Planning and Zoning Board

AGENDA

May 12, 2020
6:30 P.M.

City Council Chambers
and via Communications Media Technology*

*See notice regarding communications media technology and public participation on page 2

Notice to Visitors: All persons who desire to speak on any public hearing item must fill out an Oath Card, sign the card, and submit to one of the City Planners. Speakers will be heard in the order received by the Chairman. The applicant may make a brief rebuttal if necessary. Anyone who speaks is considered a witness. If you have photographs, sketches, or other documents, you must provide 9 copies to one of the City Planners for distribution to the board members. These items will be retained by the Board members, City Attorney and City Staff. Purpose: The purpose of the Planning and Zoning Board is to provide recommendations to City Council about all matters that are development applications or staff initiatives relating to the City’s comprehensive plan, known as the “Horizon 2030 Comprehensive Plan” and the City’s Land Development Regulations found in Subpart B of the Municipal Code of Ordinances.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PLANNING DIRECTOR REPORT

5. MINUTES

Planning and Zoning Board Meeting of February 12, 2020

6. FINAL PLAT – Space Coast Town Centre East – Phase I

Final Plat approval for Space Coast Town Centre East, Phase I consisting of 5 tracts and 1 lot on 100.37 acres, more or less. Located to the west of Interstate 95, and south of U.S. 192 in the Gateway Interchange zoning district.

Applicant: Bruce Moia, PE, MBV Engineering, Inc. for Space Coast Town Centre I, LLC

Location: West of I-95 on the south side of U.S. 192

7. BOARD MEMBER REPORTS

8. ADJOURN

All persons wishing to be heard or to have their opinion known should appear in person at these hearings or send written comments to City staff. All persons and parties are hereby advised that if they should decide
to appeal any decision made by the City with respect to any matter considered at the public meeting or
hearing described in this notice, they will need a record of the proceedings, and for such purpose, said
person or party may need to ensure that a verbatim record of the proceedings is made, which record
includes the testimony and evidence upon which the appeal is to be based (Chapter 286, Florida Statutes).
In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for
this meeting should contact the City's ADA coordinator at 837-7774 at least 48 hours in advance of this
meeting.

*NOTICE REGARDING COMMUNICATIONS MEDIA TECHNOLOGY
AND PUBLIC PARTICIPATION

NOTICE IS HEREBY GIVEN that the West Melbourne Planning and Zoning Board will hold a public meeting
on Tuesday, May 12, 2020, to which all persons are invited. The meeting will be conducted in City Council
Chambers at the Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida 32904, and by
means of communications media technology. The meeting will be broadcast live for members of the public
to view on the City’s YouTube channel, which may be reached via links on the City’s website
(www.westmelbourne.org), or by entering the following address in your web browser:

https://www.youtube.com/channel/UC0rw9-ZqduSTcs6uBNU7_ag.

Pursuant to Governor DeSantis’ Executive Order Number 20-69, issued on March 20, 2020, and section
120.54, Florida Statutes, local government bodies may utilize communications media technology, such as
telephonic and video conferencing, for local government body meetings. In order to accommodate as many
members of the public as possible, and in keeping with Centers for Disease Control social distancing
guidelines, some members of the Planning and Zoning Board will participate in the meeting via
communications media technology.

Pursuant to Governor DeSantis’ Executive Order Numbers 20-91 and 20-112, and Centers for Disease
Control social distancing guidelines, attendance in the City Council Chambers will be limited to ten (10)
people. Up to ten (10) additional people will be accommodated in an adjacent overflow room in which the
meeting will be broadcast live. Should members of the public seated in the overflow room wish to be heard,
they will be invited into the City Council Chambers for the purpose of speaking at the appropriate time.

Anyone who wishes to provide public input without personally appearing at the meeting may do so by
sending an email to cfischer@westmelbourne.org. Emails must be received prior to 4:00 p.m. on Tuesday,
May 12, 2020. All emails will be provided to the Planning and Zoning Board members. Should you wish to
have your comment read aloud by City staff at the meeting, please indicate that in your email. The reading
of public comments received by email will be limited to three (3) minutes.
Due to the Coronavirus COVID-19 pandemic and the limits on congregating in meetings, the May 12th Planning and Zoning Board (the Board) will be conducted as a virtual meeting via a live broadcast on YouTube. The Board’s remote attendance is encouraged and appreciated since we have an applicant who may bring other speakers for their case. We encourage the Board to sign in to the meeting account in advance.

Thank you for your diligence in attending to your duties remotely.

