

Kimberly Powell

From: Kimberly Powell
Sent: Monday, September 17, 2018 3:51 PM
To: Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Eden Bentley; Sally Lewis
Cc: Tammy Rowe
Subject: 09-06-2018 Zoning Minutes Approval
Attachments: 09-06-2018 Zoning.doc

Attached are the minutes from **September 6, 2018** Zoning meeting to be considered by the Board on **October 9, 2018**.

Have a great day.

Kimberly Powell

Recording Secretary

Clerk to the Board

(321) 637-2001

Kimberly.powell@brevardclerk.us



MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 6, 2018 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

ITEM A., CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Chair	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Vice Chair/Commissioner District 5	Present	

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

ITEM B., MOMENT OF SILENCE

Chair Pritchett called for a moment of silence.

ITEM C., PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

ITEM F.1., REMOVAL OF WAIVER CONDITION, RE: UNDERGROUND POWER AS A CONDITION OF RIGHT-OF-WAY AND PAVEMENT WIDTH WAIVER

The Board removed a previous condition of approval in which the applicant was to provide underground power on Turtle Beach Lane, in order to reduce the right-of-way width and pavement requirement for a local public street.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.2., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - RONALD E. DIMENNA (18PZ00054)

The Board executed a Binding Development Plan with Ronald E. Dimenna, for property located on the north side of Tropical Trail, Approximately .11 mile west of North Courtenay Parkway, Merritt Island.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.3., APPROVAL, RE: SUBMISSION OF A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) GRANT (\$230,000)

The Board authorized Housing and Human Services Director to submit the grant application (including all forms) through HUD for Lead-Based Hazard Reduction Program within Brevard County, and execute all related agreements, modifications, and contracts as required upon approval of Risk Management and the County Attorney's Office upon grant award; authorized utilization of SHIP funds as the source of the required 10 percent match; and authorized the County Manager to execute all necessary Budget Change Requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM F.4., APPROVAL, RE: BILL OF SALE WITH THE CITY OF COCOA FOR A WATERLINE

The Board authorized the Chair to execute a Bill of Sale with City of Cocoa for a waterline constructed utilizing a HUD Section 108 Loan, upon the approval of Risk Management and the County Attorney's Office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.1., PUBLIC HEARING, RE: ANTHONY LOPES AND EUGENE R. LOMANDO (SCOTT KNOX) REQUEST A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM RES 2 AND NC TO CC. (18PZ00076) ITEM TABLED BY THE APPLICANT TO OCTOBER 4, 2018, BCC MEETING

Chair Pritchett called for public hearing on a proposal by Anthony Lopes and Eugene Lomando requesting a Small Scale Comprehensive Plan amendment from RES 2 and NC to CC.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Anthony Lopes and Eugene Lomando, represented by Scott Knox, requesting a Small Scale Comprehensive Plan from RES 2 and NC to CC on a property in District 3.

This Item was requested to be tabled by the applicant to the October 4, 2018, Board of County Commissioners Meeting.

There being no further comments of objections, the Board continued the request by Anthony Lopes and Eugene Lomando requesting a Small Scale Comprehensive Plan Amendment from RES 2 and NC to CC, to the October 4, 2018, Board of County Commissioners Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.2., PUBLIC HEARING, RE: ANTHONY LOPES AND EUGENE R. LOMANDO (SCOTT KNOX) REQUEST A CHANGE OF ZONING CLASSIFICATION FROM BU-1 AND TR-, TO ALL BU-1. (18PZ00077) TABLED BY APPLICANT TO OCTOBER 4, 2018, BOCC MEETING

Chair Pritchett called for public hearing on a proposal by Anthony Lopes and Eugene Lomando requesting a change of Zoning classification from BU-1 and TR-3 to BU-1.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Anthony Lopes and Eugene Lomando, represented by Scott Knox, requesting a change of Zoning classification from BU-1 and TR-3 to BU-1.

This Item was requested to be tabled by the applicant to the October 4, 2018, Board of County Commissioners Meeting.

There being no further comments or objections, the Board continued the request by Anthony Lopes and Eugene Lomando for a change in Zoning classification from BU-1 and TR-3 to all BU-1, to the October 4, 2018, Board of County Commissioners Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.5., PUBLIC HEARING, RE: CHRISTIAN MISSIONARY ALLIANCE S. E. DISTRICT (MATT CASON) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM RES 4 TO CC. (18PZ00073) Tabled BY THE APPLICANT TO THE SEPTEMBER 24, 2018 LPA MEETING AND THE OCTOBER 4, 2018 BOCC MEETING

Chair Pritchett called for public hearing on a proposal by Christian Missionary Alliance S. E. District, Matt Cason, requesting a Small Scale Comprehensive Plan amendment from RES 4 to CC.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Christian Missionary Alliance, represented by Matt Cason, requesting a Small Scale Comprehensive Plan amendment from RES 4 to CC.

This Item was requested to be tabled by the applicant to the October 4, 2018, Board of County Commissioners Meeting.

There being no further comments or objections, the Board continued the request by Christian Missionary Alliance S. E. District for a Small Scale Comprehensive Plan amendment from RES 4 to CC, to the October 4, 2018, Board of County Commissioners Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.6., PUBLIC HEARING, RE: CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT (MATT CASON) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM IN(L) TO BU-1. (18PZ00074) ITEM Tabled BY APPLICANT TO THE OCTOBER 4, 2018, BOCC MEETING

Chair Pritchett called for public hearing on a proposal by Christian Missionary Alliance S. E. District requesting a change of Zoning classification from IN(L) to BU-1.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Christian Missionary Alliance S. E. District, requesting a change of Zoning classification from IN(L) to BU-1.

This Item was requested to be tabled by the applicant to the October 4, 2018, Board of County Commissioners Meeting.

There being no further comments or objections, the Board continued the request by Christian Missionary Alliance S. E. District for a change in Zoning classification from IN(L) to BU-1, to the October 4, 2018, Board of County Commissioners Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.3., PUBLIC HEARING, RE: EVA MCMILLAN, TRUSTEE (CLAYTON BENNETT) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM PRIV CONS TO RES 1

Chair Pritchett called for public hearing on a proposal by Eva McMillan as Trustee, represented by Clayton Bennett, requesting a Small Scale Comprehensive Plan amendment from Private Conservation (PRIV CONS) to RES 1.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a request by Eva McMillan as Trustee, represented by Clayton Bennett, requesting a Small Scale Comprehensive Plan amendment from PRIV CONS to RES 1; and the property is .3 acres located on the west side of Highway A1A, just south of Budris Road.

