



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 6, 2024

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Jeffrey Ball


RE: Board Actions on Planning and Zoning Board Recommendations

The Board of County Commissioners, in regular session on September 5, 2024 took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

for 
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

cc: Desiree Jackson, Zoning
County Attorney

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. **Water Supply Facilities.** Pritchett/Goodson. Adopted Ordinance No. 24-21, setting forth the Adoption of the Water Supply Facilities Work Plan and Related Comprehensive Plan Amendments.
- Item H.2. **Gerald Patterson.** Pritchett/Tobia. Approved the request for a change of zoning classification from GU to RRMH-1. (24Z00022)
- Item H.3. **Home Nation Cocoa, LLC.** Goodson/Feltner. Approved the request for a change of zoning classification from AU to RU-1-11. (24Z00027)
- Item H.4. **Borrows West Hotel Developers, LLC.** Feltner/Tobia. Approved the request for a CUP for the on-premises consumption of alcohol in a PUD zoning classification. (24Z00030)
- Item H.5. **Paul and Laurie Ann Futrell.** Pritchett/Feltner. Approved the request for a change of zoning classification from RU-1-7 to RU-1-11. (24Z00028)
- Item H.6. **Aaron Reninger.** Goodson/Pritchett, with Tobia voting Nay. Continued the request for a Small Scale Comprehensive Plan Amendment (24S.02) to change the Future Land Use Map designation from AGRIC to RES 6 to October 3, 2024, Zoning meeting. (24SS00002)
- Item H.7. **Aaron Reninger.** Pritchett/Feltner. with Tobia voting Nay. Continued the request for a change of zoning classification from RRMH-1 to TR-3 with an amended BDP to October 3, 2024, Zoning meeting. (24Z00005)
- Item H.8. **Ibrahim and Haroon Realestate, Inc.** Pritchett/Feltner. Adopted Ordinance No. 24-22, setting forth the eighth Small Scale Comprehensive Plan Amendment of 2024 (24S.08) to change the Future Land Use designation from RES 2 to CC. (24SS00008)
- Item H.9. **Ibrahim and Haroon Realestate, Inc.** Pritchett/Goodson. Approved the request for a change of zoning classification from TR-3 with a Binding Site Plan (BSP) to BU-1 with removal of the BSP, and adding a Binding Development Plan (BDP) that limits BU-1 uses to retail, office, and personal services, and requires a 20-foot buffer along the east and south sides as recommended by P&Z, and within that have 50-foot boundary for if there are any specimen trees they will make all efforts to save and maintain those trees during construction. (24Z00023)
- Item H.10. **JEN Florida 48, LLC.** Steele/Pritchett, with Goodson voting Nay. Adopted Ordinance No. 24-23, setting forth the first Large Scale Comprehensive Plan Amendment of 2024 (to change the Future Land Use designation from RES 1:2.5 to RES 4 and CC. (23LS00001)

Item H.11.

JEN Florida 48, LLC. Steele/Pritchett, with Goodson voting Nay. Approved the request for change of zoning classification from GU and AU to all PUD; and approved a BDP incorporating with the following 14 conditions: 1) The residential density of the development shall be capped at 3 units per acre. 2) The approval of Waiver #2 to be exempt from the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County Code Sec. 62- 2117, provided each lot will have a 20' driveway capable of parking recreational vehicles. 3) The approval of Waiver #1 on the PDP plan set to allow for lots smaller than 5,000 square feet and less than 50 feet in width (40 feet X 120 feet) is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation. 4) The approval of Waiver #3 on the PDP plan set to allow for residential structures of two stories or less, to have a minimum building separation of 10' (rather than 15') is limited to structures that do not abut utility and/or stormwater easements or otherwise affect the intended purpose and use of the easement nor the ability to maintain utility/stormwater infrastructure. 5) Approval of the commercial uses as allowed in the BU-1 zoning classification per Brevard County Code Sec. 62-1482. 6) The approval of Waiver #4 on the PDP plan subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5. 7) The approval of Waiver #6 reducing rear setback for residential principal structures from 20 feet to 15 feet is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation. 8) Closure of the borrow pit permit shall be in accordance with SJRWMD requirements. 9) Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided. 10) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan the Developer shall: a. Execute an agreement, which may include, but is not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement may include, but is not limited to, 9/5/2024 provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer proportionate to the project's impact. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate. b. Execute an agreement for the donation/conveyance to the County in fee simple three (3) acres of land to be used for a fire station. The County will obligate the Emergency Medical Services Impact Fees and Fire Rescue Impact Fees collected from the development for a fire station on said property. 11) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy. 12)

Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals. 13) In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval. 14) If the development is to have designated on-street parking, the developer/owner shall establish a financial mechanism for maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

Item H.12. **Villas of Sherwood Titusville, Inc. and Sherwood Golf Club, Inc.** Pritchett/Tobia, with Feltner voting Nay. Adopted Ordinance No. 24-24, setting forth the ninth Small Scale Comprehensive Plan Amendment of 2024 (23S.05) to change the Future Land Use designation from RES 4 to RES 15. (23SS00005)

Item H.13. **Villas of Sherwood Titusville, Inc.; Algarrobo Development, LLC; Sherwood Golf Club, Inc.; and TRSTE, LLC.** Pritchett/Tobia, with Feltner voting Nay. Approved the request for change of zoning classification from GU, AU, EU, SR, RU-1-11, RU-1-13, RU-2-10, RU-2-15, and PUD with two existing BDP's to all PUD and removal of two existing BDP's; approved with a BDP incorporating the following 14 conditions: 1) The proposed development shall be limited to 187 SF units and 408 MF units. 2) Due to historical drainage patterns and flooding issues a drainage study with and associated master drainage plan is needed prior to construction of the first phase of the development. 3) Approval of requested waiver from Sec. 62-1446. PUD-Land Use Regulations; Sub-Section(d) Minimum lot area, frontage, and setbacks; accessory uses; Paragraph (1) – to reduce the required 5,000 sf minimum lot area to 4,000 sf. (POD III Only). All affected lots shall have substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units. 4) Approval of requested waiver from Sec. 62-1446. PUD-Land Use Regulations; Sub-Section (d) Minimum lot area, frontage, and setbacks; accessory uses; Paragraph (3) – to reduce the required minimum 20 feet rear setback to 10 feet. (POD III). This is conditioned upon POD III containing a minimum of eighteen acres of common recreation and open space as defined by Brevard County Code. 5) Approval of requested waiver from Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) – to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with 10-foot easements on each side for Pod III. The affected rights-of-way shall be private and maintained by the Homeowner's Association. 6) Approval of requested waiver from Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (1) – to reduce the required minimum 50 feet wide right-of-way to a minimum of 30 feet with a 5-foot easement on each side for Pods I and IV. The affected rights-of-way shall be private and maintained by the Homeowner's Association. 7) Approval of requested waiver from Sec. 62-2956. Transportation technical guidelines and performance standards.; Sub-Section (a) Roadway; Paragraph (3) to reduce the minimum 100 foot setback of the cul-de-sac right-of-way to the plat boundary to 15 feet with the inclusion of a 6' high wall and landscaping in one (1) location (Pod III). Landscaping shall consist of a minimum of 2 shade trees per 100 LF and 4 understory trees per 100 LF. 8) Approval of requested waiver from Sec. 62-2883. General design requirements and standards; Sub-Section (d) to replace the required 15' perimeter buffer tract with a 15' perimeter buffer easement, or 10' perimeter easement where adjacent to an existing drainage easement, and allow it to be disturbed for grading,

landscape, and buffer improvements, including but not limited to walls, fences, retention slopes, walking paths, and utilities (Pod III). 9) Prior to County approval of a construction plan and/or Preliminary Plat, the Developer shall: a. Execute an agreement, which may include, but is not limited to, a Proportionate Fair Share agreement, with the County addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study that is caused by the development. The agreement may include provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer that is proportionate to the project's impact. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate. 10) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy. 11) Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals. 12) In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval. 13) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall submit a road system condition assessment to include an evaluation of potential impacts on public safety. The study will be conducted per methodology provided for in County land development code or as otherwise agreed to with staff. 14) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall submit a traffic calming study for the affected roadways and will identify necessary improvements to mitigate speeding and encourage preferred routing of traffic. The study will be conducted per methodology provided for in County land development code or as otherwise agreed to with staff.