

Minutes Planning and Zoning Board / Local Planning Agency

3:00 PM

Call To Order

Approval of Minutes - November 23, 2020

Motion by Peter Filiberto, seconded by Joe Buchanan, to approve the November 23, 2020, minutes. The motion passed unanimously.

Result: APPROVED

Mover: Peter Filiberto

H. Public Hearings

H.1. Health First, Inc., requests Adoption of the 2020-1.1 Large Scale Comprehensive Plan Amendment to permit a countywide increase in Floor Area Ratio for Community Commercial designated sites from 1.00 to 1.75 within a PUD zoning classification. (20Z00069)

1. Large Scale Plan Amendment 2020-1.1

A proposal initiated by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD (Planned Unit Development), Policy 2.8 E., to permit a countywide increase FAR (Floor Area Ratio) for CC (Community Commercial) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification. (20PZ00069) (District 2)

Kim Rezanka, Lacy, Lyons, & Rezanka, Attorneys at Law, Rockledge, Florida, stated this is the adoption stage of the request; the board approved transmittal on August 24, 2020. She stated the request is to change the building square footage and increase the floor area ratio in the PUD zoning classification from 1.00 to 1.75. A PUD requires a Preliminary Development Plan, which is similar to a site plan, so everyone will see what is planned and what the square footage will be before the PUD is approved. She said the building is still in the design phase, and there is a PUD application pending. She noted that if approved, the change to the Comprehensive Plan would be countywide, and not specific to the Health First site on Merritt Island, as there are many other properties that could benefit from the amendment. She pointed out that the staff comments state that the request is comparable with other local cities.

No public comment.

Ron Bartcher asked if building height would be allowed to be increased on a piece of property by increasing the floor area ratio.

Jeffrey Ball stated the floor area ratio does not allow for an increase in height, as that is limited by the zoning classification. With the increase in floor ratio to 1.75, it would equate to approximately an additional 30,000 square feet per acre, so it doesn't allow them to go up.

Mr. Bartcher asked if it would still allow a developer to build a bigger building. Mr. Ball replied it does allow for a bigger building, but not necessarily to go up. Mr. Bartcher asked the limit on building height in the PUD zoning classification. Mr. Ball replied that is a zoning question that will be addressed when the board hears the PUD application.

Bruce Moia stated if a developer has a floor area ratio greater than 1.00, it means the building

would be bigger than the site, so it encourages developers to go to multiple floors to get as much building as possible within the limits of the required height. He said it also allows a developer in a PUD to have a taller building and preserve some of the amenities of the site.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the proposal initiated by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD, Policy 2.8 E., to permit a countywide increase FAR for CC designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Result: APPROVED

- H.2.** 5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka) requests a change of classification from RU-1-11, TR-2, and BU-1, with a BDP, to TR-1 with a BDP limited to 200 units. (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (District 1)

2. 5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka)

A change of zoning classification from RU-1-11 (Single-Family Residential), TR-2 (Single-Family Mobile Home), and BU-1 (General Retail Commercial) with a BDP (Binding Development Plan) to TR-1 (Single-Family Mobile Home) with a BDP limited to 200 units. The property is 58.04 +/- acres, located on the north side of Cedar Lake Dr., approx. 0.31 mile north of Broadway Blvd.; also located at the west end of Clearview Dr. (No assigned address. In the Cocoa area.) (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (District 1)

No public comment.

Motion by Bruce Moia, seconded by Peter Filiberto, to table the change of classification from RU-1-11, TR-2, and BU-1 with a BDP to TR-1 with a BDP limited to 200 units, to the March 8, 2021, Planning and Zoning Board meeting. The motion passed unanimously.

Result: TABLED

Mover: Bruce Moia

Second: Peter Filiberto

- H.3.** Port St. John Small Area Study

Motion by Bruce Moia, seconded by Peter Filiberto, to table consideration of the Port St. John Small Area Study, to the March 8, 2021, Planning and Zoning Board meeting. The motion passed unanimously.

Result: TABLED

Mover: Bruce Moia

Second: Peter Filiberto

- H.4.** Public Hearing Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County.

4. Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County.

Anthony Gubler, Environmental Specialist, Natural Resources Management, stated the request is for an extension to the temporary moratorium on new applications of biosolids within the county. There is no change in the ordinance language or requirements, as it is an extension

under the existing State rules, of which the county is grandfathered-in.

No public comment.

Ron Bartcher asked why the moratorium has not been made permanent. Mr. Gubler replied the new biosolids rules have to be ratified by the legislature, and they have already approved a portion of the rules, which the DEP is moving forward with, but another portion cannot go before the legislature until it goes to the Environmental Regulations Commission, and all of those meetings have been cancelled due to COVID-19.

Brian Hodgers stated when this was before the board a few months ago, there were no individuals or companies being indirectly harmed by the moratorium, and asked if that was still the case, or are there land owners or companies who are complaining that they want the ability to do this. Mr. Gubler replied Natural Resources Management has not had any requests. He stated there is one land owner who he has been in contact with who has expressed that he is no longer spreading biosolids on the properties he owns.

Motion by Peter Filiberto, seconded by Bruce Moia, to approve the Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County. The motion passed unanimously.

Result: APPROVED

Mover: Peter Filiberto

Second: Bruce Moia

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the Planning and Zoning Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>