



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
 23PUD00001**

Frank Mastroianni

BU-1 (General Retail Commercial) and RU-2-10(6) (Medium-Density Multi-Family Residential) to PUD (Planned Unit Development)

Tax Account Number(s): 2600118
 Parcel I.D.: 26-36-01-00-753
 Location: East side of Highway 1 approximately 0.4 miles south of Viera Blvd (District 2)
 Acreage: 14.8 acres
 Planning & Zoning Board: 06/10/2024
 Board of County Commissioners: 07/11/2024

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1, RU-2-10(6)	PUD with removal of the cap of six (6) units per acre
Potential*	157 multifamily units	252 units
Can be Considered under the Future Land Use Map	YES CC and RES15	YES CC and RES15

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 2.88 acres and RU-2-10(6) (Multiple-Family Residential) with density cap of six (6) units per acre on the remaining 11.92 acres to PUD (Planned Unit Development) with removal of the cap of six (6) units per acre on 14.8 acres to build a luxury rental

apartment community consisting of 252 multifamily units with associated club house, amenities, and parking.

The subject property contains two (2) zoning classifications, BU-1 and RU-2-10(6), received under zoning actions: **Z-3322 (BU-1 & RU-1-11 to BU-1 East 250 ft. of US Hwy. 1, Balance as RU-2-15 June, 1973), AZ-54 (RU-2-15 to RU-1-11) and Z-5279 (RU-1-11 to RU-2-10(6) May 8, 1980).**

Future Land Use (FLU) designations identified in the County's Comprehensive Plan indicate the intended use and development density for a particular area, while zoning classifications specifically define allowable uses and contain the design standards and development guidelines for those intended uses. The County's Comprehensive Plan shall be the guidance for consideration when considering the appropriate zoning district to rezone a property to, moving towards consistency with the FLUM.

The subject property contains 2.88 acres of CC FLU and 11.92 acres of RES 15 FLU. Within the Community Commercial FLU designation (CC designation), Chapter XI of the Comprehensive Plan, Policy 2.10 permits a density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. The calculated number of units afforded under this Policy would permit up to 86 units at 30 units per acre. Increases in density beyond this allowance may be considered through a public hearing.

In the Coastal High Hazard Area (CHHA), however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM. The CC portion of the subject property **is not** mapped as CHHA.

The Residential 15 FLU designation (RES 15 designation) outlined in Chapter XI of the Comprehensive Plan, Policy 1.4(E) allows up to a 25% density bonus, or up to 18.75 dwelling units per acre, to be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Chapter XI, Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. Under this Policy, approximately 6.2 acres would be eligible for the density bonus, which, if approved by the Board, could result in up to 116 units on this 6.2-acre portion of the subject property. The property located within the CHHA has been excluded from the calculations for the density bonus.

This density bonus shall not be utilized for properties within the CHHA therefore the density allowance remains at 15 units per acre. In 1980, the Board granted a rezoning of the 11.92 acres that capped the density of that portion of the subject property at six (6) units per acre. The RES 15 portion of the subject property has been mapped as including 5.72 acres within the CHHA. In other words, Chapter XI of the Comprehensive Plan, Policy 1.4(E) restricts the density of 5.72 acres of the subject property strictly to the RES

15 designation. The proposed number of units within the CHHA is 15 units per acre or 85 units. The Board will need to determine if this request is a density bonus as the density cap with the zoning preceded the Comprehensive Plan adoption of Res 15 in 1988.

The requested number of units for this PUD is 252 units with an overall requested density is 17.02 units per acre. However, the maximum allowable number of units based on the specific criteria noted above would allow up to 288 units, or roughly 19.46 units per acre. The Board shall determine whether the scale and intensity of the residential development is compatible with abutting residential development in the surrounding area.

