

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 18, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (Alt. D4); Bruce Moia (D5); David Bassford (Alt. D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Peter Martin, Planner II; George Ritchie, Planner III; Alex Esseesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Approval of the March 14, 2022, P&Z/LPA Minutes

Motion by Ben Glover, seconded Ron Bartcher, to approve the P&Z/LPA minutes of March 14, 2022. The motion passed unanimously.

Storsafe of Rockledge, LLC

A Small Scale Comprehensive Plan Amendment (22S.03) to change the Future Land Use designation from RES 4 (Residential 4), NC (Neighborhood Commercial), and CC (Community Commercial) to all CC. The property is 12.19 +/- acres, located on the east side of U.S. Highway 1, approximately 192 feet north of Barnes Boulevard. (Tax Parcel 251 = No assigned address. In the Rockledge area; Tax Parcel 256 = 3700 S. Highway 1, Rockledge; Tax Parcel 500 = No assigned address. In the Rockledge area.) (Tax Accounts 2511096, 2511103, 2511119) (District 2) This item was tabled from the 03/14/22 P&Z meeting.

Storsafe of Rockledge, LLC

A change of zoning classification from AU (Agricultural Residential) and BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 12.19 +/- acres, located on the east side of U.S. Highway 1, approximately 192 feet north of Barnes Boulevard. (Tax Parcel 251 = No assigned address. In the Rockledge area; Tax Parcel 256 = 3700 S. Highway 1, Rockledge; Tax Parcel 500 = No assigned address. In the Rockledge area.) (Tax Accounts 2511096, 2511103, 2511119) (District 2) This item was tabled from the 03/14/22 P&Z meeting.

Nathan Lee, Kimley-Horn and Associates, 7391 Office Park Place, Melbourne, stated his client purchased approximately 12 acres along U.S. Highway 1. He said they contacted the County because the property has several different land uses and zonings, and they want to make it consistent with what is north and south along U.S. 1.

Public Comment:

Ed Johnson, 1945 Rockledge Drive, Rockledge, stated he represents eight neighbors who all live directly behind the subject property, which is the old Harvey's Groves building. He said they oppose the BU-2 zoning, but they would not oppose BU-1. He said the applicants want BU-2 so they can store RV's and boats, and his and his neighbors' main concern is that this is their backyard. He said they wouldn't oppose BU-1 if they put up a nice fence like in other communities, such as an 8 -10-foot masonry fence that looks nice. He would like it if they could put up something like that and make sure the lighting isn't in their backyards, along with a 20-foot vegetative buffer. If the board were to

approve BU-2, he would ask that there be a restriction on the height of the vehicles and that the fence is high enough to block them. He noted the intersection also has issues, and slow moving vehicles coming out of that location will cause accidents. He said he and his neighbors would not be opposed to them having three buildings instead of two, instead of the RV's. The storage of vehicles is not in character with the neighborhood. If the board approves and requires a wall, that will keep it out of view.

Henry Minneboo asked if Mr. Johnson has seen the colored map provided by the applicant. Mr. Johnson replied yes, he has. He said the rear setback on the document is 15 feet and the front setback at 25 feet, and he believes the rear should be 25 feet and the front should be 50 feet.

Mr. Minneboo asked if the positive outfall will ultimately go to the river, and if he is aware of the drainage that runs perpendicular across the property. Mr. Lee responded yes, there is a drainage easement to the river as well. Mr. Minneboo asked if it is publicly dedicated. Mr. Lee replied they are checking on title through the property; the County owns the parcel where it goes from the property to the river.

Mr. Minneboo stated the problem is that the water that comes off of that hill is ultimately the only underpass. He said he would like to make sure that it is publicly dedicated if it isn't already, and he would make that part of a binding development plan. Mr. Lee stated he would ask that it be rerouted in some way, potentially. Mr. Minneboo stated he thinks there needs to be a publicly dedicated easement through there.

