

LOCAL PLANNING AGENCY MINUTES

July 25, 2011

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

Board members present were Laurilee Thompson; Henry Minneboo, Chair; Aneta Ott, Vice-Chair; Peter Aydelotte; Clyde Thodey; Jerry Jagrowski; Ron McLellan; Tony Mason; and Loretta Goggin.

Staff members present were: Christine Lepore, Asst. County Attorney; Robin Sobrino, Director, Planning & Development Department; Steve Swanke, Program Manager, Planning & Development Department; Stuart Buchanan, Planner II, Planning & Development Department; George Ritchie, Planner I, Planning & Development Department; Darcie McGee, Natural Resources Management Office; and Candy Hanselman, Zoning Support Manager.

There were nine regular board members, present, and they all voted throughout the hearing.

Henry Minneboo - This is the Local Planning Agency, and it's an advisory board to the Board of County Commissioners. Basically, they'll have the final decision. Anything today, when will that be at the Commission meeting?

Candy Hanselman – Each person who represents their item can tell you when it's going to the Commission.

Steve Swanke – For the Great Outdoors, it will be August 9th.

Motion by Aneta Ott, seconded by Jerry Jagrowski, to approve the minutes from the LPA meeting on April 25, 2011. The vote was unanimous to approve the minutes, as submitted.

Henry Minneboo – We've got a small announcement here that's for the board members. The P&Z Board meeting scheduled for August 6th "sic" (should be August 8th) has been cancelled. There was one item, and they're going to put that on our LPA agenda for August 22nd. Everybody grab that? So we want to thank the staff for thinking about us, instead of bringing us all here for one item. We all appreciate that.

1. Approval re: Notice of proposed change to The Great Outdoors Development of Regional Impact.

Lynn Hansel – Good afternoon. My name is Lynn Hansel. I reside at 50 Plantation Drive, in Titusville. I'm here representing the Great Outdoors today. Basically, on our last phase of development, which was initially permitted in 2004, we are proposing to reduce the total area of development a quarter of an acre, reduce the wetlands impact by six-hundredths of an acre. In doing so, we've gotten the requisite permit amendments from the Water Management District. But since it is a change in what was approved in 2004, I need to appear before you today and answer any questions you may have.

Henry Minneboo - Anybody on the board have a question for Mr. Hansel? (no response) Aren't you, with this new proposal, going to lose some lots? Am I saying that right?

Lynn Hansel – We may, but we are constrained by a total cap in the park.

Henry Minneboo – O.K. That's right. That's all I had. Laurilee.

Laurilee Thompson – I have a question for Lynn. On the proposed modification drawing, there's some – are these trails? Or what are these - new hatched line looking thing? I guess this is the storm water?

Lynn Hansel – (After approaching Ms. Thompson and looking at the drawing) Laurilee, can you identify what sheet you're looking at?

Laurilee Thompson – Yes, sir. That is Parcel D.2 modification proposed. It's one of these drawings.

Lynn Hansel – The southern portion of that drawing is going to be a storm water retention pond. The central part of that whole parcel of land will be a conservation area, as part of our mitigation for the Water Management District.

Henry Minneboo – That good, Laurilee?

Laurilee Thompson – So those are just the boundaries, then, of the conservation area and the storm water ponding?

Lynn Hansel – There are two trails in there.

Laurilee Thompson – O.K., that was my question.

Lynn Hansel – Just north of the storm water pond, you may be able to see on that drawing a little rectangle of maybe a half inch by three-quarters of an inch, that will be another smaller version of the nature center. It will be more like a pavilion. And that will have a trail going to the east to connect with the one cul-de-sac, and then a trail to the west connecting to the western one.

Laurilee Thompson – O.K. That's great. And it looks like the trail...

Lynn Hansel – That's a really...

Laurilee Thompson - ...goes around...

Lynn Hansel - ...pretty little...

Laurilee Thompson - ...the conservation area.

Lynn Hansel - ...oak hammock in there.

Laurilee Thompson – Yes.

Lynn Hansel – We revised the site plan to do a better job.

Laurilee Thompson – I like it. It's much prettier than the previous one.

Lynn Hansel – Sometimes it just takes me a while.

Henry Minneboo – Any other questions? Clyde.

Clyde Thodey – Yes. Lynn, I just have a question in regards to – I know you've had problems with the Fire Marshal up there. With this new development coming on-line, are you going to be running pipes, and all that, down there to take care of the problems?

Lynn Hansel – We have overcome that problem, or those problems, by building that elevated water tank some years ago. And it has enough capacity for all of the future development.

