



MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

September 28, 2006

MEMBERS PRESENT

Ralph Perrone, Chair
Marcus Herman
Steve Carberry
Stan Allen
Mike Selig
Duane Watson
Roddy Kring

MEMBERS ABSENT

None

AGENCY STAFF

Greg Lugar, MIRA Executive Director
Barbara Beyer, Office of Economic and Financial Programs

COUNTY STAFF

Morris Richardson, County Attorney's Office
Jim Statlick, Land Development
Cindy Fox, Planning and Zoning
Doug Baker, Clerk's Office

GUESTS

Trudi Onek
Rebecca Adamus
Beth Kring
Sandee Natowich
Nick Gigante
Ozella Bowles
Dan Adovasio
William Huminski
Micah Savell
Rick Kern

CALL TO ORDER

Mr. Perrone called the meeting to order at 2:00 p.m.

Mr. Perrone called forward Mr. Nick Gigante, former Board member, and presented him with an award plaque for his dedicated service to the MIRA Board.

The roll was called, and all Board members were noted as being present. Former member Mrs. Sandee Natowich then arrived, and Mr. Perrone called her forward and presented her with an award plaque for her dedicated service to the MIRA Board. Mr. Herman presented Mrs. Natowich with a gift basket on behalf of the Beautification Committee for the devotion of her time and efforts to that entity.

APPROVAL OF MINUTES

Board members reviewed the minutes of the August 24, 2006, regular meeting.

MOTION MADE BY MR. WATSON, SECONDED BY MR. ALLEN, TO APPROVE THE MINUTES OF THE AUGUST 24, 2006, MIRA BOARD MEETING AS AMENDED. MOTION PASSED UNANIMOUSLY.

ITEMS FOR DISCUSSION

I. Review of Site Plan - Merritt Island Car Wash, East of SR 520, South on Courtenay Parkway (R.K. Engineering and Associates)

Mr. Perrone called forward representatives of R.K. Engineering and Associates for the purpose of a presentation. Micah Savell and Richard Kern came forward and explained the location of the property. The plan is currently being reviewed by the County, and various comments have been received from County staff.

It was explained that the car wash is self-serve, meaning it is somewhat like a drive-thru. There will be two lanes - one friction, and one touch-free. The existing roof structure will be utilized. The building is much larger than is required for the car wash, so other things may be able to be done with the property. The north wall will have windows in it so that patrons can see into the car wash. There is a similar structure in Viera. The car wash is on the north side of the property, and the corporate offices are located on the south side. Many different configurations were explored, but this appeared to work best.

Mr. Savell indicated that he and Mr. Kern were not pleased with the current sketches and that a final rendition would be provided in the near future.

Mr. Lugar inquired as to whether the County was requesting that any landscaping be performed, and Mr. Savell responded that some landscaping would be done as a normal course of business.

Mr. Perrone inquired as to whether the individuals had considered applying for a Commercial Façade Improvement Program Grant, which could perhaps be utilized for façade improvements and landscaping. Mr. Savell responded that he had not but would certainly consider it. Mr. Perrone indicated that a grant could perhaps provide incentive for the owners to plant a few tall palm trees, rather than just shrubbery. A grant would also assist with façade improvements, such as a stucco finish or paint.

MOTION MADE BY MR. WATSON, SECONDED BY MIKE SELIG, TO APPROVE THE SITE PLAN FOR THE MERRITT ISLAND CAR WASH LOCATED EAST OF SR 520, SOUTH ON COURTENAY PARKWAY. MOTION PASSED UNANIMOUSLY.

II. Commercial Façade Improvement Program Grant - Junior League of Central and North Brevard, 240 Parnell Street (Trudi Onek)

Members reviewed the application. Mr. Lugar explained that the structure being improved is a single-family home located at 240 Parnell Street in Merritt Park Place. The building would serve as the Junior League's administrative offices.

Ms. Onek indicated that the repairs would consist of new windows, painting, roof repairs, and extensive landscaping with native plants. The structure has been vacant for almost two years and requires much work.