	Acreage	Allowable Units	Units per acre	Proposed units	Units per acre
Community Commercial	2.88	86	30		
RES 15 – Area outside of CHHA	6.2	93	15		
RES 15 - CHHA	5.72	85	15	85	
Overall PUD acreage	14.8	264	17.8	252	17.02 units per acre
RES 15 (25% density bonus, up to 18.75 du/ac	6.2	116	18.75		
Overall PUD acreage	14.8	287	19.39	252	17.02 units per acre

The 14.8 acre subject property consists of one (1) parcel located on the east side of Highway 1, approximately 0.4 miles south of Viera Blvd and bounded by Ruby St to the north and Laguna Vista Condos to the south. The site is currently undeveloped. The site has access along a Florida Department of Transportation (FDOT) maintained road highway: Highway 1 (to the west). The proposed PDP indicates ingress/egress via Highway 1.

Surrounding Area Zoning classifications and Land Use designations

	Existing Use	Zoning	Future Land Use
North	Single-Family residential	BU-1-A & EU-2	CC, NC & RES 15
South	Undeveloped	BU-1 & RU-2-10(6)	CC & RES 15
East	Indian River	N/A	N/A
West	FDOT Highway & Funeral services	BU-1 & IN(L)	CC & NC

To the north are seven (7) lots. One vacant parcel, approximately 0.52 acres with split zoning classifications of EU-2 and BU-1-A, CC FLU designation, abuts Highway US 1 to the east. The remaining six (6) lots are developed with single-family homes. With EU-2 zoning and RES 15 FLU designations.

To the south is Laguna Vista Condo with 24 residential units on approximately 4.53 acres. The property has BU-1 & RU-2-10 with a density cap of 6 units per acres zoning classifications and CC & RES 15 FLU designations.

To the east is the Indian River.

West of the subject property: FDOT Highway US 1.

EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

RU-2-10(6) with a cap of six (6) units per acre classification permits multiple-family residential development or single-family residences on minimum lot sizes of 7,500 square feet.

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

Planned Unit Development

The Planned Unit Development (PUD), as provided in sec. 62-1442, is a concept which encourages and permits flexibility in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.

In order to accomplish the objectives of this section, the applicant of a PUD may propose, and the county may consider, alternative development standards to any land development regulation in articles VI or VII of chapter 62 of the Brevard County Code.

The applicant shall justify the proposed alternative development standard(s) by describing how it promotes a development form facilitating the goals and objectives of article VI of this chapter and does not violate the purpose of this chapter for the protection of the public health, safety and welfare in the subdivision of land.

Applicant's response:

No alternative development standards have been requested.

The PDP is a mechanism to request such waivers. The applicant shall specifically include the alternative development standard(s) in the preliminary development plan, and shall present its justification to the planning and zoning board and board of county commissioners in public hearing.

Substantial (major) changes to the PDP require Board approval. As provided in sec. 62-1448(c): If, after the initial approval of the PUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the board of county commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD, which depicts the use and intensity of the project. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Design elements shown as on the Preliminary Development Plan are required to meet code, unless a waiver has been granted by the Board. Substantial changes would require Board approval.

Specific waivers to land development regulations must be stated on the preliminary development plan and must be verbally requested by the applicant at the public hearing. Unless a waiver is specifically requested by the applicant and specifically approved by the Board, it will not be assumed to have been approved.

No waivers have been requested.

PDP Staff Comment:

ENGINEERING - Public Works

The revised preliminary development plan with the note about reviewing the sidewalk along Ruby Street under the site plan is acceptable for Engineering. If it is determined that a public sidewalk is required, the sidewalk will need to be for public access but will need to be privately maintained by the property owner.

Land Use

The subject property is currently designated as Community Commercial (CC) and RES 15 FLU. The existing BU-1 can be considered consistent with the CC FLU designation. The RU-2-10 zoning classifications can be considered consistent with the RES 15 FLU designation.

The proposed PUD zoning classification can be considered consistent with the existing CC and RES 15 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.2

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:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The proposed development will connect to Brevard County sewer via a 6" force main that runs along US-1. Brevard County utilities have already been engaged and will be able to service this property.

The applicant has illustrated a proposed stormwater system outfall location on the PDP. Public Works has reviewed the PDP and approved of the proposed. Drainage plans will be reviewed at the site plan review stage.

