

Minutes North Merritt Island Dependent Special District Board

6:00 PM

Call To Order

Approval of Minutes - October 8, 2020

This agenda item was approved.

Result: APPROVED

Mover: Catherine Testa

Second: Jack Ratterman

H. Public Hearings

- H.1.** Harold Kurz (Harry Perrette) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from CC to PI. (20PZ00107) (Tax Account 2316254) (District 2)

Harold Kurz, Trustee (Harry Perrette)

A Small Scale Plan Amendment (20S.11) to change the Future Land Use designation from CC (Community Commercial) to PI (Planned Industrial). The property is 3.66 acres, located at the southwest intersection of N. Tropical Trail and N. Courtenay Parkway. (No assigned address. In the Merritt Island area) (20PZ00107) (Tax Account 2316254) (District 2)

Harold Kurz (Harry Perrette)

A change of zoning classification from BU-1 (General Retail Commercial) to PIP (Planned Industrial Park). The property is 3.66 acres, located at the southwest intersection of N. Tropical Trail and N. Courtenay Parkway. (No assigned address. In the Merritt Island area) (20Z00038) (Tax Account 2316254) (District 2)

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transportation situations. We have materials delivered once a week or every other week, but they are always during business hours, which is 8:00 a.m. to 4:00 p.m. We are working with Frank Plateau for the building itself, and he is the one who will be going over the setbacks and buffers, as well as making sure we don't go over any wetlands. We make small parts and everything we do is inside. I'm willing to answer any questions anyone might have.

Mary Hillberg – Where are you located now?

Harry Perrette – We are in Merritt Island by the airport.

Jim Carbonneau – What is your niche? If you're not manufacturing gun parts, what are you manufacturing?

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Chris Cook – I saw in the staff comments that the County advised you that you really did not need a rezoning to do what you want to do. Can you elaborate on that?

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Gina Lindhorst – I was wondering about the heavy equipment. You said you do a lot of die-cut metal work, and that doesn't involve heavy equipment or forklifts?

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Jack Ratterman – The staff comments say tenants would be sharing the building. What other tenants would be sharing the building?

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Public Comment

Tony Falanga – My name is Tony Falanga, 6124 North Courtenay Parkway. I was on the North Merritt Island Advisory Board, I've been a resident of North Merritt Island since 1990, and for over 30 years I've owned and run commercial property on North Merritt Island. North Merritt Island is a jewel we need to protect. I look at what's going on here similar to the movie "It's a Wonderful Life"; we have a piece of land on the island that depending on how it's developed, it could end up being Bedford Falls, which is a nice community and a good business for our community; or it could end up being Potterville, which just doesn't work. We've been trying to protect this area for a long time and we need to continue to do so. We want our children to be able to ride their bikes past a business and not fear it. We can't lose sight of the high-density of the PIP zoning. The man sounds like he has a viable business, and I'm a business man and I like to see that, but once you put PIP zoning on that piece of property, in that area, you're changing the demographics of the area. In my opinion, it's not suited for PIP zoning. I've been doing this a while; BU-1 zoning, BU-2 zoning, or get with the County and get a Conditional Use Permit, I think he can still put his project there. I plan to show that the PIP zoning does not meet the North Merritt Island administrative policy requirements; it does not meet the Brevard County Comprehensive Plan; and the PIP zoning of the property is not congruent with the surrounding adjacent properties. The adjacent properties immediately to the west, Parcels 27, 36, 37, and 38, I can't believe all of those homeowners are not here; this is going to be at their backdoor. In addition to that, on the southwest, Parcels 812, 813, 816, those are all single-family residences, and they don't understand that you're putting a Planned Industrial zoning where it should be an industrial park. This is not an industrial park; there is housing all around it. Less than 500 feet to the east is the Banana River Baptist Church, which is right across the street. Once it's PIP zoning, if someone decides to put a bar, or adult entertainment – and I'm not saying this gentleman is going to do that – but if the property is sold, it's possible, and I've seen it happen before. You can have those particular businesses in that building now, because it's Planned Industrial. With a BU-1 or BU-2 zoning, with a Conditional Use Permit, that can't happen. To the immediate north, the School Board has property which I was told years ago was supposed to be for a future elementary school. We're growing by leaps and bounds and there's neighborhoods everywhere; Lewis Carroll [Elementary School] is not going to be able to hold all of these children, so eventually we're probably going to need an elementary school there. The School Board owns the property right across the street. We can't have Planned Industrial across from a school, it's not conducive. The Planned Industrial is restricted by existing surrounding property, so with these homes around the Planned Industrial, they are going to have to meet light, sound, ingress, egress, traffic, the types of vehicles that enter and exit, and it is not conducive to PIP property. These restrictions are the reason the State and the County has designated areas for PIP zoning. It's the reason for the State Comprehensive Plan; you put Planned Industrial with other Planned Industrial. I'm all for business, but it has to be done in the benefit of the community. The PIP zoning does not meet

