

Minutes Planning and Zoning Board / Local Planning Agency

3:00 PM

**Call To Order - 3:00 p.m.**

**Approval of Minutes - May 9, 2022**

Motion by John Hoppengarten, seconded by Bruce Moia, to approve the P&Z/LPA minutes of May 9, 2022. The motion passed unanimously.

**Result:** APPROVED

**Mover:** John Hopengarten

**Secunder:** Bruce Moia

**H. Public Hearings**

**H.1.** Daniel P. and Amber N. Allen request a CUP for Farm Animals and Fowl for Medical Hardship in an RR-1 zoning classification. (22Z00017) (Tax Account 2405506) (District 1)

Amber Allen, 2625 Wagon Road, Cocoa, stated the request for the Conditional Use Permit is for two miniature pot-bellied pigs, which are emotional support animals for herself and her husband. She stated they have had the pigs for three years, the pigs live inside the house 75% of the time, and they go outside to a fenced yard through a dog door. She said they are fed a 100% vegetarian diet, so their waste does not smell. The waste is thrown away, but it can also be used for compost.

Public comment:

Hanna Clough, 2574 Trotters Trail, Cocoa, stated one-half acre of property is required in Brevard County in order to have one horse, and the Allen's pigs have over one acre. She said she is familiar with the pigs and her children spend a lot of time with the pigs, petting them and feeding them by hand. She asked to board to approve the conditional use permit. She noted she lives within 500 feet of the property and did not receive notification of the request, but people who liver farther than 500 feet did receive a notice.

John Hopengarten asked the breed of the pigs. Ms. Allen replied they are a mixed breed of Vietnamese pot-bellied pigs.

Mr. Hopengarten asked how long Ms. Allen has lived on the property. Ms. Allen replied four years.

Mr. Hopengarten asked where Ms. Allen got the pigs. Ms. Allen replied they got them from a farm in Apopka that raises them.

Mr. Hopengarten stated certificates were submitted with the documentation, along with a statement that Ms. Allen has a medical need. Ms. Allen replied yes, both herself and her husband have medical needs.

Mark Wadsworth clarified the board is to consider the request for the conditional use permit only.

Liz Alward stated the CUP expires after five years or the sale of the property, and noted they have met the medical support required for the CUP.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of a CUP for Farm Animals and Fowl (2 pot-bellied pigs) for Medical Hardship, in a RR-1 zoning classification. The motion passed 8:1, with Mr. Hopengarten voting nay.

**Result:** APPROVED

**Mover:** Liz Alward

**Secunder:** Bruce Moia

- H.2.** Evan Bales and Kelsey Godfrey (Charlene Morgan) request a CUP for a Guesthouse in an RU-1-11 zoning classification. (22Z00024) (Tax Account 2522454) (District 2)

Charlene Morgan, representing the applicant, stated Mr. Bales' mother is ailing and they would like to be able to build a guesthouse for her in the back of their property.

No public comment.

John Hopengarten asked if there will be a kitchen in the guesthouse. Ms. Morgan replied no.

Ben Glover asked if the guesthouse will be connected to sewer. Ms. Morgan replied they are in the process of getting a septic tank evaluated and the final approval from Environmental Health. She said the water will be City of Cocoa and it will be connected to the existing meter.

Motion by Henry Minneboo, seconded by Ben Glover, to recommend approval of a CUP for a Guesthouse in an RU-1-11 zoning classification. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Henry Minneboo

**Secunder:** Ben Glover

- H.3.** William and Jeanette Gonedridge request a change of zoning classification from AU to RR-1. (22Z00018) (Tax Account 2000372) (District 1)

William Gonedridge, 9610 Woodland Ridge Drive, Temple Terrace, Florida, stated he would like to build a house on the property, but it is more property than he needs, so he would like to build an additional house on the front of the property for his son.

No public comment.

Bruce Moia asked if it will be similar to what the neighbor has done, where there is a lot in the front and a flag lot in the back. Mr. Gonedridge replied yes.

Liz Alward asked if Mr. Gonedridge agrees to a binding development plan limiting the development to a total of two lots. Mr. Gonedridge replied yes.

Ben Glover asked if creating the flag lot is a separate request. Jeffrey Ball replied yes, the flag lot will be a separate administrative approval.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend approval of a change of zoning classification from AU to RR-1 with a BDP (Binding Development Plan) limiting development to a total of two lots. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Peter Filiberto

**Secunder:** Liz Alward

**H.4.** *Andrea Bedard and Nicholas Boardman (Ronald Treharne) request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 and NC to CC. (22SS00004) (Tax Account 2511124) (District 2)*

Nick Boardman, 26 Park Avenue, Rockledge, stated his intent is to request a Future Land Use change from RES 4 and NC to CC in order to be able to request a change of zoning to BU-1. He said he and his wife own the small motel to the west of the subject property, and they have identified a need for contract workers to have a place to stay when they are in the area and they would like to build a complementary business on the property.

