. He just doesn't want to have to go through that circus ever again and be the judge and jury of it.

Attorney Simpson stated what the city currently has and just to refresh everybody, what his advice was back then with Donnie's situation and that's before this language, they still had to be a registered voter in Holly Hill. Somebody challenged Donnie's voting, being a registered voter in Holly Hill and yes, this Commission could have said, "Donnie, you no longer qualify", that really wasn't a candidate qualifying issue that was actually removing somebody because they no longer met the qualifications, same criteria though. Attorney Simpson stated his advice then was Ann McFall is going through a process to take Donnie off the voter registration rolls as not being a qualified voter in Holly Hill. If that occurred then Donnie was no longer qualified and the city...it was a decision made by a third-party, the city says that decision was made, "Sorry, Donnie. You no longer qualify, you forfeited your seat". If Ann McFall came back and said, "No, you're still a qualified elector", the Commission still had the discretion to go forward and say, "You still forfeited your seat." It would be hard now that Ann McFall essentially found that Donnie "did" reside there enough to be a qualified voter because you are required by law to vote in the precinct you live. So in essence, that's what she would be finding and ultimately she did find that he still qualified as a voter there and the whole thing went away. That still applies today. That's what the city's rules are today. They still have to be a qualified elector in Holly Hill, if the Supervisor of Elections removes someone from the voter rolls, they either are not qualified as a candidate or they forfeit their seat. The city can look at adding additional criteria. He feels more

comfortable to say if you own homestead somewhere else that disqualifies you from qualifying and you forfeit the seat if you ever claim homestead somewhere else. It has to go both ways.

Mayor Penny stated, yes. Flashback to three years ago, his first mayoral race, one of his candidates had homestead not in the city but in the unincorporated area of the County and it was common knowledge.

Attorney Simpson and the City Clerk they will find out when the County is running an election so it's cheaper for the city to hold an election and find out when the ballot language needs to be submitted to the elections office for a November election.

Commissioner Via encouraged educating the residents before the election so that the residents are fully understanding what's being placed on the ballot.

Attorney Simpson stated the Commission can educate they just can't advocate.

There was **consensus** to move forward in finding out from the Supervisor of Elections when the ballot language needs to be submitted and the cost and to educate the residents as to what is going to be on the ballot.

5. **ADJOURNMENT**

The workshop adjourned at approximately 6:55 PM.



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

**City Commission
Agenda Item**

MEETING DATE: March 14, 2017
FROM: Valerie Manning
SUBJECT: Labor Attorney Rate Adjustment
NUMBER: (ID # 1620)
APPLICANT:
PLANNER: MinuteTraq Admin

DISCUSSION:

The City employs the services of attorney Wayne L. Helsby for legal issues regarding personnel matters. Since April 2015 the City has experienced no new rate increases for the services of the partners, associates and paralegals of Allen, Norton, and Blue. Allen, Norton and Blue is asking for a rate increase of \$15.00 per hour for partners and associates effective April 1, 2017. The new rates will be as follows:

Partners: \$255.00

Associates: \$230.00

The current rate for paralegals of \$100.00 per hour will not increase.

FISCAL ANALYSIS:

Personnel related legal matters are budgeted annually and included in the Personnel Department Budget.

STAFF RECOMMENDATION:

Recommends approval of the increased rates for partners and associates.

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

MOTION:

Approve the rate increases.

- Allen, Norton & Blue Letter - March 2017 (PDF)
- Allen, Norton & Blue Letter - May 2010 (PDF)



ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

1477 West Fairbanks Avenue, Suite 100 • Winter Park, Florida 32789
Telephone 407-571-2152 • Facsimile 407-571-1496

March 2, 2017

Ms. Diane Cole
Human Resources Manager
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, FL 32117

Re: Hourly Rates

Dear Diane:

The hourly rates our firm charges for services to the City of Holly Hill have not been increased since 2015. Accordingly, at this time we request a modest increase of \$15.00 per hour for partners and associates. If acceptable, the new rates would be \$255.00 per hour for partners, \$230.00 per hour for associates. The current rate for paralegals of \$100.00 per hour will not increase.

It is a privilege to represent the City of Holly Hill, and we trust this increase is acceptable. We will make this new rate effective April 1, 2017, unless I hear from you to the contrary.

Please give me a call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Wayne L. Helsby'.

Wayne L. Helsby

WLH/km

cc: Robert L. Norton, Esq.
Debbie Melara

CORAL GABLES OFFICE
121 MAJORCA AVENUE
SUITE 300
CORAL GABLES, FL 33134-4508
305-445-7801
FACSIMILE 305-442-1578

TALLAHASSEE DOWNTOWN
906 NORTH MONROE STREET
SUITE 100
TALLAHASSEE, FL 32303-6143
850-561-3503
FACSIMILE 850-561-0332

LAW OFFICES

ALLEN, NORTON & BLUE

PROFESSIONAL ASSOCIATION

1477 WEST FAIRBANKS AVENUE
SUITE 100

WINTER PARK, FL 32789-7113

407-571-2152

FACSIMILE 407-571-1496

JACKSONVILLE OFFICE
800 WEST MONROE STREET
SUITE 100
JACKSONVILLE, FL 32202
904-562-4480
FACSIMILE 904-562-4499

TAMPA OFFICE
324 SOUTH HYDE PARK AVENUE
HYDE PARK PLAZA, SUITE 350
TAMPA, FL 33606-4127
813-251-1210
FACSIMILE 813-251-2006

REPLY TO: Winter Park

May 10, 2010

Via Overnight Delivery

Dr. Oel Wingo
City Manager
City of Holly Hill
1065 Ridgewood Ave
Holly Hill, FL 32117

Re: Labor and Employment Law Representation

Dear Oel:

It was a pleasure speaking with you the other day with regard to the possibility of our firm representing the City of Holly Hill in labor and employment matters. As I mentioned, we represent many of your neighboring municipalities in labor and employment matters, such as the City of Port Orange, the City of New Smyrna Beach and the City of Ormond Beach. We would consider it a privilege to work with you and the City of Holly Hill.

First, please allow me to introduce our firm. We are a labor and employment firm exclusively representing employers. We have offices in Orlando, Miami, Tampa, Tallahassee and Jacksonville. We do not engage in any practice other than labor and employment law on behalf of management.

The majority of our work at present is for public employers in Florida. In that regard we:

1. Review civil service regulations and assist public employers in implementing changes to such rules.
2. Act as chief negotiator in collective bargaining negotiations, which includes negotiations over contract language, economics, pensions, grievance and arbitration and disciplinary procedures. We have negotiated numerous contracts on behalf of many cities, counties and other public employers throughout

36859



May 10, 2010
Page 2

Florida.¹ Enclosed as Attachment 1, is a list of Florida cities and counties we represent.

3. Represent the Chief Executive in Special Magistrate and legislative body hearings conducted in accordance with the Florida Statute Chapter 447 impasse procedure.
4. Handle executive sessions with the Chief Executive and legislative body with reference to collective bargaining.
5. Provide advice and assist with handling due process and liberty interest hearings, where we typically serve as the Chief Executive/Department Head's attorney in prosecuting disciplinary matters pursuant to a "just cause" standard or any other applicable standard set forth in the employer's policy or under state law.
6. Prepare and review personnel policies and handbooks.
7. Engage with management and City Attorneys in preventive maintenance review and consultation to assist in pre-decision investigation and decision-making for potential disciplinary action to "pre-try" the case and ensure procedural requirements are met while also evaluating the merits of the matter.
8. Handle arbitrations concerning discipline, management rights, policy violations and any other issues subject to the arbitration provision of collective bargaining agreements.
9. Handle all forms of employment-related administrative charges and litigation in judicial, arbitrable and administrative forums, including:
 - a. Charges of illegal discrimination and/or retaliation under Title VII of the Civil Rights Act of 1964, Florida Civil Rights Act, Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Health Insurance Portability and Accountability Act (HIPAA), Sections 1983, 1985, 1986, Workers' Compensation Retaliation, and the Florida Whistleblowers Act.
 - b. The federal Fair Labor Standards Act and Florida Minimum Wage Act.

¹ We have negotiated collective bargaining agreements on behalf of Florida cities with numerous unions, including the International Association of Fire Fighters (IAFF), Police Benevolent Association (PBA), Fraternal Order of Police (FOP), Teamsters, Communication Workers (CWA), American Federation of State, County and Municipal Employees (AFSCME), Laborer's Union and many others.

May 10, 2010

Page 3

- c. The federal and state Constitutions involving the rights of privacy, drug testing, freedom of speech and association, due process, liberty interests and illegal search and seizure as well as many others.
 - d. The Family and Medical Leave Act.
 - e. Unfair labor practice charges under the Florida Public Employee Relations Act (PERA).
10. Present seminars on labor and employment issues.

As I mentioned, we have represented some of your neighboring jurisdictions for many years. Please feel free to contact for reference purposes any or all of the following:

Port Orange-

Ken Parker, City Manager - (386) 506-5501

Margaret Roberts, City Attorney - (386) 506-5525

Rob Zicker, HR Director - (386) 506-5562

New Smyrna Beach-

Pam Brangaccio, City Manager - (386) 424-2107

Frank Gummey, City Attorney - (386) 424-2115

Carol Hargy, HR Director - (386) 424-2111

Ormond Beach

Joyce Shanahan, City Manager - (386) 676-3200

Randal Hayes, City Attorney - (386) 676-3392

Shelly Arzola, HR Director - (386) 676-3202

Of our 28 attorneys, those who meet the years of service eligibility requirements are certified as labor and employment by the Florida Bar and seven, including me, are listed in "Best Lawyers in America." Mike Mattimore, the managing partner of our Tallahassee office, is a former chairman of the Public Employee Relations Commission (PERC).

In addition to the cities and counties listed in Attachment 1, we represent 13 School Boards, 14 Fire Districts, approximately 50 of the Sheriff's Offices of the various counties in Florida (including Brevard, Flagler, Orange, and Seminole) and numerous Florida Community

May 10, 2010

Page 4

Colleges, Hospitals and Special Districts. Enclosed as Attachment 2 is a list of the public employers that we represent.

We also represent the University of Florida, Florida State University, the Universities of Central and West Florida as well as the Board of Regents and over 20 state departments such as the Departments of Lottery, Management Services, Elderly Affairs, Highway Safety and Motor Vehicles, Transportation and Service First.

We do substantial employment-related insurance defense work with many public employers on behalf of insurance carriers such as Public Risk Management (PRM), American International Group (AIG), Lexington, Chubb and Lloyds of London. In this respect, we prepare Equal Employment Opportunity Commission (EEOC) and Florida Commission on Human Relations (FCHR) position statements and handle most all employment-related litigation for the 50+ members of PRM.

Our primary representatives, should the City select our firm, would be myself and Mark Levitt. Enclosed as Attachments 3 and 4 are statements of qualifications for each of us.

The office location, mailing and electronic address is as follows:

Allen, Norton & Blue, P.A.
1477 W. Fairbanks Avenue, Suite 100
Winter Park, FL 32789
Office Telephone: 407-571-2152
Office Fax: 407-571-1496

	<u>Cell</u>	<u>Email</u>
Wayne L. Helsby	407-832-5833	whelsby@anblaw.com
Mark E. Levitt	813-928-9765	mlevitt@anblaw.com

Our office hours are 8:00 a.m. through 6:00 p.m. Additionally, we are available 24/7 by cell phone whenever we are out the office, or whenever we are needed after hours and on weekends.

Our fees for our public clients are \$225.00 per hour for me and for Mark Levitt. In the event we were to use associate attorneys, we would charge \$200.00 per hour for their time. We do not charge for travel time before 8:00 a.m. or after 6:00 p.m., unless the client schedules a meeting outside those hours. Our paralegal, used only if litigation is involved, is billed at \$95.00 per hour.

Our other charges are:

- Reimbursement for room and meals if required by the City to spend the night or go out of town on its behalf.

May 10, 2010

Page 5

- Airline fares if required by the City to travel, which must be approved in advance.
- Long distance phone calls made on behalf of the client.
- Mileage at the IRS-approved rate.
- Photocopies, faxes and delivery services when required.

Many of our clients also choose to participate in our optional retainer program. The retainer program carries a fee of \$1,000 per year; however, should the City of Holly Hill select our firm, we are agreeable to waive that fee until January 1, 2011. The annual retainer covers the following:

1. Unlimited phone conferences in any area of our expertise without charge, unless and until we have to review documents, prepare documents or do research. Once documents have to be reviewed or prepared or research becomes necessary, we bill for any subsequent phone calls and work on that particular matter at our normal hourly rates.
2. The right to send up to two members of your management team to our bi-annual Labor and Employment Seminar at no cost. A copy of our most recent Seminar Handbook is enclosed as Attachment 5. Because of the dire economic situation facing many of our clients, we have decided not to hold a seminar this year so as to avoid travel and boarding costs for public clients. We plan to start them back up when the economy rebounds.
3. Guaranteed access to our attorneys 24/7 to assist in handling potential problems.

If you have any further questions, please feel free to call Mark or me. It would be a great honor for us to assist the City of Holly Hill as needed. We would also welcome the opportunity to make a presentation to your City if that is the pleasure of the City.

For additional information regarding our firm, please visit our website. Our website address is www.anblaw.com. Additionally, I've also enclosed a copy of our Firm Brochure as Attachment 6.

Sincerely,



Wayne L. Helsby

WLH/km



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

**City Commission
Resolution**

MEETING DATE: March 14, 2017
FROM: Valerie Manning
SUBJECT: Resolution 2017-R-23 A Resolution of the City Commission of the
City of Holly Hill, Florida, Appointing Gilles Blais to the
Bicycle and Pedestrian Advisory Committee (BPAC).
NUMBER: (ID # 1619)
APPLICANT:
PLANNER:

DISCUSSION:

The Bicycle and Pedestrian Advisory Committee (BPAC) is responsible for reviewing plans, policies, and procedures as relates to bicycle and pedestrian issues in the TPO Planning Area. In addition, the BPAC is responsible for the review and ranking of bicycle and pedestrian project applications submitted on an annual basis.

The Bicycle and Pedestrian Advisory Committee (BPAC) is responsible for reviewing plans, policies, and procedures as relates to bicycle and pedestrian issues in the TPO Planning Area. In addition, the BPAC is responsible for the review and ranking of bicycle and pedestrian project applications submitted on an annual basis.

FISCAL ANALYSIS:

N/A

STAFF RECOMMENDATION:

Approve Gilles Blais as the City's representative to the BPAC.

COMMISSION GOAL:

N/A

MOTION:

**APPROVE RESOLUTION 2017-R-23, APPOINTING GILLES BLAIS TO THE
BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC).**

ATTACHMENTS:

- Gilles Blais - Bicycle and Pedestrian Advisory Committee (BPAC) Application (PDF)

Resolution No. (ID # 1619)**RESOLUTION 2017-R-23 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING GILLES BLAIS TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC).****RESOLUTION 2017-R-23****A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING GILLES BLAIS TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC).**

WHEREAS, the Bicycle and Pedestrian Advisory Committee (BPAC) was assembled to provide technical expertise, public outreach support, review of regional bicycle and pedestrian planning, and assistance in the selection of bicycle and pedestrian projects funded by the Regional Transportation Council and the Executive Board of the North Central Texas Council of Governments (NCTCOG) on an as-needed basis; and

WHEREAS, the Bicycle and Pedestrian Advisory Committee (BPAC) is responsible for reviewing plans, policies, and procedures as relates to bicycle and pedestrian issues in the TPO Planning Area. In addition, the BPAC is responsible for the review and ranking of bicycle and pedestrian project applications submitted on an annual basis.

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

SECTION 1. That the City Commission does hereby appoint the following individual to the Bicycle and Pedestrian Advisory Committee (BPAC):

Gilles Blais

City of Holly Hill Representative

SECTION 2. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 14th day of MARCH, 2017.



ADVISORY BOARD APPOINTMENT APPLICATION FORM

PLEASE CHECK THE APPROPRIATE BOX(ES) OF INTEREST:

- | | |
|--|--|
| ☐ Beautification Advisory Board | ☐ Firefighters Pension Fund Board of Trustees |
| ☐ Holly Hill Youth Advisory Council | ☐ Police Pension Fund Board of Trustees |
| ☐ Board of Planning & Appeals | ☐ Volusia Growth Management Committee |
| ☐ Civil Service Board | ☒ Bicycle + Pedestrian Advisory (BPAC) |

Name of Applicant: Gilles Blais

Home Address: 710 Magnolia Ave.

Holly Hill Fla Phone: 1-386-252-2683

E-Mail Address: dachapter84@cfl.rr.com

Do you own and/or manage a business in the City of Holly Hill? Yes ☒ No

Business Name and Address: N/A

Business Phone: N/A

Employer Name: Retired

Job Position: Law Enforcement

Work Experience: Your Chief was one of my rookie. Wore a Holly Hill badge for 30 years. Construction, Motel business, Teacher, involved with youth, involved with VETERANS young & old.

Education: A graduate of U.of F., U.C.F., & Rollins College (M.S.C.J.)

Why do you desire to serve on a City Board? A pioneer of this PENSION BOARD.

I DO NOT WANT TO SEE THE EROSION OF THE BOARD. PARITY FOR OLD RETIREES.

Are you a resident of Holly Hill? ☒ How long? 1973 years to the present

Have you previously served on a city Board? Yes ☒ / No ☐

Name of Board: Canvass, Historical, River to Sea (MPO/ CAC)

Community Involvement: Boys Scout commissioner Cub Scout Boys Scout & Explorer Post
Kiwanis, American Legion (CMDR) Viet-Nam (Honor guard
Capt.) Vet of Foreign War 1590 Honor Guard Capt. Dist. Judge Advocate
and Cmdr of a Unit, American Legion Cmdr & DAV Building Maint.

I hereby acknowledge in conjunction with Board membership that I understand the responsibilities associated with being a Board member and that I have adequate time to serve the City as a Board member. I will become familiar with and abide by the Florida Sunshine Law and I understand that all my comments as a Board member are a matter of public record. If applying for membership to a Pension Board, Civil Service Board, or the Board of Planning and Appeals, I understand that I must file a limited financial disclosure each year and that filing late may result in a fine.

Date: 11/29/16 GB/UM
3/4/17

Signature: Gilles Blais

3/4/17
UM
4:45 pm



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

**City Commission
Resolution**

MEETING DATE: March 14, 2017
FROM: Kurt Swartzlander
SUBJECT: Resolution 2017-R-24 a Resolution of the City Commission of the City of Holly Hill, Florida, Amending the Fiscal Year 2016-2017 Annual Budget; and Providing for Severability; and Providing for an Effective Date.
NUMBER: (ID # 1612)
APPLICANT: Mark Juliano
PLANNER:

DISCUSSION: On October 7th Hurricane Matthew caused damage throughout the city. Immediately following the storm both City employees and City contractors began the cleanup process. Now it is time to begin the repair of city parks and facilities. These expenditures will need to be budgeted accordingly. In addition, Public works is requesting additional funding for the fleet department and facilities department for non-hurricane related expenditures

FISCAL ANALYSIS: The attached budget amendments will be funded through the appropriation of fund balance from the General Fund and the Water and Sewer Fund. It is anticipated that FEMA will reimburse 75% of these repairs after proceeds from any insurance coverage the city may have on the various damaged properties. We will not be reimbursed on the non-hurricane related expenditures.

STAFF RECOMMENDATION: Amend the Budget as per the attached Budget Amendment Request Forms and attached Exhibits A-C.

COMMISSION GOAL:

Goal **#1:**
Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:
Approve Resolution 2017-R-24, amending the Budget as proposed.

Resolution (ID # 1612)

Meeting of March 14, 2017

ATTACHMENTS:

- Proposed Amendments (PDF)

Resolution No. (ID # 1612)**RESOLUTION 2017-R-24 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.****RESOLUTION 2017-R-24**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On October 7, 2016 the City suffered citywide damage from Hurricane Matthew; and

WHEREAS, In order to maintain public health and safety, the City immediately began the debris removal process; and

WHEREAS, the City requires all expenditures to be fully budgeted and requires a budget amendment to address these storm related costs.

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

SECTION 1. The City hereby amends the budget as per the attached budget amendment forms and attachments.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Commission.

APPROVED AND AUTHENTICATED on this 14TH day of MARCH, 2017.

CITY OF HOLLY HILL

Budget Amendment Request

Fiscal Year 2016-17

Requesting Department

Building and Grounds

Date

3/14/2017

TAKE FUNDS FROM ACCOUNT NUMBER:

001-0000-380-1000

ACCOUNT DESCRIPTION:

Appropriated Fund Balance

AMOUNT:

321,600.00

Total

321,600.00

ADD FUNDS TO ACCOUNT NUMBER:

001-4172-572-3400

001-4172-572-4601

001-4141-541-4610

001-4141-541-5210

001-8110-581-9160

Other Services

Repairs & Maintenance

Traffic Light Repairs

Signs & Materials

Transfer to capital projects

Total

25,000.00

39,300.00

25,000.00

50,000.00

182,300.00

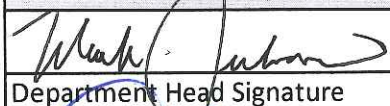
321,600.00

Purpose of Transfer: (include as much detail as possible)

Appropriating Fund Balance for Hurricane Matthew repairs prior to FEMA reimbursement. See Exhibit A for details. Contains \$25,000.00 for temporary labor to complete in house hurricane related projects.

Note: Funds can only be transferred within the same fund and same department without requiring further commission action. In addition funds can only be expended after amendment is completed.

----- Management Approvals -----


 Department Head Signature

 3/2/17
 Date


 City Manager Signature

 3-2-2017
 Date

----- For Finance Use Only -----

Step 1: Finance Review


 Finance Director Signature

 3/2/17
 Date

Step 2: Budget Adjustment Entry

Funds are available for this request?

☐ Yes ☐ No

HTE Group #

Employee Signature

Date

EXHIBIT A

Budget Account Number	Location	Item	Amount
001-4141-541-4610	Flomich & Center	Refurbish Traffic Signal	\$25,000.00
001-4141-541-5210	City Wide	Replace Damaged Street Sign Assemblies	\$50,000.00
001-4172-572-4601	Boys & Girls Club	2 sections of fencing	\$200.00
001-4172-572-4601	Boys & Girls Club	Picnic Table	\$800.00
001-4172-572-4601	Centennial Park	Damaged roof restroom	\$500.00
001-4172-572-4601	Centennial Park	Damaged roof large pavilion	\$300.00
001-4172-572-4601	City Hall	Gratitude Train panels	\$100.00
001-4172-572-4601	City Hall	"Merry Christmas" sign - repair completed	\$400.00
001-4172-572-4601	City Hall	Damages to Human Resources offices	\$300.00
001-4172-572-4601	City Hall	Damages to Building and Zoning offices	\$300.00
001-4172-572-4601	City Hall	Damages to City Manager office	\$300.00
001-4172-572-4601	City Hall	Vinyl flooring in CID offices	\$4,100.00
001-4172-572-4601	City Hall	Damages to plastic fencing	\$800.00
001-4172-572-4601	Fire Department	Battling net/frame destroyed	\$500.00
001-4172-572-4601	Hollyland Park	(1) section of fence on field 1	\$100.00
001-4172-572-4601	Hollyland Park	Holes in wood at rear of north park building	\$100.00
001-4172-572-4601	Hollyland Park	"Old Concession Stand" roof damaged	\$300.00
001-4172-572-4601	Hollyland Park	Field #3 damaged. Repaired by A1A fence	\$800.00
001-4172-572-4601	Hollyland Park	(2) sections of fencing damaged at field 4	\$0.00
001-4172-572-4601	Hollyland Park	(5) Dugout roof repair (wood, rubber roofing, drip edge)	\$900.00
001-4172-572-4601	Hollyland Park	Floor tiles buckled in concession stand	\$200.00
001-4172-572-4601	Public Works yard	Damage to quonset hut	\$5,600.00
001-4172-572-4601	Public Works yard	Broken panels @ sewer shop (repaired in house)	\$100.00
001-4172-572-4601	Public Works yard	Fence repair behind DAF units	\$200.00
001-4172-572-4601	Public Works yard	Public Works Entrance sign destroyed	\$1,600.00
001-4172-572-4601	Public Works yard	Water Treatment Plant foam sign destroyed	\$400.00
001-4172-572-4601	Public Works yard	Security Gate Damaged on North Side	\$600.00
001-4172-572-4601	Public Works yard	Fence damage on west side of yard	\$200.00
001-4172-572-4601	Public Works yard	Evaporator motor damaged on PW admin A/C	\$800.00
001-4172-572-4601	Public Works yard	Chemical Storage Building roof damage	\$400.00

EXHIBIT A

001-4172-572-4601	Dog Park	Permanent Repairs to Fencing	\$13,400.00
001-4172-572-4601	Dog Park	(3) Globe lights destroyed	\$300.00
001-4172-572-4601	Ross Point	Pavilion (1) damages	\$200.00
001-4172-572-4601	Ross Point	Pavilion at end of pier damages	\$400.00
001-4172-572-4601	Ross Point	Broken handrails at end of pier	\$100.00
001-4172-572-4601	Sunrise Park	North beach access damages (pylons, decking, etc.)	\$2,000.00
001-4172-572-4601	Sunrise Park	Nature Trail decking	\$400.00
001-4172-572-4601	Sunrise Park	Kayak launch damages	\$500.00
001-4172-572-4601	YMCA	Pool light damages	\$100.00
001-4172-572-4601	YMCA	Shutter damage	\$1,000.00
			\$114,300.00

Revision Date: 3/11/15

CITY OF HOLLY HILL
Budget Amendment Request
Fiscal Year 2016-17

Requesting Department		Date
Building and Grounds		3/14/2017
TAKE FUNDS FROM ACCOUNT NUMBER:	ACCOUNT DESCRIPTION:	AMOUNT:
301-0000-381-6000	Transfer from General Fund	182,300.00
	Total	182,300.00
ADD FUNDS TO ACCOUNT NUMBER:		
301-4172-572-6200	Buildings	53,800.00
301-4172-572-6300	Improvements	75,100.00
301-4172-572-6400	Machinery & Equipment	53,400.00
	Total	182,300.00

Purpose of Transfer: (include as much detail as possible)

Appropriating Fund Balance for Hurricane Matthew repairs prior to FEMA reimbursement. See Exhibit B for details.

Note: Funds can only be transferred within the same fund and same department without requiring further commission action. In addition funds can only be expended after amendment is completed.

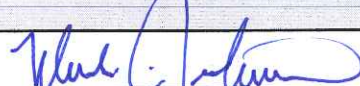
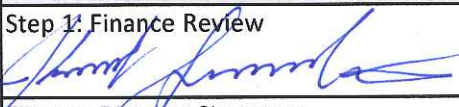
----- Management Approvals -----		
 Department Head Signature	3/1/17 Date	
 City Manager Signature	3-1-2017 Date	
----- For Finance Use Only -----		
Step 1: Finance Review  Finance Director Signature	3/1/17 Date	
Step 2: Budget Adjustment Entry Funds are available for this request? ☐ Yes ☐ No		
Employee Signature	Date	HTE Group #

EXHIBIT B

Budget Account Number	Location	Item	Amount
301-4172-572-6200	City Hall	Roofing, downspouts	\$4,800.00
301-4172-572-6200	Hollyland Park	Roof over barbeque area damaged (in house estimate)	\$5,000.00
301-4172-572-6200	Public Works yard	Roof over DAF units damaged	\$13,800.00
301-4172-572-6200	Public Works yard	Roof damage to roof over blowers	\$500.00
301-4172-572-6200	Dog Park	Dog Fancier's Pavilion Roof Damages	\$25,000.00
301-4172-572-6200	YMCA	Roof damages	\$4,700.00
301-4172-572-6300	Sunrise Park	Seawall Repair-Engineering	\$50,000.00
301-4172-572-6300	City Hall	Shutters	\$25,100.00
301-4172-572-6400	Hollyland Park	(8) 12' x 22' x 10' shade and frame structures	\$33,700.00
301-4172-572-6400	Hollyland Park	(2) 45' x 28' x 12' shade and frame structures	\$19,700.00
			\$182,300.00

Revision Date: 3/11/15

CITY OF HOLLY HILL
Budget Amendment Request
Fiscal Year 2016-17

Requesting Department

Water and Sewer

Date

3/14/2017

TAKE FUNDS FROM ACCOUNT NUMBER:

400-0000-381-1000

ACCOUNT DESCRIPTION:

Appropriated Fund Balance

AMOUNT:

3,000.00

Total

3,000.00

ADD FUNDS TO ACCOUNT NUMBER:

400-8110-581-9150

Transfer to W&S Capital

Total

3,000.00

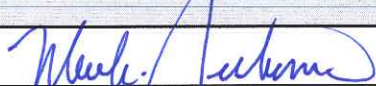
3,000.00

Purpose of Transfer: (include as much detail as possible)

Appropriating Fund Balance for Hurricane Matthew repairs prior to FEMA reimbursement. See Exhibit C for details.

Note: Funds can only be transferred within the same fund and same department without requiring further commission action. In addition funds can only be expended after amendment is completed.

----- Management Approvals -----



Department Head Signature

3/1/17

Date



City Manager Signature

3-1-2017

Date

----- For Finance Use Only -----

Step 1: Finance Review



Finance Director Signature

3/1/17

Date

Step 2: Budget Adjustment Entry

Funds are available for this request?

☐ Yes ☐ No

HTE Group #

Employee Signature

Date

Revision Date: 3/11/15

CITY OF HOLLY HILL
Budget Amendment Request
Fiscal Year 2016-17

Requesting Department	Date
Water and Sewer	3/14/2017
TAKE FUNDS FROM ACCOUNT NUMBER:	ACCOUNT DESCRIPTION:
480-0000-381-1000	Transfer from Water & Sewer Fund
	Total
	3,000.00
ADD FUNDS TO ACCOUNT NUMBER:	
480-3020-535-6400	Machinery & Equipment
	Total
	3,000.00

Purpose of Transfer: (include as much detail as possible)

Appropriating Fund Balance for Hurricane Matthew repairs prior to FEMA reimbursement. See Exhibit C for details.

Note: Funds can only be transferred within the same fund and same department without requiring further commission action. In addition funds can only be expended after amendment is completed.

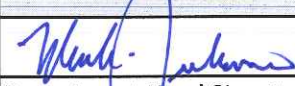
----- Management Approvals -----	
 Department Head Signature	<u>3/1/17</u> Date
 City Manager Signature	<u>3-1-2017</u> Date
----- For Finance Use Only -----	
Step 1: Finance Review  Finance Director Signature	<u>3/1/17</u> Date
Step 2: Budget Adjustment Entry Funds are available for this request? ☐ Yes ☐ No	
Employee Signature	Date
HTE Group # 	

EXHIBIT C

Budget Account Number	Location	Item	Amount
400-3020-535-4601	Public Works yard	Damage to Ingersoll Compressor	\$3,000.00

Revision Date: 3/11/15

CITY OF HOLLY HILL
Budget Amendment Request
Fiscal Year 2016-17

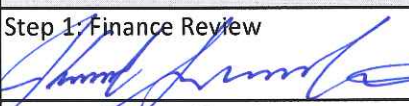
Requesting Department	Date
Fleet	3/14/2017
TAKE FUNDS FROM ACCOUNT NUMBER:	ACCOUNT DESCRIPTION:
001-0000-380-1000	Appropriated Fund Balance
	Total
	15,000.00
ADD FUNDS TO ACCOUNT NUMBER:	AMOUNT:
001-4160-519-4650	10,000.00
001-4172-572-4920	5,000.00
	Total
	15,000.00

Purpose of Transfer: (include as much detail as possible)

Additional funding required to continue ongoing maintenance of PW vehicles for remainder of fiscal year.

Tree removal required inside the dog park and sunrise park not FEMA eligible.

Note: Funds can only be transferred within the same fund and same department without requiring further commission action. In addition funds can only be expended after amendment is completed.

----- Management Approvals -----		
 Department Head Signature	3/1/17 Date	
 City Manager Signature	3-1-2017 Date	
----- For Finance Use Only -----		
Step 1: Finance Review  Finance Director Signature	3/1/17 Date	
Step 2: Budget Adjustment Entry Funds are available for this request? ☐ Yes ☐ No		
Employee Signature	Date	HTE Group #



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

**City Commission
Agenda Item**

MEETING DATE: March 14, 2017
FROM: Thomas Harowski
SUBJECT: TPO Project Carry Forward Request to the TPO to Carry Forward Projects on the Project Priority Lists.
NUMBER: (ID # 1616)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

DISCUSSION: Each year the TPO requests applications for projects in several funding categories. These projects are evaluated and ranked on a series of priority lists. When projects from past years have been ranked but not selected for funding, the TPO requires that the local government notify the TPO of the local government's desire to maintain the projects on the various lists. This request is to approve the continuation of one safety project for US 1 traffic signal replacements and two sidewalk projects awaiting feasibility studies so that the required notice can be transmitted to the TPO.

FISCAL ANALYSIS: If the projects are selected for funding the City is required to provide 10% of the project cost. For the projects in question, the 10% contribution has been considered in the budget.

STAFF RECOMMENDATION: Approve the submittal of the attached letters.