similar requirements on the North Merritt Island administrative policy. I read Policy 3 and it specifically mentions the light, sound, ingress/egress, traffic, which has been brought up briefly already. The rezoning of this parcel to PIP does not meet the North Merritt Island policies and requirements; it doesn't meet Brevard County and the State Comprehensive Plan requirements due to the existing land use in the vicinity and it's definitely not the proper zoning for the existing property single-family homes, the church across the street, and possibly a school. Thank you.

Jack Kirschenbaum – My name is Jack Kirschenbaum, I'm a lawyer with Gray Robinson, a law firm here in Brevard County, and tonight I'm representing Ron and Lynn Dimenna, who are neighbors of the subject property. I also brought with me a petition directed to this committee signed by 14 neighbors on North Tropical Trail objecting to this comp plan amendment and rezoning. I'll just read one line of it, "We are opposed to the request and the nature of the business intended for this area. Thank you for your time and support." [the petition can be found in files 20PZ00107 and 20Z00038, located in the Planning and Development Department] The prior speaker stole all my thunder. I am not an expert, but I hired an expert, Rochelle Lawandales, who performed a report and I believe each of you has a copy of it. The previous speaker hit most of the high points in that report, and rather than repeat what he said, let me just make three points. Rochelle Lawandales' resume is in the report and she is an expert, and what she says is fact and opinion based upon that expertise, experience, and education. Your experts also opined very similar to what Ms. Lawandales says. This comp plan amendment and the rezoning are just flat not consistent with the neighborhood; it is in the middle of what is becoming a spectacular residential neighborhood of single-family homes, a long-standing residential neighborhood, a potential school across the street, a church across the street, and this industrial use is just not consistent with that long-standing use. I think between the holidays and COVID-19, may be the reason you don't see a lot of property owners here tonight. I brought a petition with 14 of them and they specifically told me they weren't coming because of COVID-19, so it does inhibit and you all are brave for doing this. The surrounding properties are all residential essentially and so this just doesn't fit. The last point I'd like to make is that I'll bet there is no more studied area in Brevard County than North Merritt Island. We've been doing studies here since 2005, and even before then, and none of those studies suggest industrial use at this location, it's up the road nearer to Kennedy Space Center. I admire a business man that moves in to a place in the hopes of getting Space Center customers; I think that's great, and I represent them all the time everywhere, and that's an optimistic entrepreneurial spirit, but nobody ever suggested this site for industrial use; it just doesn't fit there and the history and development of the area demonstrates that. The Future Land Use Map and the plan says, "The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings that provide special attention to the integration of infrastructure, circulation, parking, utilities, while placing emphasis on aesthetics and compatibility with abutting properties within the industrial park. These parks shall be designated to limit intrusion into residential areas". That ought to be our guiding star here and this particular comp plan request and the associated zoning just do not fit in this particular piece of property. I'm happy to answer any questions.

