

Development Project ID: 22Z0062-Fortenberry Apartments

Supplement to PUD Application 12.22.22

Woodfield Acquisitions, LLC intends to build a luxury rental apartment community consisting of 370 multifamily units with an associated 2-story club house amenity building with leasing offices, club lounge, co-working spaces, state-of-art fitness center and pool amenity deck. The development site is approximately 15.11 acres on Fortenberry Road in Merritt Island, Florida. The proposed development is designed to integrate into surrounding area with 3.26 acres of existing wetlands to be preserved on-site and an additional 1.19 acres of active recreational open space designed in the preliminary development plan.

The redevelopment concept meets the future vision of developing high-quality multifamily residential that could serve as a catalyst to the Merritt Island Town Center area. The PUD encourages the development of a planned “Luxury Apartment Community” that will serve the local community by providing a full range of rental apartments. The increased flexibility, as shown in the PDP, will allow for the best resident experience and exceptional design of the proposed Apartment Community elements while remaining consistent with the future land use map of the Brevard County Comprehensive Plan.

The Fortenberry Road Apartments Planned Unit Development (PUD) will provide a variety of apartments ranging from 1-bedroom, 2-bedroom and 3-bedroom apartments. To achieve the desired residential use, a rezone of the parcels to Planned Unit Development (PUD) Zoning is required. The current Comprehensive Plan allows for a maximum of 30 units/acre, providing for a maximum density of 457 units. It is understood that the proposed project shall be approximately 370 units which would have an approximate density of 24 units/acre.

APPLICANT'S RESPONSES TO STAFF COMMENTS

(See bold text below)

- (a) The prior Conditional Use Permit (CUP) approval for commercial entertainment and amusement enterprises, which was in operation, should be closed/voided as the property will not retain the prior commercial zoning. Please advise staff of your decision to retain or remove that CUP. Section 62-1901 (e) is the section of Code under review.

We request removal of the prior Conditional Use Permit (CUP)

- (b) There is a single setback request for the Western building (Bldg. #3) which has been relocated upon the lot under the latest PDP submittal. The building height has increased and the setback to the GU zoning classification has changed. Using the 60-foot building height maximum (5-story) building height noted in the Preliminary Development Plan (PDP) graphic and the 2:1 setback ratio from those "residentially zoned parcels" noted in Section 62-2101.5 (a) and Section 62-2101.5 (a)(2) – 2:1 setback ratio, the required setback would be 120-feet. Your waiver request needs to be revised to reflect a 34-foot 1-inch waiver from the 120-foot setback requirement. This waiver is not based from RU-2-30 zoning but, rather from the GU adjacent zoning boundary. It would be helpful to round to the nearest whole ft.

The modified PDP includes one waiver for a twenty five (25) foot setback for the south property line to RU-2-30 residential zoning boundary for building number five (5).

- (c) A second waiver has been identified for reduced setback regarding the placement of Building #4. Using 12-feet per floor, the 4-story building proposes a building height of 48-feet. There would be a 96-foot setback from the GU zoning required per Section 62-2101.5(b). It appears a setback of approximately 72.5-feet was provided. Please verify the correct distance and create a new waiver regarding the reduced setback for this building from the GU zoning boundary. Staff has identified an approximate waiver of 23.5-feet from Section 62-2101.5 (a)(2). It would be helpful to round to the nearest whole ft.

The modified PDP includes one waiver for a twenty five (25) foot setback for the south property line to RU-2-30 residential zoning boundary for building number five (5).

- (d) There is no waiver for additional building height. Please remove that waiver request

The building height waiver has been removed.

- (e) Please identify which buildings need the building separation distance waiver. The PDP graphic notes them as Building #5 and Building #6.

The modified PDP no longer requires the building separation waiver. The prior waiver has been removed.

- (f) Open space waiver. Although the “Open space, usable common” definition noted within Section 62-1102 subsection (4) regarding active open space would require a project that proposes 365-units to provide a minimum of 1.825-acres of active recreational open space, the PUD zoning under Section 62-1446 (c) allows the flexibility to quantify how much of the overall open space requirement can be applied to active or passive development. Section 62-1442 (a) allows for the deviation/flexibility of a PUD development. The requested active open space waiver is not required.

Section 62-1446 (c) contains a second provision, which in this case, increases the amount of total open space required from 3.7775-acres to 5.475-acres. Although the PDP graphic notes that 6.07-acres is to be provided, I can’t account for that much area. The plan notes two wetland tracts totaling 3.36-acres and an unspecified clubhouse area about 0.5-acres in size/area. What additional areas are to be credited for open space? Please designate and depict at least 5.475-acres of recreational open space areas; if this can’t be accomplished, a waiver to “total” required open space will be needed

The modified PDP now includes an open space legend and breakdown of the spaces.

- (g) As part of the waiver request, the applicant needs to provide a justification for these waivers for the board to consider. At this time no justification has been provided

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- (h) Please note: any substantial changes to the PDP may require additional Board hearings

Acknowledged.