

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 14, 2009, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Laurilee Thompson; Bill Cannon; Aneta Ott; Linda Wise; Laura Ward; Peter Aydelotte; Clyde Thodey; Jerry Jagrowski; Robert Ludwiczak; and Victor Brungart.

Staff members present were: Cindy Fox, Planning, Zoning & Enforcement Manager; Morris Richardson, Asst. County Attorney; Lydia Evans, Planner I; and Candy Hanselman, Zoning Support Manager.

The Chairman, Henry Minneboo, called the meeting to order at 3:00 p.m.

Henry Minneboo – This is the P&Z Board meeting, which is advisory to the Board of County Commissioners, who will make the final decisions on any, and all, activity we have today. And that'll be done on Thursday, October the 1<sup>st</sup>, at 5:00 p.m., in the same location. So those of you that will be coming back need's to mark that down. That's October 1<sup>st</sup> at – back here at 5:00 p.m. Today, each applicant will be given 15 minutes to do their particular presentation, and each person speaking in opposition, for or against, will be given five minutes to speak. So we – being that we've added a few people out here in the audience, we're gonna try to stay on pretty much that schedule.

There were eight regular members, and three alternates, present. The regular members voted throughout the meeting.

Motion by Aneta Ott, seconded by Jerry Jagrowski, to approve the minutes from the P&Z meeting on July 6, 2009. The vote was unanimous to approve the minutes, as submitted.

### DISTRICT 2

**V.B.1. (Z0909201) – MICHAEL F. & SANDRA L. FAHEY** – (John Campbell/Campbell Surveying) – request a change from AU to SEU on property described on 1.94 acres. Located approx. 300 ft. south of Pioneer Rd., approx. 550 ft. west of N. Courtenay Pkwy. & approx. 140 ft. north of Butler Ave.

**P&Z Recommendation: Ott/Wise – Approved with a Binding Development Plan. Vote was unanimous.**

Cindy Fox – A point with this application is, the applicant has submitted a draft binding development plan.

John Campbell – Thank you. My name is John Campbell. I'm a land surveyor with Campbell Surveying, North Merritt Island, Florida. I represent Michael and Sandy Fahey. Mr. & Mrs. Fahey own a piece of property off of Butler Road, just west of Courtenay Parkway. It's an area of mixed zoning, so it's sort of a whole bunch of different multi-family, single-family zoning in the immediate area. Mr. Fahey's father came to my office and asked me to divide his property up into several parcels for giving it to the family. This particular parcel that's marked "592", has yellow around it, that's the parcel in question. That was the part that Mr. Fahey inherited after his dad passed away. The area in pink is where Sandra and Mike Fahey live, right on Butler Avenue. If you look on the aerial photograph that I gave you, you can clearly see Mr. Fahey's house, right below the "X" on the aerial photograph, the red "X". The property lies right behind his home. What Mr. Fahey has proposed to do is to change the zoning from AU, which required two and a half acres, to SEU, which is a requirement of only one acre of land. The way this property got divided up, it only ended up with about 1.9 acres. So, in reality, it's a nonconforming AU zoning. Our attempt is to bring it back into conformity. But we have a choice of two zonings to use; either RR-1, which is very similar to the AU classification, except allowing one acre, or SEU, which is a single-family home, a little more restrictive, 2,000 square feet. So we've applied for the SEU zoning, even though there's no SEU zoning in the immediate area surrounding the property that's in question. There's multi-family to the north, single-family to the south. There is some AU applications to the north, also.

We realize that by requesting to go to SEU zoning that it would allow us to have one building site. Mr. & Mrs. Fahey have agreed to a binding development plan, if the board sees fit to allow this zoning change, to only permit one home. The access to the property will be through Mr. Fahey's property, which is marked in pink, to the south. After we – if we're successful in getting this approved, I will make an application for an easement – flag lot application to serve it off of Butler Avenue. That's just about it. It's a very low-density zoning. And I'd hopefully request that ya'll allow this change. Thank you.

Henry Minneboo – Anybody on the committee like to ask this gentleman a question? Got one for staff.

Jerry Jagrowski – I got a question for the staff. The item was have here, it says "519". Exactly what is that? Is that an easement, or what?

Cindy Fox – I'm not sure what you're referring to – 519?

Henry Minneboo – 519 is the indicator for Butler Avenue.

John Campbell – I believe that's the road dedication for Butler Avenue.

Jerry Jagrowski – Is that the road?

Henry Minneboo – Yeah, that's – and that's fully dedicated, Mr. Campbell?

John Campbell – Yeah. I think the Faheys have finally got it deeded. And it's been maintained by the County for quite a while.

Laura Ward – I have a question. Mr. Campbell, I didn't quite understand why the binding agreement is necessary. They don't have enough to put two houses on with SEU, do they?

John Campbell – That's true, they don't. But it was just the sincerity of just making the application for one building site. I understand that the building site will be for another family member. So they intend to build only one more building.

Henry Minneboo – Any other questions?

Robert Ludwiczak – Yes, sir. Mr. Chairman. Can you tell me what the width and depth of this property is?

John Campbell – It's 345 feet deep and – I'm sorry, I don't have my survey in front of me – likely 200 feet wide. If you look at the photograph, you can see that it's been worked as an agricultural grove in the past.

Robert Ludwiczak – I was looking up for SEU, it's got to be at least 125 feet wide and 200 feet deep.

John Campbell – Yes, sir.

Robert Ludwiczak – And you say it is?

John Campbell – Oh, yes, sir. It's in excess of that.

Robert Ludwiczak – O.K. And then what are you going to do with all the agricultural animals that you have on this property now?

John Campbell – I'm sorry, the what?

Robert Ludwiczak – Do you have agricultural animals on this property, currently?

John Campbell – Not that I'm aware of. There is a grove on the property. I don't know about any animals. And the reason for, again, going to SEU zoning is that RR-1 allows horses. And, again, there's not any intention to use it as an agricultural site.

Henry Minneboo – O.K., let me – I think we're through here. Let me go to the audience. Is anybody in the audience would like to speak for, or against, this particular item? (no response) Seeing none, I bring it back to the board.

Aneta Ott – I would like to make a motion for approval.

Linda Wise – Second.

Henry Minneboo called the question, and the board voted unanimously to approve the request, as stated above.

John Campbell – Thank you folks, very much.

Cindy Fox – For clarification, that is with the binding development plan. Correct?

Henry Minneboo – Oh, yeah, binding development plan.

John Campbell – I'll get with the Zoning Department and work that up.

Henry Minneboo – I'm sure the board wants to see 2,000 square feet, too.

John Campbell – The 2,000 square foot...

Henry Minneboo – Is the minimum in this...

John Campbell – It's the minimum, anyhow.