Clayton Bennett stated the request is for a zoning change and Comprehensive Plan Use; the lines run about 100 feet west of State Road A1A; the parcel runs from A1A to the river; when the zoning and the Comp Plan was put into place the lines were somewhat arbitrary; since the purchase of the property there has been an environmental study done which was accepted by the Florida Department of Environmental Protection (FDEP); they have had the lines surveyed; and what they are looking to do is to move the PRIV CONS back to the wetland line along with the SR Zoning to the wetland line. He continued they have worked with staff assembling the application; historically this was done administratively in the past; since that time, there was a determination done that this should be done in front of the Board because it is dealing with a Comp Plan; and he noted they will be going from about one-quarter of an acre to a half acre that will be RES 1 and the RS Zoning classification.

Commissioner Barfield stated this is very consistent with what has happened to the north and to the south of this property; this is just being reevaluated to make it consistent with the other properties; and he advised he has no problem with this at all.

Chair Pritchett stated she is in agreement.

There being no further comments or objections, the Board adopted Ordinance No. 18-20, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the fourth Small Scale Plan Amendment of 2018, 18S.07, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

September 6, 2018

ITEM H.4., PUBLIC HEARING, RE: EVA MCMILLAN, TRUSTEE (CLAYTON BENNETT) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM EA AND SR TO ALL SR

Chair Pritchett called for public hearing on a proposal by Eva McMillan as Trustee, represented by Clayton Bennett, requesting a change in Zoning classification from EA and SR to all SR.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a companion rezoning application, to the previous Item, from EA to SR on .3 acres located on the west side of Highway A1A, just south of Budris Road.

There being no further comments or objections, the Board approved the request by Eva McMillan as Trustee, to change the Zoning classification on .3 acres from EA and SR, to all SR.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.7., PUBLIC HEARING, RE: HOUSING AUTHORITY OF BREVARD COUNTY (MICHAEL BEAN/STEVE MONROE/SCOTTKNOX) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM PUD TO RU-2-15 (18PZ00051)

Chair Pritchett called for public hearing on the proposal by the Housing Authority of Brevard County, represented by Scott Knox, for a request to change the Zoning classification from PUD to RU-2-15.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by the Housing Authority of Brevard County, represented by Michael Bean, Steve Monroe, and Scott Knox, requesting a change of Zoning classification from PUD to RU-2-15; the property is 11.8 acres in size, located on the south side of Citrus Boulevard, just west of State Road 3; and the property is in the Merritt Island Redevelopment Area.

Scott Knox, Attorney for Widerman Malek Law Firm, provided handouts to the Board. He stated this is a request for a rezoning to RES 15; on page two of the PowerPoint presentation it shows the property as U-shaped and it is 6.9 acres on the northern end of the property with a little connector piece of 1.05 acres, and a southern piece of 3.94 acres, all of which they are seeking RU-2-15 zoning for; the property is designated as RES 15 on the Land Use Plan, so it is consistent with that Land Use Plan; and it was originally zoned as PUD, but it is no longer zoned as PUD because it expired in 2008, so the property does not have zoning at this time. He added the 15 units per acre are allowed under the RES 15. He continued page five of the PowerPoint shows where the property lies, between Citrus Boulevard and the southern piece, is in proximity to Minute Road, which is a County-maintained road according to John Denninghoff, Assistant County Manager; page six displays the layout being proposed with two buildings on the north east, which are designed to house about 60 units each for a total of 120 units; they will be three story buildings; the first page of the PowerPoint exhibit is the landscape or rendering of the particular buildings which will be similar to that, maybe not exactly; and this will not be low income housing, it will be designed to house workforce individuals such as Firefighters, Emergency Management Services people, nurses, teachers, and things like that. He went on to say on the southern piece of property there are one story buildings that will be designed to house a total of 48 units, 12 units each; page eight is a rendering of what those buildings will look like; page 10 is an actual picture of what was built in a similar project down south and they

September 6, 2018

are very attractive, well maintained, and well landscaped; page nine shows the interior of one of the buildings, again very attractive; and the purpose for putting this particular zoning on this particular property is the Housing Authority wants to market to a full rent paying market of work force individuals who are in the types of professions he mentioned. He stated the goal is to create a range of rent between \$950 - \$1,500 a month which happens to fit the sweet spot of demand in this area; page 17 shows the figures from 2017 Palm Bay, Melbourne, Titusville Comprehensive Housing Market Analysis prepared by HUD; the big demand for rental housing is in the neighborhood of \$950 - \$1340 per month range; the Housing Authority is looking to provide housing in the \$850 - \$1,500 range; page 15 shows another report from HUD in 2017 where the demand for rental units in Brevard County for December 1, 2017, through 2020 is 1,975 units; and in late 2017 only 731 units were under construction. He mentioned his client has a waiting list of 1,600 people who are qualified under the program that they are looking for to serve this workforce and provide housing for; he knows there is a large demand for them; page 17 shows there is a 2.4 percent vacancy rate on rental housing in Brevard County; if his sons efforts to find rental housing is any indication, it has gone down and there are probably less than that now in 2018; there is a large demand for rental housing, and on page 16 there are roughly 72 percent of households being formed since 2010 have been for rental housing, these people want to rent they do not want to buy housing; and that is compared to 33 percent from the period in 2004. He went on to say the market for rental property is up and there is not a lot of space available for this price range; this is a perfect place for it because it is west of Courtenay in Merritt Island, and behind another project location for rental that is less than what these folks will have on this piece of property; and he believes the project is well suited for this area because there are some single-family residential in the north and south, and there is also commercial to the east. He mentioned the site plan set forth on page seven, shows the traffic pattern will be internalized quite a bit; the entryway will be off Citrus Boulevard and the property will be connected from north to south by a road that is on the property which then ties into Minna Lane, a publicly dedicated and maintained road; there are two exits that are right turn only to go onto Courtenay; the traffic pattern now is just Citrus that has the exit formally for this property, therefore, they plan to add that one extra exit to provide better circulation internally and it cuts down the trips going back and forth; and page 21 may be of interest, it has charts taken from a study done by the National Low Income Housing Coalition which shows specific statistics for Brevard County in terms of rental and the interesting things is under housing cost where it shows \$1,018 per month is the rent required for a two-bedroom rental for a family that has to make about \$40,720 per year. He noted the target market for this particular project is in a range for an individual from \$22,000 to \$55,000, and the \$40,000 is right in the middle of it; it is an area with a big demand and located in Merritt island where a lot of people are looking to rent; and he stated if the Board has any questions, Mr. Bean and the engineer are both in attendance.

