

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, May 6, 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, Mark Wadsworth; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Paul Body, Planner II; Lee Ann McCullough-Wham, Program Manager, Natural Resources; 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, May 30, 2019, at 5:00 p.m.

Approval of the April 8, 2019, Minutes

Motion by Mark Wadsworth, seconded by Peter Filiberto, to approve the minutes of April 8, 2019. The motion passed unanimously.

Clark A. and Patricia A. Simms

A change of zoning classification from RU-1-9 (Single-Family Residential) and EU (Estate Use Residential) to all RU-1-9. The property is 2.92 acres, located on the west side of North Tropical Trail, approximately 685 feet north of Lucas Road. (700 Saint Lawrence Lane, Merritt Island. (18PZ00130) (District 2)

Erin Sterk – This is the same property that came forward with a multi-family proposal in the past. We re-advertised the item and switched to a single-family zoning, and we think we can get to the product the applicant is looking for, with some limitations in a BDP (Binding Development Plan). You do not have that BDP in your package, but we can walk you through the conditions that would make the proposal consistent with the mixed land use of Residential 1 on a portion of the property, and Residential 4 on the other portion. The limitation they're proposing to make RU-1-9 consistent is a limitation to two single-family houses and two guesthouses. We're not addressing accessory structures, those will be subject to the limitations in the code. Because we don't know exactly where the property would be subdivided in the future for the front house versus the back house, we felt like the condition of generally limiting the 2.92 acres to two single-family residences and two guesthouses still gets them the four-house type of product. It would require subdividing the property in the future to build the second single-family residence and then the guesthouse.

Henry Minneboo – In theory, we're adding four?

Erin Sterk – We see it as two houses. There is one house there now, and this would be a separate lot with a separate house, and then each of those lots meets the minimum one acre required to have a guesthouse with a kitchen facility. The guesthouses could not be rented out, nor can they have separate meters, and they cannot have a separate family living in the second house. It would relieve the property owner from having the multi-family proposal on the same lot, which their family members could live in, but there were concerns from the public about what happens after the family members are gone and there would be no option to use the homes except to rent them. This would be a separate parcel, so if it needed to turn hands into another owner at some point it wouldn't be encumbered.

Henry Minneboo – Do we know exactly now the distance from the north property line to the water?

Erin Sterk – The survey shows that it's anywhere between 75 to 80 feet to the canal that's 7 feet into their property, so it's about a 100-foot wide lot. They are still going to have some challenges with the septic component and the distance separation from the canal, but they can go through all of that and if they can't meet the criteria they could always extend the sewer line like we talked about previously, to that front piece. We also met with the Save Our Indian River Lagoon folks and talked about the benefits they have to converting the existing residence to sewer service; it's a long run to get across North Tropical Trail, and then to get to the house in the back, but if they were to do that there would be an \$18,000 available refund from that program.

Henry Minneboo – So, whatever they are charged, the County would give them back \$18,000?

Erin Sterk – Right. That wouldn't have anything to do with developing the new unit, so you either get the septic or the sewer through whatever means, but that resource is available for converting existing units from septic to sewer. If they were going through the trouble of bringing sewer underneath the road, they would probably want to hook up both properties.

Henry Minneboo – Do you want to come up and tell us what you have?

Patti Simms – Patti Simms, 1201 North Tropical Trail, Merritt Island.

Henry Minneboo – Erin did a great job explaining this, but is there anything you can add to it?

Patti Simms – I've meet with staff so many times that I honestly believe we have explored every option possible to minimize the objections and still be able to build a place for our parents. We have no objection to including sewer. Everybody is worried about the cost, and I'm not sure that's anybody's concern but ours, but I will address it just in case. If we're going to finance a house, there's no reason we can't add the sewer. It's literally one street away, it's 330 feet. I'm not looking to impact the environment negatively. I am looking for a way to take care of my mother, she's 83 years old, and since this process started she has had a stroke, and as many of you with aging parents can understand, I don't necessarily want her driving far distances anymore. Clark's parents are a few years behind. This is the best solution we can come up with to keep the multi-family out of it, which seems to be a huge deal for our neighbors, and still be able to build houses and put our family in them. They are worried that our parents will die, but I have six children, so this is going to be a family estate for a long time. It's not that we're not ever going to have a use for the homes.

Henry Minneboo – My concern is that the Board of County Commissioners is literally spending millions and millions of dollars as it relates to septic tanks. I'm concerned that, especially the Commissioner of your district, that we do the best job we can do up here and avoid those things, especially being so close to the river. I think the Commissioners would be extremely disappointed in us if we said to put it right next to the river. That's an issue way before you got here, and it's going to be an issue way after you're gone. Septic tanks are not well-received here, and that's just something that we have to concern ourselves with. This board has gone to great lengths that if we had to do a septic tank, put the proper one needs to be put in. In the old days septic tanks were \$3,000 and now they are \$18,000. This board has worked hard and we're not pro-septic tank.

Patti Simms – I'm not pro-septic tank. The reason we're back here is because I made the error of bringing up in front of the Commission that there was a sewer line close by and that we fell into the

Save Our Indian River Lagoon zone for converting our own, which is riverside, so it really should be converted because it's closer than 50 yards to the Indian River. If we're going to bring sewer to our own house, it's going to run the length of the property, it's underground, and there's no problem putting a road over it. Our intent is to put sewer there, but for some reason that word is not good enough. I find septic tanks a little bit gross and I don't want three more on my property. I don't know how to tell you our intent is to use the sewer line. If the septic isn't safe, we're not going to get approved after it leaves here anyway.

Rochelle Lawandales – I need you to refresh my memory. You own the house that's there now, and you want to build a guesthouse for your mother.

Patti Simms – We have two sets of parents and an elderly sister, so that's three. We can't put more than that anyway.

Rochelle Lawandales – You want the house that you're living in and a guesthouse for your other family members, correct?

Patti Simms – We'll need our house, a guesthouse, another house, and another guesthouse. We have 2.92 acres. It's a long, thin, piece of property, which is causing a lot of trouble.

Rochelle Lawandales – I'm trying to understand the need for so many houses, and why they couldn't be housed in a house or why they couldn't be housed in the guesthouse. Why would the property have to be subdivided in order for you to do this?

Patti Simms – Two sets of parents and an elderly sister, all of them somewhat independent, and I don't know how your in-laws get along, but let's just say it's best for everybody if they all have their own independent places. The house and the guesthouse can each have kitchens this way. The way it is now, we can't have a full kitchen, so I don't want a big kitchen, but I have to allow them to maintain their independence as long as possible. When they are gone, I have my children, and when they want to come home they're going to have significant others and families. To have your own space is nice when you come home to mom's. I have a three-bedroom house; it's a large three-bedroom house, but it only has three bedrooms. I don't want six to 12 people in my house.