Public comment:

Curt Myers, 1981 Rockledge Drive, stated he spearheaded the project to get Coquina Road paved 30 years ago. There is a total of 20 feet of right-of-way on Coquina Road with no drainage on either side. Drainage boxes were put in the middle of the road and they get overwhelmed at times because they do not get cleaned out often. He noted a variance was granted to a pet daycare center on the north side of Coquina Road with a driveway onto Coquina, which drains a good portion of its parking lot. No trucks are allowed on Coquina Road, and it's a very limited use. Other than the properties directly on U.S. 1, it is a residential neighborhood, with houses on the river of substantial value. He stated he objects to any commercial classification at all for that property and neighborhood. He noted the board already ruled on a property to the north with 20 acres of storage.

Jerilyn Bird, 1983 Rockledge Drive, and 1971 Rockledge Drive, stated she can see the subject property from both of her properties. She said she is against the requests for a land use change and zoning change. It is a small piece of property and she would like to keep it residential, as the road is extremely small and she cannot see big trailers or RV's easily accessing the property.

Susan Mills, 21 Coquina Road, stated she is the direct neighbor of the subject property and she is opposed to the requests. She said she lives by herself and she has worked hard on her property, she doesn't want people coming and going, tractor trailers, and people by themselves coming into the area.

Eileen Szuchy, 2035 Rockledge Drive, stated recently and consistently there are people coming from the motel and going to the river to fish because there is a small piece of public land they can get to, but unfortunately the fish move into private property and the fishermen are going up and down trying to catch fish, trespassing on private property. She said with Hound Town there are people using the parking lot for more than the daycare, and that adds to the congestion on Coquina Road. She said she objects because she believes it will ruin the character of the road, and it will spill over into the residential homes close to Coquina and further up and down Rockledge Drive.

Nick Boardman stated he also lives in the area, and he agrees that it is a lovely residential road and area. He said he only intends to do something residential with the property, whether it be an extension of the motel, some efficiencies, or a bed & breakfast. He said he wants it to be tasteful and fit in with the surrounding properties. He clarified there will not be any type of storage on the property.

Henry Minneboo stated the motel has been there almost as long as Harvey's Groves, and at one time it was a thriving location. It is a difficult situation in that area, and he cannot support

anything on that road more than what is there today. The neighborhood doesn't deserve any more impact.

Bruce Moia stated the applicant is asking for a rezoning and land use change, and the board really doesn't know what could happen; he could sell it or do something completely different; and there is no proposed BDP. He stated the area is an area where there should be a plan and conditions, but there is really nothing. He said he doesn't feel comfortable changing the land use and rezoning the property when there is not a plan and the applicant can't be held to anything.

Robert Sullivan stated Rockledge Drive is a designated scenic highway, and that seemed to be the basis for not allowing trucks on Coquina Road. The history in the area is extensive and the residences along Rockledge Drive and their accesses have allowed for waivers to the roadway width to ensure the trees and other things, and he concurs with the sentiments of the other board members.

Peter Filiberto asked the difference between a motor court, a storage facility, and a parking garage.

Jeffrey Ball replied a motor court is not defined in the Code, but his understanding is that a motor court is an old motel. As far as parking and storage, BU-1 allows for indoor storage only, whether it's vehicles or materials.

Mr. Filiberto stated there are already no trucks allowed on Coquina Road. Mr. Ball stated he cannot confirm that. It is a site plan issue and if there is insufficient right-of-way they will have to design their site to accommodate additional right-of-way.

Mr. Filiberto stated he has concerns about the close proximity to the Indian River Lagoon. He also feels it will affect the character of the community and it is inconsistent. The staff report states the request may be considered an encroachment of commercial land use into a residential area. He agrees with that statement and he will be dissenting as well.

Mr. Hopengarten asked if Mr. Boardman considered getting access from the motel rather than encroaching onto Coquina Road. Mr. Boardman replied he did, and his understanding is that he would need to get development permissions to do something with the land before he gets to the stage where he would be doing a full site plan, but it is an option he would consider. He said he would gladly gain access from the north, but he would have to speak to his neighbor, and he could give away some land on the north side, but he is only interested in residential.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend denial of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 4 and NC to CC. The motion passed unanimously.

Liz Alward stated the surrounding residents bought their properties with the understanding that the only thing that could be built there was one single-family unit, and what is being proposed is 43,996 square feet of commercial.