Barbara Chelewski stated she has a few concerns; she could not hear what Mr. Knox said about where the traffic is going to go, but there are only two streets with lights off of where he plans to build, between Citrus, Minna Lane, and Hurwood Avenue and one of them is actually the parking lot of a plaza, it is not actually public access. She showed a map and explained this is where they are planning to build and the traffic would have to come up and go out there to make a right hand turn; they could take a left, go down and make a U-turn, but to make another right besides this one, people would have to go through the parking lots and out another parking lot to make a right hand turn off of Hurwood Avenue; if Mr. Knox is talking about going out the back way, that is a long way for people to go, so they will be cutting through the other way; and she is also curious what they will be doing about the electric grid in the area if they add 168 units to it, because when it barely storms the electric goes out. She noted there is a lot of wildlife in the area; she is worried about the crime in the area because she has several pages of police reports for just two streets in that area; and she reiterated she is very concerned about the traffic. She mentioned since the reconstruction on Courtenay it has put all that traffic through her street; at the end of her street where the traffic comes in and goes across the thru-fair in front of

September 6, 2018

properties, they have already had several potholes that had to be replaced and patched; and she noted it is crazy up there.

Bob Colvard stated he grew up on Merritt Island, he knows the area and he mentioned there were apartments there before; he is not quite understanding what the problem is with putting the apartments back in where they already were; the need for quality housing that people can afford is desperate in this County, in the State, and in the nation right now; there is a housing crisis and if these folks can come in and provide housing for middle income people, then he thinks it is a great thing; he lives in that area; and he would love to see the County pass this.

Betty Lemmon stated she is concerned about the high crime rate that she believes is going to occur, the decrease in the property values, the increase in traffic from the new residents, the need to increase the teachers and the classrooms, and the taxes that will increase to meet the needs; there is already a water drainage problem there; and she does not like that second and third story residents will be able to look down into their neighbors' homes and yards. She added and by removing the wooded area, snakes, rats, and raccoons will come to live in yards of those who already live there.

Steve Monroe stated he is only there to answer any questions from the Board.

Jeff Wells, Baxley Manor, LLC, stated the Housing Authority wants the Board to dissolve a PUD that they spent 240 pages getting passed back in 2005; the only thing he disagrees with is Mr. Knox stating that the PUD's status is expired, but it is not expired, it still exists; the PUD is a Zoning classification as is RU-2-15 Industrial or Commercial; the Zoning still exist and as a result Baxley Manor has a right to the benefits of this PUD; as originally conceived the PUD comprised 7.59 acres, 11.88 was retained by the Housing Authority, about 5.71 was sold off in 2013 to a third party and purchased by Baxley shortly thereafter; and as a result they have created a situation where to divide the PUD and dissolve the PUD takes rights away from Baxley Manor. He continued PUDs, as the Board knows, is extremely liberal zoning and allows for almost anything as long as it is approved; they had it approved and it exists, it is not expired; all the benefits and the burdens of the PUD are reciprocal with Baxley Manor, and if the Board dissolves the PUD then Baxley Manor loses property rights; Baxley Manor has a one-third interest in the PUD; and as a bonafied purchaser of this property for value, it purchased an ownership in the PUD. He went on to explain as a result of dissolving the PUD it takes rights away from Baxley Manor with compensation and without due process of law; the term that the Statute uses to describe the PUD now is inactive, not expired; a piece of industrial property that sits vacant before site plan approval is also inactive, it does not mean it loses its industrial zoning, it just means it is not being used for what it is intended for; the Housing Authority allowed it to lapse and they are notifying the Board today that it is expired when it is still a PUD and the zoning is in place; and it is legitimate and valid. He stated this certainly does not mean that it reverts to RU-2-15 automatically. He added in the site plan approval packet it states that Baxley will retain the inactive PUD zoning and he does not know what that is supposed to mean; and he does not know what rights this is conferring on Baxley Manor but the bottom line is Baxley owns part of the PUD. He mentioned looking at the effects of the PUD, he wants to talk about it being a two-thirds to one-third analysis, 11.88 acres on one side and 5.71 acres on the other side; Baxley Manor has 190 units, they want to place 178 on it, by his math that is 368 units on the 15 acres that are represented by the RU-2-15; the zoning, if the Board approves it today for RU-2-15, is actually closer to 25 units per acre; prior to the PUD, Baxley existed on a very small site, 3.86 acres; they placed 190 units on 3.86 acres, but they owned the contiguous parcels all the way around as shown in the site plan; the 190 was spread out over this so the entire parcel considered together was 190, plus they had 15 duplexes and a house that was torn down; but it ended up as 221 units on a 15-acre parcel, slightly below RU-2-15; and now they want to put 178 units in addition to Baxley Manor and the zoning ends up being 25 units

September 6, 2018

per acre whether it is RU-2-15 or not. He stated the Housing Authority wants to have their cake and eat it too.

Chair Pritchett inquired if the Board made this change if it would have any effect on Baxley Manor's interest. She stated she was told it would not make any changes to his interest because it is already non-conforming.

Tad Calkins, Planning and Development Director, stated that is correct; the question was what would be the effects on the existing PUD; the existing PUD would be allowed to remain; it is considered inactive because of the Preliminary Development Plan (PDP) has expired, without them carrying forward the improvements that they said they were going to make at the point when the Board originally considered the PUD before; and if they wanted to come in and make any improvements to that property then they would have to go through a process of activating the PUD, which would be to present the Board with a PDP or they could go through the rights to get the Non-conforming Use confirmed through the Zoning Regulations which would allow them to be a Non-conforming Use.

Chair Pritchett noted if the Board did this, it would not cause any effects.

