



**City of Melbourne, Florida
Agenda
Planning and Zoning Board**

City Hall Council Chamber
900 E. Strawbridge Avenue
Melbourne, FL 32901

August 6, 2026, 6:30 p.m.

A. Opening

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes – July 16, 2026
4. Declaration of Conflict
5. Disclosures
6. Public Comment

B. New Business

7. **Finding Of Consistency (FOC2026-0007) and Zoning Text Amendment (TEXT2026-0009) Public Use:** (Public Hearing) [Applicant: City of Melbourne]
Finding of Consistency and Zoning Text Amendment, amending City Code, Part III, Appendix B, Article V, Section 2(D), Table 1B, Table of Uses, Nonresidential Districts; as it relates to Public Uses.

C. Future/Additional Business (Staff)

D. Additional Board Member Comments

E. Adjournment

Note: More than one member of the City Council may be in attendance at the meeting and may participate in discussions.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by this Board, agency or meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Community Development Department at (321-608-7500), no later than 5:00 p.m., at least 48 hours prior to the meeting.



City of Melbourne, Florida Minutes — Planning and Zoning Board

City Hall Council Chamber
900 E. Strawbridge Avenue
Melbourne, FL 32901

July 16, 2026, 6:30 p.m.

A. Opening

1. Pledge of Allegiance.
2. Roll Call.

Present:	Chris Adams	Chair
	Stefan Hartmann	Member
	Shannon Bailey	Member
	George Lebovitz	Member
	Nancy Garmer	Member
	Carol Hudgens	Member
	Dr. Ray Shackelford	Member
	Leigh Hinton	Alternate Member
	Ethan Packey	School Board Representative
	Richard Broome	Deputy City Attorney
	Cheryl Dean	Planning Manager
	Samantha Buck	Recording Secretary

Absent: Dan Liparini Alternate Member - Excused

3. Approval of Minutes – July 2 2026.

Moved **Hudgens / Garmer** to approve the minutes from July 2, 2026, as presented.

Motion carried unanimously.

4. Declaration of Conflict

There were no conflicts of interest on this item.

5. Disclosures

None.

6. Public Comment

There was no public comment.

Deputy City Attorney Broome swore in Ms. Dean.

B. New Business

7. Site Plan Approval Request (PLAN2026-0004) Circles of Care Addition (2000 & 2020 Commerce Drive):

Ms. Dean summarized the request as detailed in the staff memorandum and confirmed that this item is subject to consideration only by the Planning & Zoning Board/Local Planning Agency.

Ms. Dean referenced the findings contained in the Planning and Zoning Board agenda memorandum. She stated that based upon the findings, staff recommends approval.

The Board had no questions or comments for Ms. Dean, so Chair Adams invited the applicant to address the Board.

The representative for this item, Landon Scheer, P.E., from Scheer Engineering, was sworn in by Deputy City Attorney Broome. He said that his client, Circles of Care, was excited for this new addition to their site.

The Board had several questions for Mr. Scheer, which included: would any beds be provided for psych patients; why Circles of Care was moving to assisted living product; the number of beds that the new addition will provide, and transportation and available parking for the new building.

Mr. Scheer explained that this will mainly be a low level, assisted living facility for senior citizens with three employees on-site caring for residents. The addition will double their existing accommodation with 16 beds.

Ms. Dean said that she believed that the other Circles of Care sites offer a different product, and assisted living is what they have always provided at this location. They will now have a new building catering for residents who do not require the higher level care.

Mr. Scheer confirmed that transportation will be provided to residents and that the required parking spaces will be for staff and visitors to the site. The unit will have standard visiting hours and operate in a similar manner to any other assisted living facility.

As there were no further questions from the Board, Chair Adams opened the floor for public comment.

As was no public comment on this item, Chair Adams closed the public hearing and brought the item back to the Board for final discussion and a motion.

Moved by **Hartmann / Bailey** to recommend approval of PLAN2026-0004 based upon the findings and conditions contained in the Planning and Zoning Board memorandum.

Motion carried unanimously.

8. Subdivision Variance Approval Request (SDV2026-0001) Mosswood Townhomes:

Ms. Dean summarized the request as detailed in the staff memorandum and confirmed that the Board will be making one recommendation on this item, which will be forwarded on to City Council for final consideration.

