

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

### Excerpt of complete agenda.

**JEN FLORIDA 48, LLC (Kim Rezanka)** requests a Small-Scale Comprehensive Plan Amendment (23S.22), to change the Future Land Use Designation from RES 1:2.5 (Residential 1 per 2.5 acres) and RES 1 (Residential 1) to RES 4 (Residential 4), on property described as Tax Parcel 1. The property is 41.39 +/- acres, located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (**23SS00022**) (No assigned address.) (Tax Account 3000365 & 3000569) (District 5)

**JEN FLORIDA 48, LLC (Kim Rezanka)** requests a change of zoning classification from GU (General Use) to PUD (Planned Unit Development), on property described as Tax Parcel 1. The property is 41.39 +/- acres, located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (**23PUD00002**) (No assigned address.) (Tax Account 3000365 & 3000569) (District 5)

Trina Gilliam read the companion applications into the record.

Trina Gilliam also added that we want to read into the record for Board considerations, we actually state that there are six but there are five.

- 1) Is the proposed development should be capped at three units per acre.
- 2) [Approval of the requested waiver from Section 62-1446 to omit the storage area] should the developer provide the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots [as allowed by Brevard County Code Sec. 62-2117 regarding location and setback requirements]
- 3) The approval of requested waiver from Section 62-1446(d)(3)(b) to allow residential structures two stories or less a minimum building separation of 10 feet rather than the 15 feet shall be accompanied by usable open space for recreation with more than a Tot Lot;
- 4) Prior to County approval of a construction plan and preliminary plat, the developer shall
  - a. Provide documentation that the City of Palm Bay will approve the project access connection to Babcock Street.
  - b. Determine that adequate Water and Sewer services will be available for the development and will be available prior to issuance of Certificate of Occupancy.

Jeffrey Ball added that these are two applications. You can discuss the land use and zoning at the same time; however, you'll need to have separate motions for both.

Kim Rezanka on behalf of Jen Florida 48, LLC. That's the developer and applicant, the owner of the property. With me today are representatives of the company Rick Germaine and Dan Edwards, they're in the back there if they have any questions they can answer, they'll certainly come forward. Also with me is the engineer of record Andrew Ivy and the traffic consultant with Kimley-Horn, James Taylor. They're here to answer questions as well. This is obviously two applications: one for a Future Land Use Amendment to RES 4 and one for a PUD. I wanted to start back in 2014 with Bussen-Mayer, we did a PUD on Hall Road, and it was all residential. That was the first PUD that Brevard County had seen in a long time. PUDs are something that are very common now but back in 2014-2015 they were new, as were rezonings in North Merritt Island. Just that little background having listened to the long debate you all had here previously.

Just for a bit of an overview this is in South Brevard County. It's located on the west side of Babcock Street, north of Willowbrook Street in unincorporated Brevard County. We also have the small scale of RES 1.25 and there's a small section of RES 1 along Babcock. We're asking for RES 4 or four units to the acre, capping it at three, by the PUD as you will see. This is the property is south of the St. John's Heritage Parkway by about 900 ft., so it's very close to where that road has expanded. Which has caused quite a bit of development to the North in that area. Deer Run is about 1.27 miles to the South, there is one single-family home to the north, but if you look a little to the west of that property it almost looks like there's some commercial use of Davis Lane. I'm not real sure but there's a lot of trucks parked there.

This is the reason we're asking for the Residential 4, because there is no RES 3 and this is to allow a variety of housing opportunities in South Brevard County and it is going to have a substantial amount of open space, recreation passive, and again we'll go into this in more detail when we get to that but this is just to show you why we're requesting RES 4, and it does one access off Babcock Street. 124 units, this again is the location. There is the St. John's Heritage Parkway, there has been a traffic methodology submitted and says that there will be no decrease in level of service on Babcock Street or any of the surrounding roads. This is a good representation of what is to the north and what has been developed in this area. You'll see there's a quite a bit of development going around the St. John's Heritage Parkway. As you may recall there's a Publix going in right there at the intersection of St John's Heritage Parkway and Babcock Street. The issue that has been raised in the staff report is the consistency with RES 4 and you guys have heard this argument before but it's even a stronger argument here because we are further north, and because of all the development off of Babcock Street and St. John Heritage Parkway in Palm Bay. Your Future Land Use Policy 1.7 doesn't say adjacent development, it says surrounding nearby. It also does not limit it to Brevard County, so the development that is going on 900 ft. to the north is something you can look at, and that is a higher density than what we're requesting here, and this can be considered a transitional density change.

