

## ***New Smyrna Beach City Commission Meeting***

**March 23, 2021**

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### **1. The City Commission voted 3-2, with Vice Mayor Jake Sachs and Commissioner Michael Kolody dissenting, to approve removing eight historic live oak trees, of which two are healthy and six are dead or dying, in the proposed Rolling Hills Planned Unit Development (PUD).**

The property is about 110 undeveloped acres east of the intersection of Sugar Mill Drive and Club House Drive, west of Williams Road and south of Mooneyham Drive. It is owned by Sugar Mill Partners, Inc. of Winter Park. Commissioners originally approved the Rolling Hills PUD and Master Development Agreement (MDA) in 2018, for a maximum of 196 single-family residential lots measuring a minimum of 60 feet by 100 feet. Final subdivision plans haven't been approved yet and the destruction of historic trees was a key remaining issue.

However, staff members reported the applicant who is seeking to remove the trees has redesigned the subdivision layout and reduced its lots from 196 to 179. An arbor report established the property has 62 historic trees, all of which are live oaks. The redesigned development plan would preserve 54 of those.

"I never liked this project. I never thought it was consistent with the area. I had a problem with it for a lot of reasons," Commissioner Jason McGuirk remarked. "However, I'm going to vote yes tonight, because when I read the staff's report that they saved 54 out of 62 historic trees, that's a darn good job."

Commissioner Kolody suggested more could be done to save a specific tree. "I can't support it if tree number 58 is going to die," he said. "I think with perhaps the loss of another lot, and shifting the road somewhat, that tree can be saved."

Assistant City Manager Brian Fields said that tree is on the road to a cul-de-sac, so the road would have to be moved to one side of the tree or the other, which would mean losing a row of home lots.

"This is tough, because we do love our trees," Mayor Russ Owen said. "The concern is, at what point does it become burdensome (to save more trees) to the point that it becomes ... a taking of territory. We fought one of these before, a couple years ago ... they took the legal recourse they could and it ended up back in our laps. We saved a few trees but we ultimately took down way more than this. I think in this case there were rights given in 2018...and they've worked hard to save the ones they could save."

### **2. Parking is scarce in the city's business districts, and City Commissioners tried to resolve a specific parking problem by assigning spaces for the City Marina. They also called for a workshop to be scheduled soon to discuss the dearth of parking spaces and determine what to do about it.**

The Commission voted 4-1, with Commissioner Randy Hartman dissenting, to designate one staff parking spot near the New Smyrna Beach City Marina, as well as a loading/unloading zone. They also voted 3-2, with Mayor Owen and Vice Mayor Sachs voting no, to designate four marina parking spaces for use by marina residents for a six-month trial period. [SEP]

"We've had any number of issues come up with parking," Commissioner Kolody commented. "I would like to see the staff come forth with a proposal to hire a consultant to look at these parking issues (and examine the city's Land Development Regulations (LDRs)...."

Commissioner McGuirk agreed that the parking problem throughout the city is "a big, encompassing issue," and he favored having a workshop to discuss that. "If you want to roll back the parking exceptions on Flagler Avenue, then none of the restaurants can be there, because none of them have (enough) on-site parking," he warned.

City Manager Khalid Resheidat noted the city's parking requirements for businesses along Flagler Avenue were reduced decades ago. "We can get a proposal together for you (for a consultant) ... We've got to do something. There's no question about it."

Mayor Owen stressed the city must directly address the concern. "I don't want to hire a consultant to get to the end and say, you need to do X, Y and Z, and have this body not go forward and do anything," he said. "The challenge has not been lack of possible solutions. The challenge has been lack of willingness to execute those in the face of public objections to things being different. There's two things people don't like—the way things are, and change. And this issue lines up right in the middle of that. I think the workshop is important, that we all look each other in the eye and say we're going to tackle this issue in this way, or we're going to shy away from it as has been done in the past, and then we move forward based on whatever we decide in that realm."