**V.B.2. (Z0909202) – KEVIN LONDO, PERSONALLY, AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ELAINE F. LONDO** – requests a change from RU-1-11 to BU-1-A on property described on 0.39 acre, +/- . Located on the south side of Merritt Ave., approx. 415 ft. west of Plumosa St. (355 Merritt Ave., Merritt Island)

**P&Z Recommendation: Wise/Thodey – Approved. Vote was 7:1, with Ott voting nay.**

Kevin Londo – I'm Kevin Londo. This home, we inherited. My mother passed away just over a year ago. The family's requested that I try to sell the home, 'cause we all know what the residential market is today. So to assist us in selling the home, we'd like to rezone it for light commercial. We've had some interest from a doctor, who's interested in making a facility there for his foot practice, wondering if we get this, it'll enable us to help make that sale.

Henry Minneboo – Is there anybody on the board would like to ask the gentleman a question?

Clyde Thodey – I didn't hear exactly what you're gonna use. You might want to raise that microphone up so we can hear you better.

Kevin Londo – We have a doctor that's shown an interest in buying the home to convert it for his practice. He's a foot doctor. He doesn't plan on tearing down the home. He plans on just remodeling it. And he likes the majestic look of the trees, and everything. He plans on using pavers for the additional parking area needed. So I think it's very appealing to the neighborhood, and a nice quiet concept.

Robert Ludwiczak – Mr. Chair.

Henry Minneboo – Robert.

Robert Ludwiczak – Looking at the summary here, the applicant says that he's looking for a BU-1-A, and if that's not acceptable, he's looking for a RP. Now, what are we voting on here, if we vote?

Cindy Fox – It's the board's choice.

Kevin Londo – BU-1-A.

Cindy Fox – He's requested BU-1-A, but if the board wishes to approve RP, they can do that. RP is strictly limited to professional offices, but it would include a doctor's office.

Robert Ludwiczak – And what's the applicant's choice?

Kevin Londo – BU-1-A.

Henry Minneboo – Anybody else have a question? Laurilee.

Laurilee Thompson – The one that was rezoned to the east, is that – did they leave the existing home there to preserve the character of the neighborhood? Or did they tear down the home and build a business-looking establishment there?

Kevin Londo – To the immediate of us is just a vacant lot.

Laurilee Thompson – Well, further to the east of that. It's indicated that there's a BU-1-A that's on the corner of Plumosa and Merritt Avenue.

Henry Minneboo – Southwest corner.

Kevin Londo – Yes, that's a dog grooming, I believe.

Laurilee Thompson – But did they leave the existing home there, or did they tear it down and make a more business-looking establishment?

Kevin Londo – They left the home there.

Laurilee Thompson – And is that the intent of the doctor to do that with this rezoning?

Kevin Londo – Yes, it is.

Laurilee Thompson – Thank you.

Henry Minneboo – Aneta.

Aneta Ott – I was just going to ask you what was located on each side.

Kevin Londo – Well, there's a considerable distance between us and the first home to the east of us, which she would like to go commercial, as well. And that's Mrs. Ganter. She's here with me. The – and east of her is the dog grooming place. But that's quite a distance between our home and any other house. There's a vacant lot to the west. There's water behind us. There's the lake all around us. All around us is the lake. To the east of us is a large span. I think it's over 200 feet, for sure, to the next house, from my property. I think it's over 300 feet. It's quite a distance to her home, and she wants to go commercial, as well. And then the one right next to her is commercial. And then to the west of us is a vacant lot. And then the next home is, again, quite a distance away. And then right across the street from us is a church, catty-cornered from us. And then the school. So it's commercial all around us. It's a good location for it.

Henry Minneboo – Kevin, I got one question. How long has this been in the family?

Kevin Londo – Over 40 years.

Henry Minneboo – Good. That's what I needed to know. Let me go back to the audience. Is there anybody in the audience would like to speak for, or against, this item?

Ruth Ganter – You may know me. I'm Ruth Ganter. I live...

Henry Minneboo – I know you, yes, ma'am.

Ruth Ganter – I'm all for it. And I want to tell you all that year's ago, when you put that road in, you promised that everything south of East Merritt Avenue would go commercial, all the way to Fortenberry, from Sykes Creek to the Trail. So it's only right that we should have it. I will eventually sell commercial. I mean, there's nothing else I can do with my house wince you put me 12 inches below the road, and so nobody else will buy it. So I'll have to have it torn down, when I do. But the other people have all stayed the same. There's a beauty parlor there. The other lady started a knickknack kind of place. And so it's just all very commercial anymore. And it's not really suitable for living there. I mean, I hang around because I've been there 47 years, and I'm devoted.

Henry Minneboo – Thank you. Any questions for Ms. Ganter? (no response) Good. Thank you. Is there anybody else would like to speak for, or against, this? (no response) Seeing none, I bring it back to the board.

Linda Wise – Move to approve the BU-1-A.

Aneta Ott – I have a real problem with that for BU-1-A.

Henry Minneboo – O.K. A motion on the floor by Linda.

Clyde Thodey – Second.

Henry Minneboo – Clyde. There was a second by Clyde. And that was – the motion was for BU-1-A?

Clyde Thodey – Yeah.

Henry Minneboo – Any discussion? Aneta.

Aneta Ott – I have a problem with that, because he has a doctor that wants to buy it. Residential Professional would suit his cause. I just hate to see the heavier density. I can understand Mrs. Ganter. She hardly has enough room to – well, she has no room to park her car in the driveway. But this is not the case here. And that is – they have a lake there. And I just think that's too heavy a density. So I won't be...

Henry Minneboo – Aneta, the only thing here that – everything on Plumosa, as well as the corner, the southwest quadrant of the intersection of Merritt Avenue and Plumosa, is also BU-1-A. And he just – I think he’s staying consistent with what everybody up and down the road has. So to answer your question. O.K., there’s a motion, and second, on the floor.

Laura Ward – Wait, one more discussion thing here.

Henry Minneboo – O.K.

Laura Ward – How about the – I mean, just the location of it there. I understand it is obviously on a roadway that would probably support what he’s trying to do. I know there’s other BU-1 “sic” in the area. One of them’s on a corner, however. The other’s right across from – I guess that’s that box store. Is there any issues with a convenience store being permitted in that location that maybe that’s one use that shouldn’t be there? The others seem – I’m reading off here, “professional offices, personal services, residential, institutional, recreational.” All that sounds okay. Are there any issues with convenience store that maybe there should be some consideration that that wouldn’t go there? Or is the fact that you’ve limited drive-throughs take care of gas stations, and so forth?

A board member spoke without a microphone, indicating that the lot is too small

Laura Ward – They can combine it with something else.

Cindy Fox – Limitation on drive-through would not eliminate a convenience store. So that would have to be something that you’d have to stipulate, if you do not want a – or have the applicant offer a binding development plan that would limit that.

Laura Ward – I was just trying to address Aneta’s issue.

Kevin Londo – If that’s what you want to do. You want to just eliminate that, I’ve got no problem with that. I wouldn’t like to see it used for that, either.

Aneta Ott – I’d feel better about it.

Kevin Londo – If you want to strike that off of that, I have no problem.

