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CITY HALL
2240 Minton Road
West Melbourne, FL 32904
Phone: (321) 727-7700
Fax: (321) 768-2390
www.westmelbourne.org

Planning and Zoning Board

AGENDA

Thursday, December 13, 2016

6:30 P.M.

City Council Chambers

Notice to Visitors: All persons who desire to speak on any public hearing item must fill out an Oath Card, sign the card, and submit to one of the City Planners. Speakers will be heard in the order received by the Chairman. The applicant may make a brief rebuttal if necessary. Anyone who speaks is considered a witness. If you have photographs, sketches, or other documents, you must provide 9 copies to one of the City Planners for distribution to the board members. These items will be retained by the Board members, City Attorney and City Staff.

Purpose: The purpose of the Planning and Zoning Board is to provide recommendations to City Council about all matters that are development applications or staff initiatives relating to the City's comprehensive plan, known as the "Horizon 2030 Comprehensive Plan" and the City's Land Development Regulations found in Subpart B of the Municipal Code of Ordinances.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. MINUTES

Planning and Zoning Board Meeting of November 10, 2016

5. PUBLIC COMMENT

6. CITY ATTORNEY'S STATEMENT – Quasi judicial disclosures

7. ADOPTION OF CALENDAR FOR 2017 MEETINGS

8. PUBLIC HEARINGS – Advisory Item(s)

a. Small Scale Comprehensive Plan Amendment – Grace Church (SSA 2016-04) – Continued from November 10, 2016

The applicant has requested a comprehensive plan map amendment to change the land use designation on the newly annexed property on the west side of Minton north of Fell Road from Brevard County RES-4 (Residential-4) and NC (Neighborhood Commercial) to the City of West Melbourne INST (Institutional).

Applicant: Grace Church – (MBV Engineering Inc., Bruce Moia, PE – agent for applicant)

Location: west side of Minton, north of Fell Road (vacant 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.

b. Rezoning – Grace Church – (REZ 2016-06) – Continued from November 10, 2016

The applicant has requested a rezoning to change the zoning on the property from Brevard County AU (Agricultural Residential Use) to the City of West Melbourne P-1 (Institutional).

Applicant: Grace Church – (MBV Engineering Inc., Bruce Moia PE – agent for applicant)

Location: west side of Minton approximately 2,000 feet south of Milwaukee Avenue

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

c. Small Scale Comprehensive Plan Map Amendment – Hield Road properties (SSA 2016-05, SSA 2016-06, and SSA 2016-07)

The applicants have requested comprehensive plan map amendments to change the land use designation on the property from Brevard County RES-2 (Residential 2) to LD-RES (Low Density Residential).

Applicants: Rebecca Stafford, Tony Masone, Drew Powshok – (Drew Powshok – agent for applicants)

Location: 3240 Hield Road – North side of Hield Road

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

d. Rezoning – Hield Road properties – (REZ 2016-07, REZ 2016-08 and REZ 2016-09)

The applicant has requested a rezoning to change the zoning on the property from Brevard County AU (Agricultural Residential Use) to the City of West Melbourne R-A (Residential Agricultural).

Applicants: Rebecca Stafford, Tony Masone, Drew Powshok – (Drew Powshok – agent for applicants)

Location: 3240 Hield Road – North side of Hield Road

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

9. PLANNING DIRECTOR REPORTS

10. ADJOURN

All persons wishing to be heard or to have their opinion known should appear in person at these hearings or send written comments to City staff. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Chapter 286, Florida Statutes). In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 837-7774 at least 48 hours in advance of this meeting.

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Planning and Zoning Board

MINUTES

Thursday, November 10, 2016
(Thursday meeting due to the elections)

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
Board Member Paul Bernkopf
Board Member Rob Brothers
Board Member Jennifer Spagnoli
Board Member Mark Vorce

Also present were City Attorney Morris Richardson, Planning Director Christy Fischer, Planner Denise Curry and in the audience Council Member Tice.

3. MINUTES

Planning and Zoning Board Meeting of October 13, 2016

Moved by Board Member Bernkopf, seconded by Board Member Vorce to approve the minutes as written. Motion passed, 6-0.

4. PUBLIC COMMENT

No Public Comments

5. CITY ATTORNEY'S STATEMENT – Quasi judicial disclosures

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

6. PUBLIC HEARINGS – Advisory Item(s)

a. Small Scale Comprehensive Plan Amendment – (SSA 2016-04)

The applicant has requested a comprehensive plan map amendment to change the land use designation on the newly annexed property on the west side of Minton north of Fell Road

from Brevard County RES-4 (Residential-4) and NC (Neighborhood Commercial) to the City of West Melbourne INST (Institutional).

Applicant: Grace Church – (MBV Engineering Inc., Bruce Moia, PE – agent for applicant)
Location: west side of Minton, north of Fell Road (vacant 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.

Planning Director Fischer requested on behalf of the applicant to postpone/continue the comprehensive plan amendment and the rezoning requests until December 13, 2016 to allow time for revisions to their conceptual plan.

Moved by Board Member Brothers, seconded by Board Member Bernkopf to continue the comprehensive plan map amendment and rezoning to the December 13, 2016 Planning and Zoning Board meeting. Motion passed, 6-0.

b. Rezoning – Grace Church – (REZ 2016-06)

The applicant has requested a rezoning to change the zoning on the property from Brevard County AU (Agricultural Residential Use) to the City of West Melbourne P-1 (Institutional).

Applicant: Grace Church – (MBV Engineering Inc., Bruce Moia PE – agent for applicant)
Location: west side of Minton approximately 2,000 feet south of Milwaukee Avenue

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

The motion by the Planning and Zoning Board to postpone this case was conducted in the motion listed above.

c. Large Scale Comprehensive Plan Map Amendment – Aventine (LSA 2016-04 Adoption)

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.

Planner Curry presented the staff report. She gave the background of the request and provided analysis of consistency with future land use goals, objectives and policies. She stated there was sufficient capacity of public facilities and the proposed use is compatible with surrounding land uses. She provided analysis on the current maximum development

potential of commercial in comparison with the proposed urban density residential and stated the potential commercial development would have a higher impact than the proposed multi-family impact. She explained the comprehensive plan map amendment was transmitted and the city received a “no adverse impact” letter which means the State of Florida review agencies found no significant adverse impacts and there are no concerns about State facilities. She informed the board that the applicant’s representative, Ana Saunders P.E. is in the audience to answer any questions and recommended the following motion:

Recommend to City Council to adopt the large scale comprehensive plan map amendment to change the future land use designation on the subject property provide from COM (Commercial) to UD-RES (Urban Density Residential).

Chairman Liesenfelt opened the public hearing. With there being no comments, he closed the public hearing.

Discussion included:

- Ingress/egress and traffic at the intersection with Palm Bay Road and the long term goal to have a traffic light installed at the intersection.
- Connectivity to Walmart’s parking lot and the timing of the construction for the segments of Durham Drive and Imagine Way to be built by the single-family subdivision known as Cypress Landings that would complete the roadway network.

Moved by Board Member Bernkopf, seconded by Board Member Brothers to recommend to City Council to adopt 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, 6-0.

7. ACTION – Not public hearing(s) – Coastal Commerce Center Tract H Re-plat – Final Plat – (FP 2016-08)

The applicant is requesting approval of a re-plat to shift the property lines of Tract H at Coastal Commerce Center for two (2) additional commercial lots. Goodwill was the first replat of Tract H, and this is the second replat. The final plat for Coastal Commerce was initially approved in 2008. At that time the tenants for the center were unknown, and rather than creating many small lots, the developer chose to have large lots and to replat the lots at the time when new property owners were secured.

The Planning and Zoning Board will provide their recommendation on whether the re-plat of the subdivision meets minimum code requirements.

Applicant: Scott Glaubitz, BSE Consultants, Inc.
Location: east side of Coastal Lane, south of Goodwill

Planning Director Fischer explained the request along with the history of the development. She showed how Tract H is requested by the applicant to be split up and some current pictures of the vacant property. She explained all of the infrastructure has been installed and the subdivision has been completed to the City and agencies’ satisfaction. The transportation aspect of the subdivision was done in 2007/2008 with the set of improvements to John Rodes, New Haven and Coastal Lane. The stormwater cannot exceed the master stormwater retention permit. She recommended the following motion:

Approve the re-plat for the subject property (Tracts H-2 and H-3) based on the analysis in the staff report with the following conditions that must be addressed:

1. Provide staff an executed copy of the mortgage joinder consenting to the re-plat (This document is recorded simultaneously with the re-plat).
2. Provide a maintenance bond to the City, once the water and sewer line extension onto Tract H-2 is built.

