



Planning and Zoning Board

MINUTES

March 8, 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
Vice Chair Rob Brothers

Absent: Board Member Jim Liesenfelt
Board Member Anna Kapnoula
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 absences. Motion passed, 4-0.

3. MINUTES

Planning and Zoning Board Meeting of February 9, 2022

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

4. PUBLIC HEARING(S) –

- a. **Small Scale Comprehensive Plan Map Amendment – 571 Orange Grove Avenue – (SSA-2022-01)**

A request for a future land use map amendment for a proposed single-family home on property located at 571 Orange Grove Avenue.

Applicant: Richard Berger

Location: South of Sheridan Road, on the west side of Orange Grove Avenue

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

Planning Director Fischer stated Planner Curry would be presenting both the comprehensive plan map amendment and rezoning together but the board needed to make two separate motions.

Planner Curry presented the staff reports. She informed the board if they had any quasi-judicial disclosures they should make them now. There were no disclosures by the board. She presented information on the location of the property, the applicant/owner, the size of the property. She explained the property is currently being annexed in order for the owner to connect to city water and has a Brevard County zoning and land use designation. She stated the owner would like to build a single-family home on the property that previously had a duplex. She explained the proposed future land use and zoning in the City would be LD-RES (Low-Density Residential) and R-1A (Single-Family Residential). She stated the surrounding uses are all low density residential, single-family homes and the proposed use is compatible with both the LD-RES land use designation and R-1A zoning. These designations are similar to the county zoning and future land use categories. She presented analysis to show consistency with the comprehensive plan and land development regulations of the city. She talked about the maximum impacts and the property rights analysis. She stated the applicant is in the audience to answer questions and recommended the following motions:

- Item 5a –Recommend approval to City Council of the small scale comprehensive plan map amendment, case number SSA 2022-01 to change the future land use from Brevard County RES-6 (Residential 6) to City of West Melbourne LD-RES (Low Density Residential).
- Item 5b Rezoning – Recommend approval to City Council of rezoning 571 Orange Grove Avenue from Brevard County RU-1-9 Single-Family Residential (RU-1-9) to City of West Melbourne Single-Family (R-1A) with the condition that the small-scale comprehensive plan map amendment is approved.

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

Moved by Board Member Bernkopf, seconded by Vice Chair Brothers to recommend approval to City Council of the small scale comprehensive plan map amendment, case number SSA 2022-01 to change the future land use from Brevard County RES-6 (Residential 6) to City of West Melbourne LD-RES (Low Density Residential). Motion passed, 4-0.

b. Rezoning – 571 Orange Grove Avenue (REZ-2022-01)

A rezoning request for a proposed single-family home at 571 Orange Grove Avenue, property that is being annexed.

Applicant: Richard Berger

Location: South of Sheridan Road, on the west side of Orange Grove Avenue

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

Moved by Board Member Bernkopf, seconded by Board Member Spagnoli to recommend rezoning approval to City Council of 571 Orange Grove Avenue from Brevard County RU-1-9 Single-Family Residential to City of West Melbourne Single-Family (R-1A) with the condition that the small-scale comprehensive plan map amendment is approved. Motion passed, 4-0.

c. Zoning Code amendment – Screen room setbacks (LDR 2022-02)

A Land Development Regulation revision to allow residential screen rooms with hard roofs to extend into the rear yard setback.

Applicant: City on behalf of citizens
Location: Citywide applicability

Planning Director Fischer presented the staff report. She explained this is a staff proposal to amend the “screen porch code” with revisions to Chapter 98 to allow screen porches with hard covered roofs to extend into the rear yard to within 15 feet of the rear property line for single-family residences only; to add language to convey the building materials and construction techniques ensuring a screen porch remains a screen porch; and to delete the section of code pertaining to lot coverage since the definition for building coverage already addresses accessory structures for calculations. She stated this case is legislative as it deals with development standards that apply to development citywide and not just one property.

She went over the steps required for a code change and the issues with screen porches which prompted this proposed change. She explained there had been many requests from residential property owners to encroach in the required 25’ rear setback with a hard cover roof screen porch and the city received an email listing 63 homeowners in favor of screen porches meeting an accessory structure setback instead of a principle building setback. She added many homes are built on or near the rear setback line with no space to add a solid roof screened porch.

Planning Director Fischer talked about the code definition for screen porch and the difference between screen porch and screen enclosure (screen roof) and two sets of setback requirements for each. She presented the proposed new code language to allow encroachment into the rear yard to within 15 feet of the rear lot line subject to specific requirements and limitations. She analyzed the current code allowances vs. the proposed code and stated staff believes allowing for covered screen porches to encroach partially into the rear yard setback allows additional shaded area for residents to enjoy without negatively impacting the aesthetics of the neighborhood, or diminishing open space and storm water systems. She showed images/examples of screen porches that would be allowed under the proposed new code and explained staff consulted with the Building Department and the City Attorney to make the code changes. She added City Council is the governing body who decides if a code change should occur and City Council consideration is scheduled for March 15, 2022. She recommended the following motion:

- Based on the analysis and discussion in this staff report, staff suggests that the Planning and Zoning Board make a motion to recommend to City Council to approve the yard encroachment code revisions of screen porches on single-family residential lots.

