



Planning and Zoning Board

MINUTES

September 14, 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. ROLL CALL

Present: Chairman Chris Jaudon
Vice Chair Rob Brothers
Board Member Paul Bernkopf
Board Member Jennifer Spagnoli
Board Member Anna Kapnoula
School Board Appointee (non-voting) Jennifer Parkerson

Absent: Board Member Jim Liesenfelt

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

Motion by Vice Chairman Brothers, seconded by Board Member Bernkopf to excuse the absence. Motion passed, 5-0.

3. MINUTES

Planning and Zoning Board Meeting of August 11, 2021

Motion by Vice Chair Brothers, seconded by Board Member Bernkopf to approve the minutes. Motion passed, 5-0.

4. PUBLIC HEARING(S) –

a. Small Scale Comprehensive Plan Map Amendment – Feast Road – (SSA-2021-02)

Comprehensive Plan Amendment No. 2021-02 (SSA) proposes to amend the City's Future Land Use map for 0.52 acres of property from Brevard County NC (Neighborhood Commercial) to City of West Melbourne MD-RES (Medium Density Residential) land use designation.

Applicant: Hadjilogiou Rentals, LLC

Location: 2005, 2015, 2025, 2035, AND 2045 FEAST ROAD

The proposed Small Scale Amendment to the City's Future Land map will be acted upon by City Council with a recommendation from the Planning and Zoning Board as to whether to adopt the amendment or not.

Planner Curry presented both the small scale comprehensive plan amendment and rezoning requests staff reports and advised the board about quasi-judicial procedures and disclosures. She talked about the location of the subject property, the applicant/owners, the size of the property, the existing and proposed use and the existing and proposed future land use and zoning. She explained the subject property is currently being annexed into the city and needs a city land use designation and zoning.

She presented the surrounding properties' future land use designations and explained the requested Medium Density Residential land use designation is compatible with the businesses to the north and east and is a good transitional use to the single-family residential neighborhood to the south in the unincorporated area on Feast Road. She went over the requirements for comprehensive plan review by the Florida Statutes and stated there are no capacity issues with connecting sewer for this site. She presented the analysis on the maximum potential impacts of development based on the current and proposed future land use designation. She stated the request is consistent with the future land use goals, objectives and policies of the City's comprehensive plan and the proposed property rights element, since the property will be maintained and improved with the connection of City sewer.

She presented the rezoning request and the compatibility with the surrounding zonings and stated the R-2 zoning district permits the multi-family use and the existing five-unit multi-family residential complex so the request is consistent with the land development regulations and the surrounding zoning and uses. She recommended the following motions:

- Item 5a –Recommend approval to City Council of the small scale comprehensive plan map amendment, case number SSA 2021-02 to change the future land use from Brevard County NC (Neighborhood Commercial) to City of West Melbourne MD-RES (Medium Density Residential).
- Item 5b Rezoning – Recommend approval to City Council of rezoning 2005, 2015, 2025, 2035 and 2045 Feast Road from Brevard County Medium Density Multi-Family Residential (RU-2-10) to City of West Melbourne One-, Two- and Multi-family Dwellings (R-2) and with the condition that the small-scale comprehensive plan map amendment is approved.

Chairman Jaudon opened the public hearing and asked the applicant's representative to introduce herself.

The applicant's representative, Jill Gombos introduced herself and stated she could answer any questions the board may have.

Discussion included:

- Confirmation that the applicant knows they are surrounded by commercial properties and there may be the possibility of the vacant property to the south being developed as commercial as well. The applicant's representative confirmed.
- Whether the property was being spot zoned and should be zoned Commercial New Haven instead since it is surrounded on 3 sides by commercial uses and zoning. Planning Director Fischer explained that by designating this property as Medium Density Residential, it would be consistent with the current use of a five-unit multi-family complex and it conforms to the requested zoning of R-2, and that rezoning it to Commercial New Haven would cause the property to be a non-conforming use which is usually avoided. When annexing properties the choice of avoiding the creation of a non-conforming use is the priority. The City Attorney concurred.
- Planner Curry mentioned because of the size of this property (half an acre), there is a possibility it could be joined with other properties to be redeveloped. She explained the Lowe's property was a neighborhood of the single-family lots that were combined for Lowe's development. If commercial redevelopment was proposed, then at that time the land use designation and zoning could be changed.

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

Motion by Board Member Bernkopf, seconded by Vice Chairman Brothers to recommend approval to City Council of the small scale comprehensive plan map amendment, case number SSA 2021-02 to change the future land use from Brevard County NC (Neighborhood Commercial) to City of West Melbourne MD-RES (Medium Density Residential). Motion passed, 5-0.

b. Rezoning – Feast Road – (REZ-2021-05)

A request to rezone 0.52 acres of property from Brevard County RU-2-10 (Medium Density Multiple-Family Residential) to City of West Melbourne R-2 (One-, Two- and Multi-Family Dwelling).

Applicant: Hadjilogiou Rentals, LLC
Location: 2005, 2015, 2025, 2035, AND 2045 FEAST ROAD

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

Motion by Board Member Spagnoli, seconded by Board Member Kapnola to recommend approval to City Council of rezoning 2005, 2015, 2025, 2035 and 2045 Feast Road from Brevard County Medium Density Residential (RU-2-10) to City of West Melbourne One-, Two- and Multi-family Dwellings (R-2) and with the condition that the small-scale comprehensive plan map amendment is approved. Motion passed, 5-0.

c. Initial/Conceptual Site Plan – Eden Heritage Lakes Multi-Family – (SIT-2021-04)

Initial site plan approval for Eden Heritage Lakes Multi-family consisting of 376 units on 27.10 acres, more or less. Located to the west of Interstate 95, at the Ellis Road and I-95 Interchange.

