Planning and Zoning Board

AGENDA

March 9, 2021
6:30 P.M.

City Council Chambers
and via Communications Media Technology*

*See notice regarding communications media technology and public participation on page 2

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 February 10, 2021

5. PUBLIC HEARING(S) –

a. Small Scale Comprehensive Plan Map Amendment – Epoch West Melbourne – (SSA-2020-01)

Comprehensive Plan Amendment No. 2020-01 (SSA) proposes to amend the City’s Future Land Use map for 5.37 acres of property from COM (Commercial) to UD-RES (Urban Density Residential) land use designation.

Applicant: Jake Wise PE, Construction Engineering Group, LLC agent for Epoch West Melbourne
Location: 3685 Minton Road
b. Rezoning – Epoch West Melbourne – (REZ-2020-03)

A request to rezone 5.37 acres of property from C-1, (Low Density Commercial) to R-3, (Multiple-Family Dwelling).

Applicant: Jake Wise PE, Construction Engineering Group, LLC agent for Epoch West Melbourne
Location: 3685 Minton Road.

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

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

2. ROLL CALL

Attending in person: Chairman Chris Jaudon
Vice Chair Jennifer Spagnoli
Board Member Rob Brothers
Board Member Anna Kapnoula
Board Member Paul Bernkopf attending by zoom
Board Member Jim Liesenfelt
School Board Appointed Board Member Jennifer Parkerson

Staff present in person: City Attorney Morris Richardson, Planning Director Christy Fischer.

3. MINUTES

Planning and Zoning Board Meeting of January 12, 2021

Moved by Vice Chair Brothers, seconded by Board Member Kapnoula to approve the minutes. Motion passed, 6-0.

4. PRESENTATION – Space Coast Transportation Planning Organization – Minton Road Feasibility Study

Sarah Kraum, Senior Transportation Planner, Space Coast Transportation Planning Organization (TPO), introduced Travis Hills who presented the Minton Road Feasibility Study to the Planning and Zoning Board. Travis Hills is a consultant who explained the project’s original scope was to analyze the TPO’s long range plan which identified a possible project of six laning Minton Road. After discussion with a technical review committee, using traffic modeling and best practices, it was determined that six laning of Minton Road from New Haven Avenue to Norfolk Parkway would not be needed if intersection improvements were made instead. Mr. Hills
presented the intersection improvements that could create better road conditions, and the pedestrian improvements that would accomplish the enhancements contemplated in the City’s Minton Road studies.

5. PUBLIC HEARING(S) –

a. Code Amendment to the Land Development Regulations – Chapter 98, Zoning, Gateway Interchange – Service Station Regulations – (LDR 2021-01) –

A proposed code amendment to Chapter 98, Zoning, Article III. Districts, Division 22, Gateway Interchange District to allow and to provide regulations for gas stations.

   Applicant: Benjamin Hedrick, Esq., Akerman LLP represents Space Coast Town Centre I, LLC

   Location: Gateway Interchange Zoning Districts – Citywide

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

Planning Director Fischer presented the staff report. She presented the background and the proposed revisions to only the Gateway Interchange zoning district of allowing gas stations as a conditional use in limited quantities with specific performance criteria. She explained that this case is legislative because it deals with codes that apply to all development in the Gateway Interchange district and not just one property and changes to the land development regulations are decided by City Council with a recommendation from the Planning and Zoning Board.

She stated in 2016 when the Gateway Interchange was proposed, the land owner did not identify gas stations as a possible use and staff didn’t include gas stations since there are sufficient number of gas stations on the east side of the interchange. Now the developer would like to accommodate a gas station along their U.S. 192 frontage. City staff is proposing to allow gas stations as a conditional use like the other commercial zoning districts in the city.

She explained staff reviewed other local governments and suggestions in the Planning profession and four out of the six surrounding jurisdictions allow gas stations in their mixed use districts with certain criteria. She explained the City has allowed gas stations to be along arterial roads and major intersections as a conditional use with appearance and performance criteria but gas stations sites are difficult to redevelop because of their underground fuel storage tanks. The state of Florida has a mandatory tank replacement program where tanks are replaced after a certain amount of time. She talked about the applicant’s rationale for wanting to allow gas stations and the proposed code changes to allow by conditional use with appearance and performance criteria.

She concluded by stating the applicant is Space Coast Town Center but staff made revisions based on community feedback and the idea that gas stations criteria should be consistent from one zoning district to another. Staff researched other surrounding jurisdictions on whether they allow gas stations in mixed use zonings and most do but by conditional use. There is only one section of the Gateway Interchange zoning proposed to be changed and the City Attorney reviewed to ensure the changes comply with the Florida Stature protection for gas station branding, logos and canopy coloring among other protections. She
recommended the following motion: Recommend that Council approve the Gateway Interchange zoning district changes to include gas stations as a conditional use with criteria.

Chair Jaudon opened the public hearing.

The applicant, Bob Gorlow, 7485 Fairway Dr., Suite 430, Miami Lakes, FL 33014 spoke regarding the proposed code change and their potential tenant of a gas station along US 192.

