

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 17, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Ron Bartcher (D1); Robert Sullivan (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); and John Hopengarten (BPS). Robert Brothers' presence was noted at 3:09 p.m.

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

### **Approval of the March 13, 2023, P&Z/LPA Minutes**

Motion by John Hopengarten, seconded by Ron Bartcher, to approve the P&Z/LPA minutes of March 13, 2023. The motion passed unanimously.

#### **Austin A. and Kailey R. Mahan**

A Small Scale Comprehensive Plan Amendment (22S.15), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The property is 0.77 acres, located on the north corner of U.S. Highway 1, and E.R. Smyth Drive, Mims. (3716 E.R. Smyth Dr., Mims) (22SS00013) (Tax Account 3030132) (District 1)

#### **Austin A. and Kailey R. Mahan**

A change of zoning classification from AU (Agricultural Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 0.77 acres, located on the north corner of U.S. Highway 1, and E.R. Smyth Drive, Mims. (3716 E.R. Smyth Dr., Mims) (22Z00054) (Tax Account 3030132) (District 1)

Austin Mahan, 3716 E.R. Smyth Drive, Mims, stated his father bought a kayaking company in 2004. Since then, the company has grown, with over 2,700 reviews on Trip Advisors, of which 2,400 are five out of five stars; and they also have thriving partnerships with the Brevard County Parks Department and the Merritt Island National Wildlife Refuge. He stated when he was investigating the lot for purchase, he contacted the Planning and Zoning Department about storing kayaks and equipment on the premises, and at the time was told it shouldn't be an issue. He said after building a home, he again sought to confirm the information before moving the equipment. At that time, when he again contacted Planning and Zoning, he was given different information. Since then, he has worked with the County to determine an appropriate zoning for the .77-acre portion of the property, and he is requesting BU-2 zoning. He emphasized that the business's services are rendered at the water's edge, guests are not transported, and there are not in-person ticket sales; and the .77 acres is strictly used for storing vehicles, kayaks, and related equipment. He said he believes the outdoor equipment storage will have minimal impact on the neighborhood. He has installed an 8-foot fence with additional plans to do aesthetic landscaping to keep the area secure and pleasing to people driving through the area. He said he is committed to taking whatever measures necessary to minimize noise and other disturbances and is committed to being a responsible neighbor to everyone in the area. He stated he will work with the County to ensure all necessary permits and requirements are met and will maintain open communication with the community to address any concerns or issues.

Ron Bartcher asked if Mr. Mahan plans to provide the landscaping on the outside of the fence. Mr. Mahan replied yes, the landscaping will be on the outside of the fence.

No public comment.

Motion by Debbie Thomas, seconded by Logan Luse, to recommend approval of the Small Scale Comprehensive Plan amendment to change the Future Land Use designation from NC to CC.

\*Robert Brothers' presence was noted.

Mr. Bartcher asked the applicant if he would be willing to add a BDP (Binding Development Plan) that says the only BU-2 use on the property would be for outdoor storage of products related to the business. All of the BU-1 uses would be allowed as well, but BU-2 is a very wide-open zoning and there are some businesses he would not like to see in Mims. He said he would like to restrict it so the applicant can have the BU-1 uses, but for BU-2, only the outdoor storage of products related to the business.

Mr. Ball explained a BDP is a legal document that gets recorded and is attached to the rezoning when it goes to the Board of County Commissioners. It is a voluntary agreement between an applicant and the Board, and there are certain restrictions an applicant and the board agree upon.

Mr. Mahan stated he would agree to a BDP.

Motion by Ron Bartcher to recommend approval of the zoning change to BU-2, with a Binding Development Plan retaining all BU-1 uses and limiting the BU-2 use to outdoor storage of kayaks.

Robert Sullivan noted there is an objection from the neighborhood, and they are not against what the applicant wants to do, but they don't want the neighborhood entrance on E.R. Smyth Road. He asked if Mr. Mahan would restrict the access to only the commercial property.

Mr. Mahan replied that is the intent. He asked if Mr. Sullivan is specifying there will not be any commercial vehicles moving past the .77-acre parcel, and the vehicles would only be transporting up to that property and not any further into the neighborhood.

Mr. Sullivan replied yes. Mr. Mahan stated he would want to preserve that as well, and would only plan to do that.

John Hopengarten asked Mr. Mahan if there will be any repair work on the kayaks. Mr. Mahan replied he does minor welding on the premises. He clarified it is not fabrication welding, it is a heat gun.