- TPO Letter to Bob Keeth (PDF)
- TPO Letter to Stephan Harris (PDF)



CITY OF HOLLY HILL

The City with a Heart

1065 Ridgewood Avenue ♥ Holly Hill, Florida 32117

www.hollyhillfl.org

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Licensing &
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Fax 386-248-9498

**City
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Fax 386-248-9448

**City
Manager**

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**Community
Services**

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**Utility
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**Mayor & City
Commission**

386-248-9441
Fax 386-248-9448

March 14, 2017

Mr. Bob Keeth

River to Sea TPO

2570 W. International Speedway Blvd.

Daytona Beach, FL 32114-8145

Dear Bob:

The City of Holly Hill has a pending safety application for replacement of the traffic signals on US 1 with mast arm designs. We believe that FDOT is planning to undertake this project as an FDOT work item, but until that action occurs, the City requests that this project be continued on the project priority list. Please let me know if you additional information to preserve this project in the TPO funding programs.

Sincerely,

Thomas A. Harowski, AICP
City Planner



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Fax 386-248-9458

Mayor & City Commission

386-248-9441
Fax 386-248-9448

March 14, 2017

Mr. Stephan Harris

River to Sea TPO

2570 W. International Speedway Blvd.

Daytona Beach, FL 32114-8145

Dear Bob:

The City of Holly Hill has several pending sidewalk improvement projects on the priority list. The City requests that the Flomich Street Sidewalk Phase 1 be carried over for construction design consideration, and that the Center Avenue Phase 2 and Flomich Avenue Phase 2 sidewalk projects be carried over for feasibility study. Please let me know if you additional information to preserve this project in the TPO funding programs.

Sincerely,

Thomas A. Harowski, AICP
City Planner



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

**City Commission
Resolution**

MEETING DATE: March 14, 2017
FROM: Valerie Manning
SUBJECT: Resolution 2017-R-22 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into a Contract with Carter Electric to Bury Overhead Utilities in Accordance with Sealed Bid #13 St 03 Phase III on US1 from Mason Avenue to Walker Street; Providing for Severability; and Providing for an Effective Date.
NUMBER: (ID # 1618)
APPLICANT:
PLANNER:

DISCUSSION:

On January 27, 2017, sealed bids were opened and read aloud for the burying of overhead utilities underground on US11 from Mason Avenue to Walker Street. Four (4) bids were received for consideration:

- ElectriCon LLC, Paoli, IN
- Carter Electric Co. Inc., Daytona Beach, FL
- Wilco Electrical LLC, Miami, FL
- Masci Corporation, Port Orange, FL

Of the four (4) bids received, only two (2) met the requirements set forth in the bidding documents. FP&L requires that all contractors and subcontractors must be pre-approved by FP&L to perform the work. ElectriCom LLC and Masci Construction are not FP&L approved contractors and therefore their bids were not considered.

The bid specifications also limited the amount of mobilization expenses to 2% of the project total. Carter Electric's bid does exceed the 2% threshold, but the difference is less than \$100.00 so we consider this issue an insignificant irregularity.

Of the 2 bids submitted that were FP&L pre-qualified, Carter Electric's bid of \$2,697,130.82 was the lowest. See Bid Tabulation Exhibit "A".

FISCAL ANALYSIS:

This project is fully funded by CRA funds and the bid is within the allocated budget.

STAFF RECOMMENDATION:

Staff recommends award of the US1 Utility Undergrounding Project to Carter Electric of Daytona Beach, Florida. Attached is the Engineer of Record's Letter of Recommendation shown as Exhibit "B".

COMMISSION GOALS:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #2: 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.

Goal #3: Implement the CRA master plan with a focus on the best utilization of vacant properties and blighted properties in the city. Attention should also focus on infrastructure improvements within the district and strategies to encourage private investment and business retention.

MOTION:

APPROVE RESOLUTION 2017-R-22, WAIVE THE 2% MOBILIZATION REQUIREMENT AND AWARD US1 UTILITY UNDERGROUND PROJECT TO CARTER ELECTRIC AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$2,687,130.82.

ATTACHMENTS:

- Exhibit A (PDF)
- Exhibit B (PDF)

Resolution No. (ID # 1618)

RESOLUTION 2017-R-22 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARTER ELECTRIC TO BURY OVERHEAD UTILITIES IN ACCORDANCE WITH SEALED BID #13 ST 03 PHASE III ON US1 FROM MASON AVENUE TO WALKER STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2017-R-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARTER ELECTRIC TO BURY OVERHEAD UTILITIES IN ACCORDANCE WITH SEALED BID #13 ST 03 PHASE III ON US-1 FROM MASON AVENUE TO WALKER STREET; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill has taken steps to move forward the burying of overhead utilities underground having recently completed the Secondary Phase of the work; and

WHEREAS, the City has advertised for sealed bids for the burying of all overhead utilities including Primaries, Conduits, and Street Lights; and

WHEREAS, the City now wishes to contract with Carter Electric to perform the burying of overhead utilities underground in accordance with Bid #13 ST 03 Phase III.

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

SECTION 1. That the City Commission of the City of Holly Hill does hereby authorize the City Manager to enter into a contract with Carter Electric to bury overhead utilities on US-1 from Mason Avenue to Walker Street for an amount not to exceed \$2,697,130.82.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Commission.

APPROVED AND AUTHENTICATED this 14th day of MARCH, 2017.

CITY OF HOLLY HILL
 US1 UTILITY UNDERGROUNDING PRIMARIES CONDUIT STREETLIGHTS
 (MASON AVE. TO WALKER ST.)
 BID #13-ST-03 PHASE III
 BID TABULATION
 January 27, 2017

Item	Description	Qty.	Unit	ElectriCom, LLC Paoli, IN		Carter Electric Co., Inc. Daytona Beach, FL		Wilco Electrical, LLC Miami, FL		Masco Corporation Port Orange, FL	
				Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost
1	Mobilization (<2% of total bid)	1	LS	\$90,000.00	\$90,000.00	\$54,012.00	\$54,012.00	\$15,000.00	\$15,000.00	\$69,687.00	\$69,687.00
2	Pre-construction video	1	LS	\$1,500.00	\$1,500.00	\$2,221.00	\$2,221.00	\$2,500.00	\$2,500.00	\$2,575.00	\$2,575.00
3	Survey Layout	1	LS	\$8,600.00	\$8,600.00	\$11,879.00	\$11,879.00	\$25,000.00	\$25,000.00	\$21,500.00	\$21,500.00
4	Soil/Erosion Control	1	LS	\$30,000.00	\$30,000.00	\$29,376.00	\$29,376.00	\$7,500.00	\$7,500.00	\$45,720.00	\$45,720.00
5	Traffic Control	1	LS	\$22,000.00	\$22,000.00	\$59,416.00	\$59,416.00	\$15,000.00	\$15,000.00	\$27,990.00	\$27,990.00
6	Florida Power & Light										
a	FNC, 1-6" Conduit (11,846 LF Shown on Plans, S.O.P.)	13,000	LF	\$18.31	\$238,030.00	\$16.90	\$219,700.00	\$22.00	\$286,000.00	\$27.70	\$360,100.00
b	6PN6C, 6-2" Conduit (224 LF S.O.P.)	250	LF	\$21.50	\$5,375.00	\$68.50	\$17,125.00	\$24.00	\$6,000.00	\$43.75	\$10,937.50
c	4PN4C, 4-2" Conduit (310 LF S.O.P.)	340	LF	\$19.50	\$6,630.00	\$50.66	\$17,224.40	\$19.50	\$6,630.00	\$39.90	\$13,566.00
d	3PN3C, 3-2" Conduit (11,728 LF S.O.P.)	12,900	LF	\$17.81	\$229,749.00	\$18.98	\$244,842.00	\$17.00	\$219,300.00	\$24.30	\$313,470.00
e	2PN2C, 2-2" Conduit (1,549 LF S.O.P.)	1,700	LF	\$14.00	\$23,800.00	\$25.57	\$43,469.00	\$16.50	\$28,050.00	\$19.15	\$32,555.00
f	1PN1C, 1-2" Conduit (102 LF S.O.P.)	120	LF	\$12.50	\$1,500.00	\$66.60	\$7,992.00	\$16.00	\$1,920.00	\$27.77	\$3,332.40
g	24" Handhole (7 EA S.O.P.)	15	EA	\$550.00	\$8,250.00	\$323.54	\$4,853.10	\$150.00	\$2,250.00	\$355.99	\$5,339.85
h	30" Handhole (55 EA S.O.P.)	60	EA	\$650.00	\$39,000.00	\$400.53	\$24,031.80	\$600.00	\$36,000.00	\$385.75	\$23,145.00
i	Transformer Pad (45 EA S.O.P.)	50	EA	\$775.00	\$38,750.00	\$379.37	\$18,968.50	\$300.00	\$15,000.00	\$893.35	\$44,667.50
j	Switchgear Chamber (10 EA S.O.P.)	12	EA	\$850.00	\$10,200.00	\$1,682.38	\$20,188.56	\$500.00	\$6,000.00	\$1,997.00	\$23,964.00
k	Feeder Splice Box (15 EA S.O.P.)	18	EA	\$680.00	\$12,240.00	\$1,557.43	\$28,033.74	\$1,400.00	\$25,200.00	\$2,440.00	\$43,920.00
l	Bollard (16 EA S.O.P.)	30	EA	\$600.00	\$18,000.00	\$587.53	\$17,625.90	\$300.00	\$9,000.00	\$750.00	\$22,500.00
7	City Conduit										
a	2-2" Conduits (9,247 LF S.O.P.)	10,200	LF	\$15.31	\$156,162.00	\$16.64	\$169,728.00	\$16.00	\$163,200.00	\$25.60	\$261,120.00
b	1-2" Conduit (9,220 LF S.O.P.)	7,500	LF	\$11.81	\$88,575.00	\$11.54	\$86,550.00	\$14.50	\$108,750.00	\$22.80	\$171,000.00
c	3-1.25" Conduits (0 LF S.O.P.)	2,700	LF	\$18.06	\$48,762.00	\$14.39	\$38,853.00	\$20.00	\$54,000.00	\$39.10	\$105,570.00
d	City Handhole / Pullboxes (37 EA S.O.P.)	50	EA	\$1,200.00	\$60,000.00	\$463.30	\$23,165.00	\$1,450.00	\$72,500.00	\$1,427.00	\$71,350.00
e	30"x48" Handholes (0 EA S.O.P.)	6	EA	\$1,350.00	\$8,100.00	\$2,223.70	\$13,342.20	\$1,900.00	\$11,400.00	\$2,720.00	\$16,320.00
8	AT&T Conduit										
a	1-4" Conduit (13,308 LF S.O.P.)	14,000	LF	\$15.31	\$214,340.00	\$16.58	\$232,120.00	\$20.00	\$280,000.00	\$27.70	\$387,800.00
b	2-4" Conduits (2,972 LF S.O.P.)	3,500	LF	\$24.00	\$84,000.00	\$30.21	\$105,735.00	\$34.00	\$119,000.00	\$43.75	\$153,125.00
c	3-4" Conduits (13,961 LF S.O.P.)	14,000	LF	\$32.31	\$452,340.00	\$33.74	\$472,360.00	\$41.00	\$574,000.00	\$49.50	\$693,000.00
d	4-4" Conduits (4,581 LF S.O.P.)	5,000	LF	\$39.50	\$197,500.00	\$50.52	\$252,600.00	\$48.00	\$240,000.00	\$69.90	\$349,500.00
e	30"x48" Handholes (46 EA S.O.P.)	50	EA	\$1,350.00	\$67,500.00	\$3,353.00	\$167,650.00	\$1,900.00	\$95,000.00	\$2,512.00	\$125,600.00
9	Restoration										
a	6" Thick Concrete	2,500	SF	\$34.00	\$85,000.00	\$15.97	\$39,925.00	\$21.00	\$52,500.00	\$5.95	\$14,875.00
b	4" Thick Concrete	4,000	SF	\$32.00	\$128,000.00	\$14.54	\$58,160.00	\$19.00	\$76,000.00	\$4.75	\$19,000.00
c	Concrete Curb	600	LF	\$60.00	\$36,000.00	\$67.51	\$40,506.00	\$27.00	\$16,200.00	\$31.20	\$18,720.00
d	Asphalt	5,600	SF	\$24.00	\$134,400.00	\$16.76	\$93,556.00	\$19.00	\$106,400.00	\$12.95	\$72,520.00
e	Sodding	5,700	SF	\$0.72	\$4,104.00	\$1.87	\$10,659.00	\$3.00	\$17,100.00	\$0.35	\$1,995.00
f	Landscaping (Allowance)	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
	Unsuitable Material/Rock										
10	Excavation	100	CY	\$40.00	\$4,000.00	\$252.00	\$25,200.00	\$30.00	\$3,000.00	\$15.00	\$1,500.00
11	As-built Survey	1	LS	\$18,000.00	\$18,000.00	\$29,247.00	\$29,247.00	\$15,000.00	\$15,000.00	\$9,500.00	\$9,500.00
12	Post-construction Video	1	LS	\$1,500.00	\$1,500.00	\$1,586.00	\$1,586.00	\$5,000.00	\$5,000.00	\$1,575.00	\$1,575.00

Bid Totals (with corrected extension errors)	\$2,586,907.00	\$2,697,200.20	\$2,730,400.00	\$3,554,039.25
Bid Totals (with corrected extension errors and mobilization amounts)	\$2,547,864.29	\$2,697,130.82	\$2,730,400.00	\$3,554,039.25
FPL Approved Contractor/Subcontractor?	No	Yes	Yes	No

Notes:

- Extension Error - Wilco Electric, Item 6e, 9d, and 9e - corrected total shown. Total bid price adjusted.
- Extension Error - Masco, Item 9a, 9b, and 9c - corrected total shown. Total bid price not adjusted (bid form had correct total listed.)
- Mobilization line item in submitted bid by Carter Electric exceeds the allowable 2%.
- Mobilization line item in submitted bid by ElectriCom exceeds the allowable 2%.



February 10, 2017

Mark Juliano
Public Works Director
City of Holly Hill
453 LPGA Boulevard
Holly Hill, FL 32117

Email: mjuliano@hollyhillfl.org
Hard Copy Mailed Only on Request

**RE: US1 UTILITY UNDERGROUNDING PRIMARIES CONDUITS & STREETLIGHTS
(MASON AVENUE TO WALKER STREET)
BID #13-ST-03 Phase III**

Dear Mark,

Enclosed please find the bid tabulation for this project for which four bids were received on January 27. This project includes the installation of conduits that will be utilized by FPL, AT&T and other utilities to underground their facilities. This project phase follows the recently completed phases (Phase I and II) that converted all of the electrical services (secondaries) along the project length. Future work phases will include the installation of facilities in the conduits by the utility companies, ITS facility relocation, streetlight change-outs and overhead facility removal.

As shown in the bid tabulation, two bidders made mathematical errors in their unit price extensions. The other two bidders submitted higher than allowed unit item bids for Mobilization which was limited to 2% of the overall bid. The corrected bid totals are shown.

The bid tabulation also includes information on whether or not the bidders (or their listed subcontractor for the FPL facility installation) are FPL approved contractors. This was a requirement in the bidding documents due to such being a stipulation in the FPL Applicant Installed Facilities Agreement for Underground Conversions that will be executed by the City. QLH contacted FPL after the bids were received and FPL stated that two of the four contractors are FPL approved. Of these two FPL approved contractors, Carter Electric Company, Inc. of Daytona Beach submitted the lowest bid of \$2,697,130.82.

Our firm and the City are both familiar with Carter Electric. Carter Electric successfully completed the electrical service conversions for the City for Phase I of this project. Carter Electric has completed many successful projects as an electrical subcontractor on past QLH projects. Carter Electric is currently completing a portion of the Orange Avenue utility undergrounding effort for Daytona Beach. It is our opinion based on this past experience, that Carter Electric has the necessary knowledge and abilities to successfully complete this



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

**City Commission
Ordinance**

MEETING DATE: March 14, 2017
FROM: Thomas Harowski
SUBJECT: Ordinance 2987 An Ordinance of the City of Holly Hill, Florida,
Amending Section 82-322 (Evaluation of Request for
Accommodation Pursuant to the Fair Housing Act) of the City
of Holly Hill Code of Ordinance to Incorporate Recent
Changes in Federal Law Regarding the Review and Approval
of Group Homes; Providing for Conflicting Ordinances;
Providing for Severability; and Providing an Effective Date.
NUMBER: (ID # 1588)
APPLICANT: Thomas Harowski
PLANNER:

INTRODUCTION:

This application is a request by the City to consider an amendment to the criteria contained in the City's fair housing ordinance to be used in the evaluation and placement of group homes. The Department of Justice and HUD have modified the list of criteria to be used in evaluating group homes to include distance between similar homes. This request is to bring the City ordinance in line with current Federal standards. At their regular meeting of February 6, 2017 the Board of Planning and Appeals recommended the City Commission adopt the proposed amendment.

BACKGROUND:

Under its rules regarding variances, the City maintains a process for individuals seeking accommodation under the Fair Housing Act. This process offers a route for individuals who desire relief from some element of the City's zoning code as applied to a person with a disability. Recently the Justice Department and HUD issued a ruling allowing the presence of nearby group homes to be a consideration in determining whether additional group homes may be permitted. In some cases, state law exempts group homes of limited size from local zoning rules, and the addition of the spacing criterion in the fair housing appeals section may give the City an additional tool to prevent an over concentration of these uses in a given neighborhood.

The City's zoning classifications do provide for maximum size and spacing for ALF facilities in residential zones, and some of the state exemptions provide spacing requirements for units as well.

DISCUSSION:

The City Attorney has prepared a draft amendment to the fair housing appeals section including the new guidance from the cited Federal agencies on spacing requirements.

FISCAL ANALYSIS:

The proposed ordinance has no fiscal impact.

RECOMMENDATION:

Recommend the City Commission amend the fair housing appeals regulations to include the current Federal guidelines.

MOTION:

APPROVE SECOND READING OF ORDINANCE 2987, AMENDING SECTION 82-322 (EVALUATION OF REQUEST FOR ACCOMMODATION PURSUANT TO THE FAIR HOUSING ACT) OF THE CITY OF HOLLY HILL CODE OF ORDINANCE TO INCORPORATE RECENT CHANGES IN FEDERAL LAW REGARDING THE REVIEW AND APPROVAL OF GROUP HOMES.

HISTORY:

02/28/17

City Commission

APPROVED AT 1ST READING

Next: 03/14/17

Ordinance No. (ID # 1588)

ORDINANCE 2987 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 82-322 (EVALUATION OF REQUEST FOR ACCOMMODATION PURSUANT TO THE FAIR HOUSING ACT) OF THE CITY OF HOLLY HILL CODE OF ORDINANCE TO INCORPORATE RECENT CHANGES IN FEDERAL LAW REGARDING THE REVIEW AND APPROVAL OF GROUP HOMES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2987

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTION 82-322 (EVALUATION OF REQUEST FOR ACCOMMODATION PURSUANT TO THE FAIR HOUSING ACT) OF THE CITY OF HOLLY HILL CODE OF ORDINANCE TO INCORPORATE RECENT CHANGES IN FEDERAL LAW REGARDING THE REVIEW AND APPROVAL OF GROUP HOMES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 82-322 provides a procedure for evaluating a request for accommodation under the Fair Housing Act; and

WHEREAS, recently a joint statement from the Federal Department of Housing and Urban Development and the Department of Justice allowing local governments to take into consideration surrounding sober homes when considering the location of a new sober home; and

WHEREAS, the City adopted a procedure for considering a request for accommodation under the Fair Housing Act, which would include a request for a sober home; and

WHEREAS, the City's procedure should be amended to incorporate the joint statement from the Federal Government; and

WHEREAS, words which are underlined (underlined) are additions to the text

and words with strike through (~~strike through~~) the characters are deletions from the text.

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

SECTION 1.

Sec. 82-322. - Evaluation of request for accommodation pursuant to the Fair Housing Act.

- (a) A request may be made by the property owner or authorized representative for a request for an accommodation from the city's rules, policy, practices or service to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling. The request shall be on an approved form issued by the city and must contain the following:
 - (1) Proof of ownership of the property which the request is being made or authorization from the property owner.
 - (2) Specifically identify the rules, policies, practices or services from which relief is being requested.
 - (3) Identify the nature of the disability of the occupants of the dwelling.
 - (4) Outline the minimum relief that is necessary to allow a handicapped person to use and enjoy the dwelling.
 - (5) Described in detail how the requested relief is necessary to allow a person with the above identified disability to be able to reasonably use and enjoy the dwelling.
 - (6) Access must be granted to the necessary city employees to inspect the dwelling.
- (b) The city shall evaluate all necessary criteria, facts, rules, laws, etc., to make a determination as to whether the requested accommodation is reasonable, including, but not limited to:
 - (1) The policies and objectives of the city's comprehensive plan including the future land use designation of the property in question.
 - (2) The permitted uses, conditional uses and special exceptions allowed for the zoning designation of the property in question.
 - (3) The surrounding neighborhood, including zoning and future land use designations of the surrounding area.
 - (4) The capacity of existing city utilities and infrastructures to accommodate the requested use.
 - (5) Existing traffic patterns and traffic problems in the area that currently exists or may become a problem if the requested relief were granted.
 - (6) Potential for noise, dust or other impacts to the neighborhood.
 - (7) Ability of the existing dwelling to accommodate the requested variation, including bedrooms, bathrooms, outside parking and existing compliance with current building codes to determine the existence of any life and safety issues.

- (8) The existence of any current code violations.
 - (9) The over-concentration of group homes in close proximity to the applicant.
- (c) The board of planning and appeals shall review the application and all relevant facts and laws and make a recommendation to the city commission to approve, deny or approve with conditions. The city commission shall make the final determination.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

SECTION 5. That this Ordinance shall be posted at City Hall as required by law.

**APPROVED AND AUTHENTICATED on this 14th day of MARCH, 2017
for second reading.**



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

**City Commission
Ordinance**

MEETING DATE: March 14, 2017
FROM: Thomas Harowski
SUBJECT: Ordinance 2988 An Ordinance of the City of Holly Hill, Florida,
Adopting a Twelve (12) Month Moratorium on the Approval of
Any Development Order or Issuance of Any Business Tax
Receipt for the Growing, Processing, Manufacturing,
Distribution, Dispensing and Selling of Medical Cannabis
Within the City Limits; Providing for Conflicting Ordinances;
Providing for Severability; and Providing an Effective Date.
NUMBER: (ID # 1589)
APPLICANT: Thomas Harowski
PLANNER:

INTRODUCTION:

This application is seeking a recommendation on establishing a moratorium on the approval of medical marijuana dispensaries until the Florida legislature considers ground rules. The Board of Planning and Appeals considered this item at their regular meeting of February 6, 2017 and recommended the City Commission adopt the proposed moratorium.

BACKGROUND:

In November the voters approved a constitutional amendment approving the sale and distribution of medical marijuana. The Florida legislature has been tasked with establishing the rules for administration of the production and distribution systems. Early reports indicate the legislature will establish some rules within the next nine months. It is unclear at this point whether the regulations will address local land use and zoning requirements. It is possible that these issues will be left to the local government discretion in establishing rules.

DISCUSSION:

In dealing with the need to set regulations for land use and zoning one technique that is used is to set a moratorium on the proposed activity to give the local government sufficient time to analyze needs and adopt local regulations. In this case the local governments are also waiting for guidance from Tallahassee on what areas of regulation will be left to the municipalities. The proposal is to set a moratorium of up to one year to give the City time to consider and adopt rules for medical marijuana dispensaries.

FISCAL ANALYSIS:

The proposed ordinance does not have any fiscal impact.

RECOMMENDATION:

Recommend the City Commission adopt the moratorium.

MOTION:

APPROVE SECOND READING OF ORDINANCE 2988, ADOPTING A TWELVE (12) MONTH MORATORIUM ON THE APPROVAL OF ANY DEVELOPMENT ORDER OR ISSUANCE OF ANY BUSINESS TAX RECEIPT FOR THE GROWING, PROCESSING, MANUFACTURING, DISTRIBUTION, DISPENSING AND SELLING OF MEDICAL CANNABIS WITHIN THE CITY LIMITS.

HISTORY:

02/28/17

Next: 03/14/17

City Commission

APPROVED AT 1ST READING

Ordinance No. (ID # 1589)

ORDINANCE 2988 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A TWELVE (12) MONTH MORATORIUM ON THE APPROVAL OF ANY DEVELOPMENT ORDER OR ISSUANCE OF ANY BUSINESS TAX RECEIPT FOR THE GROWING, PROCESSING, MANUFACTURING, DISTRIBUTION, DISPENSING AND SELLING OF MEDICAL CANNABIS WITHIN THE CITY LIMITS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2988

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, ADOPTING A TWELVE (12) MONTH MORATORIUM ON THE APPROVAL OF ANY DEVELOPMENT ORDER OR ISSUANCE OF ANY BUSINESS TAX RECEIPT FOR THE GROWING, PROCESSING, MANUFACTURING, DISTRIBUTION, DISPENSING AND SELLING OF MEDICAL CANNABIS WITHIN THE CITY LIMITS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2014 the Florida Legislature enacted a law legalizing low-THC medical cannabis in Florida; and

WHEREAS, in 2016 the Florida Legislature expanded the law to legalize medical cannabis in Florida; and

WHEREAS, a comprehensive State licensing and regulatory framework for the cultivation, processing, and dispensing of cannabis now exists; and

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance; and

WHEREAS, cannabis businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state regulated cannabis operations in the 2012 “Cole Memorandum,” and;

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of cannabis exist, potentially including, offensive odors, trespassing, theft, fire hazards, increased crime in and about the dispensary, robberies, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

WHEREAS, there exists the potential for misappropriation of medical cannabis to non-medical uses; and

WHEREAS, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

WHEREAS, in November of this year, Florida voters decided to amend the Florida Constitution to legalize the cultivation, production, and dispensing of medical cannabis for a broader population of eligible patients; and

WHEREAS, the approved constitutional amendment requires the State to adopt regulations implementing medical marijuana as approved in the constitutional amendment within 6 months of the approval; and

WHEREAS, until the State adopts the implementing regulations, the City will not know the extent to which it can or needs to regulate medical marijuana; and

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of

cannabis products are rapidly changing - raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the purpose of this ordinance is to place a moratorium on the opening of certain new cannabis growing, processing and dispensing facilities; and

WHEREAS, the City of Holly Hill, hereby finds that the moratorium imposed by this ordinance is intended to give the State time to adopt regulations implementing the medical cannabis constitutional amendment and the City of Holly Hill the time reasonably necessary to investigate the impacts of and if necessary, to promulgate reasonable regulations relating to growing, cultivating, manufacturing, selling and dispensing of medical cannabis; and

WHEREAS, the City of Holly Hill hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of cannabis growing, processing and dispensing facilities; and

WHEREAS, the City of Holly Hill hereby finds that this ordinance is in the best interest of the public health, safety, and welfare; and

WHEREAS, the City of Holly Hill has determined it is in the public interest to adopt this Ordinance pursuant to the City of Holly Hill police powers and section 381.986 to protect the health, safety, and welfare of the public.

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

SECTION 1. Purpose and intent.

The purpose of this Ordinance is to provide the City of Holly Hill with the opportunity to review the impact of recent changes in law and the passage of a constitutional amendment, as well as the impact of cannabis dispensing in other jurisdictions, to determine how such growing, processing,

manufacturing, distribution, dispensing and selling of medical cannabis should be permitted or regulated in the City of Holly Hill.

SECTION 2. Definitions.

1) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance:

a. **Cannabis** means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin and includes medical marijuana.

b. **Cannabis dispensing business** or **business** shall mean a business location offering cannabis for retail sale pursuant to a license to dispense cannabis issued under applicable law.

c. **Compassionate Use Act** shall mean section 381.986, Florida Statutes, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.

d. **State** shall mean the State of Florida.

2) In addition to the definitions contained in Subsection (1), other terms used in this Ordinance shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this Ordinance by this reference.

SECTION 3. Temporary Moratorium.

Beginning on the effective date of this Ordinance, a moratorium is hereby imposed on the in businesses engaged in growing, processing, manufacturing, distribution, dispensing and selling of medical cannabis in the City of Holly Hill for a period of up to one (1) year. During this moratorium the City of Holly Hill shall not issue any development order or business tax receipt for the growing, processing, manufacturing, distribution, dispensing and selling of medical cannabis, including but not limited to the following:

- a. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to open or cause to be opened any cannabis dispensing business within the City of Holly Hill.
- b. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to relocate or cause to be relocated any cannabis dispensing business within the City of Holly Hill.
- c. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to expand or cause to be expanded any cannabis dispensing business within the City of Holly Hill.
- d. During the moratorium, the City of Holly Hill shall not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.
- e. During the moratorium, the City of Holly Hill shall not accept, process or approve any business tax receipts, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.
- f. During the moratorium, the City of Holly Hill shall not accept, process or approve any licenses, permits, or approvals for any property, entity, or individual for the sale or dispensation of cannabis so long as this ordinance is in effect.

Nothing in this temporary moratorium shall be construed to prohibit the use of cannabis pursuant to the Compassionate Use Act or other applicable Florida Law, or the delivery of cannabis in compliance with the Compassionate Use Act or other applicable Florida Law.

SECTION 4. Study and Recommendations.

The City of Holly Hill's Manager is hereby directed to study land development regulations for growing, processing, manufacturing, distribution, dispensing and selling of cannabis and medical marijuana and the impact of such regulations in other jurisdictions.

SECTION 5.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 6. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 7. That this Ordinance shall become effective immediately upon its adoption.

SECTION 8. That this Ordinance shall be posted at City Hall as required by law.

**APPROVED AND AUTHENTICATED on this 14th day of MARCH, 2017,
for second reading.**



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

**City Commission
Ordinance**

MEETING DATE: March 14, 2017
FROM: Thomas Harowski
SUBJECT: Ordinance 2989 An Ordinance of the City of Holly Hill, Florida,
Amending the Land Development Regulations, by Rezoning
the Parcels Described in Exhibit "A" from City of Holly Hill
R-7 Medium Density Multi-Family Residential to City of Holly
Hill R-3 Medium Density Single-Family; Providing for
Conflicting Ordinances; Providing for Severability; and
Providing an Effective Date.
NUMBER: (ID # 1590)
APPLICANT: Thomas Harowski
PLANNER:

INTRODUCTION:

This request is to rezone 626 Walker Street and 628 Walker Street from the current R-7 Medium Density Multi-Family Residential to R-3 Medium Density Single-Family Residential. This change will eliminate the prospect for development of two-family or multi-family development and adjust the minimum lot size to 60 feet by 100 feet which is consistent with the existing platted lot pattern.

BACKGROUND:

The subject property was zoned R-7 Medium Density Multi-Family Residential, perhaps in anticipation of developing a small apartment dwelling. Multi-family development never occurred, and the two parcels which comprise the tract are occupied by a single-family home and a non-conforming business which occupies two structures. One of the structures may have been a residential use at some time in the past.

Until recently the two parcels have been in common ownership, but were recently contracted to be sold separately. As separate parcels, the only eligible development under the R-7 zoning is single-family dwellings. One lot fully conforms to R-7 dimensional requirements and one lot has less lot width than required.

The remainder of the properties on the north side of Walker Street are developed with single family homes from Center Avenue west to the Holly Forest mobile home community. The zoning for the single family lots is R-3 Medium Density Single Family Residential except for the corner at Center Avenue which is R-2 Single Family. The Holly Forest mobile home community is zoned R-9 Mobile Home Residential. The future land use map designation for the subject property and the single-family development on the north side of Walker Street is Low Density Residential.

DISCUSSION:

The proposed rezoning from R-7 to R-3 will accomplish several objectives as follows:

- The R-3 zoning will be consistent with the other single-family homes on the west side of Walker Street.
- The current R-7 zoning is inconsistent with the future land use designation, and the proposed change will resolve this inconsistency. Policy 1.1.3 of the Future Land Use Element specifies zoning classification R-1 through R-5 as consistent with the Low Density Residential future land use map classification.
- Neither parcel is of sufficient size to support development other than single family use under the current R-7 zoning. Multi-family development requires a minimum project size of 40,000 square feet and a two-family development requires a minimum 10,000 square foot lot. The two component parcels are each less than 8,000 square feet.
- The R-3 zoning has a minimum lot width of 60 feet, and both parcels will be fully conforming with the dimensional requirements of the R-3 zoning.
- The non-conforming status of the business use will not be affected by the change in zoning from R-7 to R-3. Should the business cease operation for a period of six-months or more, a business use may not be re-established; the property will then have to be converted to residential use.

FISCAL ANALYSIS:

The proposed amendment has no fiscal impact.

STAFF RECOMMENDATION:

The Board of Planning and Appeals reviewed this application at their regular Meeting of February 6, 2017 and recommend the City Commission adopt the proposed rezoning from R-7 to R-3.

MOTION:

APPROVE SECOND READING OF ORDINANCE 2989, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY REZONING THE PARCELS DESCRIBED IN EXHIBIT "A" FROM CITY OF HOLLY HILL R-7 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CITY OF HOLLY HILL R-3 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL.

ATTACHMENTS:

- Z-2017-03 Location Map (PDF)

Ordinance (ID # 1590)

Meeting of March 14, 2017

- 626 and 628 Walker Future Land Use (PNG)
- 626 and 628 Walker Zoning (PNG)

HISTORY:

02/28/17

City Commission

APPROVED AT 1ST READING

Next: 03/14/17

Ordinance No. (ID # 1590)

ORDINANCE 2989 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY REZONING THE PARCELS DESCRIBED IN EXHIBIT "A" FROM CITY OF HOLLY HILL R-7 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CITY OF HOLLY HILL R-3 MEDIUM DENSITY SINGLE-FAMILY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2989

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY REZONING THE PARCELS DESCRIBED IN EXHIBIT "A" FROM CITY OF HOLLY HILL R-7 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CITY OF HOLLY HILL R-3 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the Holly Hill Board of Planning and Appeals has recommended that the requested rezoning be granted; and

WHEREAS, the City Commission has determined that it is necessary to amend its Land Development Regulations as herein provided in order to more effectively implement and is consistent with its adopted comprehensive plan.

