



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

4/3/2025

Subject:

Jay Sriambe LLC. (Bruce Moia) requests a change in zoning classification from BU-1 and BU-2 to RU-2-30. (24Z00066) (Tax Account 2426536) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing and Wholesale Commercial) to RU-2-30 (High-Density Multiple-Family Residential).

Summary Explanation and Background:

The applicant is requesting to change the zoning of a 6.93-acre property from BU-1 and BU-2 to RU-2-30 to redevelop the subject site as multi-family. The proposal is for 190 multi-family residential units. The parcel is located within the Merritt Island Redevelopment Agency (MIRA). A companion request 24SS00015 proposes to amend the Future Land Use designation from Community Commercial (CC) to Residential 30 (RES 30).

The subject parcel is currently zoned BU-1 and BU-2 and was developed as a Limited-service hotel built in 1973. The site has frontage on E. Merritt Island Causeway (State Road 520).

Ancillary commercial uses are permitted in the RU-2-30 zoning classification under Sec. 62-1373(1) which include restaurants, and those commercial uses permitted in the BU-1-A (restricted neighborhood commercial) zoning classification.

A concept plan has been submitted by the applicant for informational purposes. This plan has not been reviewed for conformity with Brevard County Code of Ordinances including, but not limited to, height restrictions applicable to the RU-2-30 zoning classification.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The subject property, encompassing 6.93 acres zoned BU-1 and BU-2,

allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 207 multi-family units as stipulated by the Live Local Act.

To the northwest, on the southerly side of Palmetto Ave., is a 4-acre parcel with RU-2-15 zoning developed as multi-family residential (condominiums). To the northeast, is residential subdivision with RU-1-11 zoning. To the south are four properties with BU-2 zoning that include a 0.89-acre parcel developed as a bank; a 0.80-acre parcel developed as a professional office plaza; and a 0.4 acre and 0.37-acre parcels developed as a bank. To the west is a 2.67-acre vacant parcel RU-2-15 zoning.

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

On March 17, 2025, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940
 (321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
 24Z00066**

Jay Sriambe LLC

BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to RU-2-30 (High-Density Multiple-Family residential)

Tax Account Number: 2426536
 Parcel I.D.: 24-36-35-00-10
 Location: North side of E. Merritt Island Cswy.(State Road 520) 1,700 feet east of N. Courtenay Pkwy.(District 2)
 Acreage: 6.93 acres
 Planning & Zoning Board: 03/17/2025
 Board of County Commissioners: 04/03/2025

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1 & BU-2	RU-2-30
Potential*	1.0 FAR 207 multifamily units**	207 Multi-Family units **
Can be Considered under the Future Land Use Map	YES CC	YES (requires RES 30) RES 30 **

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act)

A companion request **24SS00015 proposes to amend the Future Land Use designation from Community Commercial (CC) to Residential 30 (RES 30).

Background and Purpose of Request

The applicant is requesting to change the zoning of a 6.93 acre property from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to RU-2-30

(High-Density Multiple-Family Residential) to redevelop the subject site as multi-family. The proposal is for 190 multi-family residential units. The parcel is located within the Merritt Island Redevelopment Agency (MIRA).

The subject parcel is currently zoned BU-1 and BU-2 and was developed as a Limited-service hotel built in 1973. The site has frontage on E. Merritt Island Causeway (State Road 520).

Ancillary commercial uses are permitted in the RU-2-30 zoning classification under Sec. 62-1373(1) which include restaurants, and those commercial uses permitted in the BU-1-A (restricted neighborhood commercial) zoning classification. Sec. 62-1373(1)(a) also provides that such commercial uses must *in conjunction with multiple-family residential developments having a minimum of 90 residential units*. Sec. 62-1373(1) further provides *such permitted uses are limited to ten percent of the total floor area and are intended to serve residents of the building in which the use is located or other buildings on the same parcel of property. Such permitted restaurant and commercial uses are permitted on the first or ground floor only*.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to **Florida Statute 125.01055**, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The subject property, encompassing 6.93 acres zoned BU-1 and BU-2, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 207 multi-family units as stipulated by the Live Local Act.

The requested RU-2-30 high-density multiple-family residential zoning classification encompasses lands devoted to multiple-family residential development, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

In the BU-1 and BU-2 zoning classifications, pursuant to Section 62-1482 to 62-1483 height restrictions include:

- Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
- Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.

- Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.
- Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
- Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

In the proposed RU-2-30, pursuant to Sec. 62-137, height restrictions are as follow:

- Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
- Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, RP, BU-1-A, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1, or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
- Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
- Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

Previous zoning actions associated with the subject parcel include the following:

The BU-1 and BU-2 zonings are the original zonings of the subject parcel.

On February 04, 1972, Zoning action **Z-2916** was denied changing the zoning classification from BU-2 to BU-1 on all property zoned BU-2 along Highway 520, Merritt Island, in Sections 35 and 36.

On May 10, 1973, Zoning action **Z-3246** approved a Special Use Permit (SUP) for consumption on premises of liquor, beer and wine on the subject parcel.

On August 16, 2000, Zoning action V-2918 approved a variance of 194 sq. ft. over the 150 sq. ft. size limitation for a freestanding sign.

On February 27, 2025, Merritt Island Redevelopment Agency (MIRA) reviewed the subject rezoning application **24Z00066** and the MIRA Board voted unanimously to recommend approval of the rezoning from BU-1 and BU-2 to RU-2-30 for the redevelopment of the property at 260 East Merritt Island Causeway, which will result in 190 multi-family dwelling units.

The proposed subject rezoning is scheduled to go before the MIRA review board for a second time due to a modification of the plan. The plan is modified to add ten (10) three-bedroom townhomes instead of adding units on the second story of the clubhouse. The original 190 multi-family units remains unchanged.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Multi-family, northwest Single-family, northeast	RU-2-15 RU-1-11	NC
South	Commercial Bank, Office	BU-2	CC
East	Commercial Office	BU-1-A	NC
West	Vacant multi-family	RU-2-15	NC

To the northwest, on the southerly side of Palmetto Ave., is a 4-acre parcel with RU-2-15 zoning developed as multi-family residential (condominiums). To the northeast, is residential subdivision with RU-1-11 zoning.

To the south are four properties with BU-2 zoning that include a 0.89 acre parcel developed as a bank; a 0.80-acre parcel developed as a professional office plaza; and a 0.4 acre and 0.37 acre parcels developed as a bank.

To the west is a 2.67 acre vacant parcel RU-2-15 zoning.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county’s most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The RU-2-15 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The RU-1-11 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet

is required with minimum width and depth of 75 feet. Conditional uses such as childcare centers and private clubs are also permitted in this classification.

Future Land Use

The subject property is currently designated as Community Commercial (CC) by the Future Land Use Map (FLUM) . The existing BU-1 & BU-2 zoning is consistent to the FLUM . A companion application, **24SS00015**, if approved, would amend the Future Land Use designation from Community Commercial (CC) to Residential 30 (RES 30).

RU-2-30 zoning may be considered consistent with the proposed Residential 30 (RES 30) FLU designation, as provided in Sec. 62-1255.

FLUE Policy 1.2 - Public Facilities and Services Requirements

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

This Future Land Use Amendment request to change from CC to RES 30 will require a connection to a centralized potable water service.

The parcel is within the City of Cocoa utilities service area for public water and within Brevard County's service area for centralized sewer.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

This Future Land Use Amendment request to change from CC to RES 30 will require a connection to a centralized sewer service. The parcel is within the City of Cocoa utilities service area for public water and within Brevard County's service area for centralized sewer.

Residential 30 Directive (maximum of 30 dwelling units per acre)

FLUE Policy 1.3

The Residential 30 Directive Future Land Use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within the Future Land Use Element. Parameters for this future land use designation include:

Criteria:

A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

1. Areas located east of Interstate-95; and
The subject site is located 6.1 miles east of Interstate-95 (I-95).
2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or
The subject site is not located adjacent to an incorporated area.
3. Areas adjacent to existing Residential 30 land use designation; and
The subject site is not adjacent to an existing RES 30 land use designation. This request can be considered an introduction of RES 30 into the area.

The closest RES 30 Directive is 3,950 feet (0.74 miles) to the southwest of the subject site located on the west side of S. Tropical Trail.

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to an Urban Principal Arterial roadway (SR 520).

B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or

The subject site is within the Merritt Island Redevelopment Agency (MIRA). The subject site is not part of an approved redevelopment plan.

On January 29, 2025, Merritt Island Redevelopment Agency (MIRA) review the subject rezoning application 24Z00066 and the MIRA Board voted unanimously to recommend approval of the rezoning from BU-1 and BU-2 to RU-2-30 for the redevelopment of the property at 260 East Merritt Island Causeway, which will result in 190 multi-family dwelling units.

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

A Binding Development Plan (BDP) is not requested. The proposal is not for a mixture of residential and commercial uses.

- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The subject site is not located within the Coastal High Hazard Area (CHHA) and the applicant has not proposed a Planned Unit Development.