Adequate recreation facilities are proposed to serve the needs of the associated development. Development is proposed to be complete in one (1) phase.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.

Fire has reviewed the PDP. No issues were noted with regards to fire and emergency medical services.

- 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.

There is a 16” public water main that runs along the east side of US-1 that will provide water for the proposed development. The water utility provider is the City of Cocoa. The City of Cocoa has been engaged and will be able to service this property.

The proposed development will connect to Brevard County sewer via a 6” force main that runs along US-1. Brevard County utilities have already been contacted and provide able to service this property.

- 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.

The overall density of this project is 17.02 units per acre and will require a connection to a centralized sewer system.

FLUE Policy 1.4

Residential 15 (maximum of 15 units per acre)

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

The subject site is located east of Interstate-95 (I-95). It is located adjacent to an equal density Future Land Use (FLU) designation of RES 15 to the north and south.

- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

The subject site is not adjacent to incorporated areas.

- C. Areas adjacent to an existing Residential 15 land use designation; and

The subject site is adjacent to an existing Residential 15 land use designation to the north and south. However, there is a cap in density with the zoning of 6 dwelling units to the acre.

- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct frontage to Highway US 1, an Urban Principal roadway to the west.

- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

The RES 15 portion of the subject property has been mapped as including 5.72 acres of CHHA. Density would remain at 15 units per acre. The proposed number of units of this area is 14.86 units per acre or 85 units. The remaining 6.2 acres would have an allowable density of 18.75 units per acre or 116 units.

The overall density is 17.02 units per acre which includes 30 units per acre in the CC portion of the parcel.

FLUE Policy 2.10 – Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

Criteria:

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

The proposed development is multi-family project with no commercial component. Neo-traditional development techniques are typical utilized during the creation of a subdivision type development. Neo-traditional development is not being proposed.

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

The subject property is not located within a redevelopment district. Applicant is not requesting a density bonus based on Policy 11.2.

Coastal Residential Densities

Objective 7

Limit densities within the coastal high hazard area and direct development outside of this area

Staff analysis indicates that the density would not exceed 15 units per acre within the CHHA area, if the Board recognizes the Res 15. The Board may recognize the density cap of 6 units per acre as designated in the RU-2-10 zoning classification. This would limit density within the CHHA to 34 units not 85 units as shown on the Preliminary Development Plan (PDP).

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 proposed development increases the percentage of MAV utilization by 4.01%. The corridor is anticipated to operate at 64.65% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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.

- 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 surrounding land use patterns within half a mile of the subject property includes single-family-residential, cemetery, mini-warehousing, warehousing, professional offices, commercial and retail uses on the west side of Highway 1. East of Highway US 1 is a mix of residential types and one (1) restaurant along Highway US 1.

There are five (5) FLU designations within 500 feet of the subject site: NC, CC, RES 6, RES 15, and PI. The predominant FLU designation in this area is RES 15.

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

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

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

There has not been any development approved but not yet constructed within this area in the preceding three (3) years.

No zoning actions has been approved within one-half mile in the preceding three (3) years.

- D. 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 of the Comprehensive Plan has been identified.

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

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

Traffic from the proposed development is not anticipated to impact the surrounding area. The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). No commercial or industrial activity is proposed.

- 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.

There are no established platted subdivisions within a 500 ft. radius of the subject property.

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

The east side corridor of Highway 1 has existing commercial FLU designations. This request does not include a commercial component.

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.

There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years.

Analysis of Administrative Policy 7

Natural Resources has noted the subject parcel contains mapped wetlands and hydric soils; Aquifer recharge soils; partially located within the Coastal High Hazard Area; within estuarine floodplain as identified by FEMA; and in the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees and protected species may also be present on the subject property.

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

Preliminary Development Plan

In addition of Administrative Policies #3 and #4, the Preliminary Development Plan should be evaluated in the context of **Section 62-1448 (b) (5)** of the Zoning code:

Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

- a. Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.

