

AGENDA
CITY OF HOLLY HILL
BOARD OF PLANNING & APPEALS MEETING
August 1, 2011
**** 6:30 P.M. ****

CITY HALL COMMISSION CHAMBERS

1065 RIDGEWOOD AVENUE

- I. CALL TO ORDER/ROLL CALL 6:30 P.M.
- II. INVOCATION & PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES – June 6, 2011 Meeting
- IV. NEW BUSINESS
 - a. Z-2011-05 Parking Regulations Amendments: An application for Mr. Eric Alexander to modify the ratio of square footage of retail space per parking space and other amendments to the parking regulations
 - b. Z-2011-6 Temporary Storage of Construction Material: An administrative request to consider special exceptions regulations for permitting off-site storage of construction materials
 - c. Z-2011-07 Non-conforming Use Approval for 746 Ridgewood Ave.: A request from Mr. William Vanderveer to allow automotive sales and repairs at 746 Ridgewood Avenue
- V. OLD BUSINESS

None
- VI. OTHER - Staff Comments
- VII. ADJOURNMENT

NOTE: If any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he will need a record made of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made. NOTE: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City of Holly Hill, 1065 Ridgewood Avenue, Holly Hill, Florida 32117 (386) 248-9460 at least 5 working days prior to the meeting date.

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

June 6, 2011

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 Phillip Wiggins, John Sterling and J.D. Mellette.

Excused Absences:

- Chris Kiley

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. MINUTES

A. Minutes from the Board of Planning and Appeals Meeting – May 2, 2011

*Mr. Mellette moved **APPROVAL** for the Minutes, seconded by Mr. Sterling.*

The motion **CARRIED** 4-0 unanimously: Mellette – Yes, Sterling – Yes , Mellette – Yes, Myer – Yes.

3. NEW BUSINESS NEW BUSINESS – None

A. V-2011-01 536 Center Avenue

Applicant – Richard Nation

This is a request for a variance to allow temporary storage units beyond the 30 day limit allowed by the City Code.

*Mr. Mellette moved to take **V-2011-01: 536 CENTER AVENUE (RICHARD NATION)** off of the TABLE for Discussion, seconded by Mr. Wiggins.*

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:

- Richard Nation (536 Center Avenue, Holly Hill, FL 32117)
- Micheal Morrison (805 South Flamingo, Holly Hill, FL 32117)

Mr. Mellette moved **APPROVAL** of a one (1) year extension allowing the temporary structure on the basis that this very large residential property is adjacent to an agricultural parcel that allows for storage units and that the applicant has established financial hardship due to the economy, the temporary structures allow for all necessary setbacks and that it be revisited by the City Commission one (1) year from the approval date by the City Commission and that City Staff will get with the Building Official and the Applicant to address any safety issues such as tie downs for **V-2011-01: 536 CENTER AVENUE (RICHARD NATION)**, *seconded by Mr. Wiggins.*

The motion **CARRIED** 4-0 unanimously: Mellette – Yes, Wiggins – Yes, Sterling – Yes, Myer – Yes.

4. OLD BUSINESS

A. None

5. COMMUNICATIONS

City Planner Thomas Harowski thanked City Clerk Joshua Fruecht for assisting with the Board.

Mr. Myer asked City Attorney Scott Simpson if the board could provide a recommendation on the YMCA. City Attorney Scott Simpson informed Mr. Myer that the board could only make a recommendation to the City Commission if that by not having a recreation department the City would not be complying with the Comprehensive Plan.

City Planner Thomas Harowski also informed the board members that the next Board of Planning and Appeals meeting would be in August due to the holiday.

6. ADJOURNMENT

The meeting officially adjourned at approximately 7:27 p.m.

Valerie Manning
Administrative Assistant / Deputy City Clerk



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: JULY 15, 2011
SUBJECT: AMENDMENT TO PARKING REGULATIONS
APPLICANT: ERIC D. ALEXANDER
NUMBER: Z-2011-05
PLANNER: THOMAS A. HAROWSKI, AICP

INTRODUCTION:

This application is to modify the parking requirements for retail and office uses to increase the amount of square footage of gross building area that generates the requirement for a parking space and to include other options for the provision of required parking. The applicant has requested the ratio be increased from one space per 200 square feet of gross floor area to one space per 300 square feet of gross floor area. The applicant has also suggested that employee parking be fixed at one space per tenant space; that shared parking options be allowed; and that off site parking be allowed.

