

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on February 7, 2019 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 4	Present	

MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

ITEM E.1., RESOLUTION, RE: RECOGNIZING THE KINDNESS ALL AROUND SYMBOL

Commissioner Lober asked Ms. Wilcox to come up to the podium with the students; he added he had Ms. Wilcox reach out to his office to propose a resolution with respect to having the County recognize an official kindness symbol; he would like to do things a little bit differently, instead of having him read the kindness resolution, he would like the students read the kindness resolution.

Yale, Luke, Emily, Autumn, August, Brayden, Jasmine, and Tyler took turns reading the kindness resolution to the Board.

The Board adopted Resolution No. 19-010, recognizing the Kindness All Around Symbol as the Official Symbol of Kindness with all parents, students, community members, residents, and visitors of Brevard County, Florida, are encouraged to promote this symbol of kindness from this day forward.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM G., PUBLIC COMMENTS

Charles Tovey stated he did not put anything on his card, but he is still beating a dead horse; man without a Country; he has the accused person doing the things to destroy his property; and then the Board comes along with Code Enforcement and places all of these fines for somebody else allegedly doing damage to his property. He added he has thumb cards, videos, evidence, witnesses, and yet he is still at the podium looking and asking for help; he wanted to thank Pastor Linkous for his service to the community, and wished him a happy retirement; and Seminole, Osceola, and Orange Counties have \$1.5 million for the homeless coalition, he did not speak on it the other day when he was here. He noted it seems like groundhog day for him; he apologized, he was not ready, and Osceola County has also designated seven environmental areas; the Board has been giving away Brevard County's property vacating all of these properties; well, Brevard County is in need to search for properties now for the environmental balance that the County will need, if it is not needed now; and the Board needs to look towards the future and not give away all of the public lands, libraries, and parks and things. He went on to say on the schematics he wrote, and it is all about his property and zoning and what to do, and what county to go to and if he should move to another country, he does not know what to do; he does not know if he should call Dr. Kevorkian and say yay he is not allowed in Palm Shores; if he does go anywhere, even coming to the Board meetings, he is in fear of being corralled some kind of way and he has been that way for 10 years, and it is evident. He reiterated he has videos, he has filed the legal papers, and he has done this several times, well his time is almost up and he asked if he has five minutes tonight; he has been living this life for three minutes and he is not prepared for things, so he is used to not having conversations with people and being socially accepted, he does not have any of that; he moved, he bought a piece of property, and moved away from everybody to start his life over and what he thought was going to be life, liberty and a pursuit of happiness, but it has been not happiness, and before there was no problems, but when they Palm Shores moved up and the property changed and everything changed; and that was EELs lands behind his property and that was one of the reasons he went up there. He explained it was a pristine area, no one was aware, there was a trailer park, like O.K. Corral, and he has heard good things, he has discussed it prior, but he has asked for help; he is not just going to sell out, he has nothing left to sell out, and all of the fines and fees and everything the Board takes everything he had the last time, it expects him to pay fines and be compliable, and he was compliable before all of this extended to where it is now; and one time he was on the Agenda, and he was told if he came back to the meeting he would be arrested, so he did not come back to the meeting, then it progressed, and progressed and progressed. He asked where he could go or what he could do, and who would help him, no one, and he stated this is the kindness, right, he is not a person and whatever he has done in the past, and whatever his personal issues are, how is that, he just does not understand how this can be the way it is and he gave the Board a piece of paper "Nightmare in Palm Shores" and that is exactly what it is, and every night he has to defend himself, like last night and Sunday night when the trucks were parked across the road, and semi-trucks and nothing is ever done about it, but let him have a truck on his property and they come and tow him and charge him all kinds of fines and fees. He noted he had a semi-truck full of pine bark and his truck full of cypress mulch; 100 yards of fill material and it is all gone; he thanked the Board and wished them a nice night.

Chair Isnardi stated before the Board moves into public hearings, perhaps the County Attorney has either been by each Commissioner's Office, or maybe just by hers as the Board tries to figure out this disclosure issue; there are some commissioners that choose to put their disclosures on whether or not they met with applicants, or people opposed to items as part of the Agenda Packet, then there are others like herself that prefer to say it during the meeting only because she realized that up until the point, and it just happened today, where someone came up and told her their thoughts on an item that she will disclose when she hits that item, she hesitated to do the written disclosures only because often times more and more items are

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being added to the Agenda as it gets closer to submission and that is emails, that is extra work for the County and questions on if people had received the disclosure, it is part of the packet, but did Commissioner in District 5 hand in their disclosures versus why did only one and two, and so forth; and for her she would prefer to do it that way. She noted she does not have a problem with each commission office handling it the way they would like to; and she suggested once the Agenda closes to stop submitting letters for the Agenda to the Clerk because she thinks that makes things a little bit tough. She went on to say there are additions to items and they already have to add those, and then disclosure after disclosure is being added it gets a little bit muddy; and before each item, what she would like to propose is that she will ask if there are any additional disclosures that the Board would like to make; no one needs to speak if they have already made them as part of the Agenda Packet, or if there is something a Commissioner would like to add; and that is how she would like to handle it on her end.

ITEM H.1., FLAMINGO LAND COMPANY, INC. (RICK KERN) REQUESTS ADOPTION OF THE 2018-2.1 LARGE SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE DESIGNATION FROM IND TO RES 4 (18PZ00071)

Chair Isnardi called for a public hearing on the request for adoption of the 2018-2.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from IND to Res 4.

Richard Kern stated he is representing the applicant Flamingo Land Company, Inc.; they have read and understand the staff report on the project; they request the Board's support for it; and it is for a change to Res.4 from Industrial Land.

Erin Sterk, Planning and Zoning Manager, stated Item 1 on the Board's Agenda is a proposal for a Large Scale Comprehensive Plan Amendment, this is the second time the Board has seen this Item, it was approved earlier in 2018; it went to the State review agencies, there were not any substantial comments written requiring any changes; Item 2 on the Agenda is the associated rezoning request to go from IU, light industrial, to R-U-1-7; and that item has a Binding Development Plan (BDP) submitted with it. She went on to say that limits the density to four units per acre, and requires a sewer connection upon development; and staff recommends approval.

Commissioner Lober stated with respect to this, he can see it is a District 1 item, he really tries with any kind of zoning request, unless they are severely extenuating circumstances, to defer to the Commissioner in whose District the zoning request pertains to; and he asked if Commissioner Pritchett has an opinion with respect to this, that if she lets him know one way or the other.

Commissioner Pritchett responded she would be pleased to; she thinks it is amazing what has been done to this piece of property that has been so hard to figure out how to develop and the applicant has come a long way with such a great plan; she really loves this; and she is in full favor of this item, because both of the items complement each other. She added if it is appropriate she would like to make a motion; she inquired if staff wanted separate motions for both items.

Ms. Sterk responded affirmatively.

Commissioner Pritchett stated if that is good, she would like to make a motion to go ahead and approve item H.1.

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Commissioner Lober seconded it.

There being no comments or objections, the Board adopted Ordinance No. 19-03, adopting Ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan"; setting forth plan amendment 2018-2.1; amending Section 62-501, entitled "Contents of the Plan"; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; providing for internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.2., FLAMINGO LAND COMPANY, INC. (RICK KERN) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM IU TO RU-1-7 (18PZ00072)

Chair Isnardi called for a public hearing on the request to change of zoning classification from IU to RU-1-7; and she believed this Item has already been explained.

There being no further comments or objections, the Board approved this request with a Binding Development Plan (BDP) limiting residential development to four units per acre, and requiring all dwelling units constructed on the property to be connected to sanitary sewer.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.3., LTM OF FLORIDA HOLDING, LLC (KIM REZANKA) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM GU TO RU-2-12 (18PZ00086)

Chair Isnardi called for a public hearing on a request to change Zoning Classification from GU to RU-2-12.

Erin Sterk, Planning and Zoning Manager, stated the third Item on the Agenda is proposal by LTM of Florida Holding, LLC, represented by Kim Rezanka, which is requesting a change of Zoning Classification form GU to RU-2-12; this Item was heard most recently at the January 7, 2019, Planning and Zoning Board meeting; they are in some negotiation with Palm Shores and litigation with the County, they requested at that meeting to be tabled to the March 11, 2019 Planning and Zoning Meeting, which would then lead the Board to potentially table it to the April 4, 2019, Board meeting; and staff recommends tabling.

There being no further comments or objections, the Board tabled the request for a change in Zoning Classification from GU to RU-2-12, to the April, 4, 2019 Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.4., ALBERTO AND BIVIANA ROMAN (RALPH KENNEDY) REQUEST AN EXPANSION OF A CUP FOR ALCOHOLIC BEVERAGES (FULL LIQUOR) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT, IN A BU-1 ZONING CLASSIFICATION (18PZ00114)

Chair Isnardi called for a public hearing on a request for an expansion of a CUP for alcoholic beverages (full liquor) for on-premises consumption in conjunction with a restaurant, in a BU-1 zoning classification for property located on the corner of Grove Street and Tangerine in the Merritt Park Place Subdivision in the Merritt Island Redevelopment Agency (MIRA) area.

Erin Sterk, Planning and Zoning Manager, stated this Item is a proposal by Alberto and Biviana Roman, represented by Ralph Kennedy, requesting an expansion of a CUP for alcoholic beverages for full liquor for on-premises consumption in conjunction with a restaurant in a BU-1 zoning classification on .24 acre; this is on the corner of Grove Street and Tangerine in the Merritt Park Place Subdivision in the Merritt Island Redevelopment Agency (MIRA) area.

Chair Isnardi asked the Board if there were any disclosures to add to the record.

Commissioner Lober stated he does have one disclosure; his staff, not himself, fielded a call from earlier today and an email from Eddie Lebraun with respect to this particular item.

Ralph Kennedy, representative for Alberto and Biviana Roman, stated this was previously a restaurant, it has been closed for a number of years; it has been three different types of restaurants there; it has existing Conditional Use Permit (CUP) for beer and wine; and the current owners are the owners of El Toucan Mexican Restaurant on Sykes Creek Parkway. He added they have an unlimited liquor license that they can transfer to this parcel; their current restaurant would be eligible for one of the State exemption licenses that they are going to apply for pending this approval; and that is the request.

Commissioner Lober stated with respect to this, overall he likes the idea, he thinks it is a good idea; his one concern, and he will bring staff into this; he spoke with Ms. Sterk about a concern with respect to parking; at this point, he would like the applicant to articulate what the suggestion was as far as the nature of the perspective parking analysis; and what the applicant believes would be beneficial from their standpoint in better enabling them to evaluate that this is a good thing. He noted eventually he believes that is where it will be at; and he inquired if the applicant could give a little bit of info in it.

Ms. Sterk stated the CUP report necessitates that staff look at the infrastructure in the area; there was an evaluation on parking done, both on the existing building and there is a concept plan in the package; it is not a binding concept plan, but an idea to demonstrate what they intend to do; and it shows some improvements to the property as well. She explained there is a proposed expansion of the building; that expansion would necessitate parking improvements; there are some deficiencies in the parking for the existing square-footage of the building; and if that were to be added to, that could potentially be exacerbated. She went on to say Merritt Park Place is a very parking challenged area; in Brevard County Code, it does not give a lot of flexibility in evaluating that; and staff put some comments in the staff reports that there may be

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multiple mechanisms in order for staff to work with the applicant, and figure out how to get there with the parking. She added that is up to the Board if it would like to see more from him, it can have him elaborate on that.

Commissioner Lober stated he would like a quick follow-up, and he promises he will give the applicant an opportunity to speak; he added he would like to approve this; he does not want to be unreasonable to the applicant with respect to this; and he also would like to make sure the Board goes through and does its due diligence with respect to evaluating this. He inquired based upon the understanding that as how County Code now reads, is parking that is shared with other entities nearby something that is evaluated when staff is looking at a set of plans that is being proposed for something like this.

Ms. Sterk replied if an applicant does not have the ability to meet the parking criteria on their private property, staff has tools that allow them to share parking with other owners, and those are formal parking agreements. She added those agreements are for spaces that those other properties have that are above and beyond what their use requires; in the Merritt Park Place area, there are a lot of daytime businesses and some nighttime businesses and there is not a Code that allows staff to count the spaces twice a day. She noted it makes sense when there is an empty parking lot across the street to be able to use it, but staff really needs to see some detail on exactly how those parking agreements might come to fruition; she does not know if maybe the applicant has done some work with the neighbors; and at the Planning and Zoning Board they spoke about some work they have done in that area.

Commissioner Lober stated he would like to follow-up with respect to that; ideally, and he is basing it on what staff is saying now as well as the conversation they had in the briefing with respect to this Item; he inquired if they were to have something from an engineer indicating that an appropriate change to the Code for the Board to consider would be to factor in that additional parking that is not necessarily immediately onsite or adjacent, if that is something staff thinks would be beneficial in terms of being able to determine if they do, in fact, have ample or sufficient parking for what they are proposing.

Ms. Sterk stated she will let the Planning and Development Director address the Code change questions, because staff had just gone through a parking Code change process; and he can answer.

Tad Calkins, Planning and Development Director, stated typically when staff looks at a zoning item, they do not get into that level of a parking review because there is no plan that indicates all of the infrastructure improvements that they would be making. He advised in this case, when staff looked at the concept that was proposed, they saw that there appears to be a deficiency of 13 parking spaces; when staff looked at the site plan that was presented, it does not look like there is space for them to provide those on-site; and that would be the challenge that the applicant would have in obtaining the approval demonstrating how they will satisfy that parking. He advised if Commissioner Lober's concern is that they demonstrate how they are going to satisfy that parking as part of this approval, the parking Code has a mechanism for them to identify shared parking; it also has a mechanism for them to do a parking study to where they can look at the shared parking, look at multiple nodes of transportation, they could also look at the trip generation in the parking demand and demonstrate that the Code requirement is not consistent with what they need. He pointed out they can present that and staff can take that into consideration to make up, or to demonstrate; they are either going to make up the 13 spaces, or they will show that the 13 spaces were not necessary.

Commissioner Lober stated he has a couple follow-ups with respect to that; the 13 parking spaces that he has identified has being deficient, if he understands correctly, again, based on prior conversations that he has had on this item, as well as what he has heard just now, those

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13 spaces are on the basis only of the expansion, so if there was a prior deficiency that is not being help against the applicant when he is saying 13 in this case.

Mr. Calkins stated that is correct; the Parking Code says that if someone is expanding a use, they have to provide for the parking or the infrastructure for that expansion; the existing deficiency would not be accounted for; however, through the conditional use process, that is something the Board could take into consideration; and he reiterated that is not what staff had identified.

Commissioner Lober apologized for being at all repetitive, he would like to prove this, but he would like to make sure the Board goes about it the correct way; he stated he is not looking to create any undue burdens for anyone, but he would like to ask staff's perspective; and he does not know if it would be beneficial, or if staff think it is unnecessary from their perspective based upon items that were reviewed in the past as well as the specifics for this for the applicant to potentially get with staff, or if everyone is amendable to tabling this just to the very next Zoning meeting. He added this would be to determine if there is, in fact, sufficient parking, which there may well be, he does not know.

Mr. Calkins stated he believed that for them to develop the property as they have indicated if they wish to, the parking will have to be addressed; he added whether it is addressed as part of the application or through the site plan process, it would have to be addressed; if it is done in a way, or if the solution is beyond staff's administrative authority, then it would be brought back to the Board for consideration; and at some point it is most likely something that would be coming before the Board. He added at a tabling for that may be actually a time saving for the applicant because it would be something that staff would have to account for at some point in the process.

Commissioner Lober asked if it would, in fact, be a time savings thing.

Mr. Calkins advised potentially, yes; they have to address the parking; and it is either they address it through this approval, or they address it through the site plan.

Commissioner Lober apologized for the back and forth, and would like to give the applicant some opportunity as well.

Mr. Kennedy stated he does not agree with everything staff is saying; Merritt Park Place has allocated on-street parking, sponsored under a MIRA program; it was built by Brevard County to alleviate parking problems in Merritt Park Place; and that is the area being discussed. He added it is an area between North Courtenay, S.R. 520, Merritt Avenue, and North Tropical Trail, that is Park Place; particularly on Grove there is quite a number of on-street parking places; the restaurant, as was agreed to at the Planning and Zoning meeting, will only be open at 4:00 p.m. in the afternoon; and every business on that street closes at 5:00 p.m. He advised since that meeting they have received letters from La Casa Assisted Living Facility, they have an 18 spot parking lot that is not used at all in the evenings; they also have a letter from Merritt Assembly of God, which is across the street on Grove to use their parking for employee parking in the back; and just with that, there are 12 parking spaces on that property. He advised on Grove Street within a half of a block distance of the corner, there are 35 on-street parking spaces that are open to anyone to use in Brevard County; additionally, they have verbal approval from Dr. Corlas Animal Hospital to use his parking and he is not even one-half of a block to the south. He went on to say it is a downtown area, it is downtown Merritt Island, it is not anything unlike Cocoa Village or downtown Melbourne; people find a place to park; legally he believes they have addressed the issue; they feel they will submit it as part of their plan, to submit handicapped parking, they need at least two parking spaces to accommodate that. He pointed out the addition that is on the plan is only 465 square feet, that is a front porch to add a

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handicapped ramp off the front of it; if it has to go away to accommodate that the owners have acquiesced to figure out another way to make that ramp work. He noted they feel there is more than ample parking in the area; he reiterated there are no open businesses in the evening, so they are not in conflict; the applicant's business will be open Tuesday through Saturday, and it closes at 10:00 p.m.; and this is why there is the on-street parking in Merritt Park Place to be able to alleviate those issues. He went on to say because these are also small properties, originally all single-family homes for the most part, yes there are some commercial businesses that bought larger tracts, he developed one; but, for the most part, they were all single-family homes that were turned into mom and pop businesses, that is Merritt Park Place; and none of these people could survive if the Board held it to the same requirements as Viera.

