

**MERRITT ISLAND REDEVELOPMENT AGENCY
MINUTES OF JANUARY 27, 2005**

Members Present: Duane Watson, Chairman
Sandee Natowich, Vice Chairman
Dr. Roddy Kring
Bert Francis, II
Ralph Perrone
Mike Selig
Nick Gigante

Members Absent: None

Agency Staff: Doug Robertson, MIRA Consultant
Tina Anderson, MIRA Executive Secretary

County Staff: Barbara Amman, Assistant County Attorney

Guest: Ryan Rusnak, Planner II, Brevard County Permitting & Zoning
Jim Statlick, Land Development Specialist, Brevard County Land Development
Dick Martens, Director, Utility Services Department
Scott Nickle, Bussen-Mayer Engineering Group, Inc.
Mark Benson, Applicant, Elebar, Inc.
Beth Kring

NEXT REGULAR MEETING SCHEDULED FOR FEBRUARY 24, 2005 2:00 P.M. MERRITT ISLAND GOVERNMENT CENTER, 2575 N. COURTENAY PARKWAY, ROOM 205, MERRITT ISLAND.

Chairman Watson called the meeting to order at 2:04 p.m. All were present except those indicated above.

The minutes of the November 30, 2004 MIRA Board Meeting were reviewed.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY BERT FRANCIS, APPROVING THE MINUTES OF THE NOVEMBER 30, 2004 MIRA BOARD MEETING. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 1 –PROPOSED CONDITIONAL USE PERMIT (CUP) APPLICATION FOR MARK E. BENSON, ELEBAR, INC.

As background, Mr. Robertson advised that Mark Benson, applicant of Elebar, Inc. had applied for a conditional use permit with the Brevard County Zoning Department to allow on-site consumption of alcoholic beverages on the property located at 105 S. Plumosa Street, formerly Galaxy Skateway. Mr. Robertson introduced Mr. Benson, who was coming before the MIRA Board for approval of a conditional use permit (CUP).

Chairman Watson commented that he owned the twenty-five foot alley way located directly behind the subject property and the application presented would not affect the value of his property. Mr. Selig noted that his business partner Al Elebash is one of the owners of Elebar, Inc., although Mr. Selig, himself, has no financial interest in this property.

Mr. Benson commented that when Mr. Al Elebash and Daniel Barber purchased the business it was opened as a roller-skating rink. At the time of purchase the national trend for roller-skating was a popular sport but, at this time roller-skating is a component of the family entertainment center. Mr. Benson noted that it still is a viable business for a smaller operation, but unfortunately he is in a lease for a 22,000 square foot building and he has the obligation to fulfill the lease. Mr. Benson commented that rather than discontinue the operation in Brevard County he would like to expand the business to include alcoholic beverages at certain events. Mr. Benson advised that no alcohol would be served during youth activities. Mr. Benson indicated that the building would be used for wedding receptions, corporate events and Monday night football, which would bring in the income to make it profitable. Mr. Watson inquired as to the number of seats in the building. Mr. Benson advised that there are approximately 200-250 seats. Mr. Perrone inquired as to the number of available parking. Mr. Benson noted that there were approximately 100 spaces.

Mr. Watson inquired of Mr. Statlick, Brevard County Land Development, as to the changing of the use from a skating rink to a restaurant-dance-skating floor, and how that would effect the county parking requirement. Mr. Statlick commented that the county is working on revising the parking requirements and the current code on a restaurant is based on square footage.

Mr. Robertson advised that no site plan has been filed for this project and that the concern is the availability of parking. Mr. Robertson suggested that Mr. Benson come back to the next MIRA board meeting to show a parking plan that would address the usages and square footage, and condition the request based on parking plan and usage.