Discussion included:
- At what stage would the use be vested? City Attorney Richardson explained it can be as early as the time of conditional use approval and not as late as the Certificate of Occupancy.
- Is there any way to consolidate the same criteria if identical from code to code? And if this is the case why not just cross reference in the code. A comment was made by a board member about not liking to have to look in different places in the code for information.
- Is the code limiting to just one station or can there be three gas stations for 150 acres? City Attorney Richardson answered there could be three.
- Could a developer for the principle building have one large window expanse and why not? Planning Director Fischer explained it is an issue of reducing surface for advertisements. The board wants this removed and Bob Gorlow concurred since he is trying to use glass and other materials as part of the design of the Space Coast Town Center.
- Could the wording of “encouraged” be switched to “required” for the percentage of cladding of canopy supports? City Attorney Richardson explained if an applicant wants to challenge us during the master concept plan then the permissive carries less weight but required or must or shall be is mandatory.
- Eliminate metal supports as an allowable visible material of the fuel island canopy.
- The City’s codes already requires that there be a wall between residential and commercial uses and in some cases vegetation can be used. This conditional use performance criteria does not alter that code.
- A few board members wanted to have Council add a requirement for permanent artwork at the gas stations.

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

Moved by Board Member Liesenfelt, seconded by Board Member Brothers to recommend that Council approve the Gateway Interchange zoning district changes to include gas stations as a conditional use with criteria and to make changes to the principle building having a large expanse of glass, change the word “encouraged” to “required” and striking out “however…. Motion passed, 6-0. The Planning and Zoning Board would like Council to consider requiring permanent artwork at gas stations as was successfully done through development agreements in the newer Cumberland Farms and Wawa gas stations.

7. PUBLIC COMMENT ON GENERAL MATTERS

No Comments.

8. PLANNING DIRECTOR REPORTS – Capital Improvements Program
Planning Director Fischer talked about the Capital Improvements Program which was part of the attached City Manager’s report to City Council on January 19, 2021. The Capital Improvement Plan requires no action on the part of the Board and is only meant to communicate another aspect of governance that the City performs annually.

9. BOARD MEMBER REPORTS

10. ADJOURN

Chair Jaudon adjourned the meeting at 7:55 p.m.

Chair Chris Jaudon

Christy Fischer, Planning Director
To: Members of the West Melbourne Planning and Zoning Board

Through: Christy Fischer, AICP, Planning Director

From: Denise Curry, Planner

Date: March 9, 2021

SUBJECT

Small Scale Comprehensive Plan Map Amendment (SSA-2021-01) to change from Commercial to Urban Density Residential future land use on property located at 3685 Minton Road.

RECOMMENDATION

Recommend that City Council approve the small scale comprehensive plan map amendment (SSA 2021-01) to change the future land use on 5.37 acres of property located at 3685 Minton Road.

FISCAL IMPACT

The applicant pays the $250 advertising fee.
**DISCUSSION**

**PROPERTY ADDRESS** – 3865 Minton Road

**APPLICANT/PROPERTY OWNER**
Jake Wise, P.E., Construction Engineering Group, agent for Epoch West Melbourne, applicant – Jerry and Francis Matthews, owners

**PUBLIC HEARING DATE** –
March 9, 2021 Planning & Zoning Board
March 16, 2021 City Council.

**LOCATION RELATED TO SURROUNDINGS**
Just south of the overpass of I-95 on Minton Road and north of Norfolk Parkway.

**BRIEF SUMMARY OF REQUEST**
The applicant is proposing to join this property with the adjacent MD-RES properties to the south and develop an apartment complex and they are requesting a change in the future land use designation from COM (Commercial) to UD-RES (Urban Density Residential) future land use designation. The future land use map must be changed from Commercial in order to have multi-family development on this property.

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPROVE</td>
</tr>
<tr>
<td>APPROVE WITH CONDITIONS</td>
</tr>
<tr>
<td>DENY</td>
</tr>
</tbody>
</table>

**COMPATIBILITY** with the COMPREHENSIVE PLAN
The proposed map amendment is consistent with the policies in the City’s Horizon 2030 Comprehensive Plan that supports multi-family uses.

**PROPERTY HISTORY**
This property is owned by Jerry and Francis Matthews. The property was annexed into the City in 2014. At that time, the Matthews had listed the property for sale and had a few prospective interests for commercial development hence the Commercial (COM) future land use designation. The property with frontage on Minton Rd. and I-95 has not sold. Now Epoch West Melbourne is interested in purchasing the property and joining it with the properties to the south to build apartments. The property’s future land use designation must be changed from Commercial to a designation that allows the apartments which is Urban Density Residential (UD-RES).

**COMPATIBILITY** with the LAND DEVELOPMENT REGULATIONS
The proposed map amendment to designate the property with – “UD-RES” is required in order to rezone the property to the requested, R-3 (Multiple-Family Dwelling).

**ATTACHMENTS**
- Proposed Future Land Use Map Comprehensive plan
What is a Small Scale Comprehensive Plan Map Amendment?

Each city and county in Florida is required to have an adopted Comprehensive Plan. This document is a land use guide containing goals, objectives, and policies in at least a ten year planning horizon. The City’s adopted land use development document is Volume 1 of the “Horizon 2030 Comprehensive Plan”. In 2010 when this document was adopted by City Council, a future land use map accompanied Volume 1, showing where various land uses were to be located. Every time a property owner desires to make a change to the map for their site, if the property is less than ten (10) acres, it is called a “Small Scale Comprehensive Plan Map Amendment” or alternately it can be called a “Future Land Use Map Amendment”. Both terms describe the process whereby a governing body considers whether to revise their long term land use map and if the change is approved, staff processes the ordinance to various State agencies. Staff typically processes multiple changes per year to the Future Land Use Map.

