

**AGENDA**  
**CITY OF HOLLY HILL**  
**BOARD OF PLANNING & APPEALS MEETING**  
**November 7, 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 – October 3, 2011 Meeting
- IV. NEW BUSINESS
  - a. Z-2011-10 - This is an administrative application to amend Section 114-745 of the City Code regulating portable storage units to add a maximum size for portable storage units in residential neighborhoods.
  - b. Z-2011-11 - This is an administrative request to amend the zoning code to allow sweepstakes centers as a special exception use in B-2, B-5 and CC-1 zoning classifications in the Nova Road corridor.
- 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**

**October 3, 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 John Sterling and Phillip Wiggins.

Excused Absences:

Chris Kiley (arrived at 7:40 pm)  
J.D. Mellette

Also attending were the following staff members: Attorney Scott Simpson, City Planner Thomas Harowski, Economic Development Director Lynn Dehlinger 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. Wiggins moved **APPROVAL** for the **Minutes**, seconded by Mr. Sterling.*

The motion **CARRIED** 3-0 by roll call vote: Wiggins – Yes, Sterling – Yes, Kiley – Absent, Mellette – Absent, and Myer – Yes

**3. 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.**

**Applicant: Mark Dowst**

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City Planner Thomas Harowski gave an overview of the rear yard variance request for 700 Ridgewood Avenue from the provided Staff Report.

Mark Dowst spoke briefly and gave an overview of what the variance would consist of; briefly went over site plans with the Board members.

**Mr. Myer opened public participation.**

The following individual came forward to speak to the Board members:

- Judy Lemons, 1365 Woodward Avenue, Holly Hill – Addressed the Board of Planning and Appeals members regarding the air conditioning units on the roof and shared her concerns about them.

**Mr. Myer closed public participation.**

*Mr. Wiggins moved APPROVAL for V-2011-02: REAR YARD VARIANCE REQUEST FOR 700 RIDGEWOOD – approve staff's recommendations and that the design of the structure will be in substantial compliance with the attached exhibit given to staff, seconded by Mr. Sterling.*

The motion **CARRIED** 3-0 by roll call vote: Wiggins – Yes, Sterling – Yes, Kiley – Absent, Mellette – Absent, and Myer – Yes

**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.**

**Applicant: John Keiser**

City Planner Thomas Harowski gave an overview of the revisions to the BPUD for 1050 Nova Road from the provided Staff Report.

John Keiser spoke briefly and gave an overview of what the revisions to the BPUD for 1050 Nova Road would be. Mr. Keiser shared his thoughts about having a pole sign instead of the LED monument sign but if he had to have that type of sign, he would prefer 75% instead of 50% LED but its not their intention to do 100% LED.

**Mr. Myer opened public participation. No one spoke.**

*Mr. Wiggins moved APPROVAL for Z-2011-08: REVISIONS TO THE BPUD FOR 1050 NOVA ROAD – approve staff's recommendation along with the exception the applicant will be allowed a pole sign with 100% LED lighting, seconded by Mr. Sterling.*

The motion **CARRIED** 3-0 by roll call vote: Wiggins – Yes, Sterling – Yes, Kiley – Absent, Mellette – Absent, and Myer – Yes

**C. Z-2011-08 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.**

City Planner Thomas Harowski gave an overview of the revisions to the Redevelopment Overlay District from the provided Staff Report.

**Mr. Myer opened public participation.**

The following individuals came forward to speak to the Board members:

- Tom Shellings, 1410 State Avenue, Holly Hill – Addressed the Board of Planning and Appeals members regarding the proposed changes to the overlay district; LPGA – CRA corridor and its prohibited uses; shared his concerns about the residential properties and the salvage area behind his house.
- Richard Campbell, 1406 State Avenue, Holly Hill – Address the Board of Planning and Appeals members stating that a business some years ago was trying to get in over at 15<sup>th</sup> Street and State Avenue; he shared his concerns about certain businesses trying to take over that lot.
- Judy Lemons, 1365 Woodward Avenue, Holly Hill – Addressed the Board of Planning and Appeals about the redevelopment area; shared her concerns about her neighbors and the problems she’s been having; mentioned that she came in and applied for a permit to put up a wall/fence on her property and was denied; shared her concerns about the shooting range that was just approved tonight.

