

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 9, 2018, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair, Robert LaMarr, Vice Chair; Ron Bartcher; Rochelle Lawandales; Andy Barber; Brian Hodgers; and Mark Wadsworth.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Christine Valliere, Assistant County Attorney; Rebecca Ragain, Planning and Development Assistant Director; 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, August 2, 2018, at 5:00 p.m.

APPROVAL OF MAY 7, 2018, MINUTES

Motion by Andy Barber, seconded by Rochelle Lawandales, to approve the minutes of May 7, 2018. The motion passed unanimously.

- 1. HOUSING AUTHORITY OF BREVARD COUNTY** (Michael Bean/Steve Monroe) requests a change of classification from PUD to RU-2-15. The property is 11.88 +/- acres, located on the south side of Citrus Blvd., approx. 400 ft. west of N. Courtenay Pkwy. (No assigned address. In the Merritt Island area.) (18PZ00051) (District 2)

Steve Monroe, President, Monroe Engineering, 38 Brandywine Lane, Melbourne, stated the property is owned by the Housing Authority of Brevard County, and they are seeking to rezone it back to Medium Density Multi-Family Residential (RU-2-15); it's currently zoned as a Planned Unit Development (PUD), which is a dead zoning. He said in April the Housing Authority wanted to make application for tax credits and grant monies, and that was when it was discovered that the property had a PUD zoning that had expired, leaving the property unsaleable, and they'd first need to go through the rezoning process, which is what he is in front of the board for today. He reiterated the Housing Authority is asking for the property to be rezoned back to RU-2-15, which was the previous zoning before it obtained the PUD zoning. He stated RU-2-15 would allow up to 178 units, which is a reduction from the 444 Independent Living Facility rooms and 76 multi-family units that were associated with the PUD. He said he attended the Merritt Island Redevelopment Agency (MIRA) meeting, and their board approved the request unanimously. No one present at the MIRA meeting spoke in opposition. He added that the Housing Authority has no plans currently in progress.

Public Comment

Cindy Thurman, MIRA Land Development Manager, stated the MIRA board of directors believe RU-2-15 was more appropriate than leaving the property without a zoning classification so that the Housing Authority could go forward and get grants for the property. She said the MIRA board was of mind that they would see this property again with some sort of site plan or subdivision plan when submitted. She said at this point, the Housing Authority missed a grant deadline in April because of the dead zoning and she believes that they can't apply for anything until this upcoming April, so the actual development of the property is probably in a more protracted state, and MIRA believes they will be able to see it again and have input later. She stated the RU-2-15 zoning classification was present on the property before. She noted she is not representing the applicant, she is just stating some of the facts and what was discussed at the MIRA meeting.

Henry Minneboo stated sometimes RU-2-15 scares a lot of people.

Ms. Thurman agreed, and stated the board also has to consider that the access has changed; there's been median changes along Courtenay Parkway, and there's been a tremendous amount of work since the last iteration of development on the property came forward.

Jeff Wells, 211 Caroline Street, Cape Canaveral, stated he is the owner and manager of Baxley Manor, which is the former housing that the Housing Authority sold five or six years ago. He said he is not even sure as an initial consideration if the board can undo the PUD without Baxley Manor; in other words, Baxley was built at 190 units over something less than five acres, with the rest of this property in the PUD. So, in order to undo the PUD Baxley Manor would need to perhaps agree to it. He stated if the Housing Authority is taking three contiguous parcels, and they're admittedly contiguous, two of which he believes will not be used, they're just accumulating land to get to 11.88 acres, and then they'll leave that land fallow and put 178 units on what is about a seven-acre site along Citrus Boulevard to the west of Baxley Manor. It's going to overwhelm the area, hugely overwhelm it. He said as the board knows, the closer you get to Courtenay, that is business zoning. He said Baxley Manor is at 190 units on 4.68 acres, which is a very high density. The Housing Authority got the high density because of the PUD, so now they're coming back to re-classify to get a different density. He said if the board looks at some of the aerial views they will see there are pads still existing on the property where there were houses before. He said the Housing Authority is coming back for an awful big bite; it's going to change the character of the neighborhood dramatically; it's going to overwhelm all the roads; and it's going to overwhelm the entrance onto Courtenay Parkway. He said let them re-develop it, but don't go RU-2-15, because he doesn't think they're going to use the two other parcels because one of them is unusable and it looks like it used to be a road or some type of roadway, as it's only 60 feet wide and nothing can be put anything in there because there is no access to it. He stated the other one is on the south side of Minna Lane, so they're probably not going to use that one. He closed by saying if the Housing Authority is going to put everything onto the Citrus Boulevard parcel and go up, they're going to overwhelm the area.

Mr. Minneboo asked Assistant County Attorney Christine Valliere if the board has to incorporate Mr. Wells into the rationale for the rezoning. Ms. Valliere replied she is not sure, because the applicant is not including it in the rezoning. She asked if Mr. Wells is saying that Baxley Manor developed a portion of the PUD.

Mr. Wells stated the Housing Authority developed Baxley Manor under a PUD, which encompassed all of these parcels, so there are four or five parcels; Baxley is one; there is an administrative office, that's two; the Citrus Boulevard parcel is three; the access easement on the farthest west side is four; and the fifth one is on Minna Lane. He said they are all smaller parcels and they were all involved in the PUD. He further stated he is not sure the Housing Authority can even do it without some type of effect, because the PUD was designed to have higher intensity and greenspace, that's why people do them, so they can put 190 units on something less than five acres.

Ms. Valliere stated the more appropriate question is whether removing the property that's the subject of the application today would cause the developed parts to be out of compliance, and she doesn't know if staff has looked at that issue.

Mr. Minneboo asked Mr. Wells if he understood Ms. Valliere's comment. Mr. Wells replied he believed he did, that, in other words, the Housing Authority is in violation. Mr. Minneboo said just because the property goes back to RU-2-15 doesn't mean they will get 15 units per acre. Mr. Wells asked how that can be. Mr. Minneboo stated the board is looking at the property's prior zoning classification, but just because a property is zoned RU-2-15, doesn't mean a developer is going to get 15 units per acre.

Erin Sterk stated she does not know the zoning that Baxley Manor had when it was developed, but the PUD was approved April 7, 2005, and Baxley Manor was built in 1966, so that building was not built under the PUD. She noted Baxley Manor was scheduled to be demolished under the PUD and re-built with whatever density they were allowed, which never came to fruition, and then they sold off those parcels. She said she doesn't think

there will be a legal issue from splitting that zoning. The PUD has fallen away, and it would be that Baxley Manor doesn't have an existing zoning classification under which Mr. Wells could expand, or re-develop, but the building has been there since well before the PUD, so she doesn't think, legally, that complicates amending the PUD.

