

Minutes Planning and Zoning Board / Local Planning Agency

3:00 PM

Call To Order - 3:00 P.M.

Approval of Minutes - October 11, 2021, P&Z Minutes; August 23, 2021, LPA Minutes

This agenda item was approved.

Result: APPROVED

Mover: William Capote

Secunder: Ben Glover

H. Public Hearings

H.1. Public Hearing, Re: Comprehensive Plan Text Amendment Adoption to include a Property Rights Element as required by House Bill 59.

Comprehensive Plan Text Amendment to include a Property Rights Element as required by House Bill 59, requiring all local governments to create a Property Rights Element; and to amend the Glossary Chapter Number from XV to XVI.

Motion by Liz Alward, seconded by William Capote, to approve the Comprehensive Text Amendment to include a Property Rights Element as required by House Bill 59, and to amend the Glossary Chapter Number from XV to XVI. The motion passed unanimously.

Result: APPROVED

Mover: Liz Alward

Secunder: William Capote

H.2. Scott Minnick requests a change of zoning classification from AU to RR-1. (21Z00025) (Tax Account 2102550) (District 1)

Scott Minnick

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 1.15 acres, located on the northwest corner of U.S. Highway 1 and Glenn Rd. (3510 Glenn Rd., Mims) (Tax Account 2102550) (District 1)

Motion by Brian Hodgers, seconded by Peter Filiberto, to table the request to the January 10, 2022, P&Z meeting as the applicant failed to appear. The motion passed was unanimously.

Result: TABLED

Mover: Brian Hodgers

Secunder: Peter Filiberto

H.3. DeRosa Holdings, LLC (Bruce Moia) requests an amendment to an existing BDP in a RU-2-12 zoning classification. (21PZ00059) (Tax Account 2534267) (District 2)

DeRosa Holdings, LLC (Bruce Moia)

An amendment to an existing BDP in a RU-2-12 (Medium Density Multi-Family Residential) zoning classification. The property is 0.24 acres, located on the west side of S. Atlantic Ave., approx. 83 ft. south of 20th St. (2050 S. Atlantic Ave., Cocoa Beach) (Tax Account 2534267) (District 2)

Bruce Moia, MBV Engineering, stated the vacant property is located just north of where A1A

splits in Cocoa Beach, and it used to be part of an overall property that has been now split into six different parcels. The current BDP was proposed for the entire property for an attached townhome development, but nothing was ever built and the property was sold off and split. The owner of this property wants to expunge the BDP so he can build detached homes. He stated he has submitted a new BDP to replace the current BDP that stipulates two detached units instead of attached units. He said he knows there's some interest in some of the other property owners to do the same in the future, but his client would like to move forward now.

Peter Filiberto asked if the proposed homes would connect to sewer. Mr. Moia replied yes.

Public Comment.

Michael R. Stewart stated he is the owner of the adjacent lot to the south, and he would like the record to reflect that the current BDP is preventing him and the other owners from building a detached home on their properties. He asked if the board would consider absolving the BDP in its entirety as a result of Mr. DeRosa's request.

John Freeman, 2012 Julep Drive, Cocoa Beach, stated he agrees with Mr. Stewart that the BDP should be dissolved on all of the properties because there are some restrictions in it that seem to limit what can or can't be done.

Jeffrey Ball stated since this application is for one specific property, the board is only taking action and making a recommendation on that property. If the other property owners included in the existing BDP want to get together and amend the BDP they can contact staff to submit an application.

Ben Glover asked if the new BDP would be attached to all of the lots. Mr. Ball replied no, it is just on the subject property. The owners of the other properties would have to submit applications and go through the public hearing process.

Motion by Ben Glover, seconded by Peter Filiberto, to recommend approval of an amendment to an existing BDP in a RU-2-12 zoning classification. The motion passed unanimously, with David Bassford abstaining.

