

LOCAL PLANNING AGENCY (PLANNING AND ZONING BOARD) MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 25, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Assistant Director, Planning and Development; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, April 4, 2019, at 5:00 p.m.

Approval of the February 25, 2019, Minutes

Rochelle Lawandales – I'll move to approve the minutes, with discussion. For the record, Erin and I spoke after the last meeting and talked about how site-specific conditions work for the Comprehensive Plan, and that indeed that is done in the County as well as across the State. It is a tool that we do have in our toolbox when Comprehensive Plan amendments come before us.

Erin Sterk – What she's talking about is when we spoke about conditioning the Comprehensive Plan amendment on that 20 acres. Technically, we could do that through a text amendment by creating a Future Land Use designation specific to that property, and one example of that would be the Platt Ranch Mixed Use District, or Farmton, and I hadn't thought of it in that way at the time, but that's something we can do. I would question whether or not 20 acres is so unique that it needs its own Future Land Use designation, but that is a tool in your toolbox.

Peter Filiberto seconded the motion.

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

M&R United, Inc. (Carmine Ferraro):

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 13.27 acres, located on the west side of Grissom Parkway, between Cinnamon Fern Boulevard and Ranch Road. (No assigned address. In the Port Saint John area.) (18PZ00156) (District 1)

Erin Sterk – Since this request came in, they've amended the proposal from three lots to one. You all tabled it at your last meeting to have them have a community meeting, so he's changed the request. You also have a BDP (Binding Development Plan) in front of you reflecting some of the conditions, hoping to make the proposal compatible with the surrounding neighborhood.

Carmine Ferraro – Carmine Ferraro, Carmel Development, 3860 Curtis Boulevard, Port Saint John, and I'm here on behalf of the applicant. We did have the meeting tabled, and what I'd like to do is a quick overview of everything we've done so far to date. Right after the meeting we were asked to stay close and talk with the residents, and we did meet in the hallway. I explained the process and shared my contact information. On February 19th we were invited by one of the resident's, who was organizing a meeting regarding the application, and we were invited to come speak at the Port Saint

John Community Center, which I attended. The idea there was to convey the intent of the developer. I also was interested in going row by row, seat by seat, and there were 70 or so people there. We went to each individual and asked them their concerns. We took each of those concerns and wrote them down and grouped them into several categories, such as traffic, stormwater, lighting, remaining lots, property values, impact from businesses, security, and safety. The feeling in the room was that there was a lot of concern as to how the development was going forward. We told the group that we would like some time to take the input, go back to the owner and engineer to see if we could develop a concept plan or a strategy to come forward that helps address some, if not all, of these concerns. We were prepared to do that, and we held our meeting on March 13th at 6:00 p.m. at the Port Saint John Library. We noticed and mailed to all residents within 500 feet, the same radius that gets the zoning notifications, and we also had additional people between the time we met the first time out in the hallway to that night that had already contacted us and wanted information shared with them. At that meeting I addressed and corrected some social media postings comments to make sure the record was clear regarding who owned what and who was doing what. I just wanted that on the record. We also gave an update on where the developer was in the process. We made it very clear, respectfully, that the owner's intent was to develop self-storage and that the owner is able to do that within the BU-1 (General Retail Commercial) zoning classification as long as it meets the additional conditions that BU-1 requires for doing it, and that the owner also wants to add outdoor parking for recreational vehicles and watercraft, and in doing that it is restricted in BU-1 that that type of parking could not be adjacent to a residential lot. We also wanted to let people know that as we were trying to see if we could work something out under the current zoning classification we shared a chart which shows 30 or so uses that are currently permitted under BU-1 with no special or additional conditions. What we wanted to communicate as much as we could was that we felt like the impact from a residential self-storage facility would be one of the lesser impact uses that could occur there. We wanted to share that with the residents so they understood, because we were hearing people tell us they didn't want anything there, and I wanted to make it clear that something was going to go there, and that the intent of this owner was for it to be a self-storage facility. We came up with two concepts that you have in your package, and you can see that we tried to look at ways that we could address concerns and also still have a viable business. We have a very unique situation that doesn't exist. I've talked about this a few times and I want to get it on the record that in this type of a business, this business does not need a lot of visibility, so we have an opportunity to meet the residents' concerns and goals, which is what we're doing in the BDP (Binding Development Plan), because this is a destination location and it needs to be in a residential neighborhood that serves the area. It's not like a retail store or restaurant that has to have all the trees removed and have big signs, and be very visible. This gave us an opportunity to come forward with these kinds of concepts and draft the BDP. On page 1 of the BDP, what we're further asking is, because we're just looking to do the self-storage, we are willing to restrict it to self-storage only, so if you approve the BU-2 (Retail, Warehousing, and Wholesale Commercial) it will only be self-storage and it will never be anything else, and it will also have the ability to do the outdoor recreational vehicles and watercraft. We are putting this in there in hopes that it helps to not create future precedence because we're not looking to turn a BU-1 tract into BU-2 and then sell it and then the guy who buys it doesn't want to do a storage facility anymore and he puts up a shopping center, or something else he can do in BU-2. Numbers 2 through 10 of the BDP were copied word for word from the BU-1 code of additional conditions. We had no problem with any of those, they all made perfect sense and we wanted to keep them in there. Number 11 is where we got creative and took the landscaping, screening, and berming language and added some additional language, specifically in the middle we added, "Including residences located on the south side of Ranch Road, the east side of Grissom Parkway." The landscape buffer and screening strip shall be completely opaque to a height that is sufficient in order that the building shall not be visible from

