

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 11, 2021**, 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: Ron Bartcher; Harry Carswell; Brian Hodgess; Ben Glover; Joe Buchanan; and Peter Filiberto, Vice Chair.

Staff members present were: Tad Calkins, Planning and Development Director; George Ritchie, Planner III; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### Excerpt of Complete Minutes

#### Ag Ventures (Chad Genoni)

A BDP (Binding Development Plan) limiting density to 4 units per acre for consistency with the RES 4 (Residential 4) Future Land Use designation, in an RU-1-7 (Single-Family Residential) zoning classification. The property is 110 acres +/-, located on the north side of Wiley Ave., and the east side of Old Dixie Hwy., approx. 0.047 mile east of U.S. Hwy 1 (No assigned address. In the Mims area.) (20PZ00101) (Tax Accounts 2102924, 2102925, and 2112294) (District 1)

Chad Genoni stated he is available to answer any questions.

No public comment.

Ron Bartcher stated the request is to essentially change the residential density from 4 units per acre to 8 units per acre, almost more than that; lots of 5,000 square feet, house sizes of 700 square feet. He said the area is designated as RES 4, which is 4 units per acre and ¼ acre lots at 10,000 square feet, and the proposed lots are half that size. He said that kind of development is extremely dense for a rural area. He noted the board approved a development similar to this at the south end of Mims, right next to Titusville, and he knows Mr. Genoni tried to get his property annexed into the City and the City decided to not annex it. He stated Mr. Genoni then came to the Planning and Zoning Board with essentially the same development plan and now he's bringing that same development plan into the center of Mims. He said he is strongly opposed to it, as it doesn't go along with the Mims Small Area Study that was passed several years ago.

Peter Filiberto noted there would be a deficiency in schools, for Pinewood Elementary, which means the students who would move into the proposed development would have to go to Mims Elementary. He said he didn't see anything in the staff comments in regards to transportation or public safety.

Tad Calkins stated there were no issues with concurrency and there was nothing from Fire Rescue or Public Safety related to the project. He said the rezoning of the property was approved in 2014 with a proposed limitation of 370 units, so the applicant is coming back today and asking for 400 units.

Ben Glover asked if he can build 370 units on the property as of right now. Mr. Calkins stated the applicant needs a BDP for the 370 units. With the application for the zoning, it is inconsistent with the land use, so he needs to have the cap with the BDP to limit the density of the property to match, which is what Mr. Bartcher is indicating as his concern because with the zoning he can have a smaller lot, yet he's maintaining the density of the land use. It allows for a type of cluster development

where there can be smaller lots and greater open space but the whole area is not taken up in the lot size.

Joe Buchanan asked if the proposed subdivision will be serviced by Brevard County sewer and water. Mr. Calkins replied the applicant has indicated he will have sewer and water on the site.

Mr. Filiberto stated with the property's proximity to the Lagoon, it is an advantage to hook up to water and sewer.

Mr. Glover stated it is a lot of units per acre, but he likes the fact that there will not be septic tanks.

Mr. Bartcher stated he is split because he likes the idea of cluster development, and that's exactly what he's doing, but it's a rural area and those kinds of developments don't fit in a rural area. He said he is fine with the RES 4, it's the RU-1-7 zoning that is the problem for him.

Mr. Calkins noted if the board is concerned about the number of units, lot size could be something to discuss with the applicant.

Mr. Genoni stated the zoning was approved in 2014 as RU-1-7, and with that he could have 6 units per acre. He said he was asked by staff to file this request to limit it to four units per acre, and that's his understanding of why he is here. He said he has RU-1-7 zoning and he is here today as a formality to be consistent. He said he worked everything out with the community in 2014, and without the BDP he could have up to 6 units per acre in that zoning.

Mr. Calkins stated he believes Mr. Genoni would not be allowed to have that zoning classification with the land use limit without a BDP, and records indicate there was a proposed BDP in 2014 limited to 370 units.

Mr. Genoni stated that is not his recollection. He said he had an additional 20 acres that he was trying to rezone and he took that off the table, and that was his understanding of why the BDP was not required, because he took that land off the table. He said the property was rezoned and he has been proceeding the whole time as if he had RU-1-7 zoning, but when he came in with the site plan he was told he needed a BDP.

George Ritchie stated he thought there was a commercial component as well, as part of the applicant's request, so there was a lot of information going back and forth and the BDP was to make the zoning consistent. He said RU-1-7 is consistent with RES 6 in the higher Future Land Use designations, but it's not consistent with RES 4.

Mr. Bartcher stated in 2014 he was the President of the Mims Community Group and they followed the development very closely. There was some land that was going to be taken out of residential and put into commercial; that was part of the entire package, but as far as the 110 acres, that was going to be 370 houses. He said he remembers somebody saying there needed to be a BDP, but it's obvious there was a lot of other discussion at the same time and it fell through the cracks.

Motion by Ben Glover, seconded by Ron Bartcher, to deny the request for a BDP limiting density to 4 units per acre for consistency with the RES 4 Future Land Use designation, in an RU-1-7 zoning classification. The motion passed 4:2, with Hodgers and Buchanan voting nay.