

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 7, 2016, 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, Robert LaMarr; Bill Cannon; Clyde Thodey; Andy Barber; Bruce Moia; and Peter Aydelotte.

Staff members present were: Cristina Berrios, Assistant County Attorney; Cindy Fox, Planning and Zoning Manager; Paul Body, Planner I; and Jennifer Jones, Special Projects Coordinator II.

The seven members present voted throughout the meeting.

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, December 1st, at 5:00 p.m.

APPROVAL OF OCTOBER 10, 2016, MINUTES

Motion by Clyde Thodey, seconded by Robert LaMarr, to approve the minutes of October 10, 2016. The vote passed unanimously.

IV.B.1. (16PZ00089) – MELBOURNE SUITES, LLC – (Samantha Welms) – requests a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant and Hotel in a TU-2 zoning classification, on (8.53 acres, located on the south side of W. New Haven Ave., approx. 0.13 mile east of Crystal Lane. (4455 W. New Haven Ave., Melbourne FL 32904)

P&Z Recommendation: Barber/Moia – Approved. Vote was unanimous.

Samantha Welms, 4455 W. New Haven Ave, Melbourne, stated the property owner would like to go to a full-liquor license.

Motion by Andy Barber, seconded by Bruce Moia, to approve the request. The vote passed unanimously.

IV.B.2. (16PZ00084) – HOME DEPOT USA, INC. – (Edward J. Allen) - requests a CUP for Trailer & Truck Rental Service, in a BU-1 zoning classification, on 9.37 acres, located on the east side of N. Courtenay Pkwy., approx. 340 ft. north of S.R. 520. (200 N. Courtenay Pkwy., Merritt Island)

P&Z Recommendation: Barber/Thodey – Tabled to the 01/09/17 P&Z meeting. Vote was unanimous.

James Rosich, applicant for Home Depot USA, said he cannot reach the store manager to verify the sign has been posted. Cindy Fox stated the item will have to be tabled to January 9th, because the sign must be posted for at least 15 days before the public hearing, and legally, the board can't hear it unless there is an affidavit stating that the sign was posted.

Motion by Andy Barber, seconded by Clyde Thodey, to table the item to the January 9, 2017, P&Z meeting. The vote passed unanimously.

IV.B.3. (16PZ00088) – GREGORY D. TAYLOR AND RACHAEL J. FITZPATRICK – (John Campbell) – request a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Bar, in a BU-1 zoning classification, on 0.17 acres, located on the northeast corner of McLeod St. and Myrtice Ave. (110 McLeod St., Merritt Island)

P&Z Recommendation: Barber/Moia – Approved with the following conditions: 1.) the indoor/outdoor seating for snack bar is limited to 30 seats; 2.) the CUP is tied only to the larger of the two buildings on the property; and 3.) that signage prohibiting parking on Tax Acct. #2427037 be posted. Vote was 6:3, with Minneboo, Thodey, and Aydelotte voting nay.

Rachael Fitzpatrick stated her dream is to open a wine bar with imported items from Bali and Indonesia, and wines from around the world and craft beer.

Gregory Taylor stated he and Rachael had a store similar in Chicago; it was not a wine and craft beer bar, but it was a retail store where they sold stuff they brought back from around the world. The idea is to set up a wine bar/retail store that's unique and exotic in a romantic, cozy, sophisticated atmosphere for travelers interested in fun. He stated MIRA (Merritt Island Redevelopment Agency) approved their request for up to 30 visitors at any one time. He noted the store will be ADA compliant and the parking is sufficient; they've talked to their neighbors who have offered their parking spaces; and there is parking on the street, across the street, and diagonally, so he doesn't think parking is a problem. He pointed out there is a potential site that MIRA is considering turning into a parking lot that is less than 50 feet away. The store hours will likely be 11:00 a.m. to 6:00 p.m., and the wine bar from approximately 5:00 p.m. to 11:00 p.m. There will be landscaping, including tropical plants and a gazebo, and a bamboo fence around the property, but they are still thinking about signage. He stated they intend to offer some light snacks and limited music, but no bands, and their target market is couples, women, professionals, and travelers.

