

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 17, 2022**, 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); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Liz Alward (D4); Mark Wadsworth, Chair (D4); Logan Luse (Alt. D4); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Paul Body, Planner III; Alex Esseesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Approval of the September 12, 2022, P&Z/LPA Minutes

Motion by Robert Sullivan, seconded by Ben Glover, to approve the P&Z/LPA minutes of September 12, 2022. The motion passed unanimously.

Sunshine State Wildlife Conservation, LLC (Jeff Murray)

A CUP (Conditional Use Permit) for Land Alteration, in a GU (General Use) zoning classification. The property is 274.3 +/- acres, located on the north side of C-54 Canal, approx. 0.55 mile south of Centerlane Road. (22Z00040) (No assigned address. In the Palm Bay area.) (Tax Account 3001207) (District 5)

Jeff Murray, 4121 Melrose Court, Melbourne, stated the request is a continuation of the first phase of mining operation of general fill and crushed coquina. He stated the work will be all mechanical excavation, and there will not be any explosives.

No public comment.

Liz Alward asked if the original land alteration permit excludes blasting and explosives. Mr. Murray replied they are voluntarily limiting themselves to mechanical excavation and no explosives.

John Hopengarten asked how the dust will be handled. Mr. Murray replied the dust is monitored and there are water trucks that keep things wet.

Peter Filiberto asked how the rock will be transported off of the site. Mr. Murray replied dump trucks will be loaded and weighed before they head out onto the road. Mr. Filiberto asked if the trucks can weigh as much as 50,000 pounds. Mr. Murray replied, yes, approximately.

Mr. Filiberto stated the City of Palm Bay has acquired some of the roads on Babcock Street, and asked staff how impact fees are assessed for a project like this when the property is under the County's jurisdiction, but will use City roads. He stated he would like for staff to speak to the City of Palm Bay and get some kind of agreement so that the impact fees can be shared with the City since they will be driving mainly on City of Palm Bay roads.

Darcie McGee, Assistant Director, Natural Resources Management explained that the Land Alteration Code requires operators to bond any of the County roads; the County doesn't require it for any of the cities, but Mr. Murray has already bonded through the existing CUP he has, so those operations are not going to change the frequency or volume of the traffic he currently has, which he has already bonded.

Motion by Liz Alward, seconded by Peter Filiberto, to recommend approval the requested CUP for Land Alteration, in a GU zoning classification. The motion passed unanimously.

Lifestyle Homes Builders, Inc. (Jordan Luhn / Natasha Petrie)

A change of zoning classification from RU-1-7 (Single-Family Residential) to RU-1-11 (Single-Family Residential). The property is 1.76 acres, located on the southeast corner of Henry Avenue and Commodore Boulevard. (22Z00044) (Lot 1 = 8555 Henry Avenue, Melbourne; Lot 5 = 2335 Commodore Boulevard, Melbourne; Lot 11 = 2355 Commodore Blvd., Melbourne; Lot 41 = 8525 Henry Avenue, Melbourne; Lots 9 & 10 = No assigned address. In the Melbourne area.) (Tax Account 2864390) (District 5)

Jordan Luhn, 1104 S. Shannon Avenue, Indialantic, stated there is an old underlying plat that has lots of 25 ft. x 110 ft. The Property Appraiser's Office shows the property as six different lots, but the County doesn't recognize it as six different lots. He said he would like to convert the entire property to five larger lots and have them re-platted.

Public comment:

Matthew Bauk, 2315 Commodore Boulevard, West Melbourne, stated he has lived in his home for almost 30 years and he bought there because of the country setting, and now the applicant wants to rezone it to look like Palm Bay, and it will completely change the character of the area. He said he doesn't see how the rezoning will benefit the people in the community.

Denise Roseman, 8450 Illinois Avenue, West Melbourne, stated the subject property is 1.76 acres and most of the residents there have a half-acre or more. She said she agrees with the previous speaker that it will completely change the dynamics of the area. She said the subdivision is on septic and well, and this change will put a burden on those systems. She noted she is also concerned about deed restrictions and homeowners' associations coming into the community.

David Mojica, 2180 Michigan Street, West Melbourne, stated he has wanted to live in June Park since he was very young because of the way the area is structured. He said his lot is .85 acres and he moved there specifically because of the lot size.

Clyde Lewis, 2420 Green Street, West Melbourne stated he agrees with all of the other speakers. June Park is a different dynamic and not full of people who want to live on zero lot lines. He said building all of these houses there will not help the neighborhood.