Mr. Ball clarified the motion on the table is for approval subject to a BDP limiting the use of the property to all BU-1 uses and the only BU-2 use of outdoor storage of kayaks, and limit the access to U.S. Highway 1 only.

Mr. Mahan stated there is a gap in the fence on the U.S. Highway 1 side, and a gap in the fence on the E.R. Smyth Drive side, offering two modes of leaving the property in case of an emergency. He asked if he would only be entering and exiting through the U.S. 1 side. He said it was his understanding that the board is asking for only entering on the E.R. Smyth or the U.S. 1 side.

Mr. Sullivan stated if he could use the E.R. Smyth Drive side as an egress only, that would be fine. He said the neighbors have stated they don't want trucks entering the neighborhood, but if only leaving the property on an egress, that would be easy.

Mr. Mahan stated he would agree to that.

Mr. Ball clarified that the access would be limited to ingress and egress from U.S. Highway 1, and egress only from E.R. Smyth Drive.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from AU to BU-2, with a BDP retaining all BU-1 uses, limiting the BU-2 use to kayak storage only, and limiting egress only to E.R. Smyth Drive, with ingress and egress to U.S. Highway 1. The motion passed unanimously.

### **Matthew and Christine Morak**

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on 2.22 acres, located on the north side of Burkholm Rd., approx. 0.38 mile east of U.S. Highway 1 (3660 Burkholm Rd., Mims) (23Z00010) (Tax Account 2004738) (District 1)

Matthew Morak, 2972 Eddington Drive, Titusville, stated he and his wife have decided to relocate to North Brevard and have bought a piece of property next to his parents. The property is currently zoned AU; however, it is 2.2 acres, and AU has a requirement of 2.5 acres. He said their plan is to build a single-family home.

Public comment.

Naomi Nichols, 3635 Pennsylvania Avenue, Mims, asked if there is a reason the applicants cannot get a variance from the AU zoning classification instead of rezoning to RR-1. She said her concern is that the property could be split. She stated there used to be a five-acre minimum, and she doesn't know when that changed, but the area has grown in the past 15 years.

Jeffrey Ball stated a variance could be possible; however, rezoning would be the first step to get rid of the non-conformities. The Future Land Use is RES 1, which would allow for one-acre lots, and RR-1 is a zoning classification that is consistent with that RES 1 Future Land Use. He stated the size of the property would also allow for a split by a flag lot. The other option is to apply for a variance for the lot size. He said there are many ways to fix the situation, but one thing staff looks at first is to change the zoning to match the land use so it provides consistency and compatibility with the area.

Ms. Nichols asked if the board would look at changing the zoning more favorably than a variance in most cases. Mr. Ball stated he can only inform her of the options and what the board can and cannot consider. He said staff looks at consistency and compatibility with the Comprehensive Plan, and the RR-1 zoning is considered a down-zoning from AU, which allows for a multitude of commercial agricultural uses that would not be allowed in RR-1. He noted the area is getting some protection from commercial agricultural uses that are allowed in AU zoning.

Ron Bartcher stated he believes the request is consistent and compatible with the surrounding area.

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

**Rebecca and Allen Potter**

A change of zoning classification from RR-1 (Rural Residential) and AU (Agricultural Residential) to all AU, on 3.53 acres, located on the east side of U.S. Highway 1, approx. 0.24 mile north of Barefoot Bay Blvd. (7660 U.S. Highway 1, Micco) (23Z00011) (Tax Account 3006359) (District 3)

Motion by John Hopengarten, seconded by Logan Luse, to recommend tabling the change of zoning classification from RR-1 and AU to all AU, to the June 12, 2023, P&Z meeting, as the applicant failed to appear. The motion passed unanimously.

**Melanie Rondeau and Zackry Corter**

A change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), on 1 acre, located on the east side of Blounts Ridge Rd., approx. 835 ft. north of Patty Ln. (No assigned address. In the Mims area.) (22Z00056) (Tax Account 2000693) (District 1)

Zackry Corter, 2215 East Jay Jay Road, Titusville, stated they are asking for a zoning change to RRMH-1 in order to build a manufactured home.

No public comment.

Ron Bartcher stated he believes the request is consistent and compatible with the area.