Mr. Calkins responded the PUD District spans many parcels there; they have the Zoning throughout the County that goes over many different parcels, so it would be very similar, in that the PUD affected those parcels and if the PUD was active then that would be the guiding document regulating the development on those parcels; however, since it is inactive, or if it were active they would be able to ask for it to be amended or removed from the PUD.

Commissioner Smith disclosed he had spoken with Mr. Knox on this issue.

Commissioner Barfield stated he also spoke with the group including Mr. Knox; and he asked County Attorney, Eden Bentley, what the County can and cannot do.

Eden Bentley, County Attorney, stated the problem was created when they sold out the property, however, the PUD Zoning continues to exist; it is inactive and it does not take any rights away to rezone the property that is presented today; the Board could deny the rezoning, it could approve the rezoning, and it could consider other options at a lower density; and she advised the Board has many options to choose from.

Commissioner Barfield inquired if it was a PUD and it sold off part of that, what the impact would be on Baxley Manor.

Attorney Bentley explained what she thinks he is trying to say is that he has property rights in the other parcels that were sold off, but Baxley Manor owns one piece and he has right to that piece; and the development that is on that piece will remain. She asked if she had answered Commissioner Barfield's question.

Commissioner Barfield stated he was confused; he is looking at long term; and he wondered if that is putting any liability on the County.

Attorney Bentley advised she thinks he is threatening that, but she believes there is a procedure that was followed; they put in an application for rezoning a portion of the property that used to be in a PUD and active, but the PUD has expired through their own actions; and now they are moving forward.

Commissioner Barfield stated he knows Mr. Calkins and Ms. Sterk had discussed how this would work, but he asked them to go through the process because this is a nice plan that was

September 6, 2018

laid out, but that may not be what it turns out to be. He noted right now all the Board is looking at is a Zoning change.

Mr. Calkins responded with the Zoning there is no binding plan that is presented to the Board, therefore, he thinks Mr. Knox's mission today is the plan is a conceptual plan and it is what they plan on developing, however, it may change so it is not a BDP; the next step would be for them to go through the site plan process; once the County gets into the site plan process he does not know if there is a plan to sub-divide the property to create tracks, but then they would have to do a subdivision if there were such a plan; and at that point they would get into the actual building permit.

Commissioner Barfield asked if it would come back before the Board again.

Mr. Calkins advised it would not.

Commissioner Isnardi disclosed she had met with Mr. Knox in her office about this.

Commissioner Barfield added he lives on Merritt Island and in that area for a long time; he wishes the group would have spoken to the neighbors and he thinks they still need to do that because it is very important and he feels they need to know exactly what is going on; they have not seen what the Board has seen and he feels they need to see it; and he thinks that would help them an awful lot. He continued from what he has seen and what he has looked at, this can be a major improvement, it could take care of security issues, but these people have not been privy to see that. He went on to say he does not know what the solution is; and he is all for this, but he will not sign up to anything until the neighbors have been worked with.

Michael Bean stated he is the Executive Director of the Brevard Housing Authority; this was his property and it did have public housing on it; they do not intend to put public housing units back on any of this property; it will not be for extremely low income people; the plan before the Commission has not even been seen by his board yet; he cannot share anything with the public until his board approves him to do so; this is for Zoning and it is conceptual; and he was unaware after reading the Zoning rules that they had to have a conceptual design plan, so that was put together. He noted what the Board has is the 60 unit buildings they are underway financing in the Melbourne area currently; and they are well on their way of getting that fully funded.

Commissioner Barfield stated that is a matter of public record.

Attorney Bentley agreed with Commissioner Barfield.

Mr. Bean stated the other four building units on the smaller piece have actually been built. He noted these are buildings they are very familiar with; they know the cost and how to get them funded; and he believes the PUD was a long time ago before he came to Brevard County. He mentioned they were not successful in getting the funding for that development; and it was going to be much denser. He went on to say they do not want to put a lot of traffic on the roads, either; he believes the PUD has too many units for that area; and as far as the crime rate goes, there will be security features built into the buildings and other controls they are looking at such as hedges, lighting, and things they can do with the development of the property. He stated he is certain once they bring this to the County for site plan approval, the County will put stipulations into their development at that time; and he noted today they are just trying to get the Zoning so they know what to plan for in receiving grants and getting funding together, and a full concept.

September 6, 2018

Commissioner Barfield asked him to explain how this works with the grants; and he inquired if there has to be some zoning beforehand.

Mr. Bean acknowledged that is the first step. He went on to say if they do not have the zoning then there is no way of knowing how many units can be placed on the property; they need the zoning to apply for the State or Federal funding to help with this project; as far as speaking with the residents around the area, they get a lot of their money from HUD, and it is mandated; they will probably have more than one meeting and they will address their concerns at the appropriate time; and that will be at the site plan time, which is the stage after the zoning.

Commissioner Barfield asked if that would be before they get into the major planning of this, that they would have to talk with the neighbors.

Mr. Bean stated he is willing to make that commitment tonight.

Chair Pritchett stated she was listening to the concerns; she believes they have addressed the traffic situation by finding other ways of getting people in and out without congesting the traffic; she also believes this is a nice project and believes it will make a nice neighborhood in a nice area; the only one that caught her attention was if there are single-family homes and then three story units go up, there could be a privacy issue; and she asked if there would be some kind of buffering back there.

Mr. Bean stated he is certain the County will require a setback; Baxley Manor is two-story and the condos are two-story; where the single-family issue comes in to play is over on Hurwood and it would be behind this property; there will be duplexes in front of that which are single-story; the four buildings on that back piece are single-story buildings; and he does not think there will be lighting or privacy issues, that is why they are not putting two and three-story units back there. He went on to say they will not be exiting any vehicles out onto Hurwood because it is a residential street and they do not need all that traffic; they own property on Hurwood that they could place an access road, but they are not going to submit for that; therefore, there will not be any additional traffic on Hurwood.

Commissioner Barfield stated he thinks he has all of his answers now since HUD requires them to meet with neighbors during the site plan process and the applicant has committed to doing that; and all the Board is doing is providing a zoning so they can move forward with the project.

