



Planning and Zoning Board

MINUTES

June 9, 2021

6:30 P.M.

City Council Chambers

1. CALL TO ORDER

Chairman Jaudon called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

2. PLEDGE OF ALLEIGANCE

3. ROLL CALL

Present: Chairman Chris Jaudon
Vice Chair Rob Brothers
Board Member Paul Bernkopf
Board Member Jim Liesenfelt
Board Member Jennifer Spagnoli
Board Member Anna Kapnoula
School Board Appointed Board Member Jennifer Parkerson

Staff present in person: City Attorney Morris Richardson
Planning Director Christy Fischer
Planner Denise Curry

4. MINUTES

Planning and Zoning Board Meeting of May 11, 2021

Moved by Vice Chair Brothers, seconded by Board Member Spagnoli to approve the minutes as written. Motion passed, 6-0.

5. PUBLIC HEARING(S) –

a. Large Scale Comprehensive Plan Map Amendment – PMG West Melbourne – (LSA-2021-04) - request to postpone

Comprehensive Plan Amendment No. 2021-04 (LSA) proposes to amend the City's Future -Land Use map for 51.38 acres of property from RES-2 and RES-1 (County Residential) to UD-RES (City Urban Density Residential) land use designation.

Applicant: Tara Tedrow, PA, Lowndes Law, agent for PMG West Melbourne
Location: East of the St. Johns Heritage Parkway, south of Space Coast Town Center, west of Brandywine Estates

b. Rezoning – PMG West Melbourne – (REZ-2021-04) – request to postpone

A request to rezone 51.38 acres of property from AU, (County Agricultural Residential Use) to R-3, (City Multiple-Family Dwelling).

Applicant: Tara Tedrow, PA, Lowndes Law, agent for PMG West Melbourne
Location: East of the St. Johns Heritage Parkway, south of Space Coast Town Center, west of Brandywine Estates

Planning Director Fischer asked the board to postpone items a, and b to the July 13, 2021 Planning and Zoning Board Meeting.

Moved by Vice Chair Brothers, seconded by Board Member Kapnoula to postpone items a, and b to the July 13, 2021 Planning and Zoning Board Meeting.

c. Preliminary Plat – Dunes at Heritage Lakes – (PP-2021-01)

A request for preliminary plat approval for the Dunes at Heritage Lakes subdivision on property located on the west side of I-95, west of Interstate 95 and east of St. Johns Heritage Parkway near the Ellis Road interchange.

Applicant: Scott Glaubitz, PE, BSE Consultants for Brian Davidson of DR Horton, Inc.
Location: West of I-95, east of St. Johns Heritage Parkway, near the Ellis road interchange

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

Planner Curry explained the applicant's request is for 146 single-family residential lots on 73.66 acres. She talked about the location of the property and the preliminary plat process. She gave a history of the property and went over the features of the plat. She explained to the north is the proposed preliminary plat for St Johns Heritage Lakes North and that prior to the construction of the St Johns Heritage Parkway the only access was from Columbia Lane. Staff is recommending that the developer build a stabilized emergency access to Columbia Lane. She presented the concept plan for the two subdivisions and analysis to show consistency with the LDR's. She talked about the concurrency analysis and the required outside agency coordination. She recommended the following motion:

Recommend approval of The Dunes preliminary plat with the following conditions:

1. Developer shall finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, and the requirements by outside governmental agencies.
2. Developer must either install a segment of sidewalk along the private road or provide a performance bond, as they determine to meet this requirement.
3. Prior to construction drawing approval, the developer shall request the School Board's final school capacity determination.
4. *REVISED CONDITION PER CITY MANAGER* – A traffic study must be submitted and reviewed and accepted by the City before the final plat.
5. Change the name of Lindner Circle to an easier name for address assignment.
6. Include an emergency access easement on Tract MU-4 and on the construction plans, show a stabilized surface from McFarland Drive to Columbia Lane.
7. Coordinate with the City and floodplain agencies to ensure that building floor elevations, drainage and other issues are addressed for those portions of the property that are in the floodzone.
8. Pay the City's recreation fee with final plat submittal since public land will not be dedicated for a new public park for this subdivision.

