



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

3/2/2023

Subject:

Lori Ann Halbert (Jason Steele) requests a change of zoning classification from RU-1-13 to RU-2-15. (22Z00066)
(Tax Account 2716292) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-13 (Single-Family Residential) to RU-2-15 (Medium Density Multi-Family Residential).

Summary Explanation and Background:

The applicant is requesting to change the zoning classification from RU-1-13 to RU-2-15 on a 0.57-acre parcel to develop up to 8 multi-family units. The subject parcel is currently vacant and has frontage on E. Coral Way. The RU-2-15 classification permits medium-density multi-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square-foot lots.

The developed character of the surrounding area is single-family residential and multi-family residential on lots approximately one-quarter acre or larger in size. There is an existing pattern of multi-family residential zoning (RU-2-10) at the intersection of N. Highway A1A and E. Coral Way that extends west for approximately 900 feet before transitioning into predominantly single-family residential (RU-1-13) to the west. The closest RU-2-15 zoning is a 0.4-acre parcel developed as a 6-unit condominium complex located southeast of the subject property.

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

On February 13, 2023, the Planning & Zoning Board heard the request and voted 9:1 to recommend approval.

Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning & Development.

Resolution 22Z00066

On motion by Commissioner Zonka, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote:

WHEREAS, Lori Ann Halbert has requested a change of zoning classification from RU-1-13 (Single-Family Residential) to RU-2-15 (Medium Density Multi-Family Residential), on property described as Lot 8, Block 2, Plat of Eden Estates according to the map or plat thereof, as recorded in Plat Book 10, Page 29, of the Public Records of Brevard County, Florida. **Section 13, Township 27, Range 37.** (0.57 acres) Located on the north side of Coral Way, approx. 685 ft. west of Highway A1A. (124 E. Coral Way, Indialantic); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-13 to RU-2-15 be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of March 2, 2023.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Rita Pritchett, Chair
Brevard County Commission

As approved by the Board on March 2, 2023.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – February 13, 2023

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

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

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

STAFF COMMENTS

22Z00066

Lori Ann Halbert

RU-1-13 (Single-Family Residential) to RU-2-15 (Multiple-Family Residential)

Tax Account Number: 2716292

Parcel I.D.: 27-37-13-78-2-8

Location: North side of E. Coral Way, 685 feet west of Highway A1A (District 5)

Acreage: 0.57 acres

Planning and Zoning Board: 2/13/2023

Board of County Commissioners: 3/2/2023

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	RU-1-13	RU-2-15
Potential*	1 SF unit	8 MF units
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

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

Background and Purpose of Request

The applicant is requesting to change the zoning classification from RU-1-13 (Single-Family Residential) to RU-2-15 (Multiple-Family Residential) on a 0.57-acre parcel to develop up to 8 multi-family units. The subject parcel is currently vacant and has frontage on E. Coral Way.

The parcel was rezoned from RU-1 to RU-1-13 on June 1, 1972, as zoning action **Z-2980**.

Land Use

The subject property is currently designated as Residential 15 (RES 15) FLU. The existing RU-1-13 zoning can be considered consistent with the existing RES 15 FLU designation.

The proposed RU-2-15 zoning can be considered consistent with the RES 15 FLU.

Applicable Land Use Policies

FLUE Policy 1.4 –The Residential 15 Future land use designation. The Residential 15 affords the second highest density allowance, permitting a maximum density of up to 15 units per acre.

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.
- 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.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

Potable water to the parcel is available through the City of Melbourne. The closest Brevard County sewer line is approximately 665 feet to the west at N. Highway 1. Connection to centralized sewer is required under Criterion D, above.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 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;

The applicant requests to rezone 0.57 acres to RU-2-15 zoning classification for the purpose of developing eight (8) multi-family residential units. 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. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

B. 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 appraisal can determine if material reduction has or will occur due to the proposed request.

C. 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 property was created in 1950 per Plat Book 10, Page 29. This property is located in the Eden Estates Subdivision. Residential 15 (RES 15) is the only FLU designation within 500 feet of the subject property.

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

It appears no changes to the immediate area have occurred within the last three years.

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

There are no pending zoning actions within one-half mile of the subject property.

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.

The developed character of the surrounding area is single-family residential and multi-family residential on lots approximately one-quarter acre or larger in size. There is an existing pattern of multi-family residential zoning (RU-2-10) at the intersection of N. Highway A1A and E. Coral Way that extends west for approximately 900 feet before transitioning into predominantly single-family residential (RU-1-13). The closest RU-2-15 zoning is a 0.4-acre parcel developed as a 6-unit condominium complex located southeast of the subject property.

There has been one zoning action request within a half-mile radius of the subject property within the last three years. **19PZ00124**, denied by the Board on February 6, 2020, was a request to change Single-Family Residential (RU-1-7) to Medium-Density Multi-Family Residential (RU-2-12) on 0.18 acres located approximately 1,310 feet northwest of the subject property. There are no pending zoning actions within a half-mile radius of the subject property.

With the exception of the single-family residences immediately east and west of the subject site, This request may be considered compatible with the surrounding area, recognizing existing development trends.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-Family Residence	RU-1-13	RES 15
South	Multi-Family Quadruplex, across E. Coral Way	RU-2-10	RES 15
East	Single-Family Residence	RU-1-13	RES 15
West	Single-Family Residence	RU-1-13	RES 15

To the north is a 0.27-acre parcel developed as a single-family residence with RU-1-13 zoning.

To the south, across E. Coral Way, is a 0.4-acre parcel developed as a multi-family quadruplex with RU-2-10 zoning.

To the east is a 0.57-acre parcel developed as a single-family residence with RU-1-13 zoning.

To the west is a 0.72-acre parcel developed as a single-family residence with RU-1-13 zoning.

RU-2-15 classification permits medium-density multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

RU-2-10 classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

Preliminary Concurrency

The closest concurrency management segment to the subject property is State Road A1A between Paradise and Eau Gallie, which has a Maximum Acceptable Volume (MAV) of 41,970 trips per day, a Level of Service (LOS) of D, and currently operates at 50.77% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.16%. The corridor is anticipated to operate at 50.93% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

Potable water to the parcel is available through the City of Melbourne. The closest Brevard County sewer line is approximately 665 feet to the west at N. Highway 1.

Environmental Constraints

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2716292 is mapped within the Indian River Lagoon 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.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item #22Z00066**

Applicant: Jason Steele/Smith and Associates

Zoning Request: From RU-1-13 to RU-2-15

Note: Applicant wants to develop eight units

P&Z Hearing Date: 02/13/23; **BCC Hearing Date:** 03/02/23

Tax ID Nos: 2716292

- 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:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2716292 is mapped within the Indian River Lagoon 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.

Land Use Comments:

Aquifer Recharge Soils

The subject parcels contain mapped aquifer recharge soils (Canaveral-Palm Beach Urban complex) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils are designated as Type 3 Aquifer Recharge 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.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer 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 if applicable. If a septic system is applicable, NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Land Clearing and Landscape Requirements

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen and Protected Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

LOCATION MAP

HALBERT, LORI ANN

22Z00066





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

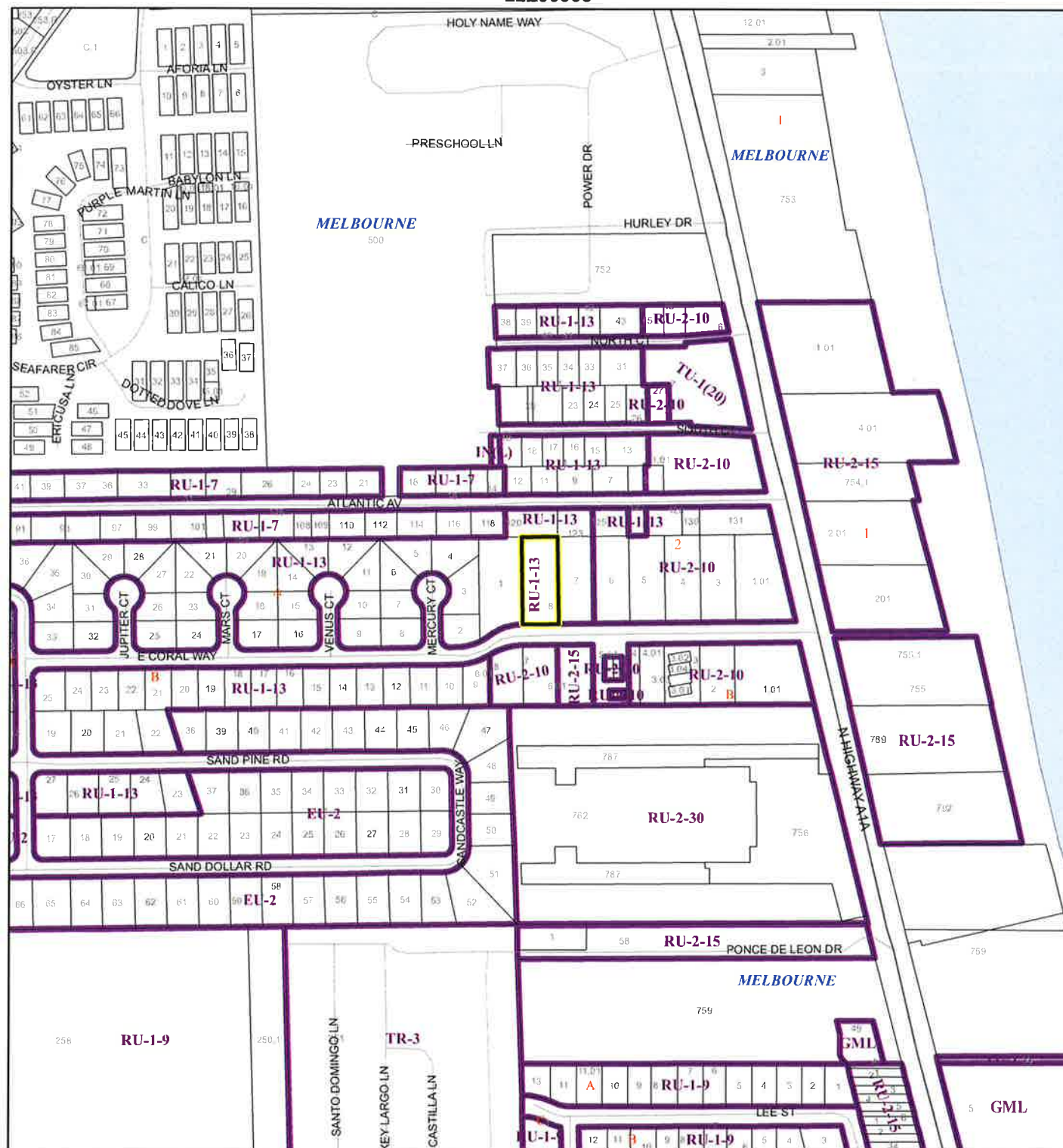
Buffer Distance: 500 feet

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: 12/9/2022

-  Buffer
-  Subject Property

22Z00066



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.