Jim Sayegh, Storsafe Principal and Chief Development Officer, 5301 Dempster, Suite 300, Skokie, Illinois, stated he would like to put his neighbors' minds at ease by saying Storsafe is not interested in doing any outdoor parking, not for vehicles or boats. He said he would be happy if the BU-2 zoning was conditionally approved on not having any outdoor vehicle or boat parking, and that way, they can have uniformity of zoning that is appropriate on U.S. 1, and they can be held to architectural standards that are appropriate for self-storage. He said it makes the most sense given what Mr. Minneboo mentioned and some of the things that Kimley-Horn has been working on, to have storm retention, because it's a perfect natural buffer between a low-density use and low-intensity use, which is self-storage. The AU parcel would likely be where they would put storm retention. He said there will be a requirement to have a fence and they would provide a very nice fence there, not masonry, and they will provide a 20-foot landscape buffer. He said the goal is to take the eyesore that is there now and replace it with something that the neighbors don't even know is there. He said he is very eager to be a good neighbor and fit in with the neighborhood. He noted the site plan is very conscious of ensuring that those homes' values are enhanced by what he is doing. He noted he is not here to talk about the details of civil engineering; he has a plan in mind and it will get refined, and he will work with the neighbors, the board, and staff.

Mr. Minneboo asked Mr. Sayegh if he needs BU-2 zoning.

Mr. Sayegh replied yes, it would be a more appropriate use for what they're doing, to be held to the architectural standards of a strip mall or other type of commercial development. He said the most important thing is that it is all one zoning and their strong preference is BU-2.

Mark Wadsworth stated if the board recommends BU-2, a masonry wall can be a condition in a BDP.

Bruce Moia stated a 6-foot wall is required by code when it abuts residential.

Mr. Wadsworth asked if the wall could be 10 feet.

Mr. Sayegh stated the board also has to consider the topography; the site is higher in elevation than the properties to the east, so they may not want a 10-foot wall.

Jeffrey Ball stated a wall would be part of the rezoning request, so if there are any concerns the board has as far as if it doesn't think BU-2 is a good fit, or some other condition that it wants to put on the zoning request, it would through a BDP, which is the legal document that would provide additional conditions or restrictions the board sees fit.

Mr. Moia stated the reason for requesting BU-2 for storage is that it allows height, and asked the height of the proposed storage buildings.

Mr. Sayegh replied they are single-story buildings.

Mr. Moia stated one thing that might be appropriate, and sometimes the code doesn't take everything into consideration because they want a 6-foot concrete wall on the property line, but the property line is where all the existing vegetation is, so in order to put up the wall they have to take down the thick buffer they already have, but if they're going to do single-story units, it is probably best served to make that outer wall the 6-foot fence and have no breaks outside of that wall.

Mr. Sayegh stated it might be more appropriate to take these concerns and handle them during the site plan process because their preliminary engineering indicates they are buffered by a retention pond and landscaping, and the height of the fence is kind of an afterthought because it's so far away from any storage buildings.

Mr. Moia stated it would really make more sense to have that wall where the action is instead of far away, where there will be buffering. He said a BDP on the zoning would be appropriate, but as far as the land use, he doesn't have any concerns.

Mr. Hopengarten asked if the hours of operation will be 24 hours a day.

Mr. Sayegh replied the ability to do that is typically what they get; they own another storage business in Palm Shores that has a resident manager, so typically there wouldn't be a resident manager in two locations so close together. What this would have is an end-cap office for the district manager or staff to meet a customer, and that will not be in operation 24 hours a day. He noted with technology such as Storage Genie, people can access it 24/7, unless by ordinance or otherwise they are told to limit the hours.

Mr. Hopengarten asked about lighting.

Mr. Sayegh replied self-storage businesses have to be well lit for safety, marketing appeal, and as part of operations. He said they do not want to create any more lumens or spectacle for the neighbors than necessary, but it is usually down-lighting and wall-mounted to the buildings

Mr. Hopengarten stated retail and repair shops are allowed in BU-2.

Mr. Sayegh stated Storsafe is not permissive of that, and he is happy to limit that with a condition. He said they don't even do U-Haul's at their sites because they are so distracting to the business of renting storage. He stated they don't want people doing repairs, and they don't want people doing retail operations.

Mr. Hopengarten asked if there are requirements as far as what people can and cannot put in the facility. Mr. Sayegh replied yes, hazardous materials cannot be stored, and renters would be in violation of the contract if it is not honored.

Ms. Alward stated the BU-2 zoning allows those uses, so as part of the BDP she is going to request the board limit the use to self-storage operations only, which will eliminate gas stations or any other use if they decide to sell the site. She said BU-2 allows additional square footage than BU-1, and asked how many buildings are going to be on the site.

Mr. Sayegh replied right now, they plan to have four, 24,000 square-foot buildings and maybe a very small one. The constraint on the site is the topography and storm retention. Another constraint is certain width of a building which makes it viable, and certain width of drive aisles which is required to make the fire marshal happy, and that is typically what limits the number of buildings.

