



Zoning

Brevard County Board Of County Commissioners; Governing Board Of The Brevard Mosquito Control District; Governing Board Of The Barefoot Bay Water And Sewer District

2725 Judge Fran Jamieson Way

Viera, FL 32940

Agenda

Thursday, May 2, 2024

If you wish to speak to any item on the agenda, including consent items, please fill out a speaker card before the item is considered by the Board. Persons addressing the Board shall have three minutes to complete his/her comments on any agenda item for which he/she has filled out a card. The Chair has the discretion to determine or alter time limits on any item which is not a quasi-judicial public hearing.

The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.

A. CALL TO ORDER 5:00 PM

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE: Commissioner Rita Pritchett

D. MINUTES FOR APPROVAL:

E. RESOLUTIONS, AWARDS AND PRESENTATIONS

F. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section F.)

G. PUBLIC HEARINGS

G.1. Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. (24Z00007) (Tax Account 2431745) (District 2) This item is requested to be continued to the June 10, 2024, P&Z/LPA and July 11, 2024, BCC meetings.

G.2. Christopher Strozier requests a change of zoning classification from RU-1-9 to RU-1-11. (23Z00086) (Tax Account 2104016) (District 1)

G.3. Jonathan & Emily Schoolfield requests a change of zoning classification from AU to RRMH-1. (24Z00001) (Tax Account 2443960) (District 1)

G.4. William & Jeanette Gonedridge requests a changes of zoning classification from RR-1 to AU(L) and removal of an existing BDP. (24Z00003) (Tax Account 2000372) (District 1)

G.5. JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use designation from RES1:2.5 to RES 4 and CC. (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

H. UNFINISHED BUSINESS

I. NEW BUSINESS

J. BOARD REPORTS

J.1. Frank Abbate, County Manager

J.2. Morris Richardson, County Attorney

J.3. Rita Pritchett, Commissioner District 1, Vice-Chair

J.4. Tom Goodson, Commissioner District 2

J.5. John Tobia, Commissioner District 3

J.6. Rob Feltner, Commissioner District 4

J.7. Jason Steele, Commissioner District 5, Chair

K. PUBLIC COMMENTS

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the County Commission is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>

In accordance with BCC-97 Section G.1 the agenda shall provide a section for public comment at the end of each regular County Commission meeting following Board Reports. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. Speakers will be heard in the order in which they turned in a pink card asking to be heard. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda or request a staff report.

Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.1.

5/2/2024

Subject:

Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. (24Z00007) (Tax Account 2431745) (District 2) This item is requested to be continued to the June 10, 2024, P&Z/LPA and July 11, 2024, BCC meetings.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners continue the public hearing to June 10, 2024 P&Z/LPA and July 11, 2024 BCC meetings.

Summary Explanation and Background:

On April 15, 2024, the P&Z Board tabled the request to allow time for the applicant to work with staff on a revised application.

During the Public Hearing, the applicant indicated they intended to use the guesthouse as a vacation rental. Under Section 62-1932(5), Brevard County Code of Ordinances, "the structure shall not be used for rental purposes."

Clerk to the Board Instructions:

None



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

5/2/2024

Subject:

Christopher Strozier requests a change of zoning classification from RU-1-9 to RU-1-11. (23Z00086) (Tax Account 2104016) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single Family Residential).

Summary Explanation and Background:

The applicant is requesting to rezone the property from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential) to have the zoning classification consistent and compatible with the RES 4 (Residential 4) Future Land Use Map designation. This will allow for future development of one single family residence. Currently, the existing RU-1-9 zoning classification is not consistent with the RES 4 (FLUM) designation per 62-1255. Rezoning this property will correct this inconsistency.

The subject property is currently a vacant lot. Based on the best available date, the lot was created in 1960 and does not qualify as a non-conforming lot of record because at that time, it did not meet the lot width. The surrounding properties have been developed as single-family residences and were typically constructed in the 1960's.

Additionally, the applicant applied for variance for the lot width, to permit a 13% deviation for the lot width in a RU-1-11 zoning classification. The variance was approved on March 20, 2024, by the Board of Adjustment (BOA).

There are no parcels with RU-1-11 zoning located within the 0.5-mile radius of the subject property. The request could be considered an introduction of a new zoning classification in the area (spot zoning). However, the request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends.

The Board may wish to consider if the request is consistent and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

On April 15, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

None

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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 Building A, Room 114
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 (321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
 23Z00086**

Christopher Strozier

RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2104016
 Parcel I.D. 21-35-18-00-779
 Location: 2466 Kaiser Road, Mims, FL 32754 (District 1)
 Acreage: 0.31 acres

Planning & Zoning Board: 04/15/2024
 Board of County Commissioners: 05/02/2024

Consistency with Land Use Regulations

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-9	RU-1-11
Potential*	1 single-family	1 single-family
Can be Considered under the Future Land Use Map	No RES 4	Yes RES 4

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

Background and Purpose of Request

The applicant has requested a change of zoning classification from RU-1-9 (Single-family Residential) to RU-1-11 (Single-family residential) to allow a zoning consistent with the RES 4 FLUM designation. The applicant intends to construct a new single-family residence on this property.

On May 22, 1958, Brevard County adopted the zoning code, and the subject parcel was established with the zoning classification of RU-1, Single-Family Residential Zone. Based on the best available date, the lot was created in 1960 and does not qualify as a non-conforming lot of record.

This lot has not been platted. It is the only vacant lot in this small neighborhood. The surrounding properties have been developed as single-family residences and were typically constructed in the 1960's.

On June 1, 1972, the zoning classification RU-1 was replaced with the RU-1-9, Single-Family Residential zoning classification.

On September 8, 1988, Brevard County established the Comprehensive Plan and the Future Land Use Map (FLUM) and the parcel was established with the RES 4 Future Land Use. The RES 4 FLU is not consistent/compatible with the RU-1-9 zoning classification. Per section 62-1188(5) the parcel was considered nonconforming to the RES 4 FLU as the parcel was of record in the Official Record Books of the County when the Comprehensive Plan was established.

On March 20, 2024, the Board of Adjustment approved a 10-foot variance to the minimum lot width requirement of 75 feet required by RU-1-11 zoning regulations under Variance application (**23V00047**).

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RU-1-9	RES 4
South	Single-family residence	RU-1-9	RES 4
East	Single-family residences.	RU-1-9	RES 4
West	Vacant single-family property FPL substation	AU	RES 1

The current RU-1-9 classification permits single family residences on minimum 6,600 square foot lots, with a minimum width of 66 feet and depth of 100 feet. The minimum house size is 700 square feet. It was rezoned administratively by the Board of County Commissioners under zoning file Z2980 which became effective June 1, 1972.

The proposed RU-1-11 classification permits single-family residences on a minimum of 7,500 square foot lots with a minimum width of 75 feet and depth of 75 feet. The minimum house size is 1,100 square feet.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750

square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

Future Land Use

The subject property is currently designated as Residential 4 (RES 4) FLUM designation. The current RU-1-9 zoning is not consistent with the existing RES 4 FLUM designation. The proposed RU-1-11 zoning is consistent with the existing RES 4 FLUM designation.

The applicant’s request can be considered consistent with the existing Future Land Use. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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

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

Criteria:

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

The applicant intends to construct a single-family residence on this vacant property. The request is not anticipated to diminish the enjoyment of, safety or quality of life in the existing residential area.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) 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 historical land use patterns of the surrounding development can be characterized as single-family residences on properties 0.24 acres to 1.61 acres in size.

There are four (4) FLU designations (RES 1, RES 4, NC, and CC) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area although commercial land uses are prominent along the US Highway 1 corridor which is within the 0.5-mile radius of the subject.

There are multiple zoning classifications within a 0.5-mile radius of the subject. They include AU, RR-1, SR, RU-1-7, RU-1-9 and RU-1-13 residential zones, BU-1 and BU-2 commercial zoning classifications, IN(L) institutional low intensity and GML government managed land classifications.

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

There has been no development within 0.5 miles during the preceding three years.

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

While there has been no development approved within the past three years that has not been constructed, there have been two zoning actions, 23Z00006 and 23Z00041, within a half-mile of the subject property within the last three years. These are adjacent properties located on US Highway 1 which were rezoned to BU-2, Retail, Warehousing and Wholesale Commercial with Binding Development Plans that allow a self-storage, mini-warehouse with outdoor storage of recreational vehicles and boats.

- 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 has been identified.

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

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

There are no parcels with RU-1-11 zoning located with the 0.5-mile radius of the subject property. The request could be considered an introduction of a new zoning classification in the area (spot zoning), however, the request provides consistency with the FLUM and zoning classification. It will also recognize existing development trends. RU-1-11 requires a larger lot and dwelling size than RU-1-9.

The request is not anticipated to materially or adversely impact the surrounding

established residential neighborhood.

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

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

The property is not located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries. The road boundaries are Smith Road to the north, Folsom Road (Singleton Ave extension) to the east, West Main Street.

(State Road 46) to the south and the Florida Power and Light substation to the west.

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 request is not for commercial use. It is for single-family residential zoning in an existing single-family residential neighborhood.

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

The area is primarily single-family residential with commercial zoning located exclusively along the US Highway 1 corridor to the east.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR46 from Interstate 95 to US 1, which has a Maximum Acceptable Volume (MAV) of 14,160 trips per day, an Acceptable Level of Service (ALOS) of D, and currently operates at 78% of capacity daily. The addition of one single-family dwelling unit will have a minimal impact on level of service. Specific concurrency issues will be addressed at the time of building permit review. This is only a preliminary review and is subject to change.

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

There is a County sanitary sewer force main along Smith Road, just to the north of the property. There are County potable water service lines along Kaiser Road that will serve

the property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Protected and Specimen Trees – Unpermitted Land Clearing
- Protected Species

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board should consider whether the proposed zoning request is consistent and compatible with the surrounding area. The Board may also consider reconciling the existing development with current land use and zoning requirements.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23Z00086

Applicant: Christopher Strozier (Owner: Universal Investment & Solutions LLC)

Zoning Request: RU-1-9 to RU-1-11

Note: To be consistent with RES 4 FLU

Zoning Hearing: 02/12/2024; **BCC Hearing:** 03/07/2024

Tax ID No.: 2104016

- 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:

- Protected and Specimen Trees – Unpermitted Land Clearing
- Protected Species

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

Land Use Comments:

Protected and Specimen Trees

Protected and Specimen Trees likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance Section 62-4337, entitled Permit Application Requirements and Review Process, states that a permit shall be required prior to any land clearing activities unless exempt. 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. The confirmation of unpermitted land clearing activities may result in code enforcement action. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

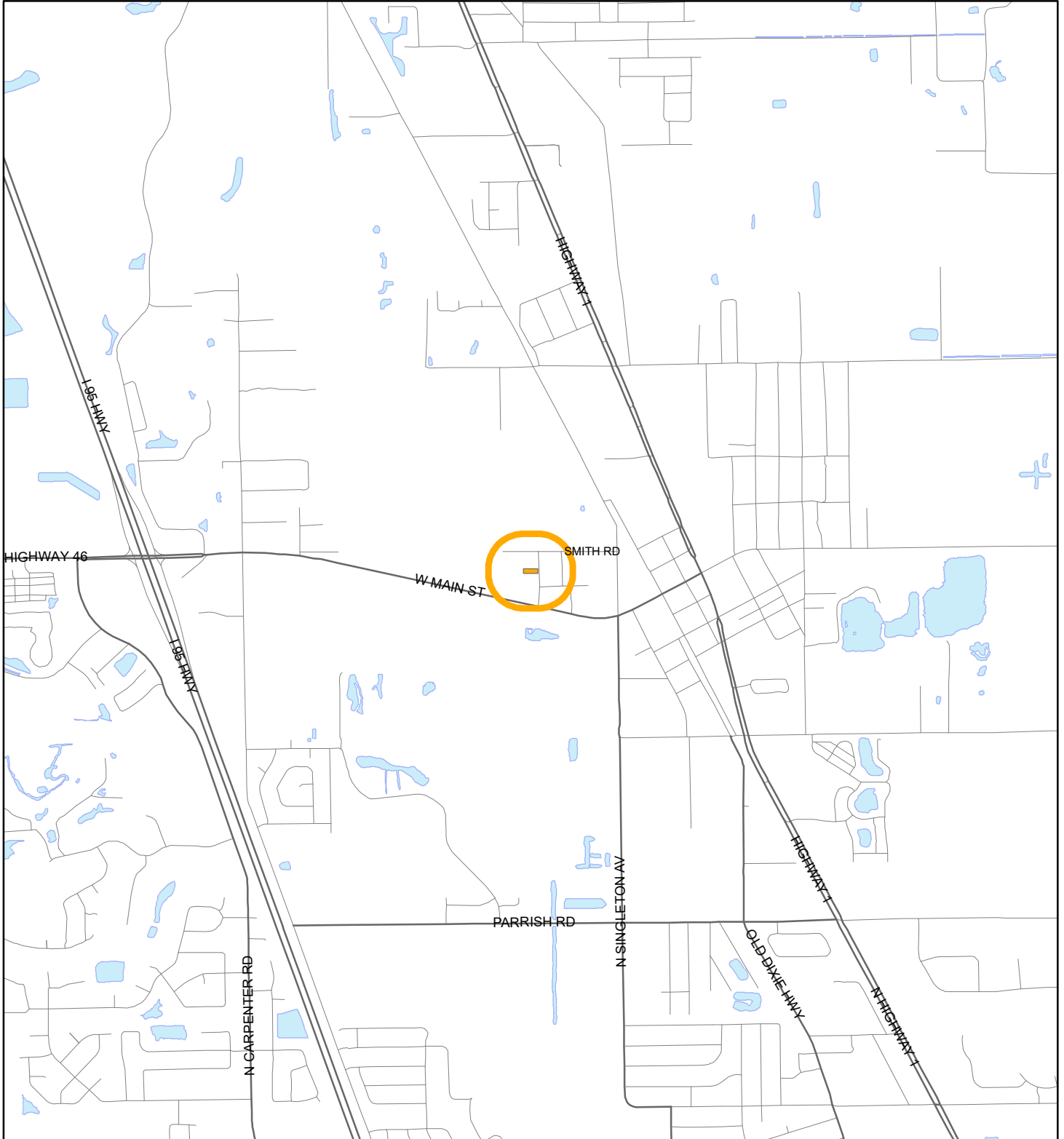
Federally and/or state protected species may be present on the property. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida

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.

LOCATION MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086





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

Buffer Distance: 500 feet

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

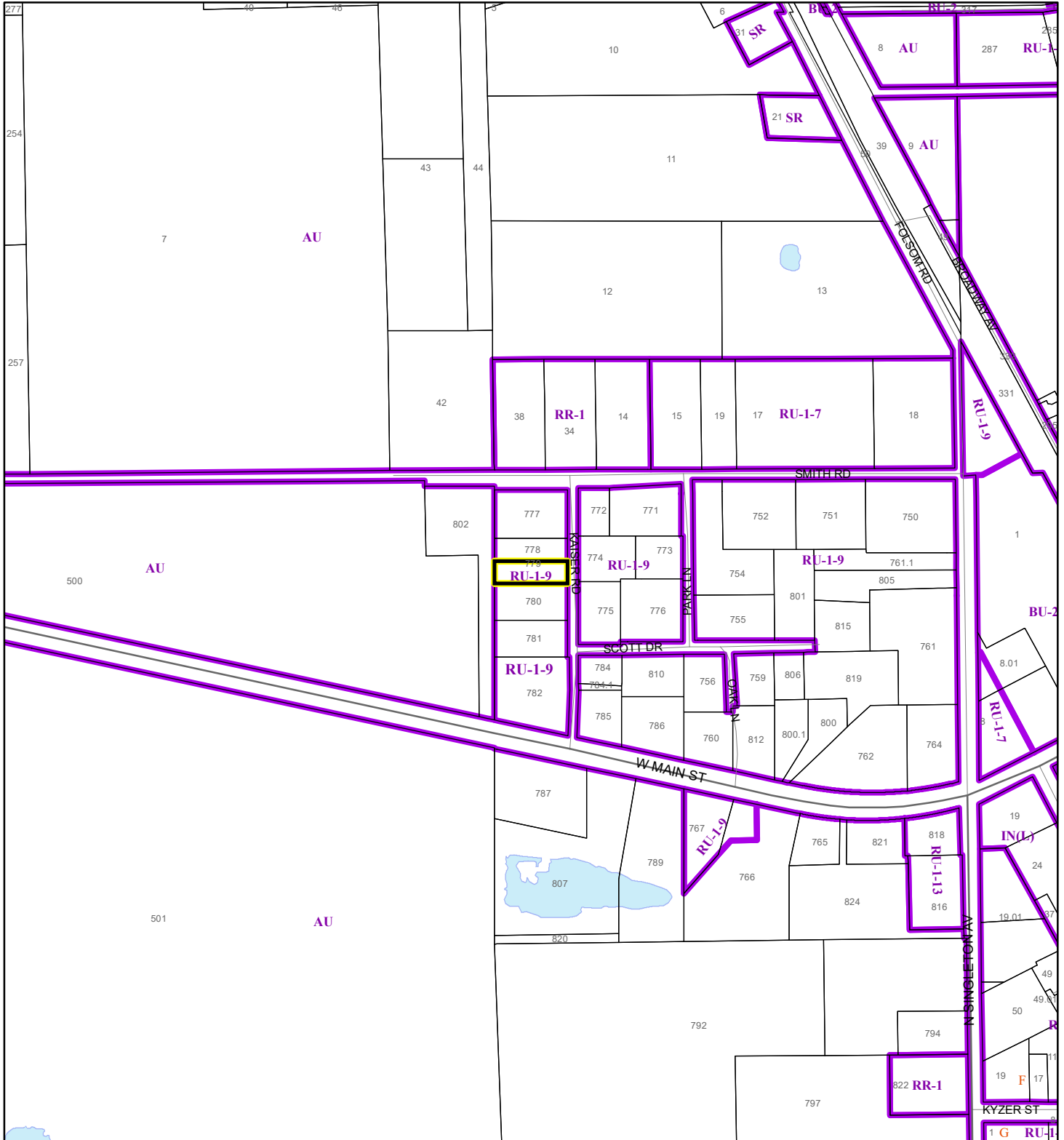
Produced by BoCC - GIS Date: 12/5/2023

-  Buffer
-  Subject Property

ZONING MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC


23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

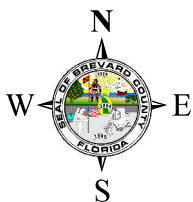
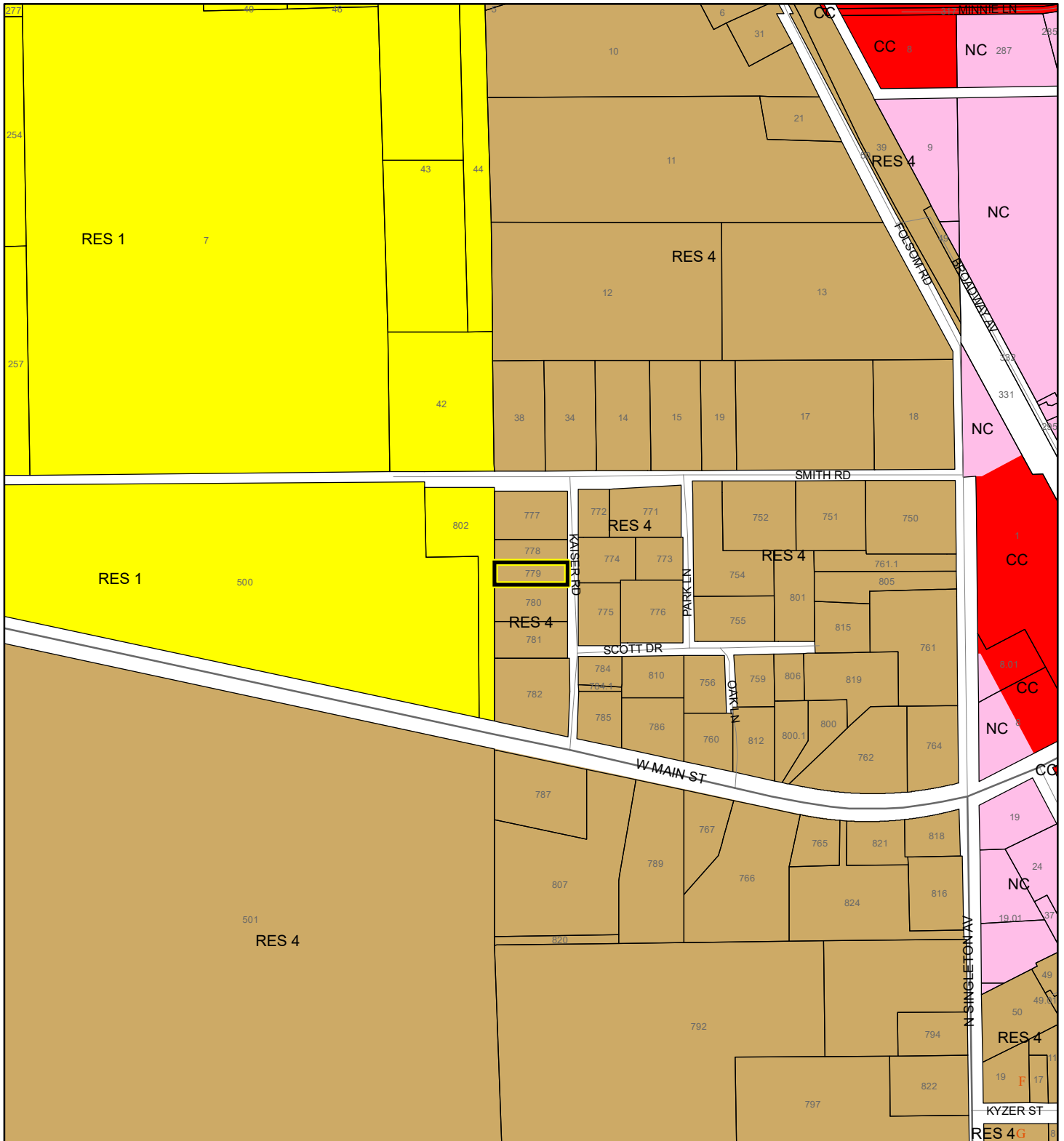
 Parcels

 Zoning



FUTURE LAND USE MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

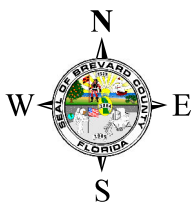
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/5/2023

AERIAL MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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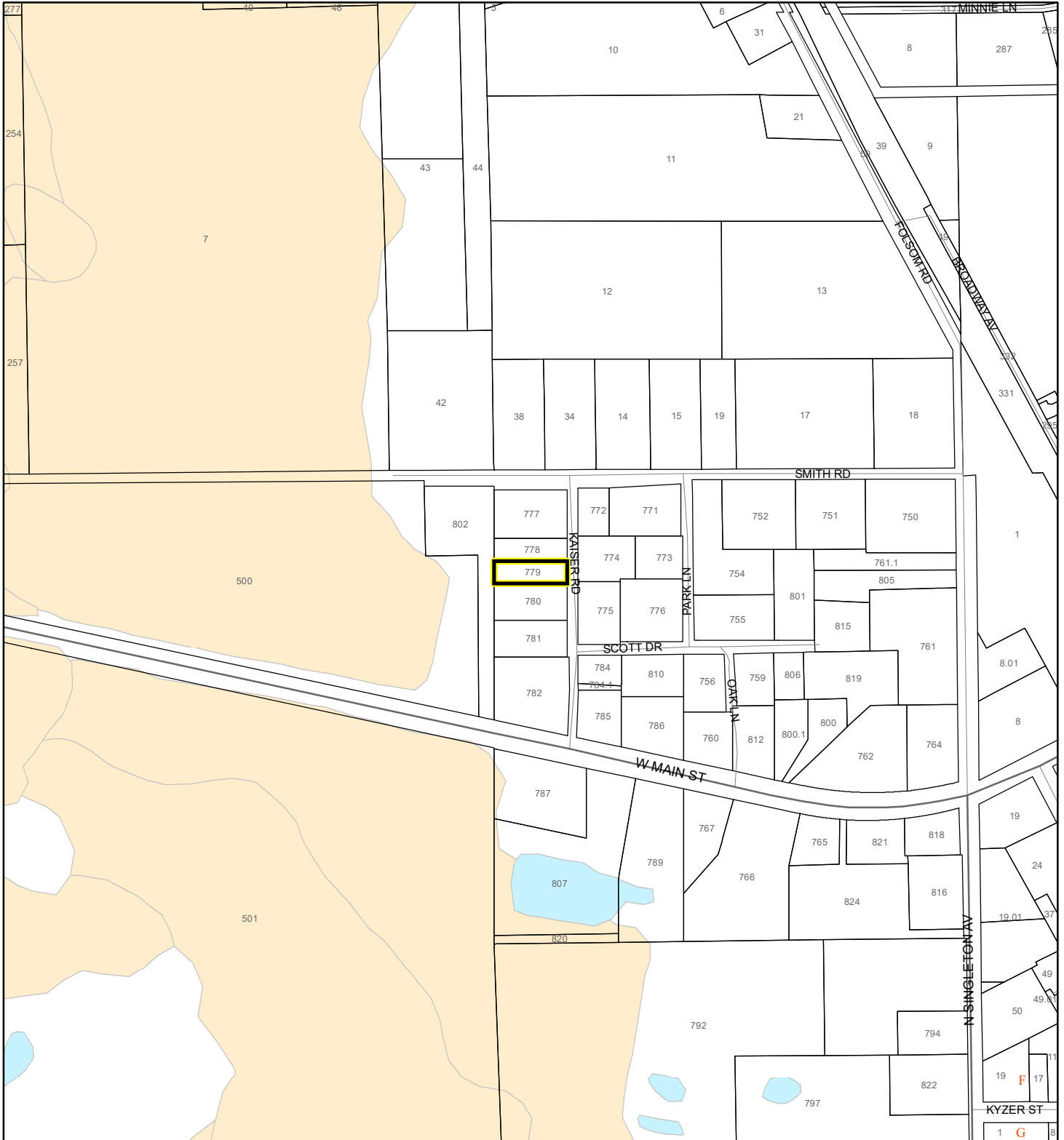
 Subject Property

 Parcels

NWI WETLANDS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

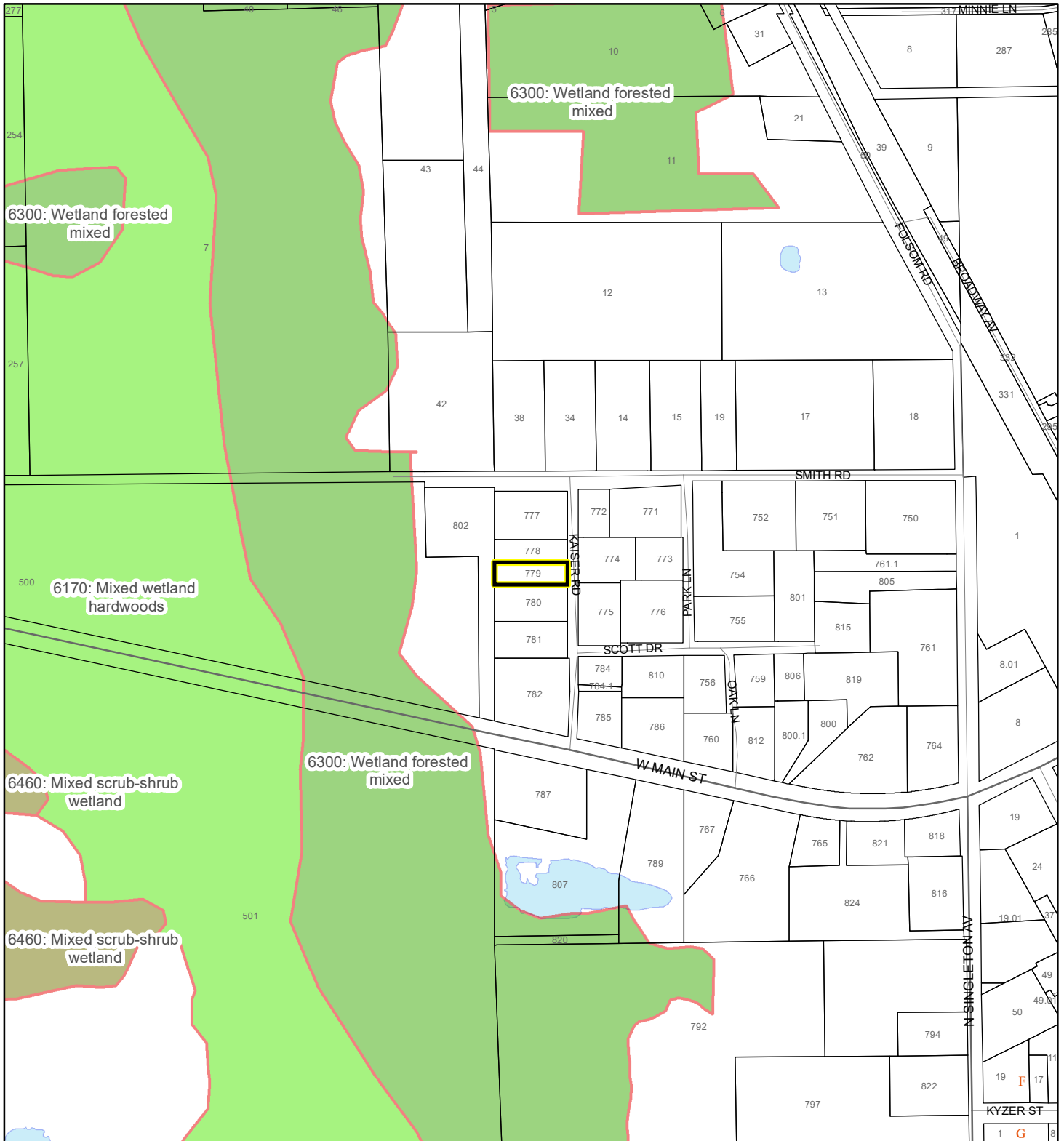
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 12/5/2023

SJRWMD FLUCCS WETLANDS

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

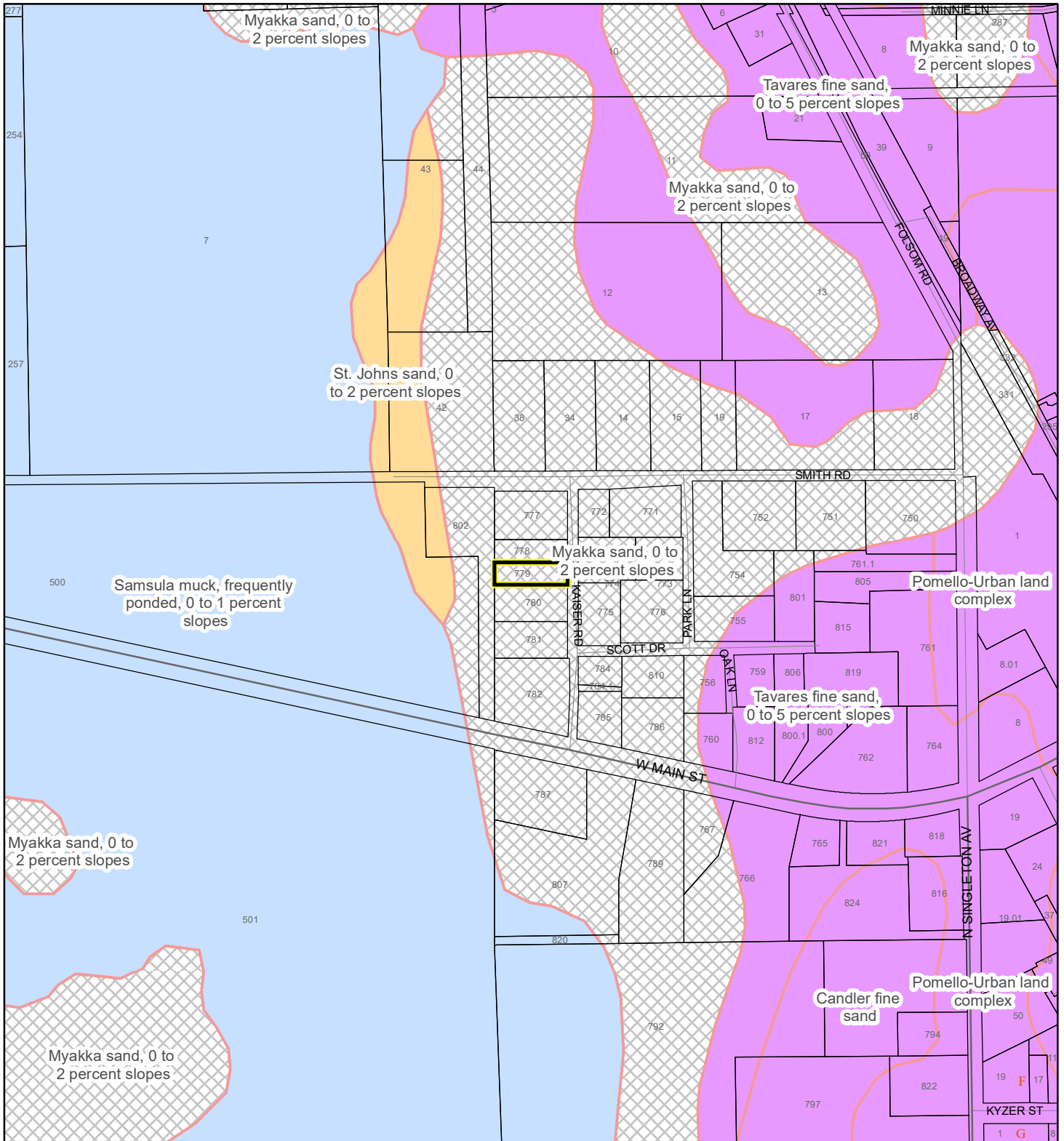
Subject Property

Parcels

USDA SCSSS SOILS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

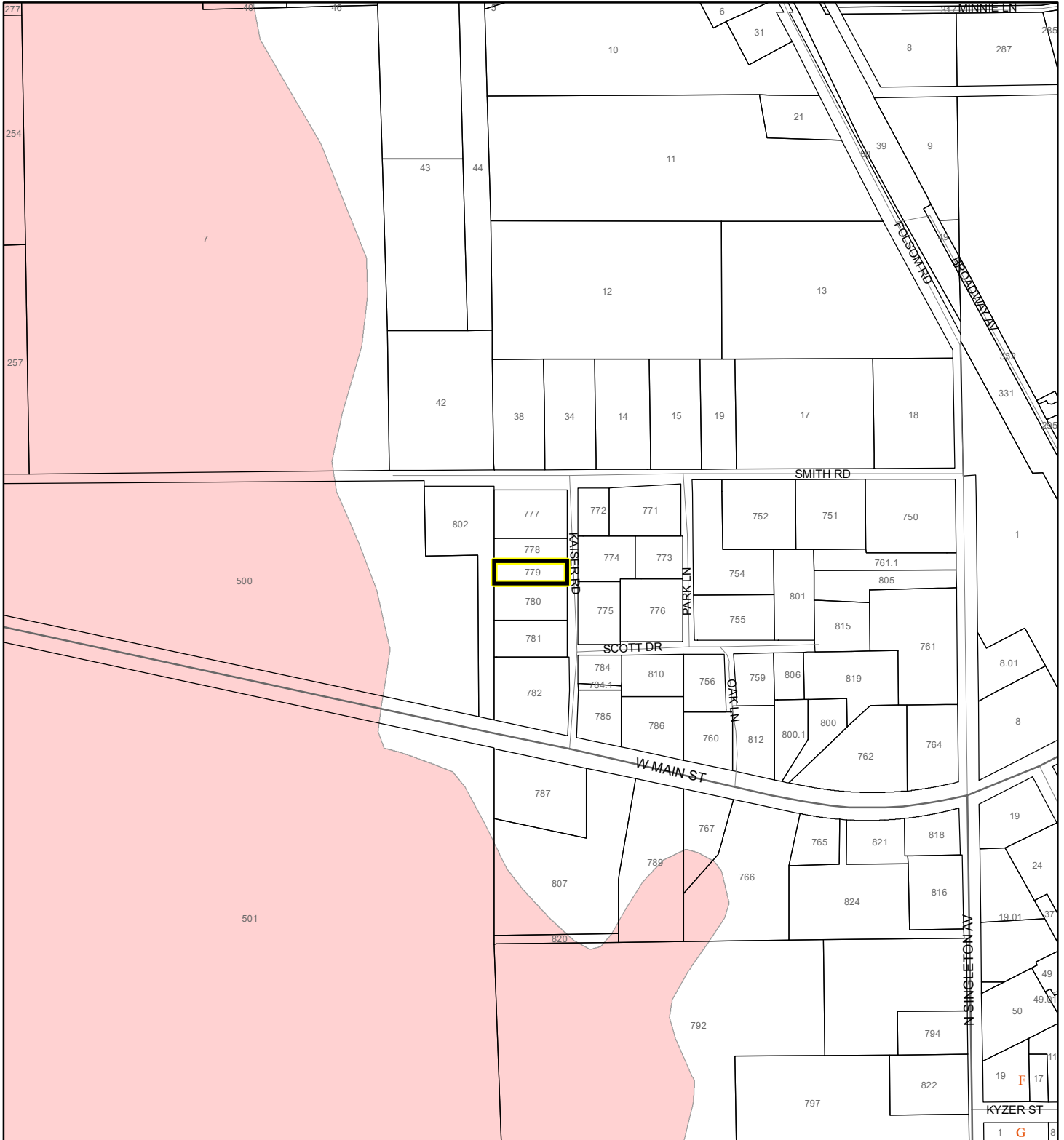
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

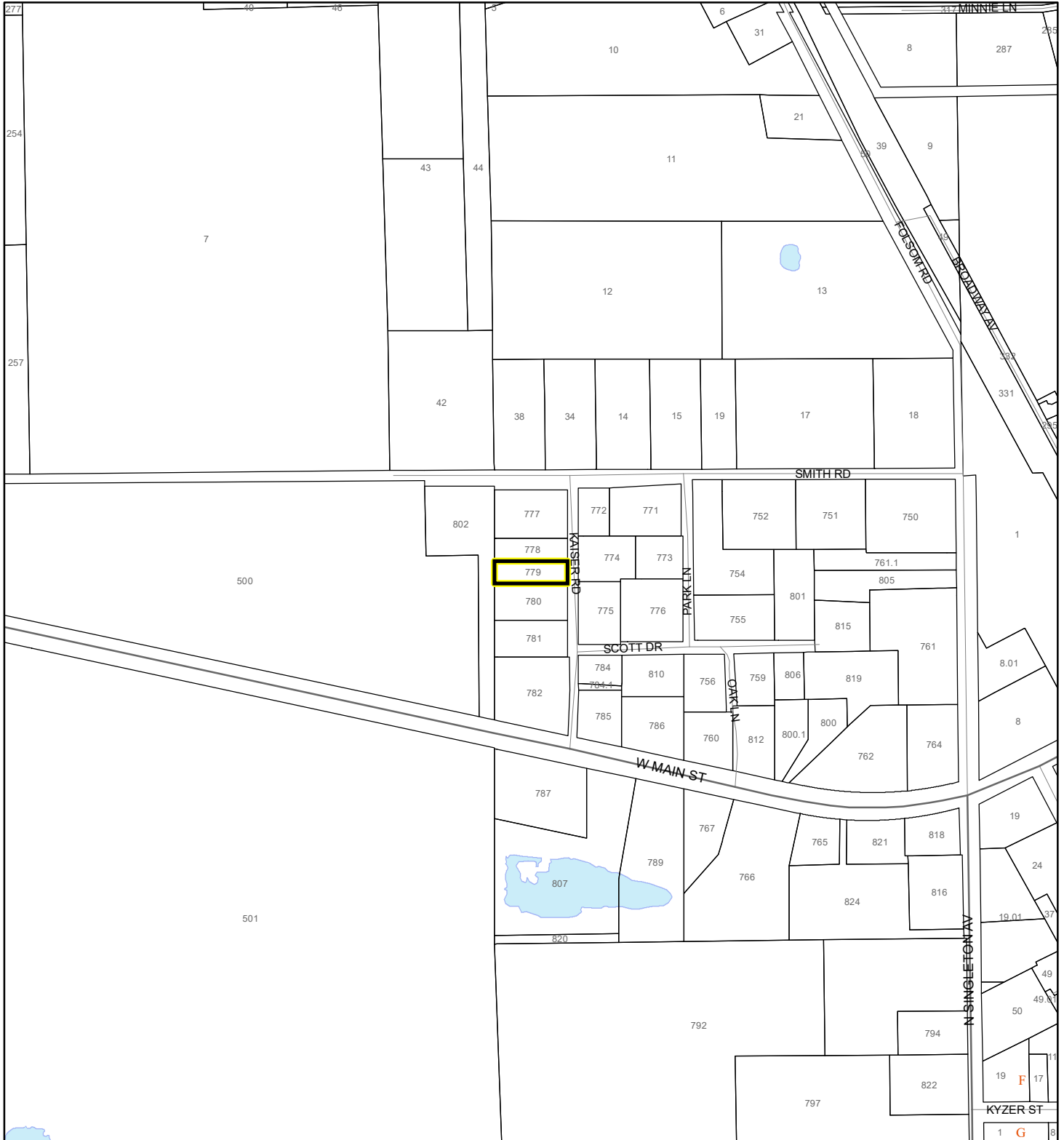
FEMA Flood Zones

- | | | |
|--|--|---|
|  A |  AO |  X |
|  AE |  Open Water | |
|  AH |  VE | |
|  Subject Property |  Parcels | |

COASTAL HIGH HAZARD AREA MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

 Parcels

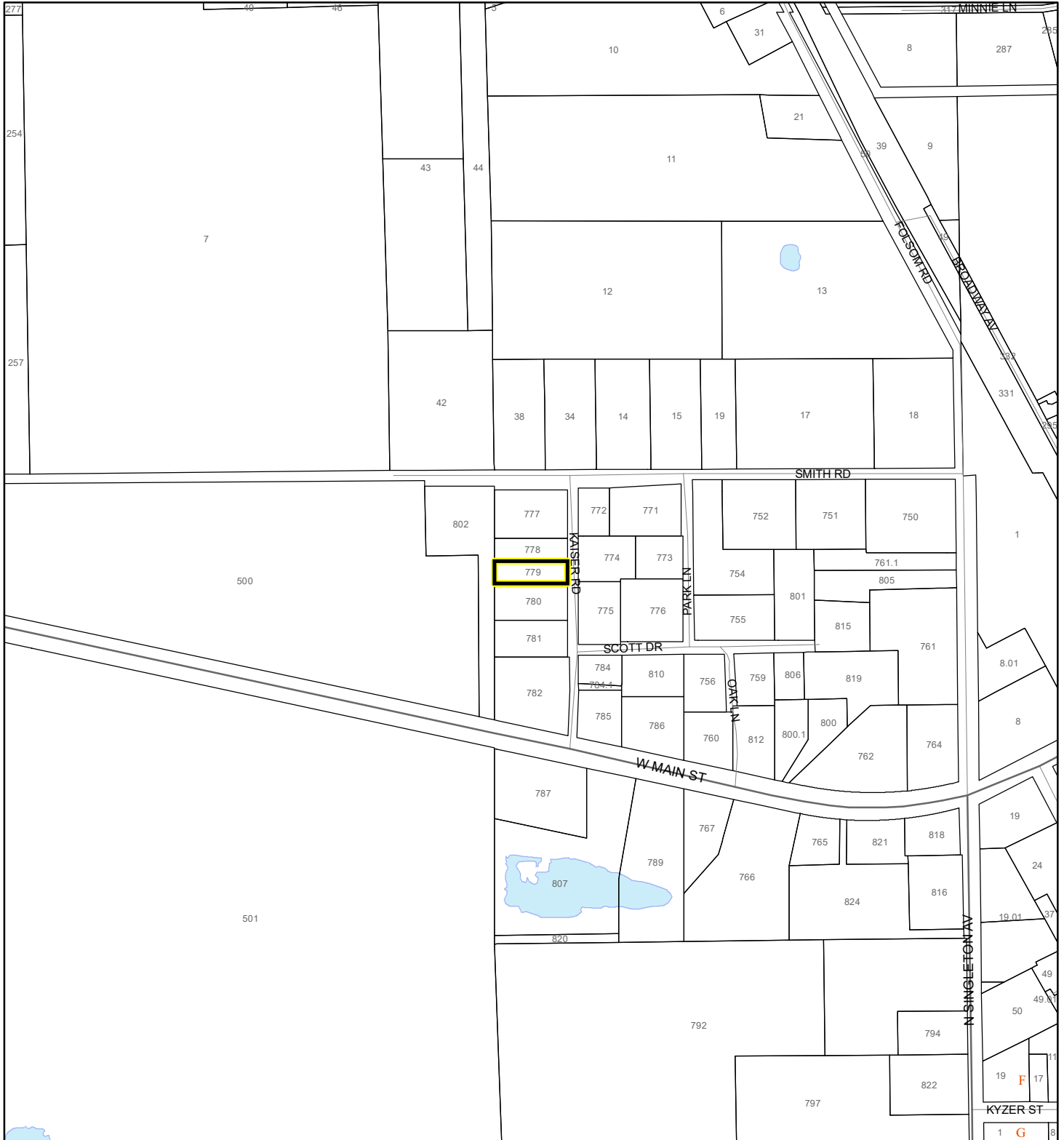
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

