

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, May 9, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (Alt. D4); Bruce Moia (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Planner III; Alex Esseesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Approval of the April 18, 2022, P&Z/LPA Minutes

Motion by Bruce Moia, seconded by Ben Glover, to approve the P&Z/LPA minutes of April 18, 2022. The motion passed unanimously.

Jeffrey Ball stated the board has some handouts that include the Section 62-1255 Future Land Use consistency table, as well as the administrative policies, which are the guiding principles of what the board should be looking for, and they include policies for rezoning and conditional use permits. The other handouts are the code requirements of the LPA and P&Z boards as far as duties and responsibilities, and a copy of the Uniform Advisory Board Ordinance that was adopted by the Board of County Commissioners on May 3, 2022.

Charles K. Donaldson

A Small Scale Comprehensive Plan Amendment (22S.04) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4). The property is 5.51 +/- acres, located on the west side of North Tropical Trail, approximately 500 feet northwest of Easy Street. (1605 North Tropical Trail, Merritt Island) (Tax Account 2416959) (District 2)

Kim Rezanka, Law Firm of Lacey, Lyons, Rezanka, 1290 U.S. Highway 1, Rockledge, stated the Donaldson's have owned the property, which is part of a larger parcel, since 1975. She stated there are two homes on the property; one has been there since 1901, and the other has been there since 1950. The entire parcel is 7.66 acres, split by North Tropical Trail, and the portion west of North Tropical Trail is the subject property being considered today, consisting of 5.5 acres. The subject property is EU and is next to quite a bit of EU; almost everything to the south is EU and there is also some EU to the north. She stated the request is for RES 4 and there is other RES 4 not too far from the subject property. She explained the entire area was once RES 15 until 2009 when the small area study was done. At that time, when the County administratively changed the Future Land Use, they left the EU zoning, which is inconsistent. She said the Donaldson's would like to sell half of their property, creating two lots of 3.25 acres and 2.26 acres each; one will be kept as their homestead, and one is under contract to sell. She stated surveyor John Campbell originally submitted the application, but staff disagreed with him and said it should have been a zoning application, but she believes it could be solved with a BDP (Binding Development Plan), and she doesn't even think they need to change the Future Land Use. She noted there is recent precedent for a BDP with the Dunkin Donuts application because when she took it to the County Commission, the District 2 Commissioner asked for a BDP on the land use amendment to define the access. There is precedent, even though Section 62-1155 doesn't seem like there could be. Mr. Donaldson does not want to change his zoning, and that's why they are requesting RES 4. The zoning is site specific and has specific details as to what can be done with setbacks, the size of the homes, and things like that, but they don't want

to make any more inconsistency by changing the zoning. The issues are whether a 2 and 3-acre lot is consistent with what is in the area, then there is the issue of Policy 1.2C, which states that in the RES 4 land use, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development. The impact with the development is still only two units on 5.5 acres, it's not like the request the board heard last month where they wanted to do three or four units in an area that didn't have potable water, this project will still be consistent with the development. She said she doesn't agree that this requires central water and central sewer, it just says it shall be consistent. She stated Policy 1.7 talks about a step-down in density, and when there is RES 15 on the east side of North Tropical Trail, it is a step-down to RES 4. She noted under Policy 4, the character of the neighborhood, the land use change will not materially or adversely impact the established surrounding neighborhoods. She said the staff comments ask the board to consider if the request is consistent and compatible with the surrounding area, and she believes the answer is yes. She stated she proposes a BDP for the future land use, and because it is different she added language to it to explain why. The proposed BDP explains that the land use was changed in 2009 resulting in an inconsistency between the Future Land Use and zoning; the property is now nonconforming due to no fault of the property owner. The recitals in the BDP limit density to two units per acre. She said the intent is just to allow them to subdivide their property and to sell it consistent with everything in the area.

Bruce Moia asked if the density will be limited to two units total, or two units per acre. Ms. Rezanka replied it is limited to two units total on 5.5 acres.

Liz Alward asked if Ms. Rezanka is suggesting that the BDP replace the comp plan change amendment. In other words, put the BDP on the zoning that is already there.