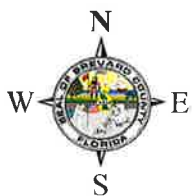
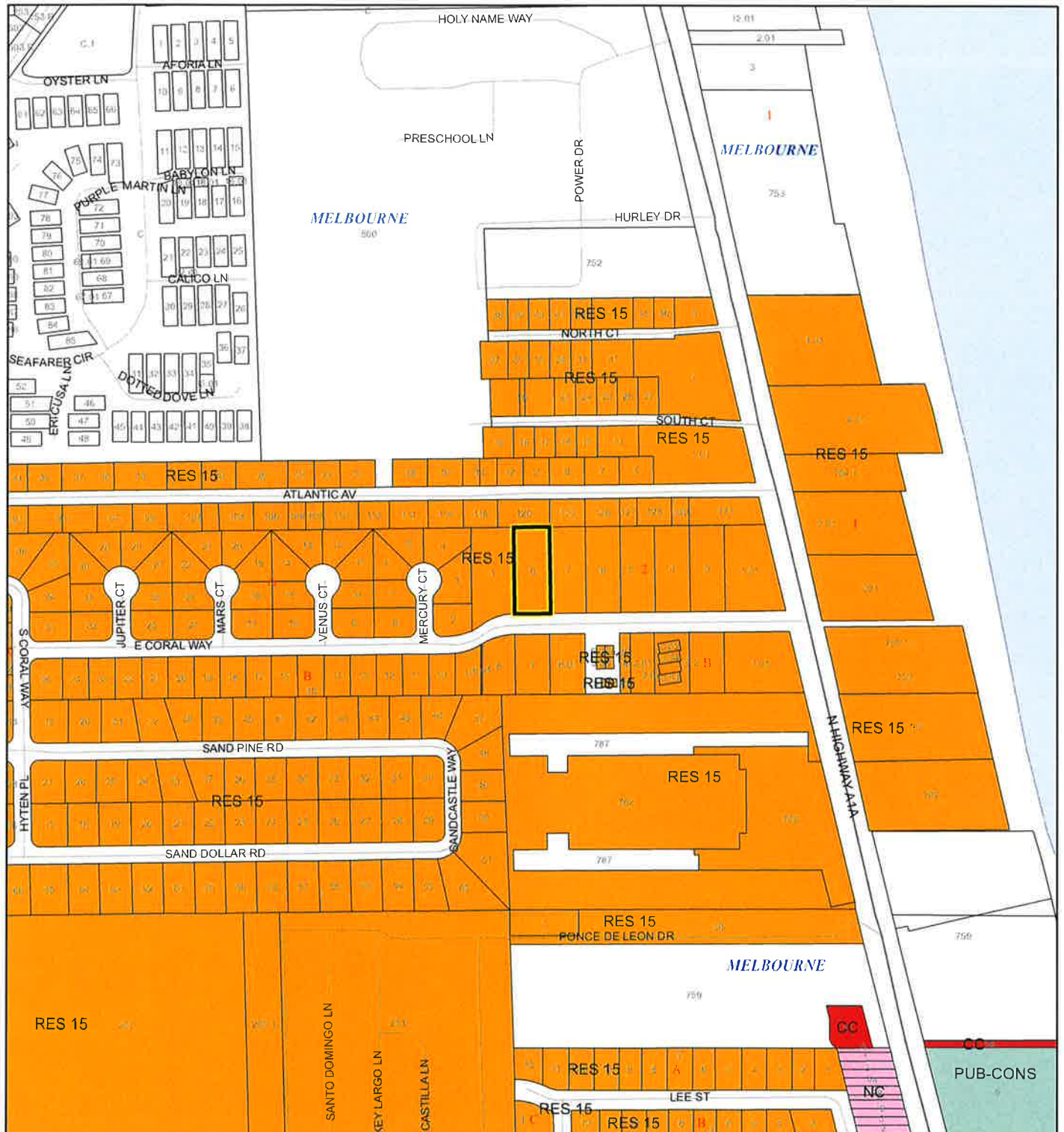
Produced by BoCC - GIS Date: 12/9/2022

-  Subject Property
 Parcels
 Zoning

FUTURE LAND USE MAP

HALBERT, LORI ANN

22Z00066



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

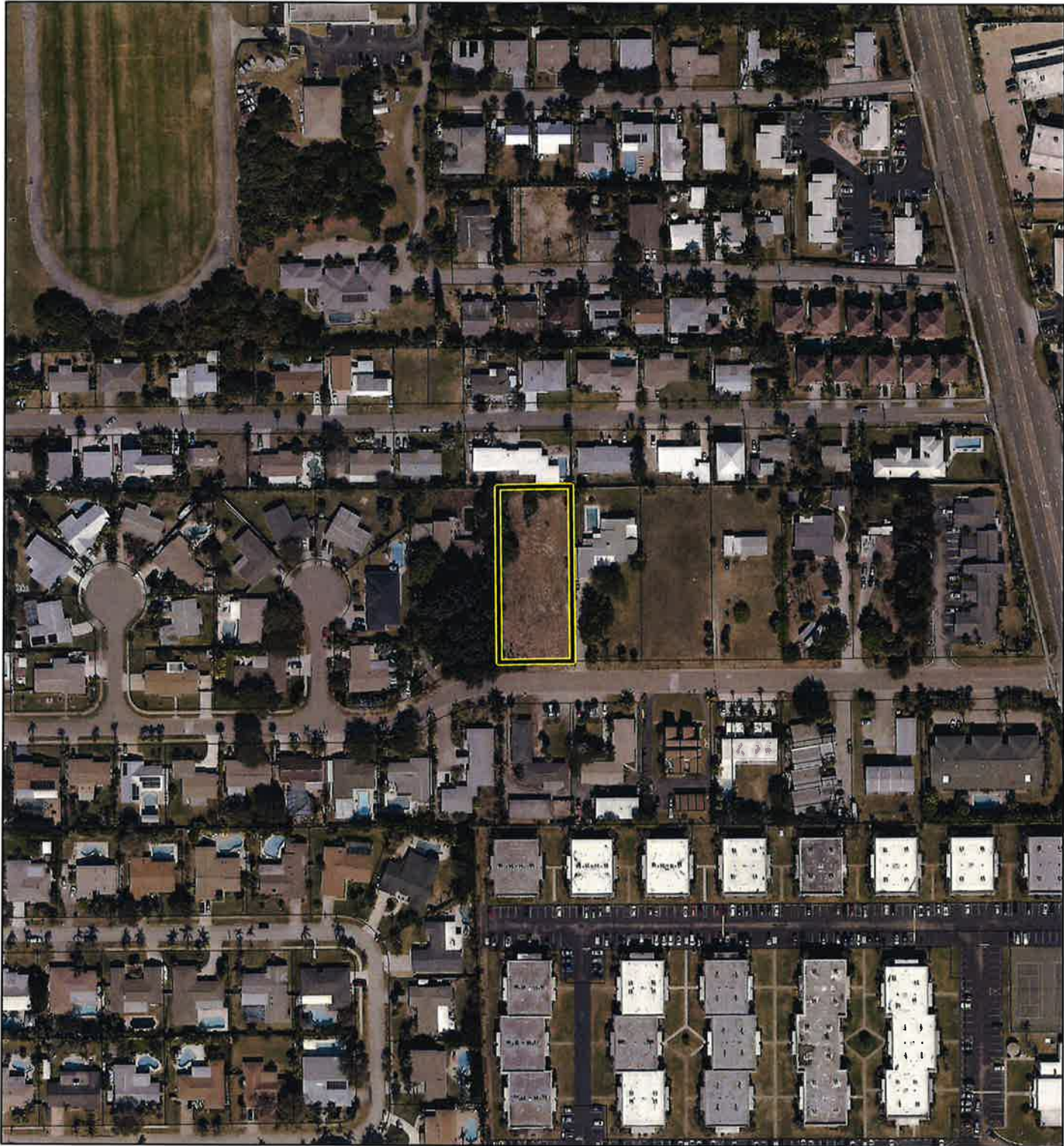
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/6/2022

AERIAL MAP

HALBERT, LORIANN

22Z00066





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2022

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.

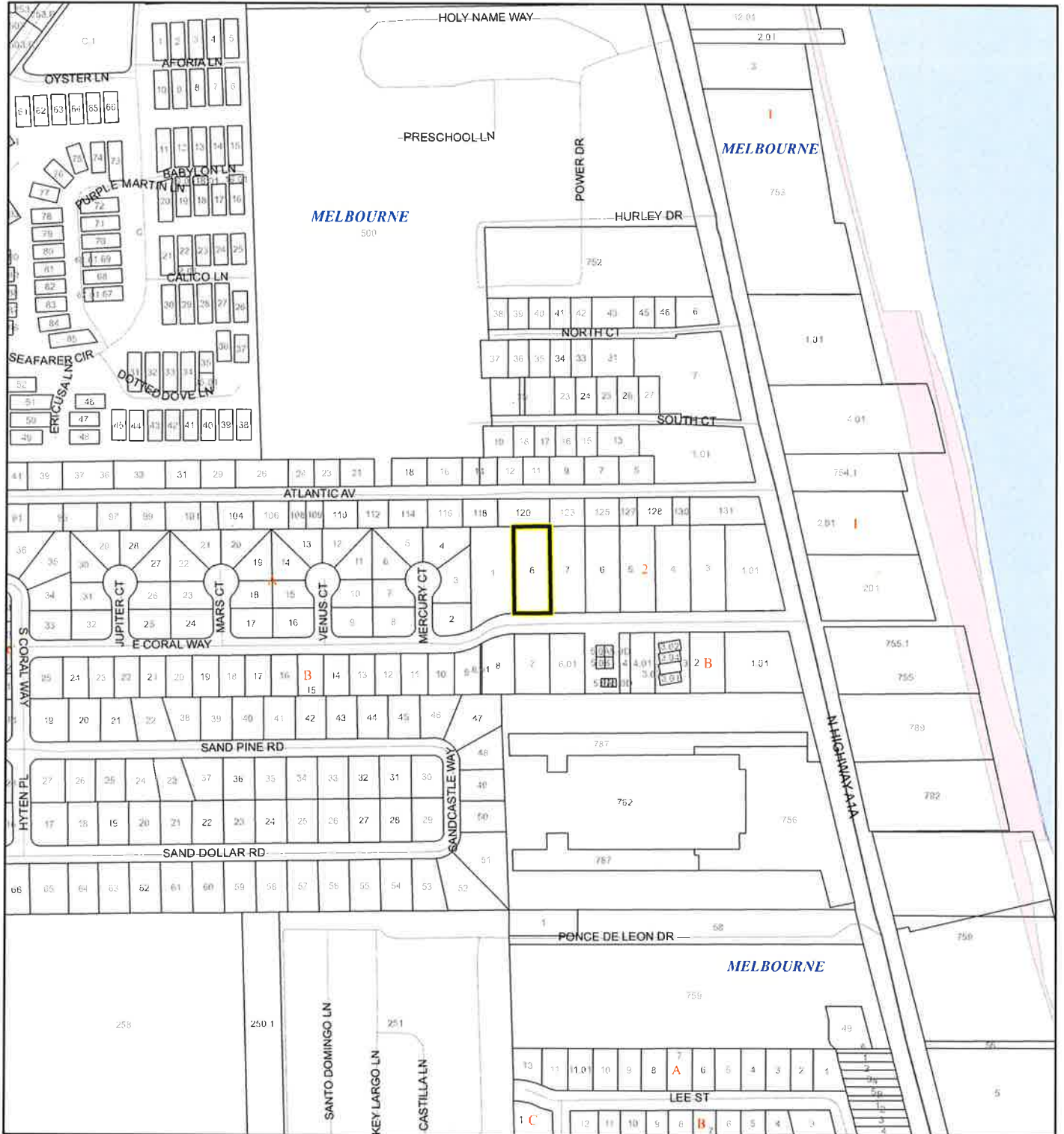
Produced by BoCC - GIS Date: 12/6/2022

 Subject Property
 Parcels

NWI WETLANDS MAP

HALBERT, LORI ANN

22Z00066



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: 12/6/2022

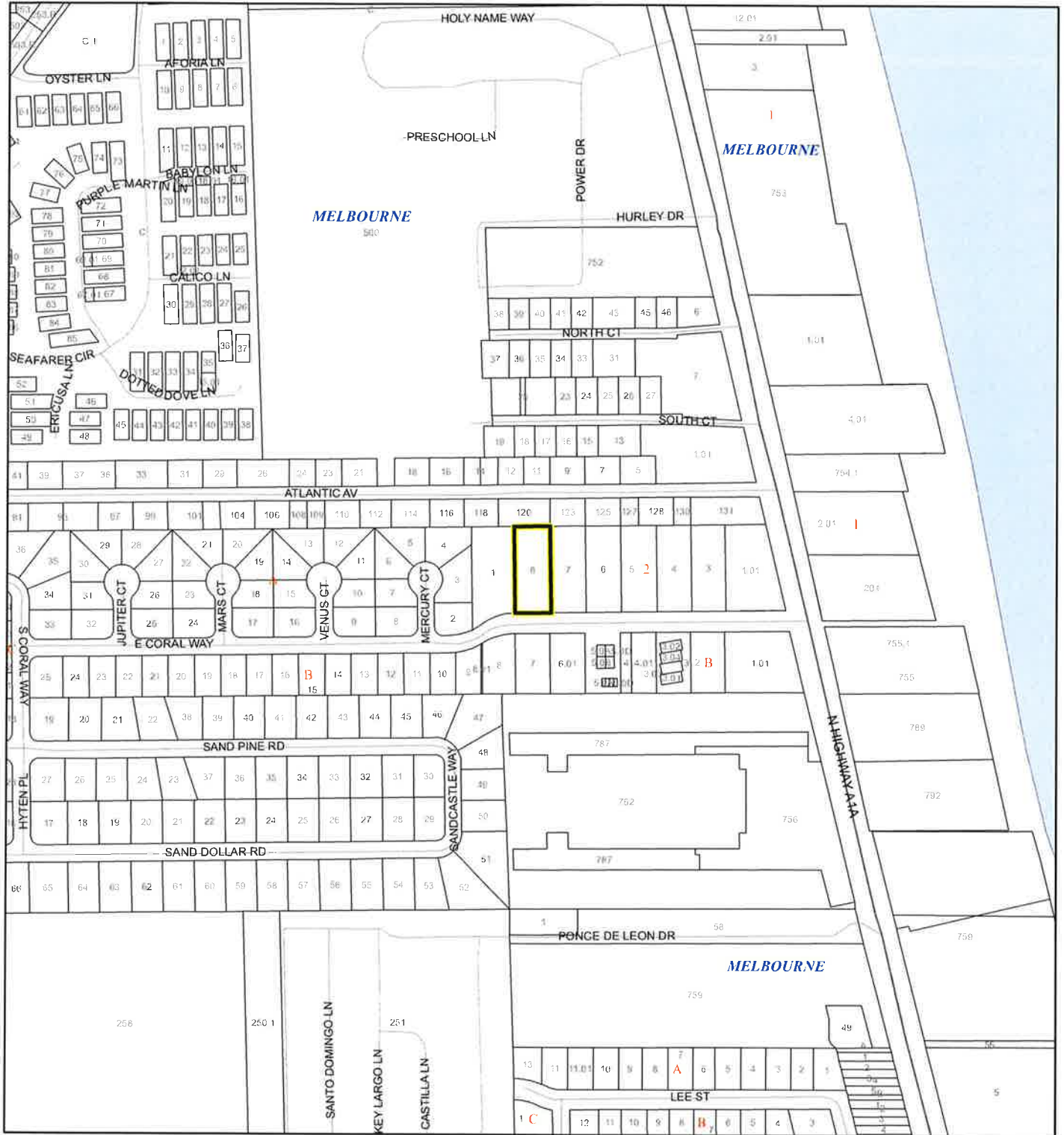
National Wetlands Inventory (NWI)