Brian Hodgers – Have you seen an estimate for how much it will cost to bring the sewer line?

Patti Simms – They are very reluctant to give any numbers, but it has been confirmed that it would be a minimum of \$25,000 to \$30,000, and up to \$60,000. They have to do a soil sample and see what they actually have to go through to drill to put in the pipe.

Erin Sterk – The Utilities Department said it depends on geotechnical analysis to figure out if there's rock they have to get through to get under the road.

Brian Hodgers – They would need a septic for each structure?

Erin Sterk – No, not necessarily.

Brian Hodgers – So, just two maximum, and they already have one.

Erin Sterk – They could do it with two, I believe, if their existing one had capacity.

Patti Simms – I'm not planning to put in more septic tanks.

Erin Sterk – One thing between the last time the Commission heard this and when it changed to the single-family proposal, what we did, as staff, was held an interdepartmental meeting and went over all of the codes that would come into play in developing the multi-family proposal, specifically because that would need to go through the site plan process. If you talk about the driveway alone, a driveway to a residence can be a small little thing, it can be the existing dirt driveway that she has, but when you go and put in multi-family you need 24 feet of pavement, you need a turnaround for a fire truck, and so when we started to quantify all of those costs, it became clear that the development, through that process, would have necessitated a lot of things that not only would have taken up space, but would cost a lot of money to install. I think that was the turning point where we thought the single-family product could go through a building permit procedure, they could do cross-access and share the driveway with the existing one they have, or they could share one driveway; one would be developed with a flag stem to the rear lot, and one would have full frontage on Tropical Trail, so that's how we got to where we are now.

Henry Minneboo – You all jumped through some hoops here. Is there anybody in the audience who would like to speak for or against this?

Bill Heink – I'm Bill Heink, 685 Timuquana Drive, Merritt Island. My purpose in being here is to stress the fact that I was Co-Chair of the small area plan committee in 2005 that spent the better part of a year studying this whole area. We surveyed the community and the end result was they unanimously told us they didn't want the character of the community to change, they wanted it to remain with plenty of open green space, they wanted large lots, and single-family homes. When our committee finished, the recommendation that went to the Commission was for a minimum of one-acre lots per dwelling unit, or whatever that code turned out to be, because at that time it was difficult to understand. To the best of my knowledge that did get codified eventually and became part of the master land use plan. I'm here to represent that committee and let you know this original request flew in the face of that plan, and we looked at it as a chink in the armor because once one person does it, someone else will. The tenor of this whole discussion has changed, because now the plan is to subdivide the property, create two lots that are each in excess of one acre and build, at most, two dwelling units with the allotted guesthouse. The best news I've heard about the guesthouse is that by definition they cannot be rented out, they have to be for family. That's great, that's our big concern, that we'll end up with multiple rental units which nobody in the community is interested in. If the agreement is to subdivide the property, I do not think that would meet with opposition from the people who were on our committee, but what's being presented certainly would.

Henry Minneboo – What year was that?

Bill Heink – 2005. Our projected plan disappeared. We were commissioned by Commissioner Ron Pritchard to do the study and we presented it to him, but it never made it to the Commission. We went back after he left office and talked to Chuck Nelson, and Chuck said he would see what he could do, and two weeks later it was in front of the Board.

Leanna Walters – I'm Leanna Walters, 530 Timuquana Drive.

Jon Mason – I'm Jon Mason and I've got a map of the area for the septic for you. If the proposed septic comes in from Ormond Avenue it is going to be right next to a drain box, which directly drains into the canal, so if the sewer were to ever rupture, that's a concern as well. I'm not sure what kind of

pipng is below there and where the storm drain comes into, but it's something to be concerned about. Once they run it to their property it's got to go down 1,300 feet, and depending where they put the second house, I don't know if they'll have a drain because the elevation goes toward the river, if they'll have a drain towards the river, and then have a pump for both houses back out to the sewer, so that's 2,000 feet or so of pipe. In speaking with neighbors, I understand most have been opposed to the rezoning of the property; some met with the Commissioner, some submitted emails and letters, and some appeared at meetings. It's been difficult to come to the meetings all the time because some of them get cancelled, tabled, or moved around, so we've had to juggle our work schedule accordingly. We also have some concerns with RU-1-9 (Single-Family Residential) zoning, just the possible things that can happen in the future. In that zoning there can be a bed and breakfast, power stations, transformer stations and facilities, and if somebody else buys it with the idea that they've got these different things they can do with RU-1-9, not realizing what we've already been through and what people before use have been through to make sure this area is preserved. I know right now her mother lives just down the road, on the river, so I'm not sure why they see the need to do this. We were told at a picnic that Clark's parents, who live in West Palm Beach, are probably not going to move up here and make new friends after living down there most of their lives, so the likelihood of this a little bit suspect, but it sounds good to say that in front of the board and get them to approve. Also, the preliminary sketches are not binding, and I wish we could have a sketch of what they're really going to do, because we've been asking that from the very beginning and it seems to continually change, and every time we come up here it's something different. They almost said no at the Commission meeting, and then at the last minute they said they would do sewer and the Save Our Lagoon is going to pay for it. Our neighbors' drainfield collapsed and they have to do new sewer now, and because they are on Tier 3 instead of Tier 1, they're not going to get that funding. That funding is going to be kept for other people who have other ideas and they can get in there first but someone who really needs it is not going to get that money. There are people out there with needs that need that money, and there are people out there with wants who want that money. I just think it should go for those that need it.

Leanna Walters – This is our sixth appearance for this, so it's been a long process, forgive us for seeming a little frustrated, we're definitely tired. Things are changing as we go to these different meetings, and they've been tabled a couple of times, and then new information. There has not been any type of concept plan or site plan, and I'm trying to learn a lot about all the differences of what's going on and why this is happening. We just moved to Brevard and chose this as our home, and as Mr. Heink mentioned, the open green space is what attracted us here, the character of the neighborhood as it stands today, so to rezone this for multiple houses has been a concern. We've always talked about renters, that's been a big concern. Patti mentioned at one of the hearings that her family is in real estate; I don't know if it's development or rentals, but it concerns me that that may be an angle with why they need so many houses. They do say their experience would be if renters are there they are experienced to manage and maintain that. That's my background, property Management, and if one person is going to decide who lives in three homes that affects so many houses along that canal, it concerns me of what renters, or what people, would be allowed to be in there with one owner.