Mr. Minneboo asked Mr. Wells if what Ms. Sterk said helped him. Mr. Wells replied no, he is not sure that it does, but it's certainly quite informative and he will have his counsel look at it. He said the issues is because the density at Baxley Manor is so intense at 30-something units per acre, and it's obvious that someone contemplated that the vacant land would make up the density at Baxley Manor, and as a result, should in some regard preclude it. He reiterated that rezoning the Housing Authority property will overwhelm absolutely everything, including the neighborhood around it. He asked if sewer is going to be there, but not road. He concluded by saying the access is going to be very, very tough.

Mr. Minneboo thanked Mr. Wells and said he understood what he was saying.

Diana Howard, 188 Hurwood Avenue, Merritt Island, stated there will be no way for the residents in the proposed development to make a left turn onto Courtenay Parkway; there are medians and two existing traffic lights on Hurwood Avenue and Richland Avenue. She said she agrees with Mr. Wells that the development would completely overwhelm the area, and the school system is already overcrowded. She asked the board to take the increase in traffic into consideration.

Bernard Brown, 7008 South Lake Avenue, Jacksonville, stated he represents Meadows, Inc., which is a commercial property owner of the Auto Zone and thrift store building that sits just east of the Baxley Manor property. He said to Mr. Wells' point, he was under the impression, as a long-term owner of that building of over 40 years, that Baxley Manor was going to be torn down as a condition of the PUD being approved over 15 years ago, or close to 15 years ago. That did not happen, and instead the Housing Authority sold that property to a private developer who then sold it to Mr. Wells. He stated since that property has been rehabbed it has been a constant source of crime and problems for his commercial tenants. He said he thinks the Housing Authority, in their attempt to rezone this remaining property, are more likely to try to sell it to a private developer and create more problems for the community rather than solve the problems. He encouraged the board not to approve rezoning until a new PUD is approved that shows exactly what they intend to do with the property and hold the future developer accountable to the PUD.

Nancy Frank, 106 Hurwood Avenue, Merritt Island, stated there is a field behind her property, and asked if the proposed zoning would affect the field, and if not, why was she sent a courtesy card for the rezoning.

Rochelle Lawandales stated the reason she was notified is because her property is within 500 feet of the subject property.

Jerry Lake, 141 and 151 Hurwood Avenue, Merritt Island, stated he is strongly opposed to any use of the subject property other than its natural state. He said the neighborhood does not have sewers to accommodate the proposed development.

Katherine Jones, 720 Buttonwood Drive, Merritt Island, stated she is concerned because she doesn't understand what the new zoning means or what the potential is, and she is concerned with her privacy if the development will be multi-story. She is also concerned about the increase in crime with the new development, and about the flooding problems that exist in the area.

Teresa Coble, 105 Hurwood Avenue, Merritt Island, stated she has many concerns about the subject property, particularly on the north side. She said the application indicates a proposed three-story building, and she enjoys looking at the nature, not a three-story building. She said low-income housing brings crime and drugs;

most of the people on her block are 80 to 90 years old and they can't handle the increase. She asked what the proposed development will cost her as a homeowner, as she is on septic, and asked if she will have to pay for sewer. She said there is a lot of crime on either block of her street, and there is a lot of crime on Minna Lane and Lura Lane. She stated there are scrub jays, osprey, and gopher tortoises on the subject property as well as other wildlife. She said the neighborhood fought 13 years ago to stop this, and they will fight it again.

Barbara Chelewski, 133 Hurwood Avenue, Merritt Island, stated the area between Minna Lane and Hurwood Avenue is a nice, quiet, property, and if it is going to be developed she would like to know what will be done about the electric in the area and if it will be an upgrade to the whole area.

Mr. Monroe stated one thing he wants to point out is the subject property was previously developed before the PUD. He said there was some discussion that a portion of it was torn down and now it stands vacant.

Mr. Minneboo stated the neighborhood hasn't changed a lot, so what the Housing Authority did back then and what they are proposing now, he can see why there's a lot of people here tonight.

Mr. Monroe stated he was not part of the PUD and he's not familiar with the specifics of it. He said there were questions about density and overlapping for Baxley Manor, but the subject properties are three stand-alone properties; the Housing Authority is not making application to subdivide. He said in particular, those questions are answered by County staff, the subdivision, and asked if they're now making it non-compliant why did they ever subdivide it.

Mr. Minneboo asked Mr. Monroe if he has answered the questions about the north side of the property, or if he is not sure. Mr. Monroe replied there are not any plans right now; the Housing Authority is going to start doing site plans, and a lot of questions and concerns these folks have brought up will be answered at that point time. He said utilities will be addressed, as well as where they come from and how they're going to connect; stormwater will be addressed through the specific permitting agencies. He said he has briefly discussed access with the Housing Authority and they are not looking at access off of Hurwood Avenue, if that's a concern, because it's a residential street.

Mr. Minneboo asked him if he was 100% sure of that. Mr. Monroe replied he cannot say 100% because there are no plans currently. Mr. Minneboo asked what percentage could Mr. Monroe give him. Mr. Monroe replied he is 98% sure they will not access off of Hurwood Avenue, and Citrus Boulevard and Minna Lane are more of an access.

Andy Barber asked what the property is in the middle. Mr. Minneboo replied it is the Colonial Arms apartments. Mr. Barber stated access would be possibly onto Hurwood Avenue, and then certainly onto Minna Lane. He said the map shows a Wend Road, and asked if that is a real road. An unidentified speaker from the audience replied it was actually West End Road and it's a 10-foot right-of-way.

Ms. Sterk informed Mr. Barber that she met with one of the folks last week after the MIRA meeting who asked her to look into the property ownership that the Housing Authority had in the area, so she had the County's GIS folks work up a map, and near that Wend Road area the Housing Authority actually owns a parcel of land, which she thinks is what's resulting in the concerns about connectivity, because it very well could be converted into a road getting access. She stated she worked up a map that she will distribute to the board that shows that parcel. She noted she doesn't know if that will change some of the conditions.