Henry Minneboo – We got to do a binding development plan.

Cindy Fox – You, as the applicant, would have to voluntarily agree to that. And then it would be up to you to prepare a binding development plan that would follow this through the process. And then it would have one final adoption in front of the Board of County Commissioners. But you wouldn’t have to attend. But it would be a little bit longer of a process for you.

Laura Ward – Well, I hate to see him go to extra expense. So maybe you could discuss a little bit about convenience stores, and is that something that really isn’t suited for that particular location right there in the middle of the block.

Kevin Londo – I don’t believe the lot’s big enough for that.

Laura Ward – But you can combine your lot with somebody else’s lot. I mean, people buy other people’s property to put it together, all the time.

Henry Minneboo – But neither lot, Laura, next to him – they’re both still residential. So they’d be coming back, if he added some more property. I mean, you’d be able to address it, if he came back and said, “I’ve changed my mind. I want a convenience store.”

Aneta Ott – So it’s obvious that I’m wrong in my thinking, and it’s perfectly all right to have...

Henry Minneboo – People in that neighborhood would shoot him, anyway.

Clyde Thodey – Mr. Chair, I call the question, please.

Henry Minneboo called the question, and the board recommended approval of the request. The vote was 7:1, with Ott voting nay.

#### **DISTRICT 4**

**V.B.3. (Z0909401) – DAMRON AUTO PARTS EAST, INC.** – (Ray Hammock) – requests a change from GU to PIP on property described on 0.694 acre. Located at the north end of Waelti Dr., approx. 0.55 mile north of Wickham Rd. (7299 Waelti Dr., Melbourne)

**P&Z Recommendation: Jagrowski/Thodey – Approved. Vote was unanimous.**

Gary Karel – Good afternoon. My name’s Gary Karel, and I’m representing Damron Auto. They have the adjoining property to the east, as well, which is zoned industrial, and to the north, which is zoned industrial. Across the street from this, everything is currently zoned PIP. I believe I’m correct. And they have a small little piece they would like to have go from GU to PIP. Since the County has already determined that’s what they’d like it to go in the future, to PIP, we’re requesting that that small piece be rezoned to PIP.

Henry Minneboo – Anybody have a question of this gentleman here? (no response) Since the County made you do it, it’s probably a pretty good...

Gary Karel – Hey, I just work here.

Henry Minneboo – Is there – seeing none, is there anybody out in the audience would like to speak for, or against, this particular item? (no response) Seeing none, I bring it back to the board. A motion by Jerry (Mr. Jagrowski’s motion was made without his microphone; therefore, it is not audible on the record), seconded by Clyde (Mr. Thodey’s second was made without his microphone; therefore, it is not audible on the record), to approve.

Henry Minneboo called the question, and the board voted unanimously to recommend approval of the request.

**V.B.4. (Z0909402) – HAPPY LANDINGS HOMES, INC.** – (Lila Buescher, Pres., or Nicholas Lewis) – requests a Small Scale Plan Amendment (09S.04) to change the FLU Designation from NC to CC; and a change from IN(L), with an existing BDP, to IN(H), with removal of the existing BDP, and with a new BDP. The property is described on 5.33 acres. Located on the east side of Old Dixie Hwy., approx. 134 ft. south of Otter Creek Lane. (5925 Old Dixie Hwy., Melbourne)

**LPA Recommendation: Aydelotte/Wise – Approved. Vote was 7:1, with Thodey voting nay.**

**P&Z Recommendation: Aydelotte/Wise – Approved, with addition to Binding Development Plan to limit the residents to women and children, and recommendation that the institution work with the neighbors to place someone on the board. Vote was 7:1, with Thodey voting nay.**

Cindy Fox – And this, again, has a binding development plan that they've offered up as part of the request.

Nicholas Lewis – I'm Nicholas Lewis. I'm representing Happy Landings Home. We have other members of the board here. Happy Landings Home has had some type of facility at that spot for almost 30 years, going on 40 years. What has happened in the last few months is that last year, due to certain conditions, we closed the existing facility that was zoned under IN(L) as an assisted living facility. When we went back and talked to the Planning & Zoning people, after they had reviewed some of our items, they stated that that was not an appropriate classification for that facility. So, working with them, we came back to say – because what we have attempted to do now is, in light of the same type of facility, or a similar charitable facility that we wanted to create, which is a women's center, or a center for women with children, in that area, and narrow the scope of the operations over what they were doing in the past. We wanted to produce that type of facility. So the last year, since we've closed it down, we've been cleaning up the property. In the interim, we have worked with the Zoning Board "sic", and they have recommended to us that this is probably the best type of classification that we could use in order to open this facility. It is IN(H) with – for a dormitory that we would be able to house these women, with their children, there. We have existing property there, existing buildings. In fact, there is a dorm at the – on site, right now. So what we're asking the board is so that we can comply with the zoning to create a dormitory, we wanted to move it from IN(L) to IN(H). Now, if there had been an IN(L) for a dormitory, we'd have been perfectly happy with that, too. But since the code doesn't allow for that, we didn't have a whole lot of choices here. In fact, as we started exploring the choices that we had, there weren't a whole lot in the code to have a facility like we wanted to have. So that's the only reason that we've asked for this change in land use.

Henry Minneboo – Any – Jerry.

Jerry Jagrowski – Yes, sir. Could you please describe the facility you're planning to build? You said a dormitory. One story, two, four stories?

Nicholas Lewis – No, no. Everything is already there. We don't plan on building anything else right now.

Jerry Jagrowski – So, really, all you're doing is just changing...

Nicholas Lewis – Changing the designation.

Jerry Jagrowski – O.K. Thank you.

Robert Ludwiczak – Mr. Chairman.

Henry Minneboo – Yes, sir, Robert.

Robert Ludwiczak – Is this the old Resurrection Ranch?

Nicholas Lewis – This was the old Resurrection Ranch facility that ceased operations a little over a year ago.

Henry Minneboo – O.K. Any other questions? (no response) Is there anybody in the audience would like to speak for, or against? Yes, ma'am. We need your name and address for the record, please.