Keith Notary – Keith Notary, 690 Timuquana Drive, Merritt Island. Over the years, when they first moved into the house they have presently, it needed quite a bit of work and it took them about 18 months to be able to move in, and once they did they started burning plastic and debris from the building of the home, so these are the kind of people we've been dealing with since then. There's a lot of other issues that have been taken up with the police. There's 22 homes on my street, and if

we're Tier 3 in line for the money for the sewer out of 22 homes getting more direct service that now goes up to Ormond Avenue, across North Tropical Trail, versus going north and only servicing 4 homes, is going to be more beneficial for that money. I would imagine there's a finite amount of money to get rid of the septic tanks. Is that an unlimited fund?

Henry Minneboo – This board is thankful we don't have to deal with that. We're not making any determination in who gets sewer first, believe me.

Keith Notary – I just wanted to voice my opposition. Thank you.

Henry Minneboo – How long have the Notarys lived at the end?

Keith Notary – Since 1959.

Rochelle Lawandales – I'm looking at the survey and there's two zonings on this one property, and there's two land uses on this one property. Could the front portion that's in the Residential 4 and RU-1-9 (Single-Family Residential) be severed and a house put there? I don't know how big it is, it may not accommodate a guesthouse, but they could at least have a house on that front piece, right?

Erin Sterk – It could if it has a binding development plan that limits the density to make the zoning classification that it has today consistent with the Comprehensive Plan that changed since it got that land use.

Rochelle Lawandales – They can have one house on the front?

Erin Sterk – Yes.

Rochelle Lawandales – They would still have enough property on the remaining part of the property to do a guesthouse, correct?

Erin Sterk – We think, with rough calculations, that they need to steal some of the front portion to add to the back piece to get the guesthouse on the back piece. We don't know exactly where that line will be because they haven't proposed that lot line.

Rochelle Lawandales – It's almost three acres, so I'm going to say down the middle of the big piece. If you took the whole piece and cut it down the middle, that's going to be about an acre and a half, roughly.

Erin Sterk – They need to subdivide it a little different than that in order to meet the density allowance in the Comprehensive Plan.

Rochelle Lawandales – One would be the RU-1-9 piece and one would be the EU (Estate Use Residential) piece, so in my way of thinking, they can have a guesthouse to go along with the existing house on that long piece and then they can have one house up front. Is that correct?

Erin Sterk – That's correct.

Rochelle Lawandales – Was that proposed to them, and was that not acceptable to them?

Erin Sterk – The reason why we came up with the idea to do one consistent zoning across all of it, even though they could do what they want to do in the EU (Estate Use Residential) zoning on the rear lot, is that we think they're going to have to steal some of that front piece to get to the density allowance for a guesthouse. When you take out the flag stem we don't know exactly it's going to be 25 feet at minimum for the flag stem, and when you cut that line it may be just east of where the zoning classification split is today, so that would leave the rear lot with EU and little bit of RU-1-9 (Single-Family Residential), and if felt like that would be challenging to interpret later, especially if a binding development plan were tied to just the RU-1-9 piece. If some of it needed to be borrowed and combined with the back piece, we felt like one zoning action on the whole lot, with one BDP (Binding Development Plan) on the whole lot, would allow us to cut it up later, and if we limited it to two units total on 2.92 acres, that would be consistent with the Comprehensive Plan.

Rochelle Lawandales – How are you going to enforce the no rentals?

Erin Sterk – We enforce it the way we do with the guesthouse code across the entire County. If someone calls in we will investigate. There are also provisions in the Code about not having a second meter on a guesthouse, so if someone tries to pull a permit for a second meter to a guesthouse, which would be what it would take to subdivide the property into a whole separate.....

Rochelle Lawandales – They could just meter it through the main house and then charge the renter an equivalent amount for that.

Erin Sterk – Code Enforcement investigates that all across the County today, the same way in this instance. It's not something specific to a guesthouse at this location proposed by this applicant, but that's the guesthouse code everywhere.

Bruce Moia – Can anybody in a residential zoning build a guesthouse on their property?

Erin Sterk – I don't believe so. Paul?

Paul Body – You have to have at least a half-acre; you need a CUP (Conditional Use Permit) if you have less than an acre but anything over an acre doesn't require a CUP.

Rochelle Lawandales – With the EU they'd have enough to have a guesthouse.

Henry Minneboo – I know this area about as well as anybody, and the group that spent the time doing the study were extremely emphatic about trying to leave that place in its character. The northernmost part of the secondary coverage area goes almost up to Indianola Drive, which is further to the north, and everybody there is emphatic about not putting that second house. This area is the southernmost, but if you go to the northern areas, everybody that owns at least 5 to 10 acres, there's no obsession to break it up. Unfortunately, in my opinion, it's just in a bad location for what the people want that are there. We had someone speak here who has been here since 1959. It's just hard for me to support it because it's too close to the river, and I'm not comfortable with it.

Mark Wadsworth – We were talking about four structures, and this is all running straight toward the Lagoon. Is there something where we have to create some type of retention for them to do this? Let's say we approve it, what about drainage?

Rochelle Lawandales – What's the minimum acreage on EU (Estate Use Residential)?

Paul Body – It's 15,000 square feet, just over one-third of an acre.

Rochelle Lawandales – They have more than enough.

Lee Ann McCullough-Wham – To answer your question for Natural Resources, as the properties were developed, retention would be required because anything that would be within that first 25 feet would need retention for any impervious surfaces, so it would depend on how you were going to do these lots. I'm not sure how they're going to make everything fit in the box, but if you have a good engineer like Bruce and can figure out how to make it work, it can work. You're trying to do sewer, or if you can't do sewer you've got septic. Let's say you're going to do sewer, then you've got the sewer under there, then you've got the driveway, then you're trying to do the impervious house or anything else you've got that you need retention for, but if you can design it so you would have a retention swale, which I would suggest along that whole driveway to keep it from going into the canal to keep it from going into the river.

Mark Wadsworth – You all have had a serious concern about the septic tanks there.

Lee Ann McCullough-Wham – We do, but again, the property owner is talking about doing sewer, so that relieves that septic. If we were to go septic, if for some reason the sewer did not work out, you would do the advanced system. They are very expensive and you would need one for each home. It would probably be more cost effective to do the sewer line than it would be to do the septic tanks, but that's the property owner's decision. The difficult part with septic would also be that it would have to be a minimum of 75 feet off the water. I don't know that we have it from that water line. It's 100 feet wide, but that 100 feet goes to the property line, which is actually on the other side of the canal if I understand the survey correctly. You're measuring from the water line, but if she's talking about sewer, then septic doesn't come into play.

