



## Planning and Zoning Board

### MINUTES

August 9, 2023

#### 1. CALL TO ORDER

Chairman Jaudon called the meeting to order with the Pledge of Allegiance at 6:35 p.m.

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ROLL CALL

Present: Chairman, Chris Jaudon  
Vice Chairman Rob Brothers  
Board Member Vernon Anderson  
Board Member Jim Liesenfelt  
Board Member Anna Kapnoula  
Board Member Jennifer Spagnoli

Absent: Board Member Paul Bernkopf  
School Board Member Brightwell

Staff present: Planner Cyndi Snay  
Adjunct Planner Kelly Hyvonen  
City Attorney John Cary

Moved by Board Member Spagnoli, seconded Vice Chairman Brothers to excuse Jim Liesenfelt from the July 12, 2023 board hearing. Motion passed 6-0.

Moved by Board Member Spagnoli, seconded by Vice Chairman Brothers to excuse Board Member Bernkopf. Motion passed 6-0.

#### 4. MINUTES

Planning and Zoning Board Meeting of July 11, 2023

Moved by Board Member Brothers and seconded by Board Member Anderson to approve the minutes as written. Chairman Jaudon requested the following amendments:

- Page 2, under line item 8, exterior sculpture – check tape to determine one or more sculptures.
- Page 3, reword middle of page- change to difficult complexities in last bullet.
- Page 3, very bottom, check recording, in front Mr. Kirschenbaum put in quotes.

- Page 4, Second paragraph put in quotes. Reads 1<sup>st</sup> person instead of 3<sup>rd</sup> person, Vice Chairman Brothers has to be exactly what he stated if you use quotes. Re-write to be 3<sup>rd</sup> person. Chairman Jaudon agreed.
- Check tape with the discussion Paragraph 6.
- Page 5, states Director Kapnola instead of Board Member.

Board Member Brothers amended motion to include comments and seconded by Board Member Anderson. Motion passed 6-0.

## 5. HEARING(S) –

### a. **Small Scale Comprehensive Plan Map Amendment – 591 Ponderosa Street (SSA-2023-03 & 04)**

A request for a future land use map amendment to change the land use designation for 0.60+/- acres of property located at 591 Ponderosa Street from Brevard County RES 6 (Residential 6) to LD-RES (Low Density Residential).

*Applicant: PJAM, LLC*  
*Location: 591 Ponderosa Street*

Consulting Planner Kelly Hyvonen advised the board of the Quasi-Judicial procedures and asked for any disclosures. No disclosures were made.

Ms. Hyvonen 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, PJAM, LLC wants to connect to water.

She explained the existing FLU (Future Land Use) is Brevard County Residential 6 (RES 6) and the proposed FLU is West Melbourne LD-RES (Low Density Residential). The existing zoning is Brevard County RU-1-11 (Single Family Residential) and the proposed zoning is West Melbourne R-1A (Single-Family Residential). 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 R-1A zoning district.

She recommended the following motions:

Item 5a –Recommend City Council approve the small scale comprehensive plan map amendment to change the future land use from Brevard County RES 6 (Residential 6 du/acre) to City of West Melbourne LD- RES (Low Density Residential).

Item 5b Rezoning – Recommend City Council approve the rezoning from Brevard County RU-1-11 (Single-family Residential) to City of West Melbourne R-1A (Single-family Residential) with the condition that the small-scale comprehensive plan map amendment is approved.

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

Chairman Jaudon opened the board discussion on these items.

Moved by Vice Chairman Brothers, seconded by Board Member Spagnoli 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 RES 6 (Reside to City of West Melbourne LD-RES (Low Density Residential)). Motion passed 6-0.

**b. Rezoning – Rezoning 591 Ponderosa Street (REZ-2023-04 \* 05)**

A request to rezone 0.60+/- acres of property located at 591 Ponderosa Street from Brevard County RU-1-11 (Single-Family Residential) to City of West Melbourne R-1A (Single-Family Residential).

*Applicant: PJAM, LLC*  
*Location: 591 Ponderosa Street*

Motion was made by Board Member Brothers, seconded by Board Member Kapnoula to recommend approval to City Council of the rezoning of 591 Ponderosa Street from Brevard County RU-1-11 (Single Family Residential) to City of West Melbourne R-1A (Single-family Residential) with the condition that the small-scale comprehensive plan amendment is approved. Motion passed 6-0.

**c. Preliminary Plat – Sunrise Estates – St. Johns Heritage Parkway (PP-2023-01)**

A request to continue the preliminary plat approval for Sunrise Estates Subdivision, to the September 12, 2023 Planning and Zoning hearing.