The following map is the City’s official Future Land Use Map and can be found on our web site (again, any change to any color on the map, or as a result of annexation, requires a process to officially change this map):
Background Information
This is a request to submit to the State Department of Economic Opportunity (DEO), a change to the Future Land Use designation on the subject property. The applicant is requesting to change the property from COM (Commercial) to UD-RES (Urban Density Residential). The proposed map amendment is a small scale comprehensive plan map amendment because the property size is less than ten (10) acres. The following information has been compiled to assist the Board in making a recommendation to the City Council concerning this request.

Property Information Table

<table>
<thead>
<tr>
<th>Property Information</th>
<th>(Matthews property)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location &amp; Acreage</td>
<td>3685 Minton Road = 5.37 acres</td>
</tr>
<tr>
<td>Existing Use of Property</td>
<td>A single family house and accessory structures at 3685 Minton Road.</td>
</tr>
<tr>
<td>Proposed Use of Property</td>
<td>The applicant wants to develop an apartment community by combining this property with the adjacent MD-RES property to the south. They would demolish the existing house and structures.</td>
</tr>
</tbody>
</table>

Environmental Site Data—

Flood Zone: The property is located in Flood Zone “X” as determined by the 100-year base flood elevation.
Natural Resources: Natural resources will be assessed at the time of development. This assessment is performed when development plans have been submitted because if development does not occur immediately, there could be changes to the natural conditions of a property. Review of environmental features and protected species is coordinated with the St. Johns River Water Management District and the Florida Fish and Wildlife Services since the City defers to these State of Florida agencies as implementers of federal environmental protection acts.

**Surrounding Properties**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Use</th>
<th>Jurisdiction</th>
<th>Future Land Use (see attached maps)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Interstate 95</td>
<td>FDOT right-of-way and property in West Melbourne</td>
<td>COM (Commercial)</td>
</tr>
<tr>
<td>South</td>
<td>Vacant undeveloped</td>
<td>City of West Melbourne</td>
<td>MD-RES (*5.5 dwelling units/acre)</td>
</tr>
<tr>
<td>East</td>
<td>Promise</td>
<td>City of West Melbourne</td>
<td>MD-RES (*5.5 dwelling units/acre)</td>
</tr>
<tr>
<td>West</td>
<td>Minton Road</td>
<td>Brevard County right-of-way</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Although the MD-RES designation allows 10 dwelling units an acre, the vacant “Promise” property to the south is in the Palm Bay Road Overlay designation which is further limited to only 5.5 dwelling units per acre (Future Land Use Element Policy 4.3).

**Development Potential for Small Scale Amendment:**

The State requires that when a local government analyzes concurrency (availability of infrastructure capacity at the time of development) for a future land use amendment, the analysis be based on the most intense use allowed in the proposed future land use category. This site is adjacent to existing apartments which already have urban services of sewer, water, trash pick-up, stormwater run-off, and access to area public schools.

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Development Restrictions-per City FLU</th>
<th>Maximum Development Potential for 5.37 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Melbourne COM</td>
<td>0.50 FAR</td>
<td>116,959 SF</td>
</tr>
<tr>
<td>West Melbourne UD-RES</td>
<td>18 units per acre to 25 units per acre with density bonus</td>
<td>96 units up to 134 units with density bonus</td>
</tr>
</tbody>
</table>

The maximum build out potential under the existing Commercial future land use would allow up to 116,959 square feet of commercial development. Under the proposed UD-RES future land use, there could be 96 units and up to 134 dwelling units with the bonus density. Apartments versus commercial square footage are distinct uses that generally result in apartments having
fewer trips than commercial but more service calls than commercial, so the impacts would be different for each use.

**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, comparing the current future land use designation (see “Current Land Use Demand” column in the next table) to the proposed future land use designation (see “Proposed Land Use Demand” column). This type of analysis is required by Florida Statutes for comprehensive plan amendments, but does not imply that specific water, sewer or school capacity will be reserved, only that there is still sufficient capacity to serve the properties even at maximum build out.

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.

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 previous page.

**Municipal Services—**

**Transportation:** Primary Access – Norfolk Parkway, with a right in/right out proposed on Minton Road. (To be determined by Brevard County)

The traffic impacts will be assessed at the time of development, traffic concurrency is not a City reviewed impact for comprehensive plan changes but according to the applicant’s traffic engineer (Attachment 2), the following is a comparison of the respective uses:

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Density/Intensity</th>
<th>Average Daily Trips/Day 5.37 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>0.50 FAR = 116,959 SF</td>
<td>6,688</td>
</tr>
<tr>
<td>Residential multi-family</td>
<td>134 units</td>
<td>730</td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td><strong>Reduction of trips</strong></td>
<td><strong>-5,958</strong></td>
</tr>
</tbody>
</table>

*Apartments generate significantly fewer trips than retail*

**Utilities:** The property owner is required to connect to city water and sewer.
**Stormwater:** As part of any new development the stormwater will need to be assessed at the time of development.