Jinger Knox – My name's Jinger Knox. I live at 2720 Pine Cone Drive. I also own a house at 2725 Pine Cone Drive. It's right around the corner. I don't know how much you guys are familiar with this issue, but this was already rezoned IN(L) not very long ago. It was already – it was one of the reasons that they made the IN(L) category. So, to me, it seems like they switch it from Ag to IN(L), give it a couple years, then switch it to IN(H). It's unfair. As soon as you rezone it, my property value is gone, absolutely gone. There's one way in, and one

way out, of that neighborhood. It's a residential neighborhood. This place is not off of U.S. 1. They have to go in and out the same way I'm going in and out. And you're gonna give it IN(H). I don't have any problem with it being for women and children. That's great. But do you know how many times that place has changed hands in the last few years? How do I know who's gonna come in next? Just like now, we're going from IN(L) to IN(H), which a couple of years ago, the County said, "Oh, we don't have a zoning classification for them. Let's change it from AG to IN(L)." You know what I'm saying? So you just keep changing it. Now, we're gonna be at the highest density that we can? That's not fair to the residential neighborhood. So my argument is for property values, first of all, for the safety of the people in the neighborhood. I don't know how much you guys are familiar with the Resurrection Ranch. Of course, they're saying they're not gonna be the same kind of facility. But in five years, when it's a different people running it, you don't know what kind of facility it's gonna be. Right now, ALF gives us some kind of protection. We fought for those protections a couple of years ago. We fought for them hard for over a year. The ALF would have to have certain protections, with a BDP, which they had to come in, and they had to get inspected every six months, which, by the way, never happens. The County never followed up with the inspections. But at least that was there. The protections were there because it was a conditional use. Now, you're gonna have dormitory. You're not gonna have any conditional uses. You're taking all of our protections away. I don't have a problem with these people, and I wish they could just do it under the ALF. That's what we fought hard for. I don't know if you know, but we sit on a road that is one of the narrowest roads in Brevard County. There are only two roads as narrow as the road I live on, in Brevard County. There's one exit in, one exit out. It's already really hard to get off of U.S. 1. You raise the density up, whether you say it's for one shelter right now, or it could be for a high-rise tomorrow, you have that issue right there with the safety coming in and out of the neighborhood. So that's my point. It's just that it's gonna ruin our property value. Yes, the Resurrection Ranch was there, but it was an ALF. We were afforded protection. Now, you're just gonna say it's gonna be a full-scale homeless shelter, and it's in a residential area that went from Ag. Within five years, it's gonna go to a full-scale homeless shelter with IN(H)? Why didn't they do it to begin with? Because it wasn't a good idea. That's why they gave us the protections they did, after a year-long fighting.

Clyde Thodey – Are you aware of their binding development plan?

Jinger Knox – Yes.

Clyde Thodey – And you see where they're gonna have 47 residents there? And the dormitory's gonna be limited to 68 people. Do you have any problem with that?

Jinger Knox – Yeah, I have a problem with that, because the buildings, as they are right now, and it's under ALF, that's way too many people. If they have that current cafeteria that they have now, they could only have – do you know what it is? That was one of the arguments I had with it before. So they're trying to change the whole zoning so that they can have more residents. Because they don't have the proper cafeteria – none of the BDP's were ever followed, except for the fence that's in the front of the yard.

Clyde Thodey – Why are you saying that your property value is gonna go down? What proof do you have of that?

Jinger Knox – Well, if you change from an ALF to a homeless shelter, I'm pretty sure that my property value's gonna go down.

Clyde Thodey – But you don't have any certified evidence to prove that. Is that correct? Just your assumption?

Jinger Knox – You're right, I don't. It's just an assumption that when you put a homeless shelter in a residential neighborhood – and, by the way, if you guys want to change all of us to neighborhood commercial, which you're saying that the comprehensive plan calls for, fine. Just don't leave us a residential neighborhood and

then put a very invasive business in the same neighborhood, with only one entrance and one exist. I'm here to tell you that I was there for many, many years when Resurrection Ranch was going. It was not a residential atmosphere. That's why they did what they did, and they changed.

Clyde Thodey – Well, what kind of atmosphere was it?

Jinger Knox – It was a very unsafe atmosphere. People were having sex in the woods. There was drugs. People came up at our doors, knocked, and they looked for drugs. I'm not saying that these people will do that. I have faith that this group of people won't do that. But you don't know who's gonna take over in five years. And once you give them the zoning change, that's what we're gonna be stuck with.

Clyde Thodey – Thank you.

Henry Minneboo – O.K. Anybody else on the board?

Laura Ward – Yeah. Can I ask the staff something? Are we doing a land use change here?

Cindy Fox – Yes, you're doing the land use to necessitate the consistency with the zoning and the future land use designation. So IN(H) is not consistent with the neighborhood commercial. So that's why you're changing it to community commercial, as part of this request.

Laura Ward – O.K., but community commercial isn't consistent with what else is there. I mean, it's all neighborhood commercial. It's a much less intense land use.

Cindy Fox – If you look to the east, along U.S. 1, there's additional community commercial in that area.

Laura Ward – Where? I don't see it on the map. I see residential. I just see residential on the east side. And I see neighborhood commercial everywhere else. Maybe I'm...

Laurilee Thompson – The CC is the same color as the shade that's on the map, Laura.

Laura Ward – Where is it then?

Laurilee Thompson – See the – see that gray line that's above the gray NC?

Laura Ward – Oh, oh.

Laurilee Thompson – The CC is below the Res. 6, on the east side.

Laura Ward – O.K.

Laurilee Thompson – There's a CC down by where the boat ramp is. You just can't see it, because we don't get colored maps anymore.

Laura Ward – I know. We're budget con – O.K. So, actually, now that you're explaining that to me, and I can look really hard, is the CC also directly to the north?

Cindy Fox – Yes.

Laura Ward – So there's plenty of it there. O.K.

Jinger Knox – That all comes off of U.S. 1. That doesn't come back into our neighborhood.

Laura Ward – Well, maybe there's some sort of a – but you're talking about a – basically, I know what he's thinking of doing. That's kind of like a residential use. That's more of a – people are living there. It's not one of the higher intensity commercial uses.

Jinger Knox – But that's only what they're planning on doing. Once you change the zoning – just like, right now, they could build to IN(L), and they could do a high-rise there.

Laura Ward – Yes. And maybe – I mean, maybe there's a way to address that thing of – that issue that you have of major traffic coming down a road that's not suited for it. Maybe something else could be done there.

Robert Ludwiczak – I've been down to that facility many times, and I've taken things down, as far as clothing, and food, and what have you, to the folks that were living there. And it is a very narrow, very limited, residential area. And when they talk about commercial, that commercial is on Route 1. And from where this facility is at, you could not see Route 1 and see those commercial facilities. So I think this lady is right in terms of what she is saying here. I don't oppose what this gentleman wants to do, because I think we need to have these things taken care of for women. But I think we need to get this one right.

Henry Minneboo – Any other questions here?

Clyde Thodey – Well, what would you suggest, Robert? You said get it right. What would you suggest?

Robert Ludwiczak – This young lady made a suggestion of what she would like to see. I would ask this gentleman, do you have any opposition to it?

Nicholas Lewis – We actually have no opposition to any binding plans that the County would wish to place on the property, so that we could have the facility and still provide protections for the neighborhood. That would be perfectly fine for us. We don't have any long-term plans to convert this property to some, you know, quick sell in the future. It's not there for us. We have a group of very dedicated volunteers, board, and everything else that just has this one purpose in mind. So whatever we can work with for the Zoning Board to attach the appropriate restrictions on that to allow us to operate, we would certainly be happy to work with you.

Henry Minneboo – Let me see if we have more people in the audience. Anybody else would like to speak for, or against? (no response) Seeing none, I bring it back.