Henry Minneboo commented on the lack of parking at the site. John Campbell, representing the applicants, stated nine cars can be parked on the side of the building, and three cars in front of the building, on stabilized rock.

Mr. Minneboo asked staff if on-street parking is allowed. Cindy Fox stated 18 years ago the County Commission decided to allow on-street parking in Merritt Park Place, and everyone had to dedicate property along the road, so there is a shared parking plan in that area that is still valid.

Mr. Minneboo asked if Mr. Taylor has anything in writing from the Space Coast Realtors. Mr. Taylor replied he doesn't have anything in writing, but he talked to the person in charge of the building and the only issue would be when the realtors have large events, but other than that they have no problems.

Clyde Thodey stated he drove by the property recently to look at it and he doesn't agree with Mr. Taylor on the parking because he will be taking spaces away from other people. He stated unless there is a written agreement with the Space Coast Realtors he cannot approve the request the way it is. Mr. Campbell stated he has an aerial photo that shows the parking, and as a surveyor he knows nine cars can park on the side, along with two cars in the front without any trouble, for a total of 11 cars. He stated the redevelopment area was sold to the residents of Merritt Island as a unique walking community that is the town center where people can park and walk, not a total professional area, but without the help of the Planning and Zoning Board it will become an office area, which is not what was planned. Mr. Thodey stated he agrees on the location for what the applicants want to do, but there is no parking.

Carolyn Wegerif stated her family owns the property adjacent, 105 – 129 N. Courtenay. She stated the parking for her tenants is behind the building, which is a one-way street, and she is concerned about people parking in her lot because it would be convenient to do so, and it would be dangerous if someone was drinking and driving behind the building.

Mr. Minneboo asked Ms. Wegerif if her plaza is occupied and if her parking is utilized. Ms. Wegerif stated yes, there are six stores in her plaza. She noted across from her plaza is the discount pharmacy, and there is a parking lot there that's owned by the County that's always filled. The front of the subject property is a grassy area that is not designated for parking. She doesn't know if they're going to have a dumpster, but she has a dumpster she pays for that is for her tenants only, so that would be another concern, but her biggest concern is the parking.

Mr. Taylor stated there is not a lot of walk-in traffic in that area, so they do not anticipate heavy volume during the day, but they anticipate being busier in the evening when the professional offices are closed. Mr. Minneboo asked how he will prevent cars from parking on Ms. Wegerif's property. Mr. Taylor replied he will have signage prohibiting parking in Ms. Wegerif's lot.

Ms. Fitzpatrick stated they have been working on this for five months and she didn't realize parking would be an issue. She's aware of where Ms. Wegerif's property is, but there is designated parking for it, and she has never seen that many cars there. She stated the Space Coast Realtors verbally told them they could use their lot, and they don't know yet how many people they will have, there might only be two people per day. Mr. Taylor said their belief was that because this issue was discussed in detail with the MIRA board, who thought it would be good for the area, they thought the parking issue was answered satisfactorily.

Mr. Minneboo asked what the MIRA board did and if they were concerned about parking. Mr. Campbell said MIRA gave them unanimous approval; they were concerned about the parking, but there are provisions in the redevelopment area for on-street parking.

Ms. Fox advised the Land Development Code allows for on-site parking agreements depending on the size of the building. Merritt Park Place changed from mostly residential to commercial in 1968, which is why a lot of non-conforming provisions apply to the subdivision, because it was initially built as single-family and quickly went to commercial. Through the years, the County has made accommodations, such as signage regulations, landscaping regulations, and special parking regulations, and the board should take into consideration that this is a long-existing, in-transition area and not just a business district.

Mr. Minneboo stated Ms. Wegerif's business has been on North Courtenay for a long time and not part of Merritt Park Place. Ms. Fox agreed, and stated when Courtenay was widened a lot of parking was taken away.

Bruce Moia asked if there a public parking lot anywhere around the subject property. Ms. Fox answered no, but the lot next to the pharmacy is owned by the County and is zoned GML, and there has been discussion at the MIRA board to turn it into a shared parking lot. Mr. Moia said historically, it has been used as parking for whoever gets there first. He stated Mr. Campbell has been in the area for a long time, and he trusts him if he says there's 11 spaces in front of the property. He said it sounds like a low-key use as opposed to a regular restaurant or bar, so he doesn't see parking being an issue.

