

**NORTH MERRITT ISLAND
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, February 14, 2019**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

Board members present were: Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Chris Cook; Ted Balke; and Jim Carbonneau. Catherine Testa's presence was noted at 6:10 p.m. Ms. Testa abstained from voting on the agenda items.

Planning and Development staff present were: Erin Sterk, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator II.

Approval of November 8, 2018, Minutes

Motion by Jim Carbonneau, seconded by Jack Ratterman, to approve the minutes from November 8, 2018. The motion passed unanimously.

Frederick Scott and Alice Ada Louise Denlinger (Joe Mayer)

Request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from PI (Planned Industrial) to RES 1 (Residential 1). The property is 1.21 acres, located on the south side of D'Albora Road, approximately 0.21 miles east of North Courtenay Parkway. (1385 D'Albora Road, Merritt Island Area) (District 2) (18PZ00143)

Frederick Scott and Alice Ada Louise Denlinger (Joe Mayer)

Request a change of zoning classification from PIP (Planned Industrial Park) to RR-1 (Rural Residential). The property is 1.21 acres, located on the south side of D'Albora Road, approximately 0.21 miles east of North Courtenay Parkway. (1385 D'Albora Road, Merritt Island) (District 2) (18PZ00142)

Erin Sterk – I can go into the specifics of where this property stands today. One of things that's pretty interesting about how the Code has changed over time, which has left these folks in the position that they're in is they have PIP zoning, which previously allowed for a residential development in that zoning classification. On October 19, 2004, properties that had PIP that were split after that moment in time did not retain that residential development potential. In the past, you could have built a home if this lot had existed prior to that date, but it did not, so when it was subdivided from the greater parcel that's to the rear and right of it, it did not retain any development potential as far as residential. That is why they need to rezone today, to be able to propose to build one single-family house.

Joe Mayer – My name is Joe Mayer, I'm President and owner of Bussen-Mayer Engineering Group at 100 Parnell Street, in Merritt Island. I represent the purchasers of the lot tonight, the Denlinger's; both the purchasers and the sellers of the lot are here, they wanted to be here to let you know this is something that neither one of them realized was a problem when the Elliot's sold the lot to the Denlinger's. We're here to try to help them solve that problem this evening. It's a one-acre lot and they're requesting one residence; PIP is the existing zoning, and they want to go to RR-1 (Rural Residential). This area is predominantly RR-1, and changing PIP parcel to RR-1, in my mind as an engineer, is only going to further reduce the ability of somebody in the future – the Elliot's have no plans to do anything industrial with the remaining property, but they may sell someday in the future, and taking that frontage away is only going to further minimize the ability for somebody in the future to do industrial on this property, and we think that's a good thing for this area and for North Merritt Island. The Denlinger's are aware that we have to provide the – Erin, I want to say this for your sake – the 33-foot access strip across the front on D'Albora Road, and we're ready to be good neighbors on that, and we're aware that we have to do the advanced septic system. As opposed to what the

staff report says, we are not impacting wetlands or endangered species in any way. There are small wetlands toward the back of the lot, but there's plenty of room and we're not planning on touching that in any way, and certainly there's regulations and requirements that we would have to go through to do that. There are no impacts to drainage or any other levels of service, and actually it's a significant reduction to the potential that could be generated on this road if it were to remain PIP (Planned Industrial Park) and be coupled with the PIP behind. We think this is a very innocuous, simple request, and I'm happy to answer any questions you have.

Jim Carbonneau – The sellers, is there idea of them changing the rest of the PIP portion of the property to residential? My only comment is we seem to be nickel-and-diming this, and why don't we just go forward with changing the whole PIP?

Joe Mayer – I can tell you the sellers have a building on the property already; they use the property for their enjoyment, and they have no plans on changing anything with the remainder of the property. The only thing they were trying to do is sell that frontage lot to the Denlinger's, but as Erin has pointed out to me, and the staff report points out, they have issues and they're aware they're not going to be able to pull a building permit on their remainder property or anything like that until they address the zoning issue.

Jim Carbonneau – I've driven by the property a couple of times just to get my bearings, and I don't see it posted with a rezoning placard.

Joe Mayer – It was posted on a 4x4 post; I've turned in the affidavit, and I can show you.

