
**CITY OF MELBOURNE
MINUTES OF THE REGULAR MEETING OF THE
LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD
MELBOURNE CITY HALL COUNCIL CHAMBER
JANUARY 5, 2012 ♦ 6:30 P.M.**



Alan King, Chairman, Planning and Zoning Board, called the regular meeting of the Local Planning Agency/Planning and Zoning Board to order at 6:30 p.m., followed by the Pledge of Allegiance to the Flag and introduced the Board and City Staff members.

PRESENT:	Alan King	Chairman
	Glen Outlaw	Vice-Chairman
	Don Laird	Member
	Nat Clement	Member
	Bruce Waters	Member
	Carmine Perrone	Member
	George Lebovitz	Alternate Member
ABSENT:	Ed Coruzzi	Member (Excused)
	Kathy Chambers	Alternate Member (Excused)
OTHERS PRESENT:	Suzanne Crockett	Assistant City Attorney
	Cheryl Dean	Planning & Zoning Administrator
	Kathy Lee	Recording Secretary

3. Declarations of Conflict

Mr. King declared a notice of conflict for Item No. 6, Comprehensive Plan Amendment ****Minor Amendment**** (CPA-2011-04) and Rezoning Request (Z-2011-1176) Bonita Beach Frontage, as a business associate within his office is representing the owner in an attempt to sell the property.

4. Approval of the December 15, 2011 Planning and Zoning Board Minutes

Moved by Laird/Clement to approve the December 15, 2011 Planning and Zoning Board minutes as presented.

Motion carried unanimously.

Mr. King provided a brief overview of the process by which the Planning and Zoning Board operates.

5. **Conditional Use Request (CU-2011-17) with Site Plan Approval (SP-2011-09) MIDAIR USA Aircraft Maintenance Facility**

Proposed Action: Mrs. Dean explained the following requests to the Board.

- **Conditional Use** – to allow a building height of 82 feet (an additional 34 feet) in an M-1 (Light Industrial) zoning district; and
- **Site Plan Approval** - to develop a new 2-phased, aircraft maintenance facility at the Melbourne International Airport within a 13.41± acre leased parcel zoned M-1.

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Location

The property is located on the north side of General Aviation Drive, east of Croton Road and west of Apollo Boulevard, in Township 27 South, Range 37 East, Section 29.

History

The property is vacant, undeveloped airport land with an Industrial Future Land Use classification. This property is classified as "Future Aviation Use" property per the Melbourne Airport Layout Plan and the Airport Master Plan.

Adjacent Property Future Land Use and Zoning

Access: General Aviation Drive, on the south side of the leased parcel

To the East: Undeveloped property owned by the Melbourne Airport Authority

Zoning: M-1

Land Use: Industrial

To the North: NOAA facility; undeveloped property owned by the Melbourne Airport Authority (NOAA facility is owned by the Melbourne Airport Authority)

Zoning: M-1

Land Use: Industrial

To the West: Undeveloped property owned by the Melbourne Airport Authority; (proposed new taxiway); Croton Road; Hacienda Girls Ranch

Zoning: M-1; I-1 (Institutional)

Land Use: Industrial; Public/Institutional

To the South: Across General Aviation Drive, airport taxiway; aircraft hangars on property leased from the Melbourne Airport Authority

Zoning: M-1

Land Use: Industrial

CONDITIONAL USE ANALYSIS

The applicant is requesting a Conditional Use approval to allow a 2-phase aircraft maintenance facility including three (3) attached structures with a proposed building height of 82 feet.

Height. City Code, Appendix B, Article V, Section 2, Table 2B, allows for a building height of greater than 48 feet in the M-1 zoning district if granted conditional use approval by City Council. Appendix B, Article IX, Section 5 establishes general standards to consider when evaluating the merits of a conditional use permit request.

The project incorporates a 13.41± acre development area with 2 hangar buildings separated by an attached administrative office constructed in two phases (a

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200,600± square foot footprint). The project request is to allow for a building height of 82 feet (34 additional feet in height). The permitted height for the M-1 zoning district is 48 feet. Only a portion of the hangars is 82-feet tall. The hangars are approximately 292 feet deep, with the first 92± feet of the building at the 82-foot tall average. The remaining 200± feet of the building will be approximately 60 feet in height. The purpose of the taller section of the building is to accommodate the entire aircraft (including the tail) within the building for repairs.

Consistent with Appendix B, Article IV, Section 1(C), the proposed building was reviewed for impacts to scenic views, and the additional height should not further block the breeze and light to adjacent properties and sidewalk area. The request meets the minimum lot size of twenty-two thousand five hundred (22,500) square feet and the minimum lot width of at least one hundred fifty (150) feet. There are no solar energy panels on adjacent structures or property that will be shadowed by the extra height.

The property is surrounded by industrially-zoned property owned by the Melbourne Airport Authority; therefore, there are no abutting single-family residential uses/zoning. However, there are residential uses 600± feet to the north (Ixora Park No. 6 Subdivision) and more than 680± feet to the west (Hacienda Girls Ranch/Hacienda Estates Subdivision).

Since the approval of additional height is LESS than one hundred (100) per cent of the permitted height, such consideration will NOT require a five-sevenths (5/7) vote of City Council (City Code, Appendix B, Article IV, Section 1(C)(1)(f)). City Code does require that conditional use requests for additional building height be required to meet additional criteria related to the public benefit of the proposal, such as additional landscape requirements and/or other public benefits as deemed necessary by the City.

Public Benefit. Consistent with City Code, for projects with extra height, the following public benefits have been provided in the attached berm/plan for this project:

1. A vegetated earth berm along the east side of the Croton Road Extension, west of the project area.
 - The berm is proposed to be between 8± feet and 15± feet tall.
 - The berm is proposed to be 32-60± feet wide. The south 426± feet of the berm will be 60-feet wide and the north 587± feet of the berm will be between 60 and 32 feet wide.
 - The berm is proposed to be 1,013± feet long, running from the south end of the NOAA property to General Aviation Drive.
 - The berm will include live oak trees planted every 30 feet along the top of the berm.

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- A Viburnum or Ligustrum hedge will be planted to create a solid buffer (at least 2-feet tall at planting) along the top of the berm, in between the proposed oak trees.
 - The slopes of the berm will be densely planted with Florida Bunch Grass.
2. An undisturbed buffer will be maintained along the north boundary of the Melbourne Airport Authority property (excluding the potential future roadway shown on the site plan, if constructed). The buffer is approximately 175± feet wide at the west end, adjacent to the NOAA property. At the east end of the project area, the buffer is approximately 230 feet wide.

Staff has assessed the compatibility with the surrounding area with the project and the public benefit improvements and does not find any negative issues with the request.

SITE PLAN ANALYSIS

Project Description. The project consists of the construction of a new aircraft maintenance facility for Boeing 747-400 and 777 series aircraft at the Melbourne International Airport by MIDAIR USA. Only unfueled aircraft will be processed at the new maintenance facility. The project is being constructed in conjunction with new airside infrastructure improvements by the Melbourne Airport Authority, which includes a taxiway extension, aircraft parking aprons, security fencing and a master stormwater management system.

The lease parcel will be developed in two phases. Phase 1 will include an 82,307± square foot aircraft maintenance hangar, including a 20,888± square foot mezzanine. Phase 2 will include a 2-story administration building (76,400± square feet), and a 78,300± square foot paint booth hangar. All associated site improvements, such as driveways, parking, sidewalks, fencing, utilities, stormwater management and landscaping will also be provided. The aircraft maintenance facility will employ approximately 470 people on three shifts at build-out. Additionally, all of the surrounding property is zoned industrially and the closest residential property is 600± feet from the lease parcel to the north and 680± from the lease parcel to the west.