Chairman Jaudon opened the public hearing.

Scott Glaubitz, P.E. BSE Consultants spoke about the project. He gave a history of the property when an RV park was proposed and the different proposals for development of the property over the years. He also spoke about how the development of the St. Johns Heritage Parkway has influenced the development plans. He explained they have been going through the process with outside agency coordination/permits for the project and the next step if the preliminary plat is approved would be going through the mechanics of construction drawing approval with the City.

Chairman Jaudon asked for any additional comments from the audience. Seeing none, he closed the public hearing.

Discussion Included:

- Clarification that the project is proposed for single-family residential use only and the property has been zoned for R-2 for some time.
- Location of the closest public park.
- Clarification of existing sidewalks along St. John's Heritage Parkway and the proposed sidewalks inside the subdivision and the connection of those sidewalks to the existing sidewalks.
- Planning Director Fischer explained the next step in the approval process would be construction drawings review with City staff and then the final plat will come through board approvals but not as a public hearing.
- The access points for the subdivision were built when the Parkway was built.
- The proposed subdivision meets code with 146 units proposed and two access points but staff recommends the construction of a stabilized access to Columbia Lane.

Moved by Vice Chairman Brothers, seconded by Board Member Bernkopf to recommend approval of The Dunes preliminary plat with the following conditions:

1. Developer shall finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, and the requirements by outside governmental agencies.
2. Developer must either install a segment of sidewalk along the private road or provide a performance bond, as they determine to meet this requirement.
3. Prior to construction drawing approval, the developer shall request the School Board's final school capacity determination.
4. REVISED CONDITION PER CITY MANAGER – A traffic study must be submitted and reviewed and accepted by the City before the final plat.
5. Change the name of Lindner Circle to an easier name for address assignment.
6. Include an emergency access easement on Tract MU-4 and on the construction plans, show a stabilized surface from McFarland Drive to Columbia Lane.
7. Coordinate with the City and floodplain agencies to ensure that building floor elevations, drainage and other issues are addressed for those portions of the property that are in the floodzone.
8. Pay the City's recreation fee with final plat submittal since public land will not be dedicated for a new public park for this subdivision.

Motion passed, 6-0.

d. Preliminary Plat – St. Johns Heritage Lakes North – (PP-2021-02)

A request for preliminary plat approval for the St. Johns Heritage Lakes North subdivision on property located on the west side of I-95, west of Interstate 95 and east of St. Johns Heritage Parkway near the Ellis Road interchange.

Applicant: Scott Glaubitz, PE, BSE Consultants for the Eden Living Development Partners

Location: West of I-95, east of St. Johns Heritage Parkway, near the Ellis road interchange

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

Planner Curry presented the staff report and gave the background of the proposed subdivision. She explained seven parcels are proposed on 57.93 acres. The property was rezoned to Gateway Interchange last year from R-2. She explained the features of the proposed plat. She presented analysis to show consistency with the LDR's. She spoke about concurrency and stated the traffic study must be submitted prior to final plat. She recommended the following motion:

Recommend approval of the St Johns Heritage Lakes North preliminary plat with the following conditions:

1. Developer will finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, the requirements by outside governmental agencies, and the minimum percentage thresholds required by the Parkway Interchange future land use designation.
2. Developer must either install a segment of sidewalk along the private road or provide a performance bond to meet the sidewalk requirement.
3. *REVISED CONDITION PER CITY MANAGER – A traffic study must be submitted and reviewed and accepted by the City before the final plat.*

4. Prior to the preliminary plat being presented to City Council revise the table in Notes 21 and 22 to indicate both the jurisdictions and their respective designations.

