



# MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

*April 26, 2007*

## MEMBERS PRESENT

Ralph Perrone, Chair  
Stan Allen  
Roddy Kring  
Marcus Herman  
Steve Carberry  
Sue Nisbet-Lawrence  
Tanya Knappman

## MEMBERS ABSENT

None

## AGENCY STAFF

Greg Lugar, Executive Director  
Liz Villafane, Special Projects Coordinator  
Morris Richardson, Assistant County Attorney

## COUNTY STAFF

Cindy Fox, Planning & Zoning  
Pat Sims, Land Development

## GUESTS

Jim Morris, Tech Vest  
Kathy LaCourt  
Anthony LaCourt  
Rochelle Lawandales, Lawandales Planning  
Ralph Kennedy, RJ Kennedy Construction, Inc.  
Leah Selig, Space Coast Association of Realtors  
Jim Johnson  
Beth Kring  
Jim Swann, Prime Bank  
Jonnie Swann, Prime Bank  
Rick Harris, Prime Bank  
LJ Granger  
Bob Granger

## CALL TO ORDER

Ralph Perrone called the meeting to order at 2:05 p.m. Staff called the roll; quorum was present.

## APPROVAL OF MINUTES

Members reviewed the minutes of the March 29, 2007, regular meeting; being no corrections,  
**MOTION MADE BY STEVE CARBERRY, SECONDED BY MARCUS HERMAN, TO APPROVE THE MINUTES OF THE MARCH 29, 2007, MIRA BOARD MEETING. MOTION PASSED UNANIMOUSLY.**

Greg Lugar stated that a workshop was held yesterday, April 25, 2007 presenting the MIRA Budget for FY 2007-2008 and capital projects reports. Mr. Lugar advised that he will request approval for item VI, relating to next years budget at the end of the meeting.

Ralph Perrone advised that he would be stepping down as Chairman and from the MIRA Board effective at the end of today's meeting.

## ITEMS FOR DISCUSSION

### I. Consideration for Approval: Site Plan - Tech Vest, Imperial Street, Merritt Island

Greg Lugar asked Jim Morris to address the Agency.

Mr. Morris discussed his site plan and he advised that they are going to construct a 16' high, 6,000 sq. ft. metal building on parcel #34. The building will house offices for their research and development activities. A stormwater retention pond is located in the back and landscaping in the front. The north side will have some shrubs around the stormwater pond. Pat Sims, Land Development Department stated this project has been through one review in which there were no major concerns.

MOTION MADE BY SUE NISBET-LAWRENCE, SECONDED BY STAN ALLEN, TO APPROVE SITE PLAN FOR TECH VEST. MOTION PASSED UNANIMOUSLY.

### II. Consideration for Approval: Conditional Use Permit - Anthony LaCourt - Corner of Plumosa Drive and Fortenberry Road, Merritt Island

Ralph Perrone advised there may be a possibility he may have a conflict of interest, however, in speaking with Attorney Morris Richardson felt that he did not have a conflict on this item. Mr. Perrone completed Conflict Form 8B to be on the safe side.

Mr. LaCourt discussed his plan to open a billiard and sports pub with business rental units; the pub would be 12,000 sq. ft. (6,000 sq. ft for pool hall) with 16 pool tables and 75 parking spaces. There is a possibility that food (wings/pizzas) may be served with a full liquor bar. The hours of operation are from 12 pm to 2 am. Mr. LaCourt stated that there is a night club called the Inferno across the way that was approved by this Board. Mr. LaCourt stated that he does not see why his project would not be compatible. He stated that he has met with as many homeowners as possible and only one owner stated he would prefer not to have a bar at that site, but also stated that if it was approved he would not complain.

Cindy Fox, Planning & Zoning, stated that P&Z Board recommended for denial two weeks ago and will go to the Board of County Commissioners on May 24, 2007.

Mr. LaCourt confirmed that there would be ingress and egress on both Plumosa and Fortenberry and would be able to turn right and left from both roads.

Sue Nisbet-Lawrence stated that her biggest compatibility issue is the amount of litter that is discarded around a bar. Marcus Herman stated that this is not just a bar, it is also a plaza. Mr. Herman stated that the big concern here is that it is a bar and if this came before the Board as just a plaza there would be no objections and does not believe that it is fair to reject a bar, especially if a similar activity was approved right next to KLD Youth building. Ms. Nisbet-Lawrence advised that the bar came first and KLD had a choice to locate there or not.

Mr. Lugar asked Ms. Fox if the criteria used for a CUP for alcoholic beverages is the distance from the location to schools and churches of at least 400 ft. and if the compatibility within the area was used. Ms. Fox stated that Mr. LaCourt could still open the pool hall without the CUP and not serve alcohol. Ms. Fox advised that the County received only one letter of objection from Anthony Sidor.

