

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 13, 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: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Lorraine Koss (D2-Alt.); Ben Glover, Vice Chair (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); Bruce Moia; and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Jane Hart, Planner III; Paul Body, Planner III; and Jennifer Jones, Special Projects Coordinator.

Approval of the February 13, 2023, P&Z/LPA Minutes

Motion by Henry Minneboo, seconded by Bruce Moia, to approve the P&Z/LPA minutes of February 13, 2023. The motion passed unanimously.

Bobby Jo Thomas

A change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), on 2.87 acres, located on the east side of Blounts Ridge Rd., approx. 0.17 mile south of Patty Lane. (No assigned address. In the Mims area.) (23Z00002) (Tax Account 3029907) (District 1)

Bobby Jo Thomas, 5035 Blounts Ridge Road, Mims, stated he bought the subject property from his mother and he would like to build a house next to her.

No public comment.

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

Louise Julia Goloversic

A change of zoning classification from GU (General Use) and ARR (Agricultural Rural Residential) to AU (Agricultural Residential), on 3 acres, located on the north side of Soggy Bottom Ave., approx. 0.34 mile west of Satellite Blvd. (6906 Soggy Bottom Ave., Cocoa) (23Z00005) (Tax Account 2406379) (District 1)

Louise Julia Goloversic, 6906 Soggy Bottom Avenue, Cocoa, stated she would like to rezone to AU in order to replace a horse barn and carport.

No public comment.

Joh Hopengarten asked if Ms. Goloversic plans on building a shop on her property. Ms. Goloversic replied no, she would like to have a carport to park horse trailers.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from GU and ARR to AU. The motion passed unanimously.

IR Tiki 2, LLC (Sandeep Patel)

A Small Scale Comprehensive Plan Amendment (22S.18) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on 0.96 acres,

located on the east side of U.S. Highway 1, approx. 0.16 mile south of Coquina Ridge Dr. (4263 N. U.S. Highway 1, Melbourne) (22SS00015) (Tax Account 2611662) (District 4)

Steve Monroe, 3080 Brandywine Lane, Melbourne, stated he is the engineer representing the applicant. The property is the Marker 99 restaurant, originally built in 1978. When the present owners bought the property, the first thing they did was install a new lift station and force main and connected to the City of Melbourne Utilities. The second thing they are in the process of doing is changing the existing parking, which is dirt and asphalt that directs drainage to the Indian River. A site plan has been prepared that will provide pervious concrete to replace the current parking lot, and it will retain 100% of the stormwater, eliminating any further discharge to the river. During the site plan stage, it was recognized by staff that the tiki hut expansion is a non-conforming use, and that is the reason for the request from Neighborhood Commercial to Community Commercial.

Public comment.

John Dinome, 4233 N. Harbor City Boulevard, Melbourne, asked if just the parking lot is changing, or if a new structure will be built on the empty lot next door.

Mr. Monroe replied there are no proposed improvements on the neighboring lot; his client doesn't own that property. The proposed improvements are paving of the parking lot; the tiki hut currently exists.

Mr. Dinome stated he is in favor of the request if there is not going to be additional construction.

Motion by Bruce Moia, seconded by Robert Sullivan, to recommend approval of the Small Scale Comprehensive Plan Amendment from NC to CC. The motion passed unanimously.

Chelsey L. Cobb

A change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on 3.09 acres, located on the south side of James Rd., approx. 0.34 mile east of Friday Rd. (4475 James Rd., Cocoa) (23Z00004) (Tax Account 2405118) (District 1)

Cameron Lightholder, 4475 James Road, Cocoa, stated the reason for the request is to come into compliance on an old code violation and also to make a more sustainable lifestyle by having farm animals and agricultural uses.

Public comment.