 Subject Property

 Parcels

Septic Overlay

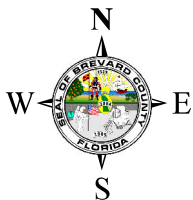
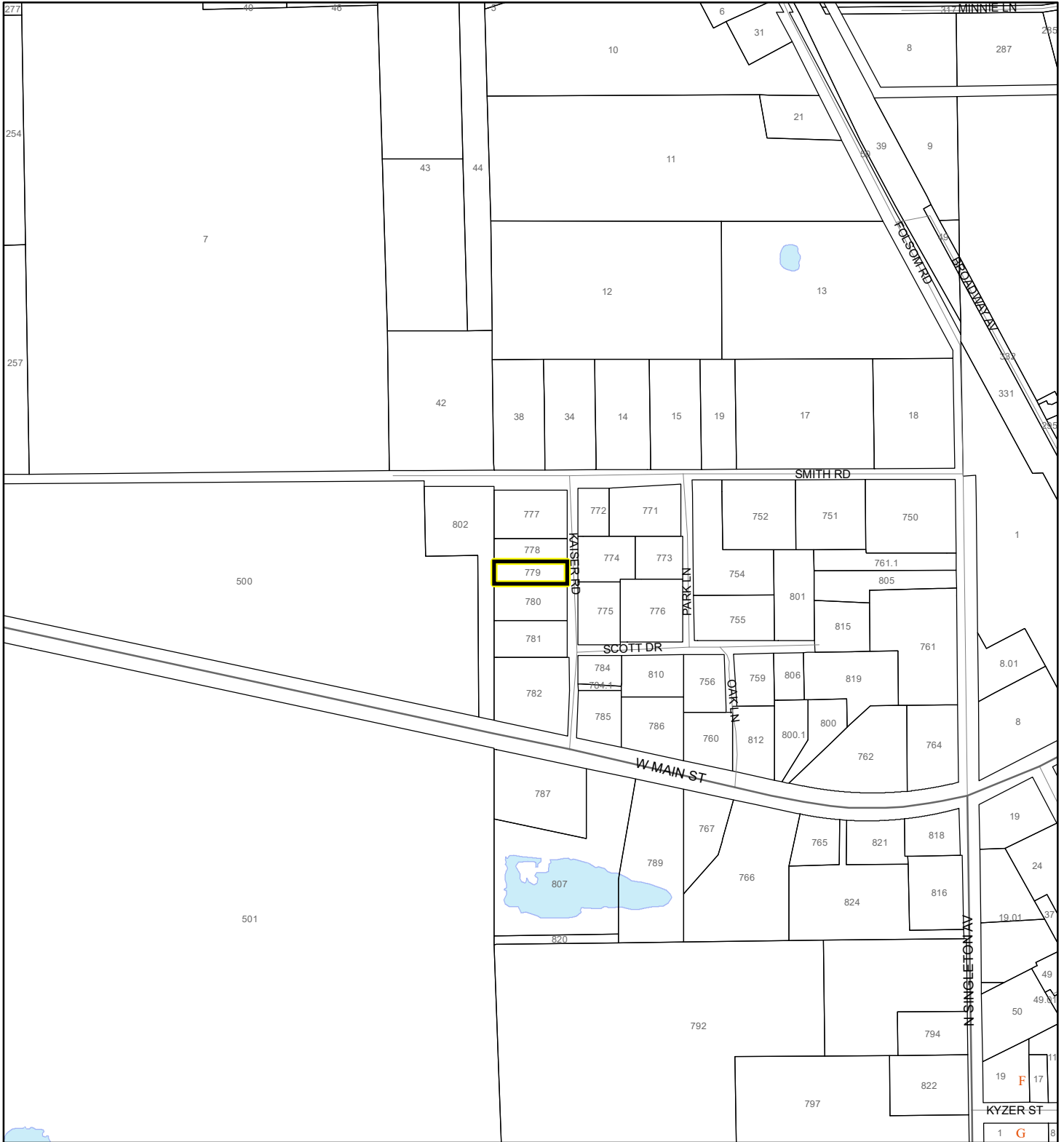
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC
23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

Subject Property

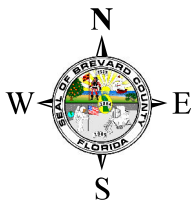
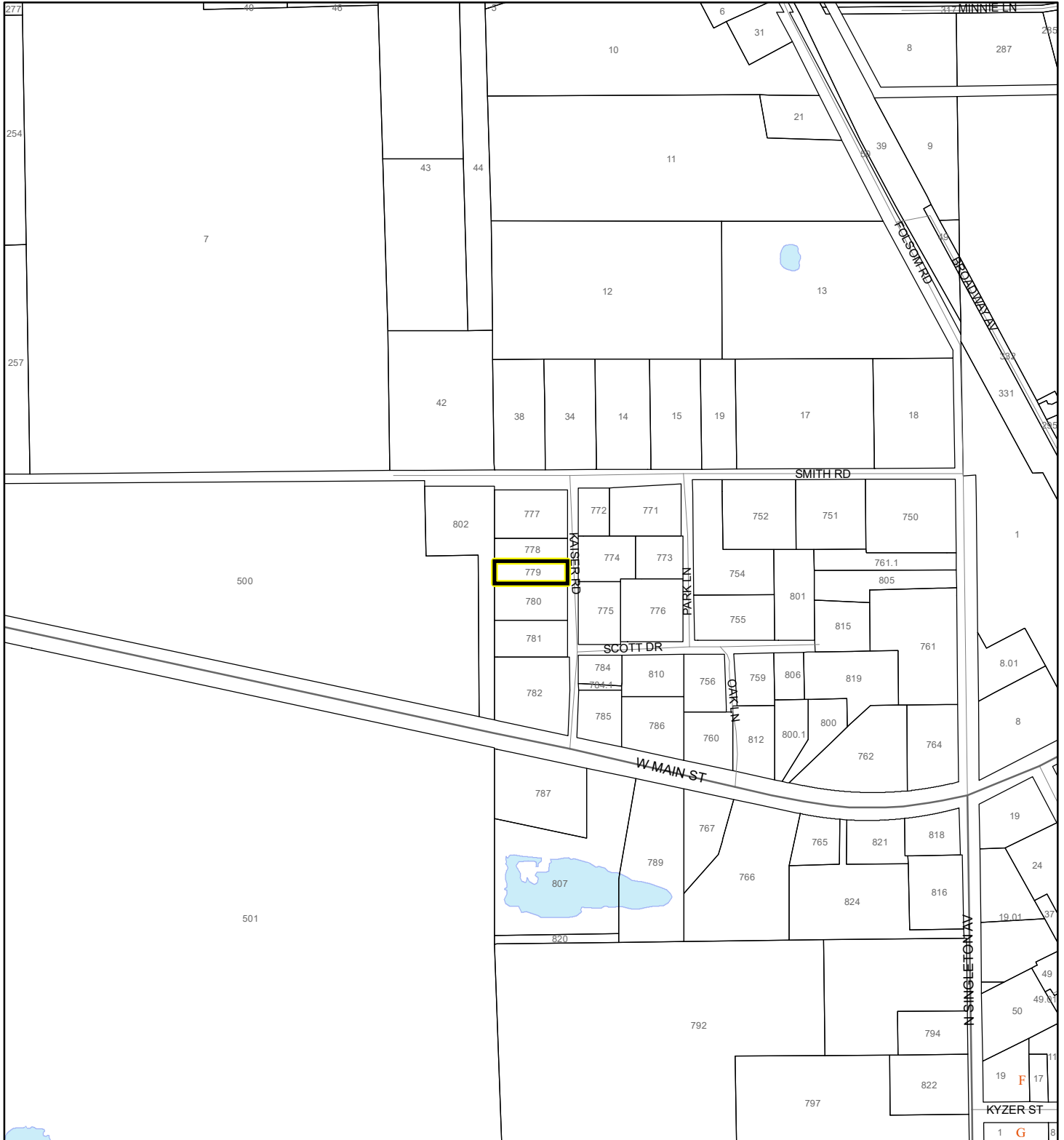
Parcels

Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC




23Z00086



1:4,800 or 1 inch = 400 feet

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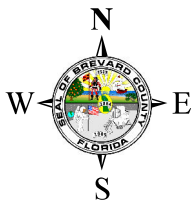
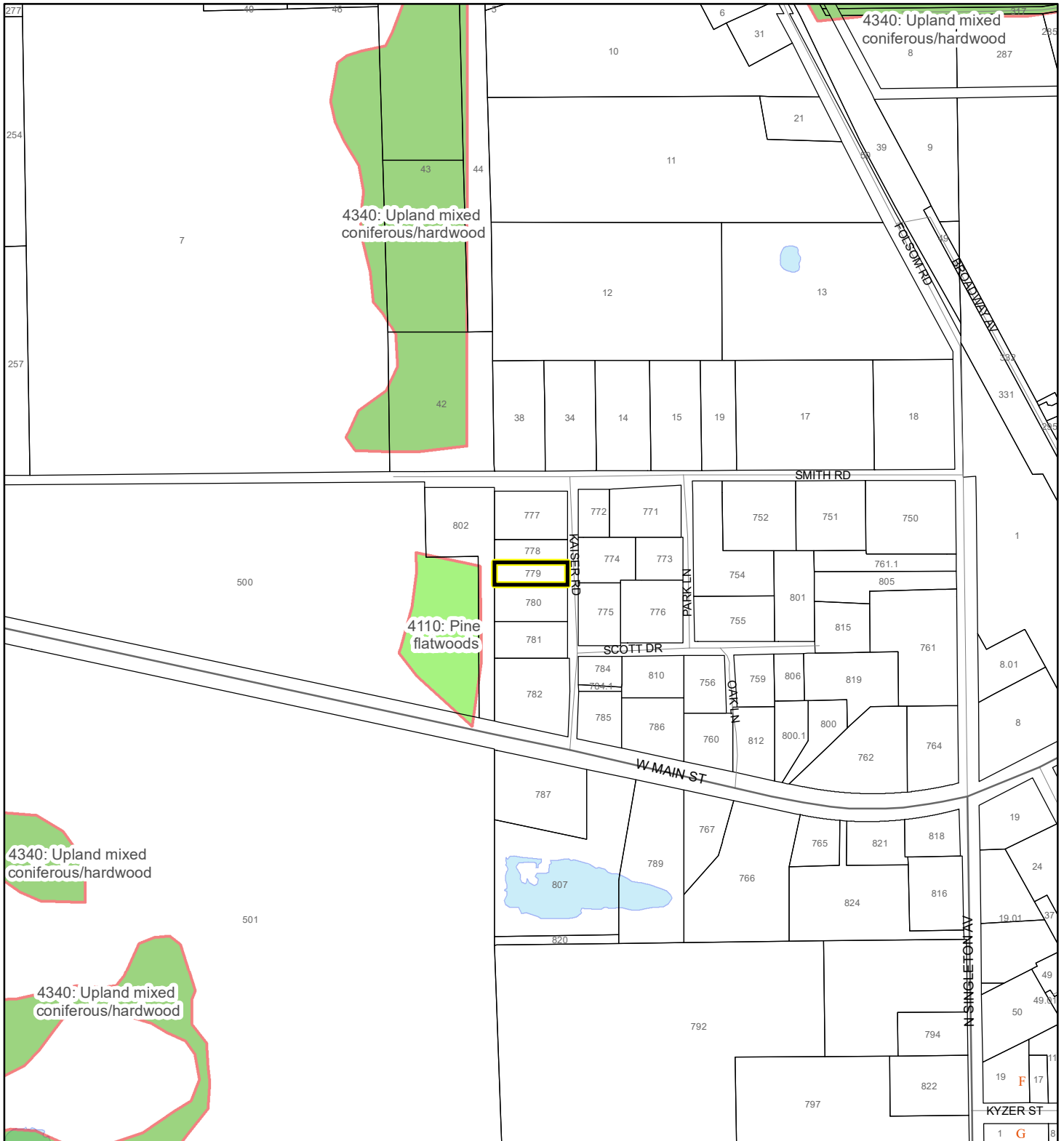
Produced by BoCC - GIS Date: 12/5/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/5/2023

SJRWMD FLUCCS Upland Forests

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

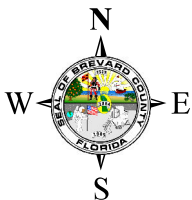
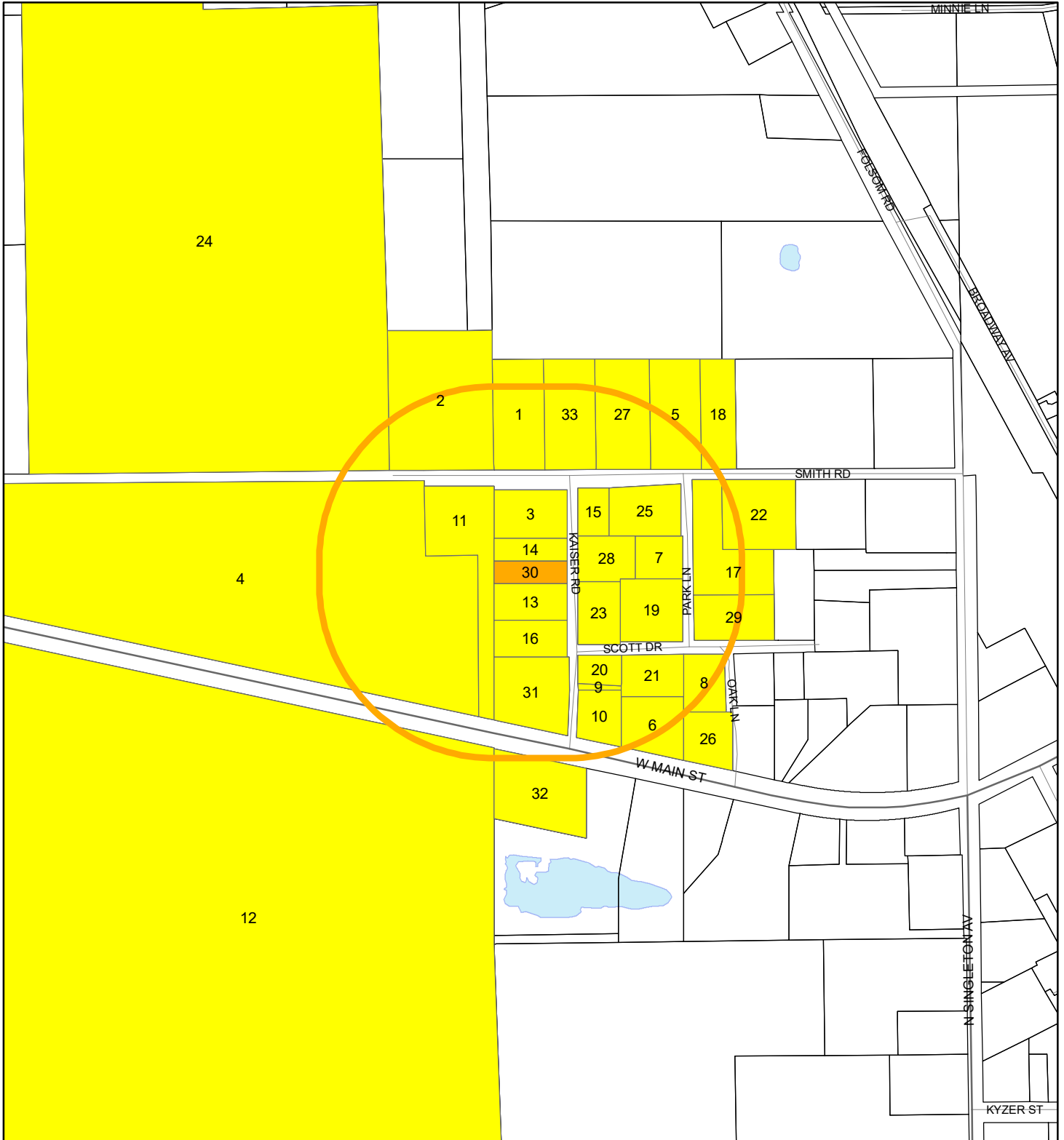
Subject Property

Parcels

RADIUS MAP

UNIVERSAL INVESTMENT & SOLUTIONS LLC

23Z00086







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 12/5/2023

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Sandra Collins, Planner I, and Kristen Champion, Special Projects Coordinator.

Excerpt of Complete Agenda

Christopher D. Strozier requests a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential). The property is 0.31 acres, located on the west side of Kaiser Rd., approx. 203 ft. south of Smith Rd. (2465 Kaiser Rd., Mims) (23Z00086) (Tax Account 2104016) (District 1)

Paul Body read the application into the record and informed the Board that this is a readvertised application.

Mr. Strozier stated he is looking to rezone the property to make it conforming to build a new single-family home.

No Board comment.

No public comment.

Motion to approve rezoning from RU-1-9 to RU-1-11 by Ron Bartcher, seconded by Henry Minneboo. The vote was unanimous.

John Hopengarten asked staff what this means for neighboring properties, would they have to changes zonings too?

Jeffrey Ball responded with not necessarily. It will depend on if they have structures on the property, then it could have different parameters as to whether or not it could be viewed as a nonconforming lot of record.

John Hopengarten asked if any neighbors wanted to do a renovation to their home, would we require it?

Jeffrey Ball responded with no, not for a renovation.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

5/2/2024

Subject:

Jonathan & Emily Schoolfield requests a change of zoning classification from AU to RRMH-1. (24Z00001) (Tax Account 2443960) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home).

Summary Explanation and Background:

The applicants are requesting to rezone from AU (Agricultural Residential use) to RRMH-1 (Rural Residential Mobile Home) to allow a mobile home. The subject property was rezoned in 2023 from GU to AU via Resolution 23Z00037. The current AU zoning allows for a single-family residence on a lot size of 2.5 acres; however, the classification requires 10 acres for a mobile home. The property owners want to install a mobile home and need to rezone to allow this type of building. The proposed RRMH-1 zoning classification would allow 1 mobile home and meet the development standards for RRMH-1.

The subject property is currently designated as Residential 1 (RES 1) FLU. Both the current AU zoning and proposed RRMH-1 zoning classifications can be considered consistent with the RES 1 FLU designation.

There is an existing pattern of undeveloped properties surrounding the subject parcel on large lots greater than 1 acre. The predominate zoning classification in the surrounding area is AU. There are 2 properties zoned RRMH-1.

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

On April 15, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

None

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

**STAFF COMMENTS
 24Z00001**

Jonathan and Emily Ann Schoolfield

AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home)

Tax Account Number: 2443960
 Parcel I.D.: 24-35-08-01-10-11
 Location: South side of Cherven Avenue, approximately 1635 feet east of Satellite Blvd and 352.7 feet northwest of Palmetto Av. (District 1)
 Acreage: 4.7 acres
 Planning & Zoning Board: 04/15/2024
 Board of County Commissioners: 05/02/2024

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	AU	RRMH-1
Potential*	1 single-family	2 single-family
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

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

Background and Purpose of Request

The applicants are requesting to rezone from AU (Agricultural Residential use) to RRMH-1 (Rural Residential Mobile Home) to allow a mobile home. The subject was rezoned in 2023 from GU to AU via Resolution 23Z00037. The current AU zoning allows for a single-family residence on a lot size of 2.5 acres however, requires 10 acres for a mobile home. The property owners want to install a mobile home and need to rezone to allow this type of building. The proposed RRMH-1 zoning classification would allow 2 single mobile homes and meet the development standards for RRMH-1.

The subject parcel was recorded in Survey Book 2, Page 61 on September 1960. Lots 11 and 12 were combined and considered a single lot with its size of 4.7 acres. The subject parcel has a concrete pad on site with a storage type shed or container.

There are two Code Enforcement cases (20CE-01724 & 20CE-01411) associated with the property related to work without permits, (1) alteration of swale (filled in) along county-maintained roadway, (2) land clearing, placement of fill, and wetland impacts. The resulting zoning action will have no effect on the code enforcement cases. These cases were issued to the prior owners of the subject property.

Future Land Use

The subject property is currently designated as Residential 1 (RES 1) FLU. Both the current AU zoning and proposed RRMH-1 zoning classifications can be considered consistent with the RES 1 FLU designation. There is only one Future Land Use Designation, RES 1, within 500-feet of the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	GU	RES 1
South	Vacant	GU	RES 1
East	Vacant	GU/RRMH-1	RES 1
West	Vacant	GU	RES 1

AU zoning is an agricultural classification that allows for a single-family home on a minimum 2.5-acre site with a minimum width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

GU zoning allows for rural single-family development, or unimproved land for which there is not a definite current proposal for development, or land in areas lacking specific development trends.

RRMH-1 zoning permits a mobile home or single-family residence on a minimum lot size of 1 acre with a width and depth of 125 feet. The minimum living area is 600 square feet.

Applicable Land Use Policies

FLUE Policy 1.9 –The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within 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;

This request is not anticipated to significantly diminish the enjoyment or safety or quality of life if developed with a single-family home. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 for hours of operation, lighting, odor, noise levels, traffic, or site activity.

- 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;

There is one (1) FLU designation (RES-1) within a 0.5-mile radius of the subject property. The general area is undeveloped in character with larger lots.

Properties in the area range in size from approximately 1 acre to 9.4 acres.

There have been no zoning actions within a half-mile radius of the subject property within the last three years other than the subjects' rezoning from GU to AU via Resolution 23Z00037 dated August 3, 2023.

2. actual development over the immediately preceding three years; and
3. development approved within the past three years but not yet constructed.

There has been no development approved within the last three years.

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

The proposed use would not result in a material violation in any elements of the Comprehensive Plan.

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

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The proposed rezoning is for a classification of RRMH-1 which requires 1 acre of land. The site is suitable for a mobile home. The surrounding land uses include GU (General Use) which requires 5 acres to develop, AU which requires 2.5 acres to develop, but 10 acres for a manufactured home and RRMH-1 which requires a single acre for a manufactured home.

There is an existing pattern of undeveloped properties surrounding the subject parcel on large lots greater than 1 acre. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.

- 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 subject is located within West Canaveral Groves area which according to Sec 62-510 is defined as all land laying within Sections 8, 17, 20, 29, Township 24, Ranch 35, south of SR 528 and north of SR 520 herein referred to as the West Canaveral Groves area.

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 request is not for commercial use.

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

There are two parcels zoned RRMH-1. The first abuts the subject on the southeast corner and is undeveloped. The second is located approximately 1,405 feet southwest of the subject and is improved with a mobile home. The proposed RRMH-1 would allow the splitting of the lot, allowing for 2 single family homes.

Analysis of Administrative Policy #7

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

A re-zoning to RRMH-1 is not anticipated to impact of drainage to surrounding properties nor have signification impact on wetland, water bodies or habitat for listed species. The subject has two code enforcement cases pending. The first is 20CE-01411 which is for unpermitted land clearing and filling including wetlands. The second is 20CE-01724 which is for work without permits. These cases were filed against the previous property owner.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Adamson Road, from Pine Street to Highway SR-524, which has a Maximum Acceptable Volume (MAV) of 17,700 trips per day, a Level of Service (LOS) of D, and currently operates at 31.92% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 32.03% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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

Water will be provided by the city of Cocoa. There are no sewer lines. The applicant will be installing septic.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

The entire 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.** The wetland delineation shall be verified at time of site plan 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.**

Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. A Notice of Violation is pending. (20CE-01411).

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 24Z00001

Applicant: Jonathon Mark Schoolfield (Owner: Jonathon Mark Schoolfield)

Zoning Request: AU to RRMH-1

Note: 20CE -01411: Lot cleared and fill brought in (2020)

Zoning Hearing: 03/18/2024; **BCC Hearing:** 04/04/2024

Tax ID No.: 2443960

- 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.**
- **During review of this parcel, information indicates that there are two open code enforcement cases. The first case is 20CE-01411 for unpermitted land clearing and unpermitted filling, including in wetlands. The second case is 20CE-01724 for work without permits. Both cases are pending.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

The entire 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.** The wetland delineation shall be verified at time of site plan or building permit submittal.

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Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. A Notice of Violation is pending. (20CE-01411).

Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Basinger sand; Pompano sand, 0 to 2 percent slopes; Malabar sand, 0 to 2 percent slopes; and Terra Ceia muck, frequently flooded); 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 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

This property contains Basinger sand which may function as an aquifer recharge soil. 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.

Land Clearing and Landscape Requirements

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

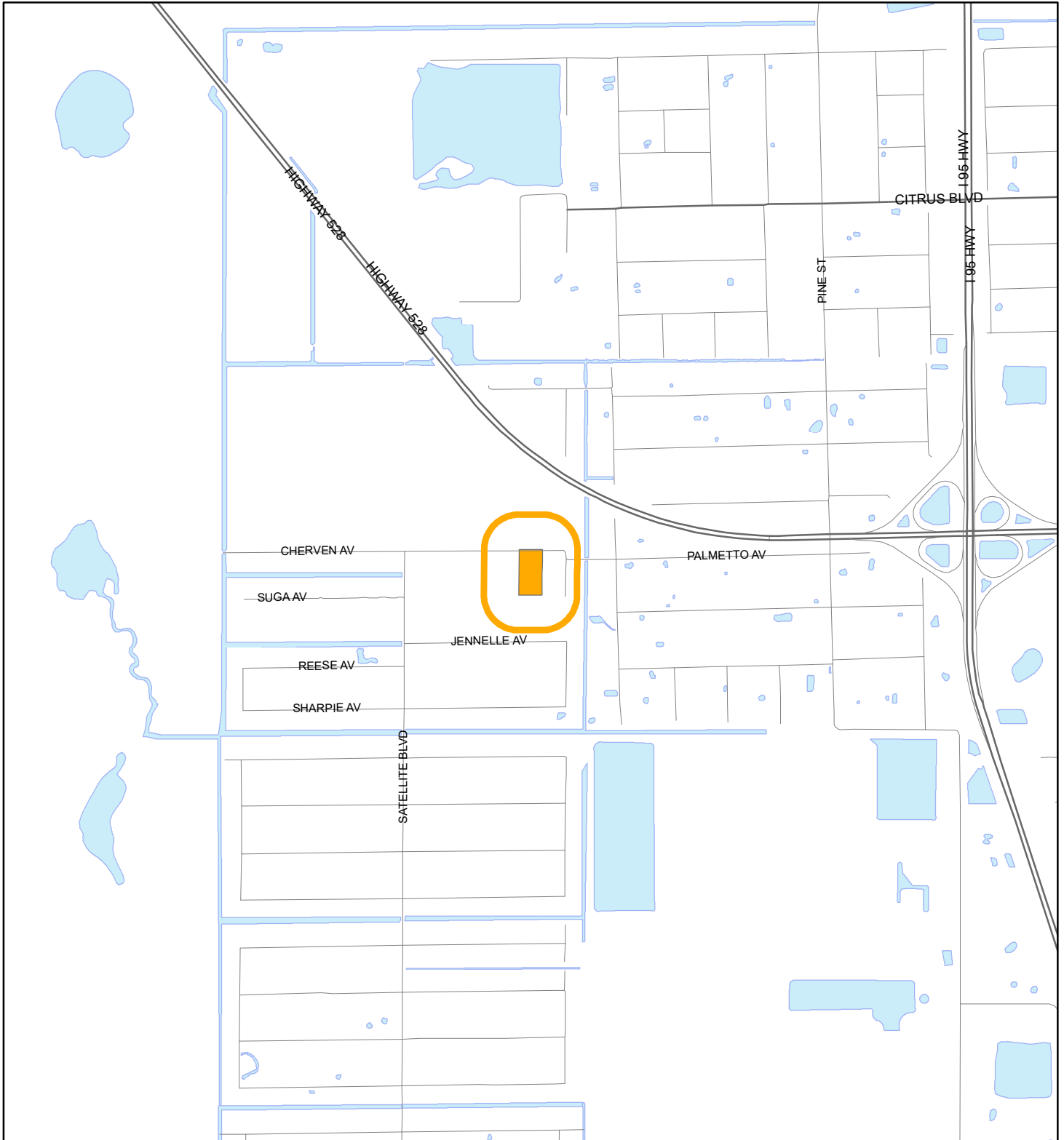
Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, in 2020/2021. Brevard County code enforcement cases 20CE-01411 and 20CE-01724 are pending.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortises 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.

LOCATION MAP

Schoolfield, Jonathan & Emily
24Z00001





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

Buffer Distance: 500 feet

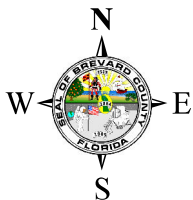
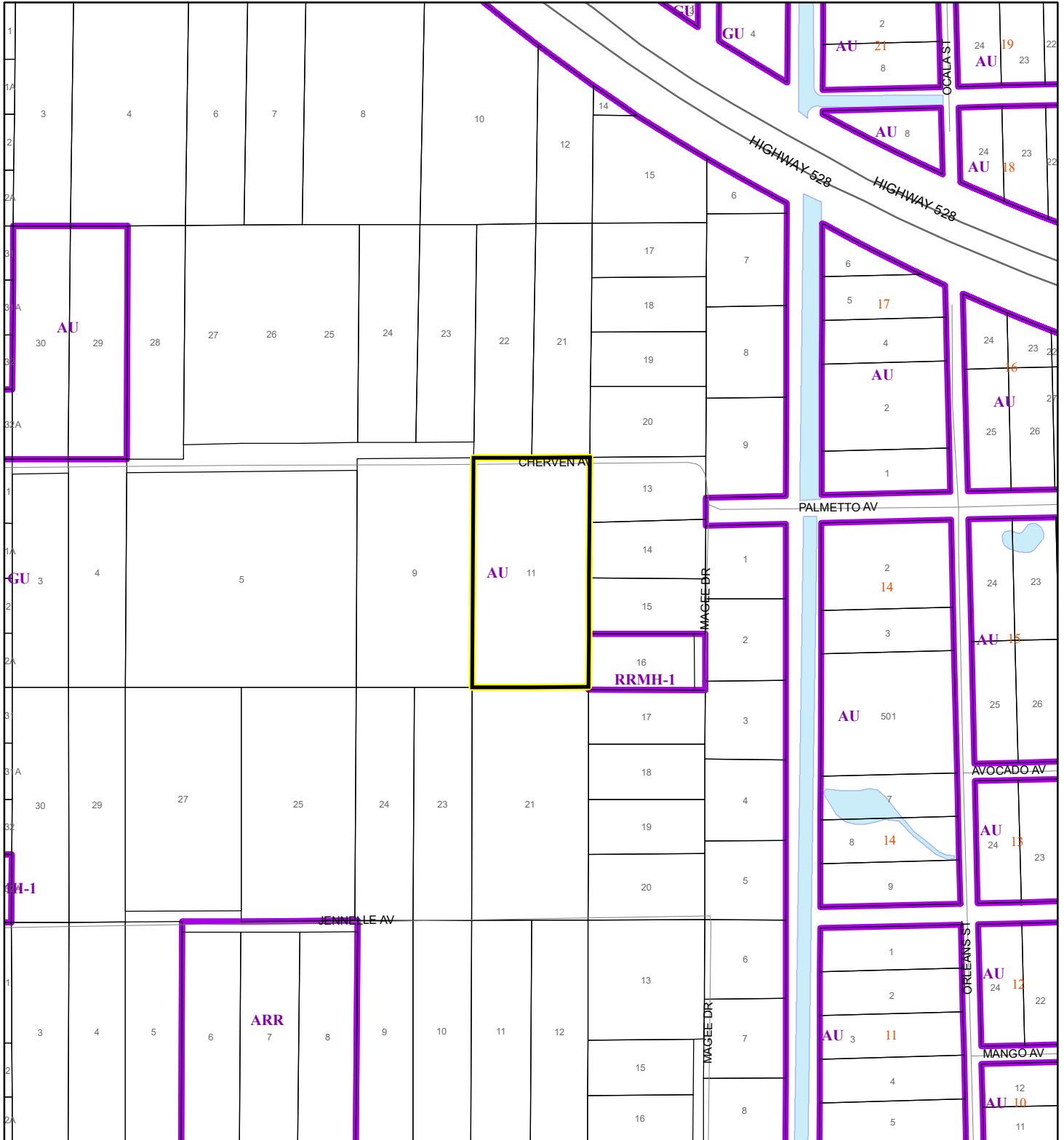
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/8/2024

-  Buffer
-  Subject Property

ZONING MAP




Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

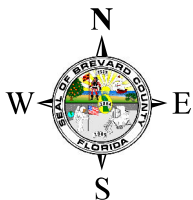
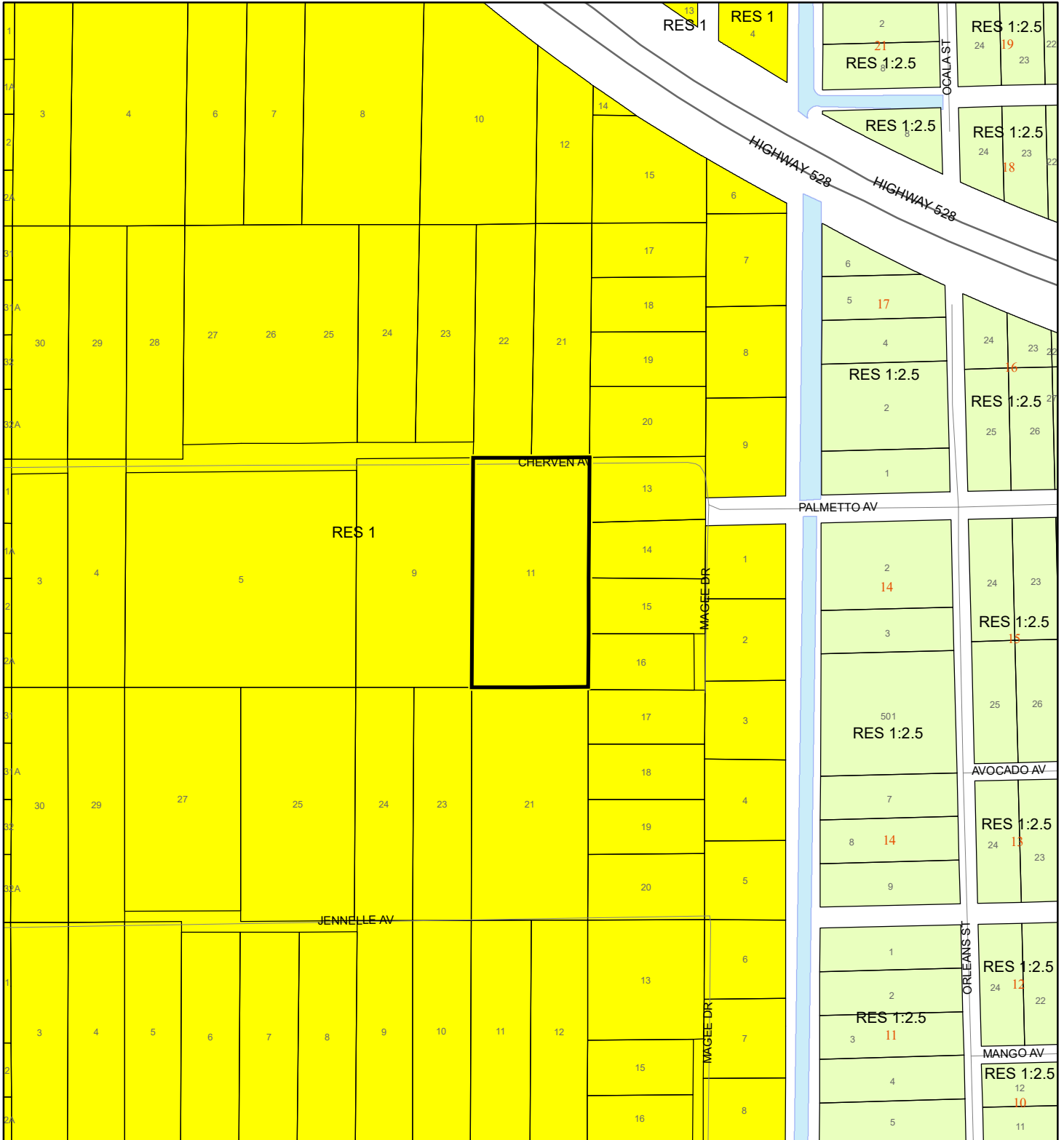
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-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

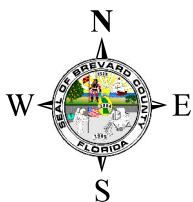
 Subject Property
 Parcels

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AERIAL MAP

Schoolfield, Jonathan & Emily
24Z00001




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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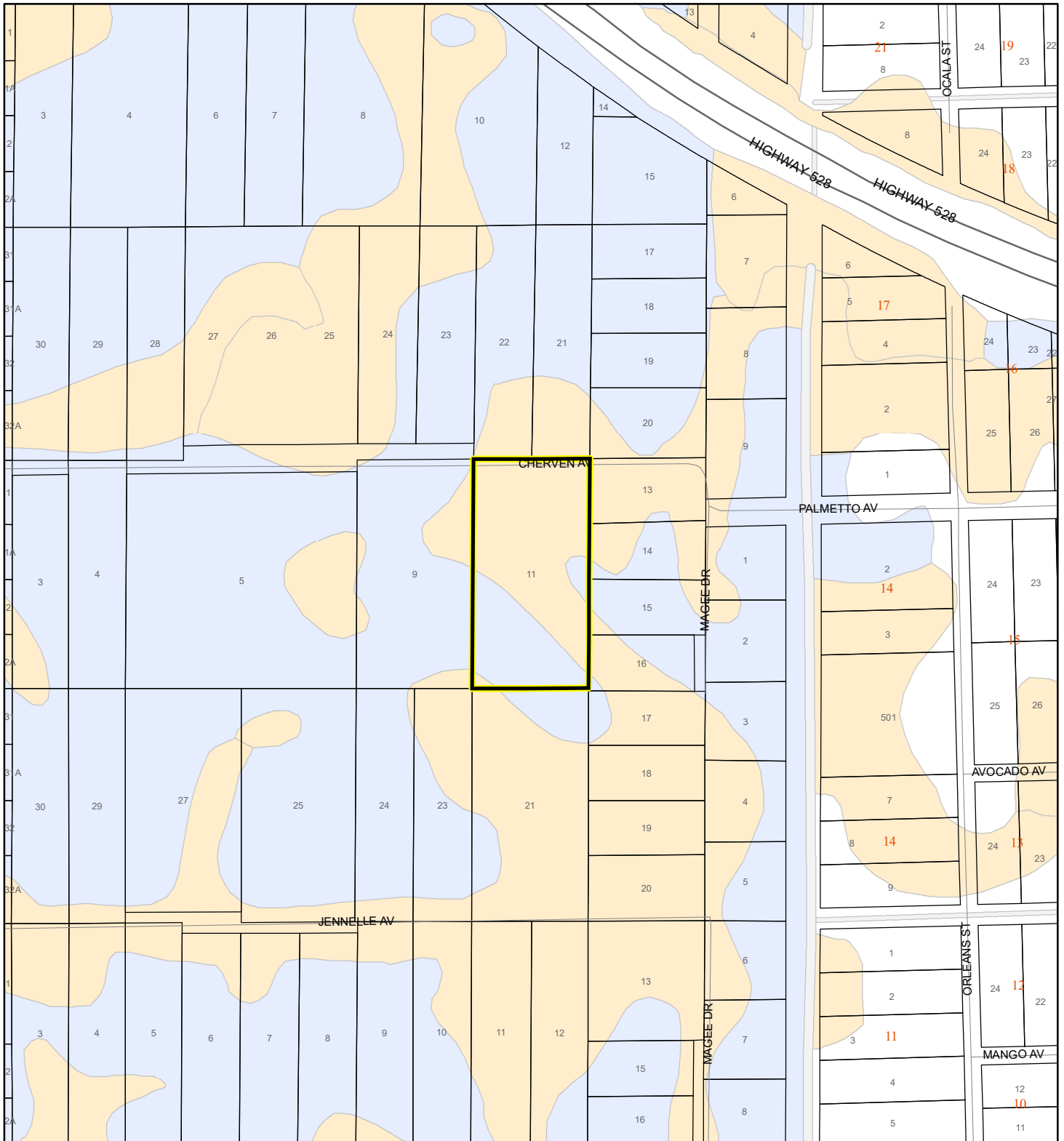
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 Subject Property

 Parcels

NWI WETLANDS MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

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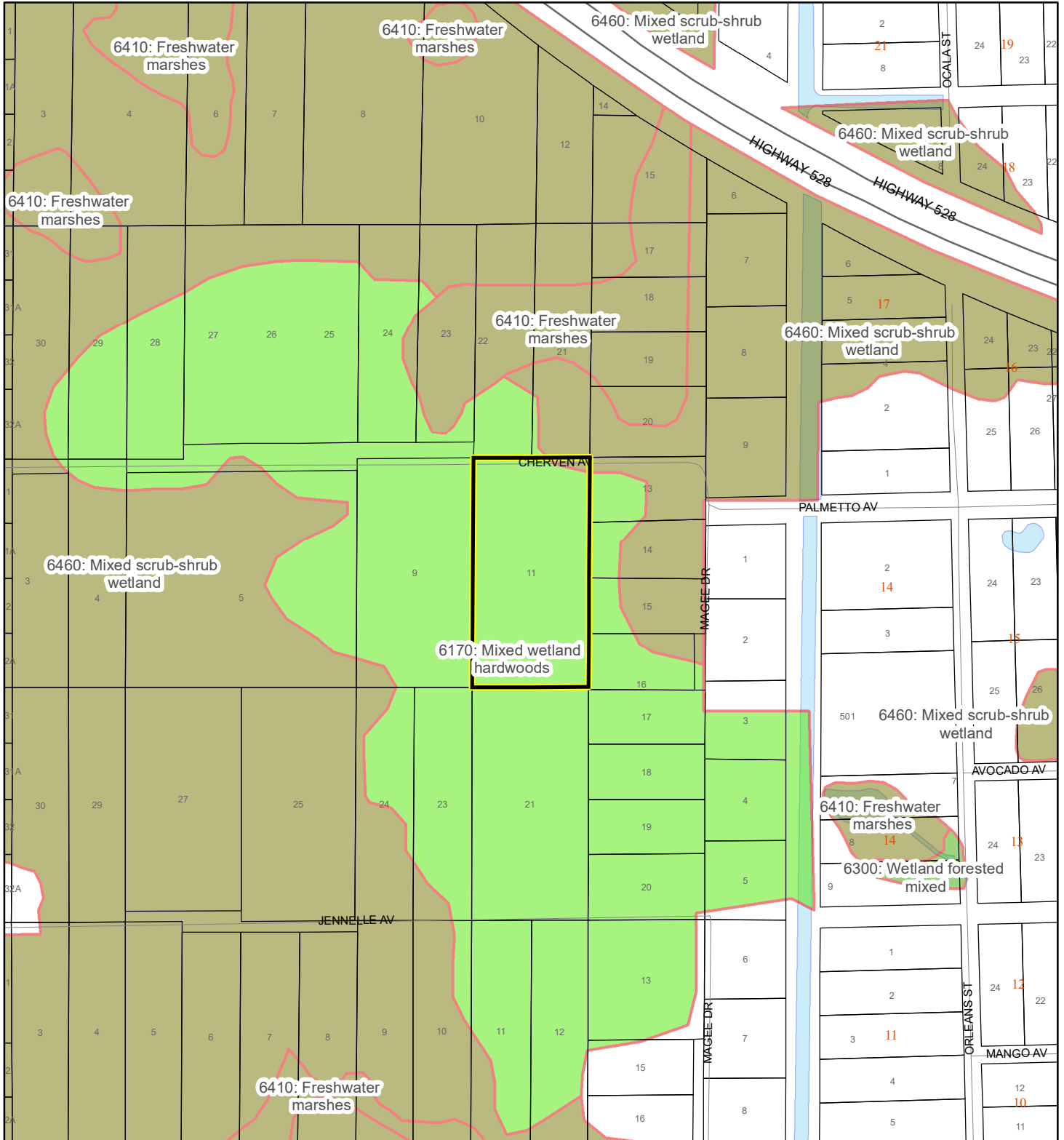
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National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

