

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 1, 2019 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 5	Present	

MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

ITEM H.1., JOHN THOMAS AND CASSIE ANN JOYNER REQUEST A CHANGE OF ZONING CLASSIFICATION FROM RR-1 AND AU TO ALL AU (19PZ00050)

Chair Isnardi called for a public hearing to consider a change of zoning classification from RR-1 and AU to all AU, on property located on the south side of East Crisafulli Road.

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Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request from John Thomas and Cassie Ann Joyner; they are requesting a change of zoning classification from RR-1 and AU to all AU; the property is 2.6 acres; it is located on the south side of East Crisafulli Road, west of Broad Acres; and she knows the applicants acquired some property to meet the minimum lot size for the purposes of fowl, roosters, and goats.

There being no comments or objections, the Board approved a request for a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential) to all AU, on 2.6 acres, located on the south side of East Crisafulli Road, west of Broad Acres Street, as requested by John Thomas and Cassie Ann Joyner.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.2., JAMES W. AND CATHERINE BROWN REQUEST A CHANGE OF ZONING CLASSIFICATION FROM GU TO AU(L) (19PZ00054)

Chair Isnardi called for a public hearing to consider a change of zoning classification from GU to AU(L) on property located on the south side of Blair Street.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request from James W. and Catherine Brown for a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity); the property is 1.01 acres, located on the south side of Blair Street, west of Knoxville Avenue; this lot will still be non-conforming, but they are allowed to re-zone to a compatible zoning for their land use; and it is for the purpose of an accessory structure.

There being no comments or objections, the Board approved a change of zoning classification from GU to AU(L) on 1.01 acres, located on the south side of Blair Street, west of Knoxville Avenue, as requested by James W. and Catherine Brown.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.3., DANIEL BANDISH REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM SEU TO RR-1 (19PZ00055)

Chair Isnardi called for a public hearing to consider a change of zoning classification from SEU to RR-1 for property located north of the intersection of Clydesdale Boulevard and Percheron Boulevard.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request from Daniel Bandish for a change of zoning classification from SEU (Suburban Estate Use) to RR-1 (Rural Residential); the property is 3.29 acres, located approximately 350 feet north of the

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intersection of Clydesdale Boulevard and Percheron Boulevard in Melbourne; and this is a combination of lots to make it all RR-1 for the purposes of having horses and a barn.

There being no comments or objections, the Board approved a change of zoning classification from SEU to RR-1 on 3.29 acres, located north of the intersection of Clydesdale Boulevard and Percheron Boulevard, as requested by Daniel Bandish.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.4., BLUE STAR SHOREVIEW, LLC (BRUCE MOIA) REQUESTS AN AMENDMENT TO AN EXISTING BDP TO INCREASE THE NUMBER OF UNITS FROM 19 UNITS PER ACRE TO 23 UNITS PER ACRE, LIMITED TO A TOTAL OF 188 UNITS (19PZ00060)

Chair Isnardi called for a public hearing to consider a request for amendment to an existing Binding Development Plan (BDP) to increase the number of units from 19 per acre to 23 per acre, limited to a total of 188 units for property located on the southwest corner of Berkeley Street and Highway A1A.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request from Bruce Moia on behalf of Blue Star Shoreview, LLC, requesting an amendment to an existing BDP to increase the number of units from 19 units per acre to 23 units per acre, but limiting to a total of 188 acres; and the property is 8.49 acres, located on the southwest corner of Berkley Street and Highway A1A, Satellite Beach.

Bruce Moia, representing Blue Star Shoreview, LLC, stated what they are proposing, he does not know if everyone is familiar with the apartment complex, but it has been there for a long time; it is on the corner of Berkley and A1A; it is an old apartment complex built in the 1960s; this company has purchased it; and they want to add some units. He went on by saying it has an old Binding Development Plan (BDP) that restricted them from so many units; they want to build a new building, and they want to renovate the project; and it is in dire need of being renovated. He stated he understands they have already been to the Building Department talking to them about what renovations they are going to do; they want to make it a lot nicer; he does not know if the Board is familiar with it, but his daughter lived there for about a year; and it desperately needs to be renovated. He advised he thinks it would be an asset if they put some money into it; in order to do so, they need to add some units to make it viable; and that is their request. He pointed out to put this into perspective, 23 units per acre may seem large, but this parcel is just outside of the City of Satellite Beach, and the residential zoning within that area is 40 unit to the acre, so it is not out of place.

Commissioner Smith asked how many units.

Mr. Moia responded 40. He went on to say it is pretty consistent with the general area, and he is here to answer any other questions the Board may have.