FLUE Policy 11.2 - Redevelopment Districts may be established consistent with criteria set forth in Chapter 163, Part III, F.S. Such districts may receive special attention and flexibility, in accordance with current or new land development regulation which may be adopted by the Board of County Commissioners in accordance with Criterion C, in order to assure the elimination of factors contributing to economic debilitation. To that end, Redevelopment Districts shall be developed according to the following minimum criteria:

Criteria:

- A. A Redevelopment District shall be developed in accordance with its adopted Redevelopment Plan.
- B. Redevelopment Districts shall be permitted in any land use designation.
- C. Redevelopment agencies shall promulgate land development regulations, design standards, rehabilitation and maintenance standards, and other regulatory or planning programs to establish performance standards, guide growth, or implement the adopted Redevelopment Plan, as may be amended and adopted by the Brevard County Board of County Commissioners.
- D. Allowable non-residential development activities shall reflect the character and nature of the District. If a Redevelopment District has the potential to become an urban central business district, then adequate opportunities should be provided for pedestrian movement, activity centers, urban spaces and other characteristics of urban core areas.
- E. Residential development activities shall be encouraged to complement the types, styles and ranges of residential development standards assigned through the respective Redevelopment Agency's Land Development Regulations.
- F. A density bonus program that provides developer incentives for the rehabilitation and reconstruction of housing should be implemented in appropriate Redevelopment Districts, as follows:

<u>Land Use Designation</u>	<u>Maximum Number of Units Permitted</u>
-----------------------------	--

Residential 30 Directive	37.5 du/ac.
Residential 15	18.75 du/ac.
Residential 10	12.5 du/ac.
Residential 6	7.5 du/ac.
Residential 4	5 du/ac.
Residential 2	2.5 du/ac.
Residential 1	1.25 du/ac.

Density bonuses in the CHHA shall be approved by the Board of County Commissioners and shall be subject to environmental constraints, availability of public facilities, land use compatibility, and level of service requirements set forth in this Plan. Residential densities, of up to 37.5 dwelling units per acre, may be considered in the Merritt Island Redevelopment Area and shall be incorporated if approved by the Board of County Commissioners as part of a redevelopment plan.

- G. Appropriate areas shall be set aside within each Redevelopment District for conservation, open space, recreation, or public facility usage.

The subject site is within the Merritt Island Redevelopment Agency (MIRA); however, the proposal is not part of a redevelopment plan approved by Board of County Commissioners. The proposed rezoning to RU-2-30 would allow for a density of 207 multi-family units. The applicant is proposing a density of 190 multifamily units.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area:

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use:
- B. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage should the zoning action and Future Land Use change be approved. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.**
- C. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

D. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns:

The subject site fronts E. Merritt Island Causeway (State Road 520), an urban principal arterial roadway and the primary commercial corridor for this area. The predominant FLU designation along this section of State Road 520 is Community Commercial (CC). There is one additional FLU designation within 500 feet of the subject site: Neighborhood Commercial (NC). The closest RES 30 Directive is 3,950 feet (0.74 miles) to the southwest of the subject site located on the west side of S. Tropical Trail. This request can be considered an introduction of RES 30 Directive into the area.

The most recent FLU amendment (2013-2.2) in this area was adopted December 5, 2013, by Ordinance 13-43 as an administrative action to change the FLU designation from RES 15 to CC and NC on 1.88 acres adjacent to the west of the subject property.

2. actual development over the immediately preceding three years; and

There has not been any actual development within this area in the preceding three (3) years.

3. development approved within the past three years but not yet constructed.

There has been no development approved within the past three years that has not been constructed within a 0.5 mile of the subject property.

E. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to

volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The developed character of the surrounding area is commercial, multi-family residential and single-family residential. Commercial uses are primarily located along E. Merritt Island Causeway (SR 520). Single-family residential uses are located abutting the subject property to the northeast with multi-family condominiums located abutting the subject property to the northwest.

There have been no approved zoning actions or pending zoning actions within a half-mile radius of the subject property within the last three years.

The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The current BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

Staff analysis has determined while it is not an established residential neighborhood, there are clearly established roads and residential lot boundaries.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The proposed use is not a commercial use.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

The area is primarily a sparse residential area with vacant land and no commercial zoning nearby.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

Potential land development constraints include, but are not limited to, structural height standards (Sec. 62-1373 (7)a), breezeway/visual corridor requirements (Sec. 62-2105), and parking requirements (Sec. 62-3206).

Preliminary Concurrency

The closest concurrency management segment to the subject property is State Road 520, from Goodwin Dr. to Plumosa St., which has a Maximum Acceptable Volume (MAV) of 62,900 trips per day, a Level of Service (LOS) of D, and currently operates at 48.56% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.27%. The corridor is anticipated to operate at 49.83% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

The Brevard County School Board concurrency impact analysis indicates at this time, MILA Elementary School, Jefferson Middle School and Merritt Island High School are projected to have enough capacity for the total of projected and potential students from the SR 520 Hotel Conversion development.

The parcel is within the City of Cocoa utilities service area for public water and within Brevard County's service area for centralized sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

The Board may wish to consider whether the introduction of RES 30 into this area is compatible with adjacent densities.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00066

Applicant: Bruce Moia (Owner: Jay Scriambe LLC)

Zoning Request: BU-1 & BU-2 to RU-2-30

Note: for the development of 190 Multi Family Residential Units

Zoning Hearing: 03/17/2025; **BCC Hearing:** 04/03/2025

Tax ID No.: 2426536

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Septic Overlay

This property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00053**

Applicant: Lisa Manion (Owners: Christopher and Lisa Manion)

Zoning Request: GU to AU

Note: Combining lots and requesting AU zoning. Lots don't meet size/dimension requirements for GU.

Zoning Hearing: 02/17/2025; **BCC Hearing:** 03/13/2025

Tax ID Nos.: 2000768

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62 3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** Any permitted wetland impacts must meet the requirements of Section 62 3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida

Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321 633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Basinger sand that may also function as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. The property is mapped within a large area of Florida Scrub Jay habitat / occupancy. Additionally, there is potential for existence of Gopher Tortoises on site. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any

plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way

Building A, Room

114 Viera,

Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

Addendum #1 24Z00066 Jay Sriambe LLC (Bruce Moia)

Initially, this item was accompanied by a companion application for a Small-Scale Comprehensive Plan Amendment (SSPA) from the current Community Commercial Land Use designation to the RES 30 Directive Land Use designation. However, the subject property does not meet the criteria found in Policy 1.3 of the Future Land Use Element of the County's Comprehensive Plan. Specifically, the parcel must meet the following criteria:

1. Areas located east of Interstate-95; and
2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or
3. Areas adjacent to existing Residential 30 land use designation; and
4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

Staff analysis indicates that the subject parcel meets criteria 1 and 4, but does not meet criteria 2 or 3. Consistency with either criteria 2 or criteria 3 is required in order to meet the requirements of this Policy. However, Policy 2.10 of the Future Land Use Element can be considered for residential development in the Community Commercial Land Use designation that currently exists on the property. As there is no residential land use on the same side of the street as the subject parcel, it is within the Board's purview to consider a density of 30 units per acre through the public hearing occurring under this zoning application. Similarly, the RU-2-30 zoning classification can be considered consistent with the Community Commercial Land Use designation under Section 62-1255 of Brevard County Code of Ordinances when consistent with Policy 2.10.

As such, after being advised of staff's interpretation of the application of Policy 1.3 and 2.10, the applicant has requested to withdraw the companion Small-Scale Comprehensive Plan Amendment and instead request Board consideration of approval of the residential density of 30 units per acre through its action on this zoning application.



MERRITT ISLAND REDEVELOPMENT AGENCY

INTER-OFFICE MEMORANDUM

DATE: February 19, 2025

TO: Trina Gilliam, Interim Planning & Zoning Manager
Desiree Jackson, Planner I
Kristen Champion, Special Projects Coordinator III

FROM: Lisa Nicholas, Community Development Manager, on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: **MIRA Board of Directors Rezoning & Small Scale Comprehensive Plan Amendment
Application #24Z00066 & #24SS00015
260 East Merritt Island Causeway, Merritt Island
Request to Rezone the Property from BU-1 / BU-2 to RU-2-30**

As set forth in Sec. 62-2114 of the Brevard County Code, when an application is made to the Planning and Zoning Board for a change in zoning that pertains to property located in the Merritt Island Redevelopment Area, the application shall be forwarded to the Merritt Island Redevelopment Agency for review prior to the applicable public hearing before the Planning and Zoning Board.

At its regular meeting on January 23, 2025, the MIRA Board of Directors reviewed the proposed application, #24Z00066, which would rezone the subject property from BU-1 / BU-2 to RU-2-30 for the purpose of converting a blighted hotel property on East Merritt Island Causeway to one- and two-bedroom rental units. Collectively, the MIRA Board is very supportive of this rezoning and all efforts that are required to ensure that it comes to fruition, including the Small Scale Comprehensive Plan Amendment (#24SS00015) that is required.

Upon review of the application, the Board voted unanimously to **recommend approval** of the rezoning from BU-1 / BU-2 to RU-2-30 for the redevelopment of the property at 260 East Merritt Island Causeway, which will result in 190 multi-family dwelling units.