Discussion Included:

- Concern over drainage but there were no complaints from any of the residents on Keystone Avenue after the rain experienced in the 2009 tropical storm.
- This item addresses the split of Tract H into future lots only and the Planning and Zoning Board is not being requested to make a motion for the development of the proposed Holiday Inn which is undergoing the site plan review process through city staff.

Moved by Board Member Brothers, seconded by Board Member Bernkopf to recommend to City Council to approve the re-plat for the subject property (Tracts H-2 and H-3) with the following conditions:

1. Provide staff an executed copy of the mortgage joinder consenting to the re-plat (This document is recorded simultaneously with the re-plat).
2. Provide a maintenance bond to the City, once the water and sewer line extension onto Tract H-2 is built.

Motion passed, 6-0.

8. PLANNING DIRECTOR REPORTS

Planning Director Fischer advised the board there would be a meeting in December. She also informed the board of the two applicants in the audience who were interested in filling the vacancy on the board left by Ms. Kawohl.

9. ADJOURN

Chairman Liesenfelt adjourned the meeting at 7:47 p.m.

Chairman Liesenfelt

Denise Curry, Planner

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PLANNING & ZONING BOARD AGENDA ITEM

PREPARED BY: Christy Fischer, Planning Director
MEETING DATE: December 13, 2016
SUBJECT: **2017 Planning and Zoning Board Calendar changes**

Background Information:

The Planning and Zoning Board calendar is set according to the Land Development Regulations Section 66-155, the board shall meet on the second Tuesday of every month. There is also an allowance to have special meetings according to the City Codes, in that same section of the code. In the past, meeting dates and times have been moved to accommodate board members and to avoid special events, natural or man-made. For the 2017 calendar, the current chair has expressed concern about the upcoming duties he must conduct for his profession, as the Space Coast Area Transit director that occur on the same night as the Planning and Zoning Board meetings. Staff has assembled the attached list of meeting dates to offer an alternative schedule of the regularly scheduled meetings, and since this schedule is different than what we would normally have, we are asking for a motion of approval from the Board. Staff will then use the approved schedule to announce to applicants the dates of various board meetings.

Staff Recommended Motion:

Staff recommends approval of the 2017 Planning and Zoning Board schedule or provide an alternate set of changes to the 2017 calendar of meetings.

Attachments:

1. Unapproved 2017 Planning and Zoning Board schedule

UPCOMING MEETING DATES
 Judge T. Mitchell Barlow, Jr. Council Chamber
 2285 Minton Road
 West Melbourne, FL 32904

Planning & Zoning Board	City Council	Board of Adjustment
January 12, 2017	January 17, 2017	January 26, 2017
February 14, 2017	February 7, 2017	February 23, 2017
	February 21, 2017	
March 14, 2017	March 7, 2017	March 23, 2017
	March 21, 2017	
April 13, 2017	April 4, 2017	April 27, 2017
	April 18, 2017	
May 17, 2017	May 2, 2017	May 25, 2017
	May 16, 2017	
June 13, 2017	June 6, 2017	June 22, 2017
	June 20, 2017	
July 13, 2017	July 18, 2017	July 27, 2017
August 10, 2017	August 15, 2017	August 24, 2017
September 20, 2017	September 5, 2017	September 28, 2017
	September 19, 2017	
October 12, 2017	October 3, 2017	October 26, 2017
	October 17, 2017	
November 14, 2017	November 7, 2017	November 16, 2017
	November 21, 2017	
December 12, 2017	December 5, 2017	December 28, 2017
	December 19, 2017	

Note: Meeting dates are subject to change or cancellation.

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PLANNING AND ZONING BOARD AGENDA ITEM

Small Scale Comprehensive Plan Amendment (SSA-2016-04) Grace Church – Minton Road

PREPARED BY: Denise Curry, Planner

REVIEWED BY: Christy Fischer, Planning Director

MEETING DATE: December 13, 2016

Background Information—

This is a request to submit to the Department of Economic Opportunity (DEO), a change to the Future Land Use designation on the subject property which is in the process of annexing into the City. The applicant is requesting to change the property from Brevard County RES-4 (Residential 4) and NC (Neighborhood Commercial) to City of West Melbourne INST (Institutional). The proposed map amendment is a small scale comprehensive plan map amendment because the property size is less than ten (10) acres.

Property Information Table

Property Information	
Location & Acreage	West side of Minton Road, north of Fell – 8.89 acres
Existing Use of Property	Vacant - undeveloped
Proposed Use of Property	The applicant wants to develop the subject property as a church with the conceptual site plan layout as an exhibit.

City Limits are highlighted in blue



Environmental Site Data—

Flood Zone: The property is located in Flood Zone “X” as determined by the 100-year base flood elevation.

Natural Resources: The impact on natural resources will be assessed during the site plan review process.

Development Potential for Small Scale Amendment:

The State requires that when a local government analyzes concurrency for a future land use amendment, the analysis be based on the most intense use allowed in the proposed future land use category. This maximum is not usually reflective of what can or cannot be built on the site after all other features are accommodated such as stormwater, parking, and buildings, but helps local governments in determining a worse case scenario for future planning of infrastructure.

Future Land Use Designation	Maximum Intensity/Density per FLU	Maximum Development Potential for 8.89 acres
Brevard County NC - 1.0 acre (Neighborhood Commercial) RES-4 - 7.89 acres (Residential 4)	0.75 FAR (Floor Area Ratio) 4 dwelling units per acre	32,670 SF 32 dwelling units
West Melbourne INST, (Institutional)	0.60 FAR (Floor Area Ratio) or 15 dwelling units per acre	232,349 SF of institutional use or 133 dwelling units
<i>Difference</i>	<i>Reduction</i>	<i>32,670 SF of potential commercial development along the Minton Road corridor</i>

The maximum build out potential under the existing Brevard County NC future land use would allow 32,670 square feet of commercial development on 1.0 acre and 32 dwelling units on 7.89 acres. Although there appears to be more square footage that could be built with the proposed City of West Melbourne INST future land use, there is no direct equivalency between the Neighborhood Commercial with the City’s Institutional uses since institutional uses are not businesses but may vary and be group homes (assisted living facilities), churches, schools, libraries or other semi-public uses.

Under the West Melbourne INST designation, there could be up to 232,349 square feet of institutional use or possibly up to 133 dwelling units in group quarters. But designating the 8.89 acres INST, would eliminate 32,670 square feet of potential commercial development along Minton Road. If this site were developed as commercial with 32,670 SF of retail space, this would result in additional cars on the road, higher uses of potable water, sanitary sewer, and solid waste than there would be for an institutional use. By requiring a concept plan of the proposed use, the City is assured of the limits of the institution which in this case would be a 15,000 square foot church.

Adequate Public Services/Facilities:

The following narrative summarizes the maximum infrastructure and service impacts related to capacity of public facilities and preliminary concurrency evaluation of facility capacity. This type of analysis is required by Florida Statutes for comprehensive plan amendments, but does not

reserve actual water or sewer capacity, only that there is still sufficient capacity to serve the properties even at maximum build out.

Traffic concurrency - Enforcement of transportation concurrency is optional for each local government according to the 2011 legislative changes, but if enforced, there are a number of changes that must be made to the City's "Horizon 2030 Comprehensive Plan", as well as to the manner in which concurrency is measured. At this time, the City has not made the changes, since the majority of roads in the city limits with traffic issues are county roads and the County is not enforcing traffic concurrency. This does not mean that the City is not working with developers to minimize impacts to congested roadways such as Minton Road, but Minton Road is not classified as a continuously failing facility by the County, and only fails during peak hours. The long range transportation planning organization, the Space Coast Transportation Planning Organization (TPO), has identified Minton Road as needing to be six-laned by the year 2040, but does not identify a funding source. The TPO is aware of the need for additional north to south transportation routes and it is for this reason that the St. Johns Heritage Parkway is expected to relieve some of the South Brevard County road congestion.

Water and sewer concurrency - City staff consulted with the Public Works Department and CH2M Hill to make the determination that there is sufficient water and sewer capacity if the 8.89 acres were developed as Institutional.

The comparison of developable square footage in Brevard County's "Neighborhood Commercial" (County FLU) versus the City's "Institutional" (City FLU) reveals that overall demand for water, sewer and solid waste are diminished. This is part of the required State analysis for comprehensive plan amendments.

Municipal Services—

Transportation: Primary Access: Minton Road.

