



MINUTES

February 12, 2020

6:30 P.M.

City Council Chambers

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)

Planner 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 Kapnola – 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 Kapnola.

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 Kapnola – Inquired if a customer can you walk around with a tray and this was an allowed activity. Board member Kapnola 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 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 since 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 that a food truck is obtaining approval for the use

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