

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 13, 2023**, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Bruce Moia; Logan Luse (D4-Alt.) (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Jane Hart, Planner III; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

### Approval of the January 9, 2023, P&Z/LPA Minutes

Motion by Bruce Moia, seconded by Ben Glover, to approve the P&Z/LPA minutes of January 9, 2023. The motion passed unanimously.

#### Lori Ann Halbert (Jason Steele)

A change of zoning classification from RU-1-13 (Single-Family Residential) to RU-2-15 (Medium Density Multi-Family Residential), on 0.57 acres, located on the north side of Coral Way, approx. 685 ft. west of Highway A1A. (124 E. Coral Way, Indialantic) (22Z00066) (Tax Account 2716292) (District 5)

Jason Steele, 1465 S. Harbor City Boulevard, Melbourne, stated his wife, Lori Halbert, purchased the lot at two and a half years ago with the idea of building a single-family home. He said his wife decided she did not want to build a house but instead wanted multi-family. He stated multi-family residences have existed in the neighborhood for many years, with a few single-family lots. One of the issues was that not only is there no sewer on Coral Way, there is no sewer all the way to the Indian River, causing hundreds of homes to leak sewage into the river because they are on septic tanks. He stated ultimately, there needs to be a sewer line that runs down Coral Way and hopefully people in the neighborhood will hook up to that sewer line. He said there is sewer approximately 600 feet to the east, so before anything will be done on the lot, there will be connection to sewer. He noted the lot across the street is RU-2-15; most of the lots to the east are RU-2-10; and there are a few lots that are RU-1-13, but nothing has been developed in the neighborhood in over 10 years.

Robert Sullivan asked if Ms. Halbert purchased the lot knowing it did not have sanitary sewer. Mr. Steele replies, yes, but she knew she could get a septic tank for up to four units.

Mr. Sullivan stated increasing density on the barrier islands is contrary to Florida Department of Emergency Management's evacuation zones. The level of service on A1A right now is D, for normal use, and when looking at how many hours it takes to evacuate from Cape Canaveral to South Melbourne, it is about 50 hours. He asked Mr. Steele how he would address the increase in density of the beachside area with the evacuation potential.

Mr. Steele stated according to the staff report, the concurrency needs are met; there is no problem with the transportation system. He said he doesn't believe 12 or 13 units is going to do any harm to the neighborhood.

Mr. Sullivan said the State is trying to limit density on the barrier islands. He said there are also sewer impacts, and South Melbourne has discharged 15,000 gallons into the Indian River, and septic tank leakage isn't as much as 15,000 gallons.

Mr. Steele stated he disagrees, and any engineer would say septic tank usage is much worse than sewer pipes.

Ben Glover asked if the structures will be two-story or one-story, and how they plan to put eight units on the property. Mr. Steele replied the plan is for a two-story structure.

John Hopengarten stated Mr. Steele mentioned the closest sewer line is 600 feet to the east, and asked if he plans to run a sewer line down Coral Way at his expense.

Mr. Steele replied yes, they will take it to the property line and they are talking to some of the other owners to see if they will hook into it.

Mr. Hopengarten asked if the sewer will run further to the west. Mr. Steele replied they can't take it any further to the west without the homeowners' approval, but at some point he would like to talk to the County about extending the sewer line and making connection mandatory.

Mr. Sullivan asked if Mr. Steele's engineer looked at the capacity of the south sewer plant. Mr. Steele replied yes, and the capacity is adequate.

No public comment.

Motion by Ben Glover, seconded by Debbie Thomas, to recommend approval of the change of zoning classification from RU-1-13 to RU-2-15. The motion passed 9:1, with Robert Sullivan voting nay.