This property only has one access which is to Minton Road. Any enhancements needed to the County road will be assessed at the time of development by the governing agency, Brevard County, with some input by the City. Again, traffic concurrency is not a City reviewed impact for comprehensive plan changes but as stated previously the road currently operates with available volume capacity despite its peak hour congestion.

Utilities: The property owner desires city water and sewer services. There is capacity in our systems to accommodate the proposed development.

Stormwater: As part of any new development the stormwater will need to be assessed at the time of development.

Fire & Police: Brevard County Fire and Rescue provides fire protection and emergency services. City of West Melbourne Police will serve the property.

Staff Analysis—

There are two types of amendments to a comprehensive plan: small scale and large scale. The proposed amendment is considered small scale because the size of the property on the future land use map is less than ten (10) acres. The Planning and Zoning Board, as the City's Local Planning Agency (163.3174 F.S.), must hold a public hearing and deliberation hearing on the

request and provide a recommendation to the City Council. The Council will ultimately determine whether to approve or deny the request.

City Code Citation:

Section 66-522. Exception for small scale development activities.

State Requirements:

The following criteria have been reviewed to determine the appropriateness of the land use amendment request:

Florida Statutes Ch. 163, pt. II: The request is consistent with the provisions of Ch. 163, pt. II, F.S. which contain the criteria for required items needed for comprehensive plan future land use map amendments and sending these to the State and local agencies.

Consistency with the 2010 Comprehensive Plan:

The consistency review of the request with the comprehensive plan predominantly assesses whether the request is consistent with the intended designation, discourages urban sprawl, creates neutral or minimal concurrency impacts and has minimal impacts to natural systems. The Future Land Use Element and other policies in other chapters of the comprehensive plan related to:

Urban sprawl, minimal concurrency impacts and impacts to natural systems are as follows:

Future Land Use (FLU) Designation Evaluation

FLU Policy 2.6 states, "...*The Institutional, Public Space, and Environmental land uses are intended to support the community's public resources and facilities, parks and public spaces, and natural resources. The institutional, public space and environmental land use category includes community housing, civic areas and public use facilities (museums, cultural facilities, restaurants, churches, and golf courses)...*"

FLU Policy 2.6 a. states, "*Since these areas are intended to be easily accessible to the local residences and accessible via a variety of transportation alternatives, they should not be isolated from surrounding uses. The maximum density allowed in the INST land use designation is 15 du/acre (clustered only and multi-family) and up to 0.60 FAR for intensity.*"

Staff Comments – The proposed assignment of INST future land use designation to this previously developed home-site is consistent with the policies for Institutional which seek to have community uses surrounded by other types of uses. In this case, the church is a good transition use between the park and the residents to the south along Fell Road and to the north with Wesley Groves, and is compatible with the other civic uses in the area such as the schools and library.

Urban Sprawl

Comprehensive Plan amendments are reviewed to ensure compliance with the requirements of Florida Statutes, regarding urban sprawl.

Staff Comments— The proposed assignment of the INST (Institutional) future land use designation to a property that is located near a regional park and a cluster of other institutional uses is typical of urban development. It makes sense for the City to provide

water and sewer to this property since the site is next to the Wesley Groves Subdivision which already has city water and sewer.

FLU Policy 5.2 Site and Development Reviews:

“Utilize the site and development review process to implement the community design priorities established by the Horizon 2030 Comprehensive Plan; promote the integration of land use patterns, transportation systems, and public spaces and parks, and recreational areas; and discourage suburban development patterns as indicated by strip commercial development, disconnected neighborhoods, and isolated parks and civic uses.”

“FLU 5.6 Future Land Use Map Amendments
Amendments to the future land use map as either large scale or small scale map amendments shall be guided by these principles in addition to statutory requirements:

- b. All land uses – The ability of public facilities and services to be extended in an orderly and financially feasible manner.*
- c. All land uses – Each amendment shall be evaluated upon the proposed location, adjacent land use, proposed development (amount of units or square footage of non-residential), facility capacity and buffering of uses between non-like designations, except for mixed use designations. “*

Staff Comments— The property is located in close proximity to other Institutional type uses (schools, library, and a church) and single-family subdivisions and will promote integration of more urban types of uses rather than functioning as a single family lot. Both the City’s water and sewer lines can be easily extended from the Wesley Groves residential site.

Public Service Standards and Infrastructure Systems Policy

FLU Policy 1.5 states, *“Provide the community with a good quality of life by ensuring that there is adequate public services and infrastructure capacity for current and future developments. The City will meet the community’s public service demands by addressing the following:*

- a. City’s capacity to deliver basic public services and maintain its public facilities and infrastructure systems.”*

Staff Comments – The applicant will be required to connect to City water and sewer services that are located adjacent to the property and are ready for their connection. The applicant will extend and install the water and sewer lines at their expense. As stated in the “Adequate Public Services/Facilities” section, the water and sewer systems will continue to operate without impacting the adopted capacity levels.

Transportation Service Standards Policy

“2.6 Infill and Redevelopment Considerations

Utilize the development process to ensure that transportation concerns are addressed for all infill and redevelopment projects.....

Staff Comments – Although transportation concurrency is not required to be analyzed according to the Florida Statutes, staff compares the quantity of trips that might be

generated at maximum square footage and houses in the County, to that which the City might allow with the revised future land use designation. Under the two County's future land use designations, the site could generate up to 2200 new average daily trips, and under the City's sole designation as Institutional the site could generate up to either 2100 new average daily trips as institutional or 500 average daily trips with a group home facility.

Consistency with the Land Development Regulations (LDR):

Staff also reviews the request to determine whether or not it is consistent with the LDRs.

LDR Section 66-519. Amendment application.

Staff Comments—The submitted application complies with the code requirements for its content and completeness. Staff has determined the request is consistent with the goals, objectives and policies in the Future Land Use Element and other portions of the Comprehensive Plan.

LDR Section 66-522. Exception for small scale development activities.

This section sets forth the criteria for meeting the definition of a small scale land use map amendment, the public hearing process and the reporting requirements to the State of Florida and other agencies.

Staff Comments — This request meets the definition for a small scale amendment since the map amendment includes a land use change of less than ten acres. Staff will send the request, if adopted, to the applicable agencies. If not adopted, the applicants have the ability to appeal the decision to Council and to re-apply in one year.

Public Notice:

The small scale comprehensive plan amendment was advertised in the legal section of the Florida Today on October 20, 2016. Notices were also mailed out and the adjacent property owners have not contacted staff about this future land use map amendment or rezoning.

Conclusion:

The assumption in the County's future land use element is that portions of Minton Road will remain semi-rural rather than the urbanization that Minton Road is currently experiencing. This assumption in the County's future land use element of suburban growth has not been changed and the City will soon be changing its comprehensive plan to adopt policies to incorporate the change in vision of the corridor to contain a town center based on its current civic and government uses.

Staff Recommended Motion:

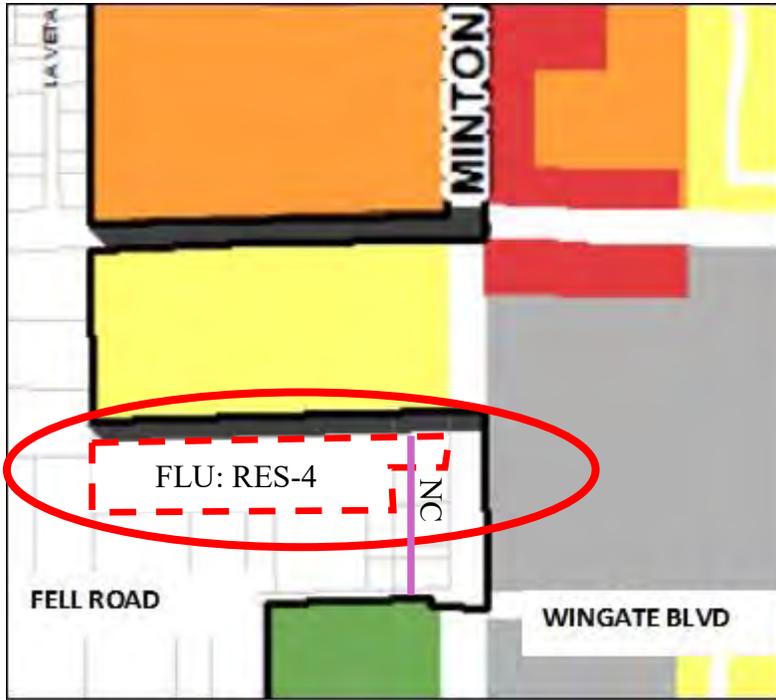
Recommend approval to City Council of the small scale comprehensive plan map amendment SSA 2016-04 to change the future land use from Brevard County Residential 4 (RES-4) and Brevard County Neighborhood Commercial (NC) to City of West Melbourne Institutional (INST).