Access. The only access to the site will be from General Aviation Drive via Apollo Boulevard. There will be no access to the property from Croton Road. Aircraft access will be from adjacent taxi-ways on the south and west sides of the parcel.

Stormwater. A single, large, dry retention area is to be located north of the lease parcel. This area is not included in the Airport's existing St. Johns River Water Management District (SJRWMD) permit. As such, this project will require a separate permit from SJRWMD. The proposed stormwater management system will be required to meet the requirements of City Code, Chapter 27.

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Water and Sewer. Water service (fire and water) will be provided through a connection to an existing water main along General Aviation Drive. A new, on-site, private lift station will provide sanitary sewer service for the site. The new lift station will discharge to the City's sanitary sewer system through a connection to an existing force main located west of the site.

Landscaping. Both development phases will meet all requirements of Appendix D, Chapter 9, Article XV, for landscape areas at the time of construction plan approval.

Airport-initiated roadway and airport improvements. In order to accommodate the extension of an airport taxiway from the runways to the subject property, the Melbourne Airport Authority is modifying General Aviation Drive and extending Croton Road.

1. General Aviation Drive: Currently, General Aviation Drive begins at Apollo Boulevard, travels westward just over one (1) mile, then turns sharply south and travels approximately 960-feet to its terminus. With the modifications to the taxiway, General Aviation Drive will terminate approximately 100± feet from the westernmost driveway for the aircraft hangars at "The Landings West at Melbourne Condominium".
2. Croton Road Extension: Currently, Croton Road travels south from Sarno Road, approximately ¾-mile and terminates approximately 50± feet from the southernmost driveway for the Hacienda Girls Ranch. From West Ixora Drive south, the Croton Road right-of-way is approximately 120 feet wide; however, the construction of the road is substandard to current City Code requirements (with pavement only 12± feet in width). The Airport Authority will construct the extension of the roadway to meet current City standards and will extend Croton Road south, connecting to the remaining north/south section of General Aviation Drive. The Croton Road extension will provide access to only a limited number of facilities at the south end of the roadway.

The Melbourne Airport Authority has received a \$1,500,000 financial assistance award from the Governor's Office of Tourism, Trade and Economic Development (OTTED) to construct these roadway and airport improvements.

Cultural and Environmental Assessments

Storm L. Richards & Associates of Sanford, Florida, prepared three (3) individual reports for the project, including a Cultural Resource Assessment, a Wetland Analysis, and a Threatened & Endangered Species Evaluation in January 2011. The following environmental information about the site was provided:

Cultural Resource Assessment: The project area was reviewed by Registered Professional Archaeologists in January 2011 for compliance with the US Army Corp of Engineers requirements. According to the report, the review did not yield any artifacts and/or historic structures.

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General Site Information: Based upon the information provided, the property is within the Atlantic Coastal Edge Geological Community.

Floodplain and Aquifer Recharge Information: The entire site is in Zone X, outside of the 500-year flood zone and is not located within a Surficial Aquifer Recharge Area.

Upland Habitat Information: The report indicates that the vegetation on site consists of a variety of upland forest species, including Pine Flatwoods (411), with some areas dominated by Brazilian Pepper trees. The area has been historically cleared and maintained. Soil types in this site are Anclote Sand-depressional, Basinger Sand, Immokalee sand, Myakka Sand, Myakka-Urban Land Complex, and Satellite Sand.

Wetland Habitat Information: According to the report, two (2) isolated wetlands were identified within the development area, with a manmade conveyance swale connecting the wetlands and eventually draining them into the north drainage canal.

Wildlife Habitat Information: According to the report, gopher tortoise burrows exist in this area, which will require permitting from the US Fish and Wildlife Conservation Commission (a permit has been received and Gopher Tortoises have been relocated). No other protected species were sighted during the field visit, as reported in the study.

As with all development projects, applicable permits will be required prior to construction plan approval, if necessary.

Joint Planning Agreement (JPA):

The subject property is not located within the Joint Planning Agreement area.

Concurrency/Mobility

The subject parcel is currently vacant. The City's Ten-Year Water Supply Facilities Work Plan indicates that adequate potable water is available to serve the subject site. The City also has adequate sanitary sewer service available to serve the subject property.

Total new trip generation for this project is estimated to be approximately 386 trips per day via access from Apollo Boulevard. City Code deems the traffic generated by the proposed project insignificant, since the impact of the project does not exceed 3% of the threshold level of service standard for the affected roadway. For concurrency purposes, 193 trips per day will be assigned directly to the Apollo Boulevard link accessed by the project. The trip assignment numbers reflect the actual consumption of available lane capacity by each vehicle trip and direction, and are based on the estimated assignment of trips onto the street network.

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Capacity Reservation

Project capacity reservation fees have been estimated based on the proposed aircraft maintenance facility, and the overall 1% capacity reservation fee for this project is \$1,882.53. The following is a breakdown of the fees for water and sewer.

- Water: The water capacity reservation fee is estimated to be \$63.98, from the overall water impact fees of \$6,397.88 based on the number of fixtures required for the project.
- Sewer: The sewer capacity reservation fee is estimated to be \$90.71, from the overall sewer impact fees of \$9,070.88 based on the number of fixtures required for the project.
- Transportation: The transportation capacity reservation fee is estimated to be \$1,727.84, from the overall transportation impact fees of \$172,783.67, based on a heavy industrial use classification identified in the alternative transportation impact fee memorandum from the City Engineer, dated December 15, 2011 (see attached).

Mrs. Dean referenced the findings contained in the Planning and Zoning Board agenda memorandum.

Recommendation

Based on the findings contained in the Planning and Zoning Board agenda memorandum, for the project located on the north side of General Aviation Drive, east of Croton Road and west of Apollo Boulevard, in Township 27 South, Range 37 East, Section 29, the Planning and Economic Development Department recommends:

- A. **Approval of CU-2011-17**, to allow a building height of 82 feet (an additional 34 feet of height under new height regulations), in accordance with the accompanying site plan and staff conditions identified in sub "2" below; and
- B. **Approval of SP-2011-09**, to construct an 82-foot tall, aircraft maintenance facility on 13.41± leased acres at the Melbourne International Airport, zoned M-1, on a 2-sheet site plan prepared by BRPH Architects, Engineers, Constructors of Melbourne, Florida, Project Number 6615.01, with a signed and sealed date of December 21, 2011, and including a single-sheet public benefits berm/buffer plan, prepared by Brian Pendleton, P.E., Airport Engineering Co., Inc., dated December 20, 2011, with the following conditions:
 - a. Any change to the Site Plan will require reevaluation by the City Engineering Department and Planning and Economic Development Department.

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Any substantial change to the Site Plan as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff, the Planning and Zoning Board, Local Planning Agency, and/or the City Council.

- b. Only unfueled aircraft shall be located within the maintenance facility. The general practice is that Widebody Aircraft will be "tugged" to and from the maintenance facility from the taxiway beginning south of General Aviation Drive.
- c. Repairs/maintenance occurring within the hangars shall be performed on a maximum of two (2) widebody aircraft at one time.
- d. The business may perform the Final System Check only as follows:
 - 1) At the completion of all maintenance on each aircraft (approximately every 45 days);
 - 2) With engines at idle speed;
 - 3) Maximum time for final system check is 30 minutes for each aircraft; and
 - 4) May only be checked on Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.
- e. Except for the final system check, it shall be Midair USA's practice to not run the engines of Widebody Aircraft north of General Aviation Drive.
- f. Berm/Buffer Requirement: In conjunction with this project, the Melbourne Airport Authority shall provide a berm/buffer along the east side of the Croton Road right-of-way. The berm/buffer shall be completed prior to any Certificate of Completion (C of C) for the project. Details of the landscaping plan will be reviewed during the construction plan review process; however, the following minimum requirements shall be provided:
 - 1) The berm shall be at least 8 feet tall at the north end and at least 15 feet tall at the south end, consistent with the diagram;
 - 2) The berm shall be a minimum of 32 feet wide and up to 60 feet wide (as shown on the berm/buffer plan);
 - 3) One (1) Live Oak tree shall be planted every 30 feet on top of the berm;
 - 4) Viburnum or Ligustrum shall be planted in solid hedge (at least 2-foot tall at planting) between each Live Oak tree; and
 - 5) Both sides of the berm slopes shall be densely planted with Florida Bunch Grass.
- g. Road Modifications: In conjunction with this project, the Melbourne Airport Authority shall provide the identified roadway improvements to General Aviation Drive and Croton Road. The roadways shall be

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designed/constructed to meet current City standards and shall be completed prior to any Certificate of Completion for the project.