There being no further comments or objections, the Board granted the proposal by Housing Authority of Brevard County to change a Zoning classification from PUD to RU-2-15.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.8., PUBLIC HEARING, RE: VININGS PALM BAY INVESTMENT, LLC (TOM CABRERIZO/BRUCE MOIA) REQUESTS A SMALL SCALE PLAN AMENDMENT FROM RES 15 TO CC (18PZ00060)

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by Vining Palm Bay Investment, LLC, represented by Tom Cabrerizo and Bruce Moia, requesting a Small Scale

September 6, 2018

Comprehensive Plan amendment from RES 15 to CC on a property that is 3.43 acres in size, located on the east side of Wickham Road.

Bruce Moia stated if the Board recalls he was at the last meeting with this Item and it was tabled so they could get some information; he spoke with Commissioner Smith to discuss concerns; as far as he knows those concerns have been addressed; he is in attendance tonight to receive an approval; and if there is anything the Board would like to hear, he would be willing to share his proposals.

Commissioner Tobia stated as Commissioner Smith pointed out, the generation of traffic is 786 percent which could lead to an F rating for level of service; he asked staff what that would mean and he was advised that the County would be responsible for paying for traffic improvements; he understand Mr. Moia has met with Commissioner Smith, but obviously because of Sunshine he is not privy to that information; and he asked if Mr. Moia would let the rest of the Board know whether or not that is a concern or how that is alleviated.

Mr. Moia stated this property is part of a 30-acre piece that was rezoned from PIP to Residential Multi-family; PIP Zoning allows for any use in BU-1, which is what they are asking for on those three acres, BU-2, and Industrial; anything they wanted to put on those three acres they could also put on all 30 acres; the traffic statement provided was part of the rezoning request; he does not understand how that works because when he looked at it, the size of the building was larger than the property they were asking for; basically he feels they have reduced the traffic potential 90 percent when they down-zoned it last year; and what has now happened is the property has changed hands and the new owners would like to retain a tenth of what the property was that they bought, to not go back to PIP but just to BU-1. He mentioned they assume it is going to be a pretty similar development that is already being seen on Wickham Road; they are actually proposing, which is part of a BDP, to provide an easement to grant access to the light at the north so there would be a way to get in and out of the property; also as part of the development on the remaining 27 acres, they will be providing pedestrian access so the residents can use those facilities without having to get out on the road; and they believe the traffic will not be 770 percent. He reiterated he is not a traffic engineer so he really does not understand those numbers, but he would guess it is potentially whatever the maximum development possibilities of the property could entertain; he has never developed a two-story retail facility on a 3 acre property that went from property line to property line; and he cannot imagine the square footage of these buildings are going to be that big. He added what they are really envisioning is three small parcels that would have some sort of small retail or restaurant on it, not some kind of shopping center which he thinks was used in the traffic report; and he believes from the major down-zoning they did that it should have reduced the traffic potential so much that asking for this little bit back should not warrant a major concern level.

Commissioner Tobia stated he is concerned about the F rating; and he asked Assistant County Manager, John Denninghoff, if his answer was satisfactory because he does not want the liability to be on the County to have to pay for traffic improvements, for all the developments in that area,

John Denninghoff, Assistant County Manager, stated the short answer is no it did not answer his concerns or respond to his concerns.

Chair Pritchett asked Mr. Denninghoff to explain.

Mr. Denninghoff explained he did correctly state what they are asking for is a slight increase or an increase from what was previously approved; the concern is two-fold, but mainly about the potential for warranting a traffic signal at the location where he would assume they would build a driveway; and if they were to make a commitment about development that would preclude the

September 6, 2018

possibility of warranting a signal in the future, then that would alleviate the greatest part of his concern.

Chair Pritchett asked Mr. Denninghoff to repeat himself.

Mr. Denninghoff reiterated if they would make some sort of a commitment about their development pattern or the type of development that they would have and it would prevent the result warranting a traffic signal, then his biggest concern would be resolved. He stated the other concern is just the volume of traffic on Wickham Road; his concerns on that would be associated with providing some sort of traffic study that would realistically portray what might be occurring there; they might need to include what will happen with the remainder of the site not just the commercial portion that is subject to the Zoning request this evening; but technically he does not know if this piece would be likely to exceed the capacity of this segment of Wickham road, but the next piece might; and that concern is still there. He went on to say it is very conceivable that the property could develop and result in a traffic signal being warranted, then it could come to the taxpayers to provide the signal in the future, forego the traffic signal, or a third option would be to make modifications on Wickham Road that would preclude car and vehicle movements that would result in a signal, which would mean left turns and thru movements through the intersections would be restricted, or limited median openings would have to be considered; and his concern is about the cost of the traffic signal or the cost of constructing modifications on Wickham Road at taxpayer expense to address it, if a traffic signal is avoided, either one of which is very expensive.

Commissioner Smith disclosed Mr. Moia and himself have discussed this issue; each time this comes up he is concerned about the traffic density on Wickham Road; he is still concerned despite the fact that Mr. Moia has said they cut way back on what would cause traffic; he is still concerned that they will exceed the capability of Wickham Road in this area; he believes it is in the 90-plus percentile capacity right now; and he would feel much more comfortable going forward if they would provide some kind of traffic study. He noted Mr. Moia had mentioned four or five different kinds of businesses that could go on that parcel and he would like a study to show what kind of traffic those businesses would yield; and he would be a lot more comfortable making a decision at that time.

Mr. Moia asked if this was going to be tabled again; he stated he thought the concerns were all taken care of. He stated had he known of all the concerns, he would have talked to more of the Board members; he does not know how many other BU-1 properties are along Wickham Road, but he is sure there are quite a few; he cannot imagine that three acres will blow out Wickham on a typical BU-1 type of development; the Fresh Market has not even been built out yet and they have the same thing going on there; and if they built out those parcels that would be more than what he is proposing right now and in addition to whatever other vacant properties that exist on Wickham Road. He continued as far as he knows when they develop a piece of property and they have impact on a road that puts it below the acceptable level of service the responsibility is on the developer to make that improvement; Mr. Denninghoff is partially right, if they were to build something that warrants a signal then the developer has to install the signal and pay for it; then the signal creates more capacity than what would be the impact of the development and they would get some kind of impact fee credit back for installing that light; he does not think that signal would be a burden on the taxpayers unless trips that were generated were not enough to cover the impact fee credit; and he asked Mr. Denninghoff if that sounded correct.

