



Planning and Zoning Board

**MINUTES**

March 14, 2023

**1. CALL TO ORDER**

Chairman Jaudon called the meeting to order with the Pledge of Allegiance at 6:34 p.m.

**2. ROLL CALL**

Present: Chair Chris Jaudon  
Vice Chair Rob Brothers  
Board Member Jim Liesenfelt  
Board Member Anna Kapnoula  
Board Member Vernon Anderson

Absent: Board Member Jennifer Spagnoli  
Board Member Paul Bernkopf

Staff present: Planner Denise Curry  
City Attorney John Cary  
Planner Cynthia Snay  
Administrative Assistant Stefanie Lascoux

Clerk's Note: This happened later in the meeting but has been put here for continuity.

Moved by Board Member Liesenfelt, seconded by Board Member Kapnoula to excuse Board Member Bernkopf and Board Member Spagnoli. Motion passed 5-0.

**3. MINUTES**

Planning and Zoning Board Meeting of January 10, 2023

Moved by Vice Chair Brothers and seconded by Board Member Kapnoula to approve the minutes as written. Motion passed 5-0.

**5. PUBLIC HEARING(S) –**

**a. Small Scale Comprehensive Plan Map Amendment – Volvo Dealership – 4340 W New Haven Avenue (SSA-2023-01) –**

A request for a future land use map amendment to change the land use designation for 4.20 acres of property located at 4340 W. New Haven Avenue Brevard County CC (Community Commercial) to City of West Melbourne COM (Commercial).

*Applicant: Vaheed Teimouri, P.E. Teimouri & Associates, Inc. agent for GT Motors Inc.*  
*Location: 4340 W. New Haven Avenue*

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

Planner Curry advised the board of the Quasi-Judicial procedures and asked for any disclosures. Board Member Anderson stated just the day prior he had been to the dealership looking to purchase a new car.

Planner Curry presented both items 5a and 5b together but advised the board there needed to be two separate motions. She presented the background of the request and stated the property is currently being annexed as the Applicant/Owner, GT Motors, Inc. (Volvo of Melbourne) wants to connect to sewer and the existing use is an Automotive Sales Dealership & Service Center will continue with the proposed use of adding service bays and car wash for the dealership use only.

She explained the existing FLU (Future Land Use) is Brevard County CC (Community Commercial) and proposed FLU is West Melbourne COM (Commercial). The existing zoning is Brevard County BU-1 (General Retail Commercial) and proposed zoning is West Melbourne C-P (Commercial Parkway) with ICO (Interchange Commercial Overlay).

She discussed the location of the sewer and where it is available for the dealership to connect. She presented information regarding the possibility of annexing the two properties to the west for connection to sewer. She talked about the surrounding properties future land use and presented a comparison slide of future land use designations between Brevard County Community Commercial and West Melbourne Commercial. She stated the staff analysis shows consistency with the Comprehensive Plan and the FLU policies.

She presented the rezoning request and the surrounding properties zoning. She stated the request is consistent with the land development regulations and the existing use is permitted in the Commercial Parkway with the Interchange Commercial Overlay zoning.

She recommended the following motions:

Item 5a. - Approval to City Council of the small-scale comprehensive plan map amendment to change the future land use from Brevard County CC (Community Commercial) to City of West Melbourne COM (Commercial)

Item 5b. – Approval to City Council of the rezoning of 4340 W. New Haven Avenue from Brevard County BU-1 (General Retail Commercial) to City of West Melbourne C-P (Commercial Parkway with ICO (Interchange Commercial Overlay) with the condition that the small-scale comprehensive plan map amendment is approved.

Chair Jaudon opened the public hearing. The applicant was present. Seeing that no one was going to speak, the public hearing was closed.

Chair Jaudon opened the board discussion on these items.

Motion was made by Vice Chair Brothers, seconded by Board Member Kapnola to recommend approval of Item 5a to City Council of the small scale comprehensive plan map amendment to change the future land use from Brevard County CC (Community Commercial to City of West Melbourne COM (Commercial). Motion passed 5-0.

**b. Rezoning – Volvo Dealership – 4340 W New Haven Avenue (REZ-2023-01) –**

A request to rezone 4.20 acres of property located at 4340 W. New Haven Avenue from Brevard County BU-1 (General Retail Commercial) to City of West Melbourne C-P (Commercial Parkway) with the Interchange Commercial Overlay.

*Applicant: Vaheed Teimouri, P.E. Teimouri & Associates, Inc. agent for GT Motors Inc.*  
*Location: 4340 W. New Haven Avenue*

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

Motion was made by Board Member Kapnoula, seconded by Vice Chair Brothers to recommend approval to City Council of the rezoning of 4340 W. New Haven Avenue from Brevard County BU-1 (General Retail Commercial) to City of West Melbourne C-P (Commercial Parkway with ICO (Interchange Commercial Overlay) with the condition that the small-scale comprehensive plan may amendment is approved. Motion passed 5-0.

**c. Code Amendment to the Land Development Regulations – Vehicle Repair Facilities – Chapter 66, Definitions, and Chapter 98, Zoning, Article III, Districts, Division 21, Community Redevelopment Area Districts, (C-NH and C-W) – (LDR-2023-02)**

A revision in Chapter 66, Definitions, to provide a vehicle repair definition and amend Chapter 98 Zoning for the C-NH (Commercial New Haven) and C-W (Commercial Wickham) zoning districts to consistently identify vehicle repair in the use table as a conditional use with criteria.