Ms. Onek stated that the two large maple trees in the front need to be removed, and, after discussions with County staff, it was discovered that a permit was not required because the maples are diseased and damaged. Mr. Herman noted that the issue of permitting was brought up at the Beautification Committee meeting but that the trees were badly damaged. Ms. Onek noted that the reason the County did not require a permit was because of when the home was built. Mr. Perrone thought that all BU-1 zoning required a permit. Ms. Onek informed the members that Sally Scalera, Horticulture Agent from the University of Florida Extension Office, had opined, in writing, that the maples had structural issues and should be removed. An arborist, Walter Rosalyn, was then called upon to offer his opinion, and after review of the trees, he affirmed Ms. Scalera's recommendation. Mr. Perrone asked if Ms. Onek would like to save the trees, and Ms. Onek replied that, from all the information she had been given, she was worried that the trees could pose a potential safety hazard. Ms. Onek indicated that she also spoke with a Sharise in the County's Office of Natural Resources Management, who informed her that she did not need a permit to remove the trees. Mr. Perrone thought a permit was still required and referred to a situation involving removal of oak trees on Hibiscus Avenue without a permit. Mr. Lugar and Mr. Richardson noted that they would further investigate the issue with County staff.

Mr. Perrone inquired as to whether the cost to remove the trees was part of the application, and Ms. Onek responded affirmatively. Mr. Perrone stated he had an issue with that and stated that the grant should not be awarded until the permitting issue is resolved definitively. It was noted that the grant could be awarded contingent on finding out the information on permitting. It was mentioned that if something happens to the maples and someone gets injured, the League would be liable. It was also noted that a permit may not be required because they are maples, not oaks, but Mr. Perrone felt that a permit was required if the tree was of a certain size, not type.

Mr. Richardson indicated that he understood Mr. Perrone's concerns because of what recently transpired with the removal of the oak trees but further noted that healthy trees are not being removed. Diseased and damaged trees are being removed but are going to be replaced with healthy and viable plants and trees, which is generally what MIRA's mission is - to revitalize. Mr. Richardson indicated that this situation is different from the situation in which the oak trees were removed.

MOTION MADE BY MR. HERMAN, SECONDED BY DR. KRING, TO APPROVE THE REQUEST FOR A COMMERCIAL FAÇADE IMPROVEMENT PROGRAM GRANT FOR THE JUNIOR LEAGUE OF CENTRAL AND NORTH BREVARD, 240 PARNELL STREET, WITH THE CONDITION THAT STAFF WILL INVESTIGATE THE COUNTY'S REQUIREMENTS WITH THE OFFICE OF NATURAL RESOURCES AND DETERMINE IF A PERMIT IS REQUIRED, AND, IF A PERMIT IS REQUIRED FOR REMOVAL OF THE MAPLE TREES, A PERMIT WILL BE OBTAINED. MOTION PASSED UNANIMOUSLY.

III. Amendment to Zoning Ordinance with Respect to MIRA Regulations

Mr. Perrone indicated that this issue was discussed briefly but then tabled at the August meeting in order to allow an opportunity for Mr. Selig and Mr. Watson to provide input on the matter since they were not present at the August MIRA meeting.

Cindy Fox of the County Planning and Zoning Office requested that members refer to their copy of a document that had been prepared by Zoning Manager Rick Enos. Ms. Fox explained that this document contained a list of zoning regulations - provisions outlined in red text describe MIRA provisions that are more restrictive than non-MIRA, and provisions outlined in green text represent MIRA provisions that are less restrictive than non-MIRA.

Mr. Lugar provided a brief history of the issue and explained that MIRA had worked for quite some time to expand the MIRA Redevelopment District north up SR 3 (Courtenay Parkway). At a public hearing on the matter, a certain commissioner brought up several restrictions or regulations that MIRA has that are much more favorable to the Agency as opposed to the rest of the unincorporated area of the County, particularly with regard to height restrictions. Businesses within the MIRA Redevelopment District have the capability to construct taller structures than in most other unincorporated areas.

Mr. Lugar advised that, at the County Commission meeting, discussion continued among commissioners and staff, and Planning and Zoning staff was subsequently directed to come up with a proposal to amend the current zoning regulations to prohibit extending those regulations that MIRA has in its favor to the new district - in other words, to prohibit MIRA from having the same regulations in the new district as it has in the old district. It was requested that Rick Enos draft this amendment, and that is the multi-colored document to which Ms. Fox referred.

Mr. Lugar explained that there is actually a significant number of regulations that are more restrictive. Mr. Lugar noted that the question that needs to be asked is: does MIRA want to be more relaxed in the new district than it is in the old district? The issue was tabled so that input could be obtained from Mr. Selig and Mr. Watson and a comprehensive discussion could ensue.

