

New Smyrna Beach City Commission Meeting – March 8, 2022

[Watch the March 8, 2022 City Commission Meeting.](#)

(Click on the topic you want to view and the video will advance to that section.

Index of past 2022 NSB City Commission Meetings:

https://cityofnsb.granicus.com/ViewPublisher.php?view_id=1

City Commissioners voted 4-1, with Commissioner Jake Sachs dissenting, to grant final plat approval for Phase 6 of The Palms and its related infrastructure improvements. It's the final phase of a subdivision associated with the Venetian Bay golf course community that dates back to 2004.

Venetian Bay was originally approved for 2,063 homes on 1,425 acres. In 2012, the Canadian development firm Geosam Capital bought Venetian Bay. The 68.4-acre, Phase 6 area of The Palms is part of Geosam's 706-acre Palms Planned Unit Development (PUD). Approved was the final phase of the southernmost 68 acres that fronts on SR-44 and Airport Road.

Chief City planner, Jeff Gove said that a maximum of 1,060 residential units were permitted by the overall Palms Master Development Agreement (MDA). However, with the final plat request for Phase 6 that Commissioners voted on the total number of Palms residential lots would be reduced to 932 (652 single-family and 280 modern duplex lots.)

The original Palms PUD also called for 445 acres to be dedicated as a conservation easement, and remain undeveloped. In addition to the conservation easement, Gove said the PUD's Master Development Agreement contains a number of requirements that Geosam had to satisfy prior to completing the entire Venetian Bay/Palms development. Those include:

- ✓ Committing to a program to develop affordable housing and provide down-payment assistance, which is now in place.
- ✓ Dedicating and constructing civic and public use areas.

Gove said those required items have largely been addressed. However, a number of residents from The Palms and Venetian Bay told City Commissioners that Geosam hasn't provided enough amenities such as fields and courts for sports, or built civic meeting areas to adequately serve the Venetian Bay population.

Responding to Commissioners' questions about that, Gove said because The Palms and Venetian Bay are separate PUDs, developers only had to satisfy the civic and park requirements for their specific PUD area. For The Palms, he said certain features have been or are being developed, including tennis and other court sports, a lake with a pavilion and small, natural areas known as "neighborhood parks" ... all of which total up to meet the MDA's acreage requirement for civic and park areas.

Amber Coleman, corporate counsel representing the Palms Landholdings and Geosam, said the final phase of The Palms is unique and has features for parks and recreation. Pickleball and tennis courts are outside this phase, but they're coming online. Within this phase there are a fishing pond and fishing dock, a meditation/yoga/reflection structure, open space for parks, an observation deck that extends over the water a bit, and benches.

She added that a meeting space for the overall development is not within The Palms section but is in the Venetian Bay development. Gove also pointed out Geosam agreed to provide a 10-foot-wide bike path/trail along the development's entire frontage on SR-44 as a public benefit that wasn't required.

"As general feedback, honestly more for staff, what I'm hearing overwhelmingly is (Venetian Bay) residents have been underwhelmed by the recreational amenities provided," Mayor Russ Owen commented. "I don't know if this community (New Smyrna Beach) will ever work through another project of this scale. If we ever do this again ... I think what residents would like to see.... more of a large-scale park versus all the little tiny pocket parks ... I've got kids. You don't take them to a pocket park. You show up and look at grass for 20 minutes and they're bored. That being said, there's not a house on the market out there. Houses sell as fast as you guys can build them."

Vice Mayor Jason McGuirk suggested the problem might have grown from the possibility that residents buying into the subdivision were overpromised on what amenities would be developed there, as well as the fact that what people want has changed in the years since Venetian Bay began to be developed.

"I remember when passive parks were all the rage. Now 15 years later, we're looking at this like, who wants a passive park?" he observed. "We don't have enough space for fields, for kids to play football or soccer. What's crystalizing in my mind now, is how the idea of what amenities people want has changed dramatically since 2005. Pickleball didn't exist in 2005 and that's very popular now with the retirees. Where I'm going with this is ... We need to find a way where, when so much time passes, we have the ability to reevaluate some elements of these development agreements to meet the current demand."

Commissioner Michael Kolody agreed with McGuirk that the city is limited in what it can do now, since it and the developer are bound by what is written in the original development agreement. "Basically now, we're about 10 years late," he said.

Gove, the planner, also noted the city didn't impose a time limit then for when amenities would be installed, so many are just now being built in the final phase of development.

Commissioners were able to make a minor change requested by residents, requiring the developer to install traffic-calming measures such as raised cross-walks on a few roads leading to a proposed exit from this last phase of The Palms onto SR-44.

Kolody said he intends to bring a number of proposed changes to city land development code to a future Commission meeting, to address potential issues with future developments. "There will be other big PUDs," he said. "They're coming west, because that's the only place left for land. It's imperative that we take action now before they hit our review committees."

"A lot of this stuff wouldn't fly by the code that's on the books today," Mayor Owen added. "You heard Commissioner Kolody call for it tonight -- There are further things we want to change in our land development codes, so that when the next person comes forward with the next major project, we're going to try to take all the lessons we've learned and fold them into that next project. What I can't do though, unfortunately, is go back 20 years ago and rewind time and rewrite the legal contract that was put in place. We've got to operate based on what is in front of us today."

The City Commission unanimously agreed to apply for grant money from the Florida Inland Navigation District (FIND) to partially fund two projects:

- ✓ Design work for proposed improvements to the North Causeway Boat Ramps and adjacent city-owned property known as the AOB site at 160 N. Causeway.
- ✓ The purchase of a rigid inflatable boat for use by the Police Department.

There are five sets of boat ramps with fixed wooden docks adjacent to each launching ramp. The city plans to convert these to floating docks to better accommodate tidal fluctuations. The grant request also includes designing a kayak launch on either city-owned property, as well as a waterfront pavilion. New Smyrna Beach is requesting \$42,500 in grant money from FIND, which would be matched by the same amount from the city's parking fund revenue. Phase 2 of the project would be funding the actual construction of improvements, which is estimated to cost \$600,000 to \$650,000, according to the FIND grant application.

For the Police Department vessel, the city will be seeking a \$75,000 grant from FIND. New Smyrna Beach would match the grant in part with a \$156,198 contribution to make up the \$231,198 purchase price of a 2022 Protector 250 Impact watercraft from Brunswick Commercial and Government Products, a division of the Brunswick Boat Group that includes Boston Whaler. The city's share of the boat price would come from police-related impact fees, and the vessel would be used for marine emergency services, derelict vessel removal, law enforcement services, search and rescue, and waterway safety and education.

City Commissioners had the first reading of an ordinance that would approve new City Commission zones that are adjusted to equalize the city's growing population. The second reading and public hearing for the ordinance is set for March 22.

One of the biggest changes in the new map of Commission districts is that Zone 2 will encompass the entire beachside, while Commission Zone 1 becomes entirely a mainland district that picks up territory which previously was part of Commission Zone 2.

###