

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 11, 2019**, 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 the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales, Brian Hodgers, Ben Glover; Ron McLellan; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Paul Body, Planner II; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, March 7, 2019, at 5:00 p.m.

### **Approval of the January 7, 2019, Minutes**

Motion by Rochelle Lawandales, seconded by Ron McLellan, to approve the minutes of January 7, 2019. The motion passed unanimously.

### **Chair Discussion**

Henry Minneboo – Before we get started, fortunately, or unfortunately, I know a lot of people in this County, and a lot of people have asked me about these costs today associated with applications. I gave it a lot of thought and maybe the Board of County Commissioners are now at a point to see what some of these items cost. I really don't know how far to carry it, meaning how involved to get with a cost; a lot of these people have attorneys that come here, and engineering firms, so I'm not sure you can display those amounts. Just the other evening, I think there was a request for a traffic study, and they said it would be somewhere between \$12,000 and \$18,000 for a traffic study, and I think it was parking related. Is that true, Erin?

Erin Sterk – I think they said it was up to \$50,000, but it was an unrealistic figure we couldn't verify.

Henry Minneboo – It was a lot of money. I just didn't know what staff's thinking was on that, because every agenda item the Board gets they still have a financial impact statement, don't they? We used to have to provide that, what impact that had on their approval or disapproval.

Erin Sterk – Are you talking about the fees that we charge for our things, or fees a person in the private sector might pay to make their application?

Henry Minneboo – I'm not sure we can ask what the private sector charges, but you have certain fees associated to a standard zoning request. A fellow told me while I was trying to get my groceries that he paid \$1,100 for a variance application, stuff such as that.

Erin Sterk – The Planning and Zoning fees haven't gone up in multiple decades, but they also haven't been looked at in multiple decades.

Henry Minneboo – I'm not encouraging you to look at it to raise them, I'm saying that we need to share with the Commission what something costs, because even though we get it approved, it doesn't mean the Commission is going to approve it. You could lose your money on an application, and it's easy to say that's a dice roll, but I just thought I needed to publicly say something about it, because I think it's important to a lot of people that have to pay it. There is some cost out there in

excess of \$50,000 or \$60,000, and it may be a bigger project, but just the fees alone, so before we get started today, give me your take on that.

Erin Sterk – I guess some of the fees we have a hard time combatting and what the repercussions would be is when it comes down to doing a traffic study, or that gentleman was citing a site plan figure, so that's expanding a commercial business and he's going to have to do a site plan, and that's all private sector-governed on how much that costs. Those fees are not our fees. Those Land Development fees were looked at recently, and amended, but the Planning and Zoning fees haven't been.

Henry Minneboo – What about our fees? By 'our', I mean your fees. If an individual comes and wants to do a variance change, there's a fee associated with that, do we put it on the agenda item that these people paid \$2,000 or \$3,000 to get a variance?

Erin Sterk – No. It's more in the range of \$600 for a variance, and we do price breaks when you apply for more than one, where the second and third would not be as costly, but no, we don't do that. We could do that.

Henry Minneboo – Is it worthwhile, or just another exercise?

Erin Sterk – That's the perception of the board.

Jad Brewer – That's up to the board, but I can tell you that I've talked to another department, not about Planning and Zoning issues, but the advertising rates in the newspaper, which I believe we include in Planning and Zoning, have gone up so much that by the time the process is done there's about \$100 left for staff when they put in multiple hours. They're doing it at a negative.

Henry Minneboo – They tell me the obituaries have declined because of advertising.

Jad Brewer – It's \$400 or \$500 just for proper advertising, and we only have one newspaper that meets all the requirements.

Henry Minneboo – Without taking a lot more time, would you guys look into it and give some thought.

Jad Brewer – I'm afraid if we look into it they'll go up.

Henry Minneboo – Then don't look.

**M&R United, Inc. (Carmine Ferraro):**

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 13.27 acres, located on the west side of Grissom Parkway, between Cinnamon Fern Boulevard and Ranch Road. (No assigned address. In the Port Saint John area.) (18PZ00156) (District 1)

Henry Minneboo – You want to table?

Carmine Ferraro – Yes, sir. My name is Carmine Ferraro, Carmel Development, and we would like to request a 30-day tabling. We've been working with staff and we'd like to come back with a very comprehensive site plan that is going to address all of the comments. There is a lot involved, so if you

would give us an indulgence of 30 days we'll be prepared to come back before you and have our item heard. I will also make myself available when I step outside, if any members of the public who did take time to come here and want to speak with me, I'll make sure I get information, and in that 30-day period we will hold a neighborhood meeting. We've held off on that because now we're changing the site plan.

Henry Minneboo – You have not had a discussion of significance with the people that may be directly affected?

Carmine Ferraro – We have not had our neighborhood meeting yet.

Henry Minneboo – I'm going to let you table it providing you do that, because that is very critical to this board that the people know about it.

Rochelle Lawandales – Motion to table.

Ron McLellan – I'll second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Jennifer Jones – Is that to the March 11<sup>th</sup> meeting?

Rochelle Lawandales – Yes.

Carmine Ferraro – Thank you, very much.

Henry Minneboo – How many people were here to speak? I didn't realize how many people were here. He's got to meet with you and discuss every item that you have concerns with; I'm not saying he's going to solve everybody's problem, but it is now mandatory that he meets with everybody that is impacted by whatever he's doing. Do you know when you can have this meeting?

Carmine Ferraro – We had originally had it on schedule, but we withdrew it because we started working with staff, so since we have the notification addresses, within a week or two we will schedule a meeting. We will have had that meeting before we stand before this board again. We have the mailing labels, so we'll be mailing out to everybody that received notification.

Erin Sterk – Carmine, would it be better served, if we're still headed to the April Board of County Commissioners meeting, just to take into account the public's feedback, and then revise whatever plans, and then get those materials back out to this board, do you think that we can go to the Local Planning Agency date in March, and that would give us a couple more weeks. It would still get you to the same Board of County Commissioners date.

Carmine Ferraro – What's the date of the Local Planning Agency?

Erin Sterk – The 25<sup>th</sup>, and that still gets to the April 4<sup>th</sup> Board of County Commissioners meeting.

Carmine Ferraro – We can do that, absolutely.

Erin Sterk – That way, if you have anything that comes out of that, and you revise anything from that, we have time to get it back to this board.

Henry Minneboo – Everybody that's come here today, it's better if you guys work it out without us. We deal with technical issues, and usually the people do a lot better job than we do.

Ron McLellan – It just puts us on a level playing field.

Ron Bartcher – I heard a question from one of the members of the audience. When he mails out his notice, who is he going to mail it to, the people who are within 500 feet of the development, like the County does, or is it going to be a more general mailing?

Henry Minneboo – You have a mailing list already, don't you?

Carmine Ferraro – We have the same mailing list that the County staff sent notification to, so it is a 500-foot radius.

Henry Minneboo – These people found out by the County's mailing list?

Carmine Ferraro – Yes, sir, and there's also a sign on the property as well.

(several members spoke from the audience but were inaudible)

Henry Minneboo – Can he do that outside, get the names of the people who were missed?

Erin Sterk – Yes, and he can post the meeting date by his sign, or get extra names, but the radius package that we produce and the courtesy notice the County sends out is within 500 feet.

(A member spoke from the audience but was not identified for the record)

Erin Sterk – This property is outside of the special district boundary, so it isn't scheduled to be heard by that board. That body is a recommending body to this body, and we can't insert an extra advisory board in the process. We can take into consideration all the comments of this advisory board, so we'll be sure he has all that information. If you all have a distribution network, like it seems you do, take the date and time of the meeting and circulate it.