Result: APPROVED

Mover: Ben Glover

Secunder: Peter Filiberto

H.4. Donald White and Trevantay Raymond Curry request a change of zoning classification from AU to RU-1-13. (21Z00029) (Tax Account 2103419) (District 1)

Donald White and Trevantay Raymond Curry

A change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential). The property is 0.55 acres, located on the south side of Warren St., approx. 200 ft. east of Harry T. Moore Ave. (No assigned address. In the Mims area.) (Tax Account 2103419) (District 1)

Donald White, 2000 Jack Court, Sanford, Florida, stated he would like to rezone to residential in order to build one or two affordable homes.

No public comment.

Ron Bartcher stated the request is consistent and compatible with the surrounding area.

Motion by Ron Bartcher, seconded by Liz Alward, to recommend approval of a change of zoning classification from AU to RU-1-13. The motion passed unanimously.

Result: APPROVED

Mover: Ron Bartcher

Seconded: Liz Alward

- H.5.** The Heather Calligan Trust (Chad Genoni) requests a change of zoning classification from RU-1-11 with an existing BDP to RU-1-7, with an amendment to the existing BDP. (21Z00030) (Tax Account 2112413) (District 1)

The Heather Calligan Trust (Chad Genoni)

A change of zoning classification from RU-1-11 (Single-Family Residential) with an existing BDP (Binding Development Plan) to RU-1-7 (Single-Family Residential), with an amendment to the existing BDP. The property is 79.16 acres, located on the south side of State Road 46, approx. 635 ft. east of Turpentine Road. (No assigned address. In the Mims area.) (Tax Account 2112413) (District 1)

George Ritchie noted there are two BDP's on the property currently; one BDP covers almost the entire parcel, and the other BDP is on a small portion of the lot lying south of Hammock Trail. The request is for RU-1-7 with an amendment to the existing BDP. He stated the request was amended after the application was submitted, and the first request was to have the RU-1-7 zoning consistent with the Residential 1 and Residential 4 Future Land Use designations. When an issue came up with the potential number of lots, the applicant revised the proposed BDP to limit the number of lots to what is existing and approved for the site currently under one of the conditions of the existing BDP.

Mark Wadsworth asked if there are still two BDP's on the property. Mr. Ritchie replied the request is to change it to the proposed BDP which will cover the entire property. The second BDP, which is on the small piece at the southeast corner, was a change of zoning from GU to RU-1-11, but that piece is too small to be a separate lot, it is less than 2,000 square feet, so it doesn't add any extra units to the property it just adds additional land area to the request.

Kim Rezanka, Lacy, Lyons, Rezanka Law Firm, Rockledge, distributed a revised BDP to the board. [The revised BDP and other handouts provided by Ms. Rezanka can be found in file 21Z00030, located in the Planning and Development Department]. She stated the proposed BDP is to replace the other two BDP's and it includes almost everything from the 2005 BDP except for one buffer issue, so it is nothing new, and the applicant is just requesting to change to RU-1-7 for flexibility of lot size. She explained that the new BDP came about after a community meeting. She said the subject property has been proposed for development since before 1999, yet it has not been able to be developed. The property is unique in that it has wetlands, a conservation easement, and it is bisected by Hammock Trail, which has been attempted to be vacated, but the County did not want to vacate because of historical drainage. There are two RV parks to the north of the property; there are townhomes along the Sherwood Golf Course to the south; and there is RU-1-7 developed property to the east, as well as condominiums, so there is a mix of uses in the area. She said her clients are not asking for an increase in density, they are limiting it to the exact same number that was in the original BDP, which is 198 units, or 2.5 dwelling units per acre. She stated during the community meeting the residents were concerned about buffering to the south, flooding on Turpentine Road, traffic on Turpentine Road, and trash along Hammock Trail. The revised BDP encompasses everything except in paragraph 4. In 2005 there was to be a buffer of 300 feet on the south property line, or there was to be one-acre lots. She said they are asking to reduce the southern buffer on the

west portion of it to a minimum 30 feet between the property line and the nearest home. That is the only change from the 2005 Binding Development Plan, and that is just to allow more flexibility. She noted they are still working on the engineering plan, but all of the water on the property will have to be retained. She noted that because Hammock Trail goes through the property, it will be cleaned up. The residents also asked if access onto Turpentine Road could be eliminated, but that is not known yet because it is a public road and because the property is so long, the Fire Code will probably require two accesses. She noted the developer is willing to work with the neighbors and has met with them and will continue to meet with them as they go through engineering.

