

Brevard County Board of County Commissioners

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



Minutes

Monday, July 6, 2020

3:00 PM

Commission Room

Call To Order

Approval of Minutes - June 15, 2020

This agenda item was approved.

Result: APPROVED

Mover: Brian Hodgers

Seconder: Joe Buchanan

H. Public Hearings

- H.1.** Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)
[School Concurrency](#)
[1st Draft BDP](#)
[2nd Draft BDP](#)

(All documents presented to the board can be found in file 19PZ00158, located in the Planning and Development Department).

Kim Rezanka, Cantwell & Goldman Law Firm, Cocoa Village, stated in June the board approved the change in Future Land Use that will allow the rezoning to be possible on the west side of Hammock Road. The subject property is a total of 31.43 acres, with almost 5 acres on the east side of Hammock Road and over 26 acres on the west side of Hammock Road, and the request is for RU-1-9 with a BDP. There is TR-2 to the north of the parcel on the east side at 0.5 acres; there are 1-acre lots to the west of the west parcel, and then there is a PUD in the City of Titusville to the south of the parcel on the west side, and then there are some smaller lots on the south side, adjacent to Hammock Road. She stated the BDP specifies the project will hook up to water and sewer, and the total maximum density for the project will be 62 units. The lot on the east side of Hammock Road will have no more than 5 units on half-acre lots, and then the property can be transferred to the other side. There was an issue of whether a transfer of density rights was an issue, but in working with staff, they said it doesn't apply here because of the zoning, Future Land Use, and other reasons. The project will be one subdivision with Hammock Road in the middle of it. The minimum lot size shall be 9,000 square feet due to the way the property has to be developed with buffers and because of the consistency with the PUD to the south. The BDP further states there shall be a 25-foot buffer on the west property line of the west 26.328-acre parcel. Said buffer may be included in the rear and/or side lot setback; and there shall be a 25-foot buffer on the north property line of the east 4.845-acre parcel. She stated in paragraph 2(f) of the BDP, the sentence, 'Said buffer may be included in the rear and/or side lot setback' has been stricken because there was some confusion at the last meeting as to what that meant, and the concern was to make sure there was the 25-foot buffer to the north on the east parcel because those houses were closer to a proposed development than those were on the west side of the west parcel.

Ron Bartcher stated the same wording occurs differently in that same paragraph, and asked if Ms. Rezanka intended to strike that as well. Ms. Rezanka replied no, it's only intended to be stricken at the end of 2(f). She stated most of the houses west of the western parcel are set pretty far back, so it wasn't conveyed that it was a substantial issue, but if that would make the board more comfortable, she can do that.

Mr. Bartcher asked what kind of buffer is intended. Ms. Rezanka replied there will likely be a fence, but they will do whatever the code requires. Mr. Bartcher asked if the buffer would be open space. Ms. Rezanka replied there will be a fence, and there will be trees that will have to be put in because that is what is required. Mr. Bartcher noted a landscape buffer is not mentioned in the BDP, and he would be more comfortable if it was a landscape buffer.

Bruce Moia stated he spoke to Ms. Rezanka because he had concerns after the last meeting. In a subdivision in Brevard County, a 15-foot buffer is required around the entire property that is an undisturbed vegetative buffer. He said on the east side, the north 25 feet is already existing vegetation that creates a wall, so the board could keep that because those houses are pretty close to that property. On the west side it is all clear, so in lieu of it being a 15-foot undisturbed natural vegetative buffer, it would be 25 feet on the west side of the west parcel, the north side of the east parcel, so that whatever is there is there and if they want to plant in it they can, but they have to preserve what is there. He said the language may need to be clarified. It's whatever that perimeter buffer is and that perimeter buffer would extend from 15 feet to 25 feet on those two areas of the site.

Mr. Bartcher asked what size and type of fence would be installed. Ms. Rezanka replied she assumes it will be a wooden fence, but it will be whatever the code requires and it will be opaque.

Jeanne Allen, Natural Resources Management stated the landscaping code doesn't require any kind of vegetative buffer between residential uses. If the board wanted it to say 'vegetative', that would be important. If it's 25 feet wide it can be Type A, which is usually 20 feet; Type B is 15 feet. She said Type A would be a tree every 25 feet, a large shrub every 4 feet on center, and a small shrub every 3 feet on center, so Type A would be the closest.

