



CITY OF HOLLY HILL BOARD OF PLANNING AND APPEALS

AGENDA PACKET

TITLE: Board of Planning and
Appeals Meeting

DATE: Monday, February 7, 2011

TIME: 6:30 PM

LOCATION: City Commission Chambers
1065 Ridgewood Avenue
Holly Hill, FL 32117



AGENDA
CITY OF HOLLY HILL, FLORIDA
BOARD OF PLANNING AND APPEALS MEETING
Monday, February 7, 2011
6:30 PM

CITY COMMISSION CHAMBERS
1065 Ridgewood Avenue, Holly Hill, Florida 32117-2898
City Clerk's Office: (386) 248-9441 **Fax: (386) 248-9448**

1. CALL TO ORDER

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

2. MINUTES

- A. Minutes from the Board of Planning and Appeals Meeting – November 1, 2010
- B. Minutes from the Board of Planning and Appeals Meeting – December 6, 2010

3. NEW BUSINESS

- A. **Z-2011-01:** 5th Amendment to Marina Grande Development Agreement (Riverside Holly Hill LLC and Holly Hill 1 Associates LTD)

4. OLD BUSINESS

- A. None

5. COMMUNICATIONS

6. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision made by said body with respect to any matter considered at such 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.

**MINUTES
FROM THE OFFICE OF THE CITY CLERK**

AGENDA

ITEM: 2

DATE: February 7, 2011

**MINUTES
BOARD OF PLANNING AND APPEALS MEETING
CITY OF HOLLY HILL, FLORIDA**

November 1, 2010

1. CALL TO ORDER

A. Roll Call

Michael Myer called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 6:30 p.m. Attending with Michael Myer were Board members Chris Kiley, J.D. Mellette, Phillip Wiggins, and John Sterling.

Also attending were the following staff members: City Attorney Scott Simpson, City Planner Thomas Harowski, and City Clerk Joshua Fruecht.

B. Invocation

Mr. Myer delivered the Invocation.

C. Pledge of Allegiance to the Flag

Mr. Myer led the Pledge of Allegiance.

2. APPROVAL OF MINUTES

A. Minutes from the meeting on October 4, 2010

Mr. Wiggins moved APPROVAL for the MINUTES, seconded by Mr. Mellette.

The motion **CARRIED** 5-0 unanimously: Wiggins – Yes, Mellette – Yes, Kiley – Yes, Sterling – Yes, Myer – Yes.

3. NEW BUSINESS

A. SSCPA-10-08-01: Small Scale Comprehensive Plan Amendment for 663 6th Street / Nova Road / 659 6th Street / 538 Cedar Ave / 661 6th Street (Halifax Media, LLC)

City Planner Thomas Harowski gave an overview of the case from the provided Staff Report.

Mr. Myer opened public participation. The following individuals came forward to speak to the Planning and Appeals Board:

- Jerry Finley (3351 South Ridgewood Avenue, Port Orange, FL 32129)
- Rick Glass (629 Dahlia Avenue, Holly Hill, FL 32117)
- Mark Ballard (606 Dahlia Avenue, Holly Hill, FL 32117)
- Neil Hasse (638 Dahlia Avenue, Holly Hill, FL 32117)
- Michael Redding (Daytona Beach News-Journal)

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- Terry Tyler (658 6th Street, Holly Hill, FL 32117)
- JoAnne Lane (658 6th Street, Holly Hill, FL 32117)
- Donna Aldrette (325 Scotland Drive, Holly Hill, FL 32117)

Mr. Wiggins moved APPROVAL for SSCPA-10-08-01: Small Scale Comprehensive Plan Amendment for 663 6th Street / Nova Road / 659 6th Street / 538 Cedar Ave / 661 6th Street, seconded by Mr. Sterling.

The motion **CARRIED** 5-0 unanimously: Wiggins – Yes , Sterling – Yes, Kiley – Yes, Mellete – Yes, Myer – Yes.