Henry Minneboo – Thank you. Any other questions? (no response) Seeing none, I go out to the audience. Is there anybody in the audience would like to speak for, or against? (no response) Seeing none, I bring it back to the board.

Laurilee Thompson – Move to approve.

Henry Minneboo – Motion by Laurilee, and seconded by Ronnie (Mr. McLellan's motion was made without a microphone; therefore, it is not audible on the record), to approve.

Henry Minneboo called the question, and the board recommended approval of the item. The vote was unanimous.

Henry Minneboo – Thank you, Mr. Hansel.

Lynn Hansel – Thank you for your consideration. We appreciate it.

2. Four ordinances amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the adoption of the Spring Plan Amendment Cycle 2011-1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below:

a. Plan Amendment 2011-1.1 - a proposal initiated by Brevard County to amend Part X, the Coastal Management Element to adopt the Coastal High Hazard Map to depict the most current Category 1 Surge Projections.

b. Plan Amendment 2011-1.2 - a proposal initiated by Brevard County to amend Part XI, the Future Land Use Element to adopt mandated policies to address Land Use Compatibility Adjacent to Public Airports.

c. Plan Amendment 2011-1.3 - a proposal initiated by Brevard County to amend Part XIII, the Capital Improvement and Programs Element and Part XIV, the Public School Facilities Element, to adopt the annual capital improvement amendments for consistency with the Brevard County FY 2010/2011 Capital Improvements Program, the Brevard County Public Schools FY 2010/2011 Work Program, and amend conflicting policies to allow for internal consistency.

d. Plan Amendment 2011-1.4 - a proposal initiated by Brevard County to amend Part XI, the Future Land Use Element, providing for a Mixed Use Future Land Use category.

Stuart Buchanan – Good afternoon. Stuart Buchanan, Brevard County Planning & Development. You have before you today the spring adoption package, which consists of four separate amendments. As you might recall, this adoption package was transmitted to DCA earlier this year. We received five no-comment letters from the five State commenting agencies, and the Department of Community Affairs declined to issue an objections, recommendations or comment report. They declined to issue an ORC report. So we have six no-comment letters from the six different agencies. I'll be happy to give you a background on each of the four items, if you'd like, sir. Would you like us to go in order?

Henry Minneboo – Let me ask, does anybody like Stuart to give a background, or just do we have specific questions about the four items here?

Clyde Thodey – Can you make it brief, Stuart?

Henry Minneboo – Massively brief, Stuart.

Stuart Buchanan – O.K. Here we go. Massively brief. Item 1.1: This is us adopting a new Coastal High Hazard. We're required to comply with what the State says the high hazard map is. We're simply updating our map for the latest version they released through the Regional Planning Council. 1.2: This is us adopting the State-mandated public airport capability land use policies. These are very similar to the ones that we did for the Air Force Base several years ago. Item 1.3: We are updating our Capital Improvements Element to match the CIP that we just adopted with last year's budget. And number 4, we're creating a future – a mixed-use future land use designation as a text amendment. We're not actually placing it anywhere on the Future Land Use Map. We're simply creating it so it's available should we find an applicant that wishes to apply for it, and we find a place that's compatible to utilize that. I'll be happy to answer any questions that you have.

Henry Minneboo – Great. Any questions? Peter.

Peter Aydelotte – On this mixed-use development plan, the only question I have on it is I know a lot of other counties throughout Florida that maybe are more urban; whereas, we tend to be more rural with more outdoor things. On page six of the – I guess it's 1.4, whatever, it basically says no less than five acres. And I'm just wondering if that's appropriate for Brevard County. Maybe that should be ten acres.

Stuart Buchanan – Certainly. I can give you the background of this. The board actually discussed this, previously, in the transmittal. One of the places where this would come into play would be Merritt Island, in a redevelopment scenario, where it's hard to assemble lots to reach those ten acres. And one of the underlying reasons of looking at adding mixed use as an option is – you remember the Farmton, Miami Corp., application, and the Platt Ranch mixed use? If we would have had our own mixed use, they could have simply applied for a map amendment. Instead, what they did was, they had to create mixed use just for themselves. So by doing this, it would have enabled us to have that available to those applicants, rather than having them create their own objectives in our Future Land Use Element. But to go back to your question, there are certain areas of Brevard County, for example, Merritt Island, where the ten acres would be very hard to (unintelligible), for example on Courtenay. So I believe that's why the LPA recommended the five.

Henry Minneboo – Any other questions for Stuart?

Jerry Jagrowski – Yes, sir, I have one. In the package that you gave us, it talks about future amendment 2011-1.4. And I never saw anything on the sheet that talked about 1.4.