- h. The area north of the stormwater pond, between the northern security fence and the canal shall remain as an undisturbed buffer (excluding the potential future roadway shown on the site plan, if constructed).
- i. The applicant shall file Form 7460 with the FAA regarding the requested 82-foot tall structure. Prior to construction plan approval, the applicant shall provide the City with official documentation from the FAA approving the requested height of 82 feet for the project.
- j. Appropriate environmental permits, including permitting for the gopher tortoises must be maintained throughout the development process.
- k. All hardwood trees and scrub oaks located outside of the building footprint and parking driveway aisles shall be preserved, and buildings and parking/drive aisles shall be shifted when possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- l. The proposed building shall be substantially consistent with the rendering submitted by the applicant.
- m. As required by Chapter 10, Appendix D, and Chapter 32, Melbourne City Code, to reserve capacity, the Owner/Developer shall be required to pay the capacity reservation fee in the amount of **\$1,882.53** for water, sewer and transportation impact fees. Payment must be received by the City of Melbourne within ninety (90) business days of the date of rendition of this Development Order by City Council/Planning and Zoning Board approval. This Development Order shall not become effective until payment of the capacity reservation fee has been made payable to and received by the City of Melbourne.

Mr. Outlaw inquired as to the significance of closing General Aviation Drive, as he knows discussion of trying to connect this road all the way to Wickham Road. If this road is closed at this location, this will set the City up for another Ellis Road or Nasa Boulevard offset connection to Wickham Road. He stated he is not comfortable with this; he likes the project and wants to see it move forward, but the proposed does not take into account the future road needs for the City of Melbourne.

Mrs. Dean advised that the airport representatives can discuss the master plan. She recalled, in the older version of the plan, it appeared to have General Aviation Drive connect to Wickham Road indirectly, as the airport does not own the property to the west. There have been changes and modifications to the plan since that time.

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Mr. Outlaw expressed concern with regards to the County's reputation for maintaining rights-of-way to preserve straighter roadway connections.

Mrs. Dean noted the area of land west of the proposed site is not owned by the Airport. While the original plan may have intended a connection with Ellis Road, that connection would not have been straight.

Mr. Outlaw said he believed a connection was meant to be made near Wuesthoff Hospital. This and other connections were all supported by the Airport for the I-95 interchange.

Mrs. Dean explained that the Airport did not own any property opposite of Wuesthoff Hospital.

Mr. Outlaw indicated he understood this, but felt the extension is in the master plan, and development such as the proposed should not prevent the extension from taking place.

Mrs. Dean said not all roadway extensions are under the purview of the City.

Mr. Outlaw feels the proposed project and the stopping of General Aviation Drive will hinder any possibilities of a connection to I-95.

Richard Cloutier, Director of Operations, Melbourne International Airport, One Air Terminal Parkway, Melbourne, and John Genuise, BRPH, 5700 North Harbor City Boulevard, Melbourne, approached. Mr. Cloutier stated he was available to answer any questions the Board may have. As for Mr. Outlaw's concerns, the latest master plan, which was developed approximately 10 years ago, indicates both Taxiway "Mike" and "Charlie" go through General Aviation Drive. At that time the airport had planned to construct the road on the north side parallel to the Mosquito Ditch Canal; this is still in the plan. The airport does not own the property just south of the wetland; this is Acopian Property. The connection for I-95 has always been Nasa Boulevard, Ellis Road, and the new interchange at I-95. The interchange at Ellis Road is under Preliminary Design and Environmental Study (PD&E) at this time. He said he did not believe the proposed project will inhibit the plans for eventual connection to Wickham Road.

Mr. Outlaw asked if the Airport had attempted to acquire the property to the west of the extension of Croton.

Mr. Cloutier indicated the Airport owns the property immediately west of the Children's Home, where the Airport created the existing wetland about 12 years ago.

Mr. Outlaw said he believed a more suitable location could be identified, which would allow for the continuation of General Aviation Drive.

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Mr. Cloutier noted the Airport has attempted to purchase the Acopian property several times, to no avail.

Mr. Outlaw questioned how the Airport envisioned the connection to Wickham Road. Discussions have ensued in the past, but many of the proposals, in his opinion, would create another bottleneck scenario.

Mr. Cloutier indicated it will be very difficult to make a "straight shot" to Wickham Road from any location on Airport property.

Mr. Outlaw stated the Airport's plans are "too short-sighted; the Airport is stubborn about putting roads where they belong, and is not considering the road/transportation needs of the community over the next 20 years".

Mr. Cloutier stated that General Aviation Drive has never been intended for continuance to Wickham Road.

Mr. Outlaw recalled a plan created by the MPO about 15 years ago to provide a connection to Wickham Road. There were never any rights-of-way or studies done, but this concept was within the plan.

Mr. Cloutier affirmed he had no knowledge of this; the master plan, at this time, is to extend Taxiway "Mike" past General Aviation Drive and Taxiway "Charlie" to the new Embraer location.

Mr. Outlaw questioned the clear area within the extension of the taxiway.

Mr. Cloutier advised the property contained an existing temporary hangar and another hangar is currently under construction at this time.

Mr. Outlaw asked if the proposed facility could go to the west of the taxiway, which would then keep General Aviation Drive "alive", to allow the continued use of this out to Wickham Road and relieve the Sarno Road congestion. The overall intent is to create a more direct route to Wickham Road.

Mr. Cloutier stated the general idea is actually to connect Apollo Boulevard to Croton Road.

Mr. Outlaw reiterated his view of the need to get to Wickham Road, and avoid the further bottlenecking of Croton Road. We, as the City, need to do a better job of planning for the future. He feels it is the Board's job to look out for the City and the residents.

Mrs. Dean indicated that as part of the master plan, General Aviation Drive was meant to be a private, industrial, aircraft subdivision. There were intentions to consider other options until the realignment of Nasa Boulevard and Ellis Road took place.

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Mr. Outlaw referenced other proposed connections to Wickham Road included in the master plan, but feels the plan itself has become too convoluted.

Mr. King opened the public hearing.

Walter Kressler, 2100 Bridle Path, Melbourne, stated he is a 16-year resident at this location. He referenced the berm, noting its height of only 8 feet, with some trees of additional height. He pointed out that the nose of the aircraft will be less than 300 feet away from Croton Road; the hangar will be 680 feet from Croton Road. He said the Embraer hanger is extremely bright; the proposed hangars will be opened up and much closer than that of Embraer. He referred to Taxiway "Charlie", which is the furthest east and suggested shifting the entire project east, as there is plenty of property there. Another option, if only moving the aircraft every 45 days, instead of blocking off General Aviation Drive, block off the road and secure the area. This way the road is open, the project is further down, and will be less of an intrusion to the residents. The proposed berm is only 8 feet high and will not provide enough protection. He said he supports the jobs created and the project, but feels a better location could be considered.