Adjacent Zoning

North: Brevard County AU
South: City of West Melbourne R-2
East: City of West Melbourne M-2 (East of I-95)
West: Brevard County AU

Adjacent Future Land Use

North: Brevard County PUB-CONS
South: City of West Melbourne MD-RES
East: City of West Melbourne IND
West: Brevard County PUB-CONS

5. Prior to the preliminary plat being presented to City Council identify the tract that will contain either the subdivision or apartment complex sign.
6. Pay the City's recreation fee at the time of final plat since public land will not be dedicated for a new public park for multi-family portion in this subdivision.
7. Coordinate with the City and floodplain agencies to ensure that building floor elevations, drainage and other issues are addressed for those portions of the property that are residential and in the floodzone.

Chairman Jaudon opened the public hearing.

Scott Glaubitz, P.E., BSE Consultants spoke about the proposed mixed use project. He talked about the interconnectivity with the subdivision to the south, the permits, the floodplain information and the requirement for them to design the project for two 100 year back to back storms. He explained there are three access points and there will be internal sidewalks connecting the uses.

Chairman Jaudon asked for any comments from the audience. Seeing none, he closed the public hearing.

Discussion Included:

- General discussion about the mix of uses.
- Multi-family portion proposed to be gated.
- Multi-family is a rental community with single-family types of homes.
- The possibility for a pedestrian path/sidewalk to be located by the proposed lake for the residents to walk on to get to the commercial areas along the St. John's Heritage Parkway. The developer has not considered a pedestrian sidewalk by the lake since the lake will not be fenced and all the internal sidewalks along the roadways will lead to the commercial areas but can reconsider if desired.

Moved by Board Member Spagnoli, seconded by Board Member Kapnola to recommend approval of the St Johns Heritage Lakes North preliminary plat to City Council with the following conditions:

1. Developer will finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, the requirements by outside governmental agencies, and the minimum percentage thresholds required by the Parkway Interchange future land use designation.
2. Developer must either install a segment of sidewalk along the private road or provide a performance bond to meet the sidewalk requirement.
3. REVISED CONDITION PER CITY MANAGER – A traffic study must be submitted and reviewed and accepted by the City before the final plat.

4. Prior to the preliminary plat being presented to City Council revise the table in Notes 21 and 22 to indicate both the jurisdictions and their respective designations.

- Adjacent Zoning

North: Brevard County AU

South: City of West Melbourne R-2

East: City of West Melbourne M-2 (East of I-95)

West: Brevard County AU

Adjacent Future Land Use

North: Brevard County PUB-CONS

South: City of West Melbourne MD-RES

East: City of West Melbourne IND

West: Brevard County PUB-CONS

5. Prior to the preliminary plat being presented to City Council identify the tract that will contain either the subdivision or apartment complex sign.
6. Pay the City's recreation fee at the time of final plat since public land will not be dedicated for a new public park for multi-family portion in this subdivision.
7. Coordinate with the City and floodplain agencies to ensure that building floor elevations, drainage and other issues are addressed for those portions of the property that are residential and in the floodzone.

Motion passed, 6-0.

Moved by Board Member Liesenfelt to recommend the developer reconsider a pedestrian sidewalk along the proposed lake leading to the commercial areas from the single-family subdivision. Motion failed for lack of a second.

e. Development Agreement – Epoch Multi-Family – (DA -2021-03)

A request for development agreement approval which limits the density the for Epoch Multi-Family project located on the east side of Minton Road just south of the Interstate 95 overpass.

Applicant: Jake Wise, PE, Construction Engineering Group for Epoch Properties, Inc.

Location: East side of Minton Road just south of the I-95 overpass

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

Planning Director Fischer presented the staff report. She talked about the applicant, the previous rezoning and future land use amendment dealing with the Matthews property and explained this agreement pertains to the development of the Matthews property and the undeveloped portion of Promise property and indicated the properties on a map. The development will be for market rate apartments on 14.69 acres and will limit the density and provide for enhanced landscaping.

