

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, August 19, 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 Vice Chair Peter Filiberto, at 3:00 p.m.

Board members present were: Ian Golden; Ron Bartcher; Rochelle Lawandales; Brian Hodgers; Ben Glover; Ron McLellan; Mark Wadsworth; Peter Filiberto, Vice Chair; and Bruce Moia.

Rochelle Lawandales was present to vote on Item 1 only; and Ron McLellan was present to vote on Items 1 and Plan Amendment 2.1 only.

Staff members present were: Amanda Elmore, Interim Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; Steve Swanke, Program Manager; Darcie McGee, Assistant Director, Natural Resources Management; Cheryl Campbell, Comprehensive Planner; and Jennifer Jones, Special Projects Coordinator III.

Chair Nominations

Ron McLellan nominated Mark Wadsworth as Chair.

Ron Bartcher nominated Rochelle Lawandales as Chair.

Peter Filiberto called for a vote for Mark Wadsworth as Chair, and it passed 7:2, with Ron Bartcher and Rochelle Lawandales voting nay.

Approval of July 22, 2019, Minutes

Motion by Bruce Moia, seconded by Mark Wadsworth, to approve the July 22, 2019, minutes. The motion passed unanimously.

1. Marker 24 Marina, LLC; and Marker 24 Development, LLC (Yane Zana and Peter Black)

A request a CUP (Conditional Use Permit) for Mitigating a Non-Conforming Commercial Marina, in an RU-1-11 (Single-Family Residential) zoning classification. The property is 5.97 acres, located on the west side of South Banana River Drive, approximately 200 feet north of Orris Avenue. (1357, 1360, and 1385 South Banana River Drive; and 1880 West Virginia Avenue, Merritt Island) (19PZ00080) (District 2)

(All documents submitted to the board can be found in file 19PZ00080, located in the Planning and Development Department)

Peter Black, 1200 South Banana River Drive, Merritt Island, stated there is an existing Conditional Use Permit on the property, which they have been advised by the County to revise and define the operation, as well as remove the residential property from the marina.

Todd Foley, 2390 Friday Road, Cocoa, handed out proposed conditions to the board and explained there is an existing CUP for which the highlighted areas signify the changes to; all of the conditions were done with as much of the neighbors' input as possible, and staff's input, to make sure the CUP is in line with not only the development of the single-family homes to be built in the future under a separate site plan, but conforming with the neighborhood, property values, low impact on noise, and also the trips back and forth.

Peter Black stated of the proposed conditions, anything highlighted in yellow is different from the existing CUP (Conditional Use Permit) on the property. He advised that Condition 1 is to remove all portions of residential lots and portions of Marker 24 Community from the scope of the CUP, leaving just the commercial marina parcel.

Yane Zana, 956 Surf Lane, Vero Beach, stated one intent of the proposed CUP was to segregate the residential portion from the remaining CUP; the CUP is to govern the operation of the marina, and it was staff's recommendation that we take out the four residential lots to simplify the separation so that the CUP will only be on the marina itself, which was the intent to begin with. He said the original CUP allowed residential development, and now that they are segregating that portion out of the CUP, they are removing the possibility of doing more residential development, and the CUP will only be on the marina property itself.

Mark Wadsworth asked the total acreage. Amanda Elmore replied the acreage would be reduced from 8.88 acres to 5.97 acres if approved.

Rochelle Lawandales asked if the applicants have met with the neighbors. Mr. Black replied he lives in the neighborhood, so some of them have approached him. Ms. Lawandales asked if the applicants received a copy of a letter from one of the neighbors. Mr. Black replied yes, from Mr. Tate, but the piece of property Mr. Tate was concerned with is no longer part of the CUP.

Ron Bartcher asked since nine parking spaces appear to be in a limited access area, will the remaining 36 spaces be sufficient for the 104 boat slips. He said the spaces to the south look like they are in an area that might be locked and protected. Mr. Black replied yes, the area is locked and protected after hours. Mr. Bartcher stated it seems 36 spaces is not enough for 104 boats. Mr. Black replied the previous CUP allowed for liveaboards, which created a lot of traffic; the proposed CUP eliminates liveaboards except for one or two for security purposes.

Ron Bartcher asked if the existing driveway to the northern parking is going to come off of the road rather than going through the property as it used to. Mr. Black replied yes. Mr. Bartcher asked if there will be two or three accesses to the marina itself from the road. Mr. Black replied there will be one access to the main pier on the north end of the property, which is existing; there is going to be the parking by the marina office that's existing in the middle of the property; and there will be the existing drive into the boatyard that will remain.