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

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SJRWMD FLUCCS WETLANDS

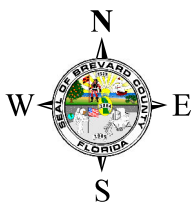
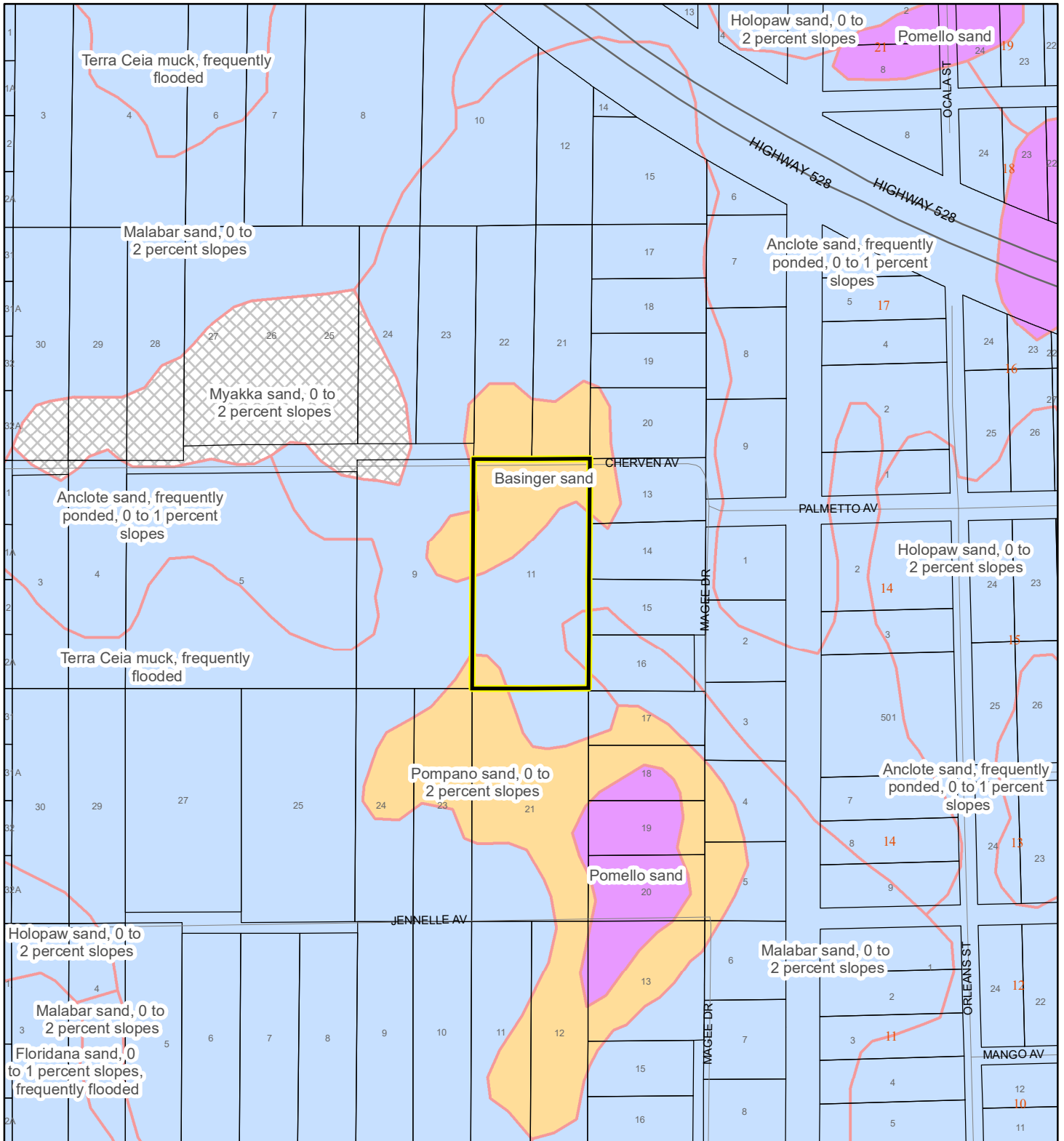
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

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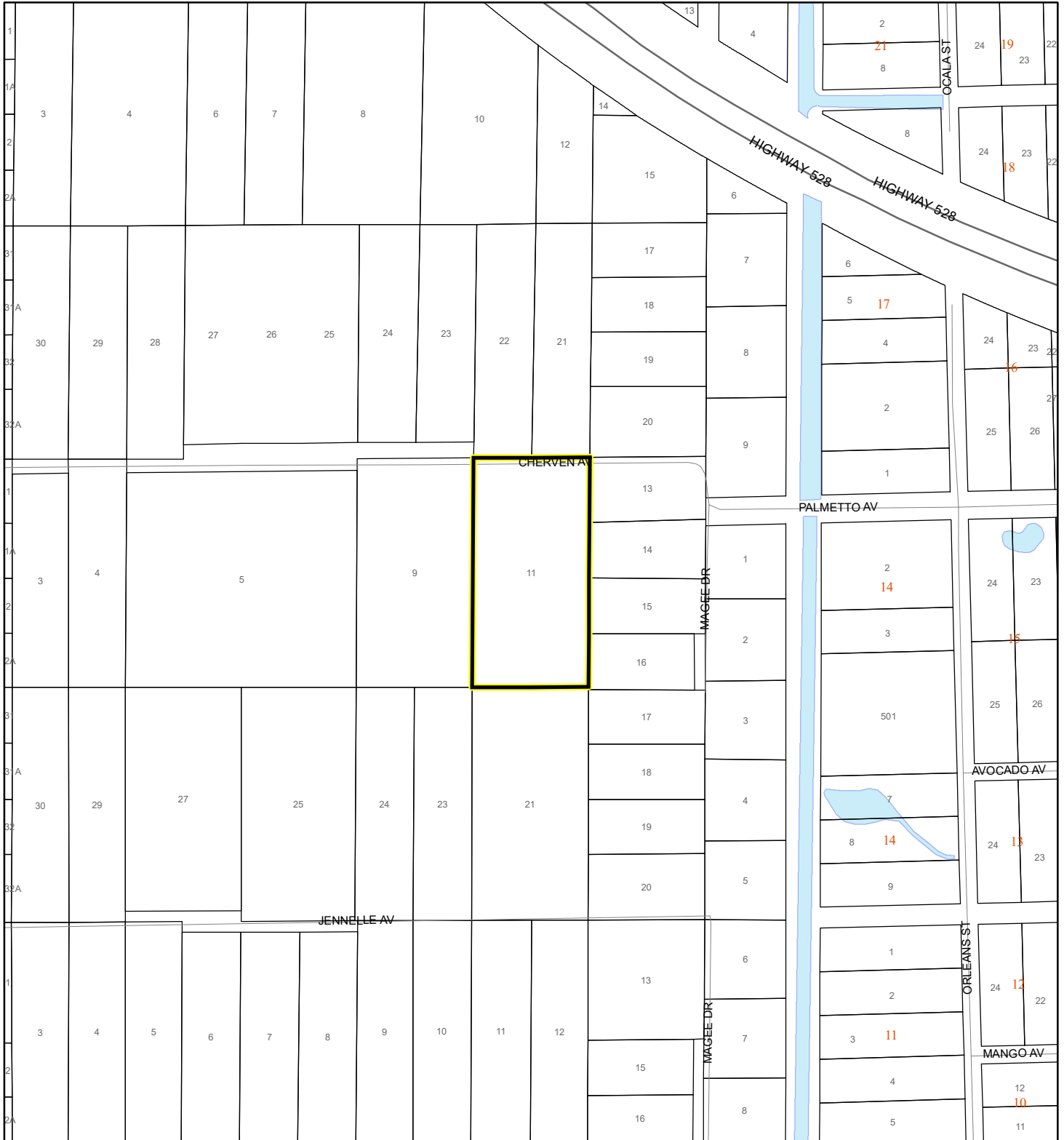
Produced by BoCC - GIS Date: 2/8/2024

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

COASTAL HIGH HAZARD AREA MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet


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

Produced by BoCC - GIS Date: 2/8/2024

 Subject Property

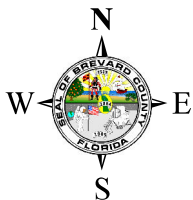
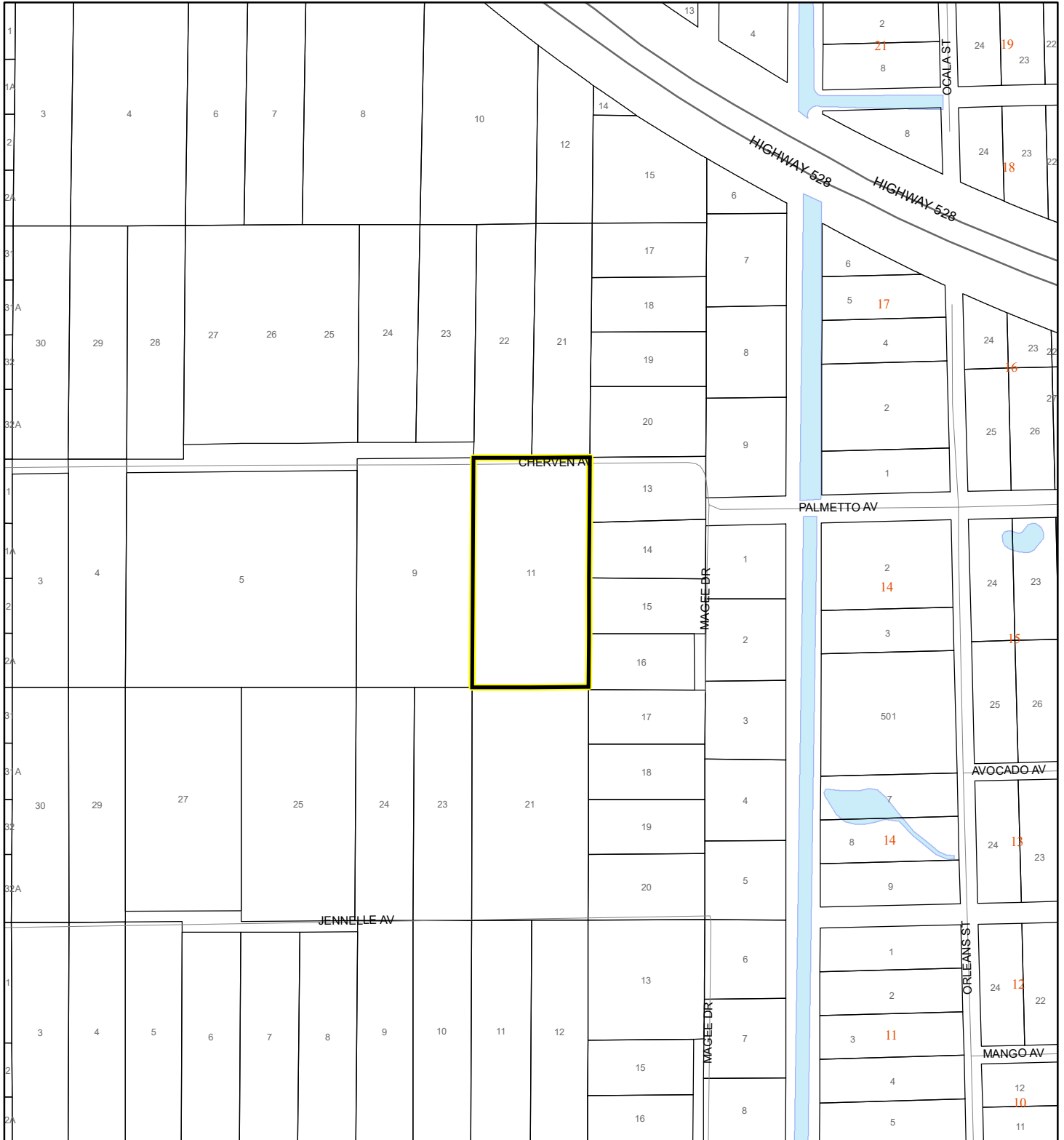
 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

 Subject Property

 Parcels

Septic Overlay

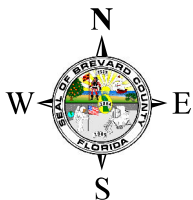
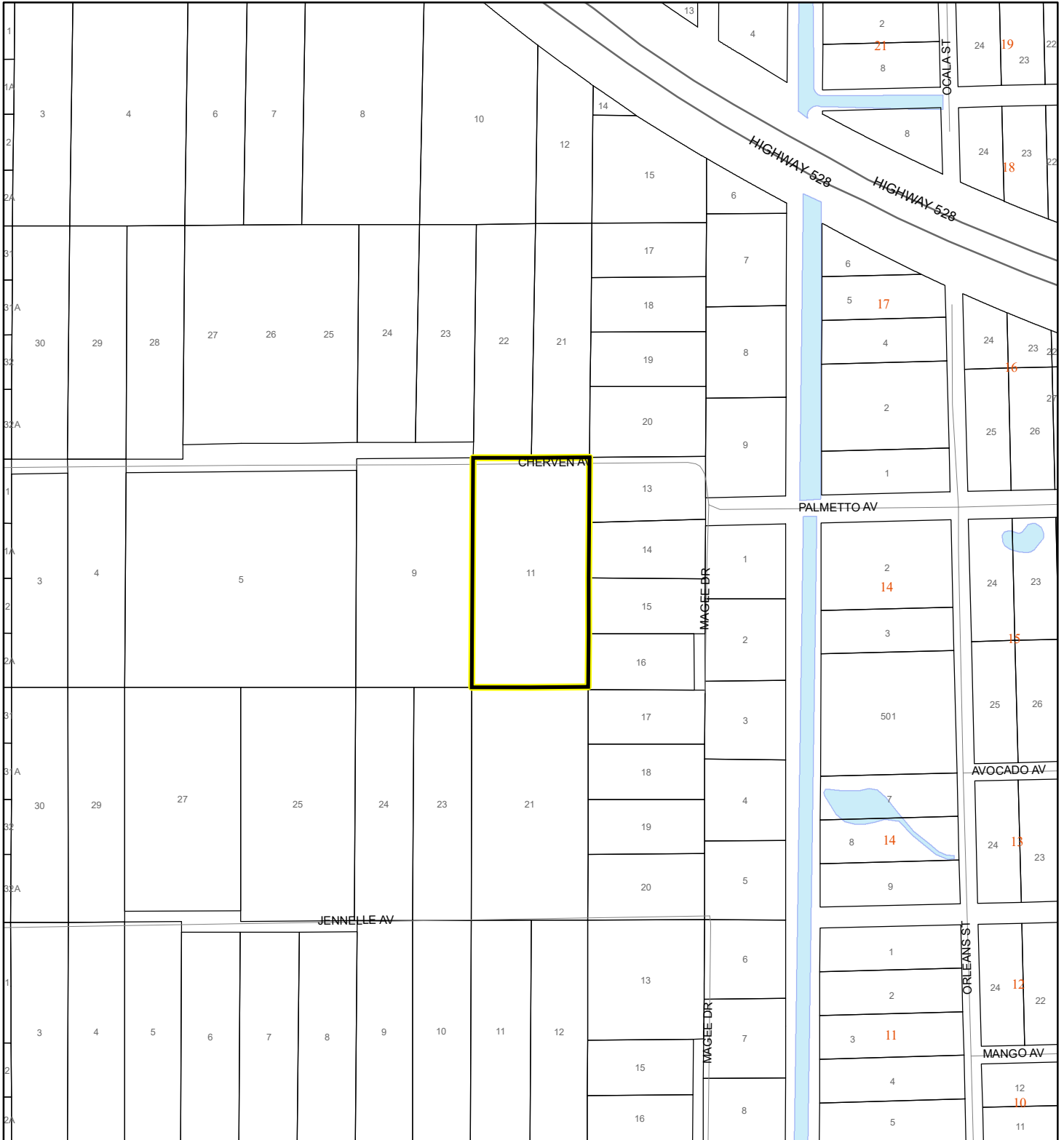
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/8/2024

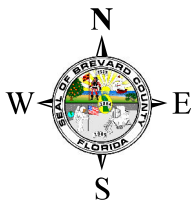
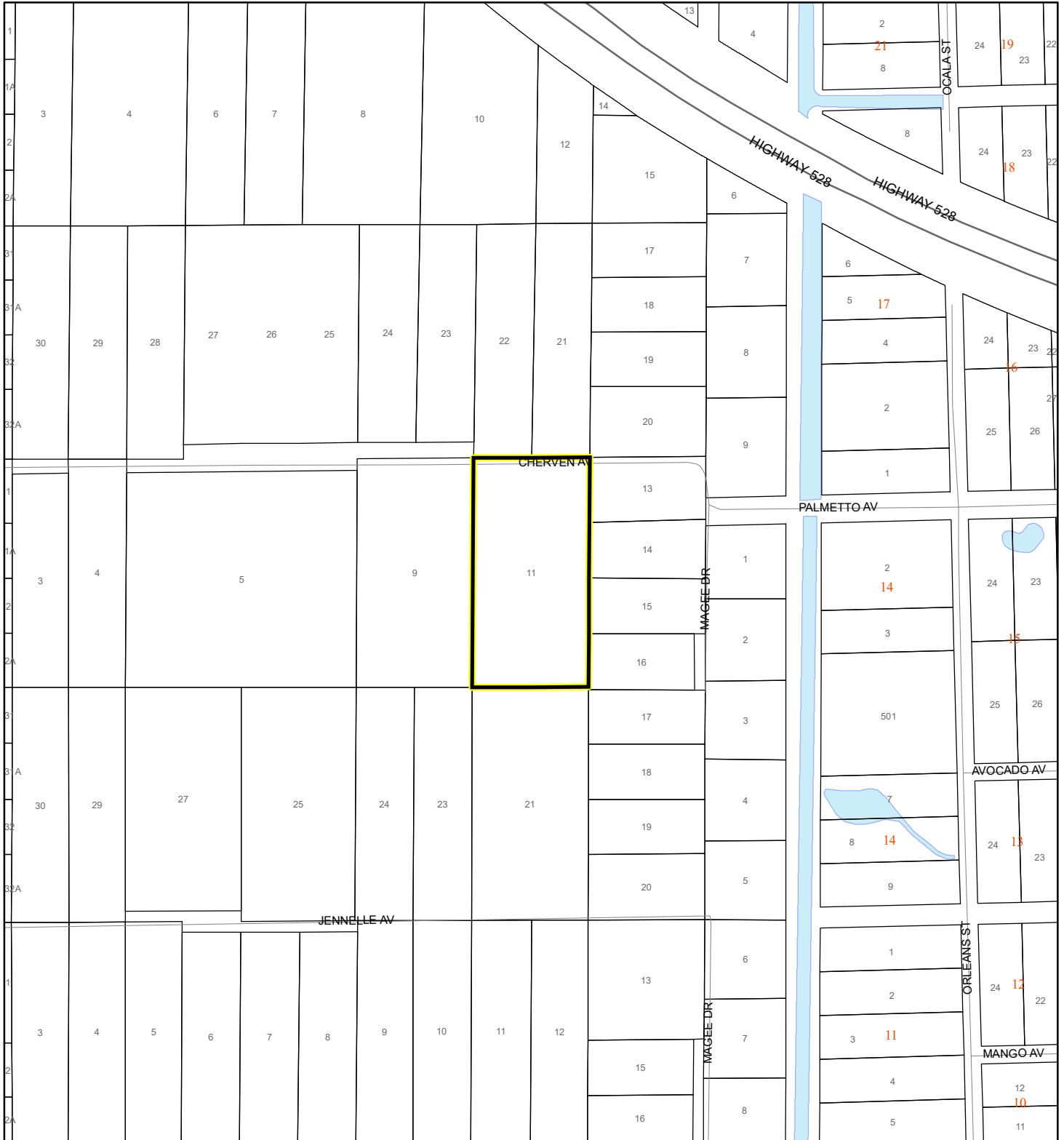
 Subject Property

 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP




Schoolfield, Jonathan & Emily
24Z00001



1:4,800 or 1 inch = 400 feet

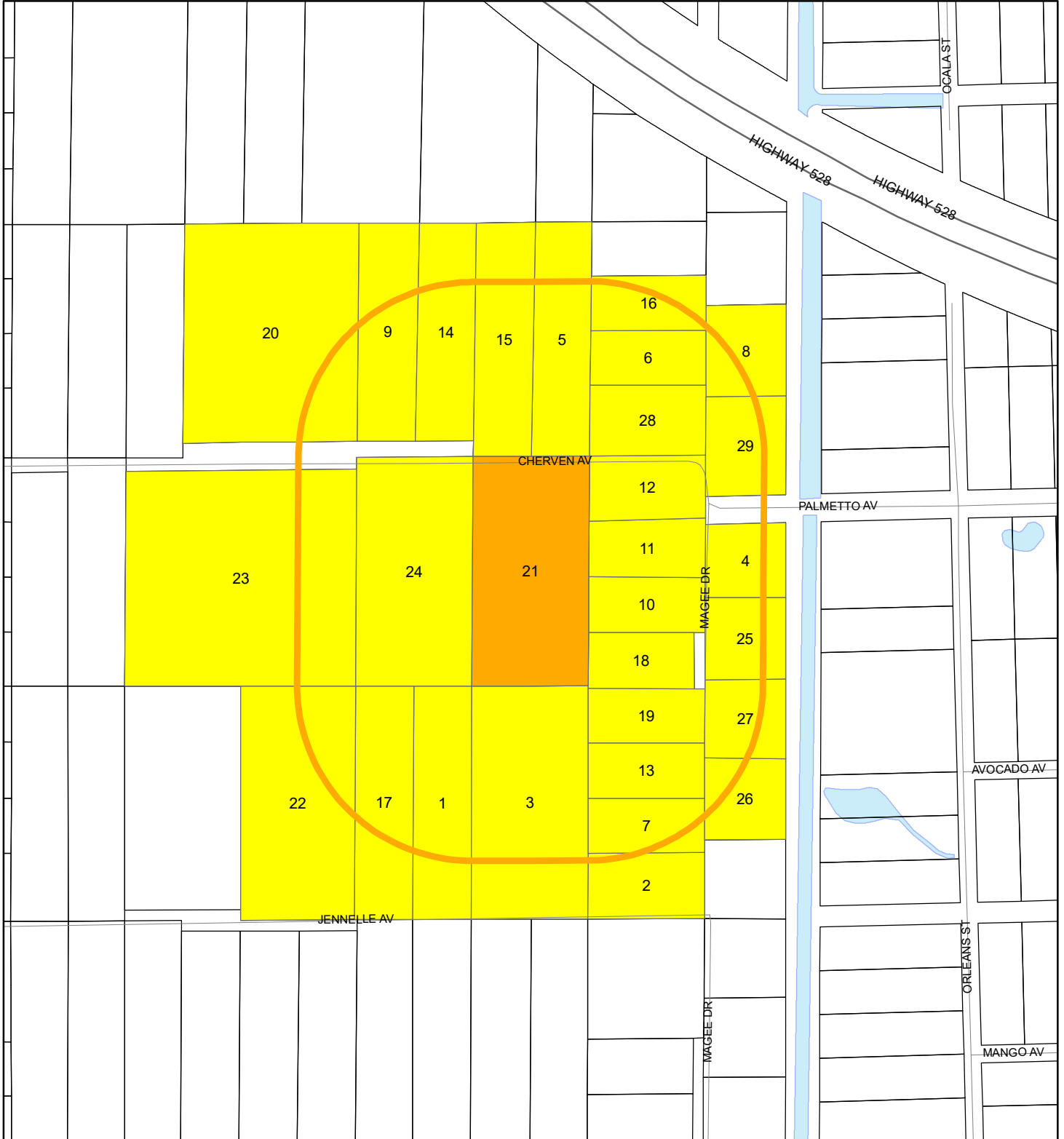
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/8/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

RADIUS MAP

Schoolfield, Jonathan & Emily
24Z00001







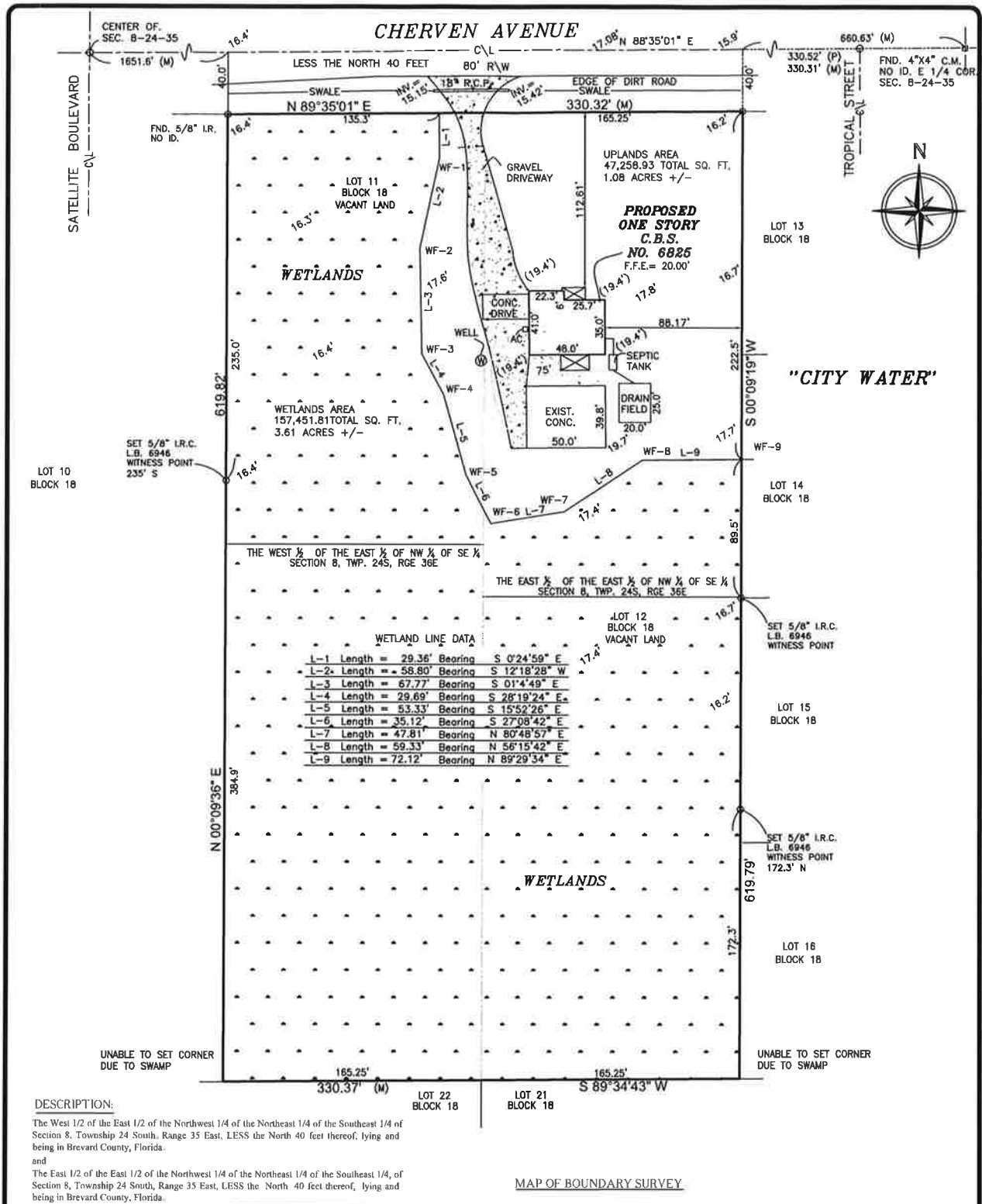
1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 2/8/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



WETLAND LINE DATA

L-1	Length = 29.36'	Bearing = S 0°24'59" E
L-2	Length = 58.80'	Bearing = S 12°18'28" W
L-3	Length = 67.77'	Bearing = S 01°4'49" E
L-4	Length = 29.69'	Bearing = S 28°19'24" E
L-5	Length = 53.33'	Bearing = S 15°52'26" E
L-6	Length = 35.12'	Bearing = S 27°08'42" E
L-7	Length = 47.81'	Bearing = N 80°48'57" E
L-8	Length = 59.33'	Bearing = N 56°15'42" E
L-9	Length = 72.12'	Bearing = N 89°29'34" E

DESCRIPTION:

The West 1/2 of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 8, Township 24 South, Range 35 East, LESS the North 40 feet thereof, lying and being in Brevard County, Florida, and
 The East 1/2 of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4, of Section 8, Township 24 South, Range 35 East, LESS the North 40 feet thereof, lying and being in Brevard County, Florida.

MAP OF BOUNDARY SURVEY

SURVEYORS' NOTES:

- This property is located in Flood Zone(s) X, The Residence is lying in Flood Zone(s) X, Map No. 12009C03250, Panel No. 325, Suffix G, Community No. 125092, Effective Date, March 17, 2014.
- The bearings shown are based on an Assumed North Meridian, Being N 88° 59' 52" W along the South R/W line of Cherven Avenue.
- This is Real Property being situated in Section 8, Township 24S, Range 35E, Brevard County, Florida.

- The Surveyor has not abstracted the property. Only plotted or furnished easements or encumbrances that may restrict the property are shown.
- Underground Improvements are not located unless requested.
- Elevations shown hereon based on NAVD88.

LEGEND & ABBREVIATIONS:

○ = Set 5/8" iron rod with plastic cap
 △ = Set nail with metal disc
 □ = Set concrete monument with disc
 — = 4" C.L.F.
 - - - = Center Line
 - - - - - = 6" W.F.
 - - - - - = OHPL
 XXX = Existing Elevations
 (XXX) = Proposed Elevations
 (B.M.)=Benchmark,(CONC.)=Concrete,(C.L.)=Centerline,(C.B.)=Concrete Block
 (C.B.S.)=Concrete Block Structure,(C.&S.)=Covered and Screened,
 (C.M.)=Concrete Monument,(C.M.P.)=Corrugated Metal Pipe,(C.L.F.)=Chain Link Fence
 (D)=Deed,(E.M.)=Electric Meter,(F.F.E.)=Finished Floor Elevation,(Fnd.)=Found,
 (F.P.R.)=Fixed Point of Reference, (I.R.C.)=Iron Rod with Cap,(I.P.)=Iron Pipe
 (G.M.)=Gas Meter,(L.B.)=Licensed Business,(L.S.)=Licensed Surveyor,(M.)=Measured
 (M.E.S.)=Metered End Section,(M&D)=Nail & Disc,(O.R.B.)=Official Records Book,
 (O.H.P.L.)=Over Head Power Line,(P.C.P.)=Permanent Control Point, (P)=Plat
 (P.O.B.)=Point of Beginning,(P.O.C.)=Point of Commencement
 (P.R.M.)=Permanent Reference Monument,(P.U.&D.E.)=Public Utility & Drainage Easement,
 (R.P.C.)=Reinforced Conc. Pipe,(R.W.)=Right of Way,(SEC.)=Section
 (TWP.)=Township,(W.U.P.)=Wood Utility Pole,(W.F.S.)=Wood Frame Structure,(W.M.)=Water Meter

CERTIFIED TO: JONATHAN SCHOOLFIELD

Eric Nielsen Digitally signed by Eric Nielsen
 Date: 2023.04.17 17:35:45

Certified By: *Eric Nielsen*
 Signature Date: _____

Eric Nielsen Land Surveying, Inc.
 Revisions: _____
 SITE PLAN 09/16/21
 REV. SITE PLAN & WETLANDS
 ADDED 02-23-2022
 RECERTIFICATION 04-13-23
 12 STONE STREET, COCOA, FL. 32922
 Pn: (321) 631-5654
 email: nielsenlandsurveying@bellsouth.net
 SCALE: 1" = 60'
 DATE: 06-14-2021
 JOB NO. 21-317-06



114

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Sandra Collins, Planner I, and Kristen Champion, Special Projects Coordinator.

Excerpt of Complete Agenda

Jonathan & Emily Schoolfield request a change of zoning classification from AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home). The property is 4.7 acres, located on the south side of Cherven Ave., approx. 352.7 ft. northwest of Palmetto Ave. (6825 Cherven Ave., Cocoa) (24Z00001) (Tax Account 2443960) (District 1)

Sandra Collins read the application into the record.

Mr. Schoolfield stated he and his wife have found a manufactured home that they'd like to purchase and place on the property to move into but it will need to be rezoned to be able to do so.

No Board comment.

No public comment.

Motion to approve rezoning from AU to RRMH-1 by Ron Bartcher, seconded by Logan Luse. The vote was unanimous.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.4.

5/2/2024

Subject:

William & Jeanette Gonedridge requests a changes of zoning classification from RR-1 to AU(L) and removal of an existing BDP. (24Z00003) (Tax Account 2000372) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RR-1 (Rural Residential) to AUL (Agricultural Residential Low Intensity) with the removal of an existing BDP (Binding Development Plan).

Summary Explanation and Background:

The applicants are requesting to rezone the property from RR-1 (Rural Residential) to AU(L) (Agriculture Residential Low Intensity) with the removal of an existing BDP limiting the development to two (2) lots. The applicants propose to construct a barn for personal use without an existing principal structure.

In 2022, the home on the property was demolished and the subject parcel was rezoned from AU to RR-1 (via 22Z00018) for the purpose of having two lots. The applicants are now requesting the removal of the existing Binding Development Plan (BDP) and a change to AU(L) on the 3.33-acre site.

The requested zoning of AU(L) zoning classification permits single-family residences and agricultural pursuits on a minimum 2.5 acre lot. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use and prohibits commercial agricultural activities.

The predominate zoning classification in the surrounding area is RR-1 with AU zoning to the west and SR (Suburban Residential) and RU-1-9 (Residential Single-Family) zoning to the east.

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

On April 15, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

None

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

**STAFF COMMENTS
 24Z00003**

William and Jeanette Gonedridge

RR-1 (Rural Residential) with BDP to AU(L) (Agricultural Residential Low Intensity) and removal of BDP

Tax Account Number: 2000372
 Parcel I.D.: 20-35-31-00-519
 Location: 3660 Lionel Rd, Mims, FL 32754 (District 1)
 Acreage: 3.33 acres

Planning & Zoning Board: 04/15/2024
 Board of County Commissioners: 05/02/2024

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	RR-1 with BDP	AU(L) and removal of BDP
Potential*	2 single-family	1 single-family
Can be Considered under the Future Land Use Map	YES RES 2	YES RES 2

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

Background and Purpose of Request

The applicants are requesting to rezone the property from RR-1 (Rural Residential) to AU(L) (Agriculture Low Intensity) and the removal of existing BDP limiting development to two (2) lots. The applicants propose to construct a barn for personal use without an existing principal structure.

In 2022, the home on the property was demolished and the subject parcel was rezoned from AU to RR-1 (via 22Z00018) for the purpose of having two lots. The applicants are now requesting the removal of the existing Binding Development Plan (BDP) and a change to AU(L) on the 3.33 acre site.

The subject parcel was recorded into the Official Record Book 882, page 584, in July 1966.

The 3.33 acre subject parcel meets the requirements for the RES 2 FLU designation as residential densities in residential land use designations cannot exceed two dwelling units per 1 acre.

The subject property is undeveloped and has frontage on Lionel Rd, a county-maintained roadway. At this time, there are no active code enforcement cases associated with the subject parcel.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single Family Residential	RR-1	RES 2
South	Road Right-of-Way/ Public School	GML(I)	RES 2
East	Single Family Residential	SR & RU-1-9	RES 2
West	Vacant	AU	RES 2

The subject property’s current zoning of RR-1 permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet.

The requested zoning of AU(L) zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots for personal use, with a minimum lot width and depth of 150 feet. The minimum house size in AU(L) is 750 square feet. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use and prohibits commercial agricultural activities.

The AU zoning classification permits single-family residences and agricultural uses on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification permits all agricultural pursuits, including the raising/grazing of animals, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration. The keeping of horses and agricultural uses are accessory to a principal residence within RR-1 zoning.

Florida Statute 570.86 defines “agritourism activity” as “any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.” Local government is prohibited from adopting ordinances,

regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land. At this time, there is no agricultural exemption on the subject property.

The SR zoning classification permits single-family residential land uses on a minimum one-half acre lot, with a minimum width of 100 feet and minimum depth of 150 feet. The minimum house size is 1,300 square feet. The SR zoning classification permits one single-family residential detached dwelling.

The RU-1-9 zoning classification permits single-family residential land uses on a minimum area of 6,600 square feet, with a minimum width of 66 feet and a minimum depth of 100 feet. The minimum house size is 900 square feet. The RU-1-9 zoning classification permits one single-family residential detached dwelling.

The GML(I) zoning classification for government managed lands designated as institutional, permits schools, hospitals, and fire stations. The minimum lot size required is 7,500 square feet, with a width and depth of 75 feet. The minimum building area required is 300 square feet.

Land Use

The subject property is currently designated as Residential 2 (RES 2) FLU. The proposed AU(L) zoning can be considered consistent with the existing RES 2 FLU designation.

FLUE Policy 1.8 –The Residential 2 Future land use designation. The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) dwelling units per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicants' request can be considered consistent with the existing Future Land Use.

Applicable Land Use Policies

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

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

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

Criteria:

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

The proposal is not anticipated to diminish the enjoyment of, safety, or quality of life in existing neighborhoods within the area.

In the RR-1 zoning classification, the raising of farm animals and fowl for personal, non-commercial use is allowed as a conditional use. On lots larger than 2 ½ acres, cattle, fowl, goats, bees, rabbits, and one hog are permitted.

In the AU(L) zoning classification, agricultural pursuits of a personal, non-commercial nature are permitted. Structures for the housing of livestock and animals is permitted a maximum of 100 feet from an existing residence under a different ownership.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraisers Institute) 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;

There are six (6) FLU designations (RES 1, RES 1:2.5, RES 2, RES 4, CC, and NC) within one-half mile of this site. The predominant FLU designation is RES 2. There is one (1) pending FLU change within one-half mile, recorded as 22SS00013 to CC.

Property sizes in the immediate area range from 0.5 acres to 19 acres. The immediate surrounding area is developed as single-family residential homes, with a school to the south and general retail to the south and west.

There has been one (1) zoning change approved within one-half mile over the preceding three (3) years:

22Z00050 was a zoning change from AU and RU-1-9 to SR, for the purpose of a single-family home, with a resolution date of December 1, 2022.

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

There have been two (2) single-family residences constructed in this area within the preceding three (3) years, one of which directly abuts the subject parcel to the east. There has been one retail store and one warehouse constructed within this area within 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.

- 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 has been identified.

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

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

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The predominate zoning classification in the area is RR-1. The proposed use, a barn for personal use, is not anticipated to adversely impact the area.

- 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 area does not have clearly defined boundaries to establish a residential neighborhood. The area is predominantly developed as residential with RR-1 zoning.

- 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 subject parcel is not requesting to be rezoned for commercial uses.

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

The subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.

Analysis of Administrative Policy #7

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

The subject parcel contains mapped wetlands; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland delineation shall be verified at time of building permit.**

Preliminary Concurrency

The closest concurrency management segment to the subject property is US-1, from Lionel Rd. to Burkholm Rd., which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 25.91% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 25.89% of capacity daily. The proposal is not anticipated to create any deficiency in LOS.

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

The subject property is located in the Mims Water service area for potable water. The subject property is not serviced by Brevard County sewer. The closest sewer line is approximately 0.7 miles to the west.

