

**MINUTES
COMMISSION WORKSHOP
CITY OF HOLLY HILL, FLORIDA**

JULY 10, 2007

1. CALL TO ORDER

Mayor Roland D. Via called the workshop to order in the conference room at City Hall, 1065 Ridgewood Avenue at approximately 8:30 p.m. Attending with Mayor Via were Commissioners Gilles Blais, Mark Reed, and Traci A. Anderson. Also attending were the following staff members: City Manager Joe Forte, Assistant City Attorney Scott Simpson, Finance Director Kurt Swartzlander, Community Development Director/City Planner Doug Gutierrez, and City Clerk Valerie Manning.

Absent: Commissioner John Penny

2. SCHOOL CONCURRENCY

Mr. Forte mentioned that the School Concurrency, Public School Facilities Element, and Interlocal Agreement are interrelated. The Public School Facilities Element is part of the City's Comprehensive Plan which Mr. Gutierrez will speak about. The Interlocal Agreement is as ready as it's going to be for final adoption.

Doug Gutierrez, Community Development Director/City Planner, spoke about the School Concurrency, Public School Facilities Element, and Interlocal Agreement. Mr. Gutierrez discussed the School Concurrency and went over how it started with SB 360. Three committees have been meeting for almost a year now formulating this concurrency and have been addressing the concurrency issues. Based on those meetings, the committee gets a draft element which the cities have to tailor to their particular city. Mr. Gutierrez has a draft element that he is going to send to the Planning and Appeals Board, as the local planning agency, on August 6th at their regularly scheduled meeting. This has to be adopted by February 2008 and this is a large-scale amendment so the City has to use its second cycle which would be August or September of this year to send it to Department of Community Affairs (DCA) just like they would do any Comp Plan Amendment. The City's Land Development Code will also have to be amended within 30-days after the adoption addressing the School Concurrency. The other item of importance is the Interlocal Agreement is always referenced in the element as well so those two things go hand-in-hand. Mr. Gutierrez mentioned the reason he wanted to have this workshop is because there were some concerns on the Interlocal Agreement and on the element as well.

Attorney Simpson spoke about the concerns for the Interlocal Agreement and the element. Mr. Gutierrez mentioned that the level of service was at 115% of permanent capacity. State Law says when you do level of service under SB 360 they have to have a financial feasible plan; it means they have to be able to accomplish the plan within a certain period of time – within five years; 115% was the lowest percentage that the school district can say we can afford; that we can actually accomplish within the five year; most of the School Board representatives wanted less. The controversy was the County Charter Amendment and Attorney Simpson discussed this with the Mayor and Commissioners. If they look at the Interlocal Agreement, that agreement was represented to the committee as being “the document” and from that document the Comprehensive Plan Elements would flow from and the policies from the School District. Attorney Simpson stated the first time he saw the policies from the School District was in April and the very first comment he gave to Clay Henderson who is the Attorney for the School District, was why are these policies have two different levels of review whether they are talking about site plan review or concurrency reviews and Attorney Henderson told him not to worry about these policies, they are going to be rewritten once they finalize that document. That Friday at 5:00 PM before the Tuesday meeting with the School District, he got the policies and they weren’t rewritten and they still had 100% at Comprehensive Plan Zoning. They keep saying it’s a different review; we’re looking further out into the future but you are still looking at it from the standpoint of permanent capacity. What’s the process going to be? They really don’t know. Honestly, it’s going to be a work in progress that the City is going to have to go through.

Mr. Forte stated to complicate things further, each of the cities has a different site plan review process.

Attorney Simpson stated, right.

Mr. Forte stated some go through the concurrency at the beginning of the process, some go through the concurrency at the end of the process. The cities asked the School Board to put forward a matrix, a flow chart of the process that one would take going through the Comprehensive rezoning process and another one going through site plan review process and the School Board did that, however it’s not an exhibit to the Interlocal Agreement and that’s going to be their next step getting that recognized. As long as that’s recognized, he is comfortable with it but it needs some more work.