Mr. Robertson suggested that the MIRA staff send notification to the adjacent property owners to advise them of the Conditional Use Permit for alcoholic beverages. Mr. Rusnak, Brevard County Permitting and Zoning, commented that a he would work with the applicant and come back to the next MIRA meeting with a site plan.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY BERT FRANCIS TO TABLE THE REZONING FROM BU-1 TO CUP (CONDITIONAL USE PERMIT) FOR MARK E. BENSON, APPLICANT, ELEBAR, INC. AT 105 S. PLUMOSA TO THE NEXT MIRA MEETING. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 2 – REQUEST FOR REZONING FROM BU-2 (RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL) AND GML (GOVERNMENT MANAGED LANDS) TO BU-1 (GENERAL RETAIL COMMERCIAL)

Mr. Robertson introduced Dick Martens, Director, Brevard County Utility Service Department. Mr. Martens advised that his involvement in the rezoning was to declare the property, located on the northwest corner of S. Plumosa Street and Fortenberry Road, County surplus. Mr. Martens commented that Brevard County Board of County Commissioners wanted this property to go back on the county tax roll and be developed into a piece of commercial property. Mr. Martens commented that it came to his attention that there might be a snag in rezoning to BU-1 due to the metal building on the site. Mr. Martens advised that the County originally was holding the property in case it was needed for stormwater treatment in the event that Fortenberry Road was widened. However, Ron Jones, Brevard County Regional Stormwater Utility, did the stormwater project across from Merritt Square Mall, and solved that problem. Mr. Rusnak indicated that the metal building is an issue, but if the property were rezoned for BU-1 it would be a structure that is non-conforming by design. Mr. Rusnak commented that zoning on that block is typically a BU-2 zoning, which is for warehouses and metal buildings and when the county acquired the property it was rezoned GML (Government Managed Lands) and metal buildings were again allowed in that

zoning. Mr. Rusnak advised that the County wanted an upscale property to cater more to retail or offices.

MOTION MADE BY RODDY KRING, SECONDED BY BERT FRANCIS TO APPROVE THE REZONING OF THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF S. PLUMOSA STREET AND FORTENBERRY ROAD FROM BU-2 (RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL) AND GML (GOVERNMENT MANAGEMENT LANDS) TO BU-1 (GENERAL RETAIL COMMERCIAL) FOR BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 3 - REGIONAL STORMWATER UTILITY FACILITY

MOTION MADE BY SANDEE NATOWICH, SECONDED BY BERT FRANCIS TO TABLE AGENDA ITEM 3. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 4 - S.R. 520 SEWER EXTENSION

As background, Scott Nickle, Bussen-Mayer Engineering Group, Inc. advised that Bussen-Mayer Engineering Group, Inc. was authorized by the MIRA Board to research the feasibility, options and cost of providing sewer to the area south of S.R. 520 from S. Tropical Trail to the Indian River, which is currently without sewer. Mr. Nickle provided the MIRA Board with a preliminary cost estimate for three different options to provide sewer to that area. Mr. Nickle commented that the first option was the S.R. 520 crossing option. Mr. Nickle noted that with new information the Bussen-Mayer Engineering Group, Inc. refigured the cost estimate at \$871,736. Mr. Nickle commented that the conflict structure that would have to be installed on S. R. 520 had a high expense with a lot of associated cost. There would need to be a 72-inch drainage pipe and disruptions of traffic on S.R. 520 due to a directional bore under S.R. 520.

Mr. Nickle advised that the second option is the Centralized Lift Station. He commented that this option would be to install or modify the lift station located at Anchorage Condominium. Mr. Nickle noted that a new lift station would need to be built. Mr. Nickle advised that there would need to be a lot of coordination and permitting to accomplish this project, which would complicate matters. Mr. Nickle commented that this would cover a small service area and would not go under S.R. 520. Mr. Nickle noted that the estimated cost for option two would be \$770,000. Mr. Nickle commented that option two would avoid the expense of going under S.R. 520 but would not cover the area north of S.R. 520. Mr. Nickle advised that it would be less expensive to build a new lift station that is not on someone's property. Mr. Nickle suggested that Mr. Robertson contact Anchorage Condominium's to research the feasibility of connecting with the lift station at Anchorage.

Mr. Robertson advised that Towne Development had agreed to bring the sewer across and down Myrtice Avenue to serve Island Pointe Condominiums. Mr. Robertson commented that Towne Development would like to continue the sewer line to N. Tropical Trail while the road is torn up. Mr. Watson suggested tying into the Towne Development project immediately, and extending that line to Merritt Avenue. Mr. Nickle commented that when the N. Tropical Trail widening project begins there would be opportunity at that time to install the trunk line.

Mr. Nickle discussed the third option of connecting into the Bella Rio lift station. Mr. Nickle advised that this location would not be deep enough and land acquisition would be needed for a total cost of approximately \$1,000,000. Mr. Nickle also commented that there would be a need to rebuild S. Tropical Trail and install the sewer. Mr. Nickle noted that this would be the least viable option.