School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)

Instructions: Submit one copy of completed application, location map, and applicable fee for each project with a residential component requiring a review by the School Board to each affected Local Government.

The School Board requires this information for student generation to be calculated, school capacity evaluated, and potential mitigation addressed. For information regarding this application process, please contact the Planning and Project Management Department of the School Board of Brevard County at 321.633.1000 x463.

Local Government to determine the type of Application:

FEES: See Brevard County Public School Concurrency Review Fee Schedule. Make check payable to School Board of Brevard County

I. Project Information

Project Name: SR520 Hotel Conversion County / Municipality: Brevard County
Parcel ID / Tax Account #: 24-36-35-00-10 / 246536
Location / Address of subject property: 260 E. Merritt Island Cswy. Merritt Island, FL 32952
Acreage: 6.93 Type of Request at Local Government Zoning to RU-2-30 / Land Use to RES-30

II. Ownership / Agent Information

Owner/Contract Purchaser Name(s): Jay Sriambe LLC - Mr. Virenkumar Patel
Agent / Contact Person: Bruce A. Moia, P.E., MBV Engineering, Inc.
Mailing Address: 1250 W. Eau Gallie Blvd, Ste H, Melbourne, FL 32935
Telephone: 321-253-1510 Fax:

I hereby certify the statements and/or information contained in this application with any attachments submitted herewith are true and correct to the best of my knowledge.

[Handwritten Signature]

11-20-2024

Owner or Agent Signature

Date

If applicant is not the owner of record, the "Agent for Owner" form (see page 4 of this application form) must be completed and included with this application at time of application submittal. If owner is a company/corporation, please submit documentation that signatory is an authorized officer of the company/corporation.

State of Florida, County of Brevard
Sworn and subscribed to before me

This 20 day of Novemeber 2024

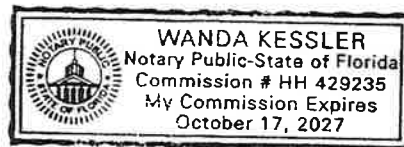
Personally Known

(Form of Identification)

[Handwritten Signature: Wanda Kessler]

Notary Public

Commission Expires: 10-17-2027



SCHOOL BOARD USE ONLY

Date / Time Stamp:



**School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)**

III. Development Information

Current Land Use Designation	CC	Proposed Land Use Designation	RES 30		
Current Zoning	BU-1 / BU-2	Proposed Zoning	RES-2-30		
Project Acreage	6.93				
Total Dwelling Units Proposed	190				
Dwelling Unit Breakdown (Qty)	Single Family or Town Homes:	Multi-Family or Apartments: 190	Condo:	Mobile Home / Manufactured:	

Year of Project or Phase Completion: Total Dwelling Units by Type / Year

Year End 20XX	2025				
Unit Type	Year 1	Year 2	Year 3	Year 4	Year 5+
Single Family / Town Homes					
Multi-Family / Apartments	190				
Condominium					
Mobile Home / Manufactured					
Totals by Year	190				

NOTE: This application will not be deemed complete until all required information has been submitted to the School Board of Brevard County. Submittal requirements include completed application, phasing information, review fee(s), agent authorization (if applicable) and location map. Please be advised that additional documentation/information may be requested during the review process.

SCHOOL BOARD USE ONLY
Date / Time Stamp: _____



**School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)**

Local Government Agency

This section is to be completed by the Local Government and submitted to the School Board of Brevard County. The Local Government is responsible for verifying the number of units currently vested under the existing Comprehensive Plan and Zoning or a previously issued School Concurrency Availability Determination Letter.

Local Government Case #: 24SS00015

Please check [✓] type of application request (check only one; as defined by Interlocal Agreement):

- School Capacity Determination (Preliminary Development Requests) Exemption Review
 Capacity Determination Conversion to Concurrency Determination Time Extension
 Concurrency Determination (Final Development Requests)

Preliminary Development Requests (examples: Rezoning and Comp Plan Amendments):

Number of Units by Type	Maximum Permitted by Proposal	Currently Permitted (Vested)	Difference
Single Family / Town Homes			
Multi-Family / Apartments	190	0	190
Condominium			
Mobile Home / Manufactured			
Totals:	190	0	190

Note: The Total Difference will determine if this meets the De Minimis Impact per the Interlocal Agreement.

Final Development Requests requesting a Concurrency Determination:

Number of Units by Type	Proposed
Single Family / Town Homes	
Multi-Family / Apartments	
Condominium	
Mobile Home / Manufactured	

Local Government Reviewer's Signature / Title

Date

Other Affected Local Governments: _____

Comments: _____

SCHOOL BOARD USE ONLY
Date / Time Stamp: _____



School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)

AUTHORIZATION TO ACT AS AGENT

I, Virenkumar Patel (Owner) authorize Bruce A. Moia, P.E., MBV Engineering Inc. (Agent) to act as applicant, representing me in Public Hearings before Brevard County (Local Government) pertaining to Preliminary and Final Development Requests, and other matters pertaining to School Concurrency.

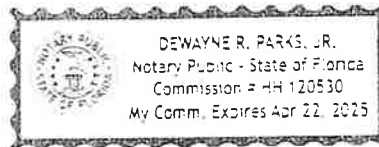
[Handwritten Signature] Nov 20 '24
Owner Signature

State of Florida, County of Brevard
Sworn and subscribed to before me

This 19th day of November

[Handwritten: FLA]
(Form of Identification)

[Handwritten Signature]
Notary Public
My Commission Expires: Apr. 22, 2025



SCHOOL BOARD USE ONLY
Date / Time Stamp: _____

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 17, 2025**, 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 Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Greg Nicklas (D3).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Jane Hart, Environmental Specialist (Natural Resources Management); Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

Excerpt of complete agenda

H.7. Jay Sriambe LLC. (Bruce Moia) requests a Small-Scale Comprehensive Plan Amendment (24S.15), to change the Future Land Use Designation from CC to RES 30. (24SS00015) (Tax Account 2426536) (District 2)

H.8. Jay Sriambe LLC. (Bruce Moia) requests a change in zoning classification from BU-1 and BU-2 to RU-2-30. (24Z00066) (Tax Account 2426536) (District 2)

Trina Gilliam read companion Items H.7. and H.8. into the record.

Mr. Moia spoke to the application. I think all of you hopefully are going to really like this one. It's right in Henry's backyard. I love redevelopment because you get rid of that old, rundown facility and come up and just do a brand-new shiny building that's going to look a lot better and be used a lot better than what's currently being used there. Some of you might be familiar with this property it's a hotel on 520 and operating barely as a hotel. The applicant now wants to redevelop this from a hotel, and they want to make it residential. It's going to be multi-family residential. They're going to take the two buildings that are currently rooms, they're two-story, make them three-story and then refurbish the inside with bedrooms, kitchen, the whole nine yards. They'll build a new building with two-bedroom units and turn the existing restaurant and office into a clubhouse. I think there was a gym in there at one point in time, so they'll have all that as well. Then they're going to add another building which will be townhomes. As you can see on what I just passed out, there's an example of what they've done in other locations, so you can kind of see how they're going to dress up. They're going to clean and fix the pool, add a bunch of amenities, you can see as you go through all the things that they're going to add. They're going to have all kinds of outdoor amenities. They're going to have some cool stuff and they're going to convert the rooms, and you can see some of the before and after. It kind of speaks for itself and if the developer was here, he had quite a lengthy presentation from the MIRA board. They were extremely impressed with what he was proposing and has approved it for this board to also hopefully recommend approval to the County Commission. I'm not going to go through everything they're going to have, but there's a long list of amenities that they're going to provide for the people that are going to live here. If you've ever been to the facility, it's pretty rundown and it's in desperate need of redevelopment, so we don't think there's any downside. There's no additional impact, it's all upside to this one.

Public Comment

Richard Simpson inquired if these will be condominiums. What kind of multi-family are we talking about.

End Public Comment

Mr. Moia responded that right now it's transient housing. It's a hotel used for transient lodging, so this will be multi-family apartments with long-term rentals, as opposed to transient lodging.

Mr. Minneboo stated I just have one question, what's the exchange rate, meaning how many units are there now. What always scares me is when you use 230, so technically it'll be reduction.

Mr. Moia responded yes; it will be a reduction.

Mr. Hopengarten stated a company he worked for in Fort Meyers bought a Holiday Inn just like this, and we were going to tear it down in 2006 to put in condominiums. It was 1968 when this thing was built. I went over there the other day to look at it. They're still renting it out, people are still going there. I guess it must be cheap. The pool was clean, I was surprised. It looks like it's a good development for the area. There's a traffic light on 520, right in front of it, which is perfect. I'm not so sure if I like their conceptual design, the architect in me who always questions somebody else's design, but one of the things you need to tell them to look for when they do their phase one is there's asbestos in that building. So, they're going to have a problem with that, they must mitigate it, but I think it's a great idea. You're going to go three stories which is fine for the area. The whole strip at 520 used to be all car dealerships and now it's changing over to fast food restaurants and Wawas, so it's a new developing area and I think having residential in there will kind of balance that, so I think it's a good project.