Mr. King advised the Board and the audience of correspondence received from Teresa Miles, Executive Director for the Children's Home Society of Florida. In the letter, Ms. Miles specifically points out concerns she has related to potential noise, lighting and aesthetic issues that might impact their community. She requested the following accommodations:

- 1) A traffic circle be built on Croton Road, directly in front of Bridle Path Road with a clearly visible sign stating "Authorized Personnel Only"; and
- 2) A berm be built that is high enough to mitigate the noise and lighting that would potentially compromise the quality of life of their residents.

Mr. King requested staff's clarification regarding Ms. Miles concerns.

Mrs. Dean said her understanding is that the Airport Authority has been coordinating with Ms. Miles and the Hacienda Girls Ranch. While they are considering alterations to the berm, they plan to incorporate traffic signs for "no through traffic" on Croton road. With regards to the traffic circle, she stated that there is enough right-of-way to make this possible.

Mr. King questioned how drivers would turn around if they were to attempt to reach Nasa Boulevard from Croton Road.

Mrs. Dean stated the applicant has proposed a T-turn-around where General Aviation currently comes furthest to the west and hooks to the south. There are also a couple of businesses to the south where a driver can turn around.

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Mr. King inquired as to the possibility of signage closer to Sarno Road indicating Croton is not a through street.

Mrs. Dean noted that signs could be placed anywhere Code will allow, through the Engineering Department.

Kim Kressler, 2100 Bridle Path, Melbourne, 32935, said she has lived at this address for 16 years. There is existing signage indicating "No Outlet". Teenagers are racing along this road because it is a long straight-away. This is the reason for the requested traffic circle. The traffic circle will help prevent speeding and turnarounds at Hacienda Ranch. She stated that Bridle Path is a dead-end and is used as a turnaround as well. She expressed concern with the possibility of increased traffic.

Mrs. Crockett asked Mr. Cloutier if the Airport Authority has completed any studies or evaluations concerning the berms ability to attenuate the sound created by the proposed project, and questioned who regulates sound levels at the airport.

Mr. Cloutier said the FAA has regulations for sound/noise, and it is the Airport's responsibility to monitor this. A preliminary study has been done and it is estimated between 7 to 11 decibels will be lowered due to the berm.

Mrs. Crockett questioned the lighting from the paint hangars.

Mr. Cloutier advised the Airport has strict rules regarding the way the lights shine; specifically, due to the effect on residents and the control tower. While Embraer lights do look bright from General Aviation Drive, they are not visible from Apollo Boulevard, with the exception of the sign.

Mrs. Crockett asked how a situation would be handled if the berm is not as effective as anticipated to attenuate the sound, and what will be done if the berm is not effective enough.

Mr. Cloutier said the sound attenuation is not just the berm, it is also some of the operational procedures proposed. The aircraft engines will not be run continuously; they will only run for short periods of time, with an estimated final check every 45 days. He stated the airport does have some history with this type of operation and procedures will be handled properly. Should there be a need to have a full engine run-up; the planes will be towed to the runway. He indicated he is not anticipating engine runs at night. He noted the airport has portable and permanent EPU units that are electric, which will eliminate noise as well.

Mrs. Crockett asked if a photometric study would be completed to ensure a spill over will not occur in the residential areas.

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Mr. Cloutier advised that the Airport engineer does the photometric designs and apron lighting, which is the closest lighting to the residential area. Night lighting will be done before the lighting is put into place to ensure there is no spillover.

Mr. Outlaw stated that when he first heard about this project, he thought it would be a great opportunity to provide connectivity and relieve some congestion on other roadways. He asked if there is any way possible to see connectivity from General Aviation Drive to Croton. While he understands the adjacent residents may not agree with the concept, this should be given consideration to the residents of the City as a whole.

Mr. Cloutier affirmed the connection Mr. Outlaw was referring to was not included within this project.

John Cattaneo, 2101 Bridle Path, Melbourne, Florida, 32935, stated his home is the closest private residence to the proposed project. He said he is pleased to hear the Airport Authority has taken the time to have environmental studies done. He noted he is in agreement with Mr. Outlaw's comments. Bridle Path residents and the Hacienda Ranch residents have a prevailing easterly wind that constantly blows through the area. Even with the short duration being proposed for the aircraft engines, the diesel exhaust will be blown into the neighborhood.

Mr. Cattaneo expressed concern with regards to the painting as well. He had been informed there will be some filtration devices installed, but he is not aware of any filtration that will catch micron-sized particulates and keep them from blowing out and eventually being carried into his neighborhood. From an environmental perspective, he said he has two boys that love to play outside and he is concerned with the close proximity of the proposed facility. He reiterated previous concerns related to speeding issues along Croton Road. Residents have tried to slow down traffic with planters, but this has not worked.

Mr. Cattaneo proposed swapping with the private aircraft hanger to the south of Aviation Drive. This would allow the passage of Aviation Drive and prevent bottlenecking concerns, and lighting and emission concerns for the residents.

Stacie Chancey, 2175 Bridle Path, Melbourne, stated her home has been in the family for 25 years. She has lived in this home for the past 12 years. She expressed concerns related to the paint fumes and particles, and where they will be landing on her property. She said she has pets and children, and she is concerned with the possible affects these will have on them in the future. She supports the additional jobs brought to the community and expansions within the airport, but believes the location should be re-evaluated

There being no further public comment; the public hearing was closed and discussion was brought back to the Board.

Mr. Laird inquired as to the Airport's response to the public's comments.

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Mr. Cloutier stated the airport has looked extensively at different locations and this is the only parcel that would accommodate this project. The ramp area with the small hanger previously mentioned is only about 13 acres and will not accommodate the taxiway, the safety areas required, and the proposed buildings. To east of the property, there is planned development and negotiations are under way. There is no other available Airport property, as we have many perspective tenants at this time. The airport is the economic engine for this area and the economy.

Mr. Cloutier indicated the lighting would be designed not to shine outside the apron area. As for the paint booth concern, this will be the second facility on the property; Embraer currently has one. These booths are sophisticated buildings with filtering systems to prevent the release of particulates. These facilities are required to follow the US Clean Air Act. He said the berm has been extended to the northern most area, next to Hacienda Girls Ranch, just south of the NOA property. After meeting with the neighbors to the west, he advised the berm was designed to go as far north as possible.

Mr. King asked Mr. Cloutier if the Airport would be willing to work with the Engineering Department to develop traffic calming measures for Croton Road.

Mr. Cloutier replied there would be no objections.

Mr. Outlaw referenced the extension of the taxiway across General Aviation Drive, and asked how the Airport proposed to police this as it appears that General Aviation drive does extend to Croton Road.

Mr. Cloutier advised that General Aviation Drive would be fenced off on both sides of the taxi-way with card/key access. This project is currently under design.

Mr. Outlaw questioned the possibility of connectivity within this project to the extension of Croton Road off of General Aviation or the proposed right-of-way within the site plan.

Mr. Cloutier stated funding is not available for this connection; this would be approximately a \$5 million project.

Moved by Laird/Clement to recommend approval of CU-2011-17 based on the findings contained in the Planning and Zoning Board agenda memorandum dated January 5, 2012.

Mr. Outlaw reiterated his feelings that the City has failed to plan for the future of our roadways and believes connectivity should be included in this project. The Airport has not done their job; by holding up the realignment of Nasa Boulevard, the cost of this project was doubled. He affirmed the wanted to support the

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project, but feels the future needs of the citizens of Melbourne should be taken into consideration.

Mr. Clement felt most Board members did not have the same transportation knowledge as Mr. Outlaw, but he is looking at the creation of jobs for five times as many people present at the meeting, and due to this job creation, he is leaning toward approval of the request.