**Fire:** Brevard County Fire and Rescue provides fire protection and emergency services.

**Police:** City of West Melbourne Police serves the property.

**Staff Analysis—**

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 City Council. City Council will ultimately determine whether to approve or deny the request.

The applicant is requesting to amend the future land use map designation from Commercial (COM) to Urban Density Residential (UD-RES). In addition to concurrency evaluation, staff assesses the request in terms of urban sprawl, land use compatibility, and consistency with the policies in the Comprehensive Plan. The following sections provides information on the future land use map amendment evaluation factors.

**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 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 (FLU) policies which affect the review of the request are:

**Future Land Use Map Amendments Policy**

FLU Policy 5.6 states, “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…”

**Staff Comments** – Since the adjacent properties are designated as Medium Density Residential land use, applying UD-RES to this property is reasonable. The Urban Density land use allows apartment uses. It is intended to apply to denser residential areas and properties on either side of Norfolk Parkway already have existing apartments to the east and south and this property is located near a commercial hub (Hammock Landing and Palm Crossings shopping centers). The designation allows up to 18 dwelling units per acre with the possibility of a higher density of up to 25 dwelling units per acre if certain criteria are met (Future Land Use Element Policy 2.2).

The developer is required to extend the potable water, sanitary sewer and stormwater system at their cost in an orderly manner.

**Future Land Use (FLU) Designation Evaluation**

**FLU Policy 2.2 c.** states, “The Urban Density Residential land use designation consists of single and multi-family residential uses. Mixed-use neighborhood commercial centers which contribute to the overall livability of denser residential areas are allowed adjacent to Urban Density Residential land uses. The maximum density allowed in the UD-RES land use designation is 18 du/acre. A density bonus of an additional 7 du/acre, may be available via zoning permit approval if for each additional unit per acre, up to 7 dwelling units, at least one of the following criteria are met (for example, 2 additional units, at least 2 of the criteria must be met, and so on):

i. Connection to municipal water and sewer systems.

ii. Proximity of one (1) mile or less to any of the city’s mixed-use designated areas.

iii. Proximity of less than one mile to developments with the same density.

iv. A transportation access management system that compliments the existing transportation system(s).

v. Fire station proximity of two (2) miles or less to the proposed development.

vi. A park is at least three-fourths (3/4) of a mile in proximity to the proposed development.

vii. Elementary schools are within two (2) miles or less to the proposed development.

viii. Wetlands occupy less than 50 percent of the total site.

ix. A perimeter buffer surrounds the development.

x. Is within the designated town center overlay area.”

**Staff Comments** – The proposal meets 7 of the criteria above as indicated in the applicant’s aerial exhibit of the bonus density criteria and distances (see Attachment 3).
The developer is required to connect to city water and sewer, item i and this proposed development is in the midst of other multi-family residential areas and would meet item iii above. Norfolk Parkway was built by the developer of Hammock Landing, CBL and Associates, and was 4-laned at its intersection with Minton Road by the City to ensure there is sufficient capacity to accommodate the adjacent vacant lands. This site is close to the Space Coast Area Transit bus stop that is in Hammock Landing and the Palm Crossing shopping center and it is possible for pedestrians in the community to walk on the sidewalks on Norfolk Parkway to access a public bus at Hammock Landing. The applicant’s aerial indicates the proximity of the fire station and schools and there are no wetlands on the site. The size of the buffer as stated in item ix above is not defined but staff will address the buffer size in the development agreement that will be on the Planning and Zoning Board’s April agenda.

5.37 acres plus Promise in Brevard vacant property - The developer will combine this property with the properties to the south. Being designated UD-RES will allow a higher density on the 5.37 acres of 134 units and combined with the properties to the south that are designated MD-RES plus the remaining units that Promise in Brevard did not use would get the developer the proposed 280 units. However, the future land use map amendment does not analyze densities of adjacent properties, only the property (5.37 acres) whose designation is being changed.

Private Property Rights - Although development of the site will result in more paved surfaces and reduce the natural environment, the State of Florida has a law stating all non-government properties have a right to be developed with a use. The environmental impacts are not ignored by the City or the State but there are mechanisms in place by the State and federal governments to allow developers to mitigate their environmental impacts. These mechanisms have been in existence for many years and challenged in court, and while they have been upheld, private property rights have been asserted by the courts to be the test of moderation of some of these environmental regulation mechanisms. The comprehensive plan and zoning maps can regulate uses but they are not tools to prevent growth and they are not allowed by the State of Florida to halt development (a new comprehensive plan element will be required by 2023 to acknowledge the Bert Harris Act).

The proposed assignment of UD-RES future land use designation to this property is consistent with both the multi-family residential uses to the south and are a suitable transition use next to the commercial uses further to the south at Palm Bay Road and Norfolk Parkway.

Regulation Compliance Policy

Future Land Use Policy 9.2 – Regulation Compliance states, “Continue to utilize the technical review process to ensure that development and redevelopment activities within the City of West Melbourne adhere to all local, regional, state and federal laws.”
Small Scale Future Land Use Map Amendment Epoch West Melbourne

Staff Comments—If the future land use amendment is granted, then the next steps for Epoch West Melbourne are to complete the site plan and building permit processes with the City for their proposal, and to obtain the necessary permits from Florida Fish and Wildlife, Florida Department of Environmental Protection, St. Johns River Water Management District as applicable and by any other outside agencies.