Ms. Alward stated going back to the comprehensive plan and Administrative Policy 4, compatibility of the neighborhood, she disagrees with the consultant because the entire property abuts Residential 4, so they are not shoring up Community Commercial, so she wouldn't say they're making it consistent with what is along U.S. 1. She added, part of the comp plan consideration is hours of operation, lighting, odor, noise, and traffic, so when talking about the lighting in the BDP she'd like for them to consider that none of their lamps can be faced toward the residential neighborhood. She said she would also like to understand the hours of operation so the neighbors have an expectation, if there are going to be garbage trucks picking up at 2:00 a.m.

Mr. Sayegh stated they don't actively put dumpsters on the site so people can just throw their stuff away instead of being customers for years. They will only have one small container to support the small office on site. On lighting, he would like to let the building code, along with some guidance from the board to dictate that, but they do have a minimum requirement to illuminate a drive aisle. Normally, all of the lights shine straight down, so it's not a matter of it being mounted on an elevation that faces the neighborhood, it's a matter of it being a down-light, or a blinder on the light.

Ms. Alward stated that is not what the neighbors have now, and she's trying to look out for their land use rights as well. It sounds like Storsafe wants to be good neighbors. It is currently AU and could be an active farm, but she doesn't think storage facilities have traffic like if it was a Wawa or something else.

Mr. Bartcher stated on the site plan provided by the applicant, there are areas for outdoor storage on the north and south, but Mr. Sayegh said there will not be outdoor storage. He asked if they are going to put buildings in those areas, or if that is for a future development.

Mr. Sayegh replied the current plan is to build buildings to the north first, and then after market absorption, they will design something for the south that would likely be a mirror image of the north.

Mr. Bartcher stated most of the lighting will be around the storage units, and asked if there will be some lights at the front of the facility that are higher, or where people are driving in.

Mr. Sayegh replied the signage and lighting at the front will be a function of engineering and not land use. He doesn't think the neighbors are as concerned with what would happen right there because it's so far away from them.

Mr. Bartcher stated he didn't want to give the impression that the only lighting was only going to be at a 7 or 8-foot level. Mr. Sayegh stated at the entrance there might be one.

Mr. Bartcher asked if the retention ponds are going to be wet or dry. Mr. Lee replied most likely they will be wet retention ponds.

Mr. Bartcher asked what kind of wall will be provided in the back. He noted the board talked about concrete and a vegetative buffer.

Mr. Sayegh stated he would find it appropriate, given that it likely will be invisible, to have 6-foot vinyl fencing, which is their standard. He noted there is a 20-foot landscaping buffer, so the fence is mostly protecting the retention pond and securing the site, which is important. He said he thinks it would work against everyone's interest to go higher. The nominal cost to go 6 feet or 8 feet is not important, but there is already a major topographical difference, and he thinks a 10-foot fence would be a blight. He said it may be more appropriate to have a 6-foot vinyl fence that is hidden behind the landscape buffer.

Mr. Bartcher asked if water will be provided for the vegetation. Mr. Lee replied he will work with staff to possibly incorporate what the existing vegetation is out there in the 20 feet, and come back with something that works for everybody. He noted trees and a fence can be put there, but he doesn't want to take down existing vegetation that is already established.

Mr. Bartcher stated he doesn't want the existing vegetation to be removed unless there are Pepper trees. He said the hours of operation are essentially 24 hours, because the process is automated and people can access their storage units at all hours of the day.

Mr. Sayegh stated that normally doesn't happen unless there is a special situation; it's a low-intense use and people won't be accessing it overnight on a regular basis.

Mr. Bartcher asked if a traffic study has been done and if they have an idea of what kind of turn lanes they will need. Mr. Lee replied they have not done a traffic study at this time, but generally, self-storage is the lowest generator of traffic. Mr. Sayegh noted the site already has very large curb cuts and deceleration lane.

Mr. Ball stated the applicant provided a conceptual plan for review, but staff did not review that plan because it's not part of the zoning request, and it's subject to change. Secondly, there is an ordinance on lighting standards, which basically says light cannot be cast on any adjacent properties, and there can't be a direct lighting source visible from a property line. If there is a wall pack that has the lighting source, there has to be a shield around it. That, along with access and buffering will be reviewed at the site plan stage, which is a staff review process outside of the board. What the board is here today for is a comprehensive plan amendment and a rezoning request. With the rezoning request for the use, if the board sees any offsite impacts that need to be addressed, a BDP would be appropriate in this circumstance.

