



Planning and Zoning Board

MINUTES

January 23, 2018

6:30 P.M.

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. with the Pledge of Allegiance by Chairman Liesenfelt.

2. ROLL CALL

Present were: Chairman Jim Liesenfelt
 Vice Chairman Chris Jaudon
 Board Member Paul Bernkopf
 Board Member Anna Kapnoula
 Board Member Jennifer Spagnoli
 Board Member Rob Brothers

3. MINUTES

Planning and Zoning Board Meeting of November 14, 2017

Moved by Vice Chairman Jaudon, seconded by Board Member Kapnoula to approve the minutes as written. Motion passed, 6-0.

4. PUBLIC HEARING(S)

a. Rezoning – A portion of 3780 & 3820 Minton Road – (REZ 2017-06)

A rezoning proposed by property owner, KTJJ, LLC from C-1 (Low Density Commercial) to C-2, (General Commercial) on 7.59 acres (western portion) of the properties.

Applicant: Philip F. Nohrr, Esq. agent for KTJJ, LLC
Location: 7.59 acres of 3780 & 3820 Minton Road
(west side of Minton, north of Norfolk Parkway)

The proposed rezoning will be decided upon by City Council with a recommendation from the Planning and Zoning Board (advisory to City Council).

Planning Director Fischer presented the staff report. She provided information regarding the applicants; location and size of the subject property; existing use and future land use

designation; existing zoning, proposed zoning and use; and explained the request. She explained the process of a request for a rezoning and talked about the surrounding zoning. She presented analysis about the difference between the C-1 and C-2 zoning districts and explained the biggest difference is in the uses that are allowed. She stated in the C-2 zoning district, wholesaling, repair service establishments, auto repair and new and used auto sales are allowed but are not allowed in the C-1. She presented analysis to show inconsistency with the City's Comprehensive Plan policies and that the requested zoning is incompatible with the surrounding zoning and uses. She recommended the following motion:

Recommend that City Council deny the rezoning request of a 7.59 acre portion of land on the west side of Minton Road from City of West Melbourne C-1 (Low Density Commercial) to C-2 (General Commercial) - based on the analysis in the staff report.

Attorney Philip Nohr explained it is his client's goal to be able to put in a mini-storage at this site which is zoned C-1 but currently mini-storage facilities are only allowed in industrial zoning districts. He stated his client does not have an issue with coming in and applying for conditional use if the code was changed to allow it. He further explained the property location is 200 feet west of Minton Road, has no access to Norfolk Parkway and would be 1350 feet from the west property line with dense trees and vegetation between any neighboring properties. He stated his point is neighbors would not be able to see, hear or get to his clients property from the Sawgrass Lakes property. There would be no nuisance, noise, odor, lighting, hours of operation conflicts, or outside activities. He said his client is willing to abide by the proposed criteria and the prohibition against businesses operating in the facility. He talked about the traffic and how this use would generate less traffic than if it were developed entirely with C-1 uses. He stated that it would be a quality development dressed like C-1 and acts like C-1 and would be there to provide services to nearby residential properties. He showed an illustration of what the proposed mini-storage would look like and explained they are planning on enhanced landscaping and architecture. He said his client would be willing to enter into a development agreement limiting the use and will work with the City to have the mini-storage use.

Planning Director Fischer explained staff's presentation only covered the rezoning request and there was still a staff presentation for the code amendment proposal. She also advised that staff has not had an opportunity to respond to the proposal of entering into a development agreement as it was not previously discussed nor was an application submitted.

City Attorney Richardson advised that a development agreement is a mechanism that can be used as a way to get to the goal of having the mini-storage use and no other more intense use in the C-2 district.

Chairman Liesenfelt opened the public hearing and asked for comments from the audience.

The following residents of Sawgrass Lakes spoke in opposition of the request citing incompatibility issues, no benefit to the community, mini-storage belongs in industrial areas, property value concerns, criminal element could be introduced into the community since illegal substances may be in the storage units along with persons conducting illegal activities, and opposite of the notion of furthering a town center along Minton Road:

Lalita Creighton	3501 Watergrass Street
Galina Reyes	920 Fiddleleaf Circle
Johnathan Mailisch	3622 Rushing Waters Drive
Melissa Pereira	3382 Rushing Waters Drive

Stephen Biggie	1044 Musgrass Circle
Michael Reyes	920 Fiddleleaf Circle
Anthony Palerico	3743 Rushing Waters Drive
Jason Arthur	Watergrass Street
Scott Dixon	3880 Watergrass Street
Stephen Phrampus	3401 Watergrass Street

Chairman Leisenfelt closed the public hearing. He asked why the applicant would want to go forward with the rezoning if the code amendment didn't go forward.

City Attorney Richardson advised that staff could present the code amendment request and the board could hold off on their decision for the rezoning until after the presentation and public hearing and then make two separate motions on the items.

b. Code Amendment - Chapter 98, Zoning – C-2 (General Commercial District) – (LDR 2017-03)

The applicant, KTJJ, LLC is proposing revisions to Chapter 98, Zoning Code, to allow mini-storage (also known as "self-storage") use as a conditional use in the C-2, (General Commercial) zoning district.