B. Z-10-27-01: Continued Nonconforming Use Appeal for 520 Ridgewood Avenue (Mofied Wahby)

City Planner Thomas Harowski gave an overview of the case from the provided Staff Report.

Mr. Myer opened public participation. The following individuals came forward to speak to the Planning and Appeals Board:

- Mofied Wahby (2816 South Peninsula Drive, Daytona Beach, FL 32118)
- Nancy Wahby (2816 South Peninsula Drive, Daytona Beach, FL 32118)

Mr. Wiggins moved APPROVAL for Z-10-27-01: Continued Nonconforming Use Appeal for 520 Ridgewood Avenue, with the following conditions; (1) All repairs must be conducted within an enclosed building, (2) No Vehicle that is not operational may be stored outside the building, (3) Work is limited to automotive repairs. No body work or painting is to be conducted on site, (4) Parking to the front and south side of the building is to be limited to employee and customer parking. Vehicles scheduled for repair must be parked within the building or to the west of the building, seconded by Mr. Mellette.

The motion **CARRIED** 5-0 unanimously: Wiggins – Yes , Sterling – Yes, Kiley – Yes, Mellete – Yes, Myer – Yes.

C. CPA 10-10-01 : Capital Improvements Element Update (City of Holly Hill)

City Planner Thomas Harowski gave an overview of the case from the provided Staff Report.

Mr. Myer opened public participation. No one spoke.

Mr. Mellette moved APPROVAL for CPA 10-10-01 : Capital Improvements Element Update, seconded by Mr. Kiley.

The motion **CARRIED** 5-0 unanimously: Mellete – Yes, Kiley – Yes, Wiggins – Yes, Sterling – Yes, Myer – Yes.

4. OLD BUSINESS

A. None

5. OTHER – Staff Comments

No comments

6. ADJOURNMENT

The meeting officially adjourned at approximately 8:06 p.m.

Joshua Fruecht
City Clerk

DRAFT

**MINUTES
BOARD OF PLANNING AND APPEALS MEETING
CITY OF HOLLY HILL, FLORIDA**

December 6, 2010

1. CALL TO ORDER

A. Roll Call

Michael Myer called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 6:30 p.m. Attending with Michael Myer were Board members Chris Kiley, J.D. Mellette, Phillip Wiggins, and John Sterling.

Also attending were the following staff members: City Attorney Scott Simpson, City Planner Thomas Harowski, and City Clerk Joshua Fruecht.

B. Invocation

Mr. Myer delivered the Invocation.

C. Pledge of Allegiance to the Flag

Mr. Myer led the Pledge of Allegiance.

2. NEW BUSINESS

A. V-10-10-27: Variance Request for 2020 Ridgewood (Boos Development Group)

City Planner Thomas Harowski gave an overview of the case from the provided Staff Report.

Mr. Myer opened public participation. The following individuals came forward to speak to the Planning and Appeals Board:

- Jose Martinez (2020 Ridgewood, Holly Hill, FL 32117)

Mr. Wiggins moved APPROVAL for V-10-10-27: Variance Request to reduce setback for 2020 Ridgewood, seconded by Mr. Mellette.

The motion **CARRIED** 5-0 unanimously: Wiggins – Yes , Mellete – Yes, Kiley – Yes, Sterling – Yes, Myer – Yes.

B. V-10-10-15: Variance Request for 1558 Daytona Avenue (David Eager)

City Planner Thomas Harowski gave an overview of the case from the provided Staff Report.

Mr. Myer opened public participation. No one spoke.

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Mr. Wiggins moved APPROVAL for V-10-10-15: Variance Request for 1558 Daytona Avenue, with the condition that the structure cannot be enclosed, seconded by Mr. Mellette.

The motion **CARRIED** 5-0 unanimously: Wiggins – Yes , Mellete – Yes, Kiley – Yes, Sterling – Yes, Myer – Yes.