Ms. Rezanka replied that is what she's asking in an abundance of caution. She mentioned the recent Dunkin Donuts application and stated she doesn't think the future land use needs to change if there is a BDP, but she would prefer a recommendation of both to go the County Commission and let them figure out what they prefer.

Mr. Moia stated if the land use changes, then Policy 1.2 becomes a problem, potentially. He asked Ms. Rezanka if it has been done before, where the land use is kept the same, but the BDP is put in place to make it consistent. Ms. Rezanka replied no, not in this particular circumstance, not with the potable water, but there is Cocoa water there and sewer is coming that way. Mr. Moia stated that may or may not help, whether it's in the future or it needs to be there now. Ms. Rezanka replied the residential development proposal is not for density of 4 units per acre, so she believes it's still okay with Policy 1.2, with the BDP.

No public comment.

Ms. Alward asked staff if what Ms. Rezanka is proposing something that the County Attorney could support.

Alex Esseesse, Deputy County Attorney, stated Ms. Rezanka is referring to is Dunkin Donuts, but that BDP dealt with access that the Board limited; this application was advertised as a small scale comprehensive plan amendment, so if the board is going to take a different route, the application would have to be re-advertised with the BDP.

Ms. Rezanka stated the request is for a comprehensive plan amendment with a BDP that's come about because of the request in the staff comments, and she doesn't see it's any different than when there is a rezoning.

Bruce Moia asked if BDP's go with rezoning and not land use.

Jeffrey Ball stated the reason BDP's came about was to provide consistency, so BDP's are used to cap density, but for a rezoning, not for a small scale comprehensive plan amendment. He said his professional opinion is that a BDP cannot provide a consistency for the comprehensive plan. The application would have to be re-advertised because it was advertised for a small scale plan amendment, and a BDP is not a small scale plan amendment.

Mr. Moia asked, if they put aside the BDP and just look at the land use request, does 1.2 propose a problem, and also asked if there are plans to re-develop. Ms. Rezanka replied the property is under contract to sell half of it.

Mr. Moia stated it can't be divided because it's inconsistent. He noted there are already two houses on the property, so they are just selling one of the homes and not developing anything. Ms. Rezanka explained that one of the homes is going to be torn down and re-built. She said her only point in bringing up the Dunkin Donuts is that it was used in a future land use amendment, which is unusual, but it's done in other jurisdictions.

Mr. Ball stated the intent of Policy 1.2 was to require, when developing at 4 units per acre, water and sewer, because 4 units per acre is a quarter-acre lot.

Mr. Moia stated the way he reads the policy, one requires that it be available, and the other requires to be connected. Ms. Rezanka noted that is if the development is 4 units per acre.

Mr. Moia stated the first part is that if the land use is approved, it has to be available, so if water is in front of the property and they build a new home they have to connect to that water system. If the sewer is far enough away that they're not required to connect and it's not considered available by State definition, then they don't have to extend sewer to get to it, but if they are developing more than 4 units per acre, which is a development standard, then they would have to connect. He said basically, if the board approves it as RES 4 and they build a new home, they would have to connect to the water but they don't necessarily have to connect to sewer if it's considered available by State definition.

Ms. Rezanka stated she agrees with that.

Mr. Moia stated maybe the BDP isn't necessary. He asked the minimum lot size of EU. Ms. Rezanka replied it is 15,000 square feet. Mr. Moia asked with the lot width and everything else, is it even possible to develop more than two units on the property, and asked the minimum lot width in EU. Ms. Rezanka replied, the frontage is 125 feet, so they can't build more than two homes.

Mr. Moia stated because they need a flag stem to do this, they can't build more than two units, so the whole density thing is really a non-issue.

Ms. Alward stated a BDP is not necessary because RES 4 will allow two units.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 1 to RES 4. The motion passed unanimously.

