

**Planning and Zoning Board**  
**February 7th, 2022**  
[Link to meeting video.](#)

Board Members present: Chair, Steven Danskine, Susan Neylon, Kip Hulvershorn, Sandra Smith, and Steven Snively.

**V-1-22: 2108 Villa Way.** This was a request for a variance from the City's Fence Height Regulations (4 feet). All the neighbors have 6ft fences, and the staff felt that there was no reason to deny this request. **Motion to approve the request was unanimous.**

**SE-3-21: 1701 SR44 (east of Wells Fargo bank).** This parcel previously had a bicycle shop on it, but the zoning was changed to eliminate that use. The property has been vacant for several months. The new owners want to operate a bike shop again, also selling golf carts and ATVs all of which would be allowed with zoning for recreational vehicle sales. They are asking for a Special Exception to do this. The new owner has already removed all the trees and torn down a wall around the dumpster. There was considerable discussion about whether recreational vehicles were the correct categorization with a motion to approve if the request would exclude motor homes, provide enhanced landscaping, trees are mitigated, and the retention pond functions properly. The motion then added two amendments to include "low speed" to the vehicle descriptions and prohibit outdoor displays in the parking area should the city approve an outdoor display area. **The motion and amendments were approved unanimously.**

**V-16-21: 600 Greenlawn St.** The developer of an 80-unit senior living facility requested reducing the number of required parking places from 160 to 107 as seniors in these types of facilities rarely have more than one car. **Motion to approve the request was unanimous.**

**SP-18-21: Venetian Bay Luna Bella Parking Lot.** The developer requested adding 81 spaces to the parking lot across the street instead of building multi-family housing. **Motion to approve was unanimous.**

**SP-30-18: Hyatt Place Hotel and Riptides Restaurant Site Plan - SR A1A/3rd Ave. (9.5 acres behind Dunkin Donuts with wetlands on the west).** The applicant requested approval of their Class III Site Plan which includes a 114 room, 4-story hotel and a one-story restaurant with a proposed 278 seats. This property was rezoned in 2018, so both are permitted uses. Storm water will be captured underground. There will also be a dog walk area and a swimming pool.

Staff recommended three conditions for approval:

1. A new conservation easement with documents provided to the City.
2. A new traffic signal that will combine with a signal for the fire station (money to be escrowed) and fulfill FDOT requirements.
3. No vertical construction to begin until a new retaining wall is completed and approved. The Board was concerned that there was no walkway on the south side of the property along the wetlands. This was not part of the MDA (Master Development Agreement) and will be considered later.

**Motion to approve the Class III Site Plan with the three conditions by staff and one by the Board that the developer make a good faith effort to extend the walkway to the south was unanimous.**

**S-2-21 The Palms phase 6 Residential Subdivision Final Plat (706 acres).**

Applicant is asking for a Final Plat approval for the last section of The Palms on SR44 and Airport Road. It is a series of tightly placed narrow lots interspersed with small green spaces called parks. Overall, the Palms is zoned for 1060 lots, but will have only 922. The single condition remaining before this plat is approved is that the developer dedicate 134 more acres of wetland mitigation as a conservation easement. There will be a right in right out access road on SR44 to take westbound traffic off Airport Rd. There were a number of questions from the public. The biggest concern was the lack of play space for children as the parks are very small. The developer agreed to work something out with some nearby fields and to find some additional park area. **Motion to approve the Final Plat subject to conditions enumerated by staff was unanimous.**

**Consider Approval of a new element to the City of New Smyrna Beach Comprehensive Plan Entitled Commercial Space Industry Opportunity Overlay Element (XVI).**

This is a marketing tool for the city to use when trying to attract new business and matches the same language as the County. **Background:** The City's Economic Development Strategic Plan identifies the Aviation/Aerospace Industry as a targeted industry because of the City's Airport and proximity to the Spaceport, including Kennedy Space Center. It's anticipated that aviation/aerospace supply chain companies will be attracted to the City of New Smyrna Beach and Southeast Volusia area. The Cities of Edgewater and Oak Hill are also planning to implement the overlay. As of December 2021, Volusia County staff obtained approval from its County Council on the Overlay future land use (FLU) component and will be moving forward with the zoning component, becoming #9 in FLU elements. Staff recommends that the Planning and Zoning Board give a positive recommendation to the City Commission to approve this new element for our Comprehensive Plan. **The motion to approve the recommendation was unanimous.**

**ZT-2-22: Home Based Business.** The City requested to amend part of the Land Development Regulation (LDR) as it pertains to Home Occupations to conform to the new Florida Statutes and restrict some local control. This new regulation was described by one member of the Board as "appalling" for it essentially allows anyone to set up any kind of home-based business (firearms for example). A motion to approve was made with three conditions:

1. Other structures on the same property may not be used for retail related purposes.
2. Exemption from Florida Statutes be included.
3. Add a Savings Clause the purpose of which is to prevent frivolous lawsuits to collect attorney's fees.

**Motion to approve the amendment passed 4 to 1 with Ms. Smith, voting NO (to protest the state stature).**