**Road work update**

1. The Ellis Road/I-95 interchange will open this month and be operational for full traffic.
2. The Ellis Road widening is several years away from occurring since the State and County are still purchasing property.
3. Hollywood Boulevard and New Haven Avenue design is still under way.
4. The Hollywood Boulevard 4-laning is under design by Brevard County since Hollywood Boulevard is a county road.
1. CALL TO ORDER at 6:35 pm

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL
   Present:
   - George Cronin
   - Rob Brothers
   - Jennifer Spagnoli
   - Paul Bernkopf
   - Anna Kapnoula
   - Chris Jaudon

   Absent:
   - Jim Liesenfelt

   Motion by George Cronin to excuse Jim Liesenfelt from the meeting as an excused absence and Paul Bernkopf as second, motion approved 6-0.

   Staff members present: Sheryl Denan, Planner, Morris Richardson, City Attorney, and Planning Director, Christy Fischer

   City Council member present: Andrea Young

4. MINUTES
   Planning and Zoning Board Meeting of December 11, 2019

   Motion by George Cronin to accept and Anna Kapnoula as second, motion passed 6-0 to approve the minutes as presented.
5. PUBLIC HEARING(S)

   a. Initial/Conceptual Site Plan – Space Coast Town Center Apartments – (SIT-2019-20)

Planer Sheryl Denan presented this agenda item. She stated that the initial site plan approval for Space Coast Town Center Apartments consists of 300 multi-family units on 12.18 acres, more or less. Located to the west of Interstate 95, and south of U.S. 192 in the Gateway Interchange zoning district. This is a conceptual site plan review which comes first and then the final administrative site plan is submitted and building permits can then be issued. Staff has provided a recommendation and conditions for approval. The Planning and Zoning Board can add conditions. Planner Denan described the layout of the 13 buildings on site and noted that the inclusion of apartments on top of garages is unusual for the City. Sheryl Denan noted that there is an 18-month expiration period, and Ms. Fischer added that this means the project could expire in August 2021 if the buildings do not go vertical in construction. She stated that the initial site plan meets the basic requirements for the initial site plan and the criteria of the Gateway Interchange zoning district with conditions. Ms. Denan stated there are 7 conditions with staff's recommendation for approval.

   Applicant: Bruce Moia, PE, MBV Engineering, Inc. for Integra Land Company
   Location: West of I-95 on the south side of U.S. 192

Public Hearing – Chris Jaudon asked the applicant to describe the project. Bruce Moia approached the podium and stated the developer was excited to be building this project and that as the project engineer was ensuring that final plat requirements and all permitting requirements. Mr. Moia explained that they had a different interpretation of the code requirement regarding having sloped roofs for residential.

Board questions

Rob Brothers - Asked whether the entrance road is part of the apartment project. Moia stated that the master developer will build the main road and that this project will have two access points to the main private road.

George Cronin – Asked about whether there would be deceleration or acceleration lanes and a signal. Moia stated that the traffic study did not warrant a signal yet. He believes it will be required for the master plan developer through FDOT’s review.

George Cronin – Commented on building only part of the retention pond. Moia stated that the entire retention must be completed to serve the project.

Chris Jaudon – Inquired about a single internal road for the project. It was not clear where US 192 connects with the new road and changes to the median. There is an existing median cut. Fischer told the board that the phasing plan, Sheet G-002 showed the connection to US 192.
Anna Kapnoula – Asked whether there are trees to be removed and where these are. Moia stated they are still doing the tree survey and that mostly there are just pines and palms and this information will be provided to staff. Moia said that there might not be very many trees to replace. There was some discussion from staff about how generally tree mitigation is determined.

Chris Jaudon – Question to staff about what area the sidewalk comment in the condition for a 7’ wide sidewalk pertained to. Fischer explained that the 7’ width is a requirement when there is only one sidewalk shown along a road. The Chair also asked about the surface type proposed for the path surrounding the retention pond. Moia stated it will be an impervious surface, to be determined.

Jaudon asked about the code change addressing the flat roof and whether this makes an impact to the developer’s 18-month construction window. Moia believed they could meet the timeframe.

Lastly the Chair inquired about when the properties on the east side of the Space Coast Town Center would connect to the St. Johns Heritage Parkway. Moia said there is no way of knowing when the rest of the master development would be built and connect to the St. Johns Heritage Parkway.

Brothers asked about whether there are vernacular requirements in the code. Fischer explained that the developer still had to provide a design pattern book per the development agreement.

Moia confirmed the sidewalk width code requires that a sidewalk placed only on one side of the road has to be 7’ but if shown on both sides of the road, can be 5’ wide.

Public hearing was then closed.

Board member Brothers motion to approve with the conditions as stated by staff with a modification to condition 3, allow 5’ wide sidewalks if sidewalks on both sides of the entrance road, second by Kapnoula.