OBC Realty, LLC

A Small Scale Comprehensive Plan Amendment (22S.05), to change the Future Land Use designation from RES 15 (Residential 15) to CC (Community Commercial). The property is 0.52 acres, located on the northwest corner of South Atlantic Avenue and 35th Street. (Lot 8 = No assigned address. Lot 9.01 = 3466 South Atlantic Avenue, Cocoa Beach) (Tax Accounts 2521003 and 2521005) (District 2)

Rochelle Lawandales, FAICP, representing the applicant, stated the request is a result of an inconsistency that occurred in 1988 when the original Future Land Use Map was adopted. The request is to create a consistent situation between the FLUM and the zoning by changing the land use so that her client can redevelop the property. She noted under the CC land use, the BU-1 zoning classification, which is currently on the property, will allow him to do a mixed use project that will most likely include a mix of commercial retail, restaurant, and some residential. She said because the site is so small, all of the footprints will be small as well. The area is a mix of uses that have peacefully co-existed since the beginning of the space age, and what is being proposed will allow for redevelopment of a site that is currently derelict and ripe for redevelopment. She said currently, there is no open space, and no stormwater management, so it's all sheet-flowing into the Indian River; the redevelopment of the property will allow for stormwater treatment, pre and post; new defined access on A1A; new site landscaping and greenspace; new waste management; and a sidewalk along A1A with pedestrian safety features. The developer will have to conform to all of the site design standards within code and get site plan approval. She said the site cannot be brought up-to-date with modern day standards and some environmental sustainability without creating this consistency.

Henry Minneboo asked if the City of Cocoa Beach requires the property to be annexed into the City if using their wastewater treatment. Ms. Lawandales replied not to her knowledge, and the property is quite a distance from City limits.

No public comment

Bruce Moia stated redevelopment is always a good thing, especially an eyesore like the subject property.

Motion by Bruce Moia, seconded by Henry Minneboo, to recommend approve of the Small Scale Comprehensive Plan Amendment from RES 15 to CC. The motion passed unanimously.

Clifton Thomas (Clayton Bennett)

A change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to RU-1-13 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 1 unit. The property is 0.20 acres, located on the west side of Highway A1A, approximately 170 feet south of Ibis Drive (5930 Highway A1A, Melbourne Beach) (Tax Account 2954089) (District 3)

Clayton Bennett, Bennett Engineering and Consulting, 4940 Ranchland Road, Melbourne, stated similar to the previous items, his client has a zoning and future land use that are not consistent. The subject parcel is zoned BU-1-A and is currently vacant. To the north is a business development; to the west are single-family residences; to the south is a vacant parcel, and then A1A to the east,

across the street, is a motel and restaurant. BU-1-A zoning is along A1A; to the west is RU-1-13, which is what his client would like to bring to the subject parcel in order to develop a single-family residence. Currently, BU-1-A would allow for the commercial development of 6,534 square feet; the proposed development will be limited to a single-family residence, which would be a reduction in intensity. He said his client agrees to a BDP because of the inconsistency with the comprehensive plan, which was done with the change of future land use in the early 1990's, changing the south beaches to RES 1. He stated the parcel to the south is currently vacant, but the owners submitted a building permit application on May 2, 2022, through Militano Construction. The neighbors' plot plan shows a setback to the common property line of 9.9 feet; the BU-1-A setback allows for a setback of 5 feet from the side property line, so there is a timing issue because if his client's zoning were to be approved, the setback would change. He noted in BU-1-A, when abutting residential there is a 15-foot setback, but when abutting a non-residential zoning classification there would only be a 5-foot setback. Currently, there is a 5-foot setback, but when the parcel is rezoned it would go to 15 feet. Since the neighbors have already submitted the building permit application, his client has agreed to ask that his rezoning request be tabled from the May 26th County Commission meeting to the August 4th County Commission meeting in order to allow sufficient time for the neighbors to apply for their building permit.

Ben Glover asked if Mr. Bennett wants the board to vote today and then table the item for the County Commissioners to delay it. Mr. Bennett replied he would like to see where the board is on the request, so he would like the board to vote on it today, and then he would request to table to the August 4th County Commission meeting.