Mr. Lugar cited an example of a more restrictive provision as not being able to have a mini-warehouse that has open bay doors on SR 520. That provision is still in the zoning regulations. Another example of a more restrictive provision would be prohibition of an auto sales or auto repair facility on lots that are smaller than one acre. If the Board voted to amend the regulations to include all of these items, an individual could now have a car lot smaller than one acre in the new district. Previously, MIRA did not want to allow such items. Mr. Herman inquired as to whether the commissioners mandated that the new MIRA area must be like the remainder of the unincorporated area. Mr. Lugar responded that was the general direction of the discussion.

Ms. Fox noted that density and height issues were of primary concern and stated that the expansion area has assemblages of property that are relatively smaller than the properties located on SR 520. The properties in the expansion area are more than likely not going to be subject to the height and density issues because of the nature of the properties. Mr. Lugar added that an inventory of the properties in the expansion district revealed that 95 percent of the property is already developed. There is only 5 percent vacant land remaining, and 33 percent of all properties are governmental, including the baseball fields, public housing, FPL/utility properties, and so forth.

A member commented that, if the intent of MIRA was to expand the Redevelopment District up SR 3, then why would MIRA want to tie the hands of the property owners up SR 3? MIRA should just go forward with what it has. Mr. Herman noted that MIRA is risking that the commissioners are not going to let that happen. Mr. Lugar indicated that the intent of the ordinance was to extend MIRA's boundaries but to leave zoning the same as in other unincorporated areas of the County.

Ms. Fox noted that the commissioners directed staff to draft an amendment to the zoning code that accepted the MIRA expansion but also set forth that the zoning provisions apply only to the current MIRA district and not to the expanded portion of the MIRA district. As such, the MIRA Board would need to determine if: the regulations that applied to the old MIRA district would apply to the new area of the district; or, if the regulations should not apply to the new area because it is not considered to be MIRA from a zoning perspective; or, to pick and choose which zoning regulations should apply to the expanded area from the list created by Mr. Enos.

Mr. Lugar explained that, in the current zoning ordinance, the regulations state that all re-zonings, variances, and conditional use permits must come in front of the MIRA Board for approval and recommendation to the Planning and Zoning Board, then ultimately the Board of County Commissioners. Accepting all of this may be cutting the MIRA Board out of the review process for businesses in the new district. Mr. Lugar further suggested that, depending on the time line for approval, the MIRA Board should think about things they want to hold on to. If height is not an issue, then the MIRA Board could recommend that it be the same as in the unincorporated areas of the County but maintain some of the other restrictions.

Mr. Watson indicated that he did not have any major concerns with regard to the properties on Courtenay like the Board did on SR 520 and opined that the height could be kept the way it is. Any high rises would be on SR 520, not on Courtenay, as SR 520 is considered to be "downtown" Merritt Island.

Mr. Herman noted that it would still be good to have businesses continue to come before MIRA with site plans and so forth. Mr. Selig noted that the general public may be confused about having two different sets of regulations. Mr. Lugar stated that the commissioners approved the expansion of the agency on an almost contingent basis that MIRA accept the zoning regulations for the remainder of the unincorporated areas in the new district. Mr. Selig commented that if it comes down to one simple issue, such as height, then deal with that one issue. Mr. Lugar indicated that Mr. Watson had mentioned that a lot of the restrictions were related to SR 520 and that there are essentially no concerns with Courtenay. Mr. Richardson suggested leaving the zoning as it is, with the MIRA Board still being able to have approval and recommendation rights for any site plans in the old and new portions of the district.

Ms. Fox noted that it was important to think about the fact that the County has added mixed-use to the ability to have multi-family in commercial zoning classifications without rezoning a property. The mixed-use provisions apply to all of the unincorporated areas in the County.

Mr. Selig stated the purpose of the plan was to keep from spreading out all over the place and to keep growth within. A downtown area is where extra density would be

desirable. MIRA is only a recommending body, however, and it has indicated that it does not see a concern. Mr. Lugar asked the Board members if they were opposed to limiting height restrictions in the district, and Mr. Selig commented that he did not see it as a major problem. Mr. Richardson noted that the commissioners were sensitive to the issue.

Mr. Lugar recommended limiting the current MIRA height requirement regulation in the new district but maintaining as many of the other restrictive regulations for the new district as possible.