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

HALBERT, LORI ANN

22Z00066



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: 12/6/2022

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

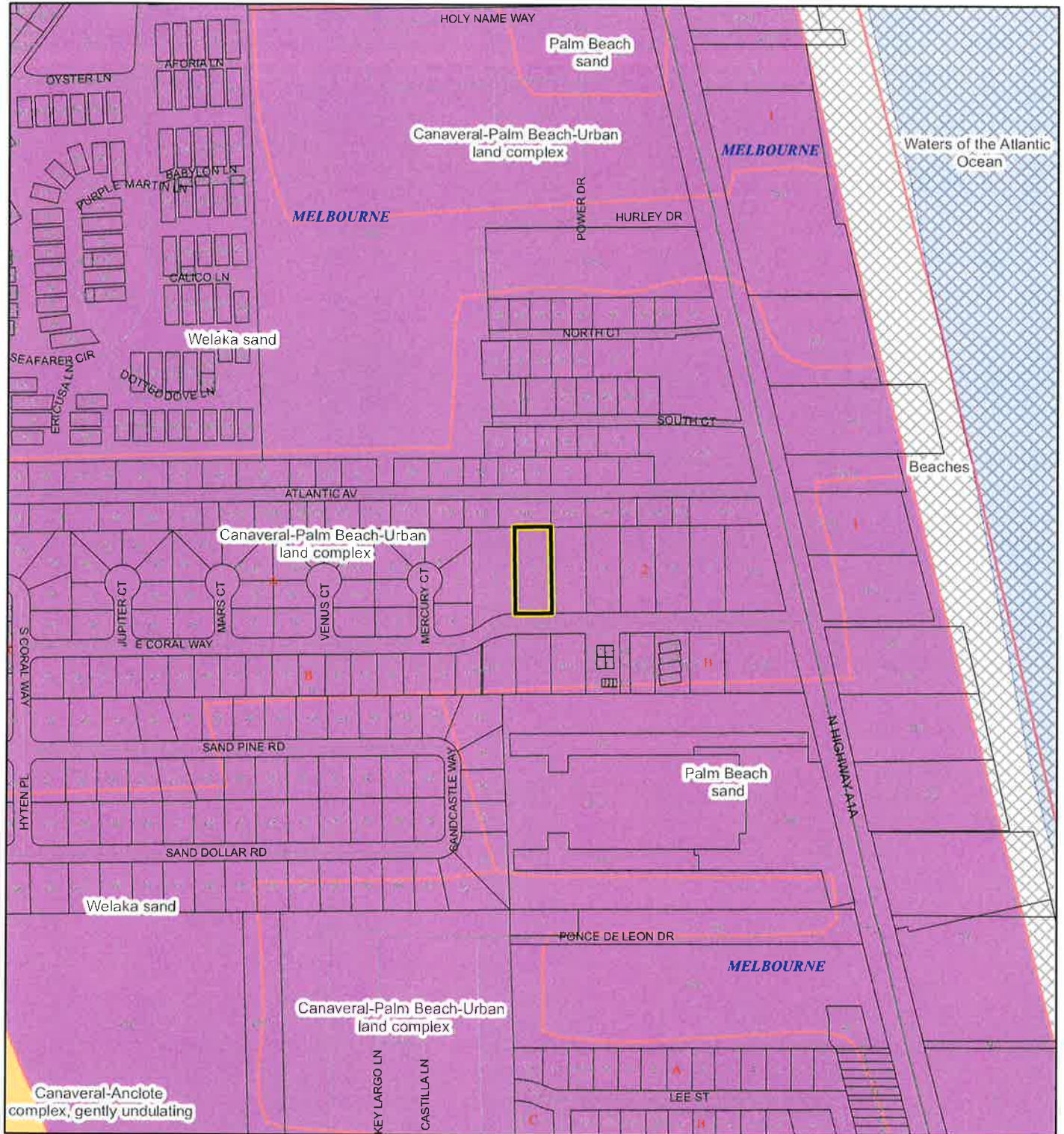
Subject Property

Parcels

USDA SCSSS SOILS MAP

HALBERT, LORI ANN

22Z00066



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: 12/6/2022

USDA SCSSS Soils

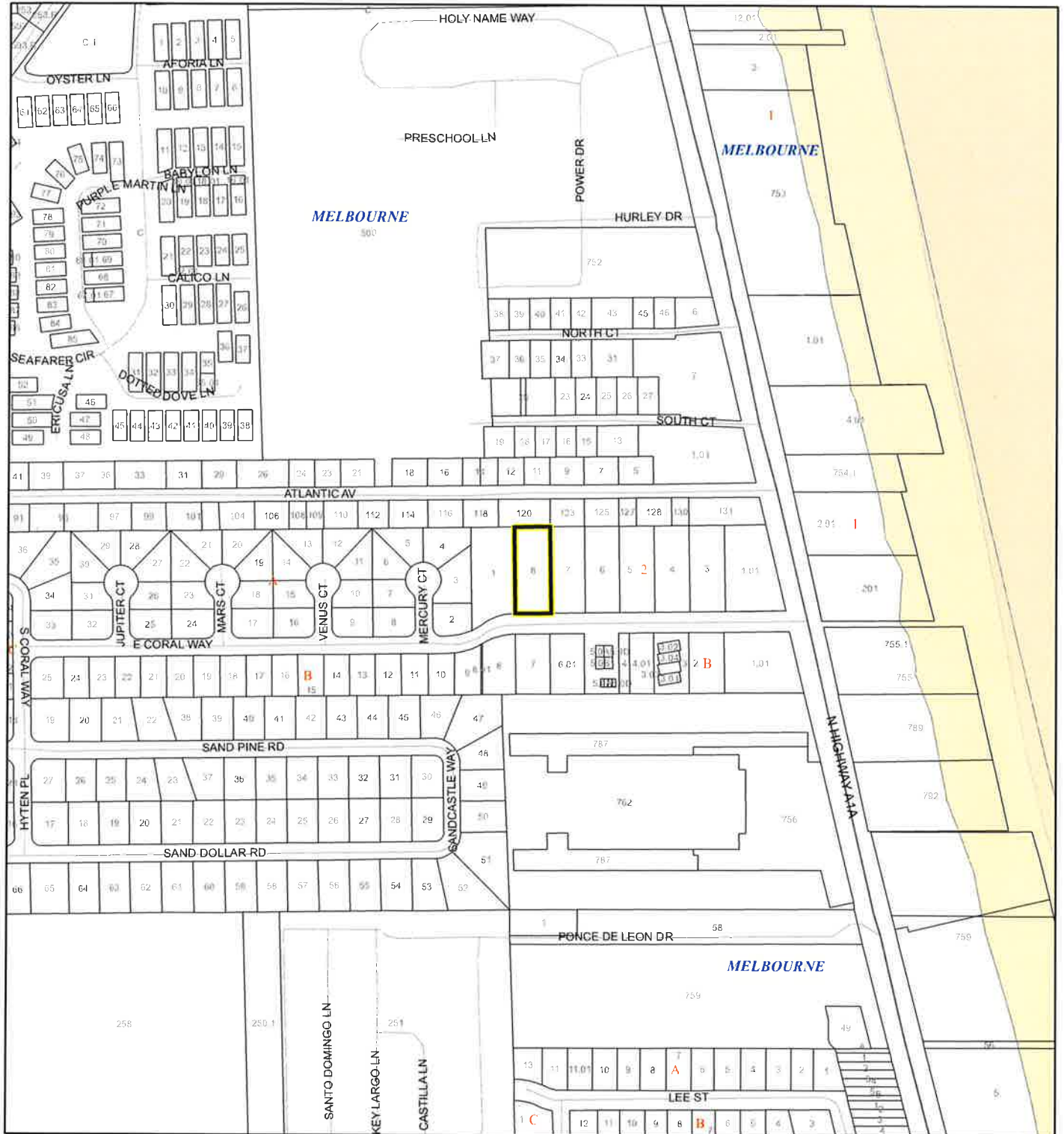
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