Mr. Denninghoff stated it would depend on the actual trips that were generated whether or not there would be a reimbursement available; more importantly, it would only be a burden on the developer if it was identified at the time of site plan approval that there was going to be a warrant triggered on the signal; it could be the result of the next development that takes place

September 6, 2018

on Wickham Road that all of a sudden a signal is warranted; and in that case, the County may not impose that on the developer in this particular case. He added it is not just the cost of the signal it is also the location of the signal; it is too close to Jordan Blass to meet the separation criteria that is utilized for traffic signals for smooth operations to exist on the road; therefore, it would not actually improve capacity it would erode capacity.

Commissioner Tobia inquired how much money a traffic signal would cost or a modification to Wickham Road.

Mr. Denninghoff stated he believes the last signal they billed and that would be similar to the one required for that area would be close to \$800,000; it is difficult to tell when it has not been decided what will actually be occurring at the location; that would include turn lanes and other features; and at this location it would have to be a mast arm type traffic signal due to proximity to the coast and wind load requirements.

Commissioner Isnardi stated she is concerned the Board is saying no to a potential development on what might happen; it can be said it is likely but it may not have an impact; if the Board is so paranoid about what is going on, on Wickham Road then maybe the County should stop development there; she thinks anyone who wants to do any kind of development there will cause an impact on traffic whether it be big or small; and she thinks this project is being unfairly targeted and she is not sure why. She continued she does not know if it is the person requesting the zoning does not have a definitive plan, but using this, putting a building from property end to property end speaks volumes of what the County is predicting the traffic volumes will be; she inquired who builds a building from property line to property line; and she commented she has never seen that.

Commissioner Smith responded that is why he wants a traffic study, it would answer those questions.

Commissioner Isnardi stated perhaps if they knew what they were going to be developing; she just thinks that the Board is saying no, it will not allow the rezoning; and she asked if any developer has to do a traffic study when they have a project.

Mr. Denninghoff advised whenever they submit a site plan then in all probability they would be required to do that.

Commissioner Isnardi stated she does not understand what the problem is; if they do a traffic study in that case the County would find out if it would be the end all be all project on busy Wickham Road, whether this one small parcel requires a traffic light; and that would be found out in the development process.

Mr. Denninghoff explained the challenge is about the logical place to put a driveway with this piece of property; it is currently proposed to be directly across the street from an existing driveway which sets the stage for the need of a traffic signal at a location that is not really acceptable; the larger piece of property when it was in for rezoning and under consideration recently, it had the ability to place a driveway at multiple locations that would have been acceptable; and one which would have been very acceptable for a traffic signal. He continued the concern from staff's perspective at that time, did not really exist; at this point the County is looking at an increase, absent the traffic study, they think it will result in an increase and more importantly isolate this area from the greater parcel from a traffic perspective and limit its location of driveways to only one that makes good sense; and it sets the stage for that traffic signal. He continued the County would then be faced with either closing the median opening in some form or fashion, after existing businesses were there, or considering some mechanism to

September 6, 2018

fund a traffic signal; that is the challenge they have; and other than that he just thinks it is a Board Policy decision.

Commissioner Isnardi stated the County would still find the answers through the process when the developer brings the project forward.

Mr. Denninghoff stated the County would only find out if one was clearly warranted immediately, as a result of the proposed project, which they would know more about at that time; typically when a reasonably valid traffic study is performed it considers a variety of potential uses which are reasonable for the parcel that is involved, so it would not have to assume something that is really extreme or something that is opposite of extreme in terms of intensity; it will probably be somewhere in between the two; but what they do not know is what the impact will be and the study could potentially give more information about that; and it could warrant analysis based on proposed trips.

Commissioner Barfield stated the Board went through this on August 2, 2018; he believes the Board requested Mr. Moia get a traffic study; and he asked the other Board members if they recall that being said. He went on to say this is in front of the Board again and there is still no traffic study; and he asked if the Board is going to keep waiting for a traffic study that is not going to appear.

Mr. Moia stated as far as he knows of what is required, when asking for a rezoning, is the transportation engineer does an analysis of what potentially could happen on the site because he does not know, it could be a restaurant or a shoe store; what they do is take the uses that are in the zoning District, in this case it was three examples of the most extreme ones that could possibly be placed there, and they take the floor area ratio and apply that; for example if the floor area ratio on BU-1 zoning is 3 acres and 9 acres worth of building and three uses, this is what can be placed on the property; he does not know how valid that rule is; he could ask for a traffic study but for what, he does not really know; and he would want to ask the question, how many three acre parcels that have access to a light would warrant a light in the distance that would not meet the separation requirements for the County.

Chair Pritchett explained last time he was in front of the Board, they had the discussion; she was hoping he would have come to see her so she could have talked to him about it; this property has the potential to have gas stations and drive-thrus on it which is a lot of traffic and it will cause a lot of problems; and she inquired if he would be willing to put some restrictions on it, like not build anything that would warrant a traffic signal.

Mr. Moia stated he thinks they would be willing to do anything reasonable; he does not know how to provide a traffic study for something he is not sure will be going in there; if the Board would like to pick some uses to see what the impact would be, they could do that exercise; however, he believes that is highly unusual.

Chair Pritchett inquired what the Board could do when it has these concerns.

Attorney Bentley stated sometimes a BDP can be used to address the uses that are particularly difficult for the neighborhood, or that negatively impact the neighborhood.

Chair Pritchett asked if that is something they would be willing to do.

Mr. Moia responded if they are specific uses the Board would not like to see on this property, he would be happy to take that back to the applicant to see if he is willing to put the restrictions on the property.

September 6, 2018

Commissioner Smith stated if there was a pizza joint versus a shoe store versus a McDonalds he thinks those are three very distinctly different buildings that would create vast differences in traffic and any one of those three businesses could be placed there or all three could be placed there.

Mr. Moia stated the McDonalds across the street could move to their property; he is not great at traffic and does not understand what generates traffic or terms; to him, if a gas station is placed there and there is a gas station three blocks away, it is not bringing traffic to the area to go to the gas station, it is just taking trips off the road and bringing them back on the road, they are already driving down that road; a use like that is not a destination it is used by people who are already on the road; and as far as generating more trips on the road, he does not think a three-acre project does that, especially three one-acre parcels. He continued he does not believe too many people are going to a convenience store that live three miles away and could go to another convenience store, therefore, they are either going that way on their way to work or back or already on the road and decided they need to stop and grab a burger while they are on the road; he does not know how that leads to warranting a traffic signal; and he has never seen a project this small warrant a light when there is already access to a light.