Laura Ward – Can the staff suggest something?

An unidentified woman spoke from the audience.

Henry Minneboo – For or against this item?

The unidentified woman spoke again from the audience.

Henry Minneboo – Come to the podium. We need your name.

The unidentified woman spoke again from the audience.

Henry Minneboo – Name and address. We need all that in the microphone. This is all TV, and taped, and...

Unidentified woman – Oh, O.K. The address of the Humane Society is 2600 Otter Creek Lane, in Melbourne. And we're – when you get off of U.S. 1, there's a County property, and then there's our property on the left. And behind us was where Resurrection Ranch was, where the homeless – where they're going to do the

additional work over there. One of our problems that we've had in the past with the construction is that there's a huge, gigantic hill. We used to be level property with them. And they brought in dirt, and dirt – and I sent you a letter about this – dirt, and dirt, and dirt. So now there's a gigantic hill behind us that covers the length of our property. And we have had mud slides, and dirt slides, and all kinds of things. We had to have St. Johns Management come out. And they did clean it up. And they replanted some plants, 'cause our fence had fallen over. And we don't know what they're going to do with that big hill. We would like it clarified, because now we're getting runoff from water. And what's happening is, the water is rolling down this big huge hill from all the dirt that was left there. And even though there's grass on it now, it comes right down into our creek. And our creek flows out to the Indian River. And St. Johns is very concerned that it might block up on its way. It has to go under U.S. 1 to the river. So we have concerns about what new construction they might be doing, as well as the number of people that would be on that property, 'cause the construction would affect us negatively.

Henry Minneboo – O.K. I'll get him to respond to that.

Unidentified woman – O.K. Thank you.

Henry Minneboo – Thank you. Anybody else? (no response) O.K. Would you like to respond to that lady's last question.

Nicholas Lewis – Yes. Remember when the facility was zoned as an ALF. At that time, in order to meet the requirements for an ALF, which is different than what we want to currently do, that required a larger dining facility. And so as a result of that, in order to meet the requirements of an ALF, we were going to try to build a dining facility up in that area. We don't have the funds, or the requirement to do that as a dormitory. In an ALF situation, you would have to build a dining facility large enough for all those residents.

Henry Minneboo – What about that mountain of dirt?

Nicholas Lewis – The mountain of dirt was created just for that. Now, we've been working with St. Johns Water Management. In fact, we have an inspection coming up with them at the end of – beginning of the year. We are required to submit reviews of what we are trying to do to mitigate the issues that the Humane Society experienced in that area. And rather than just leaving the concept of a shelter, which most people think of a shelter as a place for, you know, people coming off the street. They spend a couple of nights, and then they're gone again, and we just have this constant rotation. Part of what we're doing with the women's facility, and what we have shown in a number of places here, is that this is a facility for longer care transitioning programs for these women. We expect anywhere from a year to 18 months in order to try to get them to a point where they can get back out on their own. So this isn't going to be a quick turnaround facility, as a normal shelter would be. That's the reason for the dorm designation. And we have presented a binding development agreement with this property. Should the Zoning Board make any recommendations to the amendment of that agreement, we would certainly be amenable.

Clyde Thodey – I got a real problem, basically, with what you just, you know, got done saying about long term. And it is a needed facility for woman and children. I would imagine that you're gonna have children there. Correct?

Nicholas Lewis – Yes.

Clyde Thodey – In going back to her statement, you only had enough room in there to cook for 14 people. How are you going to have residents of 47, and up to 68 people, and not be able to provide food in an adequate area?

Nicholas Lewis – Well – and one of the things that we're doing, we can't do until we finish getting the zoning, is that we do have an existing kitchen that could be worked in shifts and provide food for them. We would not

have to seat them all, as you would have in a normal ALF. With the ALF, you've just got to have, because you're essentially – you're assisting these people. These people don't require that kind of assistance. They can actually come through in shifts and provide dining for them in the existing facility.

Robert Ludwiczak – Mr. Chairman.

Henry Minneboo – Yeah.

Robert Ludwiczak – I have a question for this gentleman, also. The way this was set up with Resurrection Ranch was those who lived on the facility basically took care of the facility.

Nicholas Lewis – Right.

Robert Ludwiczak – And with Happy Landings, is this gonna be the same premise that you're going to put 47 people in there, and they're gonna be responsible for maintaining the facility?

Nicholas Lewis – All of them will have assignments and responsibilities as it relates to the maintenance and upkeep of the facility. But, again, our primary concern is going to be to get these people so that they can be as independent as rapidly as possible, and away from the facility.

Robert Ludwiczak – That was the intent of Resurrection Ranch, as well.

Nicholas Lewis – There were some things that they attempted to do, and didn't execute very well in that process.

Robert Ludwiczak – Now, when you talked about the dining facilities, or the kitchen, as I recall, that kitchen was basically to the left of the main house office.

Nicholas Lewis – Yes.

Robert Ludwiczak – And probably was not more than ten by ten?

Nicholas Lewis – Yeah, the kitchen is not very large. But we've completely gutted the kitchen, and that area, and we have room to actually move the – if we need to. This facility used to be an old motel. And so that is part of – in the center of two wings of that old motel. And so we have the ability to move some of the dining space into adjacent rooms.

Robert Ludwiczak – Is there anything that you could do to compromise with this young lady to – so everybody's happy, and we could pass this and move on?

Nicholas Lewis – Well, one of the things that we did last week is, we had an open house for the neighborhood. And as a result of that open house, that Ms. Knox was there for, we had a number of neighbors who were concerned about issues. And one of the neighbors suggested that we have a committee of neighbors who would help us in monitoring the activities, or the people, in the neighborhood, if they moved over into the neighborhood. That was one of their primary concerns, was that they had a lot of illicit activity in the neighborhood in the past, something that we intend to eliminate. But we wanted to make sure that they did have an opportunity to have input in to us. We sent a copy of this to two of the families. And this is our charter for a community action committee that would provide the - input assistance in helping us monitor them, provide membership in that committee for the neighborhood members. And this would be chartered by the board. And that would give them the opportunity to get back with us so that we could act on those. That's something that several of them mentioned in the past, that they did not have access to the leadership of the organization, and something that we want to change. Now, I can present this to you as...