The FLU Policy 1.7 states a step down in density from more urbanized area, which is Palm Bay to the north, which is urbanized. The St. John's Heritage Parkway has prompted this growth. There are current deficiencies in the infrastructure. They will be solved, that's why there's Proportionate Fair Share Statute 163.3180 that has been created to allow growth. So, there are comments in the staff reports about "we have insufficiency water, sewer, etc., but those will be solved, or it can't be built. And that is the sole reason for allowing Proportionate Fair Share. Developer will bring centralized

water and sewer to the project. We do have a will serve letter, which I'll give to you here shortly because I do not believe it was in your packet, and that's FLU Policy 1.2, so that will be addressed.

RES 4 is compatible because of the urbanization to the north. Criteria B of Policy 1.7 does not require adjacency to be a transition, also there is RES 2 to the north and Rolling Meadow's Ranch. That's over 1,300 acres of RES 2 just to the north and west. The developer is not intending to seek a 25% density bonus as referenced throughout the staff report. That bonus has conditions attached such as requiring higher densities to be relegated to the interior portions of the PUD track and that doesn't work for this proposed plan. As you see, this is a pretty long, narrow strip and you've seen from the PUD plan there's not a lot of interior. So that 25% bonus would not work if we had to put the smaller density on the interior. Administrative Policy 3 - Compatibility with existing and proposed land uses: Again, the land use is single-family homes. It's not apartments. The actual development to this is, there is actual development to the north and to the northeast.

Administrative Policy 4 - Character of the neighborhood: The closest neighborhoods are to the north. There are Waterstone, Cypress Bay, and Emerald Lakes. There are no other neighborhoods nearby. Those neighborhoods I've just cited are far closer than Deer Run. Staff does state in the comp plan report that the applicant has not demonstrated compliance with Policy 3, Policy 4, and the FLU Policies. I've just discussed the letter states the County Commission will make those determinations. I would submit to you that we are compatible because you don't look at exactly adjacency per transitioning from urban areas. The CIE policy 1.3 states that Brevard County should utilize The Advisory level of service standards and the staff report specifies the fire rescue cannot meet those levels. SunTerra will provide whatever proportionate fair shares required for fire rescue and SunTerra has also agreed to donate 2 acres of land for the fire department, for their proposed project to the south. Again, we do have a technical memo dated September 23, 2023, and that states the roadway segment analysis shows volume will still operate within adopted level of service. The traffic from 124 units is not as substantial as from other developments that have been proposed in this area.

School impacts: there was a concurrency review. The staff report says different things at different times, but the concurrency review states, at this time, the adjacent elementary, middle, and high school concurrency areas are projected to have enough capacity even if it doesn't with all these developments. They're going to do proportionate fair share. There was a meeting, I believe a week ago Monday, of all these new developments and they're trying to figure out a plan to move forward with additional schools and SunTerra was part of that meeting.

That's pretty much the Future Land Use presentation. I'd like to go ahead and do the PUD presentation now so you all have everything in front of you and then you can ask questions. I do have just a few handouts, including the will serve letter.

Jeffrey Ball added that while Mrs. Rezanka is passing that out, I just wanted to clarify a couple things that she said. Number one, the fire station property was not a donation. It was requested by the Board for the property to the south, and number two, if you look under FLU Policy 1.7, under the criteria it states "areas adjacent to existing residential for land use designations or areas which serve as transition between existing land uses or land use designation with density greater than four units per

acre and areas with densities of less than four units of acre," that's how we define adjacent to existing RES 4 in our comprehensive plan.

Kim Rezanka stated Policy B says areas which serve as transition between existing land use or land use designations with greater density of 4 units to the acre. So again, I believe there is some analysis that can be done.

First with the PUD, I do have the will serve letter from Palm Bay that does state that there will be capacity. What I've given you is a map that shows the developments to the north that are in Palm Bay. There is this agricultural subdivision to the south here, that's why it looks that way. They're small lots, they're not intended for residential but it's just a very old and it's mentioned in the staff report. On the second page I've provided to you is the PUD and it does have the development standards. Again, it's 124 units. They are smaller lots, they will have over 4 acres of common, rec(reational), and open space. There's one small little wetland that will be impacted and there's one large one that will be retained as you see to the north side there. There are two waiver requests which were read earlier that we are requesting as well. The final document that I provided to you does show the actual developments to the north. That's the Waterstone expansion, that's 5 to 20 units of the acre. The Rolling Meadows I referenced, which is in the County, it's RES 2. There's Cypress Bay at 5 to 20 units of the acre; there's Emerald Lakes at 3.5 density units of the acre; and then Pete Holdings is just to the east and just on the edge of that 2-mile radius, and that's 10 dwelling units of the acre; and then Ashton Park is 5.5 units the acre. So this is representative of what is going on in this area and showing that growth is happening in this area and that all the roads and infrastructure will meet this growth demand. So again, this is a Small-Scale Future Land Use Amendment. Today is the Local Planning Agency for the Future Land Use, Board of County Commission is July 11<sup>th</sup> and the PUD will also go along with those as well, if they're recommended for approval and approved at County Commission.