Mr. Hopengarten asked the largest size unit that someone could rent. Mr. Sayegh replied 10' x 30'.

Mr. Hopengarten asked the drive aisle width. Mr. Sayegh replied 28 or 30 feet depending on the building review process. He noted they clip the corner of the buildings to add the turning radius.

Mr. Moia stated he is looking at the proposed site plan, and asked if they plan on parking a lot of cars on this site. Mr. Sayegh replied no, that plan is no longer the plan and that's why he's here today. He said they are not going with that plan and that's why he put it on the record that the board can condition the approval on no outdoor car or boat parking.

Mr. Moia stated the layout on the plan is not what he was thinking when he talked about walls and things like that, because he thought it was going to be more like the storage facility in Mims where it's all internal and the buildings are around the perimeter and you drive internal. He said there are drives around the larger buildings where people are going to be backing up into the buildings shining their headlights onto neighbors' properties. He said he doesn't see a lot of buffer preservation on the plan as well, so the board needs to talk about getting the BDP to control some of the buffering. He noted he is familiar with the performance standards on the lighting, so he's not concerned about that.

Mr. Moia stated the board would want to have the stipulation that self-storage is the only allowed use, and that businesses operating out of the units, as well as any maintenance, would be strictly prohibited. He said the board needs to look at how to protect the buffer and where to put the wall, as well as what kind of wall it's going to be. He pointed out that the board can't waive the wall requirement from anything other than a 6-foot masonry wall unless the applicant applies for a separate waiver.

Ms. Alward asked if it is part of the BDP when they say they're going to have future development on the south side, or the north side. Mr. Sayegh replied it is conceptual, but the south side would look something like the north side.

Ms. Alward stated she would include in the BDP that that's all that can be built on the property, so if they sold any of the parcels the BDP would say it was limited to self-storage. She asked how many square feet are planned for the first phase. Mr. Sayegh replied approximately 100,000 square feet. Ms. Alward noted the property would lend about 530,000 square feet. Mr. Sayegh stated 530,000 square feet is not viable.

Ms. Alward stated she doesn't understand why the request isn't for BU-1, because BU-1 would allow 384,000 square feet, as well as the ability to do the self-storage with not outside storage, which the applicant has already said he is not doing.

Mr. Sayegh stated they are trying to have architectural standards that are appropriate for self-storage.

Mr. Lee stated in BU-1 the building has to be stucco or another type of building material.

Mr. Moia stated the buildings can't be metal, and asked if the proposed buildings are metal. Mr. Sayegh replied yes, the buildings are metal.

Mr. Moia asked the height of the buildings from where the trusses meet the wall. Mr. Lee responded it is 9 - 10 feet.

Mr. Moia stated if they put a wall around the entire east and north, around the edge of the road, and wrapped it into the last building, only the wall would be visible. He further stated if they put it up at the

road where the use is, as opposed to the property line where it's 5 or 6 feet lower, if they ran it along the edge of the pavement it would actually have some use to it

Mr. Sayegh stated the buildings are not unattractive.

Mr. Moia stated there are not any penetrations in the back of that building, it's just a solid wall. If they continued that all along the pavement edge all that could be visible is a wall and the neighbors wouldn't see the use at all.

Mr. Sayegh stated the 5,800 square-foot building and the ones facing U.S. 1 do not have doors facing the highway.

Mr. Minneboo pointed out there is a lot of elevation change between the edge of the road and where it falls to the river.

Mr. Ball stated it seems there is a lot of consternation among the board about what it is going to look like and a lot of design questions, as well as hours of operation. He said an option is to present that to the applicant for them to go back and address those and whether it is a BDP, or if they can create a rendering to show what the buildings are going to look like, that is an option for the board to consider.

Ms. Alward stated she is finding it hard to increase the zoning to BU-2 just so that the building can be metal. She noted the applicant is asking for the square footage in BU-1, but he's not doing outdoor storage, and the board is going to increase the density to BU-2, which is much higher, when he only needs it because of the building material. There is a whole list of BDP conditions the board can ask them to bring back, such as no outdoor storage, the 20-foot landscape buffer, including whatever the site plan requires for buffering of the building, it will be single-story, it's going to be limited to a self-storage operation only, not only for what they are planning for Phase 1, but also on the property that will not be built on right away, and the landscape buffer will be maintained by the property owner. She asked how many buildings will be on the property.

Mr. Lee replied four standard buildings and one small one.