(A member spoke from the audience but was not identified for the record)

Erin Sterk – Staff is here, and you can get our information from us and email us, and we can send you out information one-on-one, even if you're outside of that 500-foot radius, it is public record, and if you have public comment you're welcome to send them to us. He's hosting a meeting with beyond 500-feet worth of people.

(A member spoke from the audience but was not identified for the record)

Jad Brewer – Mr. Minneboo, I'm not sure this is the place to argue the ordinance and statutes.

(A member spoke from the audience but was not identified for the record)

Henry Minneboo – Can we get them to fill out a card in the back, and try to do it that way?

Erin Sterk – Sure, if we just want to start a list and get contact information. I think Carmine is willing to do that directly right now, but it's not really something that staff traditionally facilitates unless you're

trying to get information from staff. Paul, if you don't mind going to the back of the room and taking down some names and we can communicate what new information we get when it is received. This meeting serves as the notice for the next meeting, so when they make a motion to table it to a certain date that is when it will be heard.

Rochelle Lawandales – I'll make another motion to accept the March 25<sup>th</sup> date as the date of the hearing for M&R United.

Brian Hodgers – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**Manda Lajoie Taylor:**

A change of zoning classification from GU (General Use) to AU (Agricultural Residential). The property is 2.38 acres, located on the east side of Florida Palm Avenue, approximately 0.18 miles north of Areca Palm Street. (5125 Florida Palm Avenue, Cocoa) (18PZ00145) (District 1)

Claude Lajoie – Claude Lajoie, 5265 Cangro Street. My daughter acquired this property in 2004 and it's at 5125 Florida Palm Avenue, and we're looking to get it rezoned from GU to AU.

Henry Minneboo – What are you going to do on this property?

Claude Lajoie – We'd like to build a house.

No public comment.

Rochelle Lawandales – I move approval.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**William Emmons and Laurie Turner:**

A change of zoning classification from RU-1-7 (Single-Family Residential) to SR (Suburban Residential). The property is 0.81 acres, located on the east side of North Singleton Avenue, approximately 165 feet north of Parker Street. (2295 North Singleton Avenue, Mims. (18PZ00147) (District 1)

William Emmons – William Emmons, 1035 North Dixie Avenue, Titusville. I'm the co-owner of the property located at 2295 North Singleton Avenue. This is a vacant lot, 0.81 acres. After speaking with Planning and Zoning we were told the existing zoning on the property, currently RU-1-7 is not consistent with the Future Land Use designation. In order to develop the property we are requesting a zoning change of SR. Our intent is to develop the property with one single-family residence.

No public comment.

Rochelle Lawandales – Does staff have any comments on this one?

Erin Sterk – No, it's a challenge when you look just at the zoning map to see how this fits in; there's a sea of RU-1-7 (Single-Family Residential) around them, but a lot of that retains pre-existing rights

prior to the Comprehensive Plan coming into place. This is kind of just a hoop you have to go through and it's pretty consistent with the development pattern.

William Emmons – What we're proposing to build is pretty similar to the houses located around the property.

Rochelle Lawandales – I move approval.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**James and Jennifer Mutter:**

A change of zoning classification from GU (General Use) and RU-1-13 (Single-Family Residential) to BU-1-A (Restricted Neighborhood Commercial). The property is 1.15 acres, located on the north side of West Main Street, approximately 145 feet west of Holder Road. (4218 West Main Street, Mims) (18PZ00150) (District 1)

Jimmy Mutter – I'm the owner of 4218 West Main Street, and I'd like to try to get it rezoned so we can open an office there in the near distant future.

Henry Minneboo – Is that just over an acre?

Jimmy Mutter – Yes.

No public comment.

Ron McLellan – You have frontage on Main Street?

Jimmy Mutter – Yes, sir.

Rochelle Lawandales – I move approval.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**Joseph Brandon and Nikki Thomas:**

A Small Scale Comprehensive Plan Amendment from Residential 1 and Residential 1:2.5, to all Residential 1. The property is 3.15 acres, located on the southeast corner of County Line Road and Dixie Way. (6705 Dixie Way, Mims.) (18PZ00153) (District 1)

**Joseph Brandon and Nikki Thomas:**

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 19.75 acres, located on the southeast corner of County Line Road and Dixie Way. (6705 Dixie Way, Mims) (18PZ00154) (District 1)

Joseph Thomas – Joseph Thomas, 6705 Dixie Way, Mims. The first one is the Future Land Use amendment. We have 19.75 acres, and of that, approximately 3.15 acres on the Future Land Use

map is zoned Residential 1:2.5, and we're asking to change that boundary to match the property line, which would make the entire property Residential 1.

Public comment

William Goff – My name is William Goff, I live on Huntington Avenue in Scotsmoor. I think everybody knows that end of Scotsmoor they're talking about is an extremely rural area. Anybody doing anything on Dixie Way is also perilously close to the Indian River, and anything that might be done to impact density in that area because of groundwater issues, well issues, which we all have to have up there, I don't think anybody that's come here today in our group wants to see anything tighter than the existing 2.5 acre restriction. In fact, many of us don't think 2.5 acres is large enough. If this proposal would allow a higher density level than that, then I think everybody in our group who came here is wholly against it.

Daryl Burke – My name is Daryl Burke, I live at 3445 Sunset Avenue, Scotsmoor. I have to agree that some of my concerns are the same as Bill's. The water quality is already marginal at best, depending on how frequently the fields are irrigated. People keep moving up there, and we don't seem to have the infrastructure to support a huge population of people. My concern is if it's 19 acres, RR-1, that's 19 homes, 19 wells, 19 septic tanks. If there's an additional 100 acres beside it, what's going to keep that 100 acres from being done the same way? I think the current zoning up there is 2.5 acres, the surrounding properties have 150 feet of road frontage that's County maintained. I just don't think that's the right thing to do for the residents that live up there.

Henry Minneboo – Ron, can you help me a little bit? You certainly have some knowledge.

Ron Bartcher – Yes, I looked at that and I don't have a concern with it, and the reason I don't is that what we're doing is dealing with a 3-acre piece out of the 19 acres. If we leave it alone the way it is, they have 16-plus acres to develop.

Henry Minneboo – That has to come back.

Ron Bartcher – When I look at it I see they're asking for 19 houses instead of 16 houses. It's insignificant. I have done some research on the septic tank issue; they're roughly 3,700 feet west of the river, and one of the things the septic tank study showed was that houses that are close to the river within 50 yards, or actually within just over 200 yards, were significant contributors to the pollution in the river; 200 yards is 600 feet, and these people are 3,700 feet. There may be a problem with water; that, I won't dispute, but I don't see it as a septic tank issue.

Henry Minneboo – They're just taking 3.15 acres off of the 19.

Ron Bartcher – Right, that's really what we're addressing, the 3.15 acres.

Cheryl Barnes – I thought we were addressing the 19 acres, so I'm confused.

Erin Sterk – The Comprehensive Plan Amendment, most of the property retains the Residential 1 Future Land Use designation, and the 3.15 acres has the Residential 1:2.5. They are seeking to rezone the entire 19.75 acres, but the Future Land Use Amendment is just on 3.15 acres.

Cheryl Barnes - So, it's not zoned AU (Agricultural Residential) now?

Erin Sterk – It is zoned AU, so we're talking about two different things they have to decide today.