Mr. Ball clarified that for concurrency purposes, staff has to identify the floor area ratio for any given land use. There is no way the applicant can do that and make sure he has stormwater and parking, but for concurrency purposes, staff does that.

Ms. Alward stated it is still a proposed commercial use. The uses in BU-1 are extensive, and

without a BDP it can be sold tomorrow and be opened up to any of the BU-1 uses. She said she doesn't think the board has enough information to move forward.

Mr. Glover stated if the property could be accessed from U.S. 1 and the applicant came to the board with a plan of the number of units planned for the property it could be something he could be in favor of, but he is not in favor today.

Mr. Boardman stated he does have some plans.

Mark Wadsworth asked if the board can table the request, and noted there is a motion on the floor to deny.

Alex Esseesse noted there is a motion and a second.

Mr. Moia stated he is in support of the motion because there isn't enough information.

Mr. Minneboo stated people came to speak against the requests today and there is no reason to table.

Motion by Liz Alward, seconded by Henry Minneboo, to recommend denial of the change of zoning classification from AU to BU-1. The motion passed unanimously.

**Result:** DENIED

**Mover:** Peter Filiberto

**Secunder:** Liz Alward

**H.5.** Andrea Bedard and Nicholas Boardman (Ronald Treharne) request a change of zoning classification from AU to BU-1. (22Z00015) (Tax Account 2511124) (District 2)

Nick Boardman, 26 Park Avenue, Rockledge, stated his intent is to request a Future Land Use change from RES 4 and NC to CC in order to be able to request a change of zoning to BU-1. He said he and his wife own the small motel to the west of the subject property, and they have identified a need for contract workers to have a place to stay when they are in the area and they would like to build a complementary business on the property.

Public comment:

Curt Myers, 1981 Rockledge Drive, stated he spearheaded the project to get Coquina Road paved 30 years ago. There is a total of 20 feet of right-of-way on Coquina Road with no drainage on either side. Drainage boxes were put in the middle of the road and they get overwhelmed at times because they do not get cleaned out often. He noted a variance was granted to a pet daycare center on the north side of Coquina Road with a driveway onto Coquina, which drains a good portion of its parking lot. No trucks are allowed on Coquina Road, and it's a very limited use. Other than the properties directly on U.S. 1, it is a residential neighborhood, with houses on the river of substantial value. He stated he objects to any commercial classification at all for that property and neighborhood. He noted the board already ruled on a property to the north with 20 acres of storage.

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Susan Mills, 21 Coquina Road, stated she is the direct neighbor of the subject property and she is opposed to the requests. She said she lives by herself and she has worked hard on her property, she doesn't want people coming and going, tractor trailers, and people by themselves coming into the area.

Eileen Szuchy, 2035 Rockledge Drive, stated recently and consistently there are people coming from the motel and going to the river to fish because there is a small piece of public land they can get to, but unfortunately the fish move into private property and the fishermen are going up and down trying to catch fish, trespassing on private property. She said with Hound Town there are people using the parking lot for more than the daycare, and that adds to the congestion on Coquina Road. She said she objects because she believes it will ruin the character of the road, and it will spill over into the residential homes close to Coquina and further up and down Rockledge Drive.

Nick Boardman stated he also lives in the area, and he agrees that it is a lovely residential road and area. He said he only intends to do something residential with the property, whether it be an extension of the motel, some efficiencies, or a bed & breakfast. He said he wants it to be tasteful and fit in with the surrounding properties. He clarified there will not be any type of storage on the property.

Henry Minneboo stated the motel has been there almost as long as Harvey's Groves, and at one time it was a thriving location. It is a difficult situation in that area, and he cannot support anything on that road more than what is there today. The neighborhood doesn't deserve any more impact.

Bruce Moia stated the applicant is asking for a rezoning and land use change, and the board really doesn't know what could happen; he could sell it or do something completely different; and there is no proposed BDP. He stated the area is an area where there should be a plan and conditions, but there is really nothing. He said he doesn't feel comfortable changing the land use and rezoning the property when there is not a plan and the applicant can't be held to anything.

Robert Sullivan stated Rockledge Drive is a designated scenic highway, and that seemed to be the basis for not allowing trucks on Coquina Road. The history in the area is extensive and the residences along Rockledge Drive and their accesses have allowed for waivers to the roadway width to ensure the trees and other things, and he concurs with the sentiments of the other board members.

Peter Filiberto asked the difference between a motor court, a storage facility, and a parking garage.

Jeffrey Ball replied a motor court is not defined in the Code, but his understanding is that a motor court is an old motel. As far as parking and storage, BU-1 allows for indoor storage only, whether it's vehicles or materials.