Bruce Moia – We talked about a BDP (Binding Development Plan) but no one has mentioned the proposed conditions. Is there a list of conditions the applicant is going to volunteer to provide?

Erin Sterk – The condition that would make the zoning classification consistent with the Comprehensive Plan would be a limitation to two single-family homes and two guesthouses. They don't need to specifically say two guesthouses in a BDP because any single-family home that met the criteria could come in later with a guesthouse, but we didn't want it to be perceived that the condition prohibited it later when we're trying to interpret that. That would allow the lot to be chopped up wherever it needed to be, depending on how they could meet the flag lot stem and get the net density for a guesthouse on the back piece and the front piece. I also want to elaborate on the small area study and go on the record of what my findings were from that process. I researched the small area study, and I wasn't here when that took place, but my findings, and I'm not sure what the committee recommended, but what I can find is what the Commission saw. The small area study made a recommendation for a Future Land Use Map revision; there was a lot of Residential 15 in the area, which was a little extreme, so they recommended some portions of the area go to Residential 4, some portions to Residential 2, some to Residential 1, and some to Agricultural. There was a density reduction, and in certain areas it was recommended to be stepped down, but not all to Residential 1 across the whole area. That's where we differ with what he's saying and what I find the report contained. The parcel proposed for this rezoning today falls within the area that previously had Residential 15 and was changed to Residential 4. That's why they are here under the Residential 4. There was a follow-up with the adoption of a Large Scale Comprehensive Plan Amendment after that

small area study came forward where the Commission directed staff to actually make the change as proposed. It was made exactly as proposed and that was in Comprehensive Plan Amendment 2009-1.1, which put into place the changes recommended and this parcel went from Residential 15 to Residential 4. The idea that the study recommended Residential 1 across the whole study area, I just don't find that in the report.

Rochelle Lawandales – When was the back half of all of that EU (Estate Use Residential) made into Residential 1?

Erin Sterk – In the same Comprehensive Plan Amendment, 2009. There was always a delineation on the front half of this lot and what we think is that's the section line, and it really had nothing to do with reality, but that's why the front half literally goes vertically, and there's a chunk where you might see several of these proposals come forward in that area.

Bruce Moia – Based on what I've heard and some other things that I think need to be looked at, obviously we've got some inconsistency with some zoning and land use, and we might want to consider straightening that out. The density issue, Mr. Heink said as long as we're one unit per acre that's consistent with the small area study findings, and based on the way the code is written, they're proposing two units, even though it sounds like four it's really two by code. There are some issues with this property, being long and skinny, close to the water, and having the canal on one side, so it's challenging at best. If we even consider a binding development plan, I think it's best to address a few things. One is access, and I think the access would be limited to the existing driveway, that they cannot have a second driveway, especially being such a skinny piece of property. Two, I think it should be required that they go on sewer and that septic would not be allowed on the property. I don't think they could fit it on this property because I don't think they would get the variances, and with all the things they are trying to cram in there I don't think they'll get it. And the third thing is drainage. To continue to talk about sewer, we have an opportunity that if you do bring sewer there is an existing home that's on septic now, and we could require them to hook up to sewer and that would get one less septic tank off the river, so I think we would want to require that to be modified and changed over to sewer. My last issue is drainage and right now it is a single-family home that drains directly to the river. If we were going to look at that we should require drainage improvements to not only the proposed house, but to the existing house as well. Those are my issues based on the layout of this property, that even if we consider accepting this we need to iron out those details.

Rochelle Lawandales – I'm going to see if this can go in a different way. I'm concerned about the RU-1-9 (Single-Family Residential), and I don't think it's appropriate all the way to the river. I think they could do what it is they claim they want to do by changing the Residential 4 in the front to Residential 1, making the entire property Residential 1, or one unit per acre, making it all EU (Estate Use Residential) zoning, and then they have 2.92 acres and they can still have two houses; they would have to come in off the same driveway, both houses would be on sewer, and drainage for the whole piece, but I think trying to squeeze RU-1-9 in here is inappropriate. The only way that I would even consider it is if it's all done under the Residential 1 and all is EU.

Bruce Moia – What really is the reason to go to RU-1-9? What gives them the advantage that they don't have with EU?

Erin Sterk – When we came forward last time, the legal description that was advertised was the portion of the lot that was RU-1-9 (Single-Family Residential); if we were to apply a binding

development plan to it to limit the development to be consistent with the Residential 4, because right now if you cut off the lot and access wasn't an issue, you could cut up a 7,500 square-foot lot and get more than four units per acre. In order to limit it to be consistent with the Comprehensive Plan we would need a binding development plan, and if we put a binding development plan on the front piece that limited it to one house and one guesthouse, and then the back piece, once they shave off some of that RU-1-9 area for a flag stem, which they have to do because they have to have separate access, then every lot must have access to a County maintained road. It cannot be accessed by easement. No new lots can be accessed by easement, so we would need to shave off 25 feet of the RU-1-9 area, either adjacent to the canal or on the north side for a flag stem. Once you do that, and if you need to get to the net density on the back half to allow for the house and the guesthouse, you may need to steal some of that RU-1-9 area. If there was a binding development plan prohibiting that it wouldn't allow for that to happen, and we don't know exactly where that line would need to be. That's why we wanted to advertise the whole entire piece so that we could apply a binding development plan to limit it to two units total and that line could be drawn wherever it needed to be.

Rochelle Lawandales – You can do that under EU (Estate Use Residential) by making the whole thing EU under a Residential 1 category.

Paul Body – They wouldn't be able to have a flag lot going back because you have to cut 25 feet off of it and it's only 100 feet wide.

Erin Sterk – The lot is 99.6 feet wide, and EU requires 100 feet wide. You take 25 feet out for the flag stem, you're left with 74.65 feet. The next closest lot width for a zoning classification under 74.65 feet is RU-1-9, or RU-1-3, or something like that that has a 66-foot width. EU makes sense if it weren't for the lot dimensions required. We didn't want to put them in a position of needing to get a variance. You could do EU across the whole thing if the lot width wasn't a factor and limit it with a BDP (Binding Development Plan) and it would be consistent with the Comprehensive Plan, but you can't do that because you have to cut out the 25 feet for the flag stem to the rear lot.

Rochelle Lawandales – What if they didn't subdivide it and just used the one access?

