

## 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.9. Aaron Reninger (Kim Rezanka)** requests a Small-Scale Comprehensive Plan Amendment (24S.02), to change the Future Land Use Designation from AGRIC (Agricultural) to RES-6 (Residential 6), on property described as Lot 3.02, Block 7, Indian River Park, Lot 6, Block 7, Indian River Park, Lot 5.03, Block 7, Indian River Park, Lot 5.05, Block 7, Indian River Park, Lot 5.04, Block 7, Indian River Park, and Lot 5.02, Block 7, Indian River Park. The property is 17.01 acres, located on the south side of Gandy Rd. and east of Hog Valley Rd. **(24SS00002)** (4735 Gandy Rd., Mims) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232) (District 1) **This item was continued from the June 10<sup>th</sup> PZ/LPA meeting.**

**G.10. Aaron Reninger (Kim Rezanka)** requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to TR-3 (Mobile Home Park) with an amended BDP (Binding Development Plan), on property described as Lot 3.02, Block 7, Indian River Park, Lot 6, Block 7, Indian River Park, Lot 5.03, Block 7, Indian River Park, Lot 5.05, Block 7, Indian River Park, Lot 5.04, Block 7, Indian River Park, and Lot 5.02, Block 7, Indian River Park. The property is 17.01 acres, located on the south side of Gandy Rd. and east of Hog Valley Rd. **(24Z00005)** (4735 Gandy Rd., Mims) (Tax Accounts 2002219, 2002228, 2002229, 2002230, 2002231, & 2002232) (District 1) **This item was continued from the June 10<sup>th</sup> PZ/LPA meeting.**

Jeffrey Ball read the companion applications into the record.

Kim Rezanka presented on behalf of the applicant Aaron Reninger and provided a handout conceptual plan to the Board. This handout was stated to a 17-acre area, west of 95 in Mims, mostly consisting of manufactured homes. She went on to describe the character of the surrounding properties. To the south there lies a subdivision of mobile homes which runs anywhere from 6 to 4 acres. The idea behind this is to build a tiny and manufactured home subdivision called Nova Tiny Homes. They are seeking two units to the acre, but the zoning is incompatible with RES-2, therefore they are requesting to go to RES-6.

Mark Wadsworth asked if the two units per acre is reflected in their BDP.

Kim Rezanka confirmed that is correct and that the lots would have to be a quarter acre lot minimum because they will have to be on septic and sewer and wells. Kim made note of the large stormwater pond and wetland that would be have to be accounted for. She stated that Hidden Lakes, the properties to the south, varies in size with the smallest at 0.5 acres. She noted there have been a lot of complaints about flooding in the area and assured the property will have to meet all current County codes for storm water county code requirements and once developed it will have to retain its own water. If Road improvements are needed, those issues will come up and be addressed during site planning. She mentioned the character of that area as being considered relatively rural although these are quarter acre lots next to half acre lots. The character is determined by the use. To address concerns of land devaluation she noted the property values from \$35,000 to \$400,000 but a lot of the manufactured homes are lower so this will help with the property values in the area and will not degrade it. The zoning was required to go to TR-3 because TR-2 does not allow tiny homes. The TR-3 zoning allows 15,000-foot lots which would be 2.9 units to the acre and here we're at two units to the acre. The concurrency has to be met. There's been no deficiency notice to date. There's nothing in the staff report that says this is not compatible with the Comprehensive Plan policies. They will have wells and septic which is allowable by law at quarter acre lots and again some of these will be bigger than quarter acre lots. With that we would request that you approve the request for the comprehensive plan of RES- 6 and the rezoning to TR-3 with a binding development plan.

Jeffrey Ball noted that the concept plan that Ms. Rezanka had just provided had not been reviewed for regulations for the county code.

John Hopengarten deferred to staff as to whether septic, as per Kim Rezanka, on a quarter acre lot would really be allowed. John thinks the minimum lot size requirement for septic may be larger than a quarter acre.

Jeffrey Ball conveyed that is handled through the Health Department and that he does not know what their requirements are.

