
ROCKLEDGE PLANNING COMMISSION MEETING MINUTES

Tuesday, September 5, 2023 ♦ 6:00 p.m.

1. CALL TO ORDER / ROLL CALL

The Rockledge Planning Commission met in regular session on Tuesday, September 5, 2023, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:	Kevin Jarvis (Vice Chair)	Commissioner
	Karen Kuta	Commissioner
	Barbara Cooler	Commissioner
	Matthew Whalen	Commissioner
	Julie Rebelo	Commissioner
ABSENT:	Lee Budd	Commissioner (<i>excused</i>)
	Jody Spinneweber	Commissioner (<i>unexcused</i>)
STAFF PRESENT:	Dr. Brenda Fettrow	City Manager
	John Cooper	Planning Director
	Joseph E. Miniclier	City Attorney
	Deanna Pomichter	Planning Permit Technician
	Melissa Cochie	Planning Permit Technician
	Jennifer M. LeVasseur	Recording Secretary
	Sonia Berghuis	Receptionist/Administrative Assistant

With a quorum present, the meeting was called to order by Vice Chairman Jarvis.

2. PLEDGE OF ALLEGIANCE

- A salute was given to the flag, and the Pledge of Allegiance was repeated in unison.

3. APPROVAL OF MINUTES AND ATTENDANCE RECORD

- A. Regular Meeting on January 3, 2023

Commissioner Kuta moved to approve the minutes from the last meeting on January 3, 2023; seconded by Commissioner Whalen. The motion carried unanimously.

4. PUBLIC HEARINGS

A. Special Exception (SE-23-01)

Applicant: RBP 1, LTD/Aaron Anderson; Agent Kelly Hyvonen, AICP

Address: 571 Haverty Court (Suite W)

Request: Pursuant to LDR Section 62.162(c)(11), Permit a Child Care Center in the IP – Industrial Park District

Planning Director Cooper introduced the application for a Special Exception at 571 Haverty Court to permit a child care center in the IP – Industrial Park District. He referenced an aerial photo of the property and noted that the proposed use is in harmony with the purpose and intent of the Comprehensive Plan and zoning requirements.

At 6:05 p.m., Vice Chairman Jarvis opened the public hearing.

There being no public comment, ***Commissioner Kuta moved to close the public hearing; seconded by Commissioner Rebelo. The motion passed without objection.***

Vice Chairman Jarvis declared the public hearing to be closed.

Commissioner Kuta moved that the special exception is consistent with the goals, objectives and policies of the Comprehensive Plan for 571 Haverty Court; seconded by Commissioner Rebelo. The motion carried without objection.

Commissioner Kuta moved that the special exception is consistent with the intent of the zoning district within the special exception that is sought for 571 Haverty Court; seconded by Commissioner Cooler. The motion passed by unanimous vote.

Commissioner Kuta moved that the special exception does not create any adverse impacts to adjacent property through the creation of noise, light, vibrations, traffic, utility requirements, or stormwater runoff that would not have been created had the property been developed for a principal use permitted in the applicable zoning district; seconded by Commissioner Whalen. The motion carried unanimously.

Commissioner Kuta moved that the special exception will not create any unusual police, fire or emergency services requirements; seconded by Commissioner Whalen. The motion passed by unanimous vote.

Commissioner Kuta moved that a site plan for the special exception has been submitted pursuant to Part II and Part III of these regulations and that said site plan contains limitations and conditions

on the use of the property acceptable to the Commission and binding upon the property owner; seconded by Commissioner Rebelo. The motion passed unanimously.

Commissioner Kuta moved that the special exception meets all the requirements of the zoning district in which it is located such as lot requirements, building setback requirements, lot coverage, height, buffer yards, off-street parking, signs, storage, landscaping, etc.; seconded by Commissioner Whalen. The motion passed with no objections.

Commissioner Jarvis moved that the special exception as presented does in fact meet the requirements of Section 23.20(b)(5)(a-f) of the Rockledge Land Development Regulations and to forward the recommendations to the Board of Adjustment for a hearing on a date to be decided by the City Council; seconded by Commissioner Kuta. The motion passed unanimously.

