

NORTH MERRITT ISLAND

DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, February 10, 2022**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, 2nd Floor, Merritt Island, Florida.

Board members present were: Mary Hillberg, Chair; Gina Lindhorst; Jack Ratterman, Vice Chair; Jim Carbonneau; and Ted Balke.

Planning and Development staff present were: Jeffrey Ball, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator.

Approval of January 6, 2022, Minutes

Motion by Jim Carbonneau, seconded by Jack Ratterman, to approve the minutes from January 6, 2022. The motion passed unanimously.

(21Z00047) BRAD A. LANGE requests a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-30 (High Density Multi-Family Residential) to RU-2-4 (Low Density Multi-Family Residential), on 2 acres, located on the east side of N. Courtenay Pkwy., approx. 1,085 ft. south of Chase Hammock Rd. (4930 and 4940 N. Courtenay Pkwy., Merritt Island)

Jeffrey Ball - This request is a little different than the request the board heard last month. RU-2-30 is the highest residential zoning classification, and the applicant is down-zoning to RU-2-4, which allows for up to four units per acre. Existing on the property right now are three residential structures.

Brad Lange - I have property at 4910, 4920, 4930, and 4940 N. Courtenay Parkway; 4920 is currently zoned BU-1, and the other three addresses are zoned RU-2-30. I'm trying to sell off the BU-1 property, and in order to do that, I have to reduce the RU-2-30 to RU-2-4.

Mary Hillberg - Can you tell me again the properties you own?

Brad Lange - It is a 2.78-acre property and there are four addresses; 4910 is a single-family two-bedroom, one bath home; 4920 is the commercial building that has been used for many things; 4930 is a five-bedroom, four-bath, two-kitchen home; and 4940 is another two-bedroom, one-bath home.

Jim Carbonneau - Where is the accessory building?

Brad Lange - There is one garage on the property that is approximately 15 feet wide by 15 feet long, and I use it for my tractor.

Ted Balke - If you're selling it off, why can't you just go to one family per acre, or two families per acre, instead of all the density. There are no other low-densities there, it's something we don't really want to start developing, and if you're going to sell it that way, they're already licensed to do that.

Brad Lange - I was under the understanding that 30 units per acre was not going to be allowed in the current plan for North Merritt Island.

Ted Balke - That's not what I'm saying, I'm saying you're looking to put eight residential units there.

Brad Lange - I'm not looking to do that. I'm not selling the residences, I'm just selling the BU-1 commercial portion. That's all I'm doing, I'm keeping everything else the same.

Ted Balke - Couldn't you make it RR-1 for each of those?

Brad Lange - I'm not required to.

Ted Balke - I know you're not required to, but it's more consistent with the area.

Mary Hillberg - The pictures that we have show a flag lot

Jeffrey Ball - My understanding is Mr. Lange owns the flag lot property, and he also owns the property in the front, it's just the configuration right now, and if the rezoning is approved, Mr. Lange would have to apply for an Administrative Approval for the flag lot to create that lot itself.

Mary Hillberg - This sketch is the whole lot, and the front part is what you want to sell.

Brad Lange - It's 150 feet wide by 225 feet deep.

Ted Balke - You've got the 2.5 acres in the back that's mis-coded now, but it doesn't have any access to it if you don't create an easement on your BU-1.

Brad Lange - In 1964 it was originally two parcels, but the County's records don't go back that far. I have the original deed with the BU-1, which is what we're trying to take off as a separate parcel. The other one is a separate parcel.

Mary Hillberg - On the survey, is the blue part what you're talking about?

Jeffrey Ball - That's the commercial piece and it's not part of this application.

Mary Hillberg - What do you plan to do with the front part?

Brad Lange - I plan to sell it. That's the reason I'm here, I'm here today as part of the process in order for me to sell the BU-1 piece, and in order to sell it I have to have a certain amount of frontage for my driveway that's been there since 1964; however, in order to meet the current code I have to have 50 feet of frontage, of which I've been granted a variance.

Mary Hillberg - You've been to the Board of Adjustment for a variance?

Brad Lange - Yes, and it passed 4:1 in my favor.

