



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

9/3/2020

Subject:

Health First, Inc., requests Transmittal of the 2020-1.1 Large Scale Comprehensive Plan Amendment to permit a countywide increase in Floor Area Ratio for Community Commercial designated sites from 1.00 to 1.75 within a PUD zoning classification. (20Z00069)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider transmittal of the 2020-1.1 Large Scale Comprehensive Plan Amendment initiated by Health First, Inc. to amend Part XI, Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD (Planned Unit Development), Policy 2.8 E., to permit a countywide increase in FAR (Floor Area Ratio) for CC (Community Commercial) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8, Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Summary Explanation and Background:

Health First, Inc. requests to build a state-of-the-art Wellness Village, a new concept, intended to serve the needs of the local community in all aspects of health to include preventive care. The mixed-use development program includes a hospital with medical offices, and retail with associated parking facilities, centrally located to create a Wellness Village. This request will allow for increased flexibility to the urban form (compact design) within the PUD zoning classification. This Text Amendment to the Future Land Use Element of the Comprehensive Plan will allow 76,230 of GFA (Gross Floor Area) per one acre of land, for a total building area of 1,083,990 square feet. Health First, Inc. has submitted a PUD rezoning application requesting a total building area of 1,078,000 square feet.

There are three proposed changes:

- Policy 2.8 D: to increase the allowable building square footage countywide within a PUD. Currently, there is a cap of 400,000 square feet for commercial clusters, greater than 10 acres and less than 40 acres. This proposal would eliminate the 400,000 square foot cap.
- Policy 2.8 E: allows for a FAR (Floor Area Ratio) of up to 1.00 in CC (Community Commercial) designated land uses. This proposal would increase the FAR from 1.00 to 1.75 in a CC land use provided it has a PUD zoning classification.

- Table 2.2: reiterates Policy 2.8 D and E; the cap of 400,000 square feet and the FAR of 1.0. This proposal would make Table 2.2 consistent with Policy 2.8 D and E.

On August 24, 2020, the Local Planning Agency heard the transmittal and unanimously recommended approval.

Clerk to the Board Instructions:

None

H.2. Health First, Inc., Wellness Village (20Z00069)

- 06/17/20 – E-mail from Kim Rezanka with documents attached (PUD application with rendering and site plan).
- 06/23/20 – E-mail from Kim Rezanka with documents attached (PUD drawings, and Waivers and Comp Plan).
- 06/24/20 – Video meeting with Kim Rezanka, Tom Davis (System Vice President for Health First), and Steve Crisafulli.
- 08/03/20 – Video meeting with John Hopengarten.

D2 DISCLOSURES



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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September 4, 2020

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

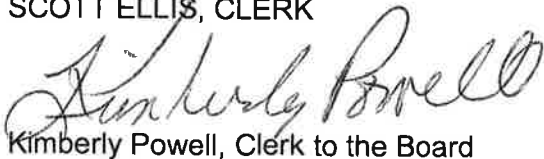
RE: Item H.2., Health First Inc. requests Transmittal of the 2020-1.1 Large Scale Comprehensive Plan Amendment to Permit a Countywide Increase in Floor Area Ratio (FAR) for Community Commercial Designated Sites from 1.00 to 1.75 within a PUD Zoning Classification. (20Z00069)

The Board of County Commissioners, in regular session on September 3, 2020, conducted a public hearing and approved the transmittal of the 2020-1.1 Large Scale Comprehensive Plan Amendment initiated by Health First, Inc. to amend Part XI, Future Land Use Element, to amend Policy 2.8 F., to increase the allowable building square footage countywide within a Planned Unit Development (PUD), Policy 2.8 E., to permit a countywide increase in FAR for Community Commercial (CC) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8., Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK



Kimberly Powell, Clerk to the Board

/sm

H.2.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Isnardi, Kristine		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Brevard County Board of County Commissioners	
MAILING ADDRESS 490 Centre Lake Drive Suite 175		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Bay	COUNTY Brevard	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 9/3/2020		NAME OF POLITICAL SUBDIVISION: Brevard County	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kristine Isnardi, hereby disclose that on September 3, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____ , by whom I am retained; or
- ☒ inured to the special gain or loss of Health First, Inc. , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Health First, Inc., requests Transmittal of the 2020-1.1 Large Scale Comprehensive Plan Amendment to permit a countywide increase in Floor Area Ratio for Community Commercial designated sites from 1.00 to 1.75 within a PUD zoning classification.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

9/3/2020

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2020-1.1
FUTURE LAND USE ELEMENT – TEXT AMENDMENT**

Request: A proposal initiated by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a Planned Unit Development (PUD), Policy 2.8 E., to permit a countywide increase in Floor Area Ratio (FAR) for Community Commercial (CC) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Owner / Applicant: Health First, Inc.

Location: Countywide

Acreage: N/A

**Existing Land
Use Designation:** N/A

**Proposed Land
Use Designation:** N/A

PROPOSED TEXT AMENDMENT

Background:

Health First, Inc. requests to build a state-of-the-art Wellness Village, a new concept, intended to serve the needs of the local community in all aspects of health to include preventive care. The mixed-use development program includes a hospital with medical offices, and retail with associated parking facilities, centrally located to create a Wellness Village. This request will allow for increased flexibility to the urban form (compact design) within the Planned Unit Development (PUD). This Text Amendment to the Future Land Use Element of the Brevard County Comprehensive Plan to allow 76,230 of Gross Floor Area (GFA) per one acre of land, for a total building area of 1,083,990 sq. ft. Health First Inc. has submitted a PUD rezoning application that is requesting a total building area of 1,078,000 sq. ft.

Description:

The proposed amendment will allow for an increased in flexibility to the urban form within the Planned Unit Development (PUD). By going vertical, this

flexibility allows for a more compact design by allowing for more area to be allocated to the required infrastructure including but not limited to parking, stormwater, open space etc. Increased intensities shall be directed to areas that have the appropriate central infrastructure and support services or the ability to provide it in conjunction to the proposed development.

Floor Area Ratio (FAR) is the ratio of a building's total floor area to the size of the piece of land upon which it is built on. A FAR of 1.0 on a one-acre piece of land equals a building of 43,560 sq. ft. in size.

There are three proposed changes:

Policy 2.8 D: to increase the allowable building square footage countywide within a PUD (Planned Unit Development). Currently, there is a cap of 400,000 square feet for commercial clusters, greater than 10 acres and less than 40 acres. This proposal would eliminate the 400,000 sq.ft. cap.

Policy 2.8 E: allows for a Floor Area Ratio (FAR) of up to 1.00 in Community Commercial (CC) designated land uses. This proposal would increase in Floor Area Ratio (FAR) from 1.00 to 1.75 in a Community Commercial (CC) land use provided it has Planned Unit Development (PUD) zoning classification.

Table 2.2: reiterates Policy 2.8 D and E; the cap of 400,000 sq. ft and the FAR of 1.0. This proposal would make Table 2.2 consistent with Policy 2.8 D and E.

Proposed Text Amendment

Additions to the Objectives are shown as underlined and deletions are shown as ~~struck through~~. The Policy 2.8, shown below for ease of reference, would remain unchanged.

Locational and Development Criteria for Community Commercial Uses Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/ arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.
- B. Community commercial complexes should not exceed 40 acres at

an intersection.

- C. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but not less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanies with a PUD zoning classification wherein the FAR may be increased up to 1.75.
- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

In summary, Table 2.2 reiterates the specific development parameters and issues for consideration, as discussed in Policies 2.1 and 2.8, when evaluation requests for CC land use designations. The table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies 2.2 and 2.3.