Mr. Outlaw stated his opinion has nothing to do with the proposed project and everything to do with transportation.

The question was called for the motion to recommend approval of CU-2011-17; roll call was as follows:

Aye – Lebovitz, Laird, Clement, Waters, King

Nay – Outlaw, Perrone

Motion carried.

Moved by Laird/Clement to recommend approval of SP-2011-09 based on the findings and conditions contained in the Planning and Zoning Board agenda memorandum dated January 5, 2012.

Aye – Lebovitz, Laird, Clement, Waters, King

Nay – Outlaw, Perrone

Motion carried.

6. **Comprehensive Plan Amendment **Minor Amendment** (CPA-2011-04) and Rezoning Request (Z-2011-1176) Bonita Beach Frontage**

Mr. King recused himself from this item and Mr. Outlaw introduced the request.

Proposed Action: Mrs. Dean explained the following requests to the Board.

- Comprehensive Plan Amendment – The applicant is requesting to change the existing Future Land Use of Medium Density Residential to Mixed Use on a 1.0± acre portion of an overall 1.99± acre parcel ; and
- Rezoning – The applicant is requesting to amend the Official Zoning Map by changing the existing zoning from R-2 (8) (One-, Two-, and Multiple Family Dwelling Medium Density District with a cap of 8 units per acre) to C-1 (Neighborhood Commercial), on the same 1.0± acre portion of an overall 1.99± acre parcel.

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Location

The subject property is a portion of a larger parcel, located on the north side of East Eau Gallie Boulevard, west of Highway A1A, and east of Bel Aire Drive, in Township 27, Range 37, Section 25.

History

The overall 1.99± acre property was originally developed as a mobile home park (at a density of 15 units per acre). The mobile homes were removed and the property was rezoned to RU-2-8 by Brevard County to allow multi-family development on the site. In April 2005, the owner applied for a "Water outside the City" review to the City's Engineering Department (WOC-2005-06). As part of this review, the property owner was informed that annexation into the City of Melbourne would be required in order to obtain municipal water service. The applicant had already performed some preliminary site work with Brevard County, the water management district (SJRWMD) and the Florida Department of Transportation (FDOT). The owner was allowed to continue the site plan process through the County contingent upon the annexation proceeding concurrently, and as long as the site plan was consistent with City Code.

The overall site was annexed into the City in December 2005 as Bonita Beach Condominiums (AR-2005-184/Ordinance 2005-125) and received a Medium Density Residential Future Land Use classification (CPA-2005-19/Ordinance 2004-126) with R-2(8) zoning (Z-2005-1046/Ordinance 2005-127). The county approved the site plan for the condominium development on November 17, 2005 (SP#05-04-007).

Property and Adjacent Property Future Land Use and Zoning

The property has a Medium Density Residential Future Land Use classification and R-2(8) zoning.

Access: East Eau Gallie Boulevard, along the south property line
San Pedro Drive, along the west property line

To the East: Plant Nursery
Zoning: BU-1 (unincorporated Brevard County)
Land Use: Community Commercial

To the West: Across San Pedro Drive, multi-tenant retail store; single-family residential home (Bel Aire Estates Subdivision, Section 1, PB16, PG64)
Zoning: BU-1; RU-1-11 (unincorporated Brevard County)
Land Use: Community Commercial

To the North: Remainder of property approved as Bonita Beach Condominiums
Zoning: R-2(8)
Land Use: Medium Density Residential

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To the South: Across East Eau Gallie Boulevard, Green Turtle Gourmet Market
Zoning: C-2 (General Commercial)
Land Use: General Commercial

Comprehensive Plan Approval in 2005: When the applicant petitioned to annex into the City of Melbourne in 2005, the Medium Density Residential Future Land Use classification was requested in order to develop a condominium project. The Medium Density Residential land use classification normally allows a density of up to 15 units per acre; however, the Comprehensive Plan limits the density of residential projects on the barrier island to a maximum of 10 units per acre. The density for the subject property was further restricted by the approved zoning (R-2 with a cap of 8 units per acre).

The property was developed as a mobile home park for many years and the changes made in 2005 allowed for the partially completed condominium development. In the year of the annexation (2005), there was an increased demand for residential housing, primarily single-family homes and condominiums. This project combined both concepts, with a single-family detached condominium project. Since that time, residential demand has decreased, with many approved projects in the City either partially built or left as vacant land. In this case, two structures were built on the north end of the property, adjacent to Wallace Avenue. The property has exchanged hands and the new owner is reluctant to pursue residential development along the frontage of Eau Gallie Boulevard, which is 5-lanes wide with approximately 100 feet of right-of-way.

The applicant is requesting a change in land use on the 1-acre portion that fronts Eau Gallie Boulevard from Medium Density Residential to Mixed Use. Staff considered the future land use change with regard to how the subject property and surrounding area are developed today.

The applicant is attempting to revitalize the property by providing infill Neighborhood Commercial development facing the major arterial roadway, while maintaining the residential condominium development as a transition to the adjacent residential neighborhoods. In addition, the applicant is cleaning up an older site that has only been partially developed.

The Mixed Use Future Land Use category is intended to provide a mixture of residential, commercial, recreational and institutional uses generally along major transportation corridors in the City. The placement of Mixed Use land use is guided by the Future Land Use Element (FLUE) Policy 1.4.2. This policy states that the mixed use category is available for "promoting mixed-use developments mainly along major transportation corridors," and that Mixed Use land uses shall be "applied to parcels containing at least one acre in size and located along major arterials or collectors. As mentioned previously, the subject site is located directly adjacent to an existing commercial and residential development with access to an Arterial Roadway (Eau Gallie Boulevard) and public transit.

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The requested Mixed Use land use classification will allow commercial development, as well as residential uses with a maximum density of 15 units per acre (10 units per acre per Conservation Element Policy 2.1.1, which restricts residential densities in the Coastal High Hazard Area). The proposed Mixed Use land use is also consistent with the mix of uses/development on either side of Eau Gallie Boulevard, and provides an opportunity for infill redevelopment in an otherwise built-out area.

Zoning Issues and Considerations

Expansion of the C-1 zoning districts is the primary focus of the proposed request and is reviewed in accordance with Appendix B, Article IX, Section 1(A), which states that the proposed amendment or change shall be studied to determine:

- (a) The need and justification for the change;
- (b) When pertaining to the rezoning of land, the affect of the change, if any, on a particular property and on surrounding properties;
- (c) When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested; and
- (d) The relationship of the proposed amendment to the purpose of the City's plan for development with appropriate consideration as to whether the proposed change will further the purposes of this ordinance and the plan.

Applicant's need for Change: The primary uses currently permitted in the R-2 zoning district include single-family detached units, townhouses, attached dwelling units and multi-family residential/condominium uses. In order to diversify the property beyond strictly residential development, and to allow for a wider range of permitted uses, the applicant is requesting rezoning of the southern 1-acre to C-1 zoning.

Affect on the Property and Surrounding Properties: The subject property is already approved for a 15-unit detached condominium development at a density of 8 units per acre. With regard to surrounding properties, the project area is located within an area that contains a mixture of single- and multi-family residential uses and commercial development. Most of the properties along both sides of Eau Gallie Boulevard are already zoned commercially (C-P, C-2, C-1 or BU-1 in the County). Rezoning the front 1-acre to C-1 is consistent with the development pattern established on this portion of Eau Gallie Boulevard.

➤ Minimum Development Requirements: The minimum development requirements are as follows:

	<u>Current R-2</u>	<u>Proposed C-1</u>
<u>Front</u>	20 SFR 30 MFR	20
<u>Sides</u>	7.5 SFR 15 MFR	none*

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	<u>Current R-2</u>	<u>Proposed C-1</u>
<u>Rear</u>	25	20*

**if abutting a residential district that requires setbacks, use the setback required in that district along the abutting property line.*

As seen in the table, the proposed C-1 zoning district has similar standards for development of the property, except where adjacent to residential uses, which requires additional setbacks.