Mr. Monroe stated the property staff is referring to is Lot 19, but it is not part of the application the board is considering today. Ms. Lawandales asked if the property will become part of the application. Mr. Monroe replied no, it will not. Ms. Lawandales asked for confirmation that the Housing Authority owns Lot 19. Mr. Monroe replied they do own it, and it's deeded with the rest of the properties.

Ms. Lawandales asked staff if Wend Road a public road. Ms. Sterk replied it is currently undeveloped. Ms. Lawandales asked if the right-of-way is designated to the County. Ms. Sterk replied it is right-of-way, but it's definitely substandard to build a road on, so the concern, she guesses, comes from the development of what's labeled on the map as Lot 19, which is also under Housing Authority ownership; that, plus the right-of-way for Wend Road, and if they were to dedicate that it could very well be used as access. Ms. Lawandales asked if it is actually designated as a right-of-way deeded to the County. Ms. Sterk replied yes, it is about 20 feet wide currently, but if added to that parcel it is another 60 feet.

Ms. Lawandales asked if Minna Lane a County road. Mr. Minneboo replied yes. Ms. Lawandales stated with a rezoning she is hesitant to put conditions, but she would have a lot of conditions for this one, and she wondered if it was pre-mature. She asked Mr. Monroe what kind of grants the Housing Authority was applying for. Mr. Monroe replied in April the Housing Authority wanted to apply for some grant monies, and what prevented them from doing that was it had a PUD that expired. Ms. Lawandales asked what the grant application was for. Mr. Monroe stated he does not know, as he was not involved in that at all. He went on to say that the Housing Authority has several programs they apply for, and a lot of them are lottery, so if you don't get drawn you go to the next year and to another program.

Ms. Lawandales asked if there has been any thought to this property being used for single-family. Mr. Monroe replied the Housing Authority wants multi-family, and that has been the direction from the beginning. Ms. Lawandales asked about working with Habitat for Humanity. Mr. Monroe replied that would be a question for the Housing Authority. He said he thinks there is such a demand right now for housing, so they're reaching out to all their properties to see what they can do to get things in the works and get into a program and get it going.

Ms. Lawandales asked how soon Mr. Monroe will be working on a concept plan. Mr. Monroe replied no plans have been started; the first step was to get the rezoning, because at this step they can't do plans because the property is not zoned appropriately. He said once it's zoned they can begin to apply, once they are identified, then the plans could go, but he can't give the board a date, it could be a year, two years, or five years.

Ms. Lawandales stated the PUD expired, and asked if upon that expiration does the property not revert automatically back to its prior zoning. Ms. Sterk replied no, it just remains with a lack of zoning. Ms. Lawandales stated something needs to happen.

Rob LaMarr stated back in the '60s and '70s, the area was developed, and if he remembers correctly there was just housing back in there, there was never any multi-family high density. He said the biggest thing is that neighborhood is very prevalent to flooding, so he doesn't know what effect that would have on the subject property. He further stated it would be nice to know exactly what the Housing Authority wants to do with the property.

Mr. Monroe stated the Housing Authority definitely wants to develop as multi-family, and the density will allow up to 178 units. He pointed out that as Chairman Minneboo specified, just because that is what is allowed, it doesn't mean it will fit, after getting into planning, stormwater, et cetera. He said the board has an aerial map in their packets that shows some old pads, and those used to be multi-family.

Ms. Sterk confirmed there were 28 duplex units that have been demolished on the property that the board is considering for rezoning today.

Brian Hodggers asked in order to apply for grants, what zoning does the Housing Authority need to have, and does it have to be RU-2-15, or can it be something else. Mr. Monroe replied RU-2-15 meets the Future Land Use for multi-family, and that's what it was before, so that's what they are requesting it be converted back to.

Mr. Hodgers stated the property was most recently zoned PUD, and asked if it can go back to PUD so the Housing Authority can work on grants until they determine what they want to build. Mr. Monroe stated the PUD had a master plan that went along with it, and since development hadn't started, that master plan is considered expired, so the PUD would be a dead zoning at this point. He said he explored this with County staff and they couldn't even sign off on the forms at this point because it is a useless piece of property, because the PUD expired.

Ms. Lawandales stated she is concerned about this one because she thinks it's pre-mature, and the board doesn't know what is going to be developed on the property. She suggested the applicant and staff work together to come up with some kind of a concept plan, or binding development plan, that the Housing Authority can bring back to the board with a new application, or the board can table the request so that the current application would stay alive. She stated there are too many problems and too many unknowns that need to be resolved before she can support the rezoning.

Ms. Sterk stated one thing the applicant could do, short of planning the whole site, is do a traffic impact analysis that would show where they intend to distribute the trips that are coming from the property and ensure that those would get out onto S.R. 3 efficiently. She said that's something they could do without knowing where the buildings are going, and it's something that potentially could tell more of the story, which would allow the board to know if the density itself would be appropriate.

Ms. Lawandales stated she has a lot more issues than just the traffic; she has issues with buffering, setbacks, open space, access, sewer, walls/fencing, lighting, and other things that she would need answered in order to support the request.

Mr. Minneboo stated the problem is that Baxley Manor didn't make it; they didn't survive there, but now they want to put another 100 units there and see if that will make it. He said the logistics make it difficult for him to support anything the Housing Authority wants to do; it's not a neighborhood to add more units to see if it's going to work. He stated he is not in favor of giving them RU-2-15 when they don't know what they're going to do with it today.

Motion by Rochelle Lawandales, seconded by Mark Wadsworth, to deny the change of zoning classification from PUD to RU-2-15 until the Housing Authority can come back with a plan. The motion passed unanimously.

Ms. Lawandales encouraged the Housing Authority to look at either single-family or duplexes, because she thinks that would be more compatible with the neighborhood.

2. JINKIE A. BAYS, TRUSTEE (Troy and Audrey Taylor) requests a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant, in a BU-1. The is 0.568 acres, located at 2241 Aurora Rd., Melbourne. (18PZ00052) (District 4)

Audrey Taylor, 2086 Sarno Road, Melbourne, stated she and her husband, Troy, are requesting to take their current 4COP license and add it into a restaurant through a Conditional Use Permit (CUP). Currently, they have a bar with a package store and they want to open a restaurant with a bar and drive-through package sales.

Rochelle Lawandales asked if they have plans for how they're going to lay out the project and the access. Ms. Taylor replied they have started on plans, but they are waiting until after this meeting before they put anything into it.

