



Planning and Zoning Board

MINUTES

June 8, 2022

6:30 P.M.

City Council Chambers

1. CALL TO ORDER

Board Member Liesenfelt called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

2. ROLL CALL

Present: Chair Chris Jaudon
Board Member Paul Bernkopf
Board Member Jim Liesenfelt
Board Member Vernon Anderson
Vice Chair Rob Brothers
Board Member Jennifer Spagnoli

Absent: Board Member Anna Kapnoula

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 absence. Motion passed, 6-0.

3. MINUTES

Planning and Zoning Board Meeting of May 10, 2022

Moved by Board Member Liesenfelt, seconded by Board Member Bernkopf to approve the minutes.

Chair Jaudon presented a correction on Page 5 of a typo in Board Member Bernkopf's name. The maker and the seconder agreed to amend the motion to approve with the correction. Motion passed, 6-0.

4. PUBLIC HEARING(S) –

a. **Large Scale Comprehensive Plan Map Amendment Transmittal – St Johns Heritage Parkway Subdivision on Platt property – Pulte Homes (LSA-2022-01)**

A request for a future land use map amendment to change the land use designation for property consisting of 51.38 acres from Brevard County RES-1 and RES-2 to City of West Melbourne MD-RES (Medium Density Residential).

This property is located east of the St. Johns Heritage Parkway and bordered by the Space Coast Town Center to the north; Brandywine Estates Subdivision to the east and undeveloped land to the south.

Applicant: Chris Ossa agent for developer Pulte Home Company, LLC and property owner Rhonda J. Hammer, Successor Co-Trustee Trust Agreement

Location: Approximately ½ mile south the intersection of US 192 and St. John's Heritage Parkway, on the east side of St. Johns Heritage Parkway.

The proposed large scale comprehensive future land use map amendment will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

Planning Director Fischer presented staff reports for items 5a. and 5b. together but asked there be two separate motions. She gave the applicant/owner information, size and existing use of the property and explained the developer wanted to developed single-family detached and single-family attached townhome residential with a self-imposed density limit of less than 5 dwelling units per acre. She talked about the current and proposed future land use designation and what is required in the analysis to the State of Florida which includes the compatibility with the surrounding future land use designations, the development potential of the proposed change, water and sewer availability, public safety, and environmental data.

She presented the rezoning request and explained the current and proposed zoning and showed an overlay of the developer's concept plan on an aerial to visualize the context of the area. She stated the next item on the agenda would cover the development agreement which limits the density and provides an adequate land and vegetative buffer along with other restrictions on this property. She added the applicant's civil engineer met with Brandywine residents on May 5th to discuss the proposed project, public notice was done with advertisement in Florida Today and mailed notifications to property owners within 500 feet. She presented the following choices for motions:

- Large Scale Comprehensive Plan Map Amendment:
 1. Recommend denial and therefore no transmittal is made to State agencies of the proposed future land use map amendment; or
 2. Recommend transmittal of the revised map to designate the Pulte Homes development site with the Medium Density Residential future land use designation
- Rezoning:
 1. Recommend denial; or
 2. Recommend approval of the rezoning to designate the property with the R-2 zoning.

Planning Director Fischer asked the board if they would like her to proceed with the presentation for the Development Agreement. It was the consensus of the board for her to proceed. She gave the background information and explained the reasons for the agreement are to limit the density, preserve the natural buffer next to Brandywine Estates, to regulate the architecture and to

provide enhanced landscape features along the frontage of St. Johns Heritage Parkway. She talked about the consistency with the Comprehensive Plan.

She stated according to the submitted Concept Plan there is a good mixture of townhome lots and single family detached lots. She explained Brandywine Estates has an equestrian trail easement along the western portion of their subdivision, which backs up to the eastern property line of this proposed development and the applicant has provided two significant buffers, one along the frontage of St. Johns Heritage Parkway and another along their eastern property line.