**Public Comment:**

James Ranken, 4705 Gandy Road which is on the very east end. Mr. Ranken provided the Board with photographs of the flood areas after recent rains. They noted the road floods and lack of ditch maintenance in about 20 years. His concern was that the potential additional trips to the existing roads would exacerbate the worsening conditions. He noted a concern that trailer park being proposed five acres down from his property would devalue his land.

Ken Harrison, 4960 Gandy Rd. Mr. Harrison brought to attention the April 2007 Mims Small Area Study and the 1988 Comprehensive Plan. He stated they both determined the future land use to be agricultural and set limits to one dwelling per unit per five acres west of Middle Green Road. Properties with approved RRMH-1, Au and AGR zoning classifications prior to the study were retained and adopted. this property. He states the subject property does not serve as a transition between areas with land use designations of six units per acre or existing land use designations equal to no more than one unit per acre. He also noted traffic safety issues due to increased traffic and the reduction of property values due to higher density for the subject area. Six new block single family residences were built in the last three years two of them border the subject property development. The proposed rezoning and land use will cause a 200 percent increase in traffic on Gandy Road, and he further stated that 30 more single family residences will cause a burden and

significant safety and convenience issues on an already poorly maintained dirt road that is only graded 12 times a year. The road is too narrow for two cars to pass each other at certain points, poorly drained, and unstable with loose soil the subject property. A portion of the subject is part of Indian River Park Indian River Park.

Stephanie Knight, 3995 Golden Shores Boulevard. Ms. Knight went to explain that the subject property's the north, west, and east boundaries are designated as agricultural land use with agricultural zoning. The South is public conservation with General Use and agricultural zoning. The requested zoning and FLU could change the subject property to commercial use if rented or charged. There are no commercial use properties in the entire area. The area is not considered transitional. She re-iterated that the increase in traffic would deteriorate the condition of Gandy Road. She stated the applicants have filled and cleared subject property without proper permits and are in clear violation of county codes and noted the subject property contains national wetlands inventory, aquifer recharge soil, hydric soils and may contain protected and specimen trees and protected species. Per section 62-3694(c)(1)a. residential land use within wetland shall be limited to not more than one dwelling unit per five acres unless strict application of this policy renders a legally established parcel of as of September 9<sup>th</sup>, 1988.

Danielle Bowen, 4160 Hidden Lakes Drive, Mims, Florida, 32754. Ms. Bowen stated "I am a realtor. I have been a realtor for 18 years. When we moved, we did so with the understanding that it would have limited growth due to its future land. We live on one of the two adjoining lakes. The lake is in our backyard. His property is located one lot behind the lake so essentially his community would potentially affect our lakes. After serving three and a half year on the Indian River Lagoon Oversight Committee I learned more about water quality and septic than I ever imagined. Although the State of Florida recognizes that any lot size under one acre should not be developed with a septic system, they only limit it to one half acre. According to the Department of Health and Florida statute 381.62 the limitation is one half acre but understanding that they do make exceptions for other pervious surfaces. My biggest concern is that according to Brevard County this is not going to require ATU systems. It's only going to require standard septic systems. So, we're increasing our septic capacity by almost 24 homes and the waterways that it is adjacent to would be potentially affected by nitrogen loads of 960 pounds per year and phosphorus at 96 pounds per year. As Kim demonstrated once density increases and starts getting approved, it sets a future precedence for future approvals. This area is meant to be one home per five acres per future land use."

Katie Delaney, 5105 Cabbage Palm Street, Cocoa, Florida 32927. Ms. Delaney said "I drove up into this area because I had never been up there. This project is completely abnormal for that area. This area is full of homes on huge pieces of land and mostly dirt roads that frankly aren't maintained properly. The ditches are not maintained properly. I think that the Mims Small Area Study as well as the Comprehensive Plan don't allow for this type of development for a reason. Our infrastructure just cannot handle it and so I'm asking you guys to um not approve this project."

Patricia Frank, 3825 Aurantia Road, Mims. Mr. Frank stated" I've lived there well since 1996 on that on the south side of Rancher Road. I grew up on a Rancher Road when it was a dirt road. Her worries pertained to potentially unsavory people throwing their trash along Rancher Road. She worried over her own safety due to the influx of people from this proposed development. She continued to state, "If I wanted to kiss my neighbor good night, I'd live down here in the town. I live up there". She noted that Rancher Road could not handle the additionally up to 60 people that this

development would bring in. There is already a pothole about 25 feet off of US 1 across from the Circle K on Rancher Road. She prefers her elbow room.”

Ruth Amato, 1950 Tomato Farm Road, Mims Florida 32754. She is obviously opposed to this just like everything else. If the land is already flooding, she thinks that would make it considered a seasonal flood plain. She stated “and when you continually build up and drain the flood plains you ruin your aquifer water quality, and you flood your neighbors. Due to all of the massive building in Brevard County we have started seeing flooding out her way, which is not where they live, out at 46. Since about 2000 we have consistently gotten major flooding to our pastures. Ruth stated “My family's been on the current property I live at for over a hundred years. I can tell you my great grandma never lost her Grove due to flooding, but she would have lost it in 2022. Ian, he dropped a lot of water because it was 24 inches in 24 hours. Our area in Titusville averages 50 inches of rain a year. We haven't seen a major rain event since 1953 at 81 inches. People are already losing their houses flooding that have never flooded before. If we don't start with responsible building that preserves the resources that we have, we won't have anything left but the people living on the high houses that built last.” Ms. Amato concerns as well were aimed to towards water shortages. She asked to please vote for responsible building instead of cramming everything in there because somebody bought a piece of property and wants to make a buck.”

Katherine Martin, 4355 Hog Valley Road. She noted she is in the direct impact zone from flooding and septic tanks from this development. She claims Kim said \$35,000 was the average home. She had bought her home in 2020 for 171 and now its 235. She owns two acres. She believes most that most of the existing properties on Hog Valley butting up to this project are greater than a half-acre. She believes that if the project were to propose lots at one acre it would be welcomed by the neighboring community. She is against the rezoning of this area.

Earl McKuen, 4335 Hog Valley Road. He is very against having a quarter acre for a house. He noted “it's a two-lane road”. His concerns lie with people driving 60-70 miles per hour in a 25 miles per hour zone. His other reasonings for being against this was the same as all the other people that spoke. He likes his peace and quiet.

Deborah Gray, 5440 Dixie Way. She is against this. She lives next to the National Cemetery which is a little different from where they are at. She noted the recently built homes on Huntington, which were 2.5-5 acre lots. But the impact of just those homes has made a big impact on her water. Salt intrusion in her water is her concern. Some carry great big containers so they can have their own drinking water and not worry about the salt intrusion. She continued to note that every single year there's people at least twice a year killed right there on Aurantia and US 1. There are no lights there and they don't want a light there. She has been up there since 2006 and has seen how the water levels have dropped. Her wells have gone dry due to the salt. She stated, “people are having to redrill Wells continually where I'm at.” Although she believes the Saint John's is fresh water it's not brackish, she said “you got to have somebody who knows what they're doing to be able to put a well in to not have salt in it now.” Another point she had made was that she felt not enough people were even aware of this public meeting that was to take place. She stated she had found out about this meeting through Facebook. She does not feel this area can sustain all these new subdivisions that are being built because of the runoff into the water systems such as on the poorly maintained county line ditch. If they just keep building, then people will have to move away due to the poor water quality and concern for disease in the water.

Jeremy Park, 4705 Meadow Green Road. He has small children. Although the speed limit by his house is 35 miles per hour, people drive every week up to 70 miles per hour. He has called the Brevard County Sheriff many times to try and get people to slow down and has asked for speed bumps. Nothing has happened. A big concern of his while listening to Ms. Rezanka speak early was hearing her make 3-4 claims that he didn't agree with. He wondered if anybody was factchecking these claims to determine if they were true. He has been there for 17 years. He feels that if they approve this it will ruin everything for the people that already live there left to deal with the decision.

Jennifer Parish, 1260 Old Dixie Highway, Titusville. She is very much against this idea. Her family has been there since about 2004 and they lived all over the county. They decided to move up to District 1 due to rural characteristic of that area. Due to overcrowding she sat in a Redevelopment Agency Meeting where the condition of the existing roads were talked about. The person speaking defending the fact that the roads in District 2 were rated an E, very close to an F, yet defended the fact that more houses could be squeezed into this area. And that was the final decision. She believes that role of this Planning and Zoning Board is to protect the residents and for this reason keep this area as rural.

### **End Public Comment**

Ms. Rezanka responded in kind to the public comments. She stated they are seeking RES-2. Hidden Lakes plat has half acre lots, so it's not inconsistent. She stated, "we wanted RES-2 but we were told we had to go Res-6 along with a binding development plan". She mentioned they had to do the same thing with Dunkin Donuts in Merritt Island. They just want the ability to do two units to the acre next to two units to the acre, that is not inconsistent from a transition standpoint. She submitted a copy of an email from Steve Swanke that stated the Environmental Health conveyed they do not have a minimum lot size requirements per se, but they do enforce a separation distance. She also gave a copy of Sec. 62-1255. The requested is a minimum quarter acre but it looks like the lots will be larger than that. She went on to read off the staff report to address some of the public comments. Next, she claimed that she did not say the average value is \$35,000. She said some are as low as \$35,000 and some go much higher to size and age of the home. Some of these mobile homes go back to the 1970s, some in the '90s, and some are newer. She notes this project again is to be affordable but only because \$150,000 is going to be the minimum value. This is value is higher than many of the values in this area. She has not seen any evidence or code complaints regarding filling of the wetlands. She noted runoff must be kept on onsite since post development can't be worse than pre-development. She asked the item be approved and reflected that the BPD would limit the size of the lots to quarter acre lots minimum.

Ron Bartcher asked if the applicant is planning a traditional mobile home park and if it's going to be an actual subdivision.

Aaron Reninger, 1865 South Banana River Drive Merritt Island. He responded no and went on the explain the intention of the project.

Ron Bartcher asked for clarification to which Mr. Reninger replied that the homes on the property would be rented out.

Jeffrey Ball went on to explain the property would not allow fee-simple lots and that it all has be done in a mobile home park. These tiny homes would have to sit on a pad that's owned by one person. He

also clarified the staff email that Ms. Rezanka had brought up earlier. He noted that Planning and Development is not the regulatory agencies for septic and minimum size requirements for that. He clarified that the email states Brevard County does not have such requirements for septic. It is in fact Environmental Health that permits and regulates septic.

Ron Bartcher, Robert Sullivan, and Henry Minneboo went on to discuss septic setback and density requirements.

Mark Wadsworth asked staff a hypothetically question. He asked “hypothetically we passed this. They don't get their engineering. It reflects back to the original zoning?”

Jeffrey Ball explained once the Board of County Commissioners approve the zoning, the zoning is in place whether they approve it contingent upon the BDP. The BDP would stay in effect unless some entity removes it from the property.

Ron Bartcher noted that a tiny house is permitted with conditions in TR-3. He asked what the conditions are. Kim Rezanka referenced sec. 62-1844 in response.

Ron Bartcher commented that the only access to this property is really via Hog Valley Road. He notes a 50 percent increase of traffic on that road when this is developed. Mr. Bartcher then asked to confirm whether the traffic study that is to be done for this project will address the traffic on Road or US 1 rather than Hog Valley Road. That really there no traffic study to be done on Hog Valley Road.

Tad Calkin in turn responded when a traffic impact analysis is submitted, they look at the roadways that would be affected in that area. So, it could include Hog Valley but how far down on Hog Valley he could not say.

Ron Bartcher noted there were probably 60-70 homes using Hog Valley Road and that this development would add 30 or so more. There would be a density increase on this property of about 400 percent. Based on this information and the Mims Area Study he believes this is just not the kind of development we need up in in Mims area.

**Motion to recommend denial of item G.9 by Ron Bartcher, seconded by Henry Minneboo. The vote passed unanimously.**

**Motion to recommend denial of item G.10 by Ron Bartcher, seconded by Henry Minneboo. The vote passed unanimously.**