Attachments—

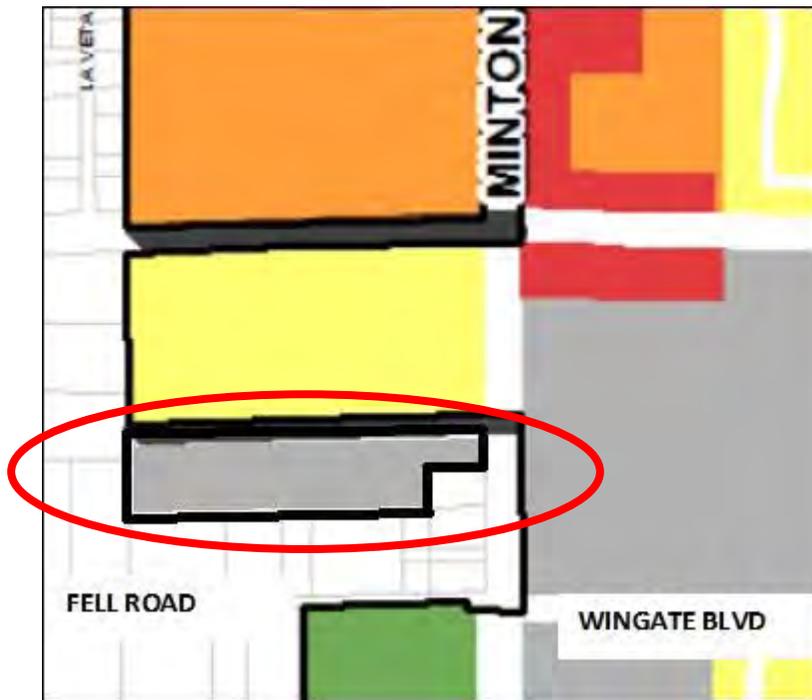
1. Future Land Use Maps

Attachment 1

Existing FLU Designation Brevard County RES-4
(Residential 4) and NC (Neighborhood Commercial)



Proposed FLU Designation of City of West Melbourne INST (Institutional)



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PLANNING & ZONING BOARD AGENDA ITEM

PREPARED BY: Denise Curry, Planner
REVIEWED BY: Christy Fischer, Planning Director
MEETING DATE: December 13, 2016
SUBJECT: **Grace Church – Conceptual Church Plan and Rezoning (REZ-2016-06)**

Explanation of Two Sets of Recommendations Needed:

The City's land development regulations identify church uses in the institutional zoning district as needing two sets of approvals, one for the conceptual plan which provides a framework for more detailed engineering plans to be submitted to the City, and for a rezoning which must be predicated upon the approval of the conceptual plan. These requirements are stated in both the City's "Administration" chapter of the land development regulations and separately in the City's "Zoning" chapter under the Institutional zoning district. This staff report will be divided into two parts, each with a separate recommendation:

Part A: Conceptual Site Plan Analysis of Grace Church
Part B: Rezoning of the property to Institutional

The impetus for having a conceptual plan accompany the rezoning to institutional zoning is that the institutional zoning differs from other zoning districts and has a wide range of uses that can be placed in close proximity to single family uses and in various locations throughout the City, instead of the typical model of congregating like uses next to other like uses. Meaning, the City rarely places commercial, industrial or other intense uses in islands amongst residential uses, but frequently, institutional uses are placed as islands next to residential uses because institutional uses include civic and government uses that serve the community at large and not just the needs of shoppers or businesses.

Part A: Grace Church Conceptual Site Plan

Background Information:

This is a request for conceptual site plan approval regarding the proposed Grace Church located west of Minton Road, north of the property addressed as 2840 Minton Road. The following information is to assist the Planning and Zoning Board in its recommendations.

Applicant: Grace Church Melbourne, Inc.

Location: West of Minton Road, south of the subdivision under construction known as Wesley Groves

Acreage: 8.89 acres

Proposed Development:

- Proposed location for a 15,000 s.f. church and 5,400 s.f. future expansion located approximately mid-way on the site
- Parking and stormwater pond areas
- Sidewalk from Minton Road to the church
- One driveway (right in/right out only) onto Minton Road including a deceleration lane leading into the site

In the Zoning Code, under Section 98-647, the City lists the 17 criteria that are to be noted on the concept plan. The concept plan fulfills the City's checklist for communicating the size of the church, including an expansion, the parking needs, the amount of paved and roofed area versus open space, and of showing the parking, sidewalk and building footprint areas. There are only a few items that the Planning Department requests be altered on the concept plan to be submitted to City Council that will ensure that the layout is properly communicated and is relevant to the current discussion of a town center. The following items describe staff's analysis of items to be addressed:

Natural Resources: This property contains native and invasive trees, as is typical of properties that have been developed for single family houses. This property was originally developed with a house in 1963, and contains some of the wetland found along the south property line of Wesley Groves and large oak trees. Although a tree survey is not needed at this time, staff is requesting the applicant's commitment to keeping shade trees when possible and for enhancing the front setback area with more landscaping than required in the code.

Full engineering drawings are not required for the concept plan, and the details of an environmental report prepared by a biologist, a thorough tree survey by surveyors and other documents will accompany the full engineering drawings. However, since Wesley Groves is currently under construction and the location of the shared wetland between the two properties has already been determined for the residential subdivision to the north, the outline of the wetland must be indicated on the concept plan, and a statement committing to preservation of shade trees and the wetland when possible should be included on the concept plan. The land development regulations require mitigation of large tree removal anyway.

Landscaping: The concept plan is not required to show the proposed landscaping, meaning the details of which types of trees, plants and grass are not required to be shown on the plan. However, in light of the consistent direction from City Council that a town center atmosphere be fostered along Minton Road, and a church use fits in with the public realm notion of a town center, staff is requesting that additional attractive landscaping and furniture such as benches, artwork or other items be included with the ultimate site design along Minton Road.

Street Lighting: One of the criteria that can be used with the review of the concept plan by staff is for additional information. Staff's request is related to the ongoing effort to convert this segment of Minton Road into a town center atmosphere with some lighting. Again, related to the town center study conducted by the American Planning Association which on page 20 of the "Community Planning Assistance Team" report states, "*A Town Center is a highly connected place. It serves as a focal point for the community, requiring clear and easy access from surrounding neighborhoods...*" Staff is aware of financial resource restrictions of churches, but a commitment to research some lighting of the property's frontage along Minton Road will be the first step needed to making the area more inviting during non-daylight hours.

Utilities: The connection to the City's water and sewer line will be required for construction of the church facility. Staff is also requesting that the water and sewer lines be stubbed out at the edge of the church's Minton Road property line to be available to potential future users such as the house that exists at 2840 Minton Road and those residences along Fell Road.

Conclusion

The proposed development plans for a new church along Minton Road are consistent with the intent of the requirements in the Institutional zoning district, which is to show enough of the proposed facilities to allow recommendations and comments along with the City's commitment to rezoning the property.

Public Notice:

The concept plan request was advertised in the legal section of the Florida Today on October 25, 2016.

Staff Recommended Motion:

Staff recommends approval of the Concept Plan as indicated on the attachment with the following conditions:

- 1) The church shall state on its plans its commitment to preserving large shade trees and will the shared wetland that is part of the Wesley Groves residential subdivision. An environmental study will be submitted due to the wetland and possible associated animals.
- 2) In the spirit of civic commitment, place either street furniture, art or other facilities along its Minton Road frontage, and install reasonable lighting along its Minton Road frontage.
- 3) The church shall extend the water and sewer lines to the shared property line with the property that has the address of 2840 Minton Road (the small lot to the south).

Attachments:

1. Initial Site Plan (part of the P-1 approval)

End of Part A

Concept Plan Inserted here

Part B: Rezoning the property along Minton Road to Institutional

This is a request to rezone property from Brevard County AU (Agricultural Residential Use) to City of West Melbourne P-1 (Institutional). The following information has been compiled to assist the Board in making a recommendation concerning this request.