Mr. Filiberto stated there are already no trucks allowed on Coquina Road. Mr. Ball stated he cannot confirm that. It is a site plan issue and if there is insufficient right-of-way they will have to design their site to accommodate additional right-of-way.

Mr. Filiberto stated he has concerns about the close proximity to the Indian River Lagoon. He also feels it will affect the character of the community and it is inconsistent. The staff report states the request may be considered an encroachment of commercial land use into a

residential area. He agrees with that statement and he will be dissenting as well.

Mr. Hopengarten asked if Mr. Boardman considered getting access from the motel rather than encroaching onto Coquina Road. Mr. Boardman replied he did, and his understanding is that he would need to get development permissions to do something with the land before he gets to the stage where he would be doing a full site plan, but it is an option he would consider. He said he would gladly gain access from the north, but he would have to speak to his neighbor, and he could give away some land on the north side, but he is only interested in residential.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend denial of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 4 and NC to CC. The motion passed unanimously.

Liz Alward stated the surrounding residents bought their properties with the understanding that the only thing that could be built there was one single-family unit, and what is being proposed is 43,996 square feet of commercial.

Mr. Ball clarified that for concurrency purposes, staff has to identify the floor area ratio for any given land use. There is no way the applicant can do that and make sure he has stormwater and parking, but for concurrency purposes, staff does that.

Ms. Alward stated it is still a proposed commercial use. The uses in BU-1 are extensive, and without a BDP it can be sold tomorrow and be opened up to any of the BU-1 uses. She said she doesn't think the board has enough information to move forward.

Mr. Glover stated if the property could be accessed from U.S. 1 and the applicant came to the board with a plan of the number of units planned for the property it could be something he could be in favor of, but he is not in favor today.

Mr. Boardman stated he does have some plans.

Mark Wadsworth asked if the board can table the request, and noted there is a motion on the floor to deny.

Alex Esseesse noted there is a motion and a second.

Mr. Moia stated he is in support of the motion because there isn't enough information.

Mr. Minneboo stated people came to speak against the requests today and there is no reason to table.

Motion by Liz Alward, seconded by Henry Minneboo, to recommend denial of the change of zoning classification from AU to BU-1. The motion passed unanimously.

**Result:** DENIED

**Mover:** Liz Alward

**Secunder:** Henry Minneboo

**H.6.** *James A. and Vikki P. Dean request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1:2.5 to RES 1. (22SS00005) (Tax Account 2442557) (District 1)*

Vikki Dean, 3525 Canton Street, Cocoa, stated they built their home 27 years ago on 2.5 acres, and they would like to give their son an acre so he can build a home for himself.

No public comment.

Motion by Bruce Moia, seconded by Ben Glover, to recommend approval of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 1:2.5 to RES 1. The motion passed unanimously.

Motion by Bruce Moia, seconded by Ben Glover, to recommend approval of the change of zoning classification from AU to RR-1. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Bruce Moia

**Secunder:** Ben Glover

- H.7.** James A. and Vikki P. Dean request a change of zoning classification from AU to RR-1. (22Z00019) (Tax Account 2442557) (District 1)

Vikki Dean, 3525 Canton Street, Cocoa, stated they built their home 27 years ago on 2.5 acres, and they would like to give their son an acre so he can build a home for himself.

No public comment.

Motion by Bruce Moia, seconded by Ben Glover, to recommend approval of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 1:2.5 to RES 1. The motion passed unanimously.

Motion by Bruce Moia, seconded by Ben Glover, to recommend approval of the change of zoning classification from AU to RR-1. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Bruce Moia

**Secunder:** Ben Glover

- H.8.** DeRosa Holdings, LLC (Kim Rezanka) requests an amendment to an existing BDP in an RU-2-12 zoning classification. (22Z00022) (Tax Account 2534267) (District 2)

Kim Rezanka, Law Firm of Lacy Lyons Rezanka, stated the board has seen this property before, and also two or three others of the 12 units together that were to be built. She said her client was before the board previously requesting two or three residences, but then realized he would like the ability to sell one of the units. That request was approved, but the old BDP entangled everyone together. She said they are asking for a new BDP that will allow him to either condominium or plat the .24 acres. The request is for the removal of the old BDP and a small change to a new BDP, which is that the property shall remain under one ownership unless platted or developed as a condominium. The request only changes the ownership and the ability to sell.

No public comment.