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

SECTION 1. The Official Zoning Map of the City of Holly Hill is hereby amended to designate the property described in EXHIBIT "A" as R-3 Medium Density Single-Family Residential.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall be posted at City Hall as required by law.

SECTION 5. That this Ordinance shall become effective immediately upon adoption.

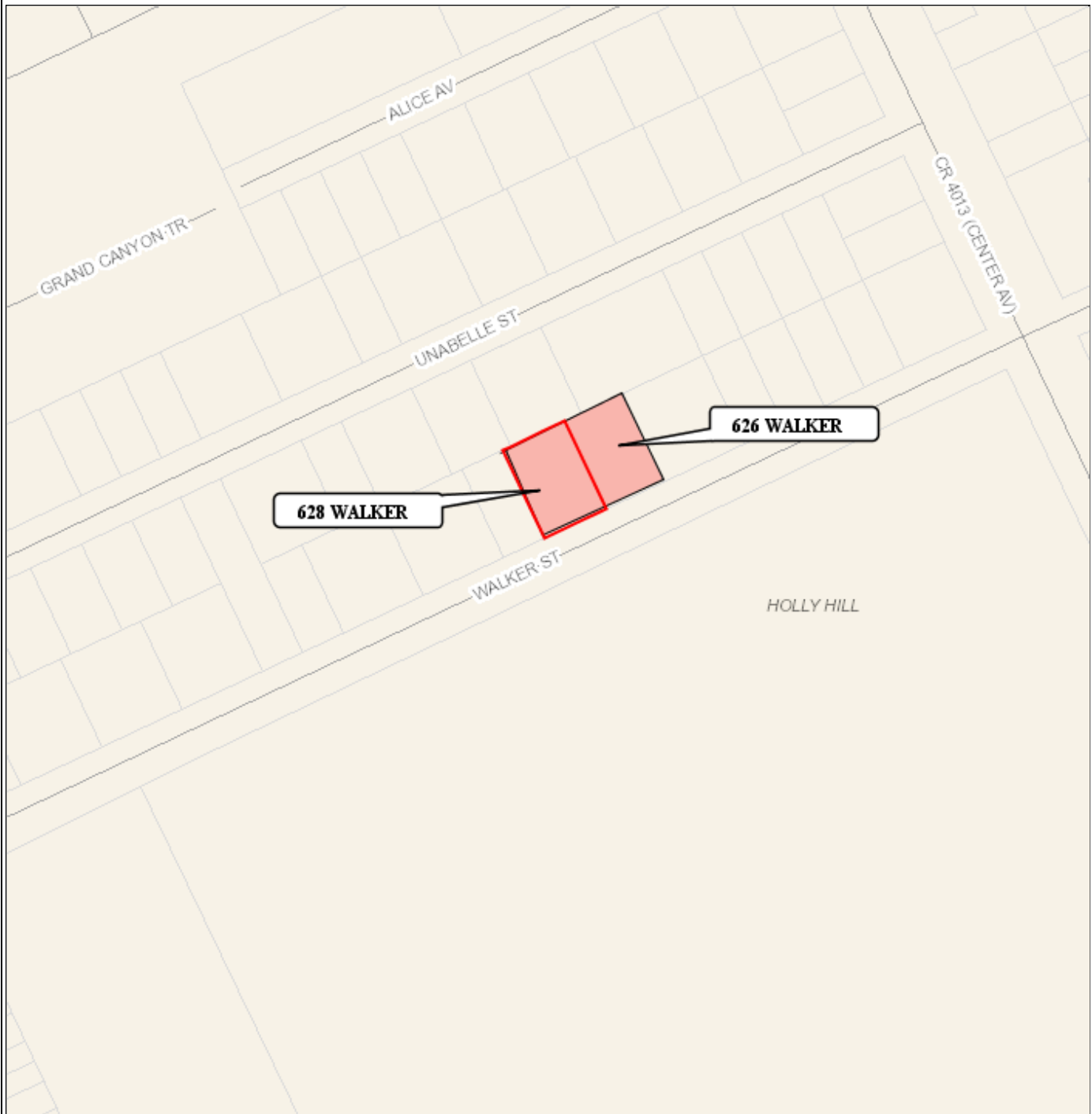
**APPROVED AND AUTHENTICATED on this 14th day of MARCH, 2017
for second reading.**

EXHIBIT "A"

626 Walker: LOT 11 & LOT 12 EXC W 27.50 FT BLK A ALLYON PK FITCH
GRANT MB 10 PG 99 PER OR 4493 PG 3832 PER OR 7061 PG 1091 PER OR 7193
PG 1839

628 Walker: LOT 13 & W 27.50 FT OF LOT 12 BLK A ALLYON PK FITCH
GRANT MB 10 PG 99 PER OR 4493 PG 3832

Z-2017-03 LOCATION MAP



Scale 1:2,000 - 1 in = 167 ft
 Date Created:
 30-Dec-16 11:37 AM

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 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

Attachment: Z-2017-03 Location Map (1590 : Rezoning 626 and 628 Walker Street)





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

**City Commission
Ordinance**

MEETING DATE: March 14, 2017
FROM: Thomas Harowski
SUBJECT: Ordinance 2990 An Ordinance of the City of Holly Hill, Florida,
Amending the Land Development Regulations by Rezoning the
Parcels Described in Exhibit "A" to City of Holly Hill CC-1
Commercial Corridor; Providing for Conflicting Ordinances;
Providing for Severability; and Providing for an Effective
Date.
NUMBER: (ID # 1598)
APPLICANT: Thomas Harowski
PLANNER:

INTRODUCTION:

The subject property was annexed to the City in 1993 but was not assigned city zoning at that time. This application is to assign an I-1 Light Industrial zoning to the property in accordance with the City's comprehensive plan designation.

BACKGROUND:

In the 1990s the City undertook an aggressive annexation program. When properties were annexed in many cases the properties were not assigned city zoning. Technically the last assigned County zoning remains in force for these properties. The subject property was annexed in 1993 and no city zoning was assigned at that time.

Subject to the annexation, the city assigned a future land use designation to the property of Wholesale, Commercial and Industrial. Policy 1.1.3 of the Future Land Use Element identifies the compatible zoning for this future land use category to be CC-1 Commercial Corridor; I-1 Light Industrial; I-2 Heavy Industrial and Planned Unit Development. The applicant is requesting a CC-1 zoning to support a proposed warehouse/manufacturing complex.

DISCUSSION:

In order for development to proceed, the property needs to be assigned a zoning classification consistent with the City of Holly Hill Comprehensive Plan. As noted above the zoning classifications that are consistent with the Wholesale, Commercial and Industrial land use are the CC-1 Commercial Corridor, I-1 Light Industrial and I-2 Heavy Industrial. The applicant is requesting CC-1 which is the least intensive of the three zoning categories.

Existing Zoning:

The CC-1 district allows a variety of retail, office, warehousing and light industrial uses. This is the same zoning classification that is applied to the Publix Shopping Center and Family Dollar store located to the east of the subject property and to the properties fronting State Avenue to the south. The FEC railroad forms the western side of the property. The area west of the FEC is in the City of Ormond Beach. The area in Ormond Beach, west of the FEC is developed with large lot residential uses accessed via Santa Fe Street. These lots are approximately 600 feet deep with another 100 feet of the FEC right-of-way separating the residences from the subject property. The existing zoning east of the subject parcel north of the current city limits is a combination of single-family zoning classifications under the current County code.

Projected Development:

The applicant has submitted a conceptual development proposal which shows warehouse/retail units located on the southern half of the property and wetlands preservation and stormwater retention on the northern half of the property. This proposed development configuration places the less intensive site development opposite the existing residential units and the higher intensity development behind the commercial development fronting on US1.

Based on the proposed development of 67,500 square feet of warehouse and 18,900 square feet of retail, the applicant has provided an analysis of traffic generation and water and sewer demand. Given the lesser intensive uses, the anticipated traffic generation is 481 daily trips with about 46 of these trips occurring during the peak hour. This trip generation rate is about the same as 50 single-family homes with similar peak hour traffic generation. Had the City assigned low density residential development to the tract, the allowable density would have yielded approximately 50 residential units.

For utilities, the water demand is projected at 9,500 gallons per day and the sewer demand is projected at 8,600 gallons per day. These volumes should be supportable by the City's current utility system. The specifics of serving the site with both systems will be addressed as part of the subsequent site plan review.

Comprehensive Plan Consistency:

As noted above, the proposed zoning classification is consistent with the comprehensive plan. The use of the property as wholesale, commercial and industrial is reasonable given the shallow depth of the property from Parque Drive and the location adjacent to the FEC Railroad. There is some developed single-family on the east side of Parque Drive, but the proposed development plan places the lesser intensity development near the residential development. The applicant has provided evidence that the rezoning will be in compliance with the established level of service requirements.

Public Hearing Comments:

A number of nearby residents spoke in opposition to the proposed zoning. The speakers were primarily from the single-family lots along the east side of Parque Avenue. The issues cited related to tree removal and impacts to what has been an undeveloped land area for many years. Comments also cited potential traffic increase and more noise from passing trains with the removal of the existing vegetation. One resident spoke about potential access to water and sewer

service and another spoke about needed additional street lighting. Storm drainage was also mentioned as a potential issue.

In response to the public comments, the City Attorney commented on the relationship between the planned zoning and the comprehensive plan. The City adopted a comprehensive plan designation in the early 1990's which assigned industrial use to the property. Under the City's comprehensive plan, the only choices for proposed zoning are CC-1, I-1, I-2 or IPUD unless the comprehensive plan is changed. The CC-1 zoning district is the least intensive of these classifications.

FISCAL ANALYSIS:

The proposed rezoning has no fiscal impact.

STAFF RECOMMENDATION:

The Board of Planning and Appeals heard the application at their regular meeting of February 6, 2017 and recommended the City Commission approve the proposed CC-1 zoning for the subject property.

MOTION:

APPROVE SECOND READING OF ORDINANCE 2990, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY REZONING THE PARCELS DESCRIBED IN EXHIBIT "A" TO CITY OF HOLLY HILL CC-1 COMMERCIAL CORRIDOR.

ATTACHMENTS:

- Z-2017-04 Location Map (PDF)
- Parque Avenue Future Land Use (PNG)
- Parque Avenue Zoning (PNG)
- Z-2017-04 County Zoning (PDF)
- PARQUE DRIVE BUSINESS PARK REZONING PLANS (PDF)

HISTORY:

02/28/17

City Commission

APPROVED AT 1ST READING

Next: 03/14/17

Ordinance No. (ID # 1598)**ORDINANCE 2990 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY REZONING THE PARCELS DESCRIBED IN EXHIBIT "A" TO CITY OF HOLLY HILL CC-1 COMMERCIAL CORRIDOR; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.****ORDINANCE 2990**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY REZONING THE PARCELS DESCRIBED IN EXHIBIT "A" TO CITY OF HOLLY HILL CC-1 COMMERCIAL CORRIDOR; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the Holly Hill Board of Planning and Appeals has recommended that the requested rezoning be granted; and

WHEREAS, the City Commission has determined that it is necessary to amend its Land Development Regulations as herein provided in order to more effectively implement and is consistent with its adopted comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION

OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The Official Zoning Map of the City of Holly Hill is hereby amended to designate the property described in Exhibit "A" as CC-1 Commercial Corridor.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall be posted at City Hall as required by law.

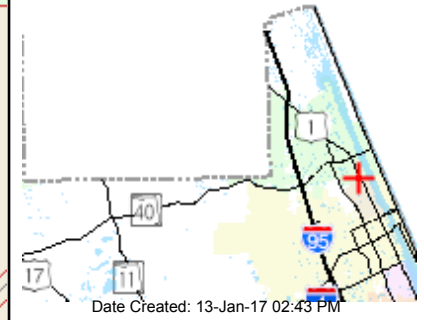
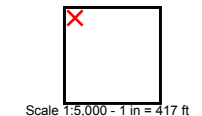
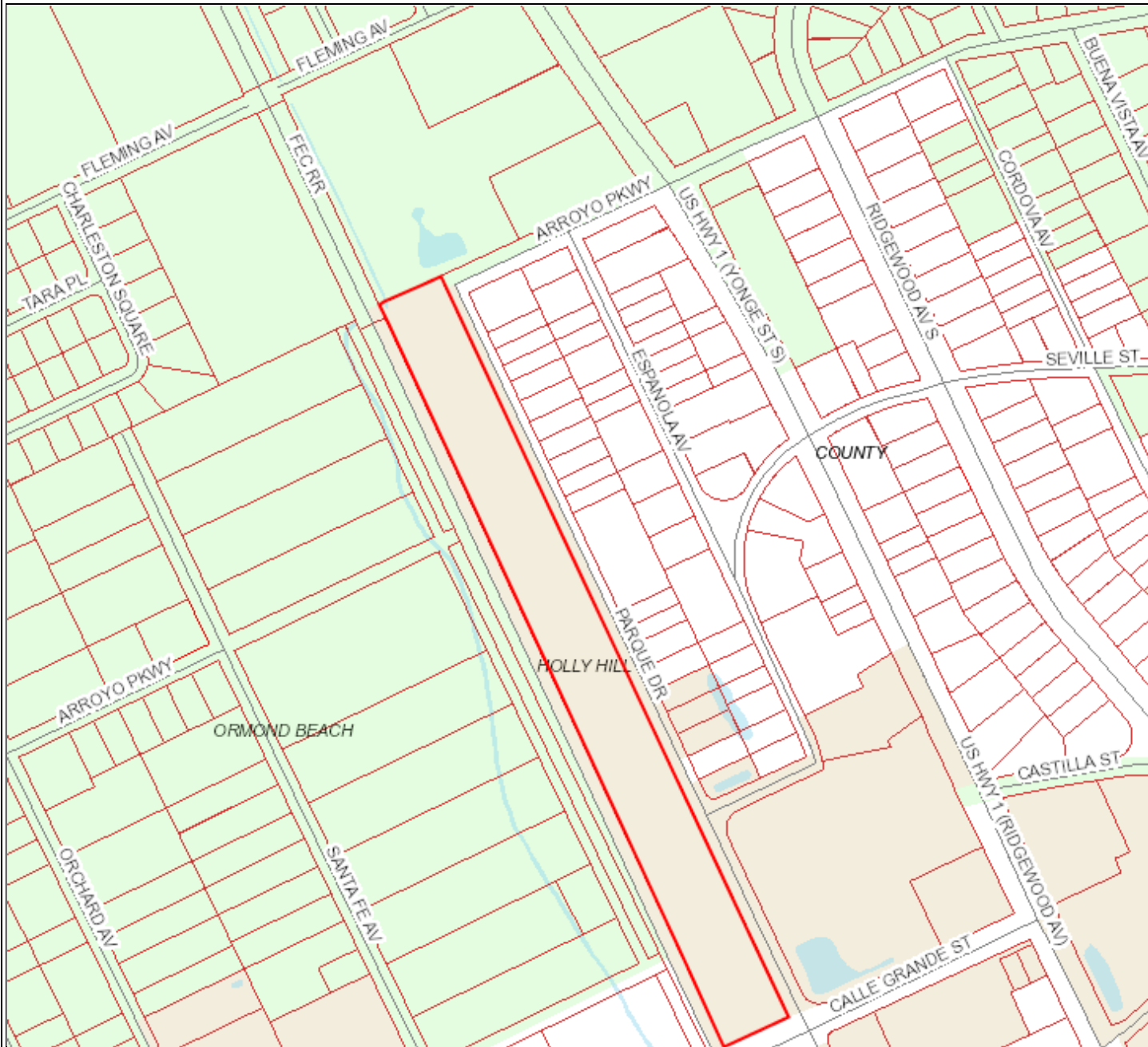
SECTION 5. That this Ordinance shall become effective immediately upon adoption.

APPROVE AND AUTHENTICATED on this 14th day of MARCH, 2017 for second reading.

EXHIBIT "A"

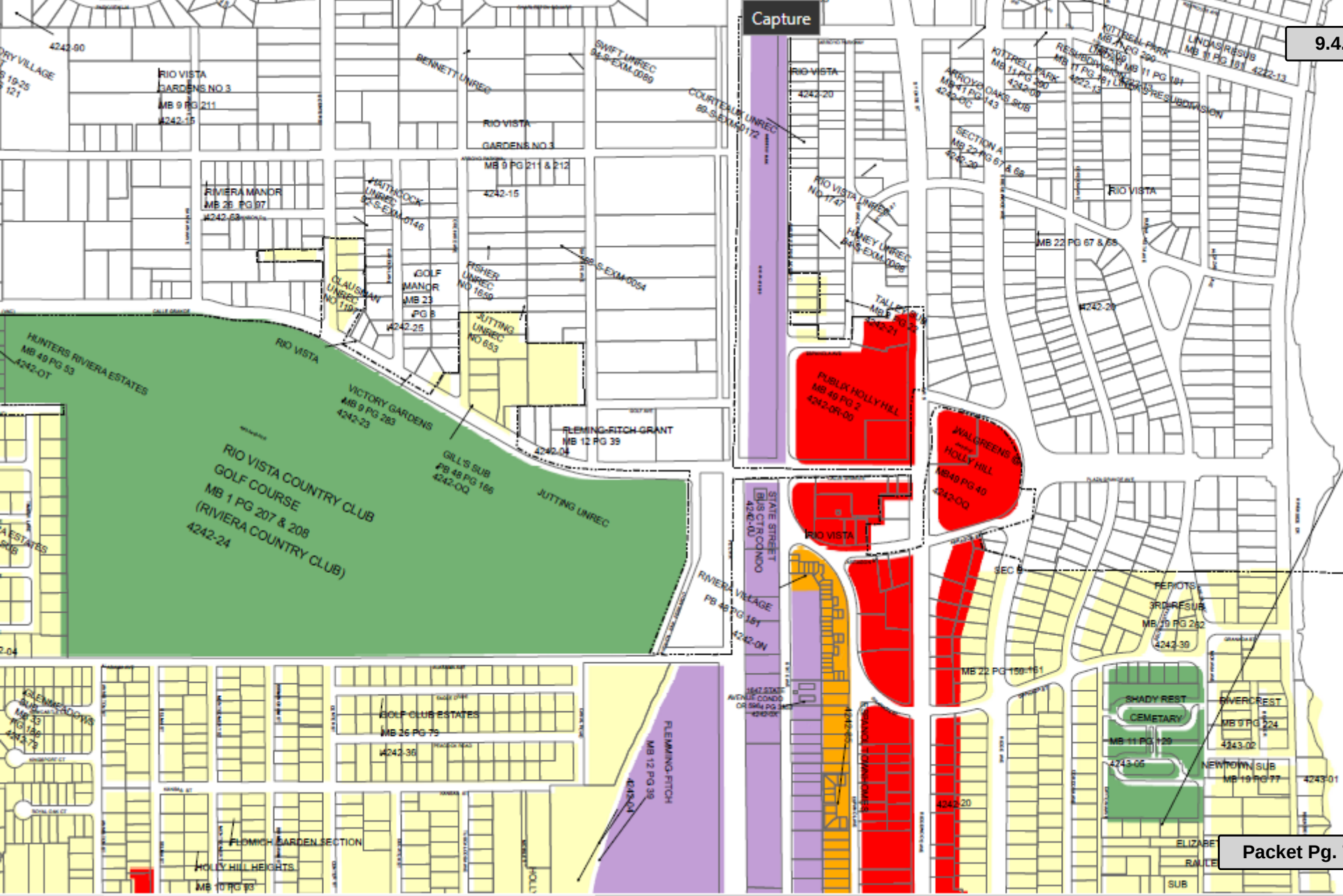
Lot 29 East of RR. Block 7, and Lots 16 and 29 East of RR, Block 19 and Lot 16 East of RR West of Parque Drive, North of Calle Grande, Block 22, Fleming Fitch Grant, according to plat in Map Book 1, Page 1, Public Records of Volusia County, Florida.

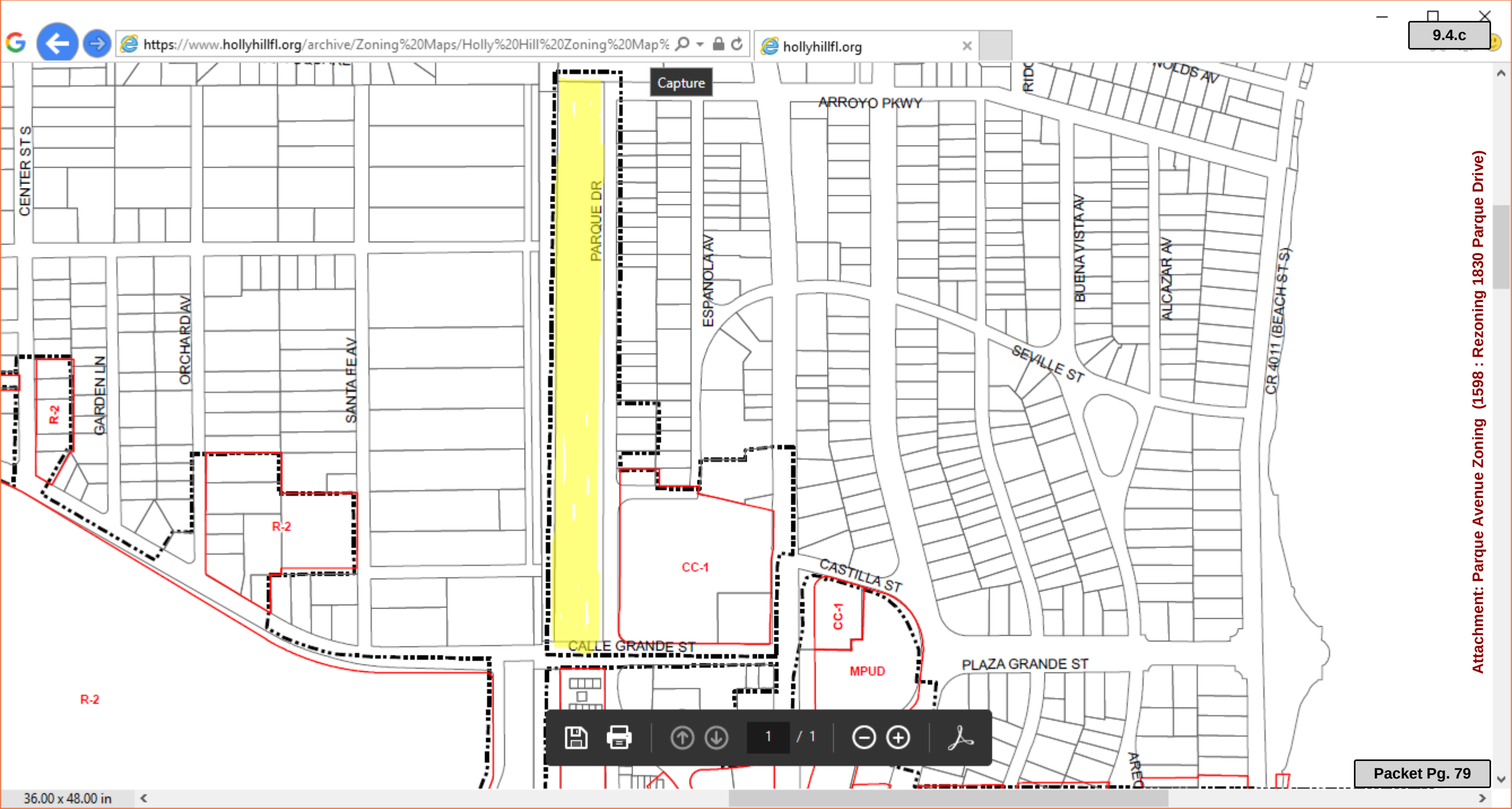
Z-2017-04 LOCATION MAP



DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Use at your own risk.
 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

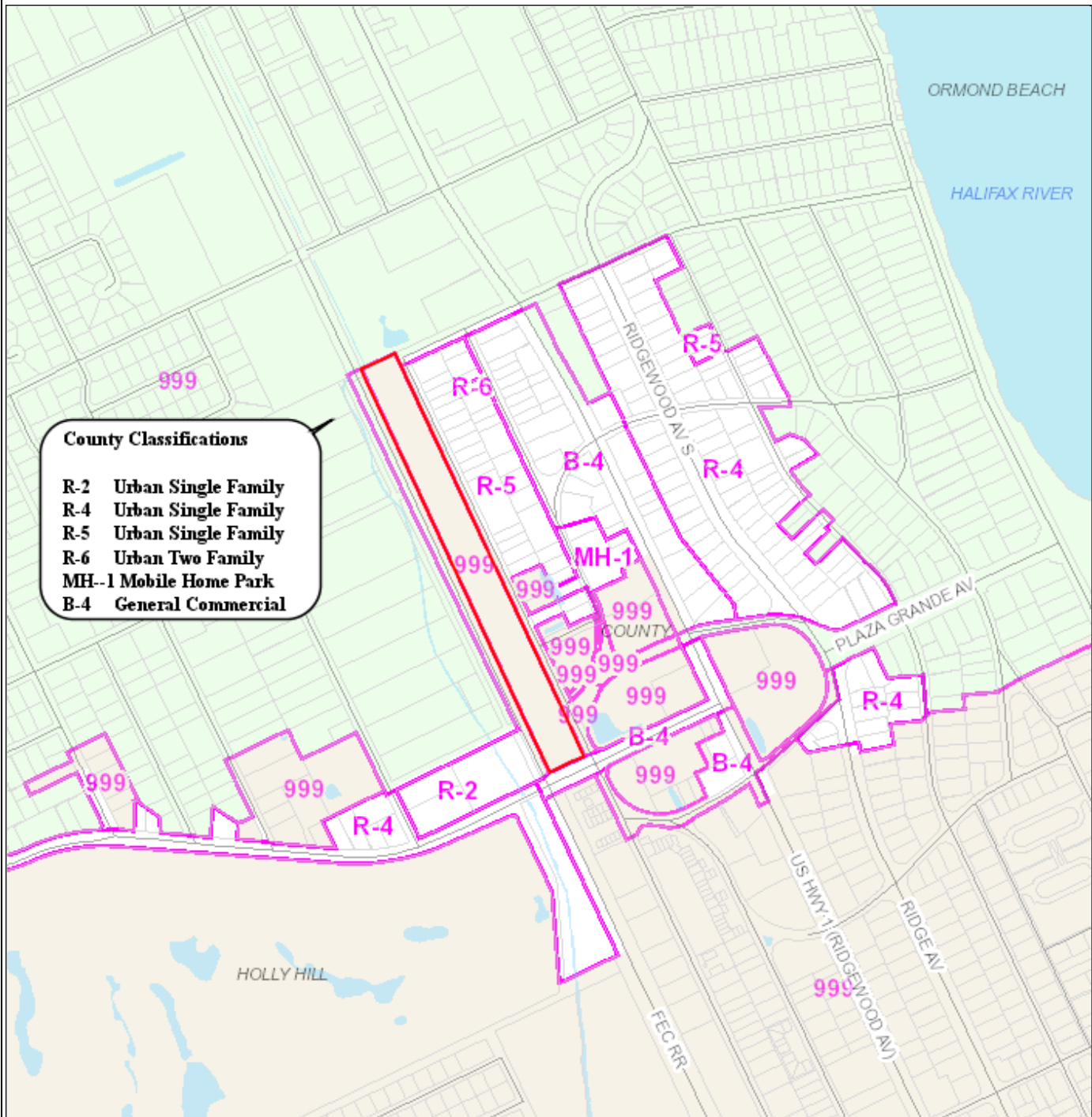
Attachment: Z-2017-04 Location Map (1598 : Rezoning 1830 Parque Drive)





Attachment: Parque Avenue Zoning (1598 : Rezoning 1830 Parque Drive)

VOLUSIA COUNTY ZONING



Scale 1:9,000 - 1 in = 750 ft
 Date Created:
 17-Jan-17 10:25 AM

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Use at your own risk.
 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

INDEX OF SHEETS	
DWG.NO.	DESCRIPTION
1	COVER
2 - 3	BOUNDARY SURVEY
4	SITE PLAN

REZONING CONCEPTUAL DEVELOPMENT FOR PARQUE DRIVE BUSINESS PARK

SECTION 42, TOWNSHIP 14 S, RANGE 32 E
PARCEL ID No. 42-14-32-04-07-0290
200 PARQUE DRIVE
HOLLY HILL, FL 32117

JANUARY 2016

PROJECT TEAM

PROPERTY OWNER/
APPLICANT:

PETER M TYDIR
418 N SEGRAVE ST. SUITE B
DAYTONA BEACH, FLORIDA 32114
PHONE: (386) 527-8186
EMAIL: PTYDIR@GMCFL.COM

CIVIL ENGINEER/
PROJECT MANAGER:

NEWKIRK ENGINEERING, INC.
1370 NORTH US HIGHWAY 1, SUITE 204
ORMOND BEACH, FLORIDA 32174
PHONE: (386) 290-7599
EMAIL: HARRY@NEWKIRK-ENGINEERING.COM

SURVEYOR:

A1A GEO, INC.
1370 NORTH US HIGHWAY 1, SUITE 204
ORMOND BEACH, FL 32174
PHONE: (386) 405-6797
EMAIL: A1AGEOINC@GMAIL.COM

LANDSCAPE
ARCHITECT:

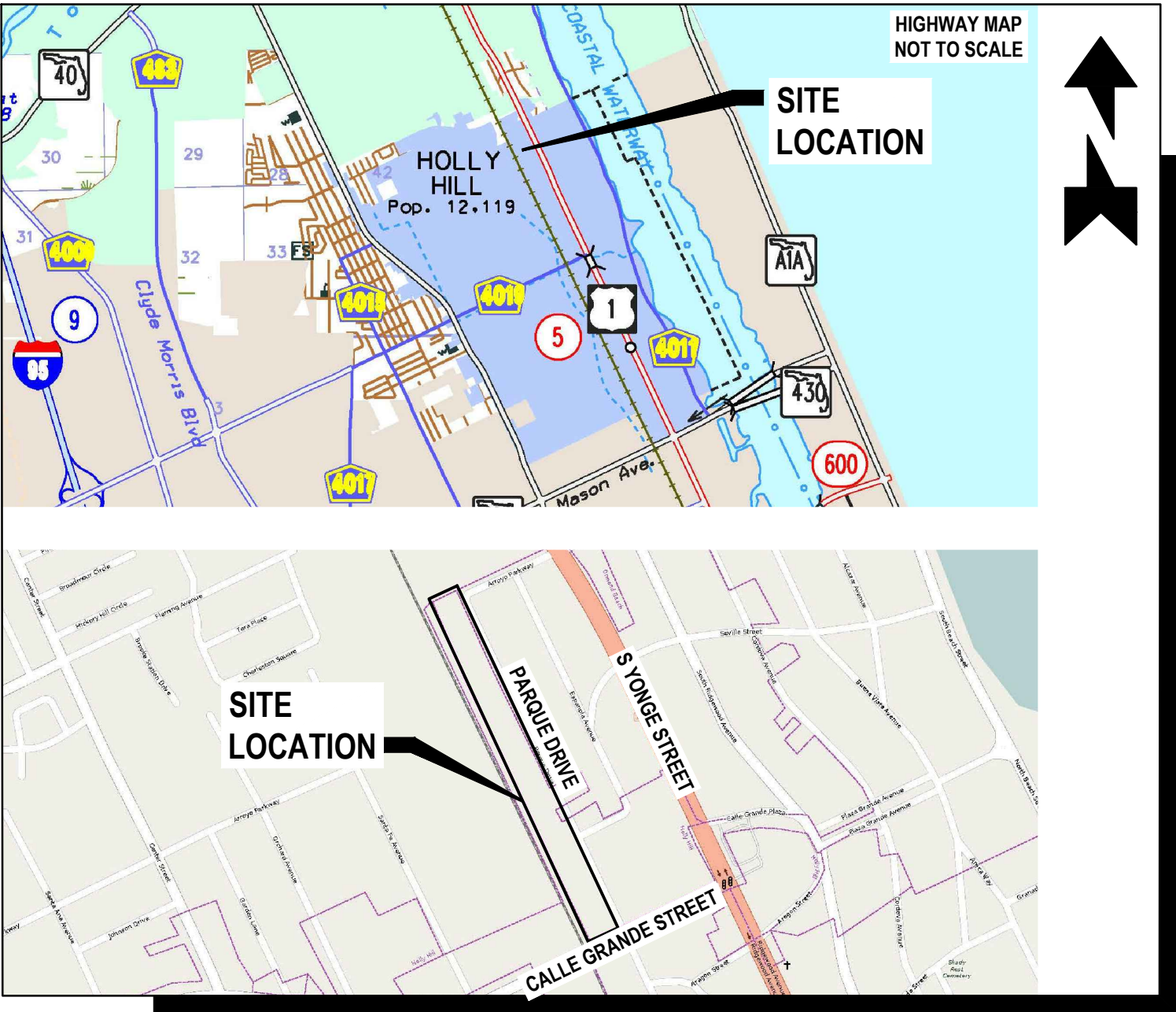
RICHARD L. POORE, LA
300 GATEWOOD COURT
ORMOND BEACH, FL 32174
PHONE: (386) 212-8491
EMAIL: THEPOORES@BELLSOUTH.NET

LEGAL DESCRIPTION

LOT 29 EAST OF RR BLOCK 7, AND LOTS 16 AND 29 EAST OF RR, BLOCK 19 AND LOT 16 EAST OF RR WEST OF PARQUE DRIVE, NORTH OF CALLE GRAND, BLOCK 22, FLEMING FITCH GRANT, PER OR 5705 PG 3557, PER OR 6088 PG 4506, PER OR 6714 PG 1264, PER OR 7297 PGS 4125-4127 INC.