Ms. Dean provided the Board with history on this property and referenced the findings and conditions contained in the Planning and Zoning Board agenda memorandum. She stated that based upon the findings and conditions, staff recommends approval.

The Board began discussion, during which, Ms. Garmer asked Ms. Dean to summarize the history of the subdivision again for clarity. Ms. Dean did this, and answered her questions on the subdivision's HOA.

Mr. Hinton asked whether this situation had arisen before in the City, and Ms. Dean identified that the Riverwalk development was a similar situation.

Mr. Adams asked if there was any other developable land with this site that may require future consideration, and Ms. Dean identified that the final 12 townhomes will meet the density of the development that was originally approved in 1996 and 1998.

A brief discussion followed on the approved variances approved by the Zoning Board of Adjustment, and the role and responsibilities of that Board.

Mr. Hartmann commented that City Council is considering merging the Planning & Zoning Board and the Zoning Board of Adjustment and that a referendum to the public will be on the November ballot.

As there were no further comments or questions on this item to staff, Mr. Adams invited the applicant, Ms. Rezanka, to address the Board.

Ms. Rezanka said she has been working with her clients - Mr. McCurdy and his wife since 2017. Incidentally, she noted that she also worked with the developers for the

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Riverwalk Townhomes, which was easily resolved in that instance as there were only two lenders for that development.

Ms. Rezanka said that she had a different recollection of the history this development and stated that City Code was different back in 1995, when construction plans were submitted. The final submission in 2002 was approved in 2003 with the infrastructure also being installed in 2003. The declarations of restriction were filed in 1998 and all parcels were identified similar to a condo. Unfortunately, her client's partner in the development died, and by the time her client was ready to complete the development, City Code had changed, so they started on the platting process. As the properties are non-conforming, the properties cannot be rebuilt if they were to receive major damage during a hurricane. Granting this subdivision variance will ensure that the properties can be rebuilt as is.

She and her clients have been through an extensive process to rectify this problem which included receiving a preliminary plat approval for the development. All of the property owners are on board with process, but unfortunately, despite trying for three years, she has been unable to get joinders signed by the loan companies. A subdivision variance is not unusual, it just allows the development to be conforming. She believes that this request meets the criteria for granting a subdivision variance and asked that the Board consider approval of this request as there is no other way of resolving this issue.

Ms. Dean noted for the record that the City's current subdivision code has been in effect since January 10, 1995, which was in place when the Mosswood site plan was approved.

Ms. Rezanka said that, at some point, this was allowed, and maybe it was a change in policy. It wasn't technically illegal; she believes it was just the way it was done back then.

Chair Adams asked if Board had any comments or questions for Ms. Rezanka.

No further questions were made to applicant.

Mr. Hinton commented that it is easy to get caught up in what happened here, but asked that the Board member that this is ultimately about the homeowners finding themselves in a situation where their properties are uninsurable and unsellable. He asked that the homeowners be kept at the forefront of any decision.

As there were no members of the public present to provide public comment, Chair Adams closed the public hearing and brought the item back to the Board for final discussion and a motion.

Moved by **Lebovitz / Shackelford** to recommend approval of SDV2026-0001 based upon the findings and conditions contained in the Planning and Zoning Board memorandum.

Motion carried unanimously.

C. Future/Additional Business (Staff)

Ms. Dean explained that City Council is considering changing the term length for all City board members to a three-year period. They asked staff to reach out to Board members for an opportunity to provide comments and feedback on this. The Board briefly discussed this, noting that the term length for the Planning & Zoning Board is already three years.

The Board had questions regarding term limits and the general consensus of the Board was that standardizing the term limit across all boards made sense.

Mr. Hinton asked if the Board could discuss the potential merger of the Zoning Board of Adjustment and the Planning & Zoning Board.

Mr. Broome confirmed that there will be a referendum on this in the November election, however, City Council may or may not consider the merger after that date. When past boards merger happened, board members from both boards were invited to submit an application to join the new Board. Additionally, there may be criteria that prospective board members may need to meet in order to be eligible to apply.

Dr. Shackelford said that he would like to see politics taken out of this process. He feels that everyone should be given an equal opportunity to apply and consideration of their application should not be decided on the applicant's relation to City Council members.