Motion passed by vote of 6-0 in favor with the following conditions:

1. Commencement of on-site construction shall not occur until the final plat is recorded for Phase I of the Space Coast Town Center subdivision and performance bonds have been posted.
2. Mark the handicap spaces as indicated by the City and State of Florida as 12’ wide spaces with a 5’ wide access area instead of 10’ wide with a 10’ wide shared access area.
3. Ensure that the proposed sidewalk along the frontage road is at least a minimum requirement of 7’ wide sidewalk on the south side of the road.
4. Pitched (sloped) roofs are required as an architectural feature of the development. However, the developer has asked that the GTWY-I code be revised to allow residential buildings to have flat roofs. In order to allow the apartments to have a flat roof as requested by the developer, the condition is that the GTWY-I district must be changed.
5. Deviations from the colors shown with this approval shall maintain the same groupings of color. Details on the materials and colors shall be submitted prior to final site plan approval.

6. The project will pay the recreation fee in lieu of providing public recreation prior to final site plan approval.

7. Obtain outside agency approvals for wetland mitigation and extension of utility services.

b. Code Amendments to the Land Development Regulations – Mobile Catering Kitchens (food trucks) – (LDR 2019-03)

Staff is proposing code amendments to the City’s land development regulations to allow mobile catering kitchens (food trucks) as an accessory use in our city limits year round and not just at special events.

Applicant: City of West Melbourne
Location: Citywide

The proposed code changes will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

Christy Fischer presented - City Council initiated. Code currently only allows temporary food trucks as special events. The code change would set policy about the mechanism and restrictions on permanent food trucks. Staff is proposing pilot program. An ad hoc community advisory team of five (5) community members participated in the drafting of the code and staff met twice with this group. Staff recommended a specific direction based on codes and procedures throughout the country and not just Brevard County. Planning Director Fischer presented her recommendations and the food truck committee made some changes. The next step after the Planning and Zoning Board would be to see the recommendation of the City’s Business Advisory Board.

Ms. Fischer presented the reference list from other communities and what codes work and don’t. She predominantly used Melbourne’s code when creating a draft code for the City of West Melbourne. The State Department of Business and Professional Regulation has mobile catering kitchen criteria. The State says the trucks must be fully self-sufficient or associated with a commissary. The American Planning Association recommendation that policy considerations associated with permanent food trucks were location, operations, health and safety and administration and enforcement. City codes will not replace state requirements but may augment the State requirements.

The ordinance will be in effect for one (1) year from Council approval as the pilot program and then Council can determine what further steps it would like to take.

The proposed code allows a permanent mobile catering kitchen only if accessory and on the same site as a State of Florida approved commercial kitchen to operate in West Melbourne. Must be self-sufficient except for the kitchen which will be the State of Florida approved commercial kitchen on a particular site.
The placement of food trucks must be accessory to a principal use in certain zoning districts. Basically the zoning districts that allow the commercial kitchens and will allow the food trucks will be along arterial roads. Food truck vendors have stated they want the food trucks allowed where there is traffic. No operation of food trucks on vacant property. Needs to be on paved parking areas.

Operational permits- The proposed code requires a food truck to operate under a permit issued by the West Melbourne Building Department and by the Planning Department. There will be a $200 fee and in some cases the food truck vendor may need to make accessibility changes to comply with the American with Disabilities Act. The stipulations in the permanent food truck code are meant to avoid nuisances by regulating size of truck to fit in a parking stall, noise and access to sewer and water, grease, restrooms and other items. West Melbourne does not want semi-trailer sized food trucks.

As far as health and safety, the food truck must have sinks and grease needs to be collected and disposed of separately from the sewer connections if any.

For restrooms, the new code states a bathroom must be within 150’ of the mobile catering kitchen.

To manage site locations, mobile catering kitchens must adhere to setbacks and cannot block intersections.

Signage will be allowed on the mobile catering kitchens but no outside signs or displays.

No sale of alcohol beverages will be allowed from a food truck.

Temporary food truck vendors are amenable to this code since they are more interested in the special events where they claim they make more money.

Anna Kapnoula – Inquired if a customer can you walk around with a tray and this was an allowed activity. Board member Kapnoula had additional questions about the pilot program ending Christy Fischer stated this is a way to take a soft approach to permanent food trucks.

George Cronin – Wanted confirmation that this set of proposed codes is for existing establishments such as a restaurant to have a truck and Planning Director Fischer confirmed.

Robert Brothers –This requirement is too restrictive and does not make sense.

Planning Director Fischer stated that if the proposed code allows the City to control grease. If Council changes parts of the Code, she will inform the advisory boards.

Robert Brothers – Stated other communities have food truck areas so you can sample foods. Attorney Morris Richardson stated that other food trucks cannot set up in West Melbourne’s Community Park but this is per the food truck vendors’ exclusive contract with the City. Currently vendors are supposed to be mobile and
have a time limit on how long they can be in one location. They can be in these temporary location several times a year and an example is for special events at the park with a special event permit.