Erin Sterk – You have to subdivide it; you can only have one single-family residence per lot. One thing you could do, but it could result in the rear lot having split zoning in the end, but if you left the rear lot zoning EU, and you left the front, what may be the front lot, RU-1-9, and you apply a BDP to the whole thing the way we're talking about, then the zoning wouldn't change but the net density would be maintained in the BDP, making the existing zoning on both pieces consistent with the Comprehensive Plan. The reason why we brought the whole thing back forward was to have a BDP apply to the whole area, that way it can be chopped up later, once a surveyor and designer get involved, and engineering gets involved.

Henry Minneboo – We have to make a decision.

Bruce Moia – I want to make a motion to deny.

Rochelle Lawandales – I'll second.

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

Robert Bailey

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 4. The property is 0.35 acres, located on south side of Craig Road, approximately 495 feet west of Friday Road. (5055 Craig Road, Cocoa) (19PZ00028) (District 1)

Robert Bailey

A change of zoning classification from GU (General Residential) to RU-1-13 (Single-Family Residential). The property is 0.35 acres, located on the south side of Craig Road, approximately 495 feet west of Friday Road. (5055 Craig Road, Cocoa) (19PZ00029) (District 1)

Robert Bailey – My name is Robert Bailey, and the lot that I'm trying to get changed, right now there's no use for it, and my dad used to own the front part of that lot, so I purchased it in hopes of being there with him, but he's moved away since. I have a lot that right now has no use and I would like to be able to have a single-family residence placed on it.

Henry Minneboo – Is there anybody in the audience who would like to speak for or against this?

Jan Jordan – My name is Jan Jordan, and this is my mom, Evelyn Craig, whom the street is named after, and she's been there since 1957. She is adamantly opposed to having the zoning changed because it's also zoned to have a cell tower, a group home, and a foster home, and we don't want to see anything like that. From the time she's been on the property, the area has been zoned for at least one acre in order to build, and we like that, which is why we live there. My brother has an adjoining property of at least an acre and he is also adamantly opposed.

Henry Minneboo – You don't want to see anything there?

Jan Jordan – No, we don't want it to be rezoned for less than an acre. That's the way it's been and we're used to that, and we love the way it is now. The option to be able to put something there other than a residence is concerning.

Bruce Moia – If it was a single-family residence you'd still be opposed?

Jan Jordan – We would be because it's rezoning the entire area.

Bruce Moia – If we restricted him to where the only thing he could possibly do is a single-family home, would you still be opposed to that? I'm looking at the map and there's a lot to the east that's half the size of this lot, and it has a house on it. If we told him the only thing he could possibly build is a single-family home, would you still be opposed to a single-family home?

Jan Jordan – Yes, and the reason is because there are other pieces of property out there that are less than an acre and that opens up the door for them to do the same. I grew up there and I know the house you're talking about and when that house was built it was not zoned for one acre.

Rochelle Lawandales – It looks to me, on the aerial, that there are five lots that run along Craig Road on the south side. There is one home on the corner, two vacant lots, then a home, and then the lot that Mr. Bailey is proposing to put a house on, and his looks double the size of the lot the house that's on the east side of him, and it looks to be the same size as the one on the corner, so I'm just wondering if it's fair to deny someone the ability to build a home on their homestead piece when there

are homes on other pieces around there, especially if we do a binding development plan, if he were to agree to it, for there just to be a house on it. I'm sorry, but I do have a problem with that.

Jan Jordan – I understand that. What would prevent the other homes that are already there on one-acre properties from doing the same thing, from dividing theirs up and doing something similar?

Bruce Moia – That would be tough to do. Do we know when this lot was created? These days, if you want to split you have rules you have to follow. When this was created I don't know if those rules were in place.

Erin Sterk – Today, you can legally subdivide a lot, just like you could when this lot was created. Even before the Comprehensive Plan came into town, all of these lots along this roadway were substandard lots when they were split off. They tried to make them developable in 1965; they came forward to go from GU (General Use) to RU-1-A (Single-Family Residential), which is a zoning classification that we don't have anymore, and they were denied by the Board. This lot never had development rights and neither did any of the other lots along the street, so they're undeveloped today because they were divided off illegally. We don't have a process to prohibit someone from going over and giving them one square inch to their children. You can't build a house on it until it meets the zoning code, so that's why they're here today, to make the lot buildable. This entire strip, the north side and the south side, in 1965, tried to get development rights by making the zoning meet the lot size rather than the other way around, and they were denied. Since then, the Comprehensive Plan came in that required the one acre, so the challenge is even harder today to make this and all of these lots buildable.

Linda Emerson – My name is Linda Emerson, I live at 5015 Craig Road, Cocoa. We would like to keep that area the way it is. We are a rural area and we would like to keep it looking that way. We feel that to have a house build on such a small piece of property is not conducive with our area.

Richard Blake – My name is Richard Blake, and I live at 5015 Craig Road, Cocoa. If someone builds there they could break that house out, and the other properties can do the same thing.

Linda Emerson – It wouldn't stay rural like it is now, and we have the same feeling as the Craigs, that if he can build a house on such a small piece of property, why wouldn't other people be able to do that? We've been there for over 20 years and it's always been like this. I understand progress happens, but to me it seems like it wouldn't fit in with our neighborhood.

Richard Blake – Our house is on a small lot also, but it was built in 1955, and we bought the property next to it.

Linda Emerson – There are only five houses on the block right now.

Henry Minneboo – Doesn't your road go to the west and then go to the south?

Richard Blake – It does, but that's not Craig Road.

Linda Emerson – That's a newer area.

Richard Blake – And all of those houses are over two acres.

Henry Minneboo – But they still use Craig Road?

Richard Blake – Yes.

Bruce Moia – Which lot is yours?

Richard Blake – The first house on the left on Craig Road.

Rochelle Lawandales – It's the same size as Mr. Bailey's lot.

Linda Emerson – The guy who couldn't make it today lives at 5045 Craig Road, right next to the subject property, and he's been there over 20 years and he's used to having the land next to him also. It's a rural area and we want to keep it rural looking and have space.

Rochelle Lawandales – So, if he built a house on his piece that is just like your house on your piece, and you would object to that?

Richard Blake – Yes.

Rochelle Lawandales – Even though his piece is the exact same size as yours?

Richard Blake – But he could rent it out.

Rochelle Lawandales – You could too.

Richard Blake – But we're not going to.

Robert Bailey – I just want to be able to use the land I bought from my dad. Like you said, others can rent out the property they own, but I'm not looking to rent, I'd just like to be able to use the property. Right now, the property is no use to me or anybody. If some of them would like to buy my property and connect it to theirs I would be willing to sell it because at this point what good is it to me if I can't use it for anything?