Jim Carbonneau – I brought up the point earlier about the sewer. We know that Ron Dimenna is coming forward to get approval for his project on the 61 homes, and the hook there was a sewer line. We asked the question then about the uncertainty of who would be able to use that. Tonight is the first case where a business is assuming that he will be granted use, and I'm not sure if that's by the County or by the Dimenna's. Do you know where that's going?

Jack Kirschenbaum – It's my understanding that it's still in the design phase, and until the design phase is completed, the use agreements in the connection regulations haven't been

drawn yet, so I don't know the answer.

Jim Carbonneau – If I remember correctly, the BDP (Binding Development Plan) said that by conclusion of the project it would be turned over to the County.

Jack Kirschenbaum – That's is exactly correct, that's what the BDP says. I know the County and the engineers for the Dimenna's are actively working on that, but everything has slowed down.

Jim Carbonneau – At this point, there is no conclusive determination that anybody coming and going, and other properties along S.R. 3 could tie into that line.

Jack Kirschenbaum – I don't know. I don't think there is any conclusion there yet.

Jeffrey Ball – The staff comments reference the sewer line as being 5,000 feet away. It's in the design phase, and it's coming. We don't know when it is going to come online, we don't know who is going to be able to connect to it, or whether there will have to be a lift station. That is all part of the design that will be worked out in the construction plans.

Jim Carbonneau – The 5,000-foot distance you're referring to is the end of the curved connection at Church Road.

Jeffrey Ball – Correct.

Phil Bernardo – I'm Phil Bernardo, 4440 North Tropical Trail. As a resident I'm opposed to this rezoning. I'm also the Vice President of the North Merritt Island HOA (Homeowners Association); we had our January meeting this past Monday and everybody who was in the Zoom meeting, including all the board members, all disagreed with this rezoning. The planned rezoning is incompatible with the immediate surrounding properties. I know Air Liquide is down the road a ways, along with Space Commerce Way, and Blue Origin. The request is not consistent with Policy 3, Criteria C in particular, the proposed rezoning is inconsistent with emerging or existing patterns of surrounding development, historical land use patterns of surrounding development, and recently approved development in the immediate area. There is not any other PIP zoning in the immediate area, as the surrounding areas are predominately residential with some BU-1 and BU-2 mixed into it. As you heard, local residents are in opposition; I know several local residents who live very close to it who are in opposition to it. I look at this as somebody who has property in a residential area and they want to put a structure in a zoning setback, they're going to have to get a conditional use permit. The County will go to the people who are affected by it and get their input, and I assume they're going to take their input seriously, because to me, this is no different. The property is already zoned BU-1 and would allow for some manufacturing. I'd heard the planned use for the property was gun manufacturing, but I guess maybe it's not. If it's not true, this rezoning would still allow this to happen at some other time, along with a lot of other uses. This cruise ship parking has been very unpopular for pretty much all the residents on North Merritt Island. I feel like this is open-ended. If it's not gun manufacturing, it's parts, but what kind of parts? If it was gun manufacturing, that would introduce crime to the area. But I don't know about gun parts being popular to rob. I heard something else, and it could be heresay, but I heard that at one time there was a rail manufacturing south of this property in question and then they took the zoning away – I don't know, so it's probably not of much use. I just want to say that I'm opposed to it, local residents are opposed to it, and the North Merritt Island HOA is opposed to it. Other than that, other people said what I wanted to say.

Chris Minerva – Good evening, Chris Minerva, 5385 Lovett Drive, North Merritt Island. I don't have any new information from what I've been hearing, and simply put, inconsistency with the administrative policies 3, 4, 8, specifically. We also have minimal information about the type of activities, and it's a shame because maybe we could have made a more intelligent decision based on what they actually will be doing and what time of day. We really don't want an industrial-type of activity in this area; it's inconsistent and doesn't match the character of the surrounding area. We are requesting that you deny.