**Mr. Myer closed public participation.**

*Mr. Wiggins moved APPROVAL for Z-2011-09 REVISIONS TO THE REDEVELOPMENT OVERLAY DISTRICT, seconded by Mr. Sterling.*

The motion **CARRIED** 4-0 by roll call vote: Wiggins – Yes, Sterling – Yes, Kiley – Yes, Mellette – Absent, and Myer – Yes

**4. OLD BUSINESS**

None

**5. OTHER – Staff Comments**

City Planner Thomas Harowski notified the Board that 748 Ridgewood is now a swap shop.

Mr. Myer asked if anyone got the information about the Sunshine Law seminar; he sorry they missed it; asked about 830 Ridgewood Avenue, the thrift shop.

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Mr. Wiggins asked about the boats in the river. Attorney Simpson shared some information regarding the Marine Coast Guard and spoke about what happened in South Daytona where some boats were anchoring boats in the river.

**6. ADJOURNMENT**

The meeting officially adjourned at approximately 8:10 p.m.

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Valerie Manning  
City Clerk/Administrative Assistant



# STAFF REPORT

City of Holly Hill  
Community Development Department

## Board of Planning and Appeals *Agenda Item*

**DATE:** November 7, 2011  
**SUBJECT:** Portable Storage Units  
**APPLICANT:** City of Holly Hill  
**NUMBER:** Z-2011-10  
**PLANNER:** Thomas Harowski, AICP

**INTRODUCTION:** This is an administrative application to amend Section 114-745 of the City Code regulating portable storage units to add a maximum size for portable storage units in residential neighborhoods.

**BACKGROUND:** Earlier this year we addressed a case where temporary storage containers were located on a residential lot. Temporary storage units are allowed by Sec. 114-745, but the code does not include a size limit on residential storage. During the consideration of this application it was suggested that a maximum size be established.

**DISCUSSION:** The code section on portable storage units was intended to permit and regulate off-site storage units that are temporarily located on private property to allow for loading, unloading and temporary storage for periods of construction and other temporary storage needs. PODS is one of the brands of this type of unit. In the past year the City has been encountering a increase in storage units that are 40 foot long like containerized shipping units. Our code currently has no maximum size.

We researched the standard sizes for storage containers across a range of providers. The largest container is 16 long by 8 feet high and 8 feet wide. The following table shows the largest dimensions for a variety of companies. There may be other providers in addition to this sampling, but it seems reasonable to manage the size of the unit based on the major providers.

The key dimension is length of the portable container. By limiting the maximum length of the container to 16 feet, we can accommodate the majority of users in the market place and maintain a service that is oriented to a residential neighborhood. The larger 40 foot long containers that we have been encountering would then be prohibited.

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Company	Length	Width	Height
Door-to-Door	8'	5'	7'
Pack Rat	16'	NA	NA
PODS	16'	8'	8'
U-Pack	6'3"	7'	8'4"
Units	16'	NA	NA
Smart Box	8'	5'	7'

**RECOMMENDATION:** The staff is recommending the maximum size of a container be limited to 16 feet. The amended code section could read as follows:

### **Sec. 114-744. Portable storage units.**

- (a) *Definition:* A portable storage unit is any enclosed structure that does not require a building permit, is not required to be anchored according to the city's adopted building codes and is transported by truck or trailer for placement upon residential property for the purpose of short-term storage as defined herein
- (b) Vendors of portable storage units, to include lessors, are required to notify the city in writing, by letter, fax or e-mail, of the placement of a portable storage unit within the city limits. Such notice shall contain the residential address of the placement, the name of the occupant at such residential address and the anticipated duration of the placement.
- (c) *Time limitation:* A portable storage unit shall be permitted at one residential location for a period not to exceed 30 days in any six consecutive months. Code administrator can extend it for 30 days and anything beyond that has to come before the city commission to grant a 30-day extension upon proof of hardship.
- (d) *Size Limitation:* A portable storage unit placed on residential property or land zoned for residential use shall not exceed 16 feet in length.
- (e) *Placement:* Portable storage units may be placed in any driveway area, but must be a minimum of 20 feet from the edge of any roadway and five from any side lot line.

(Ord. No. 2717, § 1, 2-22-05)

Secs. 114-745--114-760. Reserved.

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The new language is indicated by the underline. No deletions are proposed, but the section on "placement" is re-designated as subsection "e".