MOTION MADE BY STAN ALLEN, SECONDED BY MARCUS HERMAN, TO APPROVE CUP FOR ANTHONY LACOURT. STAN ALLEN AND MARCUS HERMAN VOTED YES; SUE NISBET-LAWRENCE, STEVE CARBERRY, TANYA KNAPPMAN AND RODDY KRING VOTED NO; RALPH PERRONE DID NOT VOTE.

MORRIS RICHARDSON STATED MOTION DID NOT PASS BUT AGENCY NEEDS TO RECOMMEND DENYING.

MOTION MADE BY RODDY KRING, SECONDED BY SUE NISBET-LAWRENCE, TO RECOMMEND DENIAL OF THE CUP. SUE NISBET-LAWRENCE, STEVE CARBERRY, TANYA KNAPPMAN AND RODDY KRING VOTED YES; STAN ALLEN AND MARCUS HERMAN VOTED NO; RALPH PERRONE DID NOT VOTE.

III. Consideration for Approval: Rezone Parcel from BU-1A - BU-1 - Dana Kilborne/Roderick Kring - S.E. Corner of Merritt Ave. and McLeod St., Merritt Island

Roddy Kring stated he had a conflict since he owns the property Jim Swann would like to rezone and purchase. Attorney Morris Richardson stated that the rules allow Mr. Kring to vote on this project but he needs to disclose the conflict. Ralph Perrone informed the Board he has a conflict due to being a stock holder with Prime Bank.

Mr. Swann with Prime Bank expressed the excitement of the bank coming to Merritt Island. Prime Bank will be opening in a temporary facility across from Wachovia on the 14<sup>th</sup>. Mr. Swann discussed their plan to bring parcel #15 into conformance with parcels #13.01 and #16. They plan to build Prime Bank and a new dental office to replace Dr. Kring's current office. The preliminary site plan was distributed. Mr. Swann stated that there are some beautiful trees that they would like to save.

Cindy Fox pointed out that when this area of Merritt Park Place was rezoned BU-1A it was done so to serve as a buffer along the south side of Merritt Avenue. Lot #15 happens to be in the middle of two lots that are zoned BU-1. What is gained from going from BU-1A to BU-1 is the ability to have drive-thru activity on these parcels.

Mr. Swann stated that McLeod St. will have the most convenient access and the SR 3 side has an existing small driveway that will be turned into a one way right only access point. Mr. Swann advised that there will be a traffic study conducted.

MOTION MADE BY MARCUS HERMAN, SECONDED BY SUE NISBET-LAWRENCE, TO APPROVE THE REZONING ON PARCEL #15 FROM BU-1A TO BU-1. MOTION PASSED UNANIMOUSLY.

Mr. Herman advised Mr. Swann that MIRA is currently working on a project to place an LED sign in front of Hensley Park and maybe Prime Bank would be willing to help with the programming of the sign on behalf of the Merritt Park Place Association. Mr. Swann stated that the way they make their living is through the communities, going to soccer games, etc. and Dana Kilborne of Prime Bank advised that they would be happy to consider this request.

IV. Consideration for Approval: Site Plan - Space Coast Association of Realtors - NW Corner of McLeod and Myrtice, Merritt Island

Sue Nisbet-Lawrence inquired if a conflict of interest needed to be addressed on her part. Attorney Richardson stated that a Conflict Form should be filled out only if someone has a direct personal benefit.

Ralph Kennedy, President of RJ Kennedy Construction, Inc. in Merritt Island attended to speak on behalf of Jim Johnson, Chairman of Building Committee for Space Coast Association of Realtors and Leah Selig, Executive Director of Space Coast Association of Realtors. Mr. Kennedy discussed plans to build a second story to the present building. The façade is leaning towards a Key West look

which will fit in with the character of the neighborhood. This process will create more offices, classrooms, computer room, reception area and a community meeting room which can be used by different groups in Merritt Park Place. The board owns the two lots to the north which will address some of the additional parking needs. They are currently working with Bussen-Mayer Engineering to maximize as much land as possible and save as many trees as possible. The property has a retention pond which will be cleaned up and utilized for stormwater.

Ms. Nisbet-Lawrence stated that one of the options the board was looking at was to move off the island and this decision to stay will be such an asset for Merritt Park Place. The plans will keep the Board of Realtors on Merritt Island so that people from all over the county will come here. Board Members all commented on the beauty of the proposed project and agreed that the project would make a positive impact to the community.

**MOTION MADE BY MARCUS HERMAN, SECONDED BY RODDY KRING, TO APPROVE THE SITE PLANS FOR SPACE COAST ASSOCIATION OF REALTORS. MOTION PASSED UNANIMOUSLY.**

**V. Consideration for Approval: Conditional Use Permit - WS Badcock Corporation - 950 N. Courtenay Parkway, Merritt Island**

Ralph Perrone stated he is declaring a conflict due to being the new owner of the shopping center; however, he wanted to make it a point that if this tenant is approved, they will become his tenant and he will not benefit from the business other than being their landlord.

