



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 1385, **Version:** 1

---

### **Subject:**

River Fly-In Condominium, Inc. (Kim Rezanka) requests an amendment to an existing BDP in a PUD zoning classification. (20PZ00019) (Tax Account 2501008) (District 2).

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Planning and Zoning Board conduct a public hearing to consider an amendment to an existing BDP (Binding Development Plan) in a PUD (Planned Unit Development) zoning classification.

### **Summary Explanation and Background:**

The applicant is seeking to amend the current BDP to allow for short-term rentals of a proposed 112-unit condominium, located at 735 & 741 Pilot Lane, Merritt Island. The current BDP in effect is the second iteration of the document. The applicant wishes to replace this BDP with a proposed third version to clarify the uses within the PUD and include conditions consistent with Section 62-1841.5.5 of Brevard County Code regarding Resort Dwellings. While this proposed change to the BDP doesn't alter the underlying residential zoning, it will allow the condominium owners the potential to offer short-term rentals.

The character of the area is a mixture of developed single-family residential, warehouse and industrial uses, and a public airport in the immediate vicinity. The proposed development of a 112-unit condominium is consistent with the Residential 15 FLUM as the proposed residential development potential is 8.6 units per acre.

The original approval of the PUD's PDP (Preliminary Development Plan) occurred in May 2006. This zoning action changed the property's zoning from Light Industrial (IU) to PUD with a BDP limiting ownership within the Project to persons who hold non-revoked pilot certifications issued by the FAA, their spouses, or their surviving relatives. The first amendment to the BDP was approved in August 2014 with conditions including, but not limited to, that the condominium/homeowners' association shall approve each and every conveyance of a unit and resale of a unit; any conveyance made without the condominium/homeowners' associations' approval shall be voidable; and removed the requirement to be a pilot. The BDP's amendment did not identify occupancy and whether the units are to be owner-occupied or if they can be rented/leased.

This third BDP (current proposal) proposes to clarify that under the PUD zoning classification, the

condominium use functions as a multi-family designation and therefore the applicant desires that the Board allow short-term rentals under the permitted with conditions use of Resort Dwellings.

The approved site plan for this project provides 247 standard and 8 ADA parking spaces for a total parking count of 255 spaces. If developed as short-term rental units, the required parking count could be reduced to one parking space per rented bedroom rather than two (2) parking spaces per unit. Required parking could be reduced from 255 to 136 total spaces.

The subject property is served with potable water provided by the City of Cocoa. The subject property is under agreement to be served by Brevard County sewer.

The Board should determine whether the proposed BDP changing occupancy from long-term to short-term rentals is appropriate for the area. If the Board approves this change, a minor amendment to the PDP will be required to reflect this change of use.

The final Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Building C, Viera, Florida, on **THURSDAY, MAY 7, 2020, at 5:00 p.m.**

### **Clerk to the Board Instructions:**

Upon receipt of the resolution, please execute and return to Planning and Development.