Mr. Moia stated the board could ask for a Type A buffer or an opaque 6-foot fence.

Jeffrey Ball asked if Mr. Moia wants the opaque Type A buffer on the western portion of the western parcel, and then on the north on the eastern portion of the property. Mr. Moia replied no, the buffer on the north part of the east parcel would be the undisturbed 25 feet along the north line, because there is already vegetation there, so they wouldn't have to plant additional landscaping. He said on the west, it could be a 6-foot opaque fence with a 25-foot undisturbed buffer on the western border of the west parcel.

Mr. Bartcher asked Ms. Rezanka if the proposed lots could be larger than 9,000 square feet. Ms. Rezanka replied no, 9,000 square feet is all Mr. Genoni can commit to because the engineering still needs to be done.

Public Comment:

Terri LaPlante, 4052 Friar Tuck Lane, Melbourne, urged the board to vote against the rezoning due to the proximity to the Lagoon and the railway that leads to the Kennedy Space Center. She said it's an error to believe that as long as the developer hooks up to water and sewer there is not an issue with polluting the Lagoon, and she fails to see that the developer has taken sufficient action to protect the Lagoon. The latest study shows the retention ponds once believed to reduce nutrient load by 80% are showing nutrient load reduction of 50%. She asked if the developer is willing to use a native land cover rather than sod and turf grass. Turf grass requires fertilizers and pesticides, which end up in the Lagoon along with some of the sod. She said leaving a natural habitat of trees would help the stormwater management and pollution

control. She stated the Florida Department of Environmental Protection has mandated that since the North Indian River Lagoon is an impaired water that does not currently meet State water quality standards, new developments in the basin cannot increase nutrient loads to the Lagoon.

David Montgomery, Palm Bay, stated he is a retired engineer and he sat through the Brooks Landing Phase I project in Titusville and he's concerned about the apparent stormwater runoff doesn't seem adequate for a low-lying area. The only drainage along there for overflow in severe storm events would be Jay Jay Road. He stated it is not clear how a high-density housing development could retain stormwater on the property without shunting it to the Indian River several times a year.

Ms. Rezanka pointed out that the land is already cleared on the west, and to some extent on the east, and it is an old grove land, so the project will increase drainage. She stated Administrative Policy 7 deals with drainage problems on surrounding properties, and the land development code requires all drainage to be retained, and this will increase the ability to retain runoff. She said she doesn't believe the project is considered high density because it's two units per acre. There is no concept plan because it's not required at zoning; before the board today is whether or not the proposed zoning is compatible with the surrounding zoning. She said to the south of this property on the western parcel is TR-1 zoning, which is 7,500 square-foot lots, so 9,000 square-foot lots are not incompatible with what is allowed to the south. She requested approval with a BDP as amended to add a 6-foot opaque fence as discussed.

Joe Buchanan stated he visited the property and his observation is that the orchards are pretty much gone and there's not much vegetation there. Any development there would help absorb more moisture. He said what the developer wants to do may improve the saturation and absorption of rainwater, stormwater, and drainage. The other thing he noticed about continuity is that the TR-1 houses on the west side are not really going to be impacted by this development, and whatever happens there is going to be an improvement to the area.

Mr. Moia stated the BDP solves a lot of issues the board talked about. There were quite a few speakers at the last meeting and now there are only two, so he thinks they made the majority of people happy with the reduced density and increased lot size on the east side and the buffering they are doing on the west side. He said he doesn't know if the public speakers understand the requirements that have to be adhered to. The stormwater ponds are not the same ponds that used to be done years ago; the requirements now are very strict and they are done so they do not increase the loading any more than what is there now. Historically, this property has discharged directly into the Indian River Lagoon probably causing a significant amount of damage to the Lagoon and to now put in a system that will meet all the State and local standards will be a major improvement to the area. He said he's happy with the BDP and the concessions the developer has made.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the request for a change of zoning classification from AU to RU-1-9, with a BDP limited to 62 units; a 25-foot buffer on the north property line of the east 4.845-acre parcel, to be a continuation of the 15-foot perimeter undisturbed vegetative buffer; and a 25-foot buffer on the west property line of the west 26.328-acre parcel with a 6-foot opaque fence. The vote was 5:1, with Ron Bartcher voting nay

