

**NORTH MERRITT ISLAND
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on Thursday, April 14, 2011, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

Board members present were: Ronald Penn, Vice-Chair; Mary Hillberg; Shaye Williams; Tom McFarland; and Gina Lindhorst

Staff members present were: Lydia Evans, Planner I; Darcie McGee, Natural Resources Management Office; and Candy Hanselman, Zoning Support Manager.

The meeting was called to order by the Vice-Chair, Ronald Penn, at 6:00 p.m.

Motion by Tom McFarland, seconded by Mary Hillberg, to approve the minutes from the meeting on November 18, 2010. The vote was unanimous to approve the minutes, as submitted.

DISTRICT 2

V.B.6. (NMI11401) – JOHN R. DAVIS, TRUSTEE – (Joseph M. Mayer, P.E.) requests a CUP for Substantial Expansion of a Pre-existing use in an IU-1 zoning classification on 10 acres. Located on the west side of Pine Island Rd., approx. 0.42 mile north of McGruder Rd. (725 Pine Island Rd., Merritt Island)

NMI Recommendation: McFarland/Williams – Approved. Vote was unanimous.

Ronald Penn – State your name and address.

Joe Mayer – My name's Joe Mayer. I'm with Bussen/Mayer Engineering Group, at 100 Parnell Street, in Merritt Island, Florida. We're the engineer of record for the project. With me tonight is Bud Crisafulli, the developer and builder for the project, and Jack and Chris Davis, the owners and applicants. This project consists of a three-acre development parcel on Pine Island Road. Mr. & Mrs. Davis own a total of 20 acres. The development parcel is this area right here (depicted on a large aerial map), this three acres. You're aware it's a salvage yard that's been owned and operated by the Davis family for many years. The site currently includes the security trailer that serves as their residence - and they take care of security problems - and then this small storage building here. What we propose is a 5,000-square-foot warehouse addition right in here, pretty much the center of the property. It will be complete with 14 parking spaces, six of which would be paved, eight of which would be marl. The project also includes a fence along the north property line here, as required by Code. Storm water ponds – there's no storm water ponds currently on the property. There will be a storm water pond right in this area to take care of our drainage requirements, also required by Code. And improved entrances. The front buffer that you all have seen for many years there, the six-foot chain link fence with the green covering on it, will remain; however, there will be 14 new trees planted in front of the buffer; red maples, live oaks, and East Palatka hollies. The building, as you can see, is pretty far from all the property lines. It's 100 feet to the north property line. That's the closest property line that the building – that's the closest the property comes to the building. It's buffered on all sides. This drawing shows – this is an undeveloped wetland area on the north side. This is – basically, this was Mr. Davis' father's property. He recently passed away, and so now Mr. & Mrs. Davis own this property, also. This is a salvage yard, or a second piece of the salvage yard, if you will. This facility is roughly 500 feet from the closest house. There's one here, one here, and some back in here. But, again, we're right in this area here. The land use is not changing. I understand that the Code definition that you're dealing with calls it a substantial increase in use, if you will. We kind of disagree with that. We're – as far as the terminology, it's kind of a misnomer, from our perspective. What we're simply doing – we're not expanding the operation. We're not expanding the size of the land by one square foot, et cetera. We're simply building a building here, where the operation is already happening, so that he can move some of his operations inside. Mr. Davis said it best when he said, "Now, I won't have to give my wife the day off when it rains." So he wants to move his operations inside, as much as possible. The character of the property is not changing. Existing use is salvage yard. Proposed use is

salvage yard. No impacts to infrastructure. No impacts to the neighbors. And, for those reasons, we believe we qualify for the CUP. I'd be happy to answer any questions you have.

Ronald Penn – Any questions for the gentleman representing?

Mary Hillberg – Could you describe some of the uses? You say that you're going to do inside the building as you've been doing outside. Could you describe some uses?

Joe Mayer – I can. And Mr. Davis may want to go into more detail. But, basically, it's the sorting and sifting, if you will, and discombobulating, if you will, of the salvage that he receives. He receives most of his stuff from NASA. As you know, there's a lot of salvage material now that's gonna be coming off of NASA. He take that, he pulls it apart, he sorts it, sifts it into the metal over here, and this type of material over here, and then he...

John Davis – Pretty much just segregating and culling metals, is what I do.

Mary Hillberg – What types of hazardous waste do you encounter?

Joe Mayer – There is no hazardous waste material handling, storage, et cetera, done at this property. It has been looked at by DEP. It has been looked at by Brevard County. Correct me, if I'm wrong.

Darcie McGee – Yes, that's correct.