B. Voluntary Annexation (ANX-23-01 through ANX-23-09)

Applicant: Multiple Owners; Agent Daniel Sorrow, Coteleur & Hearing

*Address: 3773 Flypark Dr. Unit Trlr (Parcel ID 25-36-22-00-275)
3761 Flypark Dr. Unit U15-17 (Parcel ID 25-36-22-00-285)
3777 Flypark Dr. Unit. U-8 (Parcel ID 25-36-22-00-285.5)
3787 Flypark Dr. Unit U-5 (Parcel ID 25-36-22-00-285.2)
3785 Flypark Dr. Unit U-6 (Parcel ID 25-36-22-00-285.3)
Address Not Assigned (Parcel ID 25-36-22-00-289)
500 Barnes Blvd. (Parcel ID 25-36-22-00-273)
3779 Flypark Dr. Unit. U-7 (Parcel ID 25-36-22-00-290)
3775 Flypark Dr. Unit U-9 (Parcel ID 25-36-22-00-291)*

Request: Voluntary Annexation of nine (9) parcels totaling approximately 22+/- acres located north of Barnes Boulevard and east of Murrell Road

Planning Director Cooper explained the process by which applications for Annexation are submitted in conjunction with a Future Land Use and Zoning Designation. He clarified that, as of now, the City has only received applications for Voluntary Annexation, Comprehensive Plan Amendment, and Zoning Designation, and a development application has not been received for consideration. Mr. Cooper explained the difference between affordable housing and Section 8 vouchers and clarified that no applications have been submitted to the State for this type of housing in this location.

He then introduced various combination applications for annexation of approximately 22+/- acres consisting of nine (9) parcels located north of Barnes Boulevard and east of Murrell Road. Planning Director Cooper provided a brief background of the parcels. He noted that staff review has determined that this area is currently an enclave, and Florida Statute requires the City to eliminate enclaves whenever possible.

Vice Chairman Jarvis opened the public hearing at 6:19 p.m.

Jack Kirschenbaum, 207 Antiqua Drive, Cocoa Beach, spoke on behalf of the applicants and shared the various opportunities that the Commission must consider when evaluating the application for Voluntary Annexation. He provided a history of the property.

Daniel T. Sorrow, 1934 Commerce Drive, Jupiter, Applicant Agent, explained that the property is no longer a functioning airpark. He reiterated that this property is currently an enclave, and the applicants have voluntarily applied to annex into the City of Rockledge.

Travis Elmore, 383 Brookcrest Circle, explained that he has concerns that the developers held a public meeting prior to the Commission considering the applications. He noted that the developer's presentation sparked concerns about public safety, security, and property values. He expressed that R-3 is not an appropriate Zoning Designation for the parcels. He explained that he does not oppose the Annexation. He requested that drainage be considered.

Robin Underwood, 556 Glenbrook Circle, noted that endangered species, including turtles, reside on the property in question. She expressed concerns about the preservation of wildlife.

Steve Torp, 352 Castlewood Lane, asked about the requested Zoning Designation. He was instructed to speak under item 4.D.

Planning Director Cooper explained that a wildlife study must be conducted when a property enters the development phase and explained the process by which that study is conducted. He reiterated that the Commission and City Council must consider and approve the Voluntary Annexation in order to proceed with assignment of a Future Land Use and Zoning Designation. Planning Director Cooper reviewed the process by which property owners have the right to request items pertaining to their land and the subsequent review process completed by City boards and staff.

Mr. Kirschenbaum noted that it is within the City's best interest to annex the property for greater oversight and control.

There being no further public comment, the public hearing was closed.

Commissioners posed several questions to Planning Director Cooper. In response, Planning Director Cooper noted that annexing the property does not create an additional burden for the City; however, certain uses may create issues that would need to be addressed in the development phase. He confirmed that the applicants could develop the land under Brevard County's regulations and utilize the property under its current zoning or petition Brevard County for a zoning change. Planning Director Cooper opined that the City should annex the property to eliminate an enclave and provide services. He shared that Brevard County also has height restrictions, which are different from the City's restrictions.