Public Comment:

Donald Martin, 1735 Turpentine Road, Mims, asked if the developer has they thought about how they are going to handle the schools, water, wastewater, and traffic.

Mark Wadsworth stated those issues will be handled in the engineering and permitting stages.

Mr. Martin asked who decides if the zoning gets changed or not. Mr. Wadsworth replied the Planning and Zoning Board makes recommendations to the Board of County Commissioners, and this request will be heard by the Commission on December 2nd and they will make the final decision.

Mr. Martin stated he is against the rezoning request.

Michael Katrick, 2185 Wherry Road, Mims. [Mr. Katrick distributed minutes from the February 3, 2005, County Commission meeting. The minutes can be found in file 21Z00030 located in the Planning and Development Department] He stated when the rezoning was first approached, there was a 300-foot buffer that went along the entire 300 feet of the south corridor, and negotiations with the developer at the County Commission meeting allowed them to put one-acre lots in that section and waive the buffer. That is how the buffer went from 300 feet to one-acre lots. He said what is being proposed now is a 30-foot buffer which is not acceptable. In 2005, the Planning and Zoning Board denied the request to go to RU-1-7, and after negotiations the request went to RU-1-11 and the neighbors accepted that. The far west section of the property has a Residential 1 Future Land Use designation; the middle section and the east side has Residential 4, and in order to do a change to residential land uses, Brevard County shall facilitate development of residential neighborhoods that offer the highest quality of life through implementation of policies.

Mr. Wadsworth asked if Mr. Katrick originally agreed to the RU-1-11. Mr. Katrick replied yes. Mr. Wadsworth asked if he is now opposing RU-1-7. Mr. Katrick replied he and others opposed RU-1-7 all along, but they negotiated to RU-1-11.

Tamara Fox, 2179 Turpentine Road, Mims, stated she would like to see the area maintained as what it is currently, a minimum of one-acre lots. She said Hammock Trail is basically a dump land; people dump whatever they want into the ditch. She said she would like to see one-acre lots along the south side. The majority of the surrounding properties are one or two-acre lots, outside of the RV park and campgrounds.

Margaret Primavera, 2485 Bar C Road, Mims. [Ms. Primavera distributed a photo to the board. The photo can be found in file 21Z00030, located in the Planning and Development Department] She stated she would like to keep the buffer zone, which she has been told by the Army Corps of Engineers is a protected easement. She said she hasn't been able to talk to anyone recently to see if that has changed. She stated she is opposed to the request.

Greg Holiday, 2181 Wherry Road, Mims, stated he lives on three acres and the reason he bought his property was because he likes the rural area, and he's opposed to the rezoning request.

Philip Osbourne, 2375 Turpentine Road, Mims, asked if the request will go to the County Commission if this board denies it. Mr. Wadsworth replied yes, it will go to the County Commission regardless of this board's recommendation.

Monica Katrick, 2185 Wherry Road, Mims, stated she was involved in the 2005 request to rezone the property. She said the original BDP shouldn't need to be changed because the number of units they are proposing would work with the original agreement, and she is against the request.

Ruth Surrell, 1950 Tomato Farm Road, Mims, stated she is against the request because there is no reason to change the original BDP unless they are trying to make it something it wasn't supposed to be in 2005.

Jacob Turner, 1980 Tomato Farm Road, Mims, stated he does not want to see the zoning changed. He said everything in the area is rural with mostly one-acre lots.

Mr. Wadsworth asked Ms. Rezanka to clarify the number of units and the buffer.

