



Melbourne City Council
June 14, 2022
City Manager's Item Report

Department:	Community Development
Presenter:	Cynthia Dittmer
Council District:	N/A
Reading Number:	N/A
Public Hearing:	No
Quasi-judicial Item (Disclosure Required):	No
Item Number:	C.25.

Subject:

Council discussion regarding site plan review thresholds.

Background/Consideration:

During the May 10, 2022 City Council meeting, Council discussed the thresholds for site plan review and asked for a future discussion item. A staff memorandum explaining the current site plan review process and thresholds is attached.

Memorandum

To: Shannon M. Lewis, City Manager
From: Cindy Dittmer, AICP, Community Development Director
Re: **Discussion Item – Site Plan Review Process and Thresholds**
Date: June 8, 2022

During the May 10, 2022 City Council meeting, Council discussed the thresholds for site plans to be approved by City Council and asked for a future discussion item. Staff is providing the following information regarding the site plan process and thresholds in response.

Review Thresholds

City Council established the site plan review process in City Code. Generally, City Council reviews and issues the final approval on larger site plans, the Planning and Zoning Board reviews and issues the final approval on medium site plans and City staff issues the final approval on smaller site plans. More particularly, the site plan approvals are based upon thresholds set forth in the table below.

Proposed Use	City staff issues final approval of informal site plan	P&Z Board issues final approval of formal site plan	City Council issues final approval of formal site plan
Commercial building sites	Less than 3 acres	3—10 acres	10 acres+
Industrial building sites	Less than 5 acres	5—10 acres	10 acres+
Multifamily developments	Less than 20 units	20—40 units	40+ units
Mobile home parks;	N/A	N/A	All
New development in the downtown redevelopment area	N/A	Less than an acre	1 acre or more
Institutional developments	N/A	Less than 10 acres	10 acres+
Conditional uses.	N/A	N/A	All

These thresholds were adopted by City Council and codified in City Code, Appendix B, Article IX, Section 6. All formal site plans that require City Council final approval are first reviewed by the Planning and Zoning Board which makes a recommendation to City Council. All site plans are reviewed by City staff through the construction review process.

Formal Site Plans

The review criteria of the **formal site plan** are set forth in the Zoning Code and are as follows:

- (a) Ingress and egress to property
- (b) Off-street parking areas (auto and pedestrian safety, traffic flow and control, emergency access, convenience to building, landscape buffering)
- (c) Recreation and open spaces (considering location/size/development)
- (d) Residential density of development
- (e) General character/compatibility designed so as not to cause substantial depreciation of property values or reduce the safety, light and general convenience of neighboring developments
- (f) Environmental impact
- (g) Other necessary requirements
- (h) Luminaries
- (i) Energy efficiency
- (j) Design standards

See City Code, App. B, Article IX, Sec. 6(D)(5). For a condition to be attached to a site plan, the condition must have a direct tie toward implementing one of the criteria for approval. The proposed site plan must be consistent with the permitted uses of the zoning district and also meet any density or intensity requirements based upon the future land use designation.

The review of all **formal site plans** by the City Council and by the Planning and Zoning Board is considered a quasi-judicial proceeding. As such, the landowner seeking formal site plan approval has the burden of proving that the proposed is consistent with the comprehensive plan and that the proposal complies with all standards of the zoning code. Like all quasi-judicial decisions, the formal site plan review must be based upon competent substantial evidence of compliance with the above standards established in the Zoning Code. The evidence relied upon must be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. Surrounding property owners are not notified of a public hearing for a formal site plan.

Additional Development Actions

If a site plan does not meet City Code and Comprehensive Plan requirements, a future land use or zoning map amendment is necessary or a conditional use may be requested if allowed within the designated zoning district. When these additional actions are requested and considered by City Council, issues including: compatibility with surrounding land uses; impact of any adverse impacts; or impact on nearby residential uses can be considered as part of the review of the future land use, zoning or conditional use. When these additional actions of comprehensive plan/zoning amendments and conditional uses are required, the property owners within 500 feet are notified of the public hearing and the property is posted with a public hearing notice.

Volume of Site Plan Reviews

Since August of 2020, the following number of site plans have been submitted/approved in each area of review.

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| • City Council | 36 Formal Site Plans |
| • Planning and Zoning Board (only) | 9 Formal Site Plans |
| • City Staff | 60 Informal Site Plans |

The formal site plan process adds additional time and costs to the developer. Projects that require a **formal site plan** process require an additional 3 to 4 months to go through the Planning and Zoning Board and City Council review process. Applicants incur additional expenses in hiring a consultant/engineer to produce plans, exhibits and testimony in order to establish competent substantial evidence necessary in the quasi-judicial proceeding.

Traditionally City Council has favored providing an accelerated and less costly review by City staff for smaller projects by eliminating the formal site plan review in order to foster the business-friendly support of the City. City Council is kept regularly apprised of development plan activity. The weekly City Manager report provides a list of all projects going to the Planning and Zoning Board. Additionally, information on all development plans is provided within the monthly City Manager Activity report included in the City Council agenda package.

Cities throughout Florida handle the review of site plans in various manners. Many cities allow all site plan review/approval to be handled at staff level with some requiring a designated staff review committee from various departments to vote on approvals, such as in the City of Kissimmee. Some cities require only master plans and final plats to receive City Council approval such as Palm Coast. Allowing site plan approval by the Planning and Zoning Board solely is allowed by some cities such as Boca Raton. Other cities do require City Council level approvals for some site plans and generally have higher thresholds than the city's current thresholds, particularly for multi-family residential. The City's current thresholds allow smaller acreage plans to go directly to staff for review, while larger formal site plans require the Planning and Zoning Board or City Council approval.