Public comment:

Kim Rezanka, Attorney with Lacey Lyons Rezanka, 1290 U.S. Highway 1, Rockledge, stated she is representing Tom and Paula Haughey who are the property owners to the south. She said the Haughey's object to the rezoning from BU-1-A to RU-1-13 because of the impact it will have on their property. She said her clients started the design process on their home in November 2020, and the rezoning request by Mr. Thomas will impact their ability to build their house. She said the rezoning is not necessary, because Mr. Thomas can build a home in BU-1-A, and the rezoning is simply changing one inconsistency for another inconsistency. She stated the proper avenue for Mr. Thomas to change his setbacks is a variance, or if it's a nonconforming lot he can use the CUP request under Section 62-1190. Mr. Thomas is seeking relief from the front and rear setback, which her clients are abiding by, they are abiding by all of the setback requirements in BU-1-A to develop a single-family home. She said it is not a timing issue because if they get the building permit and that vests them to build their home if the zoning is approved, it then becomes nonconforming once it's built because the setbacks are too close to the property to the north. She said if the house is torn down by a hurricane or a flood, they can't re-build if it's more than 50% destroyed. Her clients will lose 5 feet of their home, five areas of living space and about 1,000 square feet, and even if they are vested, they will be immediately inconsistent when Mr. Thomas's zoning is approved. She noted there is a procedure for mitigating a non-conformity, so perhaps it could go through a CUP process or a variance process, but having a rezoning that immediately causes a neighboring property to be inconsistent is not the purpose of the zoning code. She said she is asking the board for a recommendation of denial.

Henry Minneboo stated that has never been the case on hurricane disasters, and asked if it has changed. Jeffrey Ball replied as far as he knows it hasn't changed.

Bruce Moia stated the inconsistency is on the other property. He said there are two properties with the same zoning and the same land use, and the same engineer; they are both building houses, but only one is asking for a rezoning.

Ms. Rezanka stated that is because the Haughey's meet the setbacks, and Mr. Thomas wants better setbacks than BU-1-A requires, which is 50 feet from the front and 25 feet from the rear, whereas RU-1-13 has 20 in the front and back, so they can build a bigger house with RU-1-13 than with BU-1-A.

Mr. Moia pointed out it may result in a difficulty in getting a variance if it's a self-imposed hardship.

Ms. Rezanka stated it is not the purpose of the zoning code to create inconsistencies, it is to fix inconsistencies. She stated Mr. Thomas has agreed to postpone to the August 4th County Commission meeting, so tabling them to July 18th P&Z to find out the answer of replacement of a nonconforming structure due to destruction is possible.

Mr. Moia asked if Ms. Rezanka's clients would need a conditional use to become nonconforming. Ms. Rezanka replied yes, and that is what she did with the South Banana Marina many years ago. Mr. Moia stated there is no guarantee it will be approved. Ms. Rezanka stated the Haughey's are complying with the zoning code as-is, but it may be an option for Mr. Thomas if he has a nonconformity.

Mr. Moia asked if the subject property meets the lot requirements for RU-1-13. Mr. Bennett replied he believes it does, but he needs to confirm. He said the rezoning does take the commercial element out of what can be built there. Right now, there can be professional offices, or whatever is allowed in BU-1-A. A use could be built there 5 feet from the side property line, even if the neighbor builds a single-family home it's based on zoning, so the subject property would currently have a 5-foot side setback to the common property line, and if it is rezoned it would move to 7.5 feet. The 50-foot front setback in BU-1-A is set in order to provide sufficient space in the front for parking for a business, but for a single-family home, that is not needed. He said there becomes this excessive front setback when developing based on use, for a single-family home.

Mr. Moia stated if the plat is correct, the lot is 69 feet wide, and it needs to be 75 feet. He asked if the board can create a nonconforming lot with a zoning action. Mr. Ball replied no, it cannot. For the proposed zoning classification, it has to meet the minimum requirements for the zoning, and in RU-1-13, the minimum lot width is 75 feet.

Tad Calkins, Planning and Development Director, stated it is a nonconforming lot of record, and the applicant is requesting a zoning change. In the code, when there is a nonconforming lot of record it allows applicants to ask for any zoning classification they wish to develop the property, and that is what the application is today. The fact that the new zoning classification, that the lot does not meet that standard, is kind of irrelevant as long as they don't exceed the density requirements, which is why they are submitting a binding development plan.

Robert Sullivan stated it appears A1A is the BU-1-A classification for transportation purposes and speed of vehicles coming off of the highway. The RU-1-13 is residential, so traffic speeds and traffic delays are much less. He asked if that would be a fair assessment.