Ms. Rezanka stated there is no change in the buffer next to Ms. Primavera's property at all. The only change is in Paragraph 4, and in 2005 Paragraph 4 said there either needed to be a 300-foot buffer or one-acre lots, and with one-acre lots there is a 20-foot setback from the property line. She noted there will still have to be a subdivision buffer of 15 feet around the entirety of the project. The number of units have not changed. The one other change is that the developer is asking for flexibility of the lot sizes but there is still going to be natural buffers that will remain in the BDP. The circumstances have changed since 2005. She said there is a conservation easement that has been put on a large part of the property since then, and the wetlands regulations have changed since 2005. She stated there is no evidence of a reduction of value in any of the neighboring properties. There is not much of a change other than the ability to have different lot sizes, which are very similar to what's out there in Birchwood Forest and the Fairwoods Condominiums. The reason for the request is because circumstances have changed.

Ron Bartcher asked how many acres of the total project are planned for a conservation easement. Ms. Rezanka replied currently, there are 17 acres under a conservation easement, but there are wetlands as well.

Mr. Bartcher asked if the entrances will be on S.R. 46, Hammock Trail, or Turpentine Road?

Rick Kern, 5963 Stillwater Avenue, Cocoa, Engineer for the project, stated there will be an entrance on S.R. 46 and also on Turpentine Road. Mr. Bartcher asked if Hammock Trail will be used as ingress/egress. Mr. Kern replied if Hammock Trail is used, they will use a portion of it for access on the southwest side, and it would be paved. Mr. Bartcher asked if there are plans for club-like amenities. Mr. Kern replied there will be an amenities and a playground.

Ms. Rezanka stated the new BDP says the minimum lot size will be 6,000 square feet, where the 2005 BDP says 5,500 square-foot lots, so the lot size has increased from what it could be with the previous BDP.

Ben Glover noted they are keeping the number of lots at 198, and asked the reason for

reducing the buffer size. Ms. Rezanka replied because the land itself has changed, and to allow them to be able to get those number of lots. She said they don't know where all of the buffers are going to be. She said they really haven't changed it, because it's either a one-acre lot, or it's a 300-foot buffer.

Mr. Glover asked, with the wetlands, does the applicant believe they will get 198 units. Ms. Rezanka replied it's going to be difficult to get there, but that's what the previous one did, and that's why they used the same number of units, so it wouldn't be an increase of what was allowed before. Mr. Glover stated there will be water retention in place, because someone mentioned flooding, but this would retain all of the water instead of flooding into the neighboring properties.

Peter Filiberto asked if the project will hook up to water and sewer. Ms. Rezanka replied, yes. Mr. Filiberto stated for traffic, he sees no deficiency in level of service; schools have sufficient capacity as well. He said he has a concern about flooding, but that will be addressed in engineering.

Mr. Ritchie stated the request is just a zoning change with a BDP, and there were no changes to the Comprehensive Plan as part of this request. Neighborhood Commercial, Residential 1, and Residential 4 are the three different land use designations on the property. In the staff comments there was an explanation as to how many units could be done in each land use designation. The area that's Residential 1 is one unit per acre, so the request to have 6,000 square-foot lots is something they are requesting to have put into the plan, which is consistent with RU-1-7 zoning's 50x100 feet, so it's a bigger lot than what is required by RU-1-7, but it is still smaller than the Comprehensive Plan land use of Residential 1, and the Neighborhood Commercial land use designation gives the ability to go up one level higher, so their density would be two units per acre. Two parts of this plan is going to be limited by development under the Comp Plan. They may be able to get more units in the Residential 4, and overall the project would have 198 units, but in those portions that are Residential 1 and Neighborhood Commercial, those densities will be capped appropriate to the Comp Plan. More of those units are going to be pushed in to the Residential 4 area rather than into the Residential 1, which is along the west border. Also, some of the items seem similar to the previous BDP, but with it just being presented today, staff hasn't had sufficient time to thoroughly go through it to make sure there aren't any additional changes that may or may not have omitted that staff hasn't verified yet.

Liz Alward stated on the Comp Plan map provided, Residential 1 seems to run along Turpentine Road, and asked if those would be the one unit per acre lots.