AERIAL MAP
SCALE: 1" = 400'



LOCATION MAP
SCALE: 1" = 900'

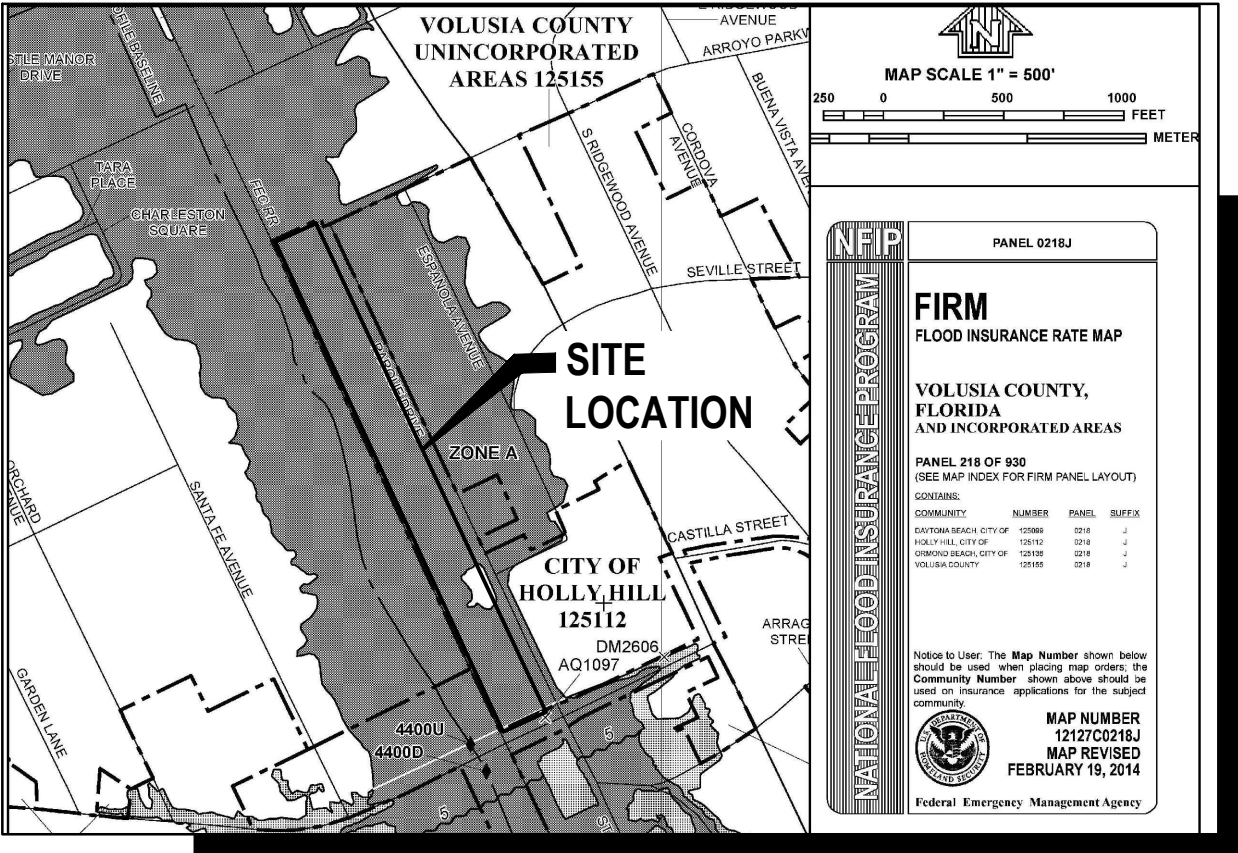
CONTACT NUMBERS

CITY OF HOLLY HILL BUILDING & ZONING DEPARTMENT: (386) 248-9442
FLORIDA POWER & LIGHT: (386) 322-3420
PEOPLES GAS SYSTEM (TECO): (386) 671-2232
BELLSOUTH: (386) 257-7950
BRIGHTHOUSE: (386) 788-4198



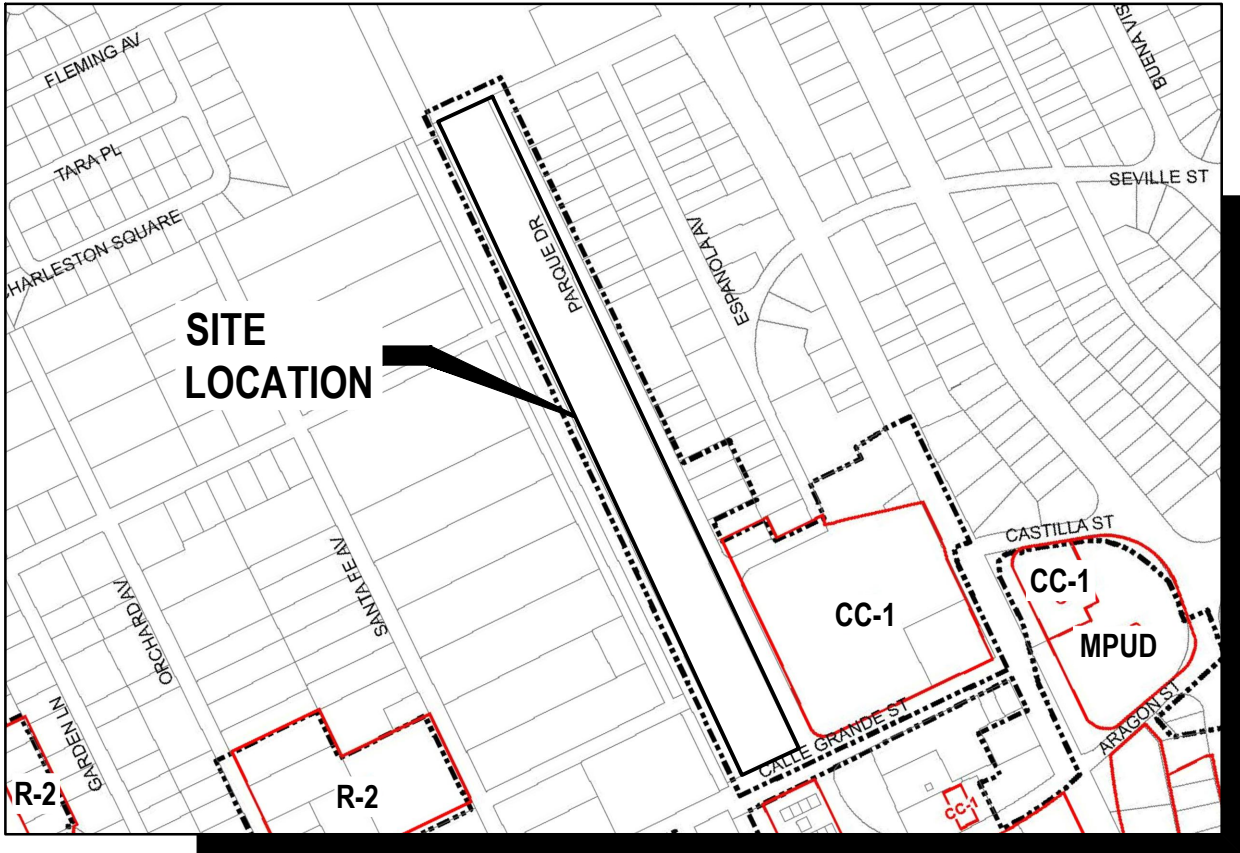
THE GENERAL CONTRACTOR SHALL ENSURE THAT ANY SUBCONTRACTOR HAS A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR ITS RESPECTIVE WORK. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR SUBCONTRACTORS ONLY UTILIZING INDIVIDUAL DRAWINGS FOR ITS WORK WHERE ADDITIONAL INFORMATION MAY BE CONTAINED ON OTHER DRAWINGS WITHIN THE SET.

THESE DRAWINGS ARE THE PROPERTY OF NEWKIRK ENGINEERING, INC. ANY USE OR REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF NEWKIRK ENGINEERING, INC. COPYRIGHT 2013 ALL RIGHTS RESERVED.



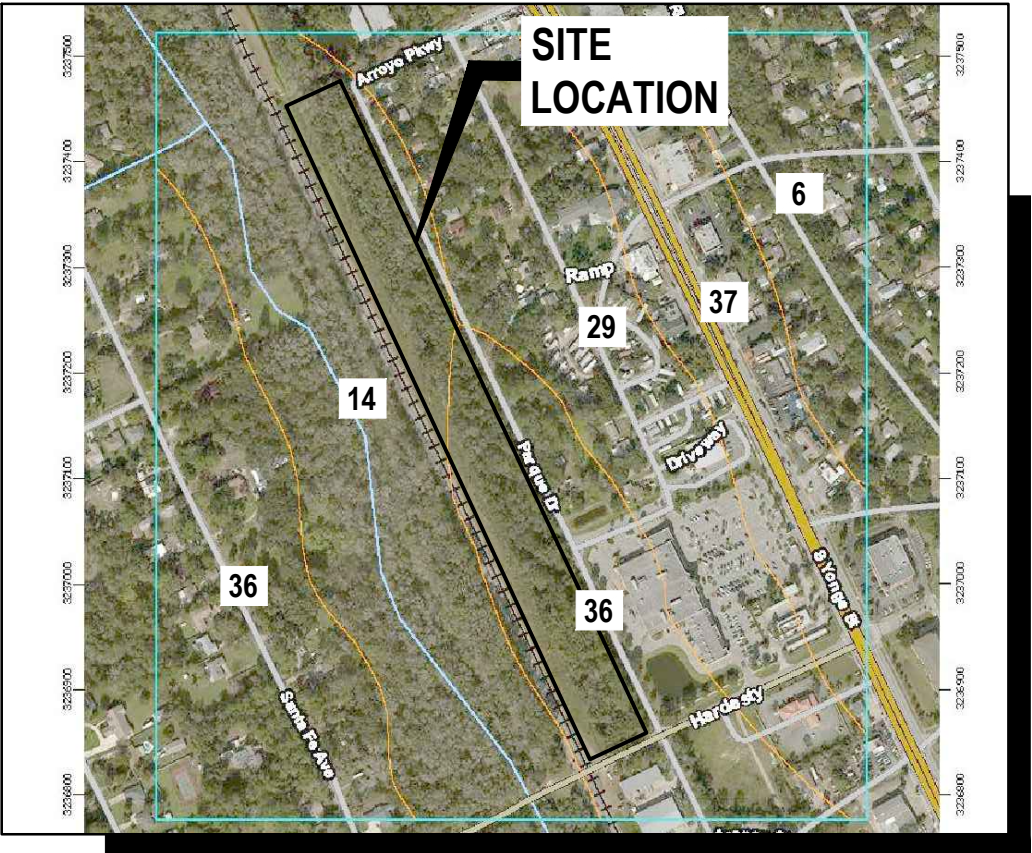
FLOOD ZONE MAP
SCALE: 1" = 800'

FLOOD ZONE "A"



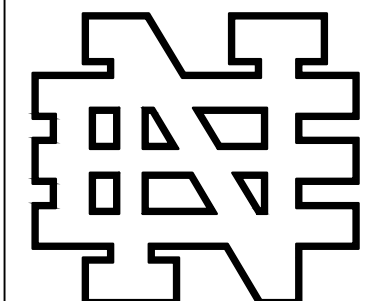
ZONING MAP
SCALE: 1" = 500'

ZONING DISTRICT: CC-1 (COMMERCIAL CORRIDOR DISTRICT)



SOILS MAP
SCALE: 1" = 600'

SOIL TYPES:
(14) CHOBEE FINE SANDY LOAM (GROUP B/D)
(36) MYAKKA VARIANT FINE SAND (GROUP D)

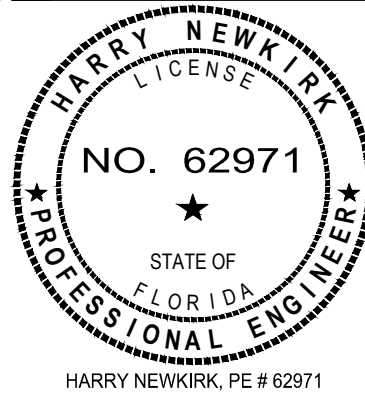


**NEWKIRK
ENGINEERING**

1370 North US1, Suite 204
Ormond Beach, Florida 32174
Phone (386) 290-7599
Harry@Newkirk-Engineering.com

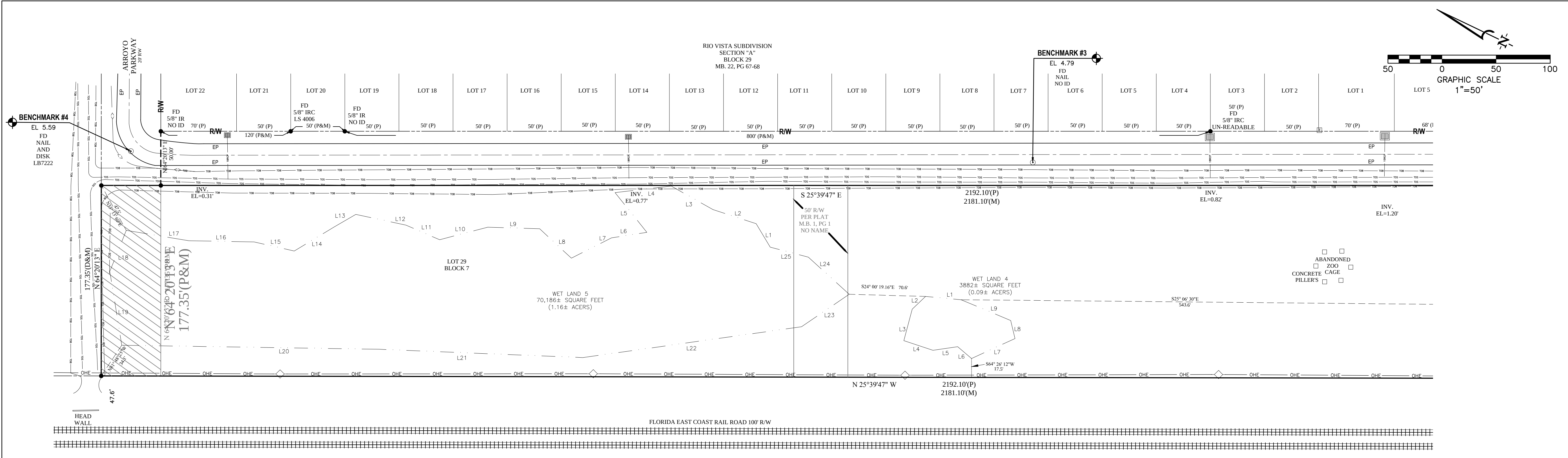
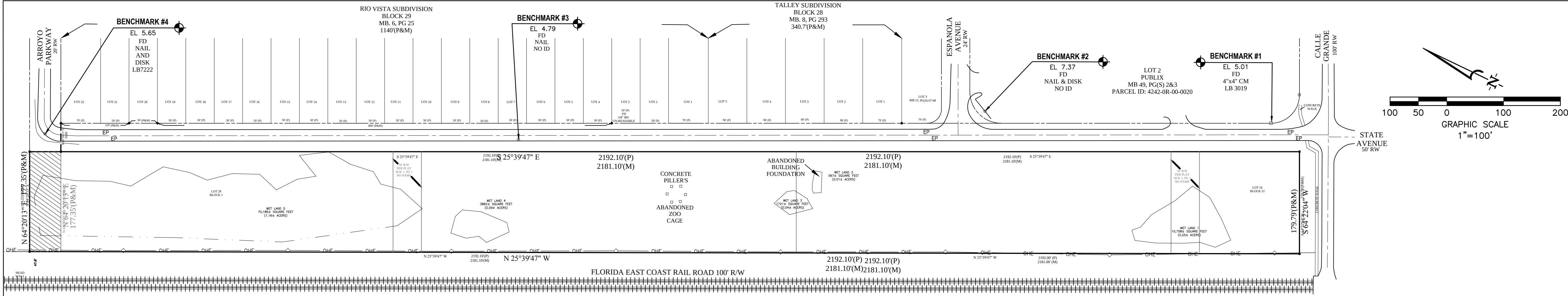
Certificate of Authorization
No. 30209
© 2013

Civil Engineering
Transportation
Construction Engineering &
Inspection



DRAWING NUMBER

1



WET LAND 1

L1	S40°38'50"W	42'
L2	N35°37'19"E	42.1'
L3	N07°43'48"E	36'
L4	N65°19'30"W	39.9'
L5	N56°27'39"W	49'
L6	N74°53'37"W	28'
L7	N45°55'54"W	17'
L8	S47°02'20"W	18.8'
L9	S18°34'41"E	36'
L10	N24°53'40"W	46'
L11	N28°21'48"W	33'
L12	N07°51'53"W	28'
L13	S50°15'44"E	30'

WET LAND 2

L1	N14°28'27"W	12.9'
L2	S75°19'23"W	23.5'
L3	S64°31'42"W	10'
L4	S44°15'18"W	6.5'
L5	S28°50'38"E	13.6'
L6	N66°29'15"E	35.9'

WET LAND 3

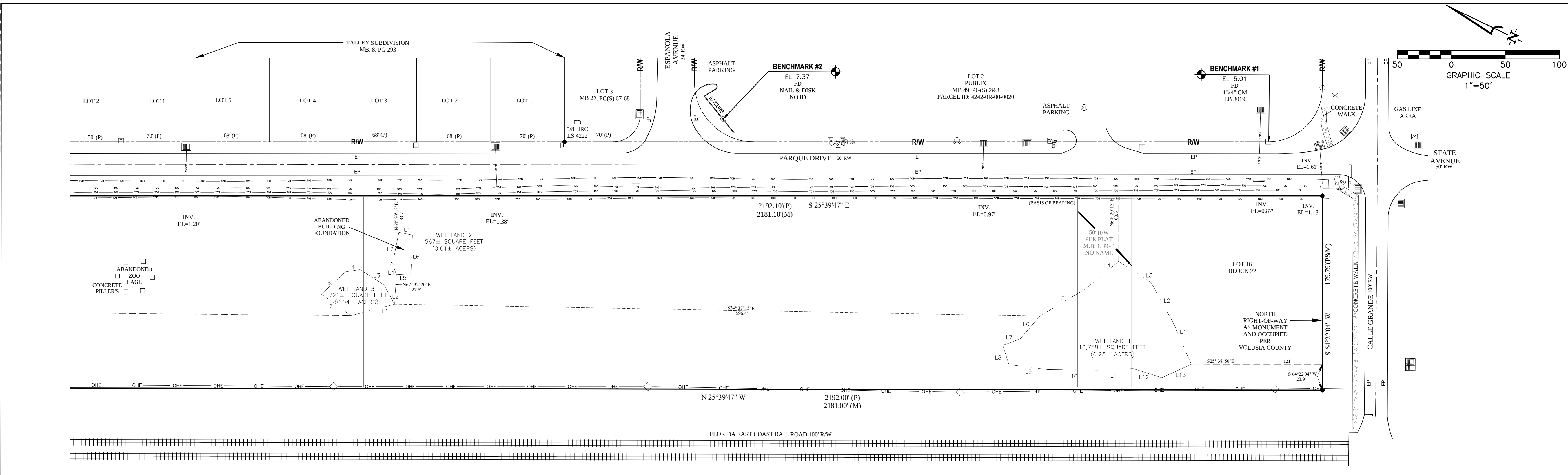
L1	S40°09'15"E	41.9'
L2	N35°10'02"E	20.5'
L3	N07°04'01"E	26.2'
L4	N34°22'13"W	13.8'
L5	N68°32'57"W	30.2'
L6	S10°32'55"W	33.6'

WET LAND 4

L1	N20°24'59"W	33'
L2	N69°10'17"W	17'
L3	S79°13'05"W	30.1'
L4	S07°22'07"E	28.3'
L5	S34°02'53"E	23.1'
L6	S14°33'46"W	16.9'
L7	S50°19'01"E	44.1'
L8	N50°49'56"E	17.1'
L9	N02°55'24"W	49.6'

WET LAND 5

L1	N33°25'19"E	25.3'
L2	N07°40'44"W	41.9'
L3	N03°46'35"E	44.3'
L4	N32°16'27"W	52.4'
L5	S25°36'21"W	47'
L6	N34°37'56"W	33'
L7	N52°23'39"W	41.6'
L8	N17°10'15"E	39.9'
L9	N23°56'14"W	48'
L10	N40°14'39"W	45.9'
L11	N02°18'51"W	33.9'
L12	N13°32'54"W	47.4'
L13	N55°49'06"W	22.9'
L14	N56°42'26"W	43.2'
L15	N12°57'55"W	38.1'
L16	N24°37'27"W	60.3'
L17	N16°17'06"W	58.6'
L18	S86°15'29"W	40.9'
L19	S55°06'57"W	69'
L20	S24°46'14"E	237.7'
L21	S23°19'30"E	188.5'
L22	S33°41'07"E	204.2'
L23	S59°53'22"E	53.3'
L24	N16°33'22"E	51'
L25	N11°03'12"W	36.4'



A1A GEO
LAND SURVEYING CONSTRUCTION LAYOUT
1366 N.U.S. HWY 1, Ste 602 Ormond Beach
Voice: 386.672.3633
FLORIDA
LS # 6309

TYPE OF SURVEY:
BOUNDARY
MAP SUBJECT:
HOLLY HILL, FLORIDA
ADDRESS:
200 PARQUE DRIVE
HOLLY HILL, FLORIDA

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SURVEYORS SIGNATURE

PREPARED FOR THE EXCLUSIVE USE OF:
SEE CERTIFICATION
REVISIONS:
PROJECT No: 2016-91
FIELD WORK BY: AM
DATE: 12/01/16
OFFICE WORK BY: BR
DATE: 12/09/16
FIELD BOOK - PAGE: 11-18
SCALE: 1"=50'

LEGAL DESCRIPTION:

Lot 29 East of RR, Block 7, and Lots 16 and 29 East of RR, Block 19 and Lot 16 East of RR West of Parque Drive, North of Calle Grande, Block 22, Fleming Fitch Grant, according to plat in Map Book 1, Page 1, Public Records of Volusia County, Florida.

Parcel Identification Number: 4242-04-07-0290

GENERAL NOTES AND SURVEY REPORT:

1. BEARING STRUCTURE (S 25°39'47" E) ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PARQUE DRIVE (50' RIGHT-OF-WAY), FLORIDA. FOR ANGLE MEASUREMENT ONLY.
2. LEGAL DESCRIPTION NOT PROVIDED TAKEN FROM PROPERTY APPRAISER WEB SITE AND PHILLIPS SURVEY, PROJECT No. 90615, 09/13/1990. NO TITLE PROVIDED.
3. RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS (), WHEN DIFFERS FROM MEASURED.
4. FLOOD PLANE CERTIFICATION ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), COMMUNITY OF CITY OF HOLLY HILL, FLORIDA NUMBER 125112, PANEL NUMBER 12127C 0218 J, DATED: FEBRUARY 19, 2014. THE PROPERTY IS IN FLOOD ZONE "A" THE BASE 100 YEAR FLOOD ELEVATION IS NOT SHOWN OR DETERMINED, NEED ENGINEER TO DETERMINE USING THE B-27 CANAL NORTH PROFILE BASELINE.
5. ACCURACY STATEMENT: THE ACCURACY OF THE BOUNDARY CONTROL OF THE SUBJECT PROPERTY IS, BEING REZONED COMMERCIAL/HIGH RISK LINEAR: THE CLOSURE IS 1 : 1 : 10,000
6. DATA SOURCES:

ELEVATIONS REFER TO (NAVD) NORTH AMERICAN VERTICAL DATUM 1988, FEET AND DECIMAL PART THEREOF. BENCHMARK REFERENCE NAVD DATUM OF 1988. BENCHMARK DESIGNATION IS A NATIONAL GEODETIC SURVEY DESIGNATION T 722 PID DM2606 ELEVATION=6.42 FEET, CHECKED INTO HV-28 ELEVATION 7.50 FEET.

A.) BENCHMARK #1 FD 4"x4" CONCRETE MONUMENT LB 3019 ELEVATION = 5.01 FEET
B.) BENCHMARK #2 FD NAIL IN CURB ELEVATION = 7.37 FEET
C.) BENCHMARK #3 FD NAIL ALONG WESTERLY EDGE OF PAVEMENT ON PARQUE DRIVE ELEVATION= 4.79 FEET
D.) BENCHMARK #4 FD NAIL ALONG WESTERLY EDGE OF PAVEMENT ON PARQUE DRIVE ELEVATION= 5.58 FEET
7. HISTORY REFERENCE TO PREVIOUS SURVEY OR HELPER SURVEYS, LINEAGE OF DATA HORIZONTAL DATA REFERENCES, DATE OF ORIGINAL PLAT.

A.) MARY FLEMING, AS RECORDED IN MAP BOOK 1, PAGE 1, ALSO BEING RECORDED IN MAP BOOK 12, PAGE 39, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
B.) RIO VISTA ON THE HALIFAX, AS RECORDED IN MAP BOOK 6, PAGES 25 AND 26, ALSO BEING RECORDED IN MAP BOOK 22, PAGES 67 AND 68, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA
C.) B.) RIO VISTA SECTION "B", AS RECORDED IN MAP BOOK 6, PAGES 149 - 151, ALSO BEING RECORDED IN MAP BOOK 22, PAGES 159 AND 161, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA
D.) TALLEY SUBDIVISION, AS RECORDED IN MAP BOOK 8, PAGE 293, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
E.) PUBlix HOLLY HILL, AS RECORDED IN MAP BOOK 49, PAGES 2 AND 3, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
F.) PHILLIPS SURVEY, PROJECT No. 90615, 09/13/1990

BOUNDARY SURVEY IS A RE-TRACEMENT OF PHILLIPS SURVEY, PROJECT No. 90615, 09/13/1990

UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN, PER FIELD VISIBLE LOCATION.

TITLE INFORMATION NOT PROVIDED TO THIS SURVEYOR.

LEGAL STATUS OF UN-NAMED ROADS SHOWN ON SURVEY IS UNKNOWN TO THIS SURVEYOR. IT APPEARS THAT LOT 29, BLOCK 7 AND LOTS 16 AND 29, BLOCK 19 AND LOT 16, BLOCK 22 AND THE SAID UN-NAMED ROAD AS SHOWN ON SURVEY, LYING EASTERLY OF FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY, AS SHOWN ON THE MAP OF MARY FLEMING, AS RECORDED IN MAP BOOK 1, PAGE 1, ALSO BEING RECORDED IN MAP BOOK 12, PAGE 39, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO SHOWN AND TAKEN FROM PHILLIPS SURVEY, PROJECT No. 90615, 09/13/1990, HAS BEEN PLATTED OVER BY RIO VISTA ON THE HALIFAX, AS RECORDED IN MAP BOOK 6, PAGES 25 AND 26, ALSO BEING RECORDED IN MAP BOOK 22, PAGES 67 AND 68, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS HARDESTY PARK, LEGAL STATUS IS UNKNOWN TO THIS SURVEYOR, SUGGEST TITLE WORK.

11. LIMITATIONS:

A.) WHEN SOME INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY AND OR OWNERSHIP ARE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTES RULE 5J-17.052(2)(d)(4)

B.) IT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND THE FIRM, FROM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM, DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYOR'S OPINION.

C.) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY. PER FLORIDA STATUTES CHAPTER RULE 5J-17.051(3)(b)(6)

D.) THE ACCEPTANCE OF THIS SURVEY AS CERTIFIED FOR THE EXCLUSIVE USE OF NAMES SHOWN HEREON SHALL CONSTITUTE FULFILLMENT OF MY CONTRACTUAL OBLIGATION. "ORIGINAL" AS DEFINED HEREON REFERS TO THE SIGNED AND SEALED GRAPHIC REPRESENTATION OF THE FIELD SURVEY. CAD FILES ARE NOT THE SURVEY AND THERE MAY BE A SURCHARGE FOR THEM.

E.) TAX PARCEL IDENTIFICATION NUMBERS, ADJACENT OWNERS NAMES AND ADDRESS WHEN SHOWN SHOWN IS EITHER SUPPLIED BY CLIENT AND/OR TAKEN FROM COUNTY APPRAISER'S INTERNET WEB PAGE AND MAY NOT BE THE MOST CURRENT.

F.) SPECIAL PURPOSE SURVEYS WHEN IDENTIFIED AS TYPE OF SURVEY:

1.) WHEN TREES AS SHOWN ON THE SURVEY IT IS FOR THE LOCATION OF THE HARD WOOD TREES 20' AND ABOVE, THE DIAMETER TAKEN APPROXIMATELY 4 TO 4-1/2 FEET ABOVE GROUND LEVEL TREE IDENTIFICATION OTHER THAN LOCATION AND SIZE, SEE AN ARBORIST. SITE CONSIST OF PINES SMALL CYPRESS AND PALMS MOSTLY IN AND AROUND THE WETLANDS AS SHOWN ON SURVEY
2.) JURISDICTIONAL WETLANDS WHEN SHOWN WERE LOCATED FROM FLAGS/MARKS BY ECOLOGICAL CONSULTING SOLUTIONS, INC., PROJECT # 355.18.16, DATED 10/17/16 AND THE DETERMINATION OF WETLANDS ARE OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.
3.) ARCHAEOLOGICAL FEATURES WHEN SHOWN WERE LOCATED FROM OBJECTS IDENTIFIED BY OTHERS AND THE DETERMINATION OF WHAT CONSTITUTES A ARCHAEOLOGICAL FEATURES IS OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.
4.) WILDLIFE CORRIDORS OR HABITATS WHEN SHOWN WERE LOCATED FROM OBJECTS IDENTIFIED BY OTHERS AND THE DETERMINATION OF WHAT CONSTITUTES A WILDLIFE CORRIDORS OR HABITATS IS OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.
5.) GEO-TECHNICAL BORINGS SHOWN AS MARKED AND FIELD LOCATED.

G.) AS-BUILT / RECORD SURVEYS WHEN IDENTIFIED AS TYPE OF SURVEY:

1.) WHEN UNDERGROUND UTILITIES, SUCH AS UNDERGROUND CABLES, GAS MAINS, WATER MAINS, SANITARY SEWER SYSTEMS AND STORM COLLECTIONS SYSTEMS ARE SHOWN, THE LIMITS OF THIS SURVEY INCLUDE VISIBLE STRUCTURES / IMPROVEMENTS IN COMBINATION WITH AS-BUILT / RECORD DRAWINGS SUPPLIED BY OTHERS.
2.) WHEN THE PERCENTAGE OF SLOPES ARE SHOWN IT IS BASED ON THE INVERTS BETWEEN VISIBLE STRUCTURES. THIS SURVEY DOES NOT INCLUDE VIDEO PIPELINE INSPECTIONS. VERIFICATION OF LINE OF SITE HAS NOT BEEN VERIFIED. THIS SURVEYOR SUGGESTS VIDEO PIPELINE INSPECTION BY A PROFESSIONALS PROVIDING SERVICE OF THAT SPECIALTY.
3.) THIS SURVEYOR SUGGEST VIDEO PIPELINE INSPECTION BY A PROFESSIONAL PROVIDING SERVICE OF THAT SPECIALTY.

H.) TOPOGRAPHIC SURVEY:

1.) CONTOURS ARE ON ONE FOOT INTERVALS, INTERPOLATED BETWEEN GRIDS, VISIBLE GRADE BREAKS, ALONG WITH RANDOM GROUND ELEVATIONS.
2.) OFFSITE TOPOGRAPHIC INFORMATION SHOWN IS BASED ON THE REQUEST BY THE CLIENT AND OR THE CLIENTS AGENT, BEING AN ARCHITECT OR ENGINEER.

