



# City of New Smyrna Beach Planning and Zoning Minutes

## 1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Planning and Zoning Board of the City of New Smyrna Beach, Florida, was held on Monday, April 5, 2021 at the Brannon Center, 105 S. Riverside Drive, New Smyrna Beach, Florida 32168.

### A. Roll call

Attendee Name	Title	Status	Arrived
Stephen Snively	Member	Present	6:30 PM
Sandra Smith	Vice Chair	Present	6:30 PM
Steve Danskine	Chair	Absent	
Thomas Wheeler	Member	Present	6:30 PM
Susan Neylon	Member	Present	6:30 PM
Kip Hulvershorn	Member	Present	6:30 PM
John Causey	Member	Present	6:30 PM

Also present were: Assistant City Manager Brian Fields, Senior Planner Robert Mathen and Jake Baker, Assistant City Attorney Chris Ryan, and Board Secretary Stephanie Ferrara.

## 2. APPROVAL OF MINUTES

### 2.A Approval for Planning and Zoning March 1, 2021 Regular Meeting Minutes

Vice Chair Smith asked for approval of the meeting minutes.

Member Snively requested changes to the meeting minutes as follows:

#### Item S-5-19 – Ocean Gate Commerce Center

*Member Snively requested the meeting minutes include the confirmation that there was a property owner's association with assessment rights obligated to maintain the roads.*

The meeting minutes were revised to incorporate Mr. Gove's confirmation that a property owner's association was already in place.

#### Item ZT-1-21 Docks

*Member Snively requested the meeting minutes be revised to remove the term "access piers" from the motion, as it was not excluded.*

The meeting minutes were revised to remove “access piers” from the motion.

**Motion:**

Member Snively moved to approve the March 1, 2021 meeting minutes with changes.  
Member Neylon seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Snively
<b>SECONDER:</b>	Neylon
<b>AYES:</b>	Snively, Smith, Wheeler, Neylon, Hulvershorn, Causey

**3. PUBLIC PARTICIPATION**

Vice Chair Smith opened the Public Hearing. As no citizens wished to speak, Vice Chair Smith closed the Public Hearing.

**4. OLD BUSINESS**

**5.A V-3-21: 118 Faulkner Street**

Agenda Item continued to the May 3, 2021 Planning and Zoning Board meeting.

**Motion:**

Member Neylon moved to continue, V-3-21: 118 Faulkner Street, Member Causey seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Neylon
<b>SECONDER:</b>	Causey
<b>AYES:</b>	Snively, Smith, Wheeler, Neylon, Hulvershorn, Causey

**5. NEW BUSINESS**

**5.A SE-1-21: 218 NORTH DIXIE FREEWAY**

Vice Chair Smith asked the Board if there were any ex-parte communications.

Robert Mathen, Senior Planner, outlined the Applicant's request to seek approval for a Special Exception to allow retail sales of custom motorcycles.

Member Neylon wanted clarification of what the board was voting on.

Mr. Mathen stated that the board is voting on the proposed use and not the site plan.

Vice Chair Smith asked about outdoor displays.

Mr. Mathen stated that the motorcycles could be located outside for display.

Vice Chair Smith voiced her concerns about outdoor displays and not having enough required parking.

Member Causey asked about the removal of fuel tanks.

Mr. Mathen stated that the Fire Marshal will require certain permits from the Owner verifying the removal of fuel tanks.

Member Snively suggested to modify the language regarding the expiration of the special exception (see motion below).

The Board Members and Assistant City Manager discussed the expiration date for special exception and associated site plans and permits.

Vice Chair Smith opened the Public Hearing. As no citizens wished to speak, Vice Chair Smith closed the Public Hearing.

Vice Chair Smith asked the Board if they had any questions or concerns.

**Motion:**

Member Snively moved to recommend approval to City Commission for SE-1-21: 218 North Dixie Freeway, with the following conditions:

(a) the complete site plan and building permit applications must be submitted within one (1) year; and

(b) the site plan must be approved, and the building permit must be issued, within one (1) year of when the applicable application was submitted.

Member Causey seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Snively
<b>SECONDER:</b>	Causey
<b>AYES:</b>	Snively, Smith, Wheeler, Neylon, Hulvershorn, Causey

**5.B ZT-4-21: I-2, Heavy Industrial Zoning District**

Vice Chair Smith asked the Board if there were any ex-parte communications.

Robert Mathen, Senior Planner, outlined the City’s request to modify the list of permitted uses in the I-2, Heavy Industrial Zoning District, to permit temporary housing facilities on government owned and/or operated facilities.

Member Neylon stated concerns regarding the location of the proposed facilities and not having enough information about the proposed facilities. Member Neylon was not opposed to the temporary housing facilities.

Mr. Fields provided background and the City’s intent with regards to the text amendment.

Vice Chair Smith stated there was no clear definition of temporary housing facilities and there was no criteria.

Member Wheeler agreed with Vice Chair Smith.

Vice Chair Smith opened the Public Hearing.

Lisa Martin requested clarification regarding temporary buildings and the occupants.

Mr. Fields stated that temporary buildings will not be permanent structures. The facility would serve individuals and/or families who are homeless or have otherwise been displaced from their homes due to natural disasters or other events.

Vice Chair Smith closed the Public Hearing.

Vice Chair Smith asked the Board if they had any questions or concerns.

**Motion:**

Member Neylon moved to recommend approval to City Commission for ZT-4-21: I-2, Heavy Industrial Zoning District, as submitted. Member Causey seconded the motion, and the motion passed with a 5-1 vote. Member Neylon voted no.

<b>RESULT:</b>	<b>ADOPTED (5-1 VOTE)</b>
<b>MOVER:</b>	Neylon
<b>SECONDER:</b>	Causey
<b>AYES:</b>	Snively, Smith, Wheeler, Hulvershorn, Causey
<b>NAYS:</b>	Neylon

**5.C ZT-2-21: Revision to the Coastal Construction Setback Line Location and Associated Regulations**

Vice Chair Smith asked the Board if there were any ex-parte communications.

Brian Fields, Assistant City Manager, outlined the City’s request to revise the Coastal Construction Setback Line location and associated regulations.

Member Hulvershorn requested the plant list be kept in the regulations.

Vice Chair Smith opened the Public Hearing. As no citizens wished to speak, Vice Chair Smith closed the Public Hearing.

Member Wheeler asked Mr. Fields how staff was going to determine the allowed square footage of a home on a vacant piece of land.

Mr. Fields stated that new homes on vacant lands would need to be west of the CCSL line and meet the City Land Development Regulations. Under the new regulations, a variance would be required for owners seeking to build homes east of the CCSL line on vacant lots. Staff will further review the regulations regarding rebuilds.

Vice Chair Smith asked the Board if they had any questions or concerns.

**Motion:**

Member Wheeler moved to recommend approval to the City Commission for ZT-2-21: Revision to the Coastal Construction Setback Line Location and Associated Regulations. Member Hulvershorn seconded the motion, and the motion carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Wheeler
<b>SECONDER:</b>	Hulvershorn
<b>AYES:</b>	Snively, Smith, Wheeler, Neylon, Hulvershorn, Causey

**6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD**

No comments made.

**7. REPORTS AND COMMUNICATIONS BY THE STAFF**

A. April 2021 Development Activity Report

**8. ADJOURNMENT**

As there was no other business to discuss, Vice Chair Smith declared the meeting adjourned at 7:45 PM.