Mr. Ritchie stated it's one unit per acre density, so their lot sizes can be different but staff will be calculating how many units come in that area when the subdivision plan is submitted. That part of the BDP is not voluntary. Section 62-1255 allows an applicant to go through this procedure to choose a zoning that normally is not consistent with the Comp Plan, but to make it consistent with the Comp Plan, so that's a request they are making; otherwise, we would have to have a lower intensity zoning to be compatible with Residential 1 or compatible with the Residential 4 and Neighborhood Commercial land use designations.

Motion by Liz Alward, seconded by William Capote, to approve the change of zoning classification from RU-1-11 with an existing BDP to RU-1-7, with an amendment to the existing BDP. The motion passed unanimously.

Result: APPROVED

Mover: Liz Alward

Secunder: William Capote

- H.6.** Burnett Parrish, LLC (Javier Fernandez) requests a change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10. (21Z00031) (Tax Account 2409609) (District 1)

Burnett Parrish, LLC (Javier Fernandez)

A change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium Density Multi-Family Residential) to all RU-2-10. The property is 27.06 acres, located on the northwest corner of Burnett Rd. and Parrish Rd. (No assigned address. In the Cocoa area.) (Tax Account 2409609) (District 1)

Javier Fernandez, 1200 Brickell Avenue, Miami, Florida, stated he represents the contract purchaser, who is requesting the zoning change in order to unify the zoning on the property. He said his clients would like to develop the uplands portion, avoiding the wetlands, with a townhome project, and use the existing lake as water retention and a residential amenity. He stated he believes the request is consistent with the existing RES 15 Future Land Use designation and other elements of the Comprehensive Plan.

Ron Bartcher asked if the units would be rentals. Mr. Fernandez replied the intent is for the townhomes be for sale, which is consistent with the area. There is a single-family development to the south and to the north and west. Mr. Bartcher asked if they will they be multi-story units. Mr. Fernandez replied they will be single-story. Mr. Bartcher asked the square footage of the units. Mr. Fernandez replied they will be between 1,600 to 1,800 square feet.

Mr. Fernandez stated the principal access would be on Burnett Road, and there would also be ingress and egress off of Parrish Road.

Mr. Bartcher asked if homes are planned around the wetland area. Mr. Fernandez replied there is a swale on the southeast corner, but they are still trying to figure out the layout; theoretically, they could do 260 units, but it is early in the conceptual design phase.

Liz Alward stated where the water is on the west side, that is where they want the RU-2-10, and currently there is no construction that could take place on that property. Mr. Fernandez replied no, and there are no plans for construction on that portion. Ms. Alward noted that by making that portion RU-2-10 it makes the density on the whole property increase. Mr. Fernandez stated his clients are not looking to use that portion for additional density. He said there is 27 acres on the non-lake portion, and at 10 units per acre currently, 260 is the maximum number of units on that portion of the site. He stated his understanding of the land development regulations is that they have to unify the zoning in order to use this retention area for water and a residential amenity.

Ms. Alward asked for clarification that by making the whole property RU-2-10 it increases 43 units on the property. Paul Body replied that's correct.

Jeffrey Ball pointed out that staff has not vetted the concept plans, and the developer will still have to meet Code requirements and go through the permitting process.

No public comment.

Motion by Ron Bartcher, seconded by Brian Hodgers, to recommend approval of the change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10. The motion passed unanimously.

Result: APPROVED

Mover: Ron Bartcher

Seconded: Brian Hodgers

- H.7.** Perrone Properties, Inc.; and Curtis R. & Sharon E. Davis (Javier Fernandez) request a Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 to RES 15. (21PZ00062) (Tax Accounts 2424006 & 2424007) (District 1)

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis (Javier Fernandez)
A Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis (Javier Fernandez)
A change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

Javier Fernandez, 1200 Brickell Avenue, Miami, Florida, stated the property consists of 40 acres located on Pluckebaum Road, west of Clearlake Road. He noted in the last three years there have been some rezonings in the City of Cocoa, and in the City of Rockledge to the south, and the subject property is situated between the two cities. To the north is RU-2-15 zoning and is currently being developed as a multi-family project. There is also RU-2-15 zoning to the east of that site which is being developed as multi-family. To the south and east is Harvest Landing which is a PUD with zero lot line homes. He stated he believes the request is not only consistent with the Comprehensive Plan. A large portion of the site is a lake, and his clients would also like to have a clubhouse. He said the site will be served with water and sewer by the City of Cocoa.