# STAFF REPORT

City of Holly Hill  
Community Development Department

## Board of Planning and Appeals *Agenda Item*

**DATE:** November 7, 2011  
**SUBJECT:** Sweepstakes Centers  
**APPLICANT:** City of Holly Hill  
**NUMBER:** Z-2011-11  
**PLANNER:** Thomas A. Harowski, AICP

**INTRODUCTION:** This proposal addresses another use of concern to many communities. The use is commonly called an internet café, but real concern for regulation is the gaming or gambling aspect of the operations. The State of Florida has not taken an active role in regulating these uses so the local governments have been struggling with regulation. The city staff has been asked to develop a regulatory proposal that provides areas where these types of uses may be established so that the city will not face a situation where we may have to allow the uses in areas where they are not desired. This is similar to the approach that is often taken with adult oriented businesses.

**BACKGROUND:** At the October meeting, the Board approved a regulatory concept for the CRA that excluded "internet gambling businesses including any sweepstakes operation that use internet gaming systems for the promotion of a product" from the redevelopment overlay district. The proposed regulation of internet gambling businesses offered in this report is a corollary to the restriction by designating an area where these uses would be permitted. The term "sweepstakes centers" has been developed by Volusia County for these types of businesses and this term is considered here to offer some consistency between the city and county regulations.

By proposing a regulation, the city may be able to get out front of this issue and direct the internet café/sweepstakes use to an area of the city where they can be accommodated. These uses are proposed as special exception uses to ensure compliance with the specified criteria.

**DISCUSSION:** The Nova Road corridor has three regulating jurisdictions along the Holly Hill section of the road including Daytona Beach and Volusia County as well as the city. Daytona Beach has allowed these uses as retail services and game rooms until recently. They are in the process of instituting a moratorium on internet café uses to allow them time to establish a more comprehensive

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regulation. Volusia County has recently modified their rules for “sweepstakes centers” to allow these uses in commercial areas provided they are 1000 feet from a church, school, park or day care center. Ormond Beach has a set of extensive regulations for “automatic amusement centers/game rooms, that also includes the 1000 spacing found in the County code. Ormond Beach also requires 1000 feet between game rooms.

The gaming/sweepstakes centers have some history of attracting unsavory populations in evening and late night hours, and there was one recent instance of an attempted armed robbery at a facility in Seminole County earlier this year. Because of the late operating hours for many of these sites and the perception that there is cash on hand, the sweepstakes centers have some of attributes of convenience stores as targets for criminal activity. Regulation of the placement of these facilities and the to some extent the design of the facilities is reasonable to protect customers and neighbors of these facilities.

Based on the interpretations of the terms applied to the “internet cafes” it seems that the best term to use is the “sweepstakes centers” as the County has identified them. The definition developed by Volusia County is:

Sweepstakes Center: Any premises or establishment that operates, maintains, or places into operation for use by a person on the premises any machine, computer, or other electronic or mechanical device that is used or adapted for the use to conduct or reveal results of a drawing by chance in connection with the sale of a consumer product or service, sweepstake or game promotion that, with or without payment of consideration, a person may enter to win or become eligible to receive anything of value from a predetermined finite pool of entries, determination of which is dependent on any element of chance. This definition does not include amusement games or machines described in 849.161, Florida Statutes, as amended, or business licensed under Chapter 550, Florida Statutes.”

The cited section 849.161 deals with what we traditionally know as arcade games such as pinball and video games. Chapter 550 deals with pari-mutual wagering.

As discussed earlier, the proposed location for sweepstakes centers in the City is along the Nova Road corridor. Adopting spacing requirements as established by Volusia County and Ormond Beach as part of a special exception use would create a situation where consistency in the application of these uses will be similar along much of the corridor. Depending on how Daytona Beach elects to address the use could extend this treatment along the full length of the corridor.

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A special exception can be added to the B-2, B-4 and CC-1 zoning classifications with the following criteria to direct the businesses to the Nova Road corridor and to provide for safe site operations. The criteria should include:

Sweepstakes Centers are permitted as special exception uses in the B-2, B-4 and CC-1 zoning classifications provided:

The properties front on Nova Road

The use is located at least 1,000 feet from a house of worship, school, park or day care center

The use is located at least 1,000 feet from any other sweepstakes center

The use provides one parking space for every 200 square feet of gross floor area

At least seventy (70%) percent of the window area must be transparent to allow a view into the facility from the outside.

No flashing lighting is permitted as part of any signage

We have looked at the existing uses along the Nova Road corridor, and even with the spacing requirements from other uses, there will be ample opportunity to establish some of these uses within the target area.

**RECOMMENDATION:** Approve the special exception use as presented above.