Mr. Moia responded if you want to see something similar, we just worked on a project that's under construction over on 192. There's a Sushi restaurant in the front and a hotel, but that's being converted into housing as well, it's going to be done soon. It's going to look nice.

Mr. Wadsworth stated you're going to see that from my office. I think you're going to see that as a trend coming up here.

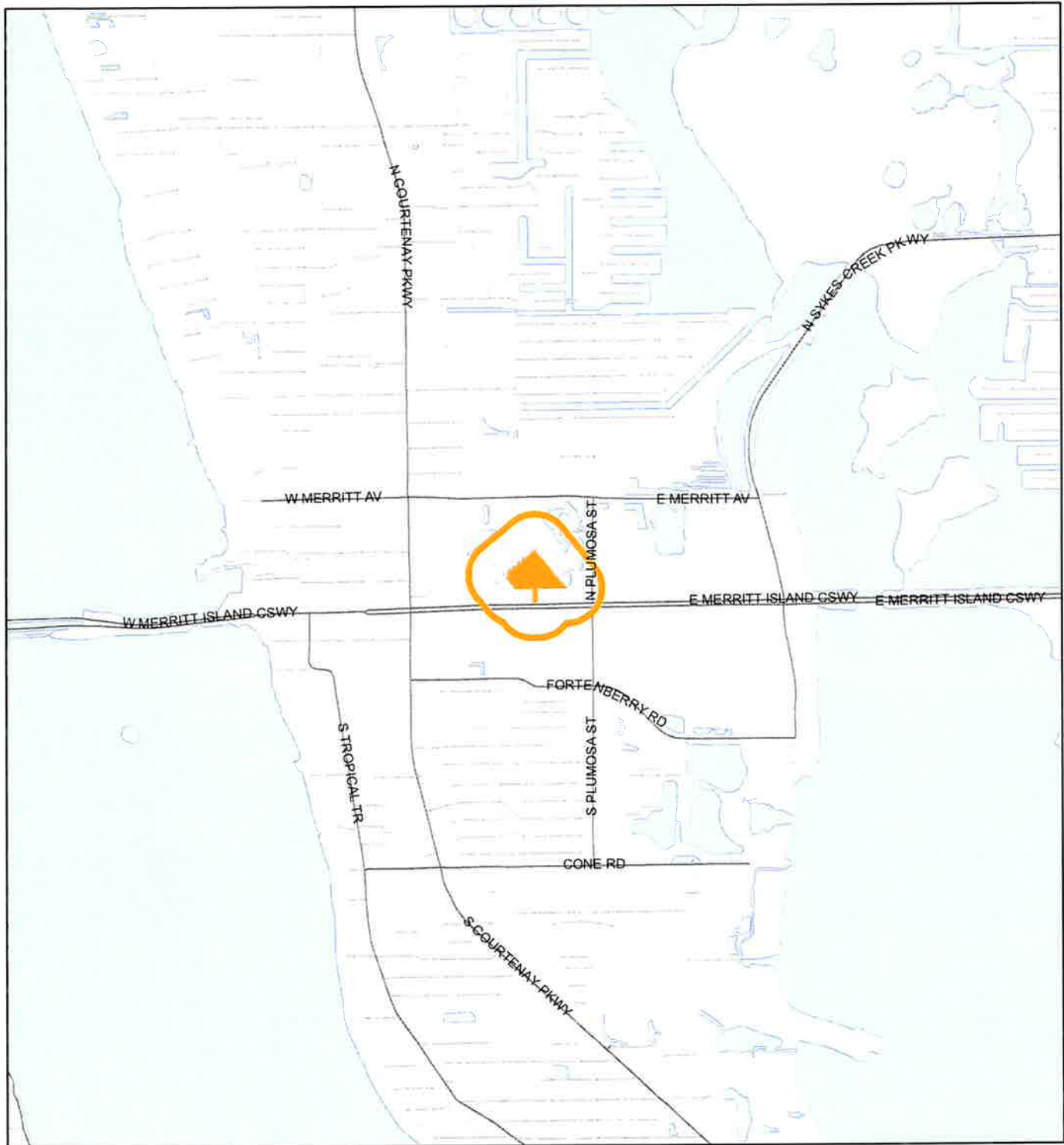
Motion to recommend approval of Item H.7. by John Hopengarten, seconded by Logan Luse. The motion passed unanimously.

Motion to recommend approval of Item H.8. by John Hopengarten, seconded by Logan Luse. The motion passed unanimously.

The meeting was adjourned at 4:58 p.m.

LOCATION MAP

JAY SRIAMBE LLC
24Z00066





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

-  Buffer
-  Subject Property

ZONING MAP

JAY SRIAMBE LLC
24Z00066



1:4,800 or 1 inch = 400 feet

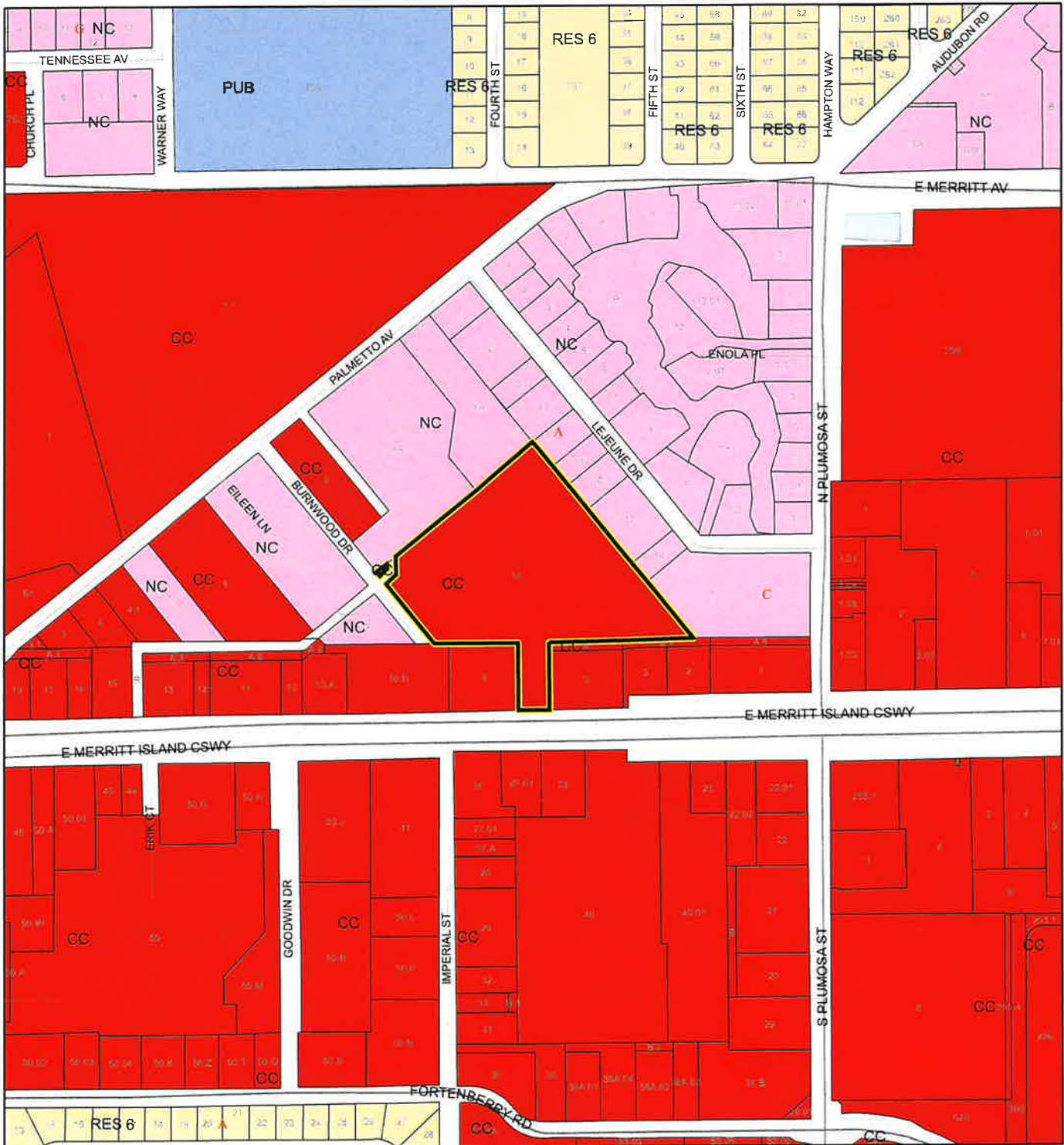
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