Result: APPROVED WITH CONDITIONS

Mover: Bruce Moia

Seconded: Joe Buchanan

H.2. Richard R. Jr., and Gina M. Wrubel, Trust, request a Small Scale Comprehensive Plan

Amendment to change the Future Land Use designation from NC to CC. (20PZ00051) Tax Account 2000354) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)

Richard Wrubel, 3885 Richy Road, Mims, stated they purchased a piece of property on the corner of McCullough and U.S. 1, and they would like to rezone it to BU-1 because they own the property to the west of it and it's all BU-1.

Ron Bartcher asked if Mr. Wrubel has any plans for the property. Mr. Wrubel replied they own a water, fire, and mold restoration business, and he would like to use the building for vehicle storage.

Brian Hodgers called for public comment, and seeing none, he brought the item back to the board.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the requested Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial). The motion passed unanimously.

Result: APPROVED
Mover: Bruce Moia
Secunder: Joe Buchanan

H.3. Richard R. Jr., and Gina M. Wrubel, Trust, request a change of zoning classification from AU to BU-1. (20Z00003) (Tax Account 2000354) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)

Richard Wrubel, 3885 Richy Road, Mims, stated they purchased a piece of property on the corner of McCullough and U.S. 1, and they would like to rezone it to BU-1 because they own the property to the west of it and it's all BU-1.

Ron Bartcher asked if Mr. Wrubel has any plans for the property. Mr. Wrubel replied they own a water, fire, and mold restoration business, and he would like to use the building for vehicle storage.

Brian Hodgers called for public comment, and seeing none, he brought the item back to the board.

Motion by Bruce Moia, seconded by Ron Bartcher, to approved the requested change of zoning classification from AU to BU-1. The passed unanimously

Result: APPROVED
Mover: Bruce Moia
Secunder: Ron Bartcher

H.4. McD Family Trust, LLC, requests an amendment to an existing BDP in a BU-2 zoning classification. (20Z00004) (Tax Account 2323791) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)
[Existing BDP](#)
[Proposed BDP](#)
[Concept Plan](#)

Rodney Honeycutt, 3700 South Washington Avenue, Titusville, stated the proposal is to amend a BDP for a mini-warehouse that was completed several years ago to add an office building to be in support of the mini-warehouse.

Brian Hodgers called for public comment, and seeing none, he brought the item back to the board.

Motion by Ron Bartcher, seconded by Bruce Moia, to approve the requested amendment to an existing BDP to allow a 1,200 square-foot office building in a BU-2 zoning classification. The motion passed unanimously

Result: APPROVED

Mover: Ron Bartcher

Second: Bruce Moia

- H.5.** Canaveral Landing, LLC, requests a change of zoning classification from TR-1 to TRC-1 with a CUP for the Cluster Development of Mobile Homes and a BDP limiting residential development to 100 units. (20Z00006) (Tax Account 2314846) (District 1)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
[Staff Comments](#)
[GIS Maps](#)
[Proposed BDP](#)
[Survey](#)
[Conceptual Site Plan](#)
[Public Comment](#)

(All handouts can be found in file 20Z00006, located in the Planning and Development Department)

Kim Rezanka, Cantwell and Goldman Law Firm, Cocoa, stated the project is not a low-income housing development, it is a cooperatively-owned development, which means the entire property is residentially owned, similar to a condominium. She stated the project will be resident-owned and there will be an application for membership, as well as a criminal and background check, and there will be bylaws and rules and regulations. She said it is a difficult property to develop; it has 14.65 acres of wetlands, and 18.88 acres of uplands. She stated the proposed concept plan shows that only the uplands are being developed and all of the wetlands will be preserved, which is why there is not access on Canaveral Groves Boulevard, but on Ann Way instead. She said the developer is requesting a CUP for clustering of mobile homes, which allows more flexibility, and it is not the only CUP for clustering in TRC-1 zoning in the area. She said the BDP that has been submitted limits development to 100 units, which makes the property compatible to the existing Residential 4 Future Land Use designation. She said the amenities for the project include a pool, pavilion, bar-b-que grills, restrooms, and an exercise/walking trail. She said there will be a formal site plan that will have all of the exact dimensions, retention, and roads. She stated when appropriate, the developer will come back to the board to ask for waivers for an inverted road and removal of sidewalks except where