Commissioner Lober stated he understands where he is coming from with respect to that; he would like to make sure that his concern is clear; he is not looking at, nor does he think it is appropriate, to hold people accountable for whatever the pre-existing conditions might have been at the time the Code was put in place to require a certain amount of parking; and he gets at least the impression and his understanding from Mr. Calkins and Ms. Sterk that there is potentially already a deficiency as to the existing structure, which he does not think is fair to hold against the new applicant. He went on to say in a sense, the requirement was placed after that structure was built; that being said, it is still troubling to him when he hears that there is a potential deficiency or that it is not potential from staff's view moving forward with the parking situation as it is now. He reiterated he wants to approve this and eventually he would like to.

Mr. Kennedy stated they are asking for a conditional use, not a zoning change, or a modification to a development plan, they are asking for an additional conditional use to add alcohol to the property; it already has a conditional use for beer and wine; and they go they could go back and open as they were under the beer and wine. He reiterated they are just asking to add that additional conditional use, they are not before the Board to change anything else on the property. He added if the addition to the 465 square-foot porch is a problem, the owners have said they will delete the porch and were just trying to dress up that west end of the property and figure out another way to accommodate the handicapped people.

Commissioner Lober stated as was said, this is a hoop that will have to be jumped through either now or down the road with this department anyway; and he inquired of that is a fair summary.

Mr. Calkins responded if they are expanding the building it would require a site plan; at that point, parking would come into question; if they are not modifying the building, and are leaving it as is, then it would just be the expansion or the change in the alcohol license; however, because of the conditional use application, parking is one of the things that the Board needs to determine that they satisfy the concerns; and the Board would be looking at if the additional service increase the capacity of that restaurant to where it would necessitate additional parking.

Commissioner Lober stated he appreciated the clarification.

Chair Isnardi stated she would like to clarify, those letters from the additional businesses were not part of the file until recently; and she inquired if it was new information.

Ms. Sterk responded staff has never seen those letters or reviewed them.

Chair Isnardi stated she believed he just received them.

Ms. Sterk advised those are something that staff would need to check whether or not those parking spaces are being agreed to be shared or can be shared.

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Chair Isnardi stated if the Board needs to fix that problem, if the business is not open, she cannot see how them having extra spaces would even come into play, because they would all be available, technically; and she thinks it would be very difficult to measure, but at the same time there has to be some common sense.

Ms. Sterk stated if a business was closed, and they were to do a shared parking agreement to give their parking away, they would not be able to open anything new in that business, and that is potentially very binding for that property owner. She explained that is up to that property owner, but staff has not seen any documents that show anyone has done that yet; the existing building as well, the conditional use that is on the property now, identified 72 indoor seats and 22 outdoor seats, and there are seven improved parking spaces on the property.

Mr. Calkins stated the parking study will basically identify how they will satisfy that requirement; the letters may, once staff has that information and can review it, that may satisfy the concern; he is not saying that it will not.

Chair Isnardi stated she does not know how any downtown business does that; the fact that business has seven parking spaces is pretty amazing, because she can name about a dozen in downtown Melbourne that have zero, or they may only have two that are dedicated or assigned to that property.

Ms. Sterk stated they do have space on their property and on their concept plan that shows an area that could be improved on their property to add parking on the actual property.

Chair Isnardi stated that would be up to the applicant to decide if they want a parking lot as part of the business.

Mr. Kennedy inquired if it would fall back into the same pit in trying to improve that, and how will he address stormwater.

Chair Isnardi responded affirmatively.

Mr. Kennedy noted he could not address the stormwater on a parcel this small, so it would fall back to if he tried to improve that parking, which is why it was probably never done; and all these little businesses in Merritt Park Place will fall in that same pattern.

Chair Isnardi added she does not know how the Board holds this applicant to that same standard when it probably has not been done before.

Commissioner Tobia inquired when the requirements for number of parking spaces was codified and if it was recent or not.

Mr. Calkins replied the current requirement was done in 2013.

Commissioner Tobia stated he is looking at the impact of ride sharing on parking; he is sure Mr. Calkins is familiar with the research there; it shows that the need for parking is down 15-20 percent in downtown areas; and that number gets larger when it comes to evening hours. He inquired if Brevard County Code takes that into consideration as people tend to get rides there more than they would otherwise park there or not.

Mr. Calkins responded what is unique about the Code, is it looks at the entire County and the uses throughout the County, so the requirement is established on an average; this particular requirement is one space for every 100 square feet, that is what the Code requires for a restaurant; and that requirement was based on research that looked at what all of the other

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counties do and what cities do within Brevard County. He advised it looked at the ITE Manual for parking demand, and it also looked at, at the time, 10 recent restaurant submittals to see what the applicants were proposing they needed from a market standpoint; then staff looked at where those lines intersect, and the closest point was the 100 square feet; and that is how it was established.

Commissioner Tobia explained that was done in 2013, and ride sharing is up a factor of seven, eight, maybe more; he understands technology moves faster than government.

Mr. Calkins stated he believes Brevard County Code has the provision to account for that, and that is through the parking study; staff realizes they are looking at it at a high level, and there are instances in the County and some uses where the 100 square feet may not be applicable; and that is why there is a parking provision in the Coding Study where they can look at a specific use or a specific area and bring those matters into account.

Commissioner Tobia stated that would be the applicants that have to pay for the parking study; he inquired how much that would cost because it is a small business.

Mr. Calkins stated he is not sure what the cost would be for that, but it would be the applicant to complete and submit.

Commissioner Lober stated he has no idea how much a parking study would be either; he is going to look it up after the meeting so he has an idea moving forward; that said, he has not seen any of the letters, he does not doubt the applicant has them, he does not doubt anything that he has said is accurate to the best of his understanding; and he also does not doubt that what staff has said is accurate to the best of their understanding. He added that said, Commissioner Tobia raised a good point with respect to ride sharing, perhaps making what was enacted five or six years ago, perhaps is less than fully applicable now or less than fully perfect now; that said, he still has some concerns with respect to the parking; and he reiterated he wants to approve the item, but he would like the Board to do its due diligence prior to doing that; and asked if the applicant would be amendable to sharing the letters with staff if this is tabled to the next Zoning meeting. He advised if staff is satisfied, he promises he will be a yes vote; if they have a trivial concern, he will still be a yes; but he does not feel that he has enough information with respect to the parking to support it tonight; and he thinks if the applicant is cooperative with staff, he would ask to make every effort to try to meet with the applicant timely to receive and process that information timely. He reiterated if the applicant is amenable to having this put off, he is very much inclined to support this provided staff has a little bit more information to tell him they are comfortable despite that 13 space deficit.

Mr. Kennedy stated he will accept a continuance until the next Zoning meeting.

Commissioner Lober stated he promises he is not trying to put the applicant off.

Mr. Kennedy stated he understood, he believes from staff's position and his position, too, because he has lived on Merritt Island for 40 years, when they saw this project happen in Merritt Park Place, and he has been through this before when he built what is now Island Animal Hospital, it is the Board of Realtors building now.

Commissioner Lober stated he takes his dog there.

Mr. Kennedy went on to say they were trying to squeeze parking because they had an assembly space upstairs when it was the Board of Realtors building, and they had to count the on-street parking in order to make that project work; then, that was what it was there for for the businesses in Merritt Park Place to use; and it is a little confusing here to have staff say they are

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not okay with this request. He noted he knows the Board has one-size fits all, but he thinks he can speak on behalf of Merritt Island residents that it is time that there be some parking land development regulations for that S.R.520/S.R. 3 corridor, because trying to redevelop that area and make it fit to the same criteria that works in Viera or other unincorporated Brevard does not work; and he thinks the Board knows that.

Commissioner Lober stated his office is on S.R. 3, he is there every day, and he call tell someone how it is.

Mr. Kennedy stated he knows he understands that.

Commissioner Lober stated he does want to work with the applicant; if he has any difficulty with staff, he sincerely doubts he will, but if he does, he can call him; he will set it up and meet with the applicant and staff to make it happen.

Mr. Kennedy pointed out he thinks he would be back into the disclosure thing.

Commissioner Lober stated it will not be an issue, all he would have to say is that he met with the applicant with respect to it.

Mr. Kennedy stated he appreciated it and he will agree to a continuance.

Commissioner Lober stated he appreciated it.

Ms. Sterk stated that would be the March 7, 2019, meeting.

Commissioner Lober inquired if that would work for the applicant.

Mr. Kennedy responded affirmatively.

Commissioner Lober stated he would be there.

There being no further comments or objections, the Board tabled request for an expansion of a CUP for alcoholic beverages (full liquor) for on-premises in conjunction with a restaurant in a BU-1 zoning classification to the March 7, 2019, Zoning meeting.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM H.5., MARTIN FAMILY TRUST; JOSEPH P. MARTIN AND SARAH MARTIN; AND CRAIG A. AND JENNIFER MARTIN-SATER REQUEST A CHANGE OF ZONING CLASSIFICATION FROM BU-1 TO BU-2 (18PZ00117)

Chair Isnardi called for a public hearing on a request for a change of zoning classification from BU-1 to BU-2.

Erin Sterk, Planning and Zoning Manager, stated this is a proposal by Martin Family Trust, Joseph P. Martin and Sarah Martin, and Craig A. and Jennifer Martin-Sater requesting a

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change of zoning classification from BU-1 to BU-2 on a property that is 1.39 acres in size just south of Cross Road on US Highway 1.

Chair Isnardi stated there are no comment cards on this item; and she inquired if the applicant was present.

Ms. Sterk stated she attended the Planning and Zoning meeting.

Commissioner Pritchett stated she spoke to Ms. Sterk about the Planning and Zoning Board's (P&Z) recommendations, and the Board is looking to approve this with the P&Z recommendations.

Ms. Sterk stated the P&Z Board just approved it, there were no conditions placed on the approval.

There being no further comments or objections, the Board approved the request for a change of zoning classification from BU-1 to BU-2 on a property that is 1.39 acres in size just south of Cross Road on US Highway 1.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.6., SYLVIA PROPERTIES, INC. (FERNANDO ORTIZ) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM TU-2 TO BU-2 (18PZ00120)

Chair Isnardi called for a public hearing on a request for a change of zoning classification from TU-2 to BU-2.

Erin Sterk, Planning and Zoning Manager, inquired if she skipped Item H.3.

Chair Isnardi responded it went to the next meeting.

Ms. Sterk stated this is a proposal by Sylvia Properties, Inc., represented by Fernando Ortiz, requesting a change of zoning classification from TU-2 to BU-2, on a property off of U.S.192, that is five acres in size.

Chair Isnardi stated she wanted to disclose she spoke with Mr. Fernell before the meeting; that was her only disclosure; and she has not spoken to the applicant or anyone else. She asked if any other Commissioners had any other disclosures.

Commissioner Smith stated he said hello to Mr. Fernell.

Chair Isnardi stated he did not discuss the Item so that does not count.

Commissioner Smith stated he did not, but he is covering his bases.

Fernando Ortiz introduced himself as the applicant.

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Chair Isnardi asked if he had filled out a speaker card. Mr. Ortiz replied no. Chair Isnardi directed him to fill one out when he was done speaking.

Commissioner Lober stated he would like to add something; he does not know if it is a required disclosure by any means; but he had purchased granite from Mr. Ortiz's company; and it has been great.

Mr. Ortiz thanked Commissioner Lober.

Commissioner Lober stated he will probably buy more in the future.

Chair Isnardi asked Mr. Ortiz if he would like to tell the Board what he is requesting.

Mr. Ortiz replied he is requesting two acres of the northern part of the property to be changed to BU-2 zoning; but he really only needs the one acre.

Chair Isnardi inquired if he would like the two acres.

Mr. Ortiz replied yes.

Chair Isnardi asked if he wanted to limit himself, or if he wanted the two acres to keep the canopy.

Mr. Ortiz responded one-acre would be perfect.

Chair Isnardi inquired if there would be any additional buildings.

Mr. Ortiz responded no, he is only adding a canopy to this.

Chair Isnardi stated that is a canopy, though, it is not a building; and that was her only concern.

Mr. Ortiz explained he only needs the canopy, there is no building.

Commissioner Lober inquired if the idea was to have the granite under the canopy.

Mr. Ortiz replied that is it exactly; he explained that way there is nothing else out in the weather.

Commissioner Lober stated for his edification, as he recalls, the granite was exposed outside is the least expensive, the stuff that is covered outside is in the middle, and the other that is inside is the most expensive.

Mr. Ortiz stated that is it exactly, but the least expensive will be covered in the new area.

Commissioner Lober stated he can handle that.

Mr. Ortiz replied that is no problem.

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Chair Isnardi stated the Board has gone through all of this; she does not have a problem with the two acres; and inquired if that would be the applicant's preference.

Mr. Ortiz stated he only needs one acre; it would be perfect for him; and there is a limitation on what he can do.

Chair Isnardi clarified so he would only like the one front acre.

Ms. Sterk stated since the conversations with the Planning and Zoning Board (P&Z), the recommendation on January 7 the P&Z Board made was although it allowed him more area to be re-zoned, it placed conditions on that area that reduced the development potential of it; and since he does not need all of that area, if he extracted that from the zoning request, he would be left with the full TU-2 rights that he currently retains. She added those are greater than the limitations that were part of the P&Z Board's recommendation.

Chair Isnardi inquired if that would be the back portion; the front portion would be the one that remains.

Ms. Sterk stated the four acres closest to U.S. 192 would remain with existing zoning which is what he is asking for today; then the northern acre he is amenable to the conditions that were placed by the P&Z Board.

Chair Isnardi stated this is in her District and asked if someone on the Board would make a motion for her; and she does not have an issue with it.

There being no further comments or objections, the Board approved a Binding Development Plan (BDP) limiting BU-2 to the northern one acre, with TU-2 remaining on four acres; that no additional metal buildings be constructed on the property; and that the use be limited to the current business of Stone & Surface Designers, Inc.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.7., PEGGY TOWNSEND (DALE TOWNSEND) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU AND RU-1-9 TO RU-1-7 (18PZ00123)

Chair Isnardi called for a public hearing on request for a change of zoning classification from AU and RU-1-9 to RU-1-1.

Erin Sterk, Planning and Zoning Manager, stated this is a request by Peggy Townsend (Dale Townsend) to request a change of zoning classification from AU and RU-1-9 to RU-1-7 on a property .69 acre in size on the south side of Bevis Road just south of Lucas.

Chair Isnardi asked the Board if there were any disclosures on this Item.

Dale Townsend stated he believed it was approved at the Planning and Zoning Board meeting, and he was coming here for the meeting; and he does not know what else to say.

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He explained he is planning on building a house for his mother on that piece of property; and he is trying to get it re-zoned because it is half AU and half of another residential and he is trying to get it conformed, because right now it is not correct on any of the things.

Chair Isnardi asked if he had filled out a speaker card.

Mr. Townsend stated not today.

Chair Isnardi directed Mr. Townsend to fill out a speaker card so the Board will have it for the record.

Mr. Townsend stated he did not know; he asked if the Board needed anything else from him.

Commissioner Lober stated with respect to this he saw in the summary and explanation that there is a request to reserve the right to subdivide the lot in the future; he asked what he is potentially looking to do down the road.

Mr. Townsend stated as of right now, nothing; he is trying to build a single-family home.

Commissioner Lober inquired which portion of the lot he was looking to do that, the front portion or a different portion.

Mr. Townsend stated he would guess the front portion; it is the part that is 65-foot wide; he knows the back is around 180-foot wide; and it is really big.

Commissioner Lober stated he is trying to get an idea so that when the Board deals with this it will hopefully be resolved down the road; he inquired if it was the applicant's idea down the road to potentially have a flag lot with the little piece that jots out off to the side.

Mr. Townsend stated right now he is just trying to build a house on it; they do not have any future plans or anything; his mother is 70 years old and he does not know what will happen later on; and right now he would just like to build an 800 to 900 square-foot house for her.

Commissioner Lober inquired if staff had any concerns with respect to this request.

Ms. Sterk stated not necessarily, it could be sub-divided and he could provide that detail at this level; but even if it were to be sub-divided the lot size seems fairly consistent with the surrounding lot sizes.

Mr. Townsend stated it is kind of a weird shape.

Commissioner Lober stated he just wanted to get a better idea; he has not received any communications from anyone on this; so no complaints from the neighbors or issues with it; and he would like to approve the Item.

Ms. Sterk asked the neighbor to come up to speak on the record; and directed them to fill out a comment card as well.

Chair Isnardi stated she understands as it stands right now, they could sub-divide it now and have a flag lot if they chose to; and they could do that given the size of the property.

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Ms. Sterk stated the AU portion of that lot is undevelopable because it is undersized, so the RU-1-9 portion of the lot could be split off from the AU portion, but it would still not result in two dwelling units with the zoning it has today. She reiterated it could be sub-divided, but it is not developable on the AU portion.

Chair Isnardi stated they are just looking at putting one house in the front.

Jean James stated she has lived in the neighborhood with her mother for a long time; their concern is that they heard there is a possibility of condos being built or something like that; and she inquired if it was just one home.

Commissioner Lober showed Ms. James the map where Mr. Townsend is building the house; and it is in the Agenda Packet.

Mr. Townsend stated he could show her where they are attempting to put the house.

Ms. Sterk clarified the zoning classification they are seeking does not allow for condo development.

Ms. James stated that was her only concern if they purchased the other remaining acres, which is quite a bit, that goes all the way to the back.

Mr. Townsend stated that is not his property.

Commissioner Lober stated it is his understanding from staff that he would not be able to put condos up, so if that is her concern, it seems to be moot.

Ms. James stated they heard about the house, but then they heard rumors about the condos and wanted to make sure.

Mr. Townsend explained they do not own that; there is a portion that is 65-foot, then there is another 50-foot to the back then it expands out to seven or nine acres; and they do not own that. He added he heard some Chinese people own it.

Ms. James stated Europeans own it.

Mr. Townsend stated Chad Ross owns the other part that has the gate; he was the previous owner; they bought that property; and he thinks Mr. Ross' grandmother and grandfather owned it all at one time.

Ms. James stated yes, the Jenkins'.

Commissioner Lober inquired if everyone was happy.

Ms. James stated they are good.