Environmental Constraints

- Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped wetlands; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or 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 in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

This property contains Candler fine sand and Pomello sand, classified as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 or 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.**

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey may be required at time of building permit submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per 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.**

Information available to NRM indicates that unpermitted land clearing and alteration activities have occurred on the property, and potentially in wetlands, between 2022 and 2023. The discovery of unpermitted activities may result in code enforcement action.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 24Z00003

Applicant: William and Jeanette Gonedridge (Owners: William and Jeanette Gonedridge)

Zoning Request: RR-1 to AU(L) and removal of existing BDP

Note: To have barn on parcel without principal structure and remove BDP (limiting development to total of two lots)

Zoning Hearing: 3/18/2024; **BCC Hearing:** 4/04/2024

Tax ID No.: 2000372

- 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
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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Land Use Comments:

Wetlands

The subject parcel contains mapped National Wetlands Inventory (NWI); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

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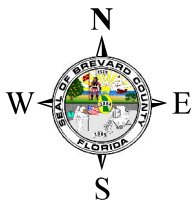
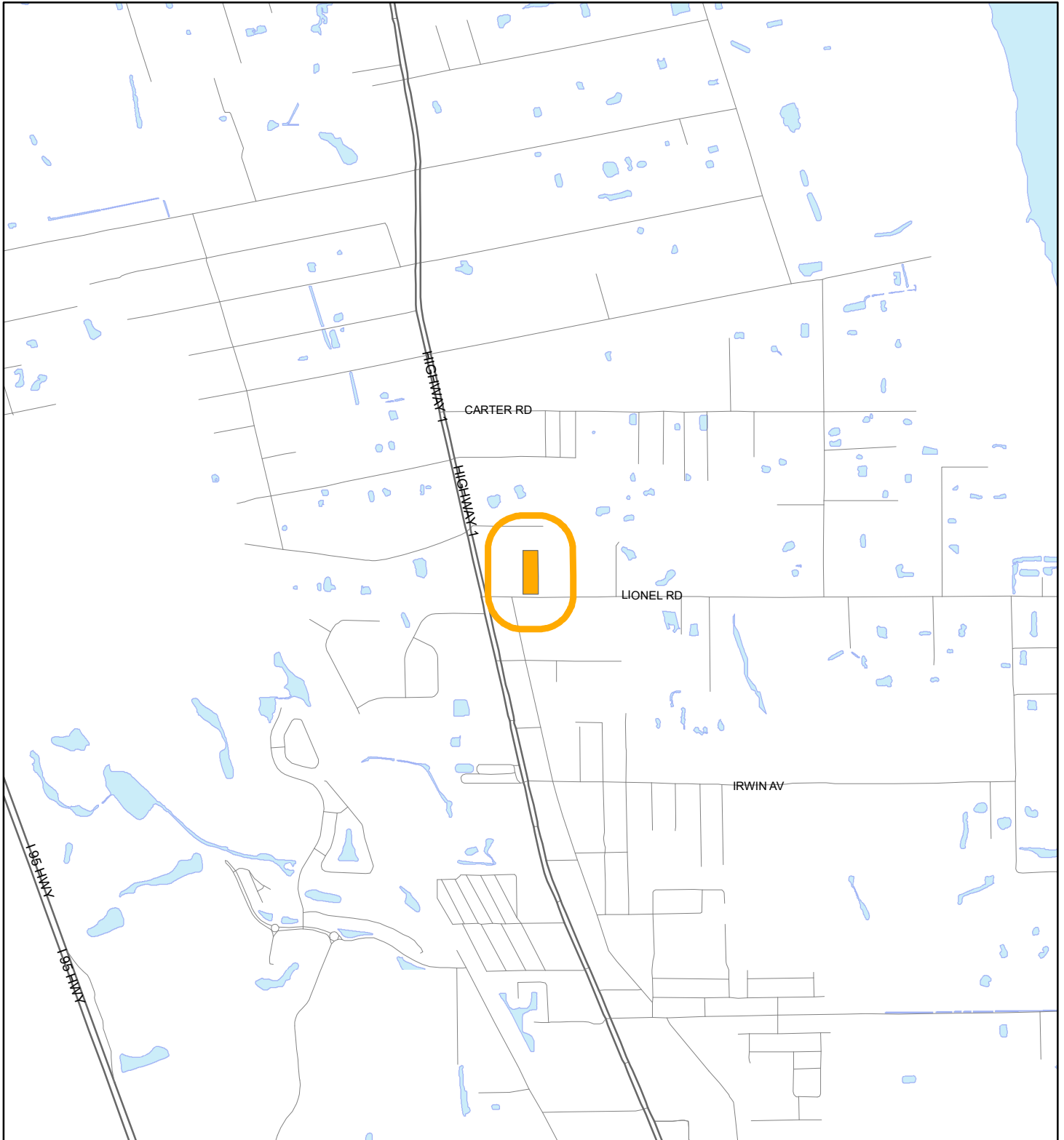
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Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. **Gopher tortoises may have been impacted as a result of the land alteration activities. The applicant is advised to call Valeria Guerrero at 561-882-5714 or 561-365-5696 with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.**

LOCATION MAP

Gonedridge, William & Jeanette
24Z00003





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

Buffer Distance: 500 feet

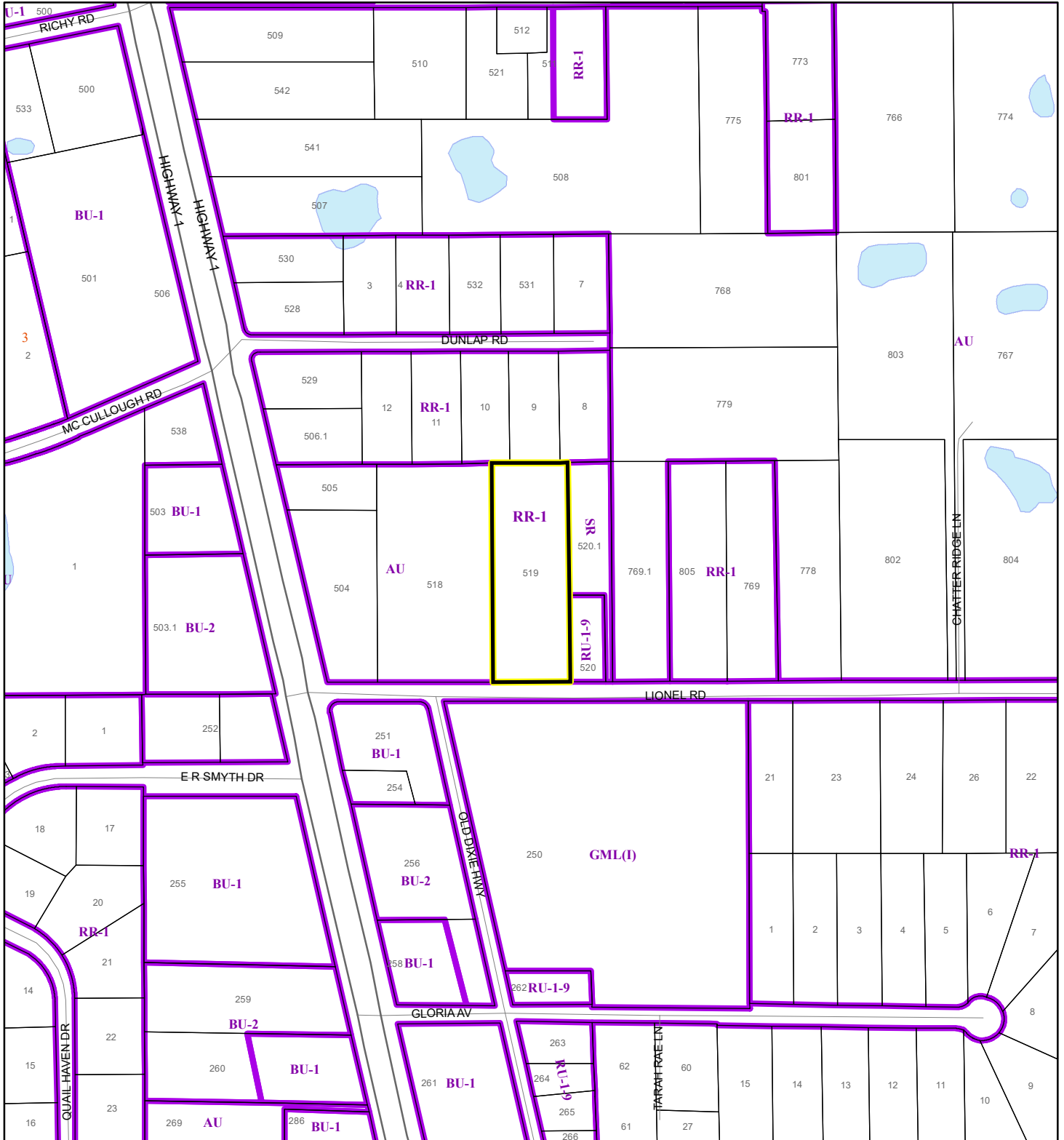
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/29/2024

-  Buffer
-  Subject Property

ZONING MAP

Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

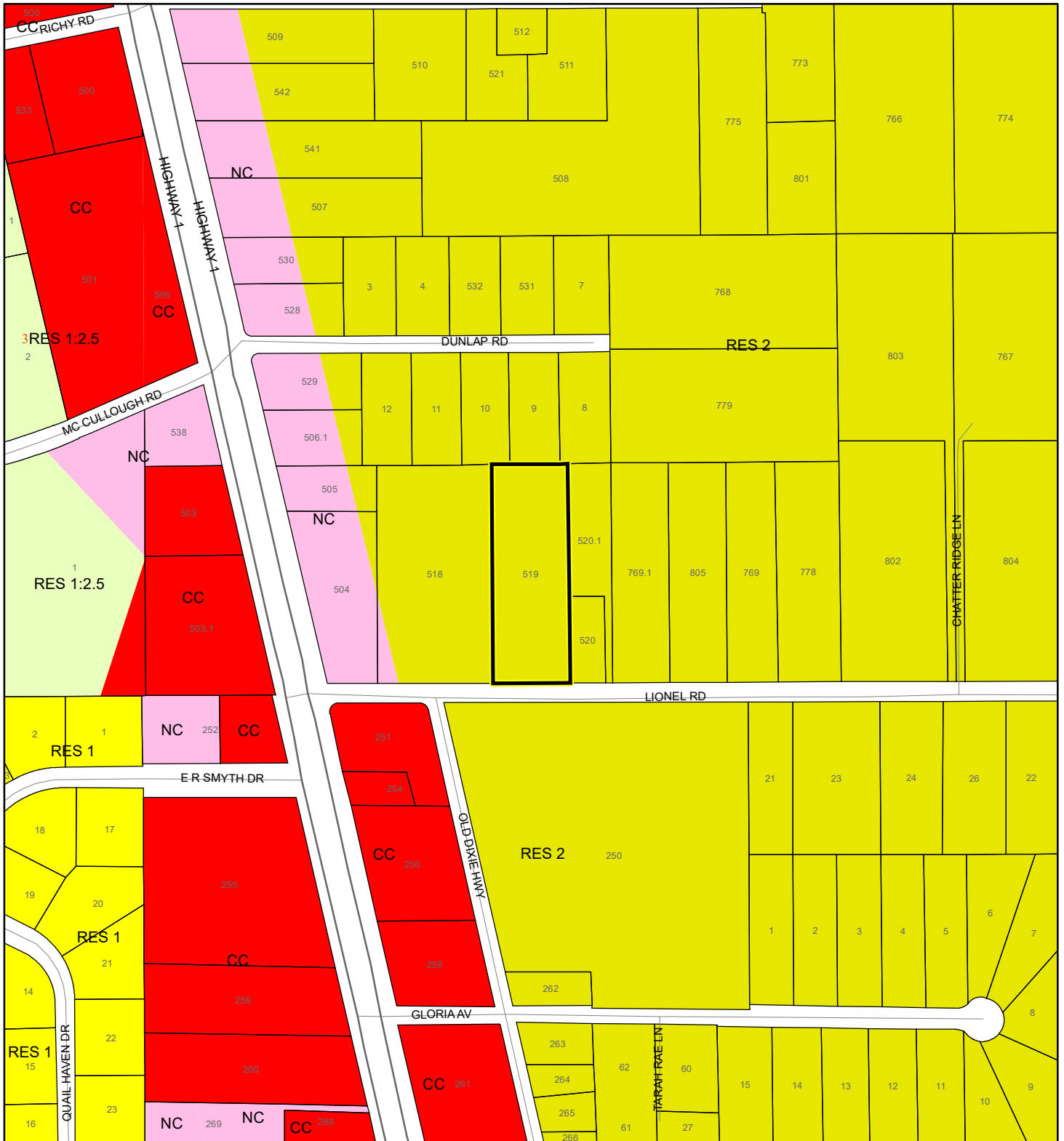
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/29/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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AERIAL MAP

Gonedridge, William & Jeanette
24Z00003




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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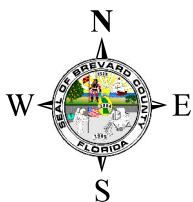
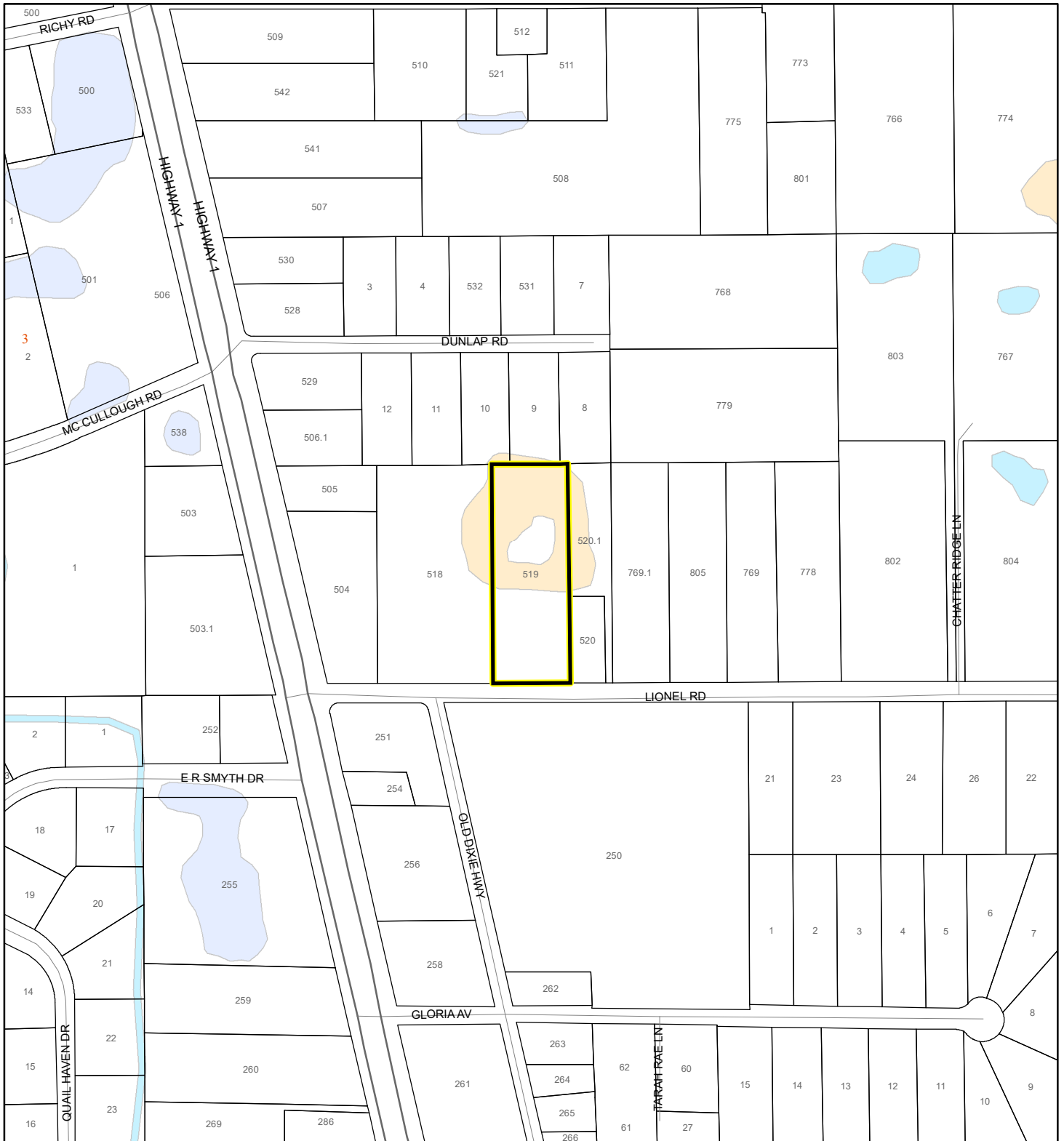
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 Subject Property

 Parcels

NWI WETLANDS MAP











Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

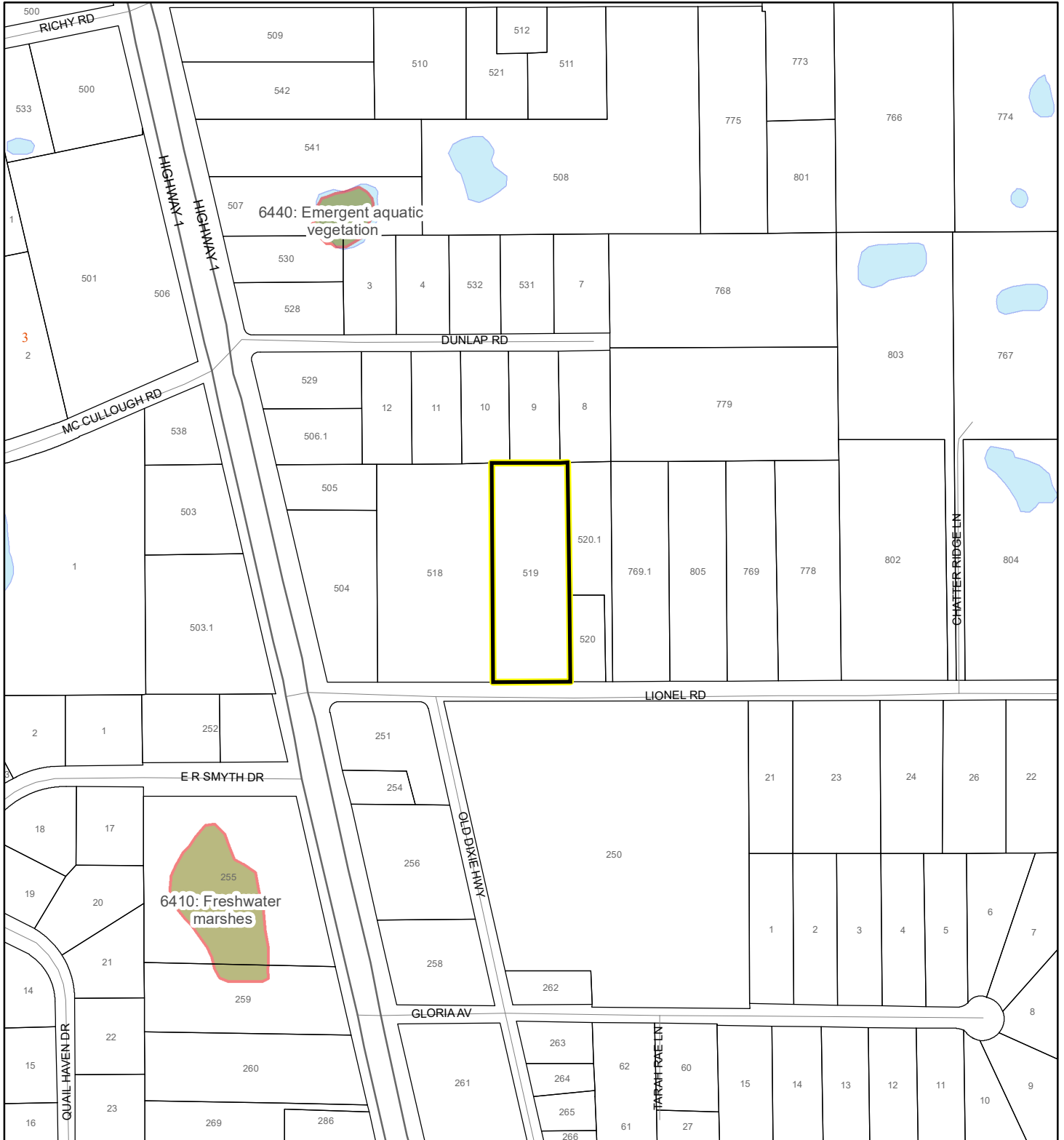
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National Wetlands Inventory (NWI)			
	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
	Subject Property		Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/29/2024

SJRWMD FLUCCS WETLANDS

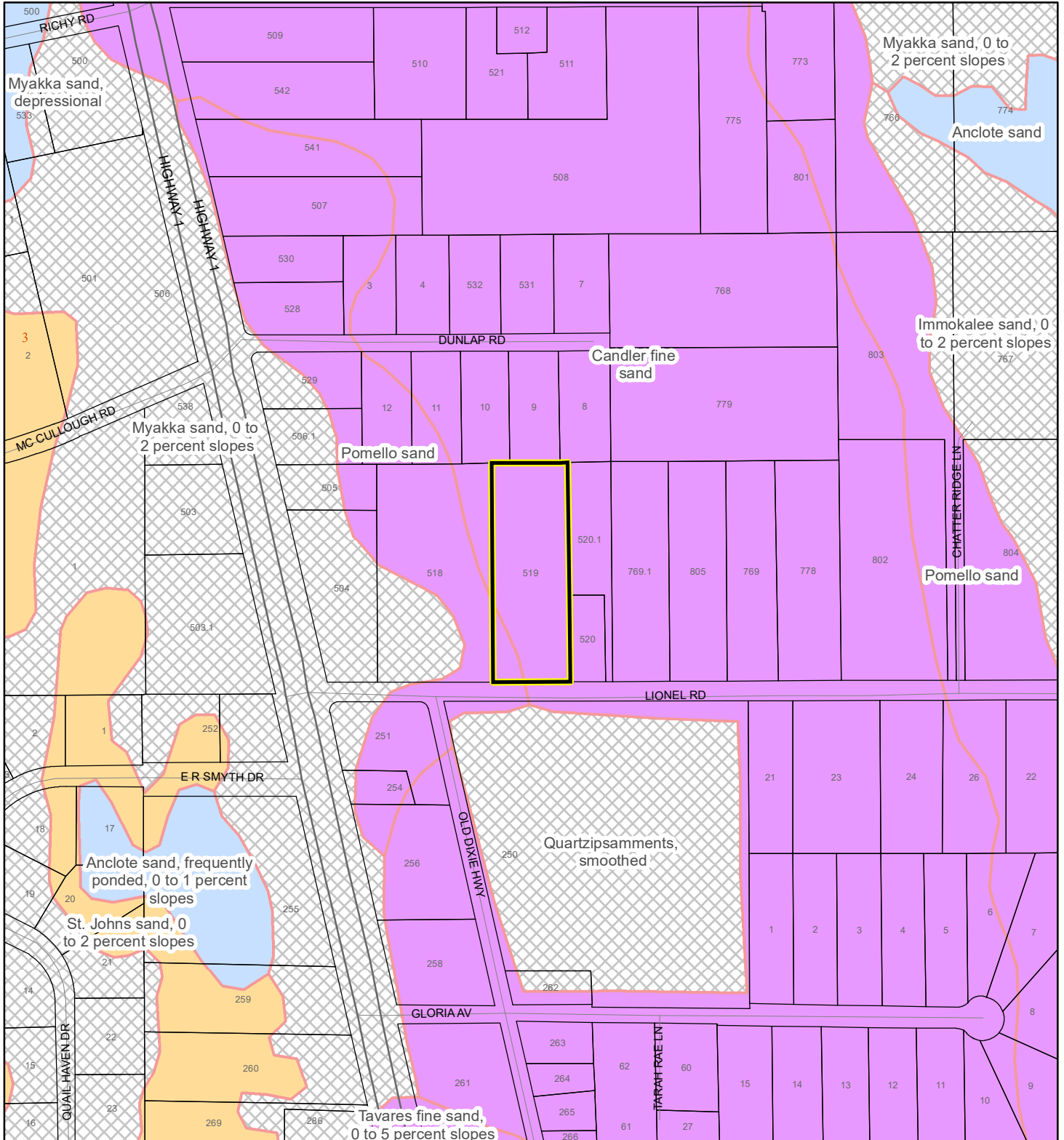
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

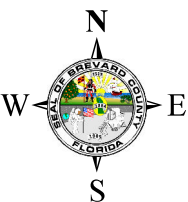
Subject Property

Parcels

USDA SCSSS SOILS MAP

Gonedridge, William & Jeanette
24Z00003





1:4,800 or 1 inch = 400 feet

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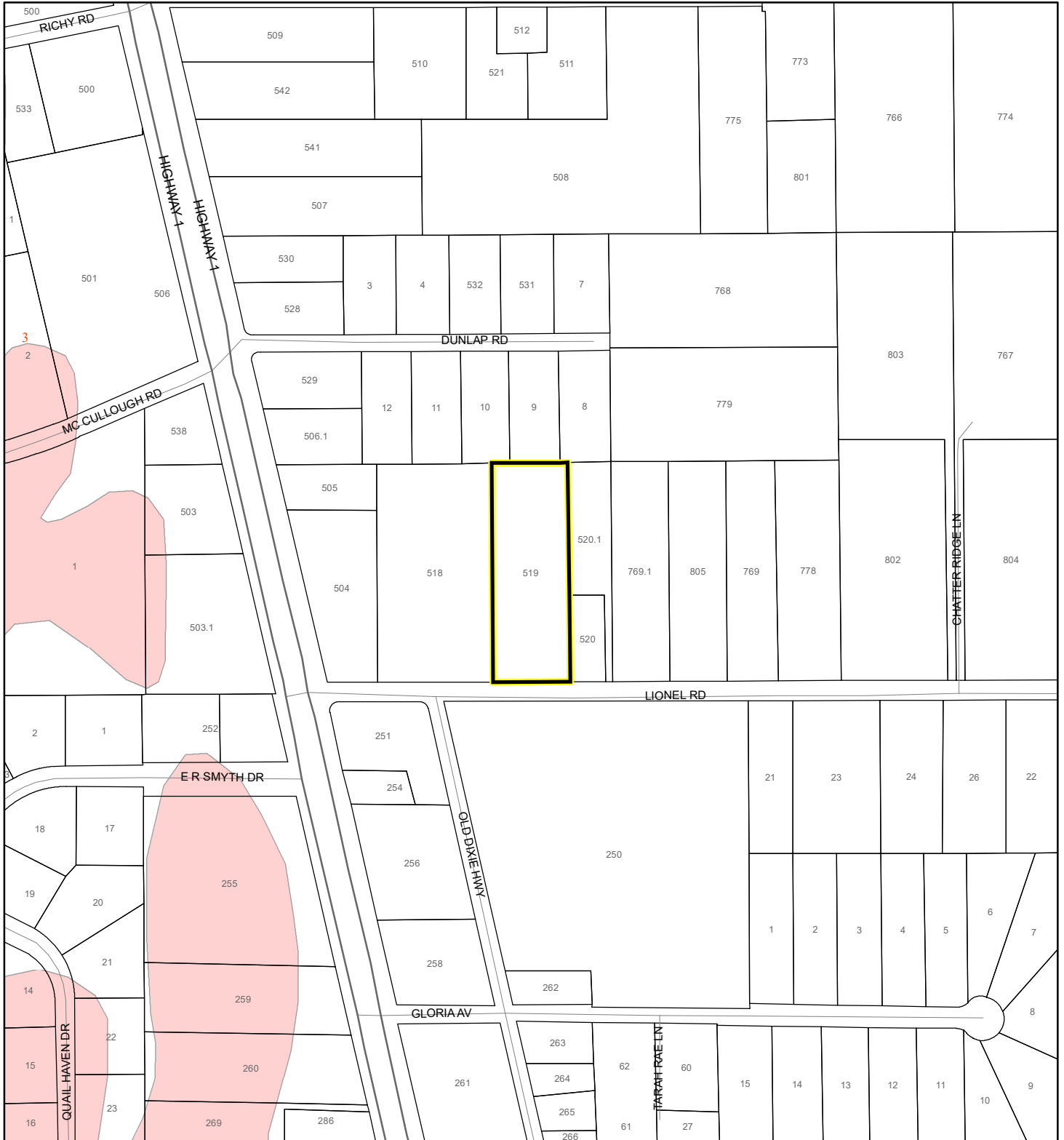
Produced by BoCC - GIS Date: 1/29/2024

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

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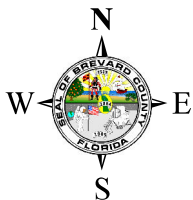
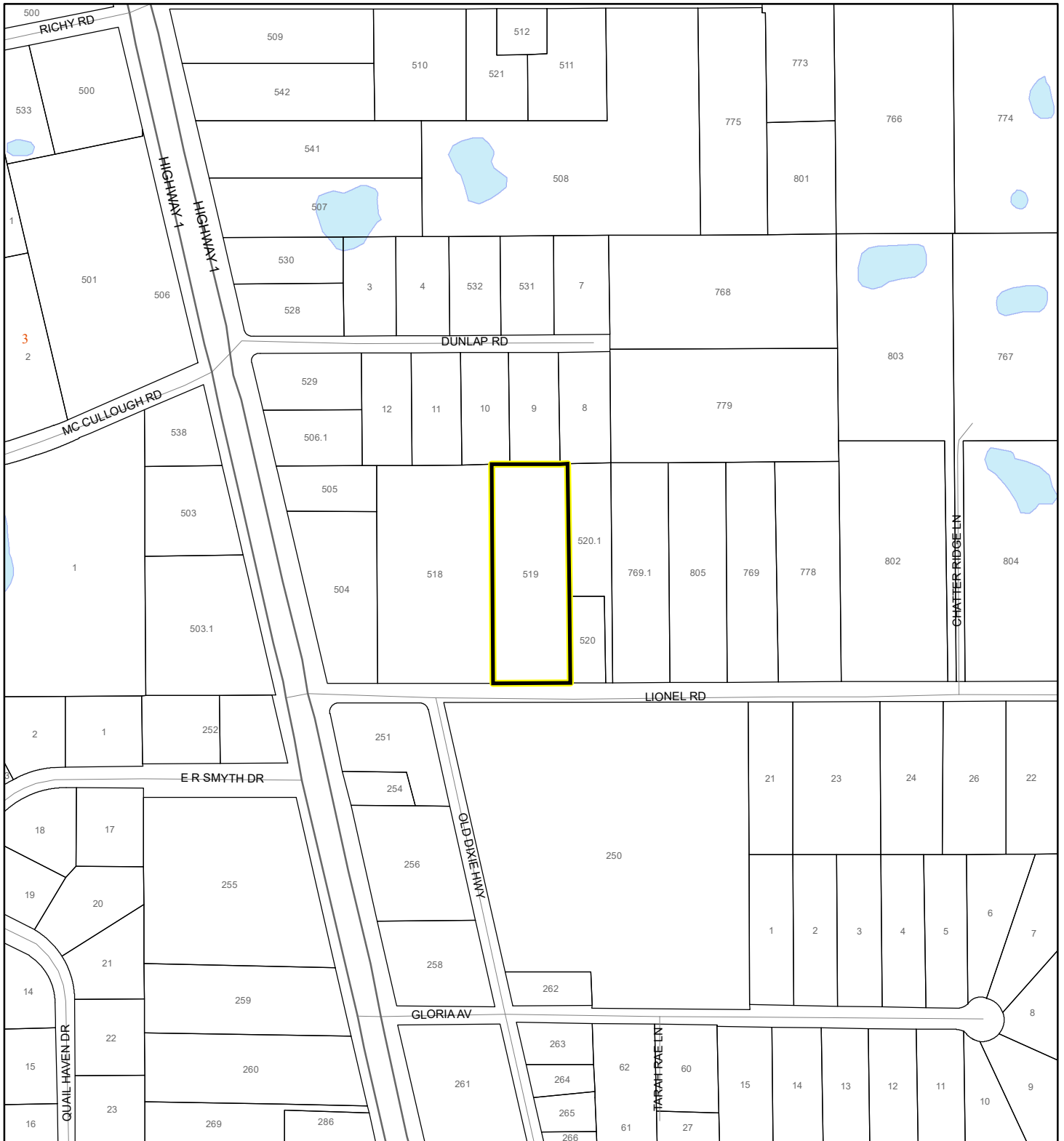
Produced by BoCC - GIS Date: 1/29/2024

FEMA Flood Zones

- A
- AO
- X
- AE
- Open Water
- AH
- VE
- Subject Property
- Parcels

COASTAL HIGH HAZARD AREA MAP

Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 1/29/2024

 Subject Property

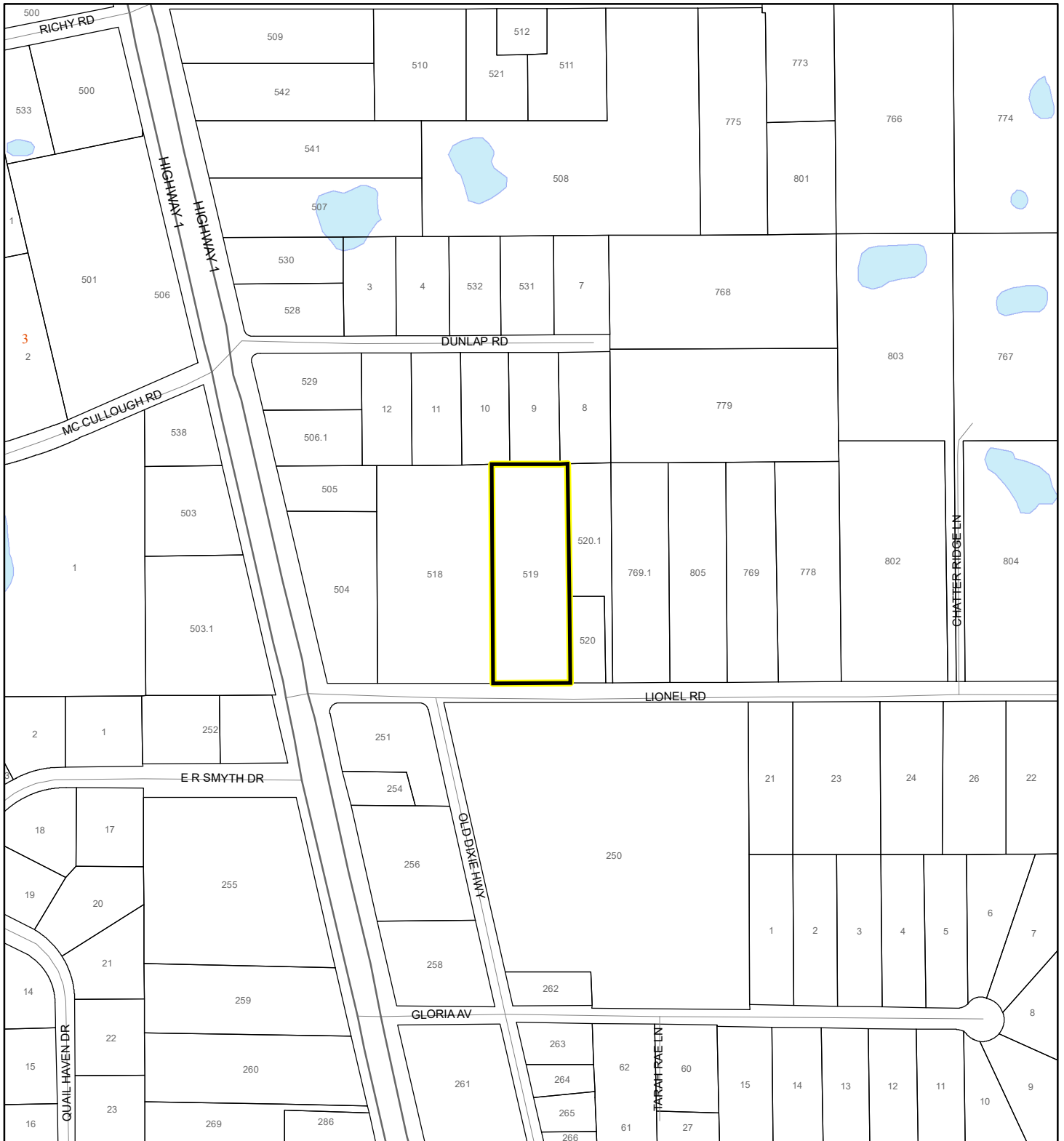
 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/29/2024

Subject Property

Subject Property

Parcels

Septic Overlay

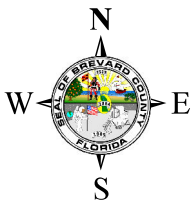
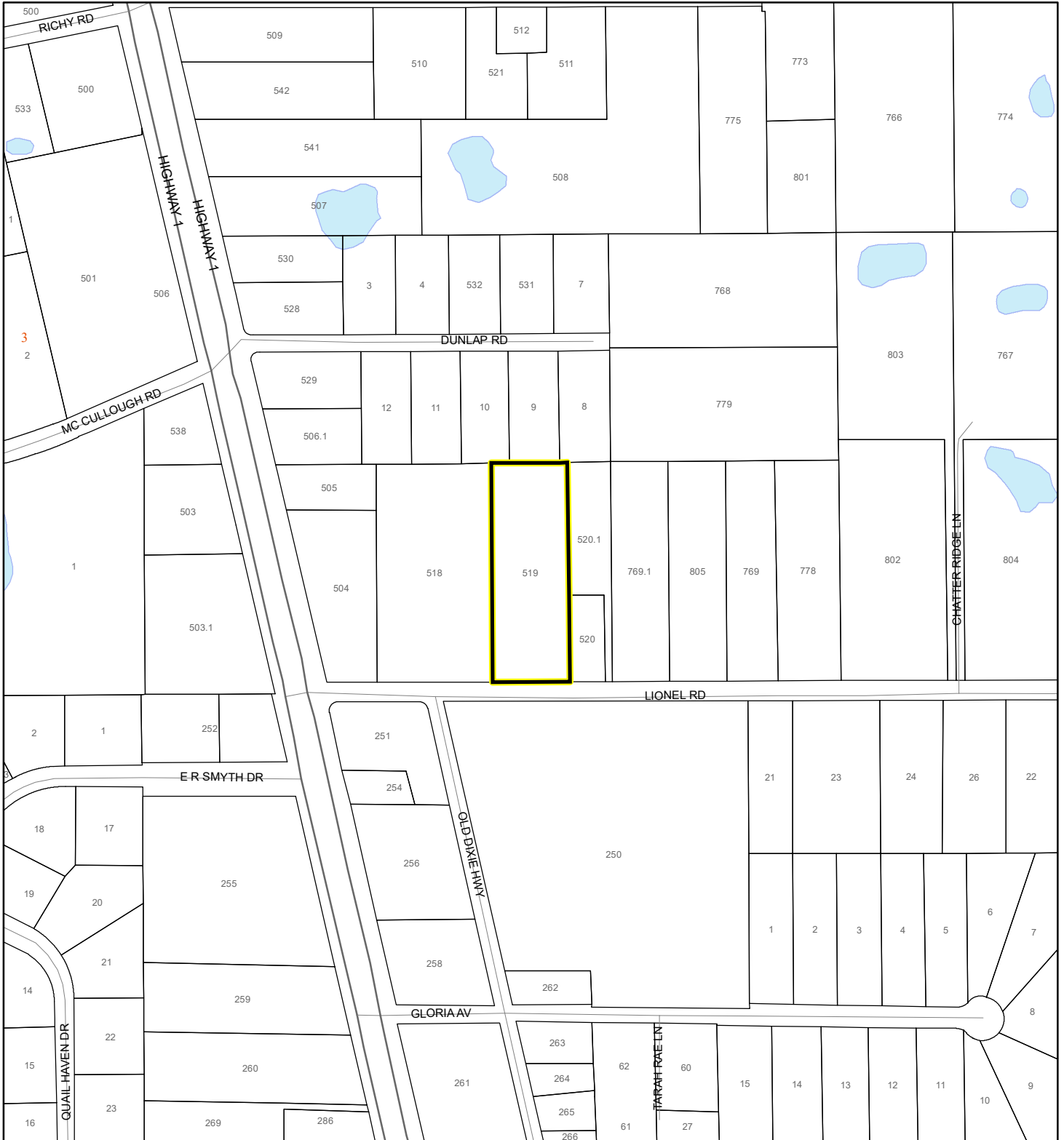
40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

Gonedridge, William & Jeanette
24Z00003



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

Produced by BoCC - GIS Date: 1/29/2024

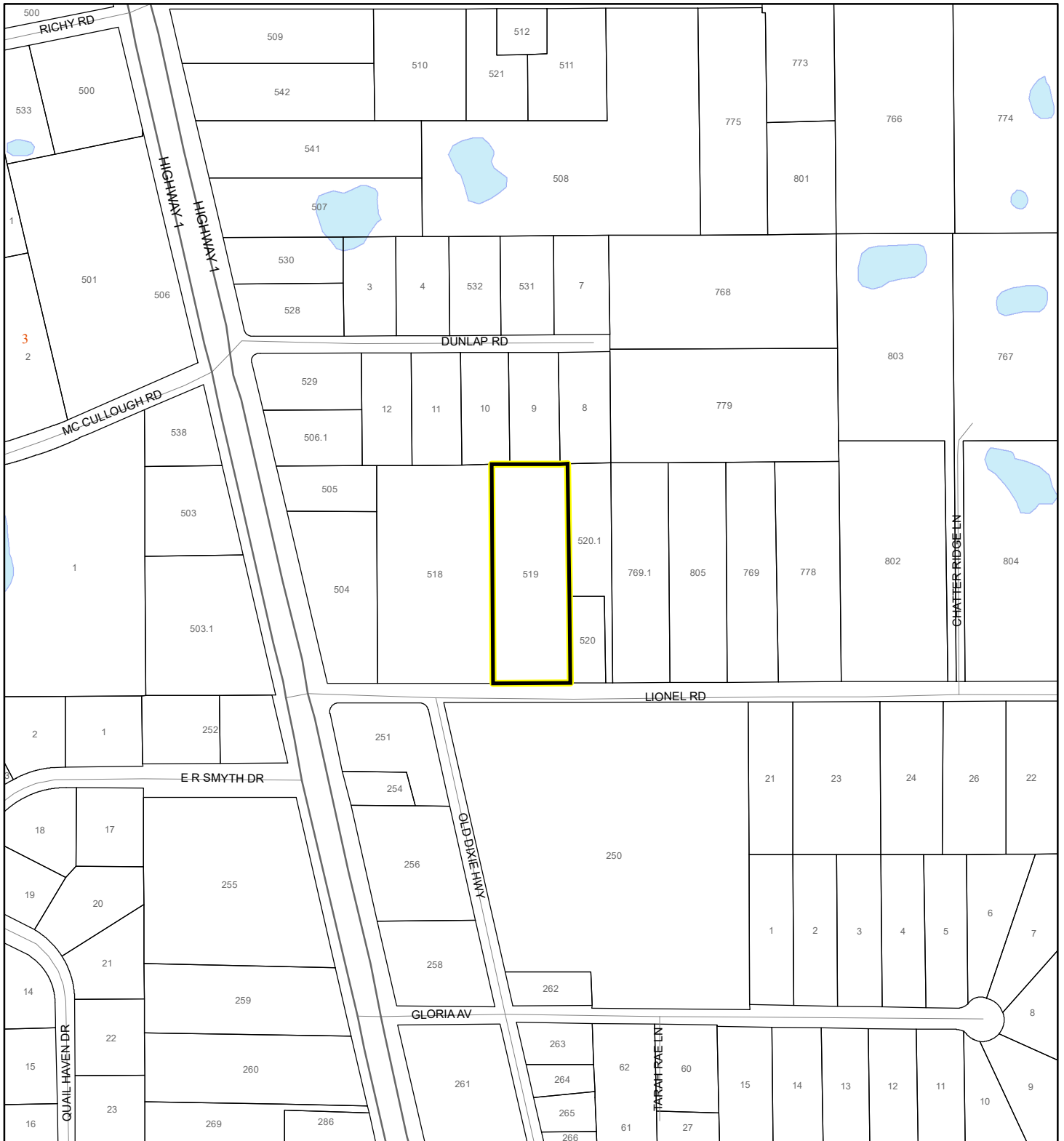
 Subject Property

 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP




Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

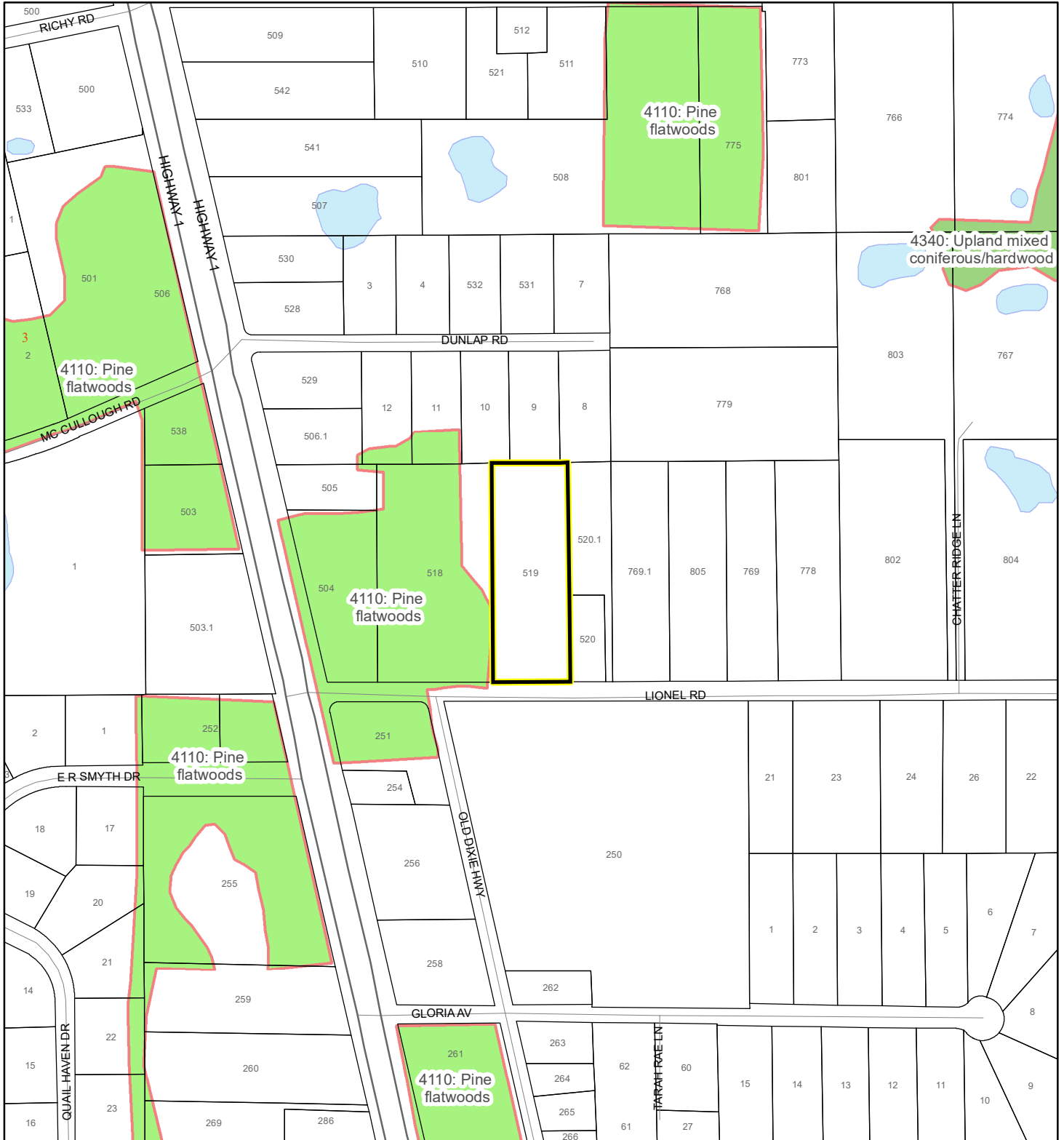
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/29/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Gonedridge, William & Jeanette
24Z00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/29/2024

SJRWMD FLUCCS Upland Forests

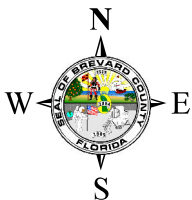
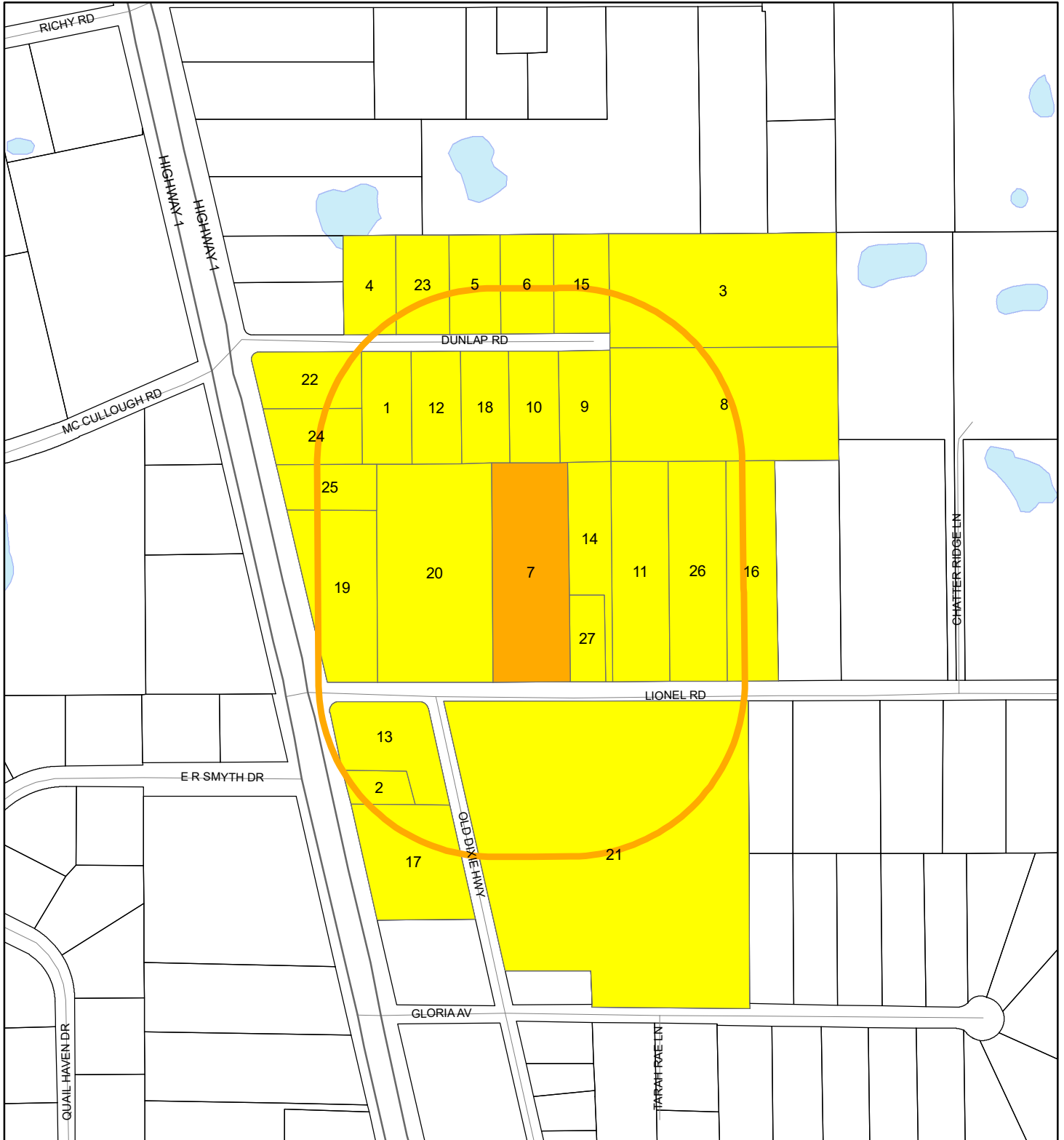
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

RADIUS MAP

Gonedridge, William & Jeanette
24Z00003







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 1/29/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Sandra Collins, Planner I, and Kristen Champion, Special Projects Coordinator.

