

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 7, 2020**, 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: Brian Woltz; Ron Bartcher; Ian Golden; Brian Hodgers; Joe Buchanan; Peter Filiberto, Vice Chair; and Bruce Moia.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

### Excerpt of Complete Minutes

Vice Chair Filiberto appointed Brian Hodgers as Chair Pro Tem. Mr. Filiberto excused himself from the meeting.

#### **Theodore Goodenow (Chad Genoni / Kim Rezanka)**

A change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1) This item was tabled from the 06/15/20 P&Z meeting.

(All documents presented to the board can be found in file 19PZ00158, located in the Planning and Development Department).

Kim Rezanka, Cantwell & Goldman Law Firm, Cocoa Village, stated in June the board approved the change in Future Land Use that will allow the rezoning to be possible on the west side of Hammock Road. The subject property is a total of 31.43 acres, with almost 5 acres on the east side of Hammock Road and over 26 acres on the west side of Hammock Road, and the request is for RU-1-9 with a BDP. There is TR-2 to the north of the parcel on the east side at 0.5 acres; there are 1-acre lots to the west of the west parcel, and then there is a PUD in the City of Titusville to the south of the parcel on the west side, and then there are some smaller lots on the south side, adjacent to Hammock Road.

She stated the BDP specifies the project will hook up to water and sewer, and the total maximum density for the project will be 62 units. The lot on the east side of Hammock Road will have no more than 5 units on half-acre lots, and then the property can be transferred to the other side. There was an issue of whether a transfer of density rights was an issue, but in working with staff, they said it doesn't apply here because of the zoning, Future Land Use, and other reasons. The project will be one subdivision with Hammock Road in the middle of it. The minimum lot size shall be 9,000 square feet due to the way the property has to be developed with buffers and because of the consistency with the PUD to the south. The BDP further states there shall be a 25-foot buffer on the west property line of the west 26.328-acre parcel. Said buffer may be included in the rear and/or side lot setback; and there shall be a 25-foot buffer on the north property line of the east 4.845-acre parcel.

She stated in paragraph 2(f) of the BDP, the sentence, 'Said buffer may be included in the rear and/or side lot setback' has been stricken because there was some confusion at the last meeting as to what that meant, and the concern was to make sure there was the 25-foot buffer to the north on the east

parcel because those houses were closer to a proposed development than those were on the west side of the west parcel.

Ron Bartcher stated the same wording occurs differently in that same paragraph, and asked if Ms. Rezanka intended to strike that as well. Ms. Rezanka replied no, it's only intended to be stricken at the end of 2(f). She stated most of the houses west of the western parcel are set pretty far back, so it wasn't conveyed that it was a substantial issue, but if that would make the board more comfortable, she can do that.

Mr. Bartcher asked what kind of buffer is intended. Ms. Rezanka replied there will likely be a fence, but they will do whatever the code requires. Mr. Bartcher asked if the buffer would be open space. Ms. Rezanka replied there will be a fence, and there will be trees that will have to be put in because that is what is required. Mr. Bartcher noted a landscape buffer is not mentioned in the BDP, and he would be more comfortable if it was a landscape buffer.

Bruce Moia stated he spoke to Ms. Rezanka because he had concerns after the last meeting. In a subdivision in Brevard County, a 15-foot buffer is required around the entire property that is an undisturbed vegetative buffer. He said on the east side, the north 25 feet is already existing vegetation that creates a wall, so the board could keep that because those houses are pretty close to that property. On the west side it is all clear, so in lieu of it being a 15-foot undisturbed natural vegetative buffer, it would be 25 feet on the west side of the west parcel, the north side of the east parcel, so that whatever is there is there and if they want to plant in it they can, but they have to preserve what is there. He said the language may need to be clarified. It's whatever that perimeter buffer is and that perimeter buffer would extend from 15 feet to 25 feet on those two areas of the site.

Mr. Bartcher asked what size and type of fence would be installed. Ms. Rezanka replied she assumes it will be a wooden fence, but it will be whatever the code requires and it will be opaque.

Jeanne Allen, Natural Resources Management stated the landscaping code doesn't require any kind of vegetative buffer between residential uses. If the board wanted it to say 'vegetative', that would be important. If it's 25 feet wide it can be Type A, which is usually 20 feet; Type B is 15 feet. She said Type A would be a tree every 25 feet, a large shrub every 4 feet on center, and a small shrub every 3 feet on center, so Type A would be the closest.