Robert Ludwiczak – Well, I think, Mr. Chairman, what I saw at Resurrection Ranch, and so it would not be an idyllic situation, but they were doing, I think, a great job in trying to help some people in some very dire situations. I would like to see us continue that. But I don't want to impede upon the neighbors. And I'd like to see if somehow the neighbors and those at Happy Landing can meet a happy agreement, of sorts, to work this thing out

Nicholas Lewis – And I think we made a good step forward with that meeting last week. I'm not saying that they – we allayed all their concerns. We certainly didn't. They still have the concerns. I will say that some of Ms. Knox's concerns, as it related to – there was a concern that we were going to turn this property over in the future, and just do a sale of the property, and that certainly isn't our intention. I think that the Zoning Board here can actually help control that type of situation by whatever boundaries you place on the zoning of the property, so that no matter who we sold it to, it would be still under the same strictures that we would have been under, and if they wanted to change anything, would still have to come back to this particular group. We certainly want to make sure that we work with the neighborhood there. One of the items that Ms. Knox also brought out is that there is a very narrow road coming into that area. By its very nature, the situation of the property - the fact that a piece of that section right to the north of us, the Humane Society is already zoned as community commercial. Ours is CC. Theirs is – ours is NC. Theirs is CC. And we are joined right there. I frankly don't see an easy way for anybody else to take over that property, just because of its position, and next to the Pineda Causeway interchange, where it is, for a whole lot of people to do a lot with that property in the future. It just has very restricted access into the property. If you'll take a look at it, there's – may I answer any other questions?

Clyde Thodey – Would you have any objections of placing one of the residents on your board for communication with the...

Nicholas Lewis – We had actually talked about that, and talked to the board about it. I can't answer for the entire board. We could discuss that with them.

Clyde Thodey – What if we put that in your binding development plan? Can we do that, Cindy, if we...

Nicholas Lewis – What we did do is that we suggested...

Henry Minneboo – That has to all come together. You got to – I mean, you'll be back.

Nicholas Lewis – What I did suggest was that, at least on the community action plan, that this become part of our binding agreement that we establish this community action committee. And this is chartered by the board and would provide them access to the board.

Clyde Thodey – I hear that. But I'd rather see one sitting on your board. If I'm living in that area, and you really want to get along with the residents in that area - and she's already assuming that her property values are gonna do down - I would assume, if I was on your board, I would made a suggestion that we do encompass somebody, and put them on the board, from the neighborhood. See, when you say – what you're telling me now...

Nicholas Lewis – Right. But...

Clyde Thodey – What you're telling me know, with that type of attitude, is, "I got to look around to see if they're gonna approve it." If you all discussed this before, why didn't you make a decision, yes or no, we're gonna do it? That's what I want to hear. Yes, you did, or no, you won't.

Nicholas Lewis – Actually, we did discuss it with a couple of the board members, but we have not had a board meeting since the meeting last week.

Clyde Thodey – All right.

Henry Minneboo – Laura.

Laura Ward – I see that your binding development plan that you've put it – you've told us that it's going to be for women and children. Correct? Does your binding agreement state that that's what it's going to be, and that it won't be something else?

Nicholas Lewis – The binding development agreement was essentially the same one that we had under the previous ALF. The only changes that we even suggested in there were – the previous one had a grandfather clause to allow people with past felony records to be on the staff, and we took that out. But we would have no problem with adding that into the binding development agreement, at all.

Laura Ward – Does the board – is that something the board would feel okay about having him agree to? Because that's a – I don't like when people come and represent they're gonna do something and aren't willing to back it up, because it makes a difference how you decide. And with your decisions, you've got in your mind, this is gonna be women and children, you know. I think...

Nicholas Lewis – We'd have no problem, at all.

Laura Ward - ...the neighbors definitely – I can think of a lot of things that they might not be happy with there.

Nicholas Lewis – I can, too. And some of the things in the past, I can understand.

Laura Ward – So maybe that would be something?

Nicholas Lewis – Absolutely. I would have – we would have no problem with that.

Clyde Thodey – Let me just ask...

Henry Minneboo – Just one – let me – Jerry.

Jerry Jagrowski spoke, away from the microphone.

Henry Minneboo – Go ahead, Clyde.

Clyde Thodey – Morris, I'm gonna turn to you for some legal thoughts here on how we can incorporate the community, along with their establishment. Is there a legal process that we could get involved in, in having them get along with the residents there? Not get along, but participate with them, or something? I think the residents here have been down the road, already. They don't like what was there, prior.

Morris Richardson – Well, the process that typically happens in these cases culminates in a binding development plan that's been negotiated by the existing residents and the applicant. And, obviously, that's not what's happened here, thus far. But that's usually the process you describe. It's not technically a legal process. But where we do get into the legal areas is when we attempt to force something on the applicant, BDP's are great, and we can all recommend things. But unless they are, you know, affirmatively volunteering to incorporate that in there, then we get into contract zoning. And that's where the legal lines are. So if the applicant's not putting that out there, and describing a process themselves, there's nothing we can foist upon them. At some point, it's got to be thumbs up, or thumbs down. And if you can encourage, to the best of your

abilities, the citizen involvement in that process – but, like I said, that’s the process that usually results in a successful binding development plan coming before this board and, ultimately, the Board of County Commissioners. And, you know, sometimes you table it and send them back to the drawing board in that regards.

Clyde Thodey – Thank you.

Henry Minneboo – Morris, let me – if we require – if this board - if it’s this board’s desire to require them to put a member from the neighborhood on that board, they’ve got enough time to make that happen between now and the Board of County Commissioners’ meeting. And – you’re shaking your head.

Morris Richardson – Don’t use that word “require”.

Henry Minneboo – Well – well, recommend highly, or express to the Board of County Commissioners our desire. How’s that?

Morris Richardson – You can encourage. Technically, the way it’s supposed to work – and I know we sometimes send them signals from up there – but they’re supposed to come to you with a final, for the most part, product in terms of their plan, that you approve. And, really, all that we’re supposed to be engaging in is either approval or denial of the zoning, sometimes with a BDP. But that’s supposed to be the result of a cooperative, and willing, and voluntary applicant. And here we have an applicant who hasn’t had a chance to consider something that’s being asked of them. So, you know, it might be appropriate for tabling, in that regard, if that’s gonna be a sticking point, or a deal breaker, for this board. Although, far be it for me to recommend what ultimate action you take.

Henry Minneboo – Well, the – I don’t know what the board’s feeling, but I’ve heard it from three or four that have expressed a concern. So, I mean, I can’t answer that, but – Jerry.

Jerry Jagrowski – Yes, sir, I got one question. From what I can see, this binding development plan that we received is basically the same one from before.

Nicholas Lewis – Yes.

Jerry Jagrowski – Was there anything – did you show this to the local people, the local residents, before you prepared it?

Nicholas Lewis – When we had the open house, we had those documents available for them.

Jerry Jagrowski – But did they see the binding development plan?

Nicholas Lewis – In fact, Ms. Knox actually brought up that she had seen the binding development plan.

Jerry Jagrowski – Thank you.

Robert Ludwiczak – Mr. Chair.

Henry Minneboo – Clyde.

Clyde Thodey – Mr. Chairman, I’m going to make a motion that we table this and have them go back and discuss it with the – your board, and also with the community, to see if you will put, willingly, a board member from the community on your board. That’s my motion.

Robert Ludwiczak – Mr. Chair, before you go to that motion, can I just ask one more question of the applicant? One more question of...

Henry Minneboo – O.K., Robert.

Robert Ludwiczak – Is there anything the two of you could agree on today that we can say, "Let's just move on with this," rather than table it? 'Cause I don't oppose women's shelters and children's shelters. I think we need to have those.