Commissioner Lober noted he has someone on his staff who used to live there; he told him, when he discussed it with him, that the parking was tight when he lived there; and he inquired his concern is, first to get a better idea in terms of where they are looking at adding that structure, if it is going to be in the center of the property or on the east side.

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Mr. Moia replied yes, it will actually face A1A; and it is like an eyebrow on the west side, this will be the other eyebrow on the east side.

Commissioner Lober asked where that circular structure is that is just inside of the property more or less centered.

Mr. Moia responded affirmatively.

Commissioner Lober inquired in terms of parking, if the plan is to expand that.

Mr. Moia replied absolutely.

Commissioner Lober asked if Mr. Moia has an idea in terms of the number of spots, even if it is not precise.

Mr. Moia advised it would be whatever the requirement is for the County Code.

Commissioner Lober asked if there is any idea in terms of where those spots will be put.

Mr. Moia replied they are going to have to do some work on that; and they have not gone to design, so obviously they will have to make it work or they will not get approval at the site plan level.

Commissioner Smith stated Mr. Moia mentioned 40 units per acre, all of the houses right behind them, west of them, they are 15 units per acre.

Mr. Moia advised right, but if a person goes just a little bit south and east, basically along the ocean, it is all 40 units per the acre.

Commissioner Smith noted that is a different scenario, that is on the beach side of A1A where condominiums can be built and what not; he has some issues with this; he thinks it exceeds the areas density because of the 15 units per acre that they bunch up against; and he thinks there are some drainage issues there that concerns him as well, but he is sure Mr. Moia will work with the drainage.

Mr. Moia stated absolutely.

Commissioner Smith stated he does not like the idea of going from 19 to 23 units; he is sympathetic that the guys may not make as much money, or they may not even be able to afford it the way they would like; and if they can only do 19, they will not make nearly as much money as they would if they had 23.

Mr. Moia advised they are already at 19 units, so it would just remain a 50 or 60 year-old building that they cannot build anything new; it is not as nice as it could be; and if they can get the additional building, they will fix the place up, and make the whole facility look nicer.

Commissioner Smith stated they knew that when they bought it.

Mr. Moia stated when they bought this place, they were not building thousands of residential multi-family units in the County like they are now, so to keep up and to be able to provide a nicer place where people stay, make the whole facility nicer, they would like to add the units so they can fix up the older units; it is right on A1A, front and center; and to make it a lot nicer, to give them a few more units would be beneficial. He noted they will be happy to work with the County on any drainage problems and the parking issues; and he thinks it would be good for the facility.

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Commissioner Smith stated he would like to hear from his fellow Commissioners; he is not really keen on this; but he is not digging his heels in the sand either.

Robert Wadleigh stated he lives directly behind the apartment complex and he also owns the house beside him; there was only a few notices given to random owners of property; he just found out about it from his neighbor last week that there was going to be a Commission meeting about this; and they started looking around the apartment complex, and there are no notices about this meeting tonight. He asked why they were not given proper notice; he stated there is no extra parking there; he does not know how another building can be crammed in there with the way it is spaced out; as to the condition of the condominiums, they keep it looking quite nice; it is old, and it needs to be remodeled depending on the people's lifestyle and standards; and it is up to the owners right now. He went on by saying as for the drainage, the drainage underneath Berkley Street is deteriorating, it is the old corrugated pipe; in front of his house, the County keeps coming out every year and filling in the bulge; and one of the County guys came out last year, pulled the drain out there, he stuck his head in there, and that pipe is non-existent. He added all of that water is going to come from the apartments, it has to go down Berkley Street, and it is going to end up in the canals there; there is no percolation ponds anywhere, it has got to go through there; also, they have a problem with the city water; twice a month they open the fire hydrants three houses down from him and let it run all day; that water goes down the culvert pipe; and they say they have to keep the chlorine up on it or something. He advised their drainage system for that is already taxed, and it needs to be replaced; he does not know where this extra water is going to be taken; it has to go west, it cannot go to the ocean; they have a sewer problem right now; it seems like three or four times a year their sewage dumps into the canals back there because something happens; more buildings being added, and more people there, it makes more traffic; and he just does not see at this particular time, the infrastructure is going to be acceptable to add a another building there. He pointed out he thinks it is feasible if they want to remodel each building one by one to upgrade it to maybe more modern standards, that would be the way to go; but to cram an extra building on there with an extra 30 units from what he understands, it will tax their drainage, sewer, water, more people, more cars, and at some point they have to sit back and say how much is enough; Satellite Beach just to the south of them has got 80 acres right there that they are going to start developing one by one; and that will also be a big tax on the sewer system. He reiterated none of them received a notice on their street, except for two people; and there were no signs on the apartment complex anywhere that he ever saw, and he started looking last week.

