

## LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Local Planning Agency/Planning and Zoning Board met in regular session on Monday, January 22, 2018, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Robert LaMarr, Vice Chair; Ron Bartcher; Rochelle Lawandales; Andy Barber; Robert Solito; Scott Langston; Ron McLellan; Bruce Moia; and Mark Wadsworth.

Staff members present were: Diana Yuan, Assistant County Attorney; Erin Sterk, Interim Planning and Zoning Manager; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator II.

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

### APPROVAL OF OCTOBER 23, 2017, MINUTES

Motion by Ron McLellan, seconded by Andy Barber, to approve the October 23, 2017, minutes. The motion passed unanimously.

- IV.D. Change of Zoning Classification, Re: AU to EU-1. Frank E. Jones, Jr., Trustee (Raonel Jesus Barrial). The property is .64 acre, located on the south side of Jones Trail, approx. 560 ft. west of N. Tropical Trail. (17PZ00140) (District 2)  
**NMI Recommendation of 01/11/18: Ratterman/Lindhorst – Approved as SR. The vote was 5:2, with Balke and Carbonneau voting nay.**

Raonel Barrial, 1550 Anchor Lane, Merritt Island, stated he and his wife want to purchase a parcel of land from his best friend's father in order to build a home. He said they would like to rezone from Agricultural zoning, and their original request was for EU-1, since all the homes at the intersection of Jones Trail and North Tropical Trail, to the east, are zoned EU.

James Arnold stated his family owns property to the east of Mr. Jones and they are against the rezoning request. He referred to the Administrative Policies and stated the board should evaluate the compatibility of this application within the context of the board's policies 1 – 8 of the Future Land Use Element. He also mentioned compatibility with existing or proposed land use shall be a factor in determining where a rezoning is being considered. He stated he believes the rezoning will devalue his property by more than 5%; his family has 700 ft. of waterfront property which is an excellent location for high-value homes in the future; and he believes rezoning the subject property will set a precedent for future zoning on that side of North Tropical Trail.

Rochelle Lawandales asked Mr. Arnold where his property is in relation to the subject property. Mr. Arnold replied it is to the west of Mr. Jones' property, abutting the Barge Canal, and it is the RU-2-10 property.

Bruce Moia noted RU-2-10 is multi-family zoning, and asked if Mr. Arnold said he was going to develop. Mr. Arnold replied the property is for sale, but the purpose of the meeting is to discuss the subject property and request for rezoning. Mr. Moia said the board is talking about compatibility and Mr. Arnold has an underlying land use of 4 units per acre.

Ms. Lawandales asked staff to explain the difference between EU-1 and SR. Erin Sterk explained that EU-1 requires a minimum lot size of 12,000 ft.; SR requires a minimum lot size of a half-acre; EU-1 requires a minimum living area of 1,800 square feet; and SR requires a minimum living area of 1,300 square feet.

Mr. Moia asked if the parcel was recently created. Ms. Sterk replied it has not been split off yet, and Mr. Barrial is awaiting the outcome of the rezoning before he buys the property.

Henry Minneboo asked staff's recommendation on the request. Ms. Sterk stated the Future Land Use in the area is Residential 4, and there is multi-family further to the east of the property, so there is a perception that the EU stops on the east side of North Tropical Trail, but there are higher densities further down the road. She

noted one of the points the applicant made at the North Merritt Island meeting was that they sought the EU-1 versus SR because they thought that it would be better received if the house size was larger. The feedback from the North Merritt Island board was that they don't care how big the house is, but they do care about the number of houses per acre.

Mr. Minneboo asked if the North Merritt Island board talked about one lot per 2.5 acres. Ms. Sterk replied they did ask about the recommendation in the Small Area Study, which is that any AU zoned parcel that has a Res 1 Future Land Use designation go from Res 1 to 2.5, but those properties are located mostly on the north and east side of North Merritt Island.

Andy Barber asked if he heard discussion on the possibility of splitting the property two lots. Ms. Sterk replied EU-1 requires a minimum lot size of 12,000 feet. Mr. Barber stated he would not want that to happen, so the board should go with SR, or else get a binding development plan for one house.

Mr. Barrial stated he and his wife thought the North Merritt Island board would be more concerned with larger homes because the only homes on Jones Trail are a couple of mansions on the river. He said they were under the impression that a larger home would be more aesthetically pleasing to the community, but after thinking about it, they would be agreeable to the SR zoning.

Mr. Minneboo asked the square footage of the house Mr. Barrial is considering. Mr. Barrial replied they plan to build a home between 1,800 to 2,200 square feet.