Carl Exline, 4375 James Road, Cocoa, stated the subject property currently has an open code enforcement case. The owners would like to have a plant nursery, chickens, and cows on the property. Usually, a garden is planted for vegetables and not an entire nursery, which is considered more of a business. With the constant use of dump trucks, tractors, and backhoes to move material on and off the property, the addition of a nursery is too much of a commercial venture in the RR-1-zoned surrounding area. He said as of today, there are two piles of dirt over 20 feet tall behind the house, and another pile of tree removal on the road in front of the neighbor's house located east of the subject property. He stated as far as his property valuation of the surrounding homes, it's less marketable because no one would want to live next to 20-foot piles of dirt and heavy equipment. He said his concern is that changing the zoning to AU will provide an avenue for continued heavy equipment operations, pole barns, and other unpermitted structures to be built. He said his

recommendation would be to change the zoning to AU(L), which is more limited but will allow the single-family home and agricultural pursuits of a personal, non-commercial nature, and allows limited farm animals.

Sandra Ake, 4525 James Road, Cocoa, asked the difference between RR-1 and AU. Jeffrey Ball replied, RR-1 zoning is a single-family zoning classification that allows agricultural uses on a personal level, and it allows for horses on a certain amount of acreage. The AU zoning classification allows for farm animals and agricultural commercial uses.

Ms. Ake stated along with the large piles of dirt on the property, there is also commercial equipment, and it is quite loud. She said she is afraid a commercial business will be conducted from the property because right now, that is what is happening.

Carie Exline, 4473 James Road, Cocoa, stated she moved to her house in 2004 on one acre, and she fell in love with the area because it is quiet and residential. The homes in the area are custom built with up to 3,000 square feet of living area. She said the subject property has a large pole barn that houses industrial equipment such as dump trucks, and no one needs such equipment for residential use. She stated she doesn't have a problem with a cow or six chickens, or a vegetable garden, but not for commercial use, and she is concerned about how many cows and chickens they will have because more farm animals will cause an odor issue. She asked if the change of zoning would allow them to keep the industrial equipment.

Ron Bartcher asked the applicant if he has plans for commercial uses on the property. Mr. Lightholder replied there will not be any commercial use, nor selling of anything from the property.

Mr. Bartcher asked the reason for the piles of dirt. Mr. Lightholder replied the dirt will be used to build up the soil in the back yard, and it will be spread out to make a garden.

Mr. Bartcher asked staff if there is any reason why he could not have AU(L) zoning. Mr. Ball replied no, the only difference between AU and AU(L) is that AU(L) prohibits commercial uses.

Mr. Bartcher stated it seems AU(L) would be a better solution for the property since he does not want any commercial uses.

Mark Wadsworth asked the applicant if he would agree to AU(L). Mr. Lightholder replied he would rather have AU, but if the board is willing to approve AU(L), he would agree.

Bruce Moia asked what kind of equipment is on the property. Mr. Lightholder replied farm tractors, excavators, front loaders, and dump trucks. Mr. Moia asked if they are full size. Mr. Lightholder replied no, they are mid-size.

Debbie Thomas asked staff if AU zoning increases the number of farm animals allowed on the property. Mr. Ball replied AU and AU(L) allow for the same amount of farm animals.

Mr. Wadsworth asked the nature of the code violation. Mr. Lightholder replied it was for an unpermitted open structure.

Motion by Ron Bartcher, seconded by Ben Glover, to recommend approval as AU(L) (Agricultural Residential). The motion passed unanimously.

Timothy Shane and Debra Jane Kelley (Don Human)

A change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential), on 0.45 acres, located on the west side of Old Dixie Hwy., approx. 165 ft. north of Diamond Rd. (1650 Old Dixie Hwy., Titusville) (22Z00074) (Tax Account 2113314) (District 1)

Don Human, 1965 Tranquility Lane, Titusville, stated he initially bought the property in order to build a single-family home, and when he purchased it, the Property Appraiser had it listed as RR-1 zoning, and the realtor who sold it to him told him it was RR-1 with city water. He said he later sold the property to his brother-in-law who wants to retire on the property. He noted the property has been approved by the State for a septic permit, and they were nearly through the permitting process with the County until finding out from zoning that AU requires a larger lot size than a half-acre.

No public comment.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from AU to RU-1-11. The motion passed unanimously.