JAY SRIAMBE LLC
24Z00066



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

AERIAL MAP

JAY SRIAMBE LLC

24Z00066




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

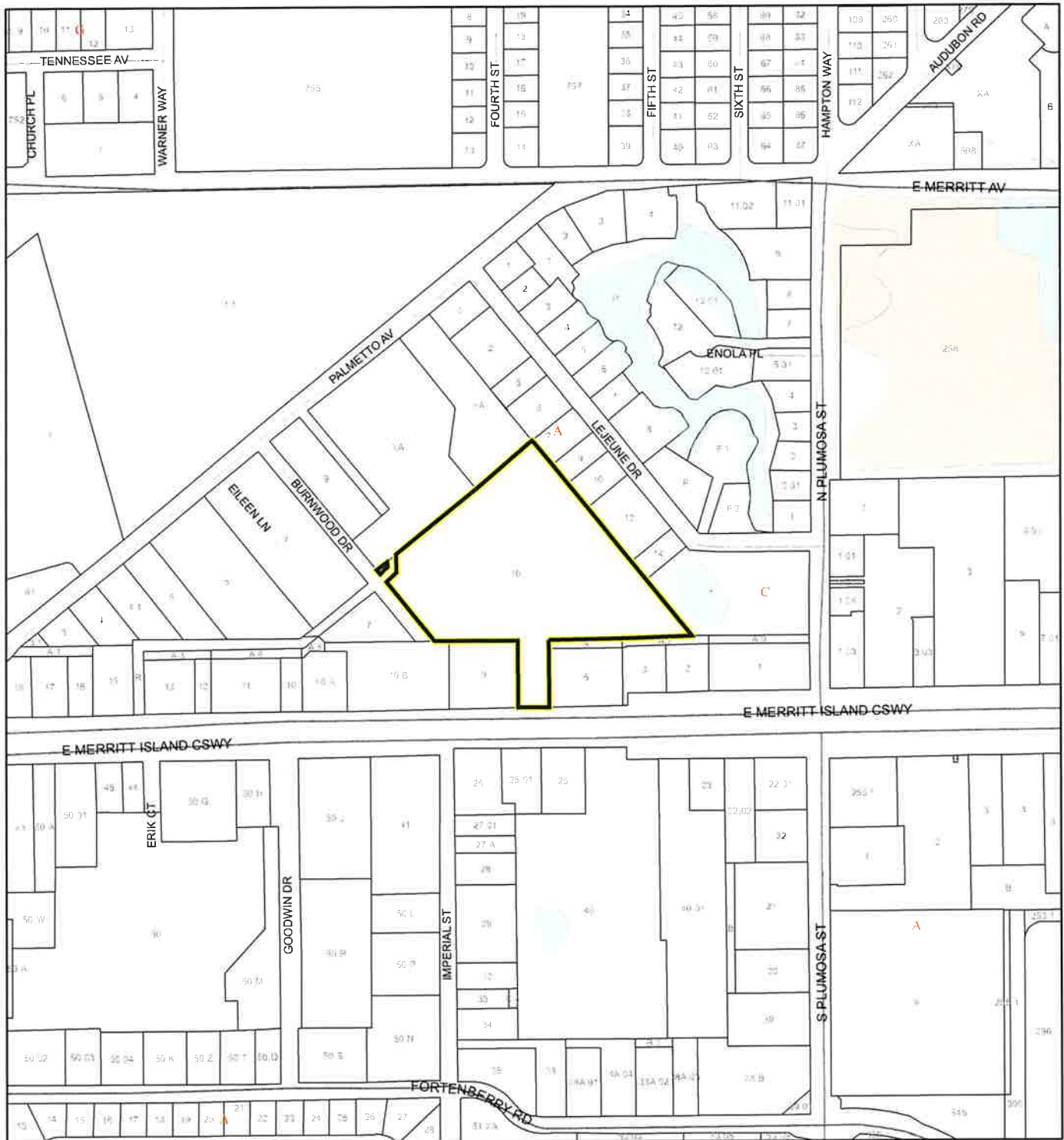
 Subject Property

 Parcels

NWI WETLANDS MAP

JAY SRIAMBE LLC

24Z00066



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

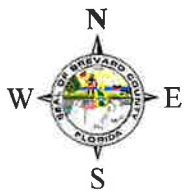
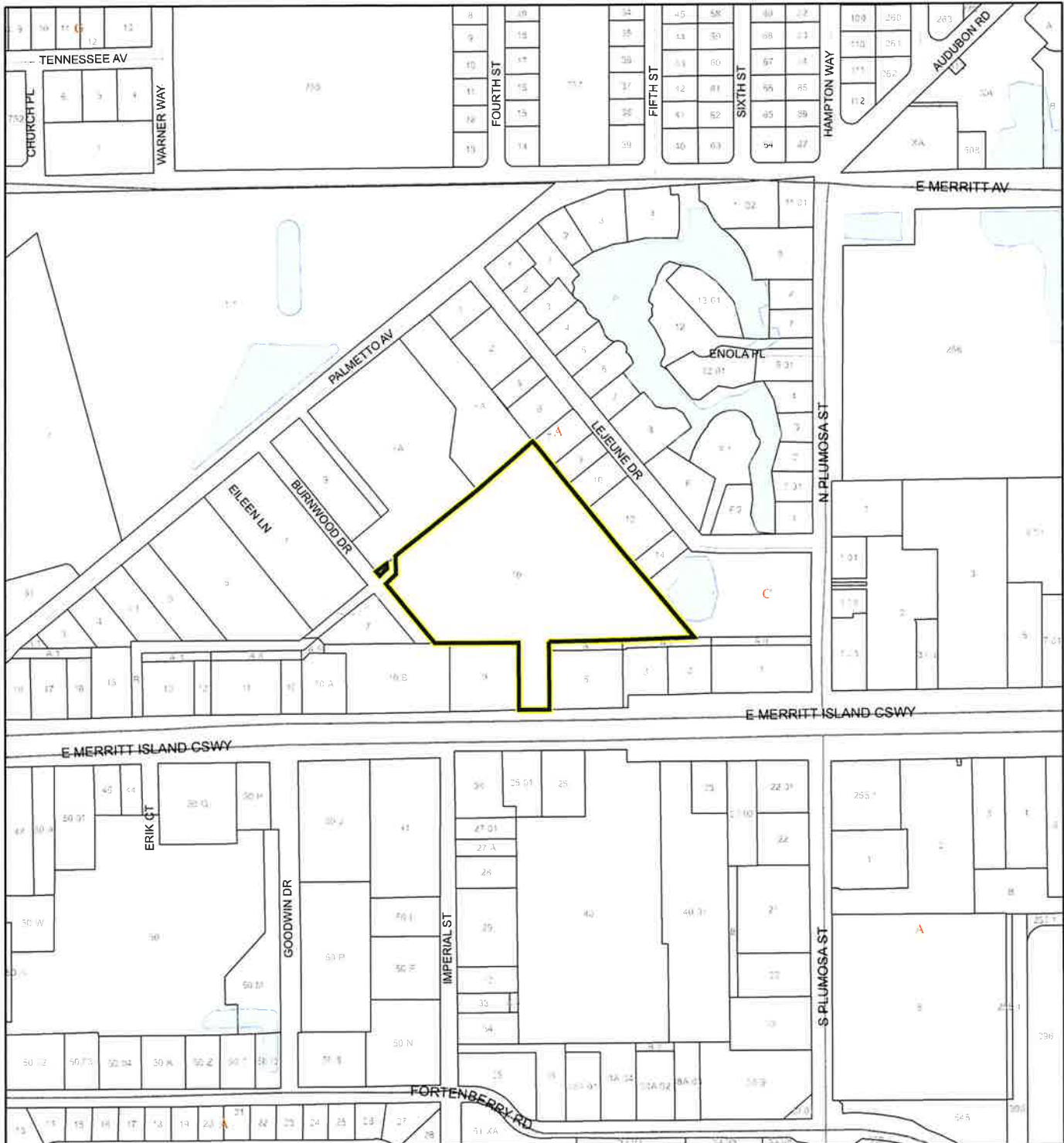
Produced by BoCC - GIS Date: 12/19/2024

National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| Estuarine and Marine Deepwater | Freshwater Pond |
| Estuarine and Marine Wetland | Lake |
| Freshwater Emergent Wetland | Other |
| Freshwater Forested/Shrub Wetland | Riverine |
| Subject Property | |
| Parcels | |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

JAY SRIAMBE LLC
24Z00066



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by BoCC - GIS Date: 12/19/2024