Motion by Liz Alward, seconded by Ben Glover, to recommend approval of an amendment to an existing BDP, limiting development of the property as two (2) detached residential units for residency and/or rental, and that the property shall remain under one ownership, unless platted or developed as a condominium. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Liz Alward

**Secunder:** Ben Glover

**H.9.** Island Bluff, LLC (Kim Rezanka) requests a change of zoning classification from BU-1 and IN(L) with an existing BDP, to SR, removing the existing BDP, and adding a new BDP. (22Z00023) (Tax Account 2426893) (District 2)

Kim Rezanka, Law Firm of Lacy Lyons Rezanka, stated she represents the contract purchaser, Gene Bucksell, who has purchased the property so that he and his daughter can build two homes. The request is for the SR zoning classification, which is one lot per half-acre, but a BDP is proposed to limit development to two homes. There is residential to the north and south; and although there is a lot of commercial zoning in the area, there are a lot of small houses that people live in and some have been converted to mixed uses. She noted the old BDP had some vegetative buffering, but she believes that was because there was residential to the north, but this request will be residential next to residential, and the old BDP permitted a professional and laboratory use, so that will be eliminated.

Public Comment:

Sue Cody, 3345 Canaveral Groves Boulevard, Cocoa, stated she owns the property to the south of the subject property. She said she has concerns as to how the approval of single-family homes will adversely affect her property now and in the future for development. She said it does not seem to be the highest and best use of property in the area due to the current zonings already in place, and it concerns her that single-family homes will be in the middle. She said it also does not seem to be compatible with any comprehensive land use in the area. The properties to the north of the subject property are zoned similarly to her property. She stated she strongly objects to single-family homes in the area because she does not feel it is the best use for Merritt Island in that area, as it is in the middle of multi-family and commercial properties.

Ms. Rezanka stated the subject property is currently under a professional and laboratory use, which doesn't belong in the area. She noted that part of the property is in a flood zone and part of it is in the coastal high hazard area, so bringing in development of two single-family homes makes more sense for the health of the Indian River Lagoon and for the flood zone and high hazard areas, but it is residential next to residential, so it is compatible and is currently an under-utilized parcel that provides a variety of housing opportunities.

John Hopengarten stated the aerial map shows a foundation on the property. Ms. Rezanka replied there used to be a church on the property.

Peter Filiberto asked if the property will connect to sewer. Ms. Rezanka replied yes.

Mr. Filiberto stated he did not see any concerns on the school capacity, and the public safety aspect looks good as well, along with utilities. He asked if the mangroves along the river be affected. Ms. Rezanka replied she doesn't know, they are still working on their site plans, but they are allowed to impact them to some degree if they want a dock, but they will have to meet regulations at the time.

Motion by Liz Alward, seconded by Bruce Moia, to approve the requested change of zoning classification from BU-1 and IN(L), with an existing BDP, to SR, removing the existing BDP, and adding a new BDP, limiting density to one unit per acre, for a total of two units. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Liz Alward

**Second:** Bruce Moia

- H.10.** *Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) request a Small Scale Comprehensive Plan Amendment from RES 4, NC, and CC, to all CC. (22SS00003) (Tax Accounts 2312189, 2312249, 2312191, 2312201, 2312205, 2312203, 2312233, 2312234, 2312213, & 2312214) (District 1)*

Jon Rosenthal, Florida Power & Light (FPL), stated before the board is a proposal for a new FPL service center, which is a place where FPL houses engineers, line crews, maintenance crews, and administrative staff. Three buildings are planned, one is a two-story, 25,000 square-foot service center, and the two others are a maintenance garage and a storage warehouse. A service center is where FPL maintains the electrical grid in neighborhoods throughout the community on a day-to-day basis, but more recently FPL has begun a strategy that involves positioning people in preparation of storm events. These hardened service centers have been established in various areas across the state; there is one in Flagler County, and one currently being built in Indian River County. The service center allows FPL to pre-position storm riders, such as electricians and contractors, to be on site and commence restoration once deemed safe to do so. He said FPL is able to bring in 120 storm riders prior to storm landfall, allowing restoration work to begin much quicker.

Kelley Klepper, Kimley Horn & Associates, 1777 Main Street, Suite 200, Sarasota, Florida, stated the 120 storm riders are not people who will be there on a daily basis, they will be used in the case of a storm event. He said what FPL is trying to do is clean up the Future Land Use map for two parcels totaling 4.25 acres; concurrent with that is a rezoning request for 10 parcels totaling approximately 17 acres, and also the removal of two existing BDPs. The property is along the Port St. John Parkway, the NW quadrant of Grissom. There is some development to the south, the Parrish Health Care Center, the animal hospital, and the proposed multi-family project. The facility will be mostly isolated from residential development. The majority of the surrounding properties are vacant. The CC designation is consistent and compatible with what is already established in the area, as well as on the south side of the quadrant. From a zoning perspective, they are asking for approval for the 10 individual parcels totaling 17.7 acres, to be rezoned to BU-2 to allow the service center. There will be access off of Grissom Parkway and Port St. John Parkway, and segregated access for customers and crews.