MOTION MADE BY MR. SELIG, SECONDED BY MR. ALLEN, TO RECOMMEND KEEPING THE ZONING THE SAME AS OTHER UNINCORPORATED AREAS (NOT TO APPROVE THE ORDINANCE). MOTION PASSED 6 TO 1 (MR. HERMAN VOTED IN THE NEGATIVE).

MOTION MADE BY MR. HERMAN, SECONDED, THAT IF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTS THE ORDINANCE, THEN THE MIRA BOARD MAINTAINS THE RIGHT TO REVIEW SITE PLANS. MOTION PASSED UNANIMOUSLY.

Mr. Perrone stated that he would like to see the entire Redevelopment District be exempt from the tripling of the impact fees. Mr. Lugar indicated that he had a conversation with Steve Swanke, who oversees the impact fee program. Mr. Lugar inquired as to whether MIRA could be opted out from the increase of impact fees. Mr. Swanke thought that this would not be feasible because it could be detrimental to what was originally proposed with regard to the increases. However, one option might be for MIRA to petition the commissioners to exempt new businesses in the Redevelopment District from the impact fees altogether. Mr. Richardson indicated that he would look into the issue and try to have some information by the next meeting.

IV. Beautification Committee Report

Mr. Herman reported on the following items from the Beautification Committee:

- The Junior League's Commercial Façade Improvement Program grant application was approved.
- Staff is working on informational materials to distribute in both the old and expanded Redevelopment District for the purpose of advertising the CFIP program. If there is sufficient interest, a workshop may be conducted to educate business owners on the benefits of the program.
- In September, Beautification Awards and CFIP Awards were granted to Piece of Paradise, 240 Parnell Street, and 60 McLeod LLC, 60 McLeod Street. Gem Gurgan of Hayes Meats and Gourmet Foods, 285 Fortenberry, and Dr. Paul Ouellette of Affordablebraces.com, P.A., 455 Magnolia Avenue, are slated to receive awards in October. Mr. Lugar noted that it would be beneficial if *Florida Today* could follow-up and report on the September award recipients.
- The Sykes Creek Berm project has been nominated for a Keep Brevard Beautiful Beautification Award.
- The Beautification Committee was honored at the September 19 County Commission meeting for its efforts on behalf of the Merritt Island Community.

Mr. Lugar provided a brief Commercial Façade Program Status Report:

Work in Progress:

- Village Flooring, 127 Tangerine Avenue, is continuing to go through the site plan process; work has not actually been started yet.
- United Solar, 41 Rose Street, has completed the majority of the work, including asphalt and signs. They are still waiting for the canvas for the awnings.
- Dollar Tree Plaza, 755 North Courtenay Parkway, is currently being pressure washed and prepared for painting.

Grants not submitted:

- Buyers Advantage, 250 North Tropical Trail, is still interested, but not ready to submit.
- Landmark Plaza, 400 East Merritt Avenue, is also interested, but not ready.

There was discussion regarding vehicles draped with banners and signs that have been parked at the Dollar Tree Plaza. The owner, Marc Brenner, had recently been awarded a Commercial Façade Improvement Program grant. However, a concern was raised prior to approval of the grant regarding the continual presence of these vehicles in the parking lot. Mr. Perrone stated that there were a total of three vehicles being parked there now.

Mr. Perrone inquired as to whether the grant could be revoked if Mr. Brenner does not comply with the rules. Mr. Perrone indicated that he has concerns with granting money to applicants who are in violation of the Code. Mr. Lugar stated that the regulatory staff may require some guidance from the County Attorney's office concerning the matter.

Mr. Herman indicated that, at the time of review of the application, the Board asked Mr. Brenner to ensure that the vehicles are not parked there in the future and to perhaps add a clause to the leases, which sets forth that such vehicles are not permitted. Mr. Richardson stated that, even if it is a Code violation, it does not give MIRA the right to revoke a grant that it has already awarded.

Mr. Perrone indicated that dual-wheeled vehicles are not permitted to be parked on BU-1-zoned properties, and Mr. Selig added that such vehicles cannot be parked overnight on BU-1 properties. At a previous meeting, Terri Jones indicated that a van would be permitted, but not a dual-wheeled vehicle.

Mr. Perrone suggested providing Mr. Brenner with a copy of the ordinance that he could take to and show to his tenants. Because conflicting information has been received with regard to what is and what is not in violation, Mr. Lugar stated that he would convene with Ms. Jones and Mr. Richardson and the Code Enforcement staff in order to clarify what vehicles were permitted and what vehicles were prohibited by the Code. Mr. Lugar added that he would have a conversation with Mr. Brenner in order to see if that course of action could rectify the situation. If it does not, then it could be reported to Code Enforcement. Mr. Perrone thought that it was a Code violation because he has been fined for it and reiterated that he had concerns with providing someone with grant money that is in violation of the Code.