SJRWMD FLUCCS WETLANDS

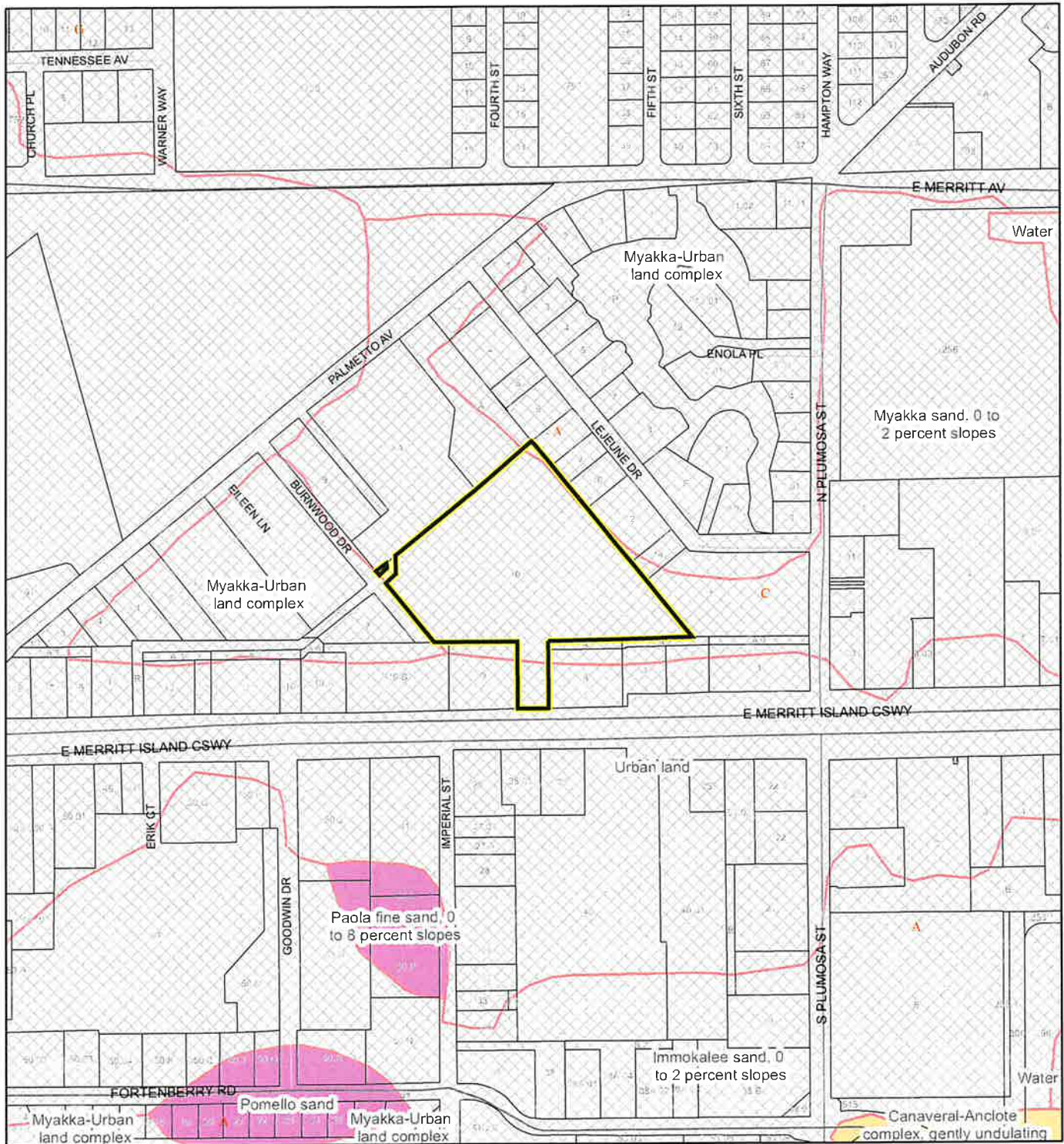
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

USDA SCSSS SOILS MAP

JAY SRIAMBE LLC

24Z00066



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

USDA SCSSS Soils

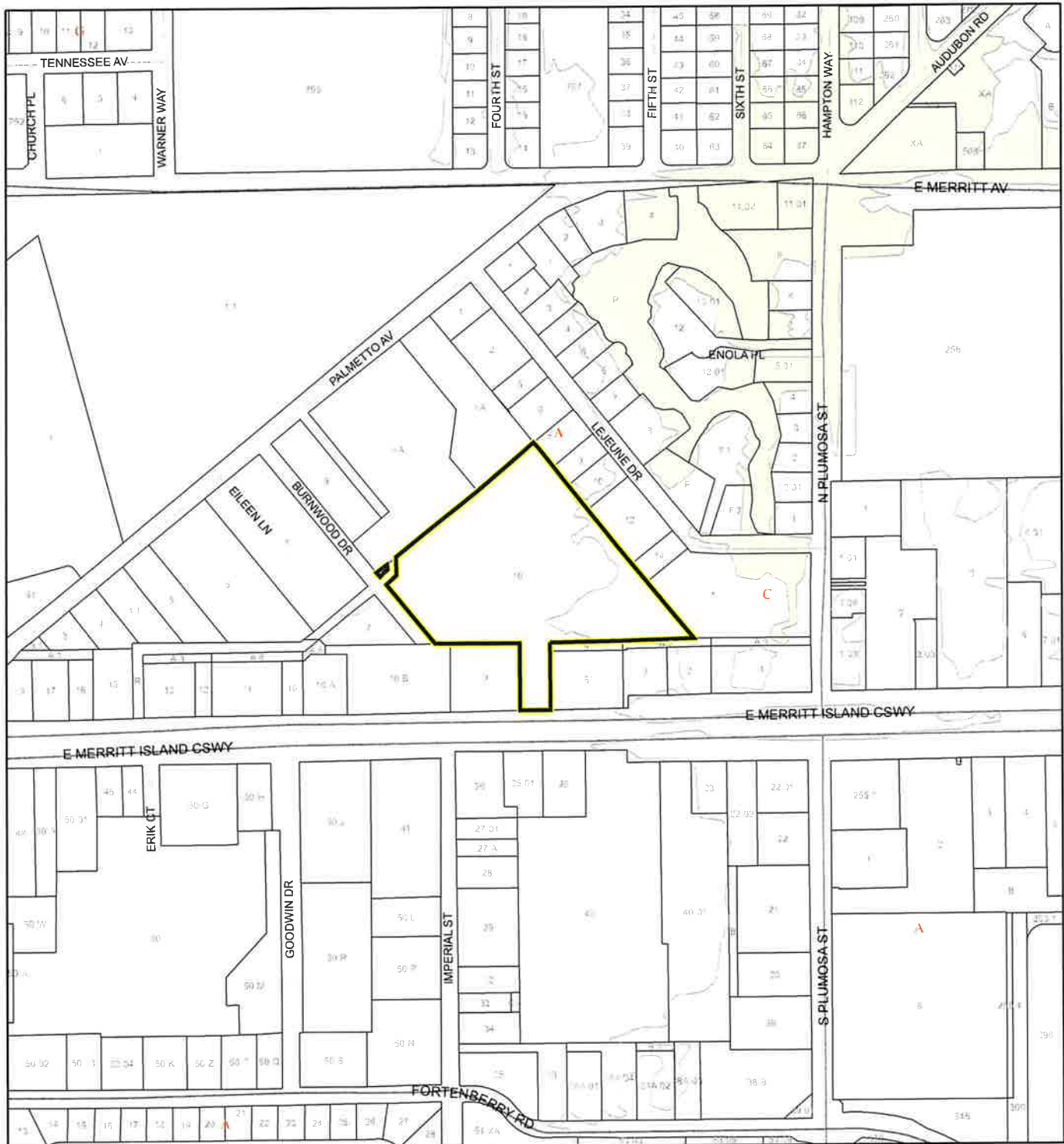
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

JAY SRIAMBE LLC









24Z00066



1:4,800 or 1 inch = 400 feet

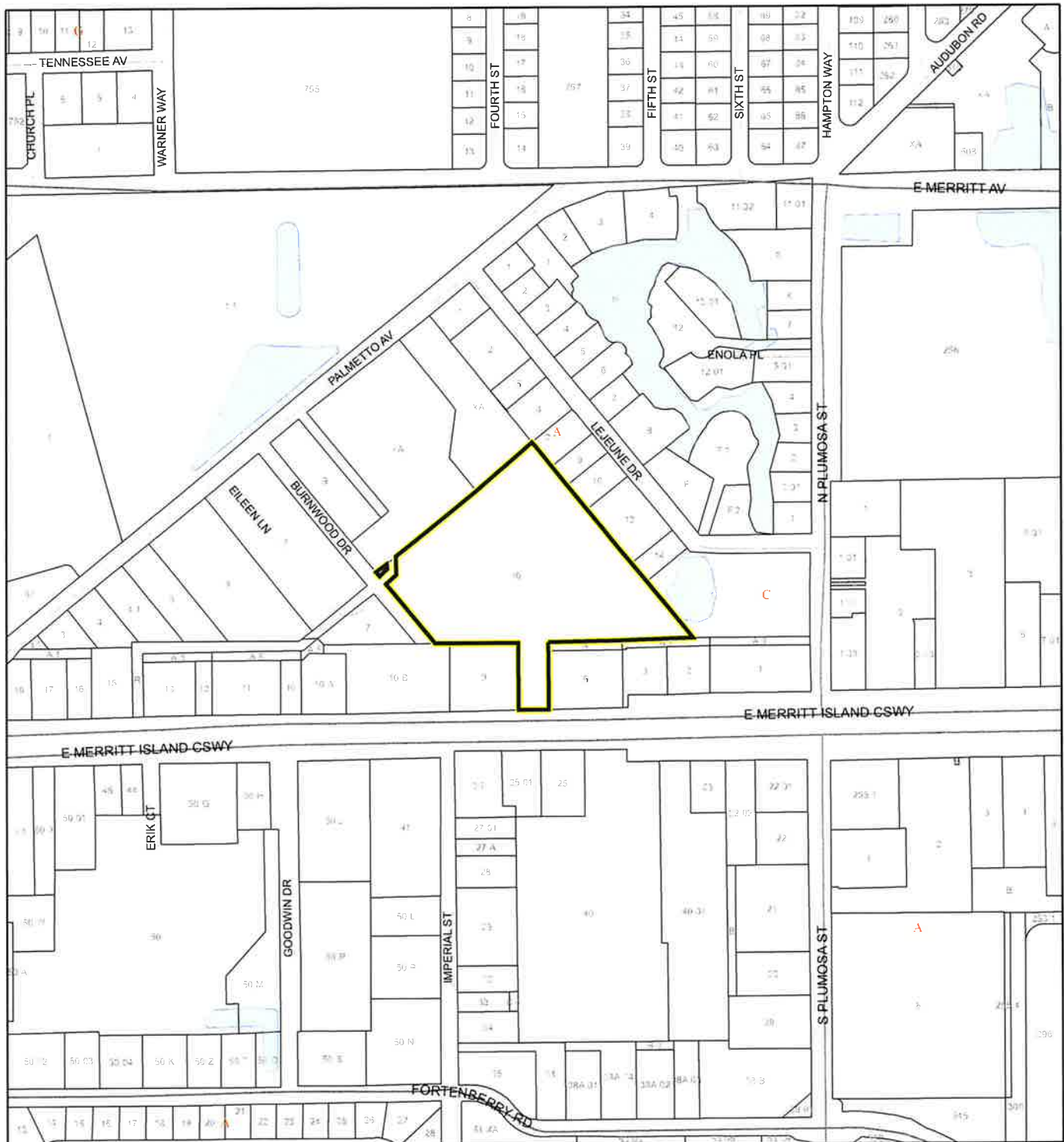
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