BACKGROUND:

Eric Alexander is the representative for the Holly Station commercial development at Nova Road and 3rd Street. The project has encountered difficulty in leasing due to the change in market focus for the development. The project was originally designed with retail space in the south building and flex/warehouse space in the north building. No parking was required for the warehouse area of the project. As the project has been leased it now includes a restaurant and a variety of office and retail uses. The actual leased uses have required more parking than the site was originally designed to provide resulting in an inability to lease some space due to the lack of "required" parking.

The development has responded to this issue by adding some parking in areas of the site that were previously not used for parking. In addition a review of the City's parking requirements has indicated the Holly Hill requirements are among the most restrictive in Volusia County. As a result, the applicant has requested consideration for an amendment to the code.

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The applicant has also requested consideration of other parking options that may be activated on a case-by-case basis including joint use of parking spaces when individual uses have different hours of operation and the opportunity to use remote parking with a shuttle service for uses such as a church.

DISCUSSION:

Staff conducted an analysis of three typical classifications of business use including retail, office and restaurant use since these uses are present in the Holly Station property and in similar strip centers. In each case a comparison was done contrasting the Holly Hill requirement with the requirements for other cities in Volusia and Flagler County. There is a wide variety in the way cities calculate parking, so the analysis has applied the requirements in a manner that is most consistent with our requirements. The results of the comparisons are as follows:

COMPARISON OF PARKING STANDARDS VOLUSIA AND FLAGLER COUNTY COMMUNITIES OFFICE USE

LOCAL GOVERNMENT	SPACES	MEASUREMENT UNIT (SQ.FT.)	COMMENTARY
DAYTONA BEACH	1	285	3.5 SPACES/1000.
DELAND			3SPACES/300NET
DELTONA	1	308	3.25/1000 SF. UP TO 25,000 SF.
EDGEWATER	1	250	
NEW SMYRNA	1	300	
ORANGE CITY	1	200	
ORMOND BEACH	1	200	
PALM COAST	1	300	
PORT ORANGE	1	200	
SOUTH DAYTONA	1	200	
VOLUSIA COUNTY	1	250	
AVERAGE		249	
HOLLY HILL	1	200	

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COMPARISON OF PARKING STANDARDS VOLUSIA AND FLAGLER COUNTY COMMUNITIES RETAIL USE

LOCAL GOVERNMENT	SPACES	MEASUREMENT UNIT (SQ.FT.)	COMMENTARY
DAYTONA BEACH	1	285	3.5SPACES/1000SF.
DELAND			3SPACES/300SF.NET
DELTONA	1	250	4/1000 SF. SHOPPING CENTER.
EDGEWATER	1	250	
NEW SMYRNA	1	300	
ORANGE CITY	1	200	
ORMOND BEACH	1	250	
PALM COAST	1	250	
PORT ORANGE	1	200	
SOUTH DAYTONA	1	200	
VOLUSIA COUNTY	1	225	
AVERAGE		241	
HOLLY HILL	1	200	

As the review of office and retail categories shows the Holly Hill requirement of one space per 200 square feet of gross floor area is at the highest end of the local parking scale. When the Holly Hill requirement to add employee parking is considered, the City requirement is the highest among the communities surveyed. The average requirement for both uses is closer to one space per 250 square feet.

With regard to restaurant uses, a review of the same communities shows the average ratio of seating to parking for dine in restaurants is one parking space for every three seats. About one-half of the jurisdictions have an additional requirement to provide some level of employee parking as well. The Holly Hill parking standard in this case is exactly the same as the average for the surveyed communities.

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COMPARISON OF PARKING STANDARDS VOLUSIA AND FLAGLER COUNTY COMMUNITIES RESTAURANT (DINE IN)

LOCAL GOVERNMENT	SPACE	MEASUREMENT UNIT (SEATS.)	COMMENTARY
DAYTONA BEACH			1/50 SF CUSTOMER SERVICE AREA 1/75 SF (NET UP TO 6000 SF
DELAND			12/1000 SF(INDOOR SERVICE)
DELTONA			PLUS1PER2EMPLOYEES
EDGEWATER	1	4	
NEW SMYRNA	1	3	
ORANGE CITY	1	2	
ORMOND BEACH	1	3	PLUS1PER2EMPLOYEES PLUS 2 PER 100 SF PUBLIC ASSEMBLY
PALM COAST	1	4	
PORT ORANGE	1	2	PLUS1PER2EMPLOYEES
SOUTH DAYTONA	1	4	PLUS1PER3EMPLOYEES
VOLUSIA COUNTY	1	2	
AVERAGE	1	3	
HOLLY HILL	1	3	PLUS1PER2EMPLOYEES