Applicant response: The Proposed Development includes three (3) story multifamily buildings, providing an attractive transition from the adjacent four (4) story residential condominium building directly to the south and the six (6) single family homes to the north of the Property, located along Ruby Street. Density for the Proposed Development is consistent with Brevard County's Comprehensive Plan.

Staff response: The developed character of the surrounding residential areas is single family to the north with RES 15 FLU designation and multi-family to the south with RES 15 FLU designation. However, the subject property and the property to the south retains RU-2-10(6) zoning that limits density 6 dwelling units to acre.

The proposed zoning request to PUD would permit a density of up to 18.75 dwelling per acre outside of the Coastal High Hazard Areas.

- b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.

Applicant response: The Applicant has recognized the County's need for additional high-quality housing, rather than potentially heavy commercial uses, and feels that

the Proposed Development will be a better fit to the surrounding area, which includes a four (4) story residential condominium building directly to the south of the Property. One element of the Proposed Development that has been given special focus is the handling of buffering and setbacks, especially, along its northern boundary of Ruby Court. As highlighted in the Preliminary Development Plan, the residential buildings are set-back approximately 106' from the north property line, in such a manner to allow for an ample transition with the adjacent single-family uses (six (6) homes total).

Staff response: See staff response above.

- c. Prevention of erosion and degrading of surrounding area.

Applicant response: The Property will be engineered to preserve existing drainage patterns and route any incoming runoff to the Property's current outfall location. Standard best engineering practices will be utilized to ensure that the adjacent properties will not encounter erosion or drainage issues as a result of the Proposed Development.

Staff response: Two large wet retention pond, along with a stormwater outfall has been proposed on the PDP. Specific drainage issues and design will be addressed at site plan.

- d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Applicant response: The Proposed Development will provide adequate private recreational facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation for the area within the Property boundary. Brevard County will review school concurrency during the permitting process. The aforementioned standards will be provided per standard engineering best practices and shall conform to County, state and federal regulations.

Staff response: The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

The maximum development potential of the proposal is not anticipated to create a deficiency in LOS of Highway US 1. A Traffic Impact Analysis (TIA) has been submitted for review. All TIA comments with regards to the PDP has been addressed. Per the study's results, northbound right and southbound left turn lanes are warranted on US 1 at the project driveway. An additional emergency access points has been proposed. Further concurrency evaluation and review will be done during site plan staff. Transportation impacts are typically addressed during the site plan review, unless the Board determines the study is necessary to evaluate the PUD rezoning.

The applicant has provided verification of a stormwater system.

- e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

Applicant response: Common open space for the Proposed Development has been provided per County requirements. The Proposed Development seeks to maximize the Property's riverfront location and offers waterfront common areas to residents of the Proposed Development, anticipated to include market standard waterfront activities and amenities. The common open space will be professionally maintained and managed by the property owner, an affiliated entity of Mill Creek Residential, one of the largest developers of high-quality multifamily rental housing in the United States.

Staff response: The minimum common recreation open space required for the proposed project is 3.75 acres per Sec. 62-1446(c). The PDP states 6.08 acres provided. The proposed development meets the open space requirement.

- f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

Applicant response: no phasing proposed. The Proposed Development will be constructed as a single project/community.

Staff response: No phasing is proposed.

- g. The availability and adequacy of water and sewer service to support the proposed planned unit development.

Applicant response: The City of Cocoa is the water utility provider for the area, and Brevard County is the sewer utility provider for the area. There are both water and sewer lines within the US-1 right of way. Both utility providers have been approached about the project and have confirmed availability for tie-in.

Staff response: A connection to water and sewer facilities is proposed.

- h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

Applicant response: There are two public right of ways that border the Property, US-1 to the west and Ruby Street to the north. The Applicant believes that US-1 alone is sufficient to support the traffic needs of the Proposed Development, and FDOT has already been approached regarding the project. A traffic impact analysis can be provided as part of permitting.

Staff response: There one primary access and thoroughfare to support the development and one proposed access for emergency access only. A 2-way 24 foot driveway isle is proposed within the development.

- i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.