**Brian and Dana Scholz** (Stuart Buchanan)

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on 3.91 acres, located on the north side of Orlando Ave., approx. 0.25 mile east of U.S. Highway 1 (3620 Orlando Ave., Mims) (22Z00064) (Tax Account 2004785) (District 1)

Stuart Buchanan, PO Box 1545, Titusville, stated the subject property is 3.91 acres, and will be divided into 1.3-acre lots. He said the property has an existing Future Land Use of Residential 1, and it has had that designation for 34 years. He stated during review of surrounding properties, staff only looks one property deep, but there are two existing one-acre lots abutting across the street and to the west, and farther down the street are several quarter-acre lots, beginning at the intersection. He stated in summary, his clients would like to create two lots at 1.3 acres each. He noted he's only received two phone calls from local residents, but no letters or emails, and after he spoke to the two residents and explained the plan, they are no longer opposed.

Ron Bartcher asked how the rear of the property will be developed. Mr. Buchanan replied his clients will have to go through the subdivision process. Mr. Bartcher asked if there is a preliminary plan of how it will be developed, and if it will be a flag lot. Mr. Buchanan replied a flag lot is not the intention; the intention is a private drive.

John Hopengarten asked if the owners plan to sell off the lots. Mr. Buchanan replied yes, they will work with a general contractor to develop single-family homes. Mr. Hopengarten asked if the existing

house will remain on the property, and if there will be a total of three homes. Mr. Buchanan replied yes, three homes, each on 1.3 acres.

Public comment.

Gregg Parodi, 3618 Orlando Avenue, Mims, stated he disagrees with the request because when he purchased his home 10 years ago it was based on 4 and 5-acre tracts. He said there are other areas of Mims that have one-acre lots if people need that size of property, but he purchased to be on a large parcel of AU zoning with the adjoining property also being zoned AU. He stated he doesn't understand how more homes can be placed on the property when there is already one home in the center. He said he doesn't want a driveway running down the side of his property line taking away his privacy.

Motion by Ron Bartcher, seconded by Henry Minneboo, to recommend approval of the change of zoning classification from AU to RR-1. The motion passed unanimously.

**Norman Leigh Sherman, Jr., and Karen Denise Turowski**

A Small Scale Comprehensive Plan Amendment (22S.18) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1 (Residential 1), on 4.40 acres, located on the southeast corner of Pine Needle St. and Hog Valley Rd. (4791 Pine Needle St., Mims) (22SS00014) (Tax Account 2002089) (District 1)

Jeffrey Ball stated it has come to staff's attention that the subject property has been split and the staff comments do not reflect that, so the board can make a recommendation based on that information or return the application back to staff for review in order to update the staff comments to reflect the change.

Ron Bartcher asked if staff knows how the lot has been split. Trina Gilliam replied the property was 4.4 acres, and one acre of the northwestern portion fronting Pine Needle Street has been split from it.

Mark Wadsworth asked if the board can hear from the applicant. Alex Esseesse replied yes, the board can hear the applicant and gather more information, and then either send it back to staff or make a recommendation.

Karen Turowski, 1979 Garwood Drive, Orlando, stated they purchased the 4.4-acre property and then applied for a building permit, which is how everything came about. She said they purchased a portable structure that they are turning into a single-family home, and there is a single-wide mobile home that is only being used for storage of furniture, but because there are two living structures on a single-structure lot, they were told they had to go through this process. She noted at some point they will try to change the zoning on the lot with the mobile home because that is where they want to retire. She said the main purpose is to get the house built, but they can't do it with two structures on the same property so they had to split the property. She stated the Building Department required them to have a Quit Claim deed showing the property had been split, but apparently that should have not been done before the rezoning. She noted they do not intend to sell either lot.

No public comment.

Motion by Robert Sullivan, seconded by Debbie Thomas, to hear the request. The motion passed unanimously.

Motion by Bruce Moia, seconded by Brian Hodggers, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from AGRIC to RES 1. The motion passed unanimously, with Hopengarten abstaining.

