

AGENDA
CITY OF HOLLY HILL
BOARD OF PLANNING & APPEALS MEETING
October 3, 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 – August 1, 2011 Meeting
- IV. NEW BUSINESS
 - a. ~~V-2011-02 Rear Yard Variance Request for 700 Ridgewood: An application by Mark Dowst requesting a variance from the required building setback of 35 feet to allow a rear yard setback of 24 feet.~~
 - b. Z-2011-08 Revisions to the BPUD for 1050 Nova Road: A request by Berkshire Investment Holdings, Inc. to amend the Business Planned Unit Development for 1050 Nova Road
 - c. Z-2011-09 Revisions to the Redevelopment Overlay District: An administrative request by the City of Holly Hill to amend the permitted uses in the Redevelopment Overlay District.
- 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

August 1, 2011

1. CALL TO ORDER

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, and Phillip Wiggins.

Excused Absences:

John Sterling

Also attending were the following staff members: Attorney Adam Dunn (sitting in for Attorney Scott Simpson), City Planner Thomas Harowski, and City Clerk Valerie Manning.

A. Invocation

Mr. Myer delivered the Invocation.

B. Pledge of Allegiance to the Flag

Mr. Myer led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – August 1, 2011

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

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

3. 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

Applicant: Eric Alexander

This is a request for parking regulations amendments to modify the ratio of square footage of retail space per parking space and other amendments to the parking regulations within the Code.

MINUTES
BOARD OF PLANNING AND APPEALS
AUGUST 1, 2011

Mr. Mellette moved APPROVAL for Z-2011-05: PARKING REGULATIONS AMENDMENTS, seconded by Mr. Wiggins.

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

Mr. Myer opened public participation. No one spoke.

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

B. Z-2011-06 Temporary Storage of Construction Material: An administrative request to consider special exceptions regulations for permitting off-site storage of construction materials.

This is a request for temporary storage of construction material to consider special exceptions regulations for permitting off-site storage of construction materials.

Mr. Kiley moved APPROVAL for Z-2011-06: TEMPORARY STORAGE OF CONSTRUCTION MATERIAL, seconded by Mr. Wiggins.

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

Mr. Myer opened public participation. No one spoke.

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

C. Z-2011-07 Non-conforming Use Approval for 746 Ridgewood Avenue: A request from Mr. William Vanderveer to all automotive sales and repairs at 746 Ridgewood Avenue.

Applicant: William Vanderveer

This is a request for non-conforming use approval for 746 Ridgewood Avenue to all automotive sales and repairs at the location.

Mr. Wiggins moved APPROVAL for Z-2011-067 NON-CONFORMING USE APPROVAL FOR 746 RIDGEWOOD AVENUE, seconded by Mr. Mellette.

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

Mr. Myer opened public participation. No one spoke.

**MINUTES
BOARD OF PLANNING AND APPEALS
AUGUST 1, 2011**

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

4. OLD BUSINESS

None

5. OTHER – Staff Comments

City Planner Thomas Harowski informed the board members that the next Board of Planning and Appeals meeting is on Labor Day. Mr. Harowski asked if the Board members would still like to have a September meeting on another date.

There was **CONSENSUS** from the Board members to have their next meeting on Wednesday, September 14, 2011.

6. ADJOURNMENT

The meeting officially adjourned at approximately 7:25 p.m.

Valerie Manning
City Clerk/Administrative Assistant



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: October 3, 2011
SUBJECT: 700 Ridgewood Avenue Rear Setback Variance
APPLICANT: Mark Dowst
NUMBER: V-2011-02
PLANNER: Thomas A. Harowski, AICP

INTRODUCTION: Mark Dowst, of Mark Dowst & Associates, has made application on behalf of the property owner for a variance of approximately 11 feet from the required rear yard setback of 35 feet to allow a rear yard setback of 23.9 feet.

BACKGROUND: The property at 700 Ridgewood Avenue is a former motel that has been converted into commercial units. We have been informed that there is only one tenant currently occupying the site. The property owner is proposing to demolish the existing motel and construct a two building retail and business complex. (Refer to Exhibit A for a concept plan.) Because the property abuts residential zoning to the west the visual screening requirements of Section 98-67 apply. Commercial development adjacent to residential development requires a minimum 10-foot buffer and 35-foot building setback. The applicant is requesting a variance from the 35-foot building setback and providing an increase in the required buffer.