With that, we are requesting approval of the Future Land Use Amendment to change all to RES 4 that will be limited by the PUD to three units to the acre. The two waivers: Request a waiver to emit the storage of area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles and a waiver from the minimum building separation of 10 ft. rather than 15 ft. shall be accompanied by usable open space, space for recreation with more than a Tot Lot. Then the condition is fine, condition four that was in the staff report. So, with that we are here to answer any questions that you may have.

Henry Minneboo asked how come this site didn't go into the City of Palm Bay.

Kim Rezanka responded that the staff report says there's adjacency by the street, by Babcock. I don't know anything about that. That would be the only adjacency is to the street, but we have not sought, nor do they want to, to go into the City of Palm Bay.

Henry Minneboo asked for clarification if they're going to be getting their water from the City of Palm Bay, they're not going to require you to annex?

Kim Rezanka responded I don't believe so. I know that the staff report says we're adjacent by Babcock, the street is in the jurisdiction of Palm Bay, but I don't think they can make us annex through that. We're not adjacent to any land masses that are in the City of Palm Bay.

John Hopengarten stated you were before us on their other property two months ago, a bigger property, and you had requested a RES 4. We decided on a RES 2 and the County Commission gave you the RES 4, so it looks like they're in favor of this. As far as the meeting that was held with the school district last Monday, turns out that all the development of that area is going to amount to about 33,000 units, which they figured it out, it's about 12,000 students. Which means they're going to have to build 11 schools within the next five years if all these developments go forward. That's kind of a big program that's going to go on and I just wanted to make you aware that the school district is trying to work with you and with the other developers in the area to make this happen but seven elementaries, two middle schools, and two high schools need to be incorporated into that area to make this work. So, let's hope it all does work.

Ron Bartcher asked about the PowerPoint, in the center you have what looks to be 40-ft. wide lots and a 5-ft. setback. which means there's like 30 ft. for a house, is that right?

Kim Rezanka responded that she's going to let the engineer who designed it, talk.

Andrew Ivy, 2602 East Livingston Street, Orlando. I think you might be looking at an old site plan, there's a more recent one. All lots are intended to be 50 feet wide.

Ron Bartcher responded that that answers the other question I had because what was shown up on the screen doesn't look the same as what I have in my package.

Andrew Ivy said the most recent plans are from May 31<sup>st</sup>.

Ron Bartcher asked if all the lots are now 50 ft. wide and Andrew Ivy responded with yes.

Ron Bartcher stated he was concerned how you're going to put a house on that lot, even with a 50-ft. wide lot. What did I what did I hear about offsite parking?

Andrew Ivy said there's no intention to have a parking lot just for boats and RVs, so the intent is to have them on the lot, Sir. The driveways will be 20 feet long.

Ron Bartcher added okay I just going to say 50-ft. lots is going to be kind of tight. Are they going to be two-story houses.

Andrew Ivy said some of them, yes and Ron Bartcher asked some of them, or most of them?

Andrew Ivy responded I can't say at this point. Most Builders have multiple options. Some longer, some shorter, but with two floors and things like that.

Ron Bartcher asked if those two ponds are retention ponds and Mr. Ivy responded yes.

For clarification, Ron Bartcher asked if you're going to have the drainage into those areas to keep the rest of it high and dry?

Andrew Ivy said yes.

Ron Bartcher asked if they expect that to have water in it all the time and Mr. Ivy said yes.

Rob Sullivan said thank you to Kim Rezanka and added you always do such a professional presentation, but I have some concern about increasing from Residential 1 to Residential 4 and I think Ron's point about the lot sizes and what is compatible in the area and you know people do like that country living out there. This 50, even 75 ft.-wide lots seem to constrain that a bit. So, while it is certainly allowable in your presentation, what is compatible out there, particularly since the water and sewer is projected to come 2025... That's still a large area. I'm having the same concerns about increasing density along that corridor as everybody else does and many of the people in Palm Bay. Can you speak to that for me?

Kim Rezanka replied that you've made a lot of comments so I'm not exactly sure where to go first, but dealing with compatibility these are the same size lots that are just to the north here. And yes, they're in Palm Bay but that's what's being developed down there. Increasing density, that's where development is going. You can see from what's been proposed and the 22,000 residents going down there. I don't think there is an established neighborhood for this parcel itself unless you look to the North and that's the only neighborhoods that are there. There are some large homes there, I don't know if the Donovan's are here, they're the ones that live to the north. They've lived there for a while, like 22 years. So again, we're not supposed to impact neighbors and you've seen from the PUD there are the big ponds to the north to help buffer the Donovan's property and any impacts to them from these other houses. It's almost half the property. 300 ft. of property is going to be storm water next to that property to the north.