ground level, standing in the driveway or yard of any of the aforementioned residences. The only exception to this requirement will be the entrance driveways on Ranch Road on Grissom Parkway. In no event shall the vegetative buffer, existing trees, and undergrowth be less than 20 feet, if existing. Fencing shall only be placed on the inside portion of the property behind the vegetative buffer". One gentleman had said he didn't want to see it, so I took it back to the owner and asked if it could be done to where people do not see it. It will just be trees and fencing with green colored slats that match the tree line, and no one will see it, and they were agreeable to that. In exchange for that we're asking that we be able to build it as a straight metal building. Under the BU-1 (General Retail Commercial) there are restrictions about what metal can be used, and there are windows that have to go in, as well as facades and all different kinds of changes to the architecture to make it look more like it belongs next to a house, which makes perfect sense if it's going to be visible, but if it's not visible, what we're asking in exchange for these additional conditions that we're going to put on the land is that we can build it out of metal and that we can use the chain link fence with colored slats blending with vegetation, and it shall be permitted on the inside portion of the landscape buffer. We did remove one the items in BU-1 that we didn't put in this one, and it was restricting the property to 40% of building coverage. Not knowing how this is going to turn out with all these additional conditions we may be 41% or 42%. We did not want that to be a factor. It's five acres, so we believe we can easily put 40,000 square feet of self-storage, a little bit of outdoor parking, the retention, and cover it completely. If it is a concern for the board we will put it back in there, but we'd ask that we can have some latitude in that, if it's 41% or 42%, that we might be able to get a 5% variance. Finally, what we did to be as transparent as possible is make sure we were keeping in contact with the residents that are directly in the immediate impact of this, on the Ranch Road side and Grissom Parkway side, and behind the property in Cypress Woods, we mailed out a letter to each resident so they would be aware of what were presenting, that a meeting was occurring and that we were trying to see if we could get their support. I'm going to reserve any time I have left for my closing.

Rochelle Lawandales – I just want to be clear about a couple of items in the BDP (Binding Development Plan). There will be no BU-1 uses allowed, in addition to the one BU-2 (Retail, Warehousing, and Wholesale Commercial) use that you're getting, and that's the only use that is allowed?

Carmine Ferraro – The only use that will be permissible will be self-storage with outdoor parking, nothing else.

Rochelle Lawandales – There is a requirement in Number 10, minimum lot size, and that generally refers to what you're starting out with, which is 5 acres. Do you intend to subdivide it, or are these going to be separate ownerships? In other words, I don't know that you need that requirement in there.

Carmine Ferraro – The intent is to develop the entire 5 acres for the storage facility.

Rochelle Lawandales – To me, that's kind of superfluous. Can you explain in Number 11 what you mean by the buffer, that the trees and undergrowth be less than 20 feet if existing.

Carmine Ferraro – We've done a very preliminary kind of study on the property so far, a little bit of soil borings and survey work; we've done no type of tree count or anything like that. It's a very wooded area, so we believe it's sufficient tree and undergrowth canopy to make the 20 feet, but we don't want to be dinged if it's 18 feet. We believe it's there. Any deficiency in tree line will be covered by a fence,

and that's the way we've explained it to the residents. You can see between some of those trees, and all you're going to see are green colored slats that match the vegetative canopy to a height that is above the buildings and you will not be able to see the buildings or the outdoor parking from your homes.

Rochelle Lawandales – By putting this paragraph in the BDP (Binding Development Plan), is the intent that this would supersede the County's general landscape requirement?

Erin Sterk – You don't have it, because we're just working on it, but because of the change in proposal we had to go back to Natural Resources to have them review the language to ensure that it wasn't perceived as a waiver to the code. They have some specific concerns about – I don't know how you want to word this – that it should refer to Section 62-4342 for landscape buffers, to allow for that process to take place, the evaluation of the intent of this, but that the minimum code requirements be met as well. Second, with the fencing being the height of the buildings, if they're above the 6 or 8 feet that the code allows for, you would need a variance to pursue that height. I'm not sure if we've boxed ourselves into a corner with that. I'm going to have to pull up the code real quick and find out what the flexibility is on that.

