

Planning and Zoning Board Meeting
June 6, 2022

[Video link to the meeting.](#)

Board members present: Steven Snively, Sandra Smith, Susan Neylon, Carl Hodges, Stephen Yates, and Larry Wheatcraft. Absent: Kip Hulvershorn

Public Participation

Two Venetian Bay residents expressed the following concerns to the Board:

- The promised PUD amenities at Venetian Bay for the most part, do not exist. There is a run-down baseball field and a basketball court, but other amenities such as tennis courts and an adequate community center do not exist.
- There are five major projects going on in Venetian Bay with very little road enhancement or traffic safety. The resident requested an independent traffic analysis and encouraged the Board to visit Venetian Bay to see what concerns residents.

Note: The following two items are two separate variance cases for the parcel listed below. If the CCSL variance is not approved, the second variance case will become moot.

V-4-22: Coastal Construction Setback Line (CCSL) Variance Vacant Lot between 301 and 309 Buenos Aires.

The owner requested a coastal setback variance consistent with the neighboring properties to allow construction east of the City Coastal Construction Setback Line. (CCSL)

Staff stated that the property meets the criteria for a variance. Other property owners have been able to build east of the line, and there was no substantial impact to the public or negative impact on the dune system as a seawall is in place.

Two adjacent property owners expressed the following concerns:

- The proposed setback between the property and existing building constructed in the 1950s, south of the property at less than 10 feet is not wide enough.
- Lowering the 10 ft setback limits the accessibility of fire and emergency units.

The applicant responded that breezeways allow access for hoses and emergency personnel.

The motion to approve the coastal setback variance was unanimous.

V-3-22: Vacant Lot between 301 and 309 Buenos Aires. The owner requested variances to allow:

1. A five-foot variance to the required 10' side setback to allow a building to be located five feet from the side property lines, along the north and south property lines.
2. A seven-foot variance to require no landscape buffer along the front property line.
3. A variance of 5.89 feet was needed to allow the lot to be 44.11 feet wide rather than the required 50 feet.

Staff stated that the variances meet all the criteria and recommended approval with the condition that landscape materials that would have been provided in the seven-foot variance be provided elsewhere on the property. The owner reiterated that five-foot breezeways are adequate for emergency access and that the side setbacks are a reasonable compromise for going from a four-story to a two-story building. He also felt that he was trying to be a good neighbor.

The two adjacent property owners expressed the following concerns/suggestions:

- A five-foot setback does not allow room for the ongoing maintenance of the existing buildings.
- Eliminate the breezeways and build one building and be held to the ten-foot setbacks like everyone else. Setbacks are there for a reason.
- Prospective owners need to do their due diligence before purchasing a property.

Board members stated that the City has ordinances so people can build on nonconforming lots as long as they meet codes and ordinances which the owner has done. One board member, however, asked the property owner to build a building that would meet the existing setbacks.

The motion to approve the variance was passed by a 4-2 vote with Hodges, Wheatcraft, Yates and Snively voting YES, and Neylon and Smith voting NO.

SP-28-21: Village Center East Site Plan (CL III), Venetian Bay PUD. The applicant requested Class III Site Plan approval for a residential multi-family unit and associated infrastructure improvements for 322 units within five, four-story units on 9.16 acres within the Venetian Bay PUD community.

Staff recommended approval. The Board, however, did not receive the Commitment Letter for Civic Uses until just prior to the meeting. Staff reported that the Civic Use plan is for a trail between two wetlands which has been approved by Geosam, but it requires approval from the St. John's River Water Management District. Geosam will seek the approval as it is apparently still responsible for providing the "civic area" and honoring the PUD. Since there is no size requirement for a meeting hall/area per the MDA, Geosam has purchased an 1800 SF space in the Town Center to serve as a "meeting hall".

Board members had the following comments/questions:

- A building permit is valid only if issued within 18 months of St John's Water Management approval.
- Geosam has committed to connect walking and biking trails to streets, but details aren't set yet.
- Has Geosam met the requirements shown in the original MDA for commercial square footage? Staff: yes
- The Board hasn't had a chance to review the civic use agreement and plan. Members stated that the City needs to be transparent and the board needed this information before the meeting.
- Is the Civic Use Plan enforceable and how will the city enforce it? Staff: Performance bond and the City can withhold permits for future Geosam projects.
- Board members expected Site Plan elevations for all sides of the building, not just the front; the required specificity of construction materials; and the building height. None of these were included in the agenda packet.
- What kind of parking are they providing? Staff: 1.5 spaces per unit.
- Is there a requirement that the garages can't be enclosed and used as storage or living spaces? The applicant stated that could be added.