FEMA Flood Zones		
	A	
	AE	
	AH	
	AO	
	Open Water	
	VE	
	Subject Property	
	Parcels	
		X

COASTAL HIGH HAZARD AREA MAP

JAY SRIAMBE LLC
24Z00066



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

 Subject Property

 Parcels

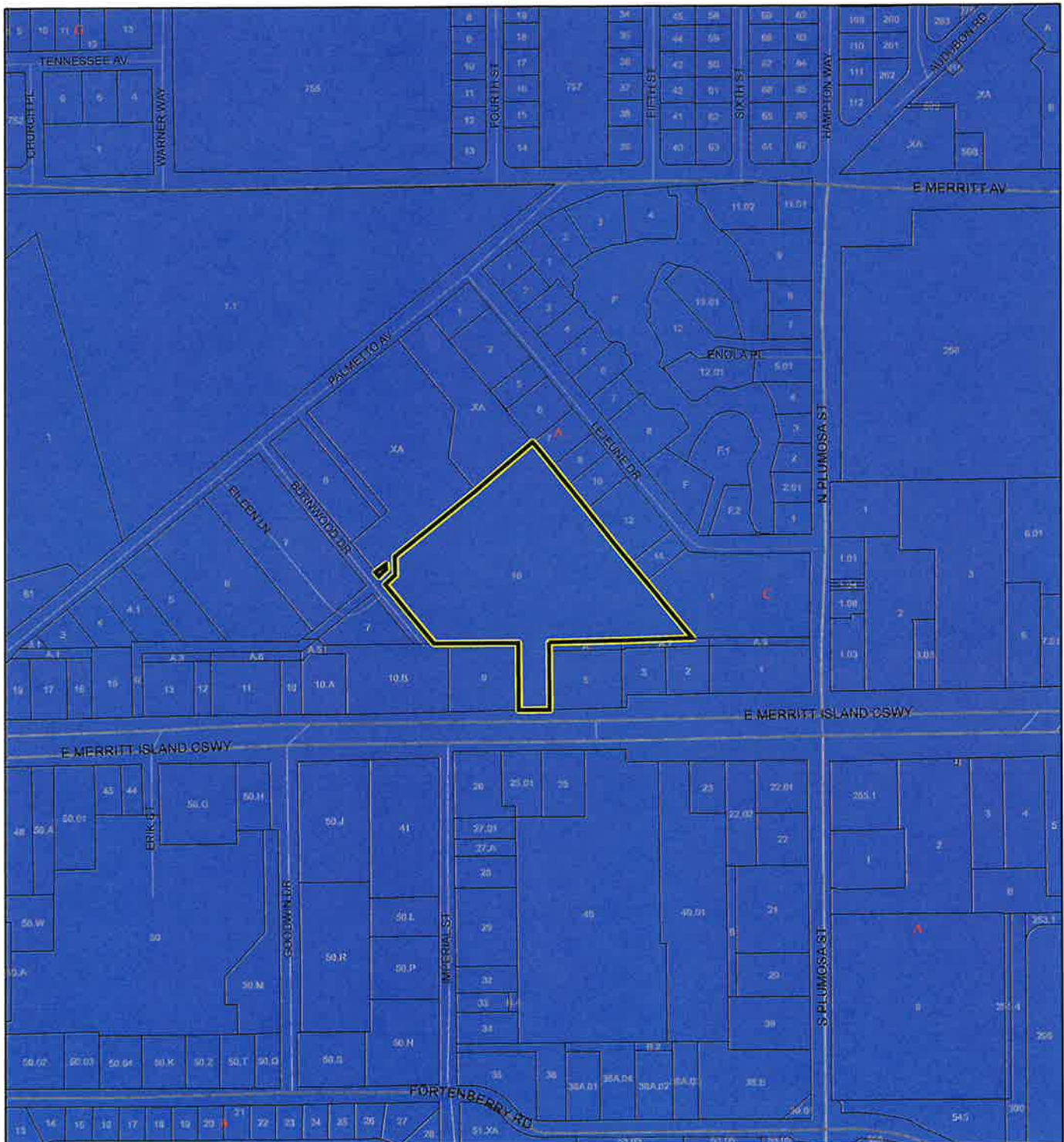
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JAY SRIAMBE LLC

24Z00066



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

 Subject Property

 Parcels

Septic Overlay

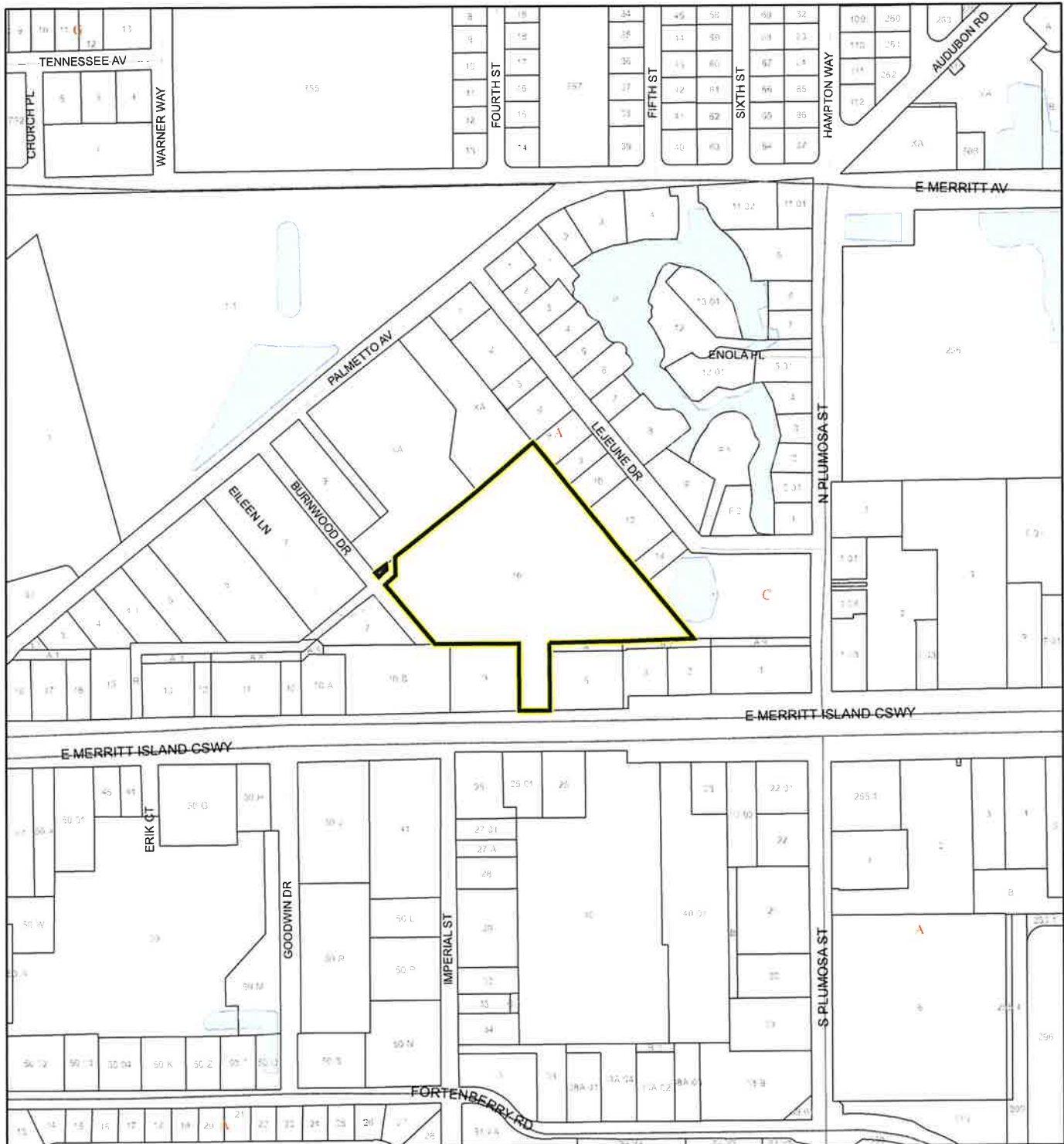
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