Rebecca Ragain – In addition to that, the site plan code requires a minimum 6-foot block wall adjacent to residential zoning, so that can't be waived by the BDP.

Rochelle Lawandales – In terms of the lot coverage, I think you'll be governed by whatever the BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification says that you'll have to be, whether it's 40% or 70%, or whatever that is you'll have to meet that code, along with whatever stormwater permits. Are you asking this board to pick one or two, or have you decided on one, or did the community give you any input on either of those?

Carmine Ferraro – That was as of the March 13th meeting and that's as far as we've gone with the concept. We have a little bit of a challenge ahead of us to make this work. We need to explore further what the canopy looks like, we need to determine the best place to put the pond in terms of good engineering. The developer, under the BDP, will be able to save a little bit of money, so he's going to value an engineer to the extent that he meets all of the requirements of the BDP, so we're in the beginning stages of what we have promised to do, and we will share with any resident that wants the site plans along the way. I've got good email communication with people and they have a social media site that they can share things on. We'll be as transparent as we can, but we're not even in site planning yet.

Ron Bartcher – You haven't picked one plan over the other yet, right?

Carmine Ferraro – Correct.

Ron Bartcher – In both plans, on the north driveway, there's an area marked HC, and it looks like parking for five or so, is that what that is?

Carmine Ferraro – Yes, outdoor recreational vehicle and watercraft.

Ron Bartcher – You also have an area of wetlands that's marked as future outdoor parking.

Carmine Ferraro – What will happen is, because this was originally all three lots and it was going to be easier to make some choices, and now since it's all just one lot they will have to mitigate the wetlands and go through the mitigation process in order to be able to utilize that area. We don't know if it's going to be better served to put the pond in the front, the back, or the side, but that's going to be an engineering decision and then we'll go from there to determine where the parking can go. It's going to be limited parking, but it's going to be in either the front or the back.

Ron Bartcher – You're thinking you might develop that wetlands as a retention pond?

Carmine Ferraro – Yes, possibly.

Ron Bartcher – You also said you haven't done a tree survey, so you don't really know what kind of trees? I noticed you had some trees marked on there, but in the area that's going to be developed where the building is there's no identification of any trees.

Carmine Ferraro – At this stage, no, we have to do the full tree survey as we go through site planning. We did one pre-con meeting to get our bearings, but we haven't submitted an application yet.

Ron Bartcher – I was just wondering if it made any difference in your plan to preserve as many of those specimen trees as you could.

Carmine Ferraro – I would imagine that with this thing having canopy on three sides, I think that's very doable because there's going to be a large canopy of existing vegetation and undergrowth on all three sides of the property, on the west side, the south side, and on the east side.

Ron Bartcher – The regulations specifically address trees 24 inches in diameter, and I noticed only one tree that was identified in your preliminary plan as meeting that requirement, but there are a lot of trees on there.

Carmine Ferraro – It is a very wooded area.

Ron Bartcher – Do you have any intention of storing anything other than recreational vehicles?

Carmine Ferraro – The outdoor parking is going to be recreational vehicles and watercraft. We didn't say boats because we wanted to be able to include Ski-Do's and the water jets and those things, so it will be watercraft and recreational vehicles only.

Ron Bartcher – And you don't expect there to be any 18-wheelers stored there?

Carmine Ferraro – No, that won't be permitted; it's not permitted under the code, or under the BDP (Binding Development Plan).

Peter Filiberto – You're saying the building is going to be metal, but there's not going to be any modular units on the property?

Carmine Ferraro – Like you would find at a school?

Peter Filiberto – Correct.

Carmine Ferraro – No, just the recreational vehicles and the watercraft.

Peter Filiberto – And I trust that the metal building will be up to code in case a hurricane comes through?

Henry Minneboo – Yes, I can guarantee you that's going to be to code.

Peter Filiberto – This fencing and landscaping sounds beautiful, but is there going to be barbed wire on it?

Carmine Ferraro – Some storage facilities have that. I think the canopy and a potentially 14-foot fence is going to be good enough of a deterrent. I don't anticipate them putting any kind of barbed wire on it. In today's industry, self-storage is different in terms of surveillance. There's going to be 24-hour infrared surveillance throughout this property, and through wi-fi it will be on anyone's cell phone if they want, so there's constant eyes on the property.