Harry Perrette – I'm also a resident of Merritt Island and I've been here for 15 years; my kids go to Lewis Carrol Elementary School, Jefferson Middle School, and Merritt Island High School. The property is adjacent across the street to County-owned property, but who knows when anything might happen there. This property is the closest three acres to Kennedy Space Center that we would be able to purchase and rezone for this use. Any of the properties that are directly connected and actually using and sharing a boundary zone are all businesses; there are three houses behind, but they are separated by a road. Around the building there is a gas station, fire station, and a small AT&T utility box. With our plan for the building, we also included a 50-foot buffer around, which included where S.R. 3 connects with the property, and that would alleviate any issues with the church across the street, they wouldn't see our building through the trees. As far as the gun stuff goes, that's really only 6% of our business. We've contemplated not doing it because we've run into issues all the time with banks not wanting to lend to a gun person, or things like that, and for 6% of our business it's not really worth continuing to do it. As far as the cruise parking concern, the property is at least 15 - 20 miles from S.R. 528, so to put cruise parking there would be silly. Right now, we are in a 3,600 square-foot building; all of our stuff is done inside and there's no sound, no smells that come out of our facility. You guys are welcome to come by and take a look at it.

Jack Ratterman – You're over there by the airport?

Harry Perrette – Yes.

Jack Ratterman – Are you off of Azealia?

Harry Perrette – Yes, Azealia and Manor.

Chris Cook – It says you wanted the BU-2 to expand stuff that's not allowed in BU-1. What exactly were you thinking you needed the BU-2 for?

Harry Perrette – We're actually looking for PIP, which would give us an industrial zoning. To answer your question, right now we do small manufacturing of parts with CNC machines within the building. We put a bar in the machine and it uses different tool bits to whittle down to a smaller part. We want to be able to expand that and maybe do some welding or other type of machining.

Chris Cook – Couldn't you do that with a Conditional Use Permit under the BU-1? No? Okay.

Mary Hillberg – Okay, I bring it back to the board. How does everyone feel? Is there a motion?

Jack Ratterman – My greatest concern is the character of the neighborhood. If you look at the aerial photo, to the north is Colony Park, to the west is residential, across the street is the Baptist church, and I just think to put PIP there, I can't see it. Colony Park is struggling as it is, and to put that in there would really hurt them.

Jim Carbonneau – This is right on the corner of North Tropical Trail and S.R. 3. As we said earlier, you've got the Dimenna subdivision going in there, all the impact of 161 homes at that intersection, and this is coming in from Kennedy on the right-hand side, which is a fast lane, it's going to be a risk factor with traffic congestion. The egress they're showing on North Tropical Trail is right at the intersection and I think that's going to complicate things, and from a traffic aspect it's a poor location.

Chris Cook – I refer back to the North Corridor Study that we spent so much time and effort and money on, and it doesn't fit in with that corridor study as PIP there. He could sell this tomorrow and someone else could come in with a completely different plan. I try not to look at this too closely [plans submitted by applicant], and I'm sure what he wants to do there, if he did it, no one would probably have a problem with it, but it's what could be there with that zoning. I think that's the issue and that's what we have to deal with. I'm always looking five to 10 years down the road, and I'm thinking it's just not compatible with what that whole area is going to be, because it's going to be developed, and I don't think having PIP there is the correct character for what's going on there. They are going to put a school on North Merritt Island at some point and that's why they haven't sold that land; it's been sitting there for 40 years, but it's coming.

Mary Hillberg – The Future Land Use Map that we have in our packet shows the commercial land uses, and PIP is almost out of place there. It really isn't compatible with the area. I'm not necessarily opposed to the type of manufacturing they want to do, but it's what's allowed in PIP, which is all of the BU-1 and BU-2, and BU-2 is pretty intense. It makes it difficult in a rural community like this.

Gina Lindhorst – I'd also like to say that we have several areas on North Courtenay Parkway a little farther south that are PIP already, that are industrial and clustered together.

Jeffrey Ball – It's farther south.