Bruce Moia – How long has it been in the family?

Robert Bailey – I've had it since 2004, my dad purchased it in 2001.

Henry Minneboo – The Baileys and the Craigs have been there a long time.

Robert Bailey – I know all of the Craigs, I grew up with them.

Dane Theodore – Do you intend to build a home and sell it?

Robert Bailey – I just want to be able to sell it. If someone here wants to buy it I'll sell it to them. Right now, I pay \$30 a year for taxes and it's of no use to anybody. What do you do with property that you can't use? If I had known I couldn't use it when my dad bought it with the intent for me to live close to him, I never would have purchased it. There's no way I would have purchased the property knowing I couldn't use it.

Brian Hodggers – I'll make a motion to approve this as-is.

Bruce Moia – I'll second.

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

Erin Sterk – We need you to take a second action on the zoning.

Brian Hodggers – I'll make a motion to approve the zoning.

Bruce Moia – I'll second.

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

Rochelle Lawandales – I apologize if I you interpreted what I was saying to you as being rude, I'm just looking at it from an equitable standpoint, and I was not meaning to be rude at all. I think this situation, for staff, maybe you need to look at those lots on that street and maybe come up with a different land use classification for all of those small lots with some restrictions that it be kept somewhat rural, that they can be used but only for single-family residences, because right now, folks in a non-conforming zone are going to have a lot of problems with mortgages, re-sales, and titles down the line, so to protect everybody's interests on these five or six lots on Craig it may be worth looking at to help everybody out.

Xiaolu Yin and Robert McBride (Oscar Busso)

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 3.57 acres, located on the northeast corner of Waelti Drive and Freeman Lane. (3550 Freeman Lane, Melbourne) (19PZ00034) (District 4)

Xiaolu Yin and Robert McBride (Oscar Busso)

A change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.57 acres, located on the northeast corner of Waelti Drive and Freeman Lane. (3550 Freeman Lane, Melbourne) (19PZ00035) (District 4)

Bruce Moia – I'm going to refrain from voting on this. I've been contacted by the applicant, soliciting my services. They haven't hired me, but potentially they could, so I will not be voting on these next two items.

Oscar Busso – We are Anne and Oscar Busso, 233 Waterside Drive, Satellite Beach, and we are pursuing this property in order to develop a place to store boats and recreational vehicles. It is our understanding there is a need for that in the community. We have a recreational vehicle and when we moved here from South Dakota two and a half years ago it was hard to find a place to park our vehicle. We contacted Mr. Moia to see if it is viable.

Anne Busso – Even though we're requesting it for the whole 3.57 acres, we're actually just purchasing 1.7 acres.

Henry Minneboo – Erin, can you help us?

Erin Sterk – They represent the owners and the owners asked to rezone the whole property?

Anne Busso – Yes.

Erin Sterk – So, that's where we're at.

Bruce Moia – The need must be there because I got three phone calls for the same type of use in the same week, so I can back them up when they said there is a need.

Henry Minneboo – Is there anybody in the audience who would like to speak for or against this?

Bob Usherson – Bob Usherson, I live at 338 Myrtlewood Road, which is immediately to the west. Thank you for your service to our community, and I appreciate the time you give to our community.

Bob Usherson – This area along Waelti Drive, as you know, has been a difficult area for a number of years. When I moved to my home in Suntree I made a point to look at the land and the Comprehensive Plan, and not just the land use element, but the whole Comprehensive Plan. I also looked at the zoning code to get a good idea of what the Comprehensive Plan provided would be occurring in this area, which was substantially undeveloped, but it was a mixed bag of uses in there. There have been a number of Comprehensive Plan changes over the last few years, and some zoning changes. I glanced through your package and it does acknowledge that, but the very important point is this board also acted to accept proffers from the applicants to allow a broader range of Community Commercial uses, not just the neighborhood serving commercial uses as the Plan originally and properly provided as a transition. The proffers did significantly limit not just the range of uses that the applicants would ask for, but it also limited some physical parameters as well. I have an example of a development agreement of one of the properties nearby and we think it's a fair example of the kind of conditions that our community would find that render the Comprehensive Plan change and the zoning change respectful of our residential living conditions. Storage of recreational vehicles could be a compatible use, but maybe not. Community Commercial uses might be compatible, but maybe not. The land use plan change would open the gate to a whole range of uses that we would find entirely unacceptable and would be inconsistent with so many Comprehensive Plan policies where the Plan is supposed to assure compatibility and protection of health and living conditions for our residents. The points that were proffered by this applicant are that he would limit the range of uses and agree not to ask for a lot of uses that would otherwise be allowed in Community Commercial; he would limit any outdoor storage of equipment, supplies, vehicles, to those that would not require tractors to move them around and would not require forklifts to move them around, because one of the issues we have encountered and we have solved with the cooperation of our neighboring property owners is tractors, forklifts, outdoor equipment, back-up beepers in the middle of the night and before dawn or after dusk. One of the things we want to be sure of is if there is going to be outdoor storage, such as dry storage for boats that have lifts with back-up beepers going on all hours of the night, that would be unacceptable, so we would say storage is okay, but forklifts and tractors are not okay. Also, outdoor intercom systems are something we could not tolerate in our backyards and bedrooms. With digital electronic signs, in my reading of the billboard code, you require those things be ambient lighting conditions at night, and I don't see that in the commercial sign code, but those things are very bright and obnoxious, so we cannot accept those in our bedroom windows. Finally, to make the development intensity consistent with the neighborhood planning category that would keep the intensity down, keep the floor area ratio consistent with what would otherwise be allowed in the neighborhood category. That would largely take care of height, setbacks, and a lot of other things. The applicants mentioned they would build a storage structure. If that is a ground level structure, that's probably fine, but if it's going to be a multi-level storage structure of

