

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 8, 2021**, 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: Ron Bartcher; Harry Carswell; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; and Joe Buchanan.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Preferred Leasing, LLC (Brian Stephens)**

A Small Scale Comprehensive Plan Amendment (20S.12) to change the Future Land Use designation from RES 4 (Residential 4), NC (Neighborhood Commercial), and CC (Community Commercial) to all CC. The property is 6.33 acres, located on the northeast corner of Cuyler St. and U.S. Highway 1. (3030 Cuyler St., Mims) (20PZ00116) (Tax Accounts 2103387 & 2103397) (District 1)

#### **Preferred Leasing, LLC (Brian Stephens)**

A change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all BU-1. The property is 8.51 acres, located on the northeast corner of Cuyler St. and U.S. Highway 1. (3030 Cuyler St., Mims) (20Z00041) (Tax Accounts 2103387 & 2103397) (District 1)

Ron Bartcher advised the board of ex parte communication via email with applicant Brian Stephens.

Jason Bartlett, 2512 West Thorpe Drive, Malabar [Mr. Bartlett presented a PowerPoint to the board. The PowerPoint can be located in the Planning and Development Department under File Nos. 20PZ00116 and 20Z00041] He stated the front corner of the property is the Robinson Equipment Company, which is a tractor and lawnmower dealer that has switched to Florida Coast Equipment, which is a similar operation and dealership. Florida Coast Equipment will take over lots 524 and 533. It is the current AU zoning on lot 524 that is being requested to rezone to BU-1, to match the zoning on lot 533, under the same ownership. The CC (Community Commercial) Future Land Use is on the back one-quarter of the property, and portions of lots 524 and 533 are designated as RES 4 (Residential 4) and NC (Neighborhood Commercial), so they would like to extend the front corner to the entire property and change the land use to all CC. The old building currently on the property will be torn down and a new facility will be built for Florida Coast Equipment. He stated the proposed concept plan shows that everything will be moved close to U.S. Highway 1, and there will be a large retention area in the back to provide additional buffering. He stated they are trying to match the Small Area Study that was performed in 2007, where it was requested that all commercial developments be south of Main Street and along the U.S. Highway 1 corridor. He noted the area is mostly rural, and Florida Coast Equipment is a rural-type of business that sells tractors and lawnmowers. He summarized in conclusion that the reason for the request is for continuation of the existing use, compatibility with future plans, citizen's requests, as well as an investment and potential jobs.

Mark Wadsworth asked if Robinson Equipment currently using all of the property to store equipment. Mr. Bartlett replied yes, it will be used to display equipment. The equipment will also be displayed

along U.S. Highway 1, and an entrance road is proposed off of Cuyler Street that will have equipment displayed along it.

Public comment.

Rita Pilot, 2308 Harry T. Moore Avenue, Mims, stated she is speaking on behalf of herself and as a trustee of the equestrian property directly behind the subject property. She said she is adamantly opposed to an additional entry point on Cuyler Street. Since the change from Robinson Equipment, there has been additional heavy equipment on the street, which is a dirt road farther down, and there is a problem with traffic. She said she is also concerned by the fact that it abuts the back of her property, and she would like a barrier there to delineate the residential property from the commercial property. In addition, she is concerned about the additional traffic and would like some consideration as to whether there needs to be traffic control put into place, because with all the heavy equipment coming out and the additional business, she does not believe that there is a provision to control the traffic. She noted it is very difficult to turn left from Cuyler Street onto U.S. Highway 1.

Mark Wadsworth asked Ms. Pilot if her property is east of Harry T. Moore Avenue and north of Cuyler Street. Ms. Pilot replied she is north of Cuyler Street, on both east and west sides; she is a trustee to the property on the east, and the owner of the property on the west.

Ben Glover asked staff if there a landscape buffer that would have to be implemented.

George Ritchie replied when they come in for the site plan improvements there will be a requirement as part of the site plan and landscaping codes that will have buffers and wall requirements, but it is not part of the zoning code.

Mr. Glover asked if that is that something the board has done before in a BDP (Binding Development Plan), to require some kind of buffer. Mr. Ritchie replied if that is what the board would like to, it can ask the applicant if they are willing to put those conditions in a BDP.