Ms. Alward asked Mr. Minneboo if there is anything on drainage he would like to be added to the BDP. Mr. Minneboo replied no, they are aware of the drainage issue, and the easement for drainage will be documented. He stated the board needs to let Public Works be aware of that and then they can handle it.

Mr. Moia pointed out that the County won't let them discharge into it if it's not a publicly maintained off site discharge. He asked if the board addressed the wall location and height.

Ms. Alward said whatever requirements that are required by site plan review, so if there is something different, it needs to be added.

Mr. Moia stated he would think the board would want the wall at the edge of the improvements with no penetrations other than maybe a fence for maintenance purposes to be able to maintain the pond, but it would still have to be opaque and 8 feet. He asked if the applicant is taking advantage of the existing turn lane since now they are moving everything to the north side of the site. Mr. Sayegh replied yes, they are taking advantage of the existing turn lane.

Mr. Sayegh stated on Item H.2., if the board is comfortable with the whole thing being BU-1 and it's the BU-2 causing the heartburn, then he would love to leave today with BU-1 zoning on the whole site. If that is an over-simplification of the board's position, and they're headed toward a BDP with these things being memorialized, as opposed to making some comments to Board of County Commissioners, then the only thing giving him a little bit of heartburn is requiring self-storage only on the whole site. He would like to think about that. If the board wants to lift that, they can talk about other stuff, but that is driven by market and he would need to think about it.

Mr. Moia asked if the future use on the other property could be something different. Mr. Sayegh replied he was just planning today on being more about uniformity of zoning than some of the discussion that has been had. The plan is self-storage on the whole site, but he can live with the conditions if that is what the board wants to do. He stated the board is an advisory body and if those are the things it wants to advise, he can live with these things and have further discussion at County Commission meeting.

Mr. Bartcher stated one of the primary reasons the board wanted the BDP was because they are requesting BU-2, but if they accept BU-1 the board can recommend BU-1 and that will get rid of some of the conditions of the BDP.

Brian Hodgers pointed out they can't do a metal building in BU-1.

Mr. Sayegh stated it's like having to put a façade on two buildings, which is basically 730 square feet of building and it makes his neighbors comfortable. He said he can live with 730 square feet of architectural detail.

Mr. Moia stated he doesn't have a problem with BU-2 as long as they have what the board has talked about. He asked if the board specified the material of the wall, and if it is a finished 8-foot block wall.

Mr. Sayegh stated they will adhere to what is prescribed.

Mr. Glover stated he thinks the BDP is almost like BU-1, it's just giving him the metal building.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of a Small Scale Comprehensive Plan Amendment (22S.03) to change the Future Land Use designation from RES 4, NC, and CC to all CC. The motion passed unanimously.

Motion by Bruce Moia, seconded by Henry Minneboo, to recommend approval of a change of zoning classification from AU and BU-1 to BU-2, with a BDP containing the following conditions: 1.) the use of the property shall be for self-storage only; 2.) outdoor storage shall be prohibited; 3.) any buildings on the property shall be limited to single-story; 4.) no lighting elements shall face neighboring properties; 5.) a 20-foot landscape buffer shall be required in accordance with code requirement; 6.) a finished 8-foot masonry wall shall be required along the edge of the improvements in accordance with code requirements. The motion passed unanimously.

Rotation Holdings, LLC

An amendment to an existing BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. The property is 1.38 acres, located on the east side of North U.S. Highway 1, approximately .20 miles north of Cidco Road. (3640 N. U.S. Highway 1, Cocoa) (Tax Account 2411214) (District 1)

Don Smith, 3640 U.S. Highway 1, Cocoa, when he originally did the BDP he was doing outdoor boat and RV storage on the back two-thirds of the property and now he wants to extend the building further to the back, so he would like to remove that restriction of having only the outdoor storage back there so that he can add on to the current building.

Henry Minneboo asked when was the BDP put on the property. Mr. Ball replied 2016.

Mr. Minneboo asked if the BDP was put on the property because of the abutting residential.

Mr. Smith replied yes, he agreed to the 8-foot masonry wall along the back line and the 20-foot buffer along the back line, and then he also had major motorcycle repair in there to make sure they weren't doing anything major. He said what he wants to do is remove the restriction of the outdoor storage so he can add on to the building, and because of that he's offering to make the buffer 50 feet along the rear of the property, instead of 20 feet. He added, Natural Resources suggested he do more plantings along the back line, so he's offering to do that as well.

Mr. Ball stated the concept plan provided by the applicant has not been reviewed by staff for consistency and compliance.