Cheryl Barnes – My name is Cheryl Barnes and I reside at 3800 Sam's Lane, Scotsmoor. Our property is approximately 130 feet from this rezoning request. We purchased this property, approximately 50 acres, in January 2001. It was, and is, surrounded by citrus groves, pasture land, and homes on a minimum of 2.5 acres. Our goal was to purchase some land that we could eventually place into a conservation easement, and in December 2005, we were able to place 40 acres into an easement with Brevard County Environmentally Endangered Lands. I mention our easement because I'd like read you a small section from our easement documentation report, which was prepared for EELs (Environmentally Endangered Lands) by The Nature Conservancy. I'm hoping that along with the map that I'll give you that it will give you a better feel for this northeastern corner of Brevard County. "Laney-Barnes land is located approximately one-tenth of a mile south of a portion of the Merritt Island National Refuge, and three-tenths of a mile north of another portion of the refuge. The property is also within four-tenths of a mile from land that is included within the boundaries of the Indian River Lagoon Blueway Florida Forever Project, which was placed on the State of Florida's land acquisition list in 1998. The Blueway project was designed to protect lands along the Indian River Mosquito Lagoon from Volusia County to Martin County, Florida. The project boundaries were also designed to include gaps in ownership within the existing boundaries of the refuge. Preservation of the buffer land surrounding the Blueway Project is vitally important to the preservation and improvement of this ecosystem. Map 1 depicts the location of the Blueway Project, Merritt Island National Wildlife Refuge, and the subject easement tract within a network of conservation lands protected and managed by a combination of State and Federal agencies." Members of the committee, the first sentence of Administrative Policy 3 from the Brevard Comprehensive Plan reads, "Compatibility with the existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered." I am asking you to consider the impact this subdivision would have on the residents of the area; a significant number of them move to Scotsmoor seeking a rural quality of life and the negative impact to the continuity of the conservation properties and initiatives in northeast Brevard and southeast Volusia County. (Ms. Barnes showed a map to the board. A copy of the map can be found in file 18PZ00154, located in the Planning and Development Department.) This is our easement, and this is the National Wildlife Refuge property, we are here and the proposed rezoning is right here, up against the refuge property. That's the Volusia County line.

Henry Minneboo – You're almost exactly at what we call the north end of the Indian River.

Cheryl Barnes – Yes.

Nancy Stephens – My name is Nancy Stephens and I live at 6600 Possum Lane, North Brevard County. Everyone was notified within 500 feet of this property. Our property is 1,500 feet, but I am closer to this property in my home than I am my mailbox. It is a very rural area. The smallest tract is 2.5 acres and that 2.5-acre piece was made that way two years ago; it was a 10-acre tract and a mother and child who divided a 10-acre lot to make that 2.5-acre tract. The main thoroughfare for this project would be Volusia County roads. They would go north and then the road coming back west of U.S. Highway 1 is a Volusia County road, and they're narrow. We use them every day and if you've got two cars passing each other, one has to yield off the road a little to let the other one pass. On the Volusia side, their requirements are 10 acres for anything; it's very rural on that side as well. Our concerns, again, we talk about the density and water retention, the natural flow of flooding, the natural runoff going towards the river, being able to support it with emergency, fire rescue, or anything. Who



is supporting the additional resources? The Small Area Study included Mims and North Brevard, which was 2.5 acres. Our area is even more rural, so we don't understand how we would go less dense than we would allow in a more populated area. Not to intrude on peoples' property rights, but for the future of our land and our use, and the future of what's going to happen to our environment, it's important to us.

Henry Minneboo – Who is grading County Line Road now?

Nancy Stephens – Brevard grades it to a point.

Henry Minneboo – Then Volusia picks it up?

Nancy Stephens – Yes, sir.

Erin Sterk – It's paved, Mr. Minneboo.

Nancy Stephens – County Line Ditch Road is paved, the rest of it is all dirt. County Line Ditch Road travels east and west.

Henry Minneboo – Brevard does one part and Volusia does another part.

Nancy Stephens – Volusia decided to start paving their roads and they started from the south, which was great.

Henry Minneboo – Of the length of that road, how much is dirt now?

Nancy Stephens – County Line Ditch Road is paved from U.S. Highway 1 to Dixie Way, and that's it. Everything else is dirt.

Henry Minneboo – Thank you.

David Laney – My name is David Laney, I live at 3800 Sam's Lane, my wife and I have the conservation area that she described. Regarding the small change to the Comprehensive Plan, Florida Statute states a comprehensive plan also has to take into account the impact on the adjacent municipalities, the County as a whole, and the adjacent counties. This property is exactly on the property line of Volusia County, and no one on the Volusia County side received notice. County Line Ditch Road is not paved to a paved road standard. It was graded and they brought in used asphalt shavings and spread it out and rolled it, so it's not what you would typically perceive as far as construction, supportability, and durability. A massive rezoning request in 2005 resulted in the Small Area Study, which was submitted to the Board in 2007. Let's look at what the precedent is for previously approved zoning and redevelopment in five years. (Mr. Laney displayed a large map to the board that was not given to staff.) There is some zoning of one per 10 acres, and others as large as 25 acres. Volusia County has made efforts to establish the continuity of the conservation corridor up the Indian River Lagoon and north. If you look at the actual development that has occurred over the last 19 years since we've purchased our property and began developing it as a conservation area for the County, there has been no land in development in this area in that 19 years, nor any greater density than one house per 2.5 acres. Those houses on Dixie Way are all on 2.5 acres or greater, there is no existing active development within the last three to five years at the density that's being requested. If this rezoning were approved, that would establish precedent. Florida Statute states that

the legislature finds that non-agricultural land which neighbors agricultural land may adversely affect agricultural production and farm operations on the agricultural land, and may lead to the land's conversion to other urban non-agricultural uses. If this 19.75 acres is allowed 19 homes, that constitutes as a subdivision in the Florida Statutes. That's where development is not appropriate. The Small Area Plan submitted in 2007 regarding Mims and North Brevard, the community valued agricultural heritage and preserved actual working farmland and the agricultural landscape. Aside from Mims and several smaller settlements, such as Scotsmoor, most of Brevard County north and west of Titusville has been and is still rural. It is important to recall and acknowledge that the area as farming, and is a significant aspect of community character today.

Rochelle Lawandales – Do you live on Sam's Hammock?

David Laney – Absolutely.

Rochelle Lawandales – For that to become a conservation area, did you just apply?

David Laney – No, the Brevard County EELs (Environmentally Endangered Lands) program at that time did not address or allow for contributing a donated easement. Everything associated with EELs back then, we had to buy the easement; that's what they expected and that's what they intended. We didn't ask the County to buy it, we donated it. We went to The Nature Conservancy, we had project studies and evaluations, and we developed a 30-page project of what we would do to that property. Because of the water and lack of drainage, the eastern portion of the property was wet. We rearranged all the drainage on the property; we had three ponds dug to keep water off; then we removed over 3,600 palm trees and planted oak, pine, and other indigenous plants.

Rochelle Lawandales – How many acres is it?

David Laney – It's 50 acres.

Ron McLellan – You mentioned County Ditch Line Road being millings and not proper asphalt.

David Laney – That's correct. It's similar to what Brevard County is doing on Highway 46, west of I-95. It's another problem from the standpoint of the ingress and egress to this property. Dixie Way, running from County Line Ditch Road north, that two miles is all dirt road. It's reasonable to assume that the increased traffic would be on a substandard dirt road.

Ron McLellan – Is County Line Ditch Road a Brevard County road?

David Laney – No, it's Volusia.

Ron McLellan – The residents on the south side of County Ditch Line Road have no pull at all.

David Laney – The residents on the south side of County line Ditch Road are Brevard County.

Ron McLellan – So, you have nothing to do with that road?

David Laney – Correct. And Volusia County doesn't have any input as to what their view would be of the increased traffic on County Line Ditch Road, or on Dixie Way going north from County Line Ditch Road.

Ron McLellan – Volusia County doesn't care what goes on on the south side.