Ms. Lawandales stated when they applied for the CUP they had to meet certain criteria, and asked if Ms. Taylor could share those with the board. Ms. Taylor responded that they have had a bar and liquor store for 11

years on Sarno Road and the only difference between what they have now and what they want to have is that they want a restaurant, and they would like to sell alcoholic beverages in the restaurant as well as in the back. She noted they plan on putting a bar in the back of the building. She said she knows there is a petition circulating objecting to the liquor store part of her business.

Ms. Lawandales asked if there was going to be a package liquor store. Ms. Taylor replied there will be storage, but not a store.

Henry Minneboo asked if there is going to be a package store at this location.

Troy Taylor replied that they are going to have package sales out of the drive-through window. Ms. Taylor stated they are not going to have a liquor store.

Erin Sterk clarified that they intend to sell package liquor out of the drive-through window, so yes, they are going to have package sales.

Mr. Minneboo asked if they are going to be selling liquor in the store. Mr. Taylor replied they will not have package sales from the restaurant or bar. Ms. Taylor stated there is not going to be a store.

Ms. Lawandales asked if somebody can walk into the restaurant and buy a bottle of scotch. Mr. Taylor replied all they are going to have is a storage room; customers will drive up, order, and after identification is verified, they can buy it.

Brian Hodgers asked if the previous restaurant sold beer and wine. Ms. Taylor replied no, it did not.

Ms. Taylor stated she knows there have been some issues with the parking, but the property owner will be removing a building behind the restaurant in order to have an additional 11 – 12 more parking spots. Mr. Hodgers asked if the parking in the rear of the restaurant will be paved. Ms. Taylor replied yes.

Mr. Minneboo asked staff if there would be adequate parking if the building in the back was removed. Ms. Sterk replied that they have significantly less parking than they would need. She said she is not sure which building Ms. Taylor is referring to, as there seems to be a few back there.

Mr. Taylor stated there is a fence that divides the residential portion of the property from the commercial portion and there is a storage building that is going to be moved so that they can have plenty of parking. Ms. Sterk stated she doesn't know where the zoning line is on the survey, but it appears to her that the fence is in front of that building now, and the building is behind the fence. Mr. Taylor stated there is a storage building with no foundation in front of the fence, and that is the one being removed.

Andy Barber stated currently, they could have a restaurant without the sale of alcoholic beverages, but they need the conditional use permit for the liquor and the drive-through. He asked if they are asking permission to have liquor and a drive-through to sell liquor on a package basis. He noted they are lacking a substantial amount of parking, which he thinks they will have to bring up to code before the business can open.

Ms. Sterk clarified that package liquor sales is a permitted use in the existing zoning, so that's a bit iffy with the petition opposing the package liquor store, but technically they don't need a public hearing process in order to do package sales from the property. The request they are in front of the board for is just the on-premises consumption.

Mr. Minneboo stated the parking issue is a problem.

Mr. Barber stated the staff comments also raised concerns about trash enclosures, parking, and some other things. Mr. Taylor stated there is a dumpster in the back that is on a concrete pad, but it is not fenced in, and they will be addressing that. Mr. Barber stated he would like to see something that delineates the property better, and also something that shows the parking improvements.

Mr. Minneboo asked how the previous restaurant only had nine parking spots, and now 29 parking spots are needed. Ms. Sterk stated she is not sure what happened. She said there has been a change in the code over changing use and the review that goes into that, so depending on when that came to fruition, if they were able to pull a business tax receipt, or if it was something before that, she is not sure of the history. She said the board could condition approval on a site plan, but the challenge is that the site was not built as a commercial property, it was probably built as a single-family home, so they would need to go through a site plan amendment. She said they cannot put down asphalt millings without going through a formal process with the County, and that process is going to involve stormwater and a lot of things that were not part of the site's development in the past.

Mr. Minneboo asked if all the board is doing is approving the conditional use permit. Ms. Sterk replied yes, but because there are some engineering deficiencies in the site, demonstrating that they are going to resolve those would be what it would take to prove that they meet the conditions of the conditional use permit. Some of the conditions for other CUPs are not engineering related, but unfortunately, this almost requires them to go through that process.

Mr. Minneboo stated if the board denies the request today they would have to go back through the process, so it might be conducive to table the item. Ms. Sterk stated she found examples in the past where the County Commissioners conditioned a CUP on the site plan amendments. Mr. Minneboo stated the Planning and Zoning Board can do the same thing.

Ms. Sterk stated that would necessitate that they go through that process, but it's going to be very onerous because it was not developed as a commercial site. There is no stormwater on this site. And those kinds of questions would be answered in that process.

Ms. Lawandales asked about the hours of operation. Ms. Taylor replied the hours of operation are from 10:00 a.m. to 2:00 a.m. Ms. Lawandales asked what is on the east side of the property. Mr. Taylor stated there is an office building, but no one is there after 6:00 p.m., and behind them there are four houses, but not on the same side as the subject property. He said the privacy fence was going to be put up next to the concrete building.

Ms. Lawandales asked if they would have a problem backing up the closing time to midnight. Mr. Taylor said that would hurt them because of the other two liquor stores. Ms. Taylor stated they are also planning on putting in a bar. Ms. Lawandales stated she is referring to the package sales in the drive-through. Mr. Taylor said they could close it at midnight, but then a lot of their patrons couldn't take any package home. Ms. Taylor said they could close at midnight because no one will be buying food at midnight, as the drive-through is for food also.

Mr. Minneboo asked if other businesses on Aurora Road close at 2:00 a.m. Mr. Taylor replied all of the bars are open until 2:00 a.m., and the two liquor stores are open until 2:00 a.m. on the weekends.

Public Comment

Kimberly Kopp stated she is the managing attorney at Romano-Kopp, P.A., in Oviedo, and her client is a local property owner who is opposed to this application for a CUP for alcoholic beverages with onsite consumption because it is incompatible with the surrounding area. She said the fact that it is a conditional use in the zoning classification means that the board has to deny it if it doesn't meet the criteria in the Code; otherwise, it would

be a permitted use. She said the board can verify with the County Attorney, but if the code criteria are not met, the appropriate action is denial. She said her client circulated a petition and there are approximately 280 signatures from local property owners who do not believe the project is compatible with the area. She stated Section 62-1901(c)(1)(a) prohibits the granting of a CUP if there are substantial and adverse impacts to nearby properties, such as noise, traffic, and other nuisances. The signatures on the petition indicate that these 280 – 300 individuals believe that's the case. Also, Section 62-1901(c)(1)(c) would be violated if the CUP is approved because the hours of operation of other businesses are not similar to this at all and those businesses are open from 9:00 a.m. to 5:00 p.m., and this applicant proposes to stay open until 2:00 a.m. Additionally, as the board and staff has acknowledged, parking on site is insufficient, and as set forth in the staff report they need more than double what they have. She stated County staff also indicated in the staff report, and she wholly agrees, that parking, ingress/egress, and internal circulation are all very serious concerns on the site, and with these concerns the code criteria for the CUP are not met. Again, when the criteria are not met the appropriate action is to deny. She stated in summary, she agrees with staff's information that the application is not compatible with existing businesses, parking is insufficient, and ingress/egress and internal circulation are serious concerns. She concluded by saying that there are non-conformities existing on the site, the application does not meet code, is not compatible, and should be denied.

