



Planning and Zoning Board

MINUTES

July 11, 2018

6:30 P.M.

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. with the Pledge of Allegiance by Chairman Liesenfelt.

2. ROLL CALL

Present were: Chairman Jim Liesenfelt
Vice Chairman Chris Jaudon arrived at 6:40 p.m.
Board Member George Cronin
Board Member Rob Brothers
Board Member Paul Bernkopf

Absent were: Board Member Anna Kapnoula
Board Member Jennifer Spagnoli

Moved by Board Member Brothers, seconded by Board Member Bernkopf to excuse the absences. Motion passed 4-0.

3. MINUTES

Planning and Zoning Board Meeting of June 12, 2018

Moved by Board Member Brothers, seconded by Board Member Cronin to approve the minutes. Motion passed, 4-0.

4. PUBLIC HEARING(S) –

a. Code Amendment - Impact and Connection Fee Payment Timing – (LDR 2018-04)

Staff is proposing revisions to several Chapters of the Code of Ordinances in order to allow for a change in the timing of the payment of impact and connection fees from at the time of Certificate of Occupancy to at the time of building permit issuance.

*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

Planner Curry presented the staff report and explained that staff is proposing code changes to require all impact and connection fees be paid prior to the issuance of building permits. She stated currently they are paid at the time of Certificate of Occupancy but prior to 2011, they were paid before permits were issued. She gave an overview of the code revision process and presented staff analysis on the proposed changes to the code. She explained historically from 1998-2011 the City required payment of the fees prior to building permit issuance but during the last recession when Brevard County had its traffic impact fee moratorium and when the Economic Development Commission requested it, the City changed its system to allow payment at the Certificate of Occupancy time. Now that development has rebounded, payment of impact and connection fees prior to building permit issuance offers more certainty that capacity reservation has occurred by the time a developer request a Certificate of Occupancy. She recommended approval of the concurrency code revisions to alter the timing of impact fee and other development fees to be paid prior to issuance of a building permit based on the analysis in this staff report.

Chairman Liesenfelt opened the public hearing.

Bruce Moia, P.E., MBV Engineering, spoke about his role on the Economic Development Commission task force and explained the timing of impact and connection fees at Certificate of Occupancy issuance is one of the S.N.A.P certification requirements.

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

Discussion Included:

- There were some issues with developers getting temporary Certificates of Occupancy and never paying their fees which left the city “holding the bag” on the fees.
- Other circumstances were that developers were surprised at the end of their construction at the time of Certificate of Occupancy that these fees had to be paid which in some instances were substantial and not planned for.
- It would be much easier if the fees were taken care of at the front end of the process rather than at the end when things tend to get a little rushed.
- It is ultimately a policy decision that will be made by City Council.

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf to recommend approval of the concurrency code revisions to alter the timing of impact fee and other development fees to be paid prior to issuance of a building permit based on the analysis in this staff report. Motion passed, 4-1 with Chairman Liesenfelt voting nay.

Point of Discussion: Staff to look at what other municipalities in Brevard County are doing with regard to paying impact and connection fees and provide this information to City Council.

b. INITIAL SITE PLAN EXTENSION – Aventine Apartments – (SIT-2016-09, Concept Plan)

The applicant is requesting an extension of the approval for Aventine Apartments, 307 proposed units on 14 acres. The deliberation of approving/approving with conditions or denying the initial/concept plan is a quasi-judicial function only performed by the Planning and Zoning Board per City Code.

Applicant: Scott Glaubitz, P.E. agent for Riviera Drive Commercial LLC
Location: East side of Durham Drive, north of Palm Bay Road and south of Snicole Avenue

Planning Director Fischer presented the staff report and explained nothing has changed with the approved site plan. She added the approval date was August 9, 2016 and 18 months from that date is February 9, 2018. She stated staff believes it's reasonable to extend the approval to January 11, 2019.

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

Moved by Vice Chairman Jaudon, seconded by Board Member Brothers to extend the Aventine Apartments conceptual plan approval for 6 months which means construction must commence prior to January 11, 2019. Motion passed, 5-0.

c. Large Scale Comprehensive Plan Map Amendment (adoption) – Robert Cochran’s property as part of Hibiscus Springs multi-family site - (LSA-2018-01)

Comprehensive Plan Amendment No. 2018-01 (LSA) proposes to amend the City’s Future Land Use map for property from COM (Commercial) MD-RES (Medium Density Residential) to City of West Melbourne UD-RES (Urban Density Residential) land use designation.

Applicant: MBV Engineering Inc. agent for Continental 436 Fund, LLC
Location: South side of Hibiscus Blvd, west of Dairy Road and north of West New Haven Avenue

The proposed Large 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.