Applicant response: N/A. The proposed development is consistent with the Brevard County Comprehensive Plan and no alternative development standards or waivers are being requested at this time.

The property currently has a County Future Land Use designation of both CC and RES 15, and these land use designations allow for the Proposed Development. As a result of the split land use categories, the Applicant elected to pursue a uniform PUD to provide one set of development standards for the Proposed Development containing multi-family residential, clubhouse and other amenities and associated leasing office uses.

Staff response: The applicant is proposing to 252 multi-family unit mix with recreational amenities. The unit mix ranging from 1 bedroom to 3 bedroom provides a variety of housing options to residents.

- j. The conformity and compatibility of the planned unit development with any adopted development plan of the county.

Applicant response: The proposed development is consistent with the Brevard County Comprehensive Plan and no alternative development standards or waivers are being requested at this time.

Staff response: Staff analysis did not identify any deficiencies with any adopted development plan of the county. The Board will need to determine if the request is conforming and compatible.

- k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.

Applicant response: The Proposed Development provides a cohesive development plan that integrates residential apartment units, leasing and amenity centers, parking, preserved on-site wetlands and common open space that seeks to maximize the Property's riverfront location.

Staff response: The proposed Preliminary Development Plan (PDP) indicates 6.08 acres of common open space will be provided, of which 1.73 acres is active open space. Amenities include a club house, pool, exercise stations, trail, sports court, and observation decks with benches.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1, from Viera Blvd to Suntree, which has a Maximum Acceptable Volume (MAV) of 41,790 trips

per day, a Level of Service (LOS) of D, and currently operates at 60.64% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 4.01%. The corridor is anticipated to operate at 64.65% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The preliminary school concurrency review indicates there is sufficient capacity for the total of projected and potential students from the proposed development.

The parcel has access to a 16" public water main that runs along the east side of US-1 that will provide water for the Proposed Development. The water utility provider is the City of Cocoa. The applicant stated the City of Cocoa has been engaged and will be able to service this property. The Proposed Development will connect to Brevard County sewer via a 6" force main that runs along US-1. Brevard County utilities have already been engaged and will be able to service this property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Surface Waters of the State
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped wetlands and hydric soils; indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.**

The property is partially located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute.

The property is mapped as being within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map (Zone AE). The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

The subject property is located on the Indian River Lagoon, designated as an Impaired Water (as defined in 62-303.200 F.A.C.) and a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.**

NRM encourages the use of GSI (Green Stormwater Infrastructure) and/or LID (Low Impact Development) to reduce water pollution, improve quality of ground and surface waters, reduce urban heat island effect, and protect and enhance aquatic and wildlife habitats. Please contact this office to discuss the potential use of GSI and/or LID.

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

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area along with the following two (2) conditions:

- 1) Limiting the number of units in CHHA as depicted on the PDP. Any substantial changes to the aforementioned redesign be deemed a substantial change by the zoning official, a PDP Amendment would require Board Approval;
- 2) All design elements shown on the PDP require conformance with Brevard County codes and regulations.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23PUD00001**

Applicant: Jake Wise (Owner: Frank Mastroianni)

Zoning Request: BU-1, AU, & SEU to PUD

Note: Change of zoning classification from BU-1 and RU-2-10 to PUD with removal of the cap of six (6) units per acre for luxury apartments (252 units)

Zoning Hearing: TBD; **BCC Hearing:** TBD

Tax ID No.: 2600118

- 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:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Surface Waters of the State
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

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than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.**

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Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Canaveral-

Anclote complex, gently undulating; Satellite sand, 0 to 2 percent slopes; and Pompano sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design or building permit submittal.

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Aquifer Recharge Soils

This property contains soils that may function as aquifer recharge soils (Canaveral-Anclote complex, gently undulating; Satellite sand, 0 to 2 percent slopes; and Pompano sand, 0 to 2 percent slopes). Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

The property is partially located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute.

Floodplain Protection

The property is mapped as being within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map (Zone AE). The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

A portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment

processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as an Impaired Water (as defined in 62-303.200 F.A.C.) and a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.