Mr. Minneboo asked where Ms. Kopp's client's property is located in relationship to the subject property. Ms. Kopp replied he is on the same block, within a quarter-mile, but she is not authorized to give his name as he wants to remain anonymous.

Rachel Frazier stated she lives directly behind the property, at 2302 Lorna Drive, and as a resident directly behind the property she is greatly concerned about noise. She said they already get occasional noise from the other businesses, but most of the residents on the street behind that property, across the canal, are working class, blue collar, and they work during the day and sleep at night; they are not up until 2:00 a.m. and they don't like the noise around there at 2:00 a.m. She said she is also very concerned about cars, motorcycles, people in the parking lot, and noise. She asked if there is going to be music or an outdoor bar in the back. She said most of the businesses are closed between 5:00 p.m. and 6:00 p.m., and the few bars that are on that street do not have outdoor space and they're very small places, like a billiards pub, tiny dives that don't have many people there and don't have a lot of noise. She stated if the request is approved, can she ask that a block wall be placed across the back of the property, across the canal, so that it can buffer the noise to that neighborhood on Lorna Drive and the Leewood Forest subdivision. She said she's lived there seven years and it's been very quiet; she sits on her back porch and enjoys the evenings; and she certainly doesn't want to hear traffic, noise, and people.

Ms. Taylor stated they wouldn't have any problem putting up a block wall to circumvent the noise, but she does not anticipate having a lot of noise because they're putting a parking lot in the back, so there won't be a bar in the back; the most they're going to have back there is a picnic table for a smoking area, but she doesn't anticipate an extreme amount of noise.

Mr. Hodgers asked who owns the other half of the property, to the canal. Mr. Taylor replied it is the same owner. Mr. Hodgers asked if they will not have access to that portion of the property. Mr. Taylor replied no. Mr. Hodgers asked what the owner intends to do with that portion of the property. Mr. Taylor replied he does not know, but he is going to put up a privacy fence. Mr. Hodgers stated it looks like there are some trailers and parking back there, so he will have to have access to get through to the Taylors' property. Mr. Taylor stated the property owner also owns the parcel to the west, so he might come in that way.

Ms. Lawandales stated she could not support the project if the site isn't brought up to current code. She said they are doing enough renovation and expansion of the uses on the site, and on a half-acre she doesn't know if they actually physically can do that. She said if for some reason they can, and that includes restricting the hours of operation, doing buffers, making sure there's no lights that filter off the site, have the dumpster where

Waste Management can get it and it's screened, and numerous other things like that, that would make it compatible with the area.

Mr. Minneboo asked if Ms. Lawandales was making a motion to deny unless they do all that.

Motion by Rochelle Lawandales to approve the requested Conditional Use Permit for alcoholic beverages for on-premises consumption in conjunction with a restaurant on the condition that the site be brought up to code and meet restrictions on the hours of operation, placement of a wall, and so forth.

Mr. Barber seconded the motion, and stated the motion is to approve the request subject to proper site plan, and proper engineering on the property.

Ms. Lawandales stated in addition, a restriction on the hours of operation.

Mr. Minneboo stated that they will need to meet all the defined situations today, everything that was discussed.

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

- 3. JULIAN AND MARTHA GOLDSMITH** request a change of zoning classification from GU to RU-1-7 on 0.33 acres, located at 3165 Ernest Sands Rd., Rockledge. (18PZ00055) (District 4)

Julian Goldsmith, 3165 Ernest Sands Road, Rockledge, stated they are requesting a zoning change from General Use (GU) to Single-Family Residential (RU-1-7). He noted they also own 3175 Ernest Sands Road, next door, which is currently vacant. He said of the surrounding properties, one is Health First, and the other property to the east is commercial.

Henry Minneboo asked what the Goldsmith's want to do with the zoning change. Mr. Goldsmith replied the zoning change will affect the setbacks for a proposed accessory structure. The lot used to be two lots and they were combined into one lot, and the house was put in the middle of the property so it makes it difficult to have any other uses for improving the property in any way. There is not a lot that can be done with GU zoning, so rezoning it to RU-1-7 will give them those setbacks, and it will not affect the property to the west because they own that, and it will not affect Health First or a 50-ft. County easement.

Andy Barber asked why they didn't apply for a variance.

Martha Goldsmith stated staff advised them to ask for RU-1-7 instead of applying for a variance because they would have to prove a hardship.

Motion by Rob LaMarr, seconded by Rochelle Lawandales, to approve the change of zoning classification from GU to RU-1-7, as requested. The motion passed unanimously.

- 4. MHE, LLC** (Mike Erdman/Sharon Harrell) requests a Small Scale Plan Comprehensive Amendment from NC to CC. The property is 1.208 acres, located approx. 440 ft. south of S.R. 520, 400 ft. east of Plumosa St., and 174 ft. north of Fortenberry Rd. (No assigned address. In the Merritt Island area.) (18PZ00057) (District 2)

Sharon Harrell stated there are 1.97 acres that lies directly east of the old Nissan dealership, bounded to the east by Jimmy Vickers and the Merritt Square Mall. She said of the 1.97 acres, the front .76-acre is already Retail, Warehousing, and Wholesale Commercial (BU-2), which is directly behind the vacant lot. The remaining 1.21 acres farther south, was Single-Family Residential (RU-1-7) and a trailer park. She stated the trailer park was closed and the residents were relocated through a State relocation agency, and all of the

structures have been removed. She said they would like to have the property zoned correctly with their adjacent properties.

Public Comment

Cindy Thurman, Merritt Island Redevelopment Agency (MIRA) Land Development Manager, stated the property is a remnant piece that was leftover, and Mr. Erdman maintained a number of mobile homes on the property for several years. She said the MIRA board approved the requests and asked that the applicant continue to work with MIRA, as Mr. Erdman has committed to doing, for an easement for stormwater and participation in the stormwater utility that MIRA has.

