

LOCAL PLANNING AGENCY MINUTES

The Local Planning Agency convened as the Planning and Zoning Board and met in regular session on Monday, April 20, 2015, 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; Andy Barber; Clyde Thodey; Bill Cannon; Robert LaMarr, John Stone, Richard Charbonneau; and Ron Bartcher

Staff members present were: Christine Lepore, Assistant County Attorney; Robin Sobrino, AICP, Planning and Development Department Director; and Jennifer Jones, Special Projects Coordinator II

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

Henry Minneboo – Did everybody have an opportunity to see the minutes from March 23rd.

Clyde Thodey – Motion to approve.

Andy Barber – Second.

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

1. An Ordinance Amending Chapter 98, Article V, Section 98-145, Pertaining to the North Merritt Island Dependent Special District Board.

2. An Ordinance Amending Chapter 98, Article IV, Section 98-105, Pertaining to the Port St. John Dependent Special District Board.

Robin Sobrino – Thank you, members of the LPA for coming here today. I know that it appears to be a short agenda, but we wanted to get these ordinances corrected, and it was very important that we try to stay on target and bring them through. Again, thank you for your indulgence today. We actually have two ordinances today that pertain to dependent special districts. As you are aware, and probably most of John Q. Public is not aware, that there are two separate dependent special district boards that have been historically hearing rezoning items in lieu of the Planning and Zoning Board for items in their respective jurisdictions, that being the Port St. John Board and the North Merritt Island Board. We've recently determined that Florida Statute had changed some time ago; we were a little bit asleep at the switch, unfortunately, but no time like the present to correct our ordinance. Currently, the way that our ordinance reads, it gives these two dependent special district boards certain authorities, and they include providing recommendations on rezoning items to the Board of County Commissioners in lieu of the Planning and Zoning Board, and providing recommendations on Future Land Use Map changes in lieu of a citizens resource group. In turn, the comp plan amendment comes to the Local Planning Agency for actual recommendation to the Board of County Commissioners, and also to provide other recommendations to the Board of County Commissioners when requested by the board to do so. We realized that the state statutes had changed at defining the roles of a Local Planning Agency, and the Local Planning Agency is distinguished by the fact that it must have a member of the School Board on the membership. As you know, Loretta is designated representative of the School Board on the Local Planning Agency. The Port St. John Board nor the North Merritt Island Board have members of the School Board, so therefore, they do not have the ability to sit as the Local Planning Agency. In reading state statute we recognized that the Local Planning Agency now has some very unique allowances that are not provided to the dependent special district board. That is, first of all, you can only hear the comp plan amendments as the recommending body to the Board of County Commissioners, but also we've learned that in order to consider rezoning applications that would represent a change in an increase in density, those two can only be heard by the Local Planning Agency and recommended to the Board of County Commissioners. So, therefore, not all zoning items can be heard by the North Merritt Island Board or the Port St. John Board, pursuant to state statutes. Be that as it may, the Board of County Commissioners wanted to maintain some role for these local boards to represent their communities, so they asked us to modify the ordinance so that they would be enabled

to do an advisory recommendation to the Local Planning Agency for rezoning requests that represent an increase in density and comp plan amendments, and you, in turn, would be the recommending board, still, to the Board of County Commissioners. They still have authority to hear any other type of rezoning requests, such as a conditional use permit for alcohol and things like that. So, these are the changes that we're bringing forward in these two ordinances today. I'd like two motions; one for each ordinance, if you please, but it's the same song, second verse.

Henry Minneboo – Robin, do we still hear conditional use permits on alcohol? They don't address that, do they?

Robin Sobrino – You would continue to hear those that are not in the Port St. John or the North Merritt Island jurisdictions.

Henry Minneboo – Does anybody have any questions?

Clyde Thodey – How does the boards feel about what we're doing here today?

Robin Sobrino – We met with the North Merritt Island Board last week. We are meeting with the Port St. John Board tonight. The North Merritt Island Board did feel a little bit slighted, but I reminded them that it is pursuant to state statute and that it was not a local initiative that was resulting in this change of duties.

Henry Minneboo – I was going to ask something, and I'm not sure.....if an applicant starts – let's just pick on North Merritt Island – but if an applicant starts up there, then theoretically he goes through three exercises in making a determination. Is that correct?