Ian Golden asked if there are 36 or 45 parking spaces. Ms. Elmore replied 44 spaces are required; 45 spaces have been proposed, but only 36 are paved. She noted a traffic analysis was submitted today by one of the applicants, and a landscape plan was submitted last week regarding some of the buffering, but staff has not had an opportunity to review them.

Mr. Golden asked, of the 45 spaces proposed, would they not be accessible after a certain time. Mr. Zana replied the unpaved spaces would be closed off after marina operation hours, which is 6:00 p.m. He said the small analysis they did on the trip generations, there is no definitive daily trip average they could find for liveaboards; the closest one they could find was mobile homes; at one time there were as many as 62 liveaboards before he took title to the marina. The residential portion that has been carved out calls for four lots along South Banana River Drive; an engineer provided them with a 9.52 trip per single-family residence average daily trips, so the overall difference they came up with is a reduction in 211 average daily trips.

Mr. Hodgers asked if there is an entryway into the property on the northeast corner that cannot be seen on the aerial map. Mr. Black replied yes, it has been utilized by the fire department for years for access to the neighborhood. Mr. Hodgers asked if three houses are proposed to be built directly south of that entryway. Mr. Zana replied it is four houses; the rendering shows three, but it is just a potential rendering. Mr. Hodgers asked if the driveway behind the marina building is where the cut off will be when the houses are built. Mr. Black replied yes. Mr. Hodgers asked if the houses on the west side will have access from Newfound Harbor Drive. Mr. Black replied yes. Mr. Hodgers asked if that driveway is going to remain on the northwest corner once those houses are built. Mr. Zana replied there is no connectivity between the proposed homes to the west of the basin, versus the little parking area, that's not a drive-through driveway, it is purely for the marina, and the lots will have their own internal street, which is gated and comes off of Jaren Avenue.

Mr. Foley stated it is important to remember there will be a boardwalk that connects the pedestrian side of the parking from the marina office to the pier, and it's shown on the site plan as well.

Mr. Hodgers clarified there is not going to be any access point on the northwest corner; the only access point to the pedestrian bridge to go out to the boats is going to be to that northeast corner. Mr. Black stated that is correct. Mr. Hodgers clarified the parking is there and there are 36 spaces. Mr. Black stated there may be more than 36 spaces.

Ms. Lawandales stated some of the board members have one rendering with four houses on the west side, and one with three houses on the east side. Mr. Black stated it is the same piece of property; one is oriented looking from east to west, and one is oriented looking from west to east. Ms. Lawandales asked if there will be seven new homes on the property. Mr. Black replied no, the only thing that pertains to the CUP (Conditional Use Permit) property is the rendering that pertains to the four residential lots.

Mr. Zana pointed out that the other rendering is to give an overall sense of what's happening with the whole property; it shows the community to the west of the basin, which is not part of the CUP, but they submitted it for the benefit of the board to see what the community will look like. Ms. Lawandales asked if the eastern side of the residential lots are being removed from the CUP. Mr. Black replied yes.

Ms. Lawandales stated the proposed conditions include removing residential lots, asking for boat storage, dropping from 67 to 44 parking spaces, creating a privacy fence, maintaining the private sewer system that's in place, a five-foot wooden boardwalk that will be on the northeast side, no access on the west side, the private boat ramp is to be removed and a new boat ramp will be constructed adjacent to the marina office, the boatyard will operate from 8:00 a.m. to 5:00 p.m.; and the dumpster will be relocated southeast of the marina office.

Mr. Black asked Ms. Lawandales to repeat the first two highlighted conditions to make sure they are clarified properly, compared to the existing CUP. Ms. Lawandales reiterated the conditions are to remove all portions of the residential lots and portions of Marker 24 Community from the scope of the CUP; an existing six-foot masonry wall located on the north property line as depicted on the sketch will remain in place and shall be maintained; the marina shall be limited to 104 slips and the marina shall no longer allow full-time liveaboards except for 2 slips for security purposes.

Mr. Black stated the masonry wall was part of the existing CUP (Conditional Use Permit), and what was added is just to continue to maintain that wall, and it will not be de-constructed for any reason. The third condition is that the boat slips remain consistent with the existing CUP, and that was also a large part of Natural Resources' wishes, to maintain the same amount of slips.