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 UD-RES (Urban Density Residential) future land use designation to properties is considered infill development. Since the West Melbourne and Palm Bay areas continue to experience growth, staff is seeing more of these isolated properties (single-family not in a subdivision on a busy road) being redeveloped or joined with adjacent properties to be developed with denser residential or non-residential uses.

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 is required to connect to City water and sewer services that are located adjacent to the property and are sized 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, all infrastructure systems will continue to operate under the adopted capacity levels.

Housing for All

Housing Policy 4.2 states, “Meet the community’s housing needs by ensuring that housing alternatives meet the diverse needs of the community.”

Staff Comments—The provision of multi-family housing (apartments) is consistent with this policy which encourages a variety of housing styles within our city limits. The City of West Melbourne has seen a steady population and household growth and the demand for multi-family residential units has grown as well. Staff has heard from the most recent apartment developers that units in their developments are rented quickly and are close to being fully occupied which indicates the demand for multi-family housing.
The City still an abundance of single family homes and apartments are still a minor quantity in comparison to the quantity of houses in the city limits.

According to the HUD publication “Comprehensive Housing Market Analysis Palm Bay-Melbourne-Titusville Florida”, the growth of the aerospace defense industries and manufacturing sectors with their creation of jobs in the area has contributed to the increased demand for multi-family units. The area is seeing new employees come in from all over the world to work in the space and aerospace industries and they need a place to live.

**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:**

The developer has requested that the future land use designation of Commercial be changed since this designation only allows commercial type development and this property is poorly situated for a commercial driveway due to the property’s location on the I-95 overpass. Epoch West Melbourne’s proposal is for a multi-family development to be located on this property and the adjacent property to the south with the primary access being the existing driveway to Norfolk Parkway and a minor access to Minton Road. The applicant has requested the density bonus of 25 dwelling units an acre on the 5.37 acres and staff agrees that they have met the criteria that allows the density bonus. Future land use map amendments are required to meet certain criteria in both the Florida Statutes and our Horizon 2030 Comprehensive Plan and the analysis of this is contained in this staff report. If City Council chooses to change the future land use designation to Urban Density Residential, this report provides staff’s supporting analysis.
Public Notice:

The small scale comprehensive plan amendment was advertised in the legal section of the Florida Today on February 18, 2021. Mailed notices were also sent to neighboring property owners within the 500 foot radius to the property. None of the adjacent properties have contacted the City about this request and as stated in the report, Promise in Brevard hopes to sell part of its property that lies adjacent to this property.

RECOMMENDATION

Recommend approval to City Council of the small scale comprehensive plan map amendment SSA 2020-01 to change the future land use from COM (Commercial) to UD-RES (Urban Density Residential).

ATTACHMENTS

1. Future Land Use Maps
2. Applicant’s traffic generation comparison
3. Applicant’s Bonus Density Aerial
Attachment 1

Existing FLU Designation COM

Proposed FLU Designation of UD-RES
TECHNICAL MEMORANDUM

To: Jake Wise, P.E.
From: Matthew West, AICP
Subject: Epoch Apartments – Future Land Use (FLU) - Comprehensive Plan Amendment Traffic Impact Study
West Melbourne, Florida
Date: December 24, 2020

INTRODUCTION

LTG, Inc. (LTG) was retained by Epoch Residential, LLC to prepare a traffic impact study in support of a comprehensive plan amendment (CPA). The CPA application has been submitted to the City of West Melbourne to change the future land use designation of a property from Commercial to Urban Density Residential for approximately 5.37 acres of land located east of Minton Road and north of Norfolk Parkway in the City of West Melbourne.

Please note that the development scenarios are based on the maximum development potential of the existing future land use designation and the proposed future land use designation.

TRIP GENERATION FOR THE EXISTING & PROPOSED FUTURE LAND USE DESIGNATIONS

Commercial FLU permits a maximum floor area ratio (FAR) of 0.5. For the 5.37-acre site, the maximum development potential under this existing future land use designation would be 117,000 square feet of shopping center land use (ITE Land Use 820).

The applicant is requesting City of West Melbourne Urban Density Residential FLU Category. The proposed future land use would permit development on the site at a maximum density of twenty-five (25) dwelling units per acre (which includes a density bonus). For the 5.37-acre site, the maximum development potential under this proposed future land use designation would be 134 multifamily dwelling units. The Multifamily Mid-Rise Residential use (ITE Land Use 221) was used as most appropriate residential use allowed within this designation.

The daily and p.m. peak-hour trip generation for the maximum development potential under the existing and proposed FLU designations were determined using the Institute of Transportation Engineers (ITE) 10th edition of the Trip Generation Manual. The resultant trip generation is summarized in Table 1.