Public Comment:

Linda Donahoe – My name is Linda Donahoe, I'm the President of the Cypress Woods Homeowners Association. I'm not speaking for the entire association, I've just got general opinions of the community, and some are for it and some are against it. A lot of it is going to depend on the buffer, the noise, and how it's going to affect our community. We're three lots over, and they own all three lots, and our main entrance is one-way, in and out, so we're concerned with this traveling over to our main entrance. We also have homes that are going to be backed up to this that are worried about noise, worried about sight, and we're also worried about our home values, and if it's going to detract on our home value or not. What I'm hearing from the gentleman, it sounds like there's a whole lot of "ifs" out there still. Maybe the trees are there, maybe the trees aren't there, and maybe there will be a 20-foot buffer, and maybe there won't be a 20-foot buffer. I think that we're ahead of the game and shouldn't be at this point just yet.

Jeff Mascia – I'm Jeff Mascia, I live across the street from this project, at 7350 Grissom Parkway. I have no idea how this property was even zoned business to begin with. It's sandwiched between two residential communities, and it doesn't make any sense unless you're an investor and bought property cheap, then houses got built around it, and now you have really good commercial property. I don't think anybody really wants to live next to a storage facility; I don't. I don't know what kind of choices we have. I'm trying to work with Carmine, but I don't want to see it. I live right next to it, and when I'm sitting in my pool this is what I have to look at. For the last 20 years it has been woods. I never would have thought that was commercial property. Maybe 30 years ago Port Saint John was a different place, and when you sent out that letter to everyone within 500 feet, Uncle Buck was probably the only guy there. Now there's houses there. It really doesn't make any sense at all that it's zoned commercial, but we are trying to work with Carmine, since it is what it is. I'd like to see it go back to residential. I'd like to have neighbors that you can borrow a cup of sugar from, like these people in Viera. I don't think you'd want a storage facility or a 7-Eleven popping up in your backyard. That is something I'd like to see dealt with first. I would like to work with Carmine, and if we don't see it, if we don't hear it, and it doesn't affect our lives, maybe we can work with it. The whole thing is, I don't want to talk about a fence with nice green slats; I don't want to see it. If it's behind enough trees and enough dirt, then I don't care what kind of fence they put up, I just don't want to see it. They own the whole 13-acre lot, and they have enough property that they could bury this thing inside there and nobody would see it. They might have to use a little bit more of their land, but they already have it, so they wouldn't have to go out and buy it. Maybe they should put it in the middle and then nobody

would know about it. If you drive by there, you'll see what I mean, that this property never should have been zoned commercial, or the houses around it shouldn't have been sold. You don't put a commercial piece of property in the middle of a residential neighborhood. North of the Shell station they are building a bunch of commercial property and all kinds of junk, and that's fine, it should stay up there. South of the Shell, it's houses when you roll into Port Saint John. It's one of the last little communities around here. There are a lot of people who bought property a long time ago and they are sitting on property they would love to see zoned commercial because there's not a lot of it. You ride down Dixon Boulevard, and who would want to live there? This is a residential community, and it should really be looked at as to what's really going on over here. You guys should take a ride down there before you make any type of decision. You guys are our protection, you know how the law is going to be written. We know layman's terms, but we don't want to get sandbagged or something in the wording that says we signed off on it and said it was okay. You guys need to protect us with what you would want next to your house.

Jose Hernandez – My name is Jose Hernandez, 5070 Everett Street. I agree with Jeff on everything he said. When I bought my house I went through the Veterans Administration to get the loan. I moved there from Orlando because I was uncomfortable and I didn't come back from a war to be uncomfortable. I wanted to find a place where I have peace, and Port Saint John has given me peace. To see that they are going to build a storage facility in the back of my home, and I was telling the gentleman today that I would think it would be nice if they put some roads back there and they pave it, but I don't want to see a storage facility in the back of my home, either. What I paid for my house is not going to be nearly enough if I want to sell it now because they're going to build storage, and I'm not going to get that back.

Chelsea Partridge – Good afternoon, my name is Chelsea Partridge, I'm a new homeowner in Port Saint John, and I live 6731 Opal Avenue. Like many of the homeowners here, I'm not directly affected by where this is, and it will not be seen by my property, but I do have concern about the precedent that this rezoning might set. I've driven around Port Saint John, and I'm not familiar with the other zoning classifications of the undeveloped land, but there are pockets of undeveloped land and I worry that if this rezoning goes through all of those areas of land might be open for possible rezoning as well. That precedent is something that I'm a little uncomfortable with, and I also echo what everyone else has said about the effect on property values and things like that, that this could have. Really, a deep concern of mine would be the potential precedent that this would set.