Rob Sullivan said the discussion that was in the earlier agenda item is the definition of a PUD, I've done PUDs in Miami Dade, and Broward, and Palm Beach and I have to agree with Bruce and Mr. Minneboo that they usually have a combination of different types of facilities. Different types of commercial buildings, commercial and residential types. This looks like it's more like single use. Is that your understanding of a PUD?

Kim Rezanka said the first PUD that I ever did with Bussen-Mayer was the one off Hall Road on Merritt Island. It was all single-family and it did have two different types of homes. Although, Mr. Minneboo would not allow us to do townhomes in that project and said townhomes don't belong in North Merritt Island. But to me, a variety of housing means a variety of housing types for the community. That's how I read it, so this is a way to make this narrow strip of land developable for homes that people are finding to be in demand.

Rob Sullivan replied that that's a good answer, and not to belay the point anymore but I think there's concern on the Board that people are using, or developers may use, a PUD to get around certain zoning requirements and that's just a concern. That's a professional concern that I have and I can't speak for the other members but the like you said, the increasing uses of PUDs, now the PUDs I've

always been working with were for CRAs and other developments where you're taking a blighted area and you're turning it back into to something that's more desirable. That has always historically worked in the past, but that was in the last century. I'm in the space program now.

Kim Rezanka said she understands the County is redoing the PUD Ordinance. I've seen it but I haven't evaluated it fully, but there may be something in that that changes what we're doing now for the future, I don't know.

Bruce Moia said he likes variety being two things, but that's okay. I guess variety definitions have changed, but at least it's more than one. I think this one is a little bit different than the one that's to the south because of the character of the area that's almost directly to the north and you can see where this area is going. You know it's a little bit different than being south of Willowbrook. The other one was south of Willowbrook, and I had a concern about the transitional zoning but this one is north and it seems like it's almost directly adjacent to compatible land use and density.

Bruce Moia asked John Hopengarten if there was anything else out of that student accommodation plan that was just passed by the Board that we need to know about other than the summary that you gave the very brief summary you gave us?

John Hopengarten said it's an ongoing process, they're going to have another meeting within the next couple of months but essentially what they did was they brought all the developers together with the school board folks, or the school district people, to discuss the impact that all these developments were going to have. They're going to try and resolve all the issues that are going to come up with 33,000 new residences there. It's quite significant and it's all in the County. I have nothing more, but I have the minutes to the meeting if you'd like to get copies of that.

Bruce Moia said he was just curious, and you are our school board member the keeps us abreast of what's going on at the school board, how it affects what we're doing here. Besides that, I don't have any more comments or questions.

Jeffrey Ball added that he was at that meeting and just wanted to clarify for you all. the most significant developments are occurring in the City of Palm Bay. There's this property and there's the other one that just went to the Board a few weeks ago those are the only two developments currently that are in there, so I would probably say around 30,000 of those homes are in the City of Palm Bay. With that being said, I just want to make sure that this Board understands that the primary development plan that Mrs. Rezanka submitted to you all at the beginning of her presentation is different from the one that was put in your packet and the major difference that you all should know about is that the plan is showing 40 ft.-wide lots and the original plan that was presented to you there were only 50 ft.-wide lots.

Kim Rezanka added that we can stipulate that they're all 50 ft. lots. There was four or five in my packet, I apologize I've given the wrong one, but it's intended at 50 ft.-wide lots.

Bruce Moia said as long as the 40s are on the interior, I don't have a problem with that at all. So long as the larger lots around the perimeter that's fine. But I'm looking at the South Palm Bay Area future

development map that was put together by the School Board based on all these projects. I'm seeing 16 projects that are in this area, affecting what's happening with the School Board, and they're not all in the County. They're in the city, they're in Grant, they're in the county; so there's a lot going on. I think that would be nice to maybe be kept abreast of what's happening, but I don't know if you have this map. I could share it if anybody wants to see it.

Jeffrey Ball added that is Mrs. Rezanka is requesting 40-ft. wide lots, if she can come to the podium and request that, we can add that to the Board packet.

Kim Rezanka replied that the owner is saying yes. 40-ft lots would like to be in there.

Bruce Moia asked: 40s and 50s? 40s on the interior as shown on the plan? and Kim Rezanka replied yes.

Mark Wadsworth asked if there were any other questions for the applicant before I take it to the audience. There was no further Board comment.

No public comment.

Motion to approve small-scale comprehensive plan amendment (as requested) from RES 1:2.5 and RES 1 to RES 4 by Bruce Moia, seconded by Ben Glover. The vote was unanimous.

Motion to approve rezoning from GU to PUD with noted conditions by Bruce Moia, seconded by Debbie Thomas. The vote was unanimous.