Jack Ratterman – The old packing house.

Gina Lindhorst – It looks like we have enough there and it should be clustered.

Jack Ratterman – Administrative Policy 4 says must not adversely affect neighborhoods, and Colony Park is probably one of the oldest neighborhoods on North Merritt Island, and it's notorious, but it's still a neighborhood. They've cleaned it up and it's coming back, but I don't think that would be a good fit.

Mary Hillberg – I also agree with the gentleman about the traffic.

Jim Carbonneau – I'll make a motion to deny, based on Administrative Policies 3....

Mary Hillberg – We're going to do H.1. first.

Jim Carbonneau – I motion to deny H.1., based on Administrative Policy 3.A., 3.B., and 3.C.

Gina Lindhorst – I second.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Chris Cook – I motion to deny H.2., based on Administrative Policies 3.A., 3.C., and 4.

Catherine Testa – Second.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously

Result: DENIED

Mover: Jim Carbonneau

Second: Gina Lindhorst

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classification, or apply for a conditional use to allow additional uses.

Public Comment

Tony Falanga – My name is Tony Falanga, 6124 North Courtenay Parkway. I was on the North Merritt Island Advisory Board, I've been a resident of North Merritt Island since 1990, and for over 30 years I've owned and run commercial property on North Merritt Island. North Merritt Island is a jewel we need to protect. I look at what's going on here similar to the movie "It's a Wonderful Life"; we have a piece of land on the island that depending on how it's developed, it could end up being Bedford Falls, which is a nice community and a good business for our community; or it could end up being Potteryville, which just doesn't work. We've been trying to protect this area for a long time and we need to continue to do so. We want our children to be able to ride their bikes past a business and not fear it. We can't lose sight of the high-density of the PIP zoning. The man sounds like he has a viable business, and I'm a business man and I like to see that, but once you put PIP zoning on that piece of property, in that area, you're changing the demographics of the area. In my opinion, it's not suited for PIP zoning. I've been doing this a while; BU-1 zoning, BU-2 zoning, or get with the County and get a Conditional Use Permit, I think he can still put his project there. I plan to show that the PIP zoning does not meet the North Merritt Island administrative policy requirements; it does not meet the Brevard County Comprehensive Plan; and the PIP zoning of the property is not congruent with the surrounding adjacent properties. The adjacent properties immediately to the west, Parcels 27, 36, 37, and 38, I can't believe all of those homeowners are not here; this is going to be at their backdoor. In addition to that, on the southwest, Parcels 812, 813, 816, those are all single-family residences, and they don't understand that you're putting a Planned Industrial zoning where it should be an industrial park. This is not an industrial park; there is housing all around it. Less than 500 feet to the east is the Banana River Baptist Church, which is right across the street. Once it's PIP zoning, if someone decides to put a bar, or adult entertainment – and I'm not saying this gentleman is going to do that – but if the property is sold, it's possible, and I've seen it happen before. You can have those particular businesses in that building now, because it's Planned Industrial. With a BU-1 or BU-2 zoning, with a Conditional Use Permit, that can't happen. To the immediate north, the School Board has property which I was told years ago was supposed to be for a future elementary school. We're growing by leaps and bounds and there's neighborhoods everywhere; Lewis Carroll [Elementary School] is not going to be able to hold all of these children, so eventually we're probably going to need an elementary school there. The School Board owns the property right across the street. We can't have Planned Industrial across from a school, it's not conducive. The Planned Industrial is restricted by existing surrounding property, so with these homes around the Planned Industrial, they are going to have to meet light, sound, ingress, egress, traffic, the types of vehicles that enter and exit, and it is not conducive to PIP property. These restrictions are the reason the State and the County has designated areas for PIP zoning. It's the reason for the State Comprehensive Plan; you put Planned Industrial with other Planned Industrial. I'm all for business, but it has to be done in the benefit of the community. The PIP zoning does not meet similar requirements on the North Merritt Island administrative policy. I read Policy 3 and it specifically mentions the light, sound, ingress/egress, traffic, which has been brought up briefly already. The rezoning of this parcel to PIP does not meet the North Merritt Island policies and requirements; it doesn't meet Brevard County and the State Comprehensive Plan requirements due to the existing land use in the vicinity and it's definitely not the proper zoning for the existing property single-family homes, the church across the street, and possibly a school. Thank you.

