

**MERRITT ISLAND REDEVELOPMENT AGENCY
MINUTES OF NOVEMBER 30, 2004**

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

Members Absent: Mike Selig

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

County Staff: Barbara Amman, County Attorney

Guest: Bob Barranco
Nick Gatante
Ryan Rusnak, Planner II, Brevard County Permitting & Zoning
Jim Statlick, Land Development Specialist, Brevard County Land Development
Ron Jones, Director, Brevard County Regional Stormwater Utility
Cynthia Powell, Owner Wacky Hut and Downtime Patio
Beth Kring
Linda Brandt, BRC
William Ronat, BRC

NEXT REGULAR MEETING SCHEDULED FOR JANUARY 27, 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 2:00 P.M. All were present except those indicated above.

The minutes of the October 28, 2004 MIRA Board Meeting were reviewed and corrections were made.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY RODDY KRING, APPROVING THE MINUTES OF THE OCTOBER 28, 2004 MIRA BOARD MEETING AS CORRECTED. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM NO. 1 –PROPOSED CONDITIONAL USE PERMIT (CUP) APPLICATION FOR CYNTHIA POWELL, MAR-CYN ENTERPRISES, INC. DBA THE WACKY HUT & DOWNTIME PATIO, MERRITT PARK PLACE

As background, Mr. Robertson advised that Cynthia Powell, owner of the Wacky Hut has applied for a conditional use permit with the Brevard County Zoning Department to allow on site consumption of beer and wine at the property located at 265 Grove Street, formerly Renee's Tea Room. Mr. Robertson introduced Ms. Powell who was coming before the MIRA Board for approval of a conditional use permit (CUP).

Ms. Powell informed the MIRA Board that the Wacky Hut, an island retail gift shop, has expanded to include a lunch and dinner restaurant with beer and wine and music until 9:00 p.m. in the evening. Mrs. Powell advised that her occupational license had been approved, the fire marshal had signed off and the BTR had approved the restaurant.

Mr. Robertson inquired as to the availability of parking. Ms. Powell advised that she is in the process of purchasing the back lot fronting on Parnell Street, which would be used as her parking lot. Ms. Powell noted that the required signs have been placed, which include the entrance, exit and handicap signs, along with truncated domes.

Ryan Rusnak, Brevard County Planning & Zoning advised that presently the CUP (conditional use permit) covers on site premise consumption for all alcohol beverages, but Ms. Powell's business CUP could be stipulated to limit for beer and wine only. Mr. Rusnak commented that as the CUP stands Ms. Powell would have to complete purchase of the additional back lot for parking or the CUP would be revoked.

Mr. Watson commented that a notice was mailed by MIRA staff to all adjacent property owners of subject property and inquired if there were any objections. There was no one present at the MIRA meeting to object to the CUP for 265 N. Grove Street in Merritt Park Place.

MOTION MADE BY RALPH PERRONE, SECONDED BY SANDEE NATOWICH TO APPROVE THE REZONING FROM BU-1 TO CUP (CONDITIONAL USE PERMIT) FOR CYNTHIA POWELL, MAR-CYN ENTERPRISES, INC. DBA THE WACKY HUT & DOWNTIME PATIO AT 265 N. GROVE STREET IN MERRITT PARK PLACE. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 2 – REGIONAL STORMWATER UTILITY FACILITY

As background, Mr. Robertson advised that MIRA had been working with Brevard County Stormwater Utility to try and locate an area north of S.R. 520 and west of N. Tropical Trail for a regional stormwater facility. MIRA requested Bussen-Mayer Engineering Group, Inc. to do two concept plans to show a redevelopment scenario for those sites, so Brevard County Stormwater Utility Department would be able evaluate the potential redevelopment impacts and assist MIRA in determining how much of the new redevelopment site would be historical stormwater and how much would be generated by the new project. Mr. Robertson introduced Mr. Jones, Director of Brevard County Regional Stormwater Utilities.