Excerpt of Complete Agenda

William & Jeanette Gonedridge request a change of zoning classification from RR-1 (Rural Residential) to AUL (Agricultural Residential Low Intensity) and the removal of an existing BDP. The parcel is 3.33 acres, located on the north side of Lionel Rd., approx. 479 ft. east of Highway U.S. 1 (3660 Lionel Rd., Mims) (24Z00003) (Tax Account 2000372) (District 1)

Jeffrey Ball read the application into the record.

Mr. Gonedridge stated he would like to rezone the property to be able to build an agricultural building in the back.

Ron Bartcher asked Mr. Gonedridge since there's no principal structure, what is the purpose of the barn?

Mr. Gonedridge stated he has a tractor that he'd like to store there. Ron Bartcher asked if it's for his business and Mr. Gonedridge responded with no, it's for his personal use.

Motion to approve rezoning from RR-1 to AU(L) with the removal of the BDP by Ron Bartcher.

Mark Wadsworth asked to hold on the motion for a moment to give John Hopengarten a chance to ask a question.

John Hopengarten stated that he did not receive a copy of the BDP in his agenda packet.

Staff informed John Hopengarten that it is the removal of an existing BDP, not a new BDP.

Jeffrey Ball stated that for the Board's edification, the BDP limited the development of the property under the RR-1 classification to two lots. So this application would remove that restriction of two lots to allow for agricultural uses on the property.

Motion to approve rezoning from RR-1 to AU(L) with the removal of the BDP by Ron Bartcher, seconded by Logan Luse. The vote was unanimous.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.5.

5/2/2024

Subject:

JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use designation from RES1:2.5 to RES 4 and CC. (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider transmitting a Large-Scale Comprehensive Plan Amendment (2023-2) to change the Future Land Use designation from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial).

Summary Explanation and Background:

Large-Scale Comprehensive Plan Amendments are a multi-step process consisting of “transmittal and adoption ” Transmittal notifies Florida Commerce to conduct State Coordinated review of the proposed Comprehensive Plan Amendments. The State agencies have 60 days to review the proposal and make comments. Once the applicant has addressed any comments or responses from the state reviewing agencies, staff will schedule the adoption hearing. The adoption hearing will be scheduled for a future meeting, depending on the Board’s action. The proposed amendment would not be enacted until the future meeting date.

This request is seeking to amend 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). However, the applicant has indicated the intent to voluntarily limit the density to 3 dwelling units to the acre (3,246 single-family units) with their PUD (Planned Unit Development). The zoning application will be presented to the Board at a future date at the adoption hearing. The subject parcel is currently undeveloped and has access only along Babcock Street. This segment of Babcock St. is county-maintained roadway.

The subject property is adjacent to Res 1:2.5 to the south, west, and north (with a portion of Res 2). The closest RES 4 is approximately 5 miles to the east in the County’s jurisdiction.

Staff analysis of the requested RES 4, as well as the Local Planning Agency’s (LPA) recommended RES 2, identifies level of service impacts on several facilities. Staff recognizes that there may be multiple potential solutions to the concerns, and staff has advised the applicant that the capacity improvements for the facilities

need to be addressed with their zoning application.

- Transportation network infrastructure
- Availability of central water and sewer
- Level of Service (LOS) for fire rescue
- Public schools

There are no planned improvements in the Capital Improvement Program (CIP). Impact fees alone will not cover the cost of the needed infrastructure to support the proposed uses. An alternative funding source will be needed. At this time, there have not been any resolutions identified.

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). This application will be heard at a future adoption meeting.

The Board may consider if the requested RES 4 or recommended RES 2 is consistent and compatible with the surrounding area and whether to direct staff to transmit this request to the Florida Commerce for their review and comments.

On April 15, 2024, the LPA heard the request and unanimously recommended approval of RES 2 (Residential 2) and CC (Community Commercial). Staff has prepared an addendum which clarifies the statements made during that meeting.

Clerk to the Board Instructions:

None

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**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*

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
North	Vacant South of Willowbrook St. (owned by Willowbrook Farms)	GU	RES 1:2.5
South	Single-family subdivision	AU	RES 1:2.5
East	Vacant State-owned Land, Borrow Pit	GU, RRMH-1, AU, BU-1	PUB-CONS, RES 1, NC, CC
West	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 1/2 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 Population	No. Fire Fighters Per 1,000 Residents	% Supervisory 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 polices 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, depressional); 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 (≥ 10 inches in diameter) and Specimen (≥ 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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room
114 Viera,
Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

Addendum #1 To 23LS0001 (JEN Florida 48, LLC.) Staff Comments

This addendum provides a staff analysis of the applicant's presentation to the Local Planning Agency (LPA), and the LPA's Recommendation. The original analysis provided in the Staff Comments is still relevant to the large-scale comprehensive plan amendment.

The application before the Board is for "transmittal" of the large-scale comprehensive plan amendment requesting to change the future land use designation from Res 1:2.5 to Res 4 and Community Commercial. Transmittal essentially signifies to Florida Commerce that Brevard is considering a change to the Future Land Use designation of the subject property, and requests initiation of State agency review. According to Fla. Stat. Sec. 163.3184 once the transmittal phase has been completed, the Board may consider adoption of the amendment establishing the proposed or recommended densities. This would occur at a future date.

Applicant's Presentation:

On April 15, 2024, the applicant submitted and presented the attached PowerPoint slides to the LPA. Staff offers the Board the following observations:

- Slide #5 contains a conceptual plan of the proposed development which depicts the proposed number of dwelling units, commercial square footage, access, and open space/recreation. This plan should be considered informational only; it will be reviewed by County staff for compliance with the Land Development Code with future application submittals (e.g., PUD, subdivision plan, and site plan). The Board's action on the application does not approve nor vest the plan.
- Slide #7 depicts the radius, the proposed segment, intersections, and trip generation. A Traffic Impact Analysis (TIA) has been submitted and the data is adequate for the Staff Comments for the application, however, it not been approved by Brevard County Traffic Operations. It may be premature to establish the modal split on the road segments within the study area prior to traffic operations approving the study. In addition, the applicant stated the Transportation impact fees from the project could generate approximately \$16 million. It should be noted that the County has an ILA with the City of Palm Bay that obligates 50% of the impact fees in this area to be allocated for the future widening and improvements to the 9-mile section of Babcock St.
- Slide #8 contains a conceptual plan of the perimeter cross section. This plan should be considered informational only; it has not been reviewed by county staff for compliance with the Land Development Code. The Board's action on the application does not approve nor vest the plan.
- Slide #9 depicts developments within a two-mile radius of the site which includes development occurring within Palm Bay. Staff routinely uses a half-mile radius to determine compatibility to the surrounding area.

LPA Recommendation:

The LPA recommended Residential 2 (Res 2) and Community Commercial (CC) in lieu of the requested Residential 4 (Res 4). Future Land Use Element Policy 1.8, Residential 2 (RES 2), stipulates that this land use designation allows for lower density residential development with a maximum density of up to two (2) units per acre, subject to certain exceptions. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by the Comprehensive Plan:

Criteria:

A. Areas adjacent to existing Residential 2 land use designation; or

The subject property could be considered adjacent to a portion of the Rolling Meadows Ranch development (to the North) whereas this property was de-annexed from the City of Palm Bay whereby the County recognized entitlements up to 2 units per acre. This area is separated by a strip of land approximately 100 feet to 140 feet which prevents roadway access from the subject property to Willowbrook St.

B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

There are no land uses greater than two units per acre adjacent to the subject property. This request could be considered an expansion of the existing Res 2 to the North of the subject property into an area with Res 1:2.5.

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

The City of Palm Bay city limits are not adjacent to the subject property and therefore, could not be considered a logical transition.

D. Up to a 25% density bonus to permit up to 2.25 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.

Developing the property as a PUD would allow up to 2,705 dwelling units at 2.25 dwelling units per acre, while traditional zoning limits the density to 2,164 dwelling units. In comparison, the RES 4 would permit a density of 4,328 dwelling units.

The developer has indicated that they intend to cap the density of the project at 3 units to the acre for a total of 3,246 dwelling units.

In addition, it should be noted that the recommended RES 2 does not alleviate all the facility concerns mentioned in the original Staff Comments. Staff has identified that the existing capacity of Babcock St. is inadequate to accommodate the traffic generated by the proposed development.

The Brevard County School District has identified that redistricting the attendance boundary zones for the high school and middle schools would potentially achieve concurrency, but it does not have the necessary

student capacity for elementary school students.

Fire Rescue has identified that the response times, distances, and water for firefighting would not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, nor the fire apparatus needed to support the increased demand for service expected from the proposed development.

City of Palm Bay Utilities has identified that they will provide water and sewer at a future date, depending on certain improvements to extend service (excluding the fire flows for the commercial portion). Lots smaller than a quarter acre or less in size would be required to connect to central water and sewer per Policy 1.2 (Criteria C).

Sun Terra Lakes

COUNTY COMMISSION

May 2, 2024

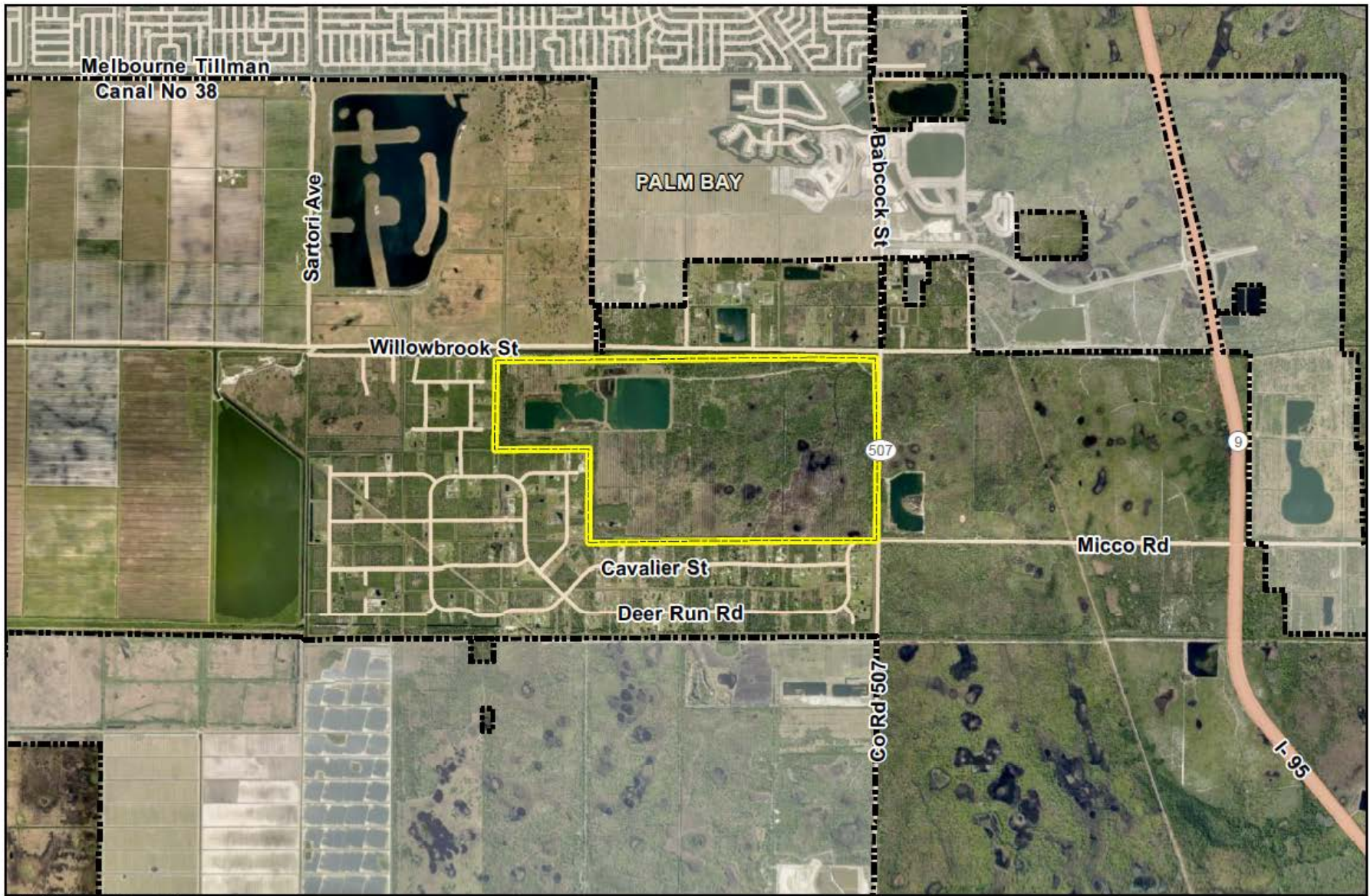
Project Location and Summary of Request

Location:

Located on the west side of Babcock Street, south of Willowbrook Street, in unincorporated Brevard County, Florida.

Summary of Request:

A Large-Scale Future Land Use Map Amendment from RES 1:2.5 (Residential 1 Unit per 2.5 Acres) to RES 4 (Residential 4 Units per Acre) and CC (Community Commercial).



SOURCE: Brevard County, FL

Aerial

 Subject Boundary

SunTerra - Brevard Co



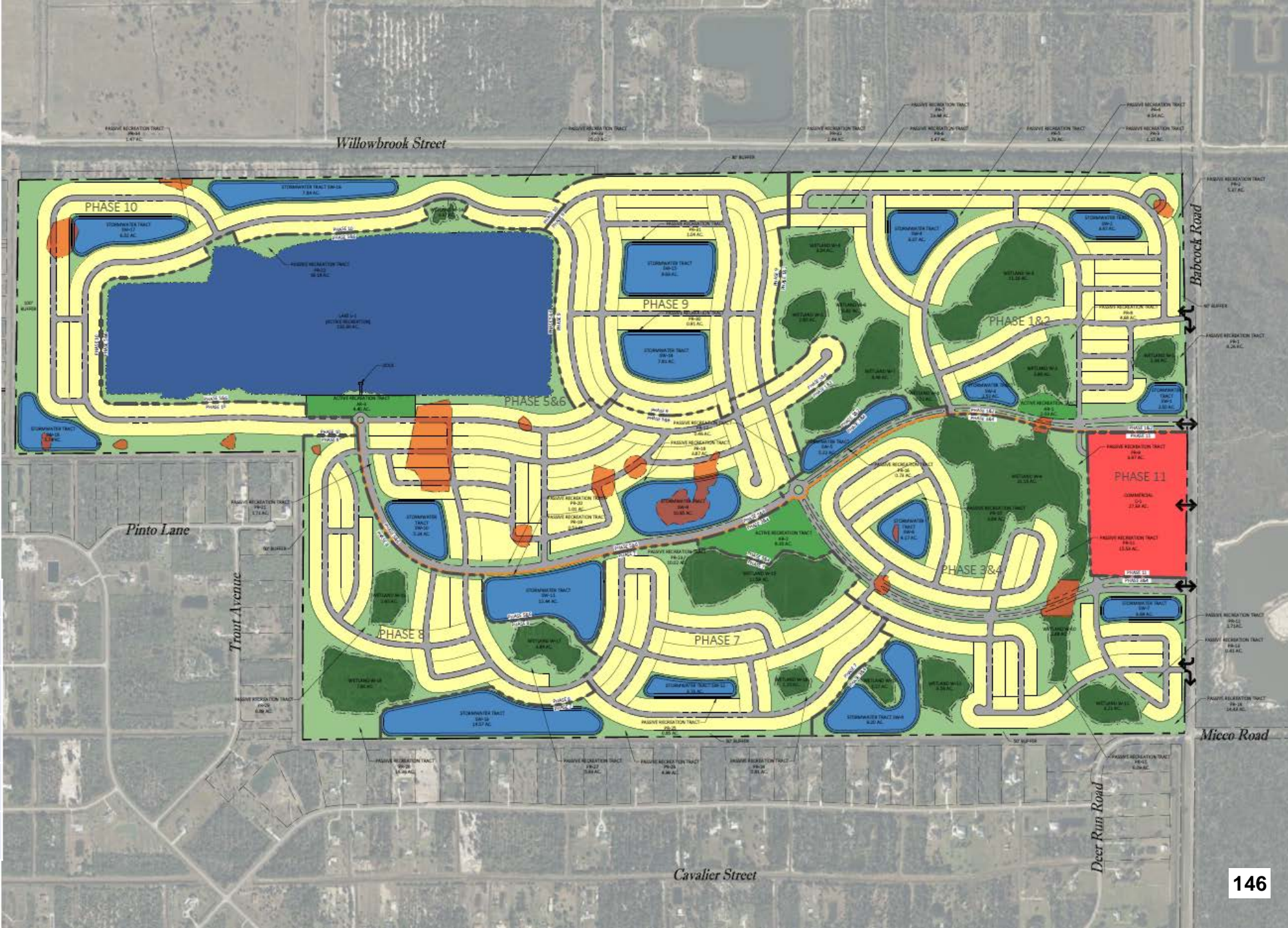
04/09/2024
P & B Job No.: 23-081

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

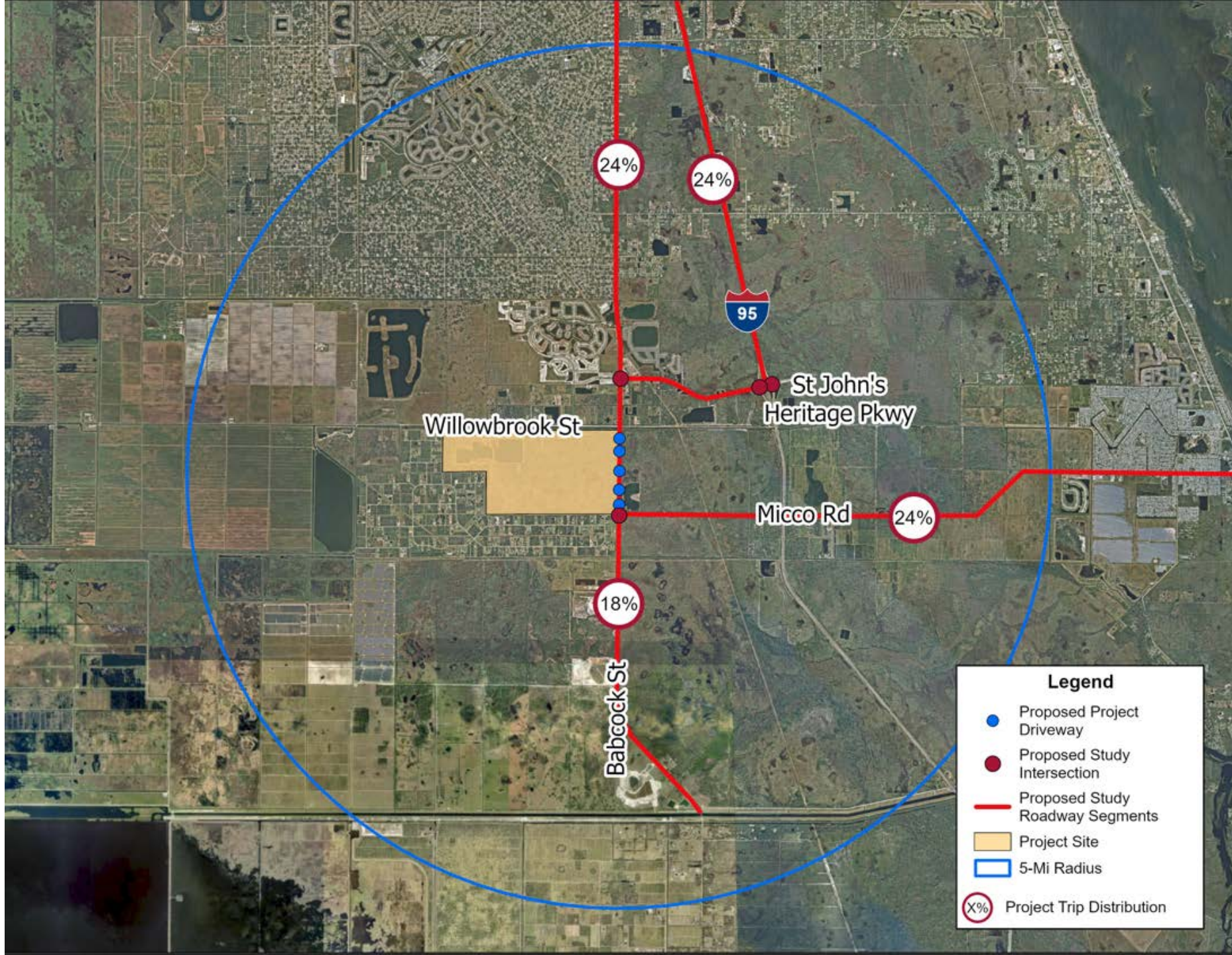
Sun Terra Lakes



Proposed Development Program	
Proposed Max Allowable Dwelling Units	3,246 units
Proposed Max Commercial Development (Sqft)	398,000 sqft
Open Space	468.54 acres
Active Recreation	140.08 acres
Passive Recreation	328.46 acres

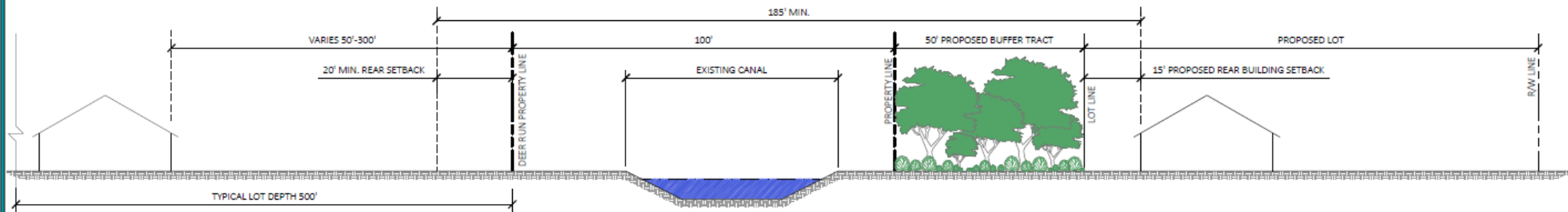
COMMUNITY MEETING

- Occurrence: 6pm-8:45pm on April 10th, 2024
- Location: Comfort Suites Inn, 1175 Malabar Rd, Palm Bay
- Attendance:
 - In-Person – 17 (per sign in sheet), 23 total
 - Virtual – 21 attendees
- Concerns and Responses
 - Traffic Congestion
 - School Impacts
 - Fire and Police Response
 - Density
 - Consistency and Compatibility



Legend

- Proposed Project Driveway
- Proposed Study Intersection
- Proposed Study Roadway Segments
- Project Site
- 5-Mi Radius
- X% Project Trip Distribution

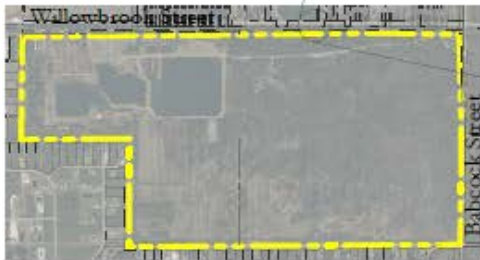


Perimeter Cross Section

N.T.S.

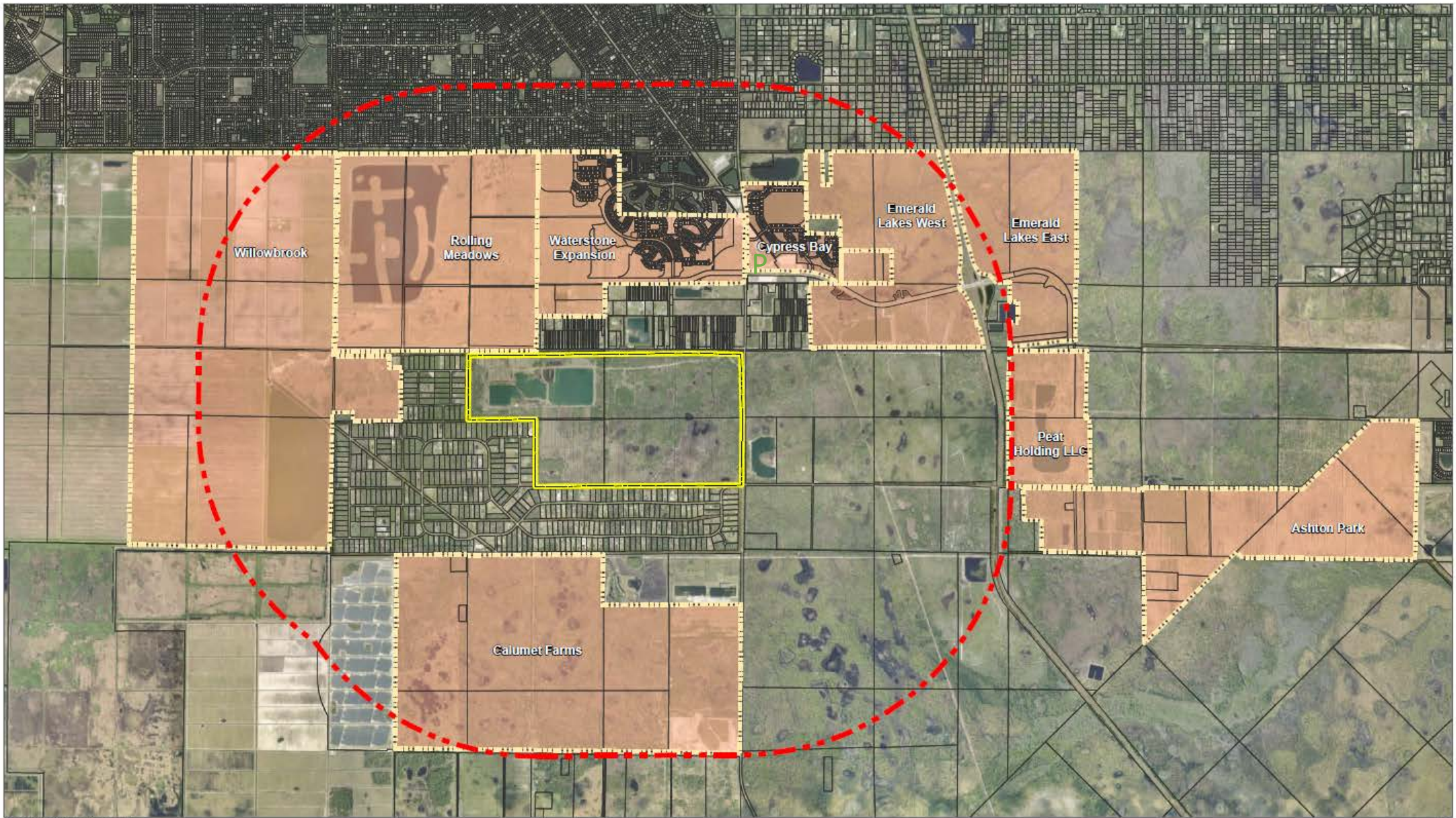
Perimeter Cross Section

SunTerra Brevard County Mixed Use



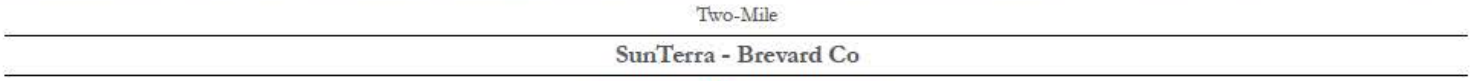
Willowbrook Dimensions
Sun Terra Lakes





Map Sources: Brevard County, FL

- Subject Property
- Two-Mile Buffer
- Future Developments

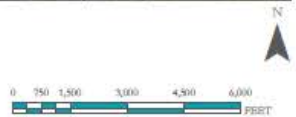


SunTerra - Brevard Co

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Orlando, FL 32803 Ph. 407-487-2594

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Certificate of Authorization No. 28567



08/14/2023
P & B Job No: 23-081

Document Path: Z:\2023\23-081 Sun Terra - Brevard Co\Map\GIS\Map_Docs\FDA\Two-Mile Vicinity Map 11x17 Layout

DEVELOPMENT PROCESS

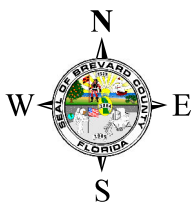
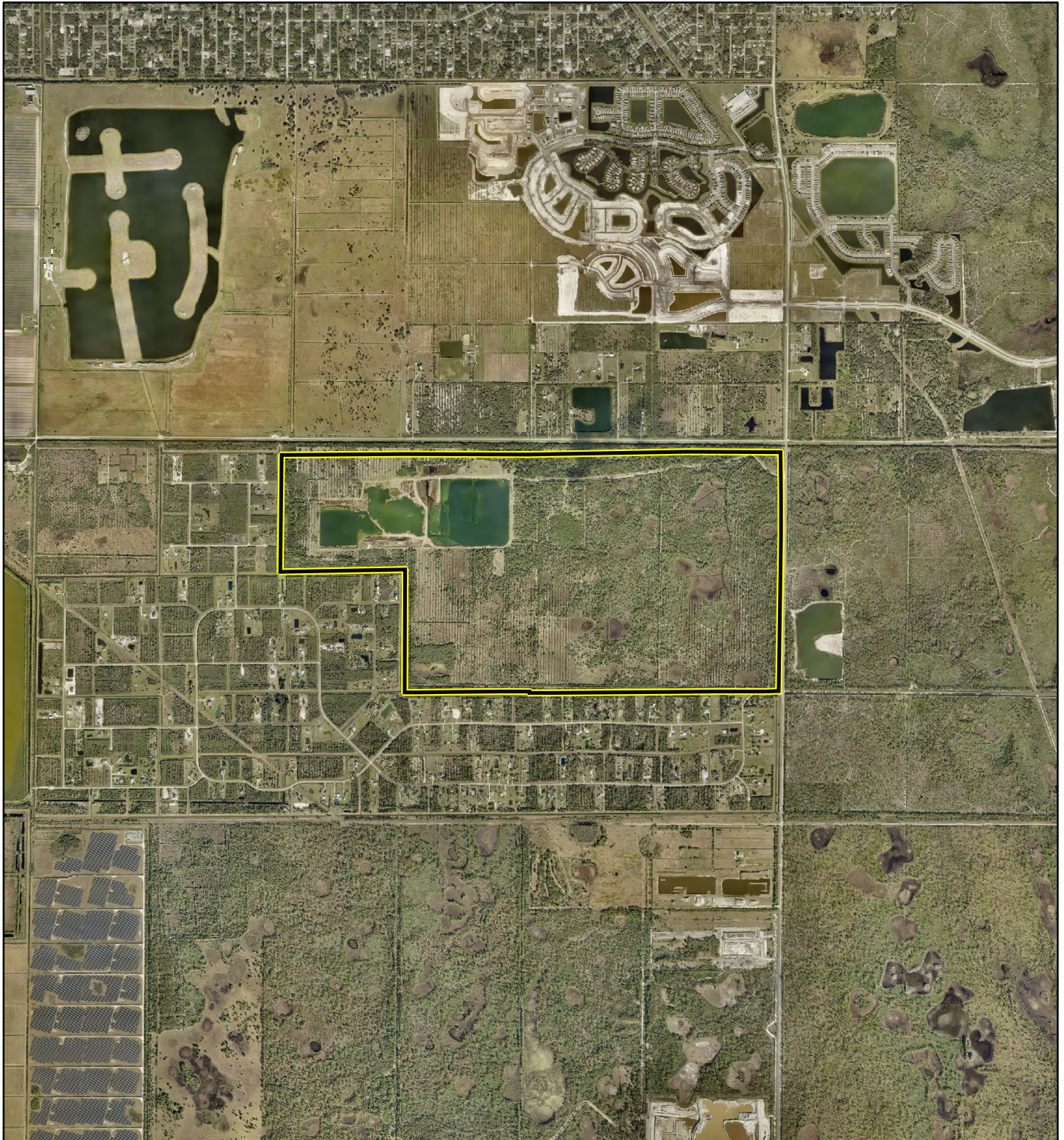
Large-Scale Future Land Use Map Amendment

1. April 10, 2024 – Community Meeting
2. April 15, 2024 – Local Planning Agency
3. May 2, 2024 – Board of County Commission
 - If BOCC approves, CPA will be transmitted to the State for review
4. TBD – County Commission Hearing
 - To Approve or Disapprove CPA
5. TBD – Planned Development Zoning

AERIAL MAP

BORUCH-DAVID LLC

23LS00001




1:36,000 or 1 inch = 3,000 feet

PHOTO YEAR: 2023

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

Produced by BoCC - GIS Date: 3/15/2024

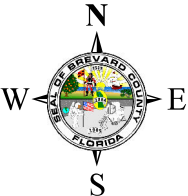
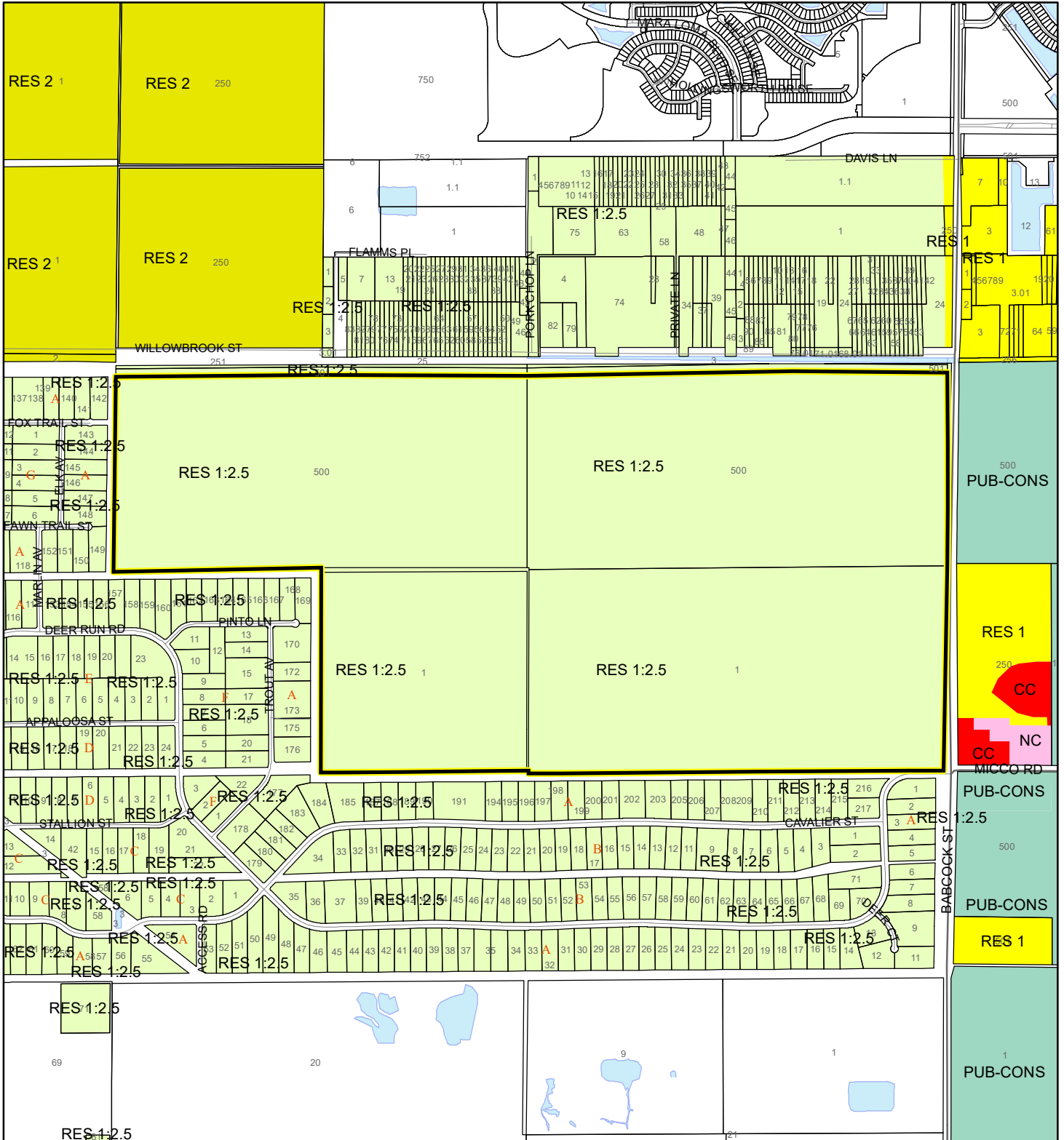
 Subject Property

 Parcels



FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:21,600 or 1 inch = 1,800 feet

 Subject Property
 Parcels

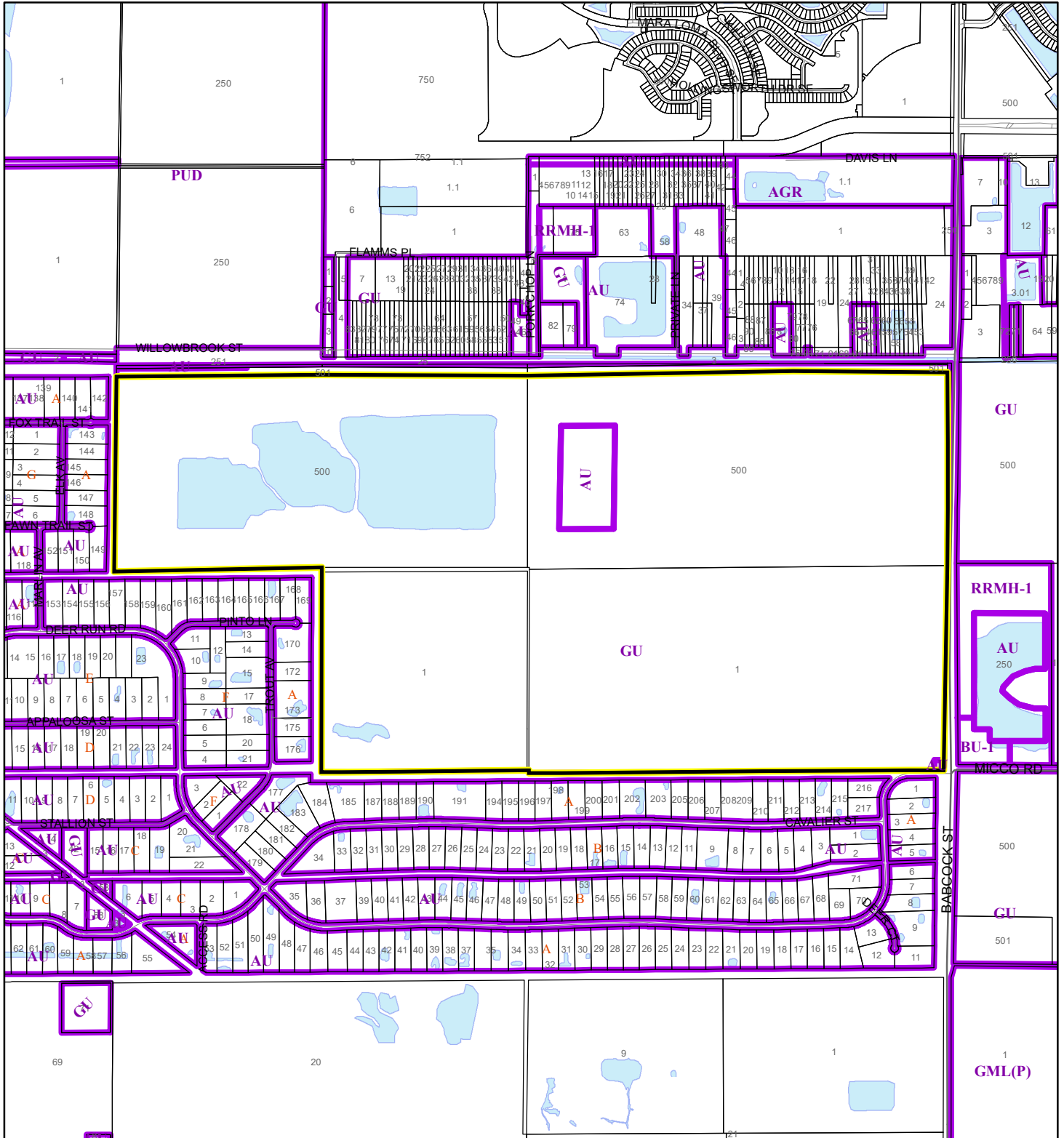
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Produced by BoCC - GIS Date: 3/15/2024


