

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 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, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

### Excerpt of complete agenda.

**G.11. (24SS00008) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka)** requests a Small-Scale Comprehensive Plan Amendment (24S.08), to change the Future Land Use Designation from RES 2 (Residential 2) to CC (Community Commercial), on property described as Tax Parcel 754, less and except the western 250 ft The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. **(24SS00008)** (No address assigned. In the Cocoa area.) (Tax Account 2317736) (District 1)

**G.12. (24Z00023) Ibrahim and Haroon Realestate, Inc. (Kim Rezanka)** requests a change of zoning classification from TR-3 (Mobile Home Park) with a BSP (Binding Site Plan) to BU-1 (General Retail Commercial) with removal of the BSP (Binding Site Plan), on property described as Tax Parcel 754, less and except the western 250 ft. The property is 2.86 acres, located on the north side of Canada Dr., approx. 250 ft. east of US Hwy 1. **(24Z00023)** (No address assigned. In the Cocoa area.) Tax Account (Tax Account 2317736) (District 1)

Jeffrey Ball read companion items G.11. and G.12. into the record. He referred to the information that Ms. Rezanka had provided which included a concept plan. He noted that staff had not reviewed the concept plan for code compliance or regulations. In addition, the provided zoning map notes GML. That property with a public school on it is actually zoned AU.

Kim Rezanka, on behalf of Ibrahim and Haroon Realestate, noted the information had been provided to show what she believes to be inconsistencies in the zoning and future land use on the map. Fair Glenn Elementary School to the north of this property has a zoning of AU and future land use of RES-1. She believes it should have a future land use of government managed lands institutional by the county code. The land to the west of that is owned by Brevard County and looks like it's mostly just for storm water. To the south of this property is a mobile home park. It's a rental property with Res 2 and it has TR-3 zoning even though it's not big enough and should have 10 acres to have a TR-3 zoning. As discussed, it can't be subdivided so it's a rental community which could be considered commercial. There are three homes to the east of this proposed development. This subject property is accessible from US 1. She went on with explaining that 2.86 acres isn't big enough to be developed, therefore it can't be used right now in its current TR-3 zoning. Ms. Rezanka then noted what the applicant wishes to do and made reference to the concept site plan that was drafted by

Aaron McDonald, the engineer of record. They're looking to do 27 units. They would have office hour time so they would end by 6:00 at night and meet performance standards to make sure they did not impact the residential homes to the east.

Henry Minneboo wondered if the piece that abuts US1 was under same ownership. He also asked to confirm if sewer and water would be available.

Ms. Rezanka confirmed that the 250 feet is owned by the same entity and be used by the entirety of the property. Sewer and water were noted to be available.

John Hopengarten asked how big the lot to the west is.

Kim Rezanka responded by stating under two acres and that the two lots together are almost five acres.

Ron Bartcher asked for the applicant to describe the buffering.

Kim Rezanka noted there would be a 25-foot type A buffer with a six-foot high completely opaque visual buffer. Actually, she believes it's going to be larger than that based upon the placement of the driveway. For the property to the east there's a substantial natural buffer on the owner's property that's going to be preserved.

Ron Bartcher recommends the condition of a BDP that restricts him to BU-1 uses such as the mentioned retail, office, and personal services.

Jeffrey Ball stated to clarify that the current BSP. It's limited to seven lots of at least 15,000 square feet provides a 50-foot buffer to the east and a 75-foot buffer to the north.

Ron Bartcher stated he was concerned less concern of buffering to the north because they have their own fence. He was more concerned about the buffering to the east where its residential and to the south. He'd like to see as much buffering as possible there. He understood that there isn't enough room for a 50-foot buffer but also enough for 20-25 foot. Mr. Bartcher went on to ask whether a six-foot wall, because its commercial to residential, would be required to the south and east.

Tad Calkins said yes.

Ron Bartcher and Henry Minneboo discussed the aerials and whether the existing vegetation that's depicted were Brazilian peppers.

**Public Comment:**

Jennifer Parish, 1260 Old Dixie Highway, Titusville, Florida. Ms. Parish has little kids. She had a question as to whether there were any restrictions to what commercial stores, or anything could go there right next to a school.

**End Public Comment:**

Jeffrey Ball went on to explain what uses are allowed in BU-1 zoning and the BDP runs with the land. Therefore, even if the property is sold those restrictions would still apply unless there's a request and approved by the board to remove those restrictions.

Kim Rezanka added that there couldn't be any alcohol sales or adult entertainment there either because it's so close to a school so those would be restrictions also.

**Motion to recommend approval of item G.11 by Ron Bartcher, seconded by Debbie Thomas. The vote passed unanimously.**

**Motion to recommend approval of item G.12, on the condition of entering into in a BDP that requires a 20-foot buffer along the east and south and restricts the restrict the BU-1 uses to retail, office, and personal service, by Ron Bartcher and seconded by Debbie Thomas. The vote passed unanimously.**