There being no further comments or objections, the Board approved the request to change the zoning classification from AU and RU-1-9 to RU-1-7 on a property .69 acres in size on the south side of Bevis Road just south of Lucas.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.8., CP VENTURE FIVE-AMC, LLC (VENKAR PUSKAR) REQUESTS A CUP FOR ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH AN INDOOR FAMILY ENTERTAINMENT CENTER IN A PUD ZONING CLASSIFICATION (18PZ00124)

Chair Isnardi called for a public hearing on a request for a conditional use permit (CUP) for alcoholic beverages for on-premises consumption in conjunction with an indoor family entertainment center in a PUD zoning classification; and she inquired if there were any disclosures from the Board.

Erin Sterk, Planning and Zoning Manager, stated this is a proposal by CP Venture Five-AMC, LLC, represented by Venkar Puskar, requesting a CUP for alcoholic beverages (beer and wine only) for on-premises consumption, in conjunction with an indoor family entertainment center in a PUD zoning classification; and this property is on the Avenues, Viera.

Venkar Puskar stated they have taken the old Sports Authority Space in the Avenues to create an indoor entertainment park for families and kids.

Commissioner Smith stated he does not have a problem with this, he just has a question; he inquired what the entertainment was for the entertainment center.

Mr. Puskar stated it will be a lot of trampolines, virtual reality games, laser tag, bowling, and sky rider which is like an indoor zip line.

Commissioner Smith stated he hopes he has some hefty insurance.

Mr. Puskar stated yes, they are paying \$15,000 a month.

Chair Isnardi stated it sounds fun.

Mr. Puskar stated it is a national franchise, it is called Urban Air, and it is a pretty fast-growing entertainment segment in the United States; and they would love to get it to Brevard County.

Commissioner Lober asked if Laser Tag was limited to only small children or if big kids were allowed as well.

Mr. Puskar stated big kids as well; and the Board can come for an event.

Chair Isnardi stated the others will lose though.

There being no further comments or objections, the Board approved the CUP for alcoholic beverages for on-premises consumption in conjunction with an indoor family entertainment center in a PUD zoning classification located in the Avenues, Viera.

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Commissioner Tobia inquired when it opens.

Mr. Puskar responded March 15, 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.9., MARKET STREET VIERA SENIOR REAL ESTATE, LLC (WILLIAM WATSON, JR) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM IN(L) TO BU-1-A (18PZ00126)

Chair Isnardi called for a public hearing for a request for a change of zoning classification from IN(L) to BU-1-A.

Erin Sterk, Planning and Zoning Manager, stated this is a proposal by Market Street Viera Senior Real Estate, LLC, represented by William Watson, Jr., requesting a change of zoning classification from IN(L) to BU-1-A on a property that is on the east side of Murrell Road at Crane Creek Boulevard, and it is 3.66 acres in size.

Chair Isnardi inquired if the Board had any disclosures.

Phillip Nohrr stated he apologized he has developed a cold and may cough while he is speaking; they are here to answer any questions the Board may have; what is going to occur if they get the zoning change is they will be putting up an office building that will house a real estate facility. He explained it will be a full-use type of facility; it would have not only the real estate component, but it will also deal with financing for any real estate transaction; and it would give the customer a one-stop shopping place. He added he has some of the principles from the company present if anything needs to be addressed, but they did receive a recommendation for approval from the Planning and Zoning Board (P&Z).

Commissioner Smith moved the Item.

Commissioner Pritchett stated she would second for discussion.

Commissioner Lober stated he is curious if staff has any concerns with respect to this Agenda Item.

Ms. Sterk stated she does not think they do; this was planned as the second phase of the assisted living facility that is just to the north, so it is nice to see something since the recession come forth on this parcel.

Chair Isnardi stated she has some comment cards on this Item as well.

Mary Ann Ferrara stated she lives 500 yards from the corner of Crane Creek and Murrell Road; if anyone takes a ride along Murrell Road, there is north of Spyglass Road, to Viera Boulevard, residential properties; there are no other businesses; and her concern is when they developed Market Square, they took that while area which was a sanctuary. She went

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on to say now they are putting in more businesses on that corner; this was a residential area; and now that is going to be the only piece of property from Spyglass Road north to Viera Boulevard that is not residential. She explained further up on Viera Boulevard, the corner there is still un-developed and that is more conducive to a commercial and industrial area; this already went out on that corner; she is just concerned that there will be more traffic already on Murrell Road than is needed; and would like to know what it is going to do to her corner. She stated that is her concern; when she purchased the property, it was zoned by The Viera Company; they have a park, and a lovely residential development; and she does not want to see it get turned into commercial.

Chair Isnardi inquired if the original zoning was assisted living. Ms. Sterk responded yes.

Ms. Ferrara believed it was originally for the church, the church ran into some part of St. Johns, and it was a parking situation because of the wetlands that was behind where they were going to put the parking. She added Market Square bought the whole piece, knocked everything down that was there, including the sanctuary; and it has been vacated for some time. She reiterated she is concerned that there will be more traffic; she asked how it is going to be developed; what roads are going to have ingress and egress; and she advised her property ends at that corner and she does not want to see any more of it commercialized.

Commissioner Lober stated he appreciated Ms. Ferrara coming out to speak; he inquired if the Board is looking at a situation where that road is near capacity now, or if it is nowhere near capacity, because he shares her concern, or at least he respects her concern he should say, with respect to not wanting to see that road swamped. He noted he does not know if it is near capacity or not.

Ms. Sterk stated staff looked at this pretty intensely to ensure that there were not any transportation concurrency issues; this property was platted in 2015, cleared and graded already for this assisted living facility, staff has evaluated the current zoning, the institutional low, and the trips that could be generated from that use; and they compared that to what they are proposing to change the zoning to today. She advised staff found that would be a reduction in trip generations with what they are proposing over the current zoning; staff anticipates the impact to be less than what could have gone in there under the current zoning; staff also looked at access management very carefully; and this property has platted, shared access to the exit onto Murrell Road through the assisted living facility to the north. She believed the applicants could confirm that; they will not be proposing another driveway cut onto Murrell road; then they purchased extra property as a part of the previous plat, and she is not sure how they will come forward with the new proposal for development, but it had two access points onto Crane Creek approved; and the County's Transportation Department put comments in the staff report that said that those access points will be reviewed with the new site plan when it comes forward. She explained the capacity of the roadway right now is at 43 percent of capacity.

Commissioner Lober stated it is essentially nowhere near capacity now.

Ms. Sterk reiterated staff does not have concerns with the trip generation.

Ms. Ferrara stated her comment would be that there would be two more egress onto Crane Creek and that is across from the church; that is the concern; and as this moves on, it will

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be an expandable thing and there will be traffic on the residential road that leads in and out of the development.

William Little stated he filled out the card only in the event that Mr. Nohrr needed questions answered.

Commissioner Lober reiterated he likes to defer to the Commissioners where these projects are taking place, or where the zoning is being requested; and he inquired if Commissioner Smith had any concerns.

Commissioner Smith replied no, he already made the motion.

Commissioner Lober stated with everything since then.

Commissioner Smith stated he has not heard anything to change his mind.

There being no further comments or objections, the Board approved a change of zoning classification from IN(L) to BU-1-A on a property that is on the east side of Murrell Road at Crane Creek Boulevard, and it is 3.66 acres in size.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.10., CLARK A. AND PATRICIA A. SIMMS REQUEST A CHANGE OF ZONING CLASSIFICATION FROM RU-1-9 TO RU-2-4 (18PZ00130)

Chair Isnardi called for a public hearing on a request for a change of zoning classification from RU-1-9 to RU 2-4.

Chair Isnardi inquired if the Board has any disclosures.

Commissioner Lober stated he has one; on January 31 either himself or his staff met with Bill Heink that had some concerns with respect to this request.

Erin Sterk, Planning and Zoning Manager, stated this is a proposal by Clark A. and Patricia A. Simms to request a change of zoning classification from RU-1-9 to RU-2-4 on a property that is .93 acres in size, and it is located on the west side of North Tropical Trail, just south of Lucas Road.

Chair Isnardi stated the Board can have one or two Simms if they would like.

Patti Simms stated they both filled out cards.

Chair Isnardi stated they both filled out cards and if they both want to speak that is fine, but they get 15 minutes, then if there are questions they have a chance to rebut for if they do not like what somebody says, or somebody speaks out against for whatever reason, they can come back up and address the concern or not.

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Patti Simms and Clark Simms introduced themselves to the Board.

Patti Simms stated they are asking to have the front portion of their property that is along North Tropical Trail re-zoned to RU-2-4; it actually meets with the Future Land Use (FLU), which is Residential 4 all up and down the street; across the street it is Residential 6; and further down is Residential 15. She added their reasoning for it is simply because their lot is very thin; there are some concerns with a road; their intention is to build her mother, who is 84, a place to live; and her husband's parents, who are 10 years behind her, a place to live; and his aging sister who has medical issues. She explained she does not want to split up their property, they do not want a bunch of driveways, they just want to be able to put houses to take care of their family; and she understands some of the neighbors have raised some concerns about the multi-family part of this. She advised they do not want apartments, they have a lovely home on the river; she does not want to drive by apartments to go down her driveway; they would just like the homes there; and she reiterated it is consistent with the FLU. She advised it is the only way they can do it and all use the same driveway; and inquired if that made sense.

Clark Simms stated the existing RU-1-9 is just not consistent with the Residential 4 FLU Designation; it had to be updated to something to do anything; after working with George Ritchie, in Planning and Zoning for several days, this is what he came up with.

Chair Isnardi inquired if the Board would like to hear the others speakers first or have discussion.

Commissioner Lober stated he does not mind either way, it is her preference.

Chair Isnardi stated the Board has a few questions for the applicant.

Commissioner Lober stated he has questions for staff and potentially for the applicant as well; he will say what his concerns are, and he will try to keep it as succinct as possible; with multifamily, he understands the applicant does not intend to expand this and make it something chaotic, but his problem is, if the Board allows for this, and the property is transferred, it may become an issue down the road. He explained that someone else may not have the same intentions that the applicant has; he understood having spoken to staff beforehand; and he inquired with respect to the house on the property, is it about 3,300 square feet now.

Mr. Simms responded it is 2,700 square-feet.

Commissioner Lober stated okay, so somewhere in that range.

Mr. Simms stated the property is 2.92 acres, so this is kind of a strange set-up, if one sees it.

Commissioner Lober advised he does not have a problem with them putting another house up, or another structure; that is not a problem in his mind; but his understanding, and inquired if they wanted to put a guest house on that structure as it is currently zoned, they could do so, but it would be limited to half the square footage of the existing house, so half of the 2,700.

Ms. Sterk responded affirmatively; there are also some additional limitations on prohibiting rental, separate utilities to the structure, and garage additions to a guest house; there are provisions in the zoning classification that they have today, that would allow them to build one extra structure if it were perceived as a guest house without doing the zoning action; and she inquired at the P&Z Board the request was whittled down from three additional houses to one, and staff wondered if the applicant agreed to that condition at that Board. She noted that way they could do it under the existing zoning; and she inquired further if the applicant is still requesting the three houses at the meeting today.

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Mr. Simms stated how they understood the existing zoning was that they could build another structure, but it could not have a kitchen in it; what they are trying to do, their parents are very independent, is to provide them a place to live where they can be independent, but still close enough where they can take care of them.

Commissioner Lober understood is that they could have a kitchen in that guest house; and he inquired if that was correct.

Ms. Sterk responded affirmatively.

Mrs. Simms stated they can only have one, because she does not want both sets of parents to bunk together.

Commissioner Lober inquired one kitchen, one house, or what.

Ms. Sterk the questions from staff arose at the P&Z Board when Mr. Simms agreed to a condition to the only one additional structure being allowed; and that is where staff is confused.

Mr. Simms stated they asked if he would be willing to sign a BDP for a single family housing; he would definitely be willing to sign an agreement for single family housing; he thought it would help protect the concern of multi-family houses not being able to be built there; and with the width of the property, one could not put multiple driveways in.

Ms. Sterk stated the motion from the P&Z Board was that the BDP be limited to one single-family unit; and that is where staff was confused, because they were not sure if they were reducing the request to just one unit, and whether or not the one guest house would meet their needs.

Mr. Simms stated he is confused on the guest house; he inquired if that in on the EU property behind that; and he does not understand.

Mrs. Simms stated there are two different zonings on the property.

Mr. Simms agreed and said it is in the notes; there is talk of a guest house, and he reiterated he is confused.

Commissioner Lober stated he is trying to understand, or visualize what the applicant's intending to do if they were to get this zoning changed.

Mr. and Mrs. Simms showed and explained a picture to the Board.

Mrs. Simms explained what they are trying to do, because the driveway is so long and thin, there is not enough to build a road, or a County acceptable road for driveways.

Commissioner Lober inquired if there was a canal close to there.

Mrs. Simms replied the canal is to the south of the property; she explained having three homes there, they can only put three, because they do not have a full acre, and it is Residential 4, so that would only be three; and it is obviously very consistent with everything around it. She went on to say they are single-family homes in one spot, a street full of single-family; and she believed Commissioner Lober could see it and the zoning all around.

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Commissioner Lober inquired if they are planning on putting up three houses, because staff is very concerned and he is concerned as to the actual number of what they are looking to put up.

Mrs. Simms stated three is the maximum amount, and that is why they asked for the two to four.

Mr. Simms explained the design they brought with them further.

Mrs. Simms stated they would like to put three houses up; and it is consistent with the FLU.

Chair Isnardi inquired if this is the Item that is on the Agenda.

Commissioner Lober replied he thinks it is the Item on the Agenda; in terms of what the applicant is doing, he inquired if they would be willing to table the Item to bring back a concept plan to staff so they can look at it, and advise the Board if it is consistent or not; and he added that way the Board is not doing this kind of thing, because this is a short notice type of situation. He advised he looked at everything that was submitted, but in terms of that, it is all new information for him in terms of what the applicant's specific proposal or intended use is.

Mrs. Simms inquired if the Board would like to see the three houses there.

Commissioner Lober replied a concept plan in terms of what they are looking at doing; if they know a raw square-footage, to put that in there; and he just needs something to give him a better idea. He explained he heard it was three, then it was one; and it has been kind of less than clear for him.

Chair Isnardi advised the reason it is unclear is because the applicant was willing to agree to one additional structure if they had to in order to get it approved.

Mr. Simms replied if he had to, yes.

Mrs. Simms stated she was not at the meeting.

Chair Isnardi stated she is sure in a perfect world, they would have that property all subdivided with separate driveways, and their goal is just to get everyone to live close.

Mr. Simms stated they are not even interested in sub-dividing; they think it will protect it if they ever sell, which he cannot imagine they would; and he thinks it would protect the neighborhood from worrying about it being sub-divided and having who knows what happening.

Commissioner Lober stated one of the concerns and things he was trying to work through in trying to get an option or alternative from staff, was potentially having them agree to put a restriction on the property to limit it only to family members; the problem is, it is next to impossible to enforce; if they did that, even if they were willing, it would not do anything for the Board; and they have no ability, essentially, to verify that.

Mrs. Simms asked if there could be a limitation that it can only be a single-family home and not a multi-family home; in other words, it would not be a duplex or triplex; and they would be individual homes.

Chair Isnardi inquired if they meant they want two additional single-family homes.

Mrs. Simms responded three additional single-family homes; three total.

Chair Isnardi stated she thought it was three total.

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Mrs. Simms stated she believes that is part of the concern that it would become something they are not intending.

Commissioner Lober stated if they are willing to do that again, he still would like a concept plan, but they can put that in the plan, or in the documents they submit.

Mrs. Simms stated the only reason they had to go to the multi-family is simply the size of the lot.

Mr. Simms concurred, it was the width of the lot.

Chair Isnardi stated the Board would like to make sure it does not put them through another several months of this process of sending them back to P&Z if it is pretty close to what they are asking for.

Commissioner Lober stated he is not asking to go to P&Z, if that is what it is being perceived as.

Chair Isnardi advised if it is being changed too much, that is what will have to happen.

Ms. Sterk advised it is up to the discretion of the Board whether or not it believes it needs to go back to P&Z.

Chair Isnardi stated the Board should probably hear from the two other comment cards; that is why she wanted to hear from them after.

Commissioner Pritchett stated she thought there was a little bit of confusion; P&Z came back to say that the applicant agreed to one single-family unit; that is what she has done her studying; and with the change of the zoning, she asked staff why they were changing the zoning because they could already build one. She went on to say staff said she thought it was primarily because of the driveway situation on; because of the driveway; she agreed with Commissioner Lober because she thinks the Board will have to wrap its head around this; and she has a lot more questions if the applicant is adding three more houses. She added there are drainage, and all those things; they are changing it to a higher density zoning; and her thought is to always cause no harm. She reiterated she agreed with Commissioner Lober in that the Board is going to have to get more information and come back.

Mrs. Simms inquired when the FLU is done, are these things not taken into consideration.

Chair Isnardi stated sometimes they get it right, sometimes they get it wrong; everybody is human, and one cannot predict what will happen to a particular area, especially if something else moves in.

Mrs. Simms stated she was thinking about the drainage and such; she thought that would be part of what was already considered; she understood where the Board was coming from; and she means no disrespect.

Commissioner Pritchett stated it was like Commissioner Lober said, though they are wonderful and honest, what if they sold it with the conditions; the Board has to put up certain things.

Mrs. Simms stated they do not mind; they are trying to get there.

Commissioner Pritchett stated the Board is trying to get it all worked out.

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Leana Walters stated she lives on the other side of the canal; they are house number two on the map; they just recently invested in this property, they are new neighbors; and now they are facing the potential of low density, multi-family in their back yard. She added that concerns them for a lot of reasons; had it been zoned that way to their purchase of the home, they would not have purchased it; they have some concerns for that; she inquired what it would do to the market value of their home, and the burden of the subject property itself. She went on to say she knows they are in a situation that many are facing; a lot of people have elderly parents, loved ones, etcetera; this is one option for them, but it does impact the whole neighborhood and community for them to build. She explained they understand one house; the property would be able to support that; they will have challenges with the width of the property, driveway and so on; and to even put one would be a challenge. She pointed out the thought of three houses right there and future rentals; they have a lot of the same concerns as the Board.