Michael Cole, 2585 Warren Street, West Melbourne stated his property and home flooded in Hurricane Irma in 2017, so flooding has always been a concern. He said June Park has an issue with drainage and the County has a hard time keeping up with it. He stated he is opposed to higher density on the subject property and zero lot lines.

Ben Glover asked if the six individual lots are not buildable lots now, and asked if it is currently six lots, and the applicant wants five lots, would that not be less intense. Jeffrey Ball replied yes, five lots would be a reduction in density per the zoning.

Mr. Glover stated he understands the concerns of the residents, but it will not be any denser than what could potentially already be there.

Ron Bartcher stated the area is all RU-1-7, yet the Future Land Use is RES 4, so it seems the County has created a problem for any land owner wanting to build there. Mr. Ball replied, at the time, the land use and zoning didn't match the development trends in the area. If anyone wants to develop in that area, they would have to change the zoning or change the land use.

Mr. Bartcher asked if the applicant is only building five houses. Mr. Luhn replied yes, five houses, and there will not be any deed restrictions or a homeowners' association. Mr. Bartcher asked the size of the proposed lots. Mr. Luhn replied three of them will be 75 feet by 210 feet; and the other two will be 100 ft. on Henry Avenue, and 125 ft. on Commodore Boulevard.

Robert Sullivan asked if the proposed homes will be on well and septic. Mr. Luhn replied yes, and Lifestyle Homes uses engineered drainage and retains all of the water on its properties.

Motion by Ben Glover, seconded by Ron Bartcher, to recommend approval of a change of zoning classification from RU-1-7 to RU-1-11. The motion passed unanimously.

Daisy Mae of Brevard, Inc. (Louis Columbo Andrus)

A change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to RU-2-12 (Medium Density Multi-Family Residential). The property is 0.50 acres, located on the south side of Franklyn Avenue, approx. 150 ft. west of Highway A1A. (22Z00046) (No assigned address. In the Indialantic area.) (Tax Account 2731679) (District 5)

Louis Andrus, 407 Oak Street, Melbourne, stated he's owned the property for 22 years and it has always been BU-1-A, but he's never wanted to develop commercially. He said the property is surrounded by townhouses and duplexes, and he would like to rezone to RU-2-12 in order to build some duplexes on the property.

Public comment:

Carly Sinigoi, 113 Franklyn Avenue, Indialantic, stated she is in favor of the request and she would rather see duplexes on the subject property as opposed to a commercial business.

Motion by Peter Filiberto, seconded by Ben Glover, to recommend approval of a change of zoning classification from BU-1-A to RU-2-12. The motion passed unanimously.

John H. and Diana Beni

A change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to AU (Agricultural Residential). The property is 6 acres, Located on the north side of Peoples St., approx. 750 ft. west of International Drive. (22Z00043) (4250 Peoples Street, Mims) (Tax Account 2000678) (District 1)

John Beni, 1763 Robinhood Avenue, Titusville, stated the property has 4.4 acres of uplands and 1.6 acres of wetlands, and he would like to have a pasture area for donkeys, goats, chickens, and a greenhouse. He stated he will not be doing any commercial activity on the property and will not impact the wetlands.

No public comment.

Liz Alward stated she doesn't see any other AU property in the area. Jeffrey Ball noted the closest AU is to the south of Peoples Street.

Ms. Alward stated if Mr. Beni only wants donkeys and chickens, there is the AU(L) zoning classification that will allow what he wants, but does not allow any commercial activity. She asked if Mr. Beni would agree to AU(L). Mr. Beni replied yes, he would agree to AU(L).

Logan Luse asked if Mr. Beni would be able to see eggs from his property if zoned AU(L). Mr. Ball replied no, not from the property. Mr. Beni stated he does not want to sell eggs from the property.

Motion by Liz Alward, seconded by Ron Bartcher, to recommend approval of the change of zoning classification from RRMH-1 to AU(L) (Agricultural Residential, Low-Intensity). The motion passed unanimously.

Island Lincoln Mercury, Inc. (Bruce Moia / Kim Rezanka)

A Small Scale Comprehensive Plan Amendment (22S.13), to change the Future Land Use designation from CC (Community Commercial) to RES 30 (Residential 30). The property is 6.92 acres, located on the northwest corner of East Merritt Island Causeway, and Milford Point Drive. (22SS00010) (1850 East Merritt Island Causeway, Merritt Island) (Tax Account 2438401) (District 2) This item was withdrawn by the applicant. Letter received 10/04/22.