Applicant/Property Owner:	Mr. Bruce Moia, PE, MBV and Associates, Inc. agent for Grace Church (purchasing property)
Location:	Vacant property on the west side of Minton Road and north of 2840 Minton Road
Acreage of Rezoning Request:	8.89 Acres
Existing Zoning:	Brevard County AU (Agricultural Residential Use)
Proposed Zoning:	West Melbourne P-1 (Institutional)
Existing Use:	Vacant (had a house previously)
Proposed Use:	15,000 square foot church building (388 seat worship hall) and a 5,400 square foot future expansion (220 seats)

Surrounding Properties:

Direction	Existing Use	Jurisdiction	Zoning District (see attached maps)
North	Wesley Groves – Single family subdivision under construction	West Melbourne	R1-A (Single Family Residential)
South	Single family house (2840 Minton Road)	West Melbourne	AU (Agricultural Use)
East	Meadowlane Primary school	West Melbourne	R-A (Residential Agricultural)
West	Fellwood Estates (large lot residential)	Brevard County	AU (Agricultural Use)

Environmental Site Data:

Flood Zone: The property is located in Flood Zone “X” as determined by the 100-year base flood elevation.

Natural Resources: If there are protected animal species, the applicant will have to comply with State of Florida and federal requirements. Tree clearing will be allowed for reasonable facilities, but the applicant may have to mitigate the removal of large indigenous trees per the City’s tree code.

Adequate Public Services/Facilities:

The maximum-allowed intensity is 232,349 SF in the City’s P-1 zoning district at 0.60 FAR (Floor Area Ratio). The impact of a possible 232,349 on water, sewer and schools was analyzed as part of the small scale future land use designation evaluation. There are no negative impacts to the City’s water or sewer facilities. Rezoning the site with a specific plan that limits development further reduces any impacts to infrastructure systems.

Staff Analysis:

The applicant is requesting to rezone the property from Brevard County AU (Agricultural Residential) to City of West Melbourne P-1, (Institutional). In reviewing the proposed rezoning request, the City assesses whether the request meets the minimum requirements in the Land Development Regulations and whether the request is consistent with the adopted Comprehensive Plan. The following sections provide data for these items.

Development Potential and Zoning Suitability:

The property has a County AU zoning designation that allows residential and agricultural uses which made sense when the property was first developed in 1963 and orange groves were north of the site. The City's P-1 zoning district is suitable for a property that is adjacent to an arterial road, and is near other institutional uses such as Calvary Chapel, the schools, the library, and the parks.

City Codes (Zoning):

The P-1 zoning district allows institutional uses that are intended to apply to an area which can serve the needs of the community for public and semipublic facilities like the church that is being proposed for this site. This area of the city has other churches, schools, a library and parks close by and is appropriate for this zoning.

Staff Analysis –

The applicant's request is to rezone the property from Brevard County AU to P-1 to allow construction of a church. In reviewing the proposed rezoning, the City assesses whether the request meets the minimum requirements in the Land Development Regulations and whether the request is consistent with the City's adopted Comprehensive Plan. The following sections provide data for these items.

Site Plan as Part of the Institutional Zoning Process

The P-1 zoning district is different than many of the City's other zoning districts in that the City does not pre-assign properties to have this zoning, but rather, the application of P-1 is done on a case by case basis with the rezoning process. This is in part to assure that Institutional zoning is appropriately applied and is compatible with its surrounding uses. The rezoning to Institutional is the **only** rezoning process which requires that a concept plan be submitted (LDR Section 98-647) in conjunction with the rezoning so that the proposed use is immediately known. This is in part due to the variety of uses allowed in the Institutional district, which is unlike residential and commercial districts which tend to have more singular types of uses.

Consistency with the 2010 Comprehensive Plan:

The Small Scale Amendment staff report addresses the factors used to determine consistency with the goals, objectives and policies in the Comprehensive Plan. These policies have been adequately met and the Florida Statute requirements for comprehensive plan amendments have been satisfied.

Consistency with the Land Development Regulations (LDR):

Staff also reviews the request to determine if it is consistent with other LDRs.

Sec. 66-287 - Applications.

Staff Comments - The submitted applications comply with the code requirements for their content and completeness.

Sec. 66-288 - Review and recommendation on application.

The rezoning request is forwarded to the Planning and Zoning Board for its recommendation and then to City Council for its determination. These findings are based on the LDRs, Comprehensive Plan, surrounding conditions, input from the applicant and general public, and the facts surrounding the case.

Staff Comments - The P-1 zoning designation is allowed under the City's INST future land use designation, and this zoning is compatible with the surrounding land uses, and is an appropriate location for institutional uses.

Sec. 98-646 – General Requirements. (P-1, Institutional District)

“The P-1 institutional district is intended to apply to an area which can serve the needs of the community for public and semipublic facilities of an educational, health or cultural nature. Since the site and building requirements for such uses vary with the size and type of use, a review and approval of the plans is specified and the zoning itself is predicated upon the approval of the site plan.”

Staff Comments - The proposal meets the minimum lot dimensions in the P-1 district, the property is consistent with the existing institutional uses that characterize this area. Planning staff reviews the conceptual plan and requests prior to advertising the proposed future land use and rezoning. The table below describes P-1 uses. As stated above, this site is in a compatible location being adjacent to other institutionally zoned properties.

Comparison of AU and P-1 Zoning:

Comparison Feature	Brevard County AU	West Melbourne P-1
Principle Uses	Single-family detached residential dwelling, all agricultural pursuits, raising and grazing of animals, dude ranches, fowl raising and beekeeping, parks and public recreational facilities, plant nurseries, private golf courses, private camps, foster homes.	Public and semipublic buildings and activities, such as city hall, public safety building, auditoriums, govt. offices, public utility service facilities, public schools, hospitals, clinics, nursing homes, adult congregate living facilities, churches, museums, libraries, parks, golf courses
Maximum Intensity	1.0 FAR	No maximum building coverage
Minimum Lot Area	2 ½ acres	20,000 square feet
Minimum Lot Width	150 feet	100 feet
Minimum Lot Depth	150 feet	150 feet
Maximum Height	45 feet	40 feet

Minimum Setbacks:

Front	25 feet	50 feet – frontage on arterial or collector road
Side, Interior	10 feet	35 feet
Side, Corner	25 feet	35 feet
Rear	20 feet	35 feet

Staff Comments – Regarding the use table, as described under the row above labeled, “Principal Uses”, the AU and P-1 uses are similar only in the aspect of allowing recreational facilities. The AU allows public recreation uses but does not specify church or other institutional uses as allowed. However, the other business types of uses allowed in the AU district such as dude ranches and golf courses are more impacting to surrounding neighbors than an indoor church.

Conclusion

The proposed development plans for a church are consistent with the P-1 zoning, and the developer is limited to construct just the church per the Concept Plan approved with the rezoning.

Public Notice:

The rezoning request was advertised in the legal section of the Florida Today on October 25, 2016. Staff also mailed out letters to surrounding property owners and received no comments from the public.

Staff Recommended Motion:

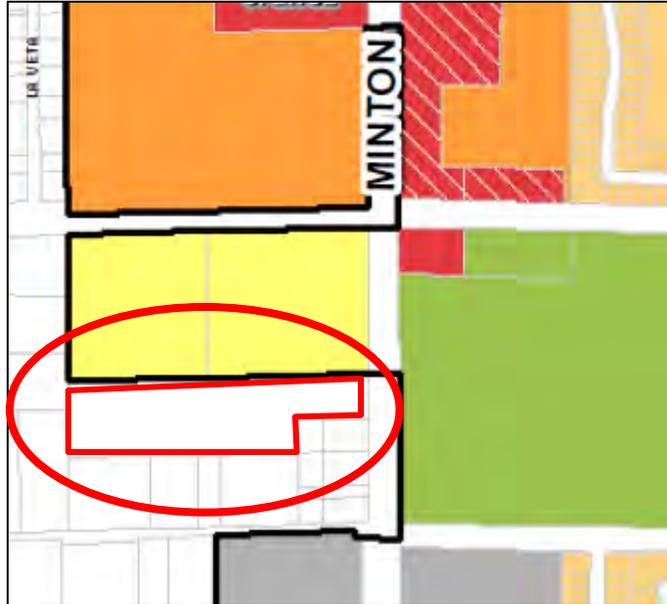
Staff recommends approval of the rezoning request from Brevard County AU (Agricultural Residential) to City of West Melbourne P-1 (Institutional District) with the condition that the comprehensive plan map amendment (small scale) and concept plan are approved.