Jon Mason stated if they decided the applicants decided to move on, no one knows who would buy that property or what would happen with it, or how the houses would be maintained; there is one house, somebody thinks it is a great idea; and then they cannot maintain it. He added they have good intentions with their parents and all that; but, for whatever reason, they plan on being there for a long time; and what if someone else comes in and they have this zoning in place, but the houses are not maintained. He noted all of a sudden they turn into zombie houses sitting across the canal; when they purchased their property, they understood that was not an issue; and they did not know about that back half of the property that was deemed different. He went on to say septic needs to be thought of with the canal, the Indian River, and all these different things that will come into play; they want these people to take care of their parents, but for whatever reason, if things change, they are stuck with a possible zombie house.

Ms. Walters stated they could also be turned into short-term rentals, daily rentals, or bed and breakfast's of those are allowed. She added that is a reality for them across the canal.

Commissioner Pritchett inquired if they are on septic or sewer.

Ms. Walters replied septic, that whole area is septic from her understanding.

Mr. Mason stated there is no way, there is no sewer out there at all; so, that would all be individual septic tanks, three of them on a canal; with their setbacks, they do not have a whole lot of room; and they want them to take care of their parents, but heaven forbid someone else comes along and they have someone who does not care about the property and the canal.

Chair Isnardi asked the Board for a motion.

Mrs. Simms pointed out where they live now, they are surrounded by houses, so their concern that somebody is going to rent is moot, someone could rent right next door rather than across the canal; and there are two rentals on that street now that back up to their property.

Commissioner Lober stated if the applicant is amenable, he will move to table it; he directed the applicant to get a concept plan to staff, the more detail the better; the applicant can hire someone if they would like, but it is not required; and the sooner they could get the process rolling with that, the better. He added if it is something where the Board is learning of it the day of it being considered, it is a lot more difficult. He went on to say he promises he will give the applicant every consideration, but asked that they do what they can to work with staff; and asked if March 7, 2019, would work for them.

Mr. and Mrs. Simms responded affirmatively.

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The Board continued request for a change of zoning classification from RU-1-9 to RU-2-4 on a property that is .93 acres in size, and it is located on the west side of North Tropical Trail, just south of Lucas Road, to the March 7, 2019, Zoning meeting.

Mrs. Simms inquired when they would need to turn in a site plan.

Ms. Sterk replied they can continue to work with George Ritchie, or herself on that in the next few weeks.

Commissioner Lober stated if they have any trouble, he will extend the same offer that he extended to the prior applicant, to give him a call if they have trouble; and he does not think they will, but if there is, he will be an intermediary if needed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.13., GREGORY D. TAYLOR AND RACHAEL J. FITZPATRICK REQUEST AN EXPANSION OF AN EXISTING CUP FOR ALCOHOLIC BEVERAGES (BEER AND WINE ONLY) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A BAR, IN A BU-1 ZONING CLASIFICATION, AND AN AMENDMENT TO CERTAIN PREVIOUSLY APPROVED CONDITIONS OF EXISTING CUP (18PZ00138)

Chair Isnardi called for a public hearing on a request for an expansion of an existing CUP for alcoholic beverages (beer and wine only) for on-premises consumption in conjunction with a bar, in a BU-1 zoning classification, and an amendment to certain previously approved conditions of an existing CUP.

Erin Sterk, Planning and Zoning Manager, stated this is a proposal by Gregory D. Taylor and Rachael J. Fitzpatrick for a request for an expansion of an existing Conditional Use Permit (CUP) for alcoholic beverages (beer and wine only) for on-premises consumption in conjunction with a bar, in a BU-1 zoning classification, and they are also seeking to amend certain previously approved conditions of an existing CUP, this property is .31 acres in size located on the northeast corner of McCloud and Murtis.

Gregory Taylor inquired if it was okay if he tried to get his wife on the phone to listen because she is in Bali right now and could not attend.

Chair Isnardi replied yes, that he has 15 minutes.

Commissioner Lober inquired if there were any comments on this one.

Chair Isnardi replied yes, one.

Commissioner Lober stated he should mention with respect to the disclosures, he does have a disclosure on this one; on February 7, which as earlier today when he was at a meeting in Viera, his office received an envelope from Ed and Carolyn Wegerif with concerns to this particular request; and it looks like Mr. Taylor reached out to the office earlier in the day to speak about this, but he was not in; and he does not know if there was any conversation had.

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Mr. Taylor stated there was not; he explained Rachael is on the phone, 14 months ago, the Board approved and they opened the Bali Bar, which is a wine and beer bar plus a retail store where they sell things from around the world, primarily from Indonesia. He added it has been well-received, it is upscale, it is beautiful and appreciated by the neighbors, and it has been a good business for them. He went on to say they are looking to expand the CUP to the next lot; some of their customers asked why they thought about doing this; last night they had a book club with about 18 people; and it gets very crowded in a small wine and beer bar with a group like that. He advised it is hard to try to have any other members come in to enjoy the club; they have bridal showers, birthday parties, pampered chef parties, and yoga to name a few; Island Animal Hospital next door came over for an impromptu business meeting, and all of a sudden there are 15-20 people from next door; and they thought it would be nice to have another place right next to it, surrounded by the same landscaping where when they had larger groups, they could still sell wine and beer. He added then they could have some privacy; that is the idea behind it; the action they have taken is they have purchased the adjoining small lot; and they removed a 50-year old trailer that was unsightly and had issues with police. He noted they started landscaping to match the Bali Bar, which has been appreciated; in the last two days have had two containers delivered from Bali that have 20x30 foot open air pavilions; it is a pavilion that has eight poles, bamboo that can go down the side, a grass roof on the top, and is consistent with the small gazebo they currently have in front of the Bali Bar, just larger. He went on to say it is 20x30 feet; it passed the Planning and Zoning Board (P&Z); it passed the Merritt Island Redevelopment Agency (MIRA) Board; and the only issue was the same issue that was brought up before regarding Merritt Parkway and parking. He added last night about nine o'clock, he walked down the street, he counted 51 parking spots on the street, 55 in the Island Animal Hospital across the street, 10 on the business just south of them where their patrons are allowed to park; there is a parking lot that a discount pharmacy uses, and he has a picture of that, but there were 20 cars in that parking lot today; and they have 10 in their Bali Bar, so that was 146 empty parking spots last night. He advised when they opened one year and two months they have been open, they have not had one complaint regarding parking; their neighbors frequently come into the bar, they have never complained; he thinks when they talk about bar parking, he thinks the point that was brought up about ride sharing is very relevant; he thinks another relevant topic is that when people come to Bali Bar, they ride bikes, they walk because it is a neighborhood, and more important than that, a lot of people come by Uber now; for example, last Saturday, the last eight people that were in the bar, there was not a car in the parking lot, they came by Uber; and if one is going to go out and have drinks at a bar, one may drink two or more drinks, they will probably take Uber rather than drive. He explained when one thinks about parking for bars, he thinks it is a little antiquated in what is available now; this is a non-conforming area; they are trying to make the area better; add to a very successful new business in an area where they are kind of like a pioneer; and they are happy to see the other restaurant/bar potentially come in there. He mentioned they will continue to operate regardless of the Board's decision; he pointed out the Board asked the question of how much one of those studies cost; they went to an engineer for the study who has done a lot of those studies; and he told them to do the study for the site plan, including the parking, would be \$30,000-\$50,000. He stated they cannot afford to do that, they just bought that property; they just bought everything else; that is the estimate that was given to them; if they are asked to do that, then they will not go forward with this project; and he thanked the Board for its consideration.

Chair Isnardi asked to go to the other cards before going through Board discussion; and the Board may call the applicant back up if there are any questions.

Carolyn Wegerif stated herself and her husband have been residents of Merritt Island since 1961; they have seen a lot of changes; their main concern is the expansion from 30 to 72 seats; and also, on the application is the signage prohibiting parking in their parking area. She mentioned the applicant wants this removed, which was the language in the application; she added they have owned the strip mall stores that are adjacent to the east of the subject property

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since 1976; the building is occupied by five small businesses; and there is parking in the rear for the business owners and employees, and in the front is where the customers park. She added parking was discussed at the P&Z meeting in 2016, two years ago; little changes have been made since then; it established that surrounding businesses should be considered to not be adversely impacted. She advised there are liability issues that need to be considered when there are allowances to park on other people's property; her objection is the Bali Bar not having adequate parking; since their business is adjacent to it, they believe any additional parking requirements to either business will result in their customers using any available parking including theirs. She went on to say the bar owners and owners customers do not have permission to park on their parking area.

Commissioner Lober stated in terms of the current situation, it looks like they are looking as was said to expand from 30 to 72 seats, which more than doubles it; he inquired with the 30 seats as it is now, if the speaker was having problems with the applicant's customers parking on her property.

Ms. Wegerif stated she went by about three weeks ago after their granddaughter played basketball, all of her customer's businesses were closed and there were three cars in there; whether they came from there or not she does not know; and one of the tenants said there were a couple cars parked there.

Chair Isnardi inquired what kind of business she has.

Ms. Wegerif stated it is a little strip mall with stores; there is A. Arrow Insurance, AAA Business, a Tailor, a Nail Place, and a Beauty Shop.

Chair Isnardi inquired if it is her strip mall.

Ms. Wegerif responded affirmatively.

Chair Isnardi inquired if she did not want any parking in there in the evening.

Ms. Wegerif stated that is right, it is not shared, they do not want anyone else parking there.

Commissioner Pritchett inquired what hours those businesses were open, and if they were daytime businesses like 8:00 a.m. to 5:00 p.m. type businesses.

Ms. Wegerif stated the beauty parlor and sometimes the nail shop are open later, especially the beauty parlor.

Commissioner Pritchett inquired if the parking she is talking about that the applicant was asking to remove the sign, if that was street parking or if it is primarily their parking.

Ms. Wegerif inquired if there was any other information about the signage.

Ms. Sterk stated in 2016, she believed the intention of this condition was to obligate the adjacent property owner making the request to post a sign on their property saying not to park on Ms. Wegerif's property; she believed Ms. Wegerif has the impression that the County was supposed to post the sign; and the Binding Development Plan is a tool to bind the applicant to that. She added she does not know if the Traffic Operations Department can do anything about it.

Chair Isnardi stated she thinks some of the question was that they thought the applicant was requesting that the sign be removed, but the applicant was not, in fact, requesting that.

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Ms. Sterk responded affirmatively; the applicant is no longer requesting that condition be removed; but she believed Ms. Wegerif was trying to make the point that the condition was never complied with, because the sign was never posted. She believed Ms. Wegerif was suggesting that the signage be posted and that condition be retained.

Ms. Wegerif stated they do have two signs on their building, at the south end of the building, that say no other parking is allowed after hours, that it is a tow away zone.

Commissioner Pritchett inquired if there is street parking in this area as well, because she sees Grove Street.

Ms. Sterk stated all 10 of the parking spaces that the current southern lot enjoys are within the County right-of-way.

Commissioner Pritchett stated it is street parking that the Board is talking about.

Ms. Sterk mentioned all of the parking is street parking; there is zero parking on their lot; they have, on the new lot, it was a residence, so it was constructed with a minimum of two parking spaces; it also does not have parking for their business; it could, it could be improved to have that parking, but it currently does not; and she reiterated there is zero private parking spaces, there are 10 parking spaces within the right-of-way.

Commissioner Pritchett stated what is hard to determine as the Board is discussing this situation, because there is a lot of street parking and shared parking; the Board almost needs a traffic study in the area to figure out how much business can be held as things are being added and expanded throughout the area; and inquired if the Board had access to that.

Ms. Sterk mentioned she can clarify how staff accounts for on-street parking today; John Denninghoff, Assistant County Manager, can confirm the County's interpretation of this over time; Brevard County Code allows staff to account for parking on the property, unless there is a parking agreement and then that can be accounted for; the parking spaces that are in the right-of-way, abutting the applicant's property, staff has interpreted the Code to count for his requirements; and the parking spaces in front of somebody else's property cannot be counted for his requirement. She added that is where the disconnect in the Code and reality lies; the P&Z Board struggled with this; it realized this area has on-street parking that is unusual, it is quite an asset; and there is no Code that supports quantifying it in a different way than elsewhere in the County. She went on to say the P&Z Board made a recommendation that will be brought to the Board, that MIRA fund a study, a parking study in the Merritt Park Place area; on January 31, MIRA heard that recommendation and staff will be bringing forth a memo from them to the Board indicating it has the authority under the community redevelopment agency to do that study; eventually MIRA will be shifting some funds around to fund a study like that; and that study will probably evaluate Code changes to account for how staff and the Board can deal with this issue. She noted until that point in time, staff does not have that mechanism.

Commissioner Pritchett stated she is curious to hear Commissioner Lober's comments on this item.

Mr. Taylor interrupted the Board to say he has a little expansion he would like to add.

Commissioner Pritchett asked Mr. Taylor to wait a minute until she was finished; she is not the person to ask about that, it is up to the Chair; and she reiterated she is curious to see what Commissioner Lober will come up with as the Board moves on with this; that is difficult for him to double that with parking.

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Commissioner Lober inquired if he could have a little liberty on this.

Chair Isnardi responded affirmatively.

Commissioner Lober stated he has a couple questions, if Mr. Denninghoff or someone from staff, whomever is most qualified or most inclined to address, to feel free to jump in. He stated in terms of the level of concern with this particular item, obviously this is within easy walking distance of item number four that was tabled for a similar concern; he inquired if the situation with respect to this business more or less severe in terms of how it strikes staff from the level of where the Board was looking at item four to where this is; and if it was a more or less dire situation, or if it was comparable.

Tad Calkins, Planning and Development Director, stated if one looks at it from the expansion standpoint, the other expansion they were looking at, by staff's analysis, necessitated 13 parking spaces; this expansion staff calculates will necessitate 28 parking spaces.

Commissioner Lober inquired if it was within striking distance of the subject property.

Mr. Calkins stated it is very close, yes; he believed it was within a block, or block separation, maybe one street.

Commissioner Lober stated Ms. Sterk had mentioned, and he just wants to be clear on this, they could add parking to this additional parcel they have, should they so desire.

Ms. Sterk stated many of the properties in the area have purchased one lot, put a commercial building on it, and bought a second lot for parking, including the property across the street; they have consolidated parcels to solve their parking concerns; there seems to be spaces available for that to be proposed, but it just has not been; and additionally the structure that the applicant would like to put on the property will necessitate a site plan, parking or not. She added that has to come through that process; in that process, staff will be looking at parking; staff will also be looking at stormwater, and the structure; and she reiterated it has to go through that process with the County no matter what.

Commissioner Lober stated he would direct this to Mr. Denninghoff, unless someone else is really inclined to jump in and save him on this one; he has no idea, as he said, what a parking study costs and having one engineer quoting a fee, it may be low, it may be high, he does not know if it is price gouging or not, but \$35,000-\$50,000; and he inquired if that is something that strikes him as reasonable given the scope of the project, including a site plan.

Mr. Denninghoff stated he has not been involved with doing a parking study in quite some time, but his impression is that it seems to be a pretty high fee for that service; he can also speak to the history of some of this on-street parking; and he helped design it, get it constructed, permitted, and all of the rest of that. He added there was a serious parking problem in Merritt Park Place area; this was an effort on MIRA and the Board to, at County taxpayers expense, rebuild the neighborhood in effect; he thought just about every street was re-configured and re-constructed; on-street parking was provided, which was something that was very unusual at the time, and it is still unusual; and in many cases property owners granted easements for the construction of sidewalks and portions of parking spaces that would encroach onto their property, without which staff would not have been able to build on-street parking. He added staff would have had to build far less parallel parking as opposed to angled parking; a great many of the property owners benefited directly from that; all of them benefited from the improvement to the neighborhood; and there was never a comprehensive look, that he is aware of, at how parking would look for the entire area if it was to be re-developed with a more intense parking

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use need. He explained what has been seen over the years is that the lots have gradually intensified in use; what staff, MIRA, and the Board has done in the past is tried to moderate the requirement for the full on-lot parking if, adjacent to the property, some of the on-street parking; and one could count that as a practical matter. He went on to say that helped them have lower expenses; staff is seeing intensification of use without the intent, improvement, or addition of new parking that would be needed with the intensification of the use; and it will intensify the shortage of parking.

Commissioner Lober stated in terms of their ability to construct additional spots on that property that the Board is speaking about, he inquired if Mr. Denninghoff had a rough idea in terms of how many spots they could add in there within reason without really putting them in a bad situation, could they it a couple spots, six spots.

Mr. Denninghoff responded he has not personally looked at that, but he believed they could get a lot more than a couple of spots, there could be a significant number of spots in there; and the question would be could they also do the other things they may want to do on the site with building expansion and landscaping. He added they would need a retention pond as well.

Commissioner Lober stated he would like to go back to Ms. Sterk, because she mentioned they could have additional parking; when she said that he takes it as she meant that along with the improvements the applicant is suggesting; they could have the improvements they would like and add parking as well; and he inquired if that is a correct statement, and if that was what she was intending to say, or if he misinterpreted that in some way.

Ms. Sterk responded she intended to say that the Code states, if they were to propose an expansion would require additional parking; if they had to taper back their expansion to get the parking they need, that is generally what is evaluated during the site plan; and everybody looks at how they can sort that number. She explained if they were to have shared parking agreements to make up for some of the deficiencies in parking then there would not need to be as many on their own lot; staff has not seen any agreements like that, just like the last applicant.

Commissioner Lober asked for a little liberty on this.

Chair Isnardi responded affirmatively.

Commissioner Lober stated there are a couple things that concern him; he wants to let the applicant expand his business if it is at all reasonably possible, but whether the nearby businesses close at 5:00 p.m. or 2:00 p.m., that may affect the public parking; he gets that and would factor that in, in terms of his patrons ability to park; and with respect to the young lady that was up before, who owned the strip mall nearby, or adjacent to it, if she just does not want any of her parking used at any time during the day anymore that he has a right to park in Commissioner Pritchett's driveway, it is up to her, it is her property. He went on to say is not looking at telling her she should or should not tolerate anything; his concern is if there is room to accomplish what he is trying to accomplish, while simultaneously adding some degree of parking; he is not saying the Board ought to require 28 parking spots, he believed that to be rather excessive; and it just does not seem that has really been explored at this point. He explained he is worried if the Board approves this without conditioning it on some increase in parking that the Board could have a situation where the neighbors are now having problems with parking; and he does not have a problem with the expansion, but he does have a problem with the expansion given the staggering level of deficiency in comparison to the last item being less than half this number of parking spaces.

