



Planning and Zoning Board

MINUTES

August 11, 2021

6:30 P.M.

City Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

Present: Chairman Chris Jaudon
Vice Chair Rob Brothers
Board Member Paul Bernkopf
Board Member Jim Liesenfelt
Board Member Jennifer Spagnoli
Board Member Anna Kapnoula – BY ZOOM

Absent: School Board Appointee (non-voting) Jennifer Parkerson

Staff present: Planning Director Christy Fischer
Planner Denise Curry
City Attorney Morris Richardson

3. MINUTES

Planning and Zoning Board Meeting of July 13, 2021

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

4. PUBLIC HEARING(S) –

a. Large Scale Comprehensive Plan Map Amendment – PMG West Melbourne – (LSA-2021-04) Postponement

Comprehensive Plan Amendment No. 2021-04 (LSA) proposes to amend the City's Future -Land Use map for 51.38 acres of property from RES-2 and RES-1 (County Residential) to UD-RES (City Urban Density Residential) land use designation.

*Applicant: Tara Tedrow, PA, Lowndes Law, agent for PMG West Melbourne
Location: East of the St. Johns Heritage Parkway, south of Space Coast
Town Center, west of Brandywine Estates*

b. Rezoning – PMG West Melbourne – (REZ-2021-04) Postponement

A request to rezone 51.38 acres of property from AU, (County Agricultural Residential Use) to R-3, (City Multiple-Family Dwelling).

*Applicant: Tara Tedrow, PA, Lowndes Law, agent for PMG West Melbourne
Location: East of the St. Johns Heritage Parkway, south of Space Coast
Town Center, west of Brandywine Estates*

Motion by Board Member Bernkopf, seconded by Board Member Kapnoula to postpone items 5a and 5b to the September 14, 2021 Planning and Zoning Board Meeting. Motion passed, 6-0.

c. Small Scale Comprehensive Plan Map Amendment – Dobbs Equipment – (SSA-2021-03)

Comprehensive Plan Amendment No. 2020-03 (SSA) proposes to amend the City's Future Land Use map for 7 acres of property from Brevard County CC (Community Commercial) to City of West Melbourne IND (Industrial) land use designation.

*Applicant: Andy Kirbach, Morgan & Associates agent for Dobbs Equipment
Location: east side of Columbia Lane*

The proposed Small Scale Amendment to the City's Future Land map will be acted upon by City Council with a recommendation from the Planning and Zoning Board as to whether to adopt the amendment or not.

Planner Curry presented both the small scale comprehensive map amendment and the rezoning staff reports and informed the board that these are quasi-judicial items. She gave the background regarding the applicant, location, existing and proposed use along with the existing and proposed land use and zoning. She explained when this property was annexed in 2009, the owner requested no city land use and zoning designation be assigned and this is why it has retained the county land use and zoning. She showed the current future land use and the proposed future land use on the future land use map and talked about the surrounding land use designations. She stated the proposed industrial use is compatible with the surrounding industrial uses in the area.

She explained that if the future land use map change is granted for this property, the next steps would be to for the applicant complete the site plan and building permit processes and obtain all necessary outside agency permits. She explained what is required for comprehensive plan review and stated there are no capacity issues with connecting to public utilities. She presented analysis on the maximum potential impacts based on the land use and stated the request is consistent with the comprehensive plan future land use goals, objectives and policies. She talked about balancing private property right and community

interests and the recent legislative change to require those policies in the city's comprehensive plan. She presented the rezoning request and analysis to show the rezoning is compatible with the surrounding properties and stated it is consistent with the land development regulations.

She talked about the binding development plan agreement, the reasons behind it and what it would provide and summarized the concept plan exhibit. She recommended the following motions:

Item 5c –Recommend approval to City Council of the small scale future land use map amendment SSA 2021-03 to change the future land use from Brevard County CC (Community Commercial) to West Melbourne IND (Industrial).

Item 5d Rezoning – Recommend approval to City Council of rezoning 7 acres from Brevard County TU-2 (Transient Tourist Commercial) to City of West Melbourne M-1 (Light Industrial and Warehousing) with the accompanying binding development plan agreement inserting the language “and/or architectural parapet facades” and with the condition that the comprehensive plan map amendment is approved.

Chairman Jaudon opened the public hearing.

Andy Kirbach, Morgan & Associates Consulting Engineers, Inc., 504 N. Harbor City Blvd, Melbourne, FL 32935 spoke on behalf of the applicant and introduced Tim Nalls Project Manager, Ed Taylor Construction 2713 North Falkenburg Road, Suite A, Tampa, FL33619 to answer any questions. He explained that Dobbs Equipment is a heavy equipment sales and service for the John Deere brand throughout the State.