HALBERT, LORI ANN

22Z00066



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2022

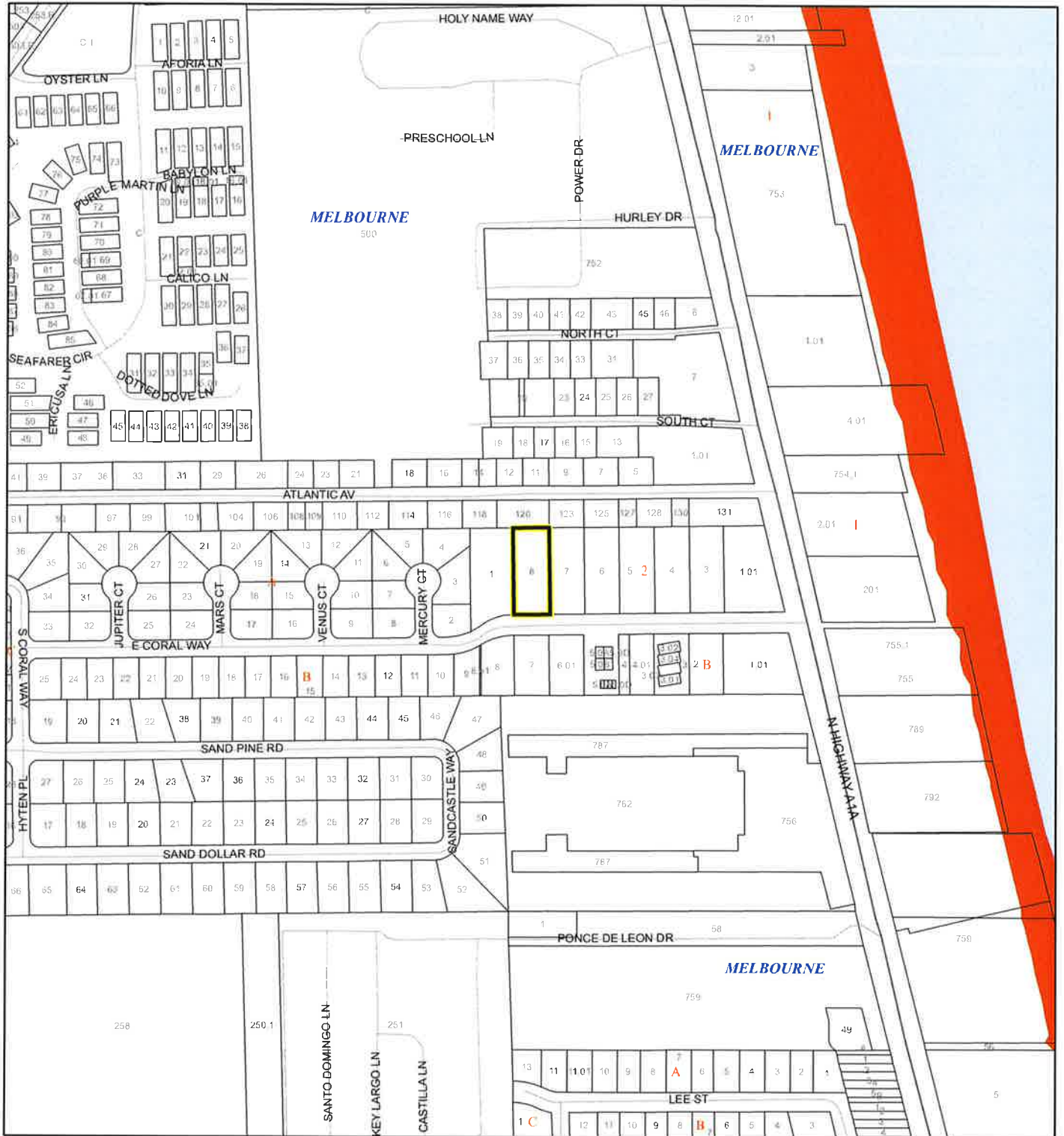
FEMA Flood Zones

AO	AE	AH	VE	X
Open Water				
Subject Property	Parcels			

COASTAL HIGH HAZARD AREA MAP

HALBERT, LORI ANN

22Z00066



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2022

— Subject Property

□ Parcels

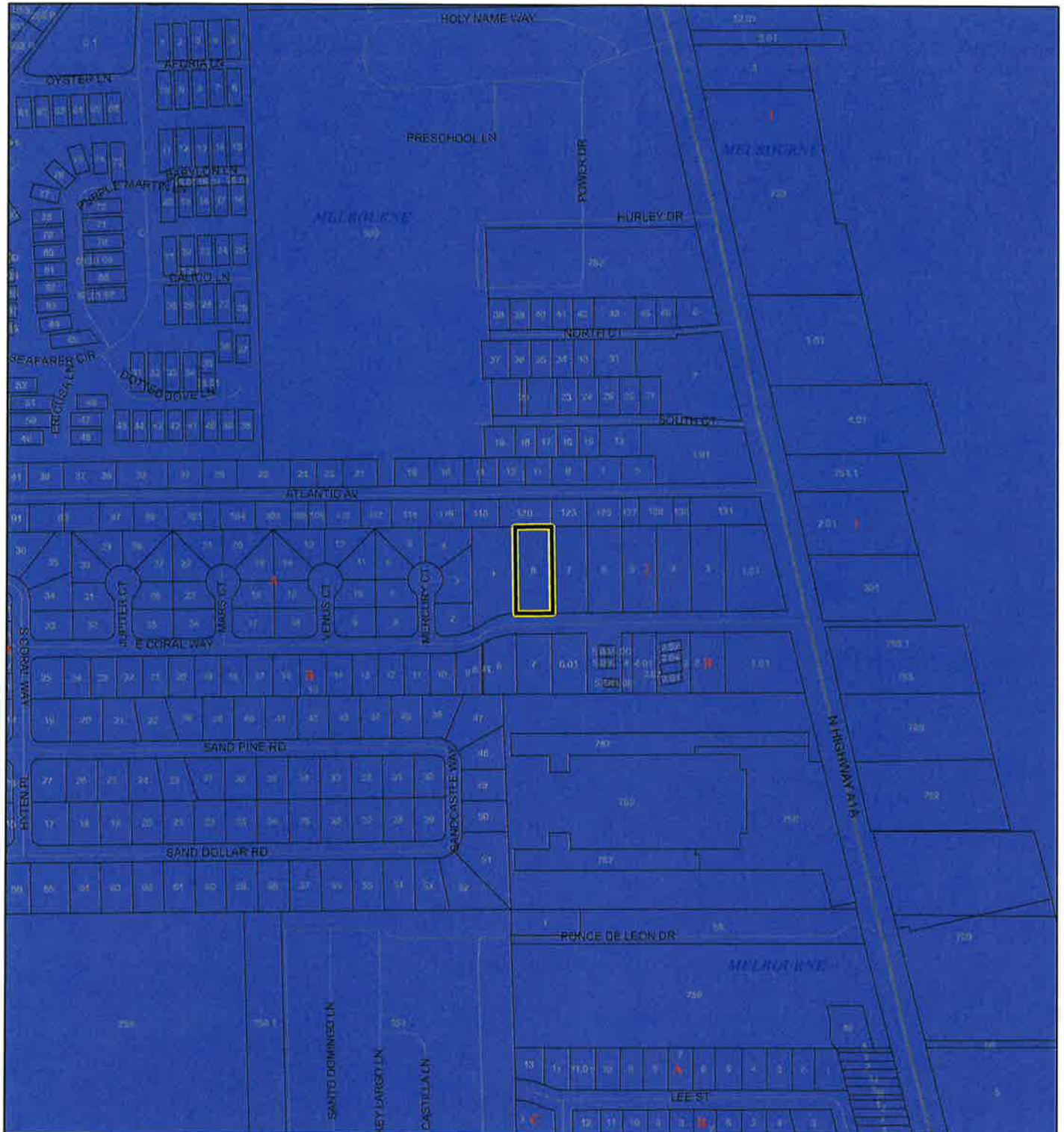
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