Mr. Taylor stated the number he is using is incorrect.

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Commissioner Lober inquired which number is incorrect.

Mr. Taylor replied 28 new, that is incorrect.

Commissioner Lober inquired in what way it was incorrect.

Mr. Taylor stated 28 is the total.

Commissioner Lober inquired if it was 28 parking spots was the total that is required for the existing and the expansion, or just for the expansion.

Ms. Sterk responded she would need a second to look.

Commissioner Lober apologized if he misstated that, that was his impression; and if he was wrong, he apologized.

Ms. Sterk stated she believes the total calculated area is 2,800 square feet with 28 parking spaces required for that.

Commissioner Lober inquired how big the expanded area was.

Ms. Sterk replied yes, it is in the staff report, and she would need a moment; 600 square feet is the proposed addition; and she inquired if that was correct.

Mr. Taylor responded affirmatively.

Ms. Sterk stated it is 20x30, and that would be six parking spaces for that.

Commissioner Lober stated it is not as bad; and that it was a huge difference.

Mr. Taylor inquired if he could respond to the lady that had an issue.

Chair Isnardi stated he does have a chance to rebut.

Mr. Taylor stated they agreed that there should be a sign; they put up a sign; they put a fence there; they put bamboo and palm trees to separate it; and anybody that comes in and asks them, they tell them not to park there. He added they have never had a complaint in 14 months; if someone parked there no one has ever complained to them so they could take action; as far as they know there has not been an issue; they do not want there to be an issue; and that was the only business that had an issue, so they have tried to protect them.

Chair Isnardi stated she does not personally know, she does not mean to butt in, but she personally does not know how one could control the actions of others; one could ask them nicely not to park there, but that is it.

Mr. Taylor stated they normally come in and ask.

Chair Isnardi stated it would be up to the business to police their own parking lot.

Mr. Taylor stated they could have cars towed; they are trying to support it by having a sign; they are willing to put up another sign if the other one is gone; and when talking about the parking lot to the south, that is the parking lot that is used as a parking lot every day of the year. He added every night it sits there empty and it is 30 feet from their front door; to think that there is an issue

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with five or six parking spots, when they have a street full of available parking, he can count 15 that are within 100 feet of their front door; and there is a neighbor that allows them.

Commissioner Lober inquired who's lot it was.

Mr. Taylor replied it is his understanding is that it is the County's; it is not designated a parking spot, but is used as one; he is not a County Official, but that is what he understands; and it is not owned by the pharmacy, or by Ms. Wegerif.

Commissioner Lober stated the concern that he has is it is great if it works out for some period of time, but his concern is that the people who have casually said that the applicant's customers can park there; if there is a falling out, or if they get struck by lightning or attacked by a bear, whatever the case may be, and they are no longer the ones that own the business, then the Board is potentially in a situation where they are restricted; these hand shale agreements, although they may work for a period of time, potentially may cause this to come back to the Board or blossom into something unnecessarily complex; and he added he would be inclined to approve this and ask the Board to do the same if he could grant some additional number of parking spaces on that property. He explained he is not saying he needs to come up with 28, he does not think that is fair.

Mr. Taylor stated the Board did not know the engineer; his name is Joe Moeller, he guessed he was very well known in this area.

Chair Isnardi remarked she thought he was giving the site plan as well as the parking study, which there is a big difference.

Mr. Taylor stated yes, but it was primarily the parking; the parking that they were told potentially if they took parking on the existing Bali Bar, which right now is pretty grass and a sidewalk; the other, the most they could get in there would be five spaces; and that would cost a lot of money. He understood the Board's concern, but just from a reality point-of-view, when one can walk out the front door and see 20 parking spots on a street that are not used, for them to go to the expense to put in parking for five spots, reduce the amount of space they have to put the pavilion, just seems not right.

Commissioner Lober stated his thought with this is they are going from 30 to 72 seats; he agreed with Commissioner Tobia when he stated that there is ride sharing, he hopes there is a lot of ride sharing there; there is Uber, Lyft, and others.

Chair Isnardi stated especially with bars.

Commissioner Lober stated that is the whole point with a bar.

Mr. Taylor stated there are bikes, there are people walking, and every one of those 100 square foot is not required for a car right now.

Commissioner Lober stated if he believes he could fit in five spaces, but he believes that would be an impediment, he would be inclined to approve with the applicant putting in three spaces, which he thinks is a pretty reasonable compromise with this.

Chair Isnardi called on Commissioner Smith.

Commissioner Smith thanked Chair Isnardi.

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Mr. Taylor noted his understanding is that this requires a site plan; they asked them specifically that question.

Commissioner Smith stated he is not very familiar with this area; he inquired if it was similar to what is seen in Downtown Melbourne where it is all street parking.

Mr. Taylor stated it is all angled parking all along the street; so that is why he is saying there are 51 parking spots all along the street that their business is on.

Commissioner Smith stated he understood that the Board has standards, but those standards are designed for new businesses in a business area; this is totally different than that; this is public parking on public streets; and there are businesses that are lined up and down the street. He added he finds it difficult to require a number of parking spaces based on that.

Chair Isnardi stated she thinks the Board's fault is that it does not have a formula; she inquired if it was possible to get a formula; she added maybe, eventually some sort of standard could be brought up, but right now there is not standard; and to ask the applicant to wait a couple months for the Board to do a study to try to understand that area is not fair over three to six parking spaces.

Mr. Taylor explained if the Board used Commissioner Tobia's percentage, and said it was 15-20 percent for ride sharing; say 15-20 percent for Uber, parking spaces would not be needed, no additional parking spots.

Commissioner Smith stated he will go on record saying he is in support of whomever would like to make a motion.

Commissioner Tobia stated Uber is part of ride sharing, so they cannot be added up, just for a point of clarity; Uber falls in that category.

Mr. Taylor advised what he used was the 28 and 20 percent of that was five; and that was one spot, maybe a couple spots.

Chair Isnardi inquired if Commissioner Tobia was done speaking.

Commissioner Tobia responded affirmatively.

Commissioner Lober stated he will go back to what he said before, if Mr. Taylor is amenable to three spots, he would be happy to make the motion to approve it that way.

Mr. Taylor replied he is not amenable to the three spots; they spent so much money buying that property and brought over the pavilion over; and to put it in is a waste of their time and money.

Commissioner Pritchett stated it is hard; the problem is that he is adding another building on; if it was an existing building, because the north area has downtown areas, too, street parking has to be shared; and it is going to add some flow and traffic there. She advised her problem is that she is not all that familiar with the area; if the study was done from MIRA, it would help a lot that the Board could get an idea if harm would be caused to other businesses by adding this on; and like the other guy, he had a little bit of a play because he was going to do more of a nighttime business and all the daytime businesses would be gone. She went on to say this is a little more difficult because almost anyone that adds on has to find a way to meet Code; but there may be a negotiation to make it a little bit easier because of the street parking; she does not know; and she thinks that when Commissioner Lober was trying to come up with some kind of compromise seems like a good one. She inquired if it costs that much to put in three parking spots on a

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property, or does this have to be a whole lot of work, and if a little gravel out in the dirt and let three cars park there would work.

Commissioner Lober stated he would be happy with that, too.

Ms. Sterk stated the challenge with the gravel and the dirt, and this is elaborated in the staff report, is it does not meet County Code; the existing 10 parking spaces that are within the County right-of-way were improved not to County Code; staff already, in front of their southern parcel, have a small liability going on; and the Board definitely cannot just throw down gravel.

Commissioner Pritchett inquired if it is on their property, the Board no longer has the liability.

Chair Isnardi stated then the Board cannot count them.

Mr. Taylor asked when the Board said it was a structure, Commissioner Pritchett used the term building, it is not a building, it is like a deck; it is a deck with a roof with eight poles.

Commissioner Pritchett stated the Board went through this with Squidlips; as soon as one expands for people to eat in there and enjoy it, it really becomes one, because it is a pavilion.

Ms. Sterk stated staff has met with this applicant many, many, many times and explained that the structure that they are proposing to add necessitates a site plan; there is not an option to add it without one; that fee that he quoting from an engineer; it has to happen, so that would potentially look at the parking spaces in that site plan; and that is the mechanism staff has to expand a commercial business.

Commissioner Pritchett stated she is siding with Commissioner Lober right now with this; she understands his logic, and she thinks there is a lot of leeway with it because of the messy street parking.

Commissioner Lober added it is like US192, he will add that as well; he has been to both, and if, for instance, he is not trying to throw Meg O'Malley's under the bus, but if they wanted to add additional seating, he would be very concerned about the impact that has; and even though, within a reasonable walking distance, it is some parking that oftentimes people do use.

Commissioner Smith inquired if this situation was like Meg O'Malley's.

Commissioner Lober responded it is comparable, he does not know if it is better or worse; it probably depends on the day one goes.

Commissioner Smith stated the ball is in his court now.

Commissioner Lober stated he is not going to vote for it without any sort of condition on parking, but he is happy to propose it with three additional spots; the applicant said he could fit five; and he is trying to give him as much leeway as he can while trying to protect the neighbors to a degree. He added that is really the most he is able to do; otherwise he is not able to support it at this point; and if, as Chair Isnardi said, he would like to wait for a period of time, if there is a study done by MIRA, and they say he does not need any additional spots, he is happy to support it at that time.

Chair Isnardi stated she thinks it is difficult as well to hold this guy to any standard that the Board does not have; it has non-conforming parking spaces; and it can do its best guess, and it is not because the Board is neglectful, it is because the Board does not have it. She explained to ask him to wait based on three to six parking spaces, if she cannot find a place to park and

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she is going to his business, she would either not go, or she would go somewhere else; and if there is an illegal parking situation in that area, then that is a policing and patrolling problem. She added unless people are blocking intersections, it is not a safety issue, it is more of an issue of convenience; she hates to say it that way.

Mr. Taylor stated he thinks that is a perfectly reasonable point; when he wants to go to Coconuts in Cocoa Beach, he parks wherever he can and he walks there.

Chair Isnardi stated she has done the same thing in Downtown Melbourne if she cannot find a place.

Mr. Taylor noted if it is a popular place, one may walk 100 yards, and it is not a big deal, it is a popular place; if one does not come they do not come.

Chair Isnardi stated she does not know if there is a perfect solution as far as studying goes, because of those corridors and if one cannot take the hours into account, then there would be no development down there at all; and it is the Board's choice on whether or not he expands his business. She explained she does not think it is significant enough to deny him; she will not support a denial, or forcing him to put three parking spaces in there, because that is about silly in her opinion; and to think three parking spaces are going to make a hill of beans of difference in the grand scheme of things.

Commissioner Lober asked if any of the Commissioners had a motion.

Commissioner Smith stated he would make a motion to approve this.

*Chair Isnardi passed the gavel to the Vice Chair to second the motion.

There being no further comments or objections, the Board approved the request for an expansion of an existing CUP for alcoholic beverages (beer and wine only) for on-premises consumption in conjunction with a bar, in a BU-1 zoning classification, and an amendment to certain previously approved conditions of existing CUP on a property that is .31 acres in size located on the northeast corner of McCloud and Murtis.

Chair Isnardi stated maybe from here, the Board can direct staff, she thinks Merritt Island is going to go and do a study in that area, MIRA is going to do a study; and she inquired if the MIRA Board agreed to do a study in that area.

Commissioner Lober stated he would talk with them as well to see what he can do.

Ms. Sterk stated staff will bring forward their memo to the Board to let it know what they are recommending for the scope of that study.

Commissioner Lober reiterated he will speak with them as well to see if he can get it fast-tracked to a degree.

*Vice Chair Lober passed the gavel back to Chair Isnardi.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Chair Commissioner District 4
AYES:	John Tobia, Curt Smith, Kristine Isnardi
NAYS:	Rita Pritchett, Bryan Lober

ITEM H.14., JAMES M. AND JOANNE M. THOMAS REQUEST A CHANGE OF ZONING FROM RR-1 AND BU-1 TO SR (18PZ00112)

Chair Isnardi called for a public hearing for a request for a change in zoning from RR-1 and BU-1 to SR.

Erin Sterk, Planning and Zoning Manager, stated this is a request from James M. and Joanne M. Thomas for a request of a change in zoning from RR-1 and BU-1 to SR, this applicant is not in attendance at this meeting; they have requested the Item be tabled; that would be to the March 7, 2019, Board Meeting; and they are an out-of-town property owner and were not able to make the Planning and Zoning Board meetings, so they were not able to make a recommendation.

There being no further comments or objections, the Board tabled the request for a change of zoning from RR-1 and BU-1 to SR, to the March 7, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.15., HAPPY LANDINGS HOMES, INC. (KEVIN LEE) REQUESTS AN AMENDMENT TO AN EXISTING BDP IN AN IN(H) ZONING CLASSIFICATION (18PZ00088)

Chair Isnardi called for a public hearing on a request to an amendment to an existing BDP in an IN(H) Zoning Classification.

Chair Isnardi stated she met with Mr. Knox, Lila Bucher, Mark Leslie, Lin and Rob Blumauer, and Mike Ronsisvalle.

Commissioner Lober stated on February 1, he and some of his staff met with Mr. Knox, Mike Ronsisvalle, who were obviously advocating to approve this; on February 5 staff fielded a call from a neighborhood resident, Lin Blumauer, who was concerned about this; and on February 6, his staff received a call from a Mark Leslie who was also concerned about this. He added there may have been prior disclosures the last time this was on the Agenda.

Commissioner Pritchett stated she has all of her disclosures in there as well, so at the risk of not messing up their last names, she is letting the Board know they are all in there.

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Commissioner Smith mentioned he has met with Scott Knox, Mike Ronsisvalle, Lila Bucher, Mark Leslie, Shirley Leslie, Lin Blumauer, Rob Blumauer, Ginger Knox, and Henry Minneboo.

Scott Knox, Representative of Journey Pure, stated they are the contract vendee of this property; he would like to start out by talking about the legal issues for the benefit of the people in the audience that did not get to attend these sessions with the Commissioners that he has had. He explained the Board has seen it, but he would like to re-create it for Commissioner Tobia, being that he did not get to see it; the first slide he is showing is a picture of the property in question; and it is located in Otter Creek where Old Dixie Highway is located, and it fronts on US1. He added this is an aerial photograph taken in 2008, he showed the Board where the only entrance to the property was; and he moved to a photograph from 2010, and nothing had changed, the only access was still in the middle of the photograph. He went on to say in 2017 nothing had changed, there was no access on US1, only where he had previously showed; he moved to a Property Appraiser's Map, which showed the same access point and no access on US1. He advised the reason that is important is because at the last Local Planning Agency (LPA) meeting, the issue came up as to whether there was a change of use being involved here, which he will touch on later; there are two issues in this case, whether the current zoning allows a treatment recovery facility, which it does in his opinion; and whether or not there is a necessity to come before the Board to change this use, which there is not, in his opinion. He informed the Board he would discuss the first issue, first; the reason these aerials are important is because they show no change in access, no change in road conditions, no change in road locations; the reason that is important is because when this property was rezoned, and as well as today, this property has to meet the conditions of the Comprehensive Plan, the main one being involved in this case is Policy 2.17 of the Land Use Element; and he went back and looked at the 2009 rezoning on this piece of property because it occurred to him at the LPA meeting, when the issue of use came up, that the property was rezoned to IHN back at that point in time so that the property had to meet all of the conditions of the Comprehensive Plan. He explained Policy 2.17 of the Comprehensive Plan was the one that was issued back then as well; it is the same exact Policy that it was back then, nothing has changed in this piece of property, ever; and the access has always been the same. He discussed he had Policy 2.17 as it is reported in the Staff Report from 2009, he focused in on the underlined portion; the Policy at issue in this case is the high density institutional use policy portion of that 2.17, and when looking at it, it says the property has to be permitted in the Community Commercial land use designation with access to a road classified as an arterial or higher. He added the staff today states that Policy is not met because there is no direct access to an arterial road, there is also no direct access to a collector, according to staff; however, when he went back and looked at the 2009 Staff Report, which the Board is looking at now, staff, where it is underlined in red, said the site has access to US1, a principle highway, so it met the Policy in 2009; today the staff says it does not meet that Policy; and in order to re-zone the property to INH back in 2009, it had to meet the Policy, so the staff interpretation today cannot be correct. He advised nothing has changed, there is no change in Policy, there is no change in conditions, back in 2009, it met the Policy, today they claim it does not, it cannot happen that way. He advised the 2009 staff and condition report confirms what he just said, because staff was aware it was not an issue of direct access back in 2017; and today staff says a person has to have direct access to a collector or direct access to an arterial. He remarked in the 2009 report, staff said overall accessibility to the site, the site has frontage on US1, Old Dixie Highway, and Otter Creek Lane; however, due to the proximity of the Pineda Causeway and US Highway 1 interchange, direct access to US Highway 1 is not permitted, instead access is available via Old Dixie

Highway and Otter Creek Lane to US Highway 1; and looking back at the conclusions about high density institutional uses policy requiring access to an arterial, and reiterated it did not have direct access to US1, or any arterial or collector, they said it did have access to an arterial, back in 2009 that met the Policy, because they did not construe it to mean one had to have direct access, which means one would have to get to US1, so the staff report as he read, today's staff report, saying this is a non-conforming situation was not correct, because back in 2009 when they re-zoned the property, it had to have access to an arterial and it did. He added he would like to go in a little bit about the Binding Development Plan (BDP), which was the second issue that came up at the LPA; when his clients first came before the Board, they submitted a BDP, which is the very same BDP that was passed in 2009 with one addition, they tried to add the word forcible; and this is the one that applied to Happy Landings, it applied to a dormitory for women and children, and they were under the impression at that time that they were allowed to go forward with a treatment facility under this very BDP, all they wanted to do was change one word in this BDP. He added he has been informed by Dr. Ronson Stalli that the folks that come up to do their due diligence before they moved on this property, put a contract on it, were informed, and he does not know who that was, that this BDP would allow them to go forward with a treatment facility and they moved on that basis. He announced they got before the Board, they got sent back to the LPA, it was looked at again, and all this he has concluded is completely irrelevant; in his view, he cannot find anything in the BDP that says the property is restricted to use as a dormitory with women and children; it says in the recitals that the property owner of Happy Landings wanted to maintain the property as a dormitory for women and children as one of the uses. He went on to say, it stated whereas they wanted to do that, they are following conditions applied, and there were five or six conditions of the BDP that they have to conform with; in fact, on page three of the BDP, in paragraph 11, which is in the material, but it is hidden deep, it says this agreement shall be binding and shall benefit the successors or signs of the parties and shall run with the subject property unless or until rezoned and shall be binding upon any person, firm, or corporation who may become a successor either directly or indirectly to the subject property; and to be subject to the above referenced conditions as approved by the Board of County Commissioners on September 3, 2005, which is the prior BDP, which was incorporated into the current one. He provided in the event the subject property is annexed into a municipality and rezoned, it is null and void; so, what he is referring to, this document there are conditions that applied to that use of a dormitory for women and children; it does not say that every other use listed in the INH zoning is precluded, it does not say that anywhere in here, the County knows how to say that; he has talked to staff, the staff told him they know how to do that, what they do is tell the person they can do certain things, but not all; or they say they can do all the INH uses, but a person cannot do certain things; and it is not left hanging, just because it says it is for a dormitory for women and children somewhere in the document, but not in the conditions. He stated just because it says that in the document does not mean that every other use is precluded for the remainder of the existence of the BDP, which could be forever; that does not make any sense, so him coming before the Board asking for a limited use to one use without any possibility to future use would be crazy; and he does not think that is what happened in this case. He pointed out from their point of view, this property is properly zoned for a treatment and recovery facility, it is a permitted use with conditions, the conditions are set forth in the Ordinance, and the conditions have been met when it is time for a site plan to be presented to the County. He suggested there are certain things they have to do and show that will govern how many people they can have in this facility, how many parking spaces they have to have, and how big the facility can be, but all those conditions have to be shown in the site plan; and that will determine how the property gets used, but it is permitted if those conditions are met. He stressed they have the opportunity

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to go forward and meet those conditions; they do not think the BDP has any relevance whatsoever at this point; and he reiterated that they believe the property is permitted with the zoning of INH, it is allowed to have a treatment facility with conditions.