Rochelle Lawandales stated she agrees with SR zoning because it is more compatible with the area.

Motion by Rochelle Lawandales, seconded by Ron McLellan, to approve the request as SR (Suburban Residential). The motion passed unanimously.

IV.I. (This item was tabled from the 01/08/18 P&Z meeting) Amendment, Re: Existing Binding Development Plan. Powell-Geary Services, LLC (Richard Powell). The property is 2.79 acres, located on the south side of Broadway Blvd., and east of Industrial Dr., approx. 0.47 mile west of U.S. Hwy 1. (17PZ00150) (District 1)

Richard Powell, 4745 Ivan St., Cocoa, stated currently his property has a (BDP) Binding Development Plan that only permits an office building. When he was before the board two weeks ago he submitted a BDP that listed the uses he would not have on the property, and the board asked him to come back with a list of the uses that he would have on the property. He said he has prepared a BDP that lists what he proposes.

Henry Minneboo asked if the neighbors agree to the new BDP. Mr. Powell stated he did not speak to any of the neighbors closest to his property, but he is not opposed speaking with them, he just hasn't had time. Mr. Minneboo stated his concern is that he hasn't talked to them and they could appear at the Commission meeting and say he didn't talk to them.

Andy Barber stated the new BDP talks about limiting the uses to many different things, and because of the fact that the property backs up to homes, Mr. Powell needs to talk to those people and explain what he is building and what he wants to do, specifically.

Mr. Powell stated when he originally spoke to the neighbors he told them he wanted to develop a self-storage facility along with a place for him to do some work of his own. He said the advice he received with the original BDP was not to restrict himself and to list the uses he will not have on the property. He talked to Natural Resources and one of their concerns was the vegetation, and he wants to minimize the impact of taking away

any mature trees. He said the primary purpose of the rezoning and BDP amendment is to put self-storage along the rear so there is minimal disruption to the neighbors, and be able to have the activities he wants to do, which are welding, woodworking, and golf cart repair.

Mr. Barber stated the board needs to know more specifically what Mr. Powell wants to do.

Rochelle Lawandales stated she has not heard what Mr. Powell intends to have as buffering along the rear of the property. Mr. Powell said the site plan process will dictate what he has to do for buffering. Ms. Lawandales said she would like to see that in the BDP. Mr. Powell stated he would like to leave as much existing vegetation as possible, and he plans to build a wall that will be aesthetically pleasing. Ms. Lawandales pointed out that sharpening and grinding shops are listed in the BDP as one of the uses he would like to have. Mr. Powell stated chainsaws need to be sharpened, and he plans to make a go-kart out of a wheelchair for a child, which will involve welding.

Ms. Lawandales asked staff if those uses are more common in regular or light industrial zoning classifications as opposed to PIP. George Ritchie replied heavy industry can only be operated from IU-1 zoning, and the other industry uses are spread across PIP, PBP, IU, and IU-1. What he's asking with the welding is something that can be done in PIP, it just needs to be within an enclosed building.

Motion by Andy Barber to deny the request. Rochelle Lawandales seconded the motion for discussion.

Ms. Lawandales asked staff if the current BDP stays on the property if this request is denied. Ms. Sterk replied yes. Ms. Lawandales pointed out that he can still do certain things with the current BDP.

Scott Langston asked staff if Mr. Powell can reapply and go through the process again. Ms. Sterk advised he could do that, or the board could table the item. Mr. Minneboo noted the board tabled it once.

Mr. Minneboo stated there were people at the meeting two weeks ago who were not pleased at all, and the board asked Mr. Powell to meet with those people and come up with an agreement. Ms. Lawandales stated if he is willing to meet with the neighbors she would much rather limit the uses in PIP than allow for blanket uses.

Mr. Barber stated if he lived in one of those houses behind the property he would not want construction activity or welding, and the current BDP allows for office use only, which he thinks is fair.

The motion to deny passed unanimously.

Rochelle Lawandales specified the reason for denial is incompatibility, lack of buffering, and an incomplete BDP.

Upon consensus of the board, the meeting adjourned at 3:36 p.m.

#### IV. PUBLIC HEARINGS

IV.A. Change of Zoning Classification, Re: PIP to RU-2-15. Imperial South, Inc. (Bruce Moia). The property is 30.7 +/- acres, located on the east side of Wickham Rd., approx. 330 ft. south of Jordan Blass Dr. (17PZ00109) (District 4)

P&Z Recommendation: Approved with a Binding Development Plan.