Attorney Simpson stated, even with that flow chart, where it’s not clear, is what are you looking for from the developer if it’s a Comp Plan zoning to get through that? How and to what extent are you going to have to mitigate? Personally, it’s a great goal; getting rid of portables and putting kids in permanent classrooms is a great goal but just come out and say that’s what you’re doing.

Mr. Forte stated this discussion takes care of the School Concurrency and the Interlocal Agreement and Mr. Gutierrez spoke about the element, which is part of an element that the City has to put with the Comprehensive Plan. Mr. Forte informed the Mayor and Commissioners that the City and Mr. Gutierrez were notified the other day that the Comprehensive Plan Amendment from 10 years ago was accepted.

Mr. Gutierrez stated the City is in compliance but now they have to start working on the 2008 EAR.

Mr. Forte stated at the July 24th City Commission meeting, they will have the Interlocal Agreement, which incorporates the School Concurrency issue.

Attorney Simpson stated remember when they did Marina Grande when they did a transmittal hearing then the adoption hearing.

Mr. Forte stated the Public School Facilities Element will have to be done by February.

Attorney Simpson stated they are looking to do it in August.

Mr. Gutierrez stated they are going to be a little proactive on this because they can't wait on the County. They need to transmit this element the first meeting of September, which would be September 11th; and he has to put this on the August Planning and Appeals agenda.

Mr. Forte asked Mr. Gutierrez to go to the Daytona Downtown Redevelopment Association to comment on Terra Mark Development, which is the development that is going on the Smokey Unich property. The garage and the buildings over there are going to be within 15 feet of the park so the City asked them to push that setback a little bit further away and give the City another 10 feet, making it 25 feet. He doesn't know if Terra Mark Development is going to do anything but at least the City went on record stating that their setback is too close.

3. PARKING REQUIREMENTS / CAR LOTS

Mr. Forte stated this item is dealing with parking on car lots. Mr. Forte mentioned that he met with Code Enforcement because the car lots are overflowing their lots. They are putting cars for sale on the grass, out front, close to the right-of-way if not on the right-of-way and they are getting out of hand. He met with Code Enforcement and said lets go visit each one of the car lots and ask them to bring their inventory down to what fits on the property. When staff researched the ordinance, there is nothing that determines that. He spoke to Mr. Gutierrez about it and what they came up with was they would like to look at these properties as they would any other business where they have a building, a certain amount of spaces for employees, certain amount of spaces for customers and then whatever is left over, every 9 x 19 space would be a car for sale. Mr. Gutierrez has some examples from other cities that he will give to the Commission to look over and look at each of the cities summaries. It's not so much Ridgewood Avenue, although Ridgewood Avenue is an issue, a lot of the lots on Nova Road are also overflowing and they will see them parking cars on the sidewalks, parking on the grass, the right-of-ways and it's getting out of control.

Mr. Gutierrez handed out some examples of ordinances from Municode to see what other cities policies are for parking requirements and even looked at some cities outside of Volusia County. The City of Holly Hill doesn't have a formula for parking requirements for car lots; it's silent on that.

Mr. Forte stated if someone starts a car lot and they have 15 cars then they go to 18 cars, 20 cars. The Commission has to decide what the standard is for car lots.

Mayor Via stated he does believe they need a mechanism for the abuse.

Mr. Forte stated they can't look at it as a mechanism for abuse. They have to look at it as a mechanism for setting a standard.

Commissioner Reed asked if Mr. Forte was looking for landscaping and that sort of thing.

Mr. Forte stated right now he is looking to deal with the overflow of parking. The landscaping, the City doesn't have a requirement that says if person "A" sells his business to person "B" that person "B" has to bring it up to current standard but other cities do like Port Orange and Ormond Beach. In fact, Port Orange goes back annually to make sure the plants they put in are still there. The landscaping is a different subject and should be addressed.

Mayor Via asked if the Commission wants to set a standard for the car lots. He thinks they need to have a standard.