Motion by Andy Barber, seconded by Mark Wadsworth, to approve the Small Scale Comprehensive Plan amendment from Neighborhood Commercial (NC) to Community Commercial (CC). The motion passed unanimously.

5. **MHE, LLC** (Mike Erdman or Sharon Harrell) requests a change of zoning classification from RU-1-7 to BU-2. The property is 1.208 acres, located approx. 440 ft. south of S.R. 520, 400 ft. east of Plumosa St., and 174 ft. north of Fortenberry Rd. (No assigned address. In the Merritt Island area.) (18PZ00056) (District 2)

No Public Comment

Motion by Andy Barber, seconded by Rochelle Lawandales, to approve the change of zoning classification from Single-Family Residential (RU-1-7) to Retail, Warehousing, and Wholesale Commercial (BU-2). The motion passed unanimously.

6. **1322 CLEARLAKE, LLC** (Michael Dreyer) requests the following: (1.), Removal of an existing BDP in a BU-2 zoning classification (1.21 acres); (2.), A change of zoning classification from BU-1 to BU-2 (0.02 acres). The property is a total of 1.23 acres, located at 1322 Clearlake Rd., Cocoa. (18PZ00058) (District 2)

Henry Minneboo stated he remembers the board approving a binding development plan on this parcel, and asked if the history shows why the board did that.

Erin Sterk stated there have been several changes to the binding development plan since it came about, specifically, the need to come back to the board to change the one single use within the zoning classification that was historically allowed. The subject property has come before the board several times in the past, in 2001, 2002, and 2015.

Mr. Minneboo asked if the board put a binding development plan on it each time. Ms. Sterk replied yes, and staff found that a lot of the conditions remain relevant. As far as the restriction on uses, staff found that most of the other properties along the street have the same zoning with no restrictions.

Mr. Minneboo asked if this is the only binding development plan on Clearlake Road. Ms. Sterk replied yes, at least the County portion of Clearlake Road.

Michael Dreyer, Dreyer and Associates Real Estate Group, 1920 Highway A1A, Indian Harbour Beach, stated he represents the property owner of 1322 Clearlake Road, which is an industrial building of approximately 5,700 square feet and a small office, with the balance of the property a warehouse. He said the property is zoned BU-2 and it's his understanding that the majority of the surrounding property is Retail, Warehousing, and Wholesale Commercial (BU-2). He has a prospective buyer for the property, Mike Milford of Play Action

Sports, who runs a high-end fishing and tackle company, and he has been in Brevard County for 42 years. He said the property has a binding development plan on it and he is respectfully asking the board to remove the binding development plan so Mr. Milford can run his business in the building, which would be sales and minor manufacturing.

Rochelle Lawandales stated one of the conditions was that all access be off of Clearlake, and that was probably to keep some of the traffic off of the residential streets. She asked if Mr. Dreyer knows how Mr. Milford plans to access the property, because it looks like there's an opening on Furnari Street. Mr. Dreyer replied it is his understanding that past tenants of the building were using that access point once in a while to bring semis through the parking lot. Ms. Lawandales asked if Mr. Milford will be doing that. Mr. Dreyer replied he did not know.

Mr. Minneboo asked if the business is just fishing and manufacturing. Mr. Dreyer replied yes, it will be small sales and manufacturing.

No Public Comment

Motion by Rochelle Lawandales, seconded by Mark Wadsworth, to approve the removal of an existing Binding Development Plan in a BU-2 zoning classification (1.21 acres); and a change of zoning classification from BU-1 to BU-2 (0.02 acres). The motion passed unanimously.

7. **VININGS PALM BAY INVESTMENT, LLC** (Tom Cabrerizo/Bruce Moia) – requests a Small Scale Comprehensive Plan Amendment from Res 15 to CC. The property is 3.43 +/- acres, located on the east side of N. Wickham Rd., approx. 340 ft. south of Jordan Blass Dr. (No assigned address. In the Melbourne area.) (18PZ00060) (District 4)

Bruce Moia, 1250 Eau Gallie Boulevard, representing the applicant, stated the board probably remembers this parcel when he came in to rezone the whole thing to Medium Density Multi-Family Residential (RU-2-15) for residential. He said since then, the subject property has been sold, and the new buyers are going to reduce the density on the apartment complex property and build some more commercial to line up with what's already going on by Fresh Market. He said one reason for that is because there is a major power line that runs along the south property line of this new carved out parcel, from the railroad tracks to Wickham Road; there are some extremely large oak trees that are going to be on the residential part to the east of the subject property that are going to be kept as a park area with a lake and some amenities. He noted it was all one piece of property back in the day, so there are interconnected easements for access to this parcel through the commercial parcel to the north.

No Public Comment

Rochelle Lawandales stated one of the questions that staff raised was about access management and concurrency. Mr. Moia replied his client has no problem granting an access easement. He said they will possibly divide the property, and if they do they will make sure everybody has access to the north to connect to that easement that comes from the back of the commercial to the north, and they'll have pedestrian connectivity from the apartment complex to get to the commercial. He stated his client is fine with the condition to provide the access so everybody can get back and forth. As far as traffic, staff has to report the worst case scenario, but it will not be the worst case, it will be typical of what is there currently.

Erin Sterk clarified that they have an operating agreement that gives them access into this property, but there's a binding development plan in the package because staff wanted to make sure people can get out at the signalized intersection. She noted there's nothing requiring them, if they subdivide, to provide further access, so that's what the binding development plan does.

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the Small Scale Comprehensive Plan amendment from Residential 15 to Community Commercial (CC). The motion passed unanimously.

8. **VININGS PALM BAY INVESTMENT, LLC** (Tom Cabrerizo/Bruce Moia) requests a change of zoning classification from RU-2-15 to BU-1. The property is 3.43 +/- acres, located on the east side of N. Wickham Rd., approx. 340 ft. south of Jordan Blass Dr. (No assigned address. In the Melbourne area.) (18PZ00059) (District 4)

Erin Sterk stated the board could restrict uses if it felt like the concurrency was an issue, but the zoning itself has a binding development plan proposed by the applicant, specifically dedicating the access connectivity through the parcels if they were to be subdivided.

No Public Comment

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the change of zoning classification from Medium Density Multi-Family (RU-2-15) to General Retail Commercial (BU-1). The motion passed unanimously.

