



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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### **Addendum 25Z00054 Merritt Bidco SPV, LLC**

This addendum is provided to address comments and statements made during the Planning and Zoning Board public hearing and to clarify staff's analysis regarding traffic concurrency, transportation impacts, Comprehensive Plan consistency, and applicable zoning approval criteria for the subject rezoning request. The applicant's representative, Kim Rezanka, stated during the hearing that she does not believe traffic concerns are an issue that can be considered at this stage. However, these concerns are applicable under Administrative Policies 3 and 4, which address neighborhood and area impacts. Administrative Policy 5 further requires that, when reviewing a rezoning request, the impacts of the proposed use on transportation facilities be considered, including adopted levels of service, roadway capacity and construction quality, public safety, and whether projected traffic would materially and adversely affect surrounding residential neighborhoods. At the time of rezoning, no traffic study or transportation analysis has been submitted to demonstrate compliance with these criteria (nor is one required as part of this application). Therefore, staff defers to the Board for this determination.

The applicant stated a willingness to provide proportionate fair-share contributions and to extend Pioneer Road, including extending or improving the northbound turn lane, and to complete any transportation improvements required by the County. Staff notes that while such statements indicate a willingness to address future impacts, no formal commitment, proportionate fair-share agreement, or traffic mitigation plan has been submitted for review at the rezoning stage. The applicant provided a concept plan for illustrative purposes only. Staff notes that the concept plan is non-binding and has not been reviewed for compliance with the Land Development Regulations. As this request is not for a Planned Unit Development, which allows for conditions of approval, there is no mechanism to establish conditions as part of the Board's approval of this rezoning request, nor is there a Preliminary Development Plan (as opposed to a nonbinding conceptual plan).

The applicant stated a willingness to provide a fifty (50) foot setback along the northern property boundary to remain undisturbed, as well as a one hundred (100) foot buffer along the eastern boundary, including a fifteen (15) foot landscaped buffer combined with storm water retention ponds and vegetation, to preserve tree canopy adjacent to nearby residences and provide separation from parking areas and a proposed single-story clubhouse. While these buffering concepts may address compatibility concerns, any such commitments would need to be memorialized through enforceable conditions, such as a Binding Development Plan, in order to be binding and tracked through subsequent development review.

The proposed development includes three-story residential buildings with primary access from North Courtenay Parkway. The applicant cited Housing Element Objective 4 of the Comprehensive Plan, which encourages providing adequate lands for residential uses and a variety of housing types. Staff notes, however, that Policy 4.1 under Objective 4 also requires that residential development occur where public facilities and services are available at adopted levels of service. Based on staff's analysis, the affected roadway operating at approximately 88 percent capacity exceeds the 85 percent threshold identified in Section 62-602 and raises concerns regarding the availability of transportation facilities at adopted levels of service, which is inconsistent with Policy 4.1(B).

Pursuant to Administrative Policy 2, staff is required to analyze rezoning applications for consistency with Comprehensive Plan policies, zoning approval criteria, and other applicable written standards. Based on the policies cited above, staff notes that traffic, roadway capacity, and drainage impacts are applicable considerations at the rezoning stage, even if detailed engineering analysis would occur during later phases of development review. The Board may consider memorializing any commitments offered by the applicant

regarding traffic mitigation, roadway improvements, buffering, or proportionate fair-share contributions through an enforceable mechanism such as a Binding Development Plan in order to ensure consistency with applicable policies and allow for effective review and enforcement during subsequent development approvals. Alternatively, the applicant could submit a request for a Planned Unit Development, which would allow consistency with the Comprehensive Plan while allowing clustering where appropriate. Such a PUD application would also allow the applicant the opportunity to demonstrate consistency with policies referenced above through the approval of the associated Preliminary Development Plan (PDP), and give the Board the opportunity to condition approval based on circumstances in the area. It should be noted, however, that this would be a distinct application from the one at hand, and would require a new application and new review.