

Brevard County Board of County Commissioners

*Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida*



Minutes

Monday, April 6, 2020

3:00 PM

Commission Room

Call To Order

Approval of Minutes

H. Public Hearings

- H.1.** Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment from Planned Industrial to Residential 2. (20PZ00024) (Tax Account 2105262 - part of) (District 1) This item has been automatically tabled by the applicant to the 05/04/20 Planning and Zoning Board/Local Planning Agency meeting. Letter received 03/27/20.

This agenda item was automatically tabled by the applicant

Result: TABLED

- H.2.** Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1) This item has been automatically tabled by the applicant to the 05/04/20 Planning and Zoning Board meeting. Letter received 03/27/20

This agenda item was automatically tabled by the applicant.

Result: TABLED

- H.3.** James and Mary Murray (Dan Quattrocchi) request a change of zoning classification from AU to EU. (20PZ00015) (Tax Account 2511451) (District 2)

This agenda item was automatically tabled.

Result: TABLED

- H.4.** River Fly-In Condominium, Inc. (Kim Rezanka) requests an amendment to an existing BDP in a PUD zoning classification. (20PZ00019) (Tax Account 2501008) (District 2).

Kim Rezanka, Cantwell & Goldman, P.A., stated the individuals who own condominiums would like to do short-term rentals; ownership will not change, just the use. She stated Section 62-1841.5.5 deals with resort dwellings, and this is a resort dwelling use, but it's permitted with conditions. The existing binding development plan is proposed to be amended to ensure everyone is aware this is possible and that it has to comply with the Code. She noted the property was approved as a PUD in 2006; the site plan and amenities building have been approved; and construction on the condominium will begin soon.

Joe Buchanan asked if a management team has been put together. Ms. Rezanka replied yes, there will be a management team on site.

Bruce Moia stated the BDP talks about no more than six occupants per unit, and it also says cannot exceed the number of rooms in the dwelling unit. He asked if the two conflict with each other. Ms. Rezanka replied it means there can be no more than six, but there can be less. She noted that the language in the BDP was taken out of the ordinance. Mr. Moia asked what is considered a room. Ms. Rezanka noted the ordinance references a room as established by the floor plan. Mr. Moia asked if it is duplicative language that will be in the BDP as well as the ordinance. Ms. Rezanka replied yes.

Mr. Bartcher asked if the request has been heard by MIRA (Merritt Island Redevelopment Agency). Mr. Ball replied no, it has not. Mr. Bartcher asked if the board wanted to have MIRA's input before making a recommendation. Mr. Moia stated it is unusual that MIRA doesn't hear a request before the Planning and Zoning Board. Ms. Rezanka stated MIRA was scheduled to hear the request last month, but the meeting was cancelled. Mr. Moia asked if there is a time issue that the request need to be heard by P&Z before MIRA. Ms. Rezanka replied the applicant has to submit a minor amendment to the PUD. Mr. Ball advised that the next MIRA meeting is April 30, 2020.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the amendment to an existing BDP (Binding Development Plan) in a PUD (Planned Unit Development) zoning classification. The vote was unanimous.

This agenda item was approved.

Result: APPROVED

Mover: Bruce Moia

Secunder: Joe Buchanan

- H.5.** Troy Yates requests a Small Scale Comprehensive Plan Amendment from Residential 4 to Community Commercial. (20PZ00020) (Tax Account 2400600) (District 1).

No public comment.

Motion by Bruce Moia, seconded by Peter Filiberto to approve the Small Scale Comprehensive Plan Amendment (20S.01) to change the Future Land Use designation from RES 4 to CC. The vote was unanimous.

This agenda item was approved.

Result: APPROVED

Mover: Bruce Moia

Secunder: Peter Filiberto

- H.6.** Troy Yates requests a change of zoning classification from GU to BU-1. (20PZ00021) (Tax Account 2400600) (District 1).

Troy Yates, 4020 Royal Palm Avenue, Cocoa, stated he would like to have a metal building on the property to do lawn mower repair and sales.

No public comment.

Motion by Bruce Moia, seconded by Peter Filiberto to approve the change of zoning classification from GU to BU-1. The vote was unanimous
This agenda item was approved.

Result: APPROVED

Mover: Bruce Moia

Secunder: Peter Filiberto

- H.7.** Michael Richard and Carina Emma Hugoboom request a change of zoning classification from GU to AU(L). (20PZ00022) (Tax Account 2404041) (District 1).

Michael Hugoboom, 3656 Oneida Street, Cocoa, stated he would like to build a guesthouse and an accessory building.

Bruce Moia stated this type of request is one the board sees often and it is consistent with the area.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the change of zoning classification from GU to AU(L). The vote was unanimous.
This agenda item was approved.

Result: APPROVED

Mover: Bruce Moia

Secunder: Joe Buchanan

- H.8.** Brevard County (Euri Rodriguez) requests the following: 1.) a change of zoning classification from GML to GML(H); 2.) a CUP for a Solid Waste Management Facility; 3.) removal of an existing BDP; 4.) a waiver of the 400-foot setbacks; 5.) a request to limit the building height to 55 feet. (20PZ00026) (Tax Account 2209623) (District 1)

Andrew Dugan, Assistant Director, Solid Waste Management Department, stated Solid Waste is looking to replacing the existing Titusville transfer station with a new transfer station that would be located on the northern parcel of the Mockingbird Mulching Facility.

Ron Bartcher asked if something is wrong with the current transfer station. Mr. Dugan replied the current transfer station was built in 1976 and uses hydraulic compression technology that is now over 40 years old; the parts are no longer made and the facility is in constant maintenance. The new transfer station will allow a pit technology similar to the Sarno transfer station, and it will serve the north area of the county for the next 50 years. The new station cannot be located where the current station is because of space and it needs to continue to operate while constructing the new one. Mr. Bartcher stated he has a concern about the traffic on State Road 405, and this will add to the traffic. Mr. Dugan stated there will be a left-turn lane into the new facility. He noted the scale house is further into the property, so there is more room for trucks on the property. Mr. Bartcher stated in the existing BDP there is language that an area would be designated to be used by local organizations for public garden demonstrations, and asked if that was ever put in place. Rich Koller replied it was put in place a long time ago, but discontinued because the organizations no longer exist.

No public comment.

Motion by Joe Buchanan, seconded by Ron Bartcher, to approve the following: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands, High-Intensity; 2.) a CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of the 400-foot setbacks; 5.) Request to limit building height to 55 feet. The vote was unanimous.
This agenda item was approved.

Result: APPROVED

Mover: Joe Buchanan

Seconded: Ron Bartcher

H.9. Temporary moratorium on new applications of biosolids to lands within Brevard County.

Virginia Barker, Director, Natural Resources Management Department, stated staff would like an extension on the biosolids moratorium for another 180 days. On March 24th, the County Commission considered results from data that has been collected since the moratorium was adopted and provided legislative intent to extend the current moratorium. Staff collaborated with the University of Florida, the U.S. Department of Agriculture and Conservation Service, Brevard Soil and Water Conservation District, Department of Environmental Protection, and the Water Management District, collecting soil samples and water samples, and grass tissues on Deer Park Ranch. Based on that study, there were no manmade chemicals coming off of the farm, but there were high levels of phosphorus leaving the site following rainfall.

Peter Filiberto asked the reason for the extension. Ms. Barker replied last summer the State acknowledged that biosolids application was probably an issue and they were working on changing State rules. A technical advisory group made a recommendation, and then the legislature in the most recent session made some additional changes, adopting a bill that had language that was slightly different than what the State had proposed. She stated hopefully in the future there will be State rules to address the issue, but in the meantime, a local moratorium is a stop gap measure.

No public comment.

Motion by Bruce Moia, seconded by Joe Buchanan to approve the temporary moratorium on new applications of biosolids to lands within Brevard County. This agenda item was approved.

Result: APPROVED

Mover: Bruce Moia

Seconded: Joe Buchanan

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the Planning and Zoning Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>