She explained the development agreement provides the public with assurances that added features of the development will be compatible with the surrounding area. She added the owner commits to limit the density to 280 apartments instead of 284 units across the entire 14.69 acres and will plant new trees along Norfolk Parkway as a continuation of the landscaping from the Sawgrass Lakes portion of Norfolk Parkway. Other features of the development agreement include architectural, maintenance of the newly planted trees and road improvements, more particularly the design of the Minton right in/right out driveway and the southernmost driveway and stub out to the property at the corner of Norfolk Parkway and Minton Road.

She presented analysis to show consistency with Comprehensive Plan policies and the land development regulations. She concluded the development agreement is consistent with the intent of density limits and a cap on the quantity of apartments as well as commitment in advance for design and landscaping along the developer's portion of property along Norfolk Parkway.

She recommended the following motion: Recommend to City Council approval of the Epoch apartments development agreement which is compliant with the City's Land Development Regulations and Comprehensive Plan, and responds to Council's request for a density cap and Norfolk Parkway landscaping.

Chairman Jaudon opened the public hearing.

Jake Wise, P.E, Construction Engineering Group spoke about the development agreement stating it is an infill project and they are partnering with Promise to develop the site. The project will have the convenience of being close to Hammock Landing and other shopping as well. He stated the developer has agreed to enhance the landscaping along Norfolk Parkway, city right-of-way. He added this has been a multi-step process that has been leading up to the development of this project with wetlands being involved and waterlines being stubbed out along with gravity sewer. He said there is high demand for multi-family right now and the project is compatible with the surrounding area. He talked about the interconnectivity with Promise leading out to Norfolk Parkway and the right in right out only access on Minton Road.

Chairman Jaudon asked for any additional comments from the audience. Seeing none, he closed the public hearing.

Moved by Board Member Bernkopf, seconded by Board Member Kapnoula to recommend to City Council approval of the Epoch apartments development agreement which is compliant with the City's Land Development Regulations and Comprehensive Plan, and responds to Council's request for a density cap and Norfolk Parkway landscaping. Motion passed 6-0.

f. Development Agreement – Space Coast Business Center – (DA -2021-04)

A request for development agreement approval which limits the density/intensity for the Space Coast Business Center project located on the north side of U.S. 192, west of Interstate 95, and east of St. Johns Heritage Parkway.

Applicant: Robert Robb, PE, Robb & Taylor Engineering for Acquest Development, LLC

Location: North side of U.S 192, west of I-95 and east of St. Johns Heritage Parkway

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

Planning Director Fischer presented the staff report. She talked about the applicant, the location, size and reasons for the agreement is to keep the option of multi-family development available by putting density limits on the development. She explained the zoning allows mixed use on this site so the development agreement limits the density of multi-family possible to a total of 184 dwelling units and age restrictions on occupancy of rental units. She described the limits with both the multi-family density and non-residential intensity limits as well as the utilities, architecture, fire protection and duration sections of the agreement.

She presented analysis to show consistency with Comprehensive Plan policies and the land development regulations. She summarized the development agreement is consistent with the comprehensive plan, the land development regulations and with the intent of density limits and a cap on the quantity of apartments as well as commitments in advance for design. She recommended the following motion: Recommend to City Council to approve the Acquest development agreement which is compliant with the City's Land Development Regulations and Comprehensive Plan, and responds to Council's request for a density cap and age restrictions on occupancy of rental units.

Chairman Jaudon opened the public hearing and asked for any comments from the audience. Seeing none, he closed the public hearing.

Discussion Included:

- The developer has proposed alternate language in regards to describing the metal material for the buildings in the architecture section. Planning Director Fischer stated that staff could work with the developer to finalize the language.