Andy Barber stated MIRA wrestled with the parking situation, too, and he personally was not particularly happy with the parking lot being dirt, but once in there, the owners will improve the parking so the spaces are better defined. He added, if the neighbors don't want anyone parking in their lot they should take great lengths to keep people out with signage. MIRA is working on a joint use agreement with the pharmacy that will improve the vacant property currently being used as a parking lot, and it will be a shared lot, as it is the plan for Merritt Park Place to allow that type of use. He said after talking to the applicants, it is more of a nighttime occupation, and MIRA is excited about it and came to the conclusion to support it unanimously. He said MIRA was also interested in landscaping to make it look more attractive.

Mr. Minneboo asked if the board can require that signage be posted clearly depicting the Wegerief property and prohibiting parking there. Ms. Fox replied yes, the board can put any condition on it as long as it is

enforceable and specific, and it may want to consider the two conditions MIRA approved, which was limiting the seats to a total of 30, and that the CUP be tied to the larger of the two buildings only.

Motion by Andy Barber, seconded by Bruce Moia, to approve the request with the following conditions: 1.) the indoor/outdoor seating for snack bar is limited to 30 seats; 2.) the CUP is tied only to the larger of the two buildings on the property; and 3.) that signage prohibiting parking on Tax Acct. #2427037 be posted. The vote passed 6:3, with Minneboo, Thodey, and Aydelotte voting nay.

IV.B.4. (16PZ00086) – ALBERT HEREDIA & SUSAN KADLAC HEREDIA – request a change of classification from RU-1-11 to RU-2-4 on 1.20 acres, located on the west side of S. Tropical Trail, approx. 550 ft. north of Cone Rd. (110, 160, 120, and 140 Kadlac Dr., Merritt Island)

P&Z Recommendation: Moia/Barber – Approved with a BDP limited to four (4) units. Vote was unanimous.

Albert Heredia stated there is one structure on the property that he wants to refurbish, but he is not allowed a permit because the cost of the renovation exceeds 50% of the value of the house, and he was advised if he changed the zoning to multi-family he would be able to renovate the house. There's a duplex on Tropical Trail, a main house on the river, and then a cottage in between that has been empty for a number of years, but everything else is in place and functional since the 1950's.

Henry Minneboo asked if he is just going to put a total of three on the property. Mr. Heredia said it will remain the same, with the main house, the cottage, and the duplex.

Cindy fox stated there is multi-family to the north and south, but Mr. Heredia has multiple dwellings on his property that can be considered living units, so he needs multi-family zoning, and RU-2-4 would address his issues.

Motion by Bruce Moia, seconded by Andy Barber, to Approve the request with a Binding Development Plan limited to four units. The vote was unanimous.

IV.B.5. (16PZ00092) FLORIDA PREMIER PROMENADE, LLC – (Tim Loomer) – requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Restaurant in a BU-1 zoning classification, on 2,800 sq. ft., located on the west side of N. Wickham Rd., approx. 463 ft. north of Jordan Blass Dr. (6450 N. Wickham Rd., Units 111 – 112, Melbourne)

P&Z Recommendation: Aydelotte/Moia – Approved. Vote was unanimous.

Tim Loomer, 709 W. Bonnie Circle, Melbourne, stated his client would like a beer and wine license for Telly's Chinese Restaurant next to Outback Steakhouse. The capacity of the restaurant is 76; they are open from Tuesday – Sunday from 11:30 a.m. to 2:30 p.m. and 4:30 p.m. to 9:00 p.m. He noted that Outback will be moving to a new location soon, and the only other place in the center that has beer and wine is the NY Pizza place.

Motion by Peter Aydelotte, seconded by Bruce Moia, to approve the request. The vote was unanimous.

Upon consensus of the board, the meeting was adjourned at 3:46 p.m.

Deborah Thomas

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Monday, November 14, 2016 2:08 PM
To: Christine Mulligan; Deborah Thomas; Donna Scott; Kimberly Powell; Tammy Rowe
Subject: 11-07-16 P&Z Minutes
Attachments: 11-07-16 P&Z Minutes.pdf

For the December 1st BCC zoning meeting folder.

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