



Planning and Zoning Board

MINUTES

February 9, 2022

6:30 P.M.

City Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

Present: Chairman Chris Jaudon
Board Member Paul Bernkopf
Board Member Jennifer Spagnoli
Board Member Anna Kapnoula
Vice Chair Rob Brothers

Absent: Board Member Jim Liesenfelt
School Board Appointee (non-voting) Jennifer Parkerson

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

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

3. MINUTES

Planning and Zoning Board Meeting of November 29, 2021

Moved by Vice Chair Brothers, seconded by Board Member Kapnoula to approve the minutes.

Discussion on the motion: Chair Jaudon presented a correction to the minutes on Page 5 to remove the statement regarding the outside agency permits from condition #4 and list it as an advisory statement.

The maker and the seconder amended the motion to approve the minutes with the correction.
Motion passed, 5-0

4. PUBLIC HEARING(S) – Preliminary Plat – Greenleaf Subdivision – (PP-2021-03)

A request for preliminary plat approval for the Greenleaf subdivision, a proposed 55 lot single-family residential subdivision on property located southwesterly of Interstate 95 and west of Minton Road and Carriage Gate Drive.

*Applicant: Bruce Moia, PE, MBV Engineering for Cole Oliver of EKS, Inc.
Location: Southwesterly of Interstate 95, on the west side of Minton Road
near Carriage Gate Drive*

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

Planner Curry presented the staff report. She gave the background of the proposed subdivision and explained what approval of the preliminary plat allows. She talked about the features of the proposed subdivision, the open space tract and access easements to the properties to the west. She also presented a recommendation for the open space tract to have a wavy pattern of landscaping to provide a visual buffer to the abutting lots.

She talked about Carriage Gate Drive and its access from Minton Road. She explained that there is one access point into the proposed subdivision from Carriage Gate Drive and both Minton Road and Carriage Gate are Brevard County roadways. She added the county just recently constructed an acceleration lane to go northbound on Minton from Carriage Gate Drive and there is a 2020 county memo that stated a change to the median would eliminate conflicts over turning movement, but since the acceleration lane had just recently been installed, changes to the median would not occur in the near future. She advised the developer has submitted the traffic study and it is currently being reviewed by the City's traffic engineer. She stated Planning Director Fischer would discuss more about the traffic and Minton Road.

She presented analysis to show consistency with the land development regulations and concurrency with utilities, stormwater schools, and recreation. She explained the City Manager had suggested installing a fence in the buffer Tract B-1 along the rear of lots 1-11 to screen the rear of the lots from Minton Road. She advised Planning Director Fischer would explain this suggestion in more detail.

She talked about how platting requires outside agency coordination and the permits would be obtained prior to receiving final plat approval. She concluded with the following recommended motion: Recommend approval to City Council of the Green Leaf preliminary plat with the following conditions to the developer:

1. Finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, and the requirements by outside governmental agencies.
2. Either install a segment of sidewalk along the internal public road or provide a performance bond, as they determine to meet this requirement as part of the final plat process.
3. Request the School Board's final school capacity determination prior to final plat approval.
4. Add a statement to the plat notes regarding landscaping being allowed in Tract OS-1 prior to the preliminary plat being presented to the City Council.
5. Pay the City's recreation fee with the final plat submittal since public land will not be dedicated for a new public park for this subdivision.

6. Prior to the preliminary plat being presented to the City Council, the traffic study conclusions and any identified improvements must be accepted by the City.

Planning Director Fischer clarified the condition of approval regarding traffic and explained that both Carriage Gate Drive and Minton Road are under Brevard County's control and the acceleration lane on Minton Road was just recently added by the county in 2020 after the subject property was annexed into the City. She talked about the existing full turn median on Minton Road to access Carriage Gate Drive and explained the traffic engineer took a second look at the stacking as suggested by staff and the conclusion is that the traffic generated by the proposed 55 unit subdivision is not adding significantly to the current traffic situation. Staff is recommending to strike the condition of the traffic study conclusion, as it is really up to Brevard County as to what improvements are needed if any on Carriage Gate Drive and Minton Road.