HALBERT, LORI ANN

22Z00066



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: 12/6/2022

 Subject Property

 Parcels

Septic Overlay

 40 Meters

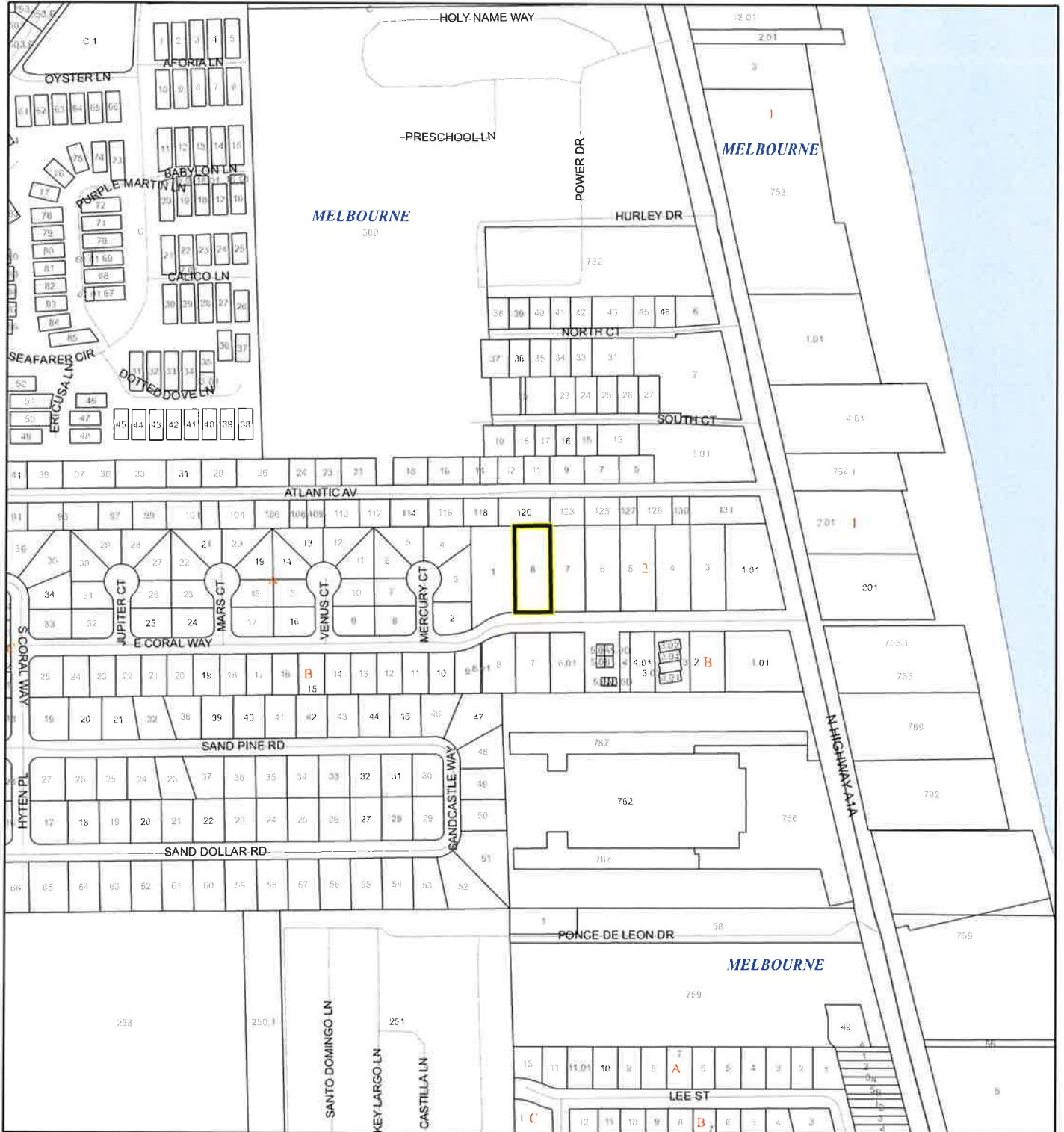
 60 Meters

 All Distances

EAGLE NESTS MAP

HALBERT, LORI ANN

22Z00066



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2022

 Subject Property

 Parcels

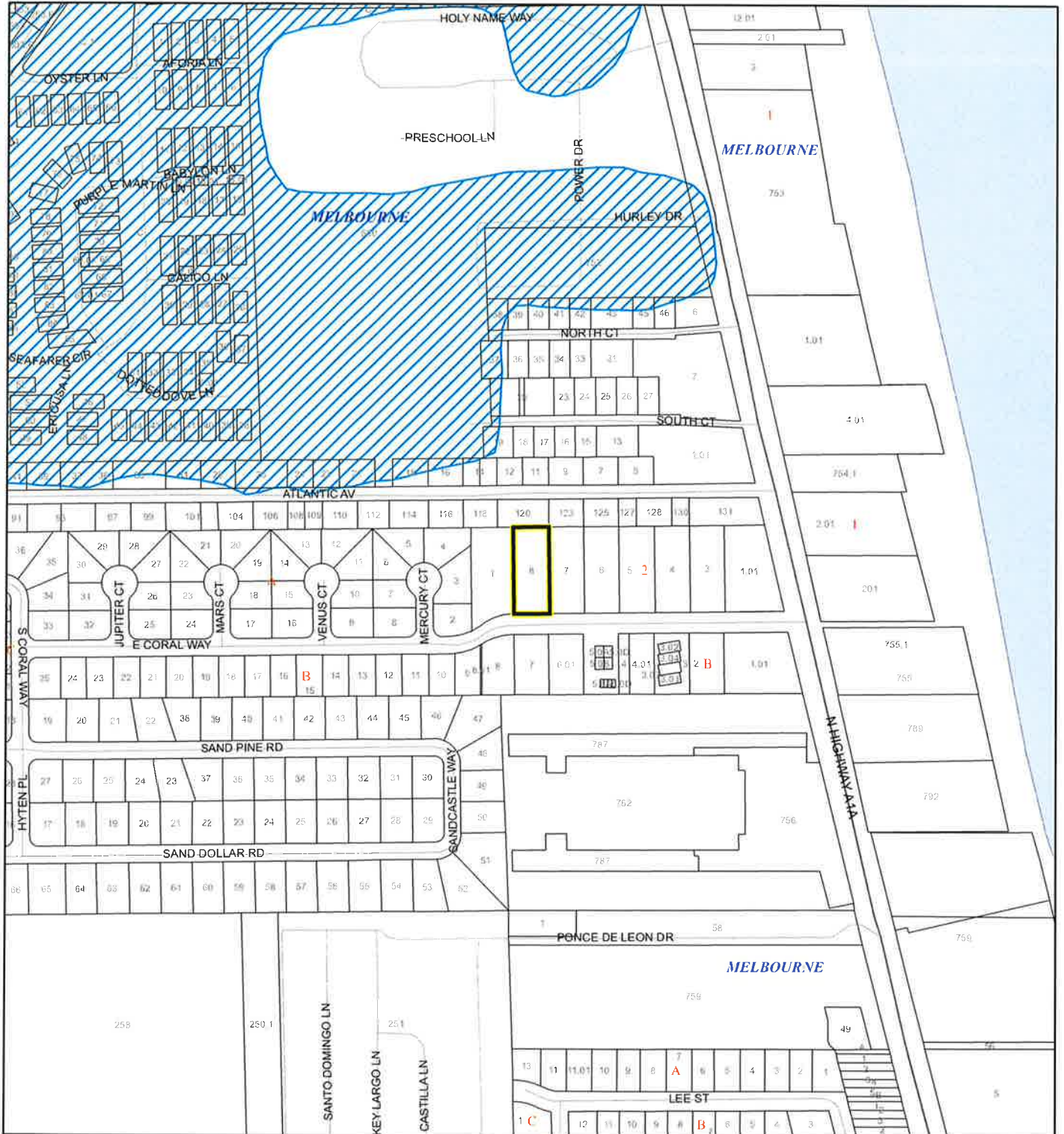


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

HALBERT, LORI ANN

22Z00066



1:4,800 or 1 inch = 400 feet

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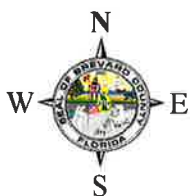
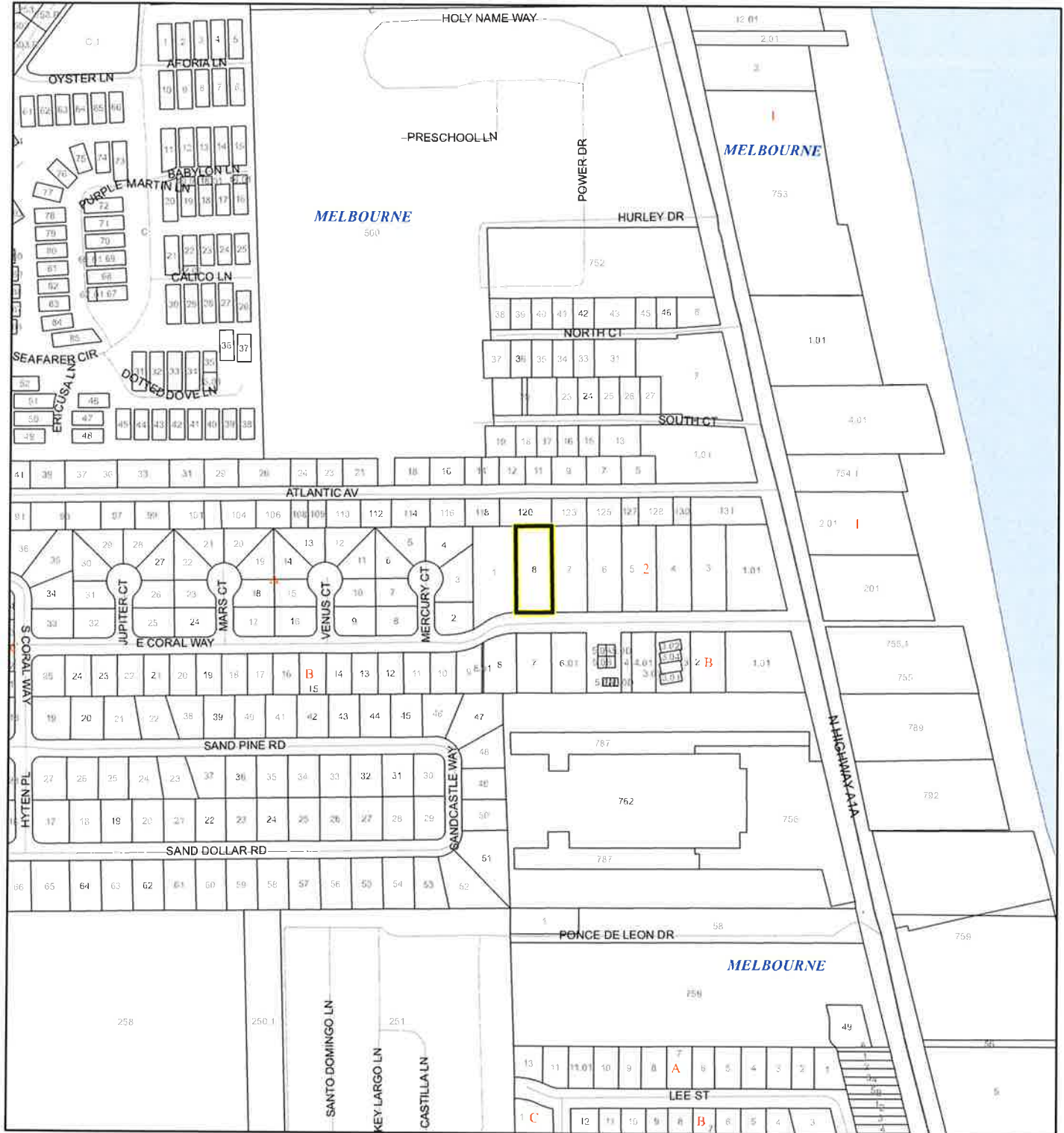
Produced by BoCC - GIS Date: 12/6/2022

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

HALBERT, LORI ANN

22Z00066



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/6/2022

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

From: [Roig, Janette](#)
To: [Jones, Jennifer](#)
Cc: [Zonka, Kristine](#)
Subject: FW: Rezoning request ID#22Z00066
Date: Thursday, February 2, 2023 10:11:22 AM

Forwarded to Jennifer Jones

From: Zonka, Kristine <Kristine.Zonka@brevardfl.gov>
Sent: Thursday, February 2, 2023 10:06 AM
To: Roig, Janette <Janette.Roig@brevardfl.gov>
Subject: Fwd: Rezoning request ID#22Z00066

Please forward for the meeting packet. Thank you

Get [Outlook for iOS](#)

From: Roig, Janette <Janette.Roig@brevardfl.gov> on behalf of Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Sent: Thursday, February 2, 2023 9:57:03 AM
To: D5_Users <D5_Users@brevardcounty.us>
Subject: FW: Rezoning request ID#22Z00066

D5

From: Sandi Bradley <sandi.bradley@skcoastal.com>
Sent: Thursday, February 2, 2023 9:50 AM
To: Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Cc: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; jasonsteele@me.com
Subject: Rezoning request ID#22Z00066

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Kristine Zonka,

On behalf of SK Coastal LLC, owner of 116 East Coral Way, I am writing to express support for the rezoning of 124 East Coral Way to RU-2-15.

Currently, the neighborhoods of Eden Estates and Stuart Terrace are in decline due to lack

of maintenance/upkeep by most of the homeowners. In fact, several have been the focus of county code enforcement action over the past year with little to no improvement. Given their proximity to the ocean and beachside amenities, these neighborhoods should instead be a region of pride for the county. The rezoning of 124 East Coral Way to RU-2-15 will encourage new investment in affordable multi-family homes that will meet current county codes and community standards as well as provide a reliable source of tax revenue for the county.

As part of its support for this rezoning, SK Coastal respectfully requests that the Brevard County Board of Commissioners take action to install a sewer line on East Coral Way. As these neighborhoods were built in the 1950's and 1960's, the homes have septic tanks and tile drain fields, most of which are now failing. The Indian River Lagoon is an important ecological and economic resource for our community. SK Coastal believes that it is crucial to reduce the nitrogen impacts on the lagoon, and that installing a sewer line on East Coral Way would be a step in the right direction.

In summary, SK Coastal supports the rezoning of 124 Coral Way to RU-2-15 and believes that it would be consistent with the county's goals of promoting sustainable development and protecting our natural resources. The proposed sewer line would also benefit current and future residents of Eden Estates and Stuart Terrace by providing them with a safe and reliable alternative for waste water treatment.

Sincerely,

Sandra K Bradley

President SK Coastal, LLC

From: [Robert Pope](#)
To: [Jones, Jennifer](#)
Subject: ID#22Z00066
Date: Thursday, February 2, 2023 10:47:04 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Opposed -----NO MULTI-FAMILY RESIDENTIAL

There only requesting change (at all residents expense) in order to raise value of property that is currently for sale

Regards, Robert

Brevard County Board of County Commissioners
Planning & Development Department
2725 Judge Fran Jamiesson Way, Building A
Viera, FL 32940

February 7, 2023

ID# 22Z00066

Dear Commissioners,

I am unable to attend the meeting planned on February 13 OR on March 2, due to limited mobility at age 77. I live within 500 ft of the property that is requesting a change in zoning from Single-Family to Multi-Family Residence. I want to urge the DENIAL of this request, for several reasons.

Primarily, our neighborhood has already become so densely populated that traffic concerns post a potentially dangerous situation (entering A1A) that adding a multi-family unit will make driving untenable for everyone. The beach itself is inundated with multi-family units and the potential SPREAD for these establishments is not warranted or wanted.

Secondly, and probably even more important, is the environmental impact on the entire area. Adding multiple additional people will impose an overuse situation for water, power, and habitat for the endangered tortoise population.

Finally, I do not wish to see a high-rise building from my back yard. Too many are already ON the beach, but creeping high-rise building is the last straw.

Respectfully,

Dr. Virginia Savage
24 South Ct.
Indialantic, FL 32903

ID# 22Z00066

From: [Scott Dwyer](#)
To: [Jones, Jennifer](#)
Subject: E Coral way ID# 22Z00066
Date: Wednesday, February 15, 2023 9:12:46 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

My name is Scott Dwyer and I live on E Coral Way. I would like to voice my concerns about the rezoning of Lori Ann Halberts property for multi family residential building. We do not have the need for more multi family residences on our street.

Right at this address is where the street floods every time it rains.

If this goes through and now 15 more homes with twice as many people will be adding to this issue. The infrastructure is not able to support this. Not to mention that many more vehicles going through the flooded area eroding the properties of the other home owners in the area, along with eating away at the road.

I am also concerned about the added traffic to our street. One house gets put up there it adds a few vehicles, 15 homes go in, it could add up to 40 or 45 depending on how many drivers are in each home. Along with the visitors they may have over. That is a lot of added traffic to our little street and neighborhood. I have young kids that ride their bikes all through our neighborhood and the thought of that many more vehicles scares me.

I am against this rezoning and all that it entails.

Thank you for hearing my concerns and I hope you do not pass this through.

Scott Dwyer

From: [Jason Steele](#)
To: scottdwyer808@gmail.com
Cc: [Jones, Jennifer](#)
Subject: 124 E Coral Way
Date: Thursday, February 16, 2023 8:46:11 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Scott , I read your concerns in regards to my wife Lori Halbert's zoning request. First, let me politely say that we are not requesting 15 units, it's 8 , the Future Land Use Plan calls for RU 2-15 zoning.

I am available in person or by phone to discuss, 321-258-8993. This request is good for the area and is highest and best use for the property.

My best, Jason

JASON STEELE, BROKER
Jason Steele Real Estate/Real Estate Expert Witness Testimony
JLJ Importing, Inc
(French Wine Importers)
PO Box 33970
Indialantic, Florida 32903
321-258-8993
jasonsteele@me.com
www.floridarealestateexpertwitness.com

From: [Scott Dwyer](#)
To: [Jason Steele](#)
Cc: [Jones, Jennifer](#)
Subject: Re: 124 E Coral Way
Date: Thursday, February 16, 2023 9:14:41 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I appreciate your response and clarification on how many units will be going in. It however does not change my mind, or affect the concerns for an abundance of additional vehicles on the small neighborhood road.

I respectfully disagree with you about this going forward being " the highest and best use of this property". I think that for you it might be, but not for our neighborhood, our streets, our traffic or our infrastructure.

I would also like to bring up that you putting 8 houses onto our electric grid that feeds our neighborhood might over load the tiny wire that feeds us all. Which would make our electric outages happen more frequent than they already do. That is already an issue and cramming 8 homes onto one property adding that much load to the tiny worn out wire system we have is not a good idea.

Scott Dwyer

On Thu, Feb 16, 2023, 8:46 AM Jason Steele <jasonsteele@me.com> wrote:

Hi Scott , I read your concerns in regards to my wife Lori Halbert's zoning request. First, let me politely say that we are not requesting 15 units, it's 8 , the Future Land Use Plan calls for RU 2-15 zoning.

I am available in person or by phone to discuss, 321-258-8993. This request is good for the area and is highest and best use for the property.

My best, Jason

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PO Box 33970
Indialantic, Florida 32903
321-258-8993
jasonsteele@me.com
www.floridarealestateexpertwitness.com

From: [Christopher Walden](#)
To: [Jones, Jennifer](#)
Subject: ID# 22Z00066 Letter of concern
Date: Tuesday, February 14, 2023 4:15:25 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,

Thank you for taking time to read my letter. I received a courtesy notice in regards to the property that Lori Ann Halbert owns on East Coral Way. I live in this neighborhood and this road is a main access point to A1A for all of us. I would like to voice my disapproval over the request for a multi family residential building to be built. As I am sure you are well aware, there are many condos, multifamily buildings and hotels going up everywhere, with no additional infrastructure to support these types of dwellings. We are already overflowing with traffic, street parking has become a hazard, and most importantly, the increase in pedestrian/ biking accidents beachside is concerning to us all. The drainage in this area is inadequate and floods with heavy rains. This impacts our access and impacts our ocean. Bottom line: our infrastructure is not able to handle this continued growth.

I am writing this to oppose the request for the zoning change. We respectfully request that the zoning board consider current residents' safety and concerns over that of the owner who will profit from this sale and does not have to deal with the impacts to our neighborhood.

