

City Commission Regular Meeting
Tuesday, June 28, 2022
Video and Agenda Packet

Mayor Owen called the meeting to order at 6:30 PM. In attendance were Mayor Russ Owen, Vice Mayor Jason McGuirk, Commissioner Randy Hartman, Commissioner Michael Kolody and Commissioner Jake Sachs.

PUBLIC PARTICIPATION

Mayor Owen asked that public participation be limited to those speaking to issues NOT listed in the agenda for second readings of ordinances (Section 8 items) and that speaking to section 8 Ordinances would be afforded as part of the public hearings on the ordinances being presented.

Nine residents living near 708 Francis St. spoke against the city donating that parcel to the NSB Housing development Corp. and Habitat for Humanity and urged that it be made a public park.

The following Consent Agenda items were approved unanimously.

- 6.C Resolution No. 31-22: establish caps for Code enforcement fines.
- 6.D Resolution No. 32-22: change the name of Code Enforcement Office to Code Compliance Division.
- 6.J Build an ADA Ramp at 27th Avenue.
- 6.O Lease Renewal of the property located at the Southwest Corner of Canal Street and US1.

NEW BUSINESS

Review of Applications submitted by Habitat for Humanity of SE Volusia and the New Smyrna Beach Housing Development Corporation for the donation of 4 properties located at 349 Palm Street, 2519 Auburn Avenue, 708 Francis Avenue, and 2524 Nordman Avenue for the development of Affordable Housing.

Unanimously approved 349 Palm Street, 2519 Auburn Avenue and 2524 Nordman Avenue to be donated to the Habitat for Humanity.

Unanimously denied the donation of the property located at 708 Francis Street.

8. ORDINANCES - SECOND READING AND PUBLIC HEARINGS

- 8.A Ordinance No. 36-22: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance to add the use of School as a Special Exception Use in zone B-3 . **Unanimously adopted**
- 8.B A Public Hearing on Special Exception SE-1-22: a School as a Special Exception Use on property located at 311 North Orange Street. **Unanimously approved**
- 8.C A Public Hearing to consider the S-1-21 Final Plat Approval for Florida Days Phase 5 only (does not include Phase 4). **Unanimously approved**
- 8.D A Public Hearing to appeal of the Planning & Zoning Board's denial of SP-28-21: Village Center East Site Plan (Class III), Venetian Bay.

A presentation by two attorneys representing GeoSam was made detailing the current plan and summarizing the points included in the over 20-year-old MDA/PUD and the subsequent 12 amendments.

A presentation and numerous individual comments from Venetian Bay Residents, including expert testimony from an architect, followed. The prime concerns cited by residents were:

- Lack of adequate parking in the plan and currently in the Village center.
- The proposed plan does not match the architecture currently found in the village center.
- Promised additional retail apace is being removed and more living units substituted.
- The new plan will greatly increase traffic in and around the center.
- Promised community center space has not been built and what is there now is inadequate for the population in Venetian Bay.

The residents urged the Commissioners to uphold the Planning and Zoning Board's denial of the amended plans.

The Commission approved the plan in a 3-2 by majority decision, with Commissioner Hartman and Commissioner Sachs voting no, as amended to include the conditions that garages may not be used as storage or living spaces, that the applicant works with city staff to ensure that the existing architectural design is compatible, that the developer pays \$15,000 to the HOA for funds for funds dedicated for the residents use and that the developer allots an additional 1,300 square feet of rentable space for a Community Center.

- 8.E Ordinance No. 27-22: Conduct the Second Reading and Public Hearing of an Ordinance to annex approximately 0.55 acres of land located at 2340 Pioneer Trail. **Unanimously adopted**
- 8.F Ordinance No. 28-22: Conduct the Second Reading and Public Hearing of an Ordinance to create a Small-Scale Comprehensive Plan amendment changing the City Future land Use map designation to Rural on approximately 0.55 acres of land located at 2340 Pioneer Trail as part of an overall annexation application. **Unanimously adopted**
- 8.G Ordinance No. 29-22: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance to rezone approximately 0.55 acres of land located at 2340 Pioneer Trail as part of an overall annexation application. **Unanimously adopted**
- 8.H Ordinance No. 30-22: Conduct the Second Reading and Public Hearing of an Ordinance to annex approximately 0.19 acres of land located at 1404 Mary Avenue. **Unanimously adopted**
- 8.I Ordinance No. 31-22: Conduct the Second Reading and Public Hearing of an Ordinance to create a Small Scale Comprehensive Plan amendment changing the Future Land Use map on a property addressed at 1404 Mary Avenue as part of an overall annexation application. **Unanimously adopted**

- 8.J Ordinance No. 32-22: Conduct the Second Reading and Quasi-Judicial Public Hearing of an Ordinance to rezone approximately 0.19 acres of land to City R-2, Single Family Residential on property located at 1404 Mary Avenue as part of an overall annexation application. **Unanimously adopted**
- 8.K&L Ordinance No. 33-22 & 44-22: **No action; continued to the July 26, 2022 Special Meeting.**
- 8.M Ordinance No. 37-22: Conduct the Second Reading and Public hearing of an Ordinance to revise the Zoning Text Amendment-7-22- Model Homes. **Unanimously adopted**

BOARDS AND COMMISSIONS

Historic Preservation Commission: **Unanimously appointed Katie Kaufman to serve a three-year term, expiring May 14, 2025.**

CITY MANAGER'S REPORT

Unanimously approved the City Manager moving forward with the acquisition offer pertaining to the property located next to Fire Station 50.

City Commission consensus approved the City Manager's request to write to Waste Pro denying their proposed rate increase.