Commissioner Cooler moved to accept the property and annex and forward it to the City Council for approval; seconded by Commissioner Rebelo. The motion passed without objection.

C. Comprehensive Plan Amendment (CPA-23-01 through CPA-23-09)

Applicant: Multiple Owners; Agent Daniel Sorrow, Coteleur & Hearing

*Address: 3773 Flypark Dr. Unit Trlr (Parcel ID 25-36-22-00-275)
3761 Flypark Dr. Unit U15-17 (Parcel ID 25-36-22-00-285)
3779 Flypark Dr. Unit. U-7 (Parcel ID 25-36-22-00-290)
3775 Flypark Dr. Unit U-9 (Parcel ID 25-36-22-00-291)
3787 Flypark Dr. Unit U-5 (Parcel ID 25-36-22-00-285.2)
3777 Flypark Dr. Unit. U-8 (Parcel ID 25-36-22-00-285.5)
3785 Flypark Dr. Unit U-6 (Parcel ID 25-36-22-00-285.3)
Address Not Assigned (Parcel ID 25-36-22-00-289)
500 Barnes Blvd. (Parcel ID 25-36-22-00-273)*

Request: Revision of Future Land Use Map (FLUM) to add the land use of nine (9) parcels totaling approximately 22+/- acres lying north of Barnes Boulevard and east of Murrell Road as City of Rockledge MUPD7 – Mixed Use Planning District 7

Planning Director Cooper introduced several applications for Comprehensive Plan Amendments whereby the Future Land Use Map will include the land use of nine (9) parcels totaling approximately 22+/- acres as City of Rockledge MUPD7 – Mixed Use Planning District 7. He provided an overview of the requested Planning District and noted that staff has found that the requested designation is appropriate and compatible.

At 6:54 p.m., Vice Chairman Jarvis opened the public hearing.

Jack Kirschenbaum, 207 Antiqua Drive, Cocoa Beach, spoke on behalf of the applicants and noted that the requested land use fits the property.

Daniel T. Sorrow, 1934 Commerce Drive, Jupiter, Applicant Agent, referenced a Future Land Use Map that illustrates the surrounding land uses. Mr. Sorrow iterated that the requested land use is appropriate and the best use of land, as an industrial use is the highest density use and not suitable for the area.

Travis Elmore, 383 Brookcrest Circle, noted that the property should be in the same Planning District as Chelsea Park.

Planning Director Cooper clarified that Planning Districts are geographical, and the subject parcels are in the same Planning District as Chelsea Park.

There being no further public comment, the public hearing was closed.

In response to a question from the Commission, Planning Director Cooper noted that a drainage ditch borders the north end of the property. He also clarified that approval of the Comprehensive Plan Amendment will narrow down the potential Zoning Designations.

Commissioner Whalen moved to recommend to City Council approval of the amendment to the Comprehensive Plan (CPA-23-01 through CPA-23-09) applying a future land use designation of MUPD7 to the subject properties; seconded by Commissioner Kuta. The motion carried by unanimous vote.

D. Zoning District Amendment/Designation of Zoning Classification (ZDA-23-01 through ZDA-23-10)

Applicant: Multiple Owners; Agent Daniel Sorrow, Coteleur & Hearing

*Address: 3773 Flypark Dr. Unit Trlr (Parcel ID 25-36-22-00-275)
3761 Flypark Dr. Unit U15-17 (Parcel ID 25-36-22-00-285)
3777 Flypark Dr. Unit. U-8 (Parcel ID 25-36-22-00-285.5)
3787 Flypark Dr. Unit U-5 (Parcel ID 25-36-22-00-285.2)
3785 Flypark Dr. Unit U-6 (Parcel ID 25-36-22-00-285.3)
Address Not Assigned (Parcel ID 25-36-22-00-289)
500 Barnes Blvd. (Parcel ID 25-36-22-00-273)
3779 Flypark Dr. Unit. U-7 (Parcel ID 25-36-22-00-290)
3775 Flypark Dr. Unit U-9 (Parcel ID 25-36-22-00-291)
3565 Murrell Rd. (Parcel ID 25-36-22-00-272)*

Request: Designation of Zoning Classification of R3 – Multi-Family Dwelling (High Density) District on approximately 22+/- acres located north of Barnes Boulevard and east of Murrell Road in Planning District 7

Planning Director Cooper introduced multiple applications for Zoning District Amendments/Designation of Zoning Classifications for ten (10)

parcels located north of Barnes Boulevard and east of Murrell Road. The applicants are requesting that the parcels be zoned as R3 – Multi-Family Dwelling (High Density) District. He provided a summary of the requested Zoning District and noted that the requested Zoning Designation is appropriate, as it is most compatible with the Comprehensive Plan.