Commissioner Lober stated as far as the notice, his understanding, and please correct him if he is wrong, is staff posted notice on the property at least twice; it was removed or somehow moved by someone at some point in time, so he can tell Mr. Wadleigh that staff has represented to him that they have done that on more than one occasion; as far as notice being legally sufficient, he has not heard anything in his discussions, and the County Attorney was present as well with staff, pertaining to that, that would suggest it was not sufficient; and as far as folks finding out, with all respect, Mr. Wadleigh is here. He stated and if folks he spoke with did not hear in the course of conversing with them they certainly found out about it, so he apologizes if it was not something that met with his approval; but the County certainly posted it more perhaps than they were obligated to do by going back and reposting. He went on to say as far as the infrastructure, he will be punting that to the Department to let the Board know if the infrastructure is in place to support it; and he does not have the basis to know that, but staff does.

Tad Calkins, Planning and Development Director, asked when Commissioner Lober is saying infrastructure, if he is referring to the parking or the drainage.

Commissioner Lober replied the drainage, sewer, and water.

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Mr. Calkins advised he does not believe that the site currently has any stormwater improvements because of the age, but that would be something they would have to look at doing when it came in for the site plan approval.

Commissioner Lober inquired if the plan approval would be contingent upon them addressing that.

Mr. Calkins responded affirmatively.

Mr. Wadleigh asked even if they develop, where the parking lot drainage water is going to go; he advised it is going to be tied into Berkley Street; and it will head down the sides of Berkley Street, unless they put a big percolation pond in.

Mr. Calkins stated that would be something they would also have to evaluate through that process of the site planning, but it does require that it goes into a legal, positive outfall.

Commissioner Lober pointed out essentially they would not get approval to move forward past that step if they do not address it.

Mr. Calkins noted they would have to show staff how they are going to handle it.

Mr. Wadleigh stated back to the deteriorating pipe that goes down Berkley Street, that is all corrugated and all crumbling and falling apart; and they keep filling up the pipe in front of his house at 611 because it is collapsing.

Commissioner Lober advised that may be a separate issue from what is being addressed today, and certainly if he wants to reach out to his Commissioner and his staff, he is fairly confident they would be able to look into it to determine what if anything can be done.

Mr. Wadleigh stated he wants to bring it up in the process of the County's zoning and stuff like that.

Dave Wilson stated he takes issue, but he went to 27 houses last night; seven people got a notice, 17 did not, one was a rental, and one was not sure; and that is right there by the complex. He went on by saying he heard there was 255 notices that went out, and he does not think so; they did not get them; and he does not know why or whose problem it is. He advised he grew up right next to Shoreview; he walked out his back door before there was anything there, and it was just trees; he is very used to the area; and they do keep it up nice. He asked what they are going to do to the outside, that is what he is worried about; he stated it is nerve wracking to where they just come up with numbers and they are going to do this and that for profit; and it is like they bought the place the way it was, and it is a shame they are going to stuff something in the middle, three stories in the middle of a bunch of two-story buildings next to A1A does not seem compatible to him. He noted he is just a concerned resident; he asked the Board to look at this a little closer; and as far as the notices go, he knocked on 27 doors last night; and that bothers him. He stated there was no notice by the property, he found a stick, there was no sign; his concern is no notice; and it is just to get here and be blindsided, it could affect the neighborhood; his mother is 91, and she lives behind the parking lot; and he is concerned about what they might want to try to do in the future if they need to make a profit. He advised his other concern is what the County is developing to the west; it is shameful; and when it does this, the death nail of the St. Johns River is on all of the Board Members backs.

Jeff Schverak stated he lives in close proximity to the apartment complex; their neighborhood is typically single-family residences; they have some multi-units like this one that has a higher volume of people; and he opposes the variance in the zoning because he kind of enjoys his

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neighborhood as more of a quieter place. He went on by saying it brings more traffic and people into the neighborhood; he has heard there is going to be a three-story building, and he does not think it would fit well with what is there already; he thinks if they want to remodel the existing units, he does not see why a new building plays into that; they can go in there anytime they want to and remodel anything they want to; he does not oppose that; and if it looks better, that is fine for the neighborhood. He pointed out he kind of opposes the extra density in the units.