Robert Brothers – Confirmed that with Food truck Friday, one person pulls permits for multiple vendors. Mrs. Fischer explained that if a food truck vendor operates less than 72 days a year, they can get an exemption and operate through a special event permit in a specific location.

Jennifer Spagnoli- Stated that Intercoastal Brewery in Melbourne does not have a commercial kitchen. Christy Fischer clarified that they do have a kitchen per the business owner and that is how the food truck is able to be permanently placed on location.

Robert Brothers – Agreed that grease traps can negatively impact sewage systems and there is a legitimate concern since grease may cause an entire neighborhood lift stations to go down. The risk of inoperable lift stations is a good reason to control grease from a mobile catering kitchen.

Planning Director Fischer stated the host commercial kitchen or restaurant must give monthly information on grease disposal from the mobile catering kitchen in addition to their grease trap reportings.

Chris Jaudon – Suggested combining the special event permit and commissary permit and Christy Fischer replied this is possible but staff will have to redraft this proposed ordinance.

Jennifer Spagnoli - Melbourne limits the quantity of special permits and food trucks and maybe we should limit too.

Morris Richardson – Agreed that there can be a cap on special events. The code limits the outdoor special events as 40 consecutive days or 72 total days in a calendar year. Attorney Richardson said a vendor is driving this ordinance and is on the committee.

George Cronin – There is a typo on P-5 and the correct zoning district acronyms are C-NW and C-W.

Christy Fischer- If the code changes are approved, the City will have basic requirements on website with food truck requirements.

Chris Jaudon – Remarked that providing guidance in addition to the code was a good idea. On page 7 he asked for clarification if an additional permit for a generator is needed. Also inquired whether for a plaza the operating approval would be from the individual tenants or the overall property owner – answer is the overall property owner.

There was discussion about how many parking spaces the food trucks could take up and staff stated that most commercial plazas built more parking than required.
For example, with a local business, if there is not enough room for a food truck and the regular traffic in their parking lot, then staff will not approve the food truck.

Robert Brothers- Commented that other permits may be required as determined by Building Official is too broad of a statement in the proposed new code and maybe stating other separate permits are needed for electrical, plumbing, etc. Planning Director Fischer stated she will discuss with Building Official about striking this global phrase.

George Cronin-Reminded staff that the ordinance is for permanent food trucks but the ordinance refers to the codes as for temporary food trucks. Staff remarked that this typographical error will be corrected.

Robert Brothers- Inquired as to whether a break truck would be allowed and Planning Director Fischer stated they obtain their operational permit from Brevard County so they are allowed to move about in any city.

Jennifer Spagnoli reminded the board that the food truck codes would be a pilot program so we can see how it goes.

Robert Brothers – Asked if any distance from the kitchen is allowed and staff responded that there is no separation distance.

Public hearing was then closed.

Board Member Spagnoli made the motion to recommend to Council for approval of the proposed food truck ordinance with changes discussed by the Board as follows:

- Section 98-831 – use table, add the codes that the trucks are allowed in the Commercial New Haven and Commercial Wickham districts
- Section 98-832(14)(e) – Correct typographical error
- Section 98-1403(b) – either strike or provide more specifics about permits
- Section 98-1403(c)– strike item c
- Section 98-834(14)(f) - Clarify the phrase for the property owner to clarify that a food truck is obtaining approval

Board member Bernkopf seconded the motion.

Motion passed 5-1 with George Cronin voting nay

6. PLANNING DIRECTOR REPORTS & BOARD MEMBER REPORTS

Planning Director Reports: The Planning and Zoning Board will be meeting next month. Planning Director Fischer attended the Transportation Planning Organization meeting and that board announced that Ellis interchange will open no later than summer. Imagine Way and Hollywood signal should also be operational this year or early next year. Two hotels near LA fitness along Hollywood Boulevard are being constructed
Chair Jaudon announced the meeting was adjourned at 8:09 pm

Chair Chris Jaudon

Minutes prepared by: Christy Fischer,
To: Honorable Members of the West Melbourne Planning and Zoning Board
Through: Christy Fischer, AICP, Planning Director
From: Denise Curry, Planner
Date: May 12, 2020

SUBJECT
Final plat of Space Coast Town Centre East – Phase I.

RECOMMENDATION

Recommend approval to Council to:

Approve the final plat of the mixed use subdivision known as Space Coast Town Centre East – Phase I (west of I-95, east of St. Johns Heritage Parkway and south of U.S. 192)

FISCAL IMPACT

The fiscal impact is the associated recording costs of the signed mylar and other legal documents. The developer will pay for the recording costs of this subdivision plat.
DISCUSSION

Preliminary Plat conditions met: Space Coast Town Centre East – Phase I mixed use subdivision:

The property owner is requesting the approval of the final plat in the proposed mixed use subdivision. The Space Coast Town Centre received preliminary plat approval on November 19, 2019 which gave them the option of completing the engineered construction drawings and installing the improvements or posting a performance bond with a detailed cost breakdown with specifications for all the required improvements in accordance with the approved engineered construction plans. At the time of preliminary plat approval, the following 7 conditions for the approval of the engineered construction drawings and final plat needed to be addressed.