Mr. Ball stated RU-1-13 is strictly a residential zoning classification; BU-1-A is the first transition from a single-family to a commercial use. Typically, BU-1-A provides a buffer between a transportation

corridor to a residential area. Mr. Sullivan asked if it would be an inconsistency if it went to RU-1-13. Mr. Ball replied he wouldn't classify it as an inconsistency, because there are areas that have residential zoning adjacent to A1A.

Mr. Sullivan stated the entire west side of A1A is all zoned uniformly. Mr. Ball stated from Heron Drive south to Pelican Drive, it's predominantly RU-1-13 with most of the properties along A1A zoned BU-1-A. There are some properties that are RU-1-9 and RR-1, which are both residential zoning classifications.

Ms. Alward asked how it impacts development on Ms. Rezanka's clients' property, by saying they are losing 1,000 square feet of building footprint because of the applicant's rezoning request.

Mr. Ball stated when looking at rezoning requests staff doesn't have the opportunity to look at building permits that come in. From a zoning classification standard, each one has setbacks, and depending on when they come in, and if they come in before it gets rezoned, they have one set of setbacks versus another. BU-1-A specifically has setbacks for those uses, which are lower intense commercial uses, where RU-1-13 is strictly a residential zoning classification requiring 7.5 feet versus 5 feet. He said staff will look at the building permit and make sure the appropriate setbacks are enforced.

Mr. Moia stated the board has probably done this 100 times, where it has rezoned residential to commercial and vice versa, not even considering how it affects the neighboring properties as far as setbacks or if there is an existing structure, or if it is nonconforming or not.

Mr. Ball clarified the BU-1-A is 15 feet and RU-1-13 is 7.5 feet, because the BU-1-A abuts residential.

Mr. Moia stated that is definitely injurious to the neighbor.

Ron Bartcher stated he doesn't quite understand why the lot size is irrelevant. If he wants to go with an RU-1-13 and the lot width is only 70 feet, he can't do that.

Mr. Moia stated it is similar to what the board does in Canaveral Groves when someone needs a 1-acre lot but they only have .9 acres, and they ask for a BDP to be able to build a house. Even though the lot size is inconsistent, it's nonconforming, and there is a nonconforming clause for existing lots that were created prior to a certain date.

Mr. Ball stated that is correct, and it means that the nonconforming is the size of the lot, but they still have to meet the setbacks for the zoning classification. He said the nonconforming lot of record would be the last resort. The first remedy would be a land use change, and the second remedy would be a rezoning request to provide consistency, or in some cases variances to that.

Ben Glover asked if the applicant can apply for a variance to build the house up, so they can both build. Mr. Ball replied the applicant can apply for a variance, but he doesn't know that it would be the appropriate remedy.

Motion by Bruce Moia, seconded by Ron Bartcher, to recommend denial of the change of zoning classification from BU-1-A to RU-1-13, with a BDP limited to 1 unit. The motion passed unanimously.

William L. (Jr.) and Sharon R. Feagan

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 1 +/- acre, located on the east side of Turpentine Road, approximately 550 feet south of Wherry Road. (No assigned address. In the Mims area.) (Tax Account 3022409) (District 1)

Bill Feagan, 4835 Lyon Lane, Mims, stated the property is zoned AU and he would like to rezone to RR-1 in order to get a building permit, because AU requires a minimum of 2.5 acres.

No public comment.

Motion by Bruce Moia, seconded by Ben Glover, to recommend approval of the change of zoning classification from AU to RR-1. The motion passed unanimously.

Heath and Shannon Morgan

A change of zoning classification from RU-1-9 (Single-Family Residential) to SR (Suburban Residential). The property is 0.69 acres, located on the north side of Miami Avenue, approximately 200 feet east of City Acres Road. (No assigned address. In the West Melbourne area.) (Tax Account 2863495) (District 5)

Heath Morgan, 203 Charles Drive, Melbourne, stated they purchased the property in 2005 with the intention of building a single-family home. The property had been parts of different lots and it was re-subdivided, and they learned they could not get a building permit because of the inconsistency between RU-1-9 and RES 4, and because the lots were subdivided it can't be grandfathered-in. He said they are trying to sell the lot and the potential new owners found out they could not get a building permit, so he is trying to rectify the situation.