ZONING MAP

BORUCH-DAVID LLC

23LS00001



1:21,600 or 1 inch = 1,800 feet

 Subject Property

 Parcels

 Zoning

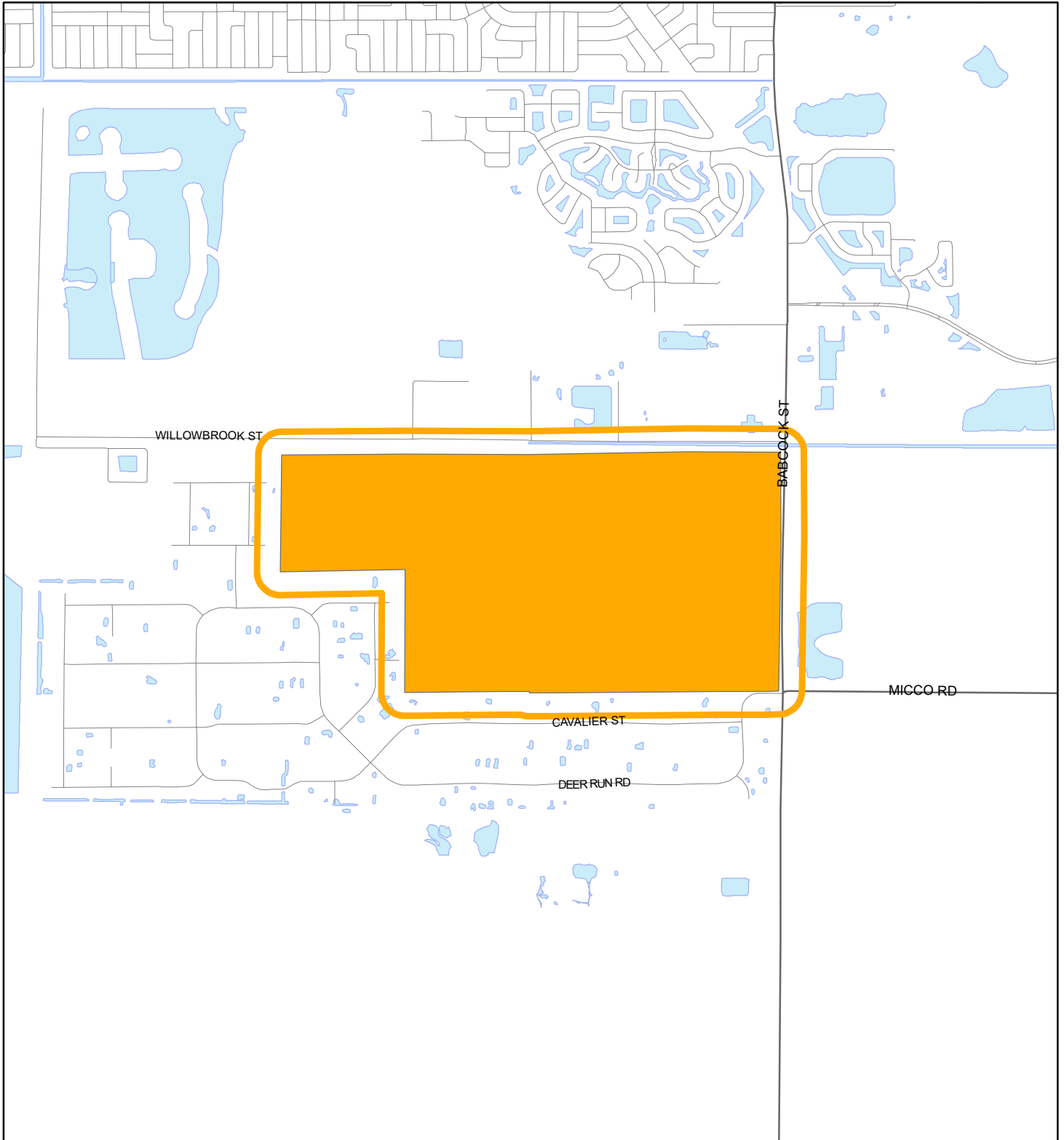
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2024

LOCATION MAP

BORUCH-DAVID LLC

23LS00001





1:36,000 or 1 inch = 3,000 feet

Buffer Distance: 500 feet

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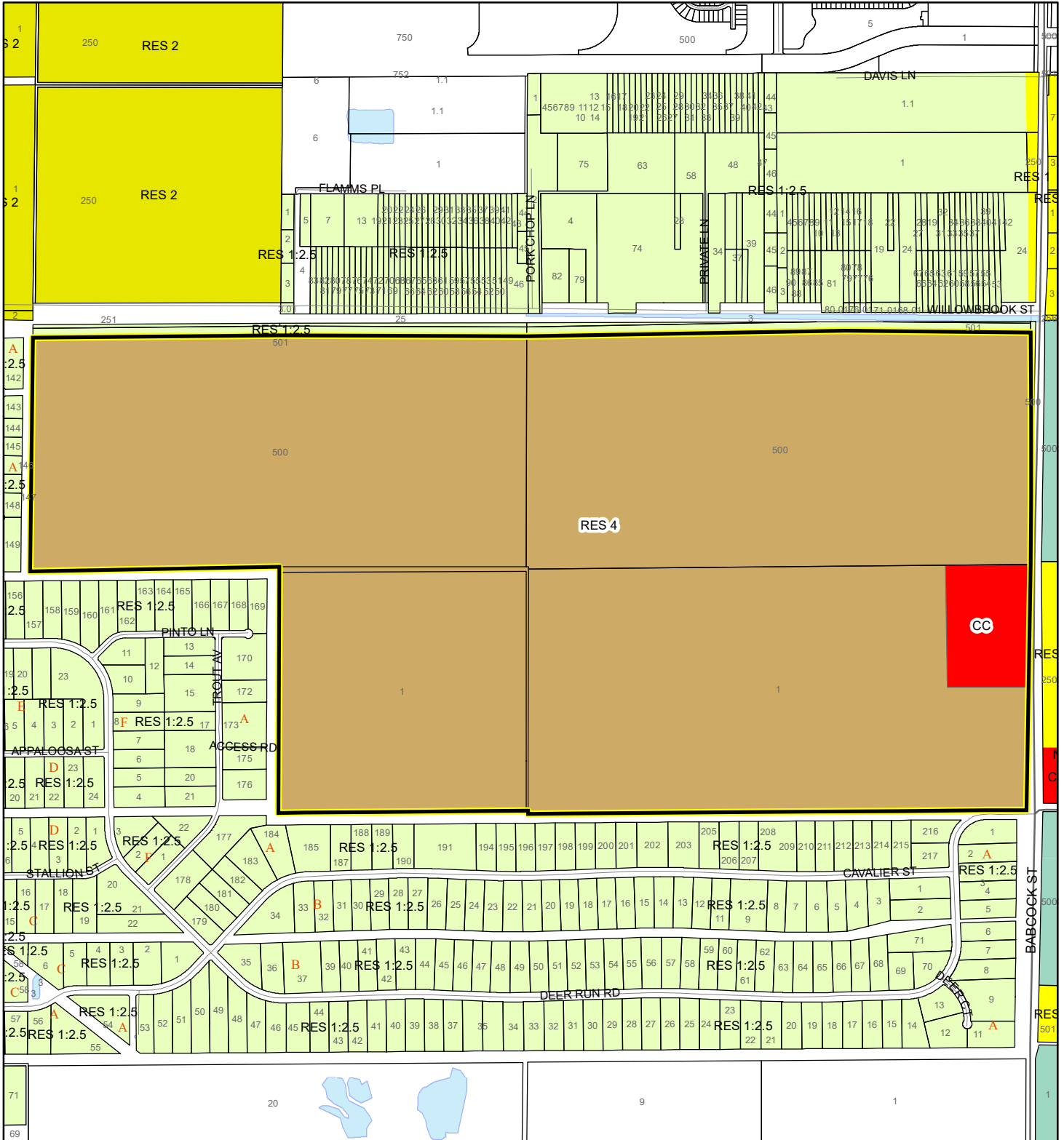
Produced by BoCC - GIS Date: 3/5/2024

-  Buffer
-  Subject Property



PROPOSED FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

 Subject Property
 Parcels

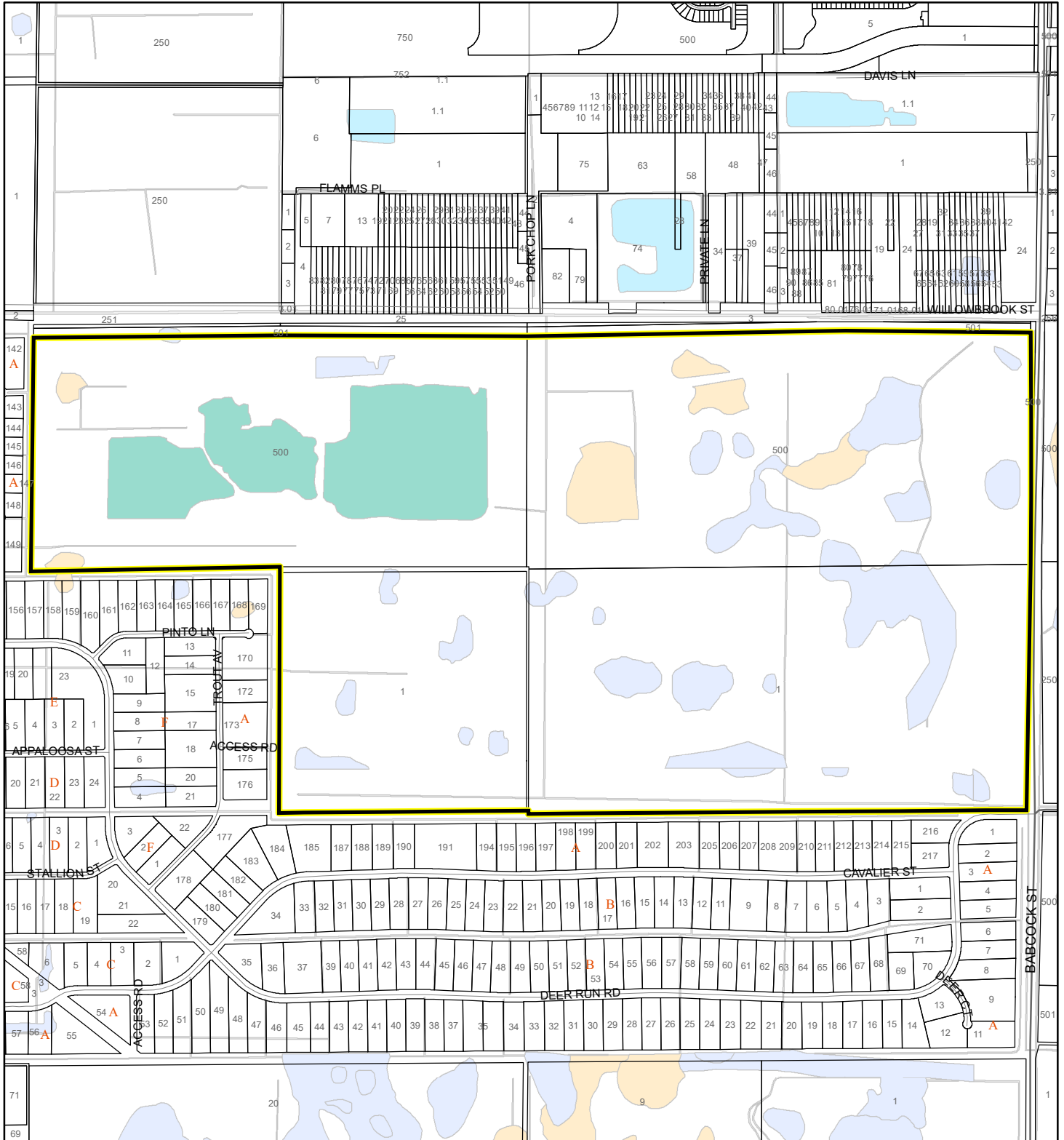
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Produced by BoCC - GIS Date: 3/5/2024

NWI WETLANDS MAP

BORUCH-DAVID LLC

23LS00001













1:18,000 or 1 inch = 1,500 feet

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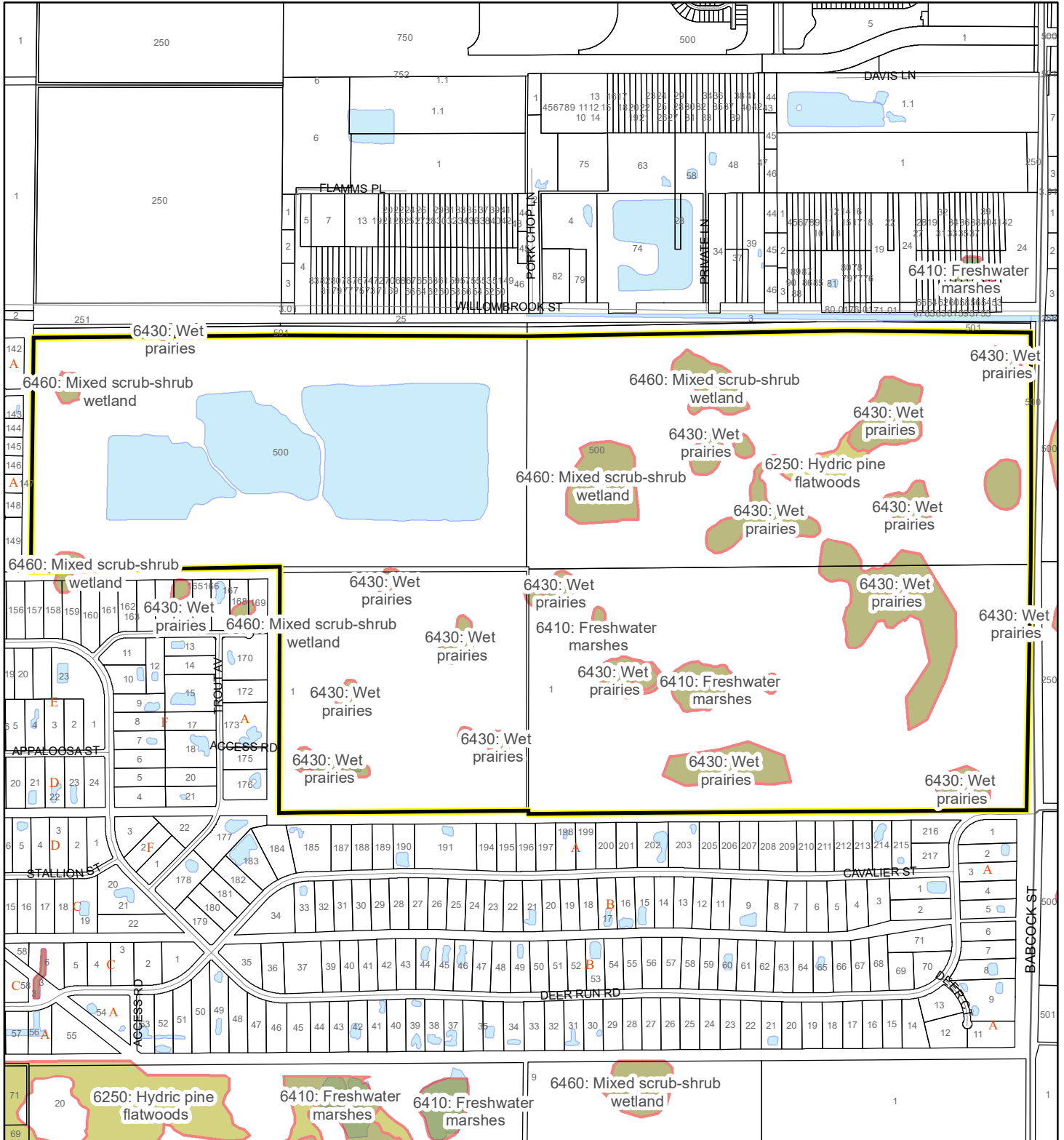
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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SJRWMD FLUCCS WETLANDS

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

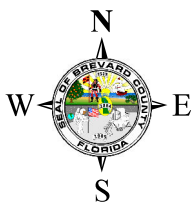
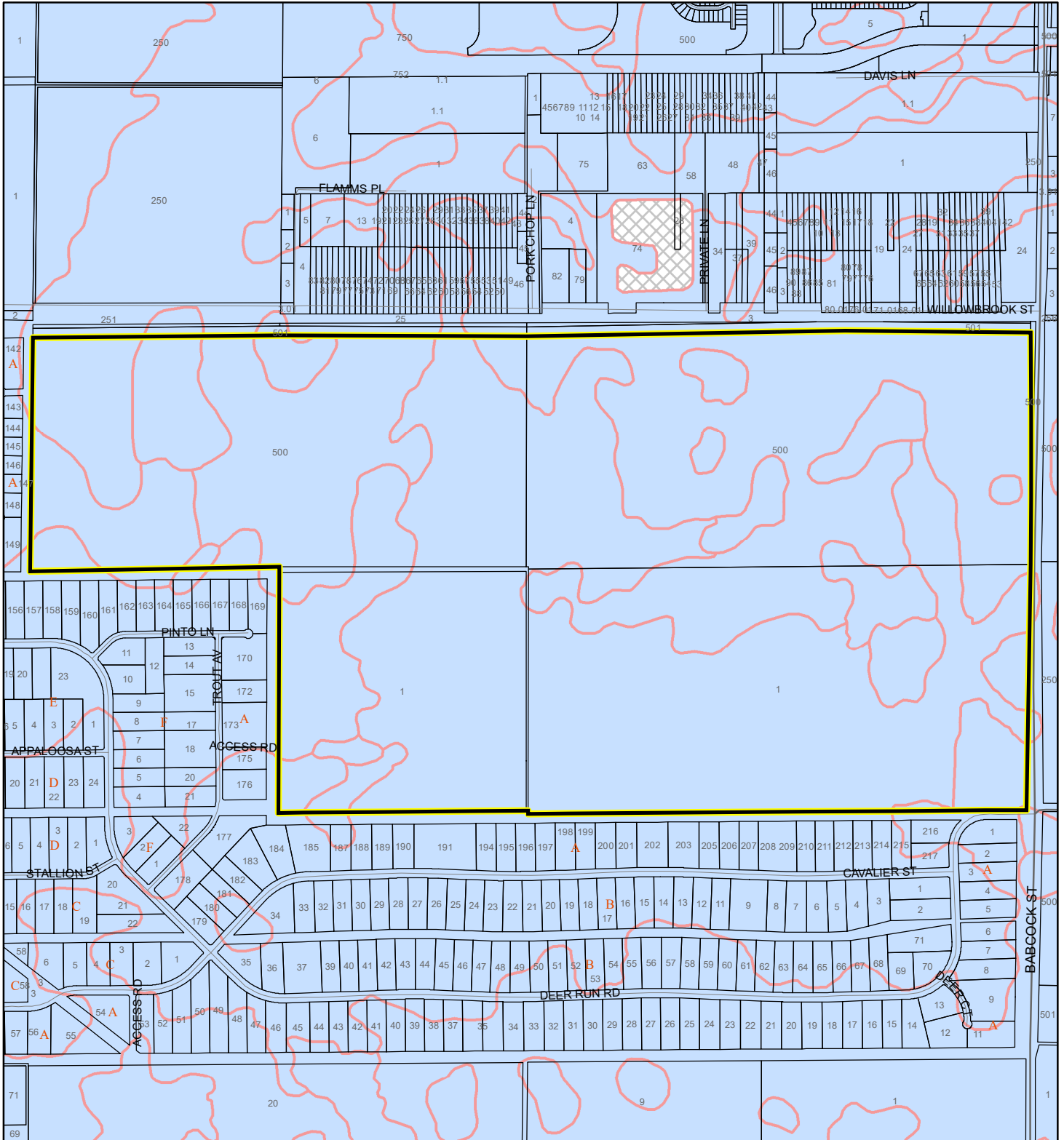
Subject Property

Parcels

USDA SCSSS SOILS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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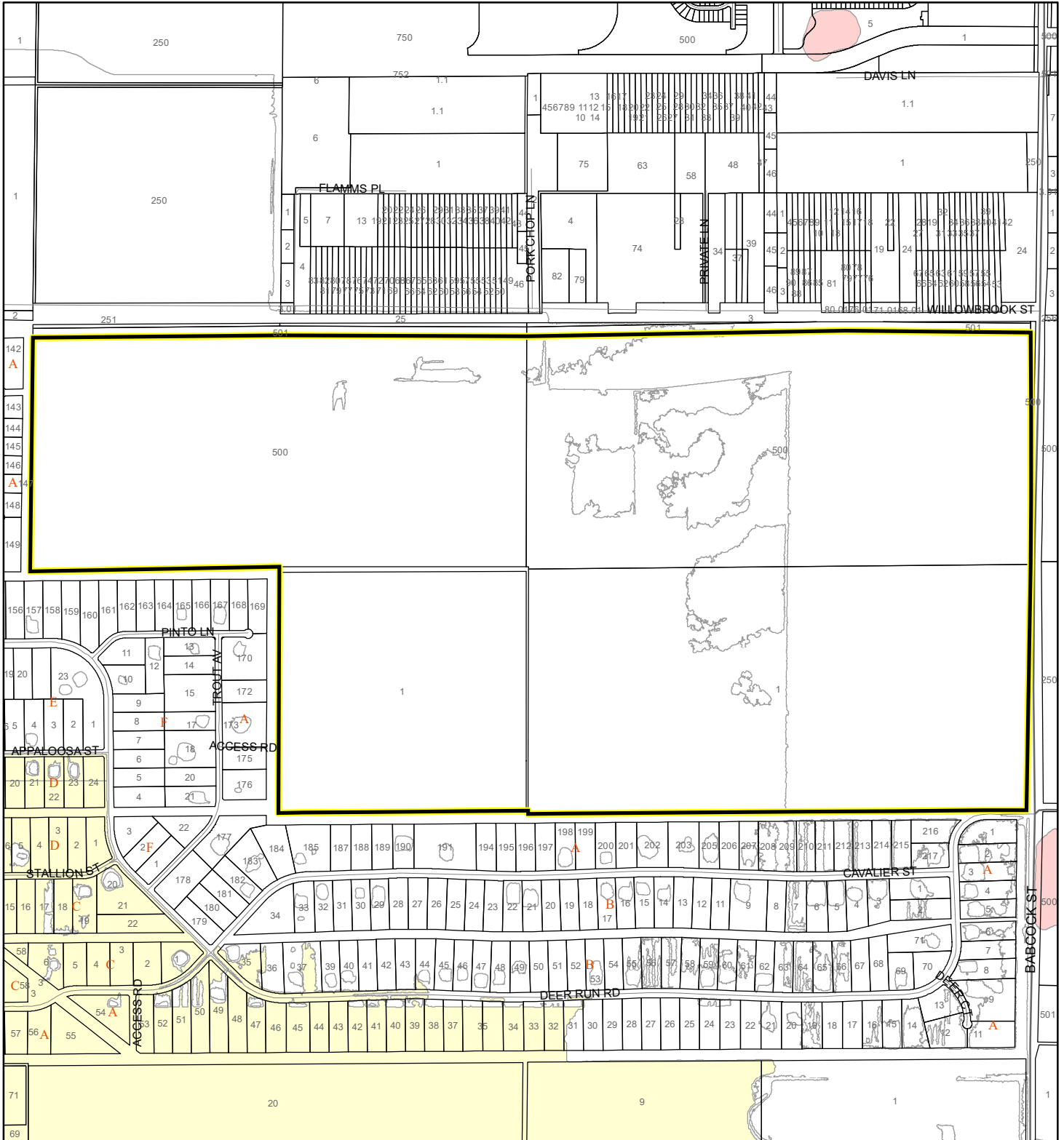
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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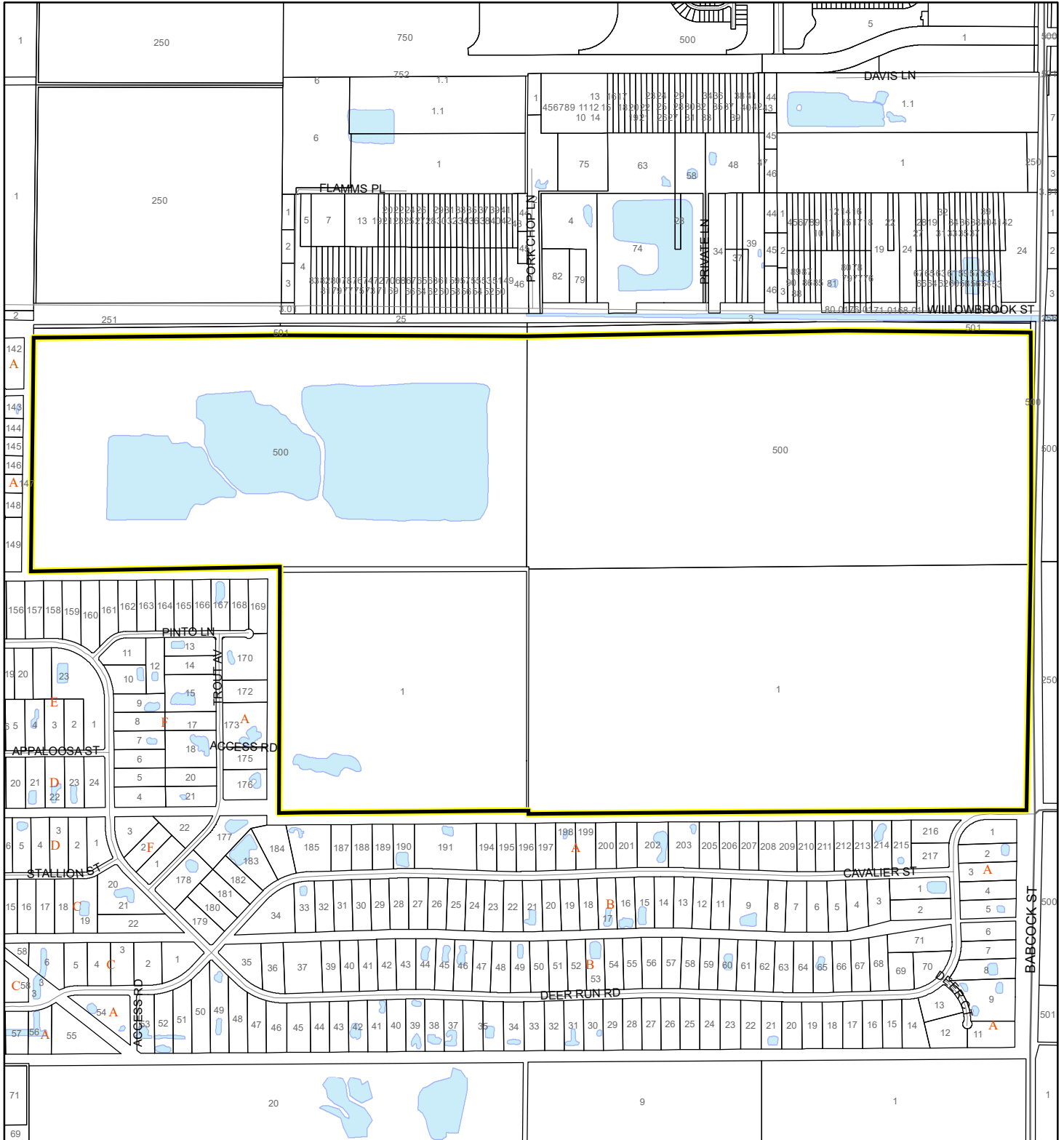
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- FEMA Flood Zones**
- A
 - AO
 - X
 - AE
 - Open Water
 - AH
 - VE
 - Subject Property
 - Parcels

COASTAL HIGH HAZARD AREA MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet


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 Subject Property

 Parcels

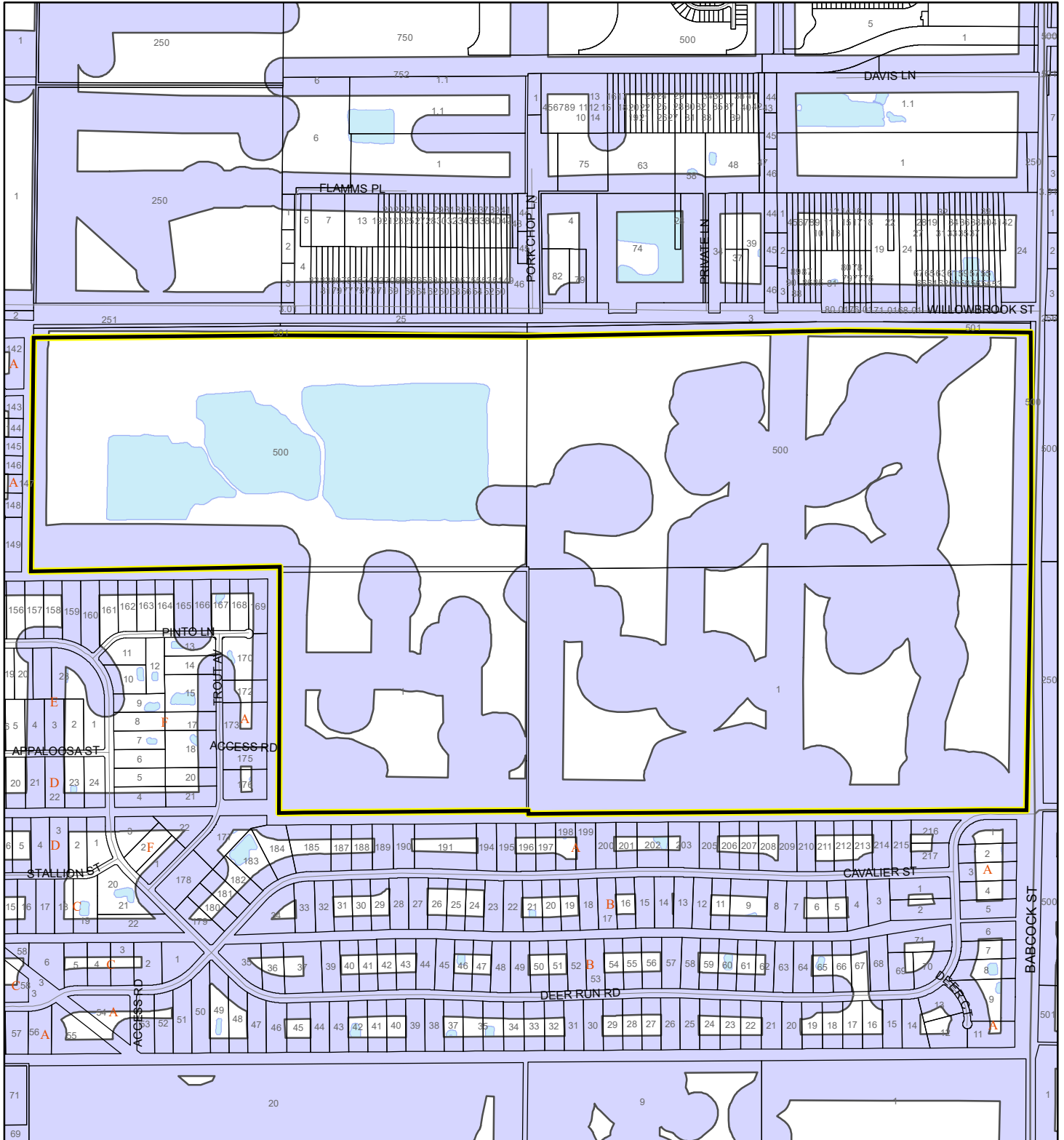
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024


 Subject Property

 Parcels

Septic Overlay

 40 Meters

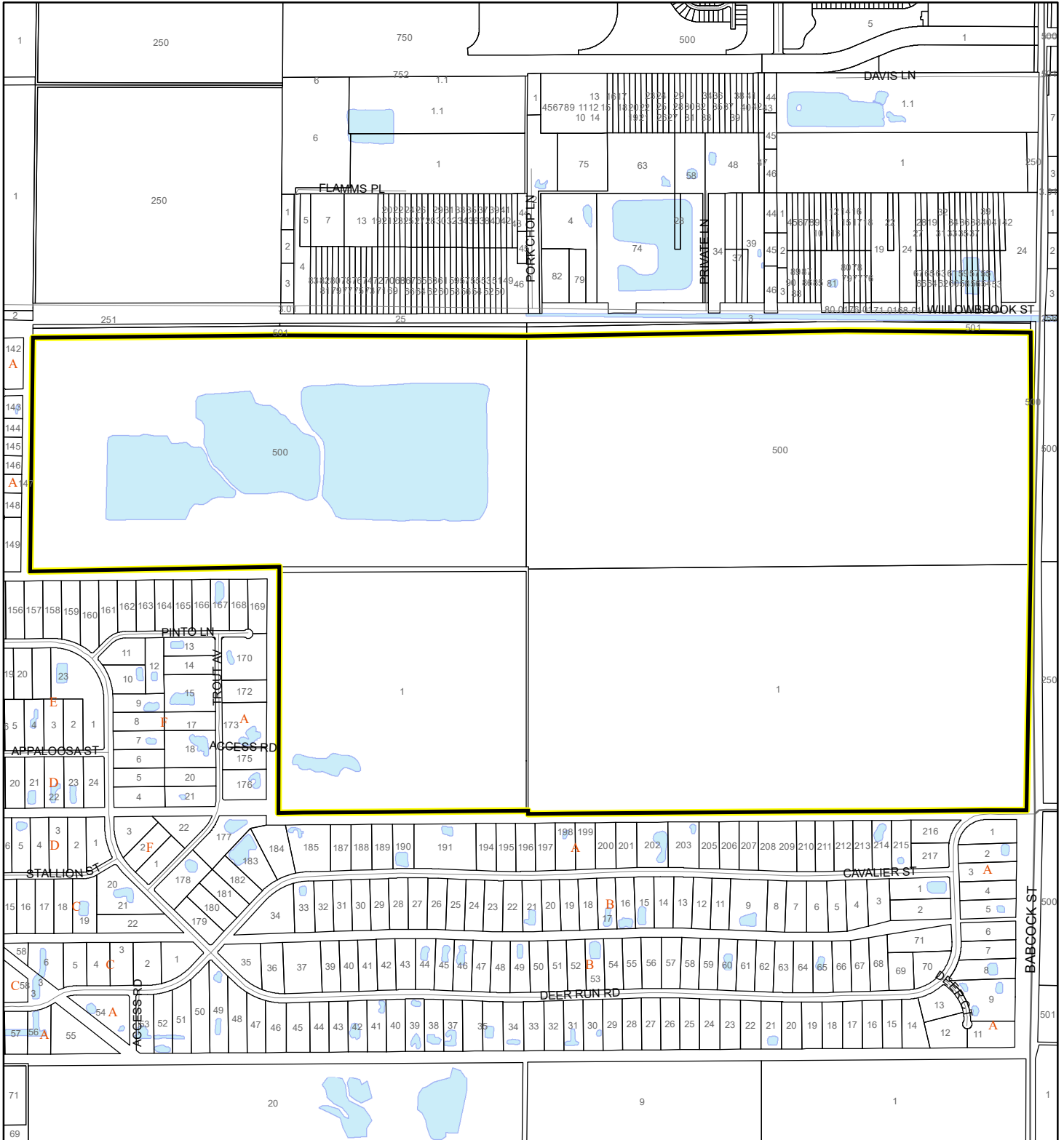
 60 Meters

 All Distances

EAGLE NESTS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

 Subject Property

 Parcels

 Eagle Nests
FWS

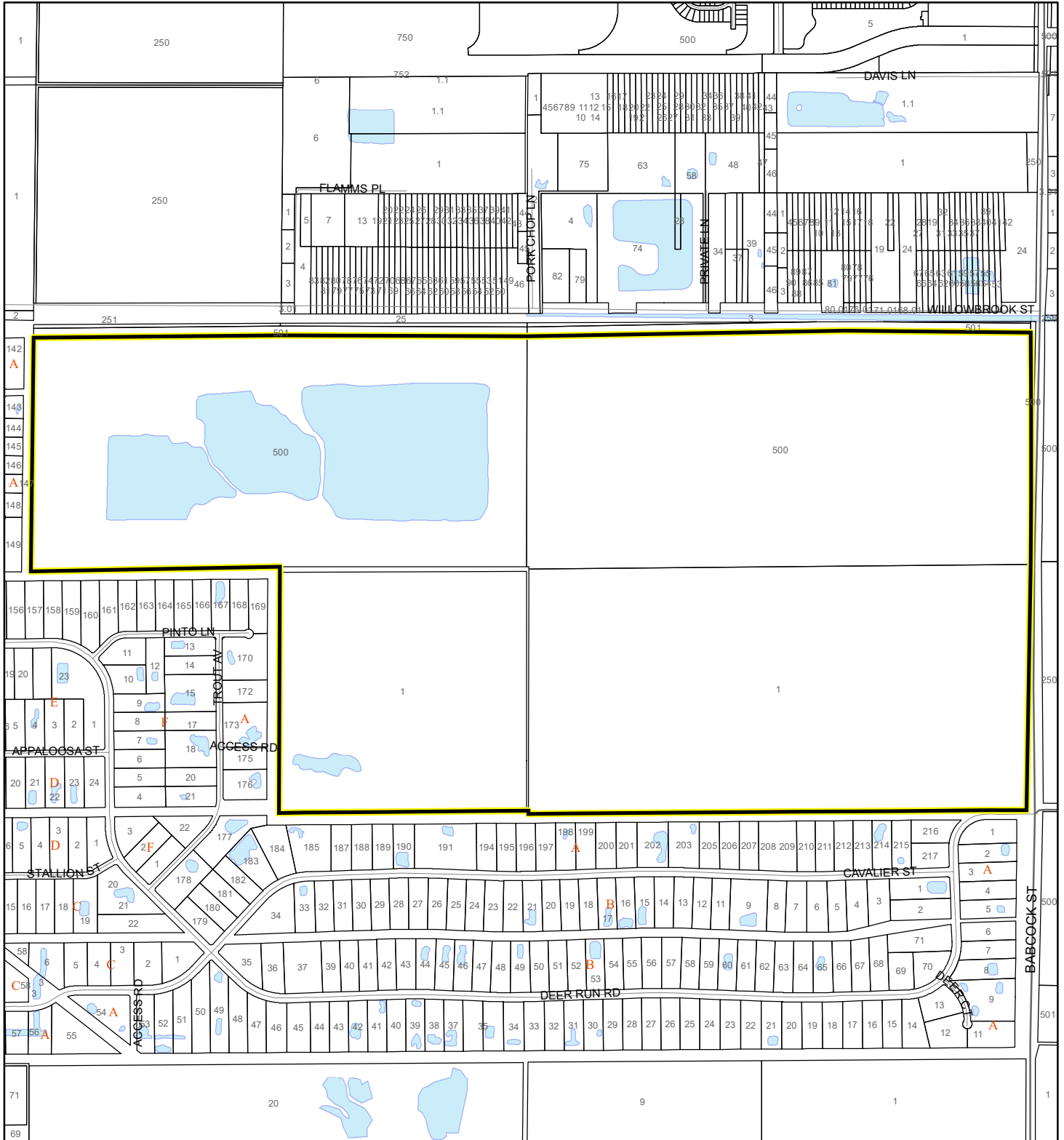
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Produced by BoCC - GIS Date: 3/5/2024

SCRUB JAY OCCUPANCY MAP

BORUCH-DAVID LLC




23LS00001



1:18,000 or 1 inch = 1,500 feet

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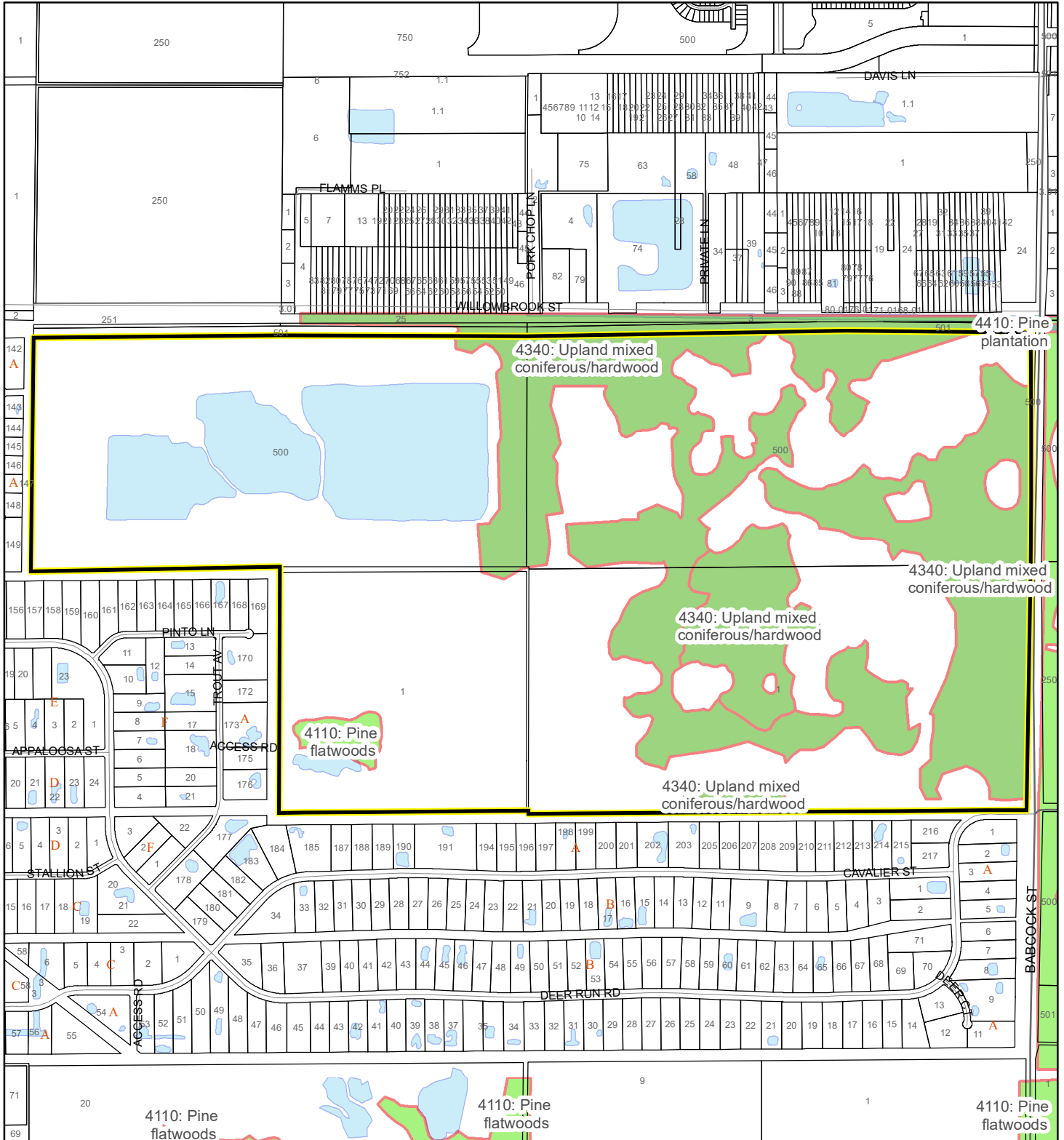
Produced by BoCC - GIS Date: 3/5/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

SJRWMD FLUCCS Upland Forests

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

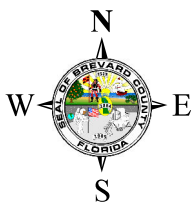
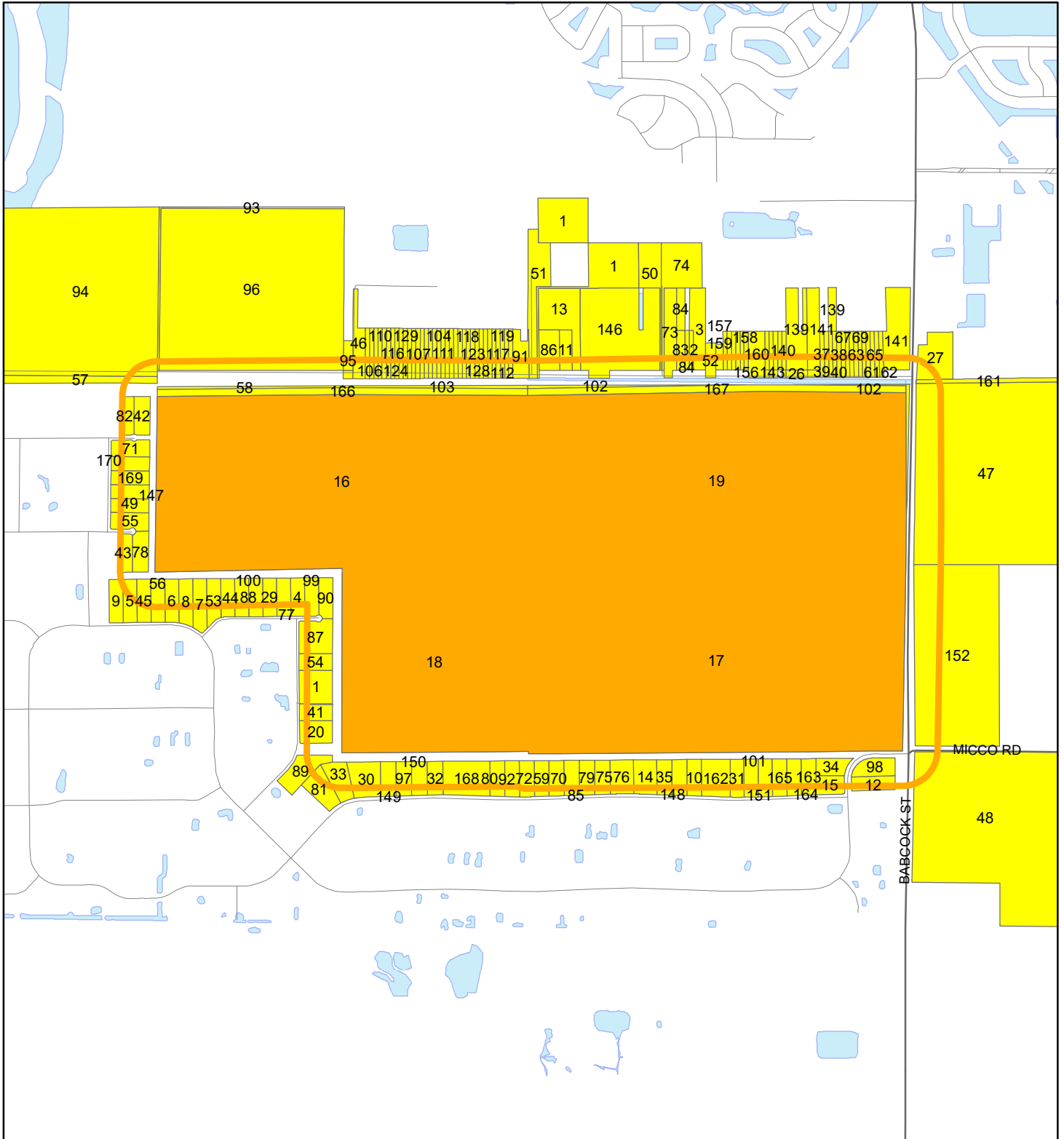
Subject Property

Parcels

RADIUS MAP

BORUCH-DAVID LLC

23LS00001







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

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 3/5/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



Nicole Sealy
2602 E. Livingston St.
Orlando, FL 32803

We are sending you this letter in response to your request on Feb. 14, 2024 for a formal letter stating the conditions of providing service to a specific property in Brevard County with parcel IDs 30-37-09-00-500, 30-37-08-HF-500, 30-37-17-HF-1, and 30-37-16-00-1.