She added however that the latest proposal came in late this afternoon reducing the buffer from 35-55 feet to 20 feet. She explained this was after an on-site meeting with the applicants from last week where they agreed to the 35-55 feet buffer. She showed pictures of the vegetation along the eastern property and fence line from that meeting and the applicant's rendition of the buffer between Brandywine Estates and Pulte Homes. She stated the development agreement is consistent with the comprehensive plan and land development regulations and meets the intent of having development limits as well as commitments for enhanced architecture and landscaping along the property frontage on St Johns Heritage Parkway. She advised the developer had held a neighborhood meeting with the Brandywine neighbors on May5, 2022 and they could provide more information on the feedback from the residents.

She stated based on the changes prepared at 4:30 p.m. this afternoon, staff recommends tabling this item for further review.

However, if the Planning and Zoning Board desires and, if the large scale amendment and rezoning are recommended for approval, then recommend approval of the developer's agreement to:

- Limit the use and density and layout of the proposed development;
- Preserve a 35' to 45' native vegetation buffer along the eastern property line adjacent to Brandywine;
- Regulate architecture and ensure an enhanced landscape buffer adjacent to St. Johns Heritage Parkway.

Chair Jaudon opened the public hearing.

Attorney Kim Rezanka spoke on behalf of the applicant. She introduced members of the development team, Aaron Struckmeyer, P.E. from Pulte Homes, and Chris Ossa, P.E. from Kimley-Horn. She stated she understood Ms. Fischer's concerns but the applicant has contractual obligations and must meet stormwater concerns. She stated with the natural areas there is a very large buffer. She explained that the final engineering has not been done but the stormwater pond has to be 100 feet in width and the applicant does not want to commit to something if the engineering will not allow them to do it.

There was much discussion regarding the varying buffer widths and the inconsistency between the engineering exhibit plan and the development agreement verbiage, and the fact that the Planning Director recommends having the buffer width specified in the development agreement and the reluctance of the applicants to commit to a specific buffer width since the final engineering for the stormwater has not been completed.

Planning Director Fischer explained the change regarding the buffer had been submitted at the last minute and the City's engineer had not had time to review and analyze the change and the landscape architect has not seen the revised version, so now there is no planted vegetation in the 20' wide area. Will it be vegetative, grass, water or natural state?

Aaron Struckmeyer replied they are agreeable to both natural state and planting and agreeable to work with staff on acceptable buffer width and landscaping but they want the flexibility to adjust the width based on the final engineering.

Chairman Jaudon suggested the board could make a motion that the developer agree to negotiate with staff on an acceptable buffer width and landscaping plan.

Mr. Struckmeyer explained the elevations between their development and Brandywine will not be a significant drop visually because of the stormwater pond and the buffer are in the area in between their development and Brandywine Estates and it provides a gradual transition in the different elevations.

Attorney Rezanka stated the staff report is consistent with the comprehensive plan, the concept plan provides a transition to Brandywine Estates and at the neighborhood meeting held on May 5th the residents were happy with the buffer.

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

Moved by Vice Chair Brothers, seconded by Board Member Bernkopf to recommend transmittal of the Large Scale Comprehensive Map Amendment to designate the property with MD-RES (Medium Density Residential) with the condition for staff and applicant to agree on an acceptable buffer in the Development Agreement. Motion passed, 6-0.

b. Rezoning –St Johns Heritage Parkway Subdivision on Platt property – Pulte Homes (REZ-2022-02)

A request to rezone 51.38 acres located approximately ½ mile south of the intersection of US Highway 192 and St. Johns Heritage Parkway along the east side of St. Johns Heritage Parkway Brevard County AU (Agricultural Residential) to City of West Melbourne R-2 (One, Two and Multi-family Dwelling).

Applicant: Chris Ossa agent for developer Pulte Home Company, LLC and property owner Rhonda J. Hammer, Successor Co-Trustee Trust Agreement

Location: Approximately ½ mile south the intersection of US 192 and St. John's Heritage Parkway, on the east side of St. Johns Heritage Parkway.