No public comment.

Motion by Bruce Moia, seconded by Henry Minneboo, to recommend approval of the change of zoning classification from RU-1-9 to SR. The motion passed unanimously.

PR Corporate Holdings, LLC; and AkBlue Holdings, LLC (Kim Fischer)

A change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential). The property is 4.36 acres, located on the north side of Diamond Road, approximately 0.25 miles west of Old Dixie Highway, Titusville. (3080 Diamond Road, Titusville) (Tax Account 2105549) (District 1)

Kim Fischer, 1614 White Dove Drive, Winter Springs, stated there is an old dilapidated building on the property that has a residential home that will be torn down along with a couple of garages. She stated the Future Land Use is RES 4 (Residential 4), and they would like to have a zoning that is consistent. She noted the City of Titusville Fire Department will be utilizing the land next year for training. She also noted there is City water available and the development will be on septic systems.

Public Comment.

Eva Goins, 3120 Diamond Road, Titusville, stated most of the homes on Diamond Road are one acre or more. She said she purchased her house in 2019, on .91 acres, and she purchased it because there was a lot of privacy and similar homes on the road. She said she called the engineering company because she received a letter from them that said there was going to be a meeting to

change the zoning. She said it was explained to her that a subdivision is planned to on the 4.36-acre property, and because Titusville will only allow 75' x 75' lots, they will put a house on 75' x 75' lots, so up to 12 - 15 homes are going to be on 4.36 acres on an established country road. She said the development will create 12 houses at a minimum, and every house has 2 - 3 cars, so that's over 20 cars coming in and out of the L-shaped street that goes from Dairy Road onto Old Dixie Highway. She said the proposed development will greatly impact her quality of life, and it is not consistent with the current community.

Ms. Fischer stated she sent out letters to the neighbors and Ms. Goins contacted her along with a couple of others who contacted her wanting to sell their property. She said the Future Land Use is RES 4, which is 4 units per acre, and noted the County requires the lots to be 75' x 100', not 75' x 75'. She said they can get approximately 13 homes on the parcel, and they will be consistent in size with the subdivision to the north and west. She said to the east is commercial, so the only residential is across the street. Diamond Road has two access points, not one, and traffic should not be of any significant increase considering people can exit onto Dairy Road and Old Dixie Highway. She concluded by saying the request is consistent with the surrounding area and what is built will have to be consistent with the neighbors.

Ben Glover stated there is RU-1-11 all around the property, but it seems like they are on more major roads, and Diamond Road seems to be more like a country road.

Bruce Moia stated Diamond Road ties into Old Dixie to the east and into Dairy Road to the south. The development to the west is 80' x 100' lots for the most part, but all of the lots that front Diamond Road, except closer to Old Dixie, are large lots of an acre or more. He said he is surprised they are not annexing into the City of Titusville. It's almost transitional between the large lots and the small lots, so he wouldn't say it's inconsistent because it does match what is to the west, but there is not a transition from very large lots to very small lots, they abut each other.

Robert Sullivan asked if water and sewer will be brought to the development. Ms. Fischer replied water is directly in front of the property, so it's not a rural area. She said the City of Titusville's code is very specific that you must connect to their sewer system and their sewer system is what is not readily available. She said Titusville has agreed to allow them to utilize their water without annexation.

Mr. Sullivan stated the level of service for the road, from Dairy Road to S.R. 46 is Level D, which is not very good. Ms. Fischer stated with a level of service of D there is some capacity; with 13 homes there will be a peak trip of one per home, so there is still capacity, it just means wait times are a little longer.

John Hopengarten asked if the neighborhood to the west is also on septic. Ms. Fisher replied they are not septic, but their connection is in the opposite direction.

Mr. Glover stated based on the location of Diamond Road, it doesn't sit well with him.

Motion by Ben Glover, seconded by Liz Alward to recommend denial of the change of zoning classification from AU to RU-1-11.

Ms. Alward stated she doesn't think the board should be increasing densities if they aren't going to be able to connect to sewer.

Mark Wadsworth called for a vote on the motion and it passed 9:1, with Bruce Moia voting nay.