Nicholas Lewis – We're in dire need in the County, right now.

Robert Ludwiczak – Absolutely. And while we may not agree on what Resurrection Ranch did, or didn't, do, I still think there's some things. Now, as I understand it, all you're gonna have is women and children. There will be no men in these facilities.

Nicholas Lewis – No men in the facility.

Robert Ludwiczak – All right. So what you may have had in terms of activities in the woods, and so forth, may or may not, more likely not, take place again, unless there are people who come into the facilities. And I presume you will be monitoring that activity, as well. Your big concern is changing the zoning here. Is that correct?

Jinger Knox – You know, honestly, one of my concerns is for the residents themselves. The reason that they – when they changed from Ag to what they have now, one of the big things was that they didn't have adequate facilities. A ten by ten kitchen, with no eating area – if you're gonna have them eating outside, that's not good for women and children to be having to eat outside. That was one of our main concerns when we came, originally. We went through over a year's worth of planning to get where we are with the binding development plan that had a lot of protections for the residents that were gonna be there, not just for the people who live in the neighborhood. We all are Christian people that want the best for – and believe me, I want women and children to have a place to go. And I would like to have someone from the neighborhood on the board. That's a good idea, because the thing that they've got now, proposing now, only protects people within 500 feet, which is two people over 80, and no one else in the neighborhood. You know, I want it to be a cooperation. I want not only the people in the neighborhood to be protected, but whoever is gonna be there on the property to be protected, as well. And that's why we have laws, and we don't change laws because our heartstrings get the best of us, and we think of homeless people with their children. We have laws, because they're meant to protect people from unforeseen things. And that's what we need to know. We have laws for how many people can stay in a place without a cafeteria, because we don't want people to have 67 people living there with no place to eat. That's what the laws are for. And I think that we should abide by some of those laws. And all of this was already worked out for over a year. I mean, I had so much time invested in this. And we finally came to an agreement where, you know, we thought there was some protection to offer for everyone. And now it's all gonna get thrown out the window because they don't want to do what was already originally agreed upon two years ago, which is build the cafeteria to protect the residents.

Robert Ludwiczak – Mr. Chair, if we were to table this today, when would be the next time it'd come back?

Henry Minneboo – Cindy?

Cindy Fox – October 5<sup>th</sup> is the next Planning & Zoning hearing.

Robert Ludwiczak – O.K. What does that to you, sir, if we were to table it today to come back in another three weeks?

Nicholas Lewis – That won't do a whole lot. It just moves our schedule back, because we can't proceed on upgrading the kitchen facility without a zoning clearance. And so it'll move just our operations, before we can begin to operate.

Cindy Fox – May I – I know it's late in the conversation, but may I add just a couple clarification points?

Henry Minneboo – Yes, Cindy, please do.

Cindy Fox – The requirement for the size of the kitchen was related directly to the approval of an assisted living facility, which is what the previous binding development plan, the previous Resurrection Ranch facility, had agreed that they were going to do. So all of that approval, the assisted living facility, per the State, has certain requirements about dining room size, and kitchen. They've abandoned that idea, which is why they're here, because what they want to do for women and children does not qualify into the State definition of assisted living facility. If what they want to do on the property qualified as that, they wouldn't be here today. We do not have a definition for a shelter, homeless or not, whatever kind of shelter you want to call it, in the Zoning Code. The only place that we could put them in the Zoning Code is under the dormitory use. The only place that appears in the Code is under the IN(H) zoning designation. When we worked this out with the applicants, we came in, and we saw what they wanted to do. We went through everything. They agreed, at that time, to adopt the same binding development plan as the previous one, which Ms. Knox did spend an incredible amount of time and energy working through. But they said, "That's fine. We'll do the same thing." And they've taken out – the only thing they've taken out is the dormitory – I mean, they've taken out the assisted living facility definition, the designation, and they've put in the dormitory use. And that's because they can't be an assisted living facility and be what their mission is. So that's why they're here today. They're – from what I'm understanding, they're not increasing the number of residents on the property. Any of the kitchen requirements, they kind of go away because of the assisted living facility is no longer what they're intending to do on the property. So I hope that clarifies it a little bit for everybody, so that you're...

Henry Minneboo – You did a good job.

Peter Aydelotte – I thought I understood what everything was going on. And, as you explained it, that's what I thought was going on. And, with that being said, I make a motion for approval.

Henry Minneboo – O.K. Let me – Clyde, you want to pull yours?

Clyde Thodey – No, I want (Mr. Thodey continued speaking, without a microphone; therefore, his remarks are not audible on the record).

Henry Minneboo – Hold it. We got a motion on the floor, by Clyde, to table it, and so forth, and so on, whatever – that wordage. Is there a second to Clyde's motion. O.K. Laurilee seconded it (Ms. Thompson's second was made without a microphone; therefore, it is not audible on the record).

Jerry Jagrowski – Cindy, I got a question to ask you. Since this is not gonna be big enough to be an assisted living, it won't have the State definition, State requirements. It will have to be by the County. What kind of County requirements are gonna be put?

Cindy Fox – For a dormitory use, there aren't any. Assisted living facility is clearly defined, and licensed, by the State. There is – dormitory use – you know, we do not really have a definition for that.

Jerry Jagrowski – So what is the State, or the County, rather, gonna do with this location, and for this group of people who are gonna be living - the women and children that are gonna be living there? Are they gonna follow basically with an ALF?

Cindy Fox – No. There is not gonna be any type of licensing, because they're not an assisted living type facility. They would – it's a communal type living. They would probably have to get licenses through, you know, Environmental Health, and things like that. I don't even believe the Department of Children & Families, unless there's any incidences that happen, have any control over this type of thing. They would just do the basic inspections that you'd have on any type of multi-family hotel, multi-family, you know, type of...

Jerry Jagrowski – What I was looking for is what kind of standards would be established for these people that are gonna be living there.

Cindy Fox – This is a private institution. This would under their own standards. This isn't something that has to be licensed by the State.

Jerry Jagrowski – O.K.

Henry Minneboo called the question on the motion to table. After a roll-call vote, the motion failed, with a 3:5 vote, with Minneboo, Ott, Wise, Aydelotte and Ludwiczak voting nay.

Henry Minneboo – O.K. Do we have another motion on the floor?

Peter Aydelotte – I make a motion that it be accepted.

Henry Minneboo – Motion by Peter, seconded by...

Linda Wise – Second.

Henry Minneboo – ...Linda Wise. All in favor, signify by saying "aye".

Laura Ward – Whoa, whoa, whoa. What about the – can we have just a little discussion?

Henry Minneboo – Sure.

Laura Ward – What about...

Henry Minneboo – We've been discussing...

Laura Ward - ...the binding development agreement that the applicant agreed to, to limit it to women and children, as represented? That didn't include that.

Several board members spoke at once, away from their microphones.

Laura Ward – No.

