

H. PUBLIC HEARINGS

Planning and Zoning Board / Local Planning Agency
Monday, January 9, 2023, at 3:00 p.m.

Brevard County Board of County Commissioners
Thursday, February 2, 2023, at 5:00 p.m.

Both at the
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida

1. **(22Z00059) Robert J. Woodhouse** requests a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity). The property is 1 acre, located on the south side of Detroit St., approx. 310 ft. east of Hartville Ave. (3735 Detroit St., Cocoa) (Tax Account 2441057) (District 1)

P&Z Recommendation: Bartcher/Filiberto - Approved. The vote was unanimous.

BCC Action: Tobia/Zonka - Approved. The vote was unanimous.

2. **(22Z00055) Michael C. McLain and Kelsey Barnes** request a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential) The property is 3.03 acres, located on the east side of Maple St., approx. 450 ft. north of Milwaukee Ave. (2405 Maple St., Melbourne) (Tax Account 2802103) (District 5)

P&Z Recommendation: Glover/Hodgers - Approved. The vote was unanimous.

BCC Action: Zonka/Tobia - Approved. The vote was unanimous.

3. **(22SS00013) Austin A. and Kailey R. Mahan** request a *Small Scale Comprehensive Plan Amendment (22S.15)*, to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 1.77 acres, located on the north corner of U.S. Highway 1, and E.R. Smyth Drive, Mims. (3716 E.R. Smyth Dr., Mims) (Tax Accounts 2102061 & 3030132) (District 1) This item has been automatically tabled by the applicant to the 4/17/23 P&Z/LPA meeting, and the 5/4/23 BCC meeting. Letter received 12/30/22.

4. **(22Z00054) Austin A. and Kailey R. Mahan** request a change of zoning classification from AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 1.77 acres, located on the north corner of U.S. Highway 1, and E.R. Smyth Drive, Mims. (3716 E.R. Smyth Dr., Mims) (Tax Accounts 2102061 & 3030132) (District 1) This item has been automatically tabled by the applicant to the 4/17/23 P&Z/LPA meeting, and the 5/4/23 BCC meeting. Letter received 12/30/22.

5. **(22Z00058) Tomas Manuel Guillen Arguelles and Elsa F. Rodriguez Arriaga** request a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential). The property is 0.24 acres, located on the west side of Koch St., approx. 245 ft. south of Lucas Rd. (No assigned address. In the Merritt Island area.) (Tax Account 2419383) (District 2)

P&Z Recommendation: Hodgers/Filiberto - Approved. The vote was unanimous.

BCC Action: Goodson/Feltner - Approved. The vote was unanimous.

6. **(22Z00060) Ronald Abbott; Abbott Manufactured Housing, Inc.** (Kelly Hyvonen) requests a change of zoning classification from BU-1 (General Retail Commercial) with an existing BDP (Binding Development Plan) to BU-2 (Retail, Warehousing, and Wholesale Commercial) and removal of existing BDP. The property is 4.58 acres, located on the north side of Barefoot Bay Blvd., approx. 200 ft. west of U.S. Highway 1. (No assigned address, in the Micco area.) (Tax Account 3010400) (District 3)

P&Z Recommendation: Bartcher/Filiberto - Approved as requested, and with a BDP retaining all BU-1 uses, and limiting the BU-2 use to boat and RV storage only. The vote was 7:2, with Minneboo and Hopengarten voting nay.

BCC Action: Tobia/Zonka - Approved as recommended, with a BDP, recorded on 04/07/23, in ORB 9758, Pages 1833 - 1836, retaining all BU-1 uses, and limiting the BU-2 use to boat and RV storage only. The vote was unanimous.

7. **(22SS00012) Kaness Furniture, LLC** (Bruce Moia) requests a Small Scale Comprehensive Plan Amendment (22S.16), to change the Future Land Use designation from CC (Community Commercial) and RES 4 (Residential 4), to RES 15 (Residential 15). The property is 12.59 acres, located on the south side of W. New Haven Ave., approx. 300 ft. east of Seminole Blvd. (No assigned address. In the West Melbourne area.) (Tax Accounts 2800116 & 2800342) (District 5)

LPA Recommendation: Glover/Bartcher - Denied. The vote was unanimous.

This item was withdrawn by the applicant. Letter received 01/24/23.

8. **(22Z00052) Kaness Furniture, LLC** (Bruce Moia) requests a change of zoning classification from RU-1-7 (Single-Family Residential) and BU-1 (General Retail Commercial) with an existing BDP (Binding Development Plan), to RU-2-15 (Medium Density Multi-Family Residential), and removal of existing BDP. The property is 12.59 acres, located on the south side of W. New Haven Ave., approx. 300 ft. east of Seminole Blvd. (No assigned address. In the West Melbourne area.) (Tax Accounts 2800116 & 2800342) (District 5)

P&Z Recommendation: Glover/Sullivan - Denied. The vote was unanimous.

This item was withdrawn by the applicant. Letter received 01/24/23.

9. **(22Z00062) NDA Merritt Project Zenith, LLC; and SES Merritt Project Zenith, LLC** (Ross Abramson / Kim Rezanka) requests a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial), with two existing BDP's (Binding Development Plan), to PUD (Planned Unit Development), with waivers, and removal of two existing BDP's. The property is 15.11 +/- acres, located on the southwest corner of Fortenberry Rd. and Harbor Woods Blvd. (No assigned address. In the Merritt Island area.) (Tax Accounts 2428002, 2428157, 2428161, & 2428163) (District 2)

P&Z Recommendation: Minneboo/Filiberto - Approved as requested, with an added 8th condition of one access on Fortenberry Road and one access on Harbor Woods Boulevard. The vote was unanimous.

BCC Action: Goodson/Feltner - Approved as recommended, with the following two waivers and eight conditions: 1.) A waiver from Section 62-1446(c), to allow a 1.1-acre reduction to open space. Required open space may be satisfied by either active recreation or passive recreation open space, as defined in Section 62-1102; 2.) A waiver from Section 62-2957(c)(1), to allow a reduction of the number of access points from three to two. Conditions: 1.) Prior to site plan approval, the applicant shall demonstrate the site has the ability to use the alum pond/regional stormwater system. Should the site not be able to use said pond, site shall be redesigned to accommodate on-site retention, as required by the Code of Ordinances of Brevard County, Section 62-3751, Exhibit A - Stormwater Management Criteria as well as the St. Johns River Water Management District; 2.) Prior to site plan approval, the applicant shall depict three entrances connected to the county roadway system on the PDP, as required per Sec. 62-2957(c)(1), if the waiver is not granted; 3.) If the waiver is not approved, the applicant shall depict a minimum of 5.55 acres of Common Recreation Open Space on the approved site plan, as required per Sec. 62-1446(c) and meeting the definitions in Sec. 62-1102; 4.) Prior to site plan approval, applicant to provide a traffic study demonstrating any necessary roadway improvements based on anticipated traffic volumes; 5.) All design elements shown on the PDP require conformance with Brevard County code and requires permits; 6.) Provide an updated PDP depicting the correct waivers granted; 7.) Should any of the aforementioned redesign be deemed a substantial change by the zoning official, a PDP Amendment would require Board Approval; and 8.) To allow one main access point from Harbor Woods Blvd., and one secondary access point from Fortenberry Rd. The vote was unanimous.