Health first, Inc.; and Health First Shared Services, Inc. (Kim Rezanka)

A change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to PUD (Planned Unit Development), with waivers. The property is 15.05 +/- acres, located on the southwest corner of East Merritt Avenue, and Borman Drive. (255 Borman Dr., Units 100, 101, 200-202; 756 E. Merritt Avenue; and 625 E. Merritt Avenue, Merritt Island) (Tax Accounts 2427782, 2427785, 2441470, 2427813) (District 2)

Kim Rezanka, Law Firm of Lacey Lyons Rezanka, 1290 U.S. Highway 1, stated this 15.05-acre rezoning request has been a two-year process, and the project is still in preliminary stages. She stated they do not have a final traffic impact analysis yet, but the developer will do whatever the County requires in order to make everyone at the facility and the surrounding neighborhoods safe. She noted there was a community meeting on April 25th, 49 people attended, and the meeting lasted approximately two hours. She said the project was also heard and unanimously approved by the Merritt Island Redevelopment Agency on April 28th.

Jonathan Flyte, Health First System Vice President of Facilities and Construction, 1575 W. Nasa Boulevard, Melbourne, stated the northern one-third of the parcel is dedicated toward the new Cape Canaveral Hospital, and they've developed the concept so that all of the patient rooms have a view of the wellness village park, or the Indian River Lagoon, or the rookery conservation area to the west. The remaining two-thirds of the wellness village is comprised of a medical office building, a child daycare, a concierge, a wellness retail facility, juice and coffee bars, a healthy food hall, a spa, an education center, and a fitness center. He stated the concept allows them to make a dramatic change in the character of the area by providing a significant new greenspace and landscaping in addition to the facilities. The hospital itself is planned to be 300,000 square feet, with 120 private rooms, it will be designed to withstand a Category 4 hurricane, and it will be elevated 13 feet to address the possibility of storm surge. He stated in conjunction with the hospital there is a 90,000 square-foot medical office building. The floors of the hospital and medical office building open onto a park-like setting of the village, and it sits on top of a two-story parking garage. On the north end, there are three connections to Merritt Avenue; from left to right, there is a service entry, the ambulance entry, and the emergency department patient entrance. On Borman Drive, from north to south, there is a same-day surgery discharge, an entrance into the garage, and a public transportation drop-off and pick-up spot, and a second entrance into the garage. The main entrance is off of S.R. 520, and as people enter the campus, they will either proceed into the south end of the parking garage, or they will travel along the west perimeter drive to the hospital's main entrance. There is a total of 19 elevators planned within the project and they are positioned to give good access to all of the services being provided. A glass connector will provide access between the hospital and the medical office building. He mentioned the community meeting that was held on April 25th and stated most of the concerns were about traffic and noise. He noted they are in the middle of a traffic study, but will comply with what is required for traffic in the area. He added, the noise will be addressed by an acoustical engineering consultant, and stated they are very interested in a quiet and peacefully facility.

Ken Good, P.E., Atkins, 2671 W. Eau Gallie Boulevard, Melbourne, stated in the Preliminary Development Plan, the center part of it has a lot of waivers, which his staff and County staff spent a lot of time developing. The waivers are centered around two key components, which are building height and building setbacks. He noted they are not asking for waivers on density or trying to increase the building square footage. The traditional zoning that it is under now could be developed with the

same uses, but it encourages lots of pavement and broad buildings, and this allows them to cluster the buildings together and create the greenspace that wouldn't be possible with the traditional zoning. He stated the two key areas the waivers are focused on is the hospital, allowing them to build a taller hospital and positioning it on the site in a manner that works with the whole village concept. The second group of waivers focus on the podium and park concept, allowing them to increase the heights and push some things out to the setbacks to create that park in the middle. He said a lot of the existing site doesn't have stormwater components on it right now. They going to comply with all of the current stormwater codes. There are three points of discharge already on the site; one to the north that goes under Merritt Avenue; one to the west that goes into an existing pond; and one to the south that goes into the S.R. 520 system. All of the treatment attenuation will be done onsite, much of it will be done in underground chambers and systems so the greenspace on top of the site can be maintained.

Public comment.