Nineteen community members commented. All were opposed to this plan. Some of the concerns/ comments are listed below with a few being similar, joined together:

- The Civic Use Settlement agreement is signed by all parties, but the Board hasn't seen it yet. You're being asked to vote on an agreement you haven't seen and isn't in your packet. You're also being asked to vote on a Site Plan that you haven't fully seen.
- The aesthetics of the building don't match anything in Venetian Bay.
- 1,800 square feet (with no kitchen or bathrooms) of meeting space is not adequate to service over 3200 residents in Venetian Bay.
- Parking is inadequate. The standard in the city is 2 spaces per unit, not 1.5. Neither emergency vehicles nor small businesses in the town center have adequate parking now.
- Request all board members to vote no on eliminating the commercial space.
- Needed is a town center, adequate parking, and a community center, not another apartment complex.
- We have over 20 miles of trails in Venetian Bay and don't need more, especially since this trail is right next to townhouses, and trees and habitat will be cut down to develop it, and not conserve it.

- The existing day school in the Town Center is licensed for 60 children. The increased traffic from the apartments will present a danger to the children crossing Luna Bella. Let us buy the property and build a playground and community center.

Board members asked if a traffic study was done. The applicant's engineering company stated that residential area would reduce traffic from what it would have been with commercial, and a traffic study is not required. The applicant was also asked if they took away parking that would have been in commercial. Applicant replied that the parking is just for the apartments. The community building is also just for the apartment complex.

If this is not approved, the property reverts to the original plan of 21,431 SF of commercial/retail space and 296 units.

The motion to approve the Class III Site Plan for a multi-family residential unit with the addition of the stipulation that garages cannot be enclosed and used for storage or residences failed by a vote of 2 to 4. Wheatcraft and Neylon voted YES with Smith, Hodges, Yates and Snively voting NO.

SE-1-22: 311 North Orange Street (.68 acres on the east side of North Orange St. between Washington St. and Murray Ave.) The applicants requested a Special Exemption approval to operate a private school for special needs students. The school is currently operating on S. Orange, but a larger facility is needed.

Staff recommended approval with the requirements of a 6' fence around the play area, 26 parking spaces and a maximum number of 250 students.

The motion to approve the Special Exception was unanimous.

ZT-11-22: Schools in the B-3 Zoning District (311 North Orange St.) The applicants requested a text amendment to add a school as a Special Exemption Use in the B-3, Highway Service Business District.

Staff recommended approval for the text amendment with the conditions of the 6-foot fenced outdoor play area, the B-3 required landscape buffer for parking lots, required parking and a maximum number of 250 students.

The motion to approve the text amendment was unanimous.

ZT-10-22: Class I Site Plan Fences. The City requested a minor amendment to Article XI, Site Plan Approval, amending the survey requirement for fence permits. Staff recommended to allow a boundary survey for a proposed fence without having to submit a full survey.

Board members commented that this was a good change and suggested that the boundary survey should be where the fence is to be located. Staff agreed.

The motion to approve the amendment with the addition of "the property line where the fence will be located" was unanimous.

A-6-22: 401 Oak St (.14 acres located on the east side Oak Street between Jefferson St. and Washington St.) The applicant requested voluntary annexation, Comprehensive Plan amendment and rezoning with a city future land use designation of Medium Density Residential and City zoning designation of R-2, Single Family Residential with an "A" attached for Airport Overlay Zone.

The motion to approve the request was unanimous.

A-7-22 187 Howard Avenue (.43 acres on the east side of Howard Avenue between Julia St. and Woodland Ave.) The applicant requested voluntary annexation, Comprehensive Plan Amendment and rezoning to City Future Land Use designation of Medium Density Residential, and City zoning designation of R-2, Single Family Residential with an “A” attached for Airport Overlay Zone.

The motion to approve the request was unanimous.

Comments or Statements by Members of the Board

Chair Smith suggested moving the meeting time to 5:30. Director of Development Services, Derek Burr, stated that it would be easier to get staff attendance at an earlier hour closer to the end of their workday.

The motion to approve a 5:30 Planning and Zoning Board start time was unanimous.

Ms. Burr also stated that she would forward information on the fall Planning Conference in Orlando to the Board members.

Nomination of Vice Chairman

Susan Neylon was unanimously approved as vice-chair.