ABBREVIATIONS / LEGEND:

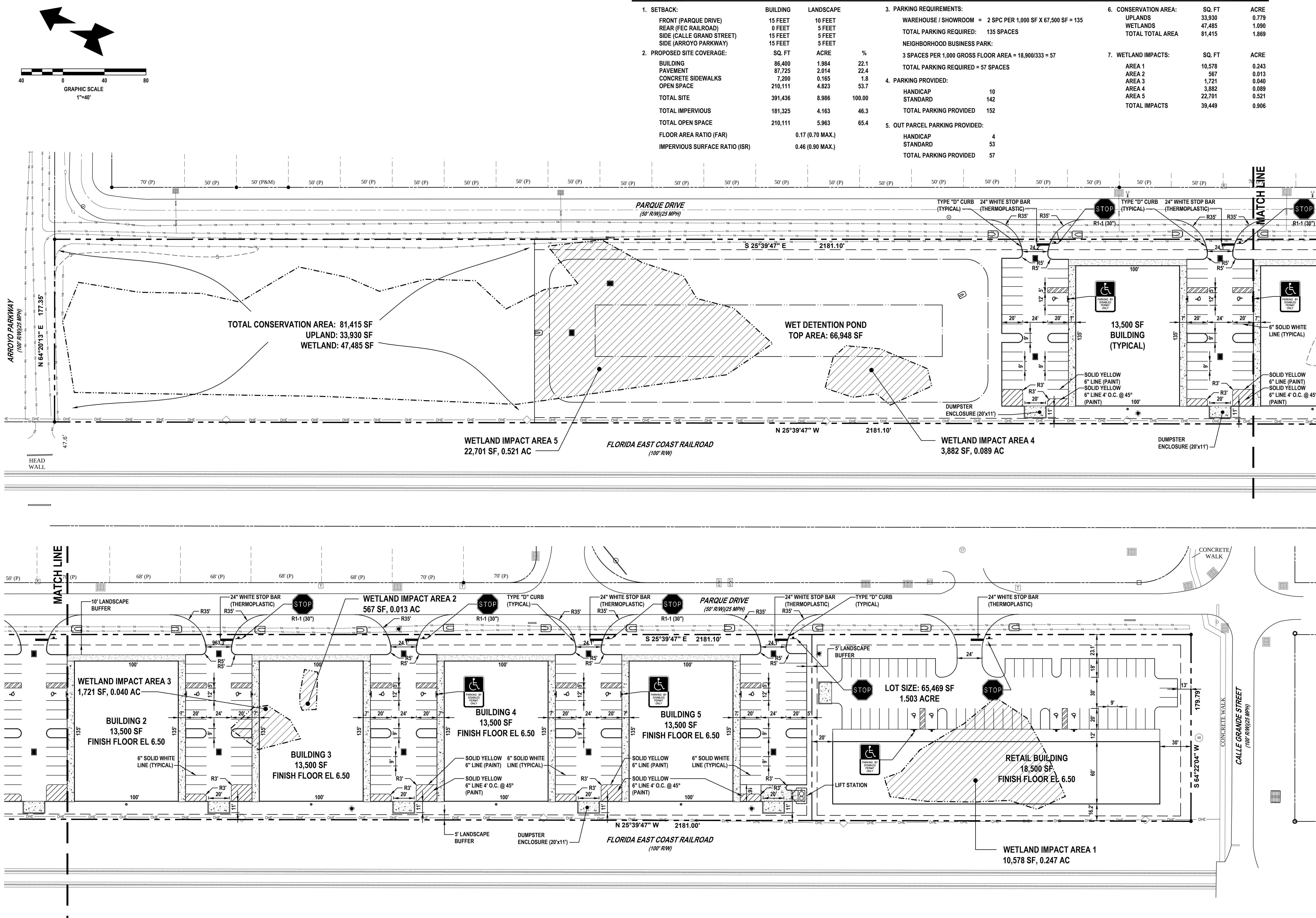
(C) CALCULATED	● IRON ROD &/ OR CAP (AS NOTED)
CONC. CONCRETE	□ 4" X 4" CONCRETE MONUMENT (AS NOTED)
(D) DESCRIPTION OR DEED	
DWG DRAWING	● IRON PIPE &/ OR CAP (AS NOTED)
EP EDGE OF PAVEMENT	⊙ NAIL & DISK (AS NOTED)
EL ELEVATION	⚬ BENCHMARK
FDOT FLORIDA DEPARTMENT OF TRANSPORTATION	⬡ CONCRETE POWER POLE
FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY	⋈ WATER VALVE
F.I.R.M FLOOD INSURANCE RATE MAP	⚭ FIRE HYDRANT
FL FLORIDA	⌚ WATER METER
HW. HEADWALL	⊕ STORM
ID IDENTIFICATION	⊕ ⁺⁵ EXISTING GROUND ELEVATION
IP IRON PIPE (AS NOTED)	⊕ ^{+1.37} EXISTING HARD ELEVATION
IPC IRON PIPE & CAP (AS NOTED)	— OH# — OVERHEAD ELECTRIC
IRC IRON ROD AND CAP (AS NOTED)	— 180CP — STORM LINE
IR IRON ROD (AS NOTED)	
LB LICENSED BUSINESS	
LC LICENSED CORPORATION	
LLC LIMITED LIABILITY COMPANY	
LS LICENSED SURVEYOR	
(M) MEASURED	
M.B. MAP BOOK	
NAVD NORTH AMERICAN VERTICAL DATUM	
N/A NOT APPLICABLE AND/OR NOT AVAILABLE	
NGVD NATIONAL GEODETIC VERTICAL DATUM	
No. NUMBER	
N/P NOT POSTED ON PANEL	
(P) PLAT	
P.A. PROFESSIONAL ASSOCIATION	
PKD PARKER KALON NAIL & DISK (AS NOTED)	
PRM PERMANENT REFERENCE MONUMENT	
(R) RECORD	
RCP REINFORCED CONCRETE PIPE	
R/W RIGHT-OF-WAY	
WO# WORK ORDER NUMBER	

SHEET 2 OF 2

REVISIONS:	PROJECT No: 2016-91 FIELD WORK BY: AM DATE: 12/01/16 OFFICE WORK BY: BR DATE: 12/09/16 FIELD BOOK - PAGE: 11-18 SCALE: NONE	PREPARED FOR THE EXCLUSIVE USE OF: SEE CERTIFICATION	THIS MAP IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2 BEING TOGETHER	TYPE OF SURVEY: BOUNDARY	A1A GEO LAND SURVEYING CONSTRUCTION LAYOUT 1366 N.U.S. HWY 1, Ste 602 Ormond Beach Florida 32174 Voice: 386.672.3633 a1ageo.com LB # 7967 LS # 6309
			THE FOREGOING PLAT IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER SJ17-6, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.  10/17/2016 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ANTHONY SANZONE	MAP SUBJECT: HOLLY HILL, FLORIDA ADDRESS: 200 PARQUE DRIVE HOLLY HILL, FLORIDA	

SITE DEVELOPMENT USAGE

1. SETBACK:	BUILDING	LANDSCAPE	3. PARKING REQUIREMENTS:	6. CONSERVATION AREA:	SQ. FT	ACRE
FRONT (PARQUE DRIVE)	15 FEET	10 FEET	WAREHOUSE / SHOWROOM = 2 SPC PER 1,000 SF X 67,500 SF = 135	UPLANDS	33,930	0.779
REAR (FEC RAILROAD)	0 FEET	5 FEET	TOTAL PARKING REQUIRED: 135 SPACES	WETLANDS	47,485	1.090
SIDE (CALLE GRAND STREET)	15 FEET	5 FEET	NEIGHBORHOOD BUSINESS PARK:	TOTAL TOTAL AREA	81,415	1.869
SIDE (ARROYO PARKWAY)	15 FEET	5 FEET	3 SPACES PER 1,000 GROSS FLOOR AREA = 18,900/333 = 57	7. WETLAND IMPACTS:	SQ. FT	ACRE
2. PROPOSED SITE COVERAGE:	SQ. FT	ACRE	TOTAL PARKING REQUIRED = 57 SPACES	AREA 1	10,578	0.243
BUILDING	86,400	1.984	4. PARKING PROVIDED:	AREA 2	567	0.013
PAVEMENT	87,725	2.014	HANDICAP	AREA 3	1,721	0.040
CONCRETE SIDEWALKS	7,200	0.165	STANDARD	AREA 4	3,882	0.089
OPEN SPACE	210,111	4.823	TOTAL PARKING PROVIDED	AREA 5	22,701	0.521
TOTAL SITE	391,436	8.986	152	TOTAL IMPACTS	39,449	0.906
TOTAL IMPERVIOUS	181,325	4.163	5. OUT PARCEL PARKING PROVIDED:			
TOTAL OPEN SPACE	210,111	5.963	HANDICAP			
FLOOR AREA RATIO (FAR)		0.17 (0.70 MAX.)	STANDARD			
IMPERVIOUS SURFACE RATIO (ISR)		0.46 (0.90 MAX.)	53			
			TOTAL PARKING PROVIDED			
			57			



REVISIONS

DATE	DESCRIPTION

NEWKIRK ENGINEERING

1370 North US1, Suite 204
Ormond Beach, Florida 32174
Phone (386) 290-7599
Harry@Newkirk-Engineering.com

Certificate of Authorization
No. 30209
© 2013

Civil Engineering
Transportation
Construction Engineering & Inspection

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SITE LAYOUT PLAN
PARQUE DRIVE BUSINESS PARK
200 PARQUE DRIVE
HOLLY HILL FL 32117

HARRY NEWKIRK
LICENSE
NO. 62971
STATE OF FLORIDA
PROFESSIONAL ENGINEER
HARRY NEWKIRK, P.E. # 62971

PROJECT No: 2016-236
DATE: JANUARY 2016
DESIGN BY: HHN
DRAWN BY: DAB
CHECKED BY: HHN
SCALE: 1"=40'
DRAWING NUMBER

4



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

**City Commission
Ordinance**

MEETING DATE: March 14, 2017
FROM: Thomas Harowski
SUBJECT: Ordinance 2991 An Ordinance of the City of Holly Hill, Florida,
Approving the Fountainhead Mixed Use Planned Unit
Development (MPUD) Agreement; Providing for Conflicting
Ordinances; Providing for Severability; and Providing an
Effective Date.
NUMBER: (ID # 1607)
APPLICANT: Thomas Harowski
PLANNER:

INTRODUCTION:

This application is for approval of a Mixed Use Planned Unit Development (MPUD) zoning for the two parcels of land. The larger parcel is the 25-acre former school site at Center Avenue and Walker Street currently owned by the City. The smaller parcel is the vacant lot at Center Avenue and LPGA Boulevard which will be incorporated into the overall development. The City has approved an agreement for sale of the property to the applicant and the City has approved an incentive agreement to encourage the location of Synergy Billing on the site and further developments on the site. The sales agreement and incentive agreement are business decisions by the City Commission. The role of the Board of Planning and Appeals is to review the MPUD, which will be the controlling development regulation, and make a recommendation to the City Commission.

BACKGROUND:

This project has been under discussion at the staff level since July 2015. The Board of Planning and Appeals originally heard this application at its December 5, 2016 meeting and again at the January 11, 2017 meeting. The application was rescheduled for February 6, 2017, but as a result of a quorum issue, the hearing was rescheduled for February 22, 2017. The staff and the applicant have resolved most of the items presented in our January 25, 2017 staff report, and a revised draft agreement is provided with this application. The revised draft includes language that has been agreed upon by both parties.

The MPUD agreement will become the controlling development document for this project. The MPUD will defer to the City's land development code on issues not covered by the MPUD agreement, but the most important aspects of the project will be regulated in the MPUD. This is why it is critically important that the MPUD be specific and detailed in its content.

Typically, the BOPA reviews a project for compliance with the City's development regulations. While this level of review is done for the MPUD, the City in this case has also set some

expectations about the property development, as the property owner, which need to be considered in reviewing the MPUD application. The proposed MPUD needs to meet these expectations even if they exceed the minimum standards set out in the code. This enhanced level of design particularly affects the project landscaping, traffic management and building design.

In 2010, the comprehensive plan was amended by the Volusia County School Board to designate the 25-acre parcel as Mixed Use III on the comprehensive plan prior to the site being purchased by the City. The zoning has remained a combination of R-2 Single-Family and R-5 One and Two Family Residential which was the zoning applied when the school was present. The Mixed Use III land use classification requires that the property be developed under a development agreement, and the proposed MPUD is being presented to meet this requirement.

The privately-owned corner parcel at Center and LPGA Boulevard is designated as low density residential on the future land use map and is zoned R-2 Single Family. This parcel will be joined into the larger parcel and included within the MPUD agreement. In terms of the comprehensive plan, the proposed MPUD zoning is consistent with both the Mixed Use III and the Low Density Residential land use.

The Basic Plan:

The proposed project is laid out in Section 2 of the MPUD agreement and includes the following items:

Corporate Headquarters	110,172 square feet
Medical Office/Clinic	16,000 square feet
General Office	30,000 square feet
Fitness Center	4,000 square feet
Day Care Center	6,000 square feet
Specialty Food/Restaurant	4,000 square feet
Multi-Family Dwellings	88 units

The proposed project layout and parcel identification is presented in Exhibit B of the Mixed-Use Master Development Plan. The plan clusters the non-residential buildings in the center of the parcel with parking surrounding them. (Parcels 1, 2 and 3.) The residential portion of the property is located in the northwestern corner of the site (Parcel 4). The well tract will be retained by the City as it houses one of our potable water production wells. The wayfinding parcel is the addition to the former school site and will include signage, landscaping and stormwater storage.

The main feature of the site is the Synergy Billing corporate headquarters which is located on Parcel 2 in the center of the site. Parcel 1 will include the medical office/clinic, the fitness center, the day care and the restaurant in a building in the southeast corner of the project. These businesses will be open to the general public and may be developed separately from the Synergy parcel. Parcel 3 will accommodate a general office building which may be included as part of the Synergy operation or may be developed by a separate entity.

DISCUSSION:

In approving a project for development, the City is obligated to review the project to determine that it is consistent with the comprehensive plan and to determine that there will be sufficient public services available to support the project concurrent with the impacts to public services. In response to these questions, the applicant submitted a report dated August 5, 2015 prepared by Zev Cohen & Associates. A copy of the report was submitted as an exhibit to December 5, 2016 agenda item. The report cites policies from the comprehensive plan to demonstrate consistency of the proposed project with the comprehensive plan. The report examines water, sewer, stormwater and solid waste services and demonstrates that current City systems have adequate capacity to support the development. This report also includes a brief review of traffic capacity on roads in the general vicinity of the project. The applicant has subsequently done a TIA and a supplemental report following City comments. Some open issues remain as the applicant proposes to delay the response to some technical comments to an updated TIA. Refer to Exhibit D.

The City staff and the applicant have made substantial progress in completing an MPUD agreement, and a revised MPUD agreement is attached which includes the latest proposed language. There are a couple of items that staff desires to layout for the Board as they consider the application.

- The plan proposes a 10-foot landscaped buffer along Walker Street in place of a 25-foot landscaped buffer that was previously proposed. The staff has agreed to the reduction in the buffer because the buffer along Walker Street is backed by the proposed wet retention areas and additional landscaping. This combination of formal buffer and landscaped retention areas provides more buffering from residential uses on the north side of Walker Street than would be provided by a 25-foot buffer. The 25-foot buffer requirement remains on Parcel 4, the residential parcel, as there is no retention proposed for the Walker Street frontage in this area of the project site.
- The applicant has proposed allowing sidewalks within the buffer. If sidewalks are planned for the buffer area, the density of plant material for the buffer will not be reduced. Therefore, the same quantity of plant material must be applied in the reduced area.
- Traffic improvements remain an issue. The agreement provides language for traffic improvements which include a requirement to install a left turn lane from Center Avenue into the project when the project development reaches 80,000 square feet of building area or an AM Peak Hour traffic volume of 247 trips.

It is the planning staff's opinion that the turn lane improvement is too far downstream in the project to mitigate traffic impacts and has the potential to create safety hazards. There is no real basis supporting the 80,000 square foot figure and the 247 peak hour trips translates to an average of four cars per minute for the peak hour. This threshold came from an earlier negotiation and was essentially selected at random. The planning staff has proposed the requirement for the turn lane be activated following the first phase Synergy development (28,000 square feet). This position is based on the AM peak traffic demand submitted in the traffic study and the application of the Volusia County standards for turn lanes which require a turn lane when a project generates 25 or more left turn movements during the peak hour. The applicant has applied a different standard in its

analysis.

- The Board needs to keep in mind that while the traffic study has concluded the proposed project will not violate the comprehensive plan's designated level of service on affected roads, there will still be added congestion on Walker Street and Center Avenue and that this added traffic may be significant at certain times of the day. The staff position regarding the turn lane is based not solely on traffic thresholds (although we remain convinced the project exceeds the applicable Volusia County threshold) but also to address traffic safety on a road where there is substantial pedestrian traffic during school times and where there will be increased traffic flow with the potential for increased rear end collisions.
- The applicant proposes the four tracts as independent parcels that are stand-alone with regard to parking and stormwater. Engineering is not available at this level of detail to verify that stormwater for each parcel meets standard, but the staff review identified a parking shortfall for the proposed Parcel 3 (120 spaces required versus 114 spaces provided). This is a relatively minor issue but does need to be resolved. This condition has not been corrected in the agreement, but will be applied to any future site plan review.
- Staff has suggested the applicant review the signage formula for wall signage. Given the size of some of the buildings and the distance from the road, the allowable signage is relatively small and staff wants to confirm the applicant is satisfied with outcome.

The applicant has proposed a more generous signage allowance that still remains below the standard code limits. Essentially the revised formula allows wall sign to cover up to 8% of the wall area versus the code maximum of 10%. The original formula allowed the signage coverage at 2.5% of the wall area. The staff has provided a counter proposal allowing the wall signage at 10% for the proposed building on Parcel 1 as this building will have four individual business units. Other buildings on the site would be allowed at 5%. Given the size of these buildings the resulting signage will still be significant. Wall signs will be permitted on all walls with street view.

- The applicant has submitted a design proposal for the buildings in the first phase. Staff review of the submittal indicates the building s as proposed do not meet all of the criteria included in the proposed MPUD agreement. The table included as an attachment to this report compares the submittal with the design elements listed in the MPUD.

STAFF RECOMMENDATION:

The staff can recommend approval of the current draft agreement subject to the modification of the timing for the turn lane. The Board will need to determine if they are willing to accept the building designs as submitted with the compliance concerns with the design standards.

MOTION:

APPROVE SECOND READING OF ORDINANCE 2991, APPROVING THE

**FOUNTAINHEAD MIXED USE PLANNED UNIT DEVELOPMENT (MPUD)
DEVELOPMENT AGREEMENT.****ATTACHMENTS:**

- Z-2015-05 Location Map (PDF)
- BUILDING ELEVATION DESIGN REVIEW (DOCX)
- Fountainhead MPUD 3-14-2017 Exhibits for March 2017 (PDF)

HISTORY:

02/28/17

City Commission

APPROVED AT 1ST READING

Next: 03/14/17

Ordinance No. (ID # 1607)**ORDINANCE 2991 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE FOUNTAINHEAD MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.****ORDINANCE 2991**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE FOUNTAINHEAD MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) DEVELOPMENT AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Owner/Developer of the Fountainhead development has proposed a Mixed Use Planned Unit Development (MPUD) Agreement.

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

SECTION 1. The City Commission of the City of Holly Hill hereby approves the Fountainhead Mixed Use Planned Unit Development (MPUD) Development Agreement, a true and correct copy attached hereto.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed. The approval of this Ordinance is conditioned upon and will not be deemed effective until Fountainhead provides financing at least in the amount of \$5,000,000.00. The financing contingency can be satisfied by providing satisfactory proof to the City of available capital, loan commitment and other available funds. In the event the required financing is not provided by May 1, 2017, this condition shall be deemed unsatisfied, this ordinance shall become a nullity and cannot be re-established without commencing the rezoning process from the beginning.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

SECTION 5. That this Ordinance shall be posted at City Hall as required by law.

APPROVED AND AUTHENTICATED on this 14th day of MARCH, 2017 for second reading.

LOCATION MAP Z-2015-05



Scale 1:5,000 - 1 in = 417 ft
 Date Created:
 17-Nov-16 03:13 PM

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Use at your own risk.
 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

BUILDING ELEVATION REVIEW FOUNTAINHEAD DEVELOPMENT JANUARY 18, 2017 SUBMITTAL

DESIGN CRITERIA	HQ BUILDING	ACADEMY BUILDING	NEW BUILDING
Flat Roof	Complies	Complies	Complies
Reflects Grid System	Complies	Complies	Complies
Ribbon Windows	Complies	Complies	Complies
Rectangular Shapes in Non-symmetrical Alignment	Fails	Partial Compliance	Partial Compliance
Rectangular Shapes with Cantilevered Elements	Can't Tell from View	Can't Tell from View	Can't Tell from View
Smooth Exterior Surfaces	Partial Compliance Except for Covered Brick	Partial Compliance Except for Covered Brick	Complies Unless Covered Brick is Used
Metal Detailing	Complies	Complies	Complies
Glass Exterior Wall	Partial Compliance	Partial Compliance	Complies
Vertical and Horizontal Relief	Likely Complies; Need alternate View to Confirm	Likely Complies; Need alternate View to Confirm	Likely Complies; Need alternate View to Confirm

1. Drawings are not architectural drawings.
2. Submitted elevations do not include all promised elevation views.
3. Architect could submit supplemental documentation demonstrating compliance.

FOUNTAINHEAD

MIXED USE PLANNED UNIT DEVELOPMENT (MPUD)

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "AGREEMENT") is made and entered into this ____ day of _____ 2017, by and between Fountainhead Developers, LLC a Florida limited liability company, whose mailing address is 1410 LPGA Boulevard, Daytona Beach, Florida 32117, (hereinafter referred to as "CONTRACT PURCHASER" or "DEVELOPER"), on behalf of the City of Holly Hill; the City of Holly Hill Community Redevelopment Agency and the City of Holly Hill, a municipal corporation of the State of Florida, (hereinafter collectively referred to as "OWNER" or "CITY"), whose mailing address is 1065 Ridgewood Avenue, Holly Hill, Florida 32117.

WITNESSETH:

WHEREAS, OWNER is fee simple title holder of the property north of LPGA Boulevard and west of Center Street otherwise known as the "1200 Center Avenue Property" within the City of Holly Hill, and more particularly described in Exhibit "A-1" as "Parcel A", attached hereto and made a part hereof; and

WHEREAS, DEVELOPER is fee simple title holder of the property located at the northwest corner of LPGA Boulevard and Center Avenue, directly south of the southeastern corner of Parcel A and more particularly described in Exhibit "A-2" as "Parcel B", attached hereto and made a part hereof; and

WHEREAS, collectively, Parcel A and Parcel B are referred to herein as the PROPERTY; and

WHEREAS, the PROPERTY lies within the CITY's community redevelopment district, and OWNER and DEVELOPER are desirous of seeing this centrally located property redeveloped in a manner that will rejuvenate the area by encouraging commercial and compatible mixed use growth so as to eliminate blight, increase tax base, create jobs and achieve the purposes of the community redevelopment district; and

WHEREAS, DEVELOPER has proposed a Mixed Use Development plan for the PROPERTY and said plan incorporates those elements of development the OWNER desires on the PROPERTY, which includes job creation, an increased tax base and the general provision for the redevelopment of the PROPERTY in a manner sought by OWNER. OWNER has authorized DEVELOPER to submit this plan, on its behalf, as an application to the CITY for a Mixed Use Planned Unit Development (MPUD) rezoning to govern the use of the PROPERTY, and

WHEREAS, DEVELOPER has a contract to purchase a portion of the PROPERTY based upon rezoning the PROPERTY to Mixed Use Planned Unit Development (MPUD); and

WHEREAS upon the purchase of a portion of the PROPERTY, DEVELOPER shall assume the duties, obligations, benefits and entitlements granted herein of OWNER as set out in this AGREEMENT; and

WHEREAS, it is the desire of the CITY to encourage this redevelopment of the PROPERTY so as to prevent and discourage urban sprawl, create jobs, promote compatible, consistent and effective usage of land and add to the tax base within the CITY and to implement the CITY's comprehensive plan; and

WHEREAS, the City Commission seeks to implement the Community Redevelopment Area (CRA) Master Plan by focusing on the best utilization of vacant properties and blighted properties in the city, to encourage private investment and business retention; and

WHEREAS, the provision of access to utility areas (wellfield) and facilities within the wellfield protection area provides a common benefit to the residents of Holly Hill; and

WHEREAS, Section 114-771(4)b. of the Holly Hill Land Development Regulations (hereinafter the "LDRs") requires a written development agreement between the DEVELOPER and the CITY as a part of the rezoning to MPUD process; and

WHEREAS, the proposed Master Development Plan (MDP), including the MPUD Development Agreement, is consistent with the City of Holly Hill CRA Redevelopment Plan, the City of Holly Hill Comprehensive Plan, the City of Holly Hill Land Development Regulations and the Florida Community Redevelopment Act, as contained in F. S. Chapter 163, Part III; and

WHEREAS, the CITY and the DEVELOPER desire to enter into this MDP to provide the terms and conditions upon which the PROPERTY can be developed in accordance with Exhibit "B", attached hereto and made a part hereof.

NOW, THEREFORE, the parties do hereby agree as follows:

1. Recitations. The recitations set forth above are true and correct and are incorporated herein by reference.

2. Master Development Plan. The PROPERTY shall be rezoned and entitled to be developed as a MPUD in accordance with the Master Development Plan, which consists of this AGREEMENT, all exhibits thereto, and adopting Ordinance XXXX The MDP shall govern the development of the property as an MPUD and shall regulate the use of this PROPERTY. This development is subject to all provisions of the City of Holly Hill Land Development Regulations (LDRs) as of the date of the submittal of application for permit or development approval, unless specifically provided otherwise by the MDP. With the approval of this rezoning, the development of the PROPERTY shall be determined to be consistent and comply with the City of Holly Hill Comprehensive Plan. The following summarizes the development that is approved for the PROPERTY:

- | | |
|--|---------------------|
| A. Corporate Headquarters: | 110,172 square feet |
| B. Medical Office/Clinic: | 16,000 square feet |
| C. Office : | 30,000 square feet |
| a. Financial Institution may be included within the office area as provided for below. | |
| D. Fitness Center: | 4,000 square feet |
| E. Child Day Care: | 6,000 square feet |
| F. Specialty Food/Restaurant | 4,000 square feet |
| G. Multi-family Dwelling Units | 88 dwelling units |

3. Joinder and Consent. DEVELOPER AND OWNER shall provide to the CITY a joinder and consent in lieu of unity of title agreement in order to assure unified control of the PROPERTY. DEVELOPER shall establish a property owners association (POA) in accordance with the terms of this MDP. The POA documents shall be submitted and approved by the CITY concurrently with the first subdivision of the PROPERTY.

4. Controlling Documents. The development of the PROPERTY shall be in accordance with this MDP, subject to amendments approved as outlined in Paragraph 5 below. This MDP shall control the planning, design and construction of the PROPERTY, and the LDRs shall control items and requirements not otherwise addressed by this MDP.

5. Amendments. Amendments to the MDP shall be subject to the requirements of Section 114-771(g)(4) of the City of Holly Hill Land Development Regulations, which states that minor amendments to the preliminary plan not violating any terms of the written development agreement and not altering the intent and purpose of the MDP may be approved by the Development Code Administrator after such departmental comment as he deems appropriate. Major amendments will require full review and shall include relocation of uses on the site, except as permitted by the MDP, changes to building styles, changes to landscaping requirements, etc. Minor changes shall be limited to items such as small adjustments to building footprints, allocation of uses within a defined parcel such as retention areas, parking etc. Minor amendments to the preliminary plan not violating any terms of the MDP and not altering the intent and purpose of the MDP may be approved by the Development Code Administrator. Decisions as to whether modifications are Major or Minor shall be at the sole discretion of the Development Code Administrator. All amendments not qualifying as a minor amendment shall be deemed a major amendment which shall be reviewed and approved with a rezoning ordinance with review and recommendation by the Board of Planning and Appeals and two readings before the City Commission.

6. Phasing of Development. The PROPERTY may be developed in multiple phases as individual parcels, as shown on the MDP. However, at a minimum, the following improvements must be included as part of Phase 1 as also illustrated in Exhibit "C":

- A. Synergy Billing Headquarters (2 Buildings, totaling 21,000 square feet)
- B. Synergy Academy (7,000 square feet)
- C. 25 ft landscaped perimeter buffer along Center Avenue.
- D. 10 ft perimeter buffer along Walker Street, running from the intersection of Walker Street and Center Avenue to the main entrance to the Property on Walker Street.

- E. Water retention ponds, as required by the St. Johns River Water Management District, as depicted in Exhibit "C". Landscaping of said ponds shall be as provided herein.
- F. Parking to support the Phase 1 buildings, with future parking area to be sodded until improved.
- G. Primary entrances to Walker Street and Center Avenue as depicted on Exhibit "C".

Thereafter, DEVELOPER may develop the remaining parcels in any particular order. The parcel alignment shown on the MDP, shown on Exhibit "B", reflects parcels that will be incorporated into a final plat. The DEVELOPER shall process a final plat within sixty (60) days of the approval of the MPUD rezoning.

As individual parcels are brought forward for development under a final site plan, DEVELOPER shall ensure that development of the individual parcels includes the extension of utility stubs to parcel lines, storm water sufficient to handle the impervious surface of said parcel, and access and connectivity to adjacent parcels. The Development Code Administrator shall approve the development and development order of any particular parcel subject to the determination that:

- A. The individual parcels are fully supported by the required access, infrastructure and utilities;
- B. The specific parcel of the project can operate independently of other surrounding parcels; and
- C. The development of an individual parcel has been planned to provide sufficient size and location of utilities and infrastructure to support the proposed use on the site and the subsequent phases of the project (oversizing for future use).
- D. The parcel's development furthers the plan for an interconnected campus.

7. Permitted Uses. Each of the parcels comprising the PROPERTY may be developed as follows:

- A. Corporate Headquarters: 110,172 square feet
 - a. Administrative offices and corporate offices
 - b. Training centers/private meeting centers/assembly areas
 - c. Vocational Academy***
- B. Professional Services/Medical Office/Clinic: 16,000 square feet
 - a. Laboratories: biological, optical, medical, dental and X-ray, but not including research and development laboratories related to the manufacturing of drugs for distribution and sale, and not including blood banks.
- C. Professional Service/Office: 30,000 square feet
 - a. A Financial Institution may be located on Parcel 2 or Parcel 3. If drive-thru service is to be provided, an update to the TIA shall be required.
- D. Fitness Center: 4,000 square feet
- E. Child Day Care: 6,000 square feet
 - a. Child day care centers in accordance with the requirements set out in Section 114-667 (2)-(6) of the Holly Hill LDR's.**
- F. Specialty Food/Restaurant 4,000 square feet
- G. Multi-family Dwelling Units* 88 dwelling units
- H. Park, public meeting area, public open space and governmental uses.

A.

*Multi-family dwelling units shall only be located within parcel 4. However, nothing contained herein shall preclude the use of parcel 4 for non-residential use.

**Specific provisions authorizing an accessory daycare playground within a side yard are provided in the accessory uses below.

*** The vocational academy refers to the proposed Synergy Career Academy, a non-profit vocational school seeking licensure from the Commission for Independent Education, which has authority under the Florida Department of Education. In general, the use refers to the definition of "School" as found in Florida Statutes Section 1005.02(16)(a-d)(2016).

It is expressly recognized by all parties that the intent of this MDP is to have the uses provided for herein, including the Fitness Center, Child Dare Care, Specialty Food/Restaurant open to the service of the public rather than limiting said uses to just employees working within the Property.

It is expressly recognized by all parties that construction on Wing North and Wing South, as depicted on Exhibit "B", may occur on a floor by floor basis. Specifically, and pursuant to all relevant local, state and federal building codes as applicable, the exterior frame of the wing buildings may be constructed and Developer may secure C.O. on a floor by floor basis, so long as unfinished floors are properly secured from access.

8. Accessory Uses. Each of the parcels comprising the PROPERTY as shown on the MDP may include the following uses so long as the accessory use is located within the same parcel as the intended primary use of the tract being a permitted use listed previously. Notwithstanding the previous statement, these uses may be permitted on Parcel 1 so long as the Synergy Headquarters building has been constructed on Parcel 2.

- A. Prescription pharmacies that are accessory to and within medical clinics (drive-thru prohibited).
- B. Essential utility services, including offsite stormwater retention and structures
- C. Daycare Playground, located within a side yard and accessory to an inline child daycare center.
- D. Other uses customarily accessory and incidental to the principal use as determined by the Development Code Administrator.

9. Dimensional and Building Design Standards. The following summarize the dimensional standards applicable to all development occurring within this MPUD.

A. Area width and depth as shown on the Fountainhead Master Development Plan attached hereto and incorporated herein as Exhibit "B".

- B. Required yards:
 - i. All yards abutting other parcels or interior roads or other interior elements 15 ft.
 - ii. All yards abutting any boundary of the Property 20 ft.
- C. Maximum building height: 45 ft.
Measured from center line of closest City street.
Parapets, chases and architectural elements may be added up to an additional ten feet (10')
- D. Maximum Floor Area Ratio (FAR) 0.35* for Parcels 1,2,3
(*Parcel 4, if developed for multi-family residential, shall not be included in FAR calculations. If parcel 4 is developed for non-residential use, then A-E apply.)
- E. Parcel 4 Maximum Building Length 200 ft.

