

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 17, 2025**, 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 Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Darcie McGee, Assistant Director, (Natural Resources Management); Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### Excerpt of complete agenda

#### **Item H.6. Frank Mastroianni (Jason Searl) requests a change in zoning classification from BU-1 and RU-2-10(6) to RA-2-6. (24Z00069) (Tax Account 2600118) (District 2)**

Trina Gilliam read the application into the record.

Jason Searl spoke to the application. We are here on a consistency of zoning effort to unify the zoning currently split between BU-1 and RU-2-10(6) to RA-2-6 honoring the six unit per acre density cap that was passed by the county in 1973.

#### Public Comment

Pam Higgins stated her home is right next to this property and this group came by about 6 months ago using PUD. They wanted to try to use PUD, and it was all from you guys unanimously declined. And then they withdrew their application. Now they're wanting to rezone the business unit front part to make the whole thing one. But they want to remove the cap 6, and it says 2 to 6, but I'm wondering why we have to remove the cap 6 part of the designation. I think if they come back again under future land use which would be RES 15, not having that cap 6 in there, this is a very complicated piece of property. It has all sorts of natural resource issues, and I think not having that cap 6 designated there would limit discussion about it. Could we expect with this change of zoning that they're going to come back with a plan that is under 88 units or are they going to come back for future land use at 222 units?

Michael Gaisch spoke regarding environmental problems. There are ways to get around what the density is and buying what we would call mitigation credits. If you look at the next to the last paragraph of the package from me it states what the FLU policy is, the coastal management element, objective 7 demands that the county limits density within the coastal high hazard area. To increase that density beyond the limit of 6 units per acre would violate that objective. Similarly, over half of the referenced PUD to the now parcel is in a special flood zone area, zone AE coastal flood plain and the number of units should not be increased. I don't see why they can't tell the public what tests they need done on the property.

Rob Solito stated he appreciates what happened in the past where their original application was voted down when they tried to drastically increase the density. This zoning application I believe is consistent with what is acceptable with the cap of 6. My understanding is that the RA-2-6 is a cap of

6, and doesn't need the additional 6 cap. I appreciate the developer's understanding the need for this zoning cap in this region and I do not oppose it.

Henry Minneboo asked Mr. Solito if he was in Indian River Isles.

Mr. Solito responded "No, I'm in the Laguna Vista Condo, right next door."

End of public comment

John Hopengarten commented in your application it states that the property has 2 areas, one is a BU and the other is residential. Is that correct?

Mr. Searl replied correct and maybe there's a visual we could put up.

John Hopengarten went on to say the commercial is 2.88 acres and the remaining residential is almost 12 acres.

Mr. Searl responded correct, if that's what you're reading from the application then yes. The visual is in the staff report. Yes, it is split. The front part of the property has the business zoning, the smaller of the 2.

John Hopengarten continued with questioning the current gives you a FAR of .75, gives you the availability of having 157 multi-family units. You're proposing 88 units. Are those going to be multi-family or single-family?

Mr. Searl responded it is attached single family.

John Hopengarten asked what does that mean?

Mr. Searl stated that's from the county zoning map. BU-1 and you see the line there. My acreage is 14.6. And then there's future land use split that's consistent as well.

John Hopengarten asked if these are going to be townhomes? You said attached single-family.

Mr. Searl answered yes, townhomes.

John Hopengarten asked single story or two story.

Mr. Searl stated to be determined based upon the zoning allowance and the county's requirements for height and FAR and other requirements.

John Hopengarten stated you also mentioned in your application the use of SB 102, the Live Local Act. Do you realize you can only use that on the commercial part.

Mr. Searl responded correct, and that is from the staff report. It is a possibility that yes, the commercial zoning could be used under the Live Local Act and could be utilized as a tool to maintain an even greater density.

John Hopengarten stated right, because they would give you up to 30 units per acre and you have almost 3 acres there.

Mr. Searl responded correct and that would be the development potential that this could be however as we said in our application, we do not desire to remove the cap. In fact, the application said we are making this change and the renewed application to honor the cap. We're very much living with the cap here.

John Hopengarten said the cap would put you at 71.5 units on that almost 12 acres.

Mr. Searl responded page one of the staff report gives us the counts. 88, but that would be both properties.

John Hopengarten stated he was talking about just the residential here. He came up with 71.5, based on 6 units per acre on the 12 acres.

