

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 5, 2018, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

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

Henry Minneboo announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, February 1, 2018, at 5:00 p.m.

APPROVAL OF JANUARY 8, 2018, MINUTES

Motion by Andy Barber, seconded by Rochelle Lawandales, to approve the minutes of January 8, 2018. The motion passed unanimously.

- IV.A. Change of Zoning Classification and Removal of BDP's, Re: EU to RR-1, and removal of two BDP's. Alex B. and Melissa Altman (Laura Minton Young). The property is 2.58 acres, located at 6555 N. U.S. 1, Melbourne (17PZ00152) (District 4)

P&Z Recommendation: Lawandales/Barber – Denied. The vote was 9:1, with Moia voting nay.

Laura Minton Young, Dean Mead Law Firm, 7380 Murrell Rd., Viera, stated she represents the Altman's, who have a little over 2.5 acres on the east side of U.S. 1, between the Pineda Causeway and Suntree Boulevard, and are currently zoned EU, but requesting RR-1. She added that they have accumulated a couple of lots that make up the 2.58 acres, and they deeded them as one lot with the Property Appraiser's Office, which is the reason for the removal of the BDPs because they limit the property to certain square footage, acreage, and home size, but that will all be taken care of with the rezoning. The main purpose of the rezoning is that they would like to have their daughter's pony on the property with them, but they have no intention of having a horse operation on the property. They plan to build a 10x10 shed close to U.S. 1 and their house for the horse, to try to alleviate some of the concerns from the neighbors. They have a large vegetative buffer to the north, and the location where the horse will be is not easily seen from the neighbor's to the south. She noted the change from EU to RR-1 is compatible with the surrounding area and the comprehensive plan; they are not changing any use of the property, the size of the home, or the setbacks; and all of the permitted uses in EU-1 are the same permitted uses in RR-1 with the exception of being allowed to have a horse on the property. She pointed out that the area is already a hodge podge of different zonings, with commercial to the north and west of U.S. 1, and there is also agricultural in the area. They are not part of an established neighborhood; there are established neighborhoods to the north and south, but this area is much more rural and has the acreage and a sufficient buffer, but they would be willing to create even more of a buffer. She stated one of the policies the board reviews is whether or not a zoning classification is or isn't compatible and if it is going to extremely harm the values of the surrounding properties, and they don't believe it will harm the value, and they don't believe it significantly changes the current use of the property, or what is permitted on the property.

Alex Altman, 6555 N. Hwy 1, Melbourne, stated they purchased their home as a foreclosure four years ago, and they fixed it up and improved property values. He said they want to be good neighbors, they hope the neighbors can be happy, and they're willing to do whatever is necessary to try to bring the neighbors on board. He noted they are over 400 feet from the Indian River, so there will not be any runoff.

Henry Minneboo stated there are letters of objections from neighbors, and asked if Mr. Altman has met with any of them. Mr. Altman replied he met with the neighbor to the south, but not the neighbor to the north.

Marisa Altman stated she has a horse named Mr. Dixie and it is too much work for them to go back and forth to the boarding facility, and it would be easier if he could be right outside her door, because right now she can only see him once a week.

Gerry Bieringer, 2711 Suzy Lane, stated he lives to the north of Mr. Altman, and he wrote one of the letters. He asked if there is any other residential area that has been rezoned or is zoned RR-1 between S.R. 192 and Pineda. He said from a health and resale standpoint he doesn't feel that it is to any of the neighbors' advantages.

Andy Barber asked Mr. Bieringer if there is there anything the applicants can do that would be satisfactory to him, such as screening. Mr. Bieringer replied no.

Sam Bockman, 6505 N. Hwy 1, Melbourne, stated he lives immediately to the south of the Altman's. He said in 2002 he and his wife developed six acres into four estate lots, and the Altman lot is one of those four lots. He stated in hindsight, the mistake he made was not putting restrictions and covenants on the lots. He believes that allowing a horse on the subject property would be a de-valuation of all contiguous properties. He noted the Altman's have other items on their property that covenants and restrictions would have prohibited, and he has not complained because he enjoys them as neighbors, but a horse barn is pushing the envelope, and he objects to the request.

Ms. Young stated the most valuable part of these properties is their sizes and the ability to put in landscape buffers and walls. She said she toured the property last week and could not see any of the horse area from Mr. Bockman's property, and she thinks some things could be done so that the neighbors would not even know there was a horse there. She asked the board to consider that the request is compatible with the comprehensive plan and the surrounding area.

Mr. Minneboo asked staff where is the first zoned parcel north, and the first one south, that allows horses. Erin Sterk replied the only property on the zoning map in the board's package that would permit a horse is the AU zoned property that is across U.S. 1. There is nothing in the vicinity that we've mapped, at least on the river side.

Motion by Rochelle Lawandales, seconded by Andy Barber, to deny the Change of Zoning Classification from EU to RR-1, removal of two BDP's. The motion passed 9:1, with Bruce Moia voting nay.

Rochelle Lawandales stated she has seen many home sites like this that can beautifully accommodate one or two horses, and do not devalue the property; however, she thinks this is an established neighborhood and an area where people bought into it thinking it was a certain way, and to change it now, she's not sure that creates a compatibility that she's comfortable with.

IV.B. Change of Zoning Classification, Re: RU-2-15 to BU-2, and removal of existing BDP. Southern Self Storage, LLC (Jake Wise). The property is 1.10 acres, located at 6 20th St., Cocoa Beach. (17PZ00148) (District 2)

P&Z Recommendation: Barber/Lawandales – Approved with a (BDP) Binding Development Plan.
The vote was unanimous.

Jake Wise, 2651 W. Eau Gallie Blvd., representing the applicant, stated they have spent a substantial amount of time with their neighbors. The subject property is a vacant lot in a transitional area and used to be a mobile

home park. It is directly across southbound A1A from another mini-storage facility, and it is actually owned by the same group; the facility across the street is three stories, and what his client is proposing for the subject property is a single-story facility. He noted they worked with both the River Falls Estates and Magnolia Bay HOA's, and they also reached out to the commercial property owners to the north, and everybody is in agreement with the proposed binding development plan.

Rochelle Lawandales asked about the architectural style and detail of the building. Mr. Wise replied the BDP limits the height of the structure, including a tower feature, and the roll-up doors will be on the north side of the building.

Mason Williams, 74 River Falls Drive, stated he represents the River Falls HOA. He said there were reservations about this becoming commercial property, but the HOA decided not to object to the request provided that the elements of the BDP were agreed to, and his only concern is that those elements of the BDP are acceptable to the County.

Jim Houston, 502 Jackson Ave., Cape Canaveral, stated he owns property two blocks to the north of the subject property, and asked what the developer plans to do along the riverfront.

Sal Bate, 2012 Julep Drive, Cocoa Beach, stated he is the President of the Magnolia Bay Management Association. The association held three meetings and do not oppose the request, as the outcome of the proposed BDP is suitable for Magnolia Bay and River Falls.

Mr. Wise stated in answer to Mr. Houston, the subject property does not abut the river.

Motion by Andy Barber, seconded by Rochelle Lawandales, to approve the Change of Zoning Classification from RU-2-15 to BU-2, and removal of existing BDP. The motion passed unanimously.

UPDATE

Erin Sterk advised the board that the County Commission directed staff to bring something to the board that addresses the drainage concerns about flooding on Merritt Island as it relates to the Donovan Homes item that was on the January agenda. Staff will provide a summary of the conditions that can be applied to certain properties.

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