Half Halt Stables, LLP (Toni Pastermack)

A change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), on 0.33 acres, located on the east side of Burnett Rd., approx. 0.25 mile north of Lake Dr. (525 & 655 N. Burnett Rd., Cocoa) (22Z00068) (Tax Account 2407648) (District 2)

Toni Pastermack, 4405 Crooked Mile Road, Merritt Island, stated the subject property is part of larger property that is zoned AU and is a horse farm. She said her clients would like to rezone to RU-1-9 in order to sell the house.

No public comment.

Motion by Bruce Moia, seconded by Debbie Thomas, to recommend approval of the change of zoning classification from AU to RU-1-9. The motion passed unanimously.

Wendy Kleefisch

A change of zoning classification from RU-1-11 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential), on 0.36 acres, located between Franklyn Ave. and Grosse Pointe, approx. 0.07 mile west of Highway A1A. (107 Franklyn Ave., Indialantic) (22Z00067) (Tax Account 2731680) (District 5)

Wendy Kleefisch, 107 Franklyn Avenue, Indialantic, stated she would like to rezone to multi-family, similar to the property to the east that was recently rezoned.

Public comment.

Kim Atkinson, 1145 Shannon Avenue, Indialantic, stated Franklyn Avenue is on the north side of the subject property, and Grosse Pointe is on the south side of the property, which is residential. She said if a fourplex is built and the access is from Franklyn Avenue it would not be a big deal, but if the entrance was on Grosse Pointe, that is all residential, and more traffic in the area would ruin the feel. She said properties to the east and north have some multi-family, the properties to the west do not.

Alena Knoepfler, 109 Franklyn Avenue, Indialantic, stated the applicant did not fully disclose what she would like to do with her property, which is surrounded by one-story single-family homes. She said she would like to know the next step, and she is not completely against it, but she is curious if there can be a win/win, because the request will affect the entire area.

Bruce Moia stated the property directly across Grosse Point is multi-family.

Ms. Kleefisch stated there is multi-family zoning throughout the area, and she is excited about the growth.

Motion by Bruce Moia, seconded by Henry Minneboo, to recommend approval of the change of zoning classification from RU-1-11 to RU-2-12.

Robert Sullivan stated the concerns from the speakers are that the area is all single-family all single-story, and asked if Ms. Kleefisch would continue with a single-story structure. Ms. Kleefisch replied she is not sure, because the property to the east was allowed three stories.

Mark Wadsworth called for a vote on the motion as stated, and it passed 9:1, with Mr. Sullivan voting nay.

Morris M. Taylor Revocable Living Trust (Chelsea Anderson)

A change of zoning classification from SEU (Suburban Estate Use Residential), EA (Environmental Area), and BU-1-A (Restricted Neighborhood Commercial), to AU (Agricultural Residential) and BU-1-A, on 3 acres +/-, located on the west side of Highway A1A, approx. 0.36 mile north of River Oaks Rd. (8850 Highway A1A, Melbourne Beach) (23Z00001) (Tax Account 3008434) (District 3)

Chelsea Anderson, 1530 U.S. Highway 1, Rockledge, stated the purpose of the rezoning is to allow the expansion of the existing clam hatchery on the property with the intent of supplying clam seed for the Indian River Lagoon clam restoration efforts. The property has been continuously used for aquaculture and agricultural uses for over 30 years, and the uses are established as non-conforming, which cannot be expanded or enlarged without a rezoning. The change in zoning would allow a small expansion to have a huge beneficial impact on the county. She stated the property is the last privately owned clam hatchery in the county, and currently there is no insulation, which is one of the factors that determines production. All of the seed being produced currently is fulfilling obligations to the State aquaculture industry. She stated the Save Our Indian River Lagoon Project Plan has allocated funding to stimulate clam aquaculture in Brevard County. She said there are several Comprehensive Plan policies that the hatchery would be in furtherance of, and the Coastal Management Element Policy 5.15 states that during rezonings, the County should give immediate shoreline use priority to water dependent uses, including shellfish production.

No public comment.