Attachments:

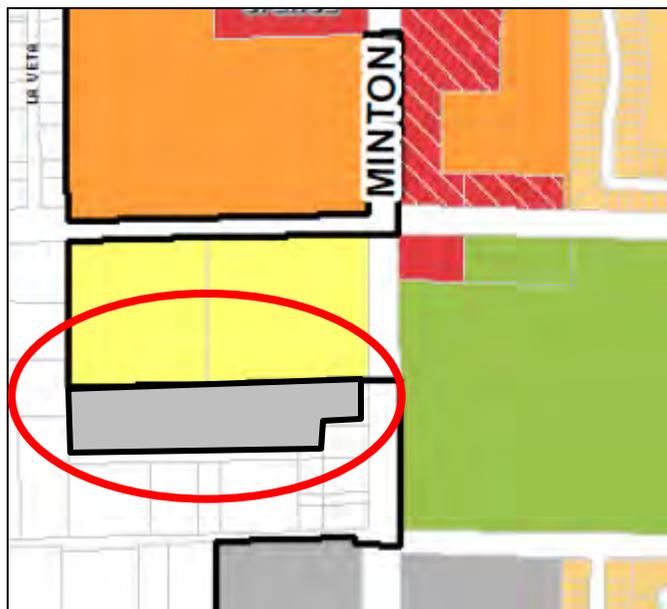
1. Rezoning Map

Attachment 1

Current Brevard County AU zoning



Proposed City of West Melbourne P-1 zoning



MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Pat Bentley
Bill Mettrick
John "Coach" Tice
Barbara A. Smith
Adam Gaffney



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PLANNING AND ZONING BOARD AGENDA ITEM

Small Scale Comprehensive Plan Amendments (SSA-2016-05, SSA-2016-06 & SSA-2016-07) Hield Road properties

PREPARED BY: Denise Curry, Planner

REVIEWED BY: Christy Fischer, Planning Director

MEETING DATE: December 13, 2016

Background Information—

This is a request by three owners to submit to the State Department of Economic Opportunity (DEO), a change to the Future Land Use designation on the three subject properties which are in the process of annexing into the City. The applicants are requesting to change the property from Brevard County RES-2 (Residential 2) to City of West Melbourne LD-RES (Low Density Residential) and as a separate action rezone the property from AU (to R-A (Residential Agricultural)). The proposed map amendment is a small scale comprehensive plan map amendment because the property size is less than ten (10) acres.

Property Information Table

Property Information	North side of Hield Road (west of Minton Road)
3 sets of Applicants & Acreage (6.31 acres total)	<ul style="list-style-type: none">• Rebecca Stafford & Shawn Zegles – 3240 Hield Road – 3.57 acres• Andrew Powshok – Vacant/undeveloped (to the south) – 1.37 acres• Tony Masone – Vacant/undeveloped (to the south) – 1.37 acres

These property owners are also requesting to come into the City limits (annexation process). The west side of Hield Road is in the City of Palm Bay, and the east side is unincorporated county area. Sawgrass Lakes to the north provides the adjacency needed to be eligible to annex into our city limits. The annexation is voluntary, meaning the property owners approached the City with their request about a month ago. Annexations are not agenda items for the Planning and Zoning Board.

City Limits are highlighted in blue



Surrounding Properties (see the attached aerial from the property owners):

Direction	Existing Use	Jurisdiction	Future Land Use (see attached maps)
North	Melbourne Tillman Canal Norfolk Parkway Sawgrass Lakes Subdivision	West Melbourne	Canal Right-of-way LD-RES
South	Vacant/undeveloped Hield Road	Brevard County	RES-2 (Residential 2)
East	Single-Family residences (Sharon and Ellis Drive)	Brevard County	RES-2 (Residential 2)
West	Single-Family residences (Hield Road)	Brevard County	RES-1:2.5 (Residential)



Environmental Site Data—

Flood Zone: The property is located in Flood Zone “X” as determined by the 100-year base flood elevation.

Natural Resources: The impact on natural resources will be assessed when developed.

Development Potential for Small Scale Amendment:

The State requires that when a local government analyzes concurrency for a future land use amendment, the analysis be based on the most intense use allowed in the proposed future land use category. This maximum is not usually reflective of what can or cannot be built on the site after all other features are accommodated such as stormwater, parking, and buildings, but helps local governments in determining a worst case scenario for future planning of infrastructure.

Future Land Use Designation	Maximum Intensity/Density per FLU	Maximum Development Potential for 6.31 acres
Brevard County RES-2 – (Residential 2)	2 dwelling units per acre	13 dwelling units
West Melbourne LD-RES, (Low Density Residential)	5 dwelling units per acre	32 dwelling units
<i>Difference</i>	<i>*Increase</i>	<i>19 dwelling units</i>

*Although there is an increase in dwelling units since the future land use allows 5 dwelling units an acre; however, the limit of development would really be the zoning district that would get applied to the area. The City’s R-A (Residential Agricultural) zoning would limit maximum development to one-acre lots, which means there might be 6 dwelling units maximum in the City. The zoning would limit the potential density on the 6.31 acres to 6 dwelling units maximum in the City, which is still less than what is possible in the County’s future land use which would be 13 dwelling units.

The City’s Comprehensive Plan’s Future Land Use Element contains a policy which states that future land use map amendments such as this, shall be evaluated upon location, adjacent land use, proposed development, buffering of non-like uses, and infrastructure capacity of water, sewer, and solid waste. The location and adjacent land uses were already mentioned in the above paragraphs, and since the proposed City assigned future land use can only be single family residential, there is no discrepancy between the City versus the County future land use assignments.

Adequate Public Services/Facilities:

The following narrative summarizes the maximum infrastructure and service impacts related to capacity of public facilities and preliminary concurrency evaluation of facility capacity. This type of analysis is required by Florida Statutes for comprehensive plan amendments, but does not reserve actual water or sewer capacity, only that there is still sufficient capacity to serve the properties even at maximum build out.

Water and sewer concurrency - City staff consulted with the Public Works Department and CH2M Hill to make the determination that there is sufficient water and sewer capacity if the 6.31 acres were developed as Low Density Residential. The comparison of developable density in Brevard County’s “Residential 2” (County FLU) versus the City’s “Low Density Residential” (City FLU) reveals that overall demand for water, sewer and solid waste are diminished by the limiting factor of the R-A zoning density which only allows 1 dwelling unit/acre. This is part of the required State analysis for comprehensive plan amendments.

Other Public Services—

Transportation: Primary Access: Hield Road (County owned and maintained road)

This property only has access is to Hield Road. Any enhancements needed to the County road will be assessed at the time of development by the governing agency, Brevard County, with input by the City.

Traffic concurrency - Enforcement of transportation concurrency is optional for each local government according to the 2011 legislative changes, but if enforced, there are a number of changes that must be made to the City's "Horizon 2030 Comprehensive Plan", as well as to the manner in which concurrency is measured. This does not mean that the City is not working with developers to minimize impacts to congested roadways such as Minton Road, but Minton Road is not classified as continuously failing by the County, and only fails during peak hours at specific intersections. The long range transportation planning organization, the Space Coast Transportation Planning Organization (TPO), has identified Minton Road as needing to be six-laned by the year 2040, but does not identify a funding source. The TPO is aware of the need for additional north to south transportation routes and it is for this reason that the St. Johns Heritage Parkway is expected to relieve some of the South Brevard County road congestion.

Utilities: The property owners desires the ability to connect to city water service in the future if it becomes available. There is capacity in our systems to accommodate the proposed addition of six additional residential units.

Stormwater: As part of any new development the stormwater will need to be assessed at the time of development.

Fire & Police: Brevard County Fire and Rescue provides fire protection and emergency services. City of West Melbourne Police will serve the property.

Staff Analysis—

There are two types of amendments to a comprehensive plan: small scale and large scale. The proposed amendment is considered small scale because the size of the property on the future land use map is less than ten (10) acres. The Planning and Zoning Board, as the City's Local Planning Agency (163.3174 F.S.), must hold a public hearing and deliberation hearing on the request and provide a recommendation to the City Council. The Council will ultimately determine whether to approve or deny the request.

City Code Citation:

Section 66-522. Exception for small scale development activities.

State Requirements:

The following criteria have been reviewed to determine the appropriateness of the land use amendment request:

Florida Statutes Ch. 163, pt. II: The request is consistent with the provisions of Ch. 163, pt. II, F.S. which contain the criteria for required items needed for comprehensive plan future land use map amendments and sending these to the State and local agencies.