Mr. Moia stated obviously he does not know what happens with the notices; usually that is not a problem; they get sent out the way they are supposed to get sent out for this type of request; he is puzzled by the compatibility question; this is multi-family; there is multi-family to the north, south, and the east; and there is six story multi-family to the east of the property. He went on to say they are proposing a brand new building on the farthest portion of an eight-acre site, as far away from the residents, single-family residents as possible; they would not even see this from their homes; if they upgrade the outside of the sixty some year old building, that would seem to him a plus; and if it looked nicer it would be a benefit not a hindrance. He stated he knows the County spent a lot of money fixing the sewer on the beach side; the County serves all of the beach side with sewer; and there are hundreds and hundreds of units coming online pretty much every day, so he hopes it has the capacity because they are building more than the 33 units being asked for on the beach side. He noted as far as drainage is concerned, they are on a State road, where there is no retention now, they will have to meet the hundred year storm for whatever they build; it should be an improvement for the drainage way over and above the requirement the County has, the State has; and he reiterated they will be meeting the requirement for the hundred year storm where there is zero retention now. He advised they have the concurrency evaluation, so water and sewer is not a concern, traffic is not a concern from staff, and if it is compatibility, he thinks it is because it is pushed as far east as possible it is a lot lower than what is to the east, which is a higher density than what is being proposed; to ask for 33 units is not to make more money, but to make enough money to upgrade the facility to bring it into the modern age as opposed to letting it continue to deteriorate and put more coats of paint on it; it is a pretty reasonable request in his mind; they will be making vast improvements by adding parking, retention, and minimizing the impact to the neighborhood; and that is all he has to say unless the Board has further questions.

Commissioner Smith asked what the requirement is for notices.

Eden Bentley, County Attorney, replied the Code requires an ad in the newspaper and physical posting at the property with a sign; she understands the applicant did that and provided an affidavit to that effect; and then staff went back and posted it again when they heard a report that the sign was not out there.

Commissioner Smith inquired if there is a requirement that notices be sent to the neighbors.

Attorney Bentley responded no, the mailed notices are courtesy notices only.

Commissioner Tobia stated he is familiar with this building, but this is Commissioner Smith's District; he tends to err on the side of the development; but he would like to get Commissioner Smith's input as to which way he will be going on this, because he will be most likely following his lead as this is his area.

Commissioner Smith stated normally he is pretty adamant about not expanding areas of development; the County has plenty of development already; it needs to do a real job in this County of future development so that is regulated; and he does not want this to become Broward County. He went on to say he sees all of the properties behind it as 15 units per acre; Mr. Moia is correct, the oceanfront condos that is a whole different ball of wax, because they

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can be up to 40 units per acre; but the zoning on this, they already increased it up to 19, and now they want to increase it to 23 units; he is not real keen on it; and he would like for someone to convince him the Board should vote for this, because he is not in favor of it.

Commissioner Lober stated he believes the notice issue was legally sufficient, but out of curiosity, because this has been a topic that has come up in the past, and he asked other than folks who may work for *Florida TODAY*, has anyone in the audience seen the ad in the newspaper; and he stated he was wondering if it is a waste of taxpayer funds to continue placing the ads in the newspaper. He stated as far as where he is at with this, his general philosophy is to defer to the Commissioner; if he had his way, it would be Commissioner Smith's decision unilaterally, and they would have some increased burden via supermajority or otherwise to essentially override this since this is his area; he does not know it as well as Commissioner Smith does; he does not work there or live there; and whatever he does with it, he will support Commissioner Smith.

Commissioner Pritchett stated she is not so sure it would not be a fit, but her concern is even if the Board does this, she has a lot of hesitation that they will get through a site plan with storage for stormwater, and she thinks there are some pretty sever drainage issues there right now; she will go with Commissioner Smith, because even if the Board got here, they would not be able to end up doing it anyway because she will not give waivers on it later with getting around what protocol is going to be; and she reiterated she is with Commissioner Smith completely, because she has a lot of hesitation on it because of stormwater.

Commissioner Tobia advised he is in a little bit of a different opinion with Commissioner Pritchett, he thinks Mr. Moia is a skilled engineer and he would find a way to do this; however, that does not deal with the density issue that Commissioner Smith is speaking of; he will back the Commissioner as it is his District; and it sounds like he has not been convinced.

Commissioner Smith stated it is probably the only issue in his four and one-half years here that he has not made up his mind before he came down here, that is why he is asking the questions.

Chair Isnardi stated what she thinks, and it has been brought up by more than one Commissioner, is that it has to go through the site plan process; if a person can take a system that is not working now and has no stormwater drainage, and he or she can add stormwater to that area, it may actually improve the drainage; obviously, it has to make it through the process to get that far through staff; and the Board knows how strict staff is when it comes to that kind of stuff, which it appreciates. She went on to say it is four units, and if they are improving the property, the stormwater, and the real estate, she does not see the negative; she understands the fear, and she gets the fear of what they are dealing with now; but if their lives can be made better, she does not know why the Board would deny the opportunity; and that is just her two cents.

