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Planning and Zoning Board

MINUTES

September 15, 2016

7:00 P.M.

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance by Chairman Liesenfelt.

2. ROLL CALL

Present were: Chairman Jim Liesenfelt
Vice Chairman Chris Jaudon
Board Member Paul Bernkopf
Board Member Rob Brothers
Board Member Mark Vorce

Absent was: Board Member Jennifer Spagnoli

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

Also present were City Attorney Morris Richardson, Planning Director Christy Fischer, Planner Denise Curry and in the audience Council Members Young, Tice and Deputy Mayor Smith.

3. MINUTES

Planning and Zoning Board Meeting of August 9, 2016

Vice Chairman Jaudon presented the following corrections: Page 2, the sentences "Seeing none. He closed the public hearing." should be one sentence, Page 5 add the word "process" in front of Code Amendments in item #3 of the motion.

Moved by Board Member Vorce, seconded by Board Member Bernkopf to approve the minutes with the presented corrections. Motion passed, 5-0.

City Attorney Richardson briefed the board regarding quasi-judicial proceedings.

4. PUBLIC HEARINGS – Advisory Item(s)

a. Small Scale Comprehensive Plan Amendment – (SSA 2016-02)

The applicant has requested a comprehensive plan map amendment to change the land use designation on the newly annexed property near I-95 and New Haven Avenue from Brevard County CC (Community Commercial) to the City of West Melbourne COM (Commercial).

Applicant: Lake Geneva Group, LLC – (Kimley-Horn Inc., Kelley Klepper
AICP – agent for applicant)
Location: 4650 West New Haven Avenue (“County Line” property)

The proposed Small Scale Amendment to the City’s Future Land Element will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

Planner Curry presented both the SSA and the REZ cases together but advised the board there should be two separate motions. She provided the property information regarding the applicant/owner, size, location, existing use and proposed use. She explained the property is being annexed into the City and presented the current future land use designation in Brevard County of Community Commercial and the proposed future land use designation in the City of Commercial. She explained staff analyzes future land use map amendments and their compatibility with surrounding properties and their consistency with the FLU goals, objectives and policies as well as maximum infrastructure and service impacts to ensure there is sufficient capacity in the required public facilities. She clarified by changing the land use from County CC to West Melbourne COM there was elimination of over 90,000 square feet of potential commercial development. She stated the request is consistent with FLU goals, objectives and policies, Public Service Standards and Infrastructure Systems policies as well as Transportation Service Standards policy. She talked about how the zoning in Brevard County is BU-1 and the proposed zoning in the City is C-P which allows retail, hotels and motel, restaurants and the proposed use is a hotel and a restaurant which is consistent with the LDR’s and surrounding uses. She advised the applicant is in the audience to answer any questions and concluded with the following recommended motions:

1. Item 5a - Recommend approval to City Council of the small scale comprehensive plan map amendment SSA 2016-02 to change the future land use from Brevard County Community Commercial (CC) to City of West Melbourne Commercial (COM).
2. Item 5b - Recommend to City Council approval of the rezoning request to change the zoning from Brevard County BU-1 to City of West Melbourne C-P with the condition that the comprehensive plan amendment and Development Agreement is approved.

Chairman Liesenfelt opened the public hearing.

Discussion included:

- The extended stay hotel concept and specifically how WoodSpring Suites operates within that market as a corporate operated hotel.

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

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf to recommend approval to City Council of the small scale comprehensive plan map amendment SSA 2016-02 to change the future land use from Brevard County Community Commercial (CC) to City of West Melbourne Commercial (COM). Motion passed, 5-0.

b. Rezoning – 4650 West New Haven Avenue – (REZ 2016-03)

The applicant has requested a rezoning to change the zoning on the property from Brevard County BU-1 (General Retail Commercial) to the City of West Melbourne C-P (Commercial Parkway).

Applicant: Lake Geneva Group, LLC – (Kimley-Horn Inc., Kelley Klepper
AICP – agent for applicant)
Location: 4650 West New Haven Avenue (“County Line” property)

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

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf to recommend to City Council approval of the rezoning request to change the zoning from Brevard County BU-1 to City of West Melbourne C-P with the condition that the comprehensive plan amendment and Development Agreement is approved. Motion passed, 5-0.

c. Development Agreement – 4650 W New Haven WoodSpring Suites – (DA-2016-03)

The applicant has requested a development agreement to both limit the continued operation of the “County Line Saloon” as an existing nightclub and to allow the development to proceed as one unified site despite the pending lot split. The development agreement also establishes architectural standards; provides pedestrian access; and a utility connection to the West Melbourne system.