Chris Clemens – Chris Clemens 5522 Yaupon Holly, and I'm a member of the Cypress Woods Community. I've been involved in trying to get copies of the information disseminated to our community, and your office has been helpful in trying to get the information out. Just as a homeowner in Cypress Woods, I feel that it would be detrimental to our properties, and I feel that even though they have come up with these two plans, there's still a lot of unanswered questions, which I think this gentleman was trying to look into or ask questions about the wetlands. Also, the arterial road, which Grissom Parkway is, and whether or not the capacity for this type of facility, and a traffic study. It all seems like a nice plan, but there's still impact that hasn't been looked at, and I don't know where that comes along in the process. There's a crossing guard on Grissom Parkway. A lot of us did not know that this was zoned commercial, which I guess is our fault because we've lived there since 2006, and I guess it's been zoned commercial for years, but it is plunked right in the middle of residential. That is my opinion that going to BU-2 (Retail, Warehousing, and Wholesale Commercial) is not what the community needs.

Carmine Ferraro – Let me briefly address some of the comments. Regarding noise, there are ordinances in place and rules that are already in place for how that's governed, lighting and noise. We'll comply with all of that, and the business owner will have to comply with that. The property was rezoned in 1997 and pre-dates my owner's purchase of the property. Regarding the comment about using all of the land, although it might make sense to do something like that – the total purchase price for that land was a little over \$1 million – to utilize more land than you need for the facility you need to build is a good way not to be in the development business for a very long time, so you need to realistically weigh how much land you can use for development so that it can achieve its goals and at the same time hopefully make some money for its intended purpose. It's not feasible using more than we have to, and using five acres for a facility of that size is – it can be done on less land, but we felt comfortable dedicating the entire five acres to it, which is the southern lot. Regarding the comment about precedent, that was one I brought up, but if you were to approve this and the County were to approve it and it were to become part of the approval record, and another developer wanted to stand in front of the boards at a future date and say they are going to build something commercial that will have no visibility from the roads at all, I don't think that's creating a precedent that you would have to worry about. If it was just rezoning from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), to be able to do whatever you want, I don't know if I could stand before you – I live in Port Saint John, it's a community I've been involved in for years, and I think it would be a horrible idea. I believe we've given you the right kind of tools to be able to make sure that it's not going to create a bad precedent for you in the future. Regarding unanswered questions, it's a very good point. In this process, as everybody knows, this is the first step. Developers sometimes spend a lot of money and never achieve what they've intended; they can go through the entire process, go through site planning, and never put a shovel in the ground. It costs more and more money as you go through the process, and it gets more and more risky. What we're saying is we're going to commit ourselves right now today to this box, and if we can't make it work in a site plan, if we can't make it work properly for what they want to do, then they're not going to build it, but they will have spent the money. We're putting that trust up front in saying that however it's going to end up in a site plan, it's going to meet this criteria, and we're hoping that's sufficient to put that trust forward. As far as low-impact versus mid-impact and high-impact, of all the uses that could be considered here, we believe this is one of the more low-impact uses. It's unrealistic to think the property would remain vacant and never be developed. I've shown you that the BU-1 zoning allows for more uses today that are far more impactful to the residential area and that can be developed with no public meetings and no board actions. My client can build a self-storage facility providing it adheres to the conditions of BU-1 with no public meeting and no board actions. My client desires to add outdoor parking for recreational vehicles and watercraft without the condition of BU-1 with it being located next to a residential lot. All these additional conditions will cost and add money to the development, so in exchange for approving the zoning to BU-2 with this BDP (Binding Development Plan), we would ask that you give that consideration and approve it.

Mark Wadsworth – The reason you want to go to BU-2 is just for outside parking?

Carmine Ferraro – It started out that way, but as staff pointed out to us, the process to develop self-storage in BU-1 – because the buildings can't be metal – the code talks about windows, breaks in the line of facades, changes to the architecture that make it look less and less like a storage facility. It would cost a lot more money to do that, so we felt like if it can't be seen and we give these assurances, we'd like to just build it in the cheaper fashion, which would be a standard metal building.

Mark Wadsworth – In the BU-2 zoning?

Carmine Ferraro – That we would be permitted to do that in BU-2 (Retail, Warehousing, and Wholesale Commercial).

Erin Sterk – The BU-1 (General Retail Commercial) zoning classification has criteria for basically sheathing the outside of a metal building, but unfortunately, in the Permitted with Conditions section for self-storage and mini-warehouse use, the conditions in there say you can't do metal buildings at all, even if you wanted to build them with all the sheathing, for that particular use in BU-1, the code doesn't allow for it at all. In order to build a metal building, only in BU-2 would that be allowed for that use.

Carmine Ferraro – It also addresses roofing and facades. It's quite involved.

Dane Theodore – I was a little confused about the 6-foot masonry wall requirement. Could you clarify that? Are you asking for a waiver from that?