Please note that this portion of the City is undergoing significant development and conditions may change in the future. The City does not currently have capacity for commercial fire flow demands in this area nor any additional sewer capacity. Various projects are being coordinated to accommodate the growth including water main and force main installations and the construction and expansion of a new water reclamation facility.

It is the intent of the City to serve this property with water and sewer services with the understanding of the aforementioned conditions.

Daniel Cardona

4/1/2024

Thank you,

Daniel R. Cardona, P.E.

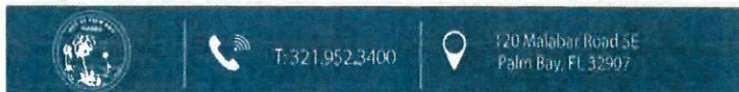
Palm Bay Utilities

Engineer II

Office: 321-952-3410 Ext. 7076

Cell: 321-474-8373

Down to Earth And Up To Great Things



April 1, 2024

Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Building A Room 114
Viera, FL 32940

Subject: Large-Scale Comprehensive Plan Amendment
Consistency and Compatibility with Brevard County’s Comprehensive Plan
Application #23PUD00005
Poulos & Bennett Job No. 23-081

The Property is generally located on the west side of Babcock Street, south of Willowbrook Street in unincorporated Brevard County, Florida. It is owned by Jen Florida 48, LLC and consists of parcels 30-37-08-HF-500; 30-37-09-00-500; 30-37-17-HF-1; 30-37-16-00-. Please see Exhibit A for the Legal Description of the Property. The Property is approximately **1,109.57** acres in size. The proposed development plan (Exhibit B) projects 1082.24 acres of the 1,109.57 acres to be residential, while the remaining 27.33 acres is to be designated as commercial.

The applicant requests approval for a Large-Scale Future Land Use Map amendment to change the Future Land Use Designation of the Property from RES 1:2:5 (Residential 1 Unit per 2.5 Acres) to Residential 4 (Residential 4 Units per Acre) and CC (Community Commercial) with the intent to cap the density of the development to three (3) dwelling units per acre and develop through the Planned Unit Development zoning district. The proposed development program includes 3,246 single-family residential units, along with 398,000 square feet of accompanying and supporting nonresidential uses (Exhibit B).

Brevard County Comprehensive Plan Policies

Below is a justification statement for the proposed amendment summarizing consistency and compatibility with each element of the County’s Comprehensive Plan.

1. Conservation Element

The goal of the Conservation Element is to protect, conserve, enhance, maintain and appropriately use natural resources and environmental systems, maintaining their quality and contribution to the quality of life and economic well-being of Brevard County.

Policy 1.3 Criteria A

The County shall reduce the potential for mobile source emissions by the following means:

Criteria A: Promote appropriate Planned Unit Development and multi-use developments or use centers.

Justification:

The proposed site will be developed through the Planned Unit Development Zoning district standards and processes per the Site-Specific Policies listed in Exhibit C. Furthermore, the proposed development is to consist of both residential and nonresidential uses to provide convenient access to goods and services for the residents. The provisioning of goods and services in close proximity to residents and within the Planned Unit Development will reduce

the traditional daily trips needed by residents and, thus, reduce projected Vehicle Miles Traveled (VMT). Furthermore, the development will be amenitized with interconnected walking trails to further promote a sustainable, multimodal development that minimizes mobile source emissions.

Policy 2.1 Criteria A

Policy 2.1 states that Brevard County shall address various energy saving methods including:

Criteria A: Encouraging appropriate Planned Unit Development and multi-use developments.

Justification:

The current Future Land Use Designation only allows for 1 unit per 2.5 acres. The 1 dwelling unit per 2.5-acre maximum density would create inefficient sprawl. As such, the current Future Land Use Designation is in conflict with Conservation Element Policy 2.1. In contrast, the proposed Future Land Use designation provides for a site-specific policy listed in Exhibit C that requires this development to proceed through the Planned Unit Development process, while providing multiple uses within the development for resident enjoyment and convenience. As such, the proposed designation requested is more appropriately aligned with the policies and intent of the Conservation Element by providing for a more efficient distribution of residential units with convenient access to goods and services for the residents.

2. Surface Water Element

The Goal of the Surface Water Element is for a safe, efficient, environmentally sound and comprehensive surface water management system in Brevard County.

Justification:

If developed, a drainage plan must be prepared in accordance with current regulations and approved by the County, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the County during the site plan review process.

3. Recreation and Open Space Element

The Goal of the Recreation and Open Space Element is to provide a park and open space system which offers opportunities for a variety of passive and active recreation, promotes visual appeal and provides relief from expanses of development.

Parks and Open Space Policy 1.2

A system of parks and recreational facilities meeting the needs of the population shall be maintained to provide for the acceptable levels of service.

Recreation Element Policy 5.1

Development of residential areas shall provide active recreation and open space areas, to augment public recreational facilities and to provide direct, convenient facilities to meet the recreational needs of the residents.

Recreation/Open Space: Acceptable LOS Standard 3.0 acres of developed park land per 1,000 people living in the unincorporated areas of each planning area.

Max Allowable Dwelling Units – 3,246

Required Recreation/Open Space – $3,246/1,000 = 3.246$ Acres

Provided Recreation/Open Space – 140.8 Acres of Active Recreation; 328.46 Acres of Passive Recreation.

Justification:

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density, beyond Level of Service established for the area. However, extending County resources to this area is not conducive with current available services. As such, to accommodate for this influx in density, a condition on making parks in the development available for public access, while being maintained privately is listed in this report below.

The development will have a series of interconnected parks, open space and recreation facilities. Active recreation space will exceed 140 acres, while passive recreation space will exceed 328 acres for a total of over 460 acres of open space and recreation areas. These areas will be comprised of an existing 100-acre lake will be amenitized to allow for active recreation opportunities supplemented by pocket parks throughout the development.

4. Historic Preservation Element

The goal of the Historic Preservation Element is to identify, protect, preserve, recognize, and mitigate impacts upon the resources which are significant in terms of historic, archaeological, architectural and cultural values, and serve as reminders of Brevard County's heritage.

Justification:

The proposed FLU amendment does not adversely impact the ability and continuation of the County to identify, protect, preserve, recognize, and mitigate impacts on historically or culturally significant resources and values.

5. Housing Element

The goal of the Housing Element is to produce and preserve affordable homeownership and multifamily housing to benefit very low, low and moderate income residents of Brevard County.

Justification:

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing for very low, low and moderate income residents within the county. The proposed conceptual plan (Exhibit B) depicts a mixture of single-family units with convenient access to commercial and civic/open space.

6. Potable Water Element

The Goal of the Potable Water Element is that Brevard County shall pursue a potable water supply which does not deplete the freshwater resource and is safe, environmentally sound, and efficient.

Currently, there are no County water facilities near the Property resulting in a Level of Service Analysis that conveys the level of service provisioned in the area will be deficient.

Justification:

Brevard County does not have a potable water facility within the vicinity of the Property. As such, the Developer will provide the Development with central water by means of an approved alternative source to ensure compliance with Brevard County Level of Service capacity requirements. To ensure that sufficient capacity is available for the Property, the applicant has obtained a Will Serve Letter from the City of Palm Bay, Florida (Exhibit E), dated April 1st, 2024.

7. Sanitary Sewer Element

The Goal of the Sanitary Sewer Element is that Brevard County shall operate and maintain an environmentally sound, and efficient wastewater collection, treatment, and disposal system that protects the public health.

Sanitary Sewer: Acceptable LOS Standards Brevard County shall provide adequate wastewater treatment plant capacity to maintain the proportion of the permit plant capacity divided by the number of equivalent units as more than 210 gallons per day per equivalent unit.

Justification:

Brevard County does not have a wastewater treatment facility for sanitary sewer services within the vicinity of the Property. As such, the Developer will provide the Development with sanitary sewer services by means of an approved alternative source to ensure compliance with Brevard County Level of Service capacity requirements. To ensure that sufficient capacity is available for the Property, the applicant has obtained a Will Serve Letter from the City of Palm Bay, Florida (Exhibit E), dated April 1st, 2024.

8. Solid Waste and Hazardous Materials Element

The Goal of the Solid Waste and Hazardous Materials Element is that Brevard County shall ensure an environmentally sound and efficient solid waste management system which utilizes resource recovery, recycling, and source reduction.

Justification:

If developed, a Solid Waste Removal plan must be prepared in accordance with current regulations and approved by the County, along with appropriate outside agencies. Any proposed solid waste removal services needed will be reviewed and approved by the County during the Site Plan review process.

9. Transportation Element

The Goal of the Transportation Element is for a safe, convenient and energy efficient transportation system in Brevard County that supports the community defined by this comprehensive plan and enhances the mobility of people and goods while reducing reliance upon the automobile and minimizing impacts to neighborhoods, cultural resources and natural habitats.

Policy 3.3 - Brevard County recognizes that land uses outside the jurisdiction of Brevard County have significant impacts on Brevard County roadways.

Transportation: Acceptable LOS Standards Brevard County arterial and collector roadways within the urban area boundary: Level of Service E. Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D. State arterial roadways (excluding Florida Intrastate Highway System), within the urban area boundary: Level of Service E. State arterial roadways (excluding Florida Intrastate Highway System), outside the urban area boundary (rural area): Level of Service D.

Justification:

The Transportation Level of Service (LOS) analysis, performed by Kimley Horn & Associates, Inc. in accordance with the Comprehensive Plan's Transportation Element, finds that the proposed Sun Terra development will impact the existing 2 lane roadway capacity of Babcock Street and is anticipated to exceed the adopted LOS due to the addition of anticipated traffic from the proposed FLU designation. To accommodate future traffic volumes, the widening of Babcock Street from Micco Road to Davis Lane and from Capital Drive to Grant Road from two lanes to four lanes is recommended. A traffic impact analysis will be required to determine any project impacts on the existing transportation system along with any suggested mitigation, which will be taken under consideration during the Development Plan or Site Plan review/approval process, if developed.

10. Coastal Management Element

The goal of the Coastal Management Element is to establish growth management strategies that will allow growth to continue within the coastal zone which does not damage or destroy the function of coastal resources, protects human life and limits public expenditures in areas subject to destruction by natural disasters.

Justification:

The Property is not located within the Coastal Management Area.

11. Future Land Use Element

The Goal of the Future Land Use element is to manage growth in Brevard County in a manner that enhances natural and man-made systems and meets the public's social and economic needs.

Future Land Use Element – Residential 4 (maximum of 4 dwelling units per acre) 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 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 B:

Areas which serve as a transition between existing land uses or land use designations with density greater than four units per acre and areas with density of less than four units per acre.

Justification:

Exhibit C provides a 2-mile radius map for the Property to more thoroughly examine the compatibility of the Residential 4 Future Land Use Designation with the general surrounding area. Looking at the 2-mile radius map provided in Exhibit C, there are several development projects with substantially higher density and intensity than that currently entitled to the properties within this application. Please see the summary of the Future Land Use Designations of abutting properties as well as Large-Scale Developments below.

Future Land Use of Abutting Properties:

- North: RES 1:2.5; RES 2; R-1 County (City of Palm Bay)**
- East: PUB-CON; RES 1; CC**
- South: RES 1:2.5**
- West: RES 1:2.5**

Nearby Large-Scale Developments:

- Waterstone** **Low Density Residential (4 du/a); High Density Residential (20 du/a); Commercial (City of Palm Bay)**
- Cypress Bay** **Low Density Residential (4 du/a); High Density Residential (20 du/a); Commercial (City of Palm Bay)**
- Emerald Lakes** **Special Planning Area (SPA) (City of Palm Bay)**
Dwelling Units - 3,760
Nonresidential Square Footage - 2,820,000
- Lulfs Parcel** **Parkway Mixed Use (City of Palm Bay)**
Density – 10 du/ac
Intensity – 40 Sqft of nonresidential per unit
- Ashton Park** **Special Planning Area (SPA) (City of Palm Bay)**
Dwelling Units – 5,484
Commercial – 78.64 Acres
Police/Fire – 2.4 Acres
School Site – 30.0 Acres

	Town Center – 41.27 Acres
Calumet Farms	Special Planning Area (SPA) (City of Palm Bay)
	Dwelling Units – 3,184
	Nonresidential Square Footage – 180,000
	*Undergoing a FLU Amendment to increase entitlements
Rolling Meadows Lakes	RES 2 (County)
	Dwelling Units – 2,820
	Nonresidential Square Acreage – 50.7 acres

In addition to these new developments is the supporting infrastructure that catalyzed the overall development of the general area. Specifically, the newer I-95 exit and the establishment and continual expansion of the St. John's Heritage Parkway has dramatically improved the transportation network, affording travelers multiple route options to their destinations.

This application further supports Objective 1 of the Future Land Use Element by ensuring compatibility of new development with its surroundings, discouraging the occurrence of inefficiencies inherent in urban sprawl, produce neighborhoods that complement adjacent land uses, permitting mixed use developments juxtaposing neighborhood services with residential uses to promote efficient uses of land, and encouraging open space within developments, with interconnectivity with surrounding land uses.

Moreover, it supports Objective 2 of the Future Land Use Element by creating accessibility to the commercial site, with compatibility and interconnectivity adjacent land uses.

The current Future Land Use Designation only allows for 1 unit per 2.5 acres. The 1 dwelling unit per 2.5-acre maximum density is emblematic of significantly inefficient suburban sprawl. As such, the current Future Land Use Designation is in conflict with Objective 1 of the Future Land Use Element. In contrast, the proposed Future Land Use designation provides for a site-specific policy listed in Exhibit D that requires this Development to proceed through the Planned Unit Development process and caps density at 3 dwelling units per acre, while providing multiple uses within the Development for resident enjoyment and convenience. As such, the proposed designation requested is more appropriately aligned with the policies and intent of the Conservation Element by providing for a more efficient distribution of residential units with convenient access to goods and services for the residents. Furthermore, Exhibit D is proposed to be entered in as a site-specific policy that will require Planned Development zoning.

Locational and Development Criteria for Community Commercial Uses Policy 2.8

Criteria:

- A. Per Future Land Use Policy 2.8(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."

- B. Community commercial complexes should not exceed 40 acres at an intersection.
- 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.
- D. Furthermore, Policy 2.8(D) states “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.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanies with a PUD zoning classification wherein the FAR may be increased up to 1.75.

Justification:

The location of the Property abuts an arterial road in Babcock Street. The Community Commercial area is under 40 acres, with only 27.33 acres proposed to be designated as Community Commercial. The proposed Community Commercial cluster is the only one within a 5-mile radius in Brevard County that is greater than 10 acres in size. The total square feet proposed through site specific policies and Exhibit B (attached) is 398,000 square feet, 2,000 under the maximum allotted without PUD zoning designation. Furthermore, the Property will be developed through PUD development process via site-specific policies, while maintaining under the 400,000 square feet threshold for Community Commercial nodes. The Floor Area Ratio will not exceed the potential 1.75 FAR allowed for in PUD developments.

12. Intergovernmental Coordination Element

Brevard County shall initiate and/or participate in intergovernmental coordination efforts necessary to establish governmental relationships which improve the coordination, effectiveness, and efficiency of public policymaking bodies within Brevard County.

Policy 1.3 Coordinated Public School Facility Siting

Brevard County shall encourage the Brevard County School Board to mutually agree on, promote and support high-quality community and neighborhood development by coordinating site searches, planning and design of public educational facilities as well as assuring the consistency of those facilities with the Comprehensive Plan and Land Development Regulations.

Justification:

The proposed Future Land Use Map amendment alters the distribution of entitled residential land. The Development under review increases the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated. Considering the adjacent concurrency service areas, there is sufficient capacity at the high school level. However, there is an anticipated shortfall of capacity within the adjacent concurrency areas for the elementary and middle school levels. Nevertheless, the school district condition is to have the applicant contact staff to discuss the mitigation process as defined in Section 13.5 of the ILA-2014 prior to submitting for a final concurrency determination. The applicant has been in discussions with the School District to initiate this process.

13. Capital Improvements Element

The goal of the Capital Improvements Element is that Brevard County shall develop and periodically update a capital improvements plan to coordinate and implement public facility improvements which support the goals, objectives, and policies of the Brevard County Comprehensive Plan and encourage efficient utilization of its public facilities.

Justification:

The proposed Future Land Use amendment does not inhibit the County to develop and periodically update the Capital Improvements Plan. Furthermore, the proposed amendment supports the notion of encouraging efficient utilization of public facilities by providing convenient access to goods and services for future residents of the project area, while also efficiently utilizing land by mixing uses and utilizing the Planned Unit Development zoning designation to maximize utilization and conservation of the Property.

14. Public School Facilities Element

The goal of the Public School Facilities Element is to provide a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand within a financially feasible school district's five-year capital facilities work program.

Justification:

The applicant is in discussions with the Brevard County School District and will sufficiently address capacity mitigation concerns, per the determination and guidance of the School District, if any are to emerge.

15. Property Rights Element

The goal of the Property Rights Element is to ensure consideration of private property rights in the local decision making process.

Justification:

The proposed land-use change does not infringe upon the property rights of the applicant.

CONSISTENCY AND COMPATIBILITY WITH ABUTTING PROPERTIES AND SURROUNDING LARGE SCALE DEVELOPMENTS

The proposed Future Land Use Designations of Residential 4 and Community Commercial are consistent and compatible with the Comprehensive Plan and the general surrounding area. For example, policy 1.7.B of the Future Land Use Element lists criteria regulating the Residential 4 Future Land Use designation to be located in areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. The criteria further cite adjacency to incorporated areas in Policy 1.7.C as rationale for utilizing Residential 4 as a logical transition.

The general surrounding area is composed of significantly varying densities and intensities, with those in the County substantially less dense and intense than those in the city. For instance, the south-adjacent subdivision, Deer Run (County), contains the Res 1:2.5 future land use designation. To the north, in the City of Palm Bay, is the Waterstone and Cypress Bay developments. These developments contain the City Future Land Use Designations Low Density Residential (Maximum 4 dwelling units per acre) and High Density Residential (Maximum 20 dwelling units per acre). As such, this property serves as the transition between the incorporated portions of the City to the north and to the south, which is in direct alignment with the proposed Residential 4 Future Land Use designation, as it serves as a rational transition from the higher densities to the north and the lower densities to the south. Therefore, the proposed development is an ideal location to utilize Residential 4 to logically transition and buffer in between more densely developed and incorporated developments. Moreover, through Exhibit C and associated site-specific policies, density is to be capped at 3 dwelling units per acre to more appropriately provide a transitional development in an area where city jurisdictions are present to the north and south, while lower density county land is to the east, necessitating such transition in the area.

In addition to the compatibility of the Residential 4 Future Land Use, the Community Commercial Future Land Use request is also consistent and compatible with the general area, as commercial Future Land Use designations and land uses, within both the City of Palm Bay and Brevard County, are found within the surrounding area, as depicted on the approximately 2-mile buffer map provided below. Moreover, the arterial classification of Babcock Street, along with the future developments of the St. Johns Heritage Parkway, and the new interchange off of I-95 (St. Johns Heritage Parkway) has transformed the transportation network and connectivity of the region, which may stimulate economic development in the area. The proposed Community Commercial Future Land Use designation is compatible with the surrounding area and is intended to support existing and proposed developments within the region.

Furthermore, while transportation infrastructure is present and increasing in capacity for the area, the increasing density of the region, as shown in the 2-mile buffer map, will require accessibility to goods and services. Therefore, the Community Commercial Future Land Use designation will provide direct commercial access for surrounding residential developments, while minimizing potential trip duration.

Finally, the proposed development is anticipated to have extensive parks and trails within its open space system. Thus, the proposed development directly promotes Policy 2.1.A and Policy 1.3.A of the Conservation Element, which promotes multi-use developments. For example, Comprehensive Plan Policy 1.2 Park and Open Space System and Policy 5.1 Recreation Element calls for a system of parks and recreational facilities meeting the demand of the population while providing active recreation and open space areas to augment public recreational facilities. In this regard, the proposed development will have a series of interconnected parks, open space and recreation facilities. An existing 100-acre lake will be amenitized to allow for active recreation opportunities supplemented by pocket parks throughout the development.

LEGEND/ABBREVIATIONS

- B.C.R. – BREVARD COUNTY RECORDS
- L.B. – LICENSED BUSINESS
- O.R.B. – OFFICIAL RECORDS BOOK
- P.B. – PLAT BOOK
- P.O.C. – POINT OF COMMENCEMENT
- P.O.B. – POINT OF BEGINNING
- PG. – PAGE
- PSM – PROFESSIONAL SURVEYOR AND MAPPER
- R/W – RIGHT-OF-WAY
- R – RANGE
- T – TOWNSHIP

SURVEYOR’S NOTES:

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF N89°23’59”E, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST. RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT).
5. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON AUGUST 21, 2023. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

DAVID P. LINDLEY, PSM
STATE OF FLORIDA NO. 5005

THIS IS NOT A SURVEY

SHEET 1 OF 4



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	179

SUNTERRA – BREVARD
PARCEL 1
SKETCH OF DESCRIPTION

DESCRIPTION:

BEING A PORTION OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST LYING IN BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST ONE-QUARTER CORNER OF SECTION 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 16, SOUTH 89°35'24" WEST, 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 16, SOUTH 89°35'24" WEST, 5372.81 FEET TO THE WEST ONE-QUARTER OF SAID SECTION 16; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°35'24" WEST, 2711.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, NORTH 00°11'21" EAST, 2642.10 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°31'23" WEST, 2642.79 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 8, NORTH 00°40'15" EAST, 2511.48 FEET TO A POINT 100.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8, NORTH 89°29'13" EAST, 2650.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID PARALLEL LINE, NORTH 89°23'59" EAST, 2658.46 FEET TO A POINT 100.00 FEET SOUTH OF THE WEST ONE-QUARTER CORNER OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 9, NORTH 89°23'59" EAST, 3415.39 FEET; THENCE SOUTH 89°04'27" EAST, 1941.19 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°08'35" EAST, 2368.17 FEET; THENCE NORTH 90°00'00" WEST, 918.01 FEET; THENCE SOUTH 01°31'07" EAST, 1315.56 FEET; THENCE SOUTH 88°26'54" EAST, 873.58 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID SAID WEST RIGHT OF WAY LINE, SOUTH 00°34'06" WEST, 1423.17 TO THE POINT OF BEGINNING.

SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 1082.242 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY

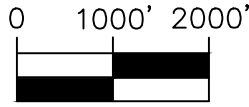
SHEET 2 OF 4



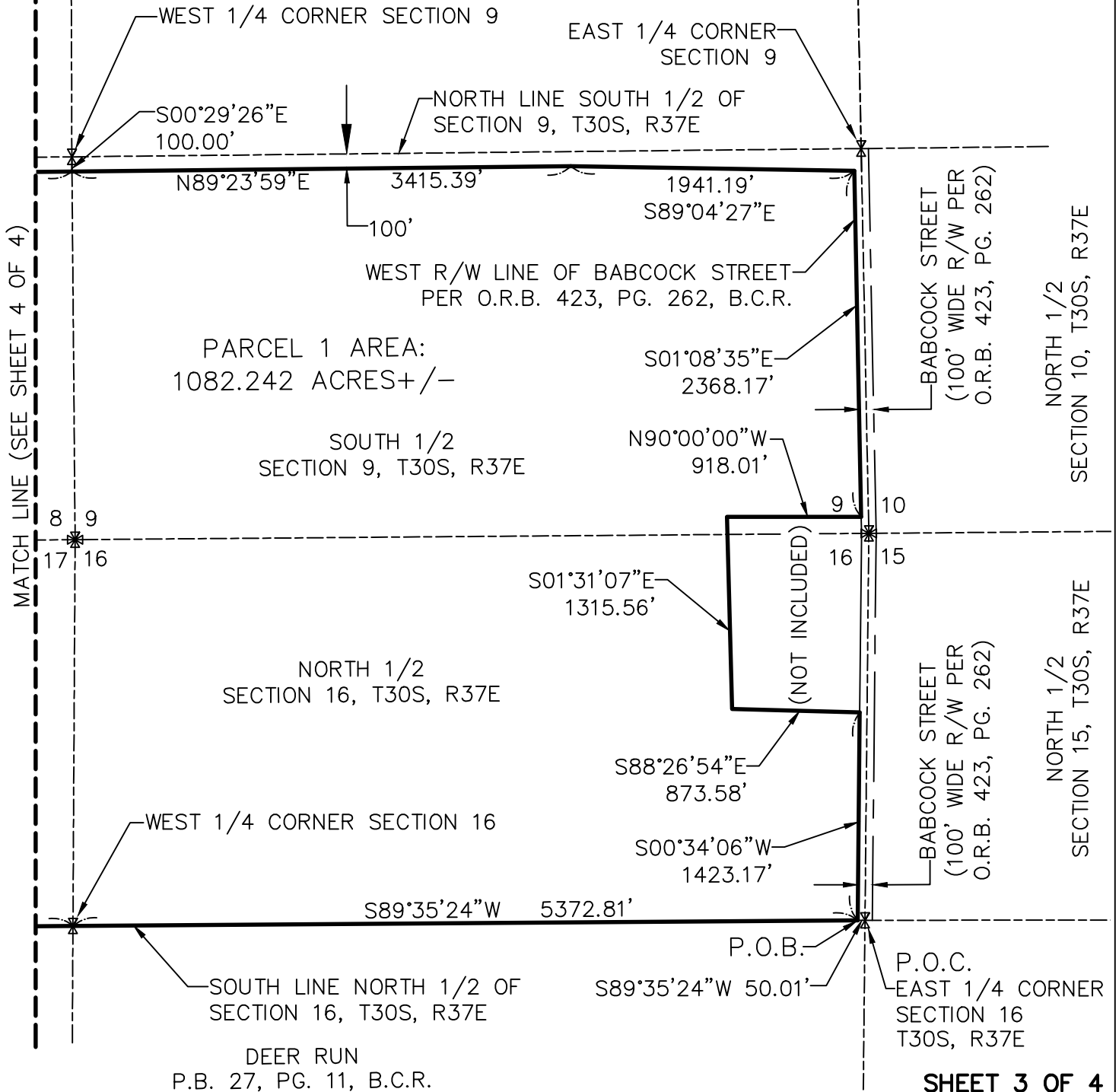
CAULFIELD & WHEELER, INC.
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7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	

SUNTERRA - BREVARD
PARCEL 1
SKETCH OF DESCRIPTION



1 INCH = 1000 FEET



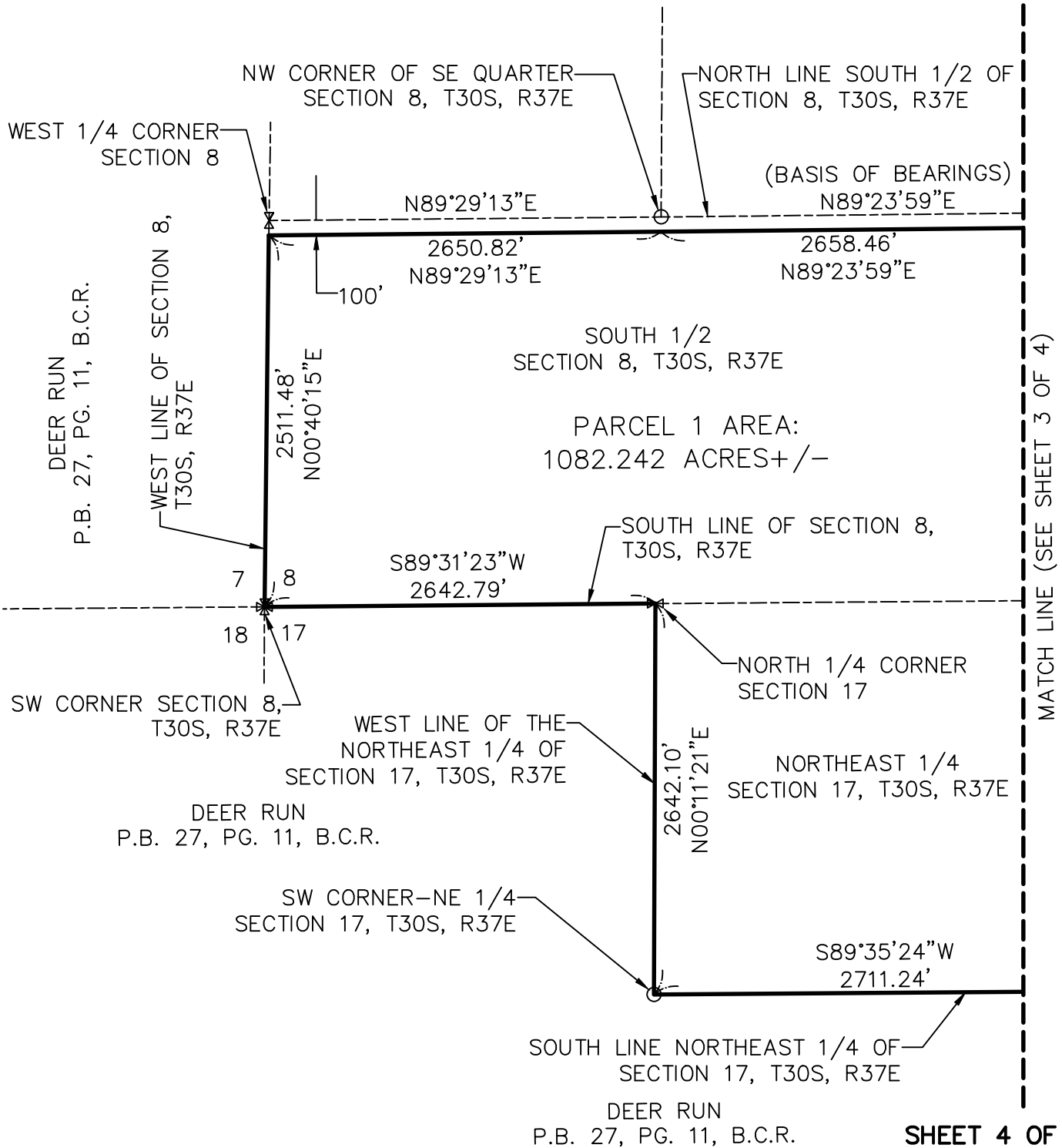
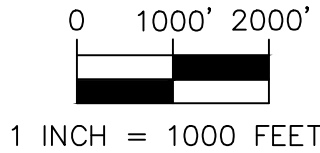
SHEET 3 OF 4



CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991 / FAX (561)-750-1452

DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	1"=1000'
JOB NO.	

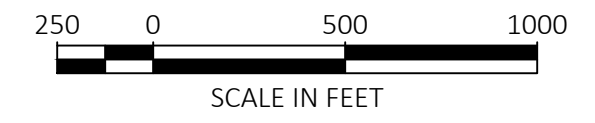
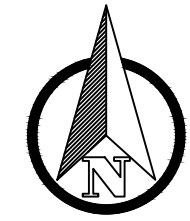
SUNTERRA - BREVARD
 PARCEL 1
 SKETCH OF DESCRIPTION



CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7900 GLADES ROAD - SUITE 100
 BOCA RATON, FLORIDA 33434
 PHONE (561)-392-1991 / FAX (561)-750-1452

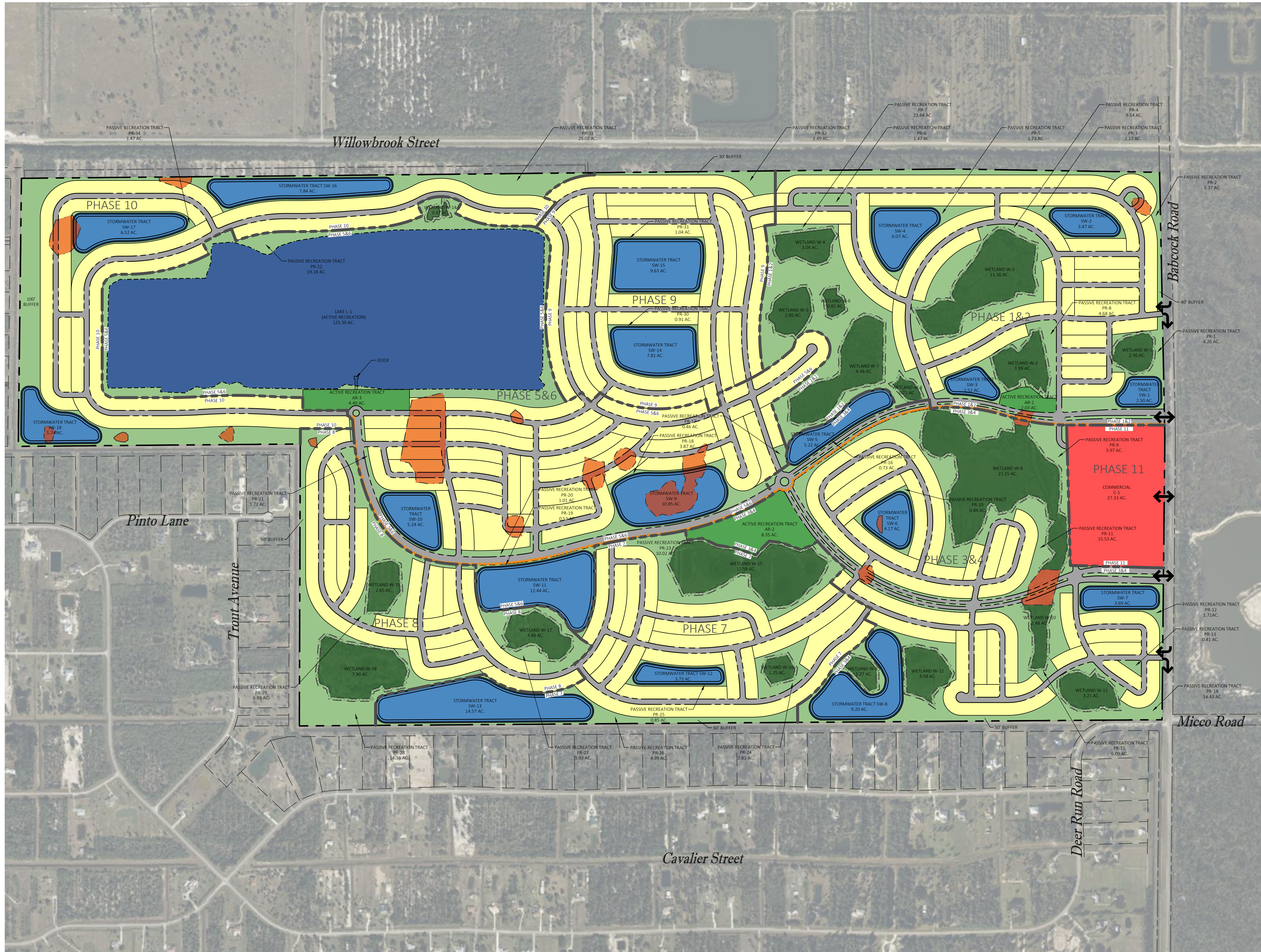
DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	1"=1000'
JOB NO.	

SUNTERRA - BREVARD
 PARCEL 1
 SKETCH OF DESCRIPTION



LEGEND

- Project Boundary (Survey)
- 12' Multi-Use Trail
- Residential
- Passive Recreation
- Active Recreation
- Wetland
- Impacted Wetland
- Stormwater
- Lake (Active Recreation)
- Full Access Point
- Right In/Out



Development Data

Jurisdiction	Unincorporated Brevard County
Future Land Use	Residential 4 (1,082.24 acres) & Community Commercial (27.33 acres)
Zoning (Proposed)	PUD
Site Details	
Gross Site Area	1109.57 Acres
Gross Residential Area	1082.24 Acres
Gross Commercial Area	27.33 Acres
Total Impacted Wetlands*	19.83 Acres
Developable Area	1015.88 Acres
Developable Residential Area	988.55 Acres
Developable Commercial Area	27.33 Acres
Common Recreation & Open Space Required (10% of Gross Residential Area)	108.22 Acres
Common Recreation & Open Space Provided* (1.5 acres per 100 units)	468.54 Acres
Active Recreation Required**	48.69 Acres
3,246/100*1.5 = 48.69 acres	
Active Recreation Provided**	140.08 Acres
Remaining Passive Recreation Required**	0.00 Acres
Passive Recreation Provided*	328.46 Acres
Stormwater Provided*	35.71 Acres
Wetlands*	93.69 Acres
Passive Recreation Tracts*	199.06 Acres
Proposed Residential Development	
Maximum Allowable Dwelling Units	3246 Units
Maximum Allowable Gross Residential Density	3.00 DU/Ac
Proposed Commercial Development	
Maximum allowable commercial square feet in Commercial Tract C-1	398,000 Sq. ft

- Notes
- See waiver # 9, requesting lake acreage to be included as active recreation.
 - Stormwater provides only 1/3 of the required Common Recreation & Open Space acreage.
 - Wetlands are included in the Total Provided Passive Recreation, in accordance with LDR Sec. 62-1102.
 - The provided acreages are subject to change and will be determined on the Final Development Plan. The Final Development Plan shall adhere to the minimum required acreages for Common Recreation & Open Space set forth in LDR sections 62-1446 and 62-1102.
- ** The required active and passive recreation acreages are calculated by the maximum allowable 3,246 dwelling units (3 dwelling units per gross residential acre). The required active and passive recreation acreages are subject to change, per the actual amount of residential units developed. The required active and passive recreation acreages shall adhere to the minimum required acreages for Common Recreation & Open Space set forth in LDR sections 62-1446 and 62-1102.

NO. DATE	DESCRIPTIONS
10/27/23	Submit to Brevard County
SUBMISSIONS/REVISIONS	
VERTICAL DATUM:	NAVD 88
JOB NO.:	23-081
DESIGNED BY:	DG
DRAWN BY:	DG
CHECKED BY:	PM
APPROVED BY:	JE
SCALE IN FEET:	1" = 500'

Project Name:
**SunTerra
Brevard County
Mixed Use**

Jurisdiction:
Brevard County, FL

Sheet Title:
LAND USE PLAN

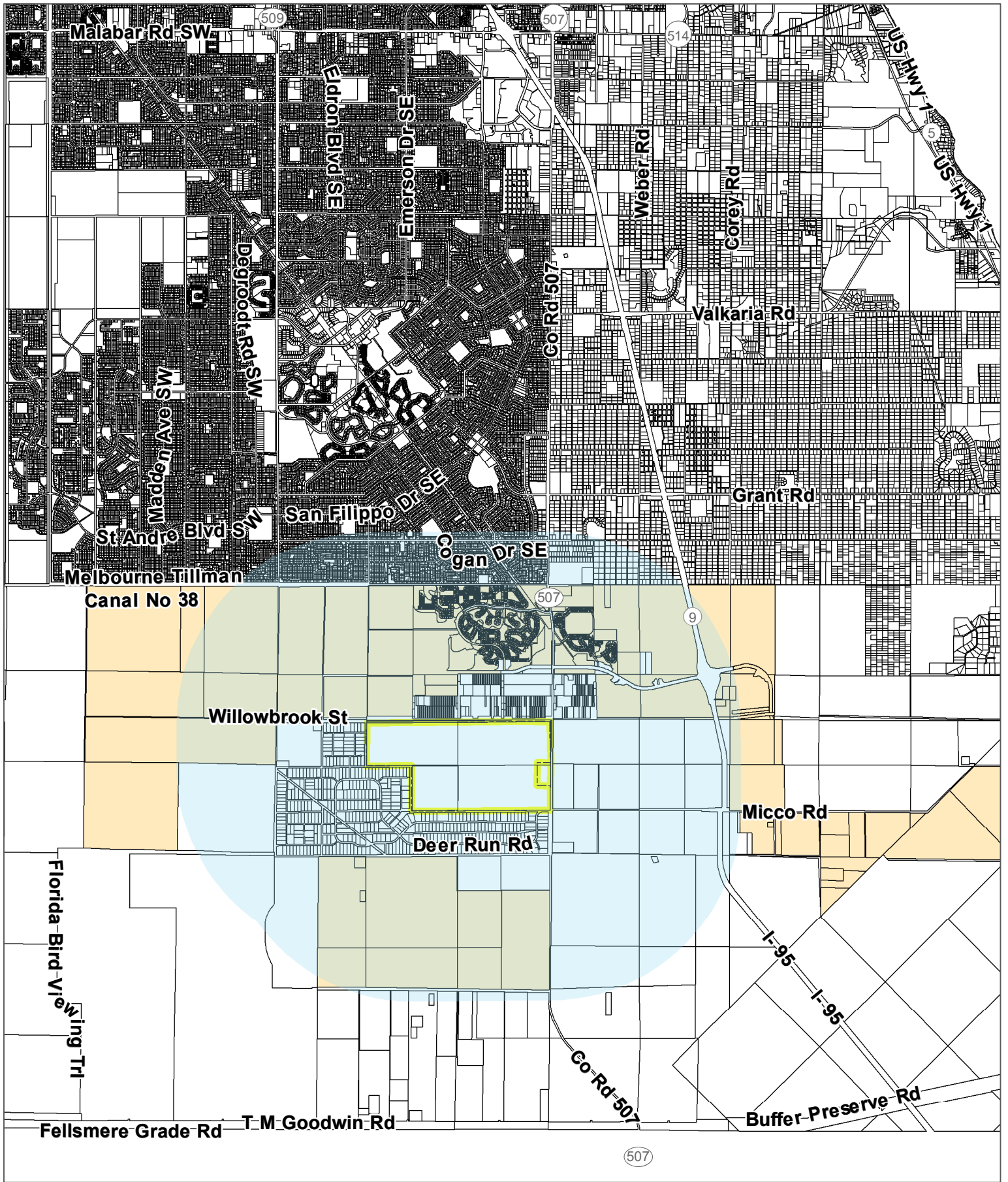
Sheet No.:
C2.00

Seal:

DATE: **October 27, 2023**



Poulos & Bennett, LLC
2602 E. Livingston St., Orlando, FL 32803
Tel. 407.487.2594 www.poulosandbennett.com
Eng. Bus. No. 28567



SOURCE: Brevard County, FL

- Legend**
- Subject Property Updated Extent
 - 2 Mile Buffer
 - Surrounding Large-Scale Developments

2 Mile Buffer Map

SunTerra - Brevard Co

POULOS & BENNETT

(50,000,000)
FEET



Exhibit D.
Sun Terra Babcock Street Property Site Specific Conditions

Density and Intensity Regulations

1. Any development associated with this Comprehensive Plan Future Land Use Map amendment must be commenced through a Planned Development zoning district in substantial conformance with the submitted conceptual plan (Exhibit C), subject to developer-initiated adjustments not to exceed a 10% change in acreage for any given place type identified in Exhibit C (PUD Development Plan Sheet).