David Laney – I can't say they don't care. An increase in density on land adjacent to their conservation reserves, and the wildlife corridors on their conservation properties, they might have some input on that.

Ron McLellan – My point is if you put more homes in there and you expect Volusia County to fix that road, they're not going to mess with it.

David Laney – I agree. I can't specifically state that they would not fix it, but they have no obligation.

Rose McGinnis – My name is Rose McGinnis, I'm President of the Scotsmoor Community Association. I'm here to let you know that mid-last week is when we were told that the zoning was going to be changed. I live in Scotsmoor, obviously, so I have an axe to grind with that, but I would like you to know that I let the neighborhood know. The property is located at the outskirts of our community, so you wouldn't see those signs easily, so I didn't have a lot of time to let the community know that this may be an issue. I'm sure if more people would have known you would have had probably as many people here as you had for the previous item. That area, if you drive down there, is farms and horses, and there's quite a few trucks already going up and down there from Brevard Lumber. I don't know what their intent is, I guess it's to go to an acre at some point for some of their property, but that's a precedent, and there's a lot of land out there that would no longer be rural. I have been getting phone calls, and this has been a week of knowing that this was going to change. They seem like fine people, they emailed me and I had a conversation with them through email, but Scotsmoor is rural, and we don't have traffic issues. I think that many of the people living there are concerned that that is not a direction they would like us to take on. That's my personal issue, but if they would like to come to the Association at our next meeting and let the community know what their intentions are, maybe that's an avenue to at least let the community know their intention. Obviously, we don't have a say-so, that's your say-so, but the offer is open to them to let the community know what their intention is. My personal side is I would like to see it stay at 2.5 acres. Drive out there, there's dirt roads everywhere, and imagine an influx of homes from 2.5 acres down to an acre, the amount of population that would put on that infrastructure, I can't see it.

Henry Minneboo – We didn't have any confusion on the advertising, did we? I mean, standard advertising?

Erin Sterk – We did the normal 500-foot radius notice. Also, I'd like to address some of the concerns of the public. Our staff coordinated with the Planning and Zoning staff (from Volusia County) on what their Future Land Use designations and zoning classifications would allow for, and we did elaborate on what those density allowances are within the staff report, so we didn't just report on the surrounding properties that are in Brevard alone. We also spoke with the Transportation Department (Volusia County) on the condition of that road. We looked at it from a preliminary concurrency analysis standpoint, which we traditionally don't talk about pavement quality at this level, so we talked with their transportation engineers about what their trip counts were, because we wouldn't have count data for Volusia County roads. They confirmed a range for a local road of that size, but they had not conducted counts on that particular road. They did say that they did not feel that the number of trips generated by this proposed subdivision would have an impact that would trip the level of service standard for that roadway, so we didn't report that in your comments. We did not specifically ask whether or not the pavement condition would support the trips on it. I've not had to ask that question

before at this level, so I'm just not sure if that's something this board chooses to have us go back and re-evaluate, we certainly can do that, but it wasn't something that they brought up as one of their concerns from their staff.

Henry Minneboo – This is a rather unique situation. I can tell another place that has the exact same issue, which is Keenansville, the County owns roads down there that they haven't seen in a long time, either. Sir, do you want to come up and address everything?

Joseph Thomas – First of all, when I was first up here I was just addressing the request for the land use, so I can't say much beyond that, but the understanding is that's just a Future Land Use so it's consecutive with the property boundaries. Basically, that's all that request is for. The second one, which is the rezoning, yes, we live at the property and we plan on living at the property. Right now, we actually have a mobile home on the property, but we're looking at building ourselves a new home on the property and staying there, so it's going to be our personal development, too. It's in a unique location because of where it's located with County Line Ditch Road and it being labeled as a County maintained asphalt road, which by coordinates allows us to attach it and it meets that criteria. We are planning on paving Dixie Way to County Line Ditch Road, it will be required of us to develop our property. Yes, the property is 19.75 acres, but as far as storm drainage retention and roads, it states in the comments that it's only an addition of nine single-family homes over what the existing zoning is now, which is a 50% increase. Also, on the traffic numbers, it was very minimal the actual impact it would have on the existing numbers on U.S. Highway 1; I think it was less than one-tenth of a percent. Our property is unique because most of the properties in the area do have issues as far as wetlands, lowlands that are in the floodplain; ours happens to be high enough that we're out of them; we do have a tiny bit of wetlands on the back half, but other than that the property is very clean to develop. Addressing one of the biggest concerns in the area, speaking with Rose through emails, is our neighbor has a 100-acre orange grove and he surrounds us on two of the four sides of our property, and I have a letter from him that says he doesn't have an issue with our development, and supports it. If you look at the existing zoning, less than 20% of that is zoned Residential 1, and the other is Residential 1:2.5, and the back portions are five acres, following the analysis they did in Mims, which breaks off from the Lagoon the 5-acre to 2.5 acre, to 1 acre barrier as you approach U.S. Highway 1. When we researched this we looked at all the different prospects of what we could do with the property and we chose to follow this route because it seemed to be clean and pretty much falls in line with what the zoning is and the requirements. I think beyond that, that's about it.

Henry Minneboo – How many people there are living on one acre?

Joseph Thomas – I think the closest one-acre property is 3,600 feet. It addresses it in the comments. Most of the one acre and even smaller parcels are actually in the little hub area of Scotsmoor, which is a couple of miles away, and then it goes out from that. This is unique because we are at the end of the road and we could start paving Dixie Way, which some people want and some people don't, but it kind of starts with a clean place to start; we're not out in the middle of nowhere and we can make a clean development. And it's not 19 homes, I think we're asking for a maximum of 16, and it just depends on the storm drainage. We did a preliminary map with 16 lots, and that's the maximum we could do. I have a copy of that map if you'd like it.

Rochelle Lawandales – No, thank you. They can do a PUD (Planned Unit Development), can't they?

Erin Sterk – They can do a PUD (Planned Unit Development), but they would still have to be consistent with whatever Future Land Use designation the property has.

Rochelle Lawandales – On the 3.5 acres, if it remained Residential 1:2.5, it would have to meet that criteria, whereas the rest can meet the Residential 1 criteria.

Erin Sterk – They can do that with PUD or not.

Rochelle Lawandales – Do you still have the Open Space Subdivision?

Erin Sterk – Yes.

Rochelle Lawandales – Have you evaluated that at all?

Joseph Thomas – Yes, the reason why we're looking at it, and by the way, RR-1 (Rural Residential) is considered a rural residential, meaning that's why we went for the rural residential and the one acre, because a lot of people we know moving to the area, you can't have commercial use, but you can have private horses, animals, barns, and by going with a PUD you're opening up area space, but you're going to smaller individual lots, so they kind of lose that ability to have their own little ranches. That's how we're trying to push this, and that's how we're looking at it for our property, is we have our own little ranch there that we can utilize and keep that rural theme going.

Rochelle Lawandales – Are you amenable to meeting with your neighbors?

Joseph Thomas – I'm fine with that. I did speak to the Laney's, and I was trying to get back with them and I kept missing them, but I know what peoples' opinions are. We did speak to the gentleman who owns the grove, and talked to the neighbor next to him, Andy, and he feels the same as him, and also the people across from us. The people around us, except for the Laney's, don't have an issue with it moving forward, it's mainly people outside of that area, so everybody but the Laney's in the 500-foot radius are okay with it.

Brian Hodgers – Is it 15 or 16 units? On this, it says 15 units. I just wanted to get that confirmed.

Joseph Thomas – We're considering one unit our existing, so it will be an additional 15 to what we have. The 16<sup>th</sup> is us.

Brian Hodgers – That puts you at roughly a little over 1.2 acres.