TABLE 2.2 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW COMMUNITY COMMERCIAL (CC) FUTURE LAND USES		
FIRST LEVEL OF REVIEW	SECOND LEVEL OF REVIEW	THIRD LEVEL OF REVIEW
CONSISTENCY WITH COMPREHENSIVE PLAN ¹	CONSISTENCY WITH ZONING REGULATIONS ²	CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS ³
Issues for Evaluation	Issues for Evaluation	Issues for Evaluation
Overall accessibility to the proposed CC site. (Policy 2.1.A)	Permitted/prohibited uses. (Policy 2.2.A)	Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)
Compatibility and inter-connectivity of proposed CC site with adjacent adopted Future Land designations and uses. (Policy 2.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)	Access management features of the site design. (Policy 2.3.A.)
Existing commercial development trend in the area. (Policy 2.1.C)	Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)	Adequacy of buffering provided. (Policy 2.3.B)
Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)	Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)
Availability of public facilities to accommodate proposed CC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)	Impacts upon natural resources, including wetlands, flood plains, and endangered species. (Policy 2.2.E)	Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D)
Minimum Spacing from Nearest CC Land Use: 2 miles for sites up to 10 acres and 5 miles for sites >10 acres. (Policies 2.1.F and 2.8.C)	Other issues which may emerge specific to a particular property. (Policy 2.2.F)	Placement of signage on site. (Policy 2.3.E)
Size of proposed CC designation compared with current need. (Policy 2.1.G)	Development Parameters Addressed by BU-1 & BU-2 Zoning Regulations	Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)
Adherence of proposed CC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H)	Listing of permitted/prohibited uses.	Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)
Integration of open space. ⁴ (Policy 2.1.I)	Minimum building setbacks requirements.	Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)
Effect upon strip commercial development as a result of approving CC Future Land Use. (Policy 2.1.J)	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)
Locations: Limited to intersections of Arterial/ Arterial or Collector/ Arterial roadways for sites up to 10 acres (with exceptions) and limited to Principal Arterial/Principal Arterial intersections for sites >10 acres. (Policy 2.8.A)	Minimum floor area requirements.	Other performance based requirements. (Policy 2.3.J)
CC Future Land Use Site Size: >2 acres and <40 acres. (Policy 2.8.B)	Maximum building height allowances.	³ This table serves as a summary. Refer to Policies 2.3 and 2.8 for full details.
Minimum spacing from nearest CC land use: 2 miles for sites up to 10 acres and 5 miles for sites > 10 acres. (Policy 2.8.C)	Buffering requirements.	
Maximum Building Size: up to 150,000 square feet for sites up to 10 acres and up to 400,000 square feet for sites > 10 acres <u>unless within an approved PUD, then a maximum of 76,230 GFA per acre.</u> ⁴ (Policy 2.8.D)	² This table is a summary. Refer to Policies 2.2 and 2.8 for full details.	
Maximum Floor Area Ratio (FAR): .40 for sites up to 10 acres and 3.2 for sites >10 acres <u>unless with PUD zoning classification wherein the FAR is up to 1.75.</u> ⁴ (Policy 2.8.E)		
¹ This table serves as summary. Refer to Policies 2.1 and 2.8 for full details.		
⁴ These parameters will be applied during the plan review process.		

Staff Analysis:

Staff has looked at the surrounding Unincorporated areas of Brevard County. Research indicates an increase in the Floor Area Ratio (FAR) in the Downtown Mixed-Use area in Titusville of 5.0, the Redevelopment Districts and non-residential Downtown areas of Cocoa Beach to be 3.0, the Central Business District in the City of Cocoa to be 2.5, the Commercial Use area of Palm Bay to be 2.5 and in the General Commercial areas of Melbourne to be 6.0. The request appears to be comparable with the adjacent Cities.

Objective 11 of the Future Land Use Element of the Comprehensive Plan. As outlined in Objective 11, Brevard County shall alleviate the impacts of inadequate public facilities and services, substandard structures and lot configurations in blighted or other affected areas in the County through redevelopment initiatives.