Erin Sterk – First of all, going to the requirements for fencing in general, the code says no fence or wall on any property shall exceed 6 feet in height in residential zoning classifications, or 8 feet in commercial, or 10 feet in height in commercial where located adjacent in a residential zoning classification. They couldn't go above 10 feet unless this BDP (Binding Development Plan) called for 12 feet. You will recall that recently you had the 12-foot fence come forward in a BDP and it allowed for you to include conditions that they would put trees in front of the fence, so they got to do the fence that the facility and they screened it, essentially. You could give them the allowance for the 12-foot wall here in a BDP that would eliminate the need for them to go to the Board of Adjustment for a variance to get that additional fence height. But if we're talking about 17 feet, or whatever it is, that's going to be a Board of Adjustment thing, and this BDP couldn't obligate them to that; only the variance would allow for that. Then, it gets into the wall provision, which is the Land Development code requirements, which is when adjacent to residential a masonry wall is required. The same limitations on the height would be applicable, but it would have to be a wall adjacent to residential, which in this place is just the west side of the property. There are houses separated by the roadway, but that's not adjacent to. When we're talking about what this board is asking of the applicant for the surrounding community, I'm telling you our code would necessitate a wall to the west side.

Dane Theodore – Just to clarify, that is a masonry wall that would be, whatever it needs to be, to screen it, correct?

Erin Sterk – It would be up to 10 feet is what the code would allow for, but it's required to be 6 feet.

Dane Theodore – That would supersede the BDP which talks about a slatted fence, correct?

Erin Sterk – Right.

Carmine Ferraro – Is it possible that by the time we go before the County Commission, or if we had to table the County for the next meeting, could we work all that out so that the BDP becomes the governing document, and then whatever we need to add or take out of it, because I don't think the owner's intent is to build a wall, put up a fence, and maintain the vegetative buffer. I wasn't aware that there might be some other requirements, such as the Board of Adjustment that we might have to go through.

Erin Sterk – Folks typically apply for the variance at the same time and they can get to the Board of Adjustment quicker, so it's something that we can table to let the item to go through that process. Is the wall requirement waivable?

Rebecca Ragain – That would be a waiver to the Board of County Commissioners to the site plan code. It's a waiver, not a variance.

Erin Sterk – To go from a block wall to a fence, but the height limitation, if above 12 feet, would need to go to the Board of Adjustment.

Rochelle Lawandales – Your owner owns all three parcels?

Carmine Ferraro – Correct.

Rochelle Lawandales – Why was this particular piece selected for this use?

Carmine Ferraro – That particular piece was selected because during the very early stages of the engineering it was going to work best to create the turnaround that a fire truck would need, or other large vehicles would need, to get in and out of the property without having to come in and out of the same entrance. We were told we'd need a second entrance and it made sense, understanding that they knew they have to improve Ranch Road, and they understood that and they are going to pave Ranch Road up to that point; thereby, creating a better traffic flow for that type of vehicle.

Rochelle Lawandales – As opposed to doing the same kind of U or circle.

Carmine Ferraro – Yes, a U around the building, which with the turning radiuses it seemed to make better sense. There may be the occasional large truck that drops off a houseful of furniture and we don't want them to get stuck. This was originally looked at for either the north corner or the south corner, and they elected the south corner.

Rochelle Lawandales – It seems to me that you would have a little bit better separation distance if you did use either of the top two lots, and you wouldn't abutting lots 12 and 13. I want to make sure that with the landscape requirements that we all understand that they have to meet the code, and there are extra landscape requirements and buffering requirements, Type A, B, C, between these kinds of uses and residential properties.

Erin Sterk – It would be helpful if we included a clarification in there that's subject to Section 62-4342.

Rochelle Lawandales – That may not be something that you're willing to do, but I believe that the requirements for the type of buffers needed between these kinds of uses is more appropriate than what's being submitted here.

Erin Sterk – I think some of the concern I heard was that if there's berming proposed and there's a specimen tree in an area that's to be bermed and we've committed to berm it and we kill a tree just to put a, you know, that we would want to have the authority to be flexible in that review.

Rochelle Lawandales – I would hope that you do have the authority to be flexible in those cases. I would really like to see the stormwater in the back, as a buffer, if this is going to be approved. I think from a design standpoint that makes the most sense to further the distance of sound and noise, which

I don't think this is going to be a noisy environment, but I think that that aids in providing better protection for the residents. I'm not going to sit here and design your project, but I'm going to tell you that my vote on this would be that you meet the landscape requirements, that the stormwater pond goes in the rear, if you're going to use this lot, and that you're not allowed to use a metal building. I think if you were developing under the BU-1 (General Retail Commercial) it would be a nice looking building that would fit better with the community. I think doing a metal building here in this location could have an effect on the ability of other commercial uses, and the other two lots. If you were coming in as BU-1 it would be a nice site-built concrete block, stone, modern looking facility. If you were willing to do that, a nice Mr. Stor-it, as an example, that kind of a building, I would have less of a problem.