Moved by Board Member Brothers, seconded by Board Member Kapnoula to recommend to City Council to approve the Acquest development agreement which is compliant with the City's Land Development Regulations and Comprehensive Plan, and responds to Council's request for a density cap and age restrictions on occupancy of rental units and to finalize the language to describe the metal for the buildings that is acceptable with staff. Motion passed, 6-0.

6. Code Amendments to the Land Development Regulations

a. Stormwater Discharge Control

A proposed code amendment to establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

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.

City Attorney Richardson presented the proposed code amendment which includes the requirements of NPDES permit process to manage runoff administered by Florida Department of Environmental Protection (FDEP). He also stated it is a requirement and must be adopted.

Discussion included:

- Ordinance No. 2021-16, Page 2, Clarification
- Ordinance No. 2021-16, Page 9, Fine schedule – City Attorney Richardson explained the fines/fees should remain flexible.

Moved by Board Member Bernkopf, seconded by Board Member Kapnoula to recommend City Council adopt Ordinance No. 2021-16 on 2nd reading. Motion passed 6-0.

b. Initial Site Plan Board Review Process

A proposed code amendment to provide for City Council review of, and action on, certain conceptual and initial site plans.

Applicant: City of West Melbourne

Location: Initial Site Plans for properties requiring public hearings

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

City Attorney Richardson gave a brief history of the 2007 Charter Amendments and the subsequent 2008 and 2009 code changes which changed the site plan review process. He explained one of those changes was to have the Planning and Zoning Board have final approval on certain small subdivisions but was later determined that City Council must have final approval instead so the reference is being removed and that part is just clean up that needs to be done. He stated the changes in 2008 were intended to reduce the number of City Council review items, but at a recent City Council meeting, the subject of bringing the site plan review and approval process back to City Council came up and he was directed to draft an ordinance to bring back to City Council for review.

Discussion Included:

- Planning Director Fischer was asked what the impact to staff would be to bring back the review and approval for site plans back to City Council. She responded either way is doable, as the amount of staff reports would be the same but it would add time onto the process which may affect “shot clock” deadlines imposed by the state of Florida that must be met.
- Whether the changes would change the quasi-judicial duties as a recommending body. City Attorney Richardson explained the Planning and Zoning Board would not have final approval of certain site plans and those certain site plans would be required to go to City Council for final approval. Board Member Liesenfelt stated he would prefer the final decision/approval be on an elected official.
- Board Member Brothers expressed concern for increased time and cost for reviews.
- Whether the City is comparable to other municipalities in Brevard County in their review processes. There was a brief discussion on other municipalities and which had some acreage thresholds on when the review would go to City Council. After discussion, the Board Members suggested that City Council might consider increasing the acreage thresholds.

Moved by Board Member Liesenfelt, seconded by Board Member Spagnoli to recommend City Council amend Sec. 66-157 to eliminate the obsolete reference to Planning and Zoning Board Action on certain small subdivision plans. Motion passed, 6-0.

Moved by Board Member Liesenfelt, seconded by Board Member Kapnoula to recommend City Council approve the remainder of Ordinance 2021-17, but Council consider the time, cost, and effect to applicants and staff prior to adoption.

Roll Call vote:

<u>Chairman Jaudon</u>	<u>aye</u>
<u>Vice Chair Brothers</u>	<u>nay</u>
<u>Board Member Spagnoli</u>	<u>aye</u>
<u>Board Member Bernkopf</u>	<u>aye</u>
<u>Board Member Kapnoula</u>	<u>aye</u>
<u>Board Member Liesenfelt</u>	<u>aye</u>

Motion passed, 5-1.

7. PLANNING DIRECTOR REPORTS

Planning Director Fischer advised there would be a Planning and Zoning Board meeting on July 13th.

8. BOARD MEMBER REPORTS

There was some discussion among the board on the development future of the City.

9. ADJOURN

Chairman Jaudon adjourned the meeting at 8:56 p.m.