*Applicant: Scott Glaubitz, PE, B.S.E. Consultants, Inc. for Eden Living
Development Partners, LLC*

Location: West of I-95, at the Ellis Road and I-95 Interchange

The proposed initial/conceptual site plan will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

Planning Director Fischer presented the staff report and advised the board that this is a quasi-judicial item. She explained the location of the proposed project and gave the background information regarding the applicant/developer, acreage, zoning, proposed development and proposed density. She presented the process for initial site plan for multi-family projects of 50 units or more. She explained this initial site plan is just one out of the seven in the proposed St. Johns Heritage Lakes subdivision. She talked about the applicant's horizontal living, "Eden Living" project description and presented architectural renderings of the single-story detached rentals.

She went over the initial site plan review criteria and stated the initial site plan meets the code requirements for content. Staff reviewed the submittal and commented on changes or clarifications that were needed and the applicant revised the initial plan based on staff comments and resubmitted. The recreation fee will be paid prior to final site plan approval; water and sewer line, traffic signal to be constructed by the main developer for St. Johns Heritage Lakes subdivision; property must comply with national flood requirements for residential elevation; need City Council approval for both gates; obtain all outside agency permits and the final plat must be recorded or the City Attorney must approve another legal mechanism can be used prior to final site plan approval.

She explained the environmental and site data and stated the applicant must demonstrate there are no protected species and mitigate for any large trees on site to be removed. She summarized the Gateway Interchange review criteria and presented analysis on the consistency with the comprehensive plans objectives and policies. She talked about a condition of approval and made a location suggestion, in order to break up the longest block, an interconnection should be made between the two streets. She concluded with the following staff recommended motion:

Motion to recommend approval of the Eden Heritage Lakes multi-family with the following conditions:

1. Final site plan approval can only be approved after the final plat is recorded
2. The large block of individual rental units in the middle of the complex comprised of more than 130 units is split into two blocks to be easier to maneuver for residents, visitors and emergency service personnel
3. Obtain outside agency permits from the Florida Department of Environmental Protection and the St. Johns River Water Management District prior to final site plan approval.
4. Attain City Council approval for the two proposed Eden at Heritage Lakes community gates
5. Pay the fee in lieu of public recreation dedication

Chairman Jaudon opened the public hearing and asked to hear from the applicant's representative.

Scott Glaubitz, P.E., B.S.E. Consultants spoke on behalf of the Eden Living. He informed the board that the Army Corps of Engineers and St. Johns River Water Management District permits have been obtained.

Attorney for the applicant, McGregor T. Love, 215 Eola Drive, Orlando, FL 32801 explained that he has been discussing options with the City Attorney and the Planning Director about the context of the conditions of approval, specifically regarding the final site plan approval and the timing of the final plat recording and he explained there should not be a problem on coming to an agreement. Secondly, regarding the comment of breaking up of the block, his client has started to look at options and believes it is feasible, so there is no objection.

Jay Jacobson, CEO Eden Living, 2801 SW 31st Avenue, Suite 2B, Coconut Grove, FL 33133 clarified horizontal living and explained the project would be under single ownership and managed just like any other multi-family development but is designed like one-story apartments and is similar in nature to any apartment community. He stated the difference is that each of the living units have a fenced back yard/landscaped area and they are lower density at 12 to 14 units per acre and designed to be pedestrian friendly with open space interwoven in the community to create a feel of single-family. It is an additional housing solution of having lower density housing in the form of a rental community.

Discussion Included:

- Similar properties have been developed in Jacksonville, Santa Rosa and St Lucie and the development is a whole community of ground floor apartment units with no sharing of breezeways so windows can be opened and the units can have cross ventilation.
- Fencing of the water features located within the subdivision would be erected. Clarification of the pond ownership not under the Eden parcel ownership.
- Interconnectivity with the other surrounding properties has been designed to be pedestrian friendly.
- Architectural elevations have design features on the rear elevation.
- Every unit type will have a backyard.
- The timing issue about the required documentation between final site plan approval can be given and the link to the final plat recording may need more work but could be accommodated and could be resolved in a number of ways.
- Whether the development would lose units if the long block is broken up. The development team has been working on several renderings that could be feasible to lose a few units.

Moved by Vice Chairman Brothers, seconded by Board Member Bernkopf to recommend approval of the Eden Heritage Lakes multi-family with the following conditions:

1. Final site plan approval can only be approved after the final plat is recorded
2. The large block of individual rental units in the middle of the complex comprised of more than 130 units is split into two blocks to be easier to maneuver for residents, visitors and emergence service personnel
3. Obtain outside agency permits from the Florida Department of Environmental Protection and the St. Johns River Water Management District prior to final site plan approval.
4. Attain City Council approval for the two proposed Eden at Heritage Lakes community gates

5. Pay the fee in lieu of public recreation dedication

Motion passed, 5-0.

d. Large Scale Comprehensive Plan Map Amendment – PMG West Melbourne – (LSA-2021-04) – postpone to October 13, 2021

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*

e. Rezoning – PMG West Melbourne – (REZ-2021-04) - postpone to October 13, 2021

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 explained the reason for the request to postpone.

Motion by Board Member Bernkopf, seconded by Board Member Kapnoula to postpone both the comprehensive plan amendment and the rezoning for PMG West Melbourne to the October 13, 2021 Planning and Zoning Board Meeting. Motion passed, 5-0.

6. PLANNING DIRECTOR REPORTS

Planning Director Fisher updated the board on intermittent road closures and said there were no updates regarding the Ellis Road widening and the upcoming RFQ for the Comprehensive Plan EAR. She updated the board on the Private Property Rights Element

7. BOARD MEMBER REPORTS

8. ADJOURN

Chairman Jaudon adjourned the meeting at 7:56 p.m.