



AGENDA REPORT
March 7, 2019

M&R United, Inc. (Carmine Ferraro) requests a change of zoning classification from BU-1 to BU-2. (18PZ00156) (District 1)

SUBJECT:

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

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners table the public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), to the April 4, 2019, County Commission meeting.

SUMMARY EXPLANATION and BACKGROUND:

On February 11, 2019, the Planning and Zoning Board tabled the item at the applicant's request, to the March 25, 2019, Local Planning Agency/Planning and Zoning Board meeting, to allow the applicant time to prepare a working concept for the southern lot only, and to meet with the neighbors.

ATTACHMENTS:

Description

- **Planning and Zoning Minutes**

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 11, 2019, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

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

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

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

Excerpt from complete agenda

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

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

Henry Minneboo – You want to table?

Carmine Ferraro – Yes, sir. My name is Carmine Ferraro, Carmel Development, and we would like to request a 30-day tabling. We've been working with staff and we'd like to come back with a very comprehensive site plan that is going to address all of the comments. There is a lot involved, so if you would give us an indulgence of 30 days we'll be prepared to come back before you and have our item heard. I will also make myself available when I step outside, if any members of the public who did take time to come here and want to speak with me, I'll make sure I get information, and in that 30-day period we will hold a neighborhood meeting. We've held off on that because now we're changing the site plan.

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

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

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

Rochelle Lawandales – Motion to table.

Ron McLellan – I'll second.

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

Jennifer Jones – Is that to the March 11th meeting?

Rochelle Lawandales – Yes.

Carmine Ferraro – Thank you, very much.

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

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

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

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

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

Carmine Ferraro – We can do that, absolutely.

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

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

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

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

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

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

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

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

(several members spoke from the audience but were inaudible)

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

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

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

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

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

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

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

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

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

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

Erin Sterk – Sure, if we just want to start a list and get contact information. I think Carmine is willing to do that directly right now, but it's not really something that staff traditionally facilitates unless you're trying to get information from staff. Paul, if you don't mind going to the back of the room and taking down some names and we can communicate what new information we get when it is received. This meeting serves as the notice for the next meeting, so when they make a motion to table it to a certain date that is when it will be heard.

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

Brian Hodgers – Second.

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