Joseph Thomas – I've got to divide it, and what would happen is some of them would be over, and the ones in the back we are going to do a little larger, at 1.5 to 2 acres.

Brian Hodgers – For staff, if it's over an acre, say 1.2 acres, is that going to be acceptable?

Erin Sterk – Right now, they have AU (Agricultural Residential) zoning, so if you're talking about just coming in and doing something administratively and just going to subdivide, then they cannot do that today, they need the zoning regardless whether or not you approve the Future Land Use designation. They could stagger their development pattern. If the Future Land Use were not to be approved and the zoning were to be approved, they could stagger it where there is larger lots in the back on the

Residential 1:2.5 portion, so there's a lot of options available to them. And of course, the Open Space Subdivision as well, and that could get them down to a one-acre lot size at the current zoning.

Brian Rodgers – Regarding the comments about the septic tanks, being 3,700 feet from the Lagoon, would they be required to use the new advanced, more expensive, septic tanks?

Erin Sterk – No, they're well outside that boundary.

Henry Minneboo – Ron, are you comfortable?

Ron Bartcher – I gave Rose a call because I felt pretty certain that she would not know about it, and most of the people in Scotsmoor would not know about what was going on with this.

Henry Minneboo – You raised the flag.

Ron Bartcher – I raised the flag, and that's the reason we have all these people here. I didn't see a significant problem with it, but I wanted them to have their input, because they live there. We cited the Mims Small Area Study, which actually stopped just south of Scotsmoor, and at the time we did that study there were several of us that were encouraging the people in Scotsmoor to do the same thing for the north end of the County. Unfortunately, that wasn't done. I would still encourage them to try that approach, because this is the only place that development is going to happen in Brevard County; everything else is spoken for. What we're seeing now is just the tip of the iceberg.

Erin Sterk – If I could add to that, not that the Mims Small Area Study particularly governs this property, but those folks who participated in that recommended a density reduction everywhere east of U.S. Highway 1, so the recommendation that came out of that study was that everything go to Residential 1:2.5 east of U.S. Highway 1, and the County Commission upheld the one unit per acre density allowance pretty much to the boundary that it is here, and it pretty much goes north-south, it's a very arbitrary boundary, but that is the one unit density that the Commission upheld at that time.

Henry Minneboo – What year was that?

Erin Sterk – 2007. I would assume they probably did density reductions in 2008 just after that, but they did not take the recommendation to reduce density all the way over to U.S. Highway 1.

Henry Minneboo – Have you looked at 2.5?

Joseph Thomas – Yes, initially we looked at 2.5, but just because of criteria to develop the property, what you have to do with feasibility and cost-wise, that's why we moved to the direction of the one acres. We also want to create something as nice as the rural area is; sometimes there's a lot of weird lots and we have a hodge-podge mix of properties up there, and the strange this is that with the current zoning we can go along those lines and create some weird scenarios with the property, but we feel this is a nicer and cleaner way. All the homes would be set off of Dixie Way, so as far as an impact going up and down the road, it's not going to be a huge visual impact from what it is today. It's a field, but no matter what, two homes will go there in the front and that's what it would look like at the 2.5 acres or one acre. To make it feasible and utilize our property and our investment, that's the reason we're looking at the one acre.

Henry Minneboo – You don't have a uniqueness with having a hodge-podge up there, there's other places in the County.

Joseph Thomas – I know.

Henry Minneboo – What's the pleasure of the board?

Ben Glover – I'll make a motion to approve the request to change the Future Land Use to Residential 1.

Rochelle Lawandales – I'll second that. I think there's some value in having the property being under a consistent land use designation.

Dane Theodore – As you know, I'm the School Board representative and I'm going to address my comments to the school issue here, and then give my personal opinions. I think that the land use change is entirely appropriate, making that property consistent. I think that the rezoning, going from an allowed six to a proposed 16 is relatively insignificant, relative to some of the other rezonings that we're seeing throughout the County, as we're seeing on North Merritt Island. As they come one right after the other, I do want to address the issue of the schools. Pinewood is a very small school; it is projected to be 100 students over capacity within the next five years, so while the four new students projected based on this increase in development for this particular application isn't significant per se, the fact that Pinewood is so small, the way the School Board solves that is with either portables or rezoning. I'm going to vote yes for this item only because legislation requires a School Board to consider adjacent schools, contiguous schools, which means that Pinewood is going to send students from that area to Mims; Mims can handle the capacity, and therefore I'm obligated to vote yes, and I'm obligated not to vote no for it because theoretically it has enough capacity in the adjacent school. I just want to have the board aware of that, much like Merritt Island, as we continue to improve more and more developments in areas where the schools are going to be stressed, the problem is only going to continue, but again, because there is capacity in the adjacent school district, I am going to vote for this, both applications for comp plan and rezoning.

Henry Minneboo called for a vote on the motion as stated, and it passed 6:2, with Minneboo and McLellan voting nay.

Rochelle Lawandales – Mr. Chairman, the zoning to me is a much different situation. I am concerned about several things. One, I think there may be something in between AU (Agricultural Residential) and RR-1 (Rural Residential), whether it's Agricultural Residential, or the SR (Suburban Residential), or one of the estate categories. Have you explored any of that?

Joseph Thomas – Yes, we actually had several meetings with staff trying to figure it out. Yes, there are other zonings, but it comes down to the same density. We were initially looking at the estate zonings, but the animal rights aren't as liberal as the RR-1 zoning, but they all fall under the Residential 1 land use designation.

Henry Minneboo – What's the pleasure of the board?

Ben Glover – I'll make a motion to approve the request to rezone to RR-1.

Brian Hodggers – I'll second.

Henry Minneboo called for a vote on the motion as stated, and the vote failed 4:4. Glover, Rodgers, Bartcher, and Theodore voted in favor. Minneboo, Lawandales, McLellan, and Filiberto voted nay.

Rochelle Lawandales – Maybe the best thing to do is table this and allow you to do a little more planning and consideration, and meet with the neighbors to see if there's something in between the 2.5-acre lot and a one acre lot on average, especially if you look at open space and buffering, and show everybody how you're going to handle the infrastructure, show how you're going to deal with stormwater. I think those are some unresolved things that would probably help some of us on the board, as well as some of the neighbors. Are you comfortable with that?

Joseph Thomas – Yes. Would we be tabled to the next meeting?

Henry Minneboo – That's an option, or you have the right to bring it to the Board of County Commissioners.

Joseph Thomas – I would feel more comfortable meeting with the community. I don't want to go forward with them feeling like I didn't approach them.

Rochelle Lawandales – I'm going to make that in the form of a motion.

Henry Minneboo – You're acceptable to that?

Joseph Thomas – Yes, it would just be tabled to the next meeting?

Erin Sterk – It would be March 11<sup>th</sup>. That would move you to the April 4<sup>th</sup> Commission meeting.

Joseph Thomas – It would just set us back one month?

Rochelle Lawandales – Would the March 25<sup>th</sup> date give you more time? You'd still make the April County Commission date.

Joseph Thomas – We could do the 25<sup>th</sup> but still meet the April Commission date?

Erin Sterk – That's right.

Joseph Thomas – Is there a plus or minus?

Erin Sterk – It just depends, we send out materials two weeks in advance. From this moment we have two weeks, so if that's not enough time to allow you to do.....some people are working on plans as a result of the meeting. If you are just trying to get that meeting held within that two weeks, you could meet the March 11<sup>th</sup> date. It's certainly up to you. We just need you to tell us what happened in your meeting with the neighbors more than two weeks in advance, that way we're not walking items onto the board.

Joseph Thomas – We'll try to have the meeting as early as possible.