*Applicant: City of West Melbourne*  
*Location: Citywide*

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

Planner Snay presented the four (4) proposed changes to be made in the City's Land Development Regulations:

1. Section 63.8 - Zoning definitions to include definition of vehicle repair
2. Section 98.831 - Use table for C-NH and C-W
3. Section 98.832 (2) - Criteria for use table, vehicle repair, minor
4. Section 98.832(3) - Criteria for use table, vehicle repair, major

She recommended the following motion:

Approval of the requested zoning code amendment to the C-NH (Commercial New Haven) and C-W (Commercial Wickham) zoning districts to amend Section 98-831 eliminating the reference to automotive repair facilities, major and minor: amend the vehicle repairs facilities, major to allow vehicle repair as a conditional use: amend vehicle repair, minor to allow vehicle repairs as a permitted use; amend Section 98-832 to change the reference of automotive repair facilities to vehicle repair facilities; and amend Section 63-8 to include a definition of vehicle repair facilities both major and minor.

Chair Jaudon opened the public hearing. Seeing that no one was going to speak the public hearing was closed.

Chair Jaudon then opened the board discussion. Board Member Anderson questioned why the change. Planner Snay replied with applicants requesting this as they want it referred to "Vehicle Repair" instead of automotive repair since the code contradicted itself concerning minor automotive repair. The change is more consistent with anything that is driven by a motor as that is inclusive of a vessel (boat, etc.). Attorney Cary also gave a brief explanation on the verbiage change and why it is needed for clarification.

Motion was moved Board Member Liesenfelt, seconded by Board Member Brothers to recommend approval. Motion passed 5-0.

**d. Code Amendment to the Land Development Regulations – Town Center Overlay – Chapter 98, Zoning, Article IV, Overlay Districts and Special Districts – (LDR-2023-03)**

Revisions to the Town Center Overlay to include the R-1A (Single Family Residential) and the P-1 (Institutional) zonings in the underlying zoning districts; to prohibit corrugated metal roof parapets for non-residential properties; and to extend the southern boundary of the Town Center Overlay to the Norfolk Parkway and Minton Road intersection.

*Applicant: City of West Melbourne*  
*Location Citywide*

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

Planner Snay presented the three (3) proposed changes to be made in the City's Land Development Regulations:

1. Section 98-970 – Area
2. Section 98-971 – Underlying zoning districts
3. Section 98-975 – Design requirement and other standards

Section 98-970 – extend the existing boundary of the town center overlay from Helen Street to I-95 to instead extend from Helen Street to Norfolk Parkway

Section 98-971 – 3 properties that may be impacted by the change:

- Fred and Anna Boozer property – 10 acres
- Southeastern Conference Association of the Seventh Day Adventist, Inc. – 13 acres (no impact anticipated – falls under the auspice of the federal religious freedom act. 42 US Code 2000cc(b)(3)(B))
- Greenleaf Subdivision – 22.89 acres. Approved as a 57 Single-lot subdivision (no impact anticipated as site plans and plat have be approved prior to zoning change)

Section 98-975 – Design requirements and other standards – revise the architecture section to prohibit the use of corrugated metal parapet roof walls

She recommended the following motion:

Recommend that City Council approve the changes to the Town Center Overlay extending the boundaries to the west, to the east side of Norfolk Parkway for those properties having frontage on Minton road; adding the R-1A (Single-family Residential) zoning district and prohibiting corrugated metal parapet roofs within the Town Center Overlay zone.

Chair Jaudon closed the Public Hearing.

Chair Jaudon then opened the board discussion. Vice Chair Brothers questioned as corrugated metal is a very broad term and there are various different metal roofs. Why is the staff requesting this?

Planner Snay stated that the city doesn't want the "Industrial" look to be put within the Town Center with Sawgrass Lakes and the new Greenleaf Development that will be going in soon.

Planner Curry added that the city was just wanting to keep the consistent look within the Town Center as it already applies to the existing buildings.

Attorney Cary stated that in an Overlay zoning district, design standards are common and the Planning and Zoning Board's responsibility as the Land Planning Agency (LPA) is to make a recommendation to City Council. As this is a legislative matter, City Council has the legislative authority and makes the final decision on the proposed code changes. You will be voting to approve the ordinance, deny the ordinance or make recommendations to it by either recommending what the staff is requesting or you can take something out of the ordinance.

Vice Chair Brothers is requesting confirmation on whether there is a code or a guideline for a designer or architect to follow for this Town Center Overlay.

Planner Snay said there is a guideline and code that must be followed for this area.

Vice Chair Brothers stated that in the code it states "along the public street the exterior shall be brick, capstone, unpolished stone, terracotta or other composite materials". "Metal does not fall into any of these categories so it is already unable to be used".

There was much discussion about the need to prohibit corrugated metal parapet roof material when the code already states the exterior shall be and that does not include metal since the words "composite materials" are used to describe what shall be used.

Moved by Board Member Liesenfelt, seconded by Board Member Brothers to recommend City Council approve the changes to the Town Center Overlay extending the boundaries to the west, to the east side of Norfolk Parkway for those properties having frontage on Minton road; adding the R-1A (Single-family Residential) zoning district. Motion passed 5-0.

Clerk's Note: The Board did not recommend to City Council to prohibit corrugated metal parapet roofs for non-residential properties as recommended in the staff report as it is already written in the code

## **6. PLANNING STAFF UPDATES**

Planner Curry let the board know that we will have an April Meeting and will need to verify that we have a quorum. She also informed the board on the Comprehensive Plan rewrite as well as the street resurfacing occurring in the City.

## **7. BOARD MEMBER REPORTS**

None at this time

**8. ADJOURN**

Chair Jaudon adjourned the meeting at 7:23 p.m.