Joe Mayer – But that's been verified. That's not just me saying it, but that's State agencies confirming, recently, that this site is in compliance with salvage yard requirements, et cetera. And there are no hazardous waste materials.

John Davis – Pretty much, under my contracts with NASA, it's guaranteed I don't take anything that may be hazardous. They will do whatever it takes to deal with that kind of stuff. But under my contracts, I don't get any of that kind of stuff.

Tom McFarland – Are they mostly metals, Mr. Davis?

John Davis – Yes, yes. Brass, aluminum, stainless, steel, that's basically what I deal with.

Gina Lindhorst – Will the large building be housing any special machinery?

John Davis – No. It's gonna be more of a workshop.

Gina Lindhorst – So it won't be like big cutting machines and...

John Davis – No.

Joe Mayer – There won't be any manufacturing, or anything like that, going on. It's simply the sorting and sifting, if you will, of the materials.

Ronald Penn – It's a closed building to get in and out of the weather?

John Davis – Basically, some of the stuff that I deal with, if I had someplace dry to keep it, I could get better money for it. But, as it stands right now, I have nowhere to keep it, so I have to take what I can get, you know.

Shaye Williams – And you would also load your trucks from this building, whoever comes to retrieve...

John Davis – Yeah, yeah. I use my own trucking for hauling in and out.

Joe Mayer – From that aspect, we see it as a positive to the neighborhood that some of his operations are moving inside.

Tom McFarland – Do you have any other employees, other than you and your wife?

John David – I have my brother and my mother, and I have one truck driver.

Tom McFarland – Thank you.

Ronald Penn – Your picture there, the square box extends across Pine Island.

Joe Mayer – Yes, sir. His property does extend across to approximately this line here. We're not proposing anything on this side.

Ronald Penn – They're not doing anything? They're not impacting that canal, or...

Joe Mayer – Darcie's never gonna let me do anything there.

Ronald Penn – Or Pine Island?

Joe Mayer – That's correct, nothing along that edge. We're essentially prohibited from doing anything on that edge. It's wetlands, and no commercial development in wetlands. Again, correct me, if I'm wrong.

Ronald Penn – Is your retention pond gonna connect to that canal in any way?

Joe Mayer – Yes, with a controlled structure, after we do our treatment on-site. And there'll be a pipe that comes across...

Ronald Penn – So you will be going under Pine Island, some time?

Joe Mayer – With a pipe, yes, sir.

Ronald Penn – That was my question. I was trying to get to it.

Joe Mayer – I'm sorry.

Ronald Penn – O.K. With the box drawn like that, I'm, "O.K., he owns some property out there."

Joe Mayer – Right, right. No, we're discharging to the canal, 'cause that's the positive drainage outfall for the property. We wouldn't do that, frankly, 'cause we really don't want to spend the money and go across the road. But the St. Johns River Water Management District makes us treat on-site and then discharge to a positive outfall. So that's what we're doing.

Ronald Penn – Any other questions?

Tom McFarland – What kind of construction materials for the building? And this is probably Mr. Crisafulli's area.

Bud Crisafulli – It'll be a 50 by 100 metal building. Vulcan is the name brand of the building. It'll be about 600 square feet of offices in the front, just so that Jack can run his operation. Now, the building will mostly be

garage doors, large doors on both sides. But the front, facing the road, will of course have the (unintelligible) 19 and 25 feet. Nineteen at the eave, to 25, so it's not that massive. But it gives him room to get in with his trucks and things. We are adding other things; two fire hydrants so the fire trucks can – there's none in that particular area. So they can be used for emergencies that may be around there. And we are – Joe, why don't you go into the comp plan and why we're here at this late date. Normally, we would be coming to you before we start this project. We have been through the whole process. And a glitch came up near the end of the process, and that's the reason we're here tonight, 'cause it has to do with a land – the comprehensive land plan.

Joe Mayer – And I think the glitch is (unintelligible) the fact that Jack and his family have been there so long at this facility that – I mean, it's just operated quietly, frankly, for years and years. The glitch is that when the comp plan was changed – and this was years ago now – and some of ya'll folks were probably involved in that process – it was re-comp planned to Residential 1. Is that correct?

Lydia Evans – Yes.

Joe Mayer – Thank you, Lydia. But this site was allowed to continue as a grandfathered nonconforming use. It has not been confirmed, through the process, as a preexisting use. And that allows us to basically ask for this conditional use permit so that we can construct a building. We would have preferred to have been here earlier so we could – we'd prefer to be under construction now, frankly. But this issue came up late in the process, and we're attempting to deal with it. We have our St. Johns permit. We have our Corps permit. We have – we're responding to County comments. We don't have the County site plan approval yet. They won't issue it until this process gets approved, anyway. And we believe we've addressed all their comments, also. And so, from an agency point of view, Federal, State and local, we believe we've addressed everyone's comments.