Rochelle Lawandales – Move to table to March 11<sup>th</sup>.

Brian Rodgers – Second.



Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**Barbara J. and Joseph J. Tulske, Jr. - (Rodney Honeycutt):**

Removal of an existing BDP (Binding Development Plan), and requests a CUP (Conditional Use Permit) for a Temporary Security Trailer. The property is 1.55 acres, located on the southeast corner of Tangerine Avenue and North Tropical Trail. (140 North Tropical Trail, Merritt Island) (18PZ00159) (District 2) (Applicant amended the request on 01/31/19 to ask for an amendment to an existing Binding Development Plan only, removing the request for a Conditional Use Permit for a Temporary Security Trailer)

Rochelle Lawandales – Before we hear the item, there's a letter from the MIRA (Merritt Island Redevelopment Agency) Director reminding us that the Agency's board is required to hear items before they come to the Planning and Zoning Board, and MIRA tabled this at their last meeting, to February 28<sup>th</sup>, so they have not heard it. Should we table it until after the MIRA board has heard it and we get their recommendation?

Henry Minneboo – Mr. Honeycutt is coming forward.

Rodney Honeycutt – Rodney Honeycutt, 3700 South Washington Avenue, Titusville. That's a little bit annoying, because we did meet with the board. We couldn't meet in December, I guess they didn't meet. We met in January and when they mentioned that, we said the problem was we didn't want them to table it because we don't want to get tabled again. They said we wouldn't have to do that and we could go back there at the end of February and still meet the deadline. In the meantime, we met with MIRA staff and we developed a sketch to go back to them, and we changed our binding development plan to more of what they asked for. So, the aggravating part is that there was a letter and I didn't get it, and as late as the end of last week I was talking to MIRA, so that's aggravating. If I would have known about that it would have been different, but I didn't.

Rochelle Lawandales – If I understand correctly, we'll hear it and then you'll go back to MIRA on February 28<sup>th</sup> and then go to the County Commission? Is that the order of things?

Rodney Honeycutt – I heard you say, which they didn't tell me this, staff didn't at MIRA, I heard you say that we had to go before them and not be tabled before we came here.

Rochelle Lawandales – That's what the letter says.

Rodney Honeycutt – I don't know what the official word is.

Henry Minneboo – That's just sort of been this board's policy to try to let them hear it first, because one time we got out of synch where we got in here and we thought we knew everything or something, and then the next thing you know it went back to them and there were some mitigating circumstances that we were unaware of, so it threw everything out of whack. Do you remember that, Erin?

Erin Sterk – Yes.

Henry Minneboo – She remembers.

Erin Sterk – This board's formal obligation, as far as MIRA (Merritt Island Redevelopment Agency), is for us to notify them. I was there when the applicant's presented to them, and I think they have met

with the MIRA staff and responded accordingly, which I didn't expect to happen so quickly. If Mr. Honeycutt is thinking they may be already onboard, although their staff can't speak for their board until they formally hear it, hopefully they worked out some conditions intended to meet their concerns.

Rodney Honeycutt – We met with staff but they cannot tell us how the board is going to vote. They told us what they thought the board would be looking for, so we addressed all of those items. To be straight about it, this has been a troubled piece of property and the previous BDP (Binding Development Plan) restricted only one use. My client bought this and didn't even know that, they were told it was zoned BU-2 (Retail, Warehousing, and Wholesale Commercial) and they looked at all of the hundreds of uses, but found out they wanted to just rezone it and have some uses. Based on our meeting with MIRA staff after the board meeting, we have narrowed it down to the main use we want with a future use of just a retail office in a small area. I think it's extremely reasonable, but as far as the MIRA board, I think it's like a gestapo and they'll want us to have one use and come back every single time and spend another \$3,000 to get the next use, and I don't think that's fair. We're here with what we think is something reasonable. I understand you guys have a decision to make, and we're totally open to what you decide.

Rochelle Lawandales – But you realize you are scheduled to go back to them on the 28<sup>th</sup>?

Rodney Honeycutt – Yes, and it will be before the County Commissioners meeting. We're prepared to go back to that meeting, we've already developed the sketch they wanted, which we can share with you if you want, and we revised the BDP.

Rochelle Lawandales – In the interest of disclosure, I was the one who worked on that property and did the rezoning and did the BDP that's currently on there.

Henry Minneboo – I just hate to get out of synch. I know it's not fair, and as long as it doesn't cost money, except time, we're trying to be good neighbors.

Erin Sterk – I can tell you that the list of uses that are proposed now limited by this BDP are significantly fewer than what was before you a few days ago. I think you were retaining all of the BU-1 (General Retail Commercial) uses and restricting only gas stations and drive-through restaurants at that time due to our preliminary concurrency and transportation concurrency concerns. Since you met with MIRA you came back with a BDP that significantly limits it to just a retail office building and just the recreational vehicle display sales, so there's quite a restriction proposed as part of this request.

Henry Minneboo – My interest is this board, and if we make a decision that turns out, it's going to be our fault, so I'm going to let MIRA be first.

Barbara Tulsie – My name is Barbara Tulsie, I live at 3 West Point Drive, Cocoa Beach. There is a financial impact because what we want to do is consign recreational vehicles, and this is the season. The longer we wait, the harder it is, and we might put ourselves right out of the season until fall again. We didn't know the old owners, if we say we're going to do it we're going to do it. We met with MIRA and staff and we will meet with them again before the next meeting. I really don't want this tabled. I don't want to go another month; we put a lot of money into this property and we're passionate about it because we want to make something nice for that area, and to push us off another month. We already met with MIRA (Merritt Island Redevelopment Agency).

Henry Minneboo – How many days from today before it would be finalized by the Board?

Erin Sterk – With the current schedule?

Henry Minneboo – Yes.

Erin Sterk – It would be over in March, and it would be one month further, so April, 20 to 25 days.

Henry Minneboo – What's the pleasure of the board?

Brian Hodgers – They've already met with MIRA (Merritt Island Redevelopment Agency), but MIRA didn't vote on it, so the next meeting is February 28<sup>th</sup> and they're going to vote on it?

Henry Minneboo – Yes, that's my understanding.

Brian Hodgers – They vote on it on the 28<sup>th</sup>, couldn't they come back before us on March 11<sup>th</sup>, which is just before the County Commission meets?

Erin Sterk – It's after. The Commission meets before that in March.

Henry Minneboo – That's about 30 days.

Erin Sterk – It would take it out to the April Board meeting.

Brian Hodgers – And MIRA isn't going to meet again before that so they can get that moved up?

Erin Sterk – No, they don't meet again, they meet once a month.

Henry Minneboo – You've been attending those meetings, haven't you?

Erin Sterk – Yes.

Henry Minneboo – We need help here, because this seems to be trivial to some degree, but it may not be as trivial as it appears. Do you think they'll pass this?

Erin Sterk – I can see that they have significantly responded to the concerns of MIRA. Whether or not they responded enough is for them to decide, but they have made some major changes, and they did coordination quite a bit quicker than I anticipated. The one thing I haven't seen from the applicants that they may want to present today is the concept plan that the MIRA board was intent on seeing.

Brian Hodgers – I think if we're making a decision maybe we should see if there's anybody here to speak against it.

Henry Minneboo – I don't think there's anybody against it.

Joseph Tulske – My name is Joseph Tulske, I reside at 3 West Point Drive, Cocoa Beach. We feel, and we're both professional engineers, we have an engineering company also, and we're aspiring to start this business to help bring jobs into the neighborhood. This is more like a process thing because it's a catch-22, we need just the zoning cleared from that special use that we've been cramped with, with 8-foot walls and all these special things we weren't aware of. The cost to even try to implement that at the beginning of a business would be quite difficult. We will still have to submit a site plan, so we're going to come back in full disclosure to MIRA. I think MIRA is excited to have owners like us

that are going to be involved in the community for many years. I think this is a process, we're going to have MIRA's approval at the next submittal, and maybe that will resolve some of your concerns.

