

Planning and Zoning Board Meeting July 14, 2020

All six active members of the Board were present. Herb Gardner has resigned his position. The meeting was held in the Brannon Center and over 30 citizens attended. Most were there for the Riverwalk dock issue, so that item was moved to first on the agenda.

Public Participation: All were advised that the public would be invited to participate following the discussion concerning the Riverwalk docks and were asked if anyone had comment on issues other than the docks. No one came forward.

SP14-19: Riverwalk Condominium Dock Site Plan

The request was reduced from 104 to 96 docks to be built alongside the Riverwalk Condominiums (252-unit condo in 9 buildings at final build out) Coronado Island. Mr Glenn Storch, the developer's counsel stated that the current plan meets all city land development regulations (LDRs), that all permitting has been approved and that the planning staff recommends approval.

Staff commented that all required permits (St. Johns Management, EPA, Army Corp of Engineers) have been obtained with the following restrictions:

- use of the docks is restricted to daytime only
- no lights, electricity or pump out
- use is restricted to only condo owners only
- docks limited to boats having a maximum 40' length and 2' draft
- the public will not have access to the docks.

Board member Susan Neylon began the discussion asking that

1. a prohibition to dredging be added to all relevant documents—PUD, MDA, etc. since the State is the decision maker and could, in the future, bypass the City and allow dredging
2. public access to 12 feet of the waterline be retained. She questioned if there was enough room for the 5' wide sidewalk and the 7'feet right of way called for in the original Condo documents. Will the public be able to see the water?

The Board then asked if there was sufficient separation between docks in the very narrow channel. Is there enough room to navigate safely during low tides?

Staff replied the channel is 50' and that the State applies a 25% formula for dock size from each shoreline. The channel is wide enough for two small boats to pass in opposite directions. Passage under either of two low bridge to reach the Intracoastal Waterway is too low for most vessels, especially at high tide, so that further limits the size of boat that can be docked.

Sandra Smith, Vice Chair, asked that all details of the dock restrictions be added to the Condominium HOA documents, so owners are aware of them and Mr. Storch agreed to do so.

Neylon repeated that all should be aware that the area should not be dredged and that this should be clearly stated in all documents including the PUD. Mr Storch agreed at first to adding it to the site plan but not the PUD . Ultimately Storch agreed to have a covenant for no dredging added to the proposal.

The Assistant City Manager, Brian Fields, noted that the city had agreed to this proposal in 2016 and that the role of the S&P was to insure it met MDA and Comp Plan.

Further concerns were raised during a lengthy debate:

- boat traffic congestion given the number of slips
- too many slips for such a shallow area
- the PUD showed a concept, things have changed since that concept was presented
- the destruction of the mangroves is a concern
- the setback on the west boundary does not appear to allow enough space for a walkway
- the water depth is so shallow on the west side that only small boats, canoes and kayaks can navigate so why are elaborate docks needed?

Staff responded that additional shoreline planting is underway and that a permit had been granted for 'trimming' the mangroves. The developer stated that during building construction, only Brazilian Pepper was removed. No mangroves were removed.

Attorney Storch emphasized that this is the last step in the approval process and that most concerns should have been raised earlier in the process. He reiterated that all permits have been granted and that the plan meets all city LDRs. When the final Certificate of Occupancy is granted, the public walkway will be opened, the submerged land lease for five-year term has been signed and, as added protection, the State inspects docks every two years.

Mr Storch agreed to:

- a) No dredging on site in perpetuity through a covenant. (Can this be superseded by HOA or the State in the future? It is unclear how a covenant will protect the waterway.)
- b) Lights at the terminus of each dock for safety
- c) docks restricted to daytime use only and slip rentals are for owners only
- d) Maximum of 96 slips

Public Participation

Bob Sterns, Riverwalk owner for 3 years, presented a power-point to demonstrate his concern about the impact the development will have on the manatees, mangroves, bird rookery, and safety for boaters. He urged the Board to vote NO . He emphasized the difficulty in getting police boat or first responders if there is a problem on the docks.

Four other members voiced the following:

- homeowners to the west on Riverview Road are building docks into the channel that seem too close to the proposed Riverwalk docks from the east, thus narrowing channel for boat traffic. He also urged that a no dredging restriction be put in the PUD.

- A local sailor said it was naive to build docks without electricity, water or pump out. He sees many design problems with the project.
- the 'slow'/no wake requirement is not observed currently, and she fears the docks will force boat traffic closer to the oyster beds and they will be disturbed.
- there is no provision for boat trailers, storage or getting boats out of the water and no emergency plan for hurricanes.

Attorney Storch reiterated that these concerns should have been raised earlier. The dredging prohibition and dock restrictions will be in HOA documents and the covenant against dredging will be included in the MDA. He noted that 10 parking spaces are planned for the public using the walkway.

VOTE: 4/2 to approve. Sandra Smith and Kip Hulvershorn cast the dissenting votes.

S-1-20 Re-Plat Coastal Woods Condominium

Staff noted this proposal is only to confirm the boundaries of the plat sold by Geosam for development. Planned are 270 units in 9 buildings. Over 60% open space is retained. There are no wetlands on the 75-acre parcel.

The Board asked for confirmation that the 10' wide multi-use pathway along Sugar Mill is still planned. It is. The County is already planning Sugar Mill road work and lane turns in preparation for this large project.

The vote to accept the plan was unanimous.

Other items of interest discussed and approved were:

SE-2-20: Special Exception granted for a proposed kennel at 1301 Canal Street

ZT-5-20: amends SEC 803.05 allowing more freedom for builders to place HVAC and generators to minimize noise between buildings

ZT-6-20; 2.5 acre or smaller parcels will require larger setbacks for accessory buildings – new formula developed

Five voluntary annexations:

- **A-6-20:** 2246 Magnolia Drive
- **A-13-20:** Swoope Drive - Piegaro The City of New Smyrna Beach
- **A-14-20:** Swoope Drive - Schiavo
- **A-15-20:** 2600 Glencoe Farms Road
- **A-16-20:** 2284 Davis Drive

There was no public comment on the above and all were approved unanimously.