Robin Sobrino – Effectively, that would be the case. As staff, what we're attempting to do is minimize the inconvenience to those applicants, so what we would like to do – the same way that very often when you're sitting as the Planning and Zoning Board, you switch hats at the same meeting to be the Local Planning Agency – we'd like to be able to anticipate any applications that require that extra set of reviews to try to maximize board time and have you wear two hats at one time. It could be a matter of on a day when you're scheduled to sit as the Local Planning Agency, such as today, that we might instead ask you to put on your P&Z board hat so you could hear a rezoning request, as well. So, you might find your agenda might get a little bit more versatile.

Henry Minneboo – We may fill up more than they would.

Robin Sobrino – Yes.

Bill Cannon – Henry, would it be fair for us to move on this? I know you all met with North Merritt Island, but they're meeting with Port St. John tonight. Is that fair to act on this before they get a chance to talk with the Port St. John folks?

Robin Sobrino – If you don't mind me saying, Mr. Cannon, we did talk to the Port St. John Board in an informal manner at their last meeting last month, so this is not going to catch them cold.

Bill Cannon – Okay.

Robin Sobrino – We are just going to, again, come back and present it to them in a more formal capacity.

Bill Cannon – Okay, thank you, ma'am.

Henry Minneboo – And a lot of this is mandatory anyway. If there's a significant increase in residence, it's going to come here. Anybody else? Clyde?

Clyde Thodey – Is there any additional cost involved in it, for the person who would be coming forward?

Robin Sobrino – No.

Clyde Thodey – Okay, so the cost remains the same, even though it's going through three different areas?

Robin Sobrino – We would not be assessing an additional fee for it, no.

Clyde Thodey – Would North Merritt Island be assessing a fee, for their application?

Robin Sobrino – We collect a fee for an application, be it a zoning application, or a comp plan application, regardless of what board it goes to. All the fees are identical. It's really the action itself.

Henry Minneboo – They don't have a right to establish a fee, do they?

Robin Sobrino – No, but what we would see, though, is on a rezoning request where before they may have gone to just the North Merritt Island Board and then on to the Board of County Commissioners, they will now be potentially making a stop at the Local Planning Agency and we would certainly hope that you would be meeting that day anyway, so we would just include it in our ad.

Christine Lepore – So there would be no additional ad for that third meeting. It would all be included in one single ad.

Henry Minneboo – Okay.

Andy Barber – Why is it that we have these two boards? Why don't we have Viera board, or a South Merritt Island board? Why do we have these boards? I assume that it's to get more personalized representation, but it seems odd that they're doing the same thing we're doing. Is that an extra layer of problem for applicants? I don't know. I know it's probably been that way for a long time.

Robin Sobrino – It precedes me joining the County, I guess, 17 years ago, but from what I understood at the times that those boards were originally convened, it was based upon those two particular areas being extremely interactive with the Board of County Commissioners in terms of convincing them that either No. 1, it might be worth their while to incorporate into a city because the County, in their eyes, was not responsive from a land use perspective. Or secondly, that they just wanted that additional local set of eyes. So, at the time, the Board of County Commissioners had decided that they should go ahead and create those two boards, but you're right, they are our only boards in the County.

Clyde Thodey – You'd have a problem trying to get rid of that Merritt Island board.

Henry Minneboo – Those are snobby people.

Clyde Thodey – You live out there.

Henry Minneboo – I'm allowed to say that because I live there. What's the pleasure of the board? We have to vote on them both.

Clyde Thodey – I'll make a motion on North Merritt Island to approve as it was submitted.

Bill Cannon – Second.

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

Henry Minneboo – What about Port St. John?

Clyde Thodey – If nobody wants to make a motion on it, I'll go ahead and make a motion on the Port St. John as submitted.

Bill Cannon – Second.

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

Henry Minneboo – Before we close, can we, as a group, as the Board of County Commissioners if they still think they need to have these? Or is that just a waste of time? Let's just leave it alone. There was some comments and they're very well taken from other board members, so we'll just leave it alone. They know if it's good or bad. We're not that smart. Okay, meeting adjourned.

Upon consensus by the board, the meeting was adjourned at 3:13 p.m.