



Planning and Zoning Board

MINUTES

February 10, 2021

6:30 P.M.

City Council Chambers
and via Communications Media Technology

1. CALL TO ORDER

Chair Jaudon called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

2. ROLL CALL

Attending in person: Chairman Chris Jaudon
Vice Chair Rob Brothers
Board Member Jennifer Spagnoli
Board Member Anna Kapnoula
Board Member Paul Bernkopf attending by zoom
Board Member Jim Liesenfelt
School Board Appointed Board Member Jennifer Parkerson

Staff present in person: City Attorney Morris Richardson, Planning Director Christy Fischer.

3. MINUTES

Planning and Zoning Board Meeting of January 12, 2021

Moved by Vice Chair Brothers, seconded by Board Member Kapnoula to approve the minutes.
Motion passed, 6-0.

4. PRESENTATION – Space Coast Transportation Planning Organization – Minton Road Feasibility Study

Sarah Kraum, Senior Transportation Planner, Space Coast Transportation Planning Organization (TPO), introduced Travis Hills who presented the Minton Road Feasibility Study to the Planning and Zoning Board. Travis Hills is a consultant who explained the project's original scope was to analyze the TPO's long range plan which identified a possible project of six laning Minton Road. After discussion with a technical review committee, using traffic modeling and best practices, it was determined that six laning of Minton Road from New Haven Avenue to Norfolk Parkway would not be needed if intersection improvements were made instead. Mr. Hills

presented the intersection improvements that could create better road conditions, and the pedestrian improvements that would accomplish the enhancements contemplated in the City's Minton Road studies.

5. PUBLIC HEARING(S) –

a. Code Amendment to the Land Development Regulations – Chapter 98, Zoning, Gateway Interchange – Service Station Regulations – (LDR 2021-01) –

A proposed code amendment to Chapter 98, Zoning, Article III. Districts, Division 22, Gateway Interchange District to allow and to provide regulations for gas stations.

Applicant: Benjamin Hedrick, Esq., Akerman LLP represents Space Coast Town Centre I, LLC

Location: Gateway Interchange Zoning Districts – Citywide

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. She presented the background and the proposed revisions to only the Gateway Interchange zoning district of allowing gas stations as a conditional use in limited quantities with specific performance criteria. She explained that this case is legislative because it deals with codes that apply to all development in the Gateway Interchange district and not just one property and changes to the land development regulations are decided by City Council with a recommendation from the Planning and Zoning Board.

She stated in 2016 when the Gateway Interchange was proposed, the land owner did not identify gas stations as a possible use and staff didn't include gas stations since there are sufficient number of gas stations on the east side of the interchange. Now the developer would like to accommodate a gas station along their U.S. 192 frontage. City staff is proposing to allow gas stations as a conditional use like the other commercial zoning districts in the city.

She explained staff reviewed other local governments and suggestions in the Planning profession and four out of the six surrounding jurisdictions allow gas stations in their mixed use districts with certain criteria. She explained the City has allowed gas stations to be along arterial roads and major intersections as a conditional use with appearance and performance criteria but gas stations sites are difficult to redevelop because of their underground fuel storage tanks. The state of Florida has a mandatory tank replacement program where tanks are replaced after a certain amount of time. She talked about the applicant's rationale for wanting to allow gas stations and the proposed code changes to allow by conditional use with appearance and performance criteria.

She concluded by stating the applicant is Space Coast Town Center but staff made revisions based on community feedback and the idea that gas stations criteria should be consistent from one zoning district to another. Staff researched other surrounding jurisdictions on whether they allow gas stations in mixed use zonings and most do but by conditional use. There is only one section of the Gateway Interchange zoning proposed to be changed and the City Attorney reviewed to ensure the changes comply with the Florida Statute protection for gas station branding, logos and canopy coloring among other protections. She

recommended the following motion: Recommend that Council approve the Gateway Interchange zoning district changes to include gas stations as a conditional use with criteria.

Chair Jaudon opened the public hearing.

The applicant, Bob Gorlow, 7485 Fairway Dr., Suite 430, Miami Lakes, FL 33014 spoke regarding the proposed code change and their potential tenant of a gas station along US 192.

Discussion included:

- At what stage would the use be vested? City Attorney Richardson explained it can be as early as the time of conditional use approval and not as late as the Certificate of Occupancy.
- Is there any way to consolidate the same criteria if identical from code to code? And if this is the case why not just cross reference in the code. A comment was made by a board member about not liking to have to look in different places in the code for information.
- Is the code limiting to just one station or can there be three gas stations for 150 acres? City Attorney Richardson answered there could be three.
- Could a developer for the principle building have one large window expanse and why not? Planning Director Fischer explained it is an issue of reducing surface for advertisements. The board wants this removed and Bob Gorlow concurred since he is trying to use glass and other materials as part of the design of the Space Coast Town Center.
- Could the wording of “encouraged” be switched to “required” for the percentage of cladding of canopy supports? City Attorney Richardson explained if an applicant wants to challenge us during the master concept plan then the permissive carries less weight but required or must or shall be is mandatory.
- Eliminate metal supports as an allowable visible material of the fuel island canopy.
- The City’s codes already requires that there be a wall between residential and commercial uses and in some cases vegetation can be used. This conditional use performance criteria does not alter that code.
- A few board members wanted to have Council add a requirement for permanent artwork at the gas stations.

Chair Jaudon asked for any more questions or comments. Seeing none, he closed the public hearing.

Moved by Board Member Liesenfelt, seconded by Board Member Brothers to recommend that Council approve the Gateway Interchange zoning district changes to include gas stations as a conditional use with criteria and to make changes to the principle building having a large expanse of glass, change the word “encouraged” to “required” and striking out “however.... Motion passed, 6-0. The Planning and Zoning Board would like Council to consider requiring permanent artwork at gas stations as was successfully done through development agreements in the newer Cumberland Farms and Wawa gas stations.

7. PUBLIC COMMENT ON GENERAL MATTERS

No Comments.

8. PLANNING DIRECTOR REPORTS – Capital Improvements Program

Planning Director Fischer talked about the Capital Improvements Program which was part of the attached City Manager's report to City Council on January 19, 2021. The Capital Improvement Plan requires no action on the part of the Board and is only meant to communicate another aspect of governance that the City performs annually.

9. BOARD MEMBER REPORTS

10. ADJOURN

Chair Jaudon adjourned the meeting at 7:55 p.m.