Mr. Forte stated if they see this as a problem, staff will go back and try to work something that's not overly aggressive.

The City Commission was neutral on this and doesn't want it to be real restrictive but do believe that the City needs parameters to operate the parking of cars on the car lots and bring a draft ordinance back to the Commission to review.

4. CONDITIONAL USE PERMITS

Mr. Forte stated there is a business in the City, Marty's Car Care and it's an automotive shop on U.S. 1 and it's probably not the nicest building; Marty is probably an outstanding mechanic but his property doesn't look that good. The building is up for sale and Marty could have sold it to another mechanic who would keep it as it is or person "B". Well, person "B" put a contract on it and he wants to put a car wash on the property. Mr. Forte checked the Overlay District and car washes are not permitted. Mr. Forte spoke with Mr. Gutierrez and one of the things they spoke about if a property has a certain intensity like an automotive repair facility and somebody wants to downgrade the intensity to a less intense use, should they be able to do that. It's not eliminating a non-conforming use but it is reducing the intensity. One way they can do that is by a conditional use permit, like a Planned Unit Development (PUD). It would have to go to the Planning and Appeals Board for a recommendation and then it would come to the Commission for final approval or denial; if it's approved person "B" goes ahead and builds the car wash and then they can't change that except to a use that is permitted. If they are going to change it

to anything else, they would have to go back through the approval process of a conditional use permit through the Commission.

Mr. Gutierrez stated the key point is it beneficial to the City.

Commissioner Reed mentioned that he has a feeling that this could turn out like the tow truck company situation on Center Avenue.

Mr. Forte stated the difference is he made that decision individually; this process goes through Planning and Appeals, first public hearing and then to the Commission for another first reading public hearing so they get the neighbors involved; they will get advertisement for this and public input. This gives the community an opportunity to voice their opinion whether or not the City should allow that type of business or not allow it. They would be decreasing the intensity.

Mr. Gutierrez stated they can use it for that. The Overlay District prohibits car wash facilities. Actually, a prohibited use in the Overlay District where a conditional use permit would be a mechanism to permit that if it's something beneficial to the City or a new facility or a rehab facility. The question is will it be a benefit to the City?

Attorney Simpson asked how do they determine less intense use.

Mr. Forte stated they have to figure that part out. Those are the details they have to work out; how do they determine what the intensity is.

There was consensus from the City Commission to allow staff to research the conditional use permit in the non-conforming areas and come back with something so the Commission can take a look at it; changing it to a less intense use. They will have to have criteria that these special conditions have to meet the conditional use permit.

Mayor Via wanted to add two items to a future workshop: 2nd Avenue / Smokey Unich's property (in the circle) – name it “Smokey Unich Way”; and excusing Commission members.

Mr. Forte stated they are only allowed to have so many excused absences and if someone goes on vacation, he doesn't know if that qualifies for an excused absence.

Mayor Via stated he understand the emergency aspect of it.

Commissioner Reed asked about the tree ordinance and would like to workshop that.

There was consensus by the City Commission to have a tree ordinance workshop.

Commissioner Reed asked if they would like to have a Disc Golf Course and if they do, he has somebody who can lay out the course for them and it's relatively inexpensive.

Mayor Via asked where would they do it.

Commissioner Reed stated they can do it over at Centennial Park and go across the road. For approximately \$10,000 they can do the whole thing. If they want to go and look at a Disc Golf Course, Tusawilla Park in Daytona Beach has one.

Mayor Via asked if they can start off with a nine hole course and see if it works and then expand it.

Commissioner Reed stated they can possibly lay out a nine hole course, that's one thing that he and the guy talked about. They can ask the local businesses to sponsor a basket and put their name right on the band of the basket which will be permanent.

Mr. Forte stated they can try to get some sponsors.

5. ADJOURNMENT

The workshop officially adjourned at approximately 9:50 p.m.

Attest:

City of Holly Hill, Florida

Valerie Manning
City Clerk

Roland D. Via
Mayor