Public comment:

Dusty Michelle Parker, 142 N. Twin Lakes Road, Cocoa, stated she lives adjacent to the subject property. She said they have been a fantastic commercial building to have behind them. She said when the applicant was before the board in 2016 for the BDP, Mr. Smith was generous enough to increase the height of the concrete wall to his immediate neighbor, to 8 feet as opposed to 6 feet. She stated the issue she has with removing the conditions is the noise. She said the BDP allows minor motorcycle repair, but it is loud, and if he expands his building to do more work it will be closer to her backyard. She noted they have Saturday hours from 9:00 a.m. to 2:00 p.m. She said a 20-foot vegetative buffer is nothing, and it's basically for visual. The placement of the block wall, even though he has it there, it's at the very back of the property on the eastern side, so there is a lot of noise. She stated they have been very considerate with the lighting. They have RV and boat storage in the back and people have 24-hour access to it, but she doesn't experience a lot of issues with that. She said the main thing she and other neighbors are concerned with is the motorcycle noise; the BDP says he is not to do motorcycle repair work there, and he's doing it now, which may be the reason he wants to expand his building.

Mr. Smith stated the BDP allows him to do minor repairs, which is service work on motorcycles. That's the noise she's referring to, but he's not requesting to do major work. He said the reason for the extension of the building is for his online business, so the warehouse is going to be about 80% of that space. As far as traffic to the site, whether it's motorcycles, the RVs will be limited, but he doesn't expect any more traffic to the retail side. He reiterated the extension is purely for the online business because 90% of what Rotation Holdings does is boxing and shipping. He added that minor motorcycle repairs are only done Monday through Friday from 9:00 a.m. to 5:00 p.m.

Bruce Moia asked if the new BDP states that he would keep the minor repair in the same location.

Mr. Smith replied yes, the only changes to the BDP is adding to the 20-foot buffer to make it a 50-foot buffer along the property line and removing the restrictions of only having the boat and RV storage in the back. The buffer is currently water retention and plants, so the 20 feet is trees, but there is a 50-

foot area there where he is never going to build, so he is offering that to make sure he never builds there.

Ben Glover asked about the noise impact. Mr. Smith replied it is probably the motorcycle traffic from people coming in and out. All of the motorcycle repairs are done inside, and he's not asking to remove the minor repair from the BDP. Mr. Glover asked if there is a way to make it so the back warehouse is only for storage.

Mr. Moia added, with no repair of any kind to be done in the new warehouse.

Mr. Ball stated the language in the existing BDP states, "The site shall not be able to perform motorcycle repairs as listed in 62-1102 that is part of the BU-2 zoning classification." That condition is still being proposed as-is. The proposed conditions to the BDP are to amend condition 2 to read, "Developer/Owner shall provide a 50-foot buffer on the east property line and increase vegetation by adding Bald Cypress trees every 25 feet, Wax Myrtle every 5 feet, and Muhly grass every 3 feet."

Mr. Moia noted the whole property is zoned BU-2, and there is nothing that he sees that shows he would limit his minor repair to the front building. He asked if it would be acceptable to add that condition.

Mr. Smith stated in the current plan, the shop ends up being more so in the middle, about where it is right now, but it would extend somewhat into the new building. The current boat storage would be a warehouse.

Mr. Moia asked if the board could add a stipulation that says not within 100 feet of the rear property line.

Mr. Smith stated he's going to be keeping 103 feet of boat and RV storage, and added in with the buffer along the back, it is about 150 feet from the property line to the new building, so the very edge of the building will be 150 feet.

Mr. Glover stated that's a good distance and he's good with it.

Mr. Hopengarten asked the size of the new warehouse. Mr. Smith replied the entire building that he's adding on is 48' x 100', so he's basically doubling the building size.

Mr. Ball noted the code doesn't have a definition for motorcycle repair, it falls under the automotive repair, minor and major, and suggested the board limit it to minor repair so it's clear.

Motion by Bruce Moia, seconded by Ben Glover, to recommend approval of an amendment to an existing BDP in a BU-2 zoning classification, with the following conditions: 1.) Developer/owner shall provide a 50-foot buffer on the east property line and increase vegetation by adding Bald Cypress trees every 25 feet, Wax Myrtle every 5 feet, and Muhly grass every 3 feet; 2.) Developer/owner shall construct an 8-foot tall cmu block (concrete masonry unit) wall along the east property line.; and 3.) Automotive repair shall be limited to minor automotive repair only. The motion passed unanimously.