Amount of Similarly Zoned Land in the Vicinity: Rezoning the front 1-acre of the property to C-1 does not significantly reduce the amount of R-2 zoning in the area. The aerial attached to this report indicates R-2 zoned areas south of the property across Eau Gallie Boulevard (including Brittany/Bay Club Apartments and all of Oceanside Village). Properties already zoned commercially within the area include retail, major shopping, restaurant and office uses on both sides of Eau Gallie Boulevard.

Relationship of Request to City's Plan for Development: The C-1 zoning proposed on the southern 1-acre, is intended "...to apply to an area adjacent to arterial and major collector streets and convenient to major residential areas". The commercial properties in this area include shopping, restaurant and office in nature with retail, gas and shopping at the major intersections, along with a few multi-family residential developments in the vicinity. The C-1 zoning is more applicable to the southern part of the property, given its prime visibility and access at a major arterial roadway.

Summary

The applicant desires a flexible development design at this location, with a mix of uses along the Eau Gallie Boulevard frontage. The applicant understands that the changes, if approved, will constitute a substantial change to the current approvals on the property.

The proposed zoning change is consistent with the Future Land Use Map, policies in the Future Land Use Element, and other elements of the Comprehensive Plan.

Joint Planning Area (JPA) Review Comments

This site is located within the JPA. Brevard County had no comments regarding this request.

Concurrency/Mobility

The portion of the parcel requested for the zoning change is currently vacant. The City's Ten-Year Water Supply Facilities Work Plan indicates that adequate potable water is available to serve the subject site. Sanitary sewer service is available from Brevard County.

A maximum Floor Area Ratio (FAR) of one (1) is permitted in the Mixed Use Future Land Use category. Since the subject site is one acre in size, the property would

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generate approximately 1931 trips per day if developed with a specialty retail use at a FAR of one (1). However, based upon typical development practices and compliance with the City's Land Development Regulations, a building with a much lower FAR will likely be constructed on this site. A concurrency analysis will be completed once a site plan is submitted by the owner of the property. If the trip generation from a submitted site plan exceeds 3% of the threshold level of service standard for Eau Gallie Boulevard, the applicant will need to complete a traffic study. Based upon the maximum FAR scenario, 966 trips per day would be assigned directly to Eau Gallie Boulevard link accessed by the project. Adequate capacity is available on Eau Gallie Boulevard to accommodate these trips. The trip assignment numbers reflect the actual consumption of available lane capacity by each vehicle trip and direction, and are based on the estimated assignment of trips onto the street network.

Mrs. Dean referenced the findings contained in the Planning and Zoning Board agenda memorandum.

Recommendation

Based on the findings contained in the Planning and Zoning Board agenda memorandum, for the 1.0± acre portion of an overall 1.99± acre site, located on the north side of East Eau Gallie Boulevard, west of Highway A1A, and east of Bel Aire Drive, in Township 27, Range 37, Section 25, the Planning and Economic Development Department recommends:

- A. Approval of CPA-2011-04** to change the existing Future Land Use of Medium Density Residential to Mixed Use; and
- B. Approval of Z-2011-1176**, to amend the Official Zoning Map by changing the existing zoning from R-2(8) to C-1.

Phil Nohrr, Gray Robinson (*1795 West Nasa Boulevard, Melbourne*) representing the applicant, stated staff's report portrayed the request quite well. He pointed out that Eau Gallie Boulevard is clearly one of Melbourne's major arterial roadways that runs from Highway A1A to I-95. He noted the development pattern along Eau Gallie Boulevard, between Highway A1A and South Patrick Drive or Riverside Drive, is generally commercial. With this request, the applicant took into consideration, the residential developments located behind the subject property. All necessary buffer requirements shall be met at the time of development.

Mr. Nohrr said the property is approximately 160 feet deep with 350 feet of frontage; only a 1.0-acre portion of the frontage is proposed for rezoning. The property is adjacent to Brevard County BU-1 zoning on both the east and west sides. The BU-1 zoned property to the east extends back to Wallace Avenue, which is about 320 feet. The residents in this area already have commercial zoning and development adjacent to them. He pointed out that the applicant will be establishing a 160-foot buffer for residents off of Wallace Avenue. When looking to the west, just behind the commercial development are two homes with fences in

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place. The fences limit visibility to much of the commercial development. Traditionally, commercial developments have been placed adjacent to residential with the code required buffering for transition.

Mr. Nohr referenced the Green Turtle across Eau Gallie Boulevard, which is zoned C-2, and said he believes the subject property should have the same privilege as others fronting Eau Gallie Boulevard. Those individuals most affected by the proposed development would be the properties directly behind the subject site, which is owned by the applicant. The condominium association passed a resolution authorizing the applicant to move forward with the request. While a specific development has not been presented, he advised it would be permissible within the C-1 zoning district. He questioned the necessity of returning to the Planning and Zoning Board for a project of this size.

Mrs. Dean confirmed the project would not require Planning and Zoning Board approval unless a condition was included stipulating the return.

Mr. Nohr thanked the Board for their time and requested the ability to speak after the area residents have spoken.

Mr. Outlaw requested clarification as to the threshold requirements for site plan approval by the Planning and Zoning Board.

Mrs. Dean advised that normally, projects under three acres would be a staff review; however, other projects have included conditions requiring the submittal of a site plan to the Planning and Zoning Board to address public concern.

Mr. Outlaw opened the public hearing.

Jorge Power, 816 Mimosa Place, Indian Harbor Beach, recalled the defunct project currently approved for the site and pointed out no fences had been constructed, only two condominiums. He expressed concern with existing commercial development, as well as possible future development, such as a strip club, gun store or liquor store. The property is already residential for a reason. He said he would like to see a development plan before the property is considered for rezoning. He expressed concern for the possible negative effects on property values as well.

Mr. Outlaw asked Mr. Power if he had an opportunity to review the C-1 zoning regulations, clarifying that strip clubs are not permitted.

Ralf Evans, 286 Coastal Hill Drive, Indian Harbor Beach, 32937, said his first concern is there is no particular plan for the property. His second concern is once the property is zoned commercial, there is no guarantee what will be developed. He said he is not really secure with an open ended opportunity for anything. He acknowledged other existing commercial buildings with vacancies and felt current economic times should be taken into consideration before making an

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allowance for additional commercial development. He expressed concern for the declining property values as his have dropped to less than half. He doesn't believe the zoning needs to be changed, nor do many of the residents in his neighborhood. In closing, he requested notification upon submittal of a development plan.

Mr. Nohrr clarified that the fences he referred to were located to the west of the subject site, by San Pedro. As for the certainty of uses the residents are looking for, he believes City Council and this Board have addressed this question creating the C-1 zoning district and providing a list of permitted uses. With C-1 zoning, the uses indicated are what are permitted. While he understands the concerns, he is only requesting the ability to have the same commercial type zoning and privileges as the neighbors to east and west, as well as many others fronting along this stretch of Eau Gallie Boulevard.

Mr. Outlaw asked the applicant if he would have any objections if the Board decided to include a condition requiring site plan approval.

Mr. Nohrr indicated this would be the discretion of the Board.

There being no further public comment; the public hearing was closed and discussion was brought back to the Board.

Mr. Laird advised he would support the request if site plan approval is required when the applicant is ready for development.

Moved by Laird/Clement to recommend approval of CPA-2011-04 based upon the findings contained in the Planning and Zoning Board agenda memorandum with addition of Condition a. which states "Site Plan approval through the Planning and Zoning Board shall be required, with a courtesy notice sent to property owners located within the 500-foot radius of the property".