Planning Director Fischer explained there could be changes with the concept plan because there is not a lot of detail on purpose since the site plan would go through a more detailed review once it goes to the Board of Adjustment as a planned industrial development.

Discussion Included:

- Fence requirements – height and material. The fence used on other Dobbs Equipment sites has been a 6' high plastic coated chain link fence.
- Building architectural requirements – Usually corrugated metal sides are erected near the service bays for durability because of the heavy equipment maneuvers can be easily replaced if damaged.
- Use of compacted base – Planning Director Fischer explained the equipment parking area has to be done according to City Codes but more specific details about what will be used will come from the site development review process.

Chairman Jaudon asked for any additional comments from the audience. Seeing none, he closed the public hearing.

There was some discussion regarding the use of the words “will”, “must” and “shall” in the binding development plan agreement.

Moved by Vice Chair Brothers, seconded by Board Member Bernkopf to recommend approval to City Council of the small scale future land use map amendment SSA 2021-03 to change the future land use from Brevard County CC (Community Commercial) to West Melbourne IND (Industrial). Motion passed, 6-0.

d. Rezoning – Dobbs Equipment – (REZ-2021-06)

A request to rezone 7 acres of property from Brevard County TU-2, (Transient Tourist Commercial) to M-1, (Light Industrial and Warehousing).

Applicant: Andy Kirbach, Morgan & Associates agent for Dobbs Equipment
Location: east side of Columbia Lane

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

Moved by Board Member Spagnoli, seconded by Vice Chair Brothers to recommend approval to City Council of rezoning 7 acres from Brevard County TU-2 (Transient Tourist Commercial) to City of West Melbourne M-1 (Light Industrial and Warehousing) with the accompanying binding development plan agreement inserting the language “and/or architectural parapet facades” and with the condition that the comprehensive plan map amendment is approved. Motion passed, 6-0.

e. Large Scale Comprehensive Plan Text Amendment – Private Property Rights – (LSA-2021-05)

Comprehensive Plan Amendment No. 2021-05 (LSA) proposes to add policies regarding private property rights to the Comprehensive Plan intended to meet the requirements of the Property Rights Element as required in 163-3177(6)(i), F.S.

Applicant: City of West Melbourne
Location: Citywide

Planning Director Fischer presented the staff report. She spoke about the proposed text amendment to the Future Land Use Element and how text amendments must go through the large scale comprehensive plan amendment process with the P&Z board serving as the City’s “Local Planning Agency”. She advised City Council would be conducting their transmittal hearing on August 17, 2021 and the adoption public hearings would probably occur in October.

She explained this is a state mandate which required all local governments in Florida to include private property rights in their comprehensive plans by July 1, 2021. She explained staff has included the four required statements in the city’s Future Land Use Element with a new Future Land Use Goal, an objective and the four statements as new policies. She stated there is not much analysis needed as this is something that has to be done. She gave a comparison of what other local governments are doing to meet the requirement and recommended approval of the State required private property rights policies in the Future Land Use Element to City Council.

Chairman Jaudon opened the public hearing.

Discussion Included:

- Whether there has to be a “Private Property Rights Element” or could just be included in the Future Land Use Element as proposed. Planning Director Fischer responded some other local governments in Brevard have taken the same approach as they feel that is where the most appropriate place in the comprehensive plan where they

should be included. City Attorney Richardson advised the board that he had sent/emailed the question to DEO about whether it had to be a dedicated "Private Property Rights Element" but he has not received a response as of this meeting.

- General discussion on the reasoning behind why the State is making this a requirement at this point in time and the vagueness of the language to be included.

Moved by Board Member Spagnoli, seconded by Vice Chair Brothers recommended approval of the State required private property rights policies in the Future Land Use Element to City Council. Motion passed, 6-0.

6. PLANNING DIRECTOR REPORTS

Planning Director Fischer advised the board there will be a meeting in September.

7. BOARD MEMBER REPORTS

Board Member Liesenfelt reported he would not be in attendance at the September 14, 2021 Planning and Zoning Board meeting.

City Attorney Richardson advised the board that he had just gotten an e-mail response from DEO regarding his question "Does the Private Property Rights goal, objective and policies have to be in its own "Private Property Rights Element", and the answer is "yes", so that change will have to be made prior to going to City Council on August 17, 2021.

Board Member Spagnoli asked staff about the outcome of the proposed site plan review changes from July's Planning and Zoning Board Agenda.

Planning Director Fisher reported the changes that were made by City Council to the site plan review process revises the Planning and Zoning Board's role as advisory only for initial site plans instead of its previous determination role.

8. ADJOURN

Chairman Jaudon adjourned the meeting at 7:37 p.m.