Mr. Jones advised that the overall water shed for Option 1 that Bussen-Mayer Engineering Group, Inc. designed is approximately 10 acres. Mr. Jones commented that this particular scenario contemplated a 1.25 pond site off the S.R. 520 frontage and approximately 1.5 acres in redevelopment potential, which would be the smaller of the

two options. Mr. Jones informed the Board that Option 1 had an estimated construction cost of \$280,000 with approximately sixteen percent of the overall volume being associated with the redevelopment activity. Mr. Jones advised that in Option 2, the overall pond site is approximately 2.4 acres and extends to Myrtice Avenue and incorporated approximately 2.5 acre redevelopment potential with the pond site further back. Mr. Jones indicated that Option 2 had an estimated construction cost of \$400,000 with approximately twenty-eight percent of the overall volume being associated with the redevelopment activity. Mr. Jones advised that after looking at all the different mechanism, Regional Stormwater Utility Department considered factoring the permit requirement as the most logical and fairest way to allocate cost.

Mr. Jones suggested that putting together a credit-based program, whereby as redevelopment occurs the development entities have the option to buy back those credits. Mr. Jones commented that he felt it would be important to have some sort of escalating clause associated with the appreciation of value for the land itself since both MIRA and the County would be at some sort of banking for future with some sort of interest being appropriate. He commented that when a developer purchases those credits they would be based on not the value of what was done but on today's value of what it would be. Mr. Jones commented that other things to consider would be to set a maximum level as to how much area MIRA would like to reserve for retro fit. Mr. Jones advised that MIRA could sell one hundred percent of the credits if the entire water shed were to be developed, none of which is being treated now, so it would basically be converted over into today's treatment requirements.

Mr. Jones commented that the MIRA Board might wish to consider allocating some sort of range of participation, which could be handled in an agreement format with an educated guess as to what would likely be the redevelopment potential in terms of the percentage of the land. He also commented that MIRA would have to address what happens to the MIRA contribution if it never gets utilized and just became a retrofit project. Mr. Jones advised that Regional Stormwater Utility Department would go ahead and draft with the County Attorney's office an agreement that would basically provide the springboard for MIRA's secondary request. Mr. Jones stated that assuming the Board of County Commissioners approves the agreement, then MIRA could go ahead and begin consideration of negotiation for acquisitions. Mr. Jones suggested that this could be handled in one agenda item, which Regional Stormwater would draft and would get MIRA where they need to be. Mr. Jones commented that MIRA should consider how the redevelopment agency would like to function in terms of working through the County land acquisition program and have someone from MIRA actively involved in the negotiations. Mr. Jones advised that Regional Stormwater Utility would bring the agreement back to the MIRA Board for ratification and or make recommendation for adjustments. Mr. Jones indicated that the draft agreement that Regional Stormwater would bring back to the MIRA Board meeting in January would be based on concepts of percentage ratio opposed to a specific plan and that whatever final project develops MIRA would go through this calculation process and come back with what the actual allocation would be. Mr. Jones commented that the good news is that, as part of establishing some form of credit based program where MIRA could sell back to a development interest, MIRA would also return the investment that had been made and

would be working towards current land base value. Mr. Watson suggested that Mr. Robertson revisit with the property owners affected by the Stormwater Utility project.

Mrs. Natowich inquired as to the necessity of having a fence surrounding the retention pond on S. R. 520, which would accumulate trash around the fence. Mr. Jones commented that the decision on placing a fence around a retention pond is made on a site-by-site basis and he would support that notion of not placing a fence around the retention pond along S.R. 520 before the Board of County Commissioners.

AGENDA ITEM 3 - MERRITT PARK PLACE NON-CONFORMING LOTS OF RECORD

As background, Mr. Robertson advised that Brevard County has prepared a modification to the zoning ordinance that would allow 50-foot wide lots of record to be developed individually as commercial parcels in a BU-1 zoning district as opposed to the 60-foot wide lots that are presently required. Mr. Robertson commented that this idea was specifically motivated for Merritt Park Place. Mr. Robertson suggested that the concern that was brought up at the last MIRA Board meeting is that when one property owner owns two adjacent fifty-foot lots, whether it is appropriate for those two lots to be separated into two separate parcels and be developed individually or should the property owners be encouraged to keep the lots consolidated into one lot. Mrs. Natowich commented that the cottage affect in Merritt Park Place has not hurt business in Merritt Park Place and suggested not limiting the property owners if they own two lots to only be able to construct one building.