Test Case:

To further review the impacts of a proposed amendment to the parking regulations, the staff has prepared the following test case based on the Family Dollar store now under construction on US 1. The building is 8,000 square feet of gross floor area with 7,040 square feet of net floor area (excluding storage and restrooms). A calculation of the required parking for each community surveyed for this project yields the following required parking. (Please keep in mind Holly Hill has the added requirement of one parking space for each employee on the largest shift.)

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Community	Parking Requirement
Daytona Beach	28
Deland	30
Deltona	36
Edgewater	32
Holly Hill	40
New Smyrna Beach	27
Orange City	40
Ormond Beach	32
Palm Coast	32
Port Orange	40
South Daytona	40
Volusia County	36
Area-wide Average	32

The application of the area-wide average of one parking space for every 250 square feet yields a requirement of 32 parking spaces. The applicant's suggested ratio of one space per 300 square feet of gross floor area would yield a requirement for 27 parking spaces. In many cases national chains such as Family Dollar have their own internal parking specifications that require parking space totals above the code minimums.

Employee Parking Requirements

Basing parking requirements on employee ratios can be particularly difficult to interpret and apply. Often, applicants do not have specific information on the number of employees that will be on site initially and over the long term. Successful businesses may add employees beyond additional estimates, while other businesses may reduce employees over time. This type of rule tries to balance a fixed asset site element with a highly flexible business element. While the number of employees can change rapidly, the ability to add or remove parking spaces is very limited. The applicant is suggesting a revision that applies a ratio of one employee parking space per leasable unit. This may be a reasonable alternative if we want to maintain a linkage between parking and employees.

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Shared Parking

It is common for land development codes to provide opportunity for shared parking when individual uses have distinctly different operating hours. These types of shared parking uses work best with uses such as churches where hours of operation are clear and in most cases the paired parking use is closed. Attached is a section from the New Smyrna Beach land development code illustrating how shared parking uses can be treated.

Spaces required for one use may not be assigned to another use except that one-half of the parking spaces required for churches, theaters, or other places of assembly whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays. Conversely, one-half of the required parking spaces for a use which will be closed at night and on Sundays may be assigned to churches, theaters, or other places of assembly whose peak attendance will be at night and on Sundays.

Off Site Parking Opportunities

It is also common for land development codes to permit some level of off-site parking on owned or leased property in close proximity to the site supported by the parking. Typically there is a distance requirement and some formal commitment of the off-site location to support development on the subject property. Attached is a provision for remote parking also taken from the New Smyrna Beach ordinance.

If required off-street parking spaces cannot be provided on the same lot where the principal building or use is located, such required parking spaces may be provided on other land within 1,000 feet in the MU, Mixed-Use Zoning District and 200 feet in all other non-residential zoning districts or contiguous property in residential zoning districts from the lot where the principal building or use is located except multi-family and hotel and motel uses shall provide all parking on-site. This distance between the principal use and off-site parking facility shall be measured in a straight line from the closest points between the two properties. The land upon which the off-site parking is located must be either owned or leased by the principal user. All required off-site parking must be maintained with the principal use, unless required parking needs can be met in some other manner consistent with the requirements of this LDR. Off-site parking lots abutting property zoned or used for residential purposes shall be appropriately buffered at the side or rear lot lines consistent with the requirements of the landscaping and tree preservation requirements of this LDR.

Providing off-site parking on leased land shall be subject to the following restrictions:

- a. Except in the Canal Street and Flagler Avenue special parking districts, leased off-site parking may not be used as required parking to support new construction or an addition to a building or structure; or

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b. Where leased off-site parking is used to meet the minimum parking requirements, the use to the extent it is dependent upon leased off-site parking must be terminated in the event the lease is terminated

RECOMMENDATION:

Staff recommends an amendment to the land development code to increase the parking requirement for retail and office uses from one space per 200 square feet of gross floor area to one space per 250 square feet of gross floor area and eliminate the requirement for employee parking with these uses. Staff also recommends that the ordinance be amended to include options for joint use parking and for remote parking on a case-by-case basis.