Jack Kirschenbaum – My name is Jack Kirschenbaum, I'm a lawyer with Gray Robinson, a law firm here in Brevard County, and tonight I'm representing Ron and Lynn Dimenna, who are

neighbors of the subject property. I also brought with me a petition directed to this committee signed by 14 neighbors on North Tropical Trail objecting to this comp plan amendment and rezoning. I'll just read one line of it, "We are opposed to the request and the nature of the business intended for this area. Thank you for your time and support." [the petition can be found in files 20PZ00107 and 20Z00038, located in the Planning and Development Department] The prior speaker stole all my thunder. I am not an expert, but I hired an expert, Rochelle Lawandales, who performed a report and I believe each of you has a copy of it. The previous speaker hit most of the high points in that report, and rather than repeat what he said, let me just make three points. Rochelle Lawandales' resume is in the report and she is an expert, and what she says is fact and opinion based upon that expertise, experience, and education. Your experts also opined very similar to what Ms. Lawandales says. This comp plan amendment and the rezoning are just flat not consistent with the neighborhood; it is in the middle of what is becoming a spectacular residential neighborhood of single-family homes, a long-standing residential neighborhood, a potential school across the street, a church across the street, and this industrial use is just not consistent with that long-standing use. I think between the holidays and COVID-19, may be the reason you don't see a lot of property owners here tonight. I brought a petition with 14 of them and they specifically told me they weren't coming because of COVID-19, so it does inhibit and you all are brave for doing this. The surrounding properties are all residential essentially and so this just doesn't fit. The last point I'd like to make is that I'll bet there is no more studied area in Brevard County than North Merritt Island. We've been doing studies here since 2005, and even before then, and none of those studies suggest industrial use at this location, it's up the road nearer to Kennedy Space Center. I admire a business man that moves in to a place in the hopes of getting Space Center customers; I think that's great, and I represent them all the time everywhere, and that's an optimistic entrepreneurial spirit, but nobody every suggested this site for industrial use; it just doesn't fit there and the history and development of the area demonstrates that. The Future Land Use Map and the plan says, "The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings that provide special attention to the integration of infrastructure, circulation, parking, utilities, while placing emphasis on aesthetics and compatibility with abutting properties within the industrial park. These parks shall be designated to limit intrusion into residential areas". That ought to be our guiding star here and this particular comp plan request and the associated zoning just do not fit in this particular piece of property. I'm happy to answer any questions.

Jim Carbonneau – I brought up the point earlier about the sewer. We know that Ron Dimenna is coming forward to get approval for his project on the 61 homes, and the hook there was a sewer line. We asked the question then about the uncertainty of who would be able to use that. Tonight is the first case where a business is assuming that he will be granted use, and I'm not sure if that's by the County or by the Dimenna's. Do you know where that's going?

Jack Kirschenbaum – It's my understanding that it's still in the design phase, and until the design phase is completed, the use agreements in the connection regulations haven't been drawn yet, so I don't know the answer.

Jim Carbonneau – If I remember correctly, the BDP (Binding Development Plan) said that by conclusion of the project it would be turned over to the County.

Jack Kirschenbaum – That's is exactly correct, that's what the BDP says. I know the County and the engineers for the Dimenna's are actively working on that, but everything has slowed down.

Jim Carbonneau – At this point, there is no conclusive determination that anybody coming and

going, and other properties along S.R. 3 could tie into that line.

Jack Kirschenbaum – I don't know. I don't think there is any conclusion there yet.