The trip difference between the Commercial and Urban Density Residential designations is determined by subtracting trips generated by the existing designation from the trips generated by the proposed designation. This calculation is shown in Table 2. As indicated in Table 2, the proposed change results in a potential trip decrease of 5,958 gross daily and 551 gross p.m. peak-hour trips.
Table 1
Existing and Proposed Future Land Use Daily & P.M. Peak-Hour Trip Generation
Epoch Apartments – CPA

<table>
<thead>
<tr>
<th>Time Period</th>
<th>FLU Designation</th>
<th>Land Use Code</th>
<th>Trip Rate / Equation</th>
<th>Size</th>
<th>Units</th>
<th>Percent Entering</th>
<th>Percent Exiting</th>
<th>Trips Entering</th>
<th>Trips Exiting</th>
<th>Trips Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>Commercial</td>
<td>820</td>
<td>Ln(T) = 0.68 Ln(X) + 5.57</td>
<td>117</td>
<td>ksf</td>
<td>50%</td>
<td>50%</td>
<td>3,344</td>
<td>3,344</td>
<td>6,688</td>
</tr>
<tr>
<td>P.M. Peak-Hour</td>
<td></td>
<td></td>
<td>Ln(T)=0.74Ln(X)+2.89</td>
<td>117</td>
<td>ksf</td>
<td>48%</td>
<td>52%</td>
<td>293</td>
<td>317</td>
<td>610</td>
</tr>
<tr>
<td>Daily</td>
<td>Urban Density</td>
<td>221</td>
<td>T = 5.45(X) - 1.75</td>
<td>134</td>
<td>DU</td>
<td>50%</td>
<td>50%</td>
<td>365</td>
<td>365</td>
<td>730</td>
</tr>
<tr>
<td>P.M. Peak-Hour</td>
<td>Residential</td>
<td></td>
<td>T = 0.44(X)</td>
<td>134</td>
<td>DU</td>
<td>61%</td>
<td>39%</td>
<td>36</td>
<td>23</td>
<td>59</td>
</tr>
</tbody>
</table>

Table 2
Difference Between Existing & Proposed Future Land Use Trip Generation
Epoch Apartments - CPA

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Existing FLU</th>
<th>Proposed FLU</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>6,688</td>
<td>730</td>
<td>5,958 Reduction</td>
</tr>
<tr>
<td>P.M. Peak-Hour</td>
<td>610</td>
<td>59</td>
<td>551 Reduction</td>
</tr>
</tbody>
</table>

CONCLUSION

This study was conducted to evaluate the impact that a change in future land use designations would have on area roadways in the City of West Melbourne. Based on this analysis, there is a decrease in traffic of 5,958 gross daily and 551 gross p.m. peak-hour trips. Since this analysis examines theoretical maximum development scenarios and not an actual development plan, concurrency and any mitigation required to offset deficiencies will be assessed at the time of application for a site plan or subdivision approval.

c: Chris Hughes, Epoch Residential.

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West AICP
Signature:
Date: December 24, 2020
PROPOSED FUTURE LAND USE CHANGE:

CURRENT FUTURE LAND USE: COMMERCIAL (COM)
PROPOSED FUTURE LAND USE: URBAN DENSITY RESIDENTIAL (UD-RES)

MAX. DENSITY (UD-RES): 18 DU/AC. A DENSITY BONUS OF AN ADDITIONAL 7 DU/AC (UP TO A MAXIMUM OF 25 DU/AC) IS AVAILABLE GRANTED THE REQUIRED CRITERIA ARE MET, PER CITY OF WEST MELBOURNE HORIZON 2035 COMPREHENSIVE PLAN.

PROPOSED DENSITY (UD-RES): 25 DU/AC PER THE BELOW MET CRITERIA.

I. CONNECTION TO MUNICIPAL WATER AND SEWER SYSTEMS
   - CONNECTION TO MUNICIPAL WATER AND SEWER SYSTEMS ARE PROPOSED.

II. PROXIMITY OF ONE (1) MILE OR LESS TO ANY OF THE CITY’S MIXED-USE DESIGNATION AREAS
   - NOT APPLICABLE

III. PROXIMITY OF LESS THAN ONE MILE TO DEVELOPMENTS WITH THE SAME DENSITY
   - NOT APPLICABLE

IV. A TRANSPORTATION ACCESS MANAGEMENT SYSTEM THAT COMPLIMENTS THE EXISTING TRANSPORTATION SYSTEM(S)
   - TRANSPORTATION ACCESS MANAGEMENT SYSTEM PROVIDED COMPLIMENTS THE EXISTING TRANSPORTATION SYSTEM IN THE AREA. TRAFFIC WILL BE SHARED BETWEEN TWO ENTRANCE, ONE OFF OF MINTON ROAD AND THE OTHER IS A SHARED DRIVEWAY WITH PROXIMITY IN RESPECT TO COMMUNITY PARK.

V. FIRE STATION PROXIMITY OF TWO (2) MILES OR LESS TO THE PROPOSED DEVELOPMENT
   - MEADOWLANE ELEMENTARY SCHOOL #83 IS LOCATED 1.1 MILES FROM THE PROPOSED DEVELOPMENT.

VI. A PARK IS AT LEAST THREE-FOURTHS (3/4) OF A MILE IN PROXIMITY TO THE PROPOSED DEVELOPMENT
   - WEST MELBOURNE COMMUNITY PARK IS LOCATED 0.7 MILES FROM THE PROPOSED DEVELOPMENT.