some sort, that would be very problematic for us and probably the homeowner that lives immediately to the east. Lastly, if it were proffered that outdoor lighting would be downward or directed and shielded so that lighting would not be spilling out into our homes, that would be another issue that would make the development more compatible. The only access out of this whole commercial land-shed here is the traffic signal at Waelti Drive and Wickham Road. Right now, the clearance time on that light allows for about five cars to make a left turn, and it cycles once every eight minutes. Something that is not mentioned in this proffer, but I think it calls for, is a Planning Study 101 for this area, to look at the development capacity of this whole non-residential land-shed there if there was some kind of overlay district that would allow a more liberal range of uses, but uses that would not invite the possibility of any kind of major employer to come in there, which would disgorge a slug of employees at rush hour. The only other way to get out of that place is to come through our little substandard street that comes through our subdivision, and through-traffic would be a serious hazard if so much development occurred in this area that people can't get out at the Waelti Drive signal. The signal time at Waelti Drive cannot be tweaked too much because Pinehurst Drive and Suntree Boulevard are very close and it's a jam session right now, so I don't know that the traffic department would provide a lot of clearance on that. I would suggest that the Planning staff look at this area, calculate what the capacity could be, and come up with a zoning overlay, and that would take care of all of these other applications that are going to come before you, because it suggests that the planning category and the zoning code are not too artfully crafted to deal with this kind of an oddball situation. My final request is that you recommend they do not amend the Comprehensive Plan to allow Community Commercial unless there is a proffer that is a legally sufficient form from the applicant that they could accept right then and there that would limit the development in this fashion, and if they cannot condition a Comprehensive Plan amendment in the ordinance, at a minimum, to include in the findings of fact in the preamble to that ordinance that the applicant has proffered these kinds of conditions; otherwise, we could find ourselves with a plan amendment and then the subsequent development agreement, and then they could change the Comprehensive Plan at risk to our neighborhood. I would ask that on the zoning recommendation that you recommend denial unless you get a clear, legally sufficient, proffer from the applicant limiting the range of uses and limiting the design aspects as we've mentioned, and also address the lighting.

Henry Minneboo – Erin, set the tone for us on Waelti Drive. Many years ago, L.K.Q. was at the end, and they have got to dominate that north end significantly, because they had tons of acreage. What are they required?

Erin Sterk – The industrial requirements they have?

Henry Minneboo – Yes, the things he's talking about, I'm wondering if Waelti Drive has to comply with those specific standards.

Erin Sterk – The criteria they have to meet is specific to the zoning classification, the limitations on that property are not necessarily governed by the Comprehensive Plan outside of just the Community Commercial Future Land Use, so they do have specific code that is different than this parcel's industrial code, but that's where those limitations are. I don't see that that property has a binding development plan. The example he provided must be another property on the street.

Henry Minneboo – South of there was a trucking operation for years. If you look at the zoning there is a massive amount of industrial through there, and now we've got this smaller modification here.

Maggie Shultz – I'm Maggie Shultz and I live at 331 Myrtlewood Road, and I've lived there since 1994. You are correct, there is what we classify as the junkyard at the end of the street. We also have the church at the end of the street, but that's far down, and then there are the individual storage facilities. We also have the remnants of what used to be the concrete plant, and then there is a man who owns a house with a piece of property that he had fenced in and he stores his equipment there. Today, I just wanted to hear what they had to say, because I don't have a problem with a storage yard other than the fact that I'd like to keep the lighting and noise down. The question I have on this is where this property is located is directly across the street from homes, and if you're talking about a multi-level building to keep boats stored, that is not going to be something that the people who live in these single-story homes that back up to this street, are going to be thrilled about. I don't happen to back up to that street, but I know people who do, and for them to be having to walk out their back door and see a structure that's overpowering their houses will not work.

Oscar Busso – The structure we're planning will be one story.

Henry Minneboo – You're not going to have a two-story operation?

Oscar Busso – Absolutely not. Some areas might be covered, but nothing will go above one story.

Anne Busso – I believe we have to have a 300 square-foot building, and that will be one story. We want it to aesthetically look nice as well.

Henry Minneboo – You guys are going to have to make more improvements than all the people who have been there for a long time, so you're going to be required to do a lot more aesthetically pleasing things.

Mark Wadsworth – Just to the north of you, that's the concrete remnants, and then he also has a storage facility farther north, before the junk yard.

Anne Busso – It's not going to be storage for goods, its just for recreational vehicles and boats.

Mark Wadsworth – Will it be covered?

Oscar Busso – It will be partially covered.

Brian Hodgers – Are you proposing to put any kind of a fence or shrub line along there? Are you going to be limiting the hours in which people can come and go?

Oscar Busso – Yes, we will have a tree line between the fence and the road, and I'm going to put a very nice fence in there, with cameras. We will have limited hours because we don't want to disturb people past 9:00 p.m.

Henry Minneboo – What are your hours of operation?

Oscar Busso – I'm assuming it's going to be 8:00 a.m. to 8:00 p.m., or 8:00 a.m. to 9:00 p.m.

Henry Minneboo – The nice thing about recreational vehicles is that most of them do not have back-up bells, so that's a positive thing, and neither do boats.

Bruce Moia – When they go through the site plan process they will be required to do a 15-foot Type A buffer along Waelti Drive. I don't think any of the properties over there have that, so they will have something the other properties do not have.

Rochelle Lawandales – You heard some of the issues that the neighbors mentioned, was there anything that you heard that you might agree to? Such as limiting the use under the BU-2 (Retail, Warehousing, and Wholesale Commercial) to the storage facility only, to minimizing outdoor lighting, to minimizing the noise?

Anne Busso – There was nothing he said that we would not agree with. We took that into account when we looked at the property, that there were houses back there.

Rochelle Lawandales – Before you go to the County Commission meeting, would you be willing to offer a binding development plan for this request?

Anne Busso – Yes.

Erin Sterk – I just want to interject very quickly so we can be very clear about what part of the part we're encumbering. The entire property is in for rezoning, so the BDP (Binding Development Plan) will apply to the entire property. If you didn't want to approve the zoning without the BDP conditions, you can limit the portion of the property – I don't have a survey that shows me the area – but if they were going to encumber the use on the property, and there's a single-family home sitting on the other part you're rezoning and encumbering, that would become a non-conforming use, and that could be challenging.

Paul Body – There was a survey included of the portion that the applicants are going to purchase. The rest of it was going to be changed, too, because the owner of the whole parcel thought it would be something for himself in the future to be able to sell.

Erin Sterk – The encumbrance would apply to the whole thing.

Bruce Moia – There wouldn't be a non-conformance if we did the whole piece.

Erin Sterk – There would not be if you rezoned it, but if you were to encumber it to just a storage use....

Bruce Moia – But not if you just prohibit certain uses.

Erin Sterk – That's true. I just want to be sure the owners understand that the entire piece would be encumbered unless you say otherwise, and that would be the portion outside what they're planning to buy.

Rochelle Lawandales – We could say the allowable uses would be any current existing uses on the property, and a storage facility under BU-2.

Bruce Moia – If you look at that BDP (Binding Development Plan), they just listed the uses they wanted prohibited.

Erin Sterk – I would like to hear from the property owner of the other piece that would be encumbered by what a buyer who is not buying that part is talking about.

