

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 14, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (D4-Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Cheryl Campbell, Comprehensive Planner; George Ritchie, Planner III; Kyle Harris, Associate Planner; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka)

A Small Scale Comprehensive Plan Amendment (21S.08) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 4 acres, located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) (21PZ00081) (Tax Account 2100183) (District 1)

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka)

A change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial). The property is 4 acres, located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) (21Z00004) (Tax Account 2100183) (District 1).

Kim Rezanka, Attorney representing the applicant, handed out exhibits to the board [the exhibits can be found in files 21PZ00081 and 21Z00044, located in the Planning and Development Department] She stated before the board is two applications to change the land use and zoning on a 4-acre parcel, which is part of a larger 118-acre parcel. She said the handout she gave the board is of the 118 acres, and the four acres is on S.R. 46, closest to I-95 to the east. She said she also gave the board a concept plan by DRMP, it is not for site plan review, but it shows the four acres on the left side, and that is the four acres she is seeking to change from NC to CC. It has not yet been decided what will go on the four acres, but with all of the homes coming to the area, more commercial is needed, and Community Commercial will allow a drive through with the BU-1 zoning being requested. The Loves Travel Stop is to the east, and Chevron and Dunkin Donuts is further to the east. She said the application includes a justification for the request to Community Commercial, it also cites the 2007 Mims Small Area Study which states that commercial should take place in this location.

Jeffrey Ball noted that the concept plan for the residential portion has not been vetted to make sure it meets County code.

Ron Bartcher stated the analysis says that based on a Floor Area Ratio for traffic analysis, S.R. 46 would be a 1,000% increase in traffic. He said with no plans for what will be on the property, his biggest concern is that traffic on S.R. 46 would be at an unacceptable level.

Ms. Rezanka stated a traffic study has been requested, but it is not final yet. She said S.R. 46 is not at capacity, but it will be a site plan issue when a commercial use comes in.

Mr. Bartcher asked if the staff report is correct in stating S.R. 46 is at 66% capacity. Mr. Ball replied yes, at the time of the report, that is correct. Staff goes by the highest and best use, so that might not be what the applicant is doing, that's just a best guess to notify everyone that there may be a problem.

Mr. Bartcher stated the applicant is asking for BU-1 which allows a drive through, and that increases the traffic rate. He said he is not sure they would be creating as much commercial space as what was shown in the worst case scenario, but even if they created half of that, it's too much traffic for that road.

Mr. Ball explained the applicant has options. They can wait for available capacity, if there is a capacity issue; they can phase the development to meet the traffic demands; or they can pay their way, as a proportionate share to provide the added capacity to the road. The applicant for the commercial use will need to provide a site plan that shows the square footage of the commercial area and a traffic study to show how many trips, and at that time they will have to do a concurrency review to see if there are enough available trips that are left on the road.

No Public comment.

Liz Alward stated not knowing what the use is going to be, as far as intensity, such as evening hours and lighting, concerns her. She said while commercial is good along that corridor, planned commercial, including the surrounding residential is important also.

Peter Filiberto stated he has the same concerns regarding the traffic, but he doesn't see those concerns with Item H.5.

Motion by Peter Filiberto, seconded by Bruce Moia, to recommend approval of the Small Scale Comprehensive Plan Amendment from NC to CC. The motion passed unanimously.

Motion by Bruce Moia, seconded by Robert Sullivan, to recommend approval of a change of zoning classification from GU to BU-1. The motion passed 9:1, with Ron Bartcher voting nay.