Carmine Ferraro – In regards to the pond, if it's doable to put it in the back then I'll ask the owner to do that. It's a wet pond and wet ponds are a little smaller than dry ponds, so it's going to dictate what the soil says, but I think he put it in the back as one of his concepts because he felt like it was doable. As far as the BU-1, if we do go forward under BU-1 it's going to be visible from some sides of the property, so I do think this is better because I think under BU-1, the way we interpreted the code, the only lot that would be defined as adjacent with the lot line would be the west lot line. The residents made it very clear to me, who live on Ranch Road, they feel they are adjacent, and Grissom is adjacent as well, even though maybe technically they're not.

Rochelle Lawandales – If it's to be done under a BDP (Binding Development Plan), under the BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning, these are things that I would change.

Carmine Ferraro – Okay, I understand, I think we can take those in, yes. What I'd like to do, when we get in front of the County Commission, I'd like to have everything all sown up, and the BDP, and we can address what waivers we may or may not need, and have it all presented nicely, and hopefully at that point we will have answers on some of the concepts, and maybe bring our concept forward at that meeting. If we have to table for 30 days we will.

Henry Minneboo – I'd rather you table it at that level than here, because all these people came here, so I don't want to bring them back two or three times.

Carmine Ferraro – I'm talking about the County Commission meeting coming up. If we need a little more time, and it sounds like the board is saying you'd like the answers to some of those questions.

Henry Minneboo – Erin, give me some of the crazy things under BU-1 that they can do.

Erin Sterk – Crazy, to me, there's a lot of things perceived by a community to not be compatible, but craze to me is an impact on the infrastructure that could mean that the road cannot serve the property, or the level of service challenges. What we found is that in BU-1 the two uses that generate a lot of trips, which are developed nearby in BU-1, is a gas station and a fast foot restaurant. Those two high-intensity trip generators are going away with this proposal. I don't know that there would be another gas station that would come in three lots down from the other gas station, but there is one in BU-1 right there, so that is something that could show up. There are some other things, like auto repair and stuff like that. Anything like auto repair would be very noisy.

Henry Minneboo – The property north of this, it is four-lane, but isn't it commercial on both sides? There's about 7,000 lineal feet north of what I'll call the power transmission line, there's commercial on both sides. Look at your map and see if that shows up.

Erin Sterk – This is all utilities infrastructure related where it hasn't been developed up until the City of Titusville boundary.

Henry Minneboo – It could be in the City of Titusville, but it's still commercial.

Erin Sterk – Yes, there's tons of Titusville marketing of that corridor.

Henry Minneboo – If we go south of the southern border of what's identified as Port Saint John, we have a substantial amount of commercial down there, don't we?

Erin Sterk – Off Grissom, past Port Saint John Parkway, yes.

Henry Minneboo – This is probably the only part that's still two-lane; north of this it is four-lane. Would you safely say this is Step 1 of 28 more stops he's got to make?

Erin Sterk – Yes, he's got a lot of work to do to even bring this to fruition. Now that I'm pulling up the zoning map for the area, there has been a corridor study done along the southern Grissom Parkway, which elaborated on the desire for commercial along that corridor. Most of that property still has GU (General Use) zoning, so it doesn't actually have zoning for commercial, but that's the intention of that area.

Peter Filiberto – I see this was zoned commercial in 1997, and I think the BU-2 would be less impactful for traffic, fire safety, water, and sewer. With the BDP (Binding Development Plan) here and the clarification of landscaping and the stormwater location, I'll make a motion to approve.

Rochelle Lawandales – I'll second for discussion. I would like to offer an amendment to that, that the architecture be not metal, and that the fence has to meet whatever the code requires, with the landscaping. But I think your motion with the landscaping might take care of that fence.

Peter Filiberto – I did have some concerns about the metal building; however, my concerns are with a hurricane, and what would happen to a metal building if a hurricane came through. Mr. Minneboo confirmed that it would be strong, and that was my only concern.

Rochelle Lawandales - For the benefit of the residential community and the neighborhood around it, I think it needs to have some sort of sheathing or something to disguise the metal building aspect of it.

Henry Minneboo – They're doing some phenomenal things with metal buildings. I've seen some metal buildings that didn't look metal.

Rochelle Lawandales – I'd be fine with that. I think that might make the neighbors a little happier, too. I don't know how we say that in terms of the BDP.

Henry Minneboo – Isn't that happening today? We're seeing some textures on metal buildings that are different than the old days.

Erin Sterk – Mostly, we're seeing them because we have code that requires it. I don't think they're doing it because they want to. Mostly, they're encapsulating it in something that meets the code.

Rochelle Lawandales – Would this require that? It seemed to me that this takes it out of that. That's correct. This does not require what you just stated.

Dane Theodore – As an architect, I'm all for prettier buildings, but I'm a little confused. I thought that they were advocating a metal building that wouldn't be seen by any of the neighbors. So, my confusion is, you're advocating for a non-metal building to look prettier. May I ask the applicant where it would be seen from? Across Ranch Road?