Mike Ronsisvalle stated he would like to tell the Board a little about who they are, just so it is understood what they are proposing for the property; there is a need in the community, Brevard County needs a facility where professionals can provide effective care for substance abuse, simply because they are faced with a crisis.

Commissioner Lober asked if Mr. Ronsisvalle could bring the PowerPoint to full screen so it could be seen better.

Mr. Ronsisvalle apologized and stated he forgot to start his slideshow; he reiterated there is a crisis before them, as a community it takes one click on Yahoo.com or one television news show to say the opiate problem that they are facing is significant, as a country; he explained how big, how immense this problem is; and he showed a graph where in 2017 there has been 72,000 Americans die from drug overdoses. He went on to say looking back at 2013, there was about 40,000, that is an uptick of 30,000 people that have died nationally, every year; he teased it out a little so the Board could see where the problems are; and there is a problem with all drugs and alcohol, but the biggest issue is the synthetic opioids. He added it is a big problem, it is a national problem; but for Brevard County, it is very local; and he showed a list of the top five counties in Florida with the most drug or alcohol overdoses from 2014 to 2016. He explained Palm Beach, but that is not really a surprise, but number two is Brevard County; with all the metro areas around Brevard County had 1,032 people die; people who live in Brevard County were 44 percent more likely to die due to drug overdose than an average American; and there is an issue that they would like to provide a solution for here in Brevard County. He explained nationally, there are about 1.3 million people who seek treatment every year; there are a lot more people that need to seek treatment, but about 1.3 million people actually seek treatment; six months after they get treatment, sixty to eighty percent relapsed; these are not good numbers, this is unbelievable; and he is excited to be a part of the Journey Pure family because they are doing this differently and their outcomes are significantly better. He advised they can demonstrate this; they are tracking all of their clients and patients and how they do as they work through their treatment; and based on their numbers, they have almost flipped the tables for most other rehabilitation facilities. He added for people who start their treatment, a year out after treatment, almost 70 percent of their patients are clean and sober; a lot of people ask how they do that, and what they are doing differently; they start by addressing mental health and substance abuse, in conjunction; and they are truly a dual diagnosis treatment facility and they use evidence-based programming. He explained they start with an assessment, individualize the treatment plans for each individual, and then they integrate a technology-based coaching program, which he believes is one of the most impressive things that they do as a company, they follow people long after they leave them, they are following them on their cell phones, they are communicating with them, they are prompting them to do healthy things, and they can reach out to a coach at any moment that they feel triggered. He provided they have professionals that are doing this, they are giving thorough physical and mental health evaluations; he would like to end with what they are not; and that is that they are not a recovery house, not a sober living community, not a community mental health center that accepts Baker Acts, or court-mandated treatments, they are a group of professionals that are working together such as, medical doctor, psychologists, licensed clinical social workers, and licensed clinical mental health counselors, working

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together to help affect change in people's lives; and to help them get clean and sober, and stay clean and sober over time.

Mark Leslie stated some interesting information about the previous Binding Development Plan (BDP), it was his understanding from discussions from Lila Bucher, who is the current owner, that Mr. Knox wrote that plan for her; he is not sure why staff is getting blamed for some of the 'whereas' being in the incorrect places, but he is going to go through the BDP, and he will read the parts that are in red leaving the Board to read what is already in there that it has hopefully already had a chance to look through. He inquired who is actually applying, if it is the owner or the developer; he added the next one it does not bind the owner of Happy Landing Homes, or the property to anything, this particular plan does not; and he would like to know what DOC stands for, it is difficult to make out all of the language in this document, and it needs to be spelled out. He went on to ask pursuant to what in 62-1157, that is the rules for the BDP, and he does not really know what that means; the next 'whereas', abutting landowners is not neighborhood, or neighbors, it is their property; and it is interesting that the incorporation of recitals by reference herein was not included in the owners previous BDP's from 2005 and 2009, but they are now. He stressed it does not say the developer is responsible for the construction of any improvements; only the maintenance of improvements, if one looks through that, it references all kinds of stuff that the County does not have to maintain or construct, but they only have to maintain, they do not have to construct anything; and he hoped the Board would ask if this means to construct new facilities to meet facility standards enumerated in 62-1126, 62-1123, and 62-1125 for this medical facility that is the square footage standards, and the parking standards. He went on to say currently it is not maintained and they are in a non-compliant status; he did a public records search, there are several of the items that never happened, and the inspections that were supposed to happen by the County have not happened; and there is a list, and he does not have time to go through too much there. He mentioned it does not meet the requirements of Code to connect to arterial or an arterial collector; a reference to Code 62-1862(3) does not exist and is not enforceable by law; that number 62-1862, should be 1826, and he uses that number three times in this particular area, and he discusses all the square footage requirements there; the Property Appraiser's webpage is incorrect he references that as their square footage marker; and the aerials he showed show a building that was there and now it is not, and they are still claiming that is in the Property Appraiser's records. He provided they really have about 5,500 square feet, not 90 something; that building was removed because it was illegally constructed and placed in there; he added that a footprint is not a building, the existing facilities need to be ground trothed by staff as the applicant is not being straight-forward in their assessment of the existing structures; and he asked the Board to ask if this section means the applicant shall comply with the facility standards set forth in 62-1826, Section three. He stated it says it shall limit occupancy of buildings on site to 68 residents and staff; square footage on site is roughly 5,500 square feet; and he asked if this means the applicant shall meet the facility standards set forth in 1826, Section three, or if they plan to limit the occupancy of the current buildings to 47 and 21. He added assigned resident is defined in Code and contains the correct language; item F falls short of that definition for both residents and staff; he would like the Board to ask staff what the actual definition is; jail or prison for patients, he would like to know what DOC stands for, he inquired if it was for doctor or Department of Corrections, patients from the jail. He stated Brevard County is an agency with jurisdiction; and he inquired if that infers the developer does not have to meet the 250 square foot floor space per assigned resident as described in Section 1826(3)(1)(a), he seemed to leave that little number out which is very significant. He inquired which precise agencies have jurisdiction; and he asked about the 250 square foot per assigned resident.

Chair Isnardi interrupted Mr. Leslie to remind him his time was up. Mr. Leslie inquired if he could have a motion for more time. Chair Isnardi stated then she would have to let everyone do it. Mr. Leslie pointed out the Board has the questions in front of it.

Chair Isnardi stated she is sure a lot of people have read his emails. Mr. Leslie stated this is not in any emails or anything, this is new stuff. Chair Isnardi stated she knows and the Board is just getting this now; and she appreciates it.

Some Residents of this area spoke from the audience to say they would give up their time. Chair Isnardi stated they cannot give him their time, but they can speak; and added if Mr. Leslie had another 30 seconds, or something to wrap it up that would be fine.

Mr. Leslie asked if he could get a motion for that; and he stated he will knock it out.

Chair Isnardi responded affirmatively.

Mr. Leslie stated he will jump to Item H, Brevard County is an agency with jurisdiction; and he inquired this inferred if that means the developer does not have to meet the 250 square feet; and he noted he wanted the Board to ask if this means the applicant will have built the facility that meets all of the facility standards set forth within Section 62-1826(3) within one-year of receiving a permit from Brevard County to construct a facility that meets the standards of 62-1826. He went on to say the developer does not represent adequate parking spaces available for future use once facilities are expanded to meet square footage requirements in 1826(3), which they have not agreed to in this document; existing parking that is currently used and available will not be adequate and that is what they are going to use. He noted with the exception of unenforceable items, item D suggests they will never comply with 62-1826(3); he inquired why the developer, not the owner, needs to be in compliance with any provision of Code if they are not bound.

Ellen Montgomery stated she lives in the neighborhood; she is definitely not opposed to what the facility would offer, because she feels those are fine things to offer needs of the people who have these concerns; but in a small neighborhood like theirs, it is very difficult to think of the traffic that will be coming in and going out of there; and they did say it has stayed the same all these years, whatever was there. She pointed out the last facility that was there with the women and children, the women did not have vehicles, they came and went with the concerns with some kind of transportation given to them, or something like that; they were from poor backgrounds or whatever, they did not have the means to do that; and so there was not a lot of traffic. She went on to say this evening, when her husband was trying to get out to come to the meeting, he had to wait for their grandchildren to go home, it took him five minutes to wait to get out onto US Highway 1 from that one way of getting out of the neighborhood; and the Board knows what is going on with US Highway 1 and Grills right around the corner; and people are coming in, going out, and so on. She explained there have also been two deaths at that corner in the past, and that was before there was all of this traffic; she inquired if there would need to be a light there for all the traffic that will possibly be coming into the neighborhood from the facility; she stated she has her two grandchildren that like to ride their bikes in the neighborhood; she is concerned about them running into vehicles or whatever, they like to go see the peacocks at the sanctuary; and it is a concern for them as neighbors for the amount of traffic coming in and out. She added as far as the facility that it has good things to offer people, she does not have any question about that.

Shirley Leslie stated she is here to remind the Board to request an amendment to the existing BDP that has already gone through Planning and Zoning, not an old BDP or another BDP; the amended BDP for Happy Landings Homes, not for Journey Pure, has too many errors, inconsistencies, and misleading representations for the Board to even approve; and a BDP is a legally binding document, but recitals usually are not. She asked the Board to assure whether these recitals are or are not legally binding; she noted the developer does not represent and warrant that he is the owner, which must show remarkable title or certification of the property; all throughout the BDP it says the developer shall; and there is no guarantee that this developer will become the owner. She explained the BDP references compliance to Section 62-1862, but there is no Section 62-1862, and the BDP can be unenforceable due to a unilateral or mutual mistake, and the court would have the right of rescission or reformation; the property will offer services more intensive than those required for rooms aboard personal services in general nursing care and offers facilities for beds beyond 24 hours, by individuals requiring diagnosis, treatment, and care; Florida Statute says these services qualify a facility to be a hospital, which would move this facility into a higher intensity use; and this BDP says patients in two instances, and actually flip-flops between residents and patients. She noted the BDP says there are over 9,000 square feet of building foot-print, though it is actually less than 5,600 square-feet; the BDP says semi-annual meetings with the neighbors shall be established, it does not say that they will be held, only established; and the owners did not hold these meetings either. She went on to say County inspections are proposed, inspections have never been conducted; there is no County control or oversight of facilities like this; and no rights or protections of health, safety, and welfare as required by this County's Zoning are afforded the citizens of this County. She mentioned conditions precedence means all conditions shall be met, but the BDP seeks to circumvent the requirements to meet square footage requirements; history has proven that certain elements of the existing BDP were not adhered to, there is no guarantee the developer/owner will ever meet the square footage standards enumerated in 1826; and the same facility standards for square footage have applied to this property since it was rezoned in 1986, and they have never been met. She noted the developer shall comply with certain facility square footage standards of 62-1826 within one year, after receiving approval; Florida Administrative Code 65D36 says a license must be provided, licensed facilities used by a provider shall comply with health and zoning code enforced at the local level; and all providers shall update and have proof of compliance of local fire and safety and health inspections annually. She stated in addition, the owner must possess a business tax receipt prior to commencement, the developer offers to make criminal background checks available within 30 days of recordation and therefore upon request of the County; she inquired who in the County would make these requests and what tool it has to continually make these requests or assure these background checks are available, remembering that both the staff and residents continually change; she stated the BDP wants to allow convicts whose sentences were suspended probably because of a plea bargain; and the developer operating the center will not contract with DOC. She inquired what about the owner or other employees of the center if they would be in contract with the DOC; the BDP does not truly represent the parking requirements, including paving, are met; the BDP states violations of the agreement may be enforced by, and it should read shall; and Otter Lane is not correct, it is Otter Creek Lane. She noted the conceptual graphic representation is of a facility not approved by or located in Brevard County; the actual square footage of the property's facilities is incorrectly represented in both the BDP and the County Property Appraiser's Office records; this section references the foregoing minimum Code requirements in Section 62-1862(3), which does not exist; and this is a poorly written document. She went on to say the owner is shown on the signature page to be the

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developer; since the property and some of the activities are visible from the crown of Old Dixie Highway, an eight to 10 foot fence would be more appropriate; the existing fence is in disarray; and the developer could possibly assume that fence to be adequate.

Chair Isnardi stated she would let the applicant have a little extra time as that would be fair.

Kevin D. Lee stated he serves as the CEO of Journey Pure; Journey Pure serves over 200 folks per day in Kentucky, Tennessee, Central Florida, and in the Panhandle who live in residences like they would like to develop at the Happy Landings property; they get really, really good results, their patients come to them because they want to, they are voluntary, not court mandated, and they want to get healthy; they are sober, they do not feel good a lot of times when they come in, but they get really good outcomes; and as a result, 84 percent of their patients report about not having abused substances six months after they get treatment with them. He added insurance companies like what they are doing, they have very major managed care contract they could ever want, including but not limited to Florida Blue, Cigna, Aetna, and as people work with them they get more deferred to them; every week there are people from Ford Motor Company, Chrysler Corporation, and so forth coming in every day; and there are 11 residential facilities in their system right now, and he would know if there were problems with their neighbors. He explained they are a good neighbor; the Tennessee facility has been there for three years, and they have a neighbor completing a very nice house at the end of their driveway; he does not think they would do that if they thought they would get into a problem situation; and he showed the Board some pictures of what the facilities look like. He advised they have to comply with codes everywhere they are, the Florida Department of Children and Families would license this facility; there are six licensed facilities in Florida now by Florida Department of Children and Families; they will build parking spaces to accommodate the traffic; and they are all in neighborhoods, similar to what they are contemplating here.

Lin Blumauer stated she owns the property across the street from the proposed medical facility; she is present at the meeting to ask the Board's help in protecting their property values, the general safety and welfare of their neighborhood; they understand the need for these types of medical facilities and are sympathetic to those in need, but they believe a residential neighborhood is not the place for them without security and legal means to keep patients on-site; and the neighborhood will suffer consequences once again as the ingress/egress would be in the neighborhood and not at an arterial road. She went on to say the proposed use will cause a substantial diminution in value of the neighborhood; the applicant is seeking an amendment to the existing BDP for the purpose of expanding service to include men, felons, and develop the property as a residential detox and treatment facility; and currently it is a dormitory for homeless women and children. She added the change of use would be an expansion that is less restrictive, it is a completely different business, it is a medical facility that does not fit in any residential neighborhood; pursuant to Section 62-1157, conditions proposed within a binding development plan should be more restrictive and should not be used as a tool to circumvent existing code provisions; and Section 62-1103 states interpretation conflicting provisions; and the provisions of this article shall be held to minimum requirements adopted for the promotion for the general public health, safety and welfare of the people of the County, in the event of conflicting provisions, the more restrictive provisions of this article or any other regulations of the County shall apply. She stated location standards the increase of traffic from residents, staff, visiting family, doctors, ambulances, and other services will change the impact of the neighborhood as the ingress/egress is in the neighborhood with a narrow blind corner and no sidewalks; children will have to pass by twice a day to catch the bus and return home,

possibly during employee shift changes, and this is a safety issue; since 2009, and the inception of the INH zoning, there has been little impact in the surrounding neighborhood, as it appeared to be abandoned and is currently an estate of disrepair; even to its full potential, which never happened, a dormitory with homeless women and children would have much less impact as most would not have vehicles; and only a handful of women and children have ever been there. She explained there have never been 47 residents here, regardless, there is only square footage to accommodate 14 people; the onsite sewage is another issue, Section 4666, onsite sewage disposal in a commercial manufacturing and industrial area, no initial, annual, or temporary business tax receipt shall be issued by the County Tax Collector for any business or occupation for any property within the County located in a commercial land use classification, where such business, business location, profession, or occupation on the property is served by onsite sewage treatment disposal system, until such application for the initial annual or temporary business tax receipt has been reviewed and approved by the County office of Natural Resources Management and the County Health Department's Environmental Health Service Section; a binding development plan is a tool for an applicant to agree to conditions above and beyond code criteria, conditions within a BDP shall not be utilized as a mechanism to waive existing code provisions; the conditions in the BDP essentially becomes part of the zoning action, as they are enforceable by Code; but unlike the Health Department, there is not a schedule for inspections, so unless there is an incident or complaint no one would know; and in the words of Ron Bratcher of the Planning and Zoning Board, it is like sending the fox into the hen house to see if there are any foxes in the hen house. She noted a BDP is essentially worthless as the existing one was not enforced; no meetings, no inspection, no compliance; she inquired what there was to protect the neighborhood if there is no enforcement. She stated the current BDP states that any violation of the agreement will constitute as a violation of the zoning classification; and in times of controversy, she puts herself in the other's position. She asked everyone to think of their parents, grandparents, son, daughter, and their families living in the neighborhood, and asked if everyone would feel that they would be safe and their property values be not affected; and she thinks most educated people would not. She advised as judge and jury of this quasi-judicial hearing, regardless of past use or history, approving this would have an injurious effect on the neighborhood and the County is bound by Code to deny.