Ms. Lawandales asked Ms. McGee to comment on the proposed CUP.

Darcie McGee stated Natural Resources Management had a couple of minor clarifications for Conditions 13 and 14: Condition 13, that no boat docking shall be permitted on the boardwalk; and on 14, to clarify that a new one-lane boat ramp will be constructed next to the marina office, and the new boat ramp shall not increase capacity and shall not be constructed until after the existing ramp is removed.

Mr. Zana stated they agree with those modifications.

Peter Filiberto stated one of the conditions states the marina shall no longer allow full-time liveaboards except for two slips, and noted the existing CUP allows 50 liveaboards. He stated he has a concern for the displaced residents. Mr. Black advised those liveaboard residents moved out of the marina eight or nine months ago.

Mr. Golden asked staff to clarify what is being suggested with the masonry wall versus what the applicant is requesting. Mr. Ritchie stated previously there was concern with the north property line as far as what should be buffering the residents to the north of the project, so there was some construction out there for a wall, and since that previous approval, the applicant is saying they are going to maintain that wall; what was not at issue but is noted in the code for a marina CUP is that when a site abuts a residential zone, it shall be screened by masonry wall with a minimum height of six feet. The concern at the previous zoning approval for the nonconforming marina was for residents on the north part of the site. He said staff didn't hear from the residents on the south property line of this site, and he doesn't think there's any mention of a wall that's existing or is part of a condition; however, it is noted in the CUP criteria for marinas.

Mr. Wadsworth asked if the applicants would be opposed to a wall on the south side. Mr. Black replied no.

Public comment:

David Tate, 1380 South Banana River Drive, stated he wanted to be sure that he heard correctly that the 1385 address is being taken out of the CUP request. He said he would like for that to happen because he is very much opposed to having boat storage expanded onto that area. He stated he would like to request that as a condition in granting the CUP, that there is protection on the south end similar to the protection on the north end. He said he is very much against any parking lot being constructed in the area known as 1385 South Banana River Drive. He noted it's very important to the neighbors that property values be preserved and augmented by the marina rather than the other way around. He said the applicants have done an excellent job on the north end invigorating the neighborhood, and he'd like to see them have that much concern for the south end of the marina as well. He noted in the past, there have been difficult times with regard to toxic fumes from the boats, and that's one of the reasons he's asking that the boat storage be moved. He said he has no objection to the marina, but he would just like it to be livable for the neighbors.

Catherine Baldwin, 1850 West Virginia Avenue, stated her only concern is in regards to the level that seems to be rising in the marina; her house flooded during Hurricane Irma, and the marina's base elevation is currently 16 inches to her backyard, and she seems to be the retention pond. She stated the houses are great, and the marina is great, but she needs some kind of protection for the overflow.

Ron McLellan asked Ms. Baldwin if she has filed a complaint with the County, because stormwater cannot overflow onto her property. Ms. Baldwin replied she sent an email in January and Ms. McGee visited the site and told her the owners would create some kind of berm. Mr. McLellan asked if it is a problem that she has always had. Ms. Baldwin replied she has lived there since 1988; during Tropical Storm Fay she had an inch of water in one of her rooms; during Hurricane Irma she had a foot and a half of water, so in the course of 20 years they seem to be growing and she seems to be shrinking.

Ms. Lawandales asked if it is correct that they will not be allowed to overflow anything from their site to anyone else's site. Ms. Elmore replied yes, that is correct.

John Sadle, 1870 West Virginia Avenue, stated he is not clear on if 1880 West Virginia Avenue has been removed from the CUP.

Mr. Black stated it was 1885 West Virginia Avenue that was removed. Mr. Sadle said it was formerly 1880 West Virginia Avenue, and he shares a fence with that property and that's why he is concerned.

Ms. Elmore stated 1385 South Banana River Drive has been removed. Mr. Black stated the number is correct, but the street is West Virginia Avenue.

Charles Billias, 119 Chipola Road, Cocoa Beach, stated he has had his sailboat at the marina for the past 25 years, and the guy who manages the marina does an excellent job of maintaining the facility. He pointed out that marinas are hard to get permitted and as more boats come into the area it's hard to find a place to dock.

William Porter, 1389 South Banana River Drive, stated most of his issues are with credibility; he's been dealing with them directly and they are very friendly to start, but their credibility seems to change regularly. He said the applicant moved his lot south with the survey they had done by Campbell Surveying, and they had a fence put up before getting a permit. He said they had two businesses operating on the property that were not registered to operate. Now the telephone pole is in the road because when they moved his lot south they moved the pole. He said he doesn't want the marina close to him because commercial and residential do not mix well together.

Greg Loggins, 1366 South Banana River Drive, stated overall, the owners of the marina are doing a good job of getting rid of the problems with the liveboards. He said to the south, separated by a small canal, there is a 25-foot strip owned by them, but he doesn't know exactly where, and asked if it is southeast by dumpster, next to the marina office, or will it be next to his house? He reiterated overall, they have done a wonderful job and he appreciates the extra things they have volunteered to do.

Mr. Black stated he appreciates the community's input and respects and values their concerns, which he will try to address one at a time.

Mr. Wadsworth asked Ms. McGee to repeat the conditions from Natural Resources.

Ms. McGee stated on Condition 13, Natural Resources recommended that no boat docking shall be permitted on the boardwalk that connects the bathroom facilities to the office, and then the dock access. The second was to modify Condition 14 to read that a new one-lane boat ramp is to be constructed next to the marina office; the new boat ramp shall not increase capacity and shall not be constructed until after the existing ramp is removed. She noted that the recommendations were based on the Manatee Protection Plan.

Mr. Wadsworth asked if the applicant agrees with those two items. Mr. Black replied yes.

Mr. Wadsworth asked about the 25-foot strip of property on the south side. Mr. Black stated Mr. Loggins is concerned the dumpster will be located close to his house, but it will be on the west side of South Banana River Drive next to the marina office.

Mr. Wadsworth asked if the applicant is opposed to building a wall on the south side. Mr. Black replied no, he will agree to a wall along the south side along the boatyard. He said Ms. Baldwin voiced concerns regarding the water flooding her property, but they do not intend to let any water onto her property. He noted after Ms. McGee met them on site they constructed a small berm behind the property and it will be refined and improved as construction improvements progress. He stated Mr. Sadle wanted to confirm that the piece of property was removed from the CUP (Conditional Use Permit), and it has been. Mr. Porter has multiple concerns; a permit was obtained to fence off the property, and the property was fenced off because Mr. Porter used the marina property as a parking lot and he was advised by his insurance company to secure the property to reduce any liability. He said Mr. Porter's drainfield is on the marina property and his attorney recommended that he send Mr. Porter a letter of options, and that letter was sent, but Mr. Porter didn't care for any of the options. There was a permit received for the maintenance dredging, and Ms. McGee guided them on that as well.

Ms. Lawandales stated there was one more item in the staff comments she would like to validate that the applicant is in agreement, which is to make sure that the use of the property under the BU-1 (General Retail Commercial) zoning is limited to the marina only and the uses that are currently on the site.

Mr. Black stated there is no BU-1 zoning on the portion of property requesting the CUP. He noted there is a separate parcel on the river that is outside of the CUP request. Ms. Lawandales asked if staff would change its position on that condition. Ms. Elmore stated staff was okay that the use of the property be limited as described herein, and that the use of the property shall be limited to office space with light retail and bathroom/laundry facility, and its existing use as a commercial/recreational marina.

Ms. Lawandales stated the current CUP is limited to office space with light retail and a bathroom/laundry facility, and its existing use as a commercial/recreational marina, and that is not being proposed to be changed. Mr. Ritchie stated the property doesn't have commercial zoning; it does have RU-1-11 (Single-Family Residential); the previous zoning action was for mitigating a nonconforming use to allow the marina operations that were ongoing and nonconforming to be able to be maintained, and that's how they tried to equate how the marina was operating previously. So, it does not have commercial zoning, but they did have some uses to that marina that were commercial in nature that they wanted to maintain. He stated the purpose of this CUP was because they were adding area to the southeast, and it is being re-heard as mitigating a nonconforming marina use and

to add additional items the applicant was requesting under the original application presented to staff. Some of these things have changed since that initial submittal, so now that southeast lot is being removed from the application and they're going back to the original area of the CUP that was heard several years ago.

Ms. Lawandales stated some of the conditions outlined have been either addressed or fixed by virtue of what was submitted today. Mr. Ritchie stated the existing building is proposed to increase in size, and that is addressed in the comments.

Mr. Black clarified the footprint of the building will remain the same, but they are adding two small offices upstairs, which will increase the square footage.

