

New Smyrna Beach City Commission Meeting
Sept. 11, 2018

1. City Commissioners voted in unison for New Smyrna Beach to seek a matching grant from the Florida Communities Trust to offset part of an estimated \$15 million bond issue question on the November ballot. Voters will be asked to buy and preserve land around Turnbull Creek for public use.

Land being considered for the bond purchase is both historically and environmentally significant, as Turnbull Creek was part of a series of drainage canals dug by the colonists who settled the New Smyrna Colony in 1768. The long-term goal of the land acquisition is to create an environmental preservation corridor that ties in with a city park and trail system.

Nancy Maddox, Leisure Services Director, reported the city is trying to improve its chances of getting the state grant by applying for a 60 percent/40 percent match, in which the city would contribute the larger amount. She said the state's grant money would go toward purchasing a 147.64-acre parcel proposed for a development called Turnbull Landing, which could have more than 300 homes. An appraisal will be done prior to any offer being made on the property, Maddox said, adding that the 40 percent grant would equal \$3.62 million and the 60 percent matching amount would be \$5.43 million. The Trust for Public Land, a national organization that assists local governments with land purchases for public use, will negotiate a price with the landowner.

City Manager Pam Brangaccio noted if the bond issue doesn't pass in November, the city would withdraw its grant application.

Commissioner Jake Sachs advocated for city officials to "maintain transparency" about the proposed bond issue by scheduling public meetings to share with citizens information about the specific land parcels targeted for preservation, and what monies will be involved if voters approve their purchase.

City Manager Brangaccio assured the Commission the city's Public Information Officer, Phil Veski, is putting together listening sessions with New Smyrna Beach residents about the proposed bond issue, and will be putting information about the ballot question on the city's website.

2. The City Commission unanimously approved the first reading of two ordinances that propose to beef up landscaping requirements, cap the size of utility easements and make other changes to improve appearances and traffic flow in the SR-44 Corridor Overlay Zone from Myrtle Avenue west to the city limits (excluding the area designated as an "activity center" around I-95), as well as along US-1 from Art Center Avenue to the northern City boundary line.

City officials agreed there are still many details to be worked out. An arborist is expected to be at the second reading and public hearing of the ordinances, slated for Sept. 25, to answer commissioners' questions about how densely trees can be planted, and other issues. One of the two ordinances also proposes to eliminate any overlap of landscaped buffer areas and utility easements to ensure plantings can be preserved, and limit the size of those easements. It proposes that utility easements not be cleared of existing vegetation until the city or utility

company is ready to install its infrastructure. And, easements would only be cleared to the extent necessary to accommodate the utilities.

The SR-44 corridor in particular has seen explosive commercial development. In some cases variances were granted permitting businesses to clear-cut parcels, bulldozing the buffer of native landscaping that otherwise would have remained. This practice sparked numerous citizens' complaints.

As one of the proposed ordinances notes: *"The increased commercial growth also changes the public's image of the transportation corridor. What was once considered an attractive tree-lined corridor gradually and often rapidly begins to exhibit characteristics of uncontrolled strip commercial development."*

To alleviate that strip commercial appearance, the Commission began looking at modifying ordinances governing development of the city's major commercial roadways. Proposals include making front setbacks 75 feet along SR-44 and 45 feet on U.S. 1, and setting rear and side yard setbacks at 25 feet. Building heights would be limited to three stories or a 35-foot maximum, and the total building coverage of each parcel would not exceed 35 percent of the total lot area.

The proposed new rules address more than landscaping. They also are intended to ensure safe ingress to and egress by reducing the number of driveways directly accessing major highways, assure that traffic generation is consistent with the road's designed capacity; lessen the chance of hazardous traffic conditions and traffic congestion; and establish development requirements such as additional sign regulations to create an attractive main entrance into New Smyrna Beach.

3. Sixteen live oaks large enough to be designated "Historic Trees" under city rules were spared when City Commissioners voted 1-4, with Commissioner Judy Reiker dissenting, against a landowner's request to cut them down.

Mayor James Hathaway advised representatives of the property owner KWD 43 Investments of Coral Gables to come back with a different development plan.

The trees in question are on two vacant pieces of land totaling 47.58 acres located west of Old Mission Road and north of Eslinger Road. The land has an approved and recorded Planned Unit Development for a residential project known as The Reserve at Lake Waterford Estates.

A tree survey revealed nine of the 16 trees are in good condition; three are in fair condition; and the remaining four are dead, dying or diseased. City staff members recommended against approving the destruction of all 16 trees. They said the PUD is in concept form only, so the project could be redesigned. City Engineer Kyle Fegley reported the developer proposes to build the project's homes in the flood plain on the site. He said the homes could be built on piers or with stem walls to preserve the existing level of surrounding terrain, prevent homes from flooding and avoiding impact to the trees. The city's Planning and Zoning Board recommended against removing the trees for the same reasons.

However, Michael Woods, an attorney representing the property owner, noted the project originally was proposed to have 219 residential and multifamily homes, plus commercial space. That plan was reduced to just 45 residential homes, he said, adding the site is challenging because it includes 11 acres that are in a pond. Many of the trees proposed for demolition sit in an area proposed for stormwater storage.

“This isn’t a project that came to you to be clear-cut, bulldozed and cookie-cuttered out,” Woods emphasized, adding there still are 41 historic trees left on the parcel, on many of the large lots.

But Mayor Hathaway and other Commissioners who voted against the project indicated it was strange to see a proposal to build homes in the flood plain, when New Smyrna Beach has already grappled with the issue of homes flooding elsewhere in the city.

4. City Commissioners voted 5-0 to annex, rezone and amend the city’s Future Land Use plan for about .03 acres at 170 Hickory St. The new zoning would be single family residential. The site is currently developed with a single-family house and accessory structures, and no increased density is proposed there.

5. In another unanimous vote, the City Commission agreed to designate the Woman’s Club of New Smyrna at 403 Magnolia St. as a “Local Landmark.”

The city-owned Woman’s Club is a Mediterranean Revival/ Mission style building that was built in 1924. It is listed on the federal National Register of Historic Places, and was awarded the 2010 Donnadine Miller Historic Preservation Award. The New Smyrna Beach Historic Preservation Commission voted June 13 to recommend that the City Commission recognize the Woman’s Club building as a Local Landmark.

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