Mr. Watson inquired if MIRA should tie into the sewer of Towne Development would there be sewer impact fees and would MIRA be able to be reimbursed for the impact fees? Mr. Martens advised that all the fees go to the treatment plants and the regional infrastructure.

Mr. Nickle advised that he is proposing MIRA tie into the new lift station at Anchorage Condominium and run down S. Tropical Trail. Mr. Robertson advised that if the MIRA Board agreed to the centralized option then the next step would be to authorize Bussen-Mayer Engineering Group, Inc. to do the final engineering design, permitting and surveying. Mr. Robertson inquired as to the time frame for having the permits in hand to begin the sewer project. Mr. Nickle commented that to have permits in hand would take approximately 10-12 months. Mr. Robertson advised that the amount is more than MIRA had budgeted for the project, but since the project would follow into the next fiscal year money could be able to be budgeted if the Board decided to go ahead with the project. Mr. Nickle commented that the project could be accomplished in phases. Mr. Frances inquired if there would be another source to fund the sewer extension? Mr. Martens commented that with the big projects the County is presently working on, Brevard County Utility Department did not have any loan money available. Mr. Martens suggested using low interest loans, such as a commercial paper loan, if needed. Mr. Martens commented that once the project had started it would be approximately three months of turning dirt. Mr. Selig inquired if Brevard County Road and Bridge would be able to provide funds to re-asphalt the road, as maintenance is required on S. Tropical Trail needless of the sewer project. Mr. Robertson indicated that MIRA would look at all options to see what money would be available to finance the sewer project.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY BERT FRANCIS TO HAVE BUSSEN-MAYER ENGINEERING GROUP, INC. DO A PROPOSAL FOR FINAL ENGINEERING OF THE CENTRALIZED LIFT STATION OPTION AND HAVE IT READY FOR THE FEBRUARY 27,2005 MIRA BOARD MEETING. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 5 - CONTRACT BREVARD COUNTY ROADWAYS & LANDSCAPING

MOTION MADE BY SANDEE NATOWICH, SECONDED BY BERT FRANCIS TO TABLE AGENDA ITEM 5 UNTIL THE NEXT MIRA BOARD MEETING. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 6 – ROBERTSON & ASSOCIATES CONSULTING CONTRACT

Mr. Robertson advised that this would be the last year that he would be requesting the renewal of his consulting contract and reminded the Board that either party could cancel with a thirty (30) day notice.

MOTION MADE BY RALPH PERRONE, SECONDED BY BERT FRANCIS TO APPROVE THE AMENDMENT OF AGREEMENT FOR ROBERTSON & ASSOCIATES CONSULTING CONTRACT. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 7 - BEAUTIFICATION COMMITTEE REPORT

Mrs. Natowich reported that the CFIP Workshop would be held on Thursday, February 17, 2005 with the Beautification Committee Meeting to be held prior to the workshop. Mrs. Natowich commented that the Workshop had been publicized and that invitations have been mailed out to commercial property owners in the MIRA area. Mrs. Natowich urged Board members to attend the workshop, which would begin promptly at 4:00 p.m. in the boardroom.

Mrs. Natowich commented that the Beautification Committee is in favor of the proposal to form grants for back and side lot parking in Merritt Park Place. She noted that the Committee

commented that modeling the back lot grants after the CFIP program is the fairest and best way to administer the program.

Mrs. Natowich also reported that two of the most recent CFIP awardees were nominated and received awards by Keep Brevard Beautiful for building a better Brevard. Mrs. Natowich commented that the nominees were Tropical Realty & Investment and Holiday Office Plaza.

Mrs. Natowich stated that Sutton Pool Supply and Brevard Eye Center are presently working to complete their CFIP projects. Mrs. Natowich commented that Jimmy Vicker's Suzuki was presently working on their CFIP application and that Ed and Noreen Jaynes are completing an application do have an artistic façade on the front of their building on Hibiscus and at their newly purchased building at the intersection of McLeod and Tangerine Street.

