

New Smyrna Beach City Commission Meeting
Jan. 26, 2021

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1. The City Commission voted 4-1, with Commissioner Michael Kolody dissenting, to approve the rezoning of 41.2 acres proposed to become the Hidden Lakes Village senior residential development.

The property adjacent to the Hidden Lakes Golf Club course, west of Turnbull Bay Road and the Florida East Coast Railway tracks, is changing from its county zoning of Transitional Agriculture (A-3) and Resource Corridor, to the city zoning of Planned Unit Development (PUD). Its Master Development Agreement and Conceptual Development Plan indicate the project will have 132 lots with a mix of single family homes and duplexes.

City Commissioners imposed several conditions on their approval of the development, including:

- That homebuyers be advised the property they're purchasing is near an airport and they will hear noise from aircraft flying overhead.
- That the developer will maintain a 10-foot buffer of natural vegetation at the rear of each lot until a Certificate of Occupancy is issued for the home built there (to protect the sight-lines of homes in an adjacent development).
- That the developer must provide a green screen at least six feet high around the perimeter of the acreage under development, and build the homes in phases as much as possible.

The rezoning request was postponed from the Jan. 12 meeting after controversy emerged over a proposed emergency vehicle access easement across the Hidden Lakes Golf Course, in the event a train blocks the main access road. The course's operator objected to a requirement for the surface of the easement to be a "stabilized road base," which he said would adversely impact the course. City officials stressed Jan. 26 if the emergency access isn't developed, the construction of Hidden Lakes Village won't move forward.

Commissioner Kolody noted he had been out to see the property in question and has played golf on the Hidden Lakes course. He pointed out surrounding developments have larger lots than what is proposed in Hidden Lakes Village, adding, "I think a development should fit in well with its neighbors ... It's a lot of homes very close together.

"It's my concern if we approve the PUD as it is shown to us now, that we will be creating situations that are not in the best interest of the town," Kolody said, adding, "I have expressed concern before that there is only one entrance into the development."

"This is tangential to what Mr. Kolody is talking about," Mayor Russ Owen commented. "The thing that concerned me ... isn't that I don't see a value in this...A 55-plus community is certainly a product we need more of. But, it seems out of character to the area just north of that."

The mayor observed the acreage was annexed into the city years ago, and now, "It's going from Transitional Agriculture to 132 units, which is a long way from Transitional Agriculture."

Assistant City Manager Brian Fields said the proposed development conforms to the city's stricter rules to calculate the density of residential dwellings. He said it is appropriate to develop the site under PUD zoning, which allows officials to impose additional rules as they see fit. He added that areas of the development that are close to a creek would be dedicated as Conservation and protected from development.

A representative of the developer told Commissioners that buyers for the "senior village" concept prefer nice houses on smaller lots to reduce their maintenance responsibilities. He said the developer sought the PUD zoning because it allowed him to create larger amounts of open space while clustering the single-family homes and duplexes on smaller lots.

Commissioner Jason McGuirk reminded his colleagues that is the same development strategy current and prior City Commissions have implemented in the name of "smart growth."

"We want to have vast open space, we want environmental corridors, and we want to have nature areas," McGuirk said. To get those things, he noted it often requires residences to be clustered together in a higher density rather than spreading them out across a property.

"Jake (Vice Mayor Jake Sachs) and I have discussed many times our disdain for homes that are right next to each other," McGuirk added. "These are consequences that we are realizing based on planning strategies that were supposed to be the answer to urban sprawl. The high density clustering is what we wanted."

He suggested someone 100 feet away from the homes in Hidden Lakes Village wouldn't be able to discern the difference between its five-foot side yards and the 7½-foot side yards in a typical Multifamily Residential (R-4) zoning district.

2. City Commissioners split their votes 3-2, with Commissioner Kolody and Vice Mayor Sachs voting no, to approve resurfacing a large section of a damaged bike and walking path along the North Causeway from just east of Riverside Drive to DeSoto Drive.

The project to replace the 10-foot-wide asphalt path along the south side of the Causeway will cost an estimated \$119,432, which will come from the city's general fund. At the Commission's Dec. 8 meeting, Commissioner Kolody suggested repairing only the damaged portion of the path, and city staff estimated that effort would cost \$70,604. Commissioners also learned the city has received about \$216,000 in rent from the State of Florida to use the City Gym for Covid-19 testing, so that unexpected and unbudgeted income could be used to repair the bike/walking path.

The path is heavily used by residents, but staff members reported part of it has been damaged by tree roots that pushed up and cracked the pavement surface, creating multiple areas that are a trip hazard. As part of the resurfacing, the contractor will install a tree-root protection border and a mat to prevent future root growth under the bike/walking path. It will take about two to three months to finish the project.

3. The City Commission unanimously agreed to move forward with an environmental assessment on extending Runway 11-29 at New Smyrna Beach Municipal Airport and pursue funding for the project.

The extension of Runway 11-29 was deemed a viable option in the approved 2019 Airport Master Plan. The extension of another runway designated as 7-25 was not determined to be either cost effective or in the best interest of the airport. Staff members reported the Federal Aviation Administration (FAA) has said it would allow the length of Runway 7-25 to remain published at 5,000 feet, while the Runway 11-29 extension is being evaluated. Once the latter project is finished, Runways 11-29 and 7-25 would become intersecting runways on the northwest side of the airport.

4. City Commissioners voted unanimously to annex, change the land use and rezone 2.85 acres at 345 Corbin Park Road.

The property's zoning was changed from county Urban Single Family Residential (R-4) to a city zoning of Single Family Residential (R-2). Its future land use was changed from Volusia County's Urban Medium Intensity to the city's Medium Density Residential.

5. The City Commission postponed until its Feb. 9 meeting the potential purchase of 214 Columbus Ave, a property with a home that is adjacent to a parking lot the city leases from Coronado Community United Methodist Church. They also delayed action on the city's request to extend the related parking lot lease until the same meeting.

Commissioners postponed voting on the issues to give staff members a chance to meet with several speakers who said they had just learned the city was considering the property's purchase. These citizens objected to the city buying the lot with a house, saying they lived nearby and felt if the city used it for parking that would damage their property values and impact their quality of life.

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