

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 7, 2016, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Robert LaMarr; Loretta Goggin; Ron Bartcher; Andy Barber; Bruce Moia; Clyde Thodey; and Bill Cannon

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

The 8 members present voted throughout the meeting.

IV.B.1. (15PZ00089) – WILLIAM R. JAMES – requests a Small Scale Plan Amendment (15S.10) to change the Future Land Use from NC to CC and a change of classification from RU-2-10(6) to BU-2, on 1.05 acres, located on the east side of Waelti Dr., approx. 0.76 mile north of N. Wickham Rd. (7235 Waelti Dr., Melbourne)
LPA Recommendation: Moia/Cannon – Approved. Vote was unanimous.
P&Z Recommendation: Moia/Cannon – Approved with a binding development plan (BDP) prohibiting certain uses, limiting freestanding signs to 10 feet in height, and limiting the gross floor area ratio (FAR) to no more than 0.75. Vote was unanimous.

William James – William R. James, 516 Temple St., Satellite Beach, Florida.

Henry Minneboo – What are you trying to accomplish here today?

William James – I own a small company called Buccaneer Steel and I build swimming pools, and I also work other swimming pool companies. I want to be able to park my dump truck and backhoe behind this property. I used to park it there before I bought the property – a little bit farther back – and then the property was changed from residential to commercial on both sides of this property that I want to buy, so it came up for sale and I purchased it, hoping that it seemed like a natural progression for that property to turn commercial also. The road is very heavily traveled with industrial/commercial trucks. There's a concrete plant behind me and a junkyard at the end – Gator Construction is at the end, so it would really be impractical to have that as a family residence anymore. I'm just requesting that we get it changed.

Henry Minneboo – Anybody have any questions for this gentleman before I go to the audience? Seeing none, is there anybody in the audience who would like to speak for or against this item? Please come up.

Maggie Shultz – Maggie Shultz, I'm the President of the Lake Point Homeowners Association. Lake Point backs right up to Waelti.

Henry Minneboo – You're on the west side?

Maggie Shultz – Correct. We're not against what's going on, but the only thing that we would ask is, we were very involved in the change of Code with the gentleman who just did the zoning change, and what we're asking is that the zoning be kept in line with what was agreed to there, and I have copies of what was agreed to when that zoning change was made.

Cindy Fox – If I could just take a look. We did make some changes in this area recently, which is what I believe she is referring to. Yes, in 2014 we changed the property right to the north of the subject property we're looking at today.

Henry Minneboo – Didn't we have Torpy on that one?

Cindy Fox – No, it was much more recent. The applicant at the time was KMM-FL, and what she's handed me is a binding development plan from them. If you want to go back to the podium and say what you like about this, and what you'd like this board to consider.

Maggie Shultz – The main concern – and it's addressed in this – where they had agreed not to do signs above a certain height, that it prevented certain types of businesses to be in there as far as the type of business that would create a lot of noise, a lot of tall lights that would shine into the neighborhood, anything that would be restrictive to the neighborhood, or interruptive to the neighborhood. They were very good about meeting with us. Not knowing until I got here today exactly what the gentleman wanted to do, we just wanted to make sure that we're on the same wave length and the same direction, because you do have, literally, homes backed up to that street.

Henry Minneboo – Have you talked to the gentleman?

Maggie Shultz – No, literally this is the first chance I've had to even be here.

Henry Minneboo – So far, I think he only wants to park his truck.

Maggie Shultz – Which sounds perfectly fine, yes.

Henry Minneboo – I'm just wondering if we ought to let them go in the back and maybe work out some details? What's the detail, Cindy?

Cindy Fox – The situation would be that he's looking for a contractor's office and a contractor storage yard, and that is specifically prohibited in the previous BDP – it's on the very top of the second page – if he was in agreement to limiting it to all the other uses, he could do a similar document, but it's voluntary and he's got to agree. It would be fine, Chairman, if you would like to have them discuss it briefly.

Henry Minneboo – Let's take a recess and let you slide in the back there and just.....instead of bringing you back. Okay, let's do Item 2.

IV.B.2. (16PZ00004) – WAYNE D. & LINDA L. SPRACKLIN, TRUSTEES – (Tim Pickles, Esq.) – request a change of classification from AU to RR-1 on 1.3 acres, located on the west side of Rockledge Dr., approx. 0.38 mile north of Coquina Rd. (1907 Rockledge Dr., Rockledge)

P&Z Recommendation: Moia/LaMarr – Approved with a binding development plan (BDP) to include legal description encompassing entire ownership, precluding any development until remainder is rezoned appropriately. Vote was unanimous.

Tim Pickles – Good afternoon, Chairman, and members of the board. I represent the applicant, Mr. and Mrs. Spracklin, and what they are seeking is.....

Henry Minneboo – I know you, but you've got to put it on record.

Tim Pickles – Sorry. Tim Pickles, 3490 N. U.S. 1, Cocoa, on behalf of the applicant. The request is to change the river side portion from AU to RR-1. The property has been under residential use for decades. If you look at the staff report, the staff report shows that the.....and if everyone is familiar with River Road, that area of unincorporated Rockledge, they're all basically riverfront homes on the west side of the road, with corresponding acreage to the east.

Henry Minneboo – That must be the only one in the County. I mean, that's really a fine line.

