

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 9, 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); Brian Hodgers (D2); Robert Sullivan (D2); Lorraine Koss (Alt. D2); Ben Glover, Vice Chair (D3); Mark Wadsworth, Chair (D4); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Planner III; Alex Esseeesse, Deputy County Attorney; Billy Prasad, Special Projects Coordinator IV; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Ronald Abbott; Abbott Manufactured Housing, Inc. (Kelly Hyvonen)

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) and removal of existing BDP. The property is 4.58 acres, located on the north side of Barefoot Bay Blvd., approx. 200 ft. west of U.S. Highway 1. (No assigned address, in the Micco area.) (Tax Account 3010400) (District 3)

Kelly Hyvonen, Land Development Strategies, stated her client is seeking to rezone the subject property from BU-1 to BU-2 for boat and RV storage. She said the site is a good location for the use is because it is close to U.S. 1, and it is adjacent to railroad tracks, vacant property, and some retail uses, as well as it is in close proximity to Barefoot Bay. She noted Barefoot Bay has onsite storage for boats and RV's, but it's at full capacity, so it is expected that residents of Barefoot Bay would be customers of the proposed project. She stated Mr. Abbott has spoken to the Barefoot Bay homeowner's association manager, as well as some residents, who told him they are seeking a nearby boat and RV storage facility. She said a letter of support from the HOA is anticipated, but not yet received; and other than the HOA, there has not been any communication related to the rezoning.

No public comment.

Henry Minneboo stated historically, the board has requested that applicants meet with surrounding property owners, and asked if the board wants to maintain that consistency.

Ms. Hyvonen stated she and her client reached out to Barefoot Bay management who are expected to submit a letter of support that can be entered into the record before the County Commission meeting.

Ron Bartcher asked if the intended use is for boat and RV storage. Ms. Hyvonen replied yes, that is consistent with the current market.

Mr. Bartcher asked if her client would agree to a BDP on the property stipulating boat and RV storage would be the only BU-2 use.

Ms. Hyvonen stated she would need to confer with her client, but the plan is for boat and RV storage.

Ben Glover stated he agrees with a BDP, and he agrees it might be a good idea to table the item to give them time to speak to the community and find out if a BDP is something the client would consider.

Peter Filiberto stated he agrees with a BDP for the project; however, Barefoot Bay has a group of trustees that are elected representatives of Barefoot Bay, so he feels the board should move forward with the request with a BDP, because it seems she did due diligence on meeting with the HOA manager.

Ms. Hyvonen stated her client would agree to a BDP limited to boat and RV storage as long as everything allowed in BU-1 is also allowed. She said it would make sense if the BDP says they can have everything BU-1 allows, plus this one BU-2 use. She said if they decide on a retail store in the future, they would have to come back to amend the BDP. She stated she doesn't want to exclude the lower intensity uses that are currently allowed.

Jeffrey Ball stated the applicant is asking to have BU-1 uses with the inclusion of RV and boat storage only, so that would allow for all of the BU-1 uses that are currently allowed on the property to remain, with the addition of boat and RV storage as the only BU-2 use.

Ms. Hyvonen stated her client would agree to that.

Mr. Ball noted the property has an existing BDP, so the board's motion should be to remove the existing BDP because it limits it to a 55 and older community, so that BDP needs to be removed in order to allow for the BU-1 uses.

Mr. Hopengarten asked what uses are allowed in BU-1. Mr. Ball replied typically it is office, retail, and light manufacturing uses.

Mr. Hopengarten stated the current BDP has a restriction of residents age 55 and older, and no residents under the age of 18. That restriction of the 18 year-olds would be affected if anyone wanted to come back and have an apartment complex.

Mr. Ball stated a BDP is a negotiating tool the board has, as well as the County Commission. If the board has issues with any of those uses it can limit them through the BDP.

Motion by Ron Bartcher, seconded by Peter Filiberto, to approve the change of zoning classification from BU-1 to BU-2, with removal of the existing BDP, and adding a new BDP retaining all BU-1 uses, and limiting the BU-2 use to boat and RV storage only. The motion passed 7:2, with Minneboo and Hopengarten voting nay.