Henry Minneboo asked if the service center will have an impact on any of the other service centers, such as the one on Merritt Island.

Mr. Rosenthal stated they are still evaluating the existing facilities in the area. He said FPL likes to stage crews day-to-day as well as during a storm event, so there could still be a presence at the Merritt Island facility and other locations. The proposed facility will be day-to-day and will be staffed day-to-day. The proposed location in Port St. John is good because of the quick access to S.R. 528 and it also takes crews off of Merritt Island during a storm event and gives them a place take shelter.

No public comment.

Jeffrey Ball noted the proposed site plan has not been vetted to make sure it meets Code requirements, so it is conceptual in nature.

Mr. Rosenthal stated FPL has been working with the developer of the proposed apartments to the west, as well as Parrish Health Care facility and the animal clinic, to get feedback.

Mr. Hopengarten asked if there will be outside storage of transformers or utility poles. Mr. Rosenthal replied yes, there will be outdoor storage, which is why they are proposing an 8-foot screening wall around the perimeter of the site. He also anticipates softening the screening wall on the outside with shrubbery. He stated there is outdoor storage as well as vehicle staging, and there will be vehicle staging on the property all night every day of the week.

Robert Sullivan asked if the facility is a service center as well as an emergency operations center. Mr. Rosenthal replied it is a facility FPL anticipates staging storm riders. He said FPL has designed it and set aside space on the property to stage outside contractors that are coming in to assist with restoration activities, but he is hesitant to give it the title of emergency operations center. Mr. Sullivan said he is in favor of the project.

Liz Alward stated the proposed facility is in a good location.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 4, NC and CC to all CC. The motion passed unanimously.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of the change of zoning classification from GU, BU-1-A, and BU-1, with existing BDPs, to BU-2, and removal of the two existing BDP's. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Liz Alward

**Secunder:** Bruce Moia

- H.11.** Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) request a change of zoning classification from GU, BU-1-A, and BU-1, with existing BDP's, to BU-2 and removal of existing BDP's. (22Z00020) (Tax Accounts 2312189, 2312249, 2312191, 2312201, 2312205, 2312203, 2312233, 2312234, 2312213, & 2312214) (District 1)

Jon Rosenthal, Florida Power & Light (FPL), stated before the board is a proposal for a new FPL service center, which is a place where FPL houses engineers, line crews, maintenance crews, and administrative staff. Three buildings are planned, one is a two-story, 25,000 square-foot service center, and the two others are a maintenance garage and a storage warehouse. A service center is where FPL maintains the electrical grid in neighborhoods throughout the community on a day-to-day basis, but more recently FPL has begun a strategy that involves positioning people in preparation of storm events. These hardened service centers have been established in various areas across the state; there is one in Flagler County, and one currently being built in Indian River County. The service center allows FPL to pre-position storm riders, such as electricians and contractors, to be on site and commence restoration once deemed safe to do so. He said FPL is able to bring in 120 storm riders prior to storm landfall, allowing restoration work to begin much quicker.

Kelley Klepper, Kimley Horn & Associates, 1777 Main Street, Suite 200, Sarasota, Florida, stated the 120 storm riders are not people who will be there on a daily basis, they will be used in the case of a storm event. He said what FPL is trying to do is clean up the Future Land Use map for two parcels totaling 4.25 acres; concurrent with that is a rezoning request for 10 parcels totaling approximately 17 acres, and also the removal of two existing BDPs. The property is along the Port St. John Parkway, the NW quadrant of Grissom. There is some development to the south, the Parrish Health Care Center, the animal hospital, and the proposed multi-family project. The facility will be mostly isolated from residential development.

The majority of the surrounding properties are vacant. The CC designation is consistent and compatible with what is already established in the area, as well as on the south side of the quadrant. From a zoning perspective, they are asking for approval for the 10 individual parcels totaling 17.7 acres, to be rezoned to BU-2 to allow the service center. There will be access off of Grissom Parkway and Port St. John Parkway, and segregated access for customers and crews.

Henry Minneboo asked if the service center will have an impact on any of the other service centers, such as the one on Merritt Island.

Mr. Rosenthal stated they are still evaluating the existing facilities in the area. He said FPL likes to stage crews day-to-day as well as during a storm event, so there could still be a presence at the Merritt Island facility and other locations. The proposed facility will be day-to-day and will be staffed day-to-day. The proposed location in Port St. John is good because of the quick access to S.R. 528 and it also takes crews off of Merritt Island during a storm event and gives them a place take shelter.

