

**Planning and Zoning Board Meeting
December 2, 2024**

Video and Agenda Packet of the meeting can be found [here](#)

Present: Thomas Bien, Jon Hall, John Causey, Stephen Yates, and Kip Hulvershorn. **Absent:** Larry Wheatcraft and Curtis Hodges.

Change to agenda: **V-15-24.** Applicant withdrew the request for a boat dock variance. **V-18-24. Motion to continue V-18-24 to February 3, 2025 was approved unanimously.**

New Business:

Consider a Second Extension of the Temporary Moratorium on Issuance of Certain Building Permits for Venetian Bay Phase II. Shane Corbin, Developmental Services Director, presented the Staff Report on this issue by first reviewing the timeline of events regarding the flooding and the steps the VBHOA has yet to complete to comply with the St. Johns River Water Management District (SJRWMD) regulations.

Further analysis by Staff was completed as information became available. Several scenarios were suggested by the new Stormwise software and Staff has a good opinion on what occurred and why. The two main results following months of study:

- Construction plans showed three weirs for water discharge into the wetlands, but there only appears to be one. Staff does not know whether the other two were installed, or if they became overgrown due to not being maintained. Either way, this appears to be a major reason for the flooding.
- The wetlands to the east are actually 2' higher than on the original plans which means the water backflows through the pond berms causing the water to "bleed out" into the streets.

Mr. Corbin wrote to VBs engineers, telling them their results but has not heard back from them yet. He ended by asking the Board to approve the extension of the moratorium to allow the HOA to comply with SJRWMD and to take any actions recommended.

Board Discussion Highlights:

Member Bein asked what the city is doing regarding the results to which Mr. Corbin responded that technically, the VB system isn't in violation of city LDRs and, although it's not functioning optimally, the HOA is responsible. He added that our outdated LDRs are presently being adjusted to have new stormwater regulations. Member Causey asked if the city has looked at Phase 6 since that seems to be flooding, too, with the response that the city will review when the plans are completed and submitted.

Public Participation:

- Five residents spoke in favor of extending the moratorium with one suggesting it should be for longer than six months.
- Two residents asked about the weirs. One said the HOA didn't build them, and the developer needs to be held accountable to fix the issue. They don't own the wetlands, and the ditches aren't working properly. Is the City doing enough to ensure approved plans are followed?
- One resident felt the flooding is really a county and state-wise issue, and all studies need to be linked. He also felt that our LDRs need to be updated as they are outdated and do not include modern regulations.

Mr. Corbin responded that VB was approved by the county over two decades ago. The wetlands are partially owned by VB but not sure how far east they go. Potential solutions would be to expand the wetlands, raise the berm height, and either open up other orifices to get the water out faster or enlarge the ones there.

Member Causey suggested adding a moratorium for Phase 6 as well. The City Attorney advised that such a motion would have to be new and separate.

A Motion to recommend the City Commission extend the temporary moratorium on issuance of certain building permits for Venetian Bay Phase II passed unanimously.

A Motion to recommend that the City Commission look into placing a six-month moratorium on Phase 6 failed 1 to 5, with Causey voting YES, and Bein, Hall, Hulvershorn, and Yates voting, NO.

CPA- 3-24: The owner (Smyrna Railroad Land LLC) requested review and approval of a Small-Scale Comprehensive Plan amendment **from** City Future Land Use (FLU) designation of Industrial Mixed Use **to** City FLU designation of Industrial. Robert Mathen, Senior Planner, gave the Staff Report. The property (1.43 acres) is located on the north side of Lytle/SR 44, east of South Myrtle Ave., and west of the FEC Railway. The owner wants to build a 20,000 SF U-shaped, air-conditioned building to rent for storage/vehicles/office. The owner has spoken with Lexington Place to make sure they had no objection to the plan. They do not. The business' access point will be off Cintron and the street will require improvement. The zone will stay the same, but the change to I-1 (Light Industrial - Flex Space) will be consistent with the Comprehensive Plan. The Floor Area Ratio (FAR) will be 2.0 instead of 6.5 and the building will be a single-story structure

Their lawyer, Glenn Storch, explained that the parcel is an "orphan" property that the FEC railroad owned for 100 years. The owner plans to submit a Declaration of Restrictive Covenants with two adjacent property owners to restrict eight uses like animal hospitals with kennels and adult entertainment that normally would be allowed with this change. Mr. Storch will keep the Covenant until the project is done, and it will be recorded with the Clerk of Court, so the restriction would stay with the land unless released by the adjacent property owners. Mr. Mathen added that a modification to allow the owners to work on their own vehicles in the building as well as restoring antique ones will be part of the agreement.

The City Attorney could add the Restrictive Covenant as a note on the City map, so everyone is aware of it.

Motion to recommend approval to City Commission for CPA-3-24 with the condition that the Restrictive Covenant be noted on the City map passed unanimously.

V-21-24: 3311 Hill St. (0.38 acres north of E. 24th Ave. on a corner lot). The owner requests a variance to allow a pool with decking that would extend 38'-9" east of the city's Coastal Construction Setback Line (CCSL). Senior Planner Jake Baker gave the Staff Report explaining that the current house will be razed, and a new dwelling built with the pool and deck which will be on most of the empty portion of the lot containing Brazilian Peppers and other invasive species that will be taken out and replaced with native vegetation. Also, Gopher tortoises will be removed and resettled. It was also noted that if the State's planned restoration of the dune system isn't completed by May 1st and trap bags are still in place, the owner can move forward with his plan. However, if they are gone, he will have to wait until the restoration is complete before he can move forward. Mr. Mathen then went over the eight criteria the owner had to fulfill which he had, so Staff is recommending approval to the CC for the variance.

Board Discussion Highlights:

Members Hulvershorn and Bein both commented that the City seems to grant variances to the CCSL which seems to negate the reasons we changed it in the first place. Member Yates then questioned its purpose. Mr. Baker explained that its purpose was originally to keep the dune system in good health and stop irresponsible development from getting closer to the ocean. The City Attorney added that the LDRs include a variance process that Sec. 73.0 states that the City "cannot deprive property owners of reasonable rights presently enjoyed by nearby property owners." Member Bein then asked about the meaning of "nearby" with the response being

next to it. It was then stated that the Dept. of Environment Protection (DEP) will look at it as well and give their approval before the project can move forward.

The owner's lawyer and a biologist from CPH Consulting in Orlando both spoke about the project. Mr. Wilson stated the owner would follow the city's LDRs, and Ms. Daley felt that the project would help the dunes since the owner would be planting native species which will then stabilize both the old and new dunes.

Public Participation: One resident stated that using Chases (built in 1987) nor a neighboring house the owners also own were appropriate examples to support the request for a variance. She asked the Board to consider changes to the LDRs that would prohibit people from doing things that will harm our community.

Motion to recommend approval to City Commission for V-21-24 with Staff recommendations with the condition that the owner will have to wait until the trap bags are gone and restoration of the dunes is complete before they can commence construction was passed unanimously.

S-08-24: St. James Estates (4.946 acres, located south of SR 44 between Old Mission Road and Mission Drive. The applicant is awaiting final plat approval (revised from an approved one in June 2023) for a residential townhouse subdivision and its associated infrastructure improvements. The revised plan calls for 31 townhouse lots that were 24' wide instead of the original 36 units on 20' wide lots. Chief Planner Jeff Gove explained that the plans are basically the same with two parking spaces in each driveway and one garage per unit with NO visitor or excess parking. They will have their own stormwater system. There were members' questions about flooding and parking. Mr. Gove was not aware of historical flooding in the area and the project followed our LDR regarding parking and garages.

Public Participation: One resident spoke, liking the design, but worried parking would be an issue.

Motion to recommend approval to City Commission for S-08-24 passed 4-1 with Bein, Hulvershorn, Hall, and Yates voting, YES and Causey voting, NO.

SE-4-24: 245 N. Causeway (formerly Island Doctors). The applicant requested approval for a Special Exception to allow a Pain Management Clinic in the B-6 A Limited Medical Professional District. Jake Baker gave the Staff Report, stating that the applicant is a doctor who previously had a pain management practice here for ten years and wants to re-establish himself here. He tried another location, but the CC rejected it. The area allows pain management with a Special Exception, and the clinic has met all the criteria/conditions. There is one letter of opposition to allowing the special exception.

Discussion Highlights:

Member Causey feels people automatically think "drug addicts" and asked if there might be a better way to advertise especially with the signage. The doctor assured the Board that the sign would read "Bakshi and Associates" and it would NOT be a walk-in clinic. He will only see patients with appointments, via referrals. The doctor's lawyer added that medicine isn't stored on-site but comes in as needed.

Public Participation:

One resident, who wrote the letter of opposition, represented 235 N. Causeway as well as residents in back of the proposed clinic. She asked the Board to consider neighboring businesses and the neighborhood when making their decision. A second resident who first opposed this when another site was being looked at, agrees with the Sp. Exception for this site as it is in an area that supports medical offices. She also felt it is the time to look at other areas that can be zoned medical since the city is growing.

Motion to recommend approval to City Commission for SE-4-24 was unanimous.