Harry Carswell asked if RU-2-6 (Low Density, Multi-Family) is multi-family. Mr. Ritchie replied yes, RU-2-6 is a low-density multi-family zoning classification that allows single-family homes or multi-family developments up to the density allowed by the Comprehensive Plan and zoning. Mr. Carswell asked if up to six units would be allowed on Ms. Pilot's property. Mr. Ritchie replied yes, if the associated land use of the property next door was also Residential 6, then they can have six units; if the land use was a lower density, then the zoning would be capped.

Ms. Pilot stated she is opposed to any additional entrance from Cuyler Street, and she would prefer a wall or other barrier between the residential property.

Jeffrey Ball stated a lot of Ms. Pilot's concerns will be addressed during the site plan process. Between residential and commercial land uses, there is not a provision in the code that requires a six-foot wall. There are provisions in the code that allow for a waiver process, but that would have to go before the Board of County Commissioners. He stated as far as buffering, that is all required per the land development code, as well as access points that will be determined based on a traffic study that would be provided with the site plan.

Mr. Glover asked if there is confirmation for Ms. Pilot that there would be a wall put in place. Mr. Ball replied the code requires a wall between commercial and residential land uses.

Ms. Pilot stated she heard it said there will be a buffer between the properties and there will be a study done; however, it is a problem now. She said she would like to understand what the study will entail, because an additional entry on Cuyler Street would be highly problematic.

Jeffrey Ball stated the engineers in Public Works will look at the trip generation based on the proposed use to see if an additional access would be warranted, and they will also look at what the access requirements are to see if there is enough frontage to allow for an additional entrance point, and they will look to see if it has to be a right-turn only, and they will look at turn lanes and decel lanes, and it will all be based on a traffic study provided by the applicant.

Mr. Wadsworth stated he wanted Ms. Pilot to understand the steps the applicant still needs to go through if the requests are approved. Ms. Pilot stated she understands and she is still in opposition.

Mr. Bartlett clarified that the proposed site plan has a single entrance on Cuyler Street, which is where the entrance is now that Florida Coast Equipment is using; there is not an additional entrance proposed.

Mr. Wadsworth asked, with the new building, does the developer still plan on coming in off of Cuyler Street. Mr. Bartlett replied yes. Mr. Wadsworth asked if they would have to access from U.S. Highway 1 depending on the traffic study. Mr. Bartlett replied correct, it will depend on the traffic study, but currently there is no access from U.S. Highway 1; the access is from Cuyler Street.

George Ritchie noted that the proposed site plan has not been reviewed by staff. If the zoning action is approved and the applicant submits a site plan, then County staff will look at it and may make comments about the road material itself and whether it should stay a dirt road or be improved.

Ron Bartcher asked if the new owners will be selling the same brand of tractors. Mr. Bartlett replied yes.

Mr. Bartcher stated during Small Area Study the residents who participated recognized the commercial use of U.S. Highway 1, so he doesn't see that it presents any problem. They are essentially using the same business, just with a new building, and it will probably have a few more tractors on the property. He said he drives by it every day and there is equipment spread out all over the property, not just on the corner. The concern he sees with the traffic is dependent on the amount of increased business over the next few years.

Mr. Bartlett stated Florida Coast Equipment has been operating at the location for a couple of years, so any increase in traffic and sales has already been realized. He said they will add two or three service bays in order to service equipment faster. He noted Florida Coast Equipment is looking for property in the Melbourne area which will alleviate some of the traffic at the Mims location.

Mr. Bartcher asked if there will be a lot of semi-trucks coming to the property. Mr. Bartlett replied there will be periodic deliveries for the equipment, but he can't speak to the exact quantity.

Ben Glover asked Mr. Bartcher if there are usually a lot of cars parked in front of the business. Mr. Bartcher replied there are usually a few; it is a good business and there are customers, but it doesn't have heavy traffic. He further stated the intersection of Cuyler and U.S. Highway 1 would be the most concern because it is a two-lane road, and U.S. 1 is four lanes. There really isn't much of a turn lane, and people coming off of Cuyler have a hard time making a left turn.

Mr. Bartlett stated with there being a few hundred feet of the extended driveway, there will not be any vehicle stacking.

Motion by Ron Bartcher, seconded by Brian Rodgers, to approve the Small Scale Comprehensive Plan Amendment from RES 4, NC, and CC, to all CC. The motion passed unanimously

Motion by Ron Bartcher, seconded by Brian Rodgers, to approve the change of zoning classification from BU-1 and AU to all BU-1. The motion passed unanimously.