Jinger Knox stated before she starts, she did a PowerPoint, and she does not know who has that, they said they uploaded it; and before she started her presentation, she would like to clarify that they are actually talking about the same BDP she thought they were coming here to talk about; and it kind of sounded like Mr. Knox said he does not need a BDP to do this; and she would like to clarify before she goes into 21 slides about how horrible his BDP is, if the Board is even still talking about that BDP.

Mr. Knox stated the short answer is he does not think they need a BDP to do what they would like to do.

Chair Isnardi stated then she can operate off of the existing BDP.

Mr. Knox stated he does not think the BDP is even relevant at this point; he thinks it is a permitted use with conditions; if they meet the conditions, they get the permit; and a BDP does not need to be done. He added they are apparently are not happy with the BDP that was presented and at this point, he does not think it is needed.

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Chair Isnardi stated she will not tell Ms. Knox what to talk about, but addressing the most recent BDP is probably pointless at this point if that is not what the applicant is wanting to do.

Ms. Knox stated that is what she thinks, too; she has lots of pictures, and spent two days on the PowerPoint, but that is fine; she was there in 2005, when the BDP that Mr. Knox is referring to is not legal, he was actually the County Attorney, so how he could ever have a BDP that is coming through that is not enforceable, and then to stand up here and tell the Board it was awful and the County approved it; and it is not enforceable, she guessed that was for attorneys to fight about later, but she thinks it is a conflict of interest. She added she spent months and months of her life with the people who are at Happy Landings Homes to come up with the 2005 BDP, so that they could continue doing good work for people in the community; even though they were doing things illegally in 2005, they, as a community, thought it was important work because they could do it with little impact on traffic, because they were going to go by that BDP that they had. She went on to say they could all work together as a community and make that happen, even though they were not on an arterial road; in 2009, the community was not involved then, they had no idea they were going to a higher intensity; the community was left out of that entirely, even though the community was a large part of the 2005 re-zoning; whatever happened in 2009, from 2005, did not have any of the community's input; and she will say that it was going smoothly, there was not any people having sex in their front yards at that point, so they were not really involved on a daily basis like they were in 2005, and they will be again if they have a corporation that would like to come in and not have square footage requirements, parking requirements, bathroom requirements for the residents, all of these things that they put in front of the Board, which are absurd. She went on to say that is why there were withdrawn before this meeting because they all know the Board cannot even approve those things; the Board cannot tell 47 people they can go to the bathroom in four bathrooms; because Mr. Knox wants it to be okay, it is not legal; the BDP they were bringing to the Board was not legal; and that is why they withdrew it. She noted how they can now completely throw out the need for a BDP for a medical detox center in a residential neighborhood, not coming off the right road, with 47 patients, when there has only been room for 14 patients, that is up to the Board to decide; she inquired if it can do it here without any background, without doing any research, all the research the community has done is being thrown out at the last minute; and she stated they cannot tell the Board what to do, but they would say it is not fair to them as a community. She stated it is not fair that they do not have meetings with the community, when they did have a meeting with them, they say they do not even have to listen to the communities input because of who their attorney is; she is saying the community is amenable, they want it to be a good environment for everyone, but they do not think they need that. She added they think they can force the Board because apparently an employee here did not catch something; Mr. Knox was the County Attorney and he did not say anything, and now he is the applicant's attorney; that makes everything okay and they do not have to go by the right roads now, or follow any of the right codes because someone overlooked it; and he is the someone, no one can say the applicant is okay to not follow the Code when the applicant's attorney was the County Attorney that made a mistake. She remarked she did a PowerPoint Presentation, she is not going to waste the Board's time, or hers, she is going to let it go, but she does not see how the Board can push this through at the last minute with all of these changes, with no BDP, with no protections to the community at all; and if he wants to keep women and children there and only do the dormitory use, with the existing BDP, the community is all for it.

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Mr. Knox stated if the people in the audience had really carefully read the BDP that was presented, they would have found out that the conditions that are set forth in the Ordinance are tracked in that BDP; that was trying to assure them that is what was going to happen; since that happened, they have discovered things from 2009, that makes it clear that this is a permitted use with conditions and if those conditions are met, which are also in the BDP, then they are good to go; and all they have to do is present a site plan. He added they really do not have to go through the BDP process at all; they were doing this now, tonight, they could withdraw tonight, and move forward with the site plan is the way he is looking at it; if the Board feels the applicant needs to put in some conditions to protect the neighborhood, they are willing to do that; they are not willing to just walk away from the BDP at this point; and he knows there was some talk about getting direct access to US Highway 1, but that cannot be done, that was in the staff report. He noted there was some talk about moving the access point to the north of the property, and they are willing to do that; there is talk about the forcible felons not being permitted as residents, and they are willing to do that; and they are willing to not hire felons as employees, those are the things that are in the BDP. He explained there is a lot more to it than the conditions and the applicant does not see them as necessary because it is a permitted use with those conditions, and those conditions are in the Ordinance; they have to meet those conditions already; and he does not have a conflict of interest, he has determined that by the Florida Bar by telephone and he has it in writing.

Chair Isnardi suggested the Board gear questions towards Mr. Knox first.

Commissioner Lober stated he has a few questions for Mr. Knox; and some of them are based on the conversation they had that he referenced in the disclosures with his client and also Fritz was present at the time as well. He stated he has a few questions, one of the items that was brought up, he forgot the gentleman's name, maybe Mr. Leslie; one of the items was talking about a portion of the BDP that was submitted, and he read it in part to save some time; it was Item H which basically states if not already in compliance the day the treatment facility, and it goes on, basically allowing it to come into compliance within one-year after receiving approval; it struck him as something that is atypical; and he is curious as to why that was included in the BDP.

Mr. Knox stated he cannot recall why that is in there, but he is happy to pull it out of there.

Commissioner Lober thanked Mr. Knox; he added he has a few other questions; one of the other items that he may recall that was discussed while sitting in his office was some of the neighbors' concerns with respect to having people potentially causing problems in the community; and there was a reference, if he recalls correctly, that there is a gate on the facility that is planned, or maybe not.

Mr. Knox stated one of the conditions was in the proposed BDP was that they would have a fence that would have an entry way in it.

Commissioner Lober inquired if the thought that the residents, patients, or whatever he wishes to term them, if the thought was that they would be free to come and go, or if they were not free to come and go.

Mr. Knox stated they are not free to come and go; they are kept on the property for 28 days, that is why they are there.

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Commissioner Lober stated he saw, and he is not trying to pull a "got ya" on this, he is trying to understand what is going on; in the slide show, and correct him if he is miss-recalling this, there was something indicating that the applicant would not accept Baker, and he does not remember if the Marchman Acts were in there as well, if they are not being involuntarily committed; and he inquired how they are not free to go.

Mr. Knox stated he assumes they have a contract.

Commissioner Lober stated he is really confused with this.

Mr. Lee stated they can leave, patients can leave.

Commissioner Lober stated they potentially, he would guess, forfeit or whatever.

Mr. Lee reiterated they can leave, and if they decide to leave they will get them a ride to leave, they are not going to go out walking on the street, they are calling a family member or somebody else to leave.

Chair Isnardi inquired if they are coming and going is what Commissioner Lober is trying to establish. Mr. Lee responded, no they are not coming and going; they do not use their own cars to get in and out; the only cars in and out are to bring new patients in or take patients being discharged or completing their treatment away, or employees.

Commissioner Lober stated he is just wondering, partly for the trip count perspective, whether there would be people either having a more strenuous use of that infrastructure, or a less strenuous use, but he thought that answered it to a degree; and he will hold the rest for people later if the Board would like to chime in.

Commissioner Tobia stated clearly Mr. Knox is well versed in Planning and Zoning; he inquired if it was Mr. Knox's opinion that this is a permitted use with conditions. Mr. Knox responded correct.

Commissioner Tobia inquired if he was okay with the existing BDP. Mr. Knox inquired if he was talking about the existing BDP for Happy Landings.

Commissioner Tobia stated the one from 2009. Mr. Knox stated the only thing, if that were applicable, the only thing they would like to change is to add the word "forcible" to one location.

Commissioner Tobia stated to be clear, his question was very basic, Mr. Knox stated he could go ahead without being before the Board; he inquired other than billable hours, why is the applicant here.

Mr. Knox stated because at the Local Planning Agency (LPA) meeting, the issue came up as to whether this needed to come back before the Board to get a change from the use of dormitory with women and children to a treatment facility, he sent an email to the staff after he heard that and asked if staff was taking the position that this is the only use that can be put on this property unless it goes back to the Board, and her answer was yes. He added his view is, they do not need to worry about the BDP, because it does not say it is restricted to that use, so this old BDP does not even apply, because it is not relevant, however should

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the Board decide to impose, or ask the applicant to impose those conditions on them, they would do that with that one change.

Commissioner Tobia inquired if the County Attorney had the same opinion that Mr. Knox's clients have; and inquired if the Board should vote down, would the applicant have the ability to move forward with this as a permitted use with conditions with a pre-existing BDP.

Eden Bentley, County Attorney, stated she respectfully does not agree; she thinks that the contingent that the BDP is invalid has several problems; there is a document that references, it is not a perfect document, that much she can agree with, however, it was not adopted in a vacuum, there are minutes, there is Board direction, all of that says dormitory; and she thinks the Board would end up with that evidence before the Court and she thinks it would be found to be limited to a dormitory use. She added when moving further down the line of logic, if the BDP is not valid, then the zoning may not be valid, and the Board would revoke the zoning; and she has the same question as Commissioner Tobia, if he did not believe that this BDP is binding, she does not understand why they are here.

Mr. Knox stated he would be happy to answer that.

Chair Isnardi inquired if Mr. Knox could respond first.

Commissioner Tobia stated yes.

Mr. Knox stated the reason they are here is because originally his client thought they were allowed to come before the Board with the old BDP because they were able to use the treatment and recovery facility under this BDP, notwithstanding his respect for Ms. Bentley's opinion, they were told that; that is why they came before the Board and came with the same BDP that they had from 2009, and changed one word, because they did not want to have to deal with felons as opposed to forcible felons; that has mushroomed into this huge thing, in the course of which, he discovered that in fact, back in 2009, this was approved as a treatment, as an INH zoning, which allows a treatment facility; and this document does not restrict the use of this property forever and ever to one use of dormitory for women and children, period.

Commissioner Tobia asked for one quick follow-up.

Chair Isnardi agreed.

Commissioner Tobia stated to be clear, and he is clearly not an attorney, he is seated between two bright attorneys, but he is not one himself, and he has no idea, sunshine is what makes these meetings fun, he has no idea how this vote goes, but to assume he is on the short end of the stick, he presses forward anyway.

Mr. Knox stated they will be back in front of the Board because he suspects the staff will deny the site plan and they will have to come back to appeal that to the Board, or they could do something else, too.

Commissioner Tobia stated he understood; he thanked Mr. Knox for not making that threat as many people do at the dais; he handles himself very well; and he appreciated it.

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Commissioner Lober stated this is more for Attorney Bentley, to kind of dovetail off of what was just discussed; the vibe he was getting from this direction is that but for the BDP, the first re-zoning would not have necessarily even occurred; and he inquired if that was fairly accurate.

Attorney Bentley stated it does appear that was the restriction to mitigate the negative impacts of putting INH zoning in this location.

Commissioner Lober inquired if the BDP were to be invalid, potentially the Board would be revisiting the re-zoning that occurred in the past as well.

Attorney Bentley responded she would respect so, yes.

Commissioner Lober stated the last question in that line, with respect to it previously having been permitted as a dorm with this now being a medical facility, he inquired if it was Attorney Bentley's opinion that that is a different variety of use, a potentially more or less onerous variety of use.

Attorney Bentley responded the Board's Code classifies it differently; there are treatment and recovery facilities in the Code versus a separate use for dormitories; so they are different types of uses; and she thinks the question for him is if it is a different intensity, will it have a different impact on the neighborhood.

Commissioner Lober stated maybe the Board should bounce it to Erin Sterk, Planning and Zoning Manager.

Chair Isnardi inquired if that is a different classification of use, or intensity of use, dormitory versus treatment facility.

Erin Sterk, Planning and Zoning Manager, stated she would say when the Board considered limiting it to just the dormitory within the INH zoning classification, that they perceived that it was a separate intensity of use, which is why they limited the other uses at that time.

Chair Isnardi stated she meant in comparing the two.

Ms. Sterk stated intensity depends on the level that it is generating; as far as trip generation, staff does not feel like the different uses produce a significant difference in trips; but intensity is measured by a lot of things, not just infrastructure; and if the intensity was the same then, conceivably it would have been a permitted use within the BDP when the re-zoning was applied, so, yes, she believes it is.

Commissioner Smith inquired if this property was served by a sewer. Ms. Sterk replied no, it is septic.

Commissioner Smith stated that is kind of a problem with him being so close to the river; but he can tell them aside from that, he has spent a lot of time speaking with the applicant, neighbors and staff; and having done this, he has come to what he thinks is something that is needed to protect the neighbors, applicant, and the County. He added first of all, from what he has heard, he is still not crazy about it, he is not going to push this, because he does not want to see this thing without a sewer; he thinks there is a sewer line that runs down US Highway 1, but he is not positive; but aside from that, he thinks if the Board

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changes the wording to developer/owner, that covers one of the concerns of the neighbors. He went on to say if the Board strikes 3H, 3I, and 3J, he thinks that solves a lot of problems with the County and the neighbors; and as he suggested in this meeting with the applicant, the northern driveway, which currently exists, it is small, if that was designated as the main ingress/egress, that would eliminate a lot of the traffic that the neighbors are concerned about; and then the existing main entrance could be eliminated.

Commissioner Pritchett asked Commissioner Smith to go over it one more time.

Commissioner Smith stated there are two entrances on this property; there is a northern entrance, which is very small, but it exists; so, if cars are coming into this property, they would come down Otter Creek Lane, make a left, and then another immediate left, so that they would not be driving up and down the road; and he thinks that is doable. He recommended a stop sign at the end of Old Dixie Highway, as it approaches Otter Creek Lane, so that people coming and going would have a duty to stop so that there would not be any traffic mishaps there; and lastly, he thinks the community would be well served with a facility like this, but that is what he has.

Chair Isnardi stated she would like to say something to chime in so she is not doing it all at the end and not asking questions. She added she believes the Board and the applicant went back and forth so much with this, she read the P&Z minutes, and she is a queen for over the past several months that staff has had to deal with this; she does not know how to rectify each and every item; she knows some of the concerns with the existing inspections, and she does not know why; she thinks the County staff now is asking why staff would agree to do inspections when the County does not have the authority to do them; and she does not think that would be enforceable anyway if it went back to the old BDP.

Commissioner Smith believed that was done to appease the neighborhood.

Chair Isnardi stated it was, but at what authority; she believed the Board should, and maybe that is a question more for the applicant, to talk a little more about the licensing and its inspection process, because she will tell everyone, as a new nurse practitioner, it takes her months to get credentials with insurance companies; she is practicing, but she is still accountable; and she is registered with the Drug Enforcement Administration (DEA). She added there are things she has to go through; she cannot imagine them having a facility where there is insurance companies approve them arbitrarily with it being some kind of dump; and she does not see that as a possibility.

Mr. Knox stated in order to get that license to make themselves subject to those regulations that the Board is talking about, they have to get the zoning straight first; they have to go to them and tell them they have the zoning to do it, which is where they are today.

Chair Isnardi stated she just knows, and again one can talk about the process, it is not like it is blanket approved and all of a sudden these insurance companies just start coming in to say they will approve this service; one has to get approved through each one of them and certain standards have to be maintained through the State to get that approval.

Mr. Lee stated that is correct; he thanked Chair Isnardi for asking that and he is glad she is familiar with it; all of their facilities and operations are licensed by the State, respective departments of mental health, or in Florida, it is Department of Children and Families; they get routine inspections, surprise surveys, and more importantly, he thinks, all of their

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facilities are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), and those are pretty high standards; they are a Tricare contractor, and to be approved by the Tricare system that is active military, that is really strenuous; and it takes a year, so it is a pretty strenuous process for them to meet. He went on to say insurance companies require those accreditations like CARF, licenses, staff has to have licenses as appropriate, before they can be contracted with the insurance companies, which he mentioned earlier, they have them all; and they are very supportive of them.

Chair Isnardi stated each one of those insurance companies goes through their own process and background and such.

Mr. Lee added they make site visits, they come see them, they audit records to make sure they keep charts the way they are supposed to and so forth.

Chair Isnardi stated regardless of whether or not the Board approves it, she did not want that perception that the applicant was just someone coming in and able to just throw up a shingle and say they do rehabilitation here, come in and pay; there is obviously quite a bit they have to go through to even get approved and authorized to do it, and to be able to maintain that.

Mr. Lee added that the use of the property women and children versus what they want to do is no more high density, they are not trying to be any more high density, and that was approved, they are happy to comply with the existing BDP and have those inspections, they are happy to do it, that is fine with them; and they are trying to figure out a way to make that happen.

Chair Isnardi inquired how they felt about an eight to 10-foot fence as opposed to a six-foot fence, if that was appropriate.

Mr. Lee stated he is amenable.

Chair Isnardi stated she is not saying it is going to get approved, she is just asking while he is at the podium.

Commissioner Pritchett stated she is trying to get all of the emotions out of this so that the Board can make good decisions; and she inquired if at one time was an assisted living facility.

Ms. Sterk responded yes, this facility, prior to 2004, had the rights to be an assisted living facility under the AU zoning code; in 2004 it was changed, brought out of that AU zoning into the new INH zoning classification, and it was restricted to just assisted living facility use; and she clarified in the BDP that limited that zoning and that use at that time, the limitation to assisted living facility was in a whereas clause. She explained in 2009 when it was changed to a dormitory, it was in a whereas clause; today when they proposed to limit the use to just a treatment and recovery facility, they started drafting the document the same way with the limitation in a whereas clause.

Commissioner Pritchett stated she was thinking about the traffic first, so that would have been a little bit more traffic than what the Board has been seeing; she has worked in ministry for 30 years; she has worked with women and children's homes, and in those they are doing treatment, there is always that underlying thing that has to be done because there

are women with drug problems, or they have been incarcerated, and they are in homes because their families will not take them; so this is really what has been going on here anyway; and it might have been a dormitory situation, but they have really had that going on anyway. She added she is trying to determine if this is a personality, probably a little bit, but she is not so sure it is not a little bit of an easier change here; and the reason she is mentioning that is because up north there was one of these facilities built in District 1, and it is working out wonderfully; what she is seeing now, is the people who are having problems with this are not bad people, or evil people, they are just people who have had this drug situation and they are having a hard time getting off of it; and there are 17 year olds, 20 year olds and she thinks this is a very good thing, it is not really bringing a bad class of people out, and a lot of times they have felonies because they have gotten caught by the police and that is what pushed them to have to get treatment, or they realize they have to make changes. She reiterated as far as a change of personality, she is not sure it is not a better change for the area; as far as the traffic, which she has thought about a lot, she is not so sure that it is not a traffic situation that would not have been there before, but she does have a concern, and would like this considered that there would be an upgrade as the applicant is doing this, because it will make more traffic, of maybe doing some improvements on the connector road, because there will be a little more traffic, or as Commissioner Smith just mentioned, that may be something to consider, because she thinks that is just maybe reasonable as they are expanding the amount of people that will be there; and she likes that the applicant thought an eight-foot fence might be appropriate, because she thinks that is something else that may help as well. She believed this is actually going to increase property values for what is there now, because she thinks this is going to be an excellent facility for what is going on right now; these are not free people that come in, they are paying for it, and paying a lot of money to do it; she added from working in ministry, she has seen a lot of families, and these families have spent \$30,000 sending their kids to these; and this is not a cheap thing to do either, so they are not going to just check in and check out, because they are going to try to be there to get this treatment. She went on to say she gets this; it is like a hospital, and on that note, a hospital could be built there with that zoning and there is nothing the Board could do to change that; that would have a ton of traffic as well, and it would be doing treatments; and she is almost, she does not know how to do all of this with what the Board has going on with the BDP's, she gets that, but she is trying to figure out intent right now moving forward; she is not so sure that is all that different, and that is her thought right now unless the Board has something different that will change her thinking.

Commissioner Lober stated he has a couple things, and he knows the Board has had a lot of back and forth, and in addition to what Commissioner Smith had stated, he is happy; it sounds like the applicant is willing to have an eight-foot fence, they are happy to not hire felons, they addressed earlier that they are okay with adding parking as well, and he believed Mr. Knox had mentioned that he was fine striking that one-year, basically, grace-period in the BDP, which was the most troubling thing out of all of this to him to come into compliance with Brevard County Code; and with that, he asked Attorney Bentley what the best way to accomplish this if the motion were made with respect to trying to incorporate those changes, and to have that proposed.

Attorney Bentley advised striking 3H, I, and J, and if the Board thinks there is another one, to pitch in; she added there was also a question about owner developer in the discussion, and she does not know if the Board would like to include that or not.

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Mr. Lee stated they are not asking to be restricted from hiring felons, they are asking about forcible felons.

Commissioner Lober apologized.

Mr. Lee stated he would like to be careful, because in Florida, if one steals \$300 they are a felon.

Chair Isnardi stated of if one has their driver's license suspended one is a felon.

Commissioner Lober stated three times, if one gets picked up for that.

Chair Isnardi stated she does not know, because she has never had that happen.

Commissioner Lober stated he has not either, but he has seen it plenty, never had it once; but he thinks that would be the way to accomplish that.

Chair Isnardi inquired if the applicant is okay with striking those things for the newer BDP. She added she believes it was striking 3H, I and J and to change owner, developer to owner/developer.

Mr. Lee stated yes, the property is under contract to be sold to his company.

Chair Isnardi inquired if he is okay with an eight to 10-foot fence.

Mr. Lee stated he is happy with the eight-feet, please.

Chair Isnardi responded affirmatively.

Mr. Lee stated they need it to keep people from coming in, not going out.

Commissioner Lober asked if there were a lot of break-in attempts.

Mr. Lee replied no, there were not; they do not need a fence, they are just doing this to appease the neighbors; and this would be the only one that has a fence in the whole system.

Commissioner Lober stated that is interesting.

Mr. Knox stated the other thing was the one-year provision, they would strike that, too.

Commissioner Lober stated he appreciated that; that was a concerning one, and it is H if he recalls correctly.

Chair Isnardi advised it is H, I, and J.

Commissioner Lober inquired if that addressed the Board's concerns.

Chair Isnardi stated she thought so.

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Commissioner Smith stated it still has to mention the change in the entrance to the northern one.

Chair Isnardi stated she said that, too.

Mr. Knox stated they can guarantee the Board they will apply to St. Johns to get a permit to do that, as soon as they are able to, but if for some reason they cannot.

Commissioner Smith stated if it is beyond the ability to do so, but they need to try and the Board needs to know.

Mr. Knox stated they will make the best good-faith effort to do it.

Commissioner Smith stated he looked at the maps, and he does not think St. Johns, the area there, the part of that property that will probably be affected by the St. Johns, would be the northeastern part, this is the northwestern; and he does not think it will be a problem.

Attorney Bentley inquired if the Board would like that entrance language in the BDP.

Commissioner Smith responded affirmatively.

Mr. Knox stated Mr. Lee had something else to say.

Mr. Lee stated he has walked the property, they can move the entrance closer to that corner of Otter Creek that he is referencing, they will do that as long as they can get permitted, it will be done.

Chair Isnardi inquired if the Board was getting all of the points down.

Attorney Bentley stated owner/developer.

Chair Isnardi stated yes, and H, I, and J, Otter Creek improvements.

Commissioner Smith stated the stop sign.

Attorney Bentley inquired if there was anything else from the Planning and Zoning Department.

Commissioner Smith inquired if the County could do the stop sign.

Chair Isnardi stated it could be looked at.

John Denninghoff, Assistant County Manager, stated he was trying to figure out exactly where the north entrance is and why the St. Johns would be involved, and he is not sure what the answer to that is; and he inquired if Commissioner Smith could repeat his question.

Commissioner Smith asked if the Board could put a stop sign at the end of Old Dixie Highway.

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Mr. Denninghoff inquired if he was referring to the north end of Old Dixie Highway. Commissioner Smith responded affirmatively.

Mr. Denninghoff stated it would require some geometric modifications, and he does not know if a regular stop sign warrant analysis would show that it was required, it certainly may; and he reiterated that it would require some geometric modifications to the intersection for sure.

Chair Isnardi stated that would not be part of the BDP because that is on the Board.

Mr. Denninghoff stated that would be a consequence of putting in the stop sign, if the Board is going to put in a stop sign, then the modifications would have to be implemented as well to go along with it; and he is not sure how extensive those would be, but he is pretty confident the Board would have to put in something there. He added that street has been modified previously, actually to make it easier to not have to stop there, and this would be backing away from that position; and he is not saying it is good or bad, he is saying that is what he recalls being different than what it is right now.

Chair Isnardi inquired if Traffic Engineering could take a look at it to make sure it is a good fit.

Mr. Denninghoff responded affirmatively; and he stated that it can be looked at to see what the appropriate thing to do would be.

Commissioner Smith inquired if the Board could say if appropriate if there are studies done.

Mr. Denninghoff believed that would be an acceptable way to go about it.

Chair Isnardi inquired if Attorney Bentley had all of those little things in her notes.

Attorney Bentley responded affirmatively.

Chair Isnardi inquired if someone wanted to make the motion.

Motion by Commissioner Smith that the Board approve this application provided that the wording has been changed to developer/owner, it strikes 3H, 3I, and 3J, that the applicant has a change of ingress and egress to the northern part of the property, if necessary, a stop sign will be added, and an eight-foot fence will be required.

Commissioner Lober inquired if that was everything.

Chair Isnardi inquired if someone was going to second it.

Commissioner Lober stated he would second.

Chair Isnardi stated there is a second by Commissioner Lober.

Commissioner Smith inquired if the Board needs to add forcible felon in there.

Mr. Knox responded yes, please do that.

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Commissioner Smith stated the Board needs to do that.

Chair Isnardi inquired if he would like to amend his motion.

Commissioner Smith stated with the septic application, they are going to have to modify the septic up to the Board's current standards, which is ATU, an Advanced Treatment Unit.

Mr. Denninghoff stated that would be his interpretation; it is consistent with his recollection of the current Code application.

Chair Isnardi inquired if Commissioner Smith would like to amend his motion.

Commissioner Smith responded affirmatively to amend the motion to include that the septic system has to be brought up to current standards, and the word forcible felon would be added.

Commissioner Lober stated he would second it.

Commissioner Tobia stated he had a question about that last addition; and he inquired if the Board is only allowing non-forcible felons, and if that was the final addition.

Chair Isnardi responded affirmatively and the inverse of it.

Commissioner Lober stated it is basically prohibiting forcible felons.

Commissioner Tobia stated his question, because someone on the Board said that this potentially could raise property values, he is not familiar with that area, he is not familiar with real estate; and he inquired if a felon, like a drug trafficker of methamphetamines that peddled stuff to kids, if that would be an example, because the Board kind of joked around and said it was someone that steals \$300.

Commissioner Lober stated he does not think that would be a forcible felony; he does not think that would be something that is prohibitive.

Commissioner Tobia remarked that would be a non-forcible felony peddling methamphetamines, which the Board was told.

Commissioner Lober interrupted Commissioner Tobia and stated that does not strike him as a forcible felon.

Commissioner Tobia stated so bringing these people into this neighborhood could potentially raise property values, he is sorry on that one.

Chair Isnardi asked Commissioner Tobia to hold off because Commissioner Pritchett has her light on.

Commissioner Pritchett stated on that, she has been around a lot of homes where there are women and children, and just the difference in the facility that the applicant is bringing in here to what is there currently is going to drive up property values, it will be an improvement to the property; now when one has people going into treatment, there are going to be felonies, so what this is allowing is people with those felonies for having drug problems

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being able to be treated on the property and that is what the difference of that is. She added the applicant added 'forcible' because there will be people with problems, but they will not have somebody with violent crimes being allowed in this facility and that is protecting the people going in there for treatment and the neighborhood also, and she thinks that was the heart of the change in the BDP.

Commissioner Tobia stated he understands, and he feels for women and children that have drug addictions, but he is not talking about the women and children; he is talking about the felons that peddle illegal drugs, the opioids that the Board was just told that 70,000 Americans are dying, kids are dying, just to be clear that those individuals, women and children, that will be going there for treatment; people that are peddling those drugs to the kids will be allowed to be going there, and he does not see how that will raise property values. He added he does not follow that line of logic, so he will probably be voting no on this one

Commissioner Pritchett stated those will probably be in prison, because if they are peddling them, they are going to get a lot of years; but these are ones that do not have as severe of a fine that they are going to find themselves in prison, these are the ones that are being opted for treatment.

Commissioner Lober stated with respect to that, he is taking his Commissioner hat off, and putting his attorney hat on; the mandatory minimum, off the top of his head, for trafficking methamphetamine is 15 years, plus a \$250,000 fine, that is the minimum; it is a first degree felony, it is not a first degree felony punishable by life; theoretically one could get anywhere between 15 and 30 years if they were a person with no history whatsoever, did not even spit in the sidewalk, to give an extreme example, and one was convicted of trafficking methamphetamine, barring exceptionally extenuating circumstances, one would be sentenced to the Department of Corrections (DOC) for an absolute minimum of 15 years; and as Commissioner Pritchett mentioned, it is extremely unlikely that those people would, within any reasonable degree of time, up to that point, be out and about in a treatment center. He added after the fact, and he had a first degree felony methamphetamine trafficking case, in which he represented the defendant in December, so a month and one-half ago, and they did get the mandatory minimum, but it was followed up with mandatory drug treatment after the fact, so he will be in the DOC for 15 years; but as soon as he gets out, 15 years from now presuming he still has a problem, whether he does or not, he will be in treatment, whether he is in this facility or another facility.

Chair Isnardi stated the DOC does not qualify for this facility.

Commissioner Lober stated if it is someone who had a felony, he does not recall there being something prohibiting them from coming as a patient after the fact, the Board is talking about folks that are in the DOC.

Chair Isnardi stated she was trying to be funny; she was just trying to make a point.

Commissioner Lober stated he is sorry, but the other thing to keep in mind with drugs and felonies, and he is not trying to get off on a side track or a tangent, it is really easy to pick up a felony with respect to drugs; the only drug so to speak that is often times a misdemeanor is possession of cannabis or something in the form of THC; but if there is any amount of methamphetamine, if one has a molecule of methamphetamine, that is a felony; and what is more, and this was the case with the one he referenced a moment ago in December, if one

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has a molecule of methamphetamine, or some small amount of methamphetamine, in a mixture of anything else, it could be a swimming pool, they are going to charge a person based on the weight of the pool, so it is something that is really easy to get charged with a serious felony, despite having only an amount that is for person use, of for someone and his or her friends that are doing what they should not be doing.

Commissioner Tobia stated he would guess that Commissioner Lober was a defense attorney and not a prosecuting one.

Commissioner Lober stated he pleads the fifth.

Commissioner Smith stated he would like to make clear that some question was raised about the aerobic treatment unit, so he would like to specifically put in the motion that the septic system that they install will have an aerobic treatment unit that will reduce nitrogen and phosphorous from entering into the ground water.

Chair Isnardi stated it has to be acceptable to the applicant.

Mr. Knox responded affirmatively.

Commissioner Smith stated that is the current Code, and he would like to make sure.

Chair Isnardi stated they are required to anyway so it does not need to be in there.

Mr. Knox stated they will put whatever is required.

Commissioner Smith reiterated he would like to make sure that they understand that that is required.

Frank Abbate, County Manager, stated he believes staff's concern on this was whether or not it would be required, so while it might be required, they were not sure if the intent was that as part of the BDP it was an agreement that it would be upgraded so that it would have that; that was really what staff was interested in making sure the Board was clear on.

Mr. Knox stated it is not a problem upgrading.

Commissioner Lober stated he would keep his second.

Chair Isnardi inquired if he was amending his motion to include that.

Commissioner Smith responded affirmatively.

Chair Isnardi stated she does not know how the Clerk and the Attorney are keeping up.

Commissioner Lober reiterated he will still second.

Chair Isnardi stated she will call the question as soon as she says something; she will not repeat a lot of the things Commissioner Lober said, but to assume that a drug dealer is going to want to hang out at a drug treatment facility is about as ridiculous as all hell; the crisis in this community is less to do with why whether or not the Board approves this, and it looks like it will probably be approved, it is more opioids than it is anything else. She added

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it is not hard core drug dealing, gang banging type of person that is going to seek treatment through his insurance company or privately at a private facility, a voluntary private facility, not one that is mandated by a court or forced to be there, and that is what she really likes about this place; it is not somewhere one has to go, it is somewhere one would want to go; and she thinks the applicant is going to do everything they can to make this nice, because if they do not, she is sure the Board will hear about it.

Ms. Sterk stated she has a question from staff and she hated to interrupt, but there are some conditions in the BDP that were either not stricken today, or were not repeated out loud, and she has some confusion about whether or not those are to stay or go. She added she thinks the Board struck several of them, but there is the proposal about not contracting with the jail or prisons, which is Item G, the developer shall limit the occupancy of the building to 47 residents, that was just not reiterated in the motion or clarified if it was struck. She went in to say there was the square footage limitation that was proposed in the BDP, so she just needs some clarity.

Chair Isnardi believed that the Board approved the BDP as it was written minus 3H, I, and J.

Ms. Sterk stated minus the three, plus the things that were added.

Chair Isnardi called for a vote on the motion.

There being no further comments or objections, the Board approved the amendment to existing Binding Development Plan as follows: Striking Paragraphs 3(h), "if not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom, and centralized cooking/dining facility requirements in Section 62-1826(3) of the Brevard County Code within one (1) year after receiving such approval"; 3(i), "The developer represents that there is adequate parking currently used and available upon cleared land located within the 5.33-acres property to meet the requirements of Section 62-1826(5) of the Brevard County Code"; 3(j), "With the exception of the compliance required by sub paragraphs (d) and (h) above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in Section 62-1826 throughout utilization of the property"; Retaining all other conditions of 1.) The northern driveway shall be the main ingress/egress; 2.) Developer/Owner shall install an eight-foot privacy fence along Old Dixie Highway on the west portion of the property; 3.) The Binding Development Plan shall refer to Developer/Owner; 4.) The County shall install a stop sign if required; and 5.) The septic system shall be modified to meet the current standards.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

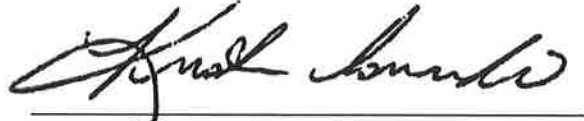
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Upon consensus of the Board, the meeting adjourned at 8:47 p.m.

ATTEST:



SCOTT ELLIS, CLERK



KRISTINE ISNARDI, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA