

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 16, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4 Alt); Bruce Moia; (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Billy Prasad, Strategic Operations Manager; Paul Body, Senior Planner; and Jennifer Jones, Special Projects Coordinator.

Approval of the September 18, 2023, P&Z/LPA Minutes

Motion by Debbie Thomas, seconded by John Hopengarten, to approve the P&Z/LPA minutes of September 18, 2023. The motion passed unanimously.

Joseph Minnick

A change of zoning classification from GU (General Use) to RR-1 (Rural Residential). The property is 1.32 acres, located on the south side of April Lane, approx. 0.22 miles east of International Ave. (4055 April Lane, Mims) (23Z00064) (Tax Account 2001554) (District 1)

Joseph Minnick, 1968 Turpentine Road, Mims, stated he would like to rezone to RR-1 in order to be able to build a single-family residence.

No public comment.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from GU to RR-1. The motion passed unanimously.

FL and NC Investment Properties, LLC (Don & Janice Opatha)

A change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential). The property is 3.12 acres, located on the east side of War Eagle Blvd., approx. 0.36 mile south of Dairy Rd. (1225 War Eagle Blvd., Titusville) (23Z00066) (Tax Account 2106726) (District 1)

Don Opatha, 1225 War Eagle Boulevard, Titusville, stated he would like to rezone from residential to agriculture.

Public comment.

Jamie Lankford, 1315 War Eagle Boulevard, Titusville, stated she bought her property eight months ago knowing the area was zoned RR-1. She said if she had known someone was going to have AU at the back corner of her property she never would have bought it, especially with as many birds as the applicant wants, and the cages that are already on the property. She stated she works 10-hour shifts at the hospital and when she comes home she needs to mentally and physically wind down, and a large number of birds will prevent her from being able to do that. She noted she was also told by her realtor that AU would lower her property value.

Mr. Opatha stated under the Florida Right to Farm Act he can bring animals to the property, and he has had birds and animals on the property for the past two years. He said the reason he is asking to

rezone is to get agriculture benefits. He stated zoning does not stop him from having animals on the property because it is under the Farm Act.

Alex Esseesse stated generally, the Right to Farm Act is outlined under State Statute, and similar to agritourism-related activities, if there is a conflict between his ability to farm and local ordinances, the County is not allowed to apply ordinances to what he is trying to do on the property. He said that determination is through the Property Appraiser's Office, it's not through the County Attorney's Office nor through the Board of County Commissioners, it's a separate entity that makes that determination.

John Hopengarten asked if Mr. Opatha already has birds and cages on the property. Mr. Opatha replied yes, he has birds and there are some cages in the garage and in the house, but there are no cages outside yet. He noted he is building new cages in the backyard, but the animals are not outside yet. He stated he has had a permit from FWC since 2021, and although he bought the property in 2018, he could not get the permit because FWC only issues permits in the month of January.

Mr. Hopengarten asked if there is a barn on the property. Mr. Opatha replied yes, which is where the birds will be located. He added, no one can see the cages without going to his property.

Mr. Hopengarten asked if he is raising the birds to sell. Mr. Opatha replied yes. Mr. Hopengarten asked how many birds will be on the property. Mr. Opatha replied approximately 25 to 50 pairs of birds.

Ron Bartcher asked the size of the birds. Mr. Opatha replied they are larger parakeet species, but they are under 200 grams.

Ben Glover asked if the FWC permit overrides the use of the property. Mr. Ball replied it is his understanding the property still has to meet the zoning requirements for a specific use, and the RR-1 zoning does not allow for the sale of any kind of bird.

Mr. Glover asked if RR-1 allows horses. Mr. Ball replied yes, accessory to a principal structure and for personal use.

Mr. Bartcher asked how close his property is to school property, and if there is fencing between the two. Mr. Opatha replied the previous owner used hog wire fencing, and the birds will be approximately a half-mile from the school. He stated under the Right to Farm Act he can have the animals and ordinances don't apply, but the reason he's trying to get AU zoning is to get the benefits and be able to insure the birds.

Mr. Glover asked if Mr. Opatha said he was issued a permit by FWC after one year of owning the property. Mr. Opatha replied yes, the permit is how he can prove the animals and business sales have taken place for more than a year.

Bruce Moia stated the applicant has had the birds on the property and selling them since 2018, and there is no code enforcement action against him. He asked staff if he can have the birds but not sell them, and if there is a limit to how many birds he can have on the property under the current zoning. Mr. Ball replied birds are not allowed at all under the current zoning.

Mr. Moia asked if he could have and sell the birds under the AU zoning. Mr. Ball replied yes, but if the board recommends AU(L), he could only raise the birds on the property, not sell them.

Mr. Opatha stated under the Florida Statute he can have the animals and sell them even though it's residential zoning.

Mr. Glover stated if AU is approved it could turn into a much larger operation. Mr. Moia agreed and stated there would be no limit under AU.

Mr. Opatha stated under the Right to Farm Act he doesn't have a limit, and the only reason he needs AU zoning is for insurance purposes. If he decides to bring 1,000 animals onto the property tomorrow, he can do it under the Right to Farm Act.

Mark Wadsworth asked how many birds he has currently. Mr. Opatha replied he has approximately 50 pairs, but there could be more during breeding season. He stated he buys and sell birds, as well as small primates, and it is all covered under the FWC permit.

Mr. Hopengarten asked if he sells the birds from the property. Mr. Opatha replied he does not sell retail; he has brokers who sell to pet shops in Miami.

Motion by John Hopengarten to approve the change of zoning classification from RR-1 to AU.

Mr. Ball pointed out that the applicant said he has primates on the property, and primates would not be allowed in AU unless he has a Conditional Use Permit, which is a separate process from the zoning request.

Mr. Moia stated he would second the motion to approve because Mr. Opatha has been operating for four years and no one has complained.

Robert Sullivan asked if he has met with any of his neighbors, and if he is willing to limit what he can do on his property. He explained that the board can recommend approval with a BDP (Binding Development Plan) which would limit what he could do, such as limiting the number of birds, to satisfy the neighbors. He said it is not necessarily about the bird industry, it's about if he decides to raise pigs or anything else; a BDP would limit it to only the bird business. Mr. Opatha stated his plan is to only have birds and fruit trees.

Mr. Sullivan asked if he would agree to a BDP. Mr. Opatha replied he would agree to a BDP if he can get an agricultural exemption.

Mr. Wadsworth asked if Mr. Hopengarten would like to change his motion to include a BDP. Mr. Hopengarten replied no because the board doesn't know what will be in the BDP.

Brian Hodgers stated if he needs a CUP to have the primates, he will have to come back to the board because it is a separate application, and asked if the board could table the request.

Mr. Ball stated if the board recommends a BDP, staff can work with him to make sure he understands what a BDP does, but if the board is not comfortable without seeing the BDP first, it can continue the request to the next meeting.

Mr. Hodgers asked how many primates he has on the property. Mr. Opatha replied he doesn't have any primates right now, they are in North Carolina. Mr. Hodgers asked if he plans to bring the primates to the property in the future. Mr. Opatha replied yes, they are Class III primates. Mr.

Hodgers stated he will not be allowed to have primates on the property without a CUP, which means he will have to come back to the board. Mr. Opatha stated under the Right to Farm Act he doesn't need any permits, and he can bring the monkeys to the property tomorrow. He said he is only present today for insurance purposes.

Alex Esseesse clarified the determination of the Right to Farm Act rests with the Property Appraiser's Office, who will go out and determine what is a bona fide agricultural use, and there are also best management practices that need to be followed. He said zoning is local regulations, and if there is an agritourism-related activity, the State has said it would essentially pre-empt the County's ordinances from being applied, but until that determination is made by the Property Appraiser's Office, the zoning remains in place.

Mr. Hodgers asked if that is just for agritourism. Mr. Esseesse replied yes, in this particular case and for bona fide agricultural uses. He said it is determined under the same Statute, which is 193.461, and the Right to Farm Act and the agritourism statutes both revert back to that one.

Mr. Glover asked staff if he would be able to sell from the property. Mr. Ball replied not under the current zoning of RR-1.

Mr. Hodgers noted he's not technically selling from the property because he's taking them someplace else to be sold. Mr. Ball stated RR-1 does not allow birds of any kind.

Mr. Sullivan stated until the Property Appraiser's Office makes a determination, the zoning can be enforced.

Mr. Esseesse replied, that is correct. He said if there was a code enforcement action, staff would proceed and his defense would be that he has a determination by the Property Appraiser's Office, which means the County's codes do not apply to him.

Mr. Sullivan asked if he has applied through the Property Appraiser's Office. Mr. Opatha replied yes, but they can only issue an agricultural exemption permit once a year.

Mr. Glover asked if a permit has been issued to him by the Property Appraiser's Office. Mr. Opatha replied yes, it is under beekeeping, and that is what the birds are under. He added, the FWC takes over the Property Appraiser as well, and if there are any issues with the Property Appraiser, the FWC will handle with it.

Logan Luse stated he thinks of it the same as ornamental fish, and that's still farming. He said if he has gone through the Property Appraiser's Office and it's all under agricultural use, then he meets the law and now he just wants to insure his business and have rights to his property. He said he would agree with the rezoning without a BDP.

Motion by John Hopengarten, seconded by Logan Luse, to recommend approval of a change of zoning classification from RR-1 to AU. The motion passed 6:3, with Bartcher, Sullivan, and Glover voting nay.

Hope Episcopal Church, Inc. (Mike Burkhead/Gulfstream Towers)

A CUP (Conditional Use Permit) for Wireless Telecommunication Facilities and Broadcast Towers, in a PUD (Planned Unit Development) zoning classification. The property is 8.27 acres, located on the

west side of Interlachen Rd. approx. 440 ft. south of N. Wickham Rd. (190 Interlachen Rd., Melbourne) (Tax Account 2604194) (District 4)

Attorney Mary Solik, 121 S. Orange Avenue, Suite 1500, Orlando, representing the applicant, stated Gulfstream Towers proposes to erect a 120-foot monopole telecommunications tower on property currently developed with Christ Episcopal Church. The location of the tower will be in the northeast corner of the property. The subject property is surrounded by PUD zoning and commercial uses. Directly to the north is an FPL substation; to the east are three office buildings; and to the south are additional office buildings. The closest residential development is the Suntree neighborhood to the south. The parent tract of the property is part of the Suntree PUD and the Future Land Use designation is Community Commercial, so the property was always envisioned to have a commercial use. She said Gulfstream has met all performance criteria under the Code for towers, and is utilizing a mitigating design, which means all cables and antennas will be internal to the pole. She said the proposed tower will be outside of the 240-foot separation requirement from towers to residential structures. She concluded by saying County staff has determined Gulfstream meets the requirements of the code, and is consistent with the Comprehensive Plan, the general conditional use criteria, the specific criteria for towers, and the eight administrative criteria.

John Hopengarten asked the County's policy for spacing of towers from each other.

Ms. Solik replied the code requires demonstration that there are no existing structures within a mile of the tower that can be used as a co-location, and Gulfstream submitted that documentation to staff. She said staff reviewed it, as well as the outside consultant, and determined there are no structures within a mile of the proposed site that could be used to co-locate.

Mr. Hopengarten stated he read that the primary carrier, T-Mobile, is having problems with capacity on their other towers, and asked if T-Mobile could upgrade their existing towers to have more coverage for the increasing number of users.

Ms. Solik replied there is a limit to the amount of capacity on the antennas. She said T-Mobile does what they can to maximize the capacity of existing sites, but at some point they have to have a tower in between to offload, and Gulfstream submitted that offloading information and determined there is a capacity issue and the proposed tower is needed.

Mr. Hopengarten stated he noticed the frequencies do not include 5G, they only deal with 4G capacity, but everybody is moving to 5G, and asked why they are not going to have 5G, which is a stronger signal but is unproven technology as far as radiation to nearby residents.

Ms. Solik replied she cannot answer that question for T-Mobile, but the required information was provided and not questioned by the County's consultant.

Logan Luse stated there is a tower on church property in Palm Bay and the carrier put a cross on it, and there are similar towers in neighborhoods throughout the county.

Mr. Hopengarten stated because of the lack of 5G noted in the documentation, he doesn't feel comfortable with the request.

Public comment.

Doug Knight, 7667 N. Wickham Road, Unit 723, stated he is the Vice President of Cypress Cove Condominium Association, and has lived there for the last 15 years. One of the main attractions of Cypress Cove is that it is an established neighborhood with curb appeal. On one side of the corner of Interlachen Road and Wickham Road is Wells Fargo Bank and on the other side is Chase Bank, and then Publix, but after that is all residential. He said most people would believe a church is not commercial or industrial. He said the church is a nice addition the residential area, but he sees the tower as a detraction from that.

Peter Gardner, 7667 N. Wickham Road, Unit 1310, stated he is against the request is for a commercial enterprise in a residential neighborhood.

Marla Veit, 430 Carmel Drive, Melbourne, stated she bought a house in Suntree seven months ago, and she moved there for the serenity and the developed neighborhood.

Joseph Gurtta, 1060 Parkridge Place, Melbourne, stated it is his understanding that homes near cell towers have lower property values and he thinks most people would rather not live in proximity to a cell tower. He said the proposal would allow a private company to profit at the expense of the surrounding community, and lower property values would lower property taxes for the County. He stated the comment about 5G is a valid point because no one knows what's going there in the future. He said the attorney presented the area as primarily commercial, but Suntree is a large residential community with approximately 4,500 homes. On the other side of Suntree is the Baytree neighborhood, which is also a very large community, so there is a large number of residential homes that would be in close proximity to the tower.

Ms. Solik reiterated that the church property is part of a commercial tract within the Suntree PUD and it has been a commercial tract since the creation of the PUD. The code requires towers to be separated from residential structures by 240 feet and the proposed tower is over 600 feet from the closest residence. She stated most zoning codes do not regulate the impact of property values on uses; the County's Comprehensive Plan and Land Development Code addresses impact to property values but it very specifically limits the consideration of the impact to abutting properties. There is a 4.72-acre retention pond between the church property and residential homes. She said the tower will be placed on the northeast corner of the property as far away from any homes as possible, which also allows the onsite vegetation on the church property to help screen and buffer the view of the tower. She stated as far as health effects, this is not the first tower the board has heard, and the Telecom Act prevents the board from either approving or denying towers based on health effects, no matter the equipment the on the tower; the FCC has pre-empted the board on that issue and it's not part of the code. She added that none of the residents brought forth any specific evidence of what the viewshed would be from their sites to the tower.

Robert Sullivan asked if the tower is a for-profit commercial enterprise. Ms. Solik replied yes, there will be a lease with the church. She said the Property Appraiser's Office will tax the small area as a commercial use, and under the terms of the lease, her client will pay the taxes. She added that the church will benefit from the income from the tower.

Ben Glover stated he believes the additional load needed for the tower is coming from the growth in the area, which is probably not coming from the well-established communities of Suntree and Baytree, it's probably coming from Viera where there are more homes being built. He said he doesn't know if this is a good location considering Suntree has been there for a long time and been

functioning with internet and phone calls just fine. He stated he doesn't know if the residents of Suntree should be penalized by having a 120-foot tower in their neighborhood when they have been there for 20 years.

Debbie Thomas stated she agrees with Mr. Glover. She said property values are important and the Suntree area has been built for a very long time and should not be penalized because of the growth that has happened over and above the Baytree area.

Bruce Moia asked if there is anything in the Suntree PUD that allows or prohibits this type of use. Mr. Ball replied no, a CUP can be requested as part of the PUD zoning.

Mr. Moia asked if there needs to be a hearing from the Suntree Association. Mr. Ball replied there is no requirement for that to happen. Mr. Moia asked if the Suntree board has submitted a letter regarding the tower. Mr. Ball replied no, not that he is aware.

Brian Hodgers asked where the next nearest tower is located.

Ms. Solik replied from the County's consultant's report there are no towers within one mile. She stated there seems to be a concern from the board about the need of a tower outside of this community, but the cell signal does not travel that far. She said the need is because there is a lack of coverage in the Suntree area because of over-capacity, and part of the need for the tower is the travel along Wickham Road. She stated T-Mobile gave the traffic data to the consultant to demonstrate they have a need for an additional location in this area to handle the cell phone traffic. It's not traffic coming from a mile away, it's cell phone traffic in that specific area. She said people use cell phones and wireless devices more than ever; years ago, there might have been only two cell phones in a household, and now there are two or more, plus other devices and people working from home, so the demand is ever-increasing, and just because a community has been built for 30 years doesn't mean it's not driving greater traffic.

Mr. Glover asked if there are other towers in the area that can be leased.

Ms. Solik replied the proposed tower will be capable of supporting the needs of three other carriers in addition to T-Mobile. The applicant is required to demonstrate there is not a structure within one mile that can be used. The County's consultant did his own independent research and his report confirms there are no available structures in the area on which T-Mobile could co-locate. She added, the County's code allows towers in every zoning classification, up to certain heights, and 120 feet is the cap.

Motion by Ron Bartcher, seconded by Brian Hodgers, to recommend approval of a CUP for Wireless Telecommunication Facilities and Broadcast Towers, in a PUD zoning classification, with the following conditions: 1.) Applicant should provide final Construction Documents and Site Plans for review; 2.) Applicant should obtain, and provide proof of, NEPA and SHPO approvals for the new structure, prior to Building permit approval; 3.) Applicant should provide a Structural Analysis based on the final construction parameters with the monopole elevation at 120 feet, signed and sealed by a Florida Registered Professional Engineer prior to Building Permits; 4.) All antennas and equipment shall be mounted internally, with installation of aviation obstruction lights on the tower, dual-red lights at the mid-point and at the top of the tower. The motion passed 5:4, with Sullivan, Glover, Thomas, and Hopengarten voting nay.

Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight (Clayton Bennett)

A change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential). The property is 0.65 acres, located on the southwest corner of Miami Ave. and Arizona St. (2162 Arizona St., Melbourne; and 4215 Miami Ave., Melbourne) (23Z00074) (Tax Accounts 2863326 & 2801026)

Clayton Bennett, Bennett Engineering and Consulting, 4940 Ranchland Road, Melbourne, stated the subject property was once a combined parcel that met the zoning lot size requirements, but when it was subdivided approximately 20 years ago, the zoning wasn't consistent with the Future Land Use, so the owners would like to rezone to make it consistent. He added, rezoning from RU-1-9 to RU-1-11 will also make the lot sizes increase.

Public comment.

James Straight, 166 Alamera Drive, Palm Bay, stated he and his wife own both properties and they just want to be able to build a home.

Motion by Debbie Thomas, seconded by Logan Luse, to recommend approval of a change of zoning classification from RU-1-9 to RU-1-11. The motion passed unanimously.

Amendment to Chapter 62, Article I, Section 62-2, "Rules of construction and definitions", Brevard County Code of Ordinances, to add a definition of "Major Transit Stop", in order to comply with Chapter 2023-17, Laws of Florida (Live Local Act).

Billy Prasad, Strategic Operations Manager, stated the board continued this item from the September 18th meeting. At the last meeting, the board requested that each stop that would currently meet staff's proposed definition be mapped, and maps have been provided and attached to the agenda item. He said the issue of defining major transit stop is only for use in reducing parking requirements associated with affordable housing developments, as is required under the Live Local Act. The Live Local Act says the County, "shall consider reduced parking for those developments within a half-mile of a major transit stop that qualifies under the Live Local Act." It does not require the County to approve reduced parking in these circumstances, only to consider doing so. While the County already has procedures for obtaining reduced parking requirements, the way the Live Local Act was written requires the County to have this avenue as well. The County is required by law to have a definition of a Major Transit Stop; the question is what that definition should be. The board can either recommend moving forward with staff's proposed definition of Major Transit Stop, or recommend a different one to the Board of County Commissioners, which will consider the item at its October 24th meeting.

Robert Sullivan stated the proposed Major Transit Stop definition states, "that the major transit stop, or station, located at a point two or more transit routes or lines, or different modes of transportation", but what was presented looks like just bus stops. He asked if there are more than two modes of transportation coming to the locations.

Mr. Prasad replied the definition reads, "A major transit stop located at the meeting point of two or more transit routes or lines, or of different modes of transportation".

Mr. Sullivan stated the definition by FDOT says, "more than one travel mode including potential of four major highway modes, auto, truck, bicycle, transit, pedestrian, aviation, rail, and seaports".

Mr. Prasad stated for the purposes of this definition proposed by staff, it mostly contemplates buses because that's the mode of transit most used in Brevard County.

Mr. Sullivan asked if every bus stop can be a major transit stop, and stated a major transit stop is an intersection between two transits. Mr. Prasad replied it is a meeting point of two or more transit routes or lines, so yes, they are not all bus stops, but certain ones.

Mr. Sullivan stated adding the word 'intermodal' is confusing and makes it different from the Federal Highway Administration and FDOT, and asked if it can be a normal bus stop.

Terry Jordan, Transit Services Director, stated every bus stop will not be considered a major transit stop. As defined, a major transit stop is where two or more bus routes intersect or stop to allow for passengers to disembark and board the second vehicle; however, the hope is that if Brightline were to implement a station in Brevard County, that could be considered a major transit stop. If the county had rail or Greyhound, where it could co-mingle services, those are things that could potentially be major transit stops; however, for the purpose of this definition, the only mode of transportation currently in use in Brevard County is Space Coast Area Transit.

Mr. Sullivan stated yes, there is one transit and not intermodal. He asked if it is the hope of the County that there will be more intermodal. Mr. Jordan replied yes, that is the goal in working with staff from TPO and others.

Mr. Jordan stated as Mr. Prasad mentioned, the definition was needed for purpose of the Live Local Act, and staff crafted a definition directly from FDOT guidelines. He added, it does point to other modes of transportation, but it was specifically pulled for fixed routes.

John Hopengarten stated most of the maps staff put together are in unincorporated areas. He said he compiled a list of six spots where two different bus stop routes intersect, and asked if those can be added to the maps.

Mr. Jordan stated to the board that the language suggested by Mr. Hopengarten is, "any intersection of two major bus line routes". He said his concern with that is there may be a location where two routes cross at an intersection, but they may not be considered major transfer points because there might not be a lot of activity between the two routes. An example of one such location is at S.R. 520 and U.S. 1; the U.S. 1 route travels from Titusville, and the Route 4 travels from Cocoa Beach; that is a location where two routes cross; however, there is usually not a lot of connectivity there because both buses are going to the Cocoa terminal. He reiterated that staff's definition of major transit stop is primarily for the purpose of where passengers get off one bus and board another bus to continue to their destination.

Mr. Hopengarten stated the definition doesn't speak about activity, and he doesn't know if that criteria is valid. For example, one of the unincorporated areas shown on the maps is the Merritt Island mall, it's not an intersection of two routes, it's only one route and it's just a stop, but a lot of people would probably be using it. He said down the road, on S.R. 520 is the hospital, and that wasn't included. He stated since most of the maps are in incorporated areas, and the board really needs to deal only with the unincorporated areas, he would like to see more opportunities for developers to have these stops and be able to develop within a half-mile of them and get the parking reduction.

Mr. Prasad stated the board might wish to consider the stability of whatever definition it chooses; a huge fluctuation might be something the board would wish to avoid. He said it will have some changes over time as stops are added, but some level of stability might be something the board might wish to consider.

Bruce Moia stated he doesn't think the board is reading the definition correctly because it's not major stops, it's major transit stops. If SCAT is a major transit, all stops should be defined because a developer wouldn't build an affordable housing project that is not near a bus stop. They look at whether there is a bus stop, and they don't care if it is a large stop as long as it's there. He stated all bus stops should be applicable.

Mr. Sullivan stated considering Mr. Moia's definition, strike the word 'major' and just call it a 'transit stop'.

Mr. Moia stated he doesn't know if that gets to a definition, but it should be included as a major transit, and any stop that a major transit makes, it qualifies. He said all this is really doing is allowing them to be considered for parking reduction, so why not do the ones that are actually going to be affordable housing projects and give them the benefit of allowing them to have it at any bus stop.

Mr. Jordan stated Transit Services gets calls and requests outside of the unincorporated area for transit service whenever developers are considering projects.

Debbie Thomas stated she believes there are developers that need to make money in what they are building and the board wants to make sure every aspect of the community is represented. Not every developer is going to be able to make it affordable, there is a very small percentage that actually will be able to, but they should be given as many opportunities as possible to make it happen.

Tad Calkins, Planning and Development Director, stated the board is establishing a definition for the consideration of a parking reduction. He said there are already mechanisms in the code that allow for reductions in parking for affordable housing or other housing projects. The parking code takes those parking reductions into consideration. The locational criteria for the actual development itself, that has been established by statute, and it is not being discussed today.

Mr. Moia stated it make sense, because in affordable housing projects, some people don't have cars at all, which is why they need the bus, so if it doesn't make sense to have a requirement of two parking spaces for a unit that doesn't have a car.

Mr. Prasad stated the only reason why it's called a 'major transit stop' is because that is the language the Live Local Act uses. He said if the board defines a major transit stop as any bus stop, then staff will take that recommendation to the Board.

Motion by Bruce Moia, seconded by Logan Luse, to approve the Amendment to Chapter 62, Article I, Section 62-2, "Rules of construction and definitions", Brevard County Code of Ordinances, to add a definition of "Major Transit Stop", in order to comply with Chapter 2023-17, Laws of Florida (Live Local Act), as any bus stop qualifies as a major transit stop. The motion passed unanimously.

Upon consensus, the meeting adjourned at 4:23 PM.