Lydia Evans – May I add something?

Joe Mayer – Please.

Lydia Evans – The site actually was not nonconforming to the zoning, because it was permitted under the zoning.

Joe Mayer – Right.

Lydia Evans – It only became nonconforming to the comprehensive plan.

Joe Mayer – Thank you, Lydia. That's a very important point. We want to get that on the record. The site is zoned IU-1, Industrial Use. So the use that's there is allowable. It's been that way for years. And we're not suggesting any change to that, whatsoever. Thank you.

Lydia Evans – You're welcome.

Gina Lindhorst – Are you expecting any signage?

Joe Mayer – We're not proposing any new signage, are we Jack?

John Davis – No.

Ronald Penn – Any other questions? (no response) Thank you, sir. Anybody in the audience to address it? (no response) O.K., I'll close it to the audience and bring it back to the board. Comments?

Shaye Williams – Yeah, I got some comments. And, actually, I look at this as a positive direction to take this property. You know, the benefits you get from – you get to consolidate some of the effort in this yard. Plus, the benefit – it's shown, or it's perceived, as if it's not developed, when you go into this approach. But storm water management gets incorporated here. It's currently not incorporated with the existing property. The management aspect for the business remains unchanged. I mean, they still satisfy all the same controls that are mandated by the State. So that's all transparent to us. And, as an existing business, this appears, to me, as an attractive approach to go forward. You know, I think it would be a benefit to take what's currently there and refine it to what they're proposing. As for an impact to the community, this I see as more of an asset than anything. And, granted, it was already heavy industrial usage that, going forward with this approach, I'm glad that we have the opportunity to look at it. But everything I see here, and going through the notes, you know, all the requirements appear to be satisfied, plus, ultimately, it makes the neighborhood a better place. Because the function is gonna remain unchanged. So that's just my perception. It's not a question or a challenge, just my perception.

Ronald Penn – Yeah, we asked for comments.

Tom McFarland – As a cautionary note, I would prefer that we didn't have heavy industrial in our, essentially, residential neighborhood. We have it. And I agree with Shaye that this is an improvement to what we already have. If I could go back 37-38 years, however long, way back, you know, I would say, "Gee, we really ought not to have it." But this was a different world way back then. And this was, at that time, as I recall – I don't remember real well – but that was an appropriate use for the site when it was built. Rinker is just down the – had the site down the street there. So I believe it's an improvement over what we currently have. But I think this board should be very, very cautious about changing, or advocating change, to uses that are heavier uses of properties. I don't think we can do anything to reverse history, at this point. As you say, it's grandfathered in, is my understanding.

Shaye Williams – It's grandfathered in, but as a part of that conditional use permit, there is an option to identify some stipulations to approve that CUP. Granted, it's zoning exists. The type of operations they perform there is anticipated to remain unchanged. So there won't be manufacturing, and there won't be other, what we consider real heavy industrial usage. As part of the CUP process, that could be put forward and requested, to limit what it's future applications could be. Granted, where that would go is one thing but, you know, we're capturing what we currently have. And I think we have – certainly the directions it's going now, with just the site plan, is an improvement. The functional use, we have some limitations that we will have to accept.

Lydia Evans – May I add something?

Shaye Williams – Yes, please.

Lydia Evans – As far as this – if you approve this CUP for the expansion, in the future, if they decide that they would like to do another expansion, perhaps build another building, or something that's beyond the 25 percent that's permitted under the preexisting use, they would need to apply for another conditional use permit. So this would be approving what they have proposed, currently.

Ronald Penn – Any other comments? (no response) Well, I agree with Shaye. And he looks like a relatively young man, especially from my viewpoint. And as the Space Center changes, and such as that, the business will pick up, but it's all gonna be contained on his property. Maybe he'll have a few more truckloads coming in and out of there. I live north of there, around on Dee Drive. It's always looked nice to me. You know, you've kept that fence up, where you don't see it from the road. And I feel that he's probably gonna do a good job on this improvement to help his business out. So, no more comments? Do I have a motion?

Tom McFarland – I move for the recommendation to approve the application.

Shaye Williams – I second that.

Ronald Penn called the question, and the board recommended approval of the request. The vote was unanimous.

Ronald Penn – We are an advisory board. This now goes to the Commission with our recommendation that they approve it. So it'll show up at the Commission meeting on May 5th. And they give you the go ahead from there, then happy times.

John Davis – Thank you for your time.

Ronald Penn – You're welcome.

The meeting was adjourned at 6:19 p.m.