VII. ELEMENTARY SCHOOLS ARE WITHIN TWO (2) MILES OR LESS TO THE PROPOSED DEVELOPMENT
   - MEADOWLANE ELEMENTARY IS LOCATED 0.9 MILES FROM THE PROPOSED DEVELOPMENT

VIII. WETLANDS OCCUPY LESS THAN 20% OF THE TOTAL SITE
    - NO WETLANDS ON SITE

IX. A PERIMETER BUFFER SURROUNDS THE DEVELOPMENT
   - A PERIMETER BUFFER SURROUNDS THE DEVELOPMENT. INCLUDING A 25’ MINIMUM BUFFER ALONG THE PROJECT’S MAIN FRONTAGE MINTON ROAD.

X. IS WITHIN THE DESIGNATED TOWN CENTER OVERLAY AREA
   - NOT APPLICABLE

SEVEN (7) CRITERIA ARE MET BY THIS SITE FOR MAXIMUM 7 BONUS DENSITY.

BASE DENSITY = 18 DU/AC
BONUS DENSITY = 7 DU/AC
TOTAL DENSITY = 25 DU/AC

5.37 AC X 25 DU/AC = 134 UNITS
SUBJECT

Request by Epoch West Melbourne to rezone 5.37 acres of property at 3685 Minton Road from C-1 (Low Density Commercial) to R-3 (Multiple-Family Dwelling) zoning (REZ-2021-01)

RECOMMENDATION

Recommend that City Council approve the rezoning request (REZ 2021-01) to change the zoning designation on 5.37 acres of property located at 3685 Minton Road from C-1 to R-3.

FISCAL IMPACT

The applicant pays the $250 advertising fee.
DISCUSSION

Background Information:

This is a request to rezone property from C-1 (Low Density Commercial) to R-3 (Multiple-Family Dwelling). The following information has been compiled to assist the Board in making a recommendation concerning this request.

| Applicant/Property Owner: | Jake Wise, P.E., Construction Engineering Group, agent for Epoch West Melbourne, applicant 
Jerry and Francis Matthews, owners |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>3865 Minton Road</td>
</tr>
<tr>
<td>Acreage of Rezoning Request:</td>
<td>5.37 Acres</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>C-1 (Low Density Commercial)</td>
</tr>
<tr>
<td>Proposed Zoning:</td>
<td>R-3 (Multiple-Family Dwelling)</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Single-Family residence</td>
</tr>
<tr>
<td>Proposed Use:</td>
<td>Part of a multi-family development – apartments</td>
</tr>
</tbody>
</table>

Surrounding Properties:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Use</th>
<th>Jurisdiction</th>
<th>Zoning District (see attached maps)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Interstate 95</td>
<td>FDOT</td>
<td>Right-of-way</td>
</tr>
<tr>
<td>South</td>
<td>Vacant undeveloped</td>
<td>West Melbourne</td>
<td>R-2 (One-, Two- and Multi-Family Dwelling)</td>
</tr>
<tr>
<td>East</td>
<td>Promise</td>
<td>West Melbourne</td>
<td>R-2 (One-, Two- and Multi-Family Dwelling)</td>
</tr>
<tr>
<td>West</td>
<td>Minton Road</td>
<td>Brevard County maintained</td>
<td>Right-of-way</td>
</tr>
</tbody>
</table>

Environmental Site Data:

- **Flood Zone:** The property is located in Flood Zone “X” as determined by the 100-year base flood elevation.
- **Natural Resources:** Any potential impacts on natural resources will be addressed during the site plan review process. As mentioned in the future land use map amendment staff report, at the time of site plan submittal, the applicant must provide an environmental assessment report and work directly with the various State agencies regarding protection or mitigation of existing natural resources such as wetlands and protected species.

Adequate Public Services/Facilities:

The maximum-allowed density is 15 dwelling units per acre for the City’s R-3 zoning district and 18 up to 25 dwelling units an acre per the UD-RES future land use designation and as stated in the zoning district, the maximum density in the future land use designation prevails. The small
scale map amendment staff report analyzed the existing capacity of infrastructure systems and determined there is sufficient capacity to serve this new development.

**Staff Analysis:**

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 currently has a C-1 zoning designation that allows retail stores, personal service establishments, offices and there could be any of these uses in the current zoning but the C-1 zoning does not allow the applicant’s development plans of being a part of a multi-family residential development. The City’s R-3, multiple-family zoning district is suitable for this property since the there are other multi-family residential uses adjacent to this property. The property to the south is zoned R-2.

If this subject property were rezoned R-3 then it could potentially be built with 134 dwelling units, if the property were developed by itself. It is the developer’s intention to develop 280 units total with the total density spread through the property to the south as explained in the comprehensive plan amendment staff report. Attachment 2 is a conceptual plan submitted by the developer to indicate the overall project development but it is not binding in that the developer must still go through the conceptual site plan public hearing process. The developer has also submitted a development agreement and it is likely that the conceptual site plan will be a binding exhibit with the agreement. This public hearing will occur in the near future.

**City Codes (Zoning):**

The R-3 zoning district allows single-family dwellings, including townhouses, two-family dwellings and multiple-family dwellings. The R-3 multiple family dwelling district, per Land Development Regulations Section 98-316, “apply to those areas classified so as to include, but not be limited to, higher density residential developments of large apartment houses, group development projects, planned unit developments, and other multifamily projects”.

