

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, November 23, 2020, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; and Joe Buchanan.

Staff members present were: Amanda Elmore, Interim Planning and Development Director; Cheryl Campbell, Comprehensive Planner; Abigail Jorandby, Assistant County Attorney; and Michelle Adams, Administrative Secretary.

Excerpt of Complete Minutes

3. 4725 Fay Blvd Land Trust (Carmine Ferraro)

A Small Scale Comprehensive Plan Amendment (20S.10), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.59 acres, located on the south side of Fay Blvd., approx. 170 feet east of Adams Place. (4725 Fay Blvd., Port St. John) (20PZ00088) (Tax Account 2309941) (District 1)

Carmine Ferraro, 3860 Curtis Boulevard, Port St. John, stated he would like the board's support and recommendation for a Future Land Use change. He said the property is already commercially zoned with BU-1-A zoning and a FLU (Future Land Use) designation of Neighborhood Commercial. The corner is developed with a Family Dollar, next to it is the subject property of 1.6 acres, currently developed with a church, and it has been the intention of the owners to find a retail match for the Family Dollar. He said he was approached by ACE Hardware, which had two requirements to their contract, an outdoor garden center, and a separate entrance further down the road where there is a driveway at the back of the building that wraps around the property. He noted the driveway was previously closed when Family Dollar was approved, at the request of the Port St. John Dependent Special District Board. He said he agreed to close it and it was put into a Binding Development Plan (BDP). ACE Hardware feels that flow for delivery traffic is going to be exacerbated with the current intersection the way it is, at 75 – 85 feet from the intersection of Fay Boulevard and Adams Place, and they felt it would be safer to have that delivery entrance. He stated in order to do that, he had to modify the BDP, and also get ACE to agree to no outdoor garden center. He said he then found out that a hardware store is not listed in the BU-1-A permitted uses, but the BU-1-A code section states, "The following uses or other uses of similar nature or that are compatible with the character and use specifically set forth. All business uses and product shall be confined within a substantial building completely enclosed with walls and roof." He stated some of the permitted uses are antique shops, book stores, florist stores, gift shops, hobby shops, jewelry stores, and optical stores. BU-1-A also lists paint and wallpaper stores as a permitted use, but staff informed him that a hardware store is only permitted in BU-1, not BU-1-A. He said in order to request BU-1 he would also need a FLU change because the property would need a Community Commercial land use designation. He said he knows it's difficult to consider changing the Future Land Use Map unless it is in a planned environment, but this is the only way he can get the hardware store on the property.

[Mr. Ferraro showed the board photos of the current Family Dollar store, an ACE Hardware store, and a Sherwin Williams store and informed the board that all three structures are the same metal buildings with stucco finish. The photos can be found in file 20Z00031, located in Planning and Development.]

Mr. Ferraro stated he has no choice but to ask for the change of Future Land Use if he wants the zoning approved. He noted there is precedent for the land use change on property approximately four parcels away from the subject property that has a Community Commercial land use designation. He stated as a responsible developer, he will amend the current BDP if the board approves the land use change and the companion rezoning request to BU-1, and he will restrict every use in BU-1 except for a retail hardware store. He stated he will also keep the restricted uses in the current BDP in the amended BDP.

No Public Comment.

Ron Bartcher asked if the existing building will be torn down. Mr. Ferraro replied yes, the church is made up of four modular pieces and they will be donated to a church or a school, and the new ACE Hardware will go in the same footprint.

Ron Bartcher asked staff why a hardware store is not a permitted use in BU-1-A. He stated it's probably not relevant, but it's something that the board should recommend be changed. As far as the land use change, he believes what the applicant is recommending for his BDP and limiting the uses to BU-1-A plus a hardware store gives the community the protection they need to keep this as a Neighborhood Commercial area without creating a highly intensive commercial area.

George Ritchie stated the zoning code was adopted in 1958, and when the BU-1-A zoning was created it didn't have very many uses allowed, and there were many conditional use permits the County Commission had to approve to allow those activities to happen within BU-1-A. In the 1990's the County did some Administrative Rezonings and the Board adopted an ordinance to move some of the less intense uses from BU-1 and put them under BU-1-A so more services could be provided than what it had. BU-1-A did not start with these uses, and the use being referred to as a hardware store is still listed as a permitted use in BU-1, which is why he has to rezone.

Ben Glover stated he agrees with Mr. Bartcher, that the community would think of the project as an asset, and he is in favor of it.

Motion by Ron Bartcher, seconded by Joe Buchanan, to approve the change of Future Land Use designation from NC to CC. The motion passed unanimously.