DISCUSSION: The applicant has submitted an analysis responding to the conditions for granting a variance. (Refer to Exhibit B). In order to develop the site as proposed, there is very little room to shift buildings forward on the lot to obtain the additional 11 feet of building setback. While the proposed variance would reduce the building setback by 31%, the proposed plan will increase the actual buffer area by 140%. The rear wall of the proposed building will be designed to serve as the masonry buffer wall. Rather than having a masonry wall and 10-foot buffer as required by the minimum code (see the Family Dollar store on US 1 and the Dollar General store on Nova Road at 15th Street) the resulting design on the subject property will result in a 24 foot buffer and then the required buffer wall. This seems to a much improved condition over the minimum code design.

In the response to the conditions for a variance, the applicant has indicated that in the absence of a variance, a revised site design will be required that will shift

STAFF REPORT

City of Holly Hill Community Development Department

parking areas closer the adjacent residential uses. Once the screening wall and buffer are provided, other site uses such as parking and stormwater retention can be placed within ten feet of the property line. Site development at this location is also complicated by the presence of a storm drainage line and sewer line along the rear portion of the site.

RECOMMENDATION: Staff recommends approval of the 11 foot variance to allow a building setback of approximately 24 feet.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: OCTOBER 3, 2011
SUBJECT: 1050 NOVA BPUD AMENDMENT
APPLICANT: BERKSHIRE INVESTMENT HOLDINGS, INC
NUMBER: Z-2011-08
PLANNER: THOMAS A. HAROWSKI, AICP

INTRODUCTION: Mr. John Keiser, Berkshire Investment Holdings, Inc., as agent for the property owner Wells Fargo Bank, has applied for amendment of the existing Business Planned Unit Development for the property at 1050 Nova Road (tax parcel number 42-14-32-04-20-0212). The applicant is seeking amendments including revisions to the schedule of permitted uses, revisions to the development standards, and other revisions necessary to update the BPUD to reflect new ownership.

BACKGROUND: In March 2003 the Holly Hill City Commission adopted Ordinance 2654 which applied BPUD zoning to the subject parcel as a result of the annexation of this parcel into the city and the approval of revised zoning from the industrial classification that was previously applied. The BPUD allowed only two permitted uses including light manufacturing within an enclosed building and professional design, retail. The two uses were linked to a site plan which identified two phases of development. The first phase of development was completed with the light manufacturing (Carl's Speed Shop) developed on the northern portion of the site. The southern portion of the site which allows the professional design and retail was not developed. The linkage of the permitted uses and development phasing with the master development plan, does not allow the shifting of uses between phases.

The applicant is the contract purchaser of the property and desires to move his retail business, Florida Gun Exchange, into the existing building and modify the existing building to include an indoor shooting range. This use cannot be accommodated on the northern portion of the site without amendment of the provisions of the existing BPUD.

DISCUSSION: The existing BPUD has an extremely limited combination of permitted uses and project phasing that has worked to preclude efficient re-use of the property. This combination worked so long as a business conducting light

STAFF REPORT

City of Holly Hill Community Development Department

industrial development occupied the northern portion of the site where the existing building sits. Once this use was no longer active on the site, the exact combination of light industrial and retail uses has been hard to achieve. In order to make the site more usable over time, some additional freedom to allow alternate uses is required. The applicant has provided a draft BPUD document addressing this need and other revisions.

1. The document has been amended to include a revised list of permitted uses based on the B-4 Highway Business District. By replacing the original permitted uses with the B-4 permitted uses (which also include the B-1 permitted uses), the site will have additional flexibility for change in uses over time. The B-4 zoning classification is one of the commonly applied zoning classifications along Nova Road, but this zoning is a little more restrictive than the CC-1 zoning which is the other classification applied along large areas of Nova Road.
2. The permitted uses also include approval of an indoor shooting range meeting the requirements of Section 114-697. As noted above the applicant is interested in adding an indoor shooting range as a complement to the proposed retail business. This change essentially moves the shooting range from a special exception use to a permitted use while keeping in effect the conditions required for a special exception use.
3. The agreement increases the front buffer from five feet to ten feet. The increase sets the buffer at a size that would be required for any other commercial development with standard zoning fronting on Nova Road.
4. The minimum lot size is reduced from one acre to 40,000 square feet. This change increases the potential to subdivide the parcel into two business lots at some time in the future. The existing building and planned additions to the existing building will require more than 50% of the lot.
5. The provisions for specific phasing have been deleted. Phases will be determined by subsequent subdivision and/or site plan submittals.
6. Since specific uses for the northern and southern portions of the site are no longer intended, the master development plan has been redefined to include the BPUD agreement and the survey.
7. Other minor changes have been made to the agreement to reflect the change in ownership and to recognize that the pending action is an amendment to the existing development agreement.