JAY SRIAMBE LLC
24Z00066



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

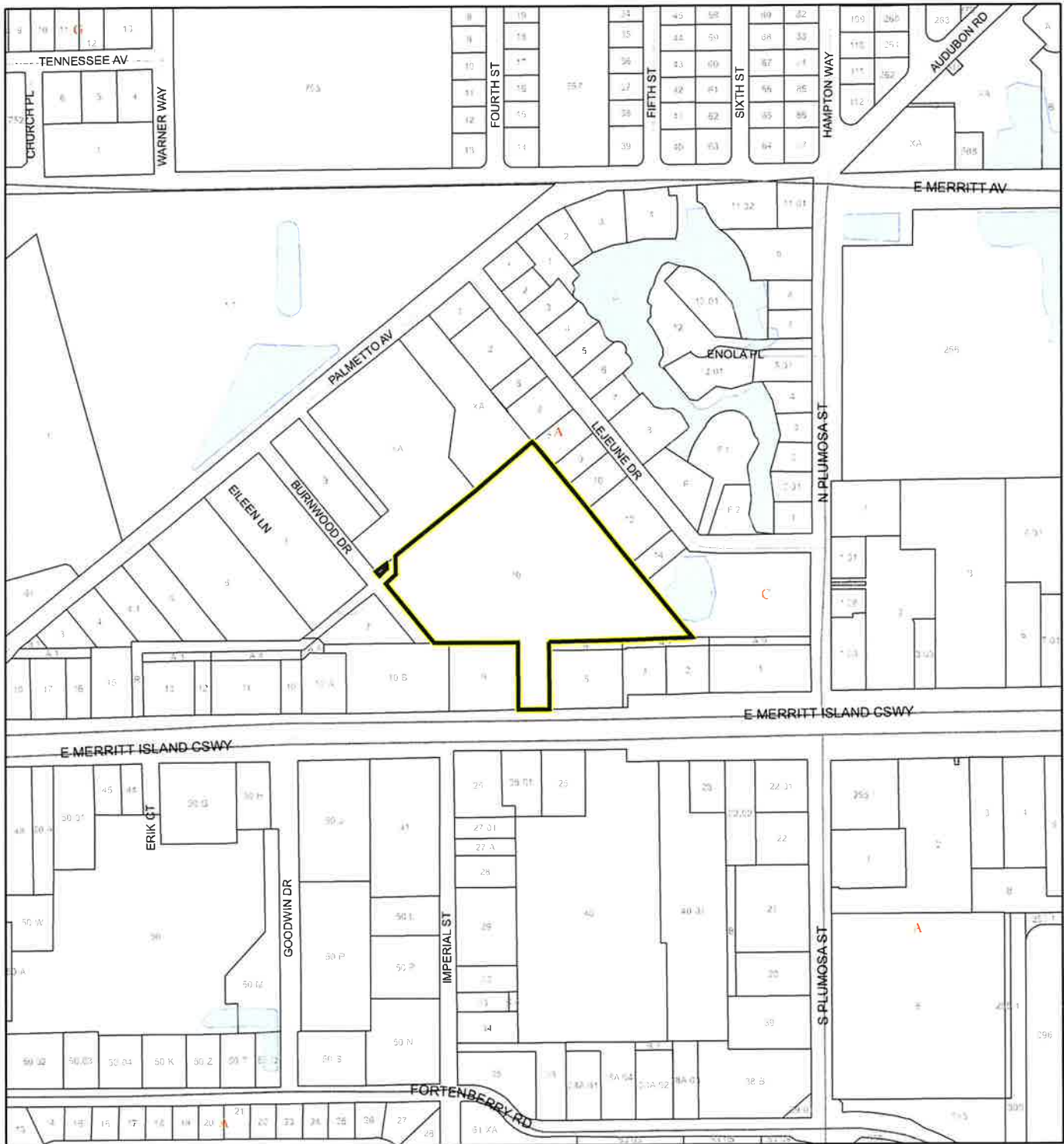
Produced by BoCC - GIS Date: 12/19/2024

-  Subject Property
-  Parcels
-  Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

JAY SRIAMBE LLC

24Z00066




1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

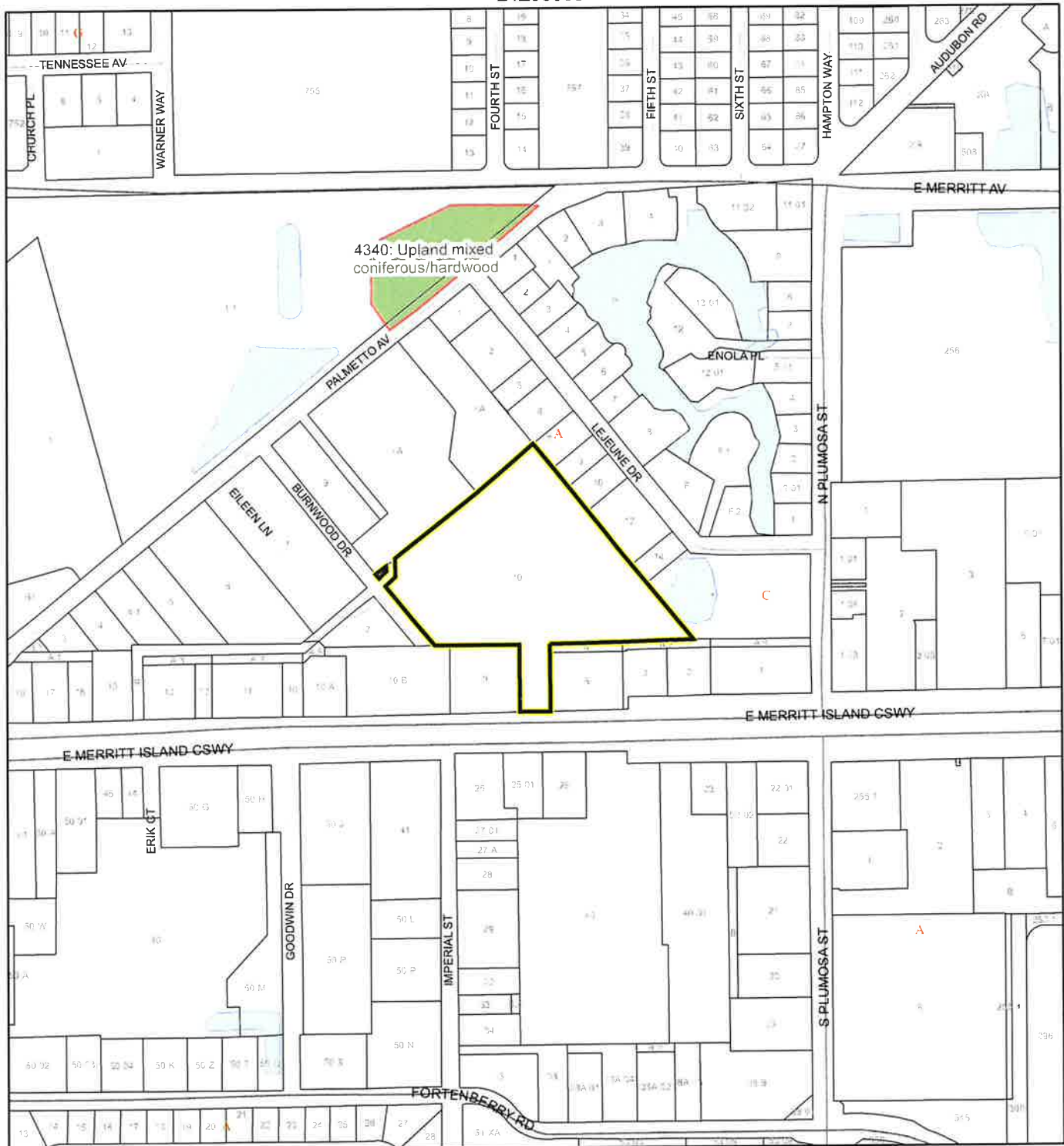
 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JAY SRIAMBE LLC
24Z00066



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/19/2024

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

Board Meeting Date

4-3-25

Item Number: H-4.

Motion By: TG

Second By: KA

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	