The joint use language can mirror the language presented above from the New Smyrna Beach code. This language has been tested by field application over a longer period of time and found to be workable. For remote parking staff recommends that off-site parking be allowed with the following conditions:

- The site must be owned or leased.
- The remote parking site must be within 1000 feet of the building served by the parking (measured from the parking lot to the actual building) unless alternative transportation is provided.
- Leased parking cannot be used to support new development or expansions where parking is calculated based on the square footage of the building served by the remote parking.
- Leased parking can be used to support uses where parking is calculated based on the number seats in the subject use. (If the parking is lost it is feasible to reduce the size of the business or other use by removing some of the seating.)
- The use or the portion of the use supported by remote parking must be terminated if the remote parking area is lost.



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City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: JULY 18, 2011
SUBJECT: TEMPORARY STORAGE OF CONSTRUCTION MATERIAL
APPLICANT: ADMINISTRATIVE REQUEST
NUMBER: Z-2011-06
PLANNER: THOMAS HAROWSKI, AICP

INTRODUCTION:

Concern has been expressed to staff about the conditions under which construction materials for development projects are stored when these items are kept off-site from the actual construction activity. While this type of storage is often necessary, especially for projects such as road construction, the City would like to ensure that materials are properly stored and storage sites are restored following the conclusion of the project.

BACKGROUND:

In the past the city has received complaints on occasion when construction projects require the use of staging areas for materials, offices and similar activities in support of construction activity remote from the storage area. We recognize that staging areas are needed and should be allowed provided that materials are stored properly and the sites are restored following the completion of construction.

DISCUSSION:

As noted in the previous paragraphs, material storage for construction has some basic elements that should be in place to allow the storage activity while protecting adjacent property and the public at large. These elements include:

- Screening so that construction materials are not generally visible from the public right-of-way

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- Management of loose material such as dirt and lime rock to prevent dust blowing onto adjacent properties
- Placement of materials away from utility lines and property lines
- Proper restoration of the site following construction

The storage of construction material can be done as a special exception use. Under the City code a special exception requires staff review and approval by the City Commission. With a city commission meeting held twice per month, the lead time necessary to approve a remote storage area should be approximately 30 days. A special exception proposal could include the following elements:

Temporary storage of construction materials, construction offices and construction signage on property not the subject of the intended construction activity, shall be allowed in any non-residential, mixed-use or multi-family zoning classification pursuant to the following terms and conditions.

1. An opaque screening is provided adjacent to an opened public right-of-way and any single-family zoning classification
2. The site is secured by fencing or other acceptable site security
3. All construction related materials are kept within the secured area and placed at least five feet from any property line
4. Any loose material such as dirt, lime rock and similar materials is covered, watered or otherwise managed so that dust not blow off of the storage site

The applicant shall submit an application for special exception on application forms provided by the city and shall indicate in the application the proposed storage site; plans for managing the storage site to meet the criteria listed above; and the proposed term of use.

Upon completion of the storage activity, the site shall be restored to its original condition or better. Undeveloped lots shall be seeded with grass and adequately watered so that the site will have a continuous planted area covering all portions of the site disturbed by construction activity. Any hard surface areas shall be cleaned of debris and dust. The City Commission may require a bond or other security to guarantee the site restoration.

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RECOMMENDATION:

Recommend the City Commission adopt a special exception process for authorizing the off-site storage of construction materials.



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Board of Planning and Appeals *Agenda Item*

DATE: July 7, 2011
SUBJECT: Continued Nonconforming Use Appeal
APPLICANT: Mr. William Vanderveer
NUMBER: Z-2011-07
PLANNER: Thomas A. Harowski, ACIP

INTRODUCTION:

Mr. Vanderveer owns commercial property at 746 Ridgewood Avenue. The building formerly housed a variety of automotive based businesses, and Mr. Vanderveer is requesting approval to re-establish the non-conforming use under the provisions of Section 114-34(b) of the City code.

BACKGROUND:

The property at 746 Ridgewood Avenue was most recently occupied by the LaBosco Pawn shop which was a conforming retail use. The redevelopment overlay district was adopted in 2005, and automotive uses became prohibited uses making any continuing automotive operations non-conforming. Once a non-conforming use has been abandoned for a period of six months or more, it cannot be re-established without the expressed approval of the Board of Planning and Appeals. Since the adoption of the redevelopment overlay district, the continued nonconforming use provision has been used in at least two other instances to allow an automotive use. Mr. Vanderveer is now seeking to re-establish automotive sales under the terms of the non-conforming use provisions.