Commissioner Smith asked if there is a parking issue now, real problems with lack of parking.

Mr. Moia replied there is a perceived parking problem, he does not think there is a Code violation, but maybe because it was built so long ago there may not be as much parking as needed if they built the facility today; it may not meet the needs of today's world; if that is a concern, they can go over and above what the requirement would be for the new building to provide some additional parking; if that is one of the Board's concerns, that recommendation can be made when they go to design; and they could put more parking in there for the units that are going to be constructed if that is the main concern.

Commissioner Smith stated it is a concern; and he asked if parking is an issue now, if a three-story building is put in there, if it cuts down on the amount of where parking can be put in.

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Mr. Moia responded actually it will probably improve the situation because he believes, and he asked to be corrected if he is wrong, the parking requirement today is two spaces per unit; with all of the multi-family being developed across the County right now the desired and actual parking requirement is somewhere around 1.75 per unit; and if they provide two spaces, they will be providing parking over and above what is needed for the actual units they are going to construct, so they would be building extra parking in there.

Commissioner Smith asked if they are going to physically put this huge building in the area, and is it not going to cover up current parking.

Mr. Moia replied no, there is no parking where they are proposing the building.

Commissioner Smith asked if there is room to expand parking if the three story building was not there.

Chair Isnardi inquired if it is eight acres.

Commissioner Smith inquired if the building is put in there it will bring in 188 units.

Mr. Moia advised they are only adding a total of 33 units, so they would be adding 66 more parking spaces; and he asked staff if that is correct.

Mr. Calkins noted the parking requirement for apartments is two spaces per unit, plus one space for every five units for guest parking, so in this case he believes it comes out to be 23 parking spaces required.

Mr. Moia stated by meeting today's Code, they are building in extra parking for where there is not enough parking now just by meeting the Code, and without removing any existing parking.

Chair Isnardi asked again if it was eight acres.

Mr. Moia replied yes, a little more than eight acres total.

Commissioner Smith stated he still has his reservations but he is going to be swayed by Chair Isnardi's reasoning, and he will make a motion to approve this.

Chair Isnardi pointed out Commissioner Smith is going to put it on her now.

Commissioner Pritchett stated she will second the motion for discussion; they are putting this over close to A1A, and she thinks it may make the property more beautiful; she thinks it is a fit; but again, just from talking to staff, Mr. Moia's hurdle is going to be later getting through the stormwater thing, but he has to; and if Commissioner Smith is good with it, she has no problem with putting this through because there are still a lot of things that have to be gone through with the site plan.

Commissioner Lober stated just for purposes of the minutes, because he realized he did not actually say anything in furtherance of his question to the audience to whether or not anyone saw the legal ad, the answer was no, so no one raised their hand a part from a gentleman who had a quick question.

There being no further comments, the Board approved the request of Blue Star Shoreview, LLC, to amend the existing BDP to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units, on 8.49 acres, located on the southwest corner of Berkeley Street and Highway A1A, in Satellite Beach.

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.5., SUNSHINE STATE WILDLIFE CONSERVATION, LLC (SCOTT KNOX) REQUESTS A CUP FOR LAND ALTERATION ON 216.89 ACRES OUT OF A TOTAL OF 326.97 ACRES (19PZ00061)

Chair Isnardi called for a public hearing to consider a request from Sunshine State Wildlife Conservation, LLC, for a Conditional Use Permit (CUP) for land alteration on 216.89 acres on property located on the west side of Babcock Street, north of C-54 canal.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request from Scott Knox on behalf of Sunshine State Wildlife Conservation, LLC; the request is for a CUP for land alteration on 216 acres out of 326 acres; and it is in District 5, located on the west side of Babcock Street just north of C-54 Canal.

Chair Isnardi stated before she lets Mr. Knox speak, she wants to disclose that she met with Mr. Knox in her office July 8th at 12:00 p.m. to discuss this issue, and they just kind of went over what the applicants plan was.

Commissioner Lober advised on the 25th of this month he met with Mr. Knox.

Scott Knox, Attorney, representing Sunshine State Wildlife Conservation, LLC, stated he is here to basically tell the Board this is basically a consolidation of nine existing land alteration permits into one permit that will allow the removal of soil and coquina rock for development in this area; the property is surrounded by property owned by affiliated companies with the applicant; and on the west and east side there is a St. Johns River Water Management District preserve that is 21,000 acres. He went on to say the property is abutting the C-54 Canal and the Indian River County line; what will be taken off of this property is fill for road projects, coquina rock for road projects, and it has an economic affect, it helps anybody who has a road project in Brevard County to obtain that material at a much cheaper cost since it is much closer to where that is going to be taking place; and in the end this will also be reclaimed as it is for all of these kinds of projects, and there will be a lake system down there with some kind of future development that fits into that situation.