Planner Curry presented the staff report and explained this is the adoption phase of the large scale comprehensive plan amendment and reminded the board of the transmittal hearing a few months ago. She stated that nothing has changed since the transmittal hearing and then gave the background of the request, the location explained the proposed use, existing future land use designation and the proposed future land use designation. She explained the staff analysis required by Florida Statutes and requirement to demonstrate sufficient capacity for sewer, water drainage and solid waste. She talked about the surrounding properties future land use designations and explained the consistency with the Comprehensive plan Goals, Objective, and Policies. She explained the maximum potential development for commercial development versus medium-density residential development and that based on the analysis of the differences, there is an elimination of commercial square footage which has a higher impact than multi-family on public services. She stated that the State of Florida has provided a “no adverse impacts” letter and the item would go forward to City Council for final adoption. She recommended the board make the motion to recommend City Council adopt the large scale comprehensive plan map amendment LSA 2018-01 to change the future land use of the properties from Commercial (COM) and Medium Density Residential (MD-RES) to Urban Density Residential (UD-RES).

Chairman Liesenfelt opened the public hearing and asked for any comments.

Bruce Moia and David Bassford, MBV Engineering were in attendance to answer any questions.

The following persons spoke about the request:

- Carol Fox, 8041 Daventry Dr. Melbourne, FL 32940 – concerned about the impacts and inconvenience during construction.

Discussion Included:

- The construction entrance will be off of Canal Street.
- There is a 36" oak tree being saved at the southern entrance area.
- Construction will last 18 to 24 months.
- The southern entrance is for emergency access only – no residents traffic through that access.

Chairman Liesenfelt asked for any additional comments. Seeing none, he closed the public hearing.

Moved by Vice Chairman Jaudon, seconded by Board member Brothers to recommend City Council adopt the large scale comprehensive plan map amendment LSA 2018-01 to change the future land use of the properties from Commercial (COM) and Medium Density Residential (MD-RES) to Urban Density Residential (UD-RES). Motion passed, 5-0.

5. Final Plat – Heritage Pointe (residential subdivision) – FP-2018-02

The applicant is requesting approval of the final plat for Heritage Pointe, which contains a total of 49 lots and 8 tracts on 20.06 acres, more or less.

Applicant: Heritage Point Community Developers, LLC
Location: South side of Heritage Oaks Blvd just west of Brookshire Subdivision

The Planning and Zoning Board recommendation on whether the final subdivision drawing meets minimum code requirements is provided to the City Council.

Planning Director Fischer presented the staff report with the background, location, and explained the applicant's request is to final plat 49 single-family lots with water and sewer infrastructure, public road, stormwater tracts and commercial future development tract. She explained the developer has completed the required infrastructure or posted a performance bond and once the plat is recorded, lots can be sold for individual home construction. She stated the final plat is consistent with the preliminary plat approved in 2016 and there are no capacity issues. She presented analysis regarding the lot width on curves and advised all city reviews will be completed to satisfaction prior to recording the plat. She recommended the following motion:

Recommend to City Council to approve the final plat for Heritage Pointe with the following conditions:

1. Completion of the required public infrastructure per the posted performance bond for the road, sidewalks, water and sewer facilities internal to the residential portion of the subdivision.
2. Finalization of maintenance bond and bill of sale documents for the roads, water and sewer public facilities.
3. Compliance with installation of the community features along Minton Road (fountain light, widened sidewalk, decorative fence as recorded in O.R. Book 7819, Pages 993 – 995) by February 7, 2020 or request a time extension of City Council not to exceed five years.

Brian Bussen, P.E. was available to answer any questions.

Discussion Included:

- Sidewalk, wrought iron decorative fence and water fountain a condition imposed by City Council during preliminary plat process.

- If the subdivision were to lose one lot, it would make a big difference since the subdivision is already small.
- Whether there were any updates on the timing of the development of the commercial component. There is nothing at the moment.

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf to recommend to City Council to approve the final plat for Heritage Pointe with the following conditions:

1. Completion of the required public infrastructure per the posted performance bond for the road, sidewalks, water and sewer facilities internal to the residential portion of the subdivision.
2. Finalization of maintenance bond and bill of sale documents for the roads, water and sewer public facilities.
3. Compliance with installation of the community features along Minton Road (fountain light, widened sidewalk, decorative fence as recorded in O.R. Book 7819, Pages 993 – 995) by February 7, 2020 or request a time extension of City Council not to exceed five years.

Motion passed, 5-0.

6. PUBLIC COMMENT ON GENERAL MATTERS

No public comment.

7. PLANNING DIRECTOR REPORTS & BOARD MEMBER REPORTS

Planning Director Fischer updated the board regarding FDOT lane closures for US192 intersection improvements and advised the board there would be a meeting in August.

8. ADJOURN

Chairman Liesenfelt adjourned the meeting at 7:45 p.m.

Chairman Liesenfelt

Denise Curry, Planner