Morris "Max" Taylor, 8850 Highway A1A, Melbourne Beach, stated his parents bought the property in the early 1960's. He said the Lagoon is under attack, and one of the things they have done with the clam operation is put in a water purification system, which is the only one remaining in Brevard, and one of only three on the entire east coast. He said they are trying to produce more clams; they have been supplying clams to commercial growers for over 20 years and are at capacity, and they would like to continue to supply to the farmers as well.

Motion by Robert Sullivan, seconded by Debbie Taylor, to approve the change of zoning classification from SEU, EA, and BU-1-A to AU and BU-1-A. The motion passed unanimously.

Thomas A. Metzger; Alan and Grace Metzger

A change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on 5.14 acres, located on the south side of Chicago Ave., approx. 300 ft. east of Cavel St. (No assigned address. In the Micco area.) (Tax Account 2801827) (District 5)

Thomas Metzger, 9899 Riverview Drive, Micco, stated there are three large parcels in the back of the neighborhood that are all zoned AU, and he would like the same zoning. He said the primary reason for the request is to build a barn for a tractor and a horse before he builds a house.

No public comment.

Mr. Hopengarten asked if there is a drainage ditch on the north side of the property.

Alan Metzger, 989 Oak Trail, Micco, stated he is the original developer of the property. He said St. Louis Avenue was a County-platted road that has never been developed, and it goes across the back of the Tillman Canal drainage area, but it doesn't touch the subject property.

Mr. Hopengarten asked why Carefree Road is not being used as the as access. Alan Metzger replied in 1993 he bought 26 acres; the County had a platted element with New York Avenue proposed, and everything dead-ended into the 26 acres; it was 26 non-conforming lots of record. He said the plan was to make three lots out of the 26 acres; 11 acres for himself, and then two 5-acre lots. The County told him to extend Chicago Road 350 feet, and deed the road back to the County in 1995. The subject property has access off of Chicago Avenue.

Motion by John Hopengarten, seconded by Bruce Moia, to approve the change of zoning classification from RR-1 to AU. The motion passed unanimously.

QW Trust Agreement (Carolyn Haslam)

A Small Scale Comprehensive Plan Amendment (23S.01) to change the Future Land Use designation from RES 15 (Residential 15), NC (Neighborhood Commercial), and CC (Community Commercial) to all CC, on 13.36 acres, located on the north side of Lake Dr., approx. 171 ft. east of Cox Road (Tax Parcel 512 = 495 Cox Rd., Cocoa; Tax Parcel 519 = 3900 Lake Dr., Cocoa) (23SS00001) (Tax Accounts 2407572 & 2407578) (District 2)

QW Trust Agreement (Carolyn Haslam)

A change of zoning classification from GU (General Use) and IU-1 (Heavy Industrial) to BU-1 (General Retail Commercial), on 13.36 acres, located on the north side of Lake Dr., approx. 171 ft. east of Cox Road (Tax Parcel 512 = 495 Cox Rd., Cocoa; Tax Parcel 519 = 3900 Lake Dr., Cocoa) (23Z00003) (Tax Accounts 2407572 & 2407578) (District 2)

Bruce Moia disclosed he had a brief conversation with the applicant about the property.

Carolyn Haslam, 420 S. Orange Avenue, Orlando, stated the reason for the Small Scale Plan Amendment and rezoning is so the property can be unified as Community Commercial and BU-1. She said the proposed use is a high-quality retail development that will include a grocery store. The proposed amendments will allow for the development to be consistent with the comp plan policies,

and they are compatible with the area, which is a mix of commercial and industrial. She stated the proposed commercial use will benefit the community.

No public comment.

Henry Minneboo asked the final plan for the property. Ms. Haslam replied the plan is for commercial, including a grocery store, drug store, and retail. Mr. Minneboo asked if the project will have access to Cox Road. Ms. Haslam replied yes, there will be access on Cox Road and Lake Drive.

Motion by Bruce Moia, seconded by Henry Minneboo, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 15, NC, and CC, to all CC. The motion passed unanimously.