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

Discussion Included:

- The proposed code changes do not impact any impervious surfaces on the ground such as concrete pads or uncovered patios.
- There was some discussion and clarification regarding the difference between the screen enclosures for pools/pool cages and their setback requirements and covered screen rooms currently.

Moved by Vice Chair Brothers, seconded by Board Member Spagnoli to recommend to City Council to approve the yard encroachment code revisions of screen porches on single-family residential lots. Motion passed, 4-0.

d. Initial/Conceptual Site Plan – Legacy Apartments – (SIT-2021-14)

Initial site plan approval for Legacy Apartments consisting of 199 units on 13.79 acres (approximately). Located on the west side of John Rodes Boulevard near the Sheridan Road intersection.

Applicant: Bruce Moia, PE, MBV Engineering Inc. for Legacy, LLC
Location: West of John Rodes Boulevard, near the intersection of Sheridan and John Rodes Boulevard

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

Planning Director Fischer introduced the item and City Attorney Richardson advised the board regarding quasi-judicial disclosures and there were no disclosures by the board members. She gave the location and background information regarding the ownership, acreage, history, zoning and the proposed development and density. She went over the process for initial site plan review and presented the initial site plan for the proposed 199 apartment units and the architectural renderings.

She outlined the initial site plan review criteria and stated the initial site plan meets the code requirements for content. She talked about the environmental and site data for the project as well as the Phase I environmental site assessment conclusions. She spoke about the comprehensive plan future land use and housing policies and stated the proposed density of 14.43 units per acre is consistent to the future land use policies; the developer is extending water and sewer service to serve the site; the site is in proximity to some commercial and light industrial uses and consistent with the housing policies of the Comprehensive Plan.

She explained the City's reviewing traffic engineer and the County's traffic engineer assessed the traffic study and some of the primary comments about needed improvements have not been addressed. She said the project traffic engineer contends neither a left turn lane nor a right turn lane is needed based on the project's impact on the surrounding roads. She added based on this staff believes the initial site plan should not proceed to City Council for review until this issue is resolved and staff would be asking for a postponement by City Council.

She stated staff has reviewed this proposed project and the plans are consistent with the land development regulations and Comprehensive Plan except for the traffic improvements.

However, the applicant must comply with the conditions of approval. She recommended the following motion:

Motion to recommend approval of the Legacy Apartments with the following conditions:

1. Obtain outside agency permits from the Florida Department of Environmental Protection and the St. Johns River Water Management District prior to final site plan approval.
2. Pay the fee in lieu of public recreation dedication and record the required recreation agreement.
3. Demonstrate that Brevard County requires no turn lane or other improvements on John Rodes Blvd as a result of this development

Chair Jaudon opened the public hearing.

Attorney Kim Rezanka spoke on behalf of the applicant and introduced the development team. She stated that as of this afternoon there was an email sent to the City which stated Corrina Gumm the County's traffic engineer said turn lanes are not warranted but she said the issue would be finalized between now and City Council consideration. Planning Director Fischer disagreed with this statement.

Discussion Included:

- There's a wetland onsite. Bruce Moia, PE explained it is a remnant wetland but the St Johns River Water Management District has to verify and determine if it can be impacted.
- Width of the entrance road and there are two lanes out and one lane in but there is enough room to fit four lanes but four lanes are not needed.
- Alex Memering, Kimley-Horn traffic engineer spoke in detail about the trip distribution.
- There is enough queuing room for about 30 cars exiting with two lanes.
- There was some discussion on whether a deceleration lane is needed. Planning Director Fischer advised there needed to be more discussions with the County's traffic engineer.
- The project is in the flood plain and they would be using additional fill to elevate the buildings to remove the property out of the flood plain.
- The applicants recently acquired the former strawberry farm property in front of this property.
- Bruce Moia, PE explained there has been much effort to save trees and minimize impacts to John Rodes Blvd. He added the applicants did not want to maximize density of the project that's why the project was 199 units which is just under the 200 unit threshold to have more than one access point. He said the apartments will be concrete construction and not stick frame as are so many other apartments in the area. All the rear elevations back up to the lake or back up to the west and no balconies will be screened.

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 Berndkopf to recommend approval of the Legacy Apartments with the following conditions:

1. Obtain outside agency permits from the Florida Department of Environmental Protection and the St. Johns River Water Management District prior to final site plan approval.
2. Pay the fee in lieu of public recreation dedication and record the required recreation agreement.
3. Demonstrate that Brevard County requires no turn lane or other improvements on John Rodes Blvd as a result of this development

Motion passed, 4-0.

5. PLANNING DIRECTOR REPORTS – April 13, 2022 Space Coast Transportation Planning Organization presentation

Planning Director Fischer reminded the Board about the Comprehensive Plan review and informed them the process might start in April or May. She also advised the board of the scheduled Space Coast Transportation Planning Organization presentation at the April 13, 2022 Planning and Zoning Board Meeting.

6. BOARD MEMBER REPORTS

Vice Chair Brothers spoke about the West Melbourne Business Association and invited Board Members to attend.

Chair Jaudon spoke regarding the Capital Improvements handout from last month.

7. ADJOURN

Chairman Jaudon adjourned the meeting at 7:57 p.m.