Michael P. Buono and Charles T. Calhoun

A change of zoning classification from GU (General Use) to RR-1 (Rural Residential). The property is 1.06 acres, located approximately 165 feet north of Golden Shores Boulevard, and approximately

0.22 miles east of International Avenue. (No assigned address. In the Mims area.) (Tax Accounts 200791 & 200796) (District 1)

Michael Buono, 540 Eloise Avenue, Titusville, stated he would like to rezone 1.06 acres from GU to RR-1 to be able to build one house.

No public comment.

Motion by Bruce Moia, seconded by Liz Alward, to recommend approval of a change of zoning classification from GU to RR-1. The motion passed unanimously.

Robert F. Erario and Jeremy Sothea Sun

A change of zoning classification from BU-1 (General Retail Commercial) and AU (Agricultural Residential) to all AU. The property is 7.24 acres, located on the west side of U.S. Highway 1, approximately 500 feet south of Aurantia Road. (4740 N. U.S. Highway 1, Mims) (22Z00008) (Tax Account 2001826) (District 1)

Jack Spira, 5205 Babcock Street, Palm Bay, representing the applicant, stated the front 1-acre of the property is zoned BU-1, with the remainder zoned AU. The entire property was once all AU and it was changed in 1985 to BU-1 on the front. This request was approved by this board in October 2021, and was approved by the County Commission in November 2021 with a BDP asking for a 25-foot buffer along the property lines. The basis of that request was that the property owner to the north voiced some concerns about having a wedding venue next to her property. The application was withdrawn and now they are back before this board. The BDP requires consent by a mortgage holder and this is a private mortgage holder who may have seller's remorse and wasn't willing to give consent. He stated his client has had discussions with the neighbor to the north and they have reached an agreement where he will construct a wood fence along her property line; she indicated she was fine with that and that she would not oppose the rezoning. A wood fence would be consistent and conducive with the surrounding area.

No public comment.

Mr. Bartcher stated the applicant previously submitted a site plan for a wedding event venue, and asked if he intends to use this property in the future for weddings.

Mr. Spira replied the idea is to have that option available in the future, but not at the present time.

Mr. Bartcher asked if the applicant plans to have horses and goats and to raise them for family purposes or for sale.

Robert Erario, 4740 U.S. Highway 1, Mims, replied yes, he will be possibly breeding and possibly a stallion for a stud horse.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification BU-1 and AU to all AU. The vote was unanimous.

Tyler M. and Cristina N. Boucher

A change of zoning classification from AU (Agricultural Residential) to RR-1(Rural Residential). The property is 2.51 acres, located at the northwest corner of North Tropical Trail and Littleton Lane. (6245 North Tropical Trail, Merritt Island) (Tax Account 2316242) (District 2)

Tyler Boucher, 6245 N. Tropical Trail, Merritt Island, stated his family has outgrown the current house and he would like to split the property in order to build a larger home.

Public Comment:

Wes Meadlock, 6650 Littleton Lane, Merritt Island, stated he does not have a problem with the applicant splitting his property to build a house and he supports the request.

Mr. Hopengarten asked why the request denied in the past.

George Ritchie stated the previous application attempt was basically the same thing, and at the time the North-North Tropical Trail Small Area Study was in progress and there was a concern with determining if AU parcels in RES 1 should be increased to RR-1 or higher densities, so it was a way to cap the development on North Merritt Island.

Motion by Henry Minneboo, seconded by Liz Alward, to recommend approval of a change of zoning classification from AU to RR-1. The motion passed unanimously.

Rushing Wind, LLC

A Small Scale Comprehensive Plan Amendment (22S.02) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4). The property is 24 acres, located on the south side of Micco Road, approximately .37 miles west of Dottie Drive. (No assigned address. In the Micco area) (Tax Account 3008616) (District 3)

Rushing Wind, LLC

A change of zoning classification from RR-1 (Rural Residential) and IN(L) (Institutional Use, Low-Intensity), to RU-1-11 (Single-Family Residential). The property is 34.65 acres, located on the south side of Micco Road, approximately 0.37 miles west of Dottie Drive. (No assigned address. In the Micco area.) (Tax Account 3008616) (District 3)

Jeffrey Ball stated since the applicant amended their request at the March 14th meeting to RES 2, it was requested at the County Commission that the item be returned to the Local Planning Agency to make a recommendation for the original request of RES 4. An addendum to the staff comments has been provided to the board that notes a discrepancy in the criteria for C and D. Criterion C states that in RES 30 Directive, RES 15, RES 10, and RES 6 and RES 4 land uses designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of development. Criterion D states that where water service is available, residential development proposals with densities greater than 4 units per acre, shall be required to connect to centralized sewer. He said the applicant is requesting a residential density of 4 units per acre, which is not more than 4.