1. Developer will finalize construction drawings to comply with City Codes, the conditions of the preliminary plat and the requirements by outside governmental agencies.
   - **Staff comment** - The developer is finalizing the construction drawings to include all the comments and changes from outside governmental agency permits as well as the City’s infrastructure codes. It is important to note that rather than construct the subdivision infrastructure, the master developer has chosen to post a performance bond, then get the final plat recorded, and subsequently to install the infrastructure.

2. Developer must either install a segment of sidewalk along the private road or pay a performance bond, as they determine for this requirement.
   - **Staff comment** – Cost estimates to post a performance bond in the amount of $2,596,447.50 has been submitted by the project civil engineer as the attachment for the bond ensuring the subdivision will be constructed in accordance with the infrastructure construction plans. The specific improvements covered in the performance bond have been reviewed by our Adjunct City Engineer and the City Manager.

   An updated cost breakdown of the improvements to be bonded must be submitted and the actual bond must be posted prior to presentation of the final plat to City Council in accordance with City Code, “Sec. 86-17. – Use of preliminary plat following approval. (a) Approval of the preliminary plat shall authorize the subdivider to exercise either of the following options prior to submitting the final plat: The developer has chosen option number (2) Prepare engineering plans, detailed cost breakdowns and specifications for all required improvements which meet the approval of the city and provide a performance, material, and labor payment bond or escrow agreement acceptable to the city”.

3. The Developer must submit a school concurrency request for the residential portion of Phase I.
   - **Staff comment** - The developer submitted a school concurrency request for the residential portion of Phase 1 and received a School Capacity Availability Determination Letter from Brevard Public Schools, which showed available capacity for the total of projected and potential students from Space Coast Apartments except for a shortfall in available capacity for high school students at Heritage High School. However, there is enough capacity in the adjacent concurrency service areas at Eau
Gallie which would probably be used to accommodate the new students. Brevard Public School’s concurrency determination is valid for two years until March 4, 2022, otherwise the developer would need to get a new determination.

4. Prior to construction drawing approval, the developer shall submit another concurrency request to the School Board to finalize the determination of school capacity.
   - **Staff comment** – Any subsequent school concurrency updates to the determination of school capacity will be coordinated in conjunction with the final site plan approval for the apartments.

5. If Tract A, the private road terminates in a cul-de-sac and does not continue as an access, then there be a second access provided and this to become a permanent access.
   - **Staff comment** - Since approval of the preliminary plat, the developer has provided additional roadway information on the site plan for the apartments to show the private roadway continues and there is a second access point for the apartments that does not terminate in a cul-de-sac. This is depicted in this image.

6. Obtain a street name determination letter from the County’s address assignment division.
   - Brevard County Address Assignment approved the street names of “Nebula Way”, “Milky Way” and “Pulsar Way”. “Milky Way” is the name of the entrance road and will be adopted via the final plat.
   - The resolution adopting the other names “Nebula Way” and “Pulsar Way” for the Space Coast Apartments private roadways is scheduled as a separate agenda item for the May 19, 2020 City Council Meeting.

7. Pay the City’s recreation fee since public land will not be dedicated for a new public park in this subdivision.
   - **Staff comment** - The recreation fee will be paid in conjunction with the final site plan approval for the apartments in accordance with City Code, Sec. 86-64. – Dedication of parkland or payment of recreation fee for “approval of a site plan for a multifamily residential development” instead of with the final plat.
**One buildable lot** - With this final plat, Lot 1 is part of the initial subdivision in order to be sold to Integra Development for the construction of Space Coast Town Center Apartments. The remainder of the property is divided into 5 tracts consisting of

- A private roadway
- A stormwater management system including the linear park around the pond
- A public lift station
- 2 future development tracts which means there will be lots to be subdivided (re-platted) in the future from the future development tracts.

This first phase of the subdivision remains consistent with the preliminary plat. Therefore, the final plat is a formality approved by City Council to allow Lot 1 to be recorded for sale to the individual property owner for the development of apartments as well as identifying how the remaining 88 acres of the site east of the St. John Heritage Parkway is to be used.

The only question before the Planning and Zoning Board is whether the plat meets the criteria of the land development regulations. Plat reviews only involve specifying the correct zoning district is listed for the subdivision and the related building setbacks, but do not involve specifications of types of uses unless related to a development agreement or master development plan.