Vice Chairman opened the public hearing at 7:07 p.m.,

Jack Kirschenbaum, 207 Antiqua Drive, Cocoa Beach, spoke on behalf of the applicants and reiterated that the requested Zoning District is compatible and appropriate. He noted that the Commission should consider whether a multifamily use is more appropriate than an industrial use.

Daniel T. Sorrow, 1934 Commerce Drive, Jupiter, Applicant Agent, referred to a map illustrating the zoning districts surrounding the properties and summarized the compatibility of the proposed Zoning Designation. He provided a list of permitted uses under industrial zoning versus residential zoning.

Denise Adams, 317 Barrymore Drive, explained that the requested Zoning Designation would change the architecture of the area. She noted that R-2 zoning would be more appropriate, and there are already apartments in the area.

Rosann Sardineer Boyens, FSS §119.071(4)(d)2.a., expressed concerns regarding 3565 Murrell Road, as it will allow for a primary entrance directly across from her home. She noted that there are already traffic issues in the area, and this development would contribute to existing problems. She shared concerns about the effects of light intrusion from traffic in the early morning and evening hours, which can contribute to health issues. Ms. Boyens requested that the Commission deny the applications.

FSS §119.071(4)(d)2.a., explained that she does not oppose development, and public hearings serve as a time for discussion and consideration. She noted that the proposed zoning change is not compatible, and the annexation creates additional holes of unincorporated property. She relayed traffic, safety, and capacity concerns and requested that R-2 be applied instead of R-3. She asked that the access road proposed at 3565 Murrell Road be denied. She requested a nuisance and light barrier, sound wall, and privacy barrier to prevent intrusive light and noise created by the developer. She suggested that a more conservative proposal be considered.

Donna Ambrosait, 809 Poinciana Street, expressed that this zoning is not compatible and requested that the Commission consider a less dense zoning.

Donald J. Flammio, **FSS §119.071(4)(d)2.a.**, explained that this development would present an additional burden to police and fire service. Additionally, preexisting traffic issues on Murrell Road would increase. Mr. Flammio emphasized that Fire Station 37 personnel would be required to respond to an increased number of calls for service, which would impact quality of care and cause delayed response times. He noted confusion that the Commission is discussing a Comprehensive Plan Amendment and Zoning Designation before the property is annexed.

Steve Torp, 352 Castlewood Lane, explained that the proposed Zoning Designation is too dense for the area. He requested that the Commission consider a less dense classification.

Stephen Hirst, 451 Stonehenge Circle, expressed his understanding of the balance that the Commission must consider with these types of applications. He reiterated safety concerns, including traffic dangers and congestion on Barnes Boulevard. He expressed his confidence in the Commission's decision.

Mike Crago, 1254 Winding Meadows Road, echoed concerns about the proposed high density and traffic issues in the area, which will only be made worse with this development and other development in the immediate area.

Harry J. Beaver, 406 Brookcrest Circle, echoed the request to consider an R-2 Zoning Designation versus R-2 due to the other single-family residences in the area, as well as other multi-family development in the area.

Travis Elmore, 383 Brookcrest Circle, reported that runoff will be a major consideration with a high-density project of this nature. He recommended that the Zoning Designation be tabled until an independent analysis is completed concerning traffic, safety, and drainage.

Amber Elmore, 520 Glenbrook Circle, noted that anything under an R-3 zone could permit some type of apartment building up to 40 feet high. She echoed that this type of development would be excessive next to residential homes.