Staff's determination that there is sufficient public facilities and services to serve this development.

For Board Consideration:

The Board may wish to consider this increase in intensity countywide within lands designated as Community Commercial (CC) FLU, with a zoning classification of Planned Unit Development (PUD) by increasing the allowable FAR from 1.0 to 1.75 is appropriate.

ORDINANCE NO. 20-__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2020-1.1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART XI, ENTITLED FUTURE LAND USE ELEMENT; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2020, for adoption as the Plan Amendment Cycle 2020-1; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on November 9, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2020-1.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 3, 2020, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for the adoption of Plan Amendment 2020-1.1; and

WHEREAS, Plan Amendment 2020-1.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2020-1.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2020-1.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2020-1.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this ____th day of _____, 2020.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

Scott Ellis, Clerk

By: _____
Bryan Andrew Lober, Chairman

Approved by the Board on _____, 2020.

EXHIBIT A

2020-1.1 COMPREHENSIVE PLAN AMENDMENT

PUBLIC HEARING NOTICE

The Brevard County Local Planning Agency (LPA) will meet on **Monday, August 24, 2020, at 3:00 p.m.**, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Building C, Commission Room, to consider the following item:

1. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", setting forth the transmittal of Plan Amendment Cycle 2020-1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

a. Plan Amendment 2020-1.1 – a proposal initiated by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD (Planned Unit Development), Policy 2.8 E., to permit a countywide increase FAR (Floor Area Ratio) for CC (Community Commercial) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

2. An ordinance amending Chapter 62, Land Development Regulations, Code of Ordinances of Brevard County, Florida; amending Article VI, Division 1, Section 62-1102, Definitions; specifically adding definitions for Eating and Drinking Establishments and Restaurants; Article VI, Division 5, Subdivision III, Section 62-1906, Alcoholic Beverages for On-Premises Consumption; specifically creating Subsection (1)(c) to establish a baseline of 51 percent of gross sales to be attributed to food sales in order for restaurants and snack bars to seek review under Administrative Approval of the Alcoholic Beverages for On-Premises Consumption Conditional Use Permit; amending Subsection (4) to create the Administrative process by which restaurants and snack bars must follow in order to obtain Administrative Approval of On-Premises Sale or Serving of Alcoholic Beverages; and amending Subsection (6) to address which process should be followed in the event of expansion of alcohol use and whether such use is reviewed under Administrative Approval or the filing of a new application for a conditional use; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

All persons for or against said items can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of this proceeding is made, at his/her expense, which record includes testimony and evidence upon which any appeal is to be based. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than five (5) days prior to the meeting at 321-633-2069 for assistance.

FAR Policy References in the Comprehensive Plans of Brevard County and local municipalities