C. SCCPA 10-11-14: Future Land Use Map Amendment (Arthur Ravitch)

D. Z-10-11-14: Rezoning Request for 1976 and 1982 Nova Road (Arthur Ravitch)

City Planner Thomas Harowski gave an overview of the case from the provided Staff Report.

Mr. Myer opened public participation. The following individuals came forward to speak to the Planning and Appeals Board:

- Elizabeth Kranan (1629 Granada Avenue, Daytona Beach, FL 32117)

Mr. Mellette moved APPROVAL for V-10-10-27: Variance Request to reduce setback for 2020 Ridgewood, seconded by Mr. Kiley.

The motion **CARRIED** 5-0 unanimously: Mellete – Yes, Kiley – Yes, Wiggins – Yes , Sterling – Yes, Myer – Yes.

3. OLD BUSINESS

A. None

4. OTHER – Staff Comments

Board Member Chris Kiley

Board Member Chris Kiley informed the members of the Board of Planning and Appeals and Staff that his term expires in January 2011.

5. ADJOURNMENT

The meeting officially adjourned at approximately 7:20 p.m.

Joshua Fruecht
City Clerk

NEW BUSINESS

AGENDA

ITEM: 3

DATE: February 7, 2011

Z-2011-01

5th Amendment to Marina Grande Development Agreement
(Riverside Holly Hill LLC and Holly Hill 1 Associates LTD)

AGENDA

ITEM: 3A

DATE: February 7, 2011



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: JANUARY 27, 2011
SUBJECT: MARINA GRANDE DEVELOPMENT AGREEMENT
FIFTH AMENDMENT
APPLICANT: Robert A. Merrell for
Riverside Holly Hill LLC and Holly Hill 1 Associates LTD
NUMBER: Z-2011-01
PLANNER: THOMAS A. HAROWSKI, AICP

INTRODUCTION:

The developers of the Marina Grande mixed use development have requested an amendment to the adopted development agreement to revise the approved phasing schedule. Under the terms of the agreement, this revision has been identified as major amendment to the development. As a major amendment the change requires review and recommendation by the Board of Planning and Appeals and approval by the City Commission.

BACKGROUND:

Marina Grande is a mixed use development located on Riverside Drive between Second Street and Silver Beach Drive. The initial phase of development is partially complete with two residential towers, parking garage, commercial space, and site amenities constructed to date. A public park, Halifax Park, has also been constructed. The City Commission has accepted the existing improvements and the planned pier improvements with some contingencies.

The owners wish to amend the phasing of the development to advance some elements of Phase II into Phase I and redefine the Phase Map to add the clubhouse and pool area to Phase I. Phase I is being divided into a Phase I(A) which encompasses those elements already constructed and Phase I(B) which are the remaining elements of the first phase. Phase II remains unchanged except for the deletion of those elements moved to Phase I(B)

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DISCUSSION:

The section of the development agreement that addresses the phasing schedule is Section C which currently reads in part:

C. Phases of Development. Subject to the conditions provided below, Applicant shall develop the property in two phases as depicted on the Preliminary Development Plan and as described as follows:

- 1. Phase I: Construction of condominiums I and II, which shall provide one-half of the multi-family residential units provided for herein, pool and associated common areas located between those condominiums, southern parking garage and retail space along Riverside Drive, main entrance to the Property, new boat dockage facilities, and improvements to the public park, common and public areas along Second Street, and, observation deck, public restrooms, and pier along Second Street and on the Halifax River for public access to the river for Holly Hill Residents: and*
- 2. Phase II: Construction of the clubhouse and associated common areas, as well as condominiums III and IV, the pool and associated common areas between those condominiums, and the northern parking garage.*

The applicant wants to move the construction of the clubhouse and associated common areas to Phase I and amend the Preliminary Development Plan map (Exhibit B) to show the adjusted phase lines. It is also likely that the construction of the new boat dockage facilities will be initiated with Phase I but extend into Phase II. The division of the first phase of development into two sub-phases has also created the need to amend Paragraph B and other sections of Paragraph C. The proposed language is provided below with a strike-through of words showing a deletion and an underline showing an addition to the current agreement.