Lisa Morales, 432 Windsail Circle, explained that the widening of Barnes Boulevard did not include the area in front of the subject properties. As a result, traffic and safety issues will continue to increase in said area.

Planning Director Cooper explained that his job is to plan for future development rather than for a specific moment in time. He reiterated that all development plans are evaluated for traffic impact, stormwater, and other aspects. Planning Director Cooper noted that any applications have been and will be evaluated for compatibility, as well as the issues that have been raised during the public hearing. He asked that the residents trust that he will keep their best interests in mind. Additionally, Planning Director Cooper offered an overview of the Capital Improvement Plan and the role that said Plan would play in this type of process. He invited the residents to play an active role in the process.

Ms. Boyens requested clarification concerning the drainage ditch located on the north side of the property. Planning Director Cooper reported that the applicant would not be permitted to create an ingress/egress that traverses over the existing drainage ditch.

Mr. Sorrow explained that multifamily developments serve as buffers between commercial and residential properties. He highlighted that the Planning Division recommended in its Staff Report approval of the proposed Zoning Designation.

There being no further public comment, the public hearing was closed.

At the request of the Commission, Planning Director Cooper confirmed that, at this time, the Commission is only to consider whether R-3 is allowable, as this is what the applicants have requested. Additionally, R-2 would provide the applicants the option to develop single-family dwellings, which is not recommended by staff due to lot size and access. However, the applicant could apply for that Zoning Designation if desired. Mr. Sorrow reiterated that all Zoning Designations were considered, and R-3 was the most appropriate.

Commissioner Kuta moved to table the item; seconded by Commissioner Rebelo. The motion passed unanimously.

Commissioner Jarvis explained the challenge faced by the Commission in considering these applications. City Attorney Miniclier explained that tabling the Zoning Designation decision would effectively table the Annexation and Comprehensive Plan Amendment recommendations as well.

Commissioner Kuta moved remove the zoning from the table; seconded by Commissioner Whalen. The motion carried without objection.

Commissioner Kuta moved to accept the zoning as R-3; seconded by Commissioner Cooler. The motion carried with three (3) in favor and two (2) in opposition (Jarvis, Rebelo).

Commissioner Jarvis explained that the Commission relies on the guidance and input from Planning Director Cooper, and he will ensure that the residents' input is considered during the complete process.

Planning Director Cooper explained that while the cases and applications are separate, they are contingent upon one another. He reiterated that the Planning Commission is a recommending body, and the City Council is the approving body.

Commissioner Jarvis echoed Planning Director Cooper's comments concerning the public hearing and approval process via the Planning Commission and City Council.

Mr. Elmore asked why the Commission cannot recommend alternate zoning options. Planning Director Cooper explained that the Commission must consider the application as it is received. In the event that it is denied, then the Commission can direct staff to evaluate alternate options with the applicant.

5. SITE PLANS

- None

6. UNFINISHED BUSINESS

- None

7. NEW BUSINESS

A. Elections

1. Chairperson

City Attorney Miniclier provided an overview of the process to nominate and vote for Chair and Vice Chair.

Vice Chairman Jarvis opened the floor for nominations.

Commissioner Kuta nominated Commissioner Jarvis as Chairperson.

Commissioner Jarvis nominated Commissioner Kuta as Chairperson.

Commissioner Kuta declined the nomination.

No other nominations were heard. Commissioner Kuta moved to accept Commissioner Jarvis as Chairperson by acclamation; seconded by Commissioner Whalen. The motion carried unanimously, and Commissioner Jarvis was declared Chairperson.

2. Vice Chairperson

Commissioner Cooler nominated Commissioner Kuta as Vice Chairperson.

No other nominations were heard. Commissioner Jarvis moved to elect Commissioner Jarvis as Vice Chairperson by acclamation; seconded by Commissioner Rebelo. The motion carried without objection, and Commissioner Kuta was declared Vice Chairperson.

8. ADJOURN

There being no further business to come before the Commission, Chairman Jarvis declared the meeting to be adjourned at 8:22 p.m.

Submitted by:

Jennifer M. LeVasseur
Recording Secretary

Approved by:

Kevin Jarvis
Chair