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

**Terrance P. and Peggy A. Mulreany** (Kelly Hyvonen)

A Small Scale Comprehensive Plan Amendment (22S.20), to change the Future Land Use designation from NC (Neighborhood Commercial) and RES 4 (Residential 4) to CC (Community Commercial), on 8.89 +/- acres, located on the east side of Grissom Parkway, approx. 0.68 miles south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (22SS00017) (Tax Accounts 2400694, 2400695, 2400696, 2400697, 2400698, & 2400700 (District 1)

**Terrance P. and Peggy A. Mulreany** (Kelly Hyvonen)

A change of zoning classification from GU (General Use) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on 8.89 +/- acres, located on the east side of Grissom Parkway, approx. 0.68 miles south of Canaveral Groves Boulevard. (No assigned address. In the Cocoa area.) (22Z00073) (Tax Accounts 2400694, 2400695, 2400696, 2400697, 2400698, & 2400700 (District 1)

Kelly Hyvonen, 355 Spoonbill Lane, Melbourne Beach, stated the first request is for a Future Land Use Map amendment from NC and RES 4 to CC for the purpose of also seeking a rezoning from GU to BU-2. She stated she appeared before the Board on September 12, 2022, requesting the same land use and zoning on the property immediately to the south. The proposed use for the property to the south is a combination of retail, and RV and boat storage. On the subject property, the plan is an extension of not only what is going to be happening to the south, but also what is happening with the larger overall picture in the City of Cocoa. She said the subject property is near the southern end of Grissom Road, which is largely a heavy industrial area. Property to the south, in the City of Cocoa, has a zoning of M-2, which is a heavy industrial zoning. She stated approval of the requests would create a unified development parcel with consistent Future Land Use and zoning for a future office, warehouse, or distribution use, which is compatible with the area. She noted the subject property is under contract by a company that does small bay warehousing, and each of the units would have a

warehouse space in the back and then a flexible retail/office space up front, which is good for many of the permitted BU-2 uses. She said she believes the request is consistent with the Comprehensive Plan, is in keeping with the corridor, and consistent with the existing pattern of development.

No public comment.

Ron Bartcher stated the board approved a similar change to the properties immediately south last year, and he believes the requests are consistent and compatible.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the Small Scale Comprehensive Plan amendment from NC and RES 4 to CC. The motion passed unanimously

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from GU to BU-2. The motion passed unanimously.

**Norman Leigh Sherman, Jr., and Karen Denise Turowski**

A Small Scale Comprehensive Plan Amendment (22S.18) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1:2.5 (Residential 1:2.5). The property is 4.40 acres total, located on the southeast corner of Pine Needle St. and Hog Valley Rd. (4791 Pine Needle St., Mims) (22SS00014) (Tax Accounts 2002089 & 2002090) (District 1)

**Norman Leigh Sherman and Karen Denise Turowski**

A change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to AU (Agricultural Residential). The property is 3.53 +/- acres, located on the south side of Pine Needle St., approx. 300 ft. east of Hog Valley Rd. (4791 Pine Needle St., Mims) (23Z00016) (Tax Account 2002089) (District 1)

Norman Leigh Sherman, 1979 Garwood Drive, Orlando, stated they own 4.4 acres in Mims and are building a modular home. He said they bought a single-wide trailer two years ago to use as storage on the property, in addition to the modular home, but they found out they weren't allowed to have two residences on one piece of property, so they separated the lot that that has the single-wide trailer on one acre, so the addition is for the other piece of property.

No public comment.

John Hopengarten asked if they have a modular home on one part of the parcel, and then a trailer on the other.

Karen Turowski, 1979 Garwood Drive, Orlando, explained they bought an old portable school building that they are modifying to a single-family home. She said they have gone through the Building Department and have engineered drawings to make that happen, but it was put on hold because they bought a trailer to use as storage while building the home, not realizing it would still be considered a single-family structure.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the Small Scale Comprehensive Plan amendment to change the Future Land Use designation from AGRIC to RES 1:2.5 on 4.40 acres. The motion passed unanimously.

Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the change of zoning classification from RRMH-1 to AU on 3.53 acres. The motion passed unanimously.

**David C. Ramage and Cynthia R. Ramage Trust** (Jack Kirschenbaum)

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on 4.83 acres, located on the east side of U.S. Highway 1, approx. 0.23 mile north of E. Main St. (2615 U.S. Highway 1, Mims) (23Z00006) (Tax Account 2103340) (District 1)

Shawn Demers, Gray Robinson Law Firm, 1795 W. Nasa Boulevard, Melbourne, stated the property owner is requesting a change of zoning from BU-1 to BU-2 in order to develop a self-storage center to include RV and boat storage. He noted the proposed self-storage facility would be next to a Tractor Supply store and it is consistent and compatible with the surrounding area.