Island Lincoln Mercury, Inc. (Bruce Moia / Kim Rezanka)

Removal of an existing BDP, and the addition of a new BDP, in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. The property is 6.92 acres, located on the northwest corner of East Merritt Island Causeway, and Milford Point Drive. (22Z00045) (1850 East Merritt Island Causeway, Merritt Island) (Tax Account 2438401) (District 2) This item was withdrawn by the applicant. Letter received 10/04/22.

Ordinance Amending Chapter 62, Article VI, Section 62-1255, Re: Establishment of Zoning Classification Section 62-1573, Institutional Use; and Section 62-2106, Mixed Use.

Jeffrey Ball stated the changes are in response to the EAR (Evaluation and Appraisal Report) that was recently approved, and only changes the policy numbers referenced in the ordinances, so it is just a clean-up for that.

Motion by Liz Alward, seconded by Ben Glover, to recommend approval the proposed amendments to Chapter 62, Article VI, Section 62-1255, Regarding Establishment of Zoning Classification Section 62-1573, Institutional Use; and Section 62-2106, Mixed Use. The motion passed unanimously.

Ordinance Amending Chapter 62, Article VI, Re: Sewer Lift Stations, Sewer Vacuum Stations, and other Water and Sewer Utility Infrastructure Elements.

Jeffrey Ball stated the item is in regards to the Utilities Department needing more flexibility when they need to construct lift stations or vacuum stations on unplatted property. The first change is adding a definition to Section 62-1102, for sewer lift stations, vacuum stations, and utility infrastructure elements. The other changes provide for performance standards in Section 62-1844.7, that allow for different parameters for sewer lift stations less than 300 square feet; if greater than 300 square feet, they will have to do other things as well. Other changes are to Section 62-2103, the alteration of the lot size. Staff has added an inclusion that if reducing the size of property by more than 50% it is considered a nonconforming lot. The last change exempts sewer lift stations, sewer vacuum stations, and water utility infrastructure elements from the site planning process.

John Hopengarten asked how the changes will affect existing lift stations. Mr. Ball replied not much, because typically a lift station is less than 300 square feet, as well as a vacuum lift station, and he doesn't see this having an affect on existing lift stations. Mr. Hopengarten stated most are on roads or next to roads. Mr. Ball replied the proposed ordinance is for new stations, allowing Utilities more flexibility on the amount of property they are required to acquire to place the lift stations. Mr. Hopengarten asked if someone with an existing site with a lift station on it utilize more of the land because the requirements are being reduced. Mr. ball replied they could, potentially, yes. Mr. Hopengarten asked where the changes originated. Mr. Ball replied they are from the Utilities Department, to allow for greater flexibility on the size of properties they are buying for lift stations and/or vacuum pump stations.

Peter Filiberto asked if an existing lift station fails, will it have to conform to the new rules, or will it be grandfathered. Mr. Ball stated he doesn't see where these would require additional performance standards they would have to meet. Typically, lift stations are small enough where they could go in and do maintenance on the property. He said they might not meet the setbacks, but that can be addressed through the variance process. Mr. Filiberto asked if the BCAC reviewed the ordinance. Mr. Ball replied yes, and unanimously recommended approval.

Robert Sullivan asked why sanitary sewer and lift stations would be exempt from site planning and not any other elements. Mr. Ball replied because they are small enough and they don't have the impacts that would promulgate additional review by other departments. Typically, it's the Utility Services Department reviewing that through the process, and staff didn't see a need to require other departments from review.

Mr. Sullivan stated he's designed quite a few lift stations and most of them are not small lots. When there is a larger development and the gravity flows go to the lift station it could actually be a little more than 10 feet by 10 feet. He said there are lift station failures, and he likes the fact that there is a site plan review and that everybody gets to look at it. Mr. Ball stated just because staff is exempting the structures from the site plan process it doesn't mean that they are not required to get permits from DEP, St. Johns, or other regulatory agencies, it is only exempting them from County review of other departments that wouldn't necessarily need to review those plans. There might be an instance where they would, and that would be up to the Utilities Department to have another County entity review.

Motion by Liz Alward, seconded by Ben Glover, to recommend approval the proposed amendments to Chapter 62, Article VI, Regarding Sewer Lift Stations, Sewer Vacuum Stations, and other Water and Sewer Utility Infrastructure Elements. The motion passed 6:3, with Sullivan, Filiberto, and Hopengarten voting nay.

Upon consensus, the meeting adjourned at 3:51 p.m.