Mr. Searl said his project engineer, Landon Share confirmed 71 on the 12 acres.

John Hopengarten continued you can do that. If you do the Live Local you could have 158 units on this property. But you're restricting yourself to 88.

Mr. Searl responded with affirmative.

Erika Orriss stated the only place you're using Live Local is on the BU.

Mr. Searl stated we are not using Live Local. Live Local is available to anyone who qualifies. We could, and we are not. We are applying to unify the zoning at the requested RA-2-6, maintaining the 6 dwelling units per acre cap from 1973. We are not using Live Local, but we could.

John Hopengarten stated you're asking to change the BU designation to residential.

Mr. Searl responded correct. We're here to unify the zoning so the property may be developed in a uniform fashion. More consistent with the surrounding area as outlined in the staff report, pages 2 and 3.

John Hopengarten stated so then you'll just take the 6 units per acre on the total amount.

Mr. Searl responded with correct. Because the RA-2-6. And there's a table on page 1 of the staff report. And that is consistent with both the CC and RES 15 future land use. So, in theory we could also develop more than that based upon the future land use consideration of the RES 15. That was an earlier discussion.

Henry Minneboo asked if they were going to do a binding development plan.

Mr. Searl responded with I don't believe we are, no. This is straight zoning. The environmental issues noted by speaker 2, I would direct everyone to page 7 of the staff report. It has a very good explanation of our environmental requirements. It's analysis of administrative policy 7, applicant is hereby notified that the development and previous restrictions and the noted regulations of the county. So, yes, we will of course develop the property in accordance with those county and all other government requirements on the environmental items.

Henry Minneboo asked Darcy if she was on board.

Darcy McGee stated she has not been appointed to the board.

Mr. Searl stated we have come a long way, and we're happy where it is. We think it's compatible and consistent. And I think your staff and the staff report.

Henry Minneboo commented you guys have tried to wear us out. Other attorneys have been here and tried to work a plan here. I listened to all those people that live south and north of here and it really hasn't been fun. Unless you come up with a defined development plan, I'm not real excited about it. I just think we can do X, Y and Z and then we can move around and do A, B and C and I'm not real sure, I'm uncomfortable with it. There are too many variables in this piece of stone, so I'm certainly not comfortable, but there's 14 others I'm sure they're extremely comfortable.

John Hopengarten asked what his discomfort is.

Henry Minneboo stated he doesn't think it's conducive to the area. It's a ton of units.

Mr. Searl stated he appreciates the comments and in his humble opinion it's directly consistent with the 6 D.U. cap that was put in place in 1973. We are very much consistent and compatible. It states as much in the staff report. I'd be happy to leave some of the remarks that I prepared that go through the 5 criteria for rezoning. I'd be happy to go through this.

John Hopengarten stated we don't look at site plans here. But have you put a site plan together? Will everything fit? 88 units, he's right, and without going 3 or 4 stories, because you do have height restrictions here.

Mr. Searl stated plans have been worked on in a conceptual basis, but I'm not privy to that. I'm just here for the rezoning efforts today.

Mark Wadsworth commented you still have a lot more hoops to jump through.

Mr. Searl replied thank you, this is really just the first one. And it's stated throughout the staff report. We're fully aware of what we need to do. We appreciate the comments and the sensitivity. We've come a long way from where we were 9 months ago when we came before you the first time.

John Hopengarten asked if they had done a traffic study yet.

Mr. Searl responded with no.

Ana Saunders inquired the property that's developed to the south, that's traditional condos. It's standard 4 or 5 stories, do we know.

Mr. Searl replied that's my understanding and I want to say that maybe the gentleman who spoke or maybe one of the other members that we'd spoken to in the past was affiliated with them, but I believe it's fee title condos.

Ana Saunders continued with I look at it a little bit differently, that it's sort of stair stepping down. You've got a higher density multi-family, a true multi-family use to the south. And a more traditional townhome single-family attached development directly adjacent to those single-family homes, kind of

creating that nice stair stepped planning perk if you will. I like that better than I would like straight condos or something along those lines.

Mr. Searl responded with we agree, and I believe the staff report does talk about how this is a transition area between the two. So, we very much agree with that. Thank you.

Motion to recommend approval of Item H.6. by Ana Saunders, seconded by Debbie Thomas. Motion passed 8 to 3.

The meeting was adjourned at 4:09 p.m.

DRAFT