Jeffrey Ball – The staff comments reference the sewer line as being 5,000 feet away. It's in the design phase, and it's coming. We don't know when it is going to come online, we don't know who is going to be able to connect to it, or whether there will have to be a lift station. That is all part of the design that will be worked out in the construction plans.

Jim Carbonneau – The 5,000-foot distance you're referring to is the end of the curved connection at Church Road.

Jeffrey Ball – Correct.

Phil Bernardo – I'm Phil Bernardo, 4440 North Tropical Trail. As a resident I'm opposed to this rezoning. I'm also the Vice President of the North Merritt Island HOA (Homeowners Association); we had our January meeting this past Monday and everybody who was in the Zoom meeting, including all the board members, all disagreed with this rezoning. The planned rezoning is incompatible with the immediate surrounding properties. I know Air Liquide is down the road a ways, along with Space Commerce Way, and Blue Origin. The request is not consistent with Policy 3, Criteria C in particular, the proposed rezoning is inconsistent with emerging or existing patterns of surrounding development, historical land use patterns of surrounding development, and recently approved development in the immediate area. There is not any other PIP zoning in the immediate area, as the surrounding areas are predominately residential with some BU-1 and BU-2 mixed into it. As you heard, local residents are in opposition; I know several local residents who live very close to it who are in opposition to it. I look at this as somebody who has property in a residential area and they want to put a structure in a zoning setback, they're going to have to get a conditional use permit. The County will go to the people who are affected by it and get their input, and I assume they're going to take their input seriously, because to me, this is no different. The property is already zoned BU-1 and would allow for some manufacturing. I'd heard the planned use for the property was gun manufacturing, but I guess maybe it's not. If it's not true, this rezoning would still allow this to happen at some other time, along with a lot of other uses. This cruise ship parking has been very unpopular for pretty much all the residents on North Merritt Island. I feel like this is open-ended. If it's not gun manufacturing, it's parts, but what kind of parts? If it was gun manufacturing, that would introduce crime to the area. But I don't know about gun parts being popular to rob. I heard something else, and it could be heresay, but I heard that at one time there was a rail manufacturing south of this property in question and then they took the zoning away – I don't know, so it's probably not of much use. I just want to say that I'm opposed to it, local residents are opposed to it, and the North Merritt Island HOA is opposed to it. Other than that, other people said what I wanted to say.

Chris Minerva – Good evening, Chris Minerva, 5385 Lovett Drive, North Merritt Island. I don't have any new information from what I've been hearing, and simply put, inconsistency with the administrative policies 3, 4, 8, specifically. We also have minimal information about the type of activities, and it's a shame because maybe we could have made a more intelligent decision based on what they actually will be doing and what time of day. We really don't want an industrial-type of activity in this area; it's inconsistent and doesn't match the character of the surrounding area. We are requesting that you deny.

Harry Perrette – I'm also a resident of Merritt Island and I've been here for 15 years; my kids go to Lewis Carrol Elementary School, Jefferson Middle School, and Merritt Island High School.

The property is adjacent across the street to County-owned property, but who knows when anything might happen there. This property is the closest three acres to Kennedy Space Center that we would be able to purchase and rezone for this use. Any of the properties that are directly connected and actually using and sharing a boundary zone are all businesses; there are three houses behind, but they are separated by a road. Around the building there is a gas station, fire station, and a small AT&T utility box. With our plan for the building, we also included a 50-foot buffer around, which included where S.R. 3 connects with the property, and that would alleviate any issues with the church across the street, they wouldn't see our building through the trees. As far as the gun stuff goes, that's really only 6% of our business. We've contemplated not doing it because we've run into issues all the time with banks not wanting to lend to a gun person, or things like that, and for 6% of our business it's not really worth continuing to do it. As far as the cruise parking concern, the property is at least 15 - 20 miles from S.R. 528, so to put cruise parking there would be silly. Right now, we are in a 3,600 square-foot building; all of our stuff is done inside and there's no sound, no smells that come out of our facility. You guys are welcome to come by and take a look at it.