Mr. Dean confirmed that individuals have the right to address City Council on this at a meeting, however, she reminded them they can only comment as a private citizen and not as a member of the Board.

Chair Adams noted that he has seen this be successful in the past. He reminded the Board that if they do not show up and speak, there is no opportunity to have their views heard on this.

Ms. Dean confirmed that the advertising deadline for the next meeting will be coming up soon. There will be a meeting on August 6th if there is something that is ready to move forward and we are able to make the advertising deadline.

D. Additional Board Member Comments

Following on from Mr. Packey's request at the last meeting, Ms. Dean provided the Board with two maps; the first showed the boundaries of all three of the City's Activity Centers (Eau Gallie Activity Center, Midtown Activity Center, and the Downtown Melbourne Activity Center), and the second map highlighted the Midtown Activity Center and its border with the Downtown Activity Center.

F. Adjournment

- E. The meeting was adjourned at 7:39 PM.

Cheryl A. Dean, AICP
Planning Manager

Approved by the Planning and Zoning Board

DRAFT



City of Melbourne
Community Development Department

ITEM NO. 7

FOC2026-0007 & TEXT2026-0009

**FINDING OF CONSISTENCY
AND ZONING TEXT AMENDMENT**

PUBLIC USE

Memorandum

To: Planning and Zoning Board
From: Cheryl A. Dean, AICP, Planning Manager
Re: **Finding of Consistency (FOC2026-0007), and Zoning Text Amendment (TEXT2026-0009): Public Use**
Date: July 31, 2026

Owner/Applicant/Representative

- City of Melbourne

Proposed Action

Amend City Code, Part III, Appendix B, Article V, Section 2(D) Table 1B, Table of Uses, Nonresidential Districts; as it relates to Public Uses.

Location

This action shall apply to all properties zoned C-1 and C-3 in the City of Melbourne.

History

Following is the history of the Public Uses in the Zoning Code:

- 1960: The initial City of Melbourne Zoning Code identified zoning uses and standards in a pyramidal format (Ordinance No. 1960-27). Municipally owned parks or beaches were permitted in most zoning districts and the P-1 (Public Use) Zoning District was established generally for public purposes.
[NOTE: Pyramid zoning is also known as cumulative or traditional Euclidean zoning, with a hierarchical system, typically referencing back to a previous, more restrictive zoning category.]
- 1972: City Council adopted a complete recodification of the Zoning Code after the merger with the City of Eau Gallie in 1969 (Ordinance No. 1972-04).
- 2005: City Council adopted a complete recodification of the Zoning Code (Z-2005-1043AD /Ordinance No. 2005-120). This amendment eliminated the pyramid-style format of the Zoning Code, creating tables of uses for residential/non-residential.

Analysis of Proposed Text Amendment

Prior to 1972, the Zoning Code specifically called out “*Municipally Owned Parks or Beaches*,” which were permitted in most of the zoning districts and were called out separately from public uses. During the evolution of the Zoning Code, from the first combined Zoning Code in 1972 to address the municipal merger with the City of Eau Gallie, to the 2005 Zoning Code re-write that eliminated the pyramid-style layout of

zoning districts, municipally-owned parks or beaches were no longer referenced, relying instead on the definition of “Public Use.” Today, public uses, including community centers, municipal parks and beaches require conditional use approval within the C-1 and C-3 zoning districts, which is an unintended consequence of the Zoning Code changes over the past 54 years. While many of the City’s public use facilities have I-1 (Institutional) zoning (such as the Eau Gallie Square and the Melbourne Auditorium), City Hall and the Eau Gallie Civic Center sites are zoned C-3)

The Zoning Code currently defines Public Use as:

“Any use of land or structures owned and operated by a municipality, county, state or the federal government or any agency thereof and for a public service or purpose. This term includes, but is not limited to, community centers; cemeteries; civic clubs; museums; libraries; fire and police stations, public or private schools (except child care centers); botanical gardens; zoological gardens; and public or private parks or playgrounds.”