Henry Minneboo – Being a professional engineer I'm a little surprised you didn't see these flags, that that thing was saturated with flags.

Joseph Tulske – What do you mean? How could I see that? We contacted the County. We had a real estate agent. We were moving with excitement and enthusiasm to do this because we really thought we'd have this season, but as my wife said, it's eroding.

Henry Minneboo – Thank you, very much. What's the pleasure of the board?

Rochelle Lawandales – I can go either way; however, this is one of the largest properties in Merritt Park Place or it's their key focal point. I'd really prefer to have the benefit of their thinking in terms of the use. I don't know what our action today would do to their action on the 28<sup>th</sup>.

Henry Minneboo – Can we approve this contingent upon their approval? Therefore, they don't have to come back.

Jad Brewer – Just to be clear, the ordinance only requires it to be forwarded to MIRA (Merritt Island Redevelopment Agency), so you can take action if you choose to do so. The question would really be, is a recommendation based on someone else's recommendation actually a recommendation? I'd be careful on how that was worded for sure. And then the question comes in if they don't approve, but it's for something trivial that you would have approved anyway, regardless of that objection.

Rochelle Lawandales – The bottom line is that it's going to go to them before the County Commission whether we vote it up or vote it down.

Brian Hodggers – If we hear it, we approve it and MIRA doesn't, it's going to come out at the County Commission meeting that we approved it and they didn't. It's ultimately their decision anyway.

Erin Sterk – You could include some insertion that the Board of County Commissioners take careful consideration to the MIRA recommendation, and include in your motion a recognition that this item was heard before them.

Rochelle Lawandales – That's a good suggestion.

Henry Minneboo – Let's go for it.

Rodney Honeycutt – We've discussed a lot of this item already. Basically, it's already zoned BU-2, (Retail, Warehousing, and Wholesale Commercial) restricted only to a mini-warehouse and lawn service use, and BU-1 (General Retail Commercial) uses. My client wants to have recreational vehicle sales by consignment, and so they would be displayed onsite, and that covers about two-thirds of the site. On the balance of the site to the east, in the future, they have another use they could have without having to come back and go through this, and it's just a small retail and office building of about 2,600 square feet. We have revised the BDP (Binding Development Plan); we met with MIRA (Merritt Island Redevelopment Agency) staff on Tuesday and revised the BDP by the end of the week and got everybody to look at it.

Henry Minneboo – The septic tanks have been removed?

Rodney Honeycutt – Yes, all of that was removed some time ago. We have two existing access points; the one off of North Tropical Trail comes in where there will be a small parking area and a sales office; there's recreational vehicle parking on the north side; and there's a covered area that they can do detailing and minor repairs, such as oil changes. On the east side, there's the future office retail building and it can only be one-story, 2,600 square feet maximum, due to the parking requirements. As far as the BDP (Binding Development Plan), we didn't list a lot of these items, but in talking with staff I was told that one thing MIRA (Merritt Island Redevelopment Agency) looks at is, "you had 12 items before, and now you only have six". The reason is because you follow the site plan process you follow the code and address two-thirds of the items in the BDP, but we put them back in here. We say we'll limit the uses to recreational vehicle display sales with detailing and minor repairs, and a future retail office building at a maximum 2,600 square feet. The only access points will be North Tropical Trail and the existing Tangerine Avenue, which will be updated to Brevard County standards. There will be an access gate on North Tropical Trail, which will be access to the recreational vehicle area. The property will be completely buffered by plantings, a fence, and an opaque gate to North Tropical Trail, and no parking of vehicles from this use will be allowed on the street. A lot of people around there park on the street, and we can't control the street, but we can say we won't have anything to do with it. All of the other items listed in the BDP are standard items. We're asking you to approve this and move it forward, and I'd be glad to take any questions.

Rochelle Lawandales – Will the retail office building uses be defined by the BU-1 (General Retail Commercial) category or the BU-2 (Retail, Warehousing, and Wholesale Commercial) category?

Rodney Honeycutt – BU-2.

Rochelle Lawandales – Would you be willing to restrict it to BU-1?

Rodney Honeycutt – BU-1 allows general retail and office?

Rochelle Lawandales – Yes.

Rodney Honeycutt – Yes, that's all we're planning on doing.

Henry Minneboo – On the Tangerine Avenue driveway, is that aligned with the one on the north side?

Rodney Honeycutt – I don't know, but it's the existing one. We'll update it to whatever is required.

Erin Sterk – I'm concerned about the condition binding them to the location of those existing access points. What they're doing here is essentially combining these lots. Right now, there's a driveway to the northern lot and no driveway into the southern lot, so we have an opportunity when we develop this property, to move that driveway further away from that intersection, if that were to be perceived as safer. I can't speak to traffic operations; we got this on Friday, but I'm kind of concerned about boxing ourselves into the ability to review the access to the property at site plan. I would just want to include a little bit more cautious language in this condition that doesn't restrict that opportunity.

Rodney Honeycutt – We were trying to be closer to what the previous BDP was, but we'd be glad to say, "as long as it meets current County standards", and it pretty much says that, by the way.

Erin Sterk – Yes, just subject it to site plan approval.

Rodney Honeycutt – It says subject to current County standards.

Brian Hodgers – The current and future use of the sales office, is it going to be a trailer, or is it going to be a permanent building.

Rodney Honeycutt – It will probably not be a trailer, but a pre-engineered building, which is approved through a different group, the same as a home.

Rochelle Lawandales – That's for the recreational vehicle sales? The future office and retail will be standard built?

Rodney Honeycutt – That will be a brick and mortar building.

Henry Minneboo – What's the pleasure of the board?

Public comment:

Bradley King – My name is Bradley King, and I work at Aladdin Hotel, which is right behind this property. I'm curious to know the type of permanent building that will be there. He described a trailer, and if that trailer is also there, is there something that will be proposed down the road as a permanent status? Or is this something that's just going to be strictly recreational vehicle sales?

Rodney Honeycutt – The sales building for the recreational vehicle sales will be a pre-engineered building. The future retail office building will be a brick and mortar type of building.

Erin Sterk – I have one question about the locations on the concept plan. I want to be very clear, because we're running into this frequently, is whether or not this concept plan is binding. Staff has not reviewed to ensure that this meets County code, so if there's some clarification about location of that future retail and office building, I'm not sure that you'd want to include that in the condition, but the way we're perceiving this right now is this is conceptual, so the only thing that's binding is what's in the language of these conditions. If the location of the sales building is on your minds, put it in language.

Henry Minneboo – We have the ability here to say it, but it's a concept, we're not going to get into the engineering business on this board.

Rochelle Lawandales – We've got the sales office on the north side that's going to be the pre-engineered building. What is the accessory structure that you're anticipating for repairs and detailing?

Rodney Honeycutt – At the most, it would be a metal-type building with a metal top on it. At the least, it would be a metal-type structure with a fabric top. It's just something to keep out of the sun if detailing a recreational vehicle.

Henry Minneboo – It would have to be at least 15 feet high.

Rochelle Lawandales – How high is the fence?

Rodney Honeycutt – The standards are 6 feet. In certain areas the landscape is higher than that, but it will be 12 or 15 feet, and so will the recreational vehicles.

Brian Rodgers – Is the sales office that's pre-manufactured going to stay there once the permanent structure of 2,600 square feet is built?

Rodney Honeycutt – Yes, there will be two uses on the site.