Jeffrey Ball pointed out that staff has not vetted the concept plans, and the developer will still have to meet Code requirements and go through the permitting process.

Public Comment:

Pam Rogan, representing Harmony Farms, 2205 Pluckebaum Road, stated her only concern is about the road because there have not been any improvements to the road. Pluckebaum Road is two-lane with a canal on one side, and it is not maintained well by the County. She said the additional traffic will present a problem, particularly when it rains. She stated she has no objection to more houses, she is just concerned about the road.

Ron Bartcher asked if the only access will be on Pluckebaum Road. Mr. Fernandez replied yes, the only access will be onto Pluckebaum Road. He said he understands the conditions of the road, and as they move through the permitted process there will be substantial subdivision improvements.

Motion by Peter Filiberto, seconded by William Capote, to approve the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 to RES 15. The motion passed unanimously.

Motion by Peter Filiberto, seconded by Liz Alward, to approve the change of zoning classification from AU to RU-2-10. The motion passed unanimously.

Result: APPROVED

Mover: Peter Filiberto

Secunder: William Capote

- H.8.** Perrone Properties, Inc.; and Curtis R. & Sharon E. Davis (Javier Fernandez) request a change of zoning classification from AU to RU-2-10. (21Z00032) (Tax Accounts 2424006 & 2424007) (District 1)

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis (Javier Fernandez)

A Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis (Javier Fernandez)

A change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

Javier Fernandez, 1200 Brickell Avenue, Miami, Florida, stated the property consists of 40 acres located on Pluckebaum Road, west of Clearlake Road. He noted in the last three years there have been some rezonings in the City of Cocoa, and in the City of Rockledge to the south, and the subject property is situated between the two cities. To the north is RU-2-15 zoning and is currently being developed as a multi-family project. There is also RU-2-15 zoning to the east of that site which is being developed as multi-family. To the south and east is Harvest Landing which is a PUD with zero lot line homes. He stated he believes the request is not only consistent with the Comprehensive Plan. A large portion of the site is a lake, and his clients would also like to have a clubhouse. He said the site will be served with water and sewer by the City of Cocoa.

Jeffrey Ball pointed out that staff has not vetted the concept plans, and the developer will still have to meet Code requirements and go through the permitting process.

Public Comment:

Pam Rogan, representing Harmony Farms, 2205 Pluckebaum Road, stated her only concern is about the road because there have not been any improvements to the road. Pluckebaum Road is two-lane with a canal on one side, and it is not maintained well by the County. She said the additional traffic will present a problem, particularly when it rains. She stated she has no objection to more houses, she is just concerned about the road.

Ron Bartcher asked if the only access will be on Pluckebaum Road. Mr. Fernandez replied yes, the only access will be onto Pluckebaum Road. He said he understands the conditions of the road, and as they move through the permitted process there will be substantial subdivision improvements.

Motion by Peter Filiberto, seconded by William Capote, to approve the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 to RES 15. The motion passed unanimously.

Motion by Peter Filiberto, seconded by Liz Alward, to approve the change of zoning classification from AU to RU-2-10. The motion passed unanimously.