**Background Information—**

Property owner: Space Coast Town Centre I, LLC  
Location: Southeast interchange of I-95 and US 192  
Size: Approx. 100.37 Acres including: 5 Tracts; +/-88.19 & Lot 1; +/-12.17 acres

<table>
<thead>
<tr>
<th>Tract ID</th>
<th>Area Acres</th>
</tr>
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<tbody>
<tr>
<td>Tract A – Private Roadway</td>
<td>1.44</td>
</tr>
<tr>
<td>Tract B – Stormwater Management &amp; Recreation</td>
<td>11.48</td>
</tr>
<tr>
<td>Tract C – Lift Station</td>
<td>0.06</td>
</tr>
<tr>
<td>Tract D – Future Development</td>
<td>10.00</td>
</tr>
<tr>
<td>Tract E – Future Development</td>
<td>65.21</td>
</tr>
<tr>
<td><strong>Total Tract Acreage</strong></td>
<td><strong>88.19</strong></td>
</tr>
</tbody>
</table>
Lot 1:
Lot 1 is proposed to be developed with apartments and is currently under staff review for final site plan approval. The Planning and Zoning Board unanimously approved the conceptual site plan of 300 dwelling units on February 12, 2020 with the approval being for 18 months. Meaning if no vertical construction begins prior to August 12, 2021, the approval will expire but an extension can be requested from the Planning and Zoning Board. One of the conditions of approval is construction cannot occur until the final plat is recorded for Phase I of the Space Coast Town Center subdivision and performance bonds have been posted.

Tract Information:
All tracts will be owned and maintained by the Space Coast Town Centre Property Owners Association, except Tract C. Tract C is for the regional lift station and will be dedicated to the City of West Melbourne. Tract A is for a private roadway and provides ingress and egress for Lot 1 of the subdivision from U.S. 192. Tract B is for Stormwater Management & Recreation. All lots and tracts are included in the master drainage system. Tracts D and E are set aside for future development.

Staff Analysis—

Final-plat procedures - The Florida Statutes, under Chapter 177 describes the platting process and this plat must comply with all of the platting provisions in the Statutes for a final plat. In this subdivision, since the future development is not known, the developer has set up tracts for future development, with the knowledge that individual buyers will want their own property lines in a different configuration than the original platted lot lines. Lot 1 is the only property that is being sold and developed for the Space Coast Town Center Apartments at this time by the developer, Integra.

Drainage – The stormwater management system mainly consists of one retention pond, Tract B, with associated drainage easements. The central pond is located west of the project site for Space Coast Town Center apartments, Lot 1 and is part of the master plan. This is comparable to Hammock Landing (another commercial development), in which the subdivision created a permanent master drainage system across all lots, and when lot splits or re-plats occur, the overall drainage system has capacity to serve all lots. In this case, future replat reviews will be on the configuration and new infrastructure and easements that might be needed and not to the availability and maintenance responsibilities of Tract B the master drainage pond. Construction of the retention pond will be completed by the master developer simultaneously, while the builder, Integra develops the apartments. The specifics of the drainage pond
depth, slopes, conveyance structures and capacity are currently under review by the Adjunct City Engineer in the infrastructure construction drawings. Construction drawings are not approved by the City boards due to the technical expertise needed in reviewing the numerous documents and coordination with outside drainage agencies such as St. Johns River Water Management District, and Melbourne Tillman Water Control District.

As an aside, and not part of the plat review, the existing borrow pond that exists to the east of Lot 1 actually is partially on Lot 1, and the master developer will have to fill some of the adjacent borrow pond. The borrow pond was part of the extension of I-95 years ago.

**Board Review Process**

All final plats are reviewed by the Planning and Zoning Board and deliberated upon by Council. In reviewing the final plat, the City assesses whether the request meets the minimum requirements in the Land Development Regulations and Florida Statutes. Lots in the subdivision can only be sold upon plat recordation. The following sections provide staff’s analysis of these items.

**Survey Review – Platting procedures**

Florida Statutes, Chapter 177 provides the requirements of platting land. The final plat must comply with all of the platting provisions in the Statutes. In order to ensure that the plat meets all of these requirements, the plat was sent to the City’s adjunct surveyor for a review and his certification signature on the plat sheet. The surveyor, Drew Powshok, reviewed the following on behalf of the City, as our city surveyor:

- Comparison of lots to the preliminary plat and plat closure report with plat dimensions and acreage
- Boundary survey of the plat boundary
- Title report description and exceptions
- Final plat PRM (Permanent Reference Monuments) set inspection
- Final plat PCP (Permanent Control Points) set inspection
- Signature and certification of plat to F.S. Chapter 177

The adjunct City surveyor is satisfied that the Space Coast Town Centre East – Phase I plat meets the minimum Florida Statutes requirements.