Motion by Rochelle Lawandales, seconded by Bruce Moia, to approve the modifications to the CUP for mitigating a nonconforming uses for Marker 24 Marina, LLC, and Marker 24 Development, LLC, based on the proposed conditions submitted by the applicant with the additions of the existing privacy fence to be replaced, and the modifications to Conditions 13 & 14 that there be no docking of boats on the boardwalk, and that a new one-lane boat ramp be constructed. The motion passed unanimously.

2. Two ordinances amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, Florida, entitled The Comprehensive Plan, setting forth the transmittal of Large Scale Plan Amendment 2019-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

Plan Amendment 2019-2.1

A proposal initiated by Ray L. Colgin, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from RES 1 (Residential 1) to RES 2 (Residential 2). The property is 52.53 acres, located on the north side of State Road 520, approximately 0.64 mile west of the intersection of State Road 524 and State Road 520. (6500 State Road 520, Cocoa)

(All documents submitted to the board can be found in file 19PZ00075, located in the Planning and Development Department)

Chad Genoni, Beachland Managers, stated what is being proposed is a comprehensive plan amendment for two units per acre to allow for flexibility in the planning of a single-family subdivision. He noted issues related to sewer, water, access, and drainage, will be site plan issues that will be dealt with in the site plan process. He said the surrounding area to the north is Residential 1; there is an agritourism venue there now operating as a business; and the staff comments indicate it is a modular office building, but it is more than that. He stated that in doing research, it appears the Residential 1 designation was adopted because there weren't many services in the area, but there is now water, and sewer service is a half-mile away, but he is not 100% sure if they will tie into sewer. He said it is concluded in the staff comments that a future land use change would not cause a deficiency in the levels of service, and the comprehensive plan analysis meets Policy 1.8(a) and 1.2.

Ron Bartcher asked if Mr. Genoni said he would or would not connect to sewer. Mr. Genoni replied at this point, he is not 100% sure if they are going to connect to sewer. He said originally, they were

planning on septic tanks, but they were hoping to get through to the zoning phase to determine what it would be allowed. Mr. Bartcher asked if he thinks he will have an answer when he comes back for the rezoning request. Mr. Genoni replied yes. Mr. Bartcher asked if there is a plan yet for lot sizes for the proposed development. Mr. Genoni replied no, not at this point.

Public comment:

Gary Dana, 6450 State Road 520, Cocoa, stated he spoke recently to Mr. Genoni, and although he does not have any objections to the rezoning, there are some issues he would like to make known. He said just below the subject property is the St. Johns River; he owns nearby properties that are zoned agricultural, and he does agritourism on his property with a barn that he rents out for events. He said his concern is the flow of water that comes across the property from east to west. On the subject property are piles of waste lime out of Orange County from the Cocoa water system and being placed in Brevard County; the lime is used as a filter for the water to collect heavy metals; and it's almost an impermeable substance, so it doesn't allow water to pass through, so it's blocking the low area of the property. Initially, Mr. Colgin built a road and a canal to the west side, and a ditch, and that's when some of the water was diverted, and he was doing that in order to not allow sewage. He said Mr. Colgin had a blocked drainage pipe as well, and since the blocking of that drain pipe, which occurred a year and a half ago the problems with drainage have escalated. On the east side of the property is a canal that was developed to protect the Satellite Boulevard area, and there is a canal along the front of the property.

Rochelle Lawandales' absence was noted at 4:09 p.m.

Mark Wadsworth asked Mr. Dana if his major concern is with water. Mr. Dana replied his major concern is with the flow of water and proposed development. If access is blocked from the natural flow, water problems will be created upstream, and that is what is currently happening. He noted that some of the activity has happened prior to today, and asked who will be regulating the property. He said another concern would be a fencing issue because there is a barbed wire fence and residential will be next to it.

Charles Billias, 119 Chipola Road, Cocoa Beach, stated he is the former Utilities Director for Cocoa Beach, and as director, he brought in the reuse process for the east coast of Florida. He stated there is a state statute that says if you can hook up to sewer it's a requirement, because a lot of people don't realize there are waterborne viruses that can survive a septic tank, and the St. Johns River is not too far away from the subject property. He said he is concerned not only for that, but also for the nutrients that are going to be pushed toward the river. He stated the applicant told the board he was not sure if the development will be on sewer, but everyone knows he will install septic tanks because it's a lot cheaper. He said he doesn't have a problem with the permit process, but if it is permitted, then he feels the developer should be required to hook up to sewer. He asked how many units are being proposed for the development. He noted he is also concerned with flooding, which also needs to be addressed.