Entity	Land Use Designation	FAR - maximum	Policy/Reference
Brevard Co	NC	0.75	FLU element Policy 2.6 E
	CC	1.00	FLU element Policy 2.8 E
	Industrial - light	2.48	FLU element Policy 3.7 D
	Industrial - heavy	1.76	FLU element Policy 3.8 C
	PUB	0.25	FLU element Policy 6.2 A
	Viera PUD - retail	3.0 (in town center) 2.0 (outside town center)	Table A. Page 34 FLU element
	Farmton DRI – mixed use areas	1.0 (commercial) 2.48 (light industrial) 2.0 (hotel)	Page 77 FLU element
	Plat Ranch Mixed Use District (PRMXD)	0.75 (neighborhood: non-residential) 0.70 (core neighborhoods and village centers: non-residential) 1.0 (commerce center: non-residential)	Page 105-110 FLU element
	MXD with public water access incentive	20% increase in FAR	FLU element Policy 20.1
Titusville	Mixed Use Development (MXD)	0.75	FLU element Policy 22.5
	Commercial High Intensity	1.0	FLU element Policy 1.21.1 (page 30 EAR 2018)
	Commercial Low Intensity	1.0	
	Downtown Mixed Use	5.0	
	Urban Mixed Use	1.0	
	Shoreline Mixed Use	1.0	
	Industrial	1.0	
	PIP	1.5	
Cocoa Beach	Redevelopment Districts and Downtown Area: non - residential	3.0	FLU element table I-1 (page I-32); Policy IV.2.2 and Policy III.3.2
Cocoa	Commercial	1.0	Figure FLU-1 (page 1-2)
	Mixed Use	1.0	
	Redevelopment Area	2.0	
	Central Business District (outside Cocoa Village Overlay)	2.5	
Palm Bay	Commercial Use	2.5	Land Use element page 7-8
	Bayfront Mixed Use Village - commercial	1.8	
	Bayfront Mixed Use - commercial	1.0	
	Mixed Use	2.0	
	Industrial	5.0	
Melbourne	General Commercial	0.7 (Outside Activity Centers) 2.0 (MAC, CAC) 3.0 (EGAC) 6.0 (DMAC)	Excerpt from Melbourne Comp Plan



LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, August 24, 2020, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ron Bartcher; Brian Woltz; Brian Hodgers; Harry Carswell; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; Bruce Moia; and Joe Buchanan. Bruce Moia's presence was noted at 3:11 p.m.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

2. Large Scale Comprehensive Plan Amendment 2020-1.1 – Health First, Inc.

An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, Florida, entitle The Comprehensive Plan, setting forth the transmittal of Large Scale Plan Amendment 2020-1.1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date. A proposal initiated by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD (Planned Unit Development), Policy 2.8 E., to permit a countywide increase FAR (Floor Area Ratio) for CC (Community Commercial) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Kim Rezanka, Cantwell & Goldman, P.A., 96 Willard Street, Cocoa, stated she is representing Health First, Inc., which is building a medical wellness village in Merritt Island. She stated as Health First was developing the site on State Road 520 and Merritt Avenue, they discovered there are limitations as to what they can build based on the Comprehensive Plan. She said the Floor Area Ratio (FAR) and limitation of square footage has been in the comp plan for a very long time. She stated Health First realized they need more FAR than the comp plan allows. She said other municipalities in Brevard County allow much higher FAR; Titusville has a 5.00 FAR in the downtown mixed use; Cocoa Beach has a FAR of 3.00 in the redevelopment district; Cocoa has a FAR of 2.5 in the central business district, and a 2.00 in the redevelopment area; commercial use in Palm Bay is 2.5; industrial in Palm Bay is 5.00 FAR; and Melbourne has a FAR in the redevelopment district of 2.00, 3.00, and 6.00. She said the request from Health First from 1.00 to 1.75 is not a large increase. She said the County could be losing out on redevelopment projects because the FAR is low, and there are also properties near the Health First site that could benefit from an increased FAR, as well as other areas in the County. She stated there are two changes to the Comprehensive Plan being requested; Policy 2.8 D., that the gross floor area of Community Commercial complexes shall not exceed 400,000 square feet unless in a PUD (Planned Unit Development) zoning classification, and subsection E, where the FAR will be increased from 1.00 up to 1.75, but only in Community Commercial Future Land Use and the PUD zoning classification.

No public comment.

Peter Filiberto asked why make a change to the Comprehensive Plan when the board could make a change to the site plan. Ms. Rezanka replied the comp plan cannot be waived, so it has to be changed in the comp plan and then a waiver in the PUD process will need to be obtained.

Bruce Moia stated he would be in favor of going higher than 1.75 given the proposed location of the wellness village.

Motion by Joe Buchanan, seconded by Peter Filiberto, to approve the proposal by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD (Planned Unit Development), Policy 2.8 E., to permit a countywide increase FAR (Floor Area Ratio) for CC (Community Commercial) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification. The motion passed unanimously.