**Jerry W. Solomon and Violet Shirley Solomon, Revocable Trust (Richard Bartley Spangler)**

A change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on 2.88 acres, located on the east side of U.S. Highway 1, approx. 0.21 mile north of Brockett Rd. (No assigned address. In the Mims area.) (22Z00065) (Tax Account 2102130) (District 1)

Bart Spangler, 2068 Arnold Palmer Drive, Titusville, stated based on the fact that the north end of the County is growing at a fast rate, and there is almost no RV and boat storage, the idea is to create RV, boat, and automobile storage.

No public comment.

Ron Bartcher asked if the applicant would you be willing to add a binding development plan to the property in order to restrict the BU-2 use to RV and boat storage.

Mr. Spangler replied the idea has never been to develop a multi-story storage structure. The plan is to develop 7,500 square feet of enclosed storage for RV's and classic car storage, and the remainder will be a permeable soft surface pavement with a roof over one portion and the ability to expand, but there is no intention to do anything beyond that.

Mr. Bartcher stated there are other BU-2 uses that would not be acceptable in that location. Mr. Spangler replied he would not have a problem committing to a binding development plan.

Jeffrey Ball stated if the board makes a recommendation to approve the request with a BDP, he would suggest the BDP include BU-1 uses and only the RV and boat storage as the BU-2 use.

Motion by Ron Bartcher, seconded by John Hopengarten, to recommend approval of a change of zoning classification from BU-1 to BU-2, with a BDP retaining all BU-1 uses and limiting the BU-2 use to boat and RV storage only. The motion passed unanimously.

**Edita Realty (James McKnight)**

A change of zoning classification from BU-1 (General Retail Commercial) to RU-2-10 (Medium Density Multi-Family Residential), on 0.40 acres, located on the north and northeast corner of Avon St., approx. 200 ft. east of Osceola Ave. (950 & 960 Avon St., Port St. John) (22Z00049) (Tax Accounts 2302548 & 2302549) (District 1)

Jeffrey Ball noted the Port St. John Dependent Special District Board heard the request on February 8, 2023, and recommended approval of RU-2-10, and also recommended the applicant amend the request from RU-2-10 to RU-1-7.

Jim McKnight, 1675 S. Fiske Boulevard, Rockledge, stated the subject property is comprised of two lots that are two-tenths of an acre each, which is why the request is for RU-2-10 in order to build two duplexes at approximately 1,300 square feet per unit. He said the property is bounded on the north by a new Dollar General and commercial property, and commercial property to the west as well. There is single-family on the east and south sides. The proposed duplexes would act as a transition and buffer

from the commercial to the existing single-family residential, and removing the commercial zoning would benefit the area and be consistent with the neighborhood. He said some questions came up in regards to sewer and he has learned the duplexes will be connected to sanitary sewer along the north property line. He said under the current BU-1 zoning, there are many uses that could be developed on the property, and with a total of four residential units there will be less impact from traffic than if commercial uses were on the property.

Mark Wadsworth asked why the Port St. John board recommended approval of RU-2-10 and also recommended changing the request to RU-1-7. Mr. McKnight replied he believes they want to see single-family.

John Hopengarten asked about parking at the duplexes. Mr. McKnight replied each unit will have required parking similar to a single-family home. Mr. Hopengarten asked if the units would have garages. Mr. McKnight replied there are no plans for garages.

#### Public comment.

Jalaine Spears, 971 Palm Street, Port St. John, stated she has lived in the neighborhood for 30 years and she has watched it change from a quiet neighborhood to constant traffic; two people have been hurt at Palm and Avon Streets because people ignore the stop signs and do not obey the speed limit. The proposed duplexes will add 16 cars to the already dangerous situation, and a traffic study should be done in the area in order for the proposed development to proceed. Adding multi-family homes or a business will add additional stress on the road and sewer system that is already inadequate, and will affect property values. She said the county does not maintain the current sewer system properly; a few years ago she had a sewage disaster in her home; the nearby pediatric doctor's office was also flooded with sewage. She said she disagrees with allowing the neighborhood to be further ruined with commercial property, or even worse, multi-family homes. She said she hopes the board does not approve the rezoning change and consider the current residents. She said the property owner has a right to sell, but not until further research and studies have been done on changing the small single-family neighborhood to multi-family or commercial.