Ted Balke – The post is there, but the sign is gone.

Joe Mayer – The sign is gone? It was posted on January 24th, but we did have some rains and I actually waited until after one of the rains. I personally signed the affidavit because I posted the sign.

Jim Carbonneau – Thank you. This is the piece with the raised mound on it?

Joe Mayer – Yes, sir.

Jim Carbonneau – It goes from 1365 D'Albora road, which has the cute little clown fish mailbox to the east, and then there's a long driveway that goes back to some property in the back, so this is the piece with the raised mound on the corner?

Joe Mayer – Yes, sir.

Jim Carbonneau – Thank you.

Ted Balke – What is the raised mound from? It looked like somebody was building there before.

Joe Mayer – They had an opportunity to get some dirt and so they got the dirt to build their pad.

Ted Balke – It looks like a slab that was poured.

Joe Mayer – No, there's no slab poured, it's just dirt.

Mary Hillberg – Because it shows flood zone at the rear, and that's where the wetland is, on the southern section, are the other homes abutting that letting the back not be built on? Are they planning on doing the same thing?

Joe Mayer – Yes, as part of the building permit process they have to develop a lot-grading plan; the lot naturally slopes to the back and to the pond to the west, and we will retain those drainage patterns so we won't be impacting any of our neighbors or any of our drainage.

Ted Balke – The corner on the northeast side is wet; there's standing water on it.

Mary Hillberg – Any more questions?

Chris Cook – To the east, that little strip, is that for future access to the property to the south?

Joe Mayer – Yes, it's the Elliot's remaining property.

Chris Cook – So they can access that from D'Albora Road?

Joe Mayer – Yes, sir, just like they do now.

Ted Balke – You've got buried cable up there, too.

Joe Mayer – Yes, sir.

Mary Hillberg – And this is the advanced septic?

Joe Mayer – Yes, we're aware that we have to put in the advanced system.

Ted Balke – Where is that going?

Joe Mayer – I don't know exactly, but it will be in accordance with code.

Ted Balke – I just thought if you pre-engineered it you picked the location.

Joe Mayer – I'm told by Mr. Denlinger that we do have a septic tank permit already, but I wasn't involved in that.

Mary Hillberg – If there are no further questions you can have a seat. Mr. Denlinger, would you like to speak?

Mr. Denlinger – No, we just all thought we had to sign in. Joe did all my speaking for me.

Mary Hillberg – Mr. Elliot?

Bill Elliot – Bill Elliott, 1355 D'Albora Road, and I live just two lots down from this lot. I sold the lot to them with the purpose of them building a home on it, a single-family residence. The mound that you speak of is the pad area for the lot, so the lot is already to grade for a house, with the exception of the drainage. It's basically ready to go, it already has water service, power service, it's a buildable lot. Unless you have any other questions, that's all I have to say.

Mary Hillberg – Any questions? Thank you. Wendy Elliott? No? Okay, it comes back to the board. Mr. Mayer, you have an opportunity to speak again. Okay, back to the board. What is everyone's pleasure? Any discussion or motion?

Erin Sterk – Forgive me, Catherine, I think it would be – and this is certainly up to you, Mary, but I think it would be in our best interest if you didn't vote.

Catherine Testa – Right, because I just got here. That's fine.

Chris Cook – Should this be entered into the record at all? (referring to a letter of no objection from the North Merritt Island Homeowners Association, which is on file with the Planning and Development Department)

Jennifer Jones – It has been.

Chris Cook – Okay.

Mary Hillberg – Yes, we have one letter on the record from the North Merritt Island Homeowners Association and it's in the record as a comment. If no one else has anything, do we have a motion?

Jack Ratterman – I make a motion that we approve the request.

Jim Carbonneau – I'll second.

Mary Hillberg called for a vote on the motion as stated, and it passed unanimously.

Erin Sterk – We need a second action on the rezoning.

Jim Carbonneau – I'll make a motion to approve.

Jack Ratterman – I'll second.

Mary Hillberg called for a vote on the motion as stated, and it passed unanimously.

Mary Hillberg – Does staff have anything else for us?

Erin Sterk – No, just a lot of high-end septic tanks going in lately.

Adjournment

Upon consensus, the meeting adjourned at 6:20 p.m.