**Engineering Review**

Adjunct City Engineer Eric Flavell reviewed Tract B along with the temporary drainage easements and found them sufficient to support development. The site plan for the apartment complex shows direct connection to Tract B without using the drainage easements as proposed on this plat. However, it is important for the plat to have drainage easements to allow Tract E and future roads have unrestrained access to the main retention lake. The size and location of the drainage easements bordering Lot 1 is sufficient to carry that site’s impervious surface run-off. The size of the central lake and other technical features are determined by the needs of the overall development and assumptions about the quantity of impervious surface (90% incl. all pavement, roofs, sidewalks, etc.) which involve drainage calculations,
and compliance with the St. Johns River Water Management District and Melbourne Tillman Water Control District regulations.

**Planning and Legal Review**

City Attorney Morris Richardson will review the submitted legal documents with the final plat prior to recording the plat. These legal documents include the title opinion, mortgage joinder, and deeds, covenants and restrictions to ensure that these documents are in compliance with City codes and Florida Statutes.

The plat and the deeds, covenants and restrictions bind all property owners and the developer with requirements for cross access easements between parcels, the sharing of the master stormwater pond, as well as overall compliance with the master development plan.

**Approval Process**

Once City Council approves the final plat, then the document is signed and recorded by the City with the Brevard County Clerk of Courts.

**Consistency with the Land Development Regulations (LDR):**

To review whether the proposed final plat is consistent with the City’s codes, Staff reviews codes and makes a decision based upon what is provided to the City. The applicant was required to follow Section 86-20 (Final Plat Review) when submitting for final plat approval.

1) **LDR Section 86-20.** Final plat.

   This section outlines the documents required for final plat approval including the title opinion and dedications as well as the requirement that the plat meets the platting requirements of F.S. 177.

   **Staff Comments**— Applicant submitted all required documents for the final plat. The plat conforms to F.S. 177.

2) **LDR Section 86-22.** Final plat review by planning and zoning board.

   This section lists the requirements for the final plat of a subdivision.

   **Staff Comments**—Applicant has met all requirements to allow review by the Planning and Zoning Board and City Council. Staff will ensure that all requirements and conditions needing to be addressed as stated in this staff report are met prior to the signing and recording of the final plat mylar.

**Infrastructure and Public Services:**

Infrastructure improvements that are needed will be provided on site. Construction drawings are in the process of being approved by the City.

**Transportation:** The proposed development has access to U.S. 192 and the St. Johns Heritage Parkway. In 2013, the City and the Owner entered into an agreement which, in consideration of the Owner’s dedication of land for public right-of-way for St.
Johns Heritage Parkway, vested a 3,932 peak hour trips for a period of ten years (the “Traffic Vesting Agreement”). This means that 3,932 peak hour trips are reserved for the Property without a need for traffic impact studies or off-site road improvements, and this first development generates 117 PM peak hour trips. The City will monitor the capacity and Space Coast Town Center will have to provide an accounting of the peak hour trips with each subsequent phase of their subdivision (3,932-117 = 3,815)

Sidewalk easement: The sidewalk easement around the retention pond labeled on Sheet 3 of the plat as “20.00’ wide private pedestrian access easement” will be revised such that it will be clear that the pedestrian easement is not to be blocked by the developer of Lot 1 and the easement will ring the perimeter of the pond so that it is clear that the pedestrian access is meant to be continuous and not just end at Lot 1 in perpetuity. The subdivision developer has agreed to these changes but did not have enough time to revise the plat – a revised plat will be hand delivered prior to the Planning and Zoning Board meeting (see the attorney’s letter).

Utilities: Space Coast Town Centre will have City water and sewer lines and facilities. The Applicant and the City have identified certain utility improvements essential for development of the Project, as contemplated in the Master Utility Plan for the Project contained within the Master Development Plan. The City has agreed to make available a point of connection along Brandywine Lane approximately 1,600 linear feet south of U.S. 192, before April 2020. In order to facilitate availability of potable water for the Project, the City agrees to construct, at its expense, a potable water main as shown in the 60% plans for the City’s Columbia Lane/Brandywine Lane water main project, as further delineated on the Master Utility Plan. The new water line is currently under construction and should be available in another month.

Stormwater Management: The applicant must meet minimum design standards for storm water management during site plan review and approval as mentioned previously in this report. This means that the future buildings and parking areas are to be constructed in accordance with the drainage requirements of the Land Development Regulations (LDR’s) and the St. Johns River Water Management District (SJRWMD) requirements. The developer of the overall Space Coast Town Centre received a master storm water retention permit from SJRWMD for the entire subdivision, which cannot be exceeded.

Fire: Brevard County Fire and Rescue provides fire protection and emergency services to all properties within the city limits.