It is important to note that the term “Public Use” does not include public utility service facilities, which is defined in City Code to include such uses as: *water and sewer treatment and pumping facilities, electronic utility facilities and substations, telephone exchanges, cable television equipment transmission facilities, telephone switching centers.* A public utility service facility requires a conditional use approval in commercial zoning districts and is permitted in industrial and institutional zoning districts.

Staff is proposing this text amendment to allow public uses in C-1 (Neighborhood Commercial) and C-3 (Central Business District) as “Permitted” instead of requiring conditional use approval. Public uses are currently “Permitted” in C-2, C-P and C-E zoning districts.

- The C-3 zoning district is only located within the Community Redevelopment Areas (CRAs): Downtown Melbourne and Olde Eau Gallie Riverfront. The Zoning Code identifies that the C-3 zoning district is intended to apply to the central commercial, professional, financial, governmental and civic core of the city.
- The C-1 zoning district is typically located on/adjacent to arterial and collector roadways to serve the consumer needs. Properties located within the two CRAs typically transition from C-3 zoning in the central core to C-1 and/or C-2 zoning districts outside these core areas.

Permitting public uses is supported and encouraged in the Future Land Use and Recreation Elements of the Comprehensive Plan and in both CRA Master Plans. Findings from the Comprehensive Plan are identified below.

In the CRA Master Plans, there are multiple places where Public Improvements, including *all public utilities... parks, playgrounds, plazas, recreation areas, off street parking areas...landscape areas, waterways...* are a *“beneficial economic impact...and act as a magnet for visitors and increases positive perceptions of the urban areas in which they are located”* (pages 11 and 45 of the Downtown Melbourne CRA Redevelopment Plan). The Eau Gallie CRA Master Plan identifies public improvements *“necessary to either beautify the area or provide better infrastructure,”* including adding a plaza and a pedestrian promenade (page 69 of the Olde Eau Gallie Riverfront Urban Infill and Community Redevelopment Plan).

Proposed Code Provisions

Staff has prepared zoning code text amendment changes to Article V, Section 2(D), changing a public use from requiring a conditional use to a permitted use in the C-1 and C-3 zoning districts. The text amendment language is attached to the staff memorandum.

Findings for the Proposed Text Amendment

1. The proposed modifications to City Code are consistent with the goals and objectives of the Comprehensive Plan and will assist in the execution of policies within the Comprehensive Plan. The proposed revisions will implement policy language that address public uses in the C-1 and C-3 zoning districts.
2. The proposed revisions are specifically consistent with Future Land Use Element Objective 1.22, which states the City shall maintain, amend and develop new land use and development regulations to implement the Comprehensive Plan. The proposed modifications will aid in the implementation of City Code requirements by permitting public uses in the C-1 and C-3 zoning districts without the approval of a conditional use.
3. The proposal will have no adverse effect on the City's ability to provide adequate public services and facilities. The proposed changes will enhance the provision of recreational and open space facilities on properties within the C-1 and C-3 zoning districts.
4. The proposed revisions are specifically consistent with Recreation and Open Space Element Policy 1.8.3 which states the city should coordinate park development projects with the Community Redevelopment Areas (CRA). The proposal will enhance coordination between the city and the CRAs regarding the establishment of new park areas, open space and recreational facilities within the core urban areas of Melbourne.
5. The proposed modifications are consistent with Future Land Use Element Policy 2.2.7 which states the City will reinforce pedestrian activity in the activity centers through improved connectivity, enhanced sidewalks, the creation of trails, and continued streetscape improvements. The proposed changes will improve recreational planning within the city and facilitate the establishment of new pedestrian and open space facilities.
6. The proposed changes will not significantly change the general character of the City, cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments as the revisions reinforce the administration of City Code requirements. Specifically, the proposed modifications will permit public uses in the C-1 and C-3 Zoning Districts without the consideration of conditional use approval.
7. The subject modifications will make City Code more user-friendly to property owners, the development community, and City staff.

Recommendation

Based upon the findings presented above, regarding amendments to Part III, Appendix B, Article V, Section 2(D), Table 1B, Table of Uses, Nonresidential Districts; as it relates

to Public Uses in the C-1 and C-3 Zoning Districts, the Community Development Department recommends:

- A. Approval** of Finding of Consistency (**FOC2026-0007**); and
- B. Approval** of Zoning Text Amendment (**TEXT2026-0009**).