9. **MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; AND MERRITT SQUARE NASSIM, LLC** (Phil Nohrr) request a CUP for Trailer and Truck Rental in a BU-1 zoning classification. The property is 5.388 +/- acres, located at 777 E. Merritt Island Cswy. (18PZ00061) (District 2)

Phil Nohrr, 1795 W. Nasa Boulevard, Melbourne, stated he represents the applicant, Cal Conner of U-Haul. The subject of the Conditional Use Permit (CUP) request is a developed building on the southeast corner of the Merritt Square Mall, which has been vacant for 10-plus years. He said he and Mr. Conner appeared before the Merritt Island Redevelopment Agency (MIRA) board two weeks ago and listened to their concerns, and in the report from MIRA there is a significant number of concessions that the applicant has entered into with the idea of making the development more compatible with the immediate area. The request is for a CUP to allow for storage and truck rentals, but there will be no trailers involved, they will be regular U-Haul trucks/vans. He stated U-Haul has found a way to make not only the building fit into the military component of the area, but the vans themselves. Some of the concerns are with traffic at the intersection of Fortenberry Road and Sykes Creek Parkway, but what is being proposed is less intense than what has been on the property in the past. He stated the most recent rendition of the proposed development shows reference to the military that will be placed on the building.

Henry Minneboo asked of the conditions MIRA asked for, what is U-Haul incapable of doing. Mr. Nohrr stated the most significant thing is a request for a north-south road going through the mall itself, having nothing to do specifically with the subject parcel, but that is an issue that he has discussed with the mall owner. Another condition MIRA asked for had to do with the retention ponds that are on the mall site. He said those two items deal with something larger than just the potential development; U-Haul has limitations that MIRA is not aware of, and part of MIRA's concerns is the future of the mall. He stated it is no secret the mall is in trouble, and the applicant will be addressing that with the goal of making the proposed development successful. Mr. Minneboo asked if the building on the subject property is owned by a separate entity. Mr. Nohrr replied no, it is owned by the same entities that own the mall. Mr. Minneboo asked if the owners could have input on the request if necessary. Mr. Nohrr replied yes.

Cal Conner stated he is the President of U-Haul Eastern Florida, and lives at 4400 U.S. 1, Grant, and his office is in Stuart. He said he oversees U-Haul from the north edge of Boca to the south edge of Daytona, and then east to west across the state. He stated when he realized the impact to Veteran's Memorial Park to the south he spoke to Cindy Thurman at MIRA and she was very vocal on the impact of anything that was put on that property to Veteran's Memorial Park, as well as the condos to the east, and whatever is going to happen with

the mall. He said the self-storage will be his primary business at the location, but he is looking for a CUP to put truck rental at the location also. He said he not looking at the traditional orange and white U-Haul box trucks that everyone is familiar seeing; the facility will be a remote-run location, so there will not be a showroom, there will not be staff assigned to the location, but there will be occasional maintenance and janitorial staff. The truck rental will be at a minimum because customers are going to be renting to themselves. There will be no trailers on the site because it requires U-Haul staff, and there will be no staff at the site. The vehicles will be cargo vans that are typically GMC, Chevrolet, and Ford Transit. He stated he has approval from MIRA with many concessions of things they were hoping to see get accomplished as a result of someone coming into the property. He said he believes he has gone over and above trying to accommodate considering he's only looking for a CUP for the truck rental portion of it. He said he feels strongly about Veteran's Memorial Park, and that is why he came up with the conceptual package.

Rochelle Lawandales asked for clarification on the self-rental. Mr. Conner explained customers will come to the property and rent themselves equipment using smart phones or tablets, and when finished with the rental they will self-return. He said a concern of his was that there might be some issue with the local residents and with the veterans with the storage component because of customers wanting to load and off-load contents into the storage units, so what he has done is put two bays in the front so that customers will be able to open the door and drive into the building to load or un-load.

Brian Hodgers asked if the property will be purchased or leased. Mr. Conner replied it will be purchased.

Mr. Nohrr noted for the record that Mr. Conner is authorized by the property owners to speak on request.

Public Comment

Cindy Thurman, MIRA Land Development Manager, stated the applicant has listened very carefully to the MIRA board and their desires, and he has spent time with the veterans. She stated the Planning and Zoning Board is not going to see 12 conditions on every single CUP request in the Merritt Island Redevelopment Area. She said the issues in the MIRA memo are all interconnected; MIRA has a plan that has been adopted by the Board of County Commissioners that has identified the area as a commercial core. She said the subdivision of the mall is tied to the subject property and it is crucial how the subdivision plays out with the subject property. She said MIRA is seeking for the mall to fill in their retention ponds that are currently used for irrigation and let MIRA take on the water in order to give the mall an extra 225,000 square feet of land that they could potentially build upon and not have to provide any retention because of the stormwater utility. She said MIRA is not being extra critical of the U-Haul business, but she asks the board to consider that the area is of special concern to MIRA. She said U-Haul has gone above and beyond on very short notice.

Marilyn Light, 300 S. Sykes Creek Parkway, Merritt Towers condos, stated there's been a lot mentioned about the veterans, but not much about the 200-plus residents in Merritt Towers. She said the storage units are fine, but the truck rental and cargo vans, to her, are ugly, and if they're asking for over five acres, she would like to propose that they put the truck rental as far west as possible.

William Sill, 300 S. Sykes Creek Parkway, Merritt Towers, stated the property is zoned already for retail, and he understands rezoning is not needed for storage units. He said the conditional use permit will make the area more industrial because there will be trucks coming in and out, and it will be noisy. He asked what happens to the renters' personal vehicles when they rent a U-Haul truck, and if they sit in the parking lot subject to vandalism. He said the property has not really been maintained well, so there's been a lot of issues there, and if there's no staff in an office to monitor the site, there will be the same type of issues the residents deal with now. He said if it was just the storage units it would be fine because everything would be locked up. He stated he doesn't know how many trucks will really be on the site, and he read something where trucks could only be there for some certain length of time, but nevertheless, there would still be trucks coming in and out of that

location. He said there will be a loss of value to the condo owners because the area will be more industrial. He asked the board to deny the rezoning for the reasons that he stated, and the questions that he has, because it's not conducive to the area, and asked how adding trucks is favorable to the veterans.