*Applicant: Chris Ossa, Kimley-Horn and Associates, Inc. agent for Pulte Home Company, LLC*  
*Location: east side of St. Johns Heritage Parkway south of U.S. 192*

Planner Snay presented the request to continue the preliminary plat approval for Sunrise Estates Subdivision to the September 12, 2023, public hearing due to an advertising error.

Moved by Board Member Brothers, seconded by Board Member Spagnoli to recommend that the Preliminary Plat for Sunrise Estates Subdivision be continued to the September 12, 2023 Planning and Zoning hearing due to an advertisement hearing. Motion passed 6-0.

**d. Preliminary Plat – Space Coast Town Centre West Phase I – (PP-2023-02)**

A request for preliminary plat approval for Sunrise Estates Subdivision, the proposed preliminary plat consists of 131 single-family residential detached lots and 124 townhome lots on 51.37 acres, more or less, located west of Interstate 95 and south of U.S. 192.

*Applicant: Chris Ossa, Kimley-Horn and Associates, Inc. agent for Pulte Homes Company, LLC*  
*Location: east side of St. Johns Heritage Parkway south of U.S. 192*

Planner Snay presented the request to continue the preliminary plat approval for Sunrise Estates Subdivision to the September 12, 2023, public hearing due to an advertising error.

Moved by Board Member Brothers, seconded by Board Member Kapnoula to recommend that the Preliminary Plat for Sunrise Estates Subdivision be continued to the September 12, 2023 Planning and Zoning hearing due to an advertisement hearing. Motion passed 6-0.

e. **Small Scale Comprehensive Plan Map Amendment – City owned lift station (SSA-2023-05)**

A request for a future land use map amendment to change the land use designation for 0.06+/- acres of property located on the west side of Griffith Lane near Falcon Ridge subdivision from Brevard County RES 4 (Residential 4) to INST (Institutional).

*Applicant: City of West Melbourne*

*Location: west side of Griffith Lane near Falcon Ridge subdivision*

Consulting Planner Kelly Hyvonen advised the board of the Quasi-Judicial procedures and asked for any disclosures. No disclosures were made.

Ms. Hyvonen presented both items 5e and 5f 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 it came to the staff's attention that when the Falcon Ridge property was annexed, the dedicated lift station was not annexed. The property is developed as the Falcon Ridge lift station and is owned by the City of West Melbourne. The City intends to continue the use of a lift station on the property.

She explained the existing FLU (Future Land Use) is Brevard County Residential 4 (RES 4) and the proposed FLU is West Melbourne INST (Institutional). The zoning is proposed to go from Brevard County RU-1-11 (Single Family Residential) to West Melbourne's P-1 (Institutional) zoning designation.

She presented the rezoning request and the surrounding property's zoning. She stated the request is consistent with the land development regulations and the existing use is permitted in the Institutional zoning.

Ms. Hyvonen indicated that the proposal is consistent with the comprehensive plan and land development regulations.

Board Member Anderson requested that staff describe a lift station. Vice Chairman Brothers described the function of a lift station.

Ms. Hyvonen recommended the following motions:

Item 5e –Recommend City Council approve the small scale comprehensive plan map amendment to change the future land use from Brevard County RES 6 (Residential 6 du/acre) to City of West Melbourne LD- RES (Low Density Residential).

Item 5f Rezoning – Recommend City Council approve the rezoning from Brevard County RU-1-11 (Single-family Residential) to City of West Melbourne R-1A (Single-family Residential) with the condition that the small-scale comprehensive plan map amendment is approved.

Chairman Jaudon opened the public hearing. Seeing no public input, the public hearing was closed.

Chairman Jaudon opened the board discussion on these items.

Moved by Board Member Spagnoli, seconded by Vice Chairman Brothers to recommend approval of Item 5e to City Council of the small scale comprehensive plan map amendment to change the future land use from Brevard County RES 4 (Residential 4) to City of West Melbourne INST (Institutional). Motion passed 6-0.

f. **Rezoning – City owned lift station (REZ-2023-06)**

A request to rezone 0.06+/- acres of property located on the west side of Griffith Lane near Falcon Ridge subdivision from RU-1-11 (Single-Family Residential) to P-1 (Institutional).

*Applicant:* City of West Melbourne  
*Location:* west side of Griffith Lane near Falcon Ridge subdivision

Moved by Board Member Spagnoli, seconded by Vice Chairman Brothers to recommend approval to City Council of the rezoning of 0.06 acres of property located on the west side of Griffith Lane near Falcon Ridge subdivision from Brevard County RU-1-11 (Single Family Residential) to City of West Melbourne P-1 (Institutional) subject to the condition that the small-scale comprehensive plan may amendment is approved. Motion passed 6-0.