Ron McLellan – I'll move for approval.

Peter Filiberto – I'll second.

Henry Minneboo called for a vote on the motion as stated, and it passed 7:1, with Lawandales voting nay.

**John L. Jackson, Trustee – (Bruce Moia):**

A Small Scale Comprehensive Plan Amendment from NC (Neighborhood Commercial) and CC (Community Commercial) to all CC. The property is 3.28 acres, located on the north side of State Road 46, approximately 0.2 miles west of the Interstate 95 and State Road 46 interchange. (No assigned address. In the Mims area.) (18PZ00160) (District 1)

**John L. Jackson, Trustee – (Bruce Moia):**

A change of zoning classification from GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2. The property is 16.4 acres, located on the north side of State Road 46, approximately 0.2 miles west of the Interstate 95 and State Road 46 interchange. (No assigned address. In the Mims area.) (18PZ00162) (District 1)

Bruce Moia – My name is Bruce Moia, I'm the President of MBV Engineering, representing the applicant. What we have before you today is approximately a 16-acre parcel of land located on the north side of State Road 46, just west of the I-95 interchange. What we're proposing is a truck stop with a convenience store, truck and trailer parking, tire care center, and a fast-food restaurant. There is a demand there for this use; it's a stop for truckers, a place where they can rest, get something to eat, and fuel up and get back on the road. There's also an outparcel that we're hoping to do a proposed hotel on in the future, but for right now Love's wants to put a truck stop there. The project has three different zonings and two different land uses, so we want to consolidate that and make it consistent and do all Community Commercial for allowable uses, and then rezone it to BU-2 (Retail, Warehousing, and Wholesale Commercial). We have had a traffic study done, because this is a \$14 million investment, probably \$500,000 in diesel taxes that will be available to the County on an annual basis, so we think there's a real benefit to this project. The traffic study shows there will need to be a signal at Carpenter Road and State Road 46; it will also require a westbound right turn lane, and eastbound left turn lane, so it will be quite an improvement to the intersection of Carpenter Road and State Road 46. It will create more capacity and be easier for vehicles to get in and out of that intersection. We will be coordinating with the FDOT (Florida Department of Transportation). Not to burden the roadway, we have entered into a binding development plan so we're limiting our floor areas so that we're not blowing out the road, we're limiting it to just what we need. We're hoping to get your approval and I am here to answer any questions.

Henry Minneboo – What's the total acreage?

Bruce Moia – About 16.1, but it's a smaller piece of 134 acre property that is owned by the applicant.

Ron McLellan – That's a perfect place for that truck stop.

Rochelle Lawandales – It absolutely is.

Peter Filiberto – There's only a few Love's truck stops around the state.

Bruce Moia – The closest one north is in Daytona Beach, and south is Fort Pierce.

Public comment:

William Park – I'm William Park and I am the real estate broker who represents the seller in this situation, and I live in Orlando, 3736 Lake Margaret Drive. As stated, the property is 134 acres overall. We believe the development of this travel plaza will be the catalyst that will attract other uses, which can include restaurants, as well as hotels, and we believe the existence of the travel plaza will help development in that area. According to the Mims Small Area Study, this property permits these more intense kinds of land uses. We know there is already a convenience store and gas station that this property will surround on two sides, so the use of selling fuel at this location is not something that will be new. We believe that in the future the rest of the property will probably be developed as residential uses that will be buffered from the commercial area.

Rochelle Lawandales – I'll move approval.

Brian Hodgers – Second.

Ron Bartcher – The Mims Small Area Study said this was an area that was to be developed, and in the Mims area we know that's going to happen, and we support this. The traffic study indicates that the proposed traffic signal is going to be fairly close to the intersection. You said you have not had discussions with the FDOT (Florida Department of Transportation) yet?

Bruce Moia – I haven't personally, but the traffic engineer has.

Ron Bartcher – What I would like, if possible, is for the results of the FDOT's review to be shared with this board. The reason is that as this develops, I think it's important that we as a board know what the DOT wants to do and what other things may happen on the other side of the interstate. We know there's going to be a real estate office over there and there may be other things happening over there. If there's any way you can share that with us that would be great.

Bruce Moia – Our engineer can answer that.

Tim Adkinson – Tim Adkinson, I'm from Jacksonville, 4639 Sugar Creek Drive. Bruce has been helping us work with the County. Along with the traffic engineer, we have met with FDOT and we could share all of those results. They've asked us to do some things and we're working through the numbers, but we can share all of that.

Henry Minneboo – You don't have to give us all of the traffic counts in the package.

Ron Bartcher – I'd like for staff to be sure that they share this with the TPO (Transportation Planning Organization), the fact that this development is happening now, because one of my goals is to try to



get State Road 46 on the long-range plan, and this will help do that. Right now, State Road 46 is not in anybody's planning stages.

Erin Sterk – That's something that we recognized when going through the preliminary concurrency analysis. If you look at everything that has Community Commercial or Neighborhood Commercial, the road won't support it, so I think the planning of that road is significantly behind. They're doing that long-range transportation plan update now, so I hope to capture this corridor as one of the ones in there with future widening identified. We got the binding development plan which changed the limitation on uses, so are we getting a revised study and signal warrant that recognizes those figures before the Commission meeting?

Bruce Moia – Yes.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

I've read the rezoning request into the record, so you can make a motion.

Peter Filiberto – I'll make a motion to approve.

Ron McLellan – Second.

Peter Filiberto – With a binding development plan.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**Brevard County Board of County Commissioners – (Tim Lawry):**

A change of zoning classification from BU-1 (General Retail Commercial) and IU (Light Industrial) to GML(H) (Government Managed Lands – High Intensity), with removal of an existing BDP (Binding Development Plan). The property is 6 acres, located on the southwest corner of Pineda Causeway and the Florida East Coast Railroad right-of-way. (2905, 2915, and 2925 Pineda Causeway, Melbourne) (18PZ00162) (District 4)

Tim Lawry – My name is Tim Lawry, and what we have is a traffic operations center, and we have a traffic operations management building that we're going to construct. The operations center is already there, it's an existing warehouse that we're turning into the operations center, and for the future management building that will come later.

Ron Bartcher - The sign facility, is that an existing facility that you're moving there?

Tim Lawry – Yes, it is.

Ron Bartcher – Do you have any measurements of how much noise that creates for the neighborhood?

Tim Lawry – It doesn't make any noise. The metal signs get fabricated somewhere else and is brought in; the only thing that they're doing there is laminating the stickers onto the signs.

Ron Bartcher – Are there existing businesses in that warehouse?

Tim Lawry – There was until the County purchased it and everybody moved out.

No public comment:

Rochelle Lawandales – I'll make a motion to approve.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**James M. and Joanne M. Thomas, Trustees:**

A change of zoning classification from RR-1 (Rural Residential) and BU-1 (General Retail Commercial) to SR (Suburban Residential), and removal of existing BDP (Binding Development Plan). The property is 1.25 acres, located on the west side of North Wickham Road, approximately 400 feet north of Pineda Plaza Way. (5850 North Wickham Road, Melbourne) (18PZ00112) (District 4) This item was tabled from the November 5, 2018, and the January 7, 2019, Planning and Zoning meetings as the applicant failed to appear at both meetings.

The applicants were not in attendance.

Rochelle Lawandales – Do we make a motion to withdraw them or motion to deny?

Jennifer Jones – If you motion to deny them, I will continue to try to contact them and get them to withdraw before the Commission meeting.

Rochelle Lawandales – Motion to deny.

Henry Minneboo – How many times have we dealt with this?

Jennifer Jones – This is the third time.

Brian Hodgers – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

**Adjournment:**

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