

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 8, 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; Brian Hodgers, 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, May 30, 2019, at 5:00 p.m.

Approval of the May 6, 2019, Minutes

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the minutes of May 6, 2019. The motion passed unanimously.

Other Business

Before the beginning of the public hearing items, Erin Sterk announced she has accepted a position elsewhere, and July 8th is her last day at Brevard County. She thanked the board and stated it has been a pleasure to work with all of the board members and fellow staff members.

Henry Minneboo announced his resignation on the Planning and Zoning Board will be immediately following the meeting. He stated he has volunteered on the board for 15 years, and he knows tough decisions are made by the board.

Public Hearing Items

JSFS Land Trust, Jacob Shapiro, as Trustee, and Faye Shapiro, as Trustee (Kim Rezanka)

A Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00062) (District 1)

JSFS Land Trust, Jacob Shapiro, as Trustee, and Faye Shapiro, as Trustee (Kim Rezanka)

A change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential). The property is 9.79 acres, located on the north side of Ranch Road, approximately 0.25 mile west of Grissom Parkway. (No assigned address. In the Cocoa area.) (19PZ00063) (District 1)

Kim Rezanka thanked Mr. Minneboo for his service to Brevard County and the Planning and Zoning Board for the last 15 years. She began her presentation by stating she and her clients held a meeting with the neighbors, who raised several issues, such as buffering, retention, access issues, and privacy issues. She stated her clients would like to do more research, and they'd like to get a topographical survey. She noted they have learned that six of the 10 acres of the subject property are wetlands, which has changed the request from duplexes to townhomes, and they need to know how

many units they really need in order to know if they even need a change of land use. She stated in addition to those reasons, her client is ill and is not able to be present. She asked for a continuance of the requests until the August 5th Planning and Zoning meeting so they can get more information for the neighbors.

Motion by Rochelle Lawandales, seconded by Dane Theodore, to table both items to the August, 2019 Planning and Zoning meeting. The vote was unanimous.

James W. and Catherine Brown

A change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity). The property is 1.01 acres, located on the south side of Blair Street, approximately 496 feet west of Knoxville Avenue. (3227 Blair Street, Cocoa) (19PZ00054) (District 1)

Catherine Brown, 3227 Blair Street, Cocoa, stated she would like to rezone to AU(L) for the purpose of building a metal building for storage of her husband's classic cars.

Dane Theodore stated he has a note that the applicants want the change so they can have farm animals. Ms. Brown stated no, they do not want to have farm animals.

No public comment.

Motion by Rochelle Lawandales, seconded by Peter Filiberto, to approve the change of zoning classification from GU to AU(L). The vote passed unanimously.

Daniel Bandish

A change of zoning classification from SEU (Suburban Estate Use) to RR-1 (Rural Residential). The property is 3.29 acres, located approximately 350 feet north of the intersection of Clydesdale Boulevard and Percheron Boulevard. (5290 Percheron Boulevard, Melbourne) (19PZ00055) (District 4)

Daniel Bandish, 5300 Percheron Boulevard, Melbourne, stated he recently bought the property behind him, which is zoned SEU. The front part of his property is RR-1 and he would like both properties to be the same zoning.

No public comment.

Rochelle Lawandales stated the request seems straight forward, and the property is surrounded by RR-1.

Motion by Rochelle Lawandales, seconded by Mark Wadsworth, to approve the change of zoning classification from SEU to RR-1. The vote passed unanimously.

Blue Star Shoreview, LLC (Bruce Moia)

An amendment to an existing BDP (Binding Development Plan) to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units. The property is 8.49 acres, located on the southwest corner of Berkeley Street and Highway A1A. (50 Berkeley Street, Satellite Beach) (19PZ00060) (District 4)

Bruce Moia, MBV Engineering, stated Shoreview Apartments have been in existence since 1964, and it was bought five years ago by someone who would like to add another building. The owner needs to add some units to make it profitable, so he's asking to modify the existing BDP. He added that the request is not inconsistent with the area.

Rochelle Lawandales asked if the owner has any plans for the area designated Neighborhood Commercial. Mr. Moia replied no.

Brian Hodgers asked where the new building will be located, and if it will be two stories. Mr. Moia replied it will front Highway A1A, and it will be three stories.

Peter Filiberto asked if it will be attached to the existing building, or if it would be separate. Mr. Moia replied it will be a separate building.

Dane Theodore stated the staff comments mentioned a lack of parking, and also stormwater retention, and asked if he will be adding additional spaces. Mr. Moia replied yes, they will have to go through site planning with the County to ensure retention, parking, landscaping, and other required improvements.

Rochelle Lawandales asked if the apartments will have gated access in order to avoid people parking there to go to the beach. Mr. Moia stated he doesn't think there are enough spaces there for people to park to go to the beach, and also, there is a parking lot across the street for the beach. Ms. Lawandales asked if the owner will be putting in sidewalks, or if there will be any improvements to the crosswalk. Mr. Moia noted it is a signaled intersection with a crosswalk, and there will be an internal sidewalk that will connect to it.

No public comment.

Motion by Peter Filiberto, seconded by Rochelle Lawandales, to approve the amendment to an existing BDP (Binding Development Plan) to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units.

Erin Sterk stated that as Mr. Moia mentioned, they will come to the County for a site plan, but it will be for the area modulation only. As far as a sidewalk along A1A, there may be internal sidewalks built with the project, but the only way the County could necessitate improvements is just within the area proposed for the site plan.

Rochelle Lawandales stated she would like to amend her second to include a sidewalk along A1A for safety. Peter Filiberto stated he would amend his motion to include Rochelle's stipulation of a sidewalk.

Mr. Moia stated he is involved in improvements at another intersection on A1A just to the south of this site, and the State did not want a sidewalk there, so he doesn't know if they will want one at this intersection. He stated there will be internal access within the apartments to get to the sidewalk that goes to the crosswalk.

Mr. Minneboo suggested adding language to the motion that if the Florida Department of Transportation will allow a sidewalk the applicant will build a sidewalk.

Rochelle Lawandales clarified the intent of the motion was to amend the BDP to increase the density, with the stipulation that if they provide a sidewalk for safety reasons.

Mr. Moia stated on an aerial photo, it is clear that there are no sidewalks on the west side of A1A for several miles in either direction, so this would be the only sidewalk on the west side of A1A.

Peter Filiberto amended his amended motion to accept the request as-is, disregarding the sidewalk.

Brian Hodggers seconded the motion.

Henry Minneboo called for a vote on the motion and it passed 6:1, with Rochelle Lawandales voting nay.

Rochelle Lawandales stated for the record that she supports the project, but she would like a sidewalk for safety reasons.

Sunshine State, LLC (Scott Knox)

A CUP (Conditional Use Permit) for Land Alteration on 216.89 acres out of a total of 326.97 acres. The property is 326.97 acres. 216.89 acres for CUP request, located on the west side of Babcock Street, north of the C-54 Canal. (9550 Babcock Street, Fellsmere) (19PZ00061) (District 5)

Scott Knox, Widerman – Malek Law Firm, 1900 West New Haven Avenue, Melbourne, stated the application consolidates nine existing land alteration permits so the applicant can have a cohesive effort to the work they've been doing for the last several years. He stated eventually, the approval will also allow a reclamation program where they can do some kind of development at the end of their projected 10-year project. He stated the area subject to the land use alteration CUP (Conditional Use Permit) is the 216.89 acres, and of that, the County will reserve 110 acres to set boundaries for the dirt removal and the lime rock that will be removed from the site. He noted explosives will not be used, access from the property will be on Babcock Road, and the material taken from the site will generally be used in the area around Viera where there are some large projects underway.

No public comment.

Motion by Rochelle Lawandales, seconded by Brian Hodggers, to approve the CUP for Land Alteration on 216.89 acres out of a total of 326.97 acres. The vote passed unanimously.

Casa Loma Estates Co-Op, Inc. (Karl Bohne)

A CUP (Conditional Use Permit) for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles. The property is 20 acres, located on the west side of U.S. Highway 1, approximately 1 mile north of Pineda Causeway. (No assigned address. In the Melbourne area.) (19PZ00064) (District 4)

Karl Bohne, 1311 Bedford Drive, Melbourne, stated his clients are seeking a CUP to mitigate a nonconformity. The subject property has been a mobile home site since 1983. In 2005 the co-op was formed and changed the form of ownership to a cooperative ownership, which means the co-op owns the dirt and people buy membership certificates which allows them to occupy sites. In your package is a plot plan, and the middle area and two other smaller sites, from at least 2005, has had some RV's parked there, and the reason for that is because the DOH (Department of Health) said some of the sites were not fit for mobile homes under their rules. Mobile homes would be allowed under the

County's code, so that's not an issue. The issue is the RV's that are there, so they need the CUP to mitigate those nonconformities. There's approximately 56 lots in one area, 41 of which continue to have mobile homes on them, and will continue to do so until they are replaced and the DOH will only allow them to be replaced with RV's. He stated they are not changing anything on the property, they just want to change its designation to allow those RV's to continue to exist under the conditional use in the County Code. He stated Americana Resorts is to the north which is a mobile home park co-op; across the street on U.S. 1 are some private residences; there is scattered commercial and industrial abutting Casa Loma; and there may be one private residence to the west. He noted there have not been any objections, and the staff comments do not seem to raise any unfavorable situations for the property.

Dane Theodore asked for clarification on the DOH declares the mobile homes nonconforming. Karl Bohne replied the DOH requires a minimum of 2,400 square feet per lot, and these are less than 2,400 square feet. They will not permit a mobile home going forward on those sites, but they will allow an RV to be placed because it's less of an impact on sewers and septic tanks. Mr. Theodore asked if the homes that are there now were conforming at the time they were initially in place. Mr. Bohne replied the mobile homes conform to the County's code. He further stated he didn't know what happened in 2005 or 2006, but what triggered this is that there was a gentleman who occupied sites, and he applied to the County for an awning permit, or carport, and the County noticed he had an RV on the site, and that's what triggered the review. That's all we know that happened out there. We know that the DOH (Department of Health) has said going forward they will only allow RVs (Recreational Vehicles) on those smaller lots, and that's the 56 spaces being considered today.

Henry Minneboo stated the State must have criteria on what they consider a mobile home and what they consider an RV.

Jad Brewer stated a mobile home is defined under HUD (Department of Housing and Urban Development) guidelines; and RV's are defined under Florida Statutes. It's a disconnect between County code and the DOH. Once the mobile home is destroyed, the DOH will not allow it to be replaced with another mobile home.

Karl Bohne explained when the site was originally planned as a co-op, there were 22 RV sites, and then some mobile homes were placed, which triggered the DOH's concern. Right now, we have 15, but we need to get those 56 lots part of the CUP (Conditional Use Permit) for the future. He said the alternative is that every time a mobile home gets condemned, or moved, or destroyed, the owners have to come to the board to request a CUP. Today's request would only require them to come to the board once. The other alternative required a complete tear-down and start over, which really cannot be done with a co-op. If approved, the Board would be allowing the sites to be modified in the future if necessary, as far as the occupancy is concerned.

Mr. Theodore asked if staff has worked with the applicant and is recommending this solution.

Erin Sterk replied yes, and stated several years ago there was a point where the County created nonconforming mobile home park files, and this park is in one of those circumstances where they had a nonconformity already that was recognized by the County and we have the plan on file that brought the conformity of the existing 22 RV sites on the park already. That's been in place for decades. The problem is that the lots were so small back then, and the DOH increased their criteria over the years

to eliminate close proximity of homes. This request today seems to be the best fit so that they residents have conforming rights so they can replace their units.

Rochelle Lawandales asked if the RV's will be allowed to be permanent residences on these particular lots under the CUP.

Mr. Brewer replied yes, on the particular lots they are asking to add. They have 22 allowed now.

Karl Bohne noted it's 56 additional lots.

No public comment.

Motion by Rochelle Lawandales, seconded by Dane Theodore, to approve the CUP for Mitigation of a Non-Conforming Mobile Home Park to allow mobile homes to be replaced with recreational vehicles. The vote passed unanimously.

Other Business

Rochelle Lawandales expressed appreciation to Henry Minneboo for his dedicated service to the Planning and Zoning Board. She recognized his exemplary service to the County and the board, and stated he has made the meetings an easy operation. She noted that Mr. Minneboo is the reason she accepted her appointment several years ago, and thanked him for the inspiration.

Jad Brewer stated Jennifer just got an email, and Scott Langston has just resigned as well.

Jennifer Jones stated Mr. Langston was the vice chair.

Mr. Brewer stated there is no chair or vice chair at the next meeting to start an election of any sort. He asked if anyone would be interested in being the chair or vice chair at the next meeting.

Rochelle Lawandales stated she will be the chair temporarily.

Mr. Brewer stated they just need to elect a Chair Pro Tem today so it can be addressed at the next meeting so we can start it.

Motion by Dane Theodore, seconded by Peter Filiberto, to elect Rochelle Lawandales as Chair Pro Tem for the July 22nd Local Planning Agency meeting.

Rochelle Lawandales – I'll be glad to serve.

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

Upon consensus of the board, the meeting adjourned at 3:50 p.m.