Tim Pickles – There are a few. There aren't too many. In this case, this particular parcel runs all the way out to U.S. 1 to the west, which has always been AU, it's old orange grove property, but they haven't been functional for many years. We initially applied and met with staff, and staff initially agreed with the applicant even before I was involved, that they thought RR-1 would be most appropriate because this is a single-family residence. It's a large structure, but it is a 1+ acre parcel. So, we applied, we advertised, and we believe we're completely consistent as to the parcel that's being rezoned. An issue came up with staff post-application that said there's a potential problem with the remainder parcel, and the remainder parcel would stay AU and it would be approximately 1.7 acres as opposed to the 2.5 acres that's required for AU. My client is under contract to sell the riverfront parcel. The remainder agricultural parcel is going to not....there's no development sought on that, maybe ever, but certainly not for quite a while. I did have a discussion with staff about if there was a concern about the remainder parcel.....

Henry Minneboo – Can we hold it down a little in the back? Nobody can hear up here. Thank you.

Tim Pickles – If there's a concern about the remainder parcel being non-conforming because it's less than the 2.5, either we could designate it as a non-conforming parcel – obviously there can't be any development until it comes into compliance – or, we'd be willing to enter into – or offer - a binding development plan to say either SEU or.....I mean, even potentially commercial because it's abutting U.S.1, whatever the County would deem worthy.

Henry Minneboo – You'd probably want to go commercial, don't you?

Cindy Fox – We cannot consider a zoning classification because we didn't advertise that portion of it, but what we can do is, the binding development plan can serve to bind it to this property that you're rezoning, and all the BDP would really need to say is that the legal description in the BDP would include the entire piece, even the one that's not conforming. It will just say that at the time that you wish to develop that property it will be rezoned appropriately.

Tim Pickles – That sounds perfect.

Cindy Fox – That's all we need.

Henry Minneboo – You're fine with that?

Tim Pickles – Yes. I guess the approval would be conditional upon a binding development plan obligating.....and I'll work with staff on the language to get to the County Commission.

Henry Minneboo – Under normal circumstances, so we'll know, isn't everything on U.S.1 becoming commercial?

Cindy Fox – Yes, this happens to be a patch where there's quite a bit of vacant commercial in the area, so I can understand the applicants not willing, not ready, to go for the full thing yet.

Henry Minneboo – Does anybody have any questions for this gentleman? Is there anybody out in the audience who would like to speak for or against this? I don't see anybody. What's the pleasure of the board?

Bruce Moia – Motion for approval with the condition on the binding development plan.

Robert LaMarr – Second.

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

IV.B.1. (15PZ00089) – WILLIAM R. JAMES – requests a Small Scale Plan Amendment (15S.10) to change the Future Land Use from NC to CC and a change of classification from RU-2-10(6) to BU-2, on 1.05 acres, located on the east side of Waelti Dr., approx. 0.76 mile north of N. Wickham Rd. (7235 Waelti Dr., Melbourne) (CONTINUED)

Henry Minneboo – Were you able to work anything out? Are you willing to put that in a binding development plan?

William James – Yes, sir.

Henry Minneboo – You might want to share with us what you agreed to.

Cindy Fox – We need the applicant to state it.

Henry Minneboo – The applicant needs to say it.

William James – Basically, she wants me to – I'm really not sure exactly – keep it low-key, no high signs, low noise.

Henry Minneboo – The sign issue was in the previous one, is that correct?

William James – Yes. What else, specifically? I'll repeat it.

Maggie Shultz – Mainly the fact that it was going to be limited amount of traffic coming in and out of there.

William James – I explained to her that mostly we're going to be leaving in the morning and coming back at night. It's not going to be.....

Henry Minneboo – Did you explain that it's better to have what you're having than an A&W?

William James – Yes, and it's going to be beautiful when I'm done, trust me. It's a mess now, but it will be gorgeous.

Cindy Fox – So, the language in the BDP, did you see the copy of the one that she showed you?

Maggie Shultz – It would just mainly be removing.....

William James – Removing the top one. Removing the first one that she mentioned about no commercial, removing the contractor outdoor storage yard.

Henry Minneboo – You've got to have outdoor storage.

William James – Right. Removing all of 2.a., and that's about it, everything else – the signs and all – is no problem.

Cindy Fox – Just for the record, this is the Thomas Lang BDP that we're using as an example and your proposal is to do the same BDP on the property, but you're going to eliminate paragraph 2.a., is that what I heard? Okay, so we will send you directions on how to do that BDP.

Henry Minneboo – Is there anybody out in the audience who would like to speak on this?

Maggie Shultz – You're eliminating all of paragraph 2.a., or just the wording?

Cindy Fox – Let's clarify that with the applicant. This is a voluntary agreement.

William James – How about if she just scratches out what she wants to eliminate? It's basically.....it's the storage yard, maybe the only thing.....

Cindy Fox – Board, we have a binding development plan that has a list of uses that are not.....

Henry Minneboo – But if we strike.....

Cindy Fox – If we strike one it would be allowed. So, if we want to strike the contractors office and storage yard then he can submit a similar BDP.

William James – I also need the outdoor storage and display of large items. It's because I have a backhoe and require a forklift.

Cindy Fox – Are you selling those equipment and material?

William James – No.

Cindy Fox – If you're not selling them from the property then you don't need that.

William James – Okay. Where are we now?

Maggie Shultz – Just that one.....contractors and outdoor storage yards. All you're going to be doing is storing your equipment there, and you said you're going to be using the building for an office.

William James – That's it, that's all we need.

Cindy Fox – We'll work with you.

Henry Minneboo – What's the pleasure of the board?

Bruce Moia – Motion to approve with the BDP and the removal of the one use.

Bill Cannon – Second.

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

Cindy Fox – That was for your zoning, now you still need to make the comp plan amendment.

Bruce Moia – Motion to approve.

Bill Cannon – Second.

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

Upon consensus, the meeting was adjourned at 3:21 p.m.