Mr. Perrone directed staff to engage in a conversation with Mr. Brenner. If that does not rectify the situation, then the violation will be reported to Code Enforcement.

V. Other Business

Brazilian Pepper Tree Removal

Mr. Lugar indicated that he was interested in beautifying a section of SR 520 by removing the Brazilian Pepper trees in the vicinity of Kiwanis Island. This area has become very unsightly because it is overgrown, and the waterfront is no longer visible. Mr. Lugar added that he had walked the area with Larry Weber, Executive Director of Keep Brevard Beautiful (KBB). KBB is extremely well-versed in Pepper removal and managed a sizeable removal project along SR 528 that had a tremendous impact on the look of the shoreline. The SR 520 Pepper removal project could be implemented and completed in a relatively short period of time, and it is something that would be seen and appreciated by the community. Keep Brevard Beautiful would manage the project, as well as the volunteer labor involved. Mr. Lugar will present a proposal to the Board for approval, hopefully by the October meeting.

SR 3 Road Enhancement Project

Mr. Lugar informed the members that the SR 3 Road Enhancement Project bid had been pulled for the second time and that FDOT would be redesigning the project in an attempt to bring the project in under budget. It is anticipated that the project will be put out to bid for the third time, hopefully before Christmas. A contract in the amount of \$150,000 currently exists with the Board of County Commissioners, and MIRA could perhaps contribute to the project with design and irrigation.

Trimming of Washingtonia Palms on SR 520

Mr. Perrone noted that he had a conversation with Ernie Brown, Director of the Office of Natural Resources Management, regarding the trimming of the Washingtonia palm trees in the SR 520 median. Mr. Brown indicated that trimming the trees was the responsibility of the Parks and Recreation Department. Mr. Perrone asked Mr. Brown to follow-up with Parks and Recreation staff. Mr. Lugar indicated that he would discuss the matter with Parks and Recreation staff as well.

Water Re-use

Mr. Selig raised the subject of re-use water and stated that he had discussed the issue with the City of Cocoa some years prior. Mr. Selig noted that one advantage to having re-use water is that it is pressurized, and it eliminates the need for pumps. Mr. Selig indicated that, to his recollection, the proposal would be expensive but that grants are available for such projects. Mr. Lugar stated that he felt it was an issue of permitting and cost, and that staff would ask the City of Cocoa for additional information.

Mr. Perrone left the meeting at 4:00 p.m.

MIRA Project Status Report (Five-Year Work Plan)

For the benefit of the members, Mr. Lugar provided copies of the MIRA Project Status Report (five-year work plan). Mr. Lugar explained that the report contains all projects that are budgeted and programmed, as well as a list of projects that are not programmed but are planned. Several projects will carry over into the next fiscal year.

Mr. Watson inquired into the status of the South Tropical Trail sewer project. Mr. Lugar replied that the final design is close to being completed. Mr. Lugar added that, at a

previous meeting, the Board had made a determination to move forward with the South Tropical Trail sewer project immediately and not wait any longer for the straightening of the S curve on South Tropical Trail.

Update from Mr. Dan Adovasio

Mr. Selig introduced Dan Adovasio from the audience and asked him to provide an update for the Board on the status of his property. Mr. Adovasio stated that the County obtained an appraisal on his property that came in at \$265,000. Mr. Adovasio indicated that he was seeking \$350,000 for the property. Mr. Adovasio mentioned that he can obtain another appraisal from the County's list of appraisers, but he was not pleased with the selection. Mr. Adovasio stated that he is hoping that a subsequent appraisal will be higher, and he is looking to see how much will be charged by other appraisers. If they are too expensive, Mr. Adovasio will talk to a County appraiser. It was noted that the first appraisal is more than one year old, so Mr. Adovasio will need to obtain a second appraisal regardless.

VI. Public Comments

None.

ADJOURNMENT AND NEXT MEETING

Mr. Allen adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 4:15 p.m. The next regular meeting is scheduled for October 26, 2006, 2:00 p.m., at the Merritt Island Government Center, 2575 North Courtenay Parkway, Room 205, Merritt Island.