



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

August 15, 2024

Caitlin Lewis
Lacy Lyons Rezanka
1290 US Highway 1, Suite 103
Rockledge, FL 32955

RE: SSCPA 24SS00013- Espanet Property Located at 5610 Highway A1A

Dear Ms. Lewis:

Thank you for contacting me about your recent submittal of the SSCPA for Tax Account # 2963384 (the "Property") requesting to change the Future Land Use Map designation from RES 1 to RES 2 with a BDP limited to 1 unit per acre. As you are aware, there are significant land development challenges relating to the Property.

According to the information available to the County, the Property is only 0.7 acres and was created by virtue of a property split in 2005. The lot currently has a RES 1 land use designation. The RES 1 land use designation establishes a maximum of one unit per acre. Due to the 2005 split, the Property became substandard for land use purposes.

Chapter X of the Brevard County Comprehensive Plan, also referred to as the Coastal Management Element, was put in place to, among other things, ensure growth management is done in a way that "does not damage or destroy the function of coastal resources, protects human life, and limits public expenditures in areas subject to destruction by natural disasters." As it applies to the Property, Coastal Residential Densities, Policy 7.1, provides as follows: "*Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.*" **Based on the plain language of the Comprehensive Plan, the aforementioned request is not permitted and, therefore, it is staff's position that it must recommend the Board deny the application.**

Pursuant to Section 62-1157, Brevard County Code, a binding development plan is used for rezonings and conditional use permits; a BDP should not be used for land use amendments.

Lastly, it appears your client's property is located within the State-designated Area of Critical State Concern, which will require the State's involvement in the review process for the requested action.

Generally, the County will not process an application that, on its face, conflicts with the plain language of the Comprehensive Plan as it costs time, money, and resources for both the County and the applicant for such a request. Staff will process the application with the understanding that the above-stated limitations will be put on the record.

Phone (321) 633-2070 • Fax (321) 633-2087

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Should you have reason to believe staff's position is in error, I request that you submit your reasoning in writing so that staff has a chance to carefully consider and review it prior to the creation of our staff report.

Based on staff's acceptance of this application as of August 15, 2024, staff will complete its sufficiency review. The anticipated LPA meeting is November 18, 2024 and the December 12, 2024 Board meeting.

Respectfully,

Jeffrey Ball, AICP, Planning & Zoning Manager
Planning and Development Department