Respectfully,
Christopher Walden
127 Sand Pine Rd
Indialantic FL 32903

ID#22Z00066

From: [Jason Steele](#)
To: christophermwalden@gmail.com
Cc: [Jones, Jennifer](#)
Subject: 124 Coral Way
Date: Wednesday, February 15, 2023 5:21:07 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Christopher,

I received a copy of your letter that was sent to the county in regards to my wife Lori Halbert's zoning request.

We appreciate your concerns and respectfully disagree on your concerns. The Future Land Use Plan calls for 15 units per acre, and that section of Coral Way is long overdue for some upscale housing.

Please do not hesitate to call me if you wish to discuss.

Thanks, Jason Steele

JASON STEELE, BROKER

Jason Steele Real Estate/Real Estate Expert Witness Testimony

JLJ Importing, Inc

(French Wine Importers)

PO Box 33970

Indialantic, Florida 32903

321-258-8993

jasonsteele@me.com

www.floridarealestateexpertwitness.com

From: christophermwalden@gmail.com
To: [Jason Steele](#)
Cc: [Jones, Jennifer](#)
Subject: Re: 124 Coral Way
Date: Wednesday, February 15, 2023 5:31:40 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jason,
Thanks for the quick response. What infrastructure upgrades will be done to support the Future Land Use Plan on Coral Way? Is that available to the public?
In the current state the plan to add that many units per acres will only add to the conditions I noted in my letter.

Respectfully,
Christopher Walden

On Feb 15, 2023, at 5:21 PM, Jason Steele <jasonsteele@me.com> wrote:

Christopher,
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Please do not hesitate to call me if you wish to discuss.
Thanks, Jason Steele

JASON STEELE, BROKER
Jason Steele Real Estate/Real Estate Expert Witness Testimony
JLJ Importing, Inc
(French Wine Importers)
PO Box 33970
Indialantic, Florida 32903
321-258-8993
jasonsteele@me.com
www.floridarealestateexpertwitness.com

From: [Jason Steele](#)
To: christophermwalden@gmail.com
Cc: [Jones, Jennifer](#)
Subject: Re: 124 Coral Way
Date: Wednesday, February 15, 2023 5:40:13 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

The only way you can build multiple units on that site is to run the sewer line from A1A to the site. That will have to be done prior to building. Once again I will be more than happy to discuss in person or over the phone.

JASON STEELE, BROKER
Jason Steele Real Estate/Real Estate Expert Witness Testimony
JLJ Importing, Inc
(French Wine Importers)
PO Box 33970
Indialantic, Florida 32903
321-258-8993
jasonsteele@me.com
www.floridarealestateexpertwitness.com

On Feb 15, 2023, at 5:31 PM, christophermwalden@gmail.com wrote:

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Thanks, Jason Steele

JASON STEELE, BROKER

Jason Steele Real Estate/Real Estate Expert Witness

Testimony

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(French Wine Importers)

PO Box 33970

Indialantic, Florida 32903

321-258-8993

jasonsteele@me.com

www.floridarealestateexpertwitness.com

From: [Christopher Walden](#)
To: [Jason Steele](#)
Cc: [Jones, Jennifer](#)
Subject: Re: 124 Coral Way
Date: Thursday, February 16, 2023 10:55:18 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jason,

I understand according to the rezoning law you are required to try and resolve these differences before the BOCC meets. Thank you for offering to speak over the phone. However, that will not be fruitful in that only you and I will be present to hear what is being said. Running a sewer line to A1A again does not address the problems myself and my neighbors have brought to Zoning Board attention. We will continue to elicit more support in opposition from those who live in this neighborhood and have to endure the already concerning issues brought forth below.

I respectfully disagree that adding 8 "upscale" as you call them living units is right for this small street. There is already about 16 units being built directly across from Coral Way exit onto A1A that will add even more congestion to the area. I realize that you are representing your wife in this matter, and we will continue to agree to disagree but I do ask that you respectfully consider those of us that live here over the additional revenue this sale will generate for your family.

Respectfully,
Christopher Walden

On Wed, Feb 15, 2023 at 5:40 PM Jason Steele <jasonsteele@me.com> wrote:

The only way you can build multiple units on that site is to run the sewer line from A1A to the site. That will have to be done prior to building. Once again I will be more than happy to discuss in person or over the phone.

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Jason Steele Real Estate/Real Estate Expert Witness

Testimony

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(French Wine Importers)

PO Box 33970

Indialantic, Florida 32903

321-258-8993

jasonsteele@me.com

From: [Jason Steele](#)
To: [Christopher Walden](#)
Cc: [Jones, Jennifer](#)
Subject: Re: 124 Coral Way
Date: Thursday, February 16, 2023 11:54:47 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am available to speak to you or any of the homeowners in the area in person at any reasonable time before the meeting. Thanks, Jason

JASON STEELE, BROKER
Jason Steele Real Estate/Real Estate Expert Witness Testimony
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(French Wine Importers)
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Jason,

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address the problems myself and my neighbors have brought to Zoning Board attention. We will continue to elicit more support in opposition from those who live in this neighborhood and have to endure the already concerning issues brought forth below.

I respectfully disagree that adding 8 "upscale" as you call them living units is right for this small street. There is already about 16 units being built directly across from Coral Way exit onto A1A that will add even more congestion to the area. I realize that you are representing your wife in this matter, and we will continue to agree to disagree but I do ask that you respectfully consider those of us that live here over the additional revenue this sale will generate for your family.

Respectfully,
Christopher Walden

On Wed, Feb 15, 2023 at 5:40 PM Jason Steele <jasonsteele@me.com> wrote:
The only way you can build multiple units on that site is to run the sewer line from A1A to the site. That will have to be done prior to building. Once again I will be more than happy to discuss in person or over the phone.

JASON STEELE, BROKER
Jason Steele Real Estate/Real Estate Expert Witness Testimony
JLJ Importing, Inc
(French Wine Importers)
PO Box 33970
Indialantic, Florida 32903
321-258-8993
jasonsteele@me.com
www.floridarealestateexpertwitness.com

On Feb 15, 2023, at 5:31 PM, christophermwalden@gmail.com
wrote:

Jason,

Thanks for the quick response. What infrastructure upgrades will be done to support the Future Land Use Plan on Coral Way? Is that available to the public?

In the current state the plan to add that many units per acres will only add to the conditions I noted in my letter.

Respectfully,
Christopher Walden

On Feb 15, 2023, at 5:21 PM, Jason Steele
<jasonsteele@me.com> wrote:

Christopher,

I received a copy of your letter that was sent to the county in regards to my wife Lori Halbert's zoning request.

We appreciate your concerns and respectfully disagree on your concerns. The Future Land Use Plan calls for 15 units per acre, and that section of Coral Way is long overdue for some upscale housing.

Please do not hesitate to call me if you wish to discuss.

Thanks, Jason Steele

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From: [Christopher Walden](#)
To: [Jason Steele](#); [Jones, Jennifer](#)
Subject: Re: 124 Coral Way
Date: Thursday, February 16, 2023 12:58:49 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jason,

With all due respect, unless you can address all the issues we have brought up speaking to you will not be beneficial. Your intent is to say you spoke to us, not to withdraw your request for rezoning of your wife's property.

The zoning board should take into consideration the facts in the matter, respectfully align with the best interest of the neighborhood and vote against the rezoning.

Respectfully,
Chris Walden

On Thu, Feb 16, 2023 at 11:54 AM Jason Steele <jasonsteele@me.com> wrote:

I am available to speak to you or any of the homeowners in the area in person at any reasonable time before the meeting. Thanks, Jason

JASON STEELE, BROKER
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On Feb 16, 2023, at 10:55 AM, Christopher Walden

<christophermwalden@gmail.com> wrote:

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I respectfully disagree that adding 8 "upscale" as you call them living units is right for this small street. There is already about 16 units being built directly across from Coral Way exit onto A1A that will add even more congestion to the area. I realize that you are representing your wife in this matter, and we will continue to agree to disagree but I do ask that you respectfully consider those of us that live here over the additional revenue this sale will generate for your family.

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Please do not hesitate to call me if you wish to discuss.
Thanks, Jason Steele

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Indianapolis, Florida 32903
321-258-8993
jasonsteele@me.com

From: [Christopher Walden](#)
To: [Jones, Jennifer](#)
Cc: [Scott Newman](#); [Garnett dwyer](#)
Subject: Fwd: 124 Coral Way
Date: Thursday, February 16, 2023 10:59:35 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ms. Jones,
On behalf of myself and my neighbors we would appreciate your support in ensuring our voices are heard at the Zoning Board meeting.
Please advise.
Thank you for your time.
Chris

----- Forwarded message -----

From: Christopher Walden <christophermwalden@gmail.com>
Date: Thu, Feb 16, 2023 at 10:55 AM
Subject: Re: 124 Coral Way
To: Jason Steele <jasonsteele@me.com>
Cc: Jennifer Jones <jennifer.jones@brevardfl.gov>

Jason,
I understand according to the rezoning law you are required to try and resolve these differences before the BOCC meets. Thank you for offering to speak over the phone. However, that will not be fruitful in that only you and I will be present to hear what is being said. Running a sewer line to A1A again does not address the problems myself and my neighbors have brought to Zoning Board attention. We will continue to elicit more support in opposition from those who live in this neighborhood and have to endure the already concerning issues brought forth below.

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housing.

Please do not hesitate to call me if you wish to discuss.

Thanks, Jason Steele

JASON STEELE, BROKER

Jason Steele Real Estate/Real Estate Expert Witness

Testimony

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(French Wine Importers)

PO Box 33970

Indialantic, Florida 32903

321-258-8993

jasonsteele@me.com

www.floridarealestateexpertwitness.com

From: [Garnett dwyer](#)
To: [Jones, Jennifer](#)
Subject: Coral Way property concern
Date: Thursday, February 16, 2023 11:24:56 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning Jennifer,

Thank you for taking time to read my letter.

I received a courtesy notice in regards to the property that Lori Ann Halbert owns on East Coral Way. We are residents on East Coral Way, as well. I would like to voice my concern over a multi family residential area being built in our neighborhood. As I'm sure you were well aware, there are many condos going up everywhere on A1A. We are already overflowed with traffic, and the concern for pedestrian safety is becoming more and more prevalent. There are so many other big buildings going up around us, and it is causing an influx of people in our already overflowed community.

More importantly, as I already mentioned, the safety of our community is becoming more and more of a concern. There are WAY TOO MANY pedestrian accidents. More people in our community is not the answer.

Thank you again for your time.

Aloha, Garnett Dwyer

ID#22Z00066

From: [Jason Steele](#)
To: garnettdwyer808@gmail.com
Cc: [Jones, Jennifer](#)
Subject: 124 E Coral Way
Date: Thursday, February 16, 2023 4:09:37 PM

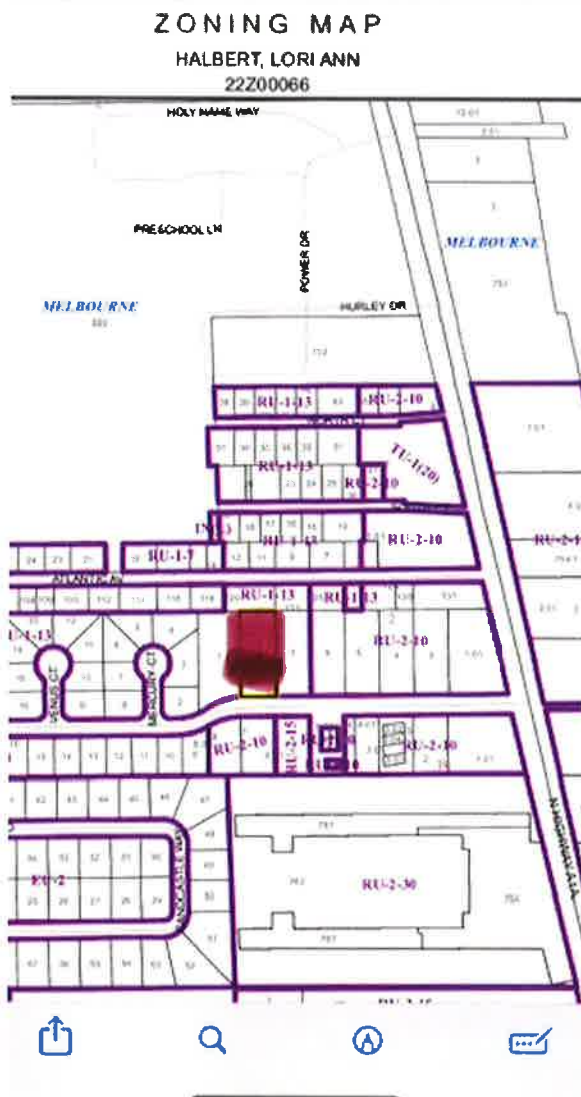
[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you for your comments. I am surprised that you think this is going to be some big building, it's not. The height limitations is 35' and the Future Land Use Plan calls for RU 2-15

12:22

66

22Z00066 GIS Maps.pdf Done



As you can see this is a multi family neighborhood.
I appreciate your comments and am open to further discussions.