Commissioner Lober stated he met with Mr. Knox as he mentioned; the only thing that came up in his discussions with staff, and he will defer to the Districts Commissioner, which is where this project falls, but he does not know if there is inclination to look to imposing a time limit for usage for this if the applicant is willing, or if that is something anyone is interested in; but he is willing to support it any which way.

Chair Isnardi asked a time limit for what.

Commissioner Lober replied in terms of operating the removal, if the Board caps it at 30 years or any particular number, so it is not going on 60 years from now.

Chair Isnardi stated they will run out of materials by then.

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Commissioner Lober stated it is not a deal breaker for him, he just wondered if it was an issue for anyone.

Mr. Knox advised if that is an issue, 30 years is fine.

Chair Isnardi pointed out it is not really an issue for her.

Commissioner Pritchett stated when the applicants were at her office yesterday, they said they did agree to the criteria that Planning and Zoning had asked for as well, and so she wanted to mention that.

There being no further comments, the Board approved request of Sunshine State Wildlife Conservation, LLC for a CUP for Land Alteration on 216.89 acres out of a total of 326.97 acres, for property located on the west side of Babcock Street, north of the C-54 Canal.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.6., JSFS LAND TRUST, JACOB AND FAYE SHAPIRO, TRUSTEES (KIM REZANKA) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 4 TO RESIDENTIAL 6 (19PZ00062)

Chair Isnardi called for a public hearing to consider a request for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6.

Rebecca Ragain, Assistant Planning and Development Director, stated the applicant, Kim Rezanka, representing JSFS Land Trust, and Jacob and Faye Shapiro, Trustees, requesting tabling to the August 5, 2019, Planning and Zoning meeting, and to come back to the Board on September 5, 2019; and it is a request for a Small Scale Comprehensive Plan Amendment and a re-zoning.

There being no further comments, the Board continued request of JSFS Land Trust and Jacob and Faye Shapiro, Trustees, for consideration of a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6, to the August 5, 2019, Planning and Zoning meeting, and the September 5, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

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ITEM H.7., JSFS LAND TRUST, JACOB AND FAYE SHAPIRO, TRUSTEES, REQUEST A CHANGE OF ZONING CLASSIFICATION FROM RRMH-1 TO RA-2-6 (19PZ00063)

Chair Isnardi called for a public hearing to consider a request for a change of zoning classification on 9.79 acres, located on the north side of Ranch Road, west of Grissom Parkway.

Rebecca Ragain, Assistant Planning and Development Director, stated the applicant, Kim Rezanka, representing JSFS Land Trust, and Jacob and Faye Shapiro, Trustees, is requesting tabling to the August 5, 2019, Planning and Zoning meeting, and to come back to the Board on September 5, 2019; and it is a request for a Small Scale Comprehensive Plan Amendment and a re-zoning.

There being no further comments, the Board continued request of JSFS Land Trust and Jacob and Faye Shapiro, Trustees, for consideration of a change of zoning classification from RRMH-1 to RA-2-6, to the August 5, 2019, Planning and Zoning meeting, and the September 5, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.8., CASA LORNA ESTATES CO-OP, INC. (KARL BOHNE) REQUESTS A CUP FOR MITIGATION OF A NON-CONFORMING MOBILE HOME PARK TO ALLOW MOBILE HOMES TO BE REPLACED WITH RECREATIONAL VEHICLES (19PZ00064)

Chair Isnardi called for a public hearing to consider a request by Casa Lorna Estates Co-op, Inc., for a Conditional Use Permit (CUP) for mitigation of a non-conforming mobile home park to allow mobile homes to be replaced with recreational vehicles.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request from Karl Bohne on behalf of Casa Loma Estates Co-op, Inc. for a CUP to mitigate a non-conforming mobile home park to allow mobile homes to be replaced with recreational vehicles; and the property is 20 acres, located on the west side of U.S. 1, approximately one mile north of Pineda Causeway.

Karl Bohne, Attorney, representing Casa Loma Estates Co-op, Inc., stated they are requesting a CUP to mitigate a non-conformity at the park; Casa Loma as a mobile home park has been in existence since approximately 1983; originally as approved there were 23 RV sites to the north; and why they are here is because the Department of Health (DOH) has told them that for 56 lots or so in the middle of the park, because of certain undersized lots, they cannot put mobile homes on those lots according to their regulations. He added they will allow only RV's; they have been doing that since 2004 or 2005 when Casa Loma became a co-operative; the use of those 56 sites as mobile homes would conform with the County Code; but DOH will not give them sewer permits because they do not allow mobile homes on those particular undersized sites; in meetings with staff and the County Attorney's Office, they came up with this concept of applying for a CUP to mitigate the non-conformity; and as he said, in petitioning the application process, they are not really changing anything that has not been going on since 2004. He went on by saying they are not increasing the density; the impact on the sewer is the same as it was since that early time; and this will enable them to utilize those sites for RV's.