Consistency with the 2010 Comprehensive Plan:

According to the land development regulations (LDR) Section 66-518, small scale comprehensive plan amendments must be in compliance with the City's comprehensive plan and state requirements. The consistency review of the request with the comprehensive plan predominantly assesses whether the request is consistent with the intended designation, discourages urban sprawl, creates neutral or minimal concurrency impacts and has minimal impacts to natural

systems. The Future Land Use Element and other policies in other chapters of the comprehensive plan related to:

Urban sprawl, minimal concurrency impacts and impacts to natural systems are as follows:

Future Land Use (FLU) Designation Evaluation

FLU Policy 2.2: *“Residential land uses are intended for the development and support of existing and future neighborhood areas and low density residential areas. The city’s neighborhoods are designed to provide the community safe, vibrant places to live and share life with family, friends, and neighbors. A variety of transportation alternatives (walking, biking, auto, and transit) should interconnect adjacent neighborhoods and activity centers. In order to foster neighborhood connection to other neighborhoods, civic spaces are encouraged to be located along the transitional areas that link the city’s residential areas together.”*

FLU Policy 2.2.a: *“The Low Density Residential land use designation consists of single family residential uses. Commercial uses are not allowed in low-density residential land areas. The maximum density allowed in the LD-RES land use designation is 5 du/acre.”*

Staff Comments – The proposed assignment of LD-RES future land use designation to these existing residential lots is consistent with the future land use policies for low density areas. The Low Density Residential land use is intended to be on property near other single-family low density residential properties.

Urban Sprawl

Comprehensive Plan amendments are reviewed to ensure compliance with the requirements of Florida Statutes, regarding urban sprawl.

Staff Comments— The property is located adjacent to the city limits (Sawgrass Lakes Subdivision to the north) and is close to some existing professional office to the east. It is a logical extension of cities to extend into adjacent more rural areas. The proposed assignment of the LD-RES (Low Density Residential) future land use designation to a property that is south of already designated Low Density Residential area such as Sawgrass Lakes is reasonable. The attached aerial submitted by the property owners show the properties as related to immediate surrounding properties.

Public Service Standards and Infrastructure Systems Policy

FLU Policy 1.5 states, *“Provide the community with a good quality of life by ensuring that there is adequate public services and infrastructure capacity for current and future developments. The City will meet the community’s public service demands by addressing the following:*

- a. *City’s capacity to deliver basic public services and maintain its public facilities and infrastructure systems.”*

Staff Comments – The applicant will have the ability to connect to City water and sewer services that are located north of the property at Sawgrass Lakes Subdivision. The applicant will have to extend and install the water and sewer lines at their own expense and at this time choose not to connect. As stated in the “Adequate Public Services/Facilities” section, the water and sewer systems will continue to operate without impacting the adopted capacity levels.

Transportation Service Standards Policy

“2.6 Infill and Redevelopment Considerations

Utilize the development process to ensure that transportation concerns are addressed for all infill and redevelopment projects.....

Staff Comments – Although transportation concurrency is not required to be analyzed, staff compares the quantity of trips that might be generated at a maximum number of houses in the County, to that which the City might allow with the revised future land use designation and zoning. Under the County’s future land use designations, the site could generate up to 120 new average daily trips, and under the City’s sole designation as Low Density Residential the site could generate up to 302 new average daily trips. By virtue of the R-A zoning the density would be limited to a maximum potential of 6 dwelling units which would generate up to 57 new average daily trips which would significantly lower the number of new average daily trips that could be generated by the future land use designation alone. Hield Road already has well over 50 houses that front on Hield Road which produce approximately 500 daily trips, so another 57 trips from 5 new houses and will be a minor increase to the existing trips coming and going on Hield Road.

Consistency with the Land Development Regulations (LDR):

Staff also reviews the request to determine whether or not it is consistent with the LDRs.

LDR Section 66-519. Amendment application.

Staff Comments—The submitted application complies with the code requirements for its content and completeness. Staff has determined the request is consistent with the goals, objectives and policies in the Future Land Use Element and other portions of the Comprehensive Plan.

LDR Section 66-522. Exception for small scale development activities.

This section sets forth the criteria for meeting the definition of a small scale land use map amendment, the public hearing process and the reporting requirements to the State of Florida and other agencies.

Staff Comments — This request meets the definition for a small scale amendment since the map amendment includes a land use change of less than ten acres. Staff will send the request, if adopted, to the applicable agencies. If not adopted, the applicants have the ability to appeal the decision to Council and to re-apply in one year.

Conclusion –

Public Notice:

The small scale comprehensive plan amendment was advertised in the legal section of the Florida Today on November 24, 2016.

Staff Recommended Motion:

Recommend approval to City Council of the small scale comprehensive plan map amendment SSA 2016-05, SSA 2016-06 and SSA 2016-07 to change the future land use from Brevard County Residential 2 (RES-2) to City of West Melbourne Low Density Residential (LD-RES) with the condition that the rezoning to R-A be approved as the limit on overall site density.

City Council review to determine whether to transmit the future and use designation is scheduled for December 20, 2016.

Attachments—

1. Future Land Use Maps
2. Property owners’ aerial

Attachment 1

Existing FLU Designation Brevard County RES-2 (Residential 2)



Proposed FLU Designation of City of West Melbourne LD-RES (Low Density Residential)



**Stafford
Parcel 1
3.57 ac.**

**Parcel 3
1.37 ac.**

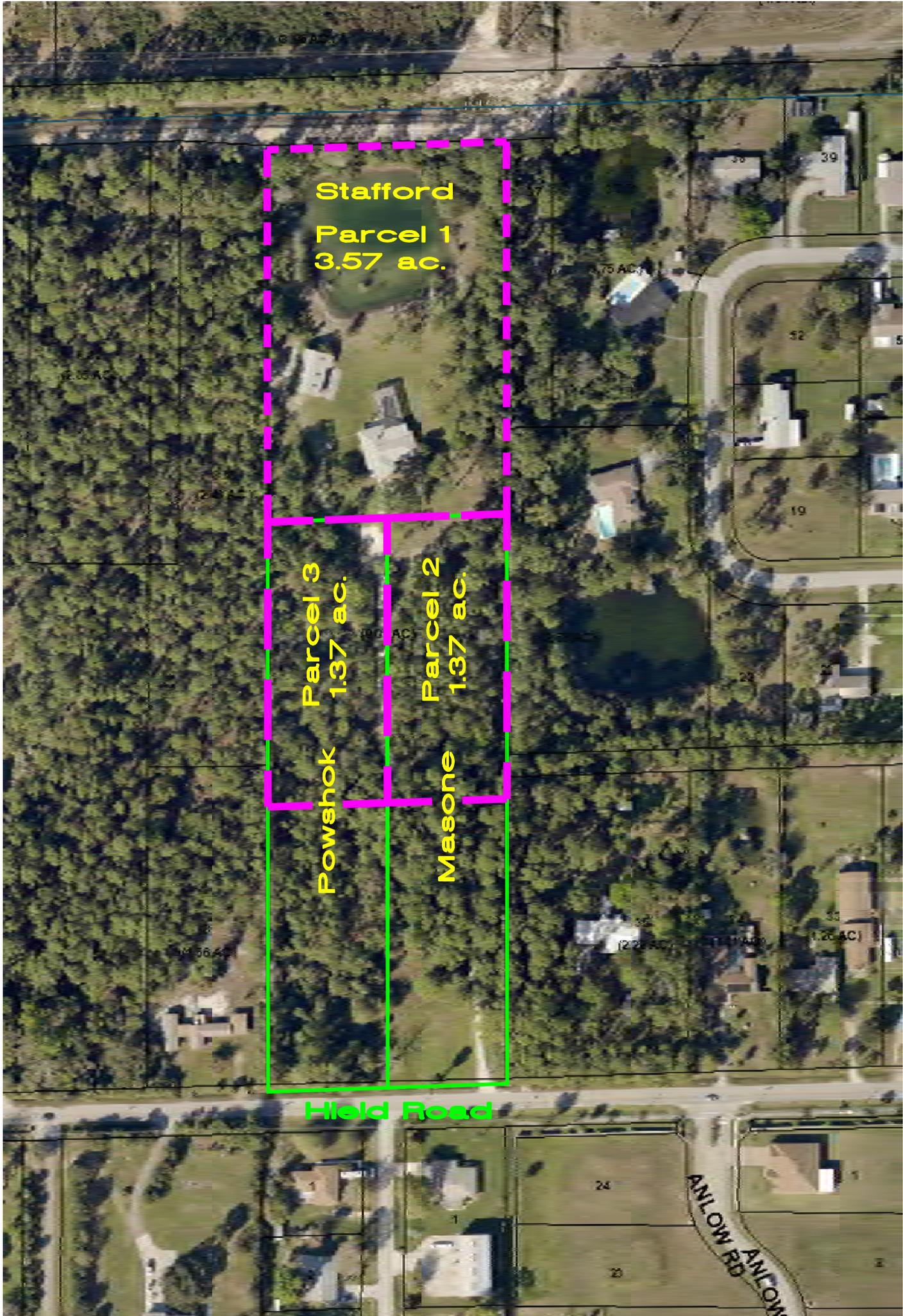
**Parcel 2
1.37 ac.**

Powshok

Masone

Field Road

ANLOW RD



MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Pat Bentley
Bill Mettrick
John "Coach" Tice
Barbara A. Smith
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PLANNING & ZONING BOARD AGENDA ITEM

PREPARED BY: Denise Curry, Planner
REVIEWED BY: Christy Fischer, Planning Director
MEETING DATE: December 13, 2016
SUBJECT: **Hield Road properties - 3240 Hield Road and 2 vacant properties Rezoning (REZ-2016-07, REZ-2016-08 and REZ 2016-09)**

Background Information:

This is a request to rezone property from Brevard County AU (Agricultural Use) to City of West Melbourne R-A (Residential Agricultural). The following information has been compiled to assist the Board in making a recommendation concerning this request.