My best, Jason

JASON STEELE, BROKER
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From: [Buffy Walsh](#)
To: [Jones, Jennifer](#)
Subject: 124 Coral Way zoning hearing
Date: Thursday, February 16, 2023 1:54:35 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Ms. Jones,

I'm writing to ask you to please support our neighborhood against the rezoning at 124 Coral Way in unincorporated Indialantic.

We strongly feel that adding more units to the street will cause more traffic troubles to an already busy area and also more drainage issues. When we have a decent rainfall the street floods and becomes impassable for some time. I know the people who want to rezone are saying they will add drainage but another drainage line connected to the main line will not solve this issue. Much more must be invested to correct this issue.

Thank you,
Buffy Walsh

From: [Jason Steele](#)
To: buffymwalsh@gmail.com
Cc: [Jones, Jennifer](#)
Subject: 124 E Coral Way
Date: Thursday, February 16, 2023 2:42:58 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Buffy, thank you for your comments in regards to our zoning request on 124 E Coral Way. The future land use plan calls for RU 2-15 zoning and the area is really not suitable for a single family home, the surrounding neighborhood is mostly multi family . I have replied to anyone who has concerns that I would be more than happy to meet them and discuss their concerns.

Please do not hesitate to call me if you have any questions.

My best, Jason Steele

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jasonsteele@me.com
www.floridarealestateexpertwitness.com

From: [Jason Steele](#)
To: [Buffy Walsh](#)
Cc: [Jones, Jennifer](#)
Subject: Re: 124 E Coral Way
Date: Thursday, February 16, 2023 3:32:20 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I appreciate being able to talk to you on this issue. I am open to meeting with the neighbors at anytime before the next meeting. Thanks, Jason

JASON STEELE, BROKER
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jasonsteele@me.com
www.floridarealestateexpertwitness.com

On Feb 16, 2023, at 3:05 PM, Buffy Walsh <buffymwalsh@gmail.com> wrote:

Thanks, I'll call you.

On Thu, Feb 16, 2023 at 2:42 PM Jason Steele <jasonsteele@me.com> wrote:
Buffy, thank you for your comments in regards to our zoning request on 124 E

Coral Way. The future land use plan calls for RU 2-15 zoning and the area is really not suitable for a single family home, the surrounding neighborhood is mostly multi family . I have replied to anyone who has concerns that I would be more than happy to meet them and discuss their concerns.

Please do not hesitate to call me if you have any questions.

My best, Jason Steele

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PO Box 33970

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jasonsteele@me.com

www.floridarealestateexpertwitness.com

From: [Buffy Walsh](#)
To: [Jason Steele](#)
Cc: [Jones, Jennifer](#)
Subject: Re: 124 E Coral Way
Date: Thursday, February 16, 2023 3:40:51 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ok, Great. While I certainly would rather not have another multi-family development in the neighborhood, I do understand why you are looking to build them.
Maybe one of you can tell me-- Will there be a final disclosure on the number of units that will be built before the hearing in March or will that not be public knowledge?
And it might help you (Jason) with the other neighbors here if you could provide a rendering of what you are planning to build.
Perhaps showing them your vision would ease their minds.

Sincerely,
Buffy Walsh

On Thu, Feb 16, 2023 at 3:32 PM Jason Steele <jasonsteele@me.com> wrote:

I appreciate being able to talk to you on this issue. I am open to meeting with the neighbors at anytime before the next meeting. Thanks, Jason

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JASON STEELE, BROKER

Jason Steele Real Estate/Real Estate Expert Witness Testimony

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(French Wine Importers)

PO Box 33970

Indialantic, Florida 32903

321-258-8993

jasonsteele@me.com

www.floridarealestateexpertwitness.com

From: [Sandi Bradley](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); jasonsteele@me.com
Subject: Rezoning request ID#22Z00066
Date: Thursday, February 2, 2023 9:50:16 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Kristine Zonka,

On behalf of SK Coastal LLC, owner of 116 East Coral Way, I am writing to express support for the rezoning of 124 East Coral Way to RU-2-15.

Currently, the neighborhoods of Eden Estates and Stuart Terrace are in decline due to lack of maintenance/upkeep by most of the homeowners. In fact, several have been the focus of county code enforcement action over the past year with little to no improvement. Given their proximity to the ocean and beachside amenities, these neighborhoods should instead be a region of pride for the county. The rezoning of 124 East Coral Way to RU-2-15 will encourage new investment in affordable multi-family homes that will meet current county codes and community standards as well as provide a reliable source of tax revenue for the county.

As part of its support for this rezoning, SK Coastal respectfully requests that the Brevard County Board of Commissioners take action to install a sewer line on East Coral Way. As these neighborhoods were built in the 1950's and 1960's, the homes have septic tanks and tile drain fields, most of which are now failing. The Indian River Lagoon is an important ecological and economic resource for our community. SK Coastal believes that it is crucial to reduce the nitrogen impacts on the lagoon, and that installing a sewer line on East Coral Way would be a step in the right direction.

In summary, SK Coastal supports the rezoning of 124 Coral Way to RU-2-15 and believes that it would be consistent with the county's goals of promoting sustainable development and protecting our natural resources. The proposed sewer line would also benefit current and future residents of Eden Estates and Stuart Terrace by providing them with a safe and reliable alternative for waste water treatment.

Sincerely,

Sandra K Bradley

President SK Coastal, LLC

From: Martha Russo
To: Jones, Jennifer
Subject: Indialantic rezoning
Date: Friday, February 17, 2023 1:17:41 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I object to any rezoning in Indialantic. I am a resident here & traffic & too many housing is just not good is residents
Please reconsider this possibility
Martha Russo

Sent from my iPhone

From: [scott fee](#)
To: [Jones, Jennifer](#)
Subject: 124 Coral Way East 32903 rezoning
Date: Friday, February 17, 2023 1:47:04 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I do not agree with the rezoning of this property. I live on 144 Coral Way E.

We already experience serious flooding in the streets and every cul-de-sac has water half way up our driveways when we get anything greater than a shower. Rainwater travels East to West, then severely floods Coral Way West. Where will all the water shed go with a multifamily development? Most likely in homes to the West.

2nd, The entire East end of this street is septic tanks, no sewer. Is that property getting sewer or giant septic tanks further trashing our environment?

3rd Traffic on our street is already an autobahn, with cars doing 35mph or more in a 20. Traffic at Coral Way and A1A is already terrible and about to be worse when the new condo on the beach is done. I absolutely am against the rezoning request of 124 Coral Way E.

C. Scott Fee
144 Coral Way E.
32903
321-698-2568

[Sent from AT&T Yahoo Mail on Android](#)

From: [Donna Peters](#)
To: [Jones, Jennifer](#)
Cc: [Matt Peters](#)
Subject: Rezoning on Coral Way?
Date: Tuesday, February 21, 2023 10:01:44 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Ms Jones,

As 16 year residents of Coral Way, we beg you not to put higher density housing on our street. It will be a very unpopular decision.

The increase in traffic, because it is a thru street, the added difficulty of turning left onto A1A, and flooding after rains, are all reasons not to further develop that stretch of road way. We are already concerned about the added stress of the condos on A1A and the dangers of sharing the turn lanes with yet more condo owners directly across the street.

Also, many many acres of land between Coral Way and Eau Gallie have been developed over the past several years, and the density is becoming higher than our local infrastructure can handle. Eau Gallie is now one of the most dangerous roadways in Brevard County. Turning out of Publix has become a hazard and parents like ourselves have been telling their teenage and young adult drivers to avoid it whenever possible. The parking lots are stressed (have you tried going to Thai Thai or Bunkys for dinner lately?) And now more high density housing is proposed? At the end of our street? How much more development can our little island handle? Our beachside communities are in danger of losing their charm. At every turn.

Zoning boards (and developers) seem to be more interested in profits than the safety and quality of life of the residents who have long called the Coral Way community home. It needs to stop somewhere.

Please reconsider this highly unpopular idea.

Thank You,
Matt and Donna Peters
212 Coral Way S

Sent from my iPhone

From: [Roig, Janette](#) on behalf of [Commissioner, D5](#)
To: [D5 Users](#)
Cc: [Jones, Jennifer](#)
Subject: FW: March 2, 2023 Re-Zoning request for 124 E. Coral Way, Indialantic, FL 32903 (Lori Ann Halbert). File #22Z00066
Date: Wednesday, February 22, 2023 1:02:06 PM
Attachments: [Brevard County Building Official ltr 02.21.2023.docx](#)

D5

From: Gilbert Russell <Gilbert.Russell@seacoastbank.com>
Sent: Wednesday, February 22, 2023 12:55 PM
To: Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Cc: gilbert.russell56@gmail.com
Subject: March 2, 2023 Re-Zoning request for 124 E. Coral Way, Indialantic, FL 32903 (Lori Ann Halbert). File #22Z00066

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Zonka (Kristine):

The **Stuart Terrace neighborhood is opposed** to the re-zoning request to convert a .57-acre parcel of land from RU-1-13 to RU-2-15. You will be receiving a copy of a signed letter from some of my neighbors that is also being sent to the Government Center to the attention of Jennifer Jones, prior to the March 2nd meeting (2nd reading).

I hope you can support our efforts to decline this re-zoning application for several reasons detailed in the letter. It is not conforming with the neighborhood that exists and does not make any sense.

A copy of the un-signed letter is attached for your review. I am walking the letter around the neighborhood tonight and mailing it signed to you by February 23rd.

Thank you,

Gil Russell



Gilbert Russell | Vice President/Commercial Banker I | NMLS #806814

340 N. Harbor City Blvd. Melbourne, FL 32935

Gilbert.Russell@SeacoastBank.com | C: 321.848.6181 | O: 321.953.2265

Internal Ext: 20723



H. I.

In Favor
22Z00066
Halbert

From: [Charles Green](#)
To: [Jones, Jennifer](#)
Subject: Zoning change request id# 22Z00066
Date: Tuesday, February 28, 2023 11:25:55 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I own property in the immediate area and am in support of the above referenced zoning request change. There is an immediate main traffic artery for property that allows no addition traffic thru neighborhood. The typical very temporary flooding that rarely occurs on coral way is very common throughout most subdivisions in brevard. These are the only concerns i am aware of.

Best Regards, Charles Green

From: Thomas Greene
To: Jones, Jennifer
Subject: 22Z00066
Date: Tuesday, February 28, 2023 8:01:36 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good evening Jennifer,

I am writing to voice my opinion on the proposed rezoning of 124 East Coral Way. As a resident of the neighborhood, I have several reservations about this zoning change:

1. Increase in traffic - our neighborhood roads are already used as a cut-through from Riverside to A1A. Rezoning this parcel to accommodate any more than a single family home will increase the traffic in and out of the neighborhood.
2. There are already multiple multi-family developments at the front of our neighborhood. I'm afraid that a precedent will be set for homeowners towards A1A that they can sell their houses to a developer that will slam the lot full of apartments / condos - further congesting the neighborhood and increasing the traffic.
3. Septic system - this side of the neighborhood is all on septic systems. The large septic system that will be required for a multi-family unit will most likely have a negative impact on the island.

We're already being squeezed by the addition of a hotel next to the Crowne Plaza and another hotel by the Jungle Food Market. I know tax dollars are important, but so is maintaining the charm and lifestyle that attracted current tax paying residents to Indialantic. Growth is one thing, but stacking people on top of each other is another.

Seems to me that Ms. Halbert is trying to secure financial gains at the expense of residents that live here.

I don't think any residents would take issue with her selling that lot for \$500K to a homeowner. After all, this is a single family neighborhood.

Thanks for your time.

--

Thomas Greene

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Brevard County Building Official- Jennifer Jones
Planning & Zoning Board
Brevard County Government Center
2725 Judge Fran Jamieson Way
Melbourne, Florida 32940

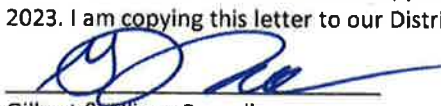
February 22, 2023

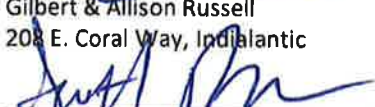
RE: **March 2, 2023**, second reading of re-zoning request for vacant residential lot located at 124 E Coral Way, Indialantic, Florida 32903. **22Z00066** from current zoning of **RU-1-13** (Single Family) to **RU-2-15** (Medium Density, Multi-Family) Stuart Terrace Subdivision. Property owner is Lori Ann Halbert.