Motion by Bruce Moia, seconded by Henry Minneboo, to recommend approval of the change of zoning classification from GU and IU-1, to BU-1. The motion passed unanimously.

Crane View, LLC (Steve Anderson)

A Small Scale Comprehensive Plan Amendment (22S.19), to change the Future Land Use designation from RES 15 (Residential 15) and NC (Neighborhood Commercial) to RES 30 DIR (Residential 30 Directive), on 3.95 +/- acres, located on the west side of N. Courtenay Pkwy., approx. 0.11 mile south of Butler Ave. (2104 Falling Leaf Ln.; 242, 252, 262, & 272 Crane View Ln., Merritt Island) (22SS00016) (Tax Account 2412341) (District 2)

Crane View, LLC (Steve Anderson)

A change of zoning classification from RU-2-15 (Medium Density Multi-Family Residential) with an existing BDP (Binding Development Plan), to RU-2-30 DIR (High Density Multi-Family Residential, Directive), removal of existing BDP, and adding a new BDP, on 3.95 +/- acres, located on the west side of N. Courtenay Pkwy., approx. 0.11 mile south of Butler Ave. (2104 Falling Leaf Ln.; 242, 252, 262, & 272 Crane View Ln., Merritt Island) (22Z00071) (Tax Account 2412341) (District 2)

Steve Anderson, 260 S. Osceola Drive, Orlando, stated the property has been in its current state for approximately 20 years. The request for RU-2-30 includes a BDP limited to 90 units; the project will be good for the community; and it will be the nicest, newest, and closest apartment complex to the Space Center. He noted the Merritt Island Redevelopment Agency board recommended approval of the request.

No public comment.

Henry Minneboo stated the property has been in a dilapidated state for a long time, and he remembers the last rezoning request in 2008 when there were many people present who lived in the area and were very much against anything above the 48 units allowed in the existing BDP. He said people on Merritt Island have told him they are disappointed, and now kids on the west side of N. Courtenay will have to walk across the busy road to get to school. He said the request today is to double the units, and he doesn't understand why 48 units aren't compatible on three acres of land.

Mr. Anderson stated in order for the project to work, it has to be 90 units. He said there is plenty of room in the schools and with water, so no accommodations have to be made for the community. It's a great project for the community, and it will serve a lot of people who work at the Space Center.

Bruce Moia pointed out that over the last 10 years he's talked to developers who have tried to develop the property but could not make it work.

John Hopengarten asked how far the property is from the high school. Mr. Anderson replied it is within 1,000 feet. Mr. Hopengarten stated a bus wouldn't be feasible, so kids would have to walk or be driven to school.

Mr. Anderson stated the proposed BDP caps the maximum units allowed, which would be 120 units under RU-2-30. He pointed out the growth on Merritt Island and stated the closest neighbor to the north is also zoned RU-2-30.

Robert Sullivan stated the development will increase traffic and density in the area, and the applicant is saying it is compatible housing. He said people who want to live in high density also want to live where there is high entertainment value. There are a lot of single-family homes in the area. He said he is also reluctant to trade one BDP for another; there was a BDP for a reason, and there was considerable opposition to get it to 48 units. He stated BDPs are not binding if they can be removed or replaced, and he is not in favor of changing BDPs.

Mr. Anderson stated he doesn't have the history of how it got to 48 units, but taking it to 90 units is what makes it a viable development.

Bruce Moia stated he doesn't agree that BDP's cannot be changed, and a decision a board made 40 years ago may or may not apply, so he doesn't see changing a BDP to be an issue. He stated as for the school issue, apartments don't generate a lot of school impact.

Motion by Bruce Moia, seconded by Debbie Thomas, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 15 and NC to RES 30 DIR. The motion passed 8:1, with Minneboo and Sullivan voting nay.

Motion by Bruce Moia, seconded by John Hopengarten, to recommend approval of the change of zoning classification from RU-2-15 with an existing BDP, to RU-2-30 DIR, removal of existing BDP, and adding a new BDP. The motion passed 8:1, with Minneboo and Sullivan voting nay.

Upon consensus, the meeting adjourned at 4:30 PM.