STAFF REPORT

City of Holly Hill Community Development Department

In addition to the changes noted above, the staff is proposing two additional revisions to the development agreement. One addition relates to signs and one addition relates to design guidelines for subsequent buildings.

1. The staff is recommending that the project require monument signs rather than pole signs for the site ground signage. The staff is also recommending that a 100 square foot landscape area be provided with the ground sign. The applicant has stated a desire to use a pole sign and the agreement is drafted with a pole sign as the allowable sign.
2. The applicant has also specified the use of LED elements in the sign. The staff has no objection to the use of LED design in place of a changeable copy area within the sign, but suggest the LED area be limited to 50% of the allowable sign area.
3. The existing BPUD agreement includes a specific building design which is no longer applicable to the overall project. Staff is recommending the development agreement require that future site development apply the design guidelines from Corridor Overlay District. These guidelines simply require the future building conform to one of four basic building styles including Mediterranean, Spanish, Florida Vernacular or contemporary.

RECOMMENDATION: Staff is recommending approval of the revised Business Planned Unit Development Agreement including the addition of the signage and design guidelines recommended by staff.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: October 3, 2011
SUBJECT: Amendments to Redevelopment Overlay Zone
APPLICANT: City of Holly Hill
NUMBER: Z-2011-09
PLANNER: Thomas Harowski, AICP

INTRODUCTION: The city's redevelopment efforts along the US 1 corridor are in need of additional support due to deteriorating economic conditions generally and regulatory changes that have been made by adjacent communities. Staff has been developing a program of amendments to the Redevelopment Overlay District and other sections of the land development regulations that we believe will strengthen our redevelopment efforts over time. These actions include:

1. Review of permitted uses in the overlay district
2. Expanded controls on outdoor display
3. Improved landscape requirements
4. Improved signage requirements
5. Revised architectural design standards

This proposed amendment will address the first item on the list. In the coming months we will address the other items and provide recommendations to the City Commission.

BACKGROUND: The Redevelopment Corridor Overlay District provides a listing of uses that have been determined to inhibit redevelopment in the targeted area. These uses are identified in Section 114-636 for the entire overlay district and Section 114-635 for properties that front on LPGA and Ridgewood Avenue. In recent months the City has been inundated with businesses that deal in used merchandise. We now have 30 thrift stores and three pawn shops registered and this category has been growing at a rate of two or three businesses per month. When there is a concentration of second hand merchandise stores, it creates an overall negative impression of the business areas. Other businesses tend to avoid these locations creating a continuing downward spiral of rents and building conditions.

STAFF REPORT

City of Holly Hill Community Development Department

In addition to the used merchandise businesses, the City of Daytona Beach has recently enacted regulations that limit social service uses and other types of businesses that cater to homeless individuals, day labor and other related business activity. Daytona Beach has concluded that concentrations of these types of businesses have a negative impact on redevelopment efforts and they have limited new uses from locating in their redevelopment areas including the North Ridgewood Overlay Area. With this added regulation in Daytona Beach, Holly Hill can expect increased interest in locating these types of service along our US 1 corridor with additional negative impacts.

In response to these trends, the staff is suggesting the use limitations already in place for the Redevelopment Overlay District be expanded to include additional use limitations. This action would not prohibit these uses in all areas of the City as the overlay district is coterminous with the CRA District boundaries. Additionally some limitations are applicable only for properties fronting on US 1 or LPGA Boulevard.

DISCUSSION: The redevelopment overlay district encompasses the community redevelopment area district. There are two types of use limitations in the redevelopment overlay district; some uses are prohibited in all areas of the district (refer to Section 114-636); and some uses are prohibited on parcels fronting on Ridgewood Avenue and LPGA Boulevard (refer to Section 114-635). As noted above staff has been discussing adding additional uses to the list of restricted uses based on the expectation that we will experience a rapid growth in social service agencies due to the restrictive actions taken by the City of Daytona Beach and due to the rapid expansion of second hand businesses that are creating a negative retail climate along Ridgewood Avenue and LPGA. A continuing concentration of these uses will have negative effects on the redevelopment efforts within these corridors and within the CRA area generally.

If the types of uses to be restricted in the overlay district are expanded, any such uses already established in the overlay district will be treated as non-conforming uses with the goal of eventually phasing out these uses within the redevelopment area. As noted above, we have the choice of prohibiting uses generally within the overlay district or limiting the prohibition to the Ridgewood and LPGA corridors. We also have the option of creating special exception approvals for some uses.

STAFF REPORT

City of Holly Hill Community Development Department

The following table identifies the currently restricted uses and proposed additional uses to be subject to restriction. The items in blue or bold face are new additions.

