

Commercial Pre-Application Meeting November 29, 2023

Note: These are PRELIMINARY inquiries, many of which do not move forward. Public participation is welcomed at both the Planning & Zoning Board meetings and the City Commission meetings where variances and development agreements must be approved

Oakwiler Plan Modification (7+/- acres located on the east side of Saxon Drive and bordered by the Publix property on the north and by 7th Avenue on the south). Background: In January 2021, the applicant presented a Concept Plan showing approximately 100 two- and three-story townhomes at a Commercial Pre-app meeting. In December 2021, a different Concept Plan of 77 townhomes was presented to the Planning and Zoning Board; where the applicant requested that this and the amended PUD be approved for recommendation to the City Commission. Both passed unanimously but with conditions. It was then presented to the City Commission on June 27, 2023, in a quasi-judicial hearing and approved unanimously. Approved were 77 townhomes, a club house, swimming pool and dog park. Three historic trees were designated to be preserved within the designated open space or natural vegetation areas. A natural buffer was approved to surround the perimeter of the development. One street was planned with turn lanes on Saxon for egress and entrance onto Saxon.

The applicant now wants to modify/amend their PUD, structuring their new plan as an option to the already approved townhouse plan, and Staff agreed they could request that as part of a possible PUD Amendment, but could not assure them it would be approved. The new Concept Subdivision Plan proposes 43 single family homes in lieu of the townhomes and amenities. A storm water pond will replace the open space, walkways, swimming pool, club house and dog park in the center of the previously approved development. The forty-three lots will be broken up into 13 measuring 40x75 feet, 19 measuring 40x90, and the remaining 11 with unspecified dimensions. The applicant stated that the proposal responds better to the current market. They contend that the smaller lot sizes work in other communities such as Celebration even though it is a denser single family home development than is typical in New Smyrna Beach. The amended plan calls for no landscape buffers. Ten-foot front and back setbacks are proposed with a 2 ½ foot side setback. Garages will be 1 ½ to 2 cars with an internal or external staircase to the upper floor living level. The proposed homes are 2 to 3 stories in height. Two roads for entrance and egress onto Saxon (note: the City now owns this stretch of Saxon) are proposed with no turn lanes. The following issues/concerns/ questions from Staff were discussed with the applicant:

Planning:

- No perimeter buffer is an issue. The applicant responded that he didn't think single family homes would need one. Staff countered that a buffer would be needed at least next to Publix.
- Are the historic trees being preserved as specified in the approved PUD/MDA? Response: That is the intention.
- Would the houses on Saxon face Saxon? Response: Yes, with the garages facing the alley.
- The 30-foot alley may not be adequate for utilities.
- With the 10-foot setback, there's no room to park cars in the driveways and no room to park on the street/alley which is a problem.

- Is the 20-foot easement along Saxon in lieu of any turn lane? Response: Yes, for with fewer lots, the turn lane won't be needed.
- Will utilities be OH (overhead) or underground? Response: It's up in the air right now. (Note per an email query: The question was asked as there are now existing OH electric lines and poles on the east side of the Saxon Dr. roadway and run through this site along the Saxon Drive pavement. NSBU is planning to replace the OH system soon, and the timing of this had been discussed as part of the townhouse proposal. However, Staff was not sure if that was still being proposed with this new plan.)
- Staff need to see the applicant's plan for tree preservation and their arborist's report. Staff also recommended keeping the natural buffer in place as opposed to clear cutting. The applicant stated that extreme grade changes make it hard to preserve. Their arborist looked at the trees in 2022 and determined that most trees are in bad condition and thinks they can make a better project with new landscaping.
- The applicant asked if this was a plan staff could support if this plan moves forward. Staff responded that the Commissioners may have a problem with the small 5-foot side setbacks (2 ½ ft per lot line) between homes and placement of air-conditioners, along with the 30' right-of-way, little front yard setbacks, and nowhere to park due to the 40' wide lots.

Utilities:

- With single family homes, utilities must be public. On the previous plan, utilities were private.
- This design would have different requirements.
- UC requires a 5' public utilities easement and a 10' easement on both sides of the right of way.
- If they move forward, it will require a brand-new review.

Fire:

- There is a concern about the tight quarters. If there is no driveway, cars will park on the street which would obstruct emergency vehicle access.
- One or two more fire hydrants will be needed.

