

## City Commission Special Meeting November 19, 2019

All Commissioners were present. It was noted that the new Vice Mayor will be Michael Kolody. Mayor Owen began the meeting by stating that the meeting was **to discuss** items that have come to the Commission's attention and **to decide** (via a key question) whether to draft an ordinance in regard to each one. The next step would be for the Commission to codify the discussion and then move forward.

**Public Participation:** Eight citizens spoke on three issues. Three of the speakers were representing the views of the NSB Residents' Coalition.

Concerns from the NSB Residents' Coalition were voiced about **neighborhood compatibility** and maintaining existing ambience and character within our historic neighborhoods when homes are rebuilt or remodeled. Individual property rights are paramount, but we should also protect the rights of all whose choice of home location may be based on the look and feel of a neighborhood. It was suggested that the City find a legislative mechanism to keep that balance.

The Coalition also articulated concern about our **coastal resiliency** and the consequences of rising seawater. The Commission was urged to create firm floodplain standards via the City's LDRs and codes for both renovation and new construction to ensure adherence to the Coastal Construction Setback Line.

The remaining speakers addressed restricting franchises in the City.

- The Commissioners were urged to consider developing **No Franchise Zones** to keep our special character which is partly attributed to the uniqueness of our small businesses (NSB Residents' Coalition).
- A small business owner stressed the importance of preserving the City's character
- Acknowledging a current **No Franchise petition**, signers wish to preserve its uniqueness. The Commission was urged to take notice.
- The author of the *petition* explained that it was meant as an economic development proposal. Its purpose is to promote dialog between the City and its citizens culminating in a plan to protect our small businesses. Franchise businesses have absentee owners and have shown a propensity to negatively affect local business environments. The Commission was urged to listen to the residents.
- A 2008 State ruling that allows limiting formula/chain businesses in order to preserve a small-town community was referenced and encouraged. It provides what NSB wants but stays within the law. Boynton Beach and Sanibel have both successfully had restrictions in place for years. Needed is a proposal for reasonable regulation that will strike a balance in protecting both opportunities for our local entrepreneurs and our unique character.
- A 22-year resident feels NSB has changed for the worse. Too much development and too many trees felled on SR44. The Commissioners were urged to try to save what little charm we have left.

## Planning Workshop

### [Part 1 – Presentation by GIA Community Consultants of their final fiscal impact analysis.](#)

Click on the link above for the presentation detail. In summary, Stephen MacDonald, GAI Chief Economist, explained how density may or may not affect fiscal cost. Budgeting is a challenge. He suggests using a **modified** per capita analysis method to calculate the Fiscal Impact of development.

The modified per capita approach considers both full time and part-time residents for calculating density. He quoted NSB's full time population at 26,470, but when part time population is factored in, the City must service a population (FTE) of 36,482.

New development will not only bring more revenue but also increased cost in services. Fiscal Input = Revenues minus Costs. Many complex factors affect the analysis and Mr. MacDonald showed his analysis, comparing NSB to several other Florida cities. As density increases, there will be some net positive fiscal benefit/revenues to the city. We need to ensure that the cost of necessary services is covered to maintain the quality and desirability of our city (taxable property value).

GAI's conclusion of the study is the following:

- Density appears to provide marginal benefits to fiscal costs
- Concentrate on taxable value generation per FTE, not average home price
- Formalize Fiscal Impact measurement in the approval process
- Don't focus solely on new development (look at save-our-homes)  
In NSB, single-family units (69% of total) built before 2000 have an average Total Value of \$157,00 vs. those built after 2012 show an average TV of \$245,000.

At the outset of the presentation, Brian Fields asked if **the Commission wanted a positive "net fiscal impact" to be factored into all new development review moving forward?** Mayor Owen put that question before the Commission following the presentation. After a lot of discussion and no clear decision, Mayor Owen felt there was **support to look at this closer.**

### **Part 2 – Updated [Transportation Impact Fee Study](#)**

Brian Fields gave some key points regarding the draft of the final updated Transportation Impact Fee Study that came out from the March [2019 Transportation Workshop](#). He began by asking the Commission: Should the City draft an **ordinance approving the new transportation impact fees?**

Key elements that changed as a result of the March Workshop follow:

- A Consumption Based Approach was used. Due to the new local adjustment factor, traffic data/numbers increased. The last study was done 10 years ago. Trip distances, roadway costs, and the City has changed since that time.
- Increased impact fees will be determined by various land use categories.

The Commission, after discussion, **voted to draft an ordinance.**

### **Part 3 – Staff Report on Neighborhood Compatibility**

Brian Fields reported on neighborhood compatibility regarding new and renovated buildings. He discussed possible regulatory options that could be made to ensure maintenance of our established neighborhood characters. The key question was then: **Does the Commission want to adopt stricter regulations that limit the size and/or scale of certain residential homes?**

Mr. Fields showed photos of homes that fit the neighborhood but may not be the same scale and said this has been a problem for years. He stated there are two ways to look at this issue:

- Objectively - use code regulations (height, setbacks) or
- Subjectively - does the design “fit” the neighborhood and its surroundings.