Motion carried unanimously.

Mr. King abstained from voting.

Moved by Laird/Clement to recommend approval of Z-2011-1176 based upon the findings contained in the Planning and Zoning Board agenda memorandum with addition of Condition a. which states "Site Plan approval through the Planning and Zoning Board shall be required, with a courtesy notice sent to property owners located within the 500-foot radius of the property".

Motion carried unanimously.

Mr. King abstained from voting.

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7. **Conditional Use Request (CU-2011-18) Melbourne Professional Center (1600 Sarno Road)**

Proposed Action

Mrs. Dean explained to the Board that the applicant is requesting approval to allow educational uses on a portion of a 5.33± acre developed site zoned C-1A (Professional, Offices and Services District).

Location

The property is located on the north side of Sarno Road, west of Apollo Boulevard and east of Ixora Drive (aka 1600 Sarno Rd.), in Township 27, Range 37, Section 20.

History

The property was developed with four (4) interconnected buildings, with a total of 65,995± square feet of floor area, originally built in 1986. The buildings are currently occupied by office uses and business services.

Property and Adjacent Property Future Land Use and Zoning

The property has a General Commercial future land use classification.

Access: Sarno Road, along the south property line
Along the west side of the property, "Windrift Drive, a vacated portion of right-of-way, currently a driveway to Sarno Road

To the East: Board of Realtors headquarter offices
Zoning: C-P
Land Use: General Commercial

To the North: Hidden Harbour Apartments
Zoning: R-2(6) (One-, Two-, and Multiple Family Dwelling Medium Density District with a cap of 6 units per acre)
Land Use: Low Density Residential

To The West: Multiple-family and single-family residential uses (Bowe Gardens Subdivision--Section C-1, PB13, PG60)
Zoning: C-1A and R-1A (Single-Family Low Density Residential District)
Land Use: Office/Professional and Low Density Residential

To the South: Across Sarno Road, Office building, Brevard County Government complex, residential homes (First Addition to Greentree Park Subdivision, PB13, PG147)
Zoning: C-2 (General Commercial) and R-1A
Land Use: General Commercial and Low Density Residential

Issues and Considerations

Specifically, the applicant is requesting to allow a portion of the property (up to 20% of the building units) to be leased for educational tenants (primarily for adult

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education/vocational/technical education). Schools (public and private) require a Conditional Use approval in the C-1A zoning district. The Conditional Use standards are presented in Appendix B, Article IX, Section 5.

The Conditional Use standards require a determination that the Conditional Use will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and are in harmony with the general purpose of the zoning ordinance. The character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings, and traffic conditions in the vicinity are all factors that shall be taken into account. All properties in the vicinity are developed, including the subject property and the residential homes located west of the property and multi-family residential apartments located to the north. In addition, the site is separated from single-family residential uses to the west and south by road rights-of-way. Since the request is to occupy a percentage of the existing building with adult education uses, there should be no significant compatibility issues with the surrounding area. A site plan is not required, since the building will not be altered by more than 50%.

Current Request: The owner is proposing to make available approximately 20% of the building (13,199± square feet) for adult education uses. Currently, the property owner has one specific tenant ready to lease 1,000 square feet of space for security guard training. Other inquiries have been made for other types of professional/technical/vocational training.

- ***GBA Training Request:*** The specific tenant, a security guard training business (GBA Training) is proposing one (1) classroom/training room with approximately 15 students, as well as an office, break room and bathroom facility. According to the applicant, classes will range from 4 hours to 40 hours, between the hours of 7:30 a.m. and 10:00 pm, up to 6 days a week (typically evenings and weekends for students that are attending after their regular jobs). The operation hours would vary for specific training classes. There is no full-time staff anticipated and there will be one (1) to two (2) trainers for the classroom.
- ***Parking Analysis – GBA Training Request:*** The parking required for a 1,000± square foot unit used as “business office” is four (4) parking spaces (1 space for every 300 square feet of floor area). The parking required for this request is 5 spaces (1 space per 3 students, plus 1 for the office), based on classroom seats (15) and accessory office.

Parking Analysis- overall site: The site has sufficient parking to meet current City standards; there are 288 parking spaces on the property (according to a 2001 as-built survey provided with the application). The entire 65,995± square foot building would require 220 parking spaces on-site for business office uses (1 space for every 300 square feet of floor area). Educational uses in general require a greater number of parking spaces, due primarily to class size (1 space per 3 students). Planning staff researched the industry standards for typical “square foot per occupant” of adult educational facilities and determined the average size is 50 square feet per student, and the typical classroom size is between 600-750 square

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feet for up to 15 students. Accordingly, an average 1,000 square foot unit can accommodate one (1) classroom of up to 15 students, plus office, for a total of 6 parking spaces. The allowance for up to 20% of the building area for educational uses would not create a parking deficit on the property.

Parking Summary: In summary, there should be no significant impact in permitting up to 20% of the building for adult education uses. It is important to note that the educational portion of the building is accessory in size and scale to the uses permitted within the building, no new net parking is generated by the educational uses, and the classes are primarily being held in the evenings and on weekends, when the operating hours of the principle business office uses do not overlap.

Staff has concerns regarding the allowance of educational uses for students under the age of 18, especially given the lack of outdoor space for recreational purposes, the lack of drop-off/pick-up parking and staging for bus services. Therefore, staff has placed a condition on the request that the educational uses be of a post secondary nature or for students age 18 and older.

The C-1A zoning district permits other uses that require greater parking than business office uses (such as churches, financial institutions, medical offices, nail salons, and beauty parlors/barbershops). Given that the request for educational uses will already occupy a greater number of parking spaces, staff has placed a condition on the request that the owner/leasing agent for the property will annually, in conjunction with Business Tax Receipt renewals, provide the City Planning staff with an updated list of tenants, uses, and other relative data to address conforming parking.

Concurrency Information

The site is developed and the proposed use will be located in part of an existing building. Accordingly, the proposed use should not significantly impact public infrastructure systems and facilities.

Use Appropriateness for the Site

- The applicant is requesting a Conditional Use permit to allow up to 20% of the building for educational uses in a C-1A zoning district, pursuant to Appendix B, Article V, Section 2, Table 1B. City Code, Appendix B, Article IX, Section 5 establishes general standards to consider when evaluating the merits for considering a conditional use permit request.

- This is an existing site and therefore was not required to submit a site plan, rendering, or environmental report.

- The proposed conditional use complies with the City's Future Land Use Map and Comprehensive Plan policies.

Mrs. Dean referenced the findings contained in the Planning and Zoning Board agenda memorandum

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Recommendation

Based on the findings contained in the Planning and Zoning Board agenda memorandum, for a developed site located on the north side of Sarno Road, west of Apollo Boulevard, and east of Ixora Drive (aka 1600 Sarno Rd.), in Township 27, Range 37, Section 20, on a portion of an existing developed 5.33± acre parcel zoned C-1A, the Planning and Economic Development Department recommends **Approval of CU-2011-18**, for a Conditional Use request to allow a portion of the existing 65,995± square foot office building to be used for educational uses, with the following conditions:

- a. Educational uses will be limited to up to 20% of the floor area of the existing 65,995± square foot office building (13,199± square feet).
- b. Educational tenants will utilize the classroom size based on 50 square feet per student (e.g., 750 square feet for each 15-student classroom).
- c. Educational uses shall be limited to adult education/vocational/technical education/GED classrooms (i.e., no child care centers or Grade 12 or less students).
- d. Due to the lack of outdoor spaces onsite, classes are to be held either within the building or off-site.
- e. The owner and/or leasing agent for the property will annually, in conjunction with Business Tax Receipt renewals, provide the City Planning staff with an updated list of tenants, uses, and other relative data to address conforming parking.