needed along main roads. She said the development will be hooked up to city water and sewer, and the homes will range in price from \$60,000 to \$100,000, which is close to what's currently in the area. The area around the subject property is all manufactured homes ranging from \$18,000 to \$108,000, with most being between \$30,000 and \$60,000. The homes in the proposed development must be three years old or newer. She noted nothing on the property will be disturbed unless allowed by law; and a 2017 survey has been provided to staff that shows there are no scrub jays on the property. The access to the development will be through Ann Way. She further stated access would either be from the south on Canaveral Groves Boulevard going along Hess and Luciano Avenues to Ann Way; or from the north along Phyllis Way, using Hess and Luciano Avenues to Ann Way. There are very few homes on that road, so it will be an increase in traffic they are not used to, but they are public roads and Ann Way has a large right-of-way. She stated if the surrounding property owners want speed bumps, they will have to request them through their county commissioner. She said if improvements are needed along Ann Way, the County will stipulate that during site planning. She pointed out that to the west of the subject property is the Royal Palms II development, and the subject property was supposed to be another phase of that development. The subject property was zoned TRC-1 with a cluster development for 137 homes in 1989, but that zoning has since been changed. To the east and south of Canaveral Groves Boulevard is a cluster development called Sun Lake Estates, which is TRC-1. Further to the south of that is the Sun Lake Estates Co-op, which is very similar to what is being proposed on the subject property. In Sun Lake Estates Unit 1 there are 70 homes. Sun Lake Estates Unit 2 has 67 homes. To the south of that is the Sun Lake Village Estates LLC, which is TRC-1 with a cluster development of 146 units on 25 acres with no amenities. All uses in the proposed development will be 20 feet from the edge of the public right-of-way with 15 feet between all structures. She stated 25% of the development will be provided as usable common recreation open space, and staff has opined that requirement has been met. Each dwelling will have access to a public street or access through a private street, and there will be an internal private street that will access Ann Way. She noted 122 letters with an attached concept plan were sent to all the residents on June 24th because she could not hold a community meeting under the COVID-19 guidelines. The letter has resulted in a number of comments to the County including a petition that was submitted with concerns about endangered wildlife.

Joe Buchanan stated he visited the site and knows there are wetlands to the south of it, and asked why the developer cannot put in a road to make it easier to get out of the proposed development and easier for the folks currently living there.

John Shepherd, Environmental Specialist, replied there are wetlands on the southern side of the site, and in order to go through those wetlands there is a permitting process. The County only allows 1.8% of the entire acreage of a site to be impacted with regards to wetlands.

Ian Golden stated what is being proposed is .08 acres; the surrounding area is 1.25 acres, and asked if the developer considered lot sizes that were consistent with the immediate neighbors. Ms. Rezanka replied it is not a real lot size because it is a cluster, and a cluster allows this many units together, like the one to the south, and that is because half the property is not usable, so the cluster development is allowed, and because the wetlands aren't spaced awkwardly, this was a way to do what is allowed by code and still get a mobile home park.

Mr. Shepherd stated there are two main concerns from an environmental perspective; one is the wetlands, which the applicant has done well avoiding that issue; and the second issue is tortoises, but prior to any development on the property the tortoises would be relocated out of harm's way. He said he hasn't found that protected species such as scrub jays are using the land in any manner that requires any permitting or any relocation.

Rodney Honeycutt, 3700 South U.S. 1, Titusville, engineer for the project, stated the maximum number of units is 100 and it will be a co-op, which is unusual because there isn't actually a lot, an owner applies to the co-op and is allowed to place a structure there. He said the project will have to go through the site plan process which will locate all of the structures that need to meet setbacks. The access will be on Ann Way, which will line up with the existing Ann Way on the concept plan. There are a couple of streets that are dead ends at less than 150 feet long, so it's not required to have a turnaround.

Bruce Moia pointed out that under the current designation there could potentially be 135 trailers. He stated there are only two public rights-of-way that touch the parcel, Ann Way and Canaveral Groves Boulevard, but for Canaveral Groves Boulevard the developer would have to go through the wetlands to get to it.