10. Building Design Standards Applicable to All Tracts

- A. The Fountainhead MPUD shall be developed in a coordinated and compatible manner to ensure visual harmony and provide for a high-quality multi-use development throughout the PROPERTY.
- B. Building architecture, landscaping, hardscape and signage shall be coordinated to ensure the PROPERTY and individual developments within maintain consistency.
- C. Accessory structures shall be designed to be compatible with the primary structure on the parcel. Compatibility shall mean use of common features, colors and material.
- D. Site design guidelines: All parcels shall be compatible with the landscaping, lighting and hardscape features established for the initial phase of development to ensure that all landscape buffers are consistent in appearance. Parking lot islands and common areas shall utilize a similar palette of plant material so that there is consistency and compatibility. Where feasible, stormwater ponds shall be integrated into the site to provide for open space elements, such as decks and observation areas.
- E. Building design standards: Buildings within the Fountainhead MPUD on the PROPERTY shall comply with "Contemporary Architecture." For the purposes of this MDP, "Contemporary Architecture" shall include the following elements:
 - i. Each facade shall focus on horizontal elements with clean, simple lines that define the base, body, and cap of a building structure.
 - ii. Design shall emphasize the use of the "grid" with contrasting materials. The design shall focus on the rectangular form with curved corners and other rounded features.
 - iii. Exterior walls shall be smooth and constructed of stucco, finished

- stone, finished metal or glass.
 - iv. Buildings shall have flat roof systems with a parapet that screens roof-mounted equipment.
 - v. Windows may be “ribbon” windows.
 - vi. Vertical shifts and cantilevered projections shall be included to avoid extensive, flat building lines. There shall be a relief to massing of any building such that a minimum of 20% of the building frontage shall have relief or other movement of 3-feet or more, as measured from the leading edge of the primary building.
 - vii. Aluminum or stainless steel banding or detailing may be included with glass walls to provide relief and contrast.
 - viii. Pre-fabricated metal buildings with painted walls shall be prohibited since they are not consistent with contemporary architecture as established in this MDP.
 - ix. Lighting fixtures shall be simple and lack fenestration or ornamentation, consistent with the overall project design. The initial phase of development shall set forth the common site elements to include but not limited to lighting, benches, signage design etc., to be used throughout the MPUD.
 - x. Buildings shall have a maximum of four different colors as long as they create the graphic relief intended for the geometry of the building.
 - xi. For those multi-family structures located on parcel 4, eaves, roof extensions, patios, balconies, stairwells, sidewalks and associated extensions may extend no more than ten feet (10 ') into any yard.
 - xii. Notwithstanding any of the above statement to the contrary, all parties recognize that, as to any residential development on the Property, the Contemporary Architecture standard is meant to inform the design of the structures. However, the parties recognize that said standards were designed with commercial buildings in mind and that the design elements are to be worked into the design of any residential structures, but that certain elements, such as glass walls and the like may not be feasible for a residential use. Review of the architectural elevations of any residential structure will be pursuant to the process described in Section H below.
- F. The following photographs show buildings that reflect the “contemporary” architecture proposed for the project. These are provided for demonstration purposes and do not reflect the actual design of the buildings to be constructed on the Fountainhead PUD property.

Examples of the following elements:

1. Flat roof;
2. Exterior walls and building reflects a grid system; and
3. The use of “ribbon” windows.



Examples of the following elements:

1. Rectangular shapes in non-symmetrical alignment;
2. Exterior walls and building reflects a grid system;
3. Rectangular shapes, cantilevered elements;
4. Smooth exterior surfaces; and
5. Metal detailing.



Examples of the following elements:

1. Flat roof, Exterior walls and building reflects a grid system;
2. Glass used for exterior wall; and
3. Vertical and horizontal relief.

Examples of the following elements:

1. Building emphasizes rectangular shapes;
2. Glass used for exterior wall;
3. Vertical and horizontal relief via cantilevered elements



- G. The Development Code Administrator shall review the following items in assessing the proposed design of projects within the MPUD:
- i. Setbacks and relationship to adjoining structures.
 - ii. Scale in relationship to building and adjoining structures.
 - iii. Scale: height in relationship to adjoining structures.
 - iv. Wall facade treatments and window patterns.
 - v. Front facade, exterior elements, detailing, color, and wall surface structures.
 - vi. Buildings facing pedestrian areas should be at least 5'-0" from walkways with a landscape buffer, as a general rule.
 - vii. Utility and mechanical locations and screenings of such.
 - viii. Doors and storefronts must reflect the "contemporary" architectural style.
 - ix. Outdoor seating and landscape areas will be required, as well as dumpster locations. The use of wood or chain link will not be permitted.
 - x. All submittals will require building floor plans, exterior elevations (4) sides and a color elevation showing the architectural "contemporary" style.
- H. To ensure the consistency described above, this MDP provides for an additional step in the review process to address the elevations of the buildings to be constructed on the Property. The process shall be as follows:
- a. Elevations for the Corporate Headquarters Building, which shall be the first building permitted under this MDP, are attached hereto and incorporated herein as Exhibit "G". With the approval of this MDP, the elevations for said building shall be approved and the following paragraph shall not apply for said building.
 - b. If elevations for the Corporate Headquarters Building have not been submitted as part of the approval of this MDP or as final renderings for subsequent buildings are not available at the time of the MDP adoption, the standard site plan approval process shall now require that the architectural elevations for any building constructed on the Property, other than the

structural elevations approved by this MDP, shall be brought before the Holly Hill City Commission for review and approval. Said review shall be limited to determining whether the proposed elevations are consistent with the existing structures on the Property and with the architectural style elements and building design standards provided for herein. It is the intent of all parties to this MDP to allow for some distinction and deviation between the buildings on the Property provided that they meet the design criteria provided above.

11. Landscaping and Related Standards.

A. Landscaping.

- i. Landscaping shall be consistent throughout all parcels contained within the PROPERTY to provide the sense of a unified campus development.
- ii. Specific landscape plans shall be provided through the site plan process for each parcel contained within the PROPERTY.

iii. For each parcel, the following minimum landscape requirements shall apply:

a. Project Perimeter

- i. The MDP provides for a landscape perimeter buffer along Center Avenue of 25 feet. The minimum landscaping required for these areas shall be as provided on Page 1 and Page 6 of the Landscape Plan prepared by Zev Cohen and Associates, attached hereto and incorporated herein as Exhibit "D". Sidewalks may be included/incorporated into this buffer provided that the presence of said sidewalk does not impact the density or variety of vegetation to be contained within the buffer.
- ii. This MDP provides for a landscape perimeter buffer of 10 feet along Walker Street. The minimum landscaping required for these areas shall be as provided on Page 2 and Page 6 of the Landscape Plan, attached hereto and incorporated herein as Exhibit "D". Additionally, as stormwater retention ponds are constructed in the areas adjacent to Walker Street, landscaping, as provided for on Page 5 and Page 6 of the Landscape Plan, attached hereto and incorporated herein as Exhibit "D", shall be incorporated into the design of the ponds. It is the express intent of all parties that the landscaping for the pond in Parcel 3 be consistent with and otherwise mirror the landscaping for the pond in Parcel 2. Please note that additional landscaping along Walker Street shall be provided for Parcel 4, as described immediately below.
- iii. Parcel 4 – The western boundary of Parcel 4, as illustrated on the MDP, provides for a 10 foot landscape perimeter buffer. The minimum landscaping required for these areas shall be in plant quantities and types with the

standards set forth for Parcels 1 -3 and as illustrated in Exhibit "D". As Parcel 4's northern perimeter buffer along Walker Street will not be supplemented by the presence of a retention pond in Parcel 4, the northern perimeter buffer along Walker Street for Parcel 4 shall be 25 feet.

- iv. Southern Boundary – The southernmost boundary of the PROPERTY is encompassed by a 15 foot access easement servicing Well Tract, running from the Well Tract to Center Avenue. If alternative access to the Well Tract is provided, to the satisfaction of the City, then the existing 15 foot access easement area may be landscaped and shall satisfy the landscaping requirements for the southern boundary. In the event that said easement is vacated or alternative access can be provided, the buffer standards provided by the Land Development Regulations to provide for a vegetative opacity no less than 80% It is explicitly recognized that notwithstanding the ability to provide alternate means to access the Well Tract, a pipeline is and shall continue to be located within the 15 foot access easement. Landscaping shall be provided to avoid conflict with said piping and in the event that the piping must be disturbed by the City, the landscaping shall be restored to its prior condition by the DEVELOPER. If no alternative access to the Well Tract can be provided and the City requires the continued use of the 15 foot access easement, the landscaping required for the southern boundary shall be provided to the north of the 15 foot access easement. Landscaping along the southern boundary shall not be required until such time as development on Parcel 1 begins. The minimum landscaping required for the southern buffer shall be consistent in plant quantities and types with the standards set forth and illustrated in Exhibit "D".
- v. Retention Ponds – The retention ponds are to be designed as functional, but featured amenities for the PROPERTY. DEVELOPER shall supplement the design of the surface water tracts with plantings so long as they do not interfere with the function of the stormwater facilities and are compliant with St Johns River Water Management District. A typical for the treatment of the stormwater facilities can be found on Page 5 of the Landscape Plan, attached hereto as Exhibit "D".
- b. Parking and Drive Aisles: Exhibit "B" provides for parking and drive aisles servicing all portions of the PROPERTY. This MDP shall permit a maximum parking space run of 13 spaces before a

landscape island is required. Plantings within the parking lots shall be as depicted as provided on Page 5 of the Landscape Plan, attached hereto and incorporated herein as Exhibit "D".

- c. Building Landscaping: To comply with and accentuate the architectural themes of the structures to be built on the PROPERTY, the minimum landscaping for building frontages within the PROPERTY shall be as provided on Page 5 of the Landscape Plan, attached hereto and incorporated herein as Exhibit "D".
 - d. OWNER shall provide DEVELOPER with reclaimed water at a rate of \$200 per month which shall be automatically adjusted annually in the same manner as other utility rates .
- B. Sidewalks.
- i. Sidewalks shall be provided on both sides of all roads and private access drives leading into the PROPERTY from Walker Street and Center Avenue. No sidewalks shall be provided along the access easement to the Well Tract. Sidewalks shall comply with City of Holly Hill design standards.
 - ii. Sidewalks shall be provided to internal connection between the various uses and parcels. Determination of location, size and design of the pedestrian walkways shall be addressed with the site plans for the individual parcels. To the extent permitted by the St Johns River Water Management District, DEVELOPER shall incorporate walking paths and similar amenities into the Surface Water Tracts depicted on the MDP.
- C. Bus Stops. DEVELOPER shall provide two covered bus stops serving the PROPERTY, one located on Walker Street and one located on Center Avenue. The exact locations and designs of the shelters shall be coordinated with Votran and the CITY.
- D. Bicycle racks shall be provided at entrances to primary structures for both patrons, residents and employees.

12. Ingress and Egress to the PROPERTY. Public access to the PROPERTY shall be limited to points along Walker Street and Center Avenue in accordance with the requirements contained in Chapter 90, Article III, Division 2, Subdivision IV of the LDC and as depicted in this MDP. The locations of these access points are provided in Exhibit "B". A typical of the landscaping for the primary access points on Walker Street and Center Avenue is found on Page 3 of the Landscape Plan, attached hereto as Exhibit "D". An access/maintenance easement, fifteen feet (15') wide and as depicted generally on the MDP, shall provide CITY with access to its water line and the Well Tract from Center Avenue unless alternative access can be provided as described herein. All property owners within the PROPERTY shall have the right to utilize any of the access easements abutting their parcel.

13. Projected Traffic Impacts and Improvements. The following traffic improvements and requirements are based on the Traffic Impact Assessment (TIA) dated June 2016; the follow up report dated January 3, 2017 (Attached as Exhibit "E"); and subsequent memoranda produced

by City staff.

- A. The DEVELOPER shall provide a fully updated TIA meeting the current MPO standards prior to initiating site plan approval for the first phase of development as described in Exhibit "C".
- B. The DEVELOPER shall design and install a left turn lane from Center Avenue with the construction of any principal buildings on Parcels 1, 2 or 3 beyond the initial 80,000 square feet of rehabilitation and new construction. This equates to 247 AM peak entering trips.
- C. The DEVELOPER shall pay its proportionate share of off-site traffic improvements where the need for the improvement has been linked to the project.
- D. Should a future TIA, done for subsequent site plan review, determine that a turn lane is required on Walker Street, the DEVELOPER shall construct the turn lane. DEVELOPER shall be entitled to recover a proportionate share of the cost from other contributing projects as these projects are reviewed by the City for transportation concurrency.
- E. The DEVELOPER shall be required to comply with any County impact fee requirements and proportionate share requirements as part of the City's transportation concurrency approval.

14. Projected Utility (Potable Water, Sanitary Sewer and Stormwater Management) Impacts and Improvements.

- A. All proposed improvements shall be required to connect to existing potable water and sanitary sewer facilities owned and maintained by the City of Holly Hill. All designs and construction of utility connections shall comply with Chapter 90, Article III, Division 4 of the LDC.
- B. All Stormwater management facilities shall comply with the requirements of the CITY and the St. Johns River Water Management District.
- C. As stated herein in Section 17 of this MDP and as provided in the separate Redevelopment Incentive Agreement, DEVELOPER shall receive those certain impact fee credits, including those for potable water and sanitary sewer impacts, based on the prior use of the PROPERTY (Holly Hill Middle School) and said credits shall be utilized in determining impact fees and other connection fees as specified in said Redevelopment Incentive Agreement.
- D. In accordance with Section 90-205 of the LDC, utility lines for electricity (except primary transmission lines), telephone, gas and television communications shall be installed underground in locations approved by the city engineer unless otherwise approved by the City Commission.
- E. Water usage by the multi-family uses contemplated for parcel 4 as depicted on the MDP shall be measured by a master meter.

15. On-site Parking/Development Criteria. The on-site parking shall comply with the requirements of the LDR's with the following exceptions:

- A. Parking for all permitted uses, including accessory uses but excluding multi-family dwellings, shall be provided at a rate of 4 parking spaces per 1,000 square feet of gross building area. Reductions may be allowed for parking management strategies that include, but are not limited to shared-parking agreements, shift-related parking plans, off-site parking opportunities and credits for transit,

- pedestrian, bicycle and on-site residential development.
- B. Parking for multi-family dwellings shall be calculated at 1.5 spaces per 1-bedroom unit and 2 spaces for each unit with 2 or more bedrooms.
 - C. Parking for Synergy Academy: Notwithstanding the provisions found above, parking for the Synergy Academy use shall be based upon the parking requirements for Private College/Post High School uses. 1 space shall be provided for every employee of the Academy use, and 1 space for every 3 students during the hours of maximum operation shall be provided.

16. Signage. Signage shall comply with the regulations contained in Chapter 110 of the CITY's LDC with the following exceptions:

- A. There shall be five (5) project identification signs to be located on Walker Street (2), Center Avenue (2) and the intersection of LPGA Boulevard and Center Avenue (1) as generally depicted in the MDP (as either "Entrance Sign" or "Entrance Feature"). The project identification signs shall each be limited to a maximum of forty-eight (48) square feet of copy area per face. Copy area shall mean the area of the sign with wording and logos, and shall not include the physical structure supporting the sign. The maximum height of the project identification sign shall be ten (10) feet as measured from the centerline of the adjoining street. Project identification signs shall be located so that there are no sight visibility issues at intersections or other points of heavy vehicular traffic. Project identification signs may be a single, double-faced sign or two, single-faced signs. Project signs shall be monument style ground signs and shall include the name of the MPUD ("Fountainhead" or other project name acceptable to the DEVELOPER and OWNER).
- B. Building identification signs shall be allowed on all buildings. Maximum building sign area shall be equal to the area of 20% of the building height multiplied by 40% of the building width of the side of the building where the sign will be placed. The building sign may be placed anywhere on the building, except that no sign shall exceed or protrude over any roof line.
- C. Directory signs up to a maximum area of thirty-two (32) square feet of copy area shall be allowed at one access point from Walker Street and two access points from Center Avenue. Directory signs shall not exceed eight (8) feet in height. Directory signage shall be designed to accommodate individual business locations and shall be accessible to all properties within the project.
- D. No exposed neon or lighting shall be allowed within any sign on the PROPERTY.
- E. Final designs shall be provided with site plan applications and shall comply with the dimensional requirements listed above and shall be consistent with the standards for "Contemporary Architecture" listed in Section 10 of this MDP.
- F. There shall be (1) identification sign into Parcel 4, the proposed location for the Multi-Family use. This sign shall not include tenant identification.

17. Vesting: Development Rights and Impact Fees.

- A. Development Rights for the PROPERTY – The intent of this MDP is to define the applicable condition for the development of the PROPERTY. As stated herein, where the MDP are silent, the LDR provisions in effect as of the submittal of application for permit or development approval shall control.
- B. For purposes of all concurrency and impact fee determinations, credit for all of the pre-existing impacts of the middle school formerly on the PROPERTY, including but not limited to police protection, fire protection, water, sewer, stormwater, and traffic shall be granted on a first come first serve basis, except for Parcel 4 Workforce Housing Development. Said credit shall remain with the PROPERTY and shall not be transferred to any unrelated project or development. The vesting of said credits shall be effective as of the date of the closing of the sale of any portion of the PROPERTY from OWNER to the DEVELOPER. Said credits shall be considered a vested property interest and shall survive any future modification of the CITY'S concurrency or impact fee provisions to ensure that they may be available for use for the duration of the PROPERTY'S redevelopment. Impact fee credits shall be identified in Exhibit "G".

18. Walls and Fences. Interior fences and wall may not exceed six feet (6') in height. Fences and walls may be constructed of metal, masonry, PVC, or other similar materials. Fence design must be consistent with the design criteria contained in Section 10 of this MDP. Black or green vinyl-coated chain link fence may only be used on the perimeter of the contemplated child day care center play yard.

19. Solid Waste. Each parcel shall have adequate facilities for the disposal of solid waste which shall be screened from view. Design and appearance of dumpster enclosures shall be consistent with the design criteria in Section 10 of this MDP. At a minimum, all outside temporary waste storage containers shall consist of six foot (6') tall, ten foot (10') by ten foot (10') enclosures. If dumpsters are used on the subject property, a solid fence or wall with a height of 6 feet shall be used to screen three sides of the dumpster. Gates shall be opaque and shall remain closed to obscure the contents during business hours.

20. Parcel Development Plan Approval. This MDP provides sufficient evidence that future development of the PROPERTY conforms to the requirements established in Chapter 82, Article III, Division 2, Section 82-216 City of Holly Hill LDRs. The development of the Fountainhead MPUD shall be subject to review solely by the Development Code Administrator and other City of Holly Hill staff. The Final Development Plans shall be reviewed by the Development Code Administrator, who upon determination that a Final Development Plan complies with all applicable development requirements of subsection 82-216(g) and the MPUD, shall issue the Final Development Order. Note that pursuant to Paragraph 10.H. provided for herein, architectural elevations for all buildings constructed on the Property shall be brought before the City Commission for a determination of consistency with the pre-existing structures and the architectural style elements and building design standards provided for herein. All Final Development Plans shall address future development of adjoining vacant development areas by demonstrating that utilities, access, and compliance with dimensional standards (setbacks, buffers, building separation) shall be consistent with this MDP, the Comprehensive Plan and the City of

Holly Hill LDRs. Nothing contained herein exempts future development of the Fountainhead MPUD from other permitting requirements established by federal, state, regional or county authorities. Appeals of the Development Code Administrator's decisions in regard to Final Development Plans within the Fountainhead MPUD shall abide by the requirements established in Chapter 82, Article V, Division 2.

21. Stormwater. Stormwater will be treated on site as required by the LDRs and the St. Johns River Water Management District. Stormwater retention facilities may serve individual or multiple parcels within the PROPERTY. Any common stormwater facilities must be maintained by a Property Owner's Association. Stormwater pond area shall be credited toward any open space requirement. Stormwater shall be designed to be integrated with the landscaping so that size, orientation and design are complementary to the landscape and building design. Ponds shall be designed to be aesthetically pleasing, complimentary to the PROPERTY'S landscaping and sloped so that fencing is not required. Fountains shall be provided in each retention area as a design element.

22. Wellfield Acknowledged. A wellfield, with a well tract encompassing approximately 2.08 acres, is located outside of the PROPERTY along its southern boundary as depicted in the MDP. This MDP was designed to accommodate the continued use and maintenance of the well tract by the CITY. All parties to this MDP acknowledge the existence and proximity of the wellfield to the PROPERTY. If CITY abandons the use of the wellfield and DEVELOPER purchases that property identified as the Well Tract on the MDP at a later date, said property may be incorporated into this MDP as a major amendment.

23. Property Owners Association. Prior to any subdivision of the PROPERTY shown on the MDP, DEVELOPER shall establish a Property Owners Association, created for the maintenance of all common areas, including the interior road network, parking areas and the stormwater system for the PROPERTY. The DEVELOPER shall be responsible for recording said information in the Public Records of Volusia County, Florida and shall bear all costs for recording the information.

24. Binding Effect. This MDP shall be recorded in the Public Records of Volusia County, Florida, and the provisions of this MDP shall be binding upon the parties hereto and respective successors and assigns as a covenant running with and binding upon the PROPERTY.

25. Breach of MDP. In event that the DEVELOPER has materially breached the MDP, the DEVELOPER shall commence to cure the breach within thirty (30) days of the notice by the CITY. If the DEVELOPER is unable or unwilling to cure the breach and abide by the MDP, the CITY shall exercise its right to take appropriate legal action including code enforcement or termination of this MDP.

26. Hold Harmless. The purpose of this Hold Harmless provision is to limit the exposure of the CITY, as the governing body adopting this MDP from actions taken during development on the PROPERTY. Therefore, DEVELOPER agree to and shall hold the CITY, its officers, its employees, and representatives harmless from liability for damage or claims for damage for personal injury, including death and claims for property damage that may arise from the direct or

indirect operations of the DEVELOPER or those of the DEVELOPER'S contractor, subcontractor, employee, or other persons acting on his/her behalf which relate to the project. DEVELOPER agree to and shall defend the CITY and its officers, employees, and representatives from actions for damages caused or alleged to have been caused by reason of the DEVELOPER'S activities in connection with the project. HOWEVER, nothing contained herein shall be deemed to serve as a waiver of sovereign immunity to the extent said immunity is available to CITY.

27. Monitoring Official. The City of Holly Hill City Manager or his/her designee is appointed as the CITY's monitoring official of this MDP. The CITY's representative shall monitor the activities specified in such a manner to ensure that all requirements of this MDP are met and that all reviews and approvals are expedited to the greatest extent possible.

28. Notices. Any notice, demand or other communication required or permitted under the terms of this MDP shall be in writing, made by telegram, Federal Express, USPS Express Mail, UPS or other similar overnight delivery services or certified or registered mail, return receipt requested, and shall be deemed to be received by the addressee one (1) business day after sending, if sent by any of the overnight delivery services identified above, and three (3) business days after mailing, if sent by certified or registered mail. Notices shall be addressed as provided below:

If to the CITY: City of Holly Hill
Attn: City Manager
1066 Ridgewood Avenue
Holly Hill, FL 32117
PH: 386.248.9425
FX: 386.248.9448

With Counterpart to: City of Holly Hill
Attn: City Planner
1066 Ridgewood Avenue
Holly Hill, FL 32117
PH: 386.248.9424
FX: 386.248.9448

If to the DEVELOPER: Fountainhead Developers, LLC
1410 LPGA Boulevard
Daytona Beach, FL 32117
PH: 386.274.4802

29. Severability. Invalidation of any provisions of this MDP shall not affect any other provisions of this MDP, which shall remain in full force and effect.

30. Effective Date. The approval of this Ordinance is conditioned upon and will not be deemed effective until Fountainhead provides financing at least in the amount of \$5,000,000.00. The financing contingency can be satisfied by providing satisfactory proof to the City of

available capital, loan commitment and other available funds. In the event the required financing is not provided by _____, May 1, 2017, this condition shall be deemed unsatisfied, this ordinance shall become a nullity and cannot be re-established without commencing the rezoning process from the beginning."

**THIS PORTION OF THE PAGE LEFT INTENTIONALLY BLANK
TITLE PAGE TO FOLLOW**

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed by the proper officers the day and year as written.

ATTEST:

CITY COMMISSION OF THE CITY OF
HOLLY HILL

Valerie Manning
City Clerk

John Penny
Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing agreement was acknowledged before me this ____ day of _____, 2017 by John Penny as the Mayor of Holly Hill, who is personally known to me or produced _____ as identification and did/did not take an oath.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.:
My Commission Expires:

OWNER

HOLLY HILL COMMUNITY
REDEVELOPMENT AGENCY

Attest: _____
Valerie Manning
City Clerk

John Penny
Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing agreement was acknowledged before me this _____ day of _____, 2017 by John Penny as the Chair of the Holly Hill Community Redevelopment Agency, who is personally known to me or produced _____ as identification and did/did not take an oath.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No.:
My Commission Expires:

DEVELOPER

Witness: _____

Fountainhead Developers, LLC
a Florida Limited Liability Company

Printed Name: _____

By: _____

Name: M. Jayson MeyerTitle: ManagerSTATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing agreement was acknowledged before me this _____ day of _____, 2017 by M. Jayson Meyer as the Manager of Fountainhead Developers, LLC, who is personally known to me or produced _____ as identification and did/did not take an oath.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:Commission No.:
My Commission Expires:

Exhibit "A-1"

Parcel A: The 1200 Center Avenue property

Exhibit A-1

Parcel A: The 1200 Center Avenue property

DESCRIPTION: (PER O.R. BOOK 6670, PAGE 2413)

PARCEL 1:

That part of "BISHOP VILLAGE" SUBDIVISION, as per map recorded in Map Book 19, Page 92, of the public records of Volusia County, Florida, and part of Lots 1, 34, 4, 32 and 33, and all of Lots 2 and 3, Block 35, MARY C. FLEMING SUBDIVISION of the Thomas Fitch Grant, as per Map recorded in Map Book 1, Page 1, of the public records of Volusia County, Florida, being more specifically described as follows:

Commencing at the Southeast corner of Lot 20, of said BISHOP VILLAGE SUBDIVISION; thence North 25° West, along the Westerly line of Center Street, a distance of 200 feet to a concrete monument, marking the PLACE OF BEGINNING; thence South 63°28' West, a distance of 978.65 feet to a concrete monument located on the West line of Lot 32, Block 35, FLEMING SUBDIVISION; thence North 25°25' West, along the Westerly line of said Lot 32, a distance of 428.07 feet to a steel rod marking the Northwest corner of Lot 32, Block 35; thence South 64°31'30" West, along the Southerly line of Lot 4, Block 35, a distance of 84.92 feet; thence North 25°25' West, a distance of 636.2 feet to a point in the South line of 13th or Walker Street; thence North 64°42'30" East, a distance of 1071.08 feet to a concrete monument marking the Northeast corner of Lot 1, BISHOP VILLAGE SUBDIVISION; thence South 25° East along the Westerly line of Center Street, a distance of 1043.1 feet to the PLACE OF BEGINNING.

PARCEL 2:

The West 13 feet of the South 200 feet of Lot 32, Block 35, MARY C. FLEMING SUBDIVISION of the Thomas Fitch Grant, as per Map recorded in Map Book 1, Page 1, of the public records of Volusia County, Florida.

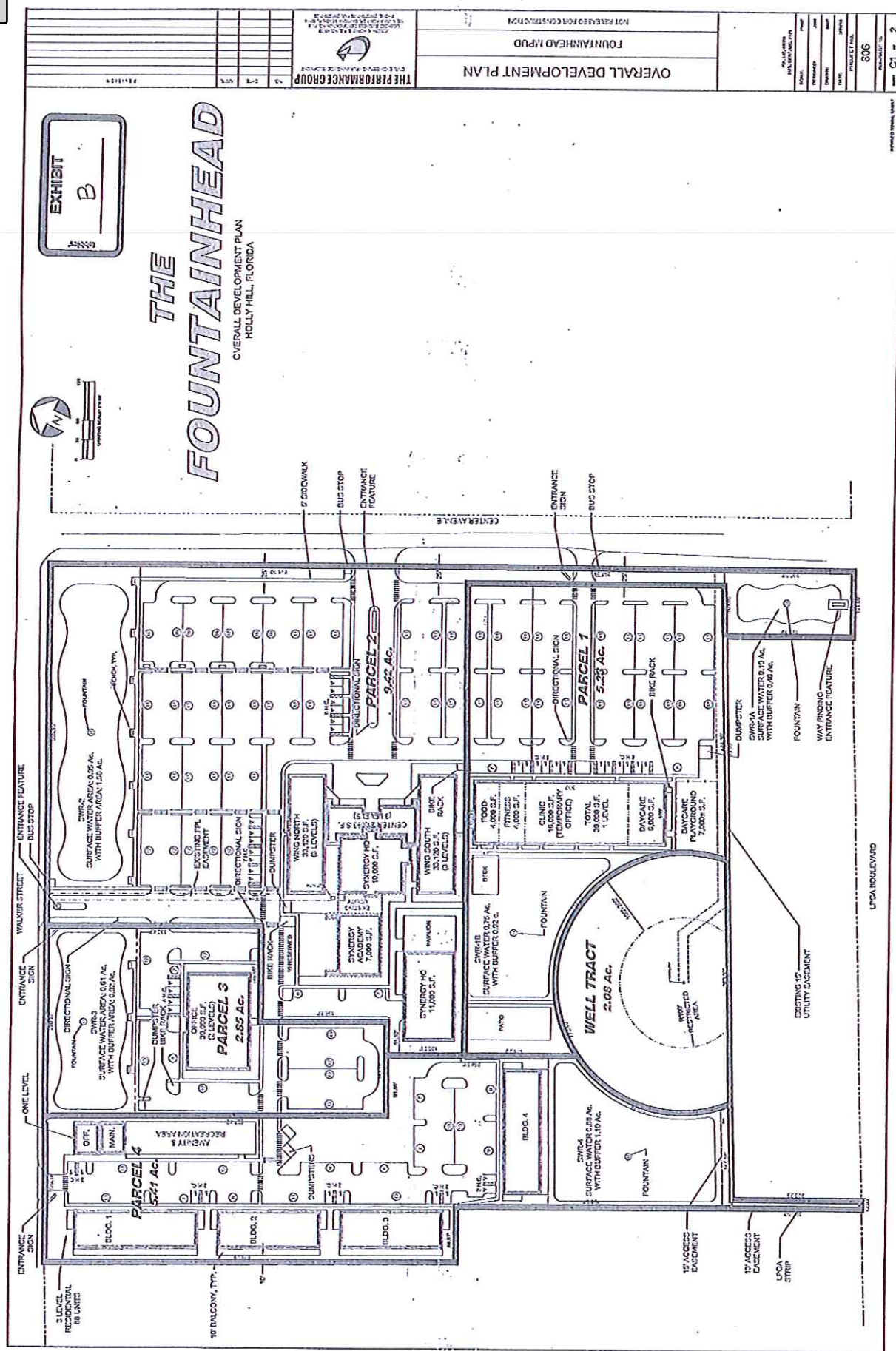
Exhibit "A-2"
Parcel B: Developer's Parcel

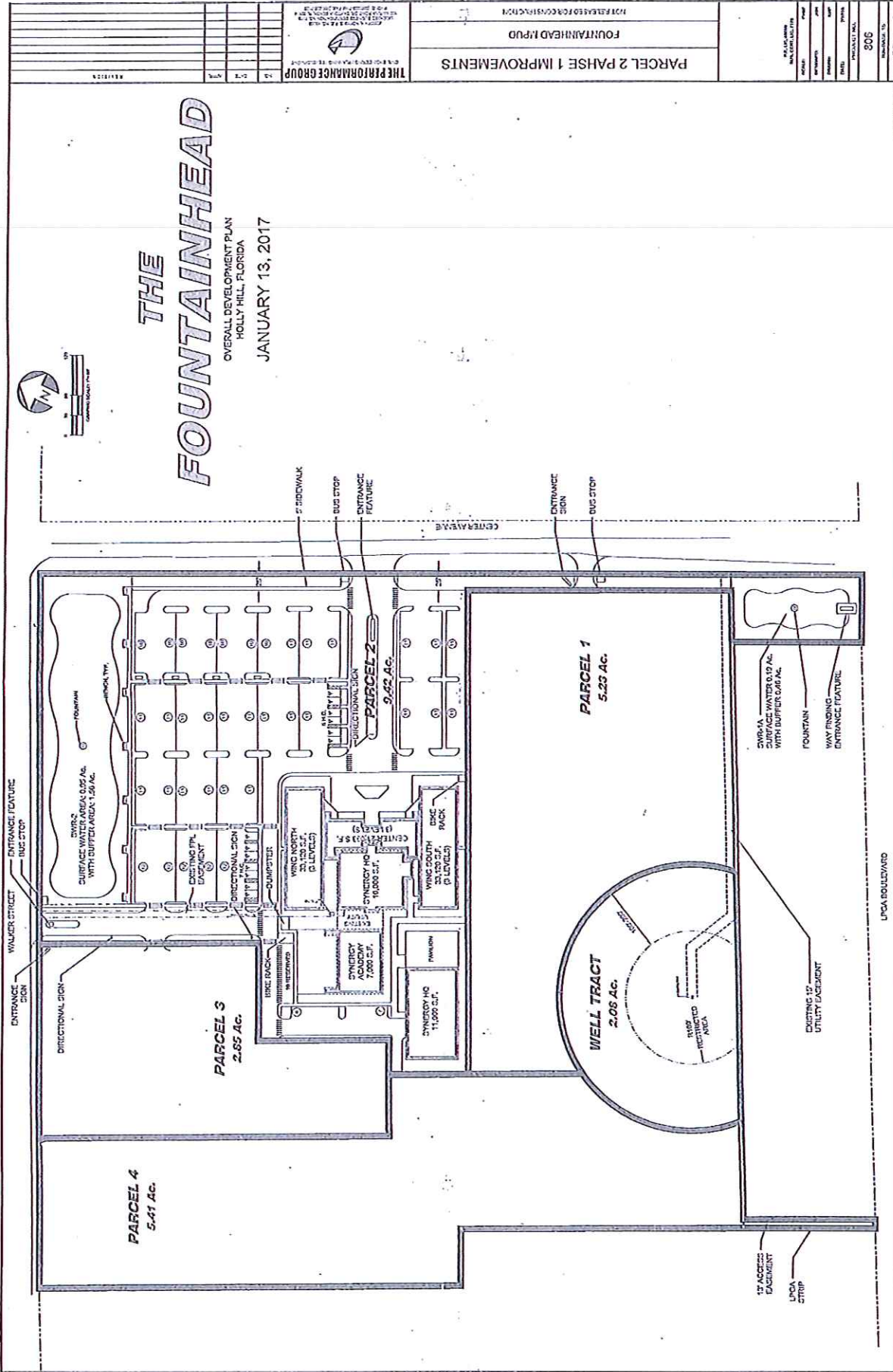
Exhibit A-2
Parcel B: Developer's Parcel

DESCRIPTION: (PER O.R. BOOK 7214, PAGE 890)

The East 101 feet of the South 200 feet of Lot 34, Block 35, Fleming Fitch Grant, according to the map or plat thereof, as recorded in Map Book 1, Page 1, of the Public Records of Volusia County, Florida, also known as Lot 20, Bishop Village, according to the map of plat thereof as recorded in Map Book 19, Page 92, of the Public Records of Volusia County, Florida.