Kim Rezanka, Dean Mead, 8240 Devureux Drive, Viera, Florida 32952, stated she was here with Kirk Von Stein, the managing member of the Melbourne Professional Center, LLC, the owner of the property. Mr. Von Stein is also the property manager and the leasing agent. She said the original discussions with Mrs. Dean proved very helpful, and Mrs. Dean has been very accommodating. The applicant originally went to 10% and then felt maybe 15% of the building area would be better. She said this request came about due to one particular tenant that wanted to provide security guard training. City staff originally recommended 10%, the objective was for 20%, but we agreed to 15%. Security guard training, under City Code, is considered a school and therefore requires a conditional use approval through City Council.

Ms. Rezanka referenced discussions with staff regarding limiting the space by the number of students within the classroom and not square foot per student. Due to parking concerns, this did not work. At this time, staff chose to base the calculations on square footage per student, which she feels will take up a large amount of space. She feels the condition of 50 square feet per student is not reasonable and could waste a large amount of space. She requested the

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average classroom be based on 25 square foot per student and advised she had research to support this request, which is based on a college campus. She said she spoke with Mrs. Dean comparing research notes, and while not completely different, there are some variations. In many cases, licensing classes consist of chairs and tables, such as a real estate license review course. She noted there was not 50 square feet per person. Additionally, many of the proposed classes will be held in the evening and on weekends when the office type uses are closed.

Ms. Rezanka stated there will be massive amounts of parking available as there are 289 parking spaces shown on the site plan provided, possibly more. The parking on the west end of the property was added when the IRS offices were there. The current property owner said the entire west end parking area has not been used in the five years he has owned the property.

With respect to the educational uses not being available for child care centers or Grade 12 or less students, Ms. Rezanka requested the "Grade 12 or less" be removed as a restriction. She agrees that elementary, middle and high school should not be permitted, but with such a broad definition of school, this would prohibit a tutoring center or dance class, or a religious education class, as these may cater to individuals under the age of 18.

Ms. Rezanka said the current request for GBA Training anticipates a First Aid Class and CPR class as well; children under the age of 18 may take this class. Alternatively, she believes the applicant could limit the youth activities or education uses to children under 18 to less than four hours; this would not require any educational use outside either. Furthermore, there are facilities for dropping off or picking up underage students; the staff report indicated there was not. There is an atrium that has a small covered area at the far west portion of the building. She believes the limitation not allowing any students under the age of grade 12 is too broad a scope. As to the current GBA training request, the applicant will be conducting classroom instructions for licensing of security guards. The Florida Department of Agriculture and Consumer Services licenses security guards. It is anticipated the classes will take place six days a week, mostly after 5:30 p.m. and on weekends. The classes will range in length from four hours to 10 hours in duration.

At this time Ms. Rezanka provided the Board with research information on behalf of Melbourne Professional Complex, LLC.

Mr. Outlaw questioned the calculation of 50 square feet per student based upon available parking, as it seems there is enough parking for 25 square feet per student.

Ms. Rezanka indicated staff had not had a chance to compute the numbers. She provided a brief overview of the information provided. The first picture showed a colored photograph of the existing building. She said she did not believe there is a

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compatibility issue. Other information included a sales and leasing flyer, site plan and proposed layout of the requested unit.

Ms. Rezanka reiterated her request to allow 25 square feet per student. She referenced the information obtained from the State Requirements for Educational Facilities and pointed out the minimum square footage required based upon school and student types. While she understands the concerns related to parking, she said the applicant would be willing to use only 15% of the building area if the square footage per student is reduced to 25 square feet and the educational uses shall not include elementary, middle or high school and any classes for students under the age of 18 be limited to four hours. With these modifications to the proposed conditions, she requested approval of the request.

Mr. Outlaw confirmed the applicant will agree to a reduction in the percentage of allowable building area from 20% to 15% (Condition a.) with a reduction of the minimum square footage needed per student from 50 to 25 (Condition b.), and educational uses shall be limited to adult education, vocational, technical, GED, no child centers or grade 12 or less.

Ms. Rezanka affirmed she agreed with the no child care centers, but would add elementary, junior high and high schools and strike the grade 12 or less students and stated that any school use for students under the age of 18 be limited to four hours due to the possibility of CPR training or a tutoring class.

Mr. Outlaw asked if the requested amendments would alleviate staff's concerns regarding parking.

Mrs. Dean indicated, based upon some quick number crunching, that the request for 15% of the building area and 25 square feet per student appeared to create a shortage of approximately 30 parking spaces. This would eliminate any other use other than business office within this facility.

Mr. Outlaw recommended the applicant work with staff to obtain the necessary numbers to make this work.

Ms. Rezanka pointed out Condition e., which will not allow the facility to ever exceed parking, as the applicant will have to return yearly to provide an updated list of tenants, uses and other relative data.

Mr. Outlaw felt there are too many discrepancies.

Ms. Rezanka stated she would be willing to go back to 10%, as there is a tenant that is willing to move in and is unable to until the conditional use is approved.

Mr. King asked if the parking problem would be eliminated if the building area were reduced to 10%.

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Mrs. Dean said she believed 10% could work.

Mr. King opened the public hearing.

Kirk Von Stein, 818 Carolina Circle Southwest, Vero Beach 32962, stated the western parking lot of the facility is never used, the building is currently at 88% occupancy and there are no parking problems. Most classes will be held at night. He stated the site has the physical capability to provide for this type of use and he would appreciate any assistance the Board can provide.

Mr. Outlaw confirmed Mr. Von Stein would have no problem with the 10%.

Mr. Von Stein replied no.

There being no further public comment, the public hearing was closed and discussion was brought back to the Board.

Moved by Outlaw/Laird to recommend approval of CU-2011-18 based upon the findings and conditions contained in the Planning and Zoning Board agenda memorandum dated January 5, 2012 with the conditions modified as follows:

- a. Educational uses will be limited to up to ~~20~~ **10%** of the floor area of the existing 65,995± square foot office building (~~13,199± square feet~~).
- b. Educational tenants will utilize the classroom size based on ~~50~~ **25** square feet per student (~~e.g., 750 square feet for each 15 student classroom~~).
- c. Educational uses shall be limited to adult education/vocational/technical education/GED classrooms (i.e., ~~no child care centers or Grade 12 or less students~~ no elementary, middle school or high schools, including charter schools, and if students are under the age of 18, class time shall be no greater than 4 hours at a time).
- d. Due to the lack of outdoor spaces onsite, classes are to be held either within the building or off-site.
- e. The owner and/or leasing agent for the property will annually, in conjunction with Business Tax Receipt renewals, provide the City Planning staff with an updated list of tenants, uses, and other relative data to address conforming parking.

Motion carried unanimously.

8. Future/Additional Business

Mrs. Dean advised there are no items ready to move forward at this time; therefore, the January 19, 2012 meeting will be canceled.

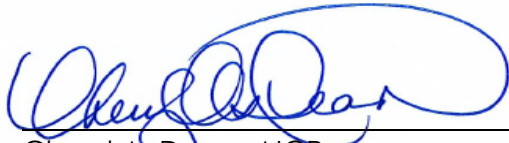
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Mrs. Dean provided the Board with research done by staff related to code requirements for gas stations. Staff did some research and provided preliminary information showing similar sized cities and their requirements. Also, additional criteria was provided and standards from residential districts. She suggested the Board review the information and provide input at a future meeting. She reminded the Board that each request must be reviewed on a case-by-case basis.

9. **Adjournment**

Moved by Laird/Outlaw to adjourn at 8:52p.m.

Motion carried unanimously.



Cheryl A. Dean, AICP
Planning and Zoning Administrator