

New Smyrna Beach City Commission Meeting – May 24, 2022

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Mayor Russ Owen was absent and excused from this meeting.

City Commissioners voted 3-1, with Commissioner Jake Sachs dissenting, to overturn the Planning and Zoning Board’s denial of site plan approval for a 110-space parking lot at the northwest corner of Matthews Avenue and A1A.

Officials explained they were required to approve the site plan because the parking lot on two outparcels of the Ocean Village Square Shopping Center was a permitted use in its zoning district and because the city’s staff and experts representing the property owner and site plan applicant said it met all municipal requirements.

“We do not get to govern by how we personally feel,” Vice Mayor Jason McGuirk emphasized, for the scores of residents who attended the meeting and spoke out against the parking lot project. “We have to follow the laws that we’re required to follow when we place a vote.”

City Attorney Carrie Avallone advised the Commission, “The expert evidence before you was that it met all the criteria.”

The city’s Planning and Zoning Board voted 1-5 March 7 to deny the parking lot site plan, over traffic and safety concerns. The owner of the property appealed that denial to the City Commission.

Commissioner Sachs told the owner of the parking lot site and an engineer for the project that he also had serious concerns about the safety for pedestrians crossing east over A1A (South Atlantic Avenue) to get to the beach. He also said he didn’t know where stormwater runoff from the property would go and feared it could empty into ditches along Matthews Avenue and potentially reach the Indian River.

Sachs noted the traffic light at Matthews Avenue and A1A only regulates traffic going north and south on A1A. Motorists turning from Matthews have only a stop sign to guide them before the turn onto A1A. “It’s difficult to cross the street now as a pedestrian,” he said. “With 110 parking spots... To add to that traffic is concerning to me.”

David Glunt, of Spruce Creek Civil Engineering, told Sachs and his fellow Commissioners that, “There wasn’t really competent, substantial evidence (at the Planning and Zoning Board meeting) to support any claim that there was a traffic problem, especially when many other uses allowed on the property ... such as a convenience store with gas pumps ... would generate far more traffic than the parking lot itself. “As you can see on our site plan, all pedestrian traffic within the parking lot is directed toward the south, and there’s a sidewalk system that connects directly to South Atlantic Avenue, right at the crosswalk that takes you right to the public beach access.”

He and an owner of the parking lot site said there has been a history of illegal parking on the two outparcels for many years. Addressing Sachs’ concerns about pedestrian safety, Glunt said his own research indicated there hasn’t been an accident in the past 15 years on the crosswalks across A1A between Matthews Avenue and the Islander motel.

However, assurances about the parking lot’s benefit and safety didn’t convince residents who live in several condominiums nearby.

One speaker said the homeowners of Hacienda Del Sol I have had to add locked gates, wind screens and other security measures in an attempt to prevent beachgoers from entering the site and causing problems. "They come in and use our pool. They use our stairwells as restrooms, because there are no public restrooms (nearby). We have to guard our parking spots," she said.

Another resident of the Seacoast Condominiums told Commissioners, "I know you have to be fair to all the people in the city when dealing with projects like this. However, I think you also have to consider who benefits from this project and who is impacted. In this case, I believe this project only benefits the owner of the project, and it has a huge, negative impact on the surrounding property owners.

"The burden of bad planning falls directly on those who live, work or attend school next to these areas," a third speaker concluded. "For the security and safety of our visitors and residents, please do not approve this proposal."

Glunt said security cameras could be installed to keep an eye on any activity in the parking lot, and stated all stormwater runoff would be held on site. In fact, Glunt said the project meets or exceeds the city's stormwater requirements, as well as those of the St. Johns River Water Management District.

"My thought was always, don't turn our barrier island into a parking lot.," Commissioner Sachs responded. "The parking that you provide will be transient parking. I have the same concerns as they (residents) do about developing this as a parking lot. If you look at the whole picture, there's so much more negative impact than positive impact for New Smyrnans."

Commissioner Randy Hartman questioned why the parking lot needed to be open 24 hours, when it was primarily aimed at beach traffic. The owner responded that night parking was intended to help nearby condominium owners, because over the years many of them had directed their guests to park in the area.

Commissioner Michael Kolody asked if they had considered building restroom facilities on the site. The owner said water and sewer service is available there, and he would consider building restrooms "if the city could work with me on that."

Commissioner Hartman pointed out the parking lot was a permitted use, and the applicant for site plan approval has met all city requirements. In regard to his fellow Commissioner Sachs suggesting the parking lot would mainly serve transients, Hartman commented, "They're here anyway. At least with this they'll provide them with a safe parking area to park and maybe get them off some other roadway and in front of someone's house."

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The City Commission voted 3-1 to approve ordinances annexing, rezoning and initiating a Comprehensive Plan land-use change for 5.1 acres at 1070 10th Street. They also authorized a future-land-use change for an adjacent five acres by the same majority vote, with Commissioner Sachs voting against the changes on both parcels.

A townhouse development capped at no more than a total of 80, two-story units is proposed for both sites. The two, five-acre (plus or minus) properties are on the south side of 10th Street, east of Tatum Boulevard.

The property at 1070 10th Street was outside city boundaries, with a county zoning of R-3, Urban Single Family Residential, and a future land use designation of Urban Low Intensity. Under those, it could have been developed with about 20 dwelling units, according to city staff. Once annexed into the city, the land's zoning is changing to R-4, Multi-Family Residential, and its future land use would become City Medium Density Residential ... with a potential density of 41 units.

For the five-acre parcel already within the city limits, developers sought to lower its potential density of dwelling units, said Senior Planner Robert Mathen. It also is currently zoned R-4, but its future land use is designated as High Density Residential and Educational, with a possible maximum density of 92 units. The zoning and land use changes will lower that land use designation to City Medium Density Residential, thereby reducing its potential number of units to about 42.

Attorney Glenn Storch, who represented the properties' owners, agreed on their behalf to restrict the total development to no more than 80 units. He said the actual number of townhomes could be even less, once roads, stormwater drainage and other requirements are factored in.

Commissioner Sachs said the development was still "too dense" for him to support it, and he expressed concern about the potential for stormwater runoff to spill into the nearby Gabordy Canal.

"Can you assuage my concerns about the fact that that neighborhood frequently floods?" Sachs asked Storch. "The Gabordy Canal looks like it lies very close to the property. I'm concerned about stormwater runoff from this property."

Storch responded, "I can understand that. The designs that we've seen do in fact incorporate sufficient (storage) to contain at least 125 percent of stormwater on the site." He noted the St. Johns River Water Management District will review development plans and stormwater facilities for both properties, as will the city's staff.

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