AGENDA ITEM 4 - REAR AND SIDE LOT PARKING IN MERRITT PARK PLACE

As background, Mr. Robertson advised that the MIRA Board had requested that Bussen-Mayer Engineering Group, Inc. prepare two concept plans and cost estimates for rear yard parking in Merritt Park Place. Mr. Robertson commented that the first plan was a typical 50-foot lot wide lot with the building reflecting the number of six parking spaces in the rear, developing standards and specifications regarding stabilization and drainage along with a cost estimate. He advised that the second option would be for two adjacent lots with 12 or more spaces. Mr. Robertson discussed the cost estimates that were provided by Bussen-Mayer Engineering Group, Inc.

Mr. Robertson commented that the reasons for doing the concept plans was to have specifications go to land development and to get a cost number to tailor a grant program to offset part of the cost to give an incentive to the property owners to install backyard parking.

Mrs. Natowich suggested structuring the backyard grants on the same pattern as the CFIP grant. Mr. Watson suggested giving a grant of \$5,000 for one lot with six spaces and \$10,000 for two lots with twelve or more spaces.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY RALPH PERRONE TO STRUCTURE THE NEW MERRITT PARK PLACE SIDE AND REAR PARKING GRANT AFTER THE COMMERCIAL FAÇADE IMPROVEMENT GRANTS WHICH ALLOW 50% MATCHING FUNDS

AND A SLIDING SCALE OF 10% OVER \$10,000 FOR A TOTAL GRANT AMOUNT OF \$10,000. THE MOTION PASSED UNANIMOUSLY.

Bert Francis arrived at the meeting at 3:00 p.m.

AGENDA ITEM 5 - S.R. 520 SEWER EXTENSION

As background, Mr. Robertson advised that at the October 2005 MIRA Board Meeting Bussen-Mayer Engineering Group, Inc. did a presentation on the feasibility study of bringing the sewer from north of S.R. 520 and tying into the condominium project lift station on the river and bringing the sewer south under S.R. 520 to extend the line into the areas along south S.R. 520 which are presently not serviced by sewer. Mr. Robertson commented that during that preliminary study a conflict was located under S.R. 520 with the drainage system that the state has and that the elevation cannot be changed. Mr. Robertson advised that the only way to accomplish the goal of boring under S.R. 520 would be to put in a conflict box at significant expense and which drove the cost past the \$500,000 for the project. Mr. Robertson noted that there might be some opportunities south of S.R. 520 using the Anchorage Condominium lift station and /or further south by tying into the Bello Rio lift station, which is a public lift station with upgrades. Mr. Robertson discussed the proposal for the preliminary engineering study provided by Bussen-Mayer Engineering Group, Inc. that was requested by the MIRA Board. Mr. Robertson commented that the surveying services would be \$3,200 along with the preliminary engineering services of \$8,400 for a total of \$11,600. Mr. Watson suggested bringing the information to the January 2005 MIRA Board meeting.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY RALPH PERRONE TO ACCEPT BUSSEN-MAYER ENGINEERING GROUP, INC. PROPOSAL TO DO THE PRELIMINARY ENGINEERING SERVICES, FOR A COST OF \$11,600.00 FOR THE PROPOSED SEWER EXTENSION PROJECT-S.R. 520 SOUTH OPTION. MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 6 - BEAUTIFICATION COMMITTEE REPORT

Mrs. Natowich advised that the Beautification Committee had scheduled a work party at MILA Elementary for Sunday, December 5, 2004 at 3:00 p.m. Mrs. Natowich noted that the committee could use assistance and donations for garden work at the elementary school.

Mrs. Natowich commented on the CFIP workshop that the Beautification Committee would be sponsoring in February 2005. Mrs. Natowich commented that the Beautification Committee is hoping to work with the Cocoa Beach Area Chamber of Commerce to get the information out to the public.

