



Planning and Zoning Board

MINUTES

Wednesday, October 11, 2023

6:30 P.M.

City Council Chambers

1. **CALL TO ORDER** – The Chair called the meeting to order at 6:34 pm.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Chairman, Chris Jaudon
Vice Chairman, Rob Brothers
Board Member, Jennifer Spagnoli
Board Member, Jim Liesenfelt
Board Member, Paul Bernkopf

Absent: Board Member, Anna Kapnoula
Board Member, Vernon Anderson

Staff Present: Planning Director, Christy Fischer
Planner, Cyndi Snay
City Attorney, John Cary

Both absent board members had informed staff they would not be present ahead of the meeting. Moved by Board Member Bernkopf, seconded by Vice Chairman Brothers to excuse Board Member Vernon Anderson and Board Member Anna Kapnoula from the October 11, 2023 board hearing. Motion passed 5-0.

Director Christy Fischer introduced new Planning Technician, Lindsay Carter.

4. **MINUTES**

Planning and Zoning Board Meeting of September 12, 2023

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

5. PUBLIC HEARING(S) –

a. **Code Amendment to the Land Development Regulations – Chapter 98 Zoning, Adding regulations for accessory outdoor sales and dispensing machines in commercial zoning districts – (case #LDR-2023-09)**

A revision to Chapter 98, Zoning to add regulations for shielding permitted outdoor product dispensing machines in the C-P (Commercial Parkway), C-1 (Low Density Commercial), C-2 (General Commercial), C-NH (Commercial New Haven), C-W (Commercial Wickham) and GTWY-I (Gateway Interchange) zoning districts.

Applicant: City of West Melbourne
Location: Citywide

Planner Cyndi Snay presented the request to amend Section 98-1281 of the Land Development Regulations by stating that staff's proposal is to address the placement and screening of permanent accessory structures by:

1. Applying the regulations to all mechanical outdoor product dispensing facilities that are external to the building.
2. Requiring that solid walls or similar facades to the building to the front and rear of the machinery.
3. Revising Section 98-1282 to incorporate all commercial zoning districts.

Planner Cyndi Snay presented the staff initiated request to require shielding of accessory outdoor sales and dispensing machines within the C-P, Commercial Parkway, C-1, Low Density Commercial, C-2, General Commercial, C-NH and C-W, Commercial New Haven and Commercial Wickham, and Gateway Interchange zoning districts. Planner Snay provided the background that a Board of Adjustment condition for a proposed 2022 gasoline station prompted the code change of shielding outside accessory dispensing equipment. Specifically the Board of Adjustment had required that the propane tanks and ice cooler be shielded from street view. The project civil engineer and gas station owner had disagreed with staff about how to shield the equipment. Since there is no code definition for shielding this type of accessory facilities, staff determined a code that provided the description of how to screen the view would assist with future projects.

Planner Snay also explained that staff researched seven other local governments to determine if outdoor accessory equipment was required to be screened with specific materials or techniques. Of the seven researched, Ft. Walton Beach and Sanibel had requirements while other local governments in the Space Coast had no requirements. Director Fischer clarified that even though Melbourne, Brevard County, Titusville and Palm Bay did not appear to have outdoor accessory facilities screening requirements, she knew that these same local governments had development agreements, Planned Unit Developments and other mechanisms in which additional requirements might be added to projects including enhanced screening.

Board members discussed the proposed code amendment and had these general comments:

- One board member liked the Sanibel code that specified that exterior areas with equipment and facilities would be shielded from view by residents, and environmentally sensitive areas.
- There was concern that shielding and moving the dispensers and accessory equipment would lead to safety issues and vandalism.
- A wall in front of the outdoor accessory facilities may appear clunky and may have to meet windload requirements.

- The price of installing a wall would be high and would be a structure that would lead to diminishing returns.
- Perhaps building landscaping should suffice for screening, but if there is no landscaping surrounding a building, then there should be some other view shielding mechanism.
- Accessory equipment tends to blend in and be expected with the gas stations, hardware stores and similar businesses
- There did not appear to be a series of events or issues with developers to prompt a code change. Staff confirmed that citizens have not specifically cited a development as being unsightly with its outdoor equipment but that citizens have made general comments.
- The proposed staff amendment appeared to be a solution in search of a problem

Moved by Board Member Brothers, seconded by Board Member Liesenfelt to recommend that Council deny the requested Zoning code revisions to address permanent outdoor dispensing facilities and equipment within the C-P, C-1, C-2, C-NH, C-W, and GTWY-I zoning districts. Motion passed 5-0.

Additional discussion ensued about staff providing City Council with the information from the Board discussion and Director Fischer stated she would discuss the results with the City Manager, but that if the Board members had suggestions to share them. A few board members felt the City of Sanibel code could be applied for the City of West Melbourne's intent of screening outdoor accessory equipment, while other board members felt the Sanibel example was too broad, and that West Melbourne already requires a solid fence or wall to screen the view of the commercial areas from adjacent residential areas.

6. PUBLIC COMMENTS

There were no members of the public at the meeting.

7. PLANNING DIRECTOR REPORTS

Planning Director Fischer updated the board on the staging area in front of Buena Vida Estates by the contractor for FDOT who will be constructing additional turn lanes in the intersection of New Haven Avenue/Evans Road/Hollywood Boulevard. Director Fischer also commented on the map and list of development projects under construction. Chairman Jaudon stated that the digital version of these documents were not with the website posting of the Planning and Zoning Board agenda. Director Fischer promised this information would be emailed to all board members.

8. BOARD MEMBER REPORTS

Board member Liesenfelt reported that the Board of County Commissioners has prepared four items to request the legislative delegation to focus on in the next year, with the number one priority being funding for the Ellis Road widening project and this would be submitted to the State. No other board members reported on other matters.

9. ADJOURN

Chairman Jaudon adjourned the meeting at 7:16 pm.

Chairman Chris Jaudon

Cynthia Snay, Planner