

Planning and Zoning Meeting

August 6, 2018

All members were present except Jamie Calkins. The July 10th minutes were approved, and the meeting was called to order.

New Business:

1. Review Annexation Application, 170 Hickory Street. Owner wants to rezone it to City R-2, Single Family Residential, and change the Future Land Use to City Medium Density Residential. The annexation request met all the city annexation requirements, so the staff recommendation was to approve the application.

The motion for annexation was approved unanimously.

Note: Staff was asked if there was any significance to the wording change from “request” to “review” applications. Amye King advised that there was no difference. Some Board members felt that “review” implied not acting on an issue. At the request of the Board future applications will be titled “request for... .”

2. Review Variance Application V-8-18, 207 Esther Street, property line, building coverage and impervious coverage. This request was to change the east property line setback from 5’ to 3’, 11/4””; change the rear property line setback from 10 feet to 3’, 9 1/4””; change the building coverage from 40% to 45%; change the total impervious coverage from 60% to 74.1% to add a second bedroom and 2nd bath. The structure could not support a second story addition, and therefore required a variance to change the footprint. Sandra Smith asked the City Attorney for an interpretation of a City Code that implies that a non-conforming property (as this one is) cannot be enlarged. The attorney stated that was not her interpretation. Mr. Casserly advised that many variances have been given to owners on Esther Street in the past. Another Esther Street owner spoke of his concerns that the continual granting of variances on that street could lead to a Canyon effect. The applicant stated she was aware of the homes limitations when she purchased the one bedroom/one bath home, but now wants to run a massage business from the home and also wants to increase the size for future resale. It was determined that two parking spaces at the home met all parking requirements. The owner did obtain a Certificate of Appropriateness from the New Smyrna Beach Historical Preservation Commission.

The motion to grant all variances for 207 Esther Street was approved 4 to 2, with Sandra Smith and Patricia Arvidson voting against.

3. Review Variance Application V-9-18, 223 Condict Dr. Variance for required side yard setbacks to rebuild existing carport and utility room.

This property is an existing non-compliant property on Condict Dr. that currently has a carport covered by a metal roof. The applicant is requesting rebuilding the carport with no change in the footprint. After much discussion among staff, attorney and board members whether a variance was needed, it was determined that a variance was required as the property was a non-conforming property. The applicant

spoke stating she wanted to make the carport safer and more attractive. A neighbor, who overlooks the property, spoke in favor of the rebuilt carport for the same reasons.

A motion was made to approve the variance. Prior to a vote, Mr. Kolody added an addendum that the carport could not be turned into a garage in the future. Due to lack of a second the addendum failed. **The original motion for approval carried 5 to 1 with Michael Kolody voting against it.**

4. Variance V11-18, 900 N. Atlantic Ave request to build a non-conforming swimming pool. The subject property is a two-story house on a corner lot. The applicant wants to build a swimming pool in the front yard, which is not permitted by Land Development Regulations. The applicant and the pool contractor spoke advising there was no room to put a pool in the back of the home and that other properties had been given variances for front yard pool construction. Staff advised that the applicant did not meet any of the five criteria for a variance and recommended denial.

The motion to grant the variance was unanimously denied.

5. Application S-2-18. Review The Palms Phase 3 Subdivision Plat Application. This was a request for Final Plat Approval for Phase 3 of The Palms subdivision and associated infrastructure improvements. The application proposal was for 108 single family lots, with a proposed minimum lot area of 40' wide by 120' as permitted in the PUD and Master Development Plan within a 66.09 total acre area that is located on the north side of SR 44 and directly adjacent to the Venetian Bay PUD community. The approximately 66.09 acre is a Planned Unit Development that was annexed into the City in March 2005. There are four subdivision phases that were previously and are currently submitted for approval (Phase 1, Phase 2 A, Phase 2B, Phase 3) for a total of 392 proposed single-family lots.

There was also a discussion on an Affordable Housing commitment, down payment assistance program, approval and implementation of a Community Development District which is required per the Master Development Agreement which are all conditions of future phases. The applicant's attorney advised that they will have 53 affordable housing units when all phases are built. Mr. Kolody said that GeoSam should plan for these units now and that he is in favor of having the affordable housing units spread throughout the entire project. Applicant advised that the timing of building the Affordable Housing units is a point of disagreement with the Staff, but GeoSam is committed to building them in the future. The applicant's attorney also reminded the Board that this approval was for the plat only, and the other issues were not relevant to the current request.

Amye King advised that the City's consulting traffic engineer has reviewed the transportation analysis and stated that the Parent Tract Analysis will cover the overall conditions. The City's consulting traffic engineer is still working with the County to agree upon some outstanding items.

One public comment addressed the fact that it might help GeoSam's image to start planning and publicizing the Affordable Housing commitment. Applicant advised that he had met with residents from Isles of Sugar Mill and Sugar Mill and, besides the unfortunate fire, there was no problem with GeoSam's image.

The City Planning Dept. reported that it had recommended to the City Commission to approve the Phase 3 plat with the following requirements:

1. The pending resolution of any remaining outstanding Utilities Commission comments.
2. Successful resolution of the pending Parent Tract Analysis review.
3. A review of the plat be completed by an independent surveyor on behalf of the city to confirm the survey and plat as presented by the applicant.

A motion was made to approve the Plat 3 application with only the #3 exception. **With the removal of requirements 1&2, the application for Phase 3 passed unanimously.**

6. Application S-3-18. Review the Palms Phase 4 Subdivision Plat. This was a request for Final Plat approval of Phase 4 of a residential subdivision, for 118 Townhouse lots with a lot size of 20' wide and 125' deep and 64 Modern Duplex lots with a lot size of 48' wide and 75' deep within a 42.52 total acre site. All other items are the same as for Phase 3.

The City Planning Dept. reported that it had recommended to the City Commission to approve the Phase 4 plat with the following requirements:

1. The pending resolution of any remaining outstanding Utilities Commission comments.
2. Successful resolution of the pending Parent Tract Analysis review.
3. A review of the plat be completed by an independent surveyor on behalf of the city to confirm the survey and plat as presented by the applicant.

A motion was made to approve the Plat 4 application with only the #3 exception. **With the removal of requirements 1&2, the application for Phase 4 passed unanimously.**

7. Discussion on the SR44 Corridor Overlay Zone Landscape Regulations. Amye King advised the Board that the Planning Department's draft was provided to them just before the meeting. She requested that P&Z members review the draft and provide any input to her as soon as possible. A Special P&Z meeting has been scheduled for Aug. 13 at 6:30 PM to review the draft. The City Commission will review the draft the following day, Aug. 14, at their regular meeting. The reason for this compressed schedule is:

1. The development moratorium on SR 44 ends in Nov. 2018.
2. A recommendation in the draft is the removal of the UC as one of the City's required approvals. The UC has its own procedures for approval. The NSB City Attorney and UC are in talks on this subject and would like the City Commission's input quickly to determine the best way to proceed on this issue.

The Board agreed to the review and workshop, and the meeting was adjourned.