**g. Code Amendment to the Land Development Regulations – Zoning, Chapter 98 – (LDR-2023-07)**

A revision to Chapter 98, Zoning, to modify Section 98-365, Prohibited uses and structures, deleting reference to accessory residential use in the C-P (Commercial Parkway) zoning district.

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

Ms. Snay presented the staff request to amend the CP (Commercial Parkway) zoning district. She gave a brief history of the establishment of the zoning history, indicating that in 1970, via Ordinance 45, the City established zoning boundaries. In 2017, the City established the C-NH (Commercial New Haven) and C-W (Commercial Wickham) zoning districts which caused a change to the C-P zoning boundaries. In 2021, via Ordinance 2021-12, the City Council deleted multifamily residential uses from the C-P (Commercial Parkway) zoning district. A remnant was that a single residential unit as an accessory use was still permitted within the CP (Commercial Parkway) zoning district.

Ms. Snay stated that the nexus for the request is that developers have been inquiring as to whether multifamily is permitted in the C-P (Commercial Parkway) district as they were not proposing single-family development.

Ms. Snay stated that staff is requesting that this board recommend amending the C-P zoning district to state that all residential uses are prohibited. This will provide clarity and eliminate any questions.

Chairman Jaudon opened the public hearing. Seeing no public input, the public hearing was closed.

Chairman Jaudon opened for board discussion.

Vice Chairman Brothers asked Staff to describe what an accessory use would be within a commercial development. Ms. Snay indicated that a residential caretaker's unit would be permitted as an accessory to a commercial building.

Board Member Lisenfelt asked if the Live Local Act would impact this decision.

Ms. Snay stated that the Live Local Act provides a clause that if a municipality has less than 20% of its community designated for commercial or industrial then a developer would be required to develop a mixed-use project. Ms. Snay further stated that the City has less than 20% of its area zoned for commercial or industrial development.

Attorney Cary indicated that the City is still reviewing the Live Local Act to determine its applicability and to make an interpretation. It is fairly new and there have not been any applications submitted for review. The City has not taken any formal position on the Act.

Moved by Vice Chairman Brothers, seconded by Board Member Spagnoli to recommend that the council approve the requested amendment to Section 98-365(1) deleting reference to allowing residential as an accessory use. Motion passed 6-0.

**h. Code Amendment to the Land Development Regulations – Zoning, Chapter 98 – (LDR-2023-06)**

A revision to Chapter 98, Zoning, to modify Section 98-1151, temporary relocation housing to modify the time period for temporary housing to be allowed on a property within the city limits from 18 months to 36 months.

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

Ms. Snay presented the staff request to amend the temporary housing code to allow temporary housing for 36 months.

Ms. Snay presented a brief history of the City's adoption of a temporary housing ordinance.

Ms. Snay stated that the Florida Senate adopted SB 250, which was signed by the Governor as Chapter 2023-304, and went into effect on July 1, 2023. Chapter 2023-304 amended Florida Statute Section 166.0335 requiring municipalities to allow the use of temporary housing for a maximum of 36 months and amended the word "person" to "resident". Staff is requesting the change to provide consistency with the Florida Statutes and be proactive with temporary housing after a natural disaster.

Chairman Jaudon opened the public hearing. Seeing no public input, the public hearing was closed.

Chairman Jaudon opened for board discussion.

Board Member Anderson requested Staff to explain why the word person is being changed to resident.

Mr. Cary explained that the practicable aspect is that this forces the resident to live at the residence in the temporary housing, which will keep the unit from becoming a temporary rental unit.

Chairman Jaudon asked staff how staff became aware of the legislative items and correlated them to the City's code to make changes.

Ms. Snay indicated that staff gets notice of the bills that may impact growth management at the start of the legislative session. Staff then will track the bill through the process. Once a bill is adopted, Staff will then compare that bill to the Code to determine any impacts and what changes will result.

Attorney Cary further stated that on the legal side, the League of Cities, provides for support for tracking legislation, and every Monday they will provide an update to the Cities and send out reports, then Mr. Cary will work with Staff.

Moved by Board Member Kapnoula, seconded by Board Member Anderson to recommend that the council approve the requested amendment to Section 98-1151(2) to allow the use of a temporary structure to 36 months and 98-1151(7) to change the word "person" to "resident". Motion passed 6-0.

**6. PUBLIC COMMENTS**

No public comments

**7. PLANNING DIRECTOR UPDATES**

No planning director updates.

**8. BOARD MEMBER REPORTS**

No Board Member Reports.

**9. ADJOURN**

Chairman Jaudon adjourned the meeting at 7:08 p.m.