Mr. Golden asked if the application includes waiver requests. Mr. Honeycutt replied there were two waiver requests in the application originally; one of the requests was to have an inverted crown, and the other was to have a trail system in lieu of sidewalks; both have been withdrawn, but the developer may ask for them during the site plan process.

Brian Hodgers asked staff to confirm Mr. Moia's statement that the property is currently zoned to allow 135 mobile homes. Jeffrey Ball stated that is correct because of the Residential 4 Future Land Use designation.

Public Comment:

Dan Hunter, 4125 Hess Avenue, stated he has a petition with 180 signatures of residents who are opposed to the development. The development is advertised as low-income housing on the Canaveral Landing website and the values are much lower than the existing homes in the neighborhood. He said a major concern is traffic, which is projected to be an average of 499 trips per day; new traffic will create a main thoroughfare as people commute between Canaveral Groves Boulevard and Grissom Parkway, and there will be an increased danger with all of the traffic and the families that walk and ride bicycles or horses up and down the street. He stated there are scrub jays on the property and he can see the habitats from his house, along with owls and eagles. Drainage is another big issue when there are heavy rains, and there is extensive flooding on Hess Avenue already. He asked the board to take into consideration the residents of the existing neighborhoods.

Joe Cossette, 4050 Luciano Avenue, stated he is not opposed to this kind of housing, but it sounds like it will be well over one dozen units on each acre of land. The current zoning in most of that area is four units per acre. He said he just moved there with a triple-wide and has invested over \$200,000. He said as far as he knows, there is not any sewer in the area, and he was forced to put in a septic tank for \$13,000.

Mr. Moia advised there is a County force main on Grissom Parkway.

Sheila Gillingham, 4035 Hess Avenue, stated the wetlands are right behind her house and there are scrub jays, but she's more concerned about the people and children who live in the area and ride their horses on the edge of the street. She said another 200 cars on that road will cause people to get hurt.

Marie Daum, 4130 Luciano Avenue, stated she has lived there for 40 years and the proposed development will ruin the integrity of the neighborhood. She said 100 mobile homes with two cars per mobile home will be 200 cars going through her neighborhood, and Ann Way only has

one house on it, and the rest is all drainage ditches. She asked the board to please consider that when making a decision.

Billy Fayne, 3737 U.S. 1, owner of Home Nation, stated he hopes to be a provider of some of the homes in the area. He said he has people come up to him almost every day who are renting in the county or intend to move here and can't find anything they can afford. This project would be affordable to them, but by no means would the project be considered low-income housing; however, it is affordable housing because a typical payment will be between \$800 and \$1,200 per month.

Mary Lou Bovee, 785 Ann Way stated the project will impact her the most because she lives on the dead end where they want to put the road. She said 100 mobile homes in a cluster are too many; they need to scale it back to 50. There could be 200 cars going past her home every day, and that is really upsetting.

Troy Yates stated he owns a home on Fountain Palm Road and like everyone else here, he's really concerned about the traffic. He said Mr. Honeycutt mentioned a force main sewer, but pretty much everybody out there has a septic tank, so he's not sure how they are going to get sewer.

Mr. Moia said there is a force main system they will have to connect to along Grissom Parkway.

Mr. Yates continued by saying 100 homes seems like a lot, and it's going to be a big impact on everything and they will eventually have to put a stop light on Canaveral Groves Boulevard. As it is now, people cut through Royal Palm to avoid the traffic on Canaveral Groves Boulevard because of development in Port St. John and other areas. He asked that the project be scaled down so the wildlife will be protected.

Claude Wheeler, 4165 Hess Avenue, stated his issue has to do with turning his neighborhood into a flag lot. Flag lots are not allowed in Brevard County; and they are trying to make Hess Avenue a flag for a lot that nobody should have bought if they didn't plan on building a road to get to Canaveral Groves Boulevard. He said Hess Avenue, Luciano Avenue, Ann Way, and Phyllis Way have less than 100 trailers on all of them and is three times the size of the subject property with a proposed 100 trailers, and the developer doesn't want to build a road.

Mary Ann Conrad, 4105 Hess Avenue, stated she agrees with everybody who has spoken.