Result: APPROVED

Mover: Peter Filiberto

Seconded: Liz Alward

H.9. James Eric Preece, Trustee (Kim Rezanka) requests a change of zoning classification from RU-1-11 to RU-2-12. (21Z00033) (Tax Account 2731687) (District 5)

James Eric Preece, Trustee (Kim Rezanka)

A change of zoning classification from RU-1-11 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential). The property is 0.26 acres, located on the south side of Franklyn Ave., approx. 320 ft. east of Palm Ave. (117 Franklyn Ave., Indialantic) (Tax Account 2731687) (District 5)

Kim Rezanka, Lacy, Lyons, Rezanka Law Firm, Rockledge, stated the subject property is in the County's jurisdiction, adjacent to the Town of Indialantic. The request is consistent with the Future Land Use of RES 15. The requested RU-2-12 is adjacent to the west, and there is similar zoning to the north; to the south is Indialantic zoning, which is small duplexes or townhomes. The purpose of the request is to build three condominiums that will be owned, and Mr. Preece intends to live in one of the units. The request is consistent with properties to the west and north, consistent with the duplexes to the west and south, and duplexes across the street to the north and east. Currently, the property is vacant, and there is water and sewer available. The subject property is .26 acres, and the size of the parcel when divided would be similar to those to the west and larger than those to the south. The objections from the neighbors include a petition by someone who walked up and down the street, but there are no reasons in the petition for objecting, and most of the people who signed the petition are Gross Pointe duplex owners in the Town of Indialantic. Ms. Burnett complains about traffic, people, and transients, and those complaints should be directed to the Sheriff's Office or Code Enforcement. Mr. Kivi lives to the west near the school and his concerns are speculative. Ms. Waldorf has multi-family zoning and has a daycare on her property. She stated the request is compatible and similar to what is in the neighborhood. Mayor Berkman of the Town of Indialantic has submitted a letter of objection responding to his constituents, but he does not live near the subject property and has no basis for anything he says in his letter except speculation. Some of the concerns are traffic, but it is three units versus one unit, so it is nominal and the staff report says it will not increase capacity. There is a concern about financial damage, which is incorrect because just the purchase of the property improved the values around it, and it will be three nice, new units. Any property value damage is pure speculation. Multi-family is clearly the character of the area and will improve the area since the units will be owned and not rented.

Ben Glover asked how the three units will fit on the property, and if they will be situated from north to south. Ms. Rezanka replied yes, they will be from north to south.

Mr. Glover asked if there will be a connecting driveway from Gross Pointe to Franklyn Avenue.

James Eric Preece, 615 N. Riverside Drive, Indialantic, replied he has not engineered the property yet, but the units will be placed from north to south. One of the units will access from

Gross Pointe, and the other two from Franklyn Avenue. He noted Gross Pointe has a traffic light at A1A, but the development will not add much traffic to either street.

Mr. Glover asked if they will be designed as townhomes. Mr. Preece replied yes, and they will be two stories. Mr. Glover asked if the back yards will be facing west. Mr. Preece replied yes.

Jeffrey Ball stated staff has not reviewed a site plan, and the board is just looking at the zoning at this point.

Public Comment:

Nancy Fowler, 1019 N. Palm Avenue, Indialantic, stated she has no objection to multi-family, it is the triplex with a cut-through from Gross Pointe to Franklyn Avenue that is the problem because it changes the directions of all of the homes in the area. She said she has concerns about using it as a cut-through, and there have been many problems with traffic on Gross Pointe because the road is too narrow.

Ms. Rezanka stated Mr. Preece indicated two of the units will access Franklyn Avenue and one unit will access Gross Pointe, and there will not be a drive-through.

Peter Filiberto asked if there any other triplexes on the street. Ms. Rezanka replied they are all duplexes on smaller lots.

Mr. Glover noted there are triplexes further north.

Motion by Peter Filiberto, seconded by William Capote, to recommend approval of the change of zoning classification from RU-1-11 to RU-2-12. The motion passed unanimously.