Applicant: Lake Geneva Group, LLC – (Kimley-Horn Inc., Kelley Klepper
AICP – agent for applicant)
Location: 4650 West New Haven Avenue (County Line property)

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 explained the agreement is with the property owner’s Lake Geneva Group, LLC on limiting the nightclub use but it also includes specific development features concerning the WoodSpring Suites proposal. She outlined the eight items that are covered in the agreement and detailed each in regards to their consistency with the comprehensive plan and the land development regulations of the City. She stated West Melbourne would be the water and sewer utilities provider and presented the proposed building style of the WoodSpring Suites. She advised the applicant is available to answer any questions and recommended the following motion: recommend to City Council to approve the development agreement between the City of West Melbourne and Lake Geneva Group, LLC.

Chairman Liesenfelt opened the public hearing.

Discussion Included:

- Fence
- Restaurant
- Property owner Lake Geneva

- Language too restrictive for restaurant – Hammock Landing comparison
- Drainage
- Site Layout
- Maintenance of Retention area from debris
- Code Amendment no guarantee – City Attorney
- WoodSpring Suites would like to be permitted and started with construction by the end of the year.

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

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf to recommend to City Council to approve the development agreement between the City of West Melbourne and Lake Geneva Group, LLC. Motion passed, 5-0.

d. Small Scale Comprehensive Plan Amendment – (SSA 2016-03)

The applicant has requested a comprehensive plan map amendment to change the land use designation on the newly annexed property located on Minton Road from Brevard County CC (Community Commercial) to the City of West Melbourne COM (Commercial).

Applicant: Tony Masone, agent for Mauricio Salas (property owner)
Location: 2394 Minton 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.

Planner Curry presented both the SSA and the REZ cases together but advised the board there should be two separate motions. She presented the background information regarding the property and explained the property is currently being annexed into the City and has a Brevard County Community Commercial future land use designation with a proposed City land use of commercial. She presented analysis to show consistency with the City's comprehensive plan and surrounding land uses as well as adequate public facilities. She stated there was an elimination of over 27,000 square feet of potential commercial development on Minton Road as a result of assigning the City land use of commercial. She stated the property currently has a Brevard County BU-1 (General Retail Commercial) zoning and is proposing a City of West Melbourne C-1 (Low Density Commercial) zoning. She presented analysis to show consistency with the LDR's and surrounding uses. She recommended the following motions:

1. Item 5d - Recommend approval to City Council of the small scale map amendment to change the future land use from Brevard County CC (Community Commercial) to City of West Melbourne COM (Commercial).
2. Item 5e - Recommend approval of the rezoning request from Brevard County, BU-1 (General Retail Commercial) to City of West Melbourne C-1 (Low Density Commercial) to City Council with the condition that the comprehensive plan amendment is approved.

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

Mr. Tony Masone, the applicant's representative spoke briefly about the owner's intention to sell the property and how having access to City services would be a benefit.

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

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf to recommend approval to City Council of the small scale map amendment to change the future land use from Brevard County CC (Community Commercial) to City of West Melbourne COM (Commercial). Motion passed, 5-0.

e. Rezoning – 2394 Minton Road – (REZ 2016-05)

The applicant has requested a rezoning to change the zoning on the property from Brevard County BU-1 (General Retail Commercial) to the City of West Melbourne C-1 (Low Density Commercial).

Applicant: Tony Masone, agent for Mauricio Salas (property owner)
Location: 2394 Minton Road

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

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf recommend approval of the rezoning request from Brevard County, BU-1 (General Retail Commercial) to City of West Melbourne C-1 (Low Density Commercial) to City Council with the condition that the comprehensive plan amendment is approved.

f. Large Scale Comprehensive Plan Map Amendment – Aventine (LSA 2016-04 Transmittal)

The applicant has requested a comprehensive plan map amendment to change the land use designation on the property from COM (Commercial) to UD-RES (Urban Density Residential).

Applicant: Riviera Commercial LLC – (BSE Consultants, Inc., Scott Glaubitz, PE – agent for applicant)
Location: North side of Palm Bay Road, east side of Durham Drive just south of the Haven Apartments

The proposed Large Scale Amendment to the City's Future Land Use Map will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

Planning Director Fischer presented the staff reports for the large scale comprehensive plan map amendment and the rezoning together but advised the board there should be two separate motions. She explained the existing use and the proposed use as well as the applicant owner information and property size. She presented staff analysis to show consistency of the future land use map amendment with the comprehensive plan and staff analysis of the maximum infrastructure and service impacts to show there are adequate public facilities. She explained the rezoning request from the current C-P (Commercial

Parkway) to the proposed R-3 (Multiple-Family Dwelling) and presented analysis of compatibility with surrounding zoning. She recommended the following motions:

1. Item 5f - Recommend to City Council to transmit the large scale comprehensive plan map amendment to change the future land use on the subject property provide from COM (Commercial) to UD-RES (Urban Density Residential).
2. Item 5g - Recommend to City Council approval of the rezoning request to change the zoning from C-P to R-3 with the condition that the comprehensive plan map amendment is approved.

Chairman Liesenfelt opened the public hearing.

Scott Glaubitz, BSE Consultants spoke on behalf of the applicant and asked the board to be in support of the proposal.

