

Planning and Zoning Board

May 6, 2024

Video and Agenda can be seen [here](#)

Present: Messrs. Jon Hall, John Frankhouser, Curtis Hodges, Kip Hulvershorn, Thomas Bien, and Chair Larry Wheatcraft. Absent: Stephen Yates. Change to agenda- **5E, 5F and 5G will come before 5C and 5D.** Approval of Minutes: One minor change for Dec 4th, page 8 as the vote was 2-4. With that change, the minutes of December 4, 2023, March 18, 2024, and April 1, 2024, were unanimously approved.

New Business:

A-6-24: 2565 Pioneer Trail (1.39+ acres) A request was made for Voluntary annexation, Comprehensive Plan amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Urban Low Intensity, and Volusia County zoning designation of A-3 **to** City FLU designation of Low Density Residential. **Motion to recommend approval of A-6-24 to the City Commission was unanimous.**

A-7-24: 644 Delores St. (.575+ acres) A request was made for Voluntary annexation, Comprehensive Plan amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Urban Medium Intensity, and Volusia County zoning designation of R-4, Urban Single Family Residential **to** City FLU designation of Medium Density Residential and City zoning designation of R-2, Single Family Residential. **The motion to recommend approval of A-7-24 to the City Commission was unanimous.**

CPA-1-24: Deering Park Innovation Center (approximately 1,618+ acres, located south of SR 44 and west of I-95). A request was made to review and give a recommendation to the City Commission on a proposed Large Scale Comprehensive Plan amendment changing the future land use **from** Agriculture, Forestry Resource, and Conservation **to** Industrial Mixed- Use on approximately 1,618+ acres of land located south of SR 44 and west of I-95 known as Deering Park Innovation Center.

CPA-2-24: A request was made to establish Deering Park Innovation Center at New Smyrna Beach by amending language in the Future Land Use Element of the Comprehensive Plan.

PUD-7-24: A request was made to review and give a recommendation to the City Commission on proposed rezoning of Deering Park to a PUD. Note: These three agenda items are inexorably intertwined, thus Staff presented them as one as did the applicant, but they were voted on separately. This agenda item took up the bulk of the meeting.

Background: The project plan proposes 434 acres of innovation, 136 acres of mixed-use commercial corridor, and 2165 residential units. In addition, planned are a police station, land for a sports complex and possibly a high school.. The amendment to the future land use map will go next to the City Commission, the Florida Dept. of Commerce for a month, and then back to the City Commission. Staff recommended approval of all three proposals.

The developer, represented by Atty. Storch, said they had worked closely with the City's Economic Development team. 50% of the land will be open space and residential units will be capped at 2150. Heavy industry will be excluded, and single-family residences will be allowed to have small accessory units that will provide inexpensive housing. Residential construction will be delayed for three years, and then implemented in phases with the land remaining agricultural until each phase is developed.

After a long discussion, the following are some concerns/questions/comments from the Board:

- Traffic to the beach will be a concern.

- Will conservation land be permanent? (Yes)
- Storm water design? (There will be a master plan, not just a lot-by-lot solution.)
- Williamson Extension (likely to be a combination of private, county, and state funding)
- City responsibility for project (depends on what part of project)
- Can developer help City build parking lots for beach? (city would need to create impact fees)
- Low density needs to be added to the text amendment.
- Will conservation areas be public lands? (HOA will maintain)
- If City doesn't want 10 acres for recreation, what will happen to the land (reverts to developer after 10 years.)
- Afraid that land that will go to city will be wetlands. The plan is not detailed enough. Don't want another Venetian Bay with water flowing everywhere.
- Want RV/boat storage out of commercial use. (will make a conditional use and guarantee no more than 5%)
- Pad ready sites need to be defined.
- 300 sq ft of commercial per residential is not enough commercial. Could be another Venetian Bay so want phasing to be simultaneous and examined at each phase.
- Want priority to be industrial first.
- Can acreage for commercial/industrial be guaranteed? (Yes, for total but not location)
- Noted there is no completion schedule for industrial and commercial.
- Why is stormwater 1-1 and not 1-1.5? (It is not. Language says city code)
- Do we have approval from the school board for elementary/middle schools? (Not yet.)
- Can PUD be abused? (Areas will have restrictive covenants to prevent the use of areas for other than approved use.)