Result: APPROVED

Mover: Peter Filiberto

Seconded: William Capote

- H.10.** EH Cocoa, LLC (Bryan Potts) requests a change of zoning classification from BU-1 to BU-2. (21Z00034) (Tax Accounts 2442707 & 2442708) (District 1)

EH Cocoa, LLC (Bryan Potts)

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial). The property is 3.8 acres, located on the west side of U.S. Highway 1, approx. .13 mile north of Cidco Rd. (3633 & 3635 N. U.S. Highway 1, Cocoa) (Tax Accounts 2442707 & 2442708) (District 1)

Bryan Potts, 2494 Rose Spring Drive, Orlando, Florida, stated the subject property currently has a two-story retail building on it that's been there since the '60's. The problem is that in BU-1, a new building cannot be built that is taller than any of the surrounding buildings, and there is a mobile home park to the rear with homes that are only 12 feet high. He stated in addition, the building is only 15 feet from the property line to the mobile home park, and he would like to up a solid wall and create a 20-foot setback from the property line. He advised he has designed the building so there will be no access to the rear of the property. Currently, there is a truck loading well on the back, toward the mobile home park, and that will be eliminated. He noted he will also be planting a heavy buffer.

Ben Glover noted that going to BU-2 opens a lot of options for the property. He asked if a landfill would be permitted in BU-2. Paul Body replied no, a landfill would not be permitted.

Liz Alward asked if the wall and buffer the applicant is proposing would require a site plan. Mr. Ball replied yes, with the redevelopment of the site, the applicant will have to go through the site plan process.

Ms. Alward noted the board would not need to ask for a BDP (Binding Development Plan). Mr. Ball replied that is correct.

Ron Bartcher stated some of the BU-2 uses would be undesirable, and asked if the applicant would be willing to enter into a BDP that would restrict the development to a two-story metal building containing mini-warehouses.

Mr. Potts replied he would not be opposed to that, but he's already submitted construction drawings, and they've been put on hold for this rezoning process.

Mr. Bartcher stated his concern is that if Mr. Potts decides not to develop the property and sells it, somebody else could put anything in BU-2 unless there is a BDP that goes with the property. A BDP would say that he can do what he wants to do, but nobody else can come in and do any of the other things allowed in BU-2.

Mr. Potts asked if a BDP would that delay the rezoning process.

Mr. Ball replied the differences between BU-1 and BU-2 is that BU-2 allows for the wholesale and warehouse aspect, and it allows outdoor storage. From a use perspective, they're pretty much the same. If it is the recommendation of the board today to request a BDP, it is a condition of the approval, so it would not hinder him and he will still go to the County Commission on December 2nd.

Mr. Potts stated in that case, he would have no objection to a BDP.

Motion by Ron Bartcher, seconded by William Capote, to approve the change of zoning classification from BU-1 to BU-2, with a BDP limited to a mini-storage use within a metal building not to exceed two stories. The motion passed unanimously.

Result: APPROVED WITH CONDITIONS

Mover: Ron Bartcher

Secunder: William Capote

H.11. Board Direction, Re: Combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency.

Board Direction, Re: Combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency.

Jeffrey Ball explained staff has been directed by the Board of County Commissioners to look at options in light of the quorum issue at the last Local Planning Agency meeting. One of the options is to combine the LPA meetings with the P&Z meetings so there will be one meeting per month as opposed to two meetings per month.

Ron Bartcher stated ten or 15 years ago the LPA and P&Z used to be not only separate meetings, but the functions were separate, and in the public meetings they were treated that way. Comp Plan amendments came before the LPA and zoning changes came before the P&Z board. It's the same group of people that make up both boards and it was decided sometime in recent years to intermingle the two boards. Essentially, we have been meeting as a combined

board for many years. He stated the only concern he has is that there have been a few times that an item was delayed, such as when an applicant does not appear, and in most cases, the board could table it to the next meeting in that month, so it wouldn't present a problem for an applicant to finish a project. He asked if there is there any restriction on timing, or an amount of time that the applicant has to pay any additional fees.

Mr. Ball stated the P&Z board can table items with no additional fee. He agreed that the board will lose the flexibility of having a second meeting per month.

Mr. Bartcher stated that is his only concern.

Peter Filiberto requested staff to label items for LPA and P&Z on the agenda once the meetings are combined.

Motion by Liz Alward, seconded by William Capote, to approve combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency. The motion passed unanimously.

Result: APPROVED

Mover: Liz Alward

Second: William Capote

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>

Rollcall