No public comment.

Jeffrey Ball noted the proposed site plan has not been vetted to make sure it meets Code requirements, so it is conceptual in nature.

Mr. Rosenthal stated FPL has been working with the developer of the proposed apartments to the west, as well as Parrish Health Care facility and the animal clinic, to get feedback.

Mr. Hopengarten asked if there will be outside storage of transformers or utility poles. Mr. Rosenthal replied yes, there will be outdoor storage, which is why they are proposing an 8-foot screening wall around the perimeter of the site. He also anticipates softening the screening wall on the outside with shrubbery. He stated there is outdoor storage as well as vehicle staging, and there will be vehicle staging on the property all night every day of the week.

Robert Sullivan asked if the facility is a service center as well as an emergency operations center. Mr. Rosenthal replied it is a facility FPL anticipates staging storm riders. He said FPL has designed it and set aside space on the property to stage outside contractors that are coming in to assist with restoration activities, but he is hesitant to give it the title of emergency operations center. Mr. Sullivan said he is in favor of the project.

Liz Alward stated the proposed facility is in a good location.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 4, NC and CC to all CC. The motion passed unanimously.

Motion by Liz Alward, seconded by Bruce Moia, to recommend approval of the change of zoning classification from GU, BU-1-A, and BU-1, with existing BDPs, to BU-2, and removal of the two existing BDP's. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Liz Alward

**Secunder:** Bruce Moia

**H.12.** *Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment from NC and CC*

*to RES 15. (22SS00006) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)*

Kim Rezanka, Law Firm of Lacy Lyons Rezanka, stated she represents the contract purchasers, Blaze Capital Partners, LLC. The property is 20.88 acres and a conglomeration of 17 parcels. She said the developer is looking to develop 3-story multi-family, 288-unit apartment complex, with a maximum of 313 units, there will be a clubhouse and a pool, and there will be some garage parking. The thought in 2009 was to develop a hotel/motel, but there is not a need for in that location at this time. There was also planned to be 330,000 square feet of commercial, but there are not enough homes in the area to support that kind of development. The majority of the surrounding properties are vacant with a few commercial uses, such as Parrish Medical facility, a future gas station, and an FPL service center. She said her clients have been working with FPL and County staff as far as easements, stormwater, and accesses. The change of Future Land Use will allow this multi-family apartment complex; it is a great location for an apartment complex because it is close to I-95. The proposed use will not diminish the safety or quality of life in the existing area; the development will not have a negative impact on transportation, the level of services will not be impacted, and there are no school concurrency issues. The development will be on sewer and water and it will continue to maintain the drainage patterns currently in existence. With the change of Future Land Use to RES 15, Policy 1.4 criteria indicates it is appropriate for these types of land uses for areas located east of I-95 and areas with access to arterial or collector roadways without impacting existing or designated lower density intensity areas, and this will not do that.

She stated for the rezoning portion of the request, they are requesting a change from GU, BU-1, and TU-2, and removal of an existing BDP that limited the property to a 220-room hotel and 335,000 square feet of commercial space. The development will be connected to centralized sewer and potable water, and there are no traffic or school concurrency issues. She said it is a challenging site to develop because there are some wetlands on it, which will be limited impact, and there are drainage easements along the frontage, and a County pond to the west, all of which will be taken into consideration during site planning. She said her client believes housing is needed in Brevard County and new rental property as well.

Henry Minneboo asked if the Scrub Jays are under control on the property.

Scott Nichol, DRMP & Associates, stated they have not completed an environmental assessment yet, but they are in the process. He said he knows there is a potential for them to be on the property.

John Hopengarten asked if Ms. Rezanka's clients have any objection to the proposed FPL service center that will be to the east of the apartment complex. Ms. Rezanka replied she does not believe so, but they know there will be substantial screening, and they are dealing with easement and stormwater issues with them, so the two purchasers have been working together.

Mr. Hopengarten stated the school district has designated Fairglen Elementary School for the area, which is quite a distance, and asked if the developer is planning a playground for the children who live in the apartment complex.

Chris Whitker, Blaze Capital Partners, 3256 NW 60th St., Boca Raton, Florida, stated the plan is preliminary, but they anticipate incorporating playgrounds and pocket parks to the extent they can, and it will be family friendly.

Mr. Hopengarten asked if Mr. Whitker has any objections to the FPL facility that will be next door. Mr. Whitker replied no, not with the screening that will be installed as well as the separation between the two developments.