Bruce Moia – Who are the authorized applicants? These people here?

Erin Sterk – They represent the request, but as far as encumbering the part they're not buying...

Dane Theodore – Do we have a representative for the entire parcel?

Erin Sterk – I just want to be sure that's what they know they are representing. They are the representatives for the request.

Dane Theodore – Are you representing the entire parcel?

Anne Busso – We are, yes.

Erin Sterk – The idea that came to use was that the portion they are not buying, that they're rezoning, was for future development potential, and we're talking about limiting the development potential, so I want to be sure we're all on the same page about it.

Rochelle Lawandales – Can we let them speak and tell us whether or not they would agree to this?

Wendy Stephenson – I'm Wendy Stephenson, and I'm with International Realty, 2643 Bradford Drive, West Melbourne. It was written into the contract that they had to have the 6-foot privacy fence, they have to leave a tree line barrier on the outside of the fence, they have to limit the hours, and they have to limit the lighting. The reason the owners wanted to go ahead and rezone the whole property is because they have a home business and in the future they might want to build a separate business for themselves on the property. There is a corner parcel that will be subdivided from this property, and whoever develops that will have the same limitations because there are two residential properties, and the rest are all commercial on Freeman Lane.

Rochelle Lawandales – The question is, will the owner agree to limiting the uses under the BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification to the storage and residential, and eliminating some of the more cumbersome uses that may be allowed in BU-2.

Wendy Stephenson – I don't think they would object to limiting them; I don't think you can put storage facility next to a storage facility. I don't think they're going to object to the limitations on what can be there, but if they were to subdivide it later, then they could only sell it to someone who wanted a storage unit. They won't want to do that, but they can limit the hours of operation or another structure. The tree line, fence, and hours, I don't know if you can limit as to the other categories in BU-2, but that would be my recommendation.

Rochelle Lawandales – Will you look at those uses with your owner and see what he might be willing to eliminate from that classification that might be a little objectionable.

Wendy Stephenson – Sure.

Bruce Moia – I'm not sure what we're doing. This was done four years ago and it seems reasonable. I thought the gentleman made an excellent presentation and was reasonable in his request. I don't see

where it harms what the applicant is trying to do, or the future developability of the property. The owners will be the ones signing the binding development plan, so they're going to read it before they sign it when they enter into the agreement with the County. The residents accepted the limitations before, so why re-invent the wheel when it's already been done.

Dane Theodore – Bruce, does that limit anything?

Bruce Moia – It limits a lot; it takes out almost every offensible use in the zoning classification, and the rest of the items, such as landscaping and lighting, is all Code requirements, so that doesn't need to be reiterated in a binding development plan.

Rochelle Lawandales – That's what I was referring to, but the owner has to do that.

Henry Minneboo – Does that help, Erin?

Erin Sterk – I just need the applicants to enumerate what those conditions are that they are willing to agree to. There is a lot in there that applies to a different property.

Dane Theodore – I want to know, when we make a motion, are we to incorporate this as a required limitation as part of our motion, putting it in the record to limit those uses?

Rochelle Lawandales – Correct.

Erin Sterk – I hate to interject here, but the people representing the property owner haven't even read this, so I'm a little concerned that we're sure they know what they're agreeing to.

Bruce Moia – He has a copy. They have to come up here and say they agree with it.

Henry Minneboo – Have you all looked at this?

Oscar Busso – Yes, we've had that for a few months already.

Bruce Moia – You're okay with all of that?

Anne Busso – Yes.

Erin Sterk – It does not have things in it such as hours or beeping trucks.

Henry Minneboo – It would be better if you identify it than myself, to make sure you have a clear understanding of it.

Anne Busso – Paragraph 2 says 'outdoor storage or display of large items or material which may require a forklift', which we agree would be prohibited. We're not going to have billboards. We actually agree.

Oscar Busso – We agree.

Rochelle Lawandales – Are you good with that, Erin?

Erin Sterk – I'm good now, thank you.

Rochelle Lawandales – I'll move approval of the land use request to change the property to Community Commercial.

Peter Filiberto – I'll second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously. (Bruce Moia abstained from voting.)

Rochelle Lawandales – I'll make a motion that we approve the zoning subject to the components found in the binding development Plan for K.M.M.-FL, recorded in Official Records Book 7327, Pages 1899 through 1903, dated March 23, 2015, with the provisions found on pages 1 and 2.

Peter Filiberto – I'll second.

Jad Brewer – It might be better if you enumerate them, because this is a big document and I know they circled specific uses.

Rochelle Lawandales – The developer/owner shall limit the land use as follows, and the following uses shall be prohibited: auditoriums; automobile hire; automobile paint and body repair; automobile repairs; automobile sales; automobile tires and mufflers sales and service; automobile washing – mechanized; boat service; building materials and supplies; cabinetmaking and carpentry; commercial entertainment and amusement enterprises; contractors outdoor storage yards; engine service; farm machinery sales and service; feed and hay for animals and stock; fertilizer stores; flea markets; gasoline service stations; hotels, lumber sales; motels; motorcycle sales and service; outside sale of mobile homes; pet kennels; plan nurseries; recovered materials processing facility; restaurant outdoor seating; seafood processing plants; service station for automotive vehicles and U-Haul service; sharpening and grinding shops; theatres; towers and antennas; trailer and truck service; treatment and recovery facility; welding repairs and metal fabrication; outdoor storage or display of large items or material which may require a forklift, front loader, tractor, or similar machinery to move shall be prohibited. Outdoor intercoms and public address systems shall be prohibited. Digital or electronic signs and billboards, whether static, animated, or intermittent, shall be prohibited. Freestanding signs shall be limited to the Sign Code. I don't think you need the gross floor area.

Peter Filiberto – I'll second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously. (Bruce Moia abstained from voting.)

Palm Bay REH, LLC (Hitesh Patel)

A CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant, in a TU-1 (General Tourist Commercial) zoning classification. The property is 1.23 acres, located on the west side of U.S. Highway 1, approximately 290 feet north of Camp Road. (4885 North Highway 1, Cocoa) (19PZ00051) (District 1)

Henry Minneboo – Is the applicant here?

Erin Sterk – No, the applicant is not here.

Henry Minneboo – We need to table it.

Erin Sterk – If you want to table it to the May 20th meeting Local Planning Agency meeting it can still go to the May 30th Commission meeting.

Rochelle Lawandales – I'll make a motion that we table it to May 20th.

Bruce Moia – Second.

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

Upon consensus of the board, the meeting adjourned at 4:50 p.m.