Mr. Moia stated the board could ask for a Type A buffer or an opaque 6-foot fence.

Jeffrey Ball asked if Mr. Moia wants the opaque Type A buffer on the western portion of the western parcel, and then on the north on the eastern portion of the property. Mr. Moia replied no, the buffer on the north part of the east parcel would be the undisturbed 25 feet along the north line, because there is already vegetation there, so they wouldn't have to plant additional landscaping. He said on the west, it could be a 6-foot opaque fence with a 25-foot undisturbed buffer on the western border of the west parcel.

Mr. Bartcher asked Ms. Rezanka if the proposed lots could be larger than 9,000 square feet. Ms. Rezanka replied no, 9,000 square feet is all Mr. Genoni can commit to because the engineering still needs to be done.

Public Comment:

Terri LaPlante, 4052 Friar Tuck Lane, Melbourne, urged the board to vote against the rezoning due to the proximity to the Lagoon and the railway that leads to the Kennedy Space Center. She said it's an error to believe that as long as the developer hooks up to water and sewer there is not an issue with polluting the Lagoon, and she fails to see that the developer has taken sufficient action to protect the Lagoon. The latest study shows the retention ponds once believed to reduce nutrient load by 80% are showing nutrient load reduction of 50%. She asked if the developer is willing to use a native land cover rather than sod and turf grass. Turf grass requires fertilizers and pesticides, which end up in the Lagoon along with some of the sod. She said leaving a natural habitat of trees would help the stormwater management and pollution control. She stated the Florida Department of Environmental Protection has mandated that since the North Indian River Lagoon is an impaired water that does not currently meet State water quality standards, new developments in the basin cannot increase nutrient loads to the Lagoon.

David Montgomery, Palm Bay, stated he is a retired engineer and he sat through the Brooks Landing Phase I project in Titusville and he's concerned about the apparent stormwater runoff doesn't seem adequate for a low-lying area. The only drainage along there for overflow in severe storm events would be Jay Jay Road. He stated it is not clear how a high-density housing development could retain stormwater on the property without shunting it to the Indian River several times a year.

Ms. Rezanka pointed out that the land is already cleared on the west, and to some extent on the east, and it is an old grove land, so the project will increase drainage. She stated Administrative Policy 7 deals with drainage problems on surrounding properties, and the land development code requires all drainage to be retained, and this will increase the ability to retain runoff. She said she doesn't believe the project is considered high density because it's two units per acre. There is no concept plan because it's not required at zoning; before the board today is whether or not the proposed zoning is compatible with the surrounding zoning. She said to the south of this property on the western parcel is TR-1 zoning, which is 7,500 square-foot lots, so 9,000 square-foot lots are not incompatible with what is allowed to the south. She requested approval with a BDP as amended to add a 6-foot opaque fence as discussed.

Joe Buchanan stated he visited the property and his observation is that the orchards are pretty much gone and there's not much vegetation there. Any development there would help absorb more moisture. He said what the developer wants to do may improve the saturation and absorption of rainwater, stormwater, and drainage. The other thing he noticed about continuity is that the TR-1 houses on the west side are not really going to be impacted by this development, and whatever happens there is going to be an improvement to the area.

Mr. Moia stated the BDP solves a lot of issues the board talked about. There were quite a few speakers at the last meeting and now there are only two, so he thinks they made the majority of people happy with the reduced density and increased lot size on the east side and the buffering they are doing on the west side. He said he doesn't know if the public speakers understand the requirements that have to be adhered to. The stormwater ponds are not the same ponds that used to be done years ago; the requirements now are very strict and they are done so they do not increase the loading any more than what is there now. Historically, this property has discharged directly into the Indian River Lagoon probably causing a significant amount of damage to the Lagoon and to now put in a system that will meet all the State and local standards will be a major improvement to the area. He said he's happy with the BDP and the concessions the developer has made.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the request for a change of zoning classification from AU to RU-1-9, with a BDP limited to 62 units; a 25-foot buffer on the north property line of the east 4.845-acre parcel, to be a continuation of the 15-foot perimeter undisturbed vegetative buffer; and a 25-foot buffer on the west property line of the west 26.328-acre parcel with a 6-foot opaque fence. The vote was 5:1, with Ron Bartcher voting nay.