Nicholas Lewis – I agreed to that, yes, on behalf of the organization.

Laura Ward – O.K.

Robert Ludwiczak – And could there be some provisions in here where the institution would work with the neighbors in terms of seeing what they can do to put someone on the board? Not that we require it, but something we recommended.

Laura Ward – Strongly.

Robert Ludwiczak – Do you understand our concern...

Nicholas Lewis – Yes.

Robert Ludwiczak - ...about that?

Nicholas Lewis – We certainly do.

Henry Minneboo – We'd like to put your best foot forward there.

Nicholas Lewis – Yes. I just hesitate doing it, without the board.

Henry Minneboo – I think I understand where you're from. You're just one...

Jinger Knox – I just have one question. Isn't it a fact that if you guys say yes here, they don't come back in front of you? So whatever goes to the BDP, you guys will never see.

Henry Minneboo – That – but it's gonna go in front of the Board of County Commissioners.

Jinger Knox – Right. But they won't know you guys gave them any kind of recommendation.

Henry Minneboo – Oh, yes, they will. No, they – there's a lot of times we give – we don't ever give them direction, but...

Aneta Ott – Sometimes they listen to us, and sometimes they don't.

Jinger Knox – They won't just think that you passed it with no recommendations?

Henry Minneboo – Oh, no. No, they know we've been here for 30 minutes on this.

Jerry Jagrowski – I know some of the County Commissioners look at the tapes, and they listen to the transcripts.

Clyde Thodey – Also, you might want to get all your community here.

Jinger Knox – They spent quite a bit of time the first time. They think it was just wasted, 'cause we're here again, unfortunately.

Henry Minneboo – There's a motion, and second, on the floor. All in favor of the motion...

Aneta Ott – Wait a minute. Did he agree – did the motioner agree to add those things?

Nicholas Lewis – Yes, I did.

Aneta Ott – No, I'm talking to the gentleman who made the motion.

Nicholas Lewis – Oh, I'm sorry.

Aneta Ott – Peter?

Peter Aydelotte – Yes, yes, yes.

Henry Minneboo – And yes, by Linda.

Henry Minneboo called the question, and the board recommended approval of the request, with the amendments to the binding development plan, as stated above. The vote was 7:1, with Thodey voting nay.

## **DISTRICT 1**

**V.B.5. (Z0909101) – AMALGAMATED ARMADILLO HOLDINGS, LLC** – (Doug Robertson) – requests a change from BU-1 & BU-2 to all BU-2, with a CUP for a Flea Market. The property is described on 9.43 acres. Located on the west side of U.S. 1, approx. 0.2 mile north of Spring St. (5601 N. Hwy. 1, and 5795 N. Hwy. 1, Cocoa)

**P&Z Recommendation: Ott/Jagrowski – Approved. Vote was unanimous.**

Doug Robertson – My name is Doug Robertson. I'm a land planning consultant. My office is located at 100 Parnell Street, in Merritt Island. And I'm representing the owners of the Space Coast Frontenac Flea Market. The flea market is located pretty much midway between the City of Cocoa and the City of Titusville, just south of Port St. John, on the west side of U.S. 1. Those of you who, I'm sure, are familiar with the north and central portions of the County are very familiar with this property. Currently, the flea market – the majority of the flea market is zoned BU-2, with a CUP for a flea market, which is fine; however, the parking area for the flea market, as well as some of the buildings that encroach into that BU-1 area, are zoned BU-1. Therein lies some of the problem. I'm gonna reference you, I guess, to the second page in that handout. That's kind of where the zoning line falls on the as-built. As you can see, some of the existing buildings are located within that BU-1 area. I should mention that the business, the Frontenac Flea Market, has been in business for a very long time. It's been operational since the 1960's. So – and the zoning, I think, was in the '70's, Cindy? So, obviously, the buildings were there, in operation, prior to that zoning. We didn't even realize this, until another item came up. The – before I try to give you a rationale for our request, I'd like to give you just a little bit of history. A few years back, some of the vendors in the flea market approached the owners, and these were vendors who could no longer afford to lease the inside bays in the flea market. They were going to leave, of no choice of their own. But they asked the owners if they could do an outside, open-air, display on days the flea market was not open, which is on the weekends, they're open. The owners agreed to this, thinking that, first of all, they liked the vendor presence in the flea market. It gave more presence to their business. And, secondly, in hopes that eventually, when the market gets better, things get better economically, they'll be back leasing the bays, which they really roll out the bays, open up on weekends, and that's where the business is conducted. They're hoping they can come back and be members of that group. However, and – so they allowed the open-air sales; however, they were – they just recently became aware that this was not a use that was permissible in the BU-1 zoning district. So that's really what prompted the request, to begin with. They would like to allow those people to continue to do the open-air sales. Staff, in review of this, asked me to provide them with two additional pieces of information. First, they wanted us to specifically locate where this open-air sales – I'm just using that term – will be located, so that could be tied down and, secondly, to provide parking calculations to justify the fact that this – there was parking, ample parking, to support this new use. We've done that. I think staff is satisfied with those exhibits. So our request, essentially, is to allow the owners to continue the open-air sales in that specific location that we've identified on that first page of your handout. That's the hatched area. And in order to that, to rezone the BU-1 portion to BU-2, with a CUP for a flea market, with the stipulation – this is important – that there be no buildings or structures constructed within that area. So there would be no additional structures associated with this zoning. We'll stipulate to that, as far as a binding development plan is concerned. With regard to compatibility, I think this is a very compatible request. There's BU-2 on the south, BU-2 on the west – a flea market, basically, on the west. To the north is BU-1; however, it is a heavy BU-1 use. That's a truck repair facility to the north. And the west is also BU-2, especially across from where we've requested the open-air sales to take place. So we feel like this is a very

compatible request, no additional structure. And, hopefully, we'll have your support. It's also consistent with the comprehensive plan, the community commercial designation on the comp plan.

Henry Minneboo – Is there any questions from the board? Jerry.

Jerry Jagrowski – Yes, sir, I got one question. Are you gonna stipulate that all the BU-1 area that's going to BU-2 will strictly stay as flea market? Because I don't like down zoning, because some time along the line, people change, and all of a sudden, you can use the BU-2 for others. Would they stipulate that the area strictly stays as flea market?

Doug Robertson – Absolutely. In fact, the conditional use permit that's being approved as part of this request will require that.

Henry Minneboo – All right. Any other questions?

Jerry Jagrowski – Thank you.

Henry Minneboo – Is there anybody in the audience would like to speak for, or against, this item? (no response) Seeing none, I bring it back to the board.

Aneta Ott – Make a motion for approval.

Henry Minneboo – Motion by Aneta Ott. A second by Jerry (Mr. Jagrowski's second was made without a microphone; therefore, it is not audible on the record). Don't everybody jump on that at once.

Henry Minneboo called the question, and the board voted unanimously to recommend approval of the request.

The meeting was adjourned at 4:12 p.m.