IV.B. Conditional Use Permit, Re: Security Mobile Home and Fee Waiver. Seminary Covenant Community, Inc. The property is 2.92 acres, located at 1260 S. Courtenay Pkwy., Merritt Island. (17PZ00135) (District 2)

P&Z Recommendation: Approved.

IV.C. Change of Zoning Classification, Re: AU to RU-1-11. Donovan Homes, LLC. The property is 0.83 acres, located at 1050 N. Tropical Trail, Merritt Island. (17PZ00138) (District 2)

P&Z Recommendation: Denied, and further requested direction from the Board of County Commissioners on how the P&Z board should evaluate rezoning requests that would create drainage problems for surrounding property owners.

IV.D. Change of Zoning Classification, Re: AU to EU-1. Frank E. Jones, Jr., Trustee (Raonel Barrial). The property is .54 acre, located on the south side of Jones Trail, approx. 560 ft. west of N. Tropical Trail. (17PZ00140) (District 2)

NMI Recommendation: Approved as SR.

P&Z Recommendation: Approved as SR.

IV.E. Change of Zoning Classification, Re: RR-1 & RRMH-1 to AU. Werner R. Seiler (Joyce Cole). The property is 7.2 acres, located at 4680 U.S. Hwy 1, Mims. (17PZ00146) (District 1)

P&Z Recommendation: Approved.

IV.F. Change of Zoning Classification, Re: AU & RRMH-1 to all AU. Tina G. Conover (John Conover). The property is 2.13 acres, located at 6751 Barcelona Ave., Cocoa. (17PZ00147) (District 1)

P&Z Recommendation: Approved.

IV.G. (This item has been automatically tabled by the applicant to the 02/05/18 P&Z, and 03/01/18 BCC meetings. Letter received 12/28/17.) Change of Zoning Classification, Re: RU-2-15 to BU-2, and removal of existing BDP. Southern Self Storage, LLC (Jake Wise). The property is 1.10 acres, located at 6 20<sup>th</sup> St., Cocoa Beach. (17PZ00148) (District 2)

IV.H. Conditional Use Permit, Re: Alcoholic Beverages for On-Premises Consumption. CLA Retail, LLC (Carmin Ferraro). The property is 1,820 sq. ft., located at 2338 Citadel Way, Unit 103, Melbourne. (17PZ00149) (District 4)

P&Z Recommendation: Approved.

IV.I. Amendment, Re: Existing Binding Development Plan. Powell-Geary Services, LLC (Richard Powell). The property is 2.79 acres, located on the south side of Broadway Blvd., and east of Industrial Dr., approx. 0.47 mile west of U.S. Hwy 1. (17PZ00150) (District 1)

P&Z Recommendation: Denied.

IV.J. Small Scale Comprehensive Plan Amendment, Re: Residential 15 to Community Commercial - LTM of Florida Holding, LLC (Kim Rezanka). The property is 2.42 acres, located at the north end of Dixie Hwy., approx. 0.22 mile west of U.S. Hwy 1. (17PZ00041) (District 4) (This item was tabled from the 05/08/17, 07/10/17 & 11/06/17 P&Z/LPA meetings at the request of the applicant)

LPA Recommendation: Denied.

IV.K. Change of Zoning Classification, Re: GU to BU-2 - LTM of Florida Holding, LLC – (Kim Rezanka). The property is 2.42 acres, located at the north end of Dixie Hwy., approx. 0.22 mile west of U.S. Hwy 1. (17PZ00041) (District 4) (This item was tabled from the 05/08/17, 07/10/17 & 11/06/17 P&Z/LPA meetings at the request of the applicant)  
P&Z Recommendation: Denied.

IV.L. Removal of Binding Development Plan and Conditional Use Permit, Re: Stephen Proctor Mangum; Julian Sidney Mangum, Jr.; and Sandra E. Baker – (Harvey Baker). The property is located at 1740 W. King St., Cocoa. (17PZ00059) (District 1)  
(Continued from the 08/03/17, 10/05/17, 11/02/17, & 12/07/17, BCC meetings)  
P&Z Recommendation of 08/22/17: Approved.

## Deborah Thomas

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**From:** Jones, Jennifer <jennifer.jones@brevardfl.gov>  
**Sent:** Wednesday, January 24, 2018 12:39 PM  
**To:** Christine Mulligan-Willey; Deborah Thomas; Donna Scott; Kimberly Powell; Tammy Rowe  
**Subject:** Replacement  
**Attachments:** 02-01-18 BCC Agenda.docx

**Follow Up Flag:** Follow up  
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