Jack Ratterman – You're over there by the airport?

Harry Perrette – Yes.

Jack Ratterman – Are you off of Azealia?

Harry Perrette – Yes, Azealia and Manor.

Chris Cook – It says you wanted the BU-2 to expand stuff that's not allowed in BU-1. What exactly were you thinking you needed the BU-2 for?

Harry Perrette – We're actually looking for PIP, which would give us an industrial zoning. To answer your question, right now we do small manufacturing of parts with CNC machines within the building. We put a bar in the machine and it uses different tool bits to whittle down to a smaller part. We want to be able to expand that and maybe do some welding or other type of machining.

Chris Cook – Couldn't you do that with a Conditional Use Permit under the BU-1? No? Okay.

Mary Hillberg – Okay, I bring it back to the board. How does everyone feel? Is there a motion?

Jack Ratterman – My greatest concern is the character of the neighborhood. If you look at the aerial photo, to the north is Colony Park, to the west is residential, across the street is the Baptist church, and I just think to put PIP there, I can't see it. Colony Park is struggling as it is, and to put that in there would really hurt them.

Jim Carbonneau – This is right on the corner of North Tropical Trail and S.R. 3. As we said earlier, you've got the Dimenna subdivision going in there, all the impact of 161 homes at that intersection, and this is coming in from Kennedy on the right-hand side, which is a fast lane, it's going to be a risk factor with traffic congestion. The egress they're showing on North Tropical Trail is right at the intersection and I think that's going to complicate things, and from a traffic aspect it's a poor location.

Chris Cook – I refer back to the North Corridor Study that we spent so much time and effort and money on, and it doesn't fit in with that corridor study as PIP there. He could sell this tomorrow and someone else could come in with a completely different plan. I try not to look at

this too closely [plans submitted by applicant], and I'm sure what he wants to do there, if he did it, no one would probably have a problem with it, but it's what could be there with that zoning. I think that's the issue and that's what we have to deal with. I'm always looking five to 10 years down the road, and I'm thinking it's just not compatible with what that whole area is going to be, because it's going to be developed, and I don't think having PIP there is the correct character for what's going on there. They are going to put a school on North Merritt Island at some point and that's why they haven't sold that land; it's been sitting there for 40 years, but it's coming.

Mary Hillberg – The Future Land Use Map that we have in our packet shows the commercial land uses, and PIP is almost out of place there. It really isn't compatible with the area. I'm not necessarily opposed to the type of manufacturing they want to do, but it's what's allowed in PIP, which is all of the BU-1 and BU-2, and BU-2 is pretty intense. It makes it difficult in a rural community like this.

Gina Lindhorst – I'd also like to say that we have several areas on North Courtenay Parkway a little farther south that are PIP already, that are industrial and clustered together.

Jeffrey Ball – It's farther south.

Jack Ratterman – The old packing house.

Gina Lindhorst – It looks like we have enough there and it should be clustered.

Jack Ratterman – Administrative Policy 4 says must not adversely affect neighborhoods, and Colony Park is probably one of the oldest neighborhoods on North Merritt Island, and it's notorious, but it's still a neighborhood. They've cleaned it up and it's coming back, but I don't think that would be a good fit.

Mary Hillberg – I also agree with the gentleman about the traffic.

Jim Carbonneau – I'll make a motion to deny, based on Administrative Policies 3....

Mary Hillberg – We're going to do H.1. first.

Jim Carbonneau – I motion to deny H.1., based on Administrative Policy 3.A., 3.B., and 3.C.

Gina Lindhorst – I second.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Chris Cook – I motion to deny H.2., based on Administrative Policies 3.A., 3.C., and 4.

Catherine Testa – Second.

Mary Hillberg called for a vote on the motion as stated and it passed unanimously.

Result: DENIED

Mover: Chris Cook

Second: Catherine Testa

Public Comment

Adjournment