Restricted Uses Overlay District Generally	Restricted Use Ridgewood and LPGA
Adult entertainment establishments	Accessory structure sales
Asphalt batching plants	Blood Plasma Center
Bulk petroleum product storage	Salvage yards
Concrete plants	Tattoo parlors
Temporary labor halls	Carwash facilities
Flea markets	Laboratories
Community residential homes	Mini-warehouse
Congregate meal facilities	Self-service Laundromat
Food pantries and feeding programs	Warehousing and distribution
Homeless services	Motor vehicle and boat services and repair
Homeless shelters	Single family residences
Recovery homes/treatment facilities	Pawn shops
Internet gambling businesses including any sweepstakes operations that use internet gaming systems for the promotion of a product	Used clothing sales
Mobile home/Manufacture Home parks and subdivisions	Used furniture sales
	Check cashing services
	Thrift store
	Consignment store

Definitions:

We will need to add some additional definitions to the code to be sure that uses to be restricted are clearly identified.

Congregate meal facility: A facility that provides scheduled meals on a daily basis for families and individuals. This term does not include homeless shelters or transitional housing.

Food pantry: Any program that acquires food products through donations, canned food drives, food bank programs or purchases and distributes the

STAFF REPORT

City of Holly Hill Community Development Department

food to individuals, and does not provide prepared food to clients for consumption on or off site.

Homeless service: A service, such as food distribution, vocational training, or counseling provided on site and designed and conducted to assist homeless individuals who lack a regular and adequate nighttime residence or reside in a shelter designed to provide temporary living accommodations.

Special Exception Uses

The following uses shall be considered special exception uses within the Redevelopment Overlay District areas fronting on US 1 or LPGA Boulevard. All uses shall meet the requirements of the underlying zoning classification in addition to the following requirements.

Automobile, recreational vehicle and boat sales with outdoor sales and display provided:

- A 10-foot landscaped buffer is provided along front and side property lines including one shade tree per 25 linear feet of buffer; one understory tree per 30 linear feet of buffer; and 30 shrubs per 100 linear feet of buffer. A cluster of three palm trees shall equal one shade tree.
- Ground signs shall be monument signs meeting the size requirements of the land development regulations with a minimum 10 foot x 10 landscaped area
- Maximum lot coverage shall not exceed 80% of the total lot area.

Hotels and motels provided:

- The site has a minimum lot area of two (2) acres
- Maximum building coverage will not exceed 35%
- A 10-foot landscaped buffer is provided along front and side property lines including one shade tree per 25 linear feet of buffer; one understory tree per 30 linear feet of buffer; and 30 shrubs per 100 linear feet of buffer. A cluster of three palm trees shall equal one shade tree.

Multi-family Residential Development provided the residential units are constructed as part of a mixed use development approved through a planned unit development zoning approval.

Outdoor Display of Merchandise: Outside display and sale of goods and merchandise is permitted as a special exception use provided below. Outside display and sale of merchandise for approved vendors at temporary special events shall be permitted as a function of the temporary event permit.

STAFF REPORT

City of Holly Hill Community Development Department

- The goods and merchandise is intended for use outdoors (such as lawn equipment, patio furniture, grills, etc.)
- The merchandise is displayed in an area designated for outdoor display that does not impede visibility or access to and within the site.
- The merchandise is only displayed during hours of operation.

The Comprehensive Plan and Redevelopment Plan

These additional restrictions are supported by goals, objectives and policies from the comprehensive plan and by components of the redevelopment plan.

Goal 4 and the supporting objectives and policies incorporate key elements of the redevelopment plan and provide guidance for redevelopment activities. Goal 5 and its supporting objectives and policies focuses on economic development by supporting activities designed to expand and diversify the existing economy and create additional employment and investment. The uses proposed for restriction or limitation have been found to impede this goal.

The Community Redevelopment Area Master Plan also has some specific initiatives that address this issue. Initiative 4.2.4 proposes the development of a commercial/entertainment district along the US 1 corridor that "provides a well-balanced mixture of commercial uses, specialty shops, apparel and accessory stores and miscellaneous shopping goods stores. Present trends are creating an imbalance in mixture of commercial uses and the proposed restrictions will limit uses that will inhibit the development of quality retail and specialty stores. Initiative 4.5 discusses evident public safety issues related in part to some of the types of businesses in the corridor as well as the large homeless population that impacts the corridor. Restrictions that limit the growth of these businesses and populations will further support economic development in the corridor.

RECOMMENDATION: Approve the revisions to the limitations on uses within the Redevelopment Overlay District and additional definitions.