Rochelle Lawandales with Lawandales Planning Affiliates is representing Linda and Bob Granger who are trying to locate a sports bar and billiard center on Merritt Island. Mr. Granger is the Director of Security for United Space Alliance and Mrs. Granger is a semi-retired Marketing Specialist who has worked for major national and international companies.

Mr. and Mrs. Granger will be managers of the billiard center which will have someone on site from morning to night and police the property to make sure everything is okay from the night before and that there is no trash on the premises. Ms. Lawandales distributed pictures of the proposed redevelopment of the existing shopping center. This billiard center will be a state of the art, very expensive, top notch, fully equipped business which will have full security (internal and out) and surveillance cameras. The inside will be gutted and upgraded which will accommodate 18 pool tables, video game area and bar area. The center will provide opportunities for tournaments, parties, meetings and activities for people who like to play pool. There will be a restaurant going in adjacent to the billiard center where there will be a symbiotic relationship between the two operations. The billiard center will start with snack type foods and as the needs grow there will be an opportunity to expand the level of food provided. Ms. Lawandales discussed the new outside look and stated that parking will not be an issue as there are 263 spaces.

Ms. Lawandales stated that the difference with this billiard center compared to the billiard hall discussed earlier today is the level of support that Mr. and Mrs. Granger have from the neighboring tenants, including McDonalds. A letter was drafted and passed out to the neighboring tenants and copies of the signed support letters have been received. Mrs. Granger pointed out that the billiard center is over 300 ft. from any churches or schools and that the shopping center has previously had a CUP (Nova Lounge).

**MOTION MADE BY SUE NISBET-LAWRENCE, SECONDED BY STEVE CARBERRY, TO RECOMMEND APPROVAL FOR CUP. MOTION PASSED UNANIMOUSLY.**

Mr. Herman inquired clarification as to why Mr. LaCourt's project did not get approved. Steve Carberry felt that Mr. LaCourt wanted to place his billiard hall in an area with more professional businesses.

Attorney Richardson stated he did not realize Mr. Perrone did not vote on items he declared a conflict of interest. When someone declares a conflict of interest it does not mean that he or she cannot vote on the item; in fact the member should vote. Attorney Richardson advised that the record should reflect that it was a 4-3 vote to recommend denial of Agenda Item I - Anthony LaCourt - CUP with Mr. Perrone voting YES to approve the CUP. Let the record also reflect that Mr. Perrone has voted YES to approve the rezoning on Agenda Item III - Prime Bank and voted YES to approve the CUP on Agenda Item V - WS Badcock.

**VI. Consideration for Approval: Fiscal Year 2007-2008 MIRA Budget**

Mr. Lugar stated that yesterday MIRA conducted a workshop on the proposed budget for next year and heard presentations on MIRA projects from their engineers. No votes were taken at yesterday's workshop so Mr. Lugar is requesting two items be recommended for approval. The first item is the approval of the line item budget for next year which needs to be submitted to the County to be included in the budget process.

**MOTION MADE BY SUE NISBET LAWRENCE, SECONDED BY RODDY KRING, TO RECOMMEND APPROVAL OF THE LINE ITEM BUDGET FOR FISCAL YEAR 2007-2008. MOTION PASSED UNANIMOUSLY.**

Second item for approval is the Palmetto Avenue road improvement project, which includes piping the ditch and constructing a sidewalk. It has not been determined whether the sidewalk will be placed on the north side or south side at this point in time and potentially landscaping the north side. There is a proposed construction budget that requires approval. Although the Board has approved the project and approved Bussen-Mayer to conduct the engineering and environmental work, the Board has not approved the construction budget.

Mr. Herman and Mr. Perrone both asked if they may have a conflict of interest due to owning commercial buildings on or near Palmetto. Attorney Richardson advised that since the nature of the project is for the general public which benefits the entire district there is no need to declare a conflict.

Ms. Nisbet-Lawrence inquired whether this project is not just for beautification. Mr. Lugar stated that the drainage ditch is more of a safety and health issue.

**MOTION MADE BY SUE NISBET-LAWRENCE, SECONDED BY MARCUS HERMAN, TO APPROVE THE PALMETTO AVENUE STORMWATER DRAINAGE PIPING, SIDEWALK AND LANDSCAPING CONSTRUCTION BUDGET. MOTION PASSED UNANIMOUSLY.**

All Board Members commented that it was a very informative workshop yesterday and were very pleased it was conducted.

**ADJOURN**

Ralph Perrone adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 3:25 p.m.