James Conrad, 4105 Hess Avenue, stated he doesn't want to see four units per acre and he doesn't want to listen to all the traffic going in and out. There is a stop sign on Hess Avenue, but there is nothing on Ann Way.

Angela Paradis, 4055 Royal Palm Avenue, stated she bought her property a year ago to improve it and she did not buy it with the concept of a mobile home park coming in. Over time, mobile home parks deteriorate, and it will lower the values of all of the surrounding properties.

John Gillingham, 4035 Hess Avenue, stated 100 mobile homes equals 200 cars in the morning and 200 cars in the evening and he is against it.

Sonya Miller, 4282 Fountain Palm Road, stated she bought her house in May and was upset when she found out about the project, and she bought her house for over what the attorney says the properties in the area are worth, and all of the houses in the area are well over \$108,000 on a half-acre or one acre, so 100 houses is not going to be acceptable.

Cynthia Shea, 4122 Fountain Palm Road, asked if the proposed homes are manufactured, mobile, or both. She asked if Fountain Palm could be used as access in the future if the traffic is too bad on Ann Way. She said the project will impact the lifestyle of all who have worked hard to live there because there are many homes that are worth over \$108,000, and the project will decrease property values that people have worked hard to build.

Mr. Filiberto's presence was noted at 4:45 p.m.

Mr. Hodgers asked the applicant if Fountain Palm Road could be a possible access in the future. Ms. Rezanka stated before the board is a CUP, which is a binding plan, so to get another entrance, they would have to come back to the board and the County Commission. Mr. Dottore has bought the parcel directly across Ann Way on the west side of the property, which was supposed to be a right-of-way into the second phase of Royal Palm, but that phase was never built, and it is common property without an HOA. She said it hasn't been incorporated yet because there is a drainage ditch and other impediments in developing the project. She stated having a second access would be ideal to alleviate some of the traffic concerns, but they don't know if it's feasible yet, so this is the plan being requested, and if it is to be changed they would have to come back.

Mr. Hodgers asked if the development would tie into the existing sewer. Ms. Rezanka replied yes, there will be sewer and water, and if that's an issue it can be put into the CUP or BDP. She said along the ditch in the center of the property is an access/maintenance road, which is historical drainage, but there is no County easement, so they are still trying to work out some of those issues. She stated her client wants a culvert so he can use Ann Way, but he needs permitting to do that. She said people are used to seeing this large property behind them for them to use as they see fit, but it is someone's property and it has been for a long time. The issue of home values came up, and she didn't mean to offend anyone, but she checked every piece of property around this 33.8 acres and they range from \$18,000 to \$108,000. There may be others in the area, but the investment into this co-op is going to be anywhere from \$40,000 to \$50,000 and then the house on top of it, so the parcels will have value and will be run by a cooperative board similar to a condo association. She pointed out that Sun Lake Estates is one-third of a mile to the east of this property and are smaller manufactured home lots that also have the cluster development to the south of that, so the proposal is compatible with development in the area.

Mr. Golden stated the code allows for the removal of tortoises to allow for development. The property is currently zoned for up to 135 homes based on what's allowable per all the different codes and regulations, and the proposed project is 70 fewer vehicles based on the design. He said he doesn't like hearing the tie of low-income or affordable housing to increases in crime because there is data and statistics that show that is not the case, and when low-income housing is placed in an area there is actually a decrease in crime.

Peter Filiberto asked what is planned for the wetlands. Ms. Rezanka replied all of the wetlands will be maintained. She said there may be some minor impacts where the units are, but they will be very minor if they are impacted at all.

Mr. Filiberto asked if it will be an age 55 and over community. Ms. Rezanka replied no, it will not. The project will be cooperatively owned, so all of the unit owners own them like a condo, and it will be run by a board of directors who are owners.

Mr. Moia asked if the 14 acres of wetlands will be left undisturbed, or if it will go into

conservation. Ms. Rezanka replied it will be preserved.

Mr. Moia stated only approximately 21 homeowners that back up to the north half will be directly impacted. Ms. Rezanka pointed out there is a large retention pond to the north, so those to the north won't be impacted.

Mr. Bartcher stated he understands why the neighbors are concerned about the traffic, and he knows the road can support the traffic, but it's the people who live on the road that have to deal with the traffic. He said he doesn't think it's a good idea to have that many houses in that area.

Mr. Buchanan stated his concern would be another access road, because it would alleviate a lot of the potential traffic problems.

Ms. Rezanka stated another access hasn't been evaluated yet, but it would be helpful, and if it could be off of Canaveral Groves Boulevard that would be the best, but it can't be done. She said it is being investigated, but she didn't have it for the board today.

Mr. Filiberto asked if it could be a condition in the BDP that there be an additional ingress/egress if available. Ms. Rezanka replied yes, that could be a condition of the CUP.

Mr. Moia stated he looked at the website for Canaveral Landing and nowhere on it does it say low-income housing, but that was the testimony the board heard. He said he also verified what Ms. Rezanka said about property values in the area. The Property Appraiser's website lists every property sold in the last five years, and there are some that just sold this year for \$130,000, but there is also one that sold for \$53,000. Last year, there was one sold for \$100,000, or \$252,000, but there is also one that was sold for \$18,000. He said in a well-established community like this, people have enjoyed a very peaceful lifestyle; however, the subject property has been zoned for 135 trailer units for a long time and people bought in there knowing that, or should have known that. He stated the developer is limiting themselves to 100 units, preserving almost 50% of the site in the wetlands, and that goes a long way. He said the developer is basically down-zoning the project, and he doesn't have a problem with it in general.

Jad Brewer stated Florida case law is very clear that any testimony of the diminution of value of surrounding property has to be based on expert testimony, so the board can't take it into account unless they heard from somebody who has the knowledge to testify on that.

Mr. Filiberto stated he would like to see another entry and exit if possible.

Motion by Peter Filiberto, seconded by Joe Buchanan, to approve the requested change of zoning classification from TR-1 to TRC-1, and a CUP for Cluster Development of Mobile Homes, with the additional condition that Fountain Palm Road be used as an ingress/egress if accessible, and a BDP limited to 100 units. The motion passed 6:1, with Ron Bartcher voting nay.

Result: APPROVED WITH CONDITIONS

Mover: Peter Filiberto

Seconded: Joe Buchanan

- H.6.** 3101 Gannett Plaza, LLC (Kevin Saltman) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 Zoning Classifications. (20Z00007) (Tax Accounts 2602422 &

2602423)

Attachments: [Administrative Policies of the Future Land Use Element.pdf](#)
 [Staff Comments](#)
 [GIS Maps](#)
 [Survey](#)
 [Floor Plan](#)

Kevin Saltman, 1075 Tuckaway Drive, Rockledge, stated he plans to develop an indoor family entertainment center at 3101 Gannett Plaza Avenue, which is the the old Florida Today building, and in conjunction with that would like a CUP to serve beer and wine for on-premises consumption.

Ron Bartcher asked if the entire facility is indoors, including go-karts. Mr. Saltman replied yes, they are indoor electric go-karts. All of the attractions are indoors, and the only intent for any outdoor use is an existing patio of 1,700 square feet intended to be used by people who want to carry out their food and drink to be away from the noise inside, but it will not be a full-service sit-down area.

Ian Golden stated there are 358 existing spaces, but based on the application, staff calculated there might need to be as many as 577 spaces. Mr. Saltman replied he has a new site plan that shows a total of 589 spaces.

Public comment:

Linda Wencil, 376 Detroit Way, Rockledge, stated she lives next door to the property, and she and other neighbors have concerns about security, another business using the CUP if the proposed business doesn't work out, traffic along that portion of U.S. 1, and signage.

Mr. Saltman stated as to security, the tenant who is moving in to the office space is AAR, a government contractor, and there are a lot of specifications in their contract with the government, so he fully expects they will have outside security. He deferred to staff regarding whether or not the CUP would transfer to another tenant if his business fails a couple of years down the road.

Jeffrey Ball stated the CUP runs with the land, but if the applicant doesn't get a license from the State for beer and wine within three years the CUP would be void.

Peter Filiberto asked about the signage for the business. Mr. Saltman replied the landlord is to provide him a monument sign and he would like an LED sign inside it, but it has not been developed yet.

Motion by Joe Buchanan, seconded by Bruce Moia, to approve the requested CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 zoning classifications. The motion passed unanimously

Result: APPROVED
Mover: Joe Buchanan
Secunder: Bruce Moia

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>