Jeffrey Ball - Typically, the requirement is 75 feet, and Mr. Lange got a variance to shrink it down to 50 feet.

Mary Hillberg - And you have three homes on the rear portion already?

Brad Lange - Correct.

Mary Hillberg - RU-2-4 would be how many units?

Jeffrey Ball - Four units per acre.

Mary Hillberg - Do you use the whole property?

Jeffrey Ball - For density purposes we use the whole property. On the two acres, potentially, the density would allow for eight units, assuming all of the infrastructure would be able to be supported.

Mary Hillberg - Mr. Lange, are you planning on eight units?

Brad Lange - The problem with eight units is I would have to bore under Courtenay to get to the sewer, and that would be expensive to do, so it's probably cost-prohibitive.

Ted Balke - Wouldn't you just change the code to be for four units?

Brad Lange - Four is what I was instructed to request.

Ted Balke - It says eight here. Two units per acre maximum?

Brad Lange - I'm going by the County's suggestion.

Jeffrey Ball - RU-2-4 is our lowest density multi-family zoning category.

Mary Hillberg - He has three homes here, so he could have another home?

Jeffrey Ball - Correct. He could have another five.

Brad Lange - But I'd have to go to sewer, correct?

Mary Hillberg - Yes.

Jeffrey Ball - Anything four units or more you have to have central water and sewer.

Mary Hillberg - So, the housing is staying the same, you're just wanting the driveway?

Ted Balke - We're saying that in the future he can put eight units on there. What I'm considering looking at is the fact that once you do this and you permit him to put eight units there it's going to create the next lot up to look to do the same thing. You're establishing a precedent, which is what we didn't want to do.

Mary Hillberg - You're correct, except that this particular property already has RU-2-30.

Ted Balke - I understand that, I'm just saying he doesn't necessarily need to go to the RU-2-4, he can go to an RR-2.

Mary Hillberg - RU-2-4 is the lowest he can go to have the three houses he already has. He's down-zoning, which is a good thing.

Ted Balke - I still think he's establishing precedence for future developments in that area.

Mary Hillberg - He already has it.

Ted Balke - I know he does. It's impractical at this point.

Brad Lange - I'm the only RU-2-30 in the entire area.

Ted Balke - Correct.

Public Comment.

Kim Smith - I'm Kim Smith and I'm here to represent the North Merritt Island Homeowners Association, PO Box 542372, Merritt Island. This is regarding this request, 21Z00047, Tax Account 2318704, and the reason I'm reading that is now we know for sure this is about 4910, 4930, and 4940 N. Courtenay, but it doesn't have anything to do with 4920, the commercial property. The HOA does have strong reservations about RU-2-4 because it seems like it might allow eight residences on the two acres. They had concerns about that being inconsistent with Administrative Policy 3, with historical developed land use, and Administrative Policy 4, the adverse effects on the character of the surrounding residential neighborhoods, and specifically that if it were fully built with eight residences it could create substantial aggravation in drainage. Drainage problems already exist at the east end of the property, and it is outlined not to do that in Administrative Policy 7. This is why they were initially asking instead for it to be rezoned something else, to SR, which would be one residence per one-half acre, and that would accommodate all of the existing residences that are on the property already. I went back to the County Planner, George Ritchie, and he explained it more to me, and he said SR zoning is a single-family zoning classification, which is only one residence for the whole lot, and in this case that won't work because there are already three individual residential structures on the one lot, so SR won't work. They had to go to multi-family usage on the one lot, and that allows multi-family zoning classification, and the lowest one that exists is RU-2-4, that's the zoning with the lowest intensity that they could use for this parcel to accommodate for the full-time family housing that's there. In order for Mr. Lange to develop the four units or higher per acre, sanitary sewer connection would be required, so Mr. Lange would have to bore under Courtenay and connect to that, and he doesn't want to do that. Also, RA-2-4 development, single-family attached zoning, is another possibility, but that would require this property to be platted into individual lots and then they would have to each have their own driveway, so that's going to eat into the property and that's the only way to increase more than four residences on this entire lot. County ordinances only allow two residences to share a driveway, but I don't know if that's for residential or multi-family zoning, but it would be more driveways Mr. Lange would have to add and it would be cutting into the property some more. He did mention limiting the density with a binding development plan to two units per acre would be a possibility. My question for Mr. Lange is if he is ever going to connect to the sewer line running up N. Courtenay, and if he is not going to have any more buildings or residences on it, then the homeowners association would ask the dependent special district board to approve a zoning that would accommodate the existing buildings, but will discourage more building on the same site to avoid those negative impacts that I was talking about, especially in Administrative Policy 7, the drainage problems that are already going on, as building more there would exacerbate the drainage problems for the surrounding neighbors.