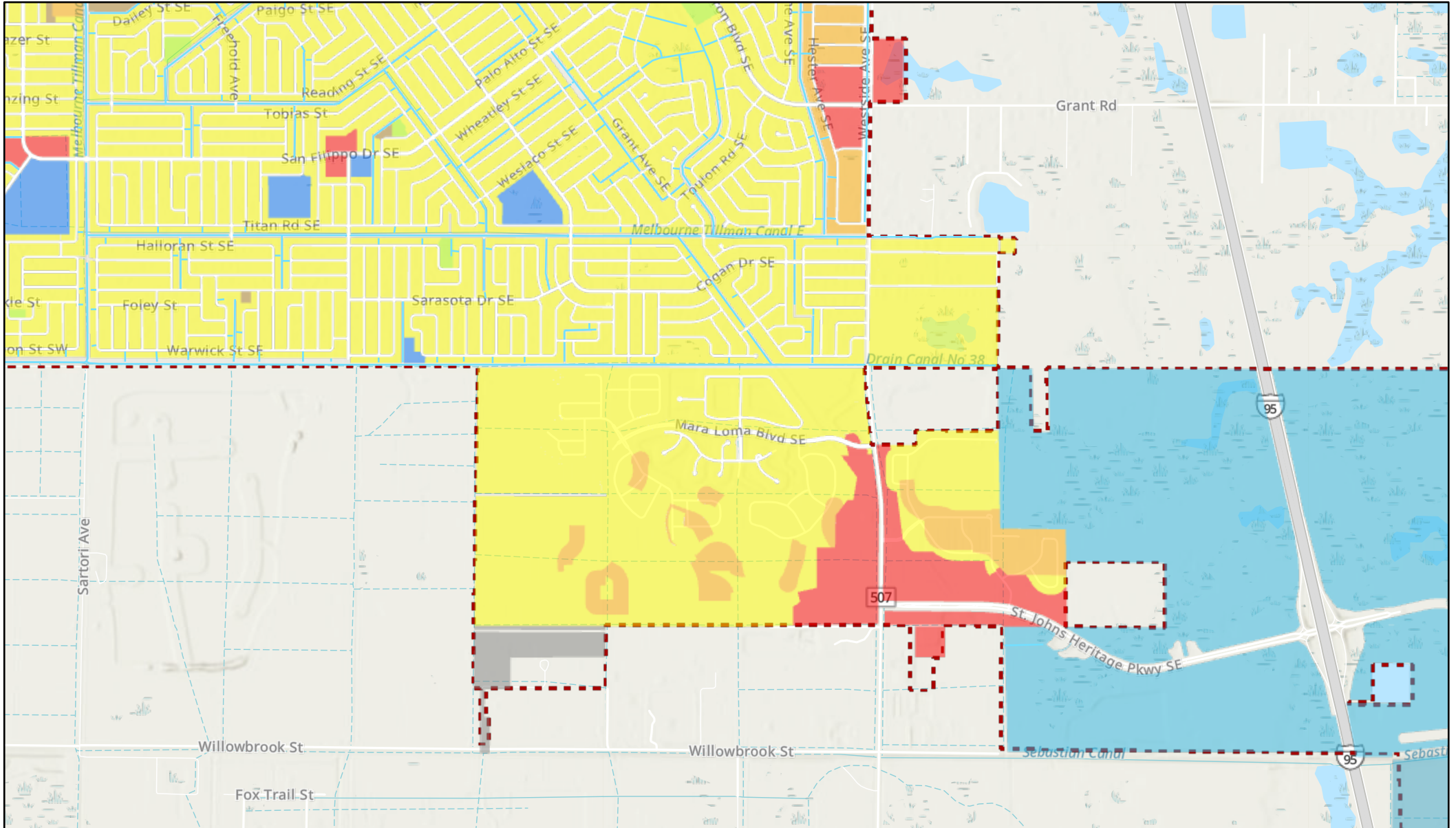
Parks and Open Space Level of Service Analysis Requirements

2. All park and trail space, excluding active lake amenities, clubhouses, and pools, shall be publicly accessible but privately maintained by the developer or any successors.

Transportation Level of Service Analysis Requirements

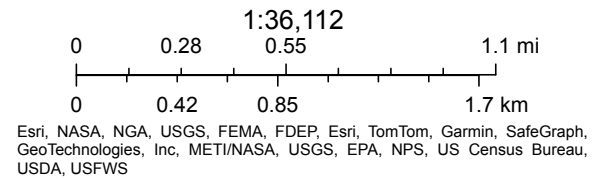
Babcock street will need to be improved or an agreed upon Proportionate Faire Share Agreement shall be entered into at the time of PUD zoning. If improvements to other Rights of way providing access to the project site are planned for prior to the development, a Traffic Impact Analysis shall be required to determine any required improvements specific to this development through the Planned Development zoning district application process.

FLUE Babcock/SJHP Vicinity



4/3/2024, 8:48:36 AM

- Canals
- Low Density Residential
- Special Planning Area: Emerald Lakes
- Public/Semi-Public
- Special Planning Area: Micco Park Village
- Commercial
- Residential, Medium Density
- Utilities
- High Density Residential
- Recreation & Open Space
- City Limits



From: williamsvic86@gmail.com
To: [Champion, Kristen](#)
Cc: [Denise Williams](#)
Subject: ID#23LS00001
Date: Friday, April 12, 2024 6:50:17 PM

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

Hello.

I am the land owner at 128 Cavalier st. Palm Bay Fl. 32909 located on the south boundary of the proposed building site. I would like to know if any provisions will be taken to fence the south canal on the north side of the canal?

I assume that a major concern for this development would be consideration for safety especially for the children living in the new development. I have had to deal with alligators and wild bore in and near the canal. Please provide information as to any considerations under discussion.

Thanks, Vic Williams 937-212-9631.

Sent from my iPhone

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public comment received 23LS00001
Date: Monday, April 15, 2024 8:13:09 AM
Attachments: [Agenda Item Number G5 \(23LS00001\).msg](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, she has received the attached public comment for 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke

Legislative Aide

Brevard County Commission, District 1

Commissioner Rita Pritchett

[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23S00001
Date: Monday, April 15, 2024 8:55:37 AM
Attachments: [Public Comment G5 \(23LS00001\).pdf](#)
[image001.png](#)
[image002.png](#)

Good morning Kristen,

On behalf of Commissioner Feltner, please see the attached public comment our office received.
Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: abutti@aol.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Agenda Item Number G5 (23LS00001)
Date: Sunday, April 14, 2024 6:37:56 PM

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

County Commissioners,
I live in Deer Run and my property backs up to this property.
I am concerned about Sun Terra proposed land rezoning.
I would like to see it stay 1 unit per 2.5 acres, as that would be compatible with Deer Run.
I am concerned about wildlife, wetlands, water, septic, roadway improvements, traffic issues, public services.
Please, do not rezone this area.
Anita Butti
222 Cavalier St. (have lived here 31 years)

Thanks for your time,
Anita

From: [Champion, Kristen](#)
To: webhog1@yahoo.com
Subject: RE: April 15 P&Z Meeting
Date: Monday, April 15, 2024 10:08:00 AM

Perfect, we'll see you this afternoon.

The Chair of the Board will give everyone an opportunity to speak after each item is presented.

Please let me know if there's anything else we can assist with in the meantime.

Respectfully,

Kristen

Kristen K. Champion, Special Projects Coordinator III

Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Bldg. A-114
Viera, FL 32940
(321)350-8300

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Monday, April 15, 2024 8:25 AM
To: Champion, Kristen <Kristen.Champion@brevardfl.gov>
Subject: Re: April 15 P&Z Meeting

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

I plan on attending the meeting.

Marty Piatkowski
Palm Bay, FL
Enjoy life now... it has an expiration date.

On Monday, April 15, 2024, 8:16 AM, Champion, Kristen <Kristen.Champion@brevardfl.gov> wrote:

Good morning,

Your email has been received. Will you be attending this afternoon, or would you like to submit me another electronic response that I can add to the file for public comment to the Board members?

Respectfully,

Kristen

Kristen K. Champion, Special Projects
Coordinator III

Brevard County Planning and Development

2725 Judge Fran Jamieson Way

Bldg. A-114

Viera, FL 32940

(321)350-8300

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Sunday, April 14, 2024 4:27 PM
To: Champion, Kristen <Kristen.Champion@brevardfl.gov>
Subject: April 15 P&Z Meeting

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

Hi,

I'd like to be able to comment on Agenda Item Number G5 (23LS00001) at the April 15, 2024 meeting.

Thank you,

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date

From: [Neil Adams](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Re: Sunterra Development- Deer run community impact
Date: Monday, April 15, 2024 2:45:39 PM

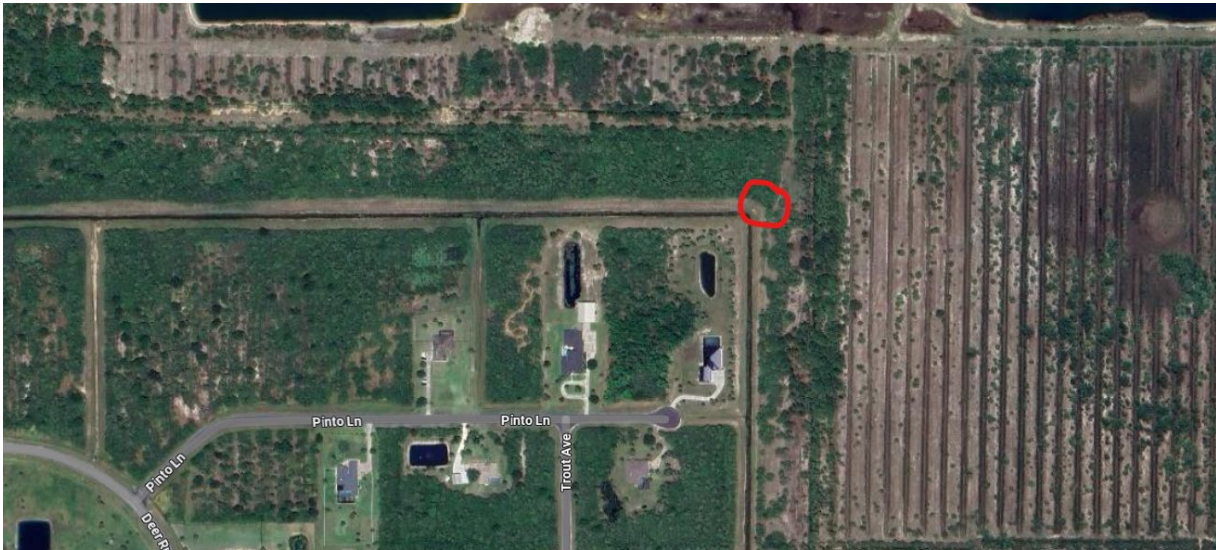
[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

This is a follow-up for some more information that is very important that the county and builder are aware of.

Deer Run has its own canal system to handle runoff water during heavy rains and hurricanes. Two huge pumps in the back of the community pump water out of this canal system and into the C54 system.

If this community is built, water runoff from it, if not controlled, could cause flooding in our community. during the past hurricane, we had runoff water from that property pushed through the ground and into our canal system, where the red circle is in the picture below.



Please, Make sure they complete the necessary steps to insure no run-off water will cause issue for our community in the future.

On Monday, April 15, 2024 at 02:23:12 PM EDT, Neil Adams <nail1114@yahoo.com> wrote:

Dear Commissioner

Hello, My name is Neil Adams and my property will directly be effected by this community.

My address is 308 Pinto In Palm Bay fl 32909

I am writing to express my strong opposition to the proposed rezoning of the parcel of land located next to my residence. The proposed change from R1 to R4) raises significant concerns for our community and the quality of life for its residents.

1. Traffic and Safety Concerns: The existing traffic situation on the 2 lane Babcock is already challenging, especially with all the dump trucks running from the 2 mines south of our community. Adding multi-family housing will exacerbate traffic congestion.
2. School Overcrowding: Our local schools are already operating at or above capacity. Approving multi-family dwellings without addressing school concurrency could strain educational resources and affect the quality of education for our children.
3. Wildlife Habitat Preservation: The proposed development may destroy local wildlife habitat. We have observed wildlife in the area, and any planned development should consider its impact on the environment.
4. Property Values: Introducing R4 4homes per acre could lower property values in our community. Such developments are inconsistent with the character of our existing neighborhoods.
5. Community Consensus: While we understand that development may be inevitable, it is essential to consider the sentiments of the local community. Nearly all residents in our Deer run community oppose the addition of multi-family housing due to the potential adverse effects mentioned above.
6. Buffer They define: they are defining a 50Ft + buffer between us and the community. how ever if they clear the land per county code removing all the pepper trees then there would be no buffer left! please grant an exception to leave the natural buffer already in place.
7. Noise and fear for Hoses In community: Communities zoned R4 will produce more noise than R1 communities. please also consider that fact that many homes in our community have hoses that will be impacted by the noise from the Sunterra development.
8. In light of these concerns, I urge you to disapprove the proposed rezoning. I believe my opinions are shared by many others who may not have had the opportunity to attend meetings or write letters.

Thank you for your attention to this matter. I trust that you will consider the long-term impact on our community when making your decision.

Sincerely, Neil Adams

From: [Justin Neal](#)
To: [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Rezoning of property bordering Deer Run
Date: Monday, April 15, 2024 1:57:57 PM

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

Good afternoon,

I am a homeowner in Deer Run who is within 500ft of the property that is proposing a rezoning to from its existing 1 residence per 2.5 acres to 4 residences per acre. This development will certainly displace all of the wildlife that reside between this 1100+ acres and Deer Run. All of these deer, turkey, bobcats, coyotes and many others will be driven away and increase the likelihood of animal and vehicle accidents on Babcock due to construction pressure of their habitat. We moved down here from West Melbourne just a few years ago to get away and have a piece of property in this equestrian community to enjoy the wildlife. Keeping this property rural and in the current zoning of 1 residence per 2.5 acres is the best we can hope for to still have some peaceful interactions with wildlife. For our equestrian folks in the neighborhood the added stress on their horses from all of the construction activity could be severe. We have so many neighborhoods being built off the St John's Heritage Parkway that are currently small size lots and packed in houses. I ask to please leave the properties south of Willowbrook road with the larger property sizes for zoning so we can still have some rural left in brevard county to share for future generations.

Thanks,

Justin Neal

From: [Gloria Kanungo](#)
To: [Commissioner, D1](#)
Subject: Rezoning Sun Terra Property
Date: Monday, April 15, 2024 1:35:24 PM

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

Ms Pritchett,

I am writing in reference to the proposed rezoning of property that was recently purchased by Sun Terra.

I am a resident of the Deer Run Community which adjoins this property. As you are aware, there is massive development in South Brevard, there needs to be checks and balances. There are already several high density developments completed and under construction just north of this property, with other projects proposed on Micco Rd and St Johns Parkway. Brevard County does not have the infrastructure in place to accommodate another high density development. **Ex: roads, schools, fire, police, ambulance, and parks.**

This property should stay consistent with the zoning of Deer Run not the proposed R4. There would be a substantial impact to wildlife, the development borders environmentally sensitive land and a wildlife sanctuary.

I ask you as **our representative** to consider what is best for your constituents and **VOTE NO!!!!!!**

Regards,

Gloria Kanungo
174 Deer Run Rd.

Dear Commissioner,

This letter is in regards to the proposed large scale Sun Terra project west of Babcock Street and south of Willowbrook Street in unincorporated Brevard County.

The builder would like to build 3,246 homes plus commercial units creating a high density housing environment.

There are many potential impacts to the area regarding this development.

If the developer plans on installing wells for the large amount of homes in the proposed project, do we really know the impact on the aquifer? What will be the impact on the wells that supply water to the neighboring equestrian community Deer Run?

If the developer plans on septic tanks for all the dwellings what is the impact on the environment?

What type of buffer or separation will occur between the high density project and the established equestrian neighborhood Deer Run? The builder currently plans on only a 50 foot buffer which is not nearly enough.

If the current greenery which consists mostly of Brazilian Pepper trees is to be used this will not be enough of a screen since the invasive pepper trees have to be removed.

The noise levels in the area will increase with construction of dwellings, roads, commercial and recreation areas. How will the noise be minimized for the adjacent Deer Run neighborhood?

The amount of traffic in the area will increase exponentially. It has already increased with the huge increase of dump trucks and all of the new developments near the St. John's Heritage Parkway. Babcock street is currently insufficient for the amount of traffic.

There is an abundance of wildlife currently living on the acreage of the proposed development.

The wildlife will be pushed out. Bird, mammal and reptile environments will be destroyed. Canopy and wetlands will be lost.

Environmental impact studies need to be done before any disturbances occur on the acreage.

There are no fire stations within a 5 mile radius. There are no police stations within a 5 mile radius.

The current fire stations are already overwhelmed.

What are the plans for one or more fire stations?

Hospitals and medical offices are already overwhelmed. What are the plans for additional medical services? At a minimum there should be consideration for a free standing ER in the vicinity near all of the proposed development.

Schools are already at or near capacity.
What are the plans for additional schools?

I do not believe the current electrical grid can handle all of this growth? How and when will the grid be upgraded to ensure seamless electric power?

The canals that run around and through the Deer Run Community could potentially spill over and flood Deer Run if the proposed project dumps water into the canals during the building and post building time frames especially during hurricanes and periods of heavy rains due to storms.

Questioning why the existing Compound is not being used for these high density developments.

Brevard County originally zoned the property that is under discussion for this project many years ago as a continuance of Deer Run in order to protect the equine environment and wildlife. This is currently zoned for 1 home per 2.5 acres just like Deer Run. We also have preserves across the street East of this proposed high density project which will have a large impact on the wildlife in this area.

All of these concerns/issues need to be discussed and addressed as necessary to minimize impacts to the Deer Run Equestrian Community and the local environment.

Thank You

Minde Gibson
8510 Trout Ave

From: [Neil Adams](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sunterra Development- Deer run community impact
Date: Monday, April 15, 2024 2:23:20 PM

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Dear Commissioner

Hello, My name is Neil Adams and my property will directly be effected by this community.

My address is 308 Pinto In Palm Bay fl 32909

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8. In light of these concerns, I urge you to disapprove the proposed rezoning. I believe my opinions are shared by many others who may not have had the opportunity to attend meetings or write letters.

Thank you for your attention to this matter. I trust that you will consider the long-term impact on our community when making your decision.

Sincerely, Neil Adams

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public Comments received 23LS00001
Date: Thursday, April 25, 2024 8:19:55 AM
Attachments: [Please deny the SunTerra rezoning request - here"s why....pdf](#)
[South Brevard Rezoning \(Sunterra\).pdf](#)
[Sun Terra.pdf](#)
[Sunterra Development.pdf](#)
[URGENT Sun Terra Lakes Development meeting May 2nd,2024.pdf](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, attached are additional comments received for 23LS00001.

Thank you for your support of her office.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov
7101 S. US Hwy 1
Titusville, FL 32780

Please note:

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From: [Jim Araiza](#)
To: [Commissioner, D1](#)
Subject: Please deny the SunTerra rezoning request - here's why...
Date: Wednesday, April 24, 2024 4:56:01 PM

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

Dear Commissioner Pritchett,

I oppose the SunTerra zoning request.

As a property owner in adjacent Deer Run Equestrian Community, the most compatible zoning for the SunTerra property is exactly what Brevard County desired this area to be: R1.

Our current county commissioners, and those who preceded you, have ALWAYS placed great emphasis on quality of life and protection of our local environment.

Indeed, that is what drew us to Deer Run and southern Brevard County county: spacious neighborhoods and wildlife, supported by YOUR commission's dedication to adequate infrastructure and safety!

Approving SunTerra's request for R4 zoning would abandon your commission's long-standing commitment to protect south Brevard County. Adequate infrastructure is not in place, nor in the current budget to support the requirements of the massive R4 community desired by SunTerra.

I support development – everyone needs a place to live and call their own. The new Sun Terra neighbors should enjoy the same protections currently in place for our Deer Run community. We have accessible streets and adequate infrastructure to support our quality of life, our wildlife, and the environment. A massive R4 development will not only adversely affect Deer Run, but also the new residents of SunTerra. We will all suffer...

I don't believe that's what you and your fellow commissioners envision for our community. I know it's not the vision your predecessors had when they addressed the best-use zoning of southern Brevard County!

Developers rarely know (or care) what is "best" for a community. You do! Please stay the course...

Thank you for your service, Rita...

With appreciation,

Jim Araiza
105 Deer Run Road

Palm Bay, FL 32909
305-720-7245

From: [zach Levy](#)
To: [Commissioner, D1](#)
Subject: South Brevard Rezoning (Sunterra)
Date: Tuesday, April 23, 2024 1:34:08 PM

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

Hello Ms Rita,

My name is Zach Levy, I am a land owner and hopeful future resident of 179 Deer Run Rd. I currently live in South East Palm Bay, and have lived in this area my whole life.

My wife and I are working towards moving our family to the Deer Run community to raise our young children in a place filled with space to play and listen to the sounds of nature.

The South St John's Heritage Parkway development is exciting in that it opens the Deer Run area to easier access to the rest of the county via I-95, and we are supportive of the general development of the area. That said, I am concerned by the level of allowed re-zoning of the land (especially that directly adjoining to Deer Run) to allow densely packed homes. I am concerned over the noise pollution, the traffic increase, and the displaced water that could further flood the already flood prone Deer Run; additionally I am concerned about the available resources of fire, police, medical, and educational facilities to cover this area that is quickly booming in population.

I understand the benefit to the development, and I would like to ask that requests for rezoning (namely the Sunterra development) be denied. Again, I am for development, I just ask it not be as densely packed as Sunterra is proposing directly by Deer Run. I ask this not only out of personal desire to live in peace, but also out of concern that not enough foresight is going in to the pace of development in our area.

Thank you for your time,
Zach Levy

From: [Big Morly](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra
Date: Tuesday, April 23, 2024 10:21:01 PM

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

Hello, I own a property in Deer Run, I bought this property mainly because of the area, it is a perfect community to live in because of its tranquility, its natural habitat and the space we have between houses, now I am reviewing the information about a construction of thousands of houses in the vicinity of Deer Run, this would put an end to everything mentioned above, this new community of thousands of houses with spaces between them with less than half an acre would be putting an end to the type of construction zone, with the tranquility of all the neighbors of Deer Run, with the animals in the areas, this would also leave less land that helps with the rainwater that is so needed in this area, these thousands of houses would also be depreciating our houses.

I don't understand why a millionaire company wants to do a project on wetland lands with trees, plants and animals unique to the area and the county can easily allow it and a person who is not at the economic level of that company, the county puts so many restrictions on him. , so many inspections and only to tell you that you cannot build because the land is wetlands and there are protected species, it is impossible for any person to clean a lot of more than one acre due to all the county restrictions and now a millionaire company is easy to destroy a large area of wetland land with so much natural life.

I would like to know where the deer, wild pigs, turtles, turkeys and all the birds that inhabit those lands would go? Or if this company would pay the thousands of dollars that the county charges to move these animals to a safe area, I would also like to know if they would be planting the number of trees that the county requests for each one they remove on those lands, if you have an answer For this please let me know.

From: [Bill Sergent](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sunterra Development
Date: Tuesday, April 23, 2024 9:17:42 AM

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

Good afternoon,

My name is William Sergent and I live in the Deer Run subdivision at 325 Pinto Lane, across the street from where the proposed new development would be built.

I would like to say I'm happy to see our community grow, but I, like many other residents in Palm Bay are concerned about the unmitigated growth. I've been through this before and what was a nice place to live, became a nightmare. I previously lived in a town that was adjacent to Murfreesboro, TN. Over the past ten years, it has almost doubled in size to 175,000 residents. The infrastructure is lacking, traffic is a nightmare, schools are over crowded, new ones can't be constructed quick enough and there's a huge shortage of teachers and bus drivers . Not to mention the increase in crime, taxes (approx 50% over the few past years) and an overall negative impact on the way of life.

We too welcomed the growth but we realized that sometimes you regret what you asked for. Having attended the Sunterra meeting at Comfort Suites, there doesn't seem to be much of a plan for anything but construction. There's not enough schools and most are already frozen, infrastructure is lacking, not enough first responders, hospitals, etc, etc, etc. Sounds and looks familiar. The overcrowding that negatively impacted so many things is the main reason I moved from Tennessee. It's not the same place as the farms, agriculture, open spaces and wildlife have been replaced by thousands of homes. Unfortunately, it looks like Palm Bay and Brevard County are headed down the same path as Murfreesboro, TN.

Personally, and I speak for many, I'm not in favor of any new development until some of the above situations are addressed, Unless the course of things change, I foresee another Murfreesboro scenario. I would ask for your consideration to delay any new development until the concerns of the citizens have been addressed and we are actually ready and able to support new building, including Sunterra.

Sincerely,

William and Tamara Sergent
325 Pinto Lane
Palm Bay, 32909
615-430-9241

From: [JoAnn Young](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: URGENT: Sun Terra Lakes Development meeting May 2nd,2024
Date: Wednesday, April 24, 2024 4:22:06 PM

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

Good afternoon Commissioners,
My name is JoAnn Young. I am a real Estate Broker and a resident of Deer Run in Southern Brevard. My husband and I own two adjacent properties totalling 5 acres that will border the recently purchased Sun Terra Development. We have attended the developer's meeting & the Planning and Zoning meeting for changing the future use of said development. In my business profession I have worked with the county making inquiries on future land use and conformity. In my conversations with department employees, the county seems to want to keep conformity with the surrounding properties. The reasons are obvious. The future land use for the 1100+ acres of Sun Terra is 1 residence per 2.5 acres - The same as Deer Run. Sun Terra has requested Res 4 with a cap at 3. The planning and zoning committee is recommending Res 2 for your commissioners meeting.

While I as a real Estate Broker welcome any new development, we have our concerns for such density for this area of Brevard that abutts to Deer Run.

Our main concerns are the following:

- Deer Run already has flooding issues. Due to no sewer system in Deer Run, the new development will be sharing the same canals and ditches for runoff as our two parcels (5 acres) that border the west side of the new development. A small canal will be between our borders. We are gravely concerned about the density of 2700-3200+ homes built up higher than ours that will shed runoff water into a small area.
- South Babcock Street is a "D" rated road and has been on the schedule to be widened for some time. There are many developments on the schedule around Deer Run and the intersection of Deer Run Rd and Babcock St. The amount of vehicles just in Sun Terra Lakes could be as high as 6000+ if each home has two vehicles. This does not include traffic from other subdivisions already approved nearby. We believe the widening of Babcock St. should take place before allowing any homes to be built. The St. Johns Heritage Pkwy's remaining 14 miles to connect to Malabar Rd. should also be taken into consideration before allowing the large volume of traffic to consume us.
- The proposed buffer for Sun Terra Lakes from Deer Run is rather

small in some areas. One resident only has a 50 ft buffer from property line to property line We were advised there would be a natural tree line of the existing trees. I will remind you that most of the tree line is Brazilian Pepper trees currently. If you were to approve the Planning and Zoning's suggestion, Many of their homesite lots will be of the size 40x80 as we were informed by the developer. Could we increase the buffer, or install a berm separating the two developments thus retaining more of their own runoff and allow them to create their own canals for water runoff?

- I lived in Kingsmill Subdivision in Melbourne for 17 years and watched my neighborhood flood in major storms and rainfall over and over again due to a neighborhood built behind Kingsmill higher in elevation that shared the same retention ponds as Kingsmill and not enough space to retain nor culvert size to carry the water fast enough under Lake Washington Rd. It was tragic watching the homes in the back flood. Some are still recovering from mold issues.
- We do not have school aged children but understand there are no schools or teachers to support this density.
- There is no Fire station within 9-11 miles of Deer Run and we already pay high insurance premiums for that reason. We will need more than one station if all the development planned is coming any time soon.

Again, we do not have an issue with new development. We welcome it! However, we would like to see it arrive more properly planned, more conforming to Deer Run's sized lots and without harm to the neighboring Deer Run Community.

We ask that you vote to keep the future land use "AS IS".

Thank you for your time and consideration.

Sincerely,

--

James & JoAnn Young
8423 Elk Ave
Palm Bay, FL 32909

Real Estate Broker
321-243-4917



From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment 23LS00001 May 2, 2024 Zoning Agenda
Date: Thursday, April 25, 2024 8:31:00 AM
Attachments: [Public Comment 23LS00001_multi.pdf](#)
[image001.png](#)
[image002.png](#)

Good morning Kristen,

On behalf of Commissioner Feltner, please see the attached public comments which our office has received pertaining to item 23LS00001.

Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

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Mascellino, Carol

From: JoAnn Young <goldensforever@gmail.com>
Sent: Wednesday, April 24, 2024 4:21 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: URGENT: Sun Terra Lakes Development meeting May 2nd,2024

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Good afternoon Commissioners,

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In my business profession I have worked with the county making inquiries on future land use and conformity. In my conversations with department employees, the county seems to want to keep conformity with the surrounding properties. The reasons are obvious. The future land use for the 1100+ acres of Sun Terra is 1 residence per 2.5 acres - The same as Deer Run. Sun Terra has requested Res 4 with a cap at 3. The planning and zoning committee is recommending Res 2 for your commissioners meeting.

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Kingsmill higher in elevation that shared the same retention ponds as Kingsmill and not enough space to retain nor culvert size to carry the water fast enough under Lake Washington Rd. It was tragic watching the homes in the back flood. Some are still recovering from mold issues.

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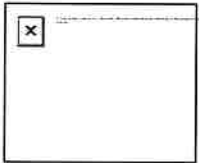
Thank you for your time and consideration.

Sincerely,

James & JoAnn Young
8423 Elk Ave
Palm Bay, FL 32909

Real Estate Broker

321-243-4917



Mascellino, Carol

From: Jim Araiza <jaraiza@1800yachtcharters.com>
Sent: Wednesday, April 24, 2024 5:03 PM
To: Commissioner, D4
Subject: Please deny the SunTerra rezoning request - here's why...

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

Dear Commissioner Feltner,

I oppose the SunTerra zoning request.

As a property owner in adjacent Deer Run Equestrian Community, the most compatible zoning for the SunTerra property is exactly what Brevard County desired this area to be: R1.

Our current county commissioners, and those who preceded you, have ALWAYS placed great emphasis on quality of life and protection of our local environment.

Indeed, that is what drew us to Deer Run and southern Brevard County county: spacious neighborhoods and wildlife, supported by YOUR commission's dedication to adequate infrastructure and safety!

Approving SunTerra's request for R4 zoning would abandon your commission's long-standing commitment to protect south Brevard County. Adequate infrastructure is not in place, nor in the current budget to support the requirements of the massive R4 community desired by SunTerra.

I support development – everyone needs a place to live and call their own. The new Sun Terra neighbors should enjoy the same protections currently in place for our Deer Run community. We have accessible streets and adequate infrastructure to support our quality of life, our wildlife, and the environment. A massive R4 development will not only adversely affect Deer Run, but also the new residents of SunTerra. We will all suffer...

I don't believe that's what you and your fellow commissioners envision for our community. I know it's not the vision your predecessors had when they addressed the best-use zoning of southern Brevard County!

Developers rarely know (or care) what is "best" for a community. You do! Please stay the course...

Thank you for your service, Rob...

With appreciation,

Jim Araiza
105 Deer Run Road
Palm Bay, FL 32909
305-720-7245

Mascellino, Carol

From: Big Morly <morly464@gmail.com>
Sent: Tuesday, April 23, 2024 10:21 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Sun Terra

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

Hello, I own a property in Deer Run, I bought this property mainly because of the area, it is a perfect community to live in because of its tranquility, its natural habitat and the space we have between houses, now I am reviewing the information about a construction of thousands of houses in the vicinity of Deer Run, this would put an end to everything mentioned above, this new community of thousands of houses with spaces between them with less than half an acre would be putting an end to the type of construction zone, with the tranquility of all the neighbors of Deer Run, with the animals in the areas, this would also leave less land that helps with the rainwater that is so needed in this area, these thousands of houses would also be depreciating our houses.

I don't understand why a millionaire company wants to do a project on wetland lands with trees, plants and animals unique to the area and the county can easily allow it and a person who is not at the economic level of that company, the county puts so many restrictions on him. , so many inspections and only to tell you that you cannot build because the land is wetlands and there are protected species, it is impossible for any person to clean a lot of more than one acre due to all the county restrictions and now a millionaire company is easy to destroy a large area of wetland land with so much natural life.

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Mascellino, Carol

From: zach Levy <zlevy0715@gmail.com>
Sent: Tuesday, April 23, 2024 1:36 PM
To: Commissioner, D4
Subject: South Brevard Rezoning (Sunterra)

Categories: Carol

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

Hello Mr Feltner,

My name is Zach Levy, I am a land owner and hopeful future resident of 179 Deer Run Rd. I currently live in South East Palm Bay, and have lived in this area my whole life.

My wife and I are working towards moving our family to the Deer Run community to raise our young children in a place filled with space to play and listen to the sounds of nature.

The South St John's Heritage Parkway development is exciting in that it opens the Deer Run area to easier access to the rest of the county via I-95, and we are supportive of the general development of the area. That said, I am concerned by the level of allowed re-zoning of the land (especially that directly adjoining to Deer Run) to allow densely packed homes. I am concerned over the noise pollution, the traffic increase, and the displaced water that could further flood the already flood prone Deer Run; additionally I am concerned about the available resources of fire, police, medical, and educational facilities to cover this area that is quickly booming in population.

I understand the benefit to the development, and I would like to ask that requests for rezoning (namely the Sunterra development) be denied. Again, I am for development, I just ask it not be as densely packed as Sunterra is proposing directly by Deer Run. I ask this not only out of personal desire to live in peace, but also out of concern that not enough foresight is going in to the pace of development in our area.

Thank you for your time,
Zach Levy

Mascellino, Carol

From: Bill Sergent <wsargent1@yahoo.com>
Sent: Tuesday, April 23, 2024 9:17 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Sunterra Development
Categories: Carol

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

Good afternoon,

My name is William Sergent and I live in the Deer Run subdivision at 325 Pinto Lane, across the street from where the proposed new development would be built.

I would like to say I'm happy to see our community grow, but I, like many other residents in Palm Bay are concerned about the unmitigated growth. I've been through this before and what was a nice place to live, became a nightmare. I previously lived in a town that was adjacent to Murfreesboro, TN. Over the past ten years, it has almost doubled in size to 175,000 residents. The infrastructure is lacking, traffic is a nightmare, schools are over crowded, new ones can't be constructed quick enough and there's a huge shortage of teachers and bus drivers. Not to mention the increase in crime, taxes (approx 50% over the few past years) and an overall negative impact on the way of life.

We too welcomed the growth but we realized that sometimes you regret what you asked for. Having attended the Sunterra meeting at Comfort Suites, there doesn't seem to be much of a plan for anything but construction. There's not enough schools and most are already frozen, infrastructure is lacking, not enough first responders, hospitals, etc, etc, etc. Sounds and looks familiar. The overcrowding that negatively impacted so many things is the main reason I moved from Tennessee. It's not the same place as the farms, agriculture, open spaces and wildlife have been replaced by thousands of homes. Unfortunately, it looks like Palm Bay and Brevard County are headed down the same path as Murfreesboro, TN.

Personally, and I speak for many, I'm not in favor of any new development until some of the above situations are addressed, Unless the course of things change, I foresee another Murfreesboro scenario. I would ask for your consideration to delay any new development until the concerns of the citizens have been addressed and we are actually ready and able to support new building, including Sunterra.

Sincerely,

William and Tamara Sergent
325 Pinto Lane
Palm Bay, 32909
615-430-9241

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23LS00001 Agenda 05/02/24
Date: Thursday, April 25, 2024 12:19:41 PM
Attachments: [Public Comment 23LS00001_Vadney.pdf](#)
[image001.png](#)
[image002.png](#)

Good afternoon Kristen,

On behalf of Commissioner Feltner; please see the attached public comment concerning item 23LS00001 on the May 2, 2024 agenda. Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Cheryl Salov Vadney](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Thursday, April 25, 2024 12:11:06 PM

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

Dear Commissioner Steele,

Good morning and thank you for your representation of South County. Because I have lived here for twenty-three years, I realize how special this area has become to me; and to my neighbors too. I was a suburban girl but now I'm more of a farm girl.

I live in the Deer Run subdivision. I am a recent widow so I maintain my 2.7 acres mostly by myself now. It's hard, sweaty work but I love this land.

A new proposed subdivision has come to our attention which will be built on about 1,000 acres to the north of Deer Run. As I know you are aware, the Planning and Zoning Commission has reduced the density in SunTerra from four homes per acre to 2. As I understand it, due to the available buildable acres, there will be more homes per acre than two.

We've seen a lot of development in South County lately. Some good, some not so much. SunTerra could be a lovely addition to the area if it remains consistent with the surrounding lands. We are blessed to have the Micco Scrub Preserve, the EELs land and Deer Run. Here in my subdivision, the minimum lot size is 2.5 acres. Some folks have more. It was the original intent of the Brevard County for the future density of this land to be one home on 2.5 acres. That certainly seems more in keeping with the current landscape.

There are so many concerns of which I'm sure you are aware; being built in phases, the construction will seem never ending. We have grave concerns regarding schools, fire response, law enforcement, traffic and Babcock St. and not the least of which, the wildlife. Deer Run has seen an explosion in the wild boar and deer population which has caused a great deal of destruction. We always had some but now it is every single day. There is less and less land available to the wildlife.

It is my hope that you vote to maintain the vision of the original intent of one home per 2.5 acres. I also hope to have the pleasure of meeting you on May 2.

Sincerely,
Cheryl Salov Vadney
349 Stallion St. Palm Bay FL 32909
(321) 409-8369
cherylsalov@hotmail.com

From: [Schmadeke, Adrienne](#)
To: [Champion, Kristen](#)
Subject: 23LS00001 public comment
Date: Thursday, April 25, 2024 2:16:58 PM
Attachments: [SunTerra Development.pdf](#)

Good afternoon Ms. Champion,

On behalf of Commissioner Pritchett, she has received the attached public comment for 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke

Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

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From: [Cheryl Salov Vadney](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Thursday, April 25, 2024 12:11:06 PM

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Cheryl Salov Vadney
349 Stallion St. Palm Bay FL 32909
(321) 409-8369
cherylsalov@hotmail.com

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment 23LS00001 May 2, 2024 Zoning Agenda
Date: Wednesday, May 1, 2024 2:12:01 PM
Attachments: [Public Comment 23LS00001_Roman.pdf](#)
[Public Comment 23LS00001_Winegar.pdf](#)
[image001.png](#)
[image002.png](#)

Kristen,

On behalf of Commissioner Feltner, please see the attached public comments he received pertaining to 23LS00001 on the May 2, 2024 Zoning Agenda. Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

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From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracommunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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

Dear Commissioners,

As residents of Deer Run, my husband and I are writing to express our thoughts regarding the proposed Sunterra development, particularly its impact on our property, which borders the potential construction site. While we acknowledge and appreciate the inevitability of progress in our community, we wish to raise some concerns for your consideration.

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Furthermore, we need to understand the developer's plans for mitigating stormwater runoff in a manner that will not adversely affect our properties. As responsible homeowners, we recognize the importance of sustainable development practices and wish to ensure that our community's natural resources are preserved.

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In conclusion, we respectfully urge you to address the aforementioned issues in your planning process and to keep the lines of communication open as the project progresses. By doing so,

we believe that together we can ensure a mutually beneficial outcome for all stakeholders involved.

Thank you for your attention to our concerns.

Thank you!

Mary Roman

Lic. Real Estate Broker

State of Florida

Southern Signature Realty, LLC.

Southern Commercial Management/Southern Companies

Office: 954-670-2808 Cell: 954-914-8764

mary@maryroman.com www.southern-companies.com



Please help others in their decision to hire us and kindly leave a review by following the links above!!

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:35 PM

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

Dear Commissioners Steele, Pritchett, Goodson, Tobia, and Feltner,

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Sincerely,
Pam & Richard Winegar
194 Cavalier Street
Palm Bay, FL 32909
(321) 431-9570
pgwinegar@aol.com
Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

District 2 Disclosures
5/2/2024 BOCC Zoning Meeting

G.5. JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use designation from RES1:2.5 to RES 4 and CC. (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

- On 4/14/2024, received email from Anita requesting to not rezone this area.
- On 4/15,2024, received emails from the following with opposition to the project as proposed:
 - Gloria Kanungo
 - Justin Neal
 - Neil Adams – two separate emails
- On 4/15/2024, received email from Minde Gibson with a letter regarding concerns/issues to be discussed and addressed to minimize impacts to the Deer Run Equestrian Community and the local environment
- On 4/23/2023, received emails from the following with opposition to the project as proposed:
 - William and Tamara Sergent
 - Big Morly
 - Zach Levy
- On 4/24/2024, received emails from the following with opposition to the project as proposed:
 - James & JoAnn Young
 - Jim Araiza
- On 4/25/2024, received email from Cheryl Salov Vadney opposing the project as proposed.
- On 4/26/2024, received email from Sarah Neal with opposing the project as proposed.
- On 5/1/2024, received emails from the following:
 - Mary Roman – raising some concerns/issues for consideration
 - Pam & Richard Winegar with opposition to the project as proposed

From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracommunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:35 PM

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Palm Bay, FL 32909
(321) 431-9570
pgwinegar@aol.com
Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public Comments 23LS00001
Date: Thursday, May 2, 2024 8:52:02 AM
Attachments: [Sun Terra Project.pdf](#)
[SunTerra Development.pdf](#)
[Sunterra Lakes Development Babcock St. Palm Bay.pdf](#)
[SunTerra Zoning .pdf](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, attached are more public comments received for 23LS00001.

Thank you for your support of her office.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

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From: webhog1@yahoo.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra Project
Date: Wednesday, May 1, 2024 4:44:38 PM

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If the owners/applicants wish to develop this property, then it should be developed at 1 unit per 2.5 acres (minimum lot size), with no PUD density bonuses.

Thank you.

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:37 PM

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Subject: Sunterra Lakes Development/Babcock St. Palm Bay
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mary@maryroman.com www.southern-companies.com



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From: [Sarah Neal](#)
To: [Commissioner, D1](#)
Subject: SunTerra Zoning
Date: Friday, April 26, 2024 8:18:33 AM

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

Dear Ms. Pritchett,

As a mother of a two-year-old and part of a young family, I want to express our deep concern about the proposed changes to our beloved Deer Run community. Our little ones thrive in this haven of nature, and we're committed to keeping it safe and full of wildlife for them to explore and enjoy.

The proposed SunTerra zoning request is troubling for us. It threatens to disrupt the peaceful lifestyle we cherish. Currently, Deer Run is zoned Agriculture, with spacious 2.5-acre parcels allowing for a harmonious coexistence with nature. However, SunTerra's plan to rezone to R4, with the potential for up to 13 homes per acre, is simply incompatible with our way of life.

Imagine looking out from our yards and seeing rows of houses instead of the serene landscape we're accustomed to. The noise, the congestion—it's a stark contrast to the tranquility we've come to love. And it's not just about us; it's about preserving this environment for our children and the generations to come.

Moreover, the proposed development poses a threat to our precious natural habitats, including the Micco Scrub Sanctuary. These areas are vital for our local wildlife and contribute to the rich biodiversity of Brevard County. We must protect them for the sake of our children's future.

Infrastructure concerns also weigh heavily on our minds. How will our roads cope with the influx of thousands of vehicles? Who will bear the cost of necessary expansions and upgrades? These are questions that demand answers, especially when it comes to vital services like water, sewage, fire, police, and healthcare.

Our schools are already stretched to their limits, with no clear plan to accommodate additional students. The shortage of teachers and bus drivers further exacerbates the problem. We simply cannot afford to compromise on our children's education and well-being.

And let's not forget about stormwater drainage. The proposed development threatens to exacerbate flooding issues, putting our homes and families at risk. We've invested in initiatives to protect our waterways, yet SunTerra's plans could undo all that progress.

In essence, Deer Run thrives on its sense of community and connection to nature. We moved here because we believed in the vision for this area—a vision that respected the environment and valued our quality of life. Without proper safeguards in place, SunTerra's proposal puts all of that at risk.

Add to your post

As a concerned mother and member of this community, I urge you to join me in opposing this zoning request. Together, we can ensure that Deer Run remains a safe haven for wildlife and a nurturing environment for our families. Thank you for listening.

Warm regards,

Sarah Neal 306 Fox Trail Street Palm Bay, FL 32909



From: [Commissioner, D2](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D2](#)
Subject: D2 Disclosure List
Date: Thursday, May 2, 2024 9:25:24 AM
Attachments: [image001.png](#)

Good morning Kristen,
Can you please add the below email to our disclosure list?

- On 5/1/2024, received email from Marty Piatkowski opposing the project as proposed

Thank you and have a great day,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtenay Parkway Suite 200
Merritt Island, FL 32953
Ph: (321) 454-6601
E-mail: Susan.Smith@brevardfl.gov

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Wednesday, May 1, 2024 4:45 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Subject: Sun Terra Project

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Attention Commissioners:

The