Exhibit "B"
Mixed Use Master Development Plan





REVISED: 01/13/2017

CS = 2

Exhibit "C"
Illustration of Phase 1

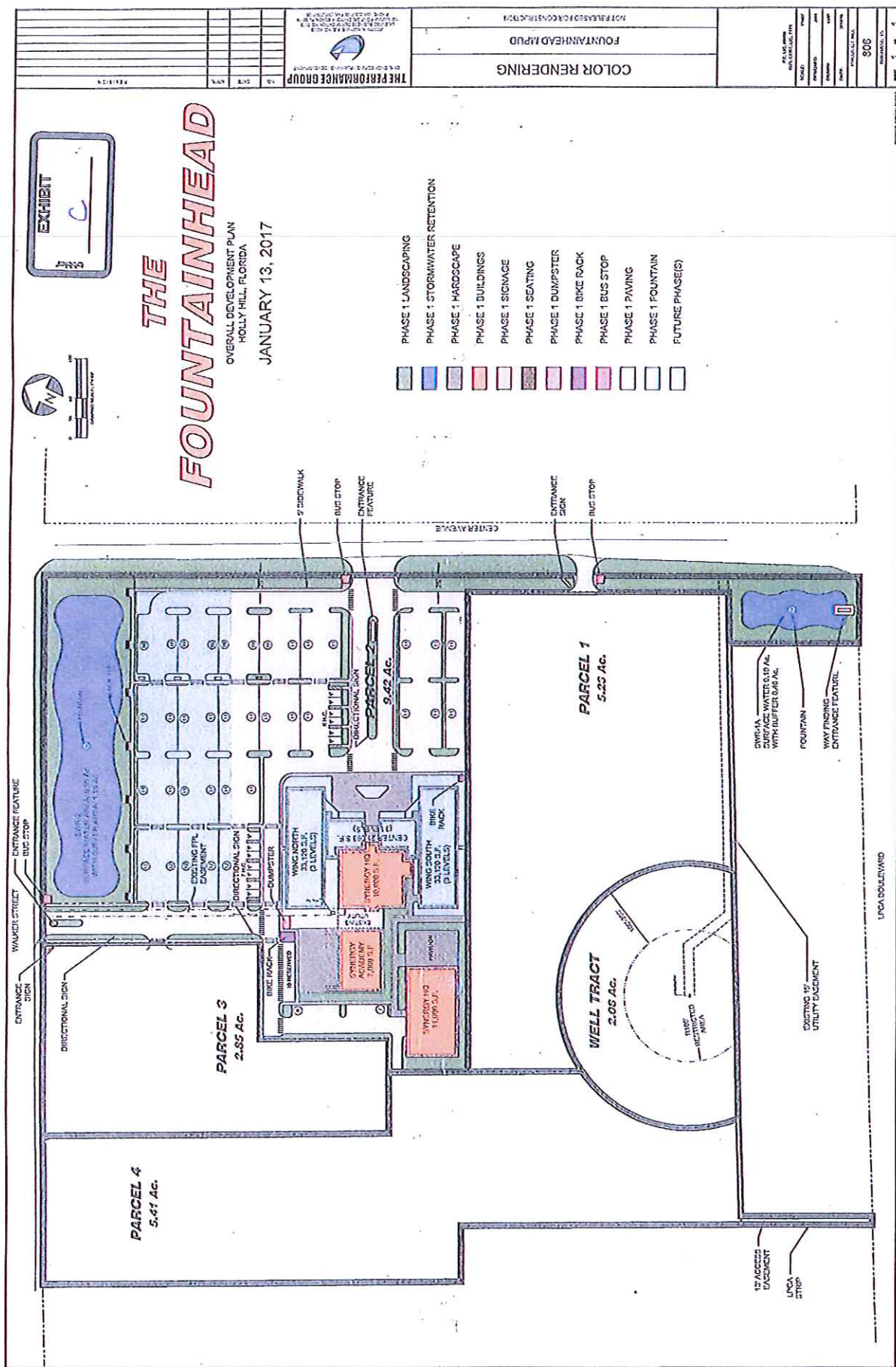
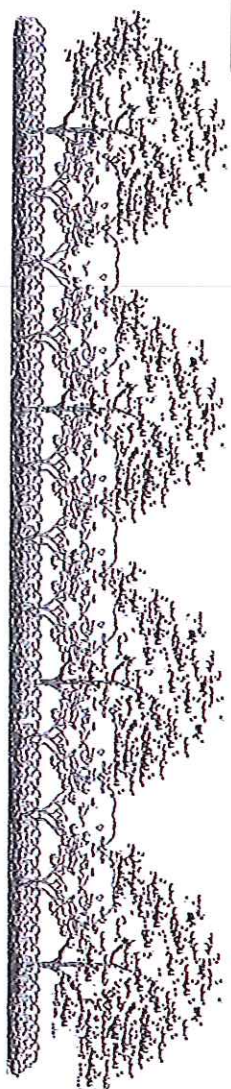


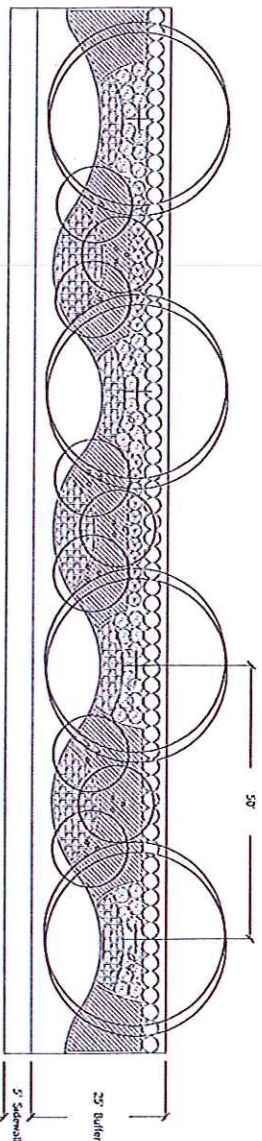
Exhibit D
Landscape Plan

EXHIBIT

D



Center Avenue Buffer Elevation



Center Avenue Plan (Typ.)

- 22' CENTER AVENUE BUFFER
- ONE SHADE TREE PER 50 LINEAR FEET
- 3 UNDERSTORY TREES PER 50 LINEAR
- CONTINUOUS HEDGE TO SHIELD
- VIGNOLAR USE AREA BOUND BUFFER
- 9 DIFFERENT TYPES OF LANDSCAPE
- MATERIALS PER 50'
- 5000 SHALL MAKE UP NO MORE THAN 40%
- 5000 SHALL MAKE UP NO MORE THAN 40%
- SHADE TREES AND UNDERSTORY TREES
- TO BE A MINIMUM OF 25% INCREASE IN
- SIZE OVER CITY REQUIREMENTS

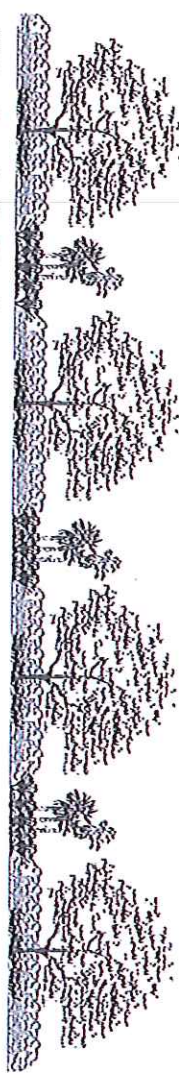
FOUNTAINHEAD
MPUD EXHIBITS
CONCEPTUAL LANDSCAPE PLANS

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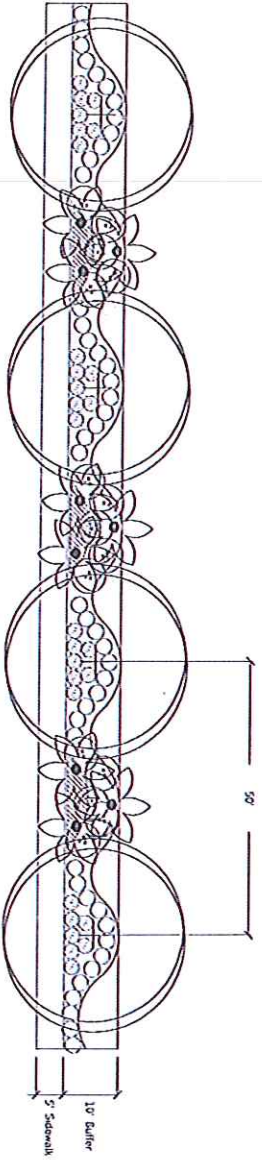


PROJECT NO. 1607	DATE: 03/14/2017
BY: J. COHEN	DATE: 03/14/2017
CHECKED BY: J. COHEN	DATE: 03/14/2017
APPROVED BY: J. COHEN	DATE: 03/14/2017
SCALE: 1" = 10'	
SHEET: 141 OF 5	

Walker Street Buffer Elevation



Walker Street Buffer Plan (Typ.)



- 10' WALKER STREET BUFFER
- ONE CANOPY TREE PER 50 LINEAR FEET
- 1/2' OVERHEAD POWER LINES ARE WITHIN
- 20' OF TREE LOCATION SITE CONCEPTUAL
- PLANT LIST FOR SUBSTITUTION
- RECOMMENDATIONS:
- 10' WALKER STREET OR 3 MEDIUM PALMS
- PER 50 LINEAR FEET
- 7 DIFFERENT TYPES OF LANDSCAPE
- MATERIAL PER 50 LINEAR FEET
- CONTINUOUS HEDGE PROVIDED AS
- VISUAL SCREEN
- 50% NOT TO EXCEED 40% OF BUFFER
- 50% NOT TO EXCEED 40% OF BUFFER
- TO BE A MINIMUM OF 22% INCREASE IN
- SIZE OVER CITY REQUIREMENTS

FOUNTAINHEAD
MPUD EXHIBITS
CONCEPTUAL LANDSCAPE PLANS

DATE: 03/14/17

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CONSTRUCTION

GROUND REACH
DESIGN & CONSTRUCTION
1000 W. 10TH AVE. SUITE 100
DENVER, CO 80202

EGGERTSON
DESIGN & CONSTRUCTION
1000 W. 10TH AVE. SUITE 100
DENVER, CO 80202

ZEV COHEN
A ASSOCIATES, INC.
1000 W. 10TH AVE. SUITE 100
DENVER, CO 80202

PROJECT NO. 1607

DATE: 03/14/17

DESIGNED BY: J. COHEN

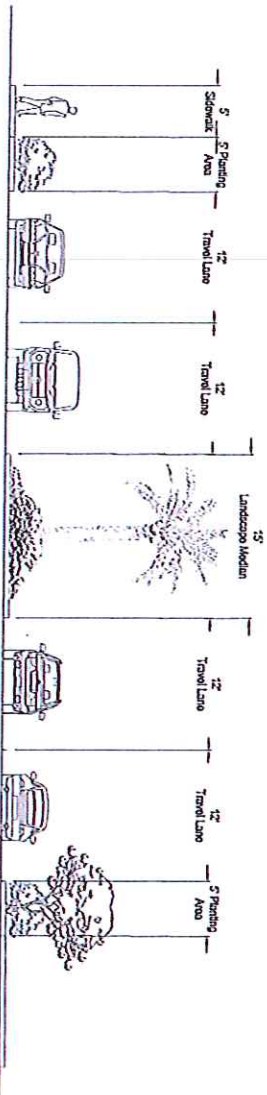
CHECKED BY: J. COHEN

DATE: 03/14/17

SCALE: 1/2" = 1'

Scale 1 = 20 = 100

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077 07 4341-34

121546277 8,000

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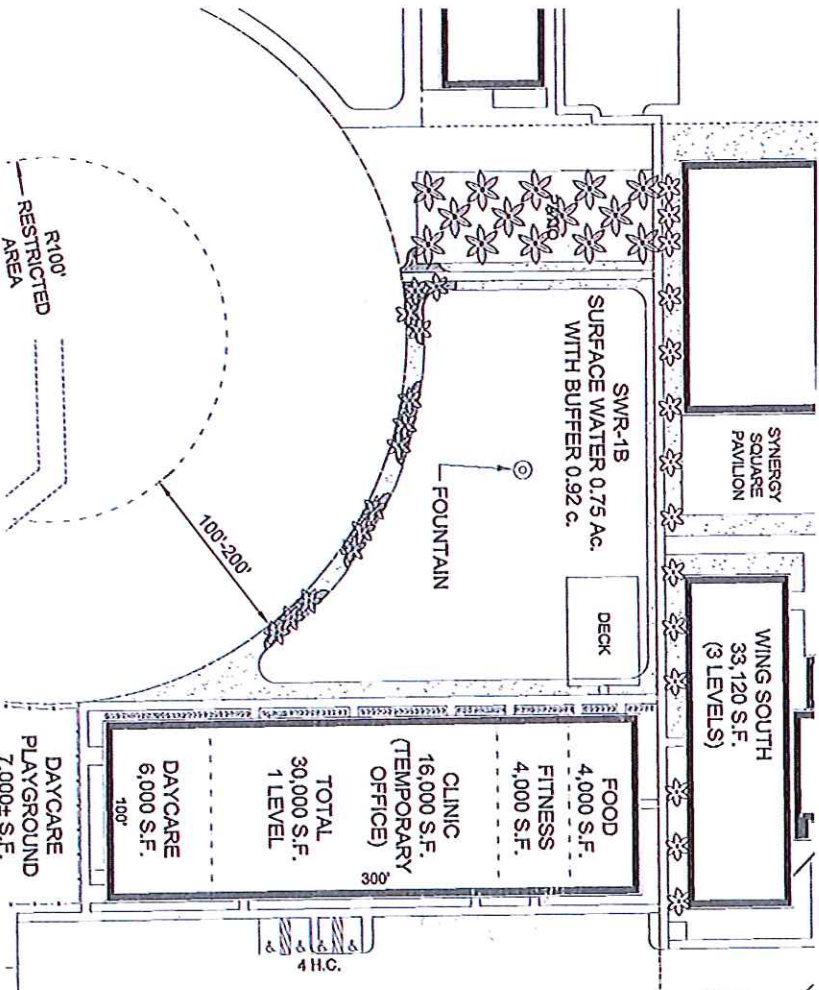
ORVINO BEACH
20 WATERLOO BLVD. E.
ORVINO BEACH, FL. 32064
(904) 232-2424 FAX (904) 232-2424

EDGEWATER
1000 KATY PARK
EDGEMAN, FL. 32041
(904) 232-2424 FAX (904) 232-2424



102-1

200 SQ. FEET OF POND PER ACRES ARE REQUIRED FOR EACH 150 LINEAR FEET OF POND PER ACRES. A DISTANCE OF 10 FEET BETWEEN ADJACENT AREAS SHALL BE MAINTAINED TO THE HIGH WATERLINE USING ADJACENT PLANT MATERIAL OR DISPOSITIONING REQUIRED. THESE 3 CANOPY TREES SHALL BE PROVIDED FOR EACH 150 LINEAR FEET OF POND PER ACRES. TREES SHALL BE AT LEAST 10 FEET APART. TREES MAY BE MEASURED AS MEASURED AT TOP OF BANK. MORE TREES MAY BE USED IF CLUSTERING IS RECOMMENDED. MAXIMUM SPACING BETWEEN TREES IS 150'. LOCATION MUST BE WITHIN 40 FEET TOP OF BANK. WATER FEATURE SUCH AS A FOUNTAIN SHALL BE INCLUDED IN ALL WET RETENTION PONDS.



15-1

[illegible]

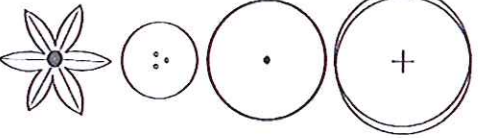
- MINIMUM 3' WIDE LANDSCAPE AREA ADJACENT TO BUILDING
- SIDEWALK MAY BE LOCATED IMMEDIATELY ADJACENT TO BUILDING AND LANDSCAPE AREA MAY BE LOCATED ON OTHER SIDE OF SIDEWALK.
- 1 CANOPY TREE AND 1 UNDERSTORY/MEDIUM PALM TREE PER 60 LINEAL FEET OF LANDSCAPE AREA (OR PORTION THEREOF); 3 MEDIUM PALM TREES MAY BE SUBSTITUTED FOR 1 CANOPY TREE.

LARGE CANOPY TREE:
LIVE OAK
MINIMUM 7.5' HT., 2" CALIPER
TO BE PLANTED A MINIMUM OF 30' FROM OVERHEAD
POWER LINES (MEDIUM CANOPY TREE SHOULD BE
SUBSTITUTED IF OVERHEAD POWER LINES ARE WITHIN
30' FROM TREE LOCATION)

MINIMUM 7.5" HT. 2" CALIPER
TO BE PLANTED A MINIMUM OF 20' FROM OVERHEAD
POWER LINES (LARGE PALM TREE OR 1.5
UNDERSTORY TREES SHOULD BE SUBSTITUTED IF
OVERHEAD POWER LINES ARE WITHIN 20' FROM
TREE LOCATION)

LICUSTRUM, WAX MYRTLE, OLEANDER
MINIMUM 7.5" HT., 2" CALIPER

LARGE PALM TREE:
CANNY DATE, MEDJOL DATE, SILVER DATE
MINIMUM 10' C.T.
3 MEDIUM PALM TREES MAY BE SUBSTITUTED



MEDIUM PALM TREE:
WASHINGTON, SADAL, CHINESE FAN
MINIMUM 10' C.T.

LARGE EVERGREEN SHRUB:
WAX MYRTLE, LICUSTRUM, CRINUM LILY,
PHILODENDRUM, BIRD OF PARADISE
MIN. 5' HT X 5' SPREAD

HEDGE SHRUB:
VIBURNUM, ELEAGNUS, PODOCARPUS,
WAX MYRTLE
MIN. 2.5' HT., 2.5" O.C.

SMALL SHRUB/FLOWERING PERENNIAL:
MAX. 3' O.C.

GROUND COVER: SHRUB:
MAX. 3' O.C.

FLOWERING PERENNIAL/ANNUAL:
MAX. 2' O.C.

1. ALL PLANTING SECTIONS ARE CONCEPTUAL AND ARE ONLY INTEND TO SHOW A TYPICAL PLANT THAT IS REPRESENTATIVE OF THE AMOUNT OF ACCEPTABLE PLANT MATERIAL AND THE ESTABLISHMENT STANDARDS. PLANTING SECTIONS ARE NOT TO BE USED FOR SPECIFICATIONS. PLANTING REQUIREMENTS ARE MET. ALL PLANTING PLANT MUST ADJUST MINIMUM LOT REQUIREMENTS FOR THE CITY OF HOLLY HILL, UNLESS SPECIFIED OTHERWISE. PLANTING MATERIALS ARE NOT REQUIRED TO BE SPECIFIED IN RESPECT TO THIS SECTION. BUFFERS ARE NOT REQUIRED TO BE SPECIFIED IN RESPECT TO THIS SECTION.
2. THE CONCEPTUAL PLANT LIST IS NOT INCLUSIVE AND IS TO BE USED AS A GUIDE FOR PLANT MATERIAL CHOSEN BY THE LANDSCAPE ARCHITECT OR OTHER QUALIFIED PERSON.
3. ALL PLANT MATERIAL SHALL BE GRADE FLORIDA NO. 1 OR BETTER IN QUALITY AS SPECIFIED IN FLORIDA CODES AND STANDARDS.

$\partial \Gamma / \partial t = -\nabla_{\perp}^2 \Gamma$

1992-2000, 2001-2008

[illegible]

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CONSTRUCTION

CRANFORD BEACH
1170 E. CRANFORD RD., SUITE C
CRANFORD, NJ 07016
(908) 277-0422 FAX (908) 277-0213

EDGEWATER
5000 EDGEMOOR RD.
EDGEWATER, NJ 07020
(908) 277-0422 FAX (908) 277-0213

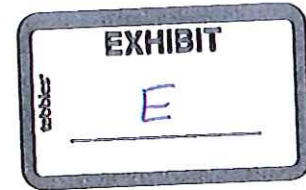


Exhibit E
Traffic Impact Analysis



Via Email: (tharowski@hollyhillfl.org)

Ref: 4146.03



TECHNICAL MEMORANDUM

To: Thomas Harowski, AICP
 From: Andrew J. Ames, PE
 Subject: Support Memorandum for the TIA
 Date: January 17, 2017

The following Technical Memorandum presents a summary of the comments, responses and a quick synopsis to outline the differences between the current site plan and the site plan dated January 11, 2017. This Memorandum has included the following to support the Memo:

- Original Site plan submitted with the Traffic Impact Analysis (June 2016)
- Revised and Current Site plan for use (January 2017)
- Responses to all comments related to this project
- Description of the Land use plan of today versus June 2016

Table 1 presents the June 2016 and January 2017 development programs for the study:

Table 1
 Comparative Analysis Land Use
 The Fountainhead Development

Land Use	Land Use Plan		Land Use Plan	
	Jun-16		Jan-17	
Apartment Units	88	DU	88	DU
Student/Employee Day-care facility	100	Students	100	Students
General Office	65,000	SF	30,000	SF
Corporate Headquarters	75,100	SF	87,079	SF
Medical Office	20,000	SF	16,000	SF
Bank	7,500	SF	7,500	SF
Fitness Center	-	SF	4,000	SF
Food Kiosk	4,000	SF	4,000	SF

The Site Access has not changed respective to the driveway locations as can be seen on the 2016 and 2017 Site Plan attachments.

The projects trip generation tables are found below. *Table 2 presents the original net trip generation.* The New External trips are identified along the right column and are to be compared with *Table 3 current net trip generation.*

Thomas Harowski, AICP
January 17, 2017
Page 2

Table 2
Comparative TRIP Generation
The Fountainhead Development
Original 2016 NET TRIP Generation

Time Period	Land Use	Total Trips			Internal Trips			Pass-by Trips			New External Trips		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Daily	Residential	329	329	658	104	73	177	0	0	0	225	256	481
	Day Care	335	335	670	0	0	0	0	0	0	335	335	670
	Office	1,502	1,502	3,004	24	23	47	0	0	0	1,478	1,479	2,957
	Bank	556	556	1,112	61	82	143	233	223	456	262	251	513
	Restaurant	255	255	510	28	39	67	98	93	191	129	123	252
Totals:		2,977	2,977	5,954	217	217	434	331	316	647	2,429	2,444	4,873
A.M. Peak-Hour	Residential	9	38	47	3	7	10	0	0	0	6	31	37
	Day Care	11	9	20	0	0	0	0	0	0	11	9	20
	Office	404	45	449	2	2	4	0	0	0	402	43	445
	Bank	52	39	91	6	3	9	22	17	39	24	19	43
	Restaurant	24	19	43	3	2	5	9	7	16	12	10	22
Totals:		500	150	650	14	14	28	31	24	55	455	112	567
P.M. Peak-Hour	Residential	43	23	66	14	10	24	0	0	0	29	13	42
	Day Care	9	11	20	0	0	0	0	0	0	9	11	20
	Office	71	401	472	3	3	6	0	0	0	68	398	466
	Bank	91	91	182	10	14	24	38	36	74	43	41	84
	Restaurant	23	16	39	2	2	4	9	6	15	12	8	20
Totals:		237	542	779	29	29	58	47	42	89	161	471	632

Table 3
Comparative TRIP Generation
The Fountainhead Development
Current 2017 NET TRIP Generation

Time Period	Land Use	Total Trips			Internal Trips			Pass-by Trips			New External Trips		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Daily	Residential	329	329	658	104	73	177	0	0	0	225	256	481
	Day Care	1,343	1,343	2,686	0	0	0	0	0	0	1,343	1,343	2,686
	Office	1,210	1,210	2,420	24	23	47	0	0	0	1,186	1,187	2,373
	Bank	556	556	1,112	61	82	143	233	223	456	262	251	513
	Restaurant	255	255	510	28	39	67	98	93	191	129	123	252
Totals:		3,693	3,693	7,386	217	217	434	331	316	647	3,145	3,160	6,305
A.M. Peak-Hour	Residential	9	38	47	3	7	10	0	0	0	6	31	37
	Day Care	42	38	80	0	0	0	0	0	0	42	38	80
	Office	340	36	376	2	2	4	0	0	0	338	34	372
	Bank	52	39	91	6	3	9	22	17	39	24	19	43
	Restaurant	24	19	43	3	2	5	9	7	16	12	10	22
Totals:		467	170	637	14	14	28	31	24	55	422	132	554
P.M. Peak-Hour	Residential	43	23	66	14	10	24	0	0	0	29	13	42
	Day Care	38	43	81	0	0	0	0	0	0	38	43	81
	Office	61	360	421	3	3	6	0	0	0	58	357	415
	Bank	91	91	182	10	14	24	38	36	74	43	41	84
	Restaurant	23	16	39	2	2	4	9	6	15	12	8	20
Totals:		256	533	789	29	29	58	47	42	89	180	462	642

Thomas Harowski, AICP
January 17, 2017
Page 3

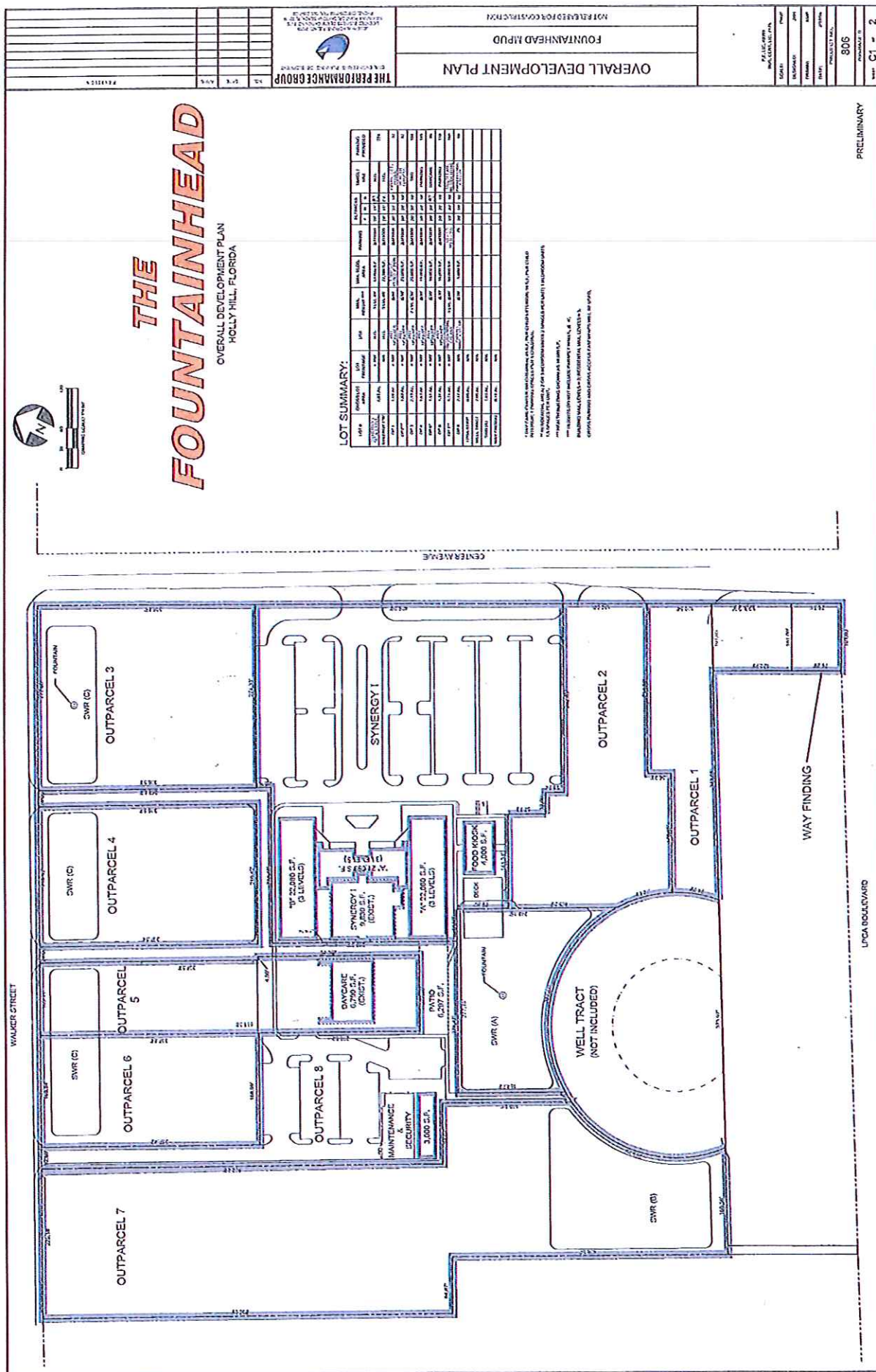
The significant difference between the two land use plans is found with the day care facility. It is important to note that ITE does not typically permit internal capture however the purpose of the day care is to provide a support facility to employees and the public. This will lead to an overall internal capture rate of approximately 50% conservatively and reducing the current trip generation below the original trip generation for the site.

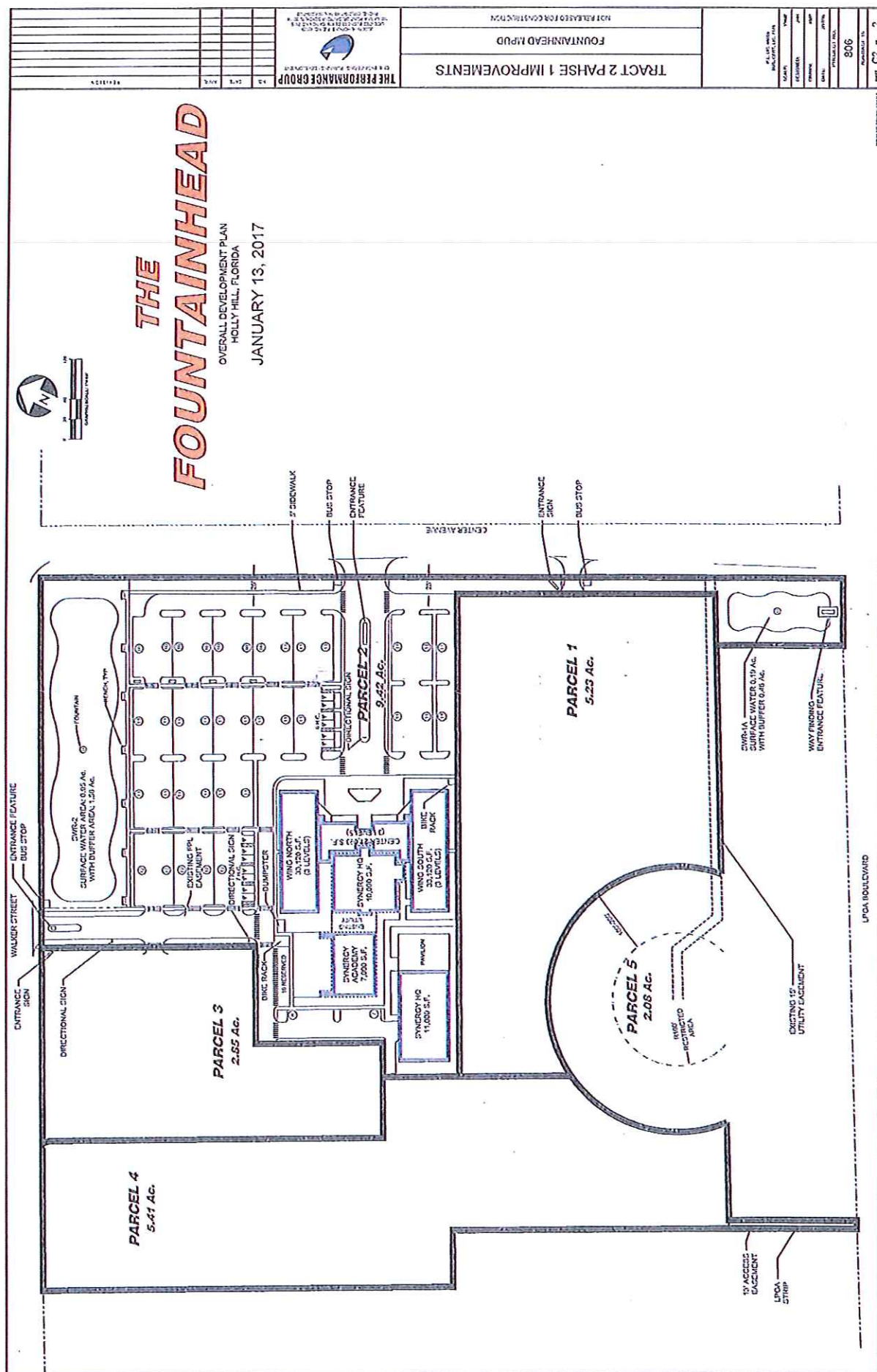
Additionally, the MPUD has added language requiring the NB connection to Walker Street to be built with the initial building. Based on the current proposed Land Uses and the currently proposed site access plan a revised TIA will not create any significant changes in recommendations. Additional improvement conditions are not anticipated for this project.