Commissioner Smith commented he thinks that is what is trying to be discovered; they want to see if this is going to impact that because his concern is that section of Wickham Road is really close to capacity and it is not going to take much to tip it; and if it were changed to a Burger King, he believes it would generate traffic from neighbors. He added he does not think it is just something people are driving by and decide to stop at; and there can be businesses there that will generate traffic that would not ordinarily be just coming and going east and west or north and south. He noted that is why he would like some kind of traffic study with the various types of businesses, to give the Board a better idea; if there needs to be another traffic signal there then it would have to be moved away from where that parcel is because it would be too close to Jordan Blass; the County would be looking at a significant amount of money; and he does not want that to happen just because the Board did not do its due diligence.

Mr. Moia stated he agrees they do not want to put a signal there either because it is a lot of costs to the developers as well as the portion the County would have to pay to meet the additional capacity that would be created; they normally do that so there is no money coming from the County; they are having just that issue now on a much bigger project; the developer is paying for all the turn lanes, the light, and they are just asking for impact fees so there is no blood anywhere; and he does not know what would happen here. He continued surely if they did not go for re-zoning on that property and they had 30 acres of PIP, they would have blown the road out and they would not have had to ask for permission to do that and they would have then just dealt with the consequences going through staff and providing whatever traffic improvements were required; all they are asking for is 10 percent back of just BU-1, not even PIP that they used to have, it could have been way more intense; and if the Board is not okay with that, then it can table it again. He went on to say the transportation engineer they are using is the one who used to be the traffic engineer for the County so he knows what he is doing; they can talk to Mr. Denninghoff and come up with something that makes sense and bring it to the Board in writing if that is what the Board wants; and he stated it is the first time he has ever done it that way, but he would be happy to do it.

Commissioner Smith stated that would make him feel a lot better.

Mr. Moia stated he does not know what will happen to Wickham Road if they do not build in the next five years; it could go to capacity in the next two years if something gets developed down the road; Wickham is something that is going to be dealt with regardless of this project or not; he does not think it is that inundated; however, they would be happy to do a report to see what would happen if they built today; and he thinks they would do some future projections to see at

September 6, 2018

what point it may or may not warrant a signal. He added they will try to come up with some uses; if there are some uses that warrant a signal then they will see if the applicant is willing to take that out and place it in a BDP that he will not do that use; and if that is what the Board wants then he would request the Board table this to give them time to do that or the Board could just approve it, which is what he really wants.

Attorney Bentley asked for two motions to separate this one.

There being no further comment or objections, the Board continued the request for a Small Scale Plan Amendment from RES 15 to CC by Vinings Palm Bay Investment, LLC, to the October 4, 2018, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.9., PUBLIC HEARING, RE: VININGS PALM BAY INVESTMENT, LLC (TOM CABRERIZO/BRUCE MOIA) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM RU-2-15 TO BU-1, AND REPLACEMENT OF AN EXISTING BDP (18PZ00059)

Chair Pritchett called for public hearing on a proposal by Vinings Palm Bay Investment, LLC, for a request to change the Zoning classification from RU-2-15 to BU-1 and for replacement of the existing BDP.

Erin Sterk, Interim Planning and Zoning Director, stated this proposal is for a change in Zoning classification from RU-2-15 to BU-1, and replacement of the existing BDP.

Commissioner Isnardi stated she hopes the Board applies the same amount of scrutiny because she thinks this is unfairly targeting the property owner and Mr. Moia because it has not done this much with any other people; and to say that one small business would warrant a traffic light, she would like to know what burden any other businesses that generate traffic on Wickham have as part of that. She reiterated she feels that is unfairly burdening them as if the Board were to say client A has to burden the cost of the traffic signal because they increased it just to where the County believes it is unsatisfactory.

Commissioner Smith stated he can answer that; this particular section of Wickham Road is unique in that it is really close to capacity, therefore, any one of many types of business could tilt that; then the County would incur an awful lot of expense to improve that area with turn lanes and signals; and that is why he is scrutinizing this one so much.

Commissioner Isnardi agreed with Commissioner Smith that Mr. Moia's client is the target of possibly tipping it; she would guess their traffic study may be a little different than the County's; if they are the guilty party of tipping it, they now have the entire burden of the traffic signal; and she does not understand how that is fair and equitable. She noted she just wanted that comment for the record because she does think it is unfairly burdening this client; and she commented maybe Mr. Moia's client has an idea of what he wants to do there to make this a little more agreeable for the rest of the Board.

Chair Pritchett stated she understands Commissioner Isnardi's point on that other than with the discussion last time, she wished Mr. Moia would have come to see her; it is almost to capacity

September 6, 2018

and there are other people who come along with suggestions to help make their process go through better; and she does not think this is untypical, other than maybe the traffic study. She continued this Board studies and takes each one separately; and she likes Mr. Moia and his projects so it is nothing personal against him.

Commissioner Tobia stated he would like to thank staff for this one; in the packet, staff had provided some alternatives to the developer; while he appreciates all the work they do, that is above and beyond and they do not get recognized enough; and he believes that it is the job of the developer to research alternative solutions. He added he wished the people would use the valuable experiences that staff provides them.

There being no further comments or objections, the Board continued the request for change in Zoning classification from RU-2-15 to BU-1 and replacement of the BDP to the October 4, 2018, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM H.10., FIRST PUBLIC HEARING, RE: GENERAL TOURIST COMMERCIAL TU-1 CODE REVISION TO ELIMINATE HOTEL DENSITY

Chair Pritchett called for public hearing for General Tourist Commercial TU-1 Code revision to eliminate hotel density.

Tad Calkins, Planning and Development Director, stated this is a request for the Board to conduct the first public hearing to approve revisions to Chapter 62, Article VI, Division 4, Subdivision 7, Section 62-1511, to remove the maximum density requirements in the General Tourist Commercial Zoning classification.