She also provided clarification on the suggestion of the visual buffer fence from the City Manager. She explained Mr. Morgan suggested a solid fence maintained by the homeowners association be placed by the developer in Tract B-1 which runs adjacent to the rear of lots 1-11 facing Carriage Gate Drive and Minton Road as a visual buffer from travelers on the two roadways. She explained that other subdivisions have installed fences along the rear of lots abutting roadways and gave the example of Heritage Oaks Boulevard where the situation is not ideal because the fence is not in a tract and is simply placed on the rear property line which causes confusion on who maintains it. The fence is placed in a tract to be maintained by the homeowners association, as a uniform fence then there is no question as to who maintains it. She added that Tract B-1 does have a 4 to 1 slope so it should be placed as close to the top of the slope as possible to get the full benefit of a visual buffer.

Chair Jaudon opened the public hearing.

David Bassford, P.E., MBV Engineering, 1250 W. Eau Gallie Blvd, Melbourne, FL 32935 spoke about the 4 to 1 slope and agreed the fence should be placed close to the rear property line but within Tract B-1.

Cole Oliver, EKS Inc., 516 Delannoy Avenue, Cocoa, FL 32922 spoke regarding the fence and stated they would prefer the homeowners put up the fence but they would agree to install the fence in Tract B-1 along the rear of lots 1 to 12.

City Attorney Richardson explained the City Manager is trying to prevent future problems between the homeowners associations and property owners arguing over fence repair and maintenance and also provide uniformity to the fence.

Discussion included:

- Back and forth discussion on the timing of the fence is to be installation and placement of the fence along the rear of lot 12 and up to but not blocking access to the utility easement between lots 12 and 13.
- The purpose of Tract OS-1 is for the properties to the west to have access and how the developer would add the note to the plat regarding the landscaping. The developer will install the landscaping in an informal pattern while maintaining open area for vehicles to access. There was explanation of how the stormwater is conveyed across the open space tract to the retention pond.
- Engineering exhibits explain the infrastructure installation which are part of the requirements of what the preliminary plat must show.

- The revised recommended condition regarding the traffic study and what has changed since preparation of the staff report. Planning Director Fischer explained there was a memo from Brevard County about the installation of the acceleration lane and the remodeling done for the stacking by the traffic engineer showing that the impact of the 55 units on the traffic was not a significant amount and the fact that it is ultimately up to Brevard County on what, if any improvements are made to the roadways since both Carriage Gate Drive and Minton Road are county roadways. She added the county will make decisions/comments to the developer as they go through the right-of-way permit process with the County as well as any requirements for sidewalks along Carriage Gate Drive.

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

Moved by Vice Chair Brothers, seconded by Board Member Bernkopf to recommend approval to City Council of the Green Leaf preliminary plat with the following conditions to the developer:

1. Finalize construction drawings to comply with City Codes, the conditions of the preliminary plat, and the requirements by outside governmental agencies.
2. Either install a segment of sidewalk along the internal public road or provide a performance bond, as they determine to meet this requirement as part of the final plat process.
3. Request the School Board's final school capacity determination prior to final plat approval.
4. Add a statement to the plat notes regarding landscaping being allowed in Tract OS-1 prior to the preliminary plat being presented to the City Council.
5. Pay the City's recreation fee with the final plat submittal since public land will not be dedicated for a new public park for this subdivision.
6. The developer must install a fence to be maintained by the future homeowners association in Tract B-1 along the rear of Lots 1-12 as a visual buffer to Minton Road, within 18 months after construction of the infrastructure of the subdivision.

Discussion on the motion:

The applicant suggested the clarification of instead of "18 months after construction of the infrastructure of the subdivision" that it be "18 months after Florida Department of Environmental Protection (FDEP) clearance of the water and sewer".

Both the maker and seconder agreed to amend the motion with the clarification. Motion passed, 5-0.

5. PLANNING DIRECTOR REPORTS – Capital Improvement Plan Annual Update

Planning Director Fisher gave an overview of the Capital Improvement Plan Annual update and advised there will be a Planning and Zoning Board meeting in March.

6. BOARD MEMBER REPORTS

Vice Chair Brother announced the West Melbourne Business Association (WMBA) is holding meetings again in case anyone wanted to attend.

Chair Jaudon talked about an email sent to the Planning Director requesting informational items to be presented to the board which included a general update from the Space Coast

Transportation Planning Organization (SCTPO) and the metrics on the number of cases the Planning and Zoning board has considered over the past year.

Planning Director Fischer explained there will be a presentation regarding sustainability that the Planning Intern is working on scheduled to be presented to City Council in the near future. She also advised that the City Manager conducts a Citizens Leadership Academy where all the City's department heads participate and present on the inter-workings of City operations available for any board members to attend.

7. ADJOURN

Chairman Jaudon adjourned the meeting at 8:00 p.m.