B. Unified Ownership and Subdivision. The Applicant and its successors were required by this agreement to ~~shall~~ maintain unified ownership or control of the Property until after approval of the Final Development Plan for all improvements in Phase I, which has occurred and therefore this requirement no longer applies to this project. ~~The subdivision of any portion of the Property, other than individual completed~~

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condominium units, shall be approved by the City pursuant to the LDR. Notwithstanding any other provisions of this development agreement, the City's LDR or other ordinances, laws or agreements, no transfer of any property subject to this Development Agreement shall be deemed by the City to be a subdivision as long as all property remains subject to and is developed in compliance with the Master Development Agreement.

C. Phases of Development. Subject to the conditions provided below, Applicant shall develop the property in two phases as depicted on the Preliminary Development Plan and as described as follows:

Phase I(A): Construction of condominiums I and II, which shall provide one-half of the multi-family residential units provided for herein, pool and associated common areas located between ~~these~~ condominiums I and II, southern parking garage and retail space along Riverside Drive, main entrance to the Property, ~~new boat dockage facilities~~, and improvements to the public park, common and public areas along Second Street, and, observation deck, public restrooms, and pier along Second Street and on the Halifax River for public access to the river for Holly Hill Residents; ~~and~~

Phase I(B): Construction of new boat dockage facilities and construction of the clubhouse and associated common areas between Phase I(A) and Phase II; and

Phase II: Construction of ~~the clubhouse and associated common areas, as well as~~ condominiums III and IV; the pool and associated common areas between ~~these~~ condominiums III and IV; and the northern parking garage. Phase II construction shall not be initiated until the observation deck in the public park is completed.

The fourth paragraph of Section C Phases of Development is also amended. This language recognizes that the applicant has already decided to do individual phases. It clarifies that the proposed marina slips will likely be constructed incrementally but still requires that this construction occur within all applicable permitting requirements. The language allows the applicant the flexibility to do Phase I(B) and Phase II in any order, but it also clearly requires that the phases be integrated as anticipated by the Master Development Plan.

Essentially the development phasing decisions made to date under the currently approved agreement have precluded some of the phasing options in the original

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agreement, so these are being removed. In their place we are adding flexibility in how the applicant can present the remaining elements of the project for development. This flexibility should preclude the need to revisit the phasing requirements in the future. The specific language being proposed is as follows:

Final Development Plans for each phase of the Property shall be individually approved, ~~or at the Applicant's option, Phase I and II may be processed simultaneously.~~ Each phase shall conform to the City standards of functionally "standing alone" in regard to provisions of access to infrastructure including, but not limited to, roads, potable water, sewer, reclaimed water and other required infrastructure. The 86 slip new boat dockage facilities may be constructed incrementally, so long as the initial slips constructed meet all applicable permitting requirements, including those set forth herein, with later additions to the dock facilities not to exceed 86 slips and only occurring after all applicable permits are secured. Phase I(A) components, condominiums I and II, pool and associated common areas located between condominiums I and II, southern parking garage and retail space along Riverside Drive, main entrance to the Property, improvements to the public park (except for the observation dock), common and public areas along Second Street and public restrooms are complete and Certificates of Occupancy have been issued by the City for condominiums I and II. Phase II and Phase I (B), or components thereof, may be constructed in any order or sequence at the sole discretion of the Developer. Finally, the Phase II Final Development Plan shall make provisions for allowing connection in the configuration required by the Master Development Plan, and contain such reservations, easements and utility extensions necessary to facilitate the development of the Property in accordance herewith. In the event that only one (1) phase at a time is approved, the Final Development Plan for a particular phase shall make provisions for allowing connection of the remaining phases in the configuration required by the Master Development Plan, and contain such reservations, easements and utility extensions necessary to facilitate the development of subsequent phases in accordance herewith.

RECOMMENDATION:

Staff recommends approval of the requested amendment of the phasing schedule and associated language in the development agreement.