In conformance with the intent statement of the R-3 zoning district, the proposal of apartments would be allowed in this zoning district. The character of the area would accommodate an intense degree of development since it is located between I-95 and Minton Road and near other large apartment complexes and shopping areas like Hammock Landing and Palm Crossings. This property is also located in close proximity to West Melbourne Community Park and there is a network of sidewalks which lead to both the shopping areas and the park. There are also bus stops located in Hammock Landing and on Norfolk Parkway at the entrance of Promise for easy access to Space Coast Area Transit bus transportation.
Consistency with the 2010 Comprehensive Plan:
The Small Scale Comprehensive Plan Map 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.

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 (Land Development Regulations), Comprehensive Plan, surrounding conditions, input from the applicant and general public, and the facts surrounding the case.

Staff Comments - The R-3 zoning designation is allowed under the City’s UD-RES future land use designation, and this zoning is compatible with the surrounding land uses.

(Multiple-Family Dwelling District)

“The R-3 multiple-family dwelling district is intended to apply to those areas classified so as to include, but not be limited to, higher density residential developments of large apartment houses, group development projects, planned unit developments, and other multifamily projects. Lot, height and other building restrictions are intended to accommodate an intense degree of development, maintaining an adequate amount of open space for residential uses......”

Staff Comments - The proposal of apartments meets the intent of the R-3 district, and the property is consistent with the pattern of multi-family development that characterize this area. The table below compares the C-1 and R-3 uses.

Comparison of C-1 and R-3 Zoning:

<table>
<thead>
<tr>
<th>Comparison Feature</th>
<th>C-1</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Uses</td>
<td>Retail stores, personal service establishments, professional offices, hotels, motels, eating and drinking establishments, vocational and trade schools, banks and financial institutions,</td>
<td>Single family homes including townhomes, Two-family dwellings, Multiple-family dwellings.</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Intensity/Density</strong></td>
<td>0.50 FAR per comp plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 units per acre or up to 25 units with density bonus</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>4,000 square feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single-family, two-family, multiple family: 12,000 square feet.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Townhouses: 3,000 square feet.</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td>40 feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Single-family, two-family, multiple-family: 100 feet.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Townhouses: 24 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Lot Depth</strong></td>
<td>100 feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>100 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>40 feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40 feet unless located within a one-mile radius of 1-95 and Palm Bay Road up to 60 feet.</td>
<td></td>
</tr>
</tbody>
</table>

The subject property meets the minimum lot dimension criteria and the setbacks will be evaluated with the submittal of the conceptual site plan.

**Minimum Setbacks:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front</strong></td>
<td>20 feet</td>
<td>Structures not exceeding 40 feet in height: 30 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Structures exceeding 40 feet in height: 30 feet plus three feet for every five feet of building height over 40 feet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Townhouse structures: 25 feet</td>
</tr>
<tr>
<td><strong>Side, Interior</strong></td>
<td>7 ½ feet</td>
<td>Structures not exceeding 40 feet in height: 15 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Structures exceeding 40 feet in height: 15 feet plus three feet for every five feet of building height over 40 feet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Townhouse structures: 0 feet</td>
</tr>
<tr>
<td><strong>Side, Corner</strong></td>
<td>20 feet</td>
<td>Structures not exceeding 40 feet in height: 25 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Structures exceeding 40 feet in height: 25 feet plus three feet for every five feet of building height over 40 feet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Townhouse structures: 25 feet unless property is adjacent to an undeveloped common area tract or dedicated easement that is at least 15 feet in width, the side corner setback is 0 feet.</td>
</tr>
</tbody>
</table>
Structures not exceeding 40 feet in height: 25 feet
Structures exceeding 40 feet in height: 25 feet plus three feet for every five feet of building height over 40 feet.
Townhouse structures: 20 feet

Staff Comments – Regarding the use table, as described under the row above labeled, “Principal Uses”, the C-1 and R-3 uses are very different. C-1 is for commercial uses only and does not allow any residential use. C-1 allows for everything from stores and restaurants to private and public parking lots and garages while the R-3 only allows one, two and multi-family structures. So the R-3 district is more restrictive than C-1 and it is logical that this property’s adjacency to the existing apartment zoned properties to the south would lead to it also being zoned for apartments.

Conclusion

The proposed zoning to R-3 is compatible with the surrounding multiple family uses in the immediate area and consistent with the intent of the R-3 zoning to accommodate large apartment complexes. This location also has easy access to nearby shopping, recreation and public transportation. The overall development will go through the conceptual site plan and development agreement public hearings in the near future and this will solidify any development constraints that may be needed to ensure compatibility with the surroundings.

Public Notice:

The rezoning was advertised in the legal section of the Florida Today on February 18, 2021. Mailed notices were also sent to neighboring property owners within the 500 foot radius to the property. None of the adjacent properties have contacted the City about this request.

RECOMMENDATION

Staff recommends

Recommend approval to City Council of rezoning 5.37 acres from Low-Density Commercial (C-1) to Multiple-Family Dwelling (R-3) with the condition that the small-scale comprehensive plan map amendment is approved.
Attachment 1

Existing Zoning – C-1 (Low Density Commercial)

Proposed Zoning – R-3 (Multiple-Family Dwelling)