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

Moved by Vice Chair Brothers, seconded by Board Member Bernkopf to recommend approval of the rezoning to designate the property with R-2 zoning with the condition for staff and applicant to agree on an acceptable buffer in the Development Agreement. Motion passed, 6-0.

c. Development Agreement – Walter E Platt Trust & the Carlyn P Platt Trust for Pulte Homes – (DA -2022-02)

A request for development agreement approval which provides development standards and restricts the development of 51.38-acre site located approximately ½ mile south of the intersection of US Highway 192 and St. Johns Heritage Parkway located on the east side of St. Johns Heritage Parkway the proposed Pulte Homes St Johns Heritage Parkway project.

Applicant: Chris Ossa agent for developer Pulte Home Company, LLC and property owner Rhonda J. Hammer, Successor Co-Trustee Trust Agreement

Location: Approximately ½ mile south the intersection of US 192 and St. John's Heritage Parkway, on the east side of St. Johns Heritage Parkway.

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

Moved by Vice Chair Brothers, seconded by Board Member Bernkopf to recommend approval of the development agreement to limit the use, density and layout of the proposed development; preserve a buffer which is agreeable by the City and applicant along the eastern property line adjacent to Brandywine Estates; and to regulate architecture and ensure an enhanced landscape buffer adjacent to St. Johns Heritage Parkway. Motion passed, 5-1, with Board Member Liesenfelt voting nay.

d. Conceptual/Initial Site Plan – Integra at Heritage Apartments – SIT (2022-03)

A request for conceptual/initial site plan approval for an apartment complex to be known as “*Integra at Heritage Apartments*” consisting of 320 units on a 17 acre-site located at the north west corner of U.S. 192 and St. Johns Heritage Parkway west of Interstate 95.

Applicant: David Bassford, P.E. agent for developer Integra Company, LLC

Location: Northwest corner of U.S. 192 and St. John's Heritage Parkway

Planner Snay advised the board of the quasi-judicial procedures and asked if there were any disclosures. There were no disclosures. She presented the location, background information along with the process for initial site plan approval. She talked about the features of the initial site plan which proposes multi-family development on almost 65% of the parcel with the remaining portion of the property being future commercial/industrial development. She presented the architectural renderings and talked about the initial site plan review criteria and its consistency with the Gateway Interchange zoning district and the Future Land Use and Housing Elements of the Comprehensive Plan.

She explained the property must comply with the national flood requirements for residential development since it is located in the AE flood zone and they must obtain City Council approval to be a gated community, all of which will be conditions of approval. She stated the initial site plan meets the code requirements for content and the required recreation fee payment is to be paid prior to final site plan approval. She also explained the water and sewer lines would be extended by the developer and they will have to obtain outside agency permits. She talked about the environmental and site plan data as well as the recommended traffic improvements of right turn lanes at both entrances on St. Johns Heritage Parkway and U.S. 192. She recommended approval of the Integra at Heritage Commerce Park Apartments with the following conditions:

1. Obtain outside agency permits from the Florida Fish and Wildlife Service (FSW), 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 turn lanes or other improvements are not needed on St Johns Heritage Parkway or US-192 as a result of this development.

4. In order to ensure viability of the site landscaping, prior to planting, any of the plant species not listed in the approved landscape manual and proposed for installation shall be reviewed on a case by case basis at the time of installation, with the waiver either granted or denied by the City's Landscape Architect.
5. Attain City Council approval for the two proposed Integra at Heritage Commerce Park community gates.
6. The remaining 8.65 acres at the NW corner of US Highway 192 and St. Johns Heritage Parkway must have a minimum of two (2) nonresidential uses (commercial, industrial or institutional) per Policy 3.3(c) of the Parkway Interchange.
7. Obtain the flood designation approval from FEMA and design the project to provide for flood compensation volume up to the AE flood elevation of 19 feet.

Chair Jaudon opened the public hearing.