Vice Mayor Sachs added, "I'm on board with all of this. My thing is, I don't want to inadvertently put it (additional parking) where the county can park cars for their beach."

### ***City Marina Parking***

City staff members reported that marina tenants and guests have had problems finding an open parking space in front of the marina, especially during special events. They said the situation has gotten worse since the opening of the River Deck Restaurant because restaurant employees and patrons began parking in spaces by the marina. The City Marina has a total of 43 boat slips, 28 annual slip holders, seven live-aboard tenants (with a total of 12 people residing there), seven slips for transient guest boaters and one for the city's fire boat.

"This is not an easy fix," Commissioner McGuirk acknowledged. "Due to some things out of our control, we now have a parking problem. I think it's a valid point, when you charge someone for a specific thing (such as a boat slip), I don't think it's unreasonable for them to be able to have access to what they're paying for ... So, I absolutely agree with some loading-unloading zones. As for staff parking, I'm all for one or two spots. As for parking spaces for the slips, I'm open to that discussion."

Vice Mayor Sachs agreed with setting aside a parking space for employees and a loading/unloading zone in front of the City Marina. However, he preferred not to assign parking specifically for the marina because he felt it would take away from the overall amount of public parking.

Mayor Owen remarked that boaters who live at the marina are renting waterfront space for far less than anyone who owns riverfront property. With that in mind, he said he was "struggling" to give them more vested rights than property owners, but did support marking loading/unloading zones for marina tenants.

Commissioner Hartman favored creating additional parking lots for marina residents, adding, "If you're renting an apartment, and you come home and all of a sudden you can't because your neighbor or someone is parking in your driveway, that's wrong!"

**3. City Commissioners voted 3-2, with Vice Mayor Sachs and Mayor Owen dissenting, to approve a special exception allowing recreational vehicle and boat storage on 2.94 acres that is zoned for Light Industrial (I-1) use.**

The property is on the west side of Tionia Road, south of Turnbull Bay Road, and north of the 4K Racing LLC business at 1674 Tionia Road. A site plan for the covered RV storage project known as Tionia Storage still would need to be approved by the Planning and Zoning Board. If approved, the developer would be required to plant landscape buffers and fence the property to screen the storage area from view.

The property owner provided a tree report that details the condition of five specimen live oak trees on the property. All reportedly are dead or dying due to flooding and standing water left behind from heavy rains and the effects of tropical storm systems such as Hurricanes Matthew, Irma and Dorian. The staff report said the property doesn't have adequate services and facilities to support the proposed development, as shown on a conceptual plan. The entire parcel is in a flood zone and sewer service is not currently available there. The staff report noted no future buildings could be permitted until sewer service is available.

"We feel like this use, with the constraints (such as flooding issues), is not a good fit for this site," said Assistant City Manager Fields.

Representing the property owner, Attorney Mark Watts pointed out his client wasn't seeking site plan approval, but only a special exception to allow the use. "Your code and comprehensive plan have code requirements regarding stormwater retention. We'd like to have the use approved so it's reasonable to invest money into a design that meets your standards."

Mayor Owen asked Fields if a design asking for fewer spaces would be a better fit.

Fields answered in the affirmative, adding that a smaller footprint for the proposed storage area would allow the property owner to build around stormwater retention areas.

**4. The City Commission heard the first reading of several ordinances whose second readings and public hearings will be April 13. Those include measures to create a waiver for unpaved parking lots in certain zoning districts and exempt walkways of single-family residential docks from being counted in the structure's total square footage.**

The first readings also included ordinances that would annex, rezone and assign city land uses to 2.6 acres at 2100 Swoope Drive and 0.258 acres of undeveloped property on the north side of Davis Drive between Bolton Road and Corbin Park Road. The Swoope Drive parcel would be a mix of single family and conservation land uses, and the Davis Drive land would be single family residential.

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