Chris McMann, Merritt Towers, stated he walks and rides his bike in the area for exercise, as many other condo residents do. Merritt Towers has 224 condo owners, most of whom are older and opposed to the proposed activity. He feels the residents of Merritt Towers are being taken advantage of, and considerations were not made for them. He said he knows the subject property meets the zoning requirements for a storage facility, and that's fine, and he thinks U-Haul is a great business. The activity that location might generate concerns him. The staff report says the trucks will be moved promptly, but that's not enforceable because there's no measure to that. Because of the size of the site they can allow some of their material to drift over into the mall area, so they will branch out with trucks and trailers. He said there is a possibility of property values dropping, and he will be very disappointed if the conditional use permit is approved.

Vicky Sill, 300 S. Sykes Creek Parkway, Merritt Towers, stated since Publix left there have been numerous things that have attempted to go in there and failed. It's a very bad, very congested area. She said when she looks out of her condo she can see the side of the Publix building, and every night there are skateboarders on the property and people who spin their cars around in the parking lot. She said the residents already have enough problems, they do not need more traffic, noise, and the possibility of crime. She said it is not an industrial area and she hopes the board denies the request. She further stated she would love to see the veterans buy the whole corner, tear it down, and add to their park.

Bill Kowalczak, 400 S. Sykes Creek Parkway, stated he represents the Veteran's Memorial Park, which has been trying to beautify that section of Merritt Island. He said almost two years ago the park got a \$1.5 million grant from the State to build a beautiful building and put in a 6,000 square-foot museum. He stated there is a lot of skateboarding and things going on in that parking lot of the subject property, but that is not going to change, even if U-Haul moves in, because there are still going to be kids over there unless it's fenced off. He said the park has problems with skateboards on the plaza, they jump up and down on the park benches and monuments. He said he looks forward to seeing the building re-developed because now it's just an eyesore, and from what he's seen on the drawings, it's going to be a beautiful asset to the area. He noted J.C. Penney is going to go away and that's going to be another eyesore. He said the veterans want to make the area as beautiful as they can, and U-Haul put a paint job on the building that goes with the veterans theme and the whole area. He said Veteran's Memorial Park is in favor of the conditional use permit request, and there are 400 members who belong to the park, plus 150,000 guests that visit the park on a yearly basis, and anything is better than what is there right now. He said he's met with U-Haul and with MIRA, and they see beautification coming. He stated he would just ask that the County provide a three-way stop at that intersection of Fortenberry Road and Sykes Creek Parkway, because right now it's an accident waiting to happen daily.

Bob Corsillo stated he has been a resident of Merritt Towers for 30 years, and he likes the proposal, but if approved, he would like a stipulation that there will never be any trailers on the site.

Mr. Minneboo asked how many trucks will be on the site. Mr. Conner replied U-Haul has agreed to never have more than 40 pieces of equipment on the property, but he doubts he will ever have 40 pieces of equipment at any one time.

Ms. Lawandales asked staff to explain the conditions that Mr. Conner has agreed to, and that MIRA has proposed.

Ms. Sterk read the 11 conditions from MIRA as follows: 1.) Site is to accommodate only cargo vans and pick-up trucks. Box trucks and/or other equipment would not be kept on site. Upon being dropped off by lease, the box truck and/or equipment would be removed promptly to another site; 2.) Outdoor parking would be limited to

40 U-Haul cargo vans and pick-up trucks. No repairs will be done on site; 3.) Cargo vans assigned to the site will be presented with military imaging. Non-conforming vans or pick-up trucks will be moved within 72 hours; 4.) Enhanced/more mature landscaping to be compatible with the Veteran's Park area; 5.) The applicant agrees to close off the southeast entrance at the intersection of Fortenberry and Sykes Creek Parkway and provide sidewalk on Fortenberry Road behind the property for the length of the property; 6.) The applicant is to consider sidewalk for the Sykes Creek Parkway side of the property; 7.) U-Haul parking will be available for use by the Veteran's Park, with every available spot to be reserved for the Veteran's functions; 8.) The applicant is willing to participate in upgrades to the intersection to include landscaping, sidewalks, and crosswalks; 9.) The applicant is willing to commit to the presented renderings with minor deviations; 10.) The applicant will address orange doors with U-Haul's Corporate Office, and possibly consider another paint color; 11.) The applicant would commit to the removal of the existing loading docks.

Ms. Sterk stated the board can combine #3 and #1 because of the word 'promptly'; they have 72 hours to move the vehicles. She stated the last condition is very important to staff and something that has been a challenge with the site; there's a 300-foot driveway entrance that does not meet code and what Mr. Conner is proposing would be a huge improvement. She said MIRA had some concerns with the orange doors, but there's a question of whether or not they would consider another paint color, which is something the corporation would have to consider. U-Haul is committing to the removal of the existing loading docks, which between the MIRA meeting and today, they have revised the concept plan to show that. Those loading docks required all of the folks bringing in supplies to that Publix to reverse in the right-of-way, which is against Code, so that is another huge improvement.

Mark Wadsworth asked if there will be fencing. Mr. Connor replied he is not considering fencing at this time. He said he has the landscaping, and the new renderings show the southeast entrance being closed off. He stated during the MIRA meeting a resident mentioned U-Haul having an industrial look, so softening the industrial look of the site to give it more of a retail look was discussed, so he has added windows to the renderings to soften the look. He said the building is an eyesore and has been for a long time, and he is looking to bring it up and make it part of the community.

Andy Barber stated what is there now is horrible and he can't envision finding a better solution than what Mr. Conner is offering. He said the proposed rear elevation is a great improvement. He said Mr. Conner has been as remarkable as anyone to do what MIRA has asked. He asked staff if a new site plan will be required. Ms. Sterk replied even if Mr. Conner was only to change the striping of the parking lot he would need a new site plan, which he will be required to do to park the trucks. She said a lot of those things will be caught in the site plan process, and that's where he would have been hung up with the driveway entrance.

Ms. Lawandales stated she wants to make sure the public understands that none of this would have happened if Mr. Conner wasn't applying for a conditional use permit; there would be no way to have the kind of monetary investment that the business owner is putting into this without the conditional use permit. She said she thinks Mr. Conner has gone above and beyond and she commends Ms. Thurman from the Merritt Island Redevelopment Agency.

Motion by Rochelle Lawandales, seconded by Brian Rodgers, to approve the CUP for Trailer and Truck Rental, with all of the conditions stipulated by the Merritt Island Redevelopment Agency. The motion passed unanimously.

Upon consensus of the board, the meeting adjourned at 5:15 p.m.