Applicant: Philip F. Nohrr, Esq. agent for KTJJ, LLC
Location: The code changes would impact properties zoned C-2 in the City

The proposed code changes will be acted upon by City Council with a recommendation from the Planning and Zoning Board

Planning Director Fischer presented the staff report for the Code Amendment request. She explained the case is legislative as it deals with the uses in a zoning district and is applicable city wide. She advised changes in what uses are allowed in zoning districts are deliberated by City Council and pertains to the direction they believe is in the best interest of the City. She said currently, mini-storage use is only allowed in the north end of the City north of Helen Street. She stated the applicant originally requested to allow mini-storage facilities in the C-1 district, but after discussions with staff about the concern of the prevalence of C-1 zoning located next to residential, conceded that mini-storage in C-2 would be acceptable to his client, and then a rezoning request was submitted. She explained the Code Amendment process and presented analysis on if the applicants request is allowed in C-2. She explained that although there are only a few properties in the City that are zoned C-2, if this change is allowed it may provide an impetus for other commercially zoned properties, (C-1 and C-P) to apply to rezone their properties to C-2. She suggested if the proposal is allowed then mini-storage should only be allowed by conditional use permit only and additional performance criteria to separate mini-storage from each other and a minimum property size requirement. She presented a comparison of requirement in other Brevard cities. In conclusion she advised the Planning and Zoning Board is advisory for City Council and needs to make a motion providing a recommendation on the proposed C-2 zoning district change to include self-storage as a conditional use.

- This recommendation can be to approve as requested by the applicant, or
- to approve with changes to the applicant's request, or
- to deny the proposed

Chairman Liesenfelt opened the public hearing.

The following residents of Sawgrass Lakes spoke in opposition of the request citing intrusion into the quiet community, incompatible uses next to other uses, and how the code would have

to be changed to move storage out of the prohibited use category in the C-2 district, difficulty in regulating business operations, and no benefit to the city to change the code.

Arturo Catigbe	980 Fiddleleaf Circle
Scott Dixon	550 Fiddleleaf Circle
Elaine Harris	899 Fiddleleaf Circle
Johnathan Mailisch	3622 Rushing Waters Drive

Chairman Liesenfelt closed the public hearing.

Discussion Included:

- The request for rezoning is a request for spot zoning which is a rarity because of compatibility issues and this request seems inconsistent with the surrounding area.

Moved by Vice Chairman Jaudon, seconded by Board Member Spagnoli to recommend to deny the proposed rezoning of a 7.59 acre portion of land on the west side of Minton Road from City of West Melbourne C-1 (Low Density Commercial) to C-2 (General Commercial) - based on the analysis in the staff report. Motion passed, 6-0.

Discussion Included:

- The request for a code change is a complete opposite and significant change because right now the requested use is a prohibited use in the C-2 zoning district.

Moved by Vice Chairman Jaudon, seconded by Board Member Brothers to deny the proposed code amendment. Motion passed, 6-0.

Chairman Liesenfelt called a 5 minute recess at 8:22 p.m.

Chairman Liesenfelt reconvened the meeting at 8:27 p.m.

6. FINAL PLAT(S) – Item(s) to be considered by the advisory board (Planning and Zoning Board):

a. Coastal Commerce Center, (commercial subdivision) – (FP-2017-06)

The applicant is requesting approval of a re-plat to shift the property lines of Tract G, Coastal Commerce Center for 2 additional commercial lots. Chuck-e-Cheese's was the first re-plat of Tract G, and this is the second re-plat. The final plat for Coastal Commerce was initially approved in 2008. At that time, the tenants for the Center were unknown, and rather than creating many small lots, the developer chose to have large lots and to re-plat the lots at the time when new property owners were secured.

Applicant: Scott Glaubitz, BSE Consultants, Inc.
Location: east side of Coastal Lane, south of Chuck-e-Cheese's

The Planning and Zoning Board will provide their recommendation on whether the re-plat of the subdivision meets minimum code requirements.

Planner Curry presented the staff report. She explained the request is for a re-plat of Tract G-2 to be divided into tracts G-3, G-4, G-5 and G-6 and that this is a two part process with a recommendation from the Planning and Zoning Board and approval by City Council. She explained the history of Coastal Commerce Subdivision and provided some property photos. She presented analysis to show consistency with the LDR's and talked about the City reviews for the infrastructure. She stated that all outside agency permits were obtained and recommended the following motion:

Recommend approval to City Council of the re-plat of Tract G in Coastal Commerce subdivision with the following conditions:

1. Provide staff an executed copy of the mortgage joinder consenting to the re-plat (This document is recorded simultaneously with the re-plat).
2. Preserve the private stormwater drainage easements along the sides and rear property lines of Tracts G-3 and G-5 until each site is developed with its own stormwater retention system.
3. Address plat comments from the City's surveyor prior to City Council review.

Discussion Included:

- Traffic – vesting of trips occurred in 2007/2008, so the project was vested although it had not been developed out.

Moved by Vice Chairman Jaudon, seconded by Board Member Bernkopf to recommend approval to City Council of the re-plat of Tract G in Coastal Commerce subdivision with the following conditions:

1. Provide staff an executed copy of the mortgage joinder consenting to the re-plat (This document is recorded simultaneously with the re-plat).
2. Preserve the private stormwater drainage easements along the sides and rear property lines of Tracts G-3 and G-5 until each site is developed with its own stormwater retention system.
3. Address plat comments from the City's surveyor prior to City Council review.

Motion passed, 6-0.

7. PUBLIC COMMENT ON GENERAL MATTERS

8. PLANNING DIRECTOR REPORTS & BOARD MEMBER REPORTS

Planning Director Fischer advised there will be a meeting next month on February 13, 2018.

Board Members had a general discussion about the civility of tonight's public hearings and an article in *Florida Today* where Board Member Spagnoli was quoted regarding the City of Melbourne's underwater waterline repair.

9. ADJOURN

Chairman Liesenfelt adjourned the meeting at 8:57 p.m.

Chairman Liesenfelt

Denise Curry, Planner