Public Participation:

There were three members of the public who expressed these concerns/questions:

- Water and tides. Water can't flow out of tributaries if tide is high.
- Worried about impact on Venetian Bay. How does water get to Ocean?
- Traffic, roads, water, etc. not clearly laid out. Need wetlands as carbon sink.
- Can City absorb another project? Is there a need for light industry?

A motion to recommend approval of CPA-1-24 to the City Commission passed with a 4-2 vote with Messrs. Hall, Hodges, Bien, and Wheatcraft, voting, YES; Messrs. Frankhouser and Hulvershorn voting, NO.

A motion to recommend approval CPA-2-24 to the City Commission passed with a 4-2 vote with Messrs. Hall, Hodges, Bien, and Wheatcraft, voting, YES; Messrs. Frankhouser and Hulvershorn voting, NO.

A motion to table the PUD-7-24 for one month to allow the developer and staff to address the Board's concerns was unanimous.

PUD-2-23: 1300 South Atlantic Ave. (1.01 acres+, located in former Regions Bank between 3rd and 4th Avenues). The applicant requested approval of a new Mixed-Use Planned Unit Development (PUD) and Conceptual Development Plans (CDP) to allow a restaurant and retail establishment, with an attached 4-story with a roof top parking garage. It was noted that 3rd Ave. is the busiest beach entrance in Volusia County, and parking in that vicinity is always a problem, especially at high tide.

Zoning Text Amendment 1-23. The applicant is requesting approval to a definition for Floor Area Ratio (FAR), Commercial that will include "parking structures" to the City's Land Development Regulations (LDR) since there isn't one. Note: This and PUD-2-23 were presented together but voted on separately.

The proposal is to build a combination retail/commercial building on the north side of the parcel, having four floors and fronting east 3rd Ave. with the remainder of the structure a 320-space parking garage with 101 being paid parking spaces for beach goers which would make a dent in the area's parking problem per the Parking Task Force's 2023 Report. The developer will also make improvements to the safety of the 3rd Ave. pedestrian beach entrance. Parking entrances will be on South Atlantic and on 4th Aves. The building will have no setbacks from the streets but will instead have extensive landscaping.

The garage will be excluded from Floor Area Ratio (FAR) computations, for at this point, the zoning regulations for NSB have no Commercial FAR definitions. However, the Future Land Use for this parcel is Commercial, and that has a F.A.R. of 2.0, and the proposed structure has a F.A.R. of 3.89. Thus, a separate application related to this project is a proposed zoning text amendment to allow parking structures to have a F.A.R. over 2.0. Therefore, the Text Amendment will exclude parking garages from the FAR computations.

There was some discussion as to whether F.A.R should include parking garages. It was pointed out by Staff that this is the highest and best use of parking. A lot can hold x number of cars but a 4- story garage can hold 4x cars. **A motion to recommend approval of the Text Amendment to the City Commission passed with a 5-1 vote with Messrs. Hall, Hodges, Frankhouser, Hulvershorn and Wheatcraft, voting, YES; Messr. Bien voting no.**

PUD 2-23 Public Participation:

- Hill St neighbors are concerned that emergency vehicles often don't have access because of cars lined up to get on the beach. They are afraid this will make things worse by attracting more cars. (Applicant says this will disperse traffic.)
- Vibrations from pile drivers are a concern. (Applicant says it will be all precast concrete. There will be no pile drivers and no concrete trucks).
- Will need more safety and beach patrol and cost the county more and hence raise taxes.
- The owner of Boston Fish House stated they are a family restaurant and have no objections as long as there is not just a bar.

A motion to recommend approval of PUD2-23 to the City Commission with the condition of including public bathrooms passed with a 5-1 vote with Messrs. Hall, Hodges, Frankhouser, Hulvershorn and Wheatcraft, voting, YES; Messr. Bien voting no.