Bruce Moia, P.E., MBV Engineering, Inc., 1250 W Eau Gallie Blvd, Melbourne FL 32935 spoke on behalf of the applicant. He stated the developers are partnering with Integra Apartments and will develop the remaining acreage of the site with commercial/industrial development. He also explained they will be extending the utilities from Columbia Lane and installing a regional lift station and the site will be developed at 20 units per acre which is less than the potentially allowed 22 units per acre with site amenities of a clubhouse and pool. He stated they agreed with all the recommended conditions of approval.

Discussion Included:

- The site is limited to 65% multi-family development.
- This property is part of the water agreement with the City of Melbourne and the water will be provided by Melbourne.
- No specific details on the type of fencing as of yet but this must be shown with the gate request which goes to City Council for consideration. Planning Director Fischer explained the fencing requirement is when the commercial develops they must provide a fence or wall between their property and the residential.
- There was concern there were no parks on the west side of Interstate 95. Planning Director Fischer explained there may be in the near future a recreation master plan recommended by the Parks and Recreation Board.

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

Moved by Board Member Bernkopf to recommend approval of the Integra at Heritage Commerce Park Apartments with the following conditions:

1. Obtain outside agency permits from the Florida Fish and Wildlife Service (FSW), 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. Provide the turn lanes needed on St Johns Heritage Parkway and US-192 as a result of this development.
4. In order to ensure viability of the site landscaping, prior to planting, any of the plant species not listed in the approved landscape manual and proposed for installation shall be reviewed on a case by case basis at the time of installation, with the waiver either granted or denied by the City's Landscape Architect.

5. Attain City Council approval for the two proposed Integra at Heritage Commerce Park community gates.
6. The remaining 8.65 acres at the NW corner of US Highway 192 and St. Johns Heritage Parkway must have a minimum of two (2) nonresidential uses (commercial, industrial or institutional) per Policy 3.3(c) of the Parkway Interchange.
7. Obtain the flood designation approval from FEMA and design the project to provide for flood compensation volume up to the AE flood elevation of 19 feet.

Motion passed, 6-0.

e. Small Scale Comprehensive Plan Map Amendment – Space Coast Town Center former Brevard County Pond property – (SSA-2022-04)

A request for a future land use map amendment to change the land use designation for former Brevard County pond property consisting of 4.65 acres, located east of the St. Johns Heritage Parkway and bordered by the Space Coast Town Center to the north and east and undeveloped land to the south from Brevard County CC (Community Commercial) to City of West Melbourne PI (Parkway Interchange).

Applicant: Benjamin Hedrick, Esq. agent for Space Coast Town Centre I, LLC
Location: East side of St. John's Heritage Parkway

City Attorney Richardson advised the board of quasi-judicial procedures and asked if there were any disclosures.

Board Member Liesenfelt disclosed he knew about this request in his capacity of his job with Brevard County in the transfer of ownership from Brevard County to the applicants.

Planning Director Fischer presented the staff report for items e and f together but advised the board there should be two separate motions. She talked about the location, acreage, applicant/owner, existing and proposed use, existing and proposed future land use and zoning. She explained it is the intent of the applicant to divert this existing storm water pond into the master developed Space Coast Town Center pond and include the property to be developed.

She presented analysis of the surrounding future land use and stated it is compatible with the Parkway Interchange land use to the north, east and west of this property. She talked about what is required by the state for comprehensive plan amendment review and presented analysis on the maximum infrastructure and service impacts of the requested change. She added it is consistent with the Comprehensive Plan's goals, objectives and policies.

She presented the current and proposed zoning and the surrounding zoning analysis to show consistency with the land development regulations and surrounding zoning and uses. She recommended the following motions:

- Recommend approval to City Council of the small scale comprehensive plan map amendment, changing the future land use from Brevard County CC (Community Commercial) to City of West Melbourne PI (Parkway Interchange).
- Rezoning – Recommend approval to City Council of rezoning from Brevard County Transient Tourist Commercial (TU-2) to City of West Melbourne Gateway Interchange (GTWY-I) with the condition that the small-scale comprehensive plan map amendment is approved.

Chair Jaudon opened the public hearing.

The applicants, Bob Gorlow and Edgar Jones stated they were available to answer any questions from the board.