Julie Benson, 130 Manth Avenue, Port St. John, stated at the Port St. John meeting, the board members said they would approve the RU-2-10 so that if the Planning and Zoning board did not approve RU-2-10, the applicant could re-apply for RU-1-7, and not have to return to the Port St. John board. She said she has lived on Manth Avenue for over 30 years, which is the oldest section of Port St. John and she's sure that in the Comprehensive Plan there was never any plan for multi-family in the area. She said the traffic on Manth Avenue has grown immensely since the speed bumps have been put in on the streets to the west, and more cars use Manth as a short cut to Publix. She stated the EPA needs to be contacted before anything further is built in the area because there are residents who periodically have sewer odors emanating from the ditches. She asked how many parking spaces would be on each of the proposed units if each unit will be approximately 1,300 square feet. She said there is the potential of four spaces for each unit, which would be 16 vehicles, and if there are not enough parking spaces available, the tenants will park on the street, which is on a curve. She stated the current residents would not have a problem keeping the current commercial zoning, or having a single-family home on each lot to comply with the RU-1-7 and RU-1-9 in the immediate vicinity. They would rather wait and see what commercial business would be developed on the two lots, because most of the commercial traffic would go to Kings Highway instead of Manth Avenue, and commercial traffic would be during business hours instead of 24 hours per day. She said approving the rezoning

will affect property values in a negative way, as well as change the character and integrity of the neighborhood, and significantly diminish the enjoyment, safety, and quality of life.

Mike Dillon, 191 Manth Avenue, Port St. John, stated he is against the proposal. He said the board members would not want duplexes in their neighborhoods. He stated he doesn't want increased crime, or to have to guard his property. He asked the board to not approve the rezoning.

Mr. McKnight stated the Comprehensive Plan allows for the proposed use; it doesn't mean it has to be granted, but it does allow it. His client's intention is to remove the commercial classification and develop something transitory between what is now single-family and what is clearly commercial. He noted two duplexes do not increase vandalism. He said the traffic count when considered against commercial would be significantly less. He added, the property is served by sewer and it can only be connected if there is capacity, which the County will determine.

Bruce Moia asked if it is Mr. McKnight's opinion that the request is a down-zoning. Mr. McKnight replied yes.

Mr. Moia stated the property is currently zoned commercial, and asked Mr. McKnight if it has been his experience that commercial generates more traffic than residential. Mr. McKnight replied yes.

Mr. Hopengarten asked if the current residents' sewer will be affected if the proposed duplex is on a sewer line to the north, and asked if the residents could connect to it if it would supply them with a better system than they have currently. Mr. McKnight replied he doesn't know, but his client would be connected to the nearest point available.

Mr. Moia stated the property will be connected to a gravity sewer system, and gravity runs until it gets to a lift station and then the lift station is maintained by Brevard County. He said the lift station serves thousands of residents and if it has not been maintained, then that is on the County. He asked if there are commercial uses that would generate exponentially more sewer and water needs than four residential units. Mr. McKnight responded yes, BU-1 includes a long list of commercial uses, some of which could be developed on the property and some that could not be developed.

Ben Glover stated it is a unique property because it is BU-1, and there is no multi-family there now, but the proposal is less intense than what could potentially be developed.

Mr. Moia noted in a lot of areas of the county, multi-family is a typical buffer between single-family and commercial.

Mr. Moia stated he understands the comments that were made, but he doesn't necessarily agree with a lot of them because the proposed use will be a reduction in traffic and a reduction in infrastructure impact.

Motion by Bruce Moia, seconded by Ron Bartcher, to recommend approval of a change of zoning classification from BU-1 to RU-2-10. The motion passed unanimously.

Upon consensus, the meeting adjourned at 4:06 PM.