The Stuart Terrace subdivision of mostly single-family residences is opposed to the re-zoning of this property as non-conforming due to the following-

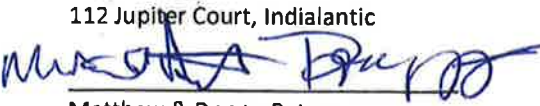
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- Existing 9 condo units on .90 acres at 100 E. Coral Way without a pool conforms to zoning
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The below signers of this letter are opposed to the re-zoning, and several may appear at the meeting on March 2, 2023. I am copying this letter to our District 5 County Commissioner Kristine Zonka.

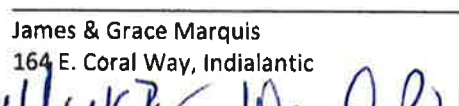

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120 Jupiter Court, Indialantic


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120 Venus Court, Indialantic

Printed Name	Property Address	Signature(s)
DAVID LEANSLEY	104 MARS CT.	David Leansley
Catherine Lee	108 Mars Ct	Catherine Lee
BOB GALA	116 MARS CT.	Robert F. Gala
Michael Ward	120 Mars Ct.	Michael Ward
Ken Peterson	165 Coral way E	Ken Peterson
Butt Walsh	128 Saturn Ct.	Butt Walsh
MARK BAKER	216 Coral Way S	by: M: Baker, 04/04
CHRIS HOPNER	176 E. Coral Way	Chris Hopner
Lisa Amy	132 Coral Way East	Lisa Amy
Christopher Scott Fee	144 Coral Way E	Christopher Scott Fee
JEFF MICHAEL	137 CORAL WAY	Jeff Michael
Lisa Soderberg	116 Venus Ct.	Lisa Soderberg
Kyle Shasteen	112 Mercury Ct	Kyle Shasteen
Deb Welten	127 Sand Pine Rd	Deb Welten
JMS owner	262 Sndwr Rd	JMS owner
Rick London	263 Sand Pine Rd	Rick London
Scott Newman	131 Sand Dollar Rd	Scott Newman
Thomas Greene	124 Jupiter Ct	Thomas Greene

Dear Property Owner:

ID# 22200066

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **Lori Ann Halbert**, who is requesting a change of zoning classification on 0.57 acres. The property is located on the north side of Coral Way, approx. 685 ft. west of Highway A1A. (124 E. Coral Way, Indianantic)

Current Zoning: RU-1-13 (Single-Family Residential)

Request: RU-2-15 (Medium Density Multi-Family Residential)

A public hearing will be held by the Planning and Zoning Board at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, on **Monday, February 13, 2023**, beginning at 3:00 p.m. The final public hearing will be held by the Board of County Commissioners on **Thursday, March 2, 2023**, beginning at 5:00 p.m., at the same location.

You are invited to attend these public hearings to voice any comments you may have, or you may also write to the address shown on the front of this card, or email jennifer.jones@brevardfl.gov. Your correspondence or inquiry should refer to the ID# located in the upper right-hand corner of the card. For the complete agenda, you may visit the County's internet site at <https://brevardfl.legistar.com/Calendar.aspx>, approximately one week prior to the first meeting, or call the Planning & Development Department at 321-633-2069. The needs of hearing or visually impaired persons shall be met if the Planning and Development Department is contacted at least five (5) days prior to the public hearing.



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

7101 S Highway 1

Titusville, FL 32780

321-607-6901

D1.commissioner@brevardfl.gov

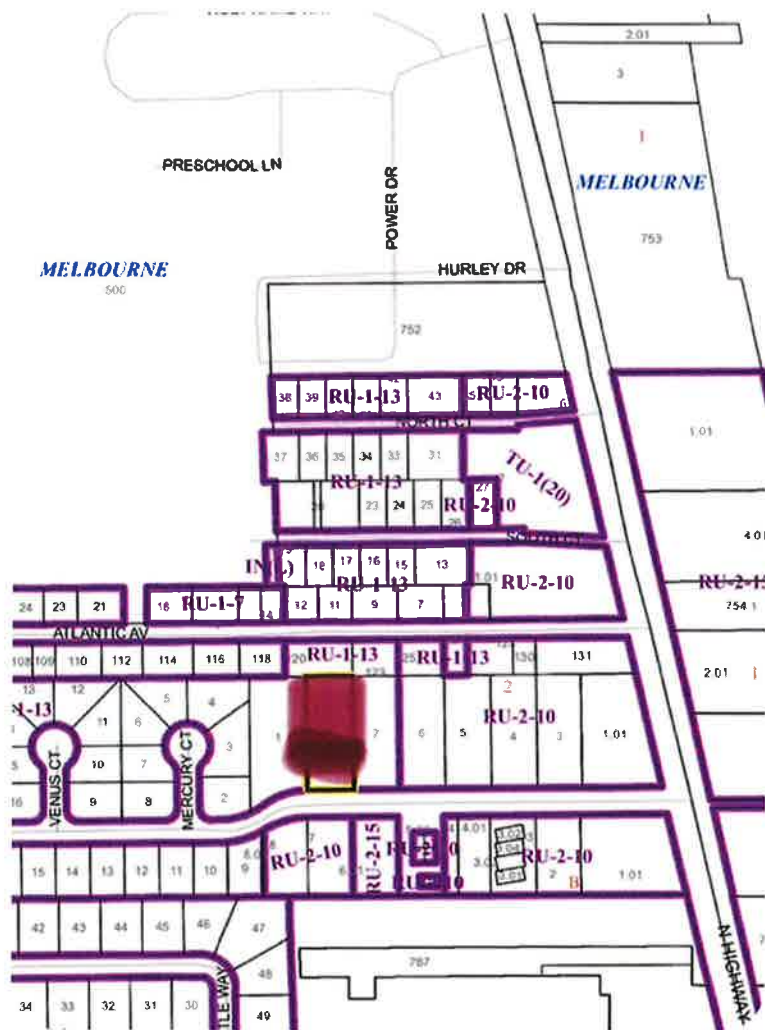
Planning and Development
Commission Meeting March 2, 2023
22Z00066

Tax Account Number: 2716292

Parcel I.D.: 27-37-13-78-2-8

Commissioner Pritchett received a text and spoke with Mr. Jason Steele via phone regarding the above item on February 16, 2023 for three minutes. The Commissioner listened to an overview given of the P&Z meeting.

Attachment: Text received from Jason Steele to Commissioner Pritchett



Take a look at this, I need to have a brief conversation about this request coming up 3/2 . Will call you after 1 PM

Please call me when you get a minute, thanks.

Jason [321-257-8993](tel:321-257-8993)



Commissioner Rob Feltner, District 4

2725 Judge Fran Jamieson Way

Suite: C-214

Viera, FL 32940

Phone: (321) 633-2044

D4.Commissioner@Brevardfl.gov

February 23, 2023

To: Jennifer Jones

From: Rob Feltner, Brevard County Commissioner, District 4

Re: Telephone Disclosure – 22Z00066

Concerning item H.1 (22Z00066) on the March 2nd Brevard County Zoning meeting agenda; on February 14, 2023, Commissioner Feltner spoke to Mr. Jason Steele by telephone. The phone call lasted approximately two minutes. Mr. Steele asked Commissioner Feltner if he had any questions about the project to which Commissioner Feltner stated that he did not.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 13, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Bruce Moia; Logan Luse (D4-Alt.) (D5); and John Hopengarten (BPS).

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

Excerpt of Complete Agenda

Lori Ann Halbert (Jason Steele)

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

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

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

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

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

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

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

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

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

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

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

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

No public comment.

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



**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
COMMISSIONER JOHN TOBIA, DISTRICT 3**

2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905
www.Brevardfl.gov

Phone: (321) 633-2075
Fax: (321) 633-2196
John.Tobia@Brevardfl.gov

February 27, 2023

To: Beatrice Chase
From: John Tobia, Brevard County Commissioner, District 3
Re: Phone Disclosure

Ms. Chase,

Regarding the upcoming agenda item H.1 on the Brevard County Zoning meeting on March 2, 2023, please be advised in advance that I spoke with the following party via telephone on February 27, 2023.

Mike Haridopolos

The phone call lasted approximately thirty minutes, during which the above individual provided information regarding the request.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco

From: [Sandi Bradley](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); jasonsteele@me.com
Subject: Rezoning request ID#22Z00066
Date: Thursday, February 2, 2023 9:50:16 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Kristine Zonka,

On behalf of SK Coastal LLC, owner of 116 East Coral Way, I am writing to express support for the rezoning of 124 East Coral Way to RU-2-15.

Currently, the neighborhoods of Eden Estates and Stuart Terrace are in decline due to lack of maintenance/upkeep by most of the homeowners. In fact, several have been the focus of county code enforcement action over the past year with little to no improvement. Given their proximity to the ocean and beachside amenities, these neighborhoods should instead be a region of pride for the county. The rezoning of 124 East Coral Way to RU-2-15 will encourage new investment in affordable multi-family homes that will meet current county codes and community standards as well as provide a reliable source of tax revenue for the county.

As part of its support for this rezoning, SK Coastal respectfully requests that the Brevard County Board of Commissioners take action to install a sewer line on East Coral Way. As these neighborhoods were built in the 1950's and 1960's, the homes have septic tanks and tile drain fields, most of which are now failing. The Indian River Lagoon is an important ecological and economic resource for our community. SK Coastal believes that it is crucial to reduce the nitrogen impacts on the lagoon, and that installing a sewer line on East Coral Way would be a step in the right direction.

In summary, SK Coastal supports the rezoning of 124 Coral Way to RU-2-15 and believes that it would be consistent with the county's goals of promoting sustainable development and protecting our natural resources. The proposed sewer line would also benefit current and future residents of Eden Estates and Stuart Terrace by providing them with a safe and reliable alternative for waste water treatment.

Sincerely,

Sandra K Bradley

President SK Coastal, LLC

District 2 Disclosures
3/2/2023 BOCC Zoning Meeting

H.1. Lori Ann Halbert (Jason Steele) requests a change of zoning classification from RU-1-13 to RU-2-15. (22Z00066) (Tax Account 2716292) (District 5)

- On 2/2/2023, Sandi Bradley, President SK Coastal, LLC sent in the below email to express support for the rezoning and as part of the rezoning, requests the BOD take action to install a sewer line on East Coral Way – see below email copy:

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Sincerely,

Sandra K Bradley

President SK Coastal, LLC

01D

Brevard County Building Official- Jennifer Jones
Planning & Zoning Board
Brevard County Government Center
2725 Judge Fran Jamieson Way
Melbourne, Florida 32940

February 22, 2023

RE: **March 2, 2023**, second reading of re-zoning request for vacant residential lot located at 124 E Coral Way, Indialantic, Florida 32903. **22Z00066** from current zoning of **RU-1-13** (Single Family) to **RU-2-15** (Medium Density, Multi-Family) Stuart Terrace Subdivision. Property owner is Lori Ann Halbert.

The Stuart Terrace subdivision of mostly single-family residences is opposed to the re-zoning of this property as non-conforming due to the following-

- All the other multi-family zoned properties on East Coral Way have a density of no more than 4-5 units for .57 acres. This re-zoning request would allow over 12 units.
- Existing 6 condo units on .85 acres at 101 E. Coral Way including a pool conforms to zoning
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Printed Name	Property Address	Signature(s)
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Michael Ward	120 Mars Ct.	Michael Ward
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MARK BAKER	216 Coral ways	by: Mark Baker, 10/10/04
Chris Hopner CHRIS HOPNER	176 E. Coral way	Chris Hopner
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Deb Welchen	127 Sand Pine Rd	Deb Welchen
Mrs ORMV	262 Sndwr Rd	Mrs ORMV
Rich London	263 Sand Pine Rd	Rich London
Scott Newman	131 Sand Dollar Rd	Scott Newman
Thomas Greene	124 Jupiter Ct	Thomas Greene

Dear Property Owner:

ID# 22Z00066

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **Lori Ann Halbert**, who is requesting a change of zoning classification on 0.57 acres. The property is located on the north side of Coral Way, approx. 685 ft. west of Highway A1A. (124 E. Coral Way, Indialantic)

Current Zoning: RU-1-13 (Single-Family Residential)

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Commissioner Rob Feltner, District 4

2725 Judge Fran Jamieson Way

Suite: C-214

Viera, FL 32940

Phone: (321) 633-2044

D4.Commissioner@Brevardfl.gov

February 23, 2023

To: Jennifer Jones

From: Rob Feltner, Brevard County Commissioner, District 4

Re: Telephone Disclosure – 22Z00066

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