Property Owners/Location Acreage/Existing Use	Rebecca Stafford & Shawn Zegles – 3240 Hield Road – 3.57 acres Andrew Powshok – Vacant/undeveloped – 1.37 acres Tony Masone – Vacant/undeveloped – 1.37 acres Total Acreage for three properties – 6.31 acres
Existing Zoning:	Brevard County AU (Agricultural Residential)
Proposed Zoning:	City of West Melbourne R-A (Residential Agricultural)
Proposed Use:	Single-Family Residential for all three properties

Surrounding Properties:

Direction	Existing Use	Jurisdiction	Zoning District (see attached maps)
North	Melbourne Tillman Canal Norfolk Parkway Sawgrass Lakes Subdivision	West Melbourne	Canal Right-of-way RLS
South	Vacant/undeveloped Hield Road	Brevard County	AU
East	Single-Family residences (Sharon and Ellis Drive)	Brevard County	RU-1-13
West	Single-Family residences (Hield Road)	Brevard County	AU

Environmental Site Data:

Flood Zone: The property is located in Flood Zone “X” as determined by the 100-year base flood elevation.

Natural Resources: The impact on natural resources will be assessed when developed.

Adequate Public Services/Facilities:

The impact of a possible residential development on water, sewer and schools was analyzed as part of the small scale future land use designation evaluation. There are no negative impacts to the City’s water or sewer facilities.

Staff Analysis:

The applicant is requesting to rezone the property from Brevard County AU (Agricultural Residential) to City of West Melbourne R-A, (Residential Agricultural). In reviewing the proposed rezoning request, the City assesses whether the request meets the minimum requirements in the Land Development Regulations and whether the request is consistent with the adopted Comprehensive Plan. The following sections provide data for these items.

Development Potential and Zoning Suitability:

The property has a County AU zoning designation that allows the standard agricultural residential uses and has lands devoted to agricultural pursuits and single-family residential development of a spacious character. The City’s R-A zoning district is consistent with the residential agricultural uses that characterize this area and is suitable for these properties.

City Codes (Zoning):

The R-A residential agricultural district is intended to apply to a sparsely developed area capable of supporting single-family residences at very low densities in conjunction with agricultural, conservation and related activities. Large lot sizes are required to maintain the low density and open space character, prevent unsanitary conditions, and keep the various principal uses in the area at a level of compatible land use intensity.

Consistency with the 2010 Comprehensive Plan:

The Small Scale Amendment staff report addresses the factors used to determine consistency with the goals, objectives and policies in the Comprehensive Plan. These policies have been adequately met and the Florida Statute requirements for comprehensive plan amendments have been satisfied. It is reasonable to have a development pattern that planners call the “urban transect” in which the inner portion of a city has compact urban development and the fringes of the city have rural development.

Consistency with the Land Development Regulations (LDR):

Staff also reviews the request to determine if it is consistent with other LDRs.

Sec. 66-287 - Applications.

Staff Comments - The submitted applications comply with the code requirements for their content and completeness.

Sec. 66-288 - Review and recommendation on application.

The rezoning request is forwarded to the Planning and Zoning Board for its recommendation and then to City Council for its determination. These findings are based on the LDRs, Comprehensive Plan, surrounding conditions, and the facts surrounding the case.

Staff Comments - The R-A zoning designation is allowed under the City's LD-RES future land use designation, and this zoning is limits the density of houses to be compatible with the neighbors, thereby reducing potential conflicts. The R-A is an appropriate zoning to also allow agricultural farm animals such as horses, chickens, goats with the residential uses on large lots. Again, this is consistent with the Hield Road area which enjoys a more rural lifestyle of housing with agricultural pursuits and hobbies on the larger properties.

Sec. 98-646 – General Requirements. (R-A, Residential Agricultural District)

“The R-A residential agricultural district is intended to apply to a sparsely developed area capable of supporting single-family residences at very low densities in conjunction with agricultural, conservation and related activities. Large lot sizes are required to maintain the low density and open space character, prevent unsanitary conditions, and keep the various principal uses in the area at a level of compatible land use intensity.”

Staff Comments - The proposal meets the minimum lot dimensions in the R-A district, the property is consistent with the residential agricultural uses that characterize this area. Planning staff reviews the conceptual plan and requests prior to advertising the proposed future land use and rezoning. The table below describes R-A uses. As stated above, this site is in a compatible location being adjacent to other residential/agriculturally zoned properties.

Comparison of AU and R-A Zoning:

Comparison Feature	Brevard County AU	West Melbourne R-A
Principle Uses	Single-family detached residential dwelling, all agricultural pursuits, raising and grazing of animals, fowl raising and beekeeping, parks , plant nurseries, private golf courses, private camps	Single-family dwellings, general agricultural activities, keeping or raising for sale of horses, ponies, cows @ 1 per one-half acre of area in the lot.
Maximum Intensity		
Minimum Lot Area	2 ½ acres	One (1) acre
Minimum Lot Width	150 feet	150 feet
Minimum Lot Depth	150 feet	200 feet
Maximum Height	35 feet	35 feet

Minimum Setbacks*:

Front	25 feet	50 feet
Side, Interior	10 feet	20 feet
Side, Corner	25 feet	30 feet
Rear	20 feet	30 feet

* Under the County's zoning district, barns and stalls have a larger setback than the houses permitted on the same property. The City simply accomplishes this by having larger setbacks.

Staff Comments – Regarding the use table, as described under the row above labeled, “Principal Uses”, the AU and R-A uses are similar. Both are for low density residential agricultural type uses.

Conclusion

The proposed development plans for very low density residential uses that allow the keeping of horses and other farm animals is consistent with the R-A zoning, and the owners are limited to construct just those uses per the zoning district permitted uses.

Public Notice:

The rezoning request was advertised in the legal section of the Florida Today on November 24, 2016. Notices were mailed to adjacent property owners to advise them of the meeting and some of the adjacent property owners have expressed their opinion about the use of the properties.

Staff Recommended Motion:

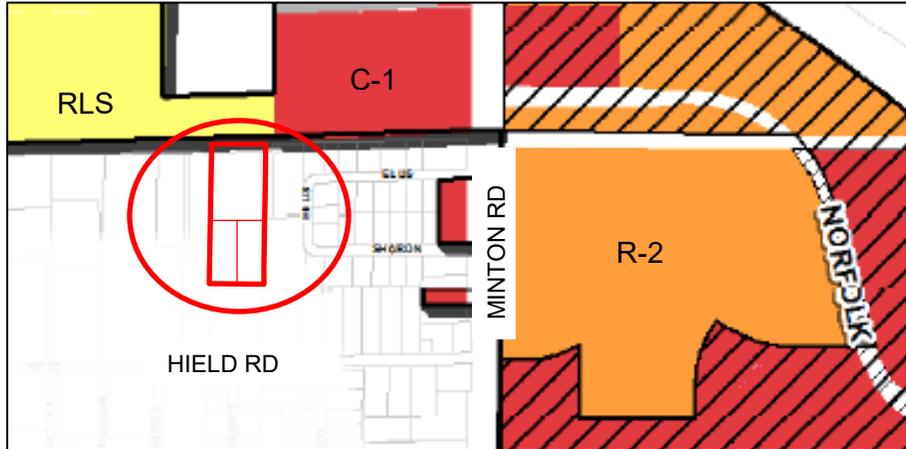
Staff recommends approval of the rezoning request from Brevard County AU (General Retail Commercial) to City of West Melbourne R-A (Residential Agricultural) with the condition that the comprehensive plan map amendment (small scale) is approved.

Attachments:

1. Rezoning Map

Attachment 1

Current Brevard County AU zoning



Proposed City of West Melbourne R-A zoning