Encl: Comment Response Letter, prepared by Lassiter Transportation Group, Inc.
6/16 and 1/17 Site plans
6/16 and 1/17 Land use plans

I affirm, by affixing my signature and seal below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional engineering.

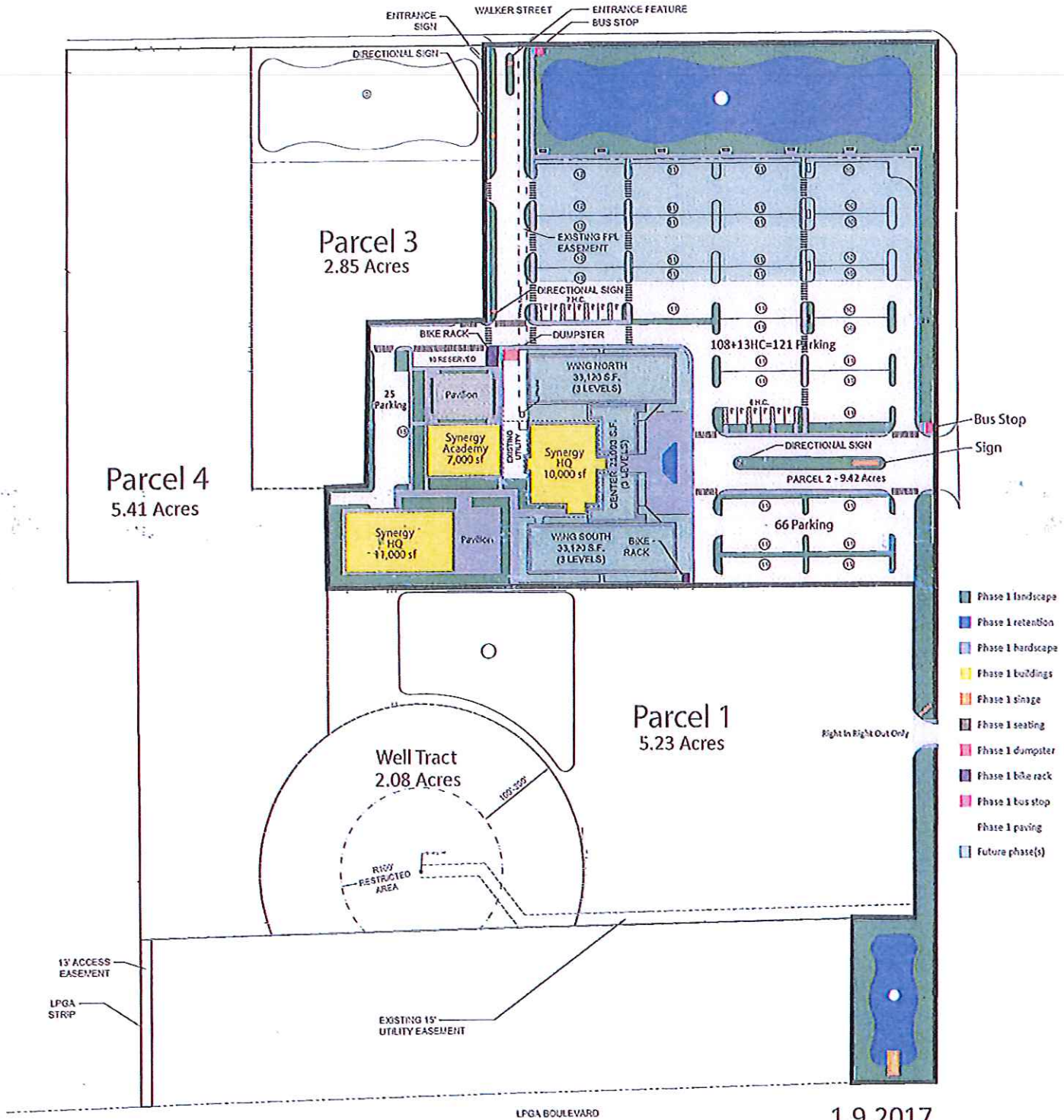
Name: Andrew J. Ames, P.E.
Signature: *Andrew J. Ames, P.E.*
Florida PE License No.: 52570
Date: January 17, 2017







FOUNTAINHEAD PARCEL 2 PHASE 1 IMPROVEMENTS





FOUNTAINHEAD

The Fountainhead at Holly Hill – Sequencing Projection

End of Year	Use	Parcel	New People	Total people	Recapture	Sq. footage	Notes
2017	HQ	2	140	140	N/A	21,000	Former media/new build Former gym
2018	Academy	2	50	50	N/A	7,000	No build 50 day + 25 night
2019	HQ	2	+70	210	N/A		Wing 4 ees + 10 cars
	Academy	2	N/A	See note	N/A		2 ees + 10 cars public
	HQ	2	+105	310	N/A	22,000	Wing
	Academy	2	N/A	See note	N/A	11,000	Wing
	Food	1	See note	See note	>50%	4,000	4 ees + 10 cars
	Fitness	1	See note	See note	>50%	4,000	2 ees + 10 cars public
2020	HQ	2	+157	472	N/A	22,000	Wing
	Academy	1	+25	See note	N/A	11,000	Wing, 75 day, 50 night = 125
	Day care	1	See note	See note	>50%	6,000	8 workers + 30 cars, public drop off
2021	Clinic	1	See note	See note	<20%	16,000	8 workers + 50 cars public in/out
2023	Office	3	120	120	N/A	30,000	4 ees/1,000 sf
2023	88 workforce housing units	4	See note	See note	N/A	+90,000	Lottery any time 2018-2026 Average 1.8 people/unit



Ref: 4146.03

January 3, 2016

Thomas Harowski, AICP, City Planner
 City of Holly Hill
 1066 Ridgewood Avenue
 Holly Hill, Florida 32117-2898
 (386) 248-9424

Subject: Fountainhead, Holly Hill Traffic Impact Analysis (TIA) – Response to Volusia County Traffic Engineering and City of Holly Hill Review Comments

Dear Mr. Thomas Harowski:

Lassiter Transportation Group Inc. (LTG) has prepared a Response to the comments from the City of Holly Hill and the Volusia County Traffic Engineering for the proposed Fountainhead project. The following responses are provided to address the comments from the review:

CITY OF HOLLY HILL COMMENTS, Thomas Harowski, AICP, City Planner, 07/08/2016

1. The TIA report is based on a concept plan that does not reflect the plan submitted with proposed MPUD agreement dated June 29, 2016 nor the subsequent submittal dated July 6, 2016. In addition, the TIA does not reflect the phased development proposal that is contained in the MPUD. The TIA needs to be re-evaluated applying the proper concept plan. (This discrepancy is addressed in the Volusia County comments as well.)

Response: The new development plan has been received and does not provide variation for access nor for land use. The new development plan has been included in the revised TIA.

2. As the results of the TIA appear to be heavily dependent on the distribution of traffic to Walker Street, the phased plan approach which does not provide for access to Walker Street with Phase 1 may affect the recommendations.

Response: The new development plan has been received and does not provide variation for access nor for land use. The new development plan has been included in the revised TIA.

3. As with all modelling, the output needs to be tempered with a common-sense review of the output. It seems highly unlikely to me that the 58% of the site traffic heading westbound will split 57% to Walker and 1% to LPGA as Figure 3 appears to show. This outcome needs to be more fully justified or the TIA output adjusted.

1450 W. Granada Blvd. Suite 2 • Ormond Beach, FL 32174 • Phone 386.257.2571 • Fax 386.257.6996

www.lassitertransportation.com

Page 2

Mr. Thomas Harowski, AICP, City Planner
January 3, 2016

Response: The approved methodology included the TRIP distribution. The percentage of inbound and outbound vehicles total the percentage for the segment as shown on the Model output. Further changes are not required however will be reviewed for consistency.

4. With regard to the standards for turn lanes, the City code references FDOT standards which are somewhat general in terms of the specifics for requiring turn lanes. We supplementing these standards with the Volusia County turn lane standards for consistency with local development and as a basis for making a decision on requiring turn lanes. The peak hour volumes presented in Table 6 appear to support the installation of turn lanes.

Response: The TPO methodology has been followed. The turn lanes will be reviewed for any anomalies.

5. The County comment about more closely examining the AM Peak Hour is especially important given the presence on Center Avenue of a high volume of pedestrian traffic generated by the Holly Hill School and the addition of higher volumes of school related vehicular traffic.

Response: The intersections along Center will be reviewed for school traffic in the morning peak.

6. I also think it is important to re-inforce the concerns that the analysis may not have addressed all of the committed trips from development west of Nova Road (Sams Club as an example) and conditions on Walker Street within the City. The City has approved a redesign of the parking lot for Florida Health Care (US 1 and Walker Street) that will expand access from this large traffic generator to Walker Street when the project is implemented. This intersection does not include turn lanes at US 1 and therefore the operational characteristics of this intersection may be affected.

Response: Noted. A Review of these concerns has been completed and adjusted as needed.

VOLUSIA COUNTY TRAFFIC ENGINEERING COMMENTS, 06/28/16

1. Phased Development: It is our understanding that the development plans for the project now include a "Phase 1" that only consists of a portion of what is being analyzed in the TIA. Access for Phase 1 is only proposed on Center Ave - there is access no proposed access on Walker Street. Please understand that this was not brought to our attention during the methodology phase. As such, the Phase 1 and Buildout traffic will now need to be evaluated separately. Communication with the city reveals that there have been no plans for Phase 2 submitted, so it is unknown when Phase 1 trips would be able to shift to other access points in the development's buildout plan.

Response: The new plan identifies connection points to Walker Street. And connection to Walker Street has been required as part of the MPUD Agreement.

2. Number of Driveways: The ODP submitted in the methodology document showed three driveways on Walker St and three on Center Ave. This conflicts with the site access figures in the TIA since it only shows one off of Center Avenue and one off of Walker Street. Please explain this. The revised

Page 3

Mr. Thomas Harowski, AICP, City Planner
January 3, 2016

TIA will need to show that the driveway connections in the TIA are coordinated with the driveway connections on the conceptual site plan.

Response: Noted.

3. Buildout Date: Based on comment #1, please work with the applicant to revise, or confirm, the 2017 buildout year.

Response: Noted.

4. Table 2, LPGA Blvd at Nova Road: PM peak hour: Please rerun the HCS analysis with existing green timings. Controllers minimum green = minimum green + 1 extension.

Response: An additional extension is not needed as the HCS looks to optimize green times and the existing timings only factor into the existing analysis. Once a failure occurs, the first improvement considered is optimizing timings.

5. Tables 3 and Table 9 suggest optimizing the signal timings at LPGA & Nova to reduce the v/c ratio to below 1.0. The Nova Road corridor was recently relined by FDOT. Optimizing the timings at this single intersection may require adjustments to other signals on the Nova Road corridor.

Response: Noted. Typically optimizing timings in HCS versus field can be different. If improvements such as additional turn lanes were needed at an intersection optimizing the coordinated splits of a signal in coordination is the optimization procedure. This would not impact the corridor timings.

6. Table 4: Why is there no Existing AM condition analysis as part of this TIA? The project is very close to a school (Holly Hill K-8).

Response: A review of the School operation will be added to the Revised TIA. Operational issues will be noted and described as it could pertain to the site.

7. Page 5, Intersection Improvements Needed: Regarding LPGA Blvd at Nova Rd intersection, please refer to comment #4.

Response: An additional extension is not needed as the HCS looks to optimize green times and the existing timings only factor into the existing analysis. Once a failure occurs, the first improvement considered is optimizing timings.

8. Page 12, Internal Capture: Related to our comment #1, please reanalyze internal capture for Phase 1 since this impacts the roadway network and driveway volumes.

Response: Internal Capture will be reviewed. Internal capture typically reduces the overall generation but does not involve distributing volume. The pass by volume will be reviewed as well for the same purpose.

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January 3, 2016

9. Figure 3, Trip Distribution: Regarding our comment #1, please revise the trip distribution based on the access to both Walker St and Center Ave for Phase 1. It is our understanding that plans show access proposed on only Center Ave.

Response: The updated plan does have access to both Walker and Center. The MPUD will have language to reflect the connection with phase 1 as well.

10. Figure 3: Trip Distribution appears to be incomplete. The percentages do not add up correctly. There is no percentage on Center Avenue between Driveway 2 and LPGA Blvd. What is the percentage of trips using Driveway 1 and using Driveway 2?

Response: This will be labeled with the revised TIA.

11. Figures 4a and 4b: Nova Rd/Walker St intersection: Please confirm that the southbound left-turn lane and westbound right-turn lane both have adequate storage to handle future volumes. We believe that turn lanes will need to be lengthened.

Response: The Storage will be evaluated with the revised TIA.

12. Driveway 1 will not be included in Phase 1. Please revise this to show volumes at Driveway 2. Comment to the city: The turn volumes show the need for several right and left-turn lanes at the driveways. Please check the city's code for turn lane requirements as the county will not be making these requests since Walker Street and Center Avenue are city roads.

Response: The updated plan does have access to both Walker and Center. The MPUD will have language to reflect the connection with phase 1 as well.

13. Table 9: We are seeing a similar issue with the existing having minimum Greens too short.

Response: An additional extension is not needed as the HCS looks to optimize green times and the existing timings only factor into the existing analysis. Once a failure occurs, the first improvement considered is optimizing timings. A review of the timings will be completed for the revised TIA.

14. Site Access: Please work with the city to determine if turn lanes are needed per the city's land development code.

Response: Noted.

15. Table 10, Growth Rate and LOS of LPGA Blvd between Tomoka Farms Road and Williamson Blvd: A growth rate of 1% was used for LPGA, yet many development trips have been approved and vested by the City of Daytona Beach on that segment. We do not see where this was considered or addressed, and based on past TIA reviews in the area we know that this segment of roadway is over-capacity with only limited and phased improvements. Please address this. We are including our methodology comment, which needs to be reiterated since the applicant stated that this comment would be addressed: *"Build-out Traffic, page 6: Additional information prior to TIA methodology approval is required. While we understand that the growth rate in the immediate area is minimal, the growth rate on LPGA Blvd near the I-95 Interstate interchange is not. The methodology needs to specify up front, what growth rate will be used. Vested trips on LPGA Blvd from City of Daytona Beach approved projects are required to be considered. Documentation should*

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be placed in the TIA methodology appendix." Additionally, related to this, the following methodology comment was also provided and not addressed in the TIA: "Critical/Near-Critical Roads: A) Due to the approval of Tanger Outlets and Minto Development, LPGA Blvd between Tymber Creek Road and Williamson Blvd is considered Critical/Near-Critical. Although Fountainhead's impact is proposed to be less than 5% on these links, its impact is still required to be analyzed. Additionally, impacts to over-capacity roads will be required to be mitigated."

Response: This has been completed as part of the approved methodology.

16. Table 10, Hand Ave (Clyde Morris Blvd to Shangri La Drive): This is a failing segment, and the capacity is not 3,410. This section is currently 2 lanes. The vehicle/capacity ratio is now currently over capacity, which will require a proportionate fair share improvement for the 51 additional project trips that this development will add to the roadway link.

Response: Roadway Segment Analysis (Pg. 8) reflects the recommendation to widen Hand Ave (Clyde Morris Blvd to Shangri La Drive) from 2-lane undivided roadway to a 4-lane divided major collector. We identify failures and solutions to these failures prior to applying the project trips per the R2CTPO guidelines.

17. Multimodal Analysis: A Multimodal Analysis was missing from the TIA. The following methodology comment was provided to the applicant: *"The TIA needs to analyze multimodal access (pedestrians, bicycles, transit) on site and off site. How will children safely walk or bicycle to school/school bus stops? Will there be crosswalks needed? Please include a completed development design guidelines checklist in the TIA appendix."* Please identify how the site plan will encourage bicycle, pedestrian and transit mobility options. Please provide details regarding how the site will provide safe and convenient access to the site entrances for non-motorist customers and employees. The site will generate additional need for transit. Describe how the transit user will access the site from the current transit route. Please coordinate with VOTRAN (Heather Blanck, Assistant General Manager) regarding whether an additional bus shelter is needed.

Response: The multimodal analysis has been added to the Revised TIA.

CITY OF HOLLY HILL COMMENTS, Thomas Harowski, AICP, City Planner, 12/29/2016

1. The report should compare the current master development plan to the plan originally provided to LTG and note any impacts to the study that might result from modifications to the plan. This review should note why the current plan does not impact the study findings if this is the case.

Response: The current plan and the plan submitted have been compared and the plans are consistent with Access and Land use program.

2. As we have noted in our meetings, the City applies the Volusia County standards for determining whether specific improvements are required. The updated report should compare the findings to these standards.

Response: Discussions related to the final improvements required with the approved study will address Volusia County Standards and variances.

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3. Even if the impacted facilities will meet the City's level of service standard, the updated report should clearly identify where reductions in the existing level of service will occur. If, for example, Center Avenue currently operates at LOS A currently but will operate at LOS D after the project, this impact needs to be clearly stated.

Response: Impacts identified in the final study preparation will be identified. The Memo for consistency at Zoning will not include this level of detail however we acknowledge this requirement for the future revised study.

4. Figure 3, the Trip Distribution graphic is confusing and very difficult to read. The percentages you presented during the meeting were difficult to discern from the existing graphic. This figure needs to be revised to more clearly display trip distribution.

Response: The figures will be clearly defined with the revised TIA submittal.

5. The report needs to include a detailed response to all of the comments, both City and County, that have been previously provided.

Response: Noted.

6. The report should provide any other information that you believe is necessary to fully explain the model results as they apply to the property and verify that the model results are reasonable as applied to actual traffic behavior.

Response: Noted. This will be completed with the revised TIA.

If you have any questions or concerns related to the responses, you may reach me at (386)-257-2571. Thank you for your consideration of this project.

Sincerely,
LASSITER TRANSPORTATION GROUP, INC.

Andrew J. Ames, P.E.
Senior Project Manager

cc:

Exhibit F
Impact Fee Chart

[illegible]

Tables

EXHIBIT

Packet Pg. 146

Exhibit G
HQ Architectural Elevations



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

**City Commission
Ordinance**

MEETING DATE: March 14, 2017
FROM: Thomas Harowski
SUBJECT: Ordinance 2992 An Ordinance of the City of Holly Hill, Florida,
Approving the Sixth Amendment to Marina Grande
Residential Based Mixed Use Planned Unit Development
(MPUD) Agreement; Providing for Conflicting Ordinances;
Providing for Severability; and Providing for an Effective
Date.
NUMBER: (ID # 1608)
APPLICANT: Thomas Harowski
PLANNER:

DISCUSSION:

At the February 14, 2017, City Commission the Commission held a public hearing to discuss the amendments to the sign program and voted to accept a specific sign program with conditions related to noise control.

As the underlying MPUD agreement is adopted by ordinance, the amendment must also be adopted by ordinance. This action is for first reading on an adopting ordinance that incorporates the agreed upon sign program into the master development agreement.

FISCAL ANALYSIS:

There is no fiscal impact from the proposed action.

STAFF RECOMMENDATION:

Approve the Sixth Amendment to the MPUD Agreement with Marina Grande.

MOTION:

**APPROVE SECOND READING OF ORDINANCE 2992, APPROVING THE SIXTH
AMENDMENT TO MARINA GRANDE RESIDENTIAL BASED MIXED USE
PLANNED UNIT DEVELOPMENT (MPUD) DEVELOPMENT AGREEMENT.**

ATTACHMENTS:

- 6th Amendment to MG MPUD (DOCX)
- Graphic Attachments to Marina Grande 6th Amendment (DOCX)

HISTORY:

02/28/17

City Commission

APPROVED AT 1ST READING

Next: 03/14/17

Ordinance No. (ID # 1608)**ORDINANCE 2992 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SIXTH AMENDMENT TO MARINA GRANDE RESIDENTIAL BASED MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.****ORDINANCE 2992**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE SIXTH AMENDMENT TO MARINA GRANDE RESIDENTIAL BASED MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) DEVELOPMENT AGREEMENT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Owner/Developer of Marina Grande have proposed a Sixth Amendment to the MPUD to amend the allowed signage on site.

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

SECTION 1. The City Commission of the City of Holly Hill hereby approves the Sixth Amendment To Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD) Development Agreement, a true and correct copy attached hereto.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby

repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

SECTION 5. That this Ordinance shall be posted at City Hall as required by law.

**APPROVED AND AUTHENTICATED on this 14th day of MARCH, 2017
for second reading.**

Prepared by:
Cobb Cole
Robert A. Merrell III, Esquire
149 S. Ridgewood Avenue, Suite 700
Daytona Beach, FL 32114

**SIXTH AMENDMENT TO
MARINA GRANDE RESIDENTIAL BASED MIXED USE
PLANNED UNIT DEVELOPMENT (MPUD)
DEVELOPMENT AGREEMENT**

THIS SIXTH AMENDMENT TO MARINA GRANDE RESIDENTIAL BASED MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) DEVELOPMENT AGREEMENT (the “Sixth Amendment”) is made this ____ day of _____, 2017, by and between **HHA BORROWER, LLC**, a Delaware limited liability company, and **HH BLUE TIDES, LLC**, a Delaware limited liability company (the “Owners”) and the **CITY OF HOLLY HILL**, a Florida municipal corporation (the “City”).

WHEREAS, Riverside Holly Hill, LLC, a Florida limited liability company, and Holly Hill I Associates, Ltd., a Florida limited partnership (collectively, the “Developer”) and City entered into that certain Development Agreement dated January 25, 2005, for the development of certain real property as described in said Agreement, as modified by that certain First Amendment to Agreement dated October 31, 2005 (the “First Amendment”); as further modified by that certain Second Amendment to Agreement dated November 15, 2005 (the “Second Amendment”); as further modified by that certain Third Amendment to Agreement dated November 14, 2006 (the “Third Amendment”); as further modified by that certain Fourth Amendment to Agreement dated February 13, 2007 (the “Fourth Amendment”); and as further modified by that Fifth Amendment to Agreement dated March 27, 2011 (the “Fifth Amendment”) (collectively the “Agreement”);

WHEREAS, Owners acquired ownership of the Property as a bulk assignee; and

WHEREAS, Owners and City wish to further modify certain provisions of the Agreement as detailed below.

NOW, THEREFORE, in consideration of the mutual covenants and promises made herein, the parties hereto covenant and agree to bind themselves as follows:

1. The above recitations are true and correct and incorporated herein by reference.
2. Owners and City mutually agree to amend Exhibit “E” attached to the Development Agreement to add pages depicting the Sign Plan for Marina Grande. There are currently temporary and permanent signs that will be removed and temporary and permanent signs incorporated into the development as depicted on Exhibit “E” attached hereto. Exhibit “E” is amended in its entirety as depicted and attached hereto.

3. The parties hereto agree that the number and size of the proposed temporary signs are as follows:

Three two-panel signs located along Riverside Drive frontage north of the park entrance, at the main project entrance, and across from Third Street;

Three flutter flag signs located on the dock;

One banner sign located on the south tower, south side of the building;

Removal of two non-conforming signs at the Third Street entrance;

South Panel Sign 4'8" x 15'

Central Panel Sign 4' x 5'

North Panel Sign 3' x 18'

Flutter Flags 33" x 152"

Banner Sign 12' x 100'

4. The parties hereto agree that the language of the proposed signs shall address only sales with no advertising for leasing.
5. The parties hereto agree that the duration of the proposed temporary sign package shall be three (3) years from the date of the approval of this Agreement.
6. The parties hereto agree that this Sixth Amendment constitutes a major amendment to the Agreement.
7. In the event there are unresolved complaints from the condominium unit owner(s) about the unreasonable noise cause by wind blowing on or through the banner on the South Tower, the City Commission has the right to conduct a public hearing, with reasonable notice to the complainants and the Developer, to review the continued use of a banner for advertising purposes. The City Commissioner specifically reserves the right to amend or repeal this Amendment at the noticed public hearing.
8. Except as specifically modified herein, the Agreement shall remain in full force and effect as first made.
9. Signatures on copies of this Sixth Amendment which are transmitted by facsimile or by electronic mail are counterparts and shall be deemed originals for all purposes.

NOW THEREFORE, the undersigned parties hereby agree to the above terms and conditions of the Sixth Amendment.

CITY OF HOLLY HILL,
a Florida municipal corporation

By: _____
Joseph A. Forte, City Manager

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by JOSEPH A. FORTE, City Manager, City of Holly Hill, who is personally known to me or has produced _____ as identification.

NOTARY PUBLIC

Sign: _____

Print: _____
State of Florida at Large
(Seal)

My Commission Expires: _____

Title/Rank: _____

Commission Number: _____

WITNESSES:

HHA BORROWER, LLC
A Delaware limited liability company

 (Name Printed or Typed)

By: _____
 Name: _____
 Title: _____

 (Name Printed or Typed)

STATE OF _____
 COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, as _____ of **HHA BORROWER, LLC**, a Delaware limited liability company, who is personally known to me or has produced _____ as identification.

NOTARY PUBLIC

Sign: _____

Print: _____
 State of Florida at Large
 (Seal)

My Commission Expires: _____

Title/Rank: _____

Commission Number: _____

WITNESSES:

HH BLUE TIDES, LLC
 A Delaware limited liability company

 (Name Printed or Typed)

By: _____
 Name: _____
 Title: _____

 (Name Printed or Typed)

STATE OF _____
 COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, as _____ of **HH BLUE TIDES, LLC**, a Delaware limited liability company, who is personally known to me or has produced _____ as identification.

NOTARY PUBLIC

Sign: _____

Print: _____

State of Florida at Large
 (Seal)

My Commission Expires: _____

Title/Rank: _____

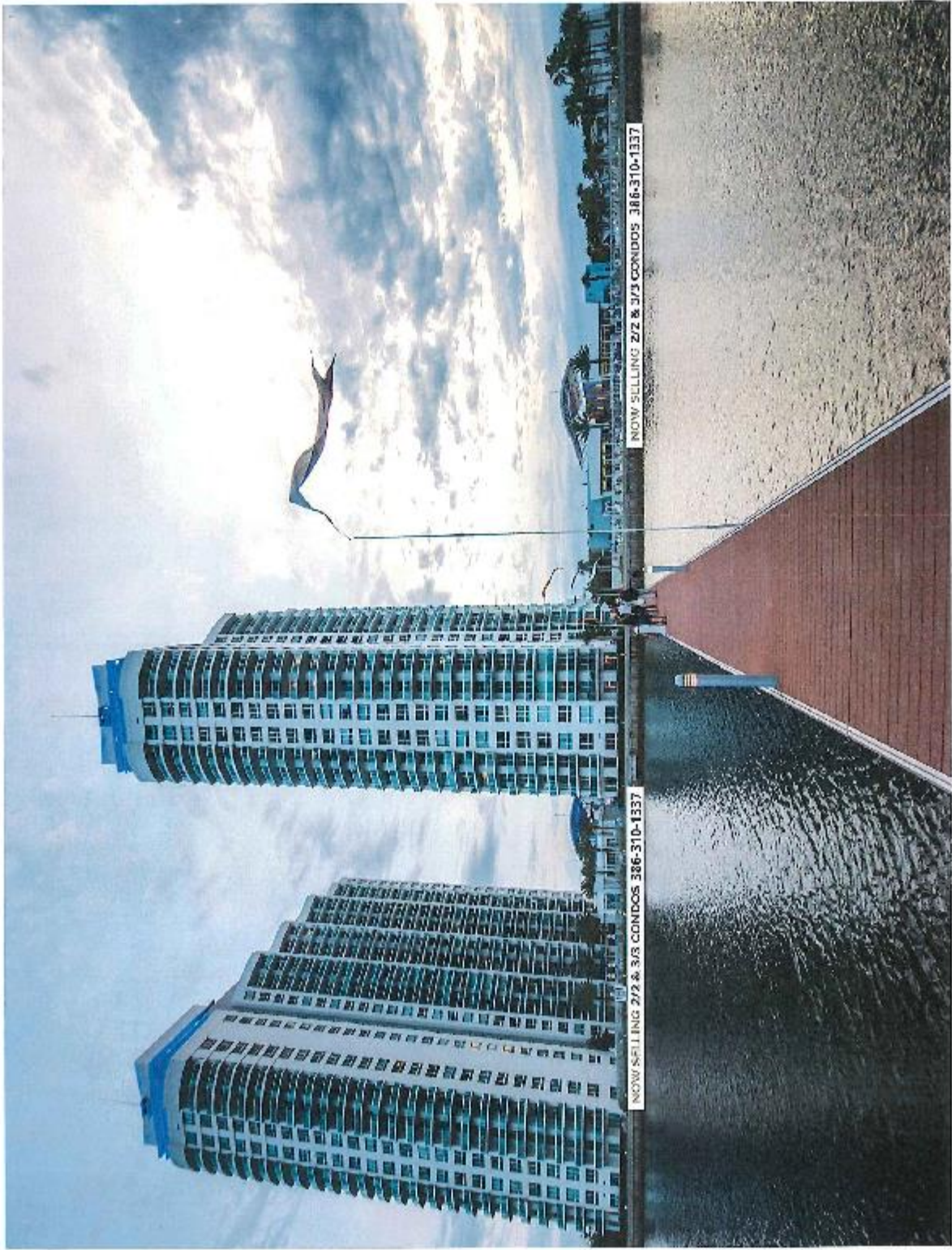
Commission Number: _____

Attachment: 6th Amendment to MG MPUD (1608 : MG on the Halifax - 6Th Amendment)

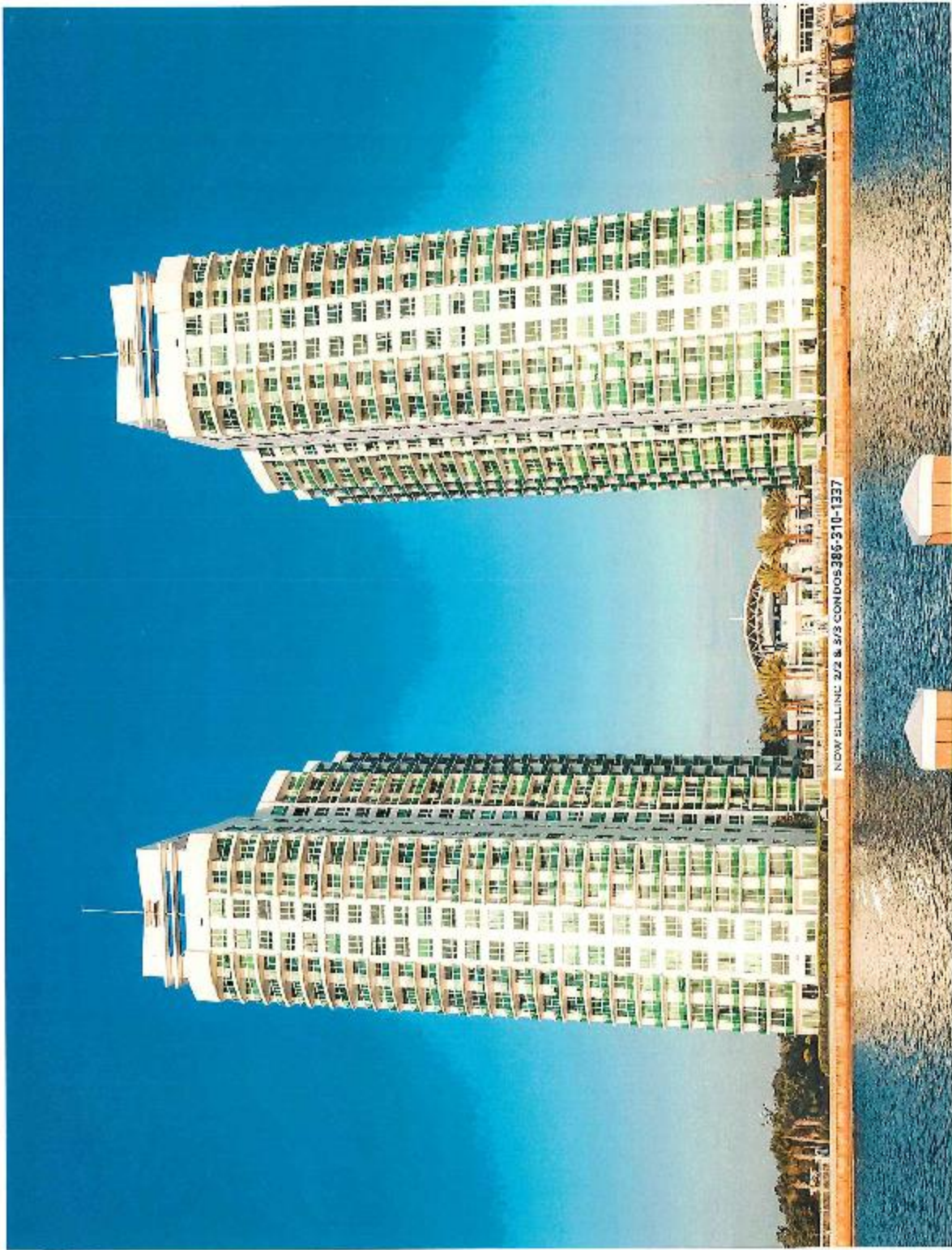
EXHIBIT “E”

SIGN PLAN

Attachment: 6th Amendment to MG MPUD (1608 : MG on the Halifax - 6Th Amendment)



Attachment: Graphic Attachments to Marina Grande 6th Amendment (1608 : MG on the Halifax - 6Th Amendment)



Attachment: Graphic Attachments to Marina Grande 6th Amendment (1608 : MG on the Halifax - 6Th Amendment)