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Commissioner Smith advised it will be an upgrade if they put RV's in there and get the old mobile homes out.

There being no further comments, the Board approved the request of Casa Loma Estates Co-op, Inc., for a CUP for mitigation of a non-conforming mobile home park to allow mobile homes to be replaced with recreational vehicles on 20 acres, located on the west side of U.S. Highway 1, north of Pineda Causeway.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.9., BARBARA J. AND JOSEPH J. TULSKIE, JR. REQUESTS AN AMENDMENT TO AN EXISTING BDP IN A BU-2 ZONING CLASSIFICATION (18PZ00159)

Chair Isnardi called for a public hearing to consider a request by Barbara J. and Joseph J. Tulske, Jr. to amend an existing Binding Development Plan (BDP) in a BU-2 zoning classification.

Rebecca Ragain, Assistant Planning and Development Director, stated this is a request from Barbara and Joseph Tulske, Jr. as an amendment to an existing BDP in a BU-2 zoning classification; but it is also requested to be tabled to September 5, 2019.

There being no further comments, the Board continued request of Barbara J. and Joseph J. Tulske, Jr. to amend an existing BDP in a BU-2 zoning classification for 1.55 acres, located on the southeast corner of Tangerine Avenue and North Tropical Trail, to the September 5, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.10., M&R UNITED, INC. (CARMINE FERRARO) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM BU-1 TO BU-2 (18PZ00156)

Chair Isnardi called for a public hearing to consider a request by M&R United, Inc., to change a zoning classification from BU-1 to BU-2.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request by Carmine Ferraro on behalf of M&R United, Inc. to change a zoning classification from BU-1 to BU-2; this property is on the west side of Grissom Parkway between Cinnamon Fern Boulevard and Ranch Road; and she believes Mr. Ferraro is requesting a tabling to October 3.

Commissioner Lober stated his only concern is, and he wants to convey this is going to be the final continuance on it, because his concern is the adequacy of the legal notice if the Board keeps kicking it down the road again and again; and maybe it is better to set it for the first

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meeting in October just to allow a little more time so the Board is not back at the same spot again.

Commissioner Pritchett stated she was going to recommend it be tabled to August 3rd; Mr. Ferraro has a good relationship with the community, and she thinks they are close; she thinks it will give him enough time; and maybe they could get a working project.

Carmine Ferraro, Carmel Development, stated he is representing M&R United; they have everything done; it has been a challenging application; the residents are in complete support; and what they are trying to do now, staff is trying to see how many trees can be saved inside the interior of the site, so they have reduced the size of the property, they have changed the boundaries, and since it is a self-storage facility, there are some design constraints. He advised within 30 days they should have this question completely answered, and if the Board could give them one more table, they would appreciate it.

There being no further comments, the Board continued request of M&R United, Inc. for a change of zoning classification from BU-1 to BU-2 on 13.27 acres, for property located on the west side of Grissom Parkway between Cinnamon Fern Boulevard and Ranch Road, to the October 3, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM L.1., BOARD REPORT, RE: FRANK ABBATE, COUNTY MANAGER

Frank Abbate, County Manager, stated staff is to come back to the Board by Board action; the Board directed them to come back in September to further discuss the Solid Waste 192 issue and all of that; and what they would like to know, if it meets the Board's approval, if they could push that back to October.

Chair Isnardi stated that is okay with her.

Mr. Abbate advised the reason he is asking is because it was a Board motion that was approved by the Board.

Chair Isnardi stated she thinks the Board's intent was that it would have as much information as possible.

Mr. Abbate stated they will have more information by October, and that is the reason why.

The Board approved continuing the discussion on Solid Waste to an October 2019 Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

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ITEM L.5., BOARD REPORT, RE: JOHN TOBIA, COMMISSIONER DISTRICT 3

Commissioner Tobia stated first about the Melbourne/Tillman Water Control District; under Chapter 2001, Section 336, Section 8 of Florida Statutes, upheld by the Governor veto, at the behest of Chairman Fine, he effectively has veto authority over user fees; after deliberating he has decided he will not approve any user fee over Fiscal Year 2018 rates; these rates are as follows, Residential \$21.31 per lot per acre, Agricultural \$7.45 per lot per acre, Commercial \$41.30 per lot per acre; and he would like to ask the Board of Directors of the Melbourne/Tillman Water Control District to amend their budget accordingly to prevent consequences of not having their budget approved in September. He went on to say the Palm Bay Bayfront CRA, Commissioner Lober has raised some issues of the Palm Bay Bayfront CRA on a couple of occasions; Frank Abbate, County Manager, entered into negotiations recently; and he would like the update for the Board of that.

