



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 6907, Version: 1

Subject:

Frank Mastroianni (Jake Wise) requests a change of zoning classification from BU-1 and RU-2-10 to PUD. (23PUD00001) (Tax Account 2600118) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners **continue the public hearing** to consider a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-10 (Medium Density Multi-Family Residential) to PUD (Planned Unit Development) to the November 7, 2024, meeting.

Summary Explanation and Background:

On June 27, 2024, the applicant requested this item be continued for 120 days to the November 7, 2024, meeting (Attachment #7).

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 2.88 acres and RU-2-10(6) (Multiple-Family Residential) with density cap of six (6) units per acre on the remaining 11.92 acres to PUD (Planned Unit Development) with removal of the cap of six (6) units per acre on 14.8 acres to build a luxury rental apartment community consisting of 252 multi-family units with associated club house, amenities, and parking.

To the north are seven (7) lots. One vacant parcel, approximately 0.52 acres with split zoning classifications of EU-2 and BU-1-A, CC FLU designation, abuts Highway US 1 to the east. The remaining six (6) lots are developed with single-family homes. With EU-2 zoning and RES 15 FLU designations.

To the south is Laguna Vista Condo with 24 residential units on approximately 4.53 acres. The property has BU-1 & RU-2-10 with a density cap of 6 units per acres zoning classifications and CC & RES 15 FLU designations.

5.72 acres of the 14.8 acres (overall PUD area) are within the Coastal High Hazard Area (CHHA). The applicant is proposing to limit the density in the CHHA to 15 units per acre (85 units) a total of 252 units (or 17.02 units per acre overall).

The Coastal Residential Densities Objective 7: States to "Limit densities within the coastal high hazard area and direct development outside of this area". While the proposed density does not exceed the density limitation of

the CHHA area, the Board should consider if the unit configuration on the PDP meets the intent of the objective.

Natural Resources has noted the subject parcel contains mapped wetlands and hydric soils; Aquifer recharge soils; partially located within the Coastal High Hazard Area; within estuarine floodplain as identified by FEMA; and in the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees and protected species may also be present on the subject property.

The Board should consider if the request is consistent and compatible with the surrounding area along with the following two (2) conditions:

- 1) Limiting the number of units in CHHA as depicted on the PDP. Any substantial changes to the aforementioned redesign be deemed a substantial change by the zoning official, a PDP Amendment would require Board Approval.
- 2) All design elements shown on the PDP require conformance with Brevard County codes and regulations.

On June 10, 2024, the Planning and Zoning Board heard the request and unanimously denied the request.

Clerk to the Board Instructions:

None