Engineering:

- Engineering was absent due to attendance at another meeting. The applicant was instructed to contact them for further input.

Next Steps: The applicant needs to show staff the arborist report and contact Engineering regarding the site change to see what more needs to be done, so they can move forward. The new plan will require a revised PUD/MDA, and a new plat plan.

540 N. Dixie Highway (Simple Pawn). The applicant is moving his original plan of having Ace Hardware on beachside, to this site. He wants to renovate the existing structure rather than building new. The low ceiling height in part of the building and the elevated crawl space are challenges. The applicant wanted to know if it would be possible to take out the crawl space and install a concrete floor, extend the south side of the building, and raise the roof. He also asked if it would be possible to add a porch or open area facing US 1 and the side yard for outdoor sales and if there is any data on improvements that have been made to the building. The applicant also asked about the feasibility of having a 1000 lb. bulk propane on site. The following issues/concerns/ questions from staff were discussed with the applicant:

Engineering:

- Stormwater regulations would need to be met if a new building is constructed.
- If extending the current building to the south is the extent of building and site changes, it would probably work in terms of the current storm water situation. Staff would need to see the rest of the site plan.
- The property is in X flood zone with no flooding that the city is aware of.
- A concrete floor can be installed if it is 12" above the roadway.

Utilities:

- The water and sewer are appropriately sized for the building.
- If there is an addition to the building, the applicant would need to make sure that water and sewer are adequate.
- The 12" main should be adequate for fire protection.
- A 200-amp electric is currently overhead coming off Ronnoc. If Phase 3 is needed, that would come across US 1 and would need to be underground.

Fire:

- The 100 lb. bulk propane would be difficult because of the proximity to neighbors due to State setback regulations.

Planning:

- The applicant may need to apply for a special exception for any outdoor display.
- The landscape buffer needs to be maintained or replaced. Palm trees that are closer to the building would also need to be replaced.
- The front porch may need to be scaled back for visibility near the intersection.
- The Building Department can pull up any permits for previous improvements to the building.
- The pole sign needs to be removed. A monument sign and/or signage on the building can be installed.

Building:

- Personnel were attending an out-of-town training. The applicant was instructed to contact them for further input.

Next Steps: The applicant will need to set up another meeting when he gets further along with the plan. Staff will forward Chris Edwards' contact information, and he can tell the applicant if he qualifies for some CRA funding.

392 N. Causeway (former Tipton's Florist). The applicant and owner of Island Roasters would like to open a bistro style restaurant in the former 1200 sq. ft. floral shop. The applicant had plans, but they were not shown on the Zoom screen. He would like to increase the asphalt for more parking and share parking with Island Roasters which closes before the 4:00 opening of the bistro. He also plans for outdoor seating. The goal is to connect the two buildings with a two-story building housing retail on the first floor and mixed use on the top floor. The following issues/concerns/ questions from staff were discussed with the applicant:

Planning:

- If changes are not being made, it's mostly a matter of utilities and building.
- A grease trap will be required.
- There are impervious rules. Parking would be limited to 60% of the property which includes the business, overhangs, and any hard surfaces. The sidewalk is in the DOT North Causeway right of way.
- Parking must be assigned to the building even though the applicant owns both properties. One parking space is required for every 2 ½ seats and there are parking lot requirements.
- The parking lot redesign would have to be taken into consideration for future development.
- Are you going to have any additional signage or lighting? Response: It hasn't been determined.
- Residential is across the street and there is a noise ordinance. (No loud, live bands are planned.)

Utilities:

- For this whole parcel, there's only one meter and one sewer serving both their building and the proposed bistro.
- Separate water, sewer and grease traps are required for each business. The size of the grease trap will be determined by the plumber and city code.
- There is only a 2" water main. The size of the water meter will depend on the demand of the business.
- The old infrastructure will need to be upgraded to meet new codes.
- A 3-phase power probably will not be needed.
- More information is needed from the applicant before any definitive answers can be given.

Fire:

- The applicant will need a separate tap for fire protection.
- This is a change of use going from a business to a business with assembly. That will drive the number of exits required.
- If seating is under 50, sprinklers may not be needed. Once you exceed 49 people, it's a business A2 occupancy which is under a different code.

Next Steps: The applicant may need a traffic study. Since building staff was not in attendance, he needs to contact them. Staff will send a Class 1 application and contact them with any more questions they may have.