Commissioners’ concerns about this were the following:

VM Kolody - property rights are very important as houses are purchased in certain zones for what they will allow, even though neighbors may not like it. However, regulations do play an important role in our Historic District (HD) and even in some commercial areas. An ordinance is needed addressing what can be built after a house in the HD is demolished. He asked for a height restriction in both the Historic and commercial areas, but not at this time in other residential areas.

Commissioner Sachs agreed that property rights are important. It seems that 35’ high homes are now the norm. He suggested “certain restrictions” in areas like Beachside... it’s an intrusion on some properties”.

Commissioner McGuirk - it is hard to define construction that is not “harmonious” with a neighborhood. as it’s subjective, but easier to identify in the Historic District. Periwinkles are no longer the norm, and we need to realize that as people demand more space. Setbacks and height regulations are in place, so we need consistency with what we have along with more clarification moving forward.

Commissioner Hartman - residents on Beachside who were flooded are advised to build “higher”, which may not please neighbors. Difficult as it may be, LDRs do control a lot of it. Maybe height is a problem, but he is “not a big fan of subjectivity” as times and opinions change. This warrants more discussion and information, so he is against it.

Mayor Owen felt that subjectivity is important and other cities are working on this. In certain areas and zones, this would have value, but “we already have it.” Mayor Owen said there was interest but not overwhelmingly so. He placed the issue at the bottom of the list.

**As staff has time, they can bring back more information and try to eliminate subjectivity, which then may have more support.**

### **Part 4 – Franchise/Chain businesses**

Mayor Owen went right to the meat of the issue of formula businesses, asking the question: **Do we want staff to look into the regulation of number and/or location of incoming formula businesses?**

Discussion/concerns included some the following:

Commissioner Hartman said the issue is was worth discussion but was concerned about its legalities and consequences. Mayor Owen stated that it can be legal as many cities have done it, so we are not alone.

Commissioner McGuirk said, "No comment at this time." but returned later asking, "What are we wanting staff to look at?" He felt the petition was too broad and questioned the businesses that would be affected. He would like more clarification from those who have concerns.

Commissioner Sachs said he would be open for discussion. He thinks we should look at other cities like Deland where chains have been blended well within the city. Perhaps we could look at districts. As well as being tasteful, franchise properties should also not ruin our local charm or small businesses.

VM Kolody was against banning franchises. Who would be banned exactly? Do we also want to stop capital and stability as they bring in both when there is an economic downturn? He felt we can develop plans/standards for them to come and still "maintain the quality of our town" and would be more than happy to talk individually about this to see what can be done.

Mayor Owen feels strongly about this issue and stated that there is successful regulation in other cities. We can create legal regulations. He suggested that we may want a bigger audience to respond to this issue. The vote on the original question follows:

- Commissioner McGuirk, **Yes**, (designated areas only) He wants to see the petition to see how many signers live here.
- Commissioner Hartman **Yes** if there are specific goals and a focused agenda that most citizens want.
- VM Kolody suggested we have a focused workshop in January where ideas can be submitted ahead of time, but he does not support a city-wide ban, so **No** especially since this can be addressed by LDRs.
- Commissioner Sachs, **Yes** as the Commission has a duty to respect its citizens.
- Owen, **Yes** but wanted to put it more in context: We are talking about The Loop or some variant of it and generally speaking, he "wants protections in place" to keep our city as we want it to be.

**City Staff will look further into this issue.**

## **Part 5 - Coastal Environmental and Resiliency**

The discussion centered around three issues.

**Flood plain management** was the first topic leading to the question: **Does the City Commission seek to implement the following:**

- Additional regulations (raising the current one-foot elevation requirement) to protect the flood plain.
- Look into "Compensating water storage" to protect the flood plain.
- Look at best practices to try to protect properties from flooding caused by new construction.

**After a brief discussion and comments, all the Commissioners voted Yes to move forward, with VM Kolody having one question about the legality of compensating storage.**

**Wetland protection** was the next issue and even though wetlands have been taken out of our density calculations, we still need more protection. The two questions being asked were these:

- **Does the City Commission seek additional wetland protection measures by limiting how much wetlands will be impacted (ie. minimize number that can be developed, increase buffers)?**
- **Does the city of NSB become a regulatory body mitigation site?** (Note it can be, but no city has done so.)

**After a short discussion and comments, all the Commissioners voted Yes to move forward for the first one but NO for the second one.**

A **CCSL** (Coastal Setback Construction Line) study was done in 2017-18 w/which included recommendations, but no formal actions were taken. Some concerns were raised like the CCSL running through the middle of a street causing problems for homeowners who want to extend driveways to the street. We can use the Florida DEP setback line, which would mitigate problems. The questions being asked are these:

**Should we expand the CCSL for all areas (change the rules) And/Or amend it, as needed?**

[January 2018 Presentation on CCSL vs. FDEP lines](#)

[Final Report to NSB Re: CCSL 9/28/2019](#)

After discussion and comments, especially by Commissioner McGuirk and VM Kolody wondering why we are still even using the CCSL line when the State one is valid, **the vote was unanimous on both options, and the City will move forward on these recommendations.**

Before Mayor Owen adjourned, he wanted to reiterate that the purpose of the meeting was to reach a commonality of opinions on current issues and concerns from the community in order to move forward.

To see the live streamed meeting, go to the link below:

<https://www.youtube.com/watch?v= AtqGTFsTcY&feature=em-lbcastemail>