Bruce Moia asked if it is City of Cocoa water and sewer. Mr. Nichol replied yes.

Peter Filiberto stated as far as the ingress and egress, he sees the resident entry and exit, and then the main entry and exit. He asked if the board wants to have two separate exits, or if both of them should be the main entrance.

Mr. Moia stated he believes that because it is over 200 units, they are required to have two means of ingress and egress.

Mr. Minneboo stated one is going to be right-in/right-out, and they are not going to be able to cross the median.

Mr. Moia stated the other one is the limited access of the I-95 corridor. The access cannot be moved any further west.

Liz Alward stated as far as the playground for the kids, the Bernice Jackson Community Center is less than a mile from the property and it has an indoor gym and playground. She said she thinks with having the FPL service center so close, and the hospital, the apartment complex should never lose power.

Motion by Liz Alward, seconded by Peter Filiberto, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC and CC to RES 15. The motion passed unanimously.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend approval of the change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15, and removal of the existing BDP. The motion passed unanimously.

**Result:** APPROVED

**Mover:** Liz Alward

**Secunder:** Peter Filiberto

- H.13.** Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) request a change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15 and removal of existing BDP. (22Z00027) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

Kim Rezanka, Law Firm of Lacy Lyons Rezanka, stated she represents the contract purchasers, Blaze Capital Partners, LLC. The property is 20.88 acres and a conglomeration of 17 parcels. She said the developer is looking to develop 3-story multi-family, 288-unit apartment complex, with a maximum of 313 units, there will be a clubhouse and a pool, and there will be some garage parking. The thought in 2009 was to develop a hotel/motel, but there is not a need for in that location at this time. There was also planned to be 330,000 square feet of commercial, but there are not enough homes in the area to support that kind of development. The majority of the surrounding properties are vacant with a few commercial uses, such as Parrish Medical facility, a future gas station, and an FPL service center. She said her clients have been working with FPL and County staff as far as easements, stormwater, and accesses. The change of Future Land Use will allow this multi-family apartment complex; it is a

great location for an apartment complex because it is close to I-95. The proposed use will not diminish the safety or quality of life in the existing area; the development will not have a negative impact on transportation, the level of services will not be impacted, and there are no school concurrency issues. The development will be on sewer and water and it will continue to maintain the drainage patterns currently in existence. With the change of Future Land Use to RES 15, Policy 1.4 criteria indicates it is appropriate for these types of land uses for areas located east of I-95 and areas with access to arterial or collector roadways without impacting existing or designated lower density intensity areas, and this will not do that. She stated for the rezoning portion of the request, they are requesting a change from GU, BU-1, and TU-2, and removal of an existing BDP that limited the property to a 220-room hotel and 335,000 square feet of commercial space. The development will be connected to centralized sewer and potable water, and there are no traffic or school concurrency issues. She said it is a challenging site to develop because there are some wetlands on it, which will be limited impact, and there are drainage easements along the frontage, and a County pond to the west, all of which will be taken into consideration during site planning. She said her client believes housing is needed in Brevard County and new rental property as well.

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Scott Nichol, DRMP & Associates, stated they have not completed an environmental assessment yet, but they are in the process. He said he knows there is a potential for them to be on the property.

John Hopengarten asked if Ms. Rezanka's clients have any objection to the proposed FPL service center that will be to the east of the apartment complex. Ms. Rezanka replied she does not believe so, but they know there will be substantial screening, and they are dealing with easement and stormwater issues with them, so the two purchasers have been working together.

Mr. Hopengarten stated the school district has designated Fairglen Elementary School for the area, which is quite a distance, and asked if the developer is planning a playground for the children who live in the apartment complex.

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Bruce Moia asked if it is City of Cocoa water and sewer. Mr. Nichol replied yes.

Peter Filiberto stated as far as the ingress and egress, he sees the resident entry and exit, and then the main entry and exit. He asked if the board wants to have two separate exits, or if both of them should be the main entrance.

Mr. Moia stated he believes that because it is over 200 units, they are required to have two means of ingress and egress.

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Mr. Moia stated the other one is the limited access of the I-95 corridor. The access cannot be moved any further west.

Liz Alward stated as far as the playground for the kids, the Bernice Jackson Community Center is less than a mile from the property and it has an indoor gym and playground. She said she thinks with having the FPL service center so close, and the hospital, the apartment complex should never lose power.

Motion by Liz Alward, seconded by Peter Filiberto, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC and CC to RES 15. The motion passed unanimously.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend approval of the change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15, and removal of the existing BDP. The motion passed unanimously.

**Result:** APPROVED  
**Mover:** Peter Filiberto  
**Seconded:** Liz Alward

### **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>