Rochelle Lawandales – You' see it on Grissom.

Dane Theodore – Where would someone see this building if you develop as you're proposing?

Carmine Ferraro – According to the BDP (Binding Development Plan), the people who are going to see the building are those that are inside the area, inside the storage area.

Dane Theodore – From north, south, east, and west, of that property; to the north is your property. So, east, south, and west, who would see that metal building?

Carmine Ferraro – If we do it according to the BDP, nobody will see it. Part of my presentation today was to ask that we be able to do it as metal because there's a cost savings for the owner to do that in exchange for making it invisible to the resident. If we have to build it at the higher expense, and do all the other things, it may not make sense at all.

Dane Theodore – Let's assume for the sake of argument that a 12-foot high wall doesn't make it invisible, is that the maximum height they're going to be allowed?

Erin Sterk – Twelve feet if you memorialize it in the BDP, and beyond that if they were to go to the Board of Adjustment and ask for a variance.

Dane Theodore – They're saying they are going to make it as tall as necessary to make it invisible, even if it's 14 feet, so what I'm struggling with is, do you put the money into the building, or do you put the money into a 14-foot metal fence?

Carmine Ferraro – Correct, and whatever other additional enhancements we have to do to make it invisible, yes.

Rochelle Lawandales – My question would be, how aesthetic is a chain link fence 14 feet high with green slats in it.

Carmine Ferraro – We'll also have a canopy and that's the beauty of this project, the canopy is mature, the undergrowth has never been touched, and it lends itself to creating 60 – 70% of that buffer already. If we have to berm-up some areas and then put a fence on top of that, we'll do what we have to do. Please understand that we're talking, in some cases, 200 – 300 feet away, and unless it's a really big building that sticks out, or an ugly color or something, then it might be visible through the trees, but I really believe that we're presenting it in such a fashion, it's a unique situation and maybe setting a precedent for future development in residential communities that might make sense. There are some businesses that I believe communities need, and I believe self-storage is one of them.

Henry Minneboo – We'd like to see a finished product, but at this level there's nobody in their right mind who is going to give us a finished product because they have so many other steps to go through. We're just the beginning, and it would have been nice if we had that.

Rochelle Lawandales – I don't have a problem with the use, I have a problem with what it looks like, and that's my issue.

Carmine Ferraro – The difference between metal and standard construction could be as much as \$30 - \$40 per square-foot, so it is substantial.

Dane Theodore – Is this a one-story building?

Carmine Ferraro – Yes, one story.

Henry Minneboo – I don't want to see a restaurant there.

Carmine Ferraro – It's a standard storage facility that will probably be under 12 feet, but it is a pre-engineered metal building.

Rochelle Lawandales – What kind of roof?

Carmine Ferraro – It would be a pitched metal roof; standing seam metal roof.

Erin Sterk – I have one comment. I'd just like to think about this parcel in context with the other two commercial parcels next to it. Our code requires interconnectivity between those things. Specifically, to limit the number of curb cuts on the roadway so that you can drive through. When there is no one who is going to see this, and when there is a Taco Bell to the north of it that could happen in BU-1 (General Retail Commercial), and they drive through this to get to Ranch Road to get out, there will be people traveling through this property to get to the adjacent future commercial uses. Our code would require cross-connectivity be memorialized at site development. So, at some point, someone is driving through this fenced area, whether it be screened or not, at some point with the commercial development to the north, the idea is that they all tie in together and that there's circulation between the uses. That's something that we haven't gotten into, but it's in the staff report that that's required.

Henry Minneboo called for a vote on the motion as stated.

Rochelle Lawandales – I need clarification. I'm going to offer an amendment that the metal building, at a minimum, have some sheathing as it would have to in BU-1, and that there be inter-connectivity.

Erin Sterk – The metal building section of the code requires it, "The metal structure shall be galvanized and shall utilize a factory finished painted siding, at a minimum, and that the roofline shall be architecturally treated with a mansard groove in another acceptable manner to enhance the appearance of the front of the metal structure." It doesn't prohibit the construction, just literally requires that the front of the building have some sort of treatment on it.

Rochelle Lawandales – I'm fine with that. That's as in BU-1, correct?

Erin Sterk – Yes, that's the BU-1, TU-1 (General Tourist Commercial), and TU-2 (Transient Tourist Commercial) zoning classifications that have those limitations.

Rochelle Lawandales – The amendment would be a metal building as allowed in BU-1.

Peter Filiberto – I have the motion as approved with a BDP (Binding Development Plan) with landscaping, stormwater location, and for what Rochelle said. I'll accept that as an amendment and add it to my motion.

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

Adjournment:

Upon consensus of the board, the meeting adjourned at 4:09 p.m.