AGENDA ITEM 8- STAFF REPORT

REAR/SIDE LOT PARKING IN MERRITT PARK PLACE

Mr. Robertson commented that after his meeting with Jim Statlick, Brevard County Land Development and Ed Lyons, the new engineer at Land Development he felt comfortable enough to send out notification to property owners on Grove and McLeod Street. Mr. Robertson advised that he wanted to see what the response would be from interested parties in the program. Mr. Robertson indicated that he would select two of the interested parties and assist them in designing their parking lots, put together the materials, work with their contractors to get the cost estimates, and then work with Land Development to get it approved. Mr. Robertson advised that land development is rewriting the parking codes and putting a section in the codes that addresses this specific area to allow for flexibility and design and review would be on a case by case basis. Mr. Statlick advised that this would only apply to existing properties and not new construction.

Mr. Perrone commented that it was his understanding that MIRA would also look at new construction on a one to one case. Mr. Robertson advised that new construction would be left with Brevard County Land Development. Mr. Statlick commented that in the MIRA area there would be no parking allowed in the front setbacks and that that parking is based on regulation. Mr. Robertson commented that if a building is built by site plan and approved and the property would not go back through Land Development for review.

SYKES CREEK/MERRITT AVENUE BERM

Mr. Robertson advised that Brevard County Road & Bridge have agreed to build the berm at Sykes Creek and Merritt Avenue for MIRA, which would alleviate the permitting for drainage and pipe installation. Mr. Robertson noted that the downside was that the construction of the berm would be done between Road & Bridge's major projects.

ENTRY SIGNS

Mr. Robertson advised that the permitting requested for the entry signs are still with FDOT in Palatka being reviewed.

BUS SHELTERS

Mr. Robertson commented that Commissioner Pritchard is still adamant regarding placing covered bus shelters along S.R. 520. Mr. Robertson advised that the County would not approve the location of the shelters due to certain design specifications with FDOT and Brevard County. Mr. Robertson discussed the meeting that Commissioner Pritchard had with FDOT and Brevard County. Mr. Robertson commented that due to that meeting, John Denninghoff, Director of Brevard County Transportation Engineering arranged to meet with all of the critical people involved in placement of the shelters onsite in February.

NON-CONFORMING LOTS OF RECORD IN MERRITT PARK PLACE

Mr. Robertson reported that the Brevard County Board of County Commissioners approved the request for the non-conforming lots of record. Mr. Robertson noted that now the legal lots of record in Merritt Park Place are fifty-foot (50) lots.

ROAD CLOSURE FOR SEWER/PAVING ON MYRTICE AVENUE AT ISLAND POINT CONDOMINIUM

Mr. Robertson noted that the Brevard County Board of County Commissioners had approved the road closure on Myrtice Avenue for one year for the installation of sewer and road paving at Island Point Condominiums. Mr. Robertson met with Towne Development, the developers of Island Point Condominiums, who asked to be on the agenda at the next MIRA Board meeting to discuss the plans of installing the sewer and burying utility lines from S. R. 520 onto Myrtice Street to Rose Street. Mr. Robertson commented that the developers inquired if MIRA would be interested, while the road is under construction, to continue the improvement to N. Tropical Trail at MIRA's expense. Mr. Perrone commented at the June 2004 MIRA meeting, that it was his understanding, Kohn Bennett, Towne Development, would consider including extra landscaping, if MIRA was willing to have Myrtice closed for one year. Mr. Perrone suggested requesting Towne Development to contribute in the improvements. Mr. Perrone disclosed that he would have a conflict of interest with decisions made on the Island Point Condominium road closure and improvements.

Mr. Watson suggested checking the minutes from the June 2004 MIRA Board meeting to see what was said concerning sharing of payment to improve Myrtice from Rose to N. Tropical Trail.

OTHER BUSINESS

Mr. Robertson commented that Commissioner Pritchard had requested to attend the next MIRA Board meeting to discuss expanding the MIRA boundary further north.

OLD BUSINESS

Mr. Watson commented that the boats are gone from the lot on Palmetto Street and inquired into other code enforcement issues. Mr. Robertson noted that he would research the inventory of code enforcement issues and come back to the board. Mrs. Natowich inquired as to the school buses at Merritt Island Christian School. Mr. Robertson advised that he had discussed the bus issue with Rick Enos, at County Zoning and that the church buses were allowed on the church property. Mr. Perrone noted that he would not be available to attend the next MIRA Board meeting.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY BERT FRANCIS TO ADJORN. NEXT SCHEDULED MIRA BOARD MEETING TO BE HELD ON THURSDAY, FEBRUARY 24, 2005. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 4:25 p.m.