A review of the business license history for the property extending back to 1997 shows that a variety of automotive uses including auto sales and auto detailing occupied the site for ten years. The last year an automotive sales operation was present was 2008. Non-automotive uses were on site in 1997-98 and 2010-11. The site was apparently vacant for rent in 2009.

Z-2011-07
Vanderveer Continued Nonconforming Use Appeal
746 Ridgewood Avenue

DISCUSSION:

Section 114-34(b) on abandonment of nonconforming uses states that nonconforming uses discontinued for six months or more may not be re-established except that this prohibition shall not apply to existing structures when the following conditions are met.

1. Such uses are deemed no more objectionable than uses previously discontinued
2. The structure housing such use meets, or can be repaired to meet, municipal code requirements for the use proposed
3. The structure housing such use has a viable, useful life beyond the date of discontinuance
4. Buffers and building appearances exist, or are proposed, that will provide reasonable compatibility with the neighborhood in which the structure is located

The City Commission held a workshop last year to address impacts from the implementation of the redevelopment overlay district requirements. One of the outcomes of the workshop was consideration for establishing automotive repair within the overlay district as a special exception use. While the modification of the redevelopment overlay district has been discussed, no action has been taken to modify the code.

Conditions being considered for allowing automotive repair as a special exception use include:

- (1) No operation in connection with Motor vehicle and marine/boat services and repair shall be conducted in a manner which impedes free flow of vehicular or pedestrian traffic using public ways, or restricts vision within the triangular area defined in section 114-768, pertaining to visibility at intersections.
- (2) All motor vehicles being handled, stored or repaired shall be maintained in such condition that they may be moved under their own power at any time, except such vehicles as may be stored or under repair in garages or other buildings as provided in this section.
- (3) No repair of motor vehicles or parts thereof shall be made except within a structure provided for such purpose, and no storage of motor vehicles parts shall be other than in an enclosed building.
- (4) Motor vehicle and marine/boat services and repair lots shall be not less than 100 feet in width and 10,000 square feet in area.
- (5) For all Motor vehicle and marine/boat services and repair facilities, a landscaped buffer shall be installed along property lines, without breaks except at approved driveways, and a visual screen shall be installed along all property lines other than the street right-of-way lines. Such buffer and screen shall comply with the requirements of chapter 98, article III.

The task before the Board is to determine if the applicant meets the criteria specified in Section 114-34(b). The Board may specify conditions that in its opinion are necessary to assure compliance with the criteria. Factors to consider relative to the criteria include:

- Ridgewood Avenue currently includes a significant number of automotive repair and automotive sales uses, and the site formerly housed an automotive use.
- The structure in question formerly housed an automotive use, so it is reasonable to expect that it can be modified to allow an automotive repair use again.
- The structure has a viable and useful life remaining. Any modifications will require inspection and upgrade of the site to meet current code requirements.
- The site has some limited perimeter landscaping. The parcel to the south is boat sales and a current used car lot is opposite the site on the east side of Ridgewood Avenue. The parcel across 8th Street to the north is vacant.

The applicant has stated the building will be painted a neutral base color and complementary awnings will be added. Landscaping will also be added to the site. The landscaping should be a minimum of 10-feet along Ridgewood and along 8th Street with plant material meeting city code.

RECOMMENDATION:

If the Board determines that the site meets the tests laid out in Section 114-34(b) or will meet these tests with the addition of reasonable conditions, the Board may grant the approval. The Board may wish to include the conditions of the proposed special exception use to determine reasonable compatibility with the neighborhood if the applicant intends to use the site for automotive repair in the future. Alternatively, the Board could limit the grant of non-conforming use to automobile sales. The Board should also include the noted building and site improvements as a condition of approval.



746 Ridgewood Avenue Viewed from the east.

Z-2011-07
Vanderveer Continued Nonconforming Use Appeal
746 Ridgewood Avenue



Adjacent property to the south of 746 Ridgewood

Z-2011-07
Vanderveer Continued Nonconforming Use Appeal
746 Ridgewood Avenue



Property to the north across 8th Street from 746 Ridgewood

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Vanderveer Continued Nonconforming Use Appeal
746 Ridgewood Avenue



Existing used car lot opposite 746 Ridgewood

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Vanderveer Continued Nonconforming Use Appeal
746 Ridgewood Avenue



Motel at 8th and US 1 northeast of subject property

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Vanderveer Continued Nonconforming Use Appeal
746 Ridgewood Avenue