Bruce Moia disclosed that the applicant contacted him with questions because he is the engineer of record on the adjacent property to the east.

Steve Austin, 409 Pelican Key, Melbourne Beach, stated he requested RES 4 because he wanted a little more density. He noted he is working with Holiday Builders on the property to the east. He said he would like to clarify some of the objections from the last meeting. One was the School Board issue, so he called Karen Black who said she had forgotten to add the addendum to the school concurrency, but said considering the adjacent elementary school service areas there is sufficient capacity for the total student membership to accommodate Rushing Wind development. The second objection was public water service availability; residential development proposals with densities greater than 4 units per acre shall be required to connect to the centralized sewer system. He stated he has a request to go into the Barefoot Bay water and sewer district because there is a main water line at the corner of the lot, and he was told there was plenty of water. He noted there is 112 sewer units available on a first come/first served basis. The third issue from the last meeting, with the adjacent property owner to the east, he's at RU-1-13 but he is open to RU-1-11, which is a slightly smaller house size. He said he will probably not go to the full RES 4 but he would like to have it in order to do a greater density than 2.

Ms. Alward stated she understands going to RES 4, and the BDP that was discussed last month was to cap the density at 48 units. Mr. Austin replied it was to cap it at 2 units per acre.

Ms. Alward stated the total density was 48 units.

Mr. Austin stated he thinks he can get 2.5 units per acre possibly, even though he may not use it, he'd like to have that ability.

Ms. Alward stated she does not like doing spot zoning. The board has increased the value of the property and there is nothing that shows what he is doing. She said she is uncomfortable approving a zoning when the board has no idea what's going to be out there, or how many septic tanks.

Mr. Austin stated he will be limited by a lot of the engineering, septic, water, and various other things. Now is when he will go to the engineers to see what kind of houses can be put on the property and meet the zoning requirements. He said he wants to keep it somewhat rural, so they are going to keep it almost to the exact dimensions as the property next door but some of the homes will be a little smaller. He said he has a rough site plan and it is 46 units, but he'd like the ability to possibly go to 2.5 units per acre, which means he needs RES 4 and then if the board wants to put a BDP on it for 3 units, he's okay with that.

Mr. Ball stated the only difference between RU-1-13 and RU-1-11 is the size of the house. RU-1-13 requires a minimum house size of 1,300 square feet and RU-1-11 requires a minimum house size of 1,100 square feet.

Mr. Moia stated on the property to the east, the board approved RES 2 and had a BDP on the zoning, even though that applicant didn't ask for RES 4, he asked for RES 2. He said whatever the board gives him, he may not ever get it but he wants to try.

Mr. Bartcher stated at the last meeting he proposed the request be amended to RES 2 because it was his understanding that it was not possible because of the comp plan, to have 4 units per acre without having a public sewer system. Now that he understands, that was incorrect, and he doesn't see a reason to not give them RES 4, and he would recommend approval. As far as the density goes, the difference between RU-1-11 and RU-1-13 is only 200 square feet. The lot size is the same and

it's not going to make a difference being in a rural area or not. He pointed out that the board has approved three or four subdivisions recently where the developer specifically requested RU-1-11 in order to have that flexibility. The applicant hasn't said anything about wanting to do low income housing or affordable housing, and RU-1-11 gives him that as an option more so than RU-1-13. He stated the land use is RES 4, so the most he can get is 96 units, and after taking out the roads and drainage, the chance of getting 96 units is slim.

Mr. Moia stated the only way they could get it is if they brought in sewer, and even if they get sewer, they still won't be able to get 96 units.

Motion by Mr. Bartcher, seconded by Ben Glover, to recommend approval of a approve Small Scale Comprehensive Plan Amendment (22S.02) to change the Future Land Use designation from RES 1 to RES 4. The motion passed 10:1 with Ms. Alward voting nay.

Motion by Mr. Bartcher, seconded by Robert Sullivan, to recommend approval of a change of zoning classification from RR-1 and IN(L), to RU-1-11. The motion passed 10:1 with Ms. Alward voting nay.

Upon consensus, the meeting adjourned at 5:04 p.m.