Frank Abbate, County Manager, advised they have met with Palm Bay; they sent them an initial draft; they sent a draft back to them earlier this week; they received word from them that they would bring that draft back to their CRA board and council; and they have now told them the date for that, so they anticipate being able to bring back an agreement in that Palm Bay would be willing to support that meets some of the Board's guidelines it asked staff to bring back. He stated that is a significant step forward from where they were with them a couple of months ago; they look forward to being able to do that sometime in the September time frame for consideration; they do have a draft of what that looks like; and he would be happy to send a copy of that to each Commissioner, because that is the one the Palm Bay staff said they are willing to support.

Commissioner Tobia asked is there any indication the Board ask that they come to a close prior to the date, was that one they met or did not meet.

Mr. Abbate replied they did not want to change it; they had asked for September 2024; staff showed them that the resolution granting the authority to them was until May 2024; there was some discussion about whether or not they would entertain trying to sunset it earlier; they changed their position on that; and so the answer to the question is no, they want to go to the end of the term, which staff believes is May 2024.

Commissioner Tobia stated he thinks one of the things the Board asked was no further debt; he understands they paid down some; but his understanding is it would be incurring more debt by his definition. He asked will that be for infrastructure funding, and is Mr. Abbate aware of their plan if it will go towards infrastructure funding or other projects in the district.

Mr. Abbate responded what they have done is they had unspent bond proceeds, he thinks it was about \$988,000, they have paid down the bonds so that it is two years earlier, so they will actually be done with their debt instead of 2024 originally it will be 2022; and he thinks they saved \$170,000 of interest by doing that. He went on to add they do, however, plan and want to continue utilizing TIF funds, not by taking out more debt, but by using it within the district; he believes it is within existing projects within the district; but they were planning to use it primarily for infrastructure or related, but staff will get more qualification from them on that.

Commissioner Lober stated he is not thrilled with what he has heard so far in terms of what they are bringing to the table; if this is essentially where it ends up, if Commissioner Tobia made a motion to ax it, he has a wet stone he can sharpen for him.

Commissioner Tobia stated the reason he is a little disappointed with this is there has been some indications on this CRA that they were going to potentially go in a different direction and had made some indications, not only to his office, but to staff; and they have completely

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switched those, so his issues lie with the fact not that they lied, but certainly they attempted to mislead some of the Board Members. He noted he would have hoped they would have come to the table and met the four requirements the Board asked for; he may put this on the agenda; it may be a late addition; and if the Board is not comfortable on voting on that it is okay. He went on to say he will ask for a motion, and it will at least give the Board the opportunity to see what the work product Mr. Abbate has provided, and it can be discussed at that point.

Commissioner Lober stated unless things change between now and then, it will not die for lack of a second.

Commissioner Pritchett asked Chair Isnardi her thoughts on that.

Chair Isnardi replied it is in Commissioner Tobia's District; they came to her perhaps with her relationship with Palm Bay years ago; but it is frustrating for her because the Board was told one thing, she had met with staff before and their economic development director, and there was concerns; and they really wanted a little more time to come up with this agreement based on current development and current people looking to develop in that area, they did not want to lose those projects. She pointed out that was what she was told; obviously, that has changed; and she is not happy about it either. She noted they are not making a lot of effort to get it done quickly; she has been told they were going to shut it down early; and if the debt is being paid off early, why not shut it down earlier. She stated for years they had the CRA for 20 years and the only thing they did with it was put up a park and street lights, because the board could not come up with a good plan or an idea of how to improve the area; and now they want to hurry up and get it done at the end of the CRA, and that is not fair. She advised she will take Commissioner Tobia's lead on it since it is in his District.

Commissioner Pritchett stated she will be listening to Commissioner Tobia's request as it is in his District.

Commissioner Smith stated he will go with the thinking of the rest of the Board; he is not a big CRA guy; but he is on record as saying if the CRA is doing what it is supposed to be doing and it has a legal right to be there for 'x' amount of time, they should be given that time; and the sooner one can be shut down the better, and if they are going to be debt-free, he thinks it is a great idea. He went on to say if there are legitimate things they want to do, they can come back to the Board or whichever Board sits here and ask.

Upon consensus of the Board, the meeting adjourned at 5:59 p.m.

ATTEST:

SCOTT ELLIS, CLERK

KRISTINE ISNARDI, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA