

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Large Scale Plan Amendment 24LS.01 (23LS00001)*  
**Township 30, Range 37, Section 8, 9, 16, 17**

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**Property Information**

**Owner / Applicant:** JEN Florida 48 LLC / Poulos and Bennett LLC

**Adopted Future Land Use Map Designation:** Residential 1:2.5 (RES 1:2.5)

**Requested Future Land Use Map Designation:** Residential 4 (RES 4) and  
Community Commercial (CC)

**Acreage :** 1,109.57 acres

**Tax Account #:** 3000277, 3000368, 3000827 & 3000829

**Site Location:** West of Babcock St. and south of Willowbrook St.  
North and east of Deer Run

**Commission District:** 5

**Current Zoning:** GU (General Use) and AU (Agricultural Residential)

**Requested Zoning:** PUD (Planned Unit Development) (**23PUD00005**)

**Background & Purpose**

The applicant is requesting an amendment to the Future Land Use Map designation from RES 1:2.5 to RES 4 and a portion of CC on a 1,109.57 acre parcel. The Res 4 designation would allow up to 4,329 single-family homes and 27.33 acres of Community Commercial (CC). The subject parcel is currently undeveloped and has frontage only along Babcock Street. This segment of Babcock St. is county-maintained roadway. The applicant has indicated that the density will be limited to 3 dwelling units to the acre (3,246 single-family units).

This request will transmit this application to the Department of Commerce under the State Coordinated review process for Large-Scale Comprehensive Plan Amendments. The adoption hearing date will be scheduled at future date which will allow time for the applicant to address any comments or responses from any of the state reviewing agencies, prior to adoption.

In 1988, Brevard County Comprehensive Plan went into effect applying the RES 1:2.5 Future Land Use (FLU) to the subject property and the surrounding area west of Babcock Street to the north and south. Included in the minimum criteria governing activities in this land use designation calling for residential densities not to exceed one dwelling unit per two and half (2.5) acres. The subject property has retained the FLU designation of RES 1:2.5 since the adoption of the Future Land Use map (FLUM) in 1988. The current density limits the development to 432 residential units. No infrastructure improvements have been made or are planned to suggest otherwise.

The subject parcel's GU and AU zoning classification (requires lot sizes of 5 and 2.5 acres respectively) is consistent with the RES 1:2.5 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

The requested RES 4 FLU designation permits low density residential development with a maximum density of up to four (4) units per 1 acre, except as otherwise may be provided for within the FLU element. The subject parcel's existing GU and AU zoning can be considered consistent with the requested RES 4 FLU designation. This request is a 10x net increase in density.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from GU (General Use) and AU (Agricultural Residential) to PUD (Planned Unit Development) on the entire 1,109.57 acre subject property (**23PUD00005**). The requested zoning classification can be considered consistent with the requested RES 4 FLU designation. This application will be heard at a future adoption meeting.

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Vacant South of Willowbrook St. (owned by Willowbrook Farms)	GU	RES 1:2.5
<b>South</b>	Single-family subdivision	AU	RES 1:2.5
<b>East</b>	Vacant State-owned Land, Borrow Pit	GU, RRMH-1, AU, BU-1	PUB-CONS, RES 1, NC, CC
<b>West</b>	Single-family subdivision	AU	RES 1:2.5

Future Land Use (FLU) designations within the county's Comprehensive Plan establishes the intended use and development density for a particular area. The zoning classification specifies specific uses and contains development standards 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.

To the north of the subject property on the southside of Willowbrook St. is a two-mile long, linear strip of property owned by Willowbrook Farms. It varies in width from approximately 100 feet to 140 feet which prevents roadway access from the subject property to Willowbrook St. There is also a canal to the north of this strip. The FLUM designation of this strip is Residential 1:2.5 (RES 1:2.5). The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within the County's Comprehensive Plan. Per Resolution 2021-168, the Rolling Meadows Ranch development was approved at 2 units per acre.

To the south and west is the Deer Run single-family subdivision is a large lot development with single-family, site-built homes with AU zoning and a RES 1:2.5 FLUM designation developed with 433 lots.

To the east across Babcock St., there is vacant State owned property with a FLUM designation of PUB-CONS and GU zoning. There is also a privately-owned, borrow pit with FLUM designations of RES 1, NC and CC with RRMH-1, AU, and BU-1 zoning. Zoning Resolution #3529, approved BU-1 zoning. Zoning resolution 15PZ00016 approved a small-scale Comprehensive Plan amendment and a conditional use permit for land alteration limiting use of the property to a borrow pit.

### **Comprehensive Plan Policies/Comprehensive Plan Analysis**

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

**Notice:** The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

### **Residential 4 (maximum of 4 dwelling units per acre) FLUE Policy 1.7**

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum

density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or

**The subject property is not adjacent to any existing Residential 4 land use designation. The closest Res 4 is approximately 5 miles to the east.**

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

**The subject property does not serve as a transition between areas with land use designations greater than four (4) units per acre and land use designations that are lower in density. Rolling Meadows Ranch was approved at a density of two (2) units per acre to the northwest.**

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

**The subject property is not adjacent to any incorporated areas.**

- D. Up to a 25% density bonus to permit up to five (5) 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 CHHA.

**The subject property has requested PUD zoning (23PUD00005). The subject property is not within the CHHA. At Res 1:2.5, current density would allow 443 units. Specific density bonuses, should be deferred to the PUD zoning should Policy 1.2 be met. Res 5 would allow 5,547 residential units.**

**FLUE 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;

**Traffic from the proposed development will have significant impacts on the surrounding area. Capacity of Babcock St. will be exceeded and no planned capacity expansion is anticipated. Please see Admin Policy # 5 below.**

- 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 use.**

- 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 character of this area is mostly undeveloped with some residential development on large lots 2.5 acres or greater. There is an existing borrow pit at the intersection of Babcock St. and Micco Rd. Higher density developments have been proposed on the vacant properties in this area to the north by the same applicant.**

**Rolling Meadows Ranch has a FLUM designation of RES 2 and PUD zoning. Willowbrook Farms has FLUM designations of AGRIC and RES 1:2.5 and GU zoning.**

**There are seven (7) FLU designations within 500 feet of the subject site: RES 1, RES 2, RES 1:2.5, AGRIC, NC, CC, and PUB-CONS.**

**The Deer Run development, encompassing 1,602 acres, is the only established residential development in the vicinity of the subject property. The adopted density of Deer Run is 1 unit per 2.5 acres. There are 433 platted lots with an average lot size of 2.9 acres. Lot sizes range from 1.02 acres to 8.44 acres. These parameters indicate that the actual density of Deer Run is 1 unit per 3.7 acres.**

**Rolling Meadows Lakes, encompassing 1,331 acres, was de-annexed from the City of Palm Bay on May 10, 2019. Brevard County has vested development of this project at a maximum of 2 units per acre.**

**Adopted densities of adjoining residential developments within a 1/2 mile radius of the subject property range from approximately 1 unit per 2.5 acres to 2 units per acre.**

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

**Although the St. Johns Heritage Parkway between Babcock St. and the interchange with Interstate 95 has recently been completed, there have not been any development approvals or construction activity in the previous three years within unincorporated Brevard County.**

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

**There has not been any development approved within the vicinity of the subject property in the unincorporated Brevard County in the past three years that has not been constructed.**

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

**FLUE Administrative Policy #3 Compatibility with existing or proposed land uses; The Board shall make this determination.**

**FLUE Administrative Policy #4 regarding the character of the area; The Board shall make this determination.**

**FLUE Administrative Policy #5 regarding roadway infrastructure; The Board shall make this determination.**

**FLUE Administrative Policy #6 regarding the future land use elements of the comprehensive plan; The Board shall make this determination.**

**FLUE Policy 1.1, Criteria C regarding roadway, potable water, sanitary sewer, public school facilities and fire protection and emergency medical services infrastructure deficiencies; Shall be provided concurrent with development.**

**FLUE Policy 1.2 regarding public facilities and services requirements; Shall be provided concurrent with development.**

**FLUE Policy 1.7 regarding the RES 4 FLUM designation; The Board shall make this determination.**

**FLUE Policy 2.1, Criteria E, regarding availability of required infrastructure for commercial development; Shall be provided concurrent with development.**

**FLUE Policy 2.8, Criteria A, regarding locational criteria for CC land uses greater than 10 acres in size; The Board shall make this determination.**

**CIE Policy 1.3 Criteria D, regarding advisory level of service for fire/protection; Shall be provided concurrent with development.**

#### **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.

**At a residential density of four (4) units per acre will introduce traffic volumes that exceed the capacity of Babcock St.**

- 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.

**The Deer Run subdivision is the only established residential neighborhood to the south. Platted in 1980, with a FLUM of RES 1:2.5 and AU zoning. This subdivision was approved for 433 single-family lots on 1,602.**

- 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.

**There is an existing borrow pit at the northeast corner of Babcock St. and**

**Micco Rd. The property encompasses 74.86 acres and has RES 1, NC and CC FLUM designations and RRMH-1, AU and BU-1 zoning. A small-scale Comprehensive Plan amendment and conditional use permit limiting the use to a borrow pit were approved by Zoning Resolution 15PZ00016.**

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 within the County's jurisdiction. Development activity has occurred within the City of Palm Bay approximately ½ mile away to the north.**

#### **FLUE 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 service will be compromised;

**Based on the existing roadway capacities and vehicle trips that the proposed land use and intensities will generate, the level of service (LOS) will be compromised and anticipated to fall below the Acceptable LOS Standards defined in the Capital Improvement Element Policy 1.1.**

**The adopted LOS volume threshold on Babcock Street along the site's frontage is 14,200 vpd (vehicles per day). The existing 2024 Annual Average Daily Traffic (AADT) is 5,494 vpd. Per the TIA methodology letter dated January 24, 2024, the project proposes to add a maximum volume of 18,490 vpd to this roadway segment. This will result in a volume-to-capacity (v/c) ratio of 1.30. The existing v/c ratio is 0.39.**

- 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;

**A road system condition assessment must be conducted by the applicant to assess the physical quality of the existing pavement and structural condition of affected roadways and identify necessary improvements, such as road resurfacing or road reconstruction, to support the proposed development**



**without significant road system 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;

**The road system condition assessment must include an inventory of the existing affected roadways and identify necessary improvements, such as road widening or other modifications, to support the proposed development.**

- 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;

**The road system condition assessment must include an evaluation of potential impacts on public safety that could result from the proposed development. Separately, a Traffic Calming Study must be conducted by the applicant for the affected roadways and will identify necessary improvements, as appropriate based on the roadways' functional and context classifications, to mitigate speeding and encourage preferred routing of traffic.**

- 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;

**The development is anticipated to impact the road system's volume-to-capacity ratios, and design capacities along Babcock Street will be exceeded. This project proposes adding 16,313 vpd over the allotment. Options for a project or phase requiring services or facility capacity in excess of the maximum capacity allotment are outlined in Sec. 62-602(f)(6)(c).**

**The required Traffic Impact Analysis will determine the degree of the impacts and whether Babcock Street should be classified as an arterial road. This study will be reviewed in conjunction with the PUD application.**

- 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;

**The road system condition assessment must include an inventory of the existing affected roadways and an evaluation of the potential physical deterioration to the surrounding road system, as well as the identification of the necessary improvements to support the proposed development.**

- 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.

**An increase in traffic volumes is anticipated to result in the speed at or below which 85% of the drivers travel on a road segment. The required Traffic Calming Study will determine the prevailing existing and anticipated driving behaviors in the area.**

#### **FLUE 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.

**The applicant has not demonstrated compliance with: FLUE Administrative Policy 5, FLUE Policies 1.1., 1.2, 1.7, 2.1 and 2.8; or CIE Policy 1.3.**

#### **Residential Land Use Designations**

##### **FLUE Policy 1.1**

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

##### **Criteria:**

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines site;

**The Natural Resources Management Department identified the following environmental constraints: Wetlands and Hydric Soils; Protected and Specimen Trees; Indian River Lagoon Nitrogen Reduction Septic Overlay; Flood Prone Area and Protected Species.**

- B. Land use compatibility pursuant to Administrative Policy 3;  
**See the analysis of this request pursuant to FLUE Administrative Policy 3 above.**
- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements

Element;

**The existing capacity of Babcock St. is inadequate to accommodate the traffic generated by the proposed development and no public funding is available to increase capacity.**

**Centralized potable water and sanitary sewer service is currently not available to the subject property. The applicant has represented that these services will be provided by the City of Palm Bay but, the City has no capacity to provide these services.**

**The Brevard County School Board staff projects that with 3,246 residential units the proposed development will generate 1,396 students and that there will be insufficient school capacity at the elementary, middle school, and high school levels to accommodate the projected demand in the school concurrency area that includes the subject property. It will be necessary to adjust school attendance boundaries in the adjacent school concurrency area to accommodate the projected student demand. However, an anticipated shortage of elementary school capacity will remain.**

**A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.**

- D. Character of the general area, pursuant to Administrative Policy 4;

**See the analysis of this request pursuant to FLUE Administrative Policy 4 above.**

- E. Hurricane evacuation capabilities; and;

**The subject property is not located on a barrier island. The completion of the westward segment of St. Johns Heritage Parkway linking Babcock St. with US 192 will provide additional evacuation capacity.**

- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

**The South Mainland Small Area Study did not make recommendations that specifically pertain to this area or the subject property.**

## **Public Facilities and Services Requirements 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.

**There is insufficient roadway capacity on Babcock St. to maintain the adopted Level of Service. There are no public funds available for roadway capacity expansion needed to maintain the adopted Level of Service concurrent with development.**

- 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.

**A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.**

- C. In the Residential 30 Directive, 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.

**Centralized potable water and sanitary sewer are not currently available to the subject property. The applicant has represented that the City of Palm Bay will provide these services. At this time, there is not sufficient capacity.**

**Sanitary Sewer Element Policy 3.17, Criteria 4B states, "Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan".**

- 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.

**Public water service is not currently available, and the applicant has not**

**requested a density greater than 4 units per acre.**

- 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.

**Centralized potable water and sanitary sewer are not currently available to the subject property.**

- 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.

**The applicant has not demonstrated that there would be an overriding public benefit from their proposed development.**

#### **Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE Policy 2.1**

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

**Criteria:**

- A. Overall accessibility to the site;

**The commercial portion of the subject property will only have direct access to Babcock St. and internal access to the residential units on the property.**

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

**Other than internal, inter-connectivity with the proposed residential use on the subject property, the development proposal does not demonstrate inter-connectivity to adjacent Future Land Use designations or land uses.**

**The proposed residential density is a 10-fold increase relative to the density of the established Deer Run development (RES 1:2.5) to the west and south of the subject property. It is double the density approved for Rolling Meadows Ranch (RES 2) and a 20-fold increase relative to Willowbrook Farms (1 unit per 5 acres), both located to the north of the subject property.**

- C. Existing commercial development trend in the area;

**The only existing commercial development in this area is the existing borrow pit that is sited at the northeast quadrant of Babcock St. and Micco**

**Road.**

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

**The County has not made significant infrastructure improvements outside of the St. Johns Heritage Parkway interchange. This was a collaborative effort between the City of Palm Bay and the County.**

- E. Availability of required infrastructure at/above adopted levels of service;

**There is insufficient roadway capacity on Babcock St. to accommodate this development and other currently approved developments.**

**The subject property is not served by centralized potable water and sanitary sewer.**

**Brevard County Fire/Rescue indicates that it cannot meet the advisory Level Of Service contained in Policy 1.3 of the Capital Improvements Element.**

- F. Spacing from other commercial activities;

**The nearest, existing commercial facilities are located within the City of Palm Bay at a considerable distance to the subject property.**

- G. Size of proposed commercial designation compared with current need for commercial lands;

**The applicant has not provided any information regarding the need for additional commercial property in this area.**

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

**The Natural Resources Management Department's analysis indicates the applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street.**

**Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696.**

- I. Integration of open space; and

**The integration of open space with the CC portion of the site will be address in the Preliminary Development Plan associated with the PUD zoning request.**

- J. Impacts upon strip commercial development.

**Currently, there is no strip commercial development along Babcock St. south of the St. Johns Heritage Parkway. Although the CC component of the subject property is not located at an intersection, the nearest intersection is also the entrance to the Deer Run subdivision and the current offset from the intersection may be more desirable from the perspective of area residents.**

#### **Locational and Development Criteria for Community Commercial Uses Policy 2.8**

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

**The proposed community commercial (CC) portion of the subject property encompasses 27.33 acres with a Floor Area Ratio (FAR) of 1.75. It is not located at a principal arterial/principal arterial intersection.**

**There is CC land use on the east side of Babcock St., opposite the commercial portion of the subject property, with a conditional use permit that limits its use to a borrow pit. The CC FLUM designation encompasses 9.87 acres.**

- B. Community commercial complexes should not exceed 40 acres at an intersection.

**The proposed Community Commercial portion of the subject property encompasses 27.33 acres and is not located at an intersection. An additional 9.87 acres of community commercial exists at the northeast corner of Babcock St. and Micco Road. These two properties combined do not exceed 40 acres.**

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

**This community commercial cluster is located at least five miles from the nearest existing community commercial cluster.**

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

**The community commercial portion of the subject property is greater than 10 acres and less than 400,000 square feet in size. It is included in the companion application for rezoning for this property to the PUD zoning classification.**

**These two CC parcels combined would be less than 40 acres in size but would likely exceed the limits on the size of the footprint required by this policy even though the subject property will be located in a PUD.**

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

**This application has a companion PUD and would be limited to a FAR of 1.75, if approved.**

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

**The applicant has not proposed a recreational vehicle park on the subject property.**



## Capital Improvements Element

### Policy 1.3

As a part of the Capital Improvements Plan development process, Brevard County should utilize the following advisory level of service standards for public libraries, law enforcement, correctional facilities, fire protection, emergency medical services, and public education shown below as planning guidelines to evaluate the need for public facility improvements.

- A. Public Libraries:           0.6 sq. ft. of library building space per capita;  
                                      2.16 volumes per capita;  
                                      1.5 titles per capita.
- B. Law Enforcement:        2.0 deputies per 1,000 residents;
- C. Correctional Facilities: .003 inmate spaces per capita.
- D. Fire Protection:
1. 6 minute average response time county wide.
  2. 90% of Brevard County within 3 miles of a station.
  3. For 90% of all structural fires, deploy 1 engine company within 5 minutes, and 1 paramedic unit and 1 chief officer within 10 minutes.
  4. For response areas with 5 buildings 3 stories or 35 feet or more in height, or with a needed fire flow greater than 3,500 g.p.m., deploy a ladder company within 5 minutes for 90% of all alarms.
  5. Develop an attack force that can advance 2 standard fire stream hand lines.
  6. Major emergencies: deploy a programmed reserve and automatic aid fire force of 6 engine companies, 3 ladder companies and 3 chief officers within 15 minutes of third alarm.
  7. Petroleum storage and production area fires: deploy within 10 minutes special light water or foam fire fighting equipment and prepare long relays and extended pumping operations.
  8. Water deficient areas: deploy within 10 minutes a pumper-tanker and relay operation of adequate capacity to augment local supplies.
  9. Harbor areas: deploy within 5 minutes adequate marine fire fighting equipment of 500 g.p.m. for 90 percent of all marine oriented incidents.
  10. Light rescue emergencies: deploy 1 engine company within 5 minutes 90% of the time; deploy 1 paramedic unit within 5 minutes 80% of the time.
  11. Heavy rescue emergencies: deploy 1 truck company, in addition to an engine and paramedic unit, within 10 minutes 90% of the time. Rescue all trapped persons.
  12. Manpower:
- | Unincorporated<br>Population | No. Fire Fighters<br>Per 1,000 Residents | % Supervisory<br>Fire Fighters |
|------------------------------|--|--------------------------------|
| 100,000 - 249,999            | 1.89                                     | 20.4                           |
| 250,000 - 499,999            | 1.84                                     | 25.5                           |
| 500,000 +                    | 1.81                                     | 21.7                           |
- E. Emergency Medical Establish effective Advanced Life Support response within six minutes to 90% of the population.

**Brevard County Fire/Rescue indicates that it cannot meet the advisory level of service contained in Policy 1.3 of the Capital Improvements Element.**

## **Concurrency**

The concurrency management segment for the subject property is Babcock Street from the Grant Road to Micco Road, which has a Maximum Acceptable Volume (MAV) of 14,200 average daily trips, an Acceptable Level of Service (ALOS) of D, and currently operates at approximately 40% of daily capacity. At the currently adopted FLUM designation of RES 1:2.5, 3,978 average daily trips would be generated which would require approximately 45% of the remaining daily capacity of Babcock St.

At the requested residential density of RES 4 on 1,082.24 acres and CC on 27.33 acres, 44,247 annual average daily trips would be generated which would significantly exceed available capacity on Babcock St. There are no publicly funded infrastructure improvements anticipated that could create the additional roadway capacity needed for the proposed development.

Centralized potable water service is not available to this property. The applicant has represented that the City of Palm Bay will provide this service but the City has not yet confirmed its intention to do so. The lack of centralized potable water service also has an impact on the provision of adequate flow rates for fire protection.

A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time

A non-binding, school capacity determination letter, dated March 25, 2024, was prepared by the School Board staff indicating that with 3,246 residential dwelling units, the project would generate 779 elementary school students, 227 middle school students and 390 high school students. The analysis also found the Sunrise Elementary, Southwest Middle School and Bayside Senior High School would not have enough capacity for projected and potential students.

The school capacity determination letter notes that there is sufficient capacity for middle and high school students in the adjacent school concurrency area, but that there is an anticipated shortage of capacity for elementary school students.

## **Applicant's Response Letter Dated April 1, 2024 and Staff Analysis**

The Planning and Development staff has reviewed the applicant's response letter dated

April 1, 2024 and offer the following responses:

- Specific Comprehensive Plan amendment policies need to be addressed for compliance at the transmittal stage of the Comprehensive Plan amendment not the zoning (PUD) stage.
- The surrounding area Future Land Use Map (FLUM) density within the unincorporated Brevard County is 1: 2.5 acres within a half-mile of the subject property.
- Although the City property is not adjacent, property within the City of Palm Bay outside of the half-mile radius may include pockets of up to 20 units to the acre. However, the predominate overall FLUM density is 5 units to the acre. The platted projects include Waterstone Plat One PUD with 220 lots on 145.41 acres; Gardens at Waterstone Phase 1, 2 and 3a with 387 lots on 144.71 acres; and Cypress Bay West – Phase II and III with 1,116 units on 376.03 acres. The platted densities for these parcels range from 1.5 units per acre for Waterstone Plat One PUD to 3.0 for the Cypress Bay West development.
- Preliminary concurrency analysis indicates a deficiencies with no planned improvements in the Capital Improvement Program (CIP) relating to transportation, fire rescue, and schools.
- Impact fees alone will not cover the cost of the needed infrastructure to support the uses. An alternative funding source will be needed.

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

The Natural Resources Management Department identified the following environmental constraints.

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

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

## **Historic Resources**

There are no recorded historical or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

## **For Board Consideration**

The Board may consider transmitting this request to the Department of Commerce for their review and comments.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Land Use Review & Summary**  
**Item No. 23LS00001**

**Applicant:** Jesse Anderson (Owner: Jen Florida 48 LLC)

**Zoning Request:** RES 1:2.5 to RES 4 FLU

**Note:** Proposing mixed-use development of SFRs (3,246 units on 1082.24 ac) and Commercial (398,000 sf on 27.33 ac)

**LPA Hearing:** TBD; **BCC Hearing:** TBD

**Tax ID No.(s):** 3000277, 3000827, 3000829, 3000368

- 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
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

A majority of the subject parcel contains mapped wetlands and the entire site contains mapped hydric soils; indicators that wetlands are likely present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan 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 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

### **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 (Pineda sand, 0 to 2 percent slopes; EauGallie sand; Riviera sand, 0 to 2 percent slopes; Floridana sand, frequently ponded, 0 to 1 percent slopes; Malabar sand, 0 to 2 percent slopes; and EauGallie, Winder, and Riviera soils, depressionnal); indicators that wetlands are likely 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 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

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Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may 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 and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

Portions of this property are 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. **However, the PDP provided by the applicant indicates that sanitary sewer service will be provided by Palm Bay Utilities.**

### **Flood Prone Areas**

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

### **Protected Species**

Federally and/or state protected species may be present on the property, as indicated on the provided Environmental Assessment report dated 1/26/2023. Specifically, gopher tortoises have been observed on-site. 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.