Dewey Freeman III stated this is an area along U.S. 1 in Micco; it is a pretty busy area to say the least; he lives in Summit Cove, right behind the development they want to put there; there are a lot of single-family homes, apartments, and a lot of children; what he is understanding is they want to take these three parcels and make them one to place a very large building, trying to get the limits for the southern end of the County like 36 to 38 feet; and in that area there is a lot of wildlife including Gopher turtles, rabbits, owls, eagles, etc. He added the power grid is really weak on the very southern end; as of right now there is an outdoor bar that has no buffer whatsoever; they are advertising to bring in motorcycles and whatnot; this is a really quiet community and now it is getting really loud; he is kind of fearful of what these people plan to do next; realistically his kids live there and he does not want to see these three parcels come together and become a giant building; and he noted the traffic is already bad enough there. He mentioned maybe a traffic study needs to be done there; this is right on U.S. 1 on the west side of the road; it is a beautiful area with a river view where he is at; and this would really hurt the community if they put this giant building in where there is no sewer for it. He went on to say he understands they are planning to add sewer but right now there is none and no capacity for it. He stated he wants the Board to know what is going on; he would at the very least like to see a traffic study done; and he wants his kids to have a nice, safe place to live.

Bonnie Shaw stated she is a new owner at Summit Cove and she was told at her last meeting that this meeting changed to October 4; she was planning to come on October 4 to support the

September 6, 2018

group because she does not want them to build a five story resort, she likes it just like it is; they had discussed at the meeting all the things that were changing and everyone was against all of it; they all signed papers and they were all going to come to the meeting; and she just received a call today from a neighbor asking her to bring her to tonight's meeting. She continued people signed a letter and she does not know if the Board received it or not; at the meeting she attended they had discussed the building of a five story motel and they wanted to place a driveway where their entrance is, which everybody is against; she was told at the meeting that there is supposed to be so many feet away from the entrance way of Summit Cove, which is hearsay, but they are right next to it, playing music all night long; if she had known she was coming tonight she would have taken pictures to show the Board; and she inquired if the Board had received the letter. She continued in the letter everyone is against the rezoning and about the noise, and the way of life; they play music late at night and there is nothing wrong with that except this is a community with children and a lot of retirees; and she admitted she does not know about official things or anything like that, but she does know no one wants this to happen because they like it the way it is.

Erin Sterk, Interim Planning and Zoning Manager, clarified that Items I and II are what both individuals are providing public comment on; those are both tabled to October 4; the proposal she is speaking about is just the change to a TU-1 Zoning classification which is across the County; and she thinks Ms. Shaw's public comment is better reserved for that particular Item.

Ms. Shaw inquired what the Board is doing today.

Chair Pritchett explained this is a County-wide Zoning change.

Ms. Shaw asked so the Board will not be changing the zoning for those three parcels coming together.

Chair Pritchett stated it could be in part of what is being done today; however, she believes what she is going to want to target in on are the Items that were tabled tonight to the October 4, 2018, meeting.

Ms. Shaw inquired if there is anywhere she could get a copy of what staff was reading off about the zoning.

Chair Pritchett asked Marsha to get with her.

Commissioner Isnardi explained this Item is related to it, but it does not re-zone anything and it does not change the property there; it is a County-wide thing that probably should not have been in place before, so the Board is correcting that; and there would not be any decisions made on those other items until October 4, 2018.

Commissioner Tobia stated this is a County-wide ordinance; it is just the first hearing on this one; if the October 4 date does not ameliorate, the Board is just pushing this along to another hearing; the next hearing on this one is September 18; and he noted if she looks over items one and two and has any questions, she still has the opportunity to come back on September 18.

There being no further comments or objections, the Board conducted the first public hearing for Code Revision to Chapter 62, Article VI, Zoning Regulations - TU-1 Hotel Density; and granted the Planning and Development Director permission to advertise for the second public hearing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM J.1., REQUEST FOR BOARD DIRECTION/EXECUTIVE SESSION, BREVARD COUNTY, FLORIDA VS. THE STATE OF FLORIDA, CASE NO. 05-2018-CA-018298

Eden Bentley, County Attorney, stated this is the request for Board direction for request for an Executive Session depending on the Board's desire in the case of Brevard County versus the State of Florida, Case No. 05-2018CA-018298; two options have been provided; the first option would be not to appeal the finding of the Trial Court; and the second option would be to request an Executive Session to discuss the appeal in more detail.

Chair Pritchett commented she thinks the Board has done its due diligence; she explained this was back when Mr. Knox was the County Attorney; she believes the prior Commission promised Blue Origin it would try to pay it all up front; she thinks this Board has satisfied that right now by doing what it needed to do and she is comfortable with not appealing the Trial Court Decision; and she thinks the Board should just move forward with letting the North Brevard Economic Zone (NBEDZ) make payments as they promised.

Commissioner Barfield noted he totally agrees with Chair Pritchett that the process of the Agreement was followed, and that it is now very clear, NBEDZ just need to make the payments.

The Board approved Option 1, to not appeal Order Denying Plaintiffs' Complaint for Bond Validation in the Case of Brevard County v. State of Florida, Case No. 05-2018-CA-018298.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM L.1., BOARD REPORT, RE: FRANK ABBATE, COUNTY MANAGER

Frank Abbate, County Manager, stated he is seeking Board authorization to continue with the submission with a grant application to the Florida Communities Trust Stan Mayfield Working Waterfronts Program for a Bluecrab Cove; they have Matt Culver with Boating and Waterways Program Coordinator there; this is a good grant and there is no required match; and it will be a significant enhancement to both property and construction for this effort. He advised Matt is in attendance if the Board has any questions.

The Board authorized staff to continue with the submission of a grant application to the Florida Community Trust Stan Mayfield Working Waterfront Program for Blue Crab Cove.

September 6, 2018

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM L.5., BOARD REPORT, RE: JOHN TOBIA, COMMISSIONER DISTRICT 3

Commissioner Tobia stated there was some discussion about Novus at the last meeting; he wanted the Board to know County Commission District 3 recognizes there are some minor problems with the software, however, speaking with his staff it is apparent with the County Manager's efforts to move forward with this new software saves his office about eight hours' worth of work per month; they noticed there could be some improvements which he believes IT could work out; and not only does this save time for his office, it also saves paper, ink and other supplies, so he hopes the Board does not throw the baby out with the bath water, not to account for all the time that staff has put in for training on all this.

Upon consensus of the Board, the meeting adjourned at 6:31 p.m.

ATTEST:



SCOTT ELLIS, CLERK



RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by Board 10/9/18