Public comment.

Gerald Pattenwald, 3850 Miami Avenue, West Melbourne, asked the address of the subject property, and if it is off of Highway 192. Paul Body replied the property is in the Mims area.

John Hopengarten asked why the property was administratively rezoned in 1967. Mr. Body replied because the whole corridor had BU-1 zoning, and it was the whole block that was rezoned, not just the one lot.

Ron Bartcher stated Mims is a rural area, but the residents would rather have BU-1 and restrict the BU-2 uses, because there are some BU-2 uses the residents of Mims do not want in the area. He asked if the applicant would be willing to add a BDP to the zoning request to limit the BU-2 uses to only the self-storage mini-warehouse with outdoor storage, and still have all of the BU-1 uses available.

Mr. Demers replied yes, his client would agree to a binding development plan.

Mr. Bartcher asked if the applicant would also agree to put the boats and RVs on the rear of the property. Mr. Demers replied the plan is to keep the boats and RVs out of view from the main road; the facility will be a 'U' shape with the interior being the location for the outdoor storage.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from BU-1 to BU-2, with a BDP retaining all BU-1 uses, limiting the BU-2 use to a mini-warehouse, and limiting the storage of RV's and boats to the rear of the property. The motion passed unanimously.

**Ranger Storage, LLC** (Jim Trauger)

An amendment to an existing BDP (Binding Development Plan) in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification, on 2.21 +/- acres, located on the south side of Freeman Lane, approx. 480 ft. east of Waelti Dr. (3335 Freeman Lane, Melbourne) (23Z00009) (Tax Account 2601558) (District 4)

Jim Trauger, 2210 Front Street, Melbourne, stated the site is currently zoned BU-2, with an existing BDP, and during a pre-application meeting with staff it was determined that the proposal is different than the previously approved BDP, so a new layout was developed. There are a couple of changes

he feels are less intense; the current BDP allows outdoor storage for a mini-warehouse, and the proposed use is solely for indoor storage of boats and RVs, which is less intense if people don't pick up their RVs and boats every day, and that is the biggest change. He said his client would also like to push more landscaping to the front, closer to the residential use, to create a better buffer. To the west is vacant land, to the south is warehousing, to the east is a large FDOT pond, and then the railroad tracks, so there is no potential for residential neighbors, and that was the idea with the new layout.

#### Public comment.

Robert Usherson, 338 Myrtle Wood Road, Melbourne, stated he lives in the subdivision to the west of the proposed development, and is speaking on behalf of himself and the HOA president. He said they thought they would be able to support the application because indoor storage of recreational vehicles and boats could be a compatible neighbor; however, the way the application has been framed, they oppose it unless it were to be significantly re-crafted to render it compatible with the Comprehensive Plan and the character of the area. He said currently, there is a BDP that expressly limits use, and as the proposal has been framed, it breaks it wide open to the full range of BU-2 uses. He said the president of the HOA sent a letter to the applicant hoping there could be some dialogue and an adjustment to the application, but she has not received a reply. The way the request is framed, he finds it to be considerably inconsistent with the policies of the Comprehensive Plan and it would be inappropriate for the board to recommend approval of a change from the current BDP. He stated the area has been piecemealed by multiple small scale plan amendments over the years since the comprehensive plan was adopted, and the area has now been re-designated substantially on an ad-hoc piecemealed basis to Community Commercial. He said in recent years the HOA has garnered cooperation from several applicants who have offered BDPs limiting the range of uses on a property and other appurtenances that would not pose a threat to the liveability of homes. He said the HOA asked Ranger Storage to include a few provisions in the draft BDP, which were nominal and reasonable, but there has not been a reply from the applicant. He said there are a couple of ways they could fix this, but right now what is before the board is unacceptable. He explained the Waelti area has one access road out, and it's a large area that has been undergoing transition to heavy commercial uses. There is a traffic signal at Wickham Road and it is the only way out, except to drive through the neighborhood, which has substandard streets without sidewalks, and cannot tolerate through traffic by heavy vehicles and other activity that could occur in BU-2. He noted the traffic signal has a very long cycle period, and people get impatient and cut through the neighborhood. He said the County has very little opportunity to change the signal because the two signals very close to that intersection limits how much clearance time can be provided out of Waelti and onto Wickham. He stated the area should get a comprehensive overview and maybe an overlay district to lay onto the area so that what occurs in the confined space is good planning and not an ad-hoc reaction to requests that come before the board. He said another concern is noise, and on a small, piecemealed basis, the noise code doesn't provide a good way to respond to little things that could be occurring through a multiplicity of sites with multiplicity of occupants. He stated storage could be just fine, but a 60-foot tall building is contemplated in the site plan, and asked if it going to be rack storage, or if there is going to be some kind of a lift vehicle with back-up beepers going off all night or all day, and that's not explained nor precluded by the current proposal. Another concern is with electronic digital signs; residents don't want them in the area or along Wickham Road, but they could be allowed in BU-2 zoning. He said what the HOA has asked of applicants is that they tighten up the development proposal to exclude some of the things that would be very deleterious to the quality of life in the neighborhood. He said they are not asking to simply limit the use to indoor storage of RVs and boats, because there are a lot of other things that could be allowed, they are asking that it exclude the kinds