Police: The City of West Melbourne Police Department currently serves the site.
Coordination with Outside Agencies—

As part of the subdivision plat process, the applicant is required to demonstrate that all infrastructure requirements have been adequately addressed. The City of West Melbourne requires that all outside agency permits and requirements, such as the Florida Department of Environmental Protection, be addressed. This coordination of agency approvals is occurring with the infrastructure construction drawings after approval of the final plat. All the necessary permits and approvals with outside agencies must be obtained to construct the infrastructure which includes: St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Protection (FDEP) Water, Storm water (NOI) and Sewage Permits, and City of Melbourne Water Concurrency. However, with the development of each lot, specific site related permits are required from some of these agencies.

Recommendation:

Motion to recommend approval to City Council of the Final plat of Space Coast Town Centre East – Phase I subdivision with the following conditions:

1. Developer will finalize construction drawings to comply with City Codes.
2. Developer will post the construction performance bond (to be posted prior to presentation of the final plat to City Council in accordance with City Code).
3. Obtain outside agency permits.

ATTACHMENTS

1. Aerial
2. Space Coast Town Centre East Phase I, Final Plat (24” x 36” document)
3. City Attorney’s email about sidewalk easement
SPACE COAST TOWN CENTRE EAST - PHASE I

A replat of a part of lots 4, 5, 6, 11, 12, and 14 of Florida Indian River Land Company, Section 3, Township 28 South, Range 36 East, as recorded in Platbook 2, Page 80, of the public records of Brevard County, Florida.
May 8, 2020

VIA E-MAIL & HAND DELIVERY
Ms. Christy Fischer
Director, Planning & Economic Development
City of West Melbourne
2240 Minton Road
West Melbourne, FL 32904

RE: Revised Final Plat for Space Coast Town Center East – Phase I

Dear Ms. Fischer:

Akerman LLP represents Space Coast Town Centre I, LLC, the applicant ("Applicant") in land use matters regarding the plat entitled "Space Coast Town Center East – Phase I" ("Plat"). Please accept this letter for inclusion in the Plat's agenda package to be submitted to the members of the West Melbourne Planning and Zoning Board for the public meeting scheduled on Tuesday, May 12, 2020.

As we have discussed, the Applicant is using its best efforts in working with its consultants and advisors to revise the Plat to address your recent email comments enclosed herewith regarding the linear park feature shown thereon, with the goal of submitting a revised Plat to you by close of business on Monday, May 11 in order to accommodate next week's Planning & Zoning Board agenda.

Sincerely,

Benjamin Hedrick

Enclosures

cc: Morris Richardson, Esq.
From: Morris Richardson  
Sent: Friday, May 8, 2020 10:35 AM  
To: 'benjamin.hedrick@akerman.com' <benjamin.hedrick@akerman.com>  
Subject: RE: Space Coast Town Center - Recreational Impact Fee

Ben,

The proposal highlighted is acceptable. One note, on the Integra lot the linear park was identified as a private pedestrian easement. The intent may have been to make clear that it is to be privately/owned maintained? However, it needs to be clear that the entirety of the linear park is open and accessible to the public. I believe Christy has communicated this to the engineer.

Thanks,  
Morris

From: benjamin.hedrick@akerman.com <benjamin.hedrick@akerman.com>  
Sent: Thursday, May 7, 2020 11:47 PM  
To: Morris Richardson <MRichardson@WESTMELBOURNE.ORG>  
Subject: RE: Space Coast Town Center - Recreational Impact Fee

WARNING: This email originated from outside the City of West Melbourne. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Morris, thanks very much for the update. I wanted to give you a head’s up as to an additional plat-related item that will likely be coming across your desk shortly.

As you know, there has been some back and forth between the development team and Christy as to the proposed linear private park around the stormwater retention lake shown on the master development plan and approved preliminary plat (shown on the plat as a 20’ pedestrian access easement). The final plat was recently revised to remove the linear park outside of the Integra lot, since none of the other tracts are being developed under this initial plat including linear park areas. Christy has made it clear that showing the entire linear park loop on the plat is important for the city, but also acknowledged that the rest of the linear park outside of the Integra lot would be constructed in subsequent phases of the master project as each of the remaining tracts is sold and developed (with a corresponding plat amendment or replat to effectuate such phase).

Our team’s engineer will be resubmitting the final plat showing the entire linear park, however with notations that the park areas outside of the Integra lot are future development to be constructed in later phases/re-plats for each additional tract as to be approved by the city. This proposal will hopefully satisfy the city's interest in keeping the entire linear park on this initial plat for consistency with the preliminary plat and master development plan, while limiting the owner’s current performance bond and subdivision improvement obligations to only the portion within the Integra lot. If satisfactory to the city, we would ask that the staff report for the plat (and any corresponding conditions of plat approval) be updated to reflect this.

I’m available to discuss further at your convenience D:305 982 5664. Thanks again,

Benjamin Hedrick
Partner Akerman LLP | 98 Southeast Seventh Street, Suite 1100 | Miami, FL 33131