Mr. Genoni stated the maximum units being proposed is 105. He said he plans to work with Mr. Dana over the next several months to come up with a long-term solution to the drainage concerns.

Motion by Brian Hodgers, seconded by Ben Glover, to approve transmittal of Plan Amendment 2019-2.2, based on the conforming area to the east of the subject property. The motion passed

unanimously.

Plan Amendment 2019-2.2

A proposal initiated by Brevard Medical City, LLC, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from PI (Planned Industrial) to CC (Community Commercial). The property is 16.33 +/- acres, located at the intersection of North Wickham Road and Haroon Lane. (No assigned address. In the Melbourne area.)

Motion by Bruce Moia, seconded by Peter Filiberto, to table the requested Plan Amendment 2019-2.2 to the September 9, 2019, Planning and Zoning meeting, as the applicant failed to appear.

Ron McLellan's absence was noted at 4:20 p.m.

3. Approval of a fully amended and restated Development Order for the Viera Development of Regional Impact, amending Resolution 17-205 between Brevard County, The Viera Company, and A. Duda & Sons, Inc.

Steve Swanke stated in the board's package is a proposed Development Order with attachments, as well as a revised Exhibit 4. The other materials received by the board contained some errors, and they are corrected in the Development Order. One error was in the cover memo to the LPA; staff had indicated that the applicant was not required to provide notice to Brevard County when they use the transportation equivalency matrix; both the current and proposed Development Order require the applicant to notify the County. The proposed Development Order will do three things, it will amend Condition 4 to allow exchanges between nonresidential land uses of more than 5% of a particular land use without amending the Development Order, provided that the County and several other government agencies are notified; it will update the phase completion and other deadlines in the Development Order based on emergency declarations by the State of Florida; and lastly, there was a typographical error found in Exhibit 4 to the Development Order under the Industrial land use category, and that has been corrected.

Todd Pokrywa, President, The Viera Company, 7380 Murrell Road, Suite 201, Viera, stated the request is simple and straight forward, it's primarily a clean up to the Development Order that was approved by the County Commission in October 2017, and they have worked closely with Planning and Development, as well as Public Works.

Darenda Marvin, Grimes Goebel, 1023 Manatee Avenue, Bradenton, stated it is common in a large project like Viera that there is the ability to make some administrative changes with the amount of development Viera has, and it's usually done through a mechanism referred to as a land use exchange. She said it still requires The Viera Company to show staff what is being proposed, but it's less formal than doing a large-scale amendment to the Development Order, which they did in 2017. She said The Viera Company wants to ensure those changes are done in a way that any impacts assumed from traffic or from different utilities, that substantial changes are not being made to them. She said the parameters for that are what Mr. Swanke referred to as Condition 4. She said for Viera, there is a table based on peak hour trips and directional trips, so that allows The Viera Company to say they want to trade 1,000 square feet of medical office for 1,000 square feet of industrial. She said the concern in 2017 was that staff did not want The Viera Company to just continue to increase the residential in Viera, and they wanted to make sure there was still a mix of uses, so they are trading employment-based industrial land use and not involving any retail or residential. She said today's

request is that they be able to have a conversion in a change of nonresidential, with no increase or change in residential units.

Peter Filiberto asked if staff has any concerns with the request. Mr. Swanke replied no, the Public Works Department reviewed the request and came up with some language that The Viera Company accepted and that's what has been presented to the board.

Ian Golden asked staff if this type of approval has been done in the past. Mr. Swanke replied the transportation equivalency matrix has been included in the Viera DRI since the beginning; it has not been used very frequently, but it has been used, and there are factors the board can use to calculate what square footage of one type of nonresidential use has the same traffic characteristics as a certain square footage of another residential use, and that's how that is used. You are simultaneously decreasing one land use and increasing another, but hopefully any changes in traffic patterns will be fairly innocuous; it's important to maintain a high degree of balance between residential and nonresidential uses so that the traffic generated in Viera is more self-contained.

Ms. Marvin stated it is used more often at the end of a project.

No public comment.

Motion by Bruce Moia, seconded by Brian Hodggers, to approve the fully amended and restated Development Order for the Viera Development of Regional Impact, amending Resolution 17-205 between Brevard County, The Viera Company, and A. Duda & Sons, Inc. The motion passed unanimously.

Adjournment:

Upon consensus of the board, the meeting adjourned at 4:33 p.m.