Chairman Liesenfelt closed the public hearing.

Discussion Included:

- Mixture of development types in this area is good.
- Bike path/lane possibilities on Durham.

Moved by Board Member Brothers, seconded by Board Member Bernkopf to recommend to City Council to transmit the large scale comprehensive plan map amendment to change the future land use on the subject property provide from COM (Commercial) to UD-RES (Urban Density Residential). Motion passed, 5-0.

g. Rezoning – Aventine – (REZ 2016-04)

The applicant has requested a rezoning to change the zoning on the property from C-P (Commercial Parkway) to R-3 (Multiple-Family Dwelling).

Applicant: Riviera Commercial LLC – (BSE Consultants, Inc., Scott Glaubitz, PE – agent for applicant)

Location: North side of Palm Bay Road, east side of Durham Drive just south of the Haven Apartments

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

Moved by Board Member Brothers, seconded by Board Member Bernkopf to recommend to City Council approval of the rezoning request to change the zoning from C-P to R-3 with the condition that the comprehensive plan map amendment is approved. Motion passed, 5-0.

h. INITIAL SITE PLAN – Minton Cove Apartments – (SIT-2016-08, Concept Plan, quasi-judicial)

The applicant is requesting approval of its preliminary rental complex Minton Cove Apartments 300 proposed units on 30 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: Jake Wise, P.E. (agent for D.R. Horton, property owner)
Location: West side of Norfolk Parkway and east of Minton Road, north of the Publix shopping center (eastern half of the property)

Planning Director Fischer presented the staff report on the proposed development of 300 units consisting of 12 three-story buildings on 30 acres by DHI Communities, LLC. She presented the initial site plan and explained the elements of the site as well as the building elevations. She went over the initial site plan review criteria and explained the 18 month expiration period. She presented analysis which demonstrated the initial site plan meets the codes. She spoke about the environmental and site data, the apartment density and how the layout was designed around the wetlands. She stated that a traffic study is required and the finalization of the proposed improvements would occur during final site plan approval to include the mid-block crossing design on Norfolk Parkway to the movie theater. She recommended the following motion:

Approval of the initial site plan with the following conditions:

1. The applicant continue designing the mid-block crossing on Norfolk Parkway (a City road) and then install the feature (the City would then maintain the crosswalk).
2. The architectural features of the development shall be as depicted on the attached drawing. The view indicates shingled pitched roofs with earth tone colored walls. Details on the materials and colors shall be submitted prior to final site plan approval.
3. The project will pay the recreation fee instead of providing public recreation prior to final site plan approval.
4. Obtain outside agency approvals for wetland mitigation and extension of utility services.

Chairman Liesenfelt opened the public hearing.

Jake Wise, Construction Engineering Group spoke about the project. He gave the history of the project and explained it is not going to be a gated community but would have a boulevard entrance with an interconnected sidewalk system; fountains in the ponds; detached garages and storage units; and a midblock crossing to the theater. He explained the project was designed to have no impact to the wetlands as they were to be buffered and preserved. He also stated the project would expand the City's water and wastewater system.

Andy Ames, Lassiter Transportation spoke about the potential traffic conflicts with aligning the driveway with the theater driveway and the midblock crossing considerations.

Discussion Included:

- Stacking capacity in the right hand de-cell lane would be 7 vehicles.
- Driveway location and whether it should line up with the theater driveway and the distance between the two. There is too much impact to the wetlands to line up the driveways and too much potential for traffic conflicts.
- Midblock Crossing alternatives. Pedestrian overpass is not possible because of under-utilization by pedestrians and cost. The city manager and public works director would like to test the midblock crossing on the ground as there are safety concerns.
- Signage and lighting for the midblock crossing could use yield points so traffic stops for pedestrians in crosswalk, and flashing/continuous lights but we are waiting for direction from the City's traffic consultant on FDOT requirements.
- Type of fence would be split rail fence.

Chairman Liesenfelt closed the public hearing.

Moved by Board Member Brothers, seconded by Board Member Bernkopf to approve the initial site plan with the following conditions:

1. The applicant continue designing the mid-block crossing on Norfolk Parkway (a City road) and then install the feature (the City would then maintain the crosswalk).
2. The architectural features of the development shall be as depicted on the attached drawing. The view indicates shingled pitched roofs with earth tone colored walls. Details on the materials and colors shall be submitted prior to final site plan approval.
3. The project will pay the recreation fee instead of providing public recreation prior to final site plan approval.
4. Obtain outside agency approvals for wetland mitigation and extension of utility services.

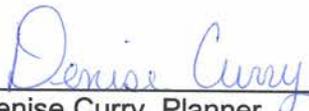
Motion passed, 5-0.

5. PLANNING DIRECTOR REPORTS

Planning Director Fischer advised there would be an October meeting.

6. ADJOURN

Chairman Liesenfelt adjourned the meeting at 9:22 p.m.



Denise Curry, Planner



Chairman Liesenfelt