of things that would be deleterious to the neighborhood, and there are a variety of ways it can be done in the BDP. He said the preamble of the document indicates what the wishes and desires of the applicant are, to build a storage facility; however, in the operative language, there is no limitation, it is wide open. There is an exhibit in the agenda materials called a site plan that shows landscaping and fencing, and where the buildings will be, but the staff comments say the project still has to go through site plan review and it could all change, but it is a site plan and not a land use restriction.

Mr. Trauger stated his clients plan to be good neighbors. The exhibit that is part of the BDP is why they are before the board, because staff felt that what was provided was substantially different. If his clients were to go to staff with digital sign boards and things that may be allowed in BU-2, they would have to come back to the board. He said his client is not proposing a 60-foot tall building; the proposed building is single-story, as is written in the exhibit drawing.

John Hopengarten asked if the existing BDP can be amended if the request is not for a rezoning.

Alex Esseesse replied yes, BDPs are an agreement between a property owner and the Board of County Commissioners, and they can be amended. Mr. Hopengarten stated the original agreement is with a different owner. Mr. Esseesse replied BDPs run with the land, not the property owner.

Mr. Hopengarten stated he researched back to 2006, and it seems the BDP that was approved was different than the one proposed by the P&Z Board, and it seemed that the major item was the paving of Freeman Lane, and asked if it is paved. Mr. Trauger replied Freeman Lane is paved up to the site.

Mr. Hopengarten stated another requirement was putting up a barrier of vegetation on three sides of the property, which was because the original applicant had clear cut the entire site, and staff recommended that punitively at the time. He said the final BDP that was approved included only those two requirements.

Jeffrey Ball pointed out there was a third condition in the original BDP that the developer/owner limit the use to mini-warehouse facility only, and with the open storage for boats and RVs on the rear of the property.

Mr. Trauger stated his clients are no longer planning any outdoor storage on the site at all, so that condition also does not apply to the proposed development.

Ron Bartcher stated it seems the proposed facility could be built on the property with the current BDP in place. Mr. Trauger replied the RVs intended for storage are large and need a 50-foot bay. The circulation of the previous project had the two entrances, and then the middle two buildings would have worked, but the exterior buildings were not deep enough to accommodate larger RVs. He said the idea was to use those buildings as self-storage and then have the RVs and boats outside on the southern portion of the site closer to the warehousing, but since they want to have all of the RVs and boats within structures, they won't be visible at all.

Mr. Bartcher asked staff if the applicant can build the building he wants in BU-1 zoning. Mr. Ball replied yes, but it is the outdoor storage component that requires BU-2.

Mr. Ball further clarified that the BDP was approved with a site plan, and what they are trying to do now doesn't comply with that site plan, and that is why the application is before the board, to remove



the site plan part to allow for them to have more flexibility within the BU-2 zoning and the conditions that went along with the site plan.

Mr. Bartcher stated he agrees with the residents that taking this requirement out essentially opens it up to any BU-2 use. He asked if the restrictions in the proposed BDP do not limit the kinds of things he can do. Mr. Ball replied there are no use limitations in the proposed BDP.

Mr. Bartcher stated there are BU-2 uses that residents would not like to see next to their homes, and he would like to see some restrictions on BU-2 uses, as suggested by the HOA.