Discussion:

- The Space Coast Town Center pond size will not change by diverting this pond to it.
- This property is part of the original master plan.

Moved by Vice Chair Brothers, seconded by Board Member Spagnoli to recommend approval to City Council of the small scale comprehensive plan map amendment, changing the future land use from Brevard County CC (Community Commercial) to City of West Melbourne PI (Parkway Interchange). Motion Passed, 6-0.

f. Rezoning – Space Coast Town Center former Brevard County Pond property (REZ-2022-06)

A request to rezone 4.65 acres of former Brevard County Pond property located east of the St. Johns Heritage Parkway and bordered by the Space Coast Town Center to the north and east and undeveloped land to the south from Brevard County CC (Community Commercial) to City of West Melbourne GTWY-I (Gateway Interchange).

Applicant: Benjamin Hedrick, Esq. agent for Space Coast Town Centre I, LLC
Location: East side of St. Johns Heritage Parkway

Moved by Board Member Spagnoli, seconded by Vice Chair Brothers to recommend approval to City Council of rezoning from Brevard County Transient Tourist Commercial (TU-2) to City of West Melbourne Gateway Interchange (GTWY-I) with the condition that the small-scale comprehensive plan map amendment is approved. Motion passed, 6-0

g. Amendment to Development Agreement and Conceptual Master Plan – Space Coast Town Center

A request to consider an amendment to the Space Coast Town Center (SCTC) Developer's Agreement between the City of West Melbourne and Space Coast Town Centre I, LLC. The SCTC Developer's Agreement set forth terms and conditions on which the SCTC Project is to be developed as a phased, mixed-use project, including a conceptual master development plan attached and incorporated into the Development Agreement; the parties agree to amend the prior SCTC Development Agreement and master concept plan to incorporate the County Pond Property into the Project, for the purpose of developing the Project as a unified mixed-use project.

Applicant: Benjamin Hedrick, Esq. agent for Space Coast Town Centre I, LLC
Location: East side of St. Johns Heritage Parkway

Moved by Board Member Spagnoli, seconded by Board Member Brothers to recommend approval of the first amendment to the Development Agreement adding 4.65 acres of property affected by the same terms and conditions of the agreement and include revisions to the Conceptual Master Development Plan. Motion passed, 6-0.

5. FINAL PLAT – West Melbourne Interchange Center Unit 4 Re-plat (FP- 2022-02)

A request to re-plat Lot 10 in the West Melbourne Interchange Center to create 2 Lots for commercial development.

Applicant: Robert Robb, P.E., agent for owner Benchmark & Associates, LLC
Location: Northwest corner of Hollywood Blvd and Palm Bay Road

Planner Curry presented the staff report. She gave the background and the platting history of the property and talked about the current re-plat to split Lot 10 into two lots. She explained the required infrastructure has been constructed and utility lines are stubbed out to the proposed lots. She talked about the final plat process being a two-step process with the P&Z review and recommendation and final approval determined by City Council. She presented the features of the plat including this re-plat and stated it is consistent with the land development regulations. She explained the properties cannot be sold until the final plat is approved and recorded and staff will ensure all final items are met prior to the signing of the mylar. She talked about the engineering, survey and legal review to ensure that the plat complies with the Florida Statutes and recommended the following motion:

- Recommend that City Council approve the re-plat for the commercial shopping center, West Melbourne Interchange Center Unit Four.

Moved by Board Member Liesenfelt, seconded by Board Member Anderson to recommend that City Council approve the re-plat for the commercial shopping center, West Melbourne Interchange Center Unit Four. Motion passed, 6-0.

6. PLANNING DIRECTOR REPORTS

Planning Director Fischer gave the board an update regarding the contract with the Corradino Group.

7. BOARD MEMBER REPORTS

Moved by Board Member Liesenfelt, seconded by Board Member Bernkopf to recommend to City Council to investigate about park acquisition on the west side of I-95 with all of the active development. Motion passed, 6-0.

8. ADJOURN

Chairman Jaudon adjourned the meeting at 8:48 p.m.