Kitty Fletcher, 800 Del Rio Way, Unit 204, Merritt Island, stated she and her neighbors are not against the hospital, but they think there is poor planning. She said they took the worst street coming into the hospital and made it the emergency entrance. They have three entrances coming off of Merritt Avenue, which already has a lot of accidents. They put the hospital's central processing plant at the back, which is the closest area to Harbor Del Rio that houses 115 units. She stated Merritt Avenue cannot be widened because of the conservation areas. She asked that the hospital work with the neighbors and that they not put the loudest equipment within 480 feet of the Harbor Del Rio property.

Helen Parry, 811 Del Rio Way, Unit 503, Merritt Island, stated she bought in Harbor Del Rio because of the 62 protected acres to the east that is a rookery with over 2,000 birds that nest there every night, and she is worried that the rookery is next to the hospital because it needs to be protected from light and noise from the power plant.

Pete Vanderhagen, 801 Del Rio Way, Unit 404, stated his concern is communication between the developer and the community. He said he's heard about waivers, but doesn't know what they are or what they mean. He said he's heard about traffic studies, but they haven't been done and he wants to know the results of those studies when they are done, and he wants an opportunity to react to them. He said moving the ambulance entrances from Merritt Avenue to Borman Drive will eliminate traffic trying to get in and out of the parking lot. He said the neighbors at Harbor Del Rio would like to be involved in the process; they want to be supportive, but they need communication.

Henry Minneboo stated the vast majority of residents of Merritt Island are excited about the addition of Health First on the subject property. He said Harbor Del Rio could have aligned with what was already there; it is the only driveway that is skewed from the other driveways that were already there. He said the applicants have done a great job, and he supports it.

Robert Sullivan asked if the waivers are for FAA requirements for the height of the building for the helipad. Mr. Good replied the waivers are zoning waivers; there is a separate process for FAA waivers.

Mr. Sullivan asked if the applicant knows how it will address noise abatement. Mr. Flyte replied that he is overseeing the engineering for the entire mechanical plant, and he can assure the board that it is not a challenge with today's technology.

Ron Bartcher asked if the entire project will be raised 13 feet. Mr. Flyte replied the site just under the hospital and the central utility plant will both be raised 13 feet. Mr. Bartcher asked if the other buildings will also be raised. Mr. Flyte replied the first floor of the village is higher than the first floor of the hospital, so they are protected and elevated.

Mr. Sullivan commended the applicants for doing the storm surge analysis.

Ben Glover thanked the applicants for putting together the packet, and stated the project will be an amazing improvement to the area.

Mr. Hopengarten asked how the pedestrian traffic from the mall to the hospital will be handled. Mr. Flyte replied they have talked to the owners of the mall to discuss how people will cross 520. There is a stop light there, and once they get on the campus, there are elevators that go to the village on the south side of the site.

Mr. Hopengarten mentioned the concerns from the public about noise abatement, and asked about sirens from ambulances coming in from Merritt Avenue. Mr. Flyte replied it is standard practice that the sirens are turned off as they approach the hospital.

Bruce Moia stated by meeting the performance standards on lighting, that will address the bird issue because the standards are strict. He said the applicants have done a great job and he doesn't see any negative issues.

Liz Alward stated she appreciates the presentation, this is what Merritt Island has been waiting for and preparing for, for over 12 years. It improves the infrastructure and aesthetics for the community. Currently, the property is blighted and has no stormwater regulations or treatment. The rookery will be benefitted by the project because the water will be treated that goes to the rookery. She stated MIRA has worked to redevelop that part of the community to stimulate growth and maintain a safe and prosperous community. She said she believes Health First will be a good partner to continue the long-term goals of revitalization and economic benefits to the community. She applauded the applicant's team. This is what CRAs do, they improve a community and bring in quality investments and businesses. She thanked the applicants for the investment and doing it right, and working with the neighbors.

Motion by Liz Alward, seconded by John Hopengarten, to approve the change of zoning classification from BU-1 and BU-1 to PUD with waivers. The motion passed unanimously.

Vice Chair Nominations

Motion by Bruce Moia, seconded by Henry Minneboo, to nominate Ben Glover as Vice Chair. The motion passed unanimously.

Upon consensus, the meeting adjourned at 5:05 pm.