Mr. Trauger stated he doesn't have a problem adding to the BDP that the facility will be used for indoor RV storage. He said it wasn't malicious intent, it was oversight, because he thought it was clear since the name of the company is Ranger RV storage.

Mr. Bartcher stated the board only deals with zoning issues, it doesn't deal with site planning, and while he appreciates the applicant's willingness to come forward with what they are going to do with the property, in reality it is not a requirement, so the board has to deal with not only what the applicant says he is planning to do, but other things that could be done with the property.

Mr. Trauger stated he was under the impression that the use wasn't changing, just the layout, and that triggered coming back to the board.

Mark Wadsworth asked if limiting the use to indoor storage of RV's is acceptable. Mr. Trauger stated he doesn't have a problem adding that the use on the property will be solely for the indoor storage of boats and RVs.

Mr. Ball stated asked for clarification that the board's recommendation would be to include a BDP that limits the use of the property to the BU-1 uses and the BU-2 use of indoor RV and boat storage.

Mr. Bartcher stated that is correct.

Mr. Hopengarten asked if there a way to amend the original BDP and take out the two provisions on Freeman Lane. Mr. Esseeesse replied yes, there doesn't have to be a companion rezoning item, an applicant can come to the board to ask to amend the BDP itself, as is outlined in the Code. Mr. Hopengarten asked if that can be done, rather than a new BDP. Mr. Esseeesse replied the board is amending the existing BDP, effectively creating a new BDP.

Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the amendment to an existing BDP in a BU-2 zoning classification, with a BDP retaining all BU-1 uses and limiting the BU-2 use to indoor RV storage only. The motion passed unanimously.

**FMKT Mel Owner, LLC** (Bruce Moia)

A Small Scale Comprehensive Plan Amendment (23S.02), to change the Future Land Use designation from PI (Planned Industrial) and CC (Community Commercial), to all CC, on 11.48 acres, located on the east side of N. Wickham Rd., approx. .20 miles south of Pineda Ct. (In the Melbourne area.) (23SS00002) (Tax Account 3011945) (District 4)

**FMKT Mel Owner, LLC** (Bruce Moia)

A change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to PUD (Planned Unit Development) on 11.48 acres, located on the east side of N. Wickham Rd., approx. .20 miles south of Pineda Ct. (In the Melbourne area.) (23Z00008) (Tax Account 3011945) (District 4)

Bruce Moia, MBV Engineering, stated the subject property is in the Fresh Market shopping center, which has several outparcels. When the plat was created, the access was through the main driveway, but the main driveway is fairly narrow and there is one part of the property that has not yet been developed. It has already been designed and permitted, and there is one building left to be built in what is the one big lot that has the shopping center. He stated another plat and lot was created, but it was discovered that the only way to get approval because of the narrow frontage is to ask for PUD zoning; however, PUD zoning is not compatible with the existing land use, so they are also asking for a land use change to be compatible with the land use, the plat can be recorded, and the lot can be sold. He noted it will look the same as when it was approved, but there will be a lot line and they will have the ability to sell the property rather than have it be a part of the existing shopping center.

No public comment.

Motion by Robert Sullivan, seconded by Debbie Thomas, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from PI and CC to all CC. The motion passed unanimously.

Motion by Debbie Thomas, seconded by Logan Luse, to recommend approval of the change of zoning classification from BU-1 and BU-2 to PUD. The motion passed unanimously.

**Mehran Ghaeenzadeh** (Scott Glaubitz)

A change of zoning classification from BU-1 (General Retail Commercial) with an existing BDP (Binding Development Plan) to BU-2 (Retail, Warehousing, and Wholesale Commercial), with removal of the existing BDP, on 8.87 acres, located on the south side of W. New Haven Ave., approx. 250 ft. east of New York St. (3865 W. New Haven Ave., Melbourne) (23Z00007) (Tax Account 2800735) (District 5)

Ken Ludlow, B.S.E. Consultants, appeared before the board to represent the item.

Jeffrey Ball noted the applicant has not submitted the required authorization to represent the property owner; therefore, item H.14. should be tabled to the June 12, 2023, meeting.

Motion by John Hopengarten, seconded by Logan Luse, to table the request for a change of zoning classification from BU-1 with an existing BDP, to BU-2 and removal of the existing BDP, to the June 12, 2023, Planning and Zoning meeting. The motion passed unanimously.

Upon consensus, the meeting adjourned at 4:40 PM.