Mrs. Natowich advised the Beautification Committee recommended that the MIRA Board accept the addendum from Sutton Pool Supply, Inc. for an upgrade on their CFIP proposal for additional landscaping.

MOTION MADE BY SANDEE NATOWICH, SECONDED BY RODDY KRING TO APPROVE THE ADDENDUM TO THE CFIP FOR SUTTON POOL SUPPLY, INC. MOTION PASSED UNANIMOUSLY.

Mrs. Natowich commented on the dead foliage located on the road behind Kiwanis Island. Mrs. Natowich suggested that Mr. Robertson drive to the location and inform Brevard County Roadways and Landscaping of the condition of the area.

AGENDA ITEM 7- STAFF REPORT

Mr. Robertson thanked Bob Barranco for serving on the MIRA Board of Directors. Mr. Robertson advised the MIRA Board that Mr. Barranco is stepping down from the Board and had been replaced by Nick Gigante. Mr. Robertson introduced Mr. Gigante to the MIRA Board.

ENTRY SIGNS

Mr. Robertson advised that the MIRA staff is processing the permit for the entry signs with FDOT. Mr. Robertson commented that FDOT approved MIRA's design for the breakaway signs and the signs meet FDOT requirements. Mr. Robertson advised that the next step in the process is selecting the locations for the signs. Mr. Robertson suggested placing the one of the entry signs east of Milford Point and just after the relief bridge. Mr. Robertson commented that FDOT had requested that the entry signs be placed in the clear zone.

SYKES CREEK/MERRITT AVENUE BERM

Mr. Robertson advised that Brevard County Traffic Engineering had approved the designs for the berm to be located at the intersection of Merritt Avenue and Sykes Creek Parkway. Mr. Robertson had suggested to John Denninghoff, Director of Brevard County Transportation Engineering Department to have Brevard County Traffic Engineering construct the berm and is presently waiting for Mr. Denninghoff's decision.

MIRA BOARD APPOINTEES

Mrs. Anderson advised that Nick Gigante was officially appointed at the Brevard County Board of County Commissioner's meeting on Tuesday, November 30, 2004 to serve on the MIRA Board for four years. Mrs. Anderson also commented that Duane Watson, Bert Frances and Ralph Perrone had been re-appointed for another four years.

OTHER BUSINESS

Mr. Watson inquired of the monthly financial report. Mrs. Anderson discussed the line items on the report.

Mr. Robertson commented on the agreement that MIRA had with the Brevard County Roadways and Landscaping, which includes S.R. 520 and Grove and McLeod Street in Merritt Park Place. Mr. Robertson advised that the agreement is ready to expire and

would be providing MIRA with a new agreement that would cover the new cost to maintain the landscaping.

Mr. Watson requested that a financial analysis be provided at the next MIRA meeting to cover what has been committed for capital improvement projects for the fiscal year.

Mr. Francis inquired on the parking issues along S.R. 520 with car dealerships parking on the state right of way. Mr. Watson suggested cleaning up S.R. 520 of stacking tires, trailers and busses that are parked illegally as a project for 2005. Mr. Robertson suggested that the MIRA staff take an inventory along S.R. 520 of code enforcement violations.

Mrs. Natowich commented on the letter from Ralph Perrone to the MIRA Board. Mrs. Natowich advised that the referred Merritt Park Place Association is actually Merritt Park Place Group, Inc. Mrs. Natowich advised that Merritt Park Place Group, Inc. are a group of property owners and merchants and they do not represent all of the merchants in the area. Mrs. Natowich advised that when she started the Merritt Park Place Group, Inc. the group did try to find a mechanism whereby they would make it mandatory for all owners to have membership in the association, thereby all improvements made by the association would be shared equally. Mrs. Natowich stated that the Brevard County Attorney's office advised her that membership could not be mandatory. The Merritt Park Place Group does try to do things whether the owners contribute or not but they do not represent all the merchants in Merritt Park Place.

MOTION MADE BY RODDY KRING, SECONDED SANDEE NATOWICH BY TO ADJORN. NEXT SCHEDULED MIRA BOARD MEETING TO BE HELD ON THURSDAY, JANUARY 27, 2005. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 3:50 p.m.