Stuart Buchanan – If you remember, when we first brought the transmittal package, there was one item that was withdrawn. That was the package plant, which was an amendment to the Sanitary Sewer Element. And the second one that was withdrawn was the White Sands Buddhist Temple. And so when those two withdrew, it changed the numbering by two places. So the corrected numbering is reflected in the – it should be reflected in the package itself. The 1.4 is the last – you're looking at the agenda or the package, sir?

Jerry Jagrowski – I'm looking at them both.

Stuart Buchanan – Right. There was - on the agenda itself, that 1.6 should be 1.4.

Jerry Jagrowski – O.K.

Stuart Buchanan – And then if you look at the divider page, it should – does it say 1.4, sir? Perfect. Thank you.

Jerry Jagrowski – Thank you.

Stuart Buchanan – You're welcome.

Henry Minneboo – Any other? (no response) Let me go out. Is there anybody in the audience like to speak for, or against, this? (no response) Bringing it back to the board. What's the pleasure of the board?

Aneta Ott – I make a motion for approval.

Henry Minneboo – Motion by Aneta Ott, and seconded by Jerry (Mr. Jagrowski's motion was made without a microphone; therefore, it is not audible on the record), to approve.

Henry Minneboo called the question, and the board recommended approval of the item. The vote was unanimous.

3. An ordinance amending Chapter 62, Article IX, Sign Regulations.

George Ritchie – Good afternoon, Chairman and board members. We've got a proposed sign ordinance in front of you today. I know you've – hopefully, you've had a chance to go over that. We're trying to accomplish several different things here. We're trying to amend the Code and create some definitions to make it more user-friendly. We're eliminating inconsistencies and unnecessary rules that are adopted, right now, in the Code. We're expanding somebody's right to allow feather banners and A-frame signs for advertisement purposes on their site. And I've included an updated sign table at the end of the document. We had some missing zoning classifications, and not all of the types of signs were identified. So this will make it easier for everybody to look at this one page and see where you can have signs, and what type of signs, in what zoning classification. So if you have any questions, I'd be happy to help you today.

Henry Minneboo – George, I got one question, and this may seem strange. Why do we care what the sign people do about digital billboards?

George Ritchie – The digital billboards were adopted, I think, a year or two ago.

Henry Minneboo – Yes, we did that.

George Ritchie – So what we – I think all we've changed was the numbering around them. But there was a timing interval as to how long their messages would be static before they changed to the next message. So we tried to use that same interval in our electronic message boards, because you see those things just scrawling, and that's really animated signs. So we wanted to be consistent with any kind display board, to have the same kind of interval.

Henry Minneboo – O.K. Any other questions? (no response) Seeing none, I go out to the audience. There anybody like to speak for, or against, this item? (no response) Seeing none, I bring it back to the board. Motion by Jerry (Mr. Jagrowski's motion was made without a microphone; therefore, it is not audible on the record), second by Laurilee (Ms. Thompson's second was made without a microphone; therefore, it is not audible on the record).

Henry Minneboo called the question, and the board recommended approval of the item. The vote was unanimous.

4. An ordinance amending Chapter 62, Article X, Division 4, relating to Wetland Protection, specifically amending Section 62-3693 – General Provisions.

Darcie McGee – We have before you today a Wetlands Protection Ordinance modification that's specific to older, but still active, projects that were permitted under a previous version of our Wetlands Protection Ordinance. Where these projects have permitted wetland impacts that would be nonconforming with current Code, this modification would allow project redesign, as long as the proposed impacts are equal to, or less than, the proposed impacts. And we expect this modification will benefit projects that tend to take longer times to develop, such as the one you just heard, which was The Great Outdoors. They're in a situation where the original impacts were approved under an older version of the Code, and they're nonconforming with today's Code, and Mr. Hansel would like to redesign the project. But, in order to do that, we need to put an allowance within the Code that would let him do so, because to do it under the current Code, it would be unfeasible for him. And, obviously, this would apply to any other older projects that are still active.

Henry Minneboo – Any questions? (no response) I go out to the audience. Is there anybody like to speak for, or against, this item? (no response) Seeing none, I bring it back to the board. Motion by Ronnie (Mr. McLellan's motion was made without a microphone; therefore, it is not audible on the record), seconded by Jerry (Mr. Jagrowski's second was made without a microphone; therefore, it is not audible on the record), to approve.

Henry Minneboo called the question, and the board recommended approval of the item. The vote was unanimous.

The meeting was adjourned at 3:17 p.m.