Robert Scolah - I'm Robert Scolah, I live at 4950 Ralph's Lane, directly behind Mr. Lange's property, and my only objection would be if there were going to be more buildings on the lot, because I'm already getting runoff from the lot, and they have a pond that was dug behind him that hit the aquifer, so I'm getting water from both sides. As long as the buildings stay the same and there's no increase, then I have no objection. I have a ditch that runs down Ralph's Lane and it doesn't do me any good

because none of my water goes in the ditch, and the only one it helps is the properties that back up to that, and I shouldn't have to maintain something for the County.

Mary Hillberg - The question was if you plan to connect to sewer.

Brad Lange - There is no plan, it's too cost prohibitive to do that.

Ted Balke - Are you planning to sell off those lots?

Brad Lange - It's possible. That would be a future board meeting, right?

Ted Balke - No.

Jeffrey Ball - The County does not regulate the private sale of property.

Ted Balke - I'm looking at it from a realtor's point of view. If you have the opportunity to build eight units on that, it makes it much more valuable, and it also makes the adjacent lots to you much more valuable because they can also change to be the same eight units per your two acres.

Brad Lange - I think the more valuable would be 30 units per acre.

Ted Balke - Yes, but you don't have that in the area. You're establishing a precedence for low-density up there that doesn't exist anywhere.

Mary Hillberg - I notice in the back there, the property is in a little bit of the floodplains, and all of the properties along Ralph's Lane have portions in the floodplains.

Gina Lindhorst - This gentleman's property on Ralph's Lane is definitely impacted by the residential development that happened, they drain into that because of the wetlands.

Mary Hillberg - What is the pleasure of the board?

Ted Balke - Is there any way that he can get a different code to keep the three residences, or expand it to four residences on two acres?

Jeffrey Ball - There isn't a different zoning classification to go to, but if you're having some reservations about the density you can cap the density in a BDP, whether it's two units, four units, or three units, that is something you can do.

Ted Balke - BDP's never hold, they're not substantial enough and again, you're setting an out of area precedent up there, so that you're going to get low density on the next lot adjacent to it.

Jeffrey Ball - The precedence is already set for high density.

Ted Balke - Where?

Jeffrey Ball - On the property.

Ted Balke - I know it is, but it's just mis-coded at this point, I believe. I don't think you ever had high-density intentions there from all of your buildings. It's something that exists out of the nature of the area. He's the only one with a 30 high density in that entire area.

Jeffrey Ball - That's correct, but keep in mind that across the street you have RA-2-4, which allows four units per acre. The difference between RA and RU is that one only allows for an attached product where RU-2-4 is an apartment product. RA will not work on the subject property because what is existing on the property is not an attached product and it's not a fee-simple configuration.

Jack Ratterman - I don't see an objection to it, and I would make a motion to accept the change from BU-1 and RU-2-30 to RU-2-4.

Gina Lindhorst - Second.

Ted Balke - Would you accept a binding development plan to keep it at four?

Mary Hillberg - We've closed it to the applicant. We have a motion on the floor and a second.

Ted Balke - You want a binding development plan with that, and then I could go along with it.

Gina Lindhorst - We're essentially right-sizing it to the code.

Jack Ratterman - He's already got three.

Jim Carbonneau - And as you said, Ted, binding development plans don't do anything. I would like to know who owns the property to the north, Lot 259.

Jeffrey Ball - It is James Ditello who owns the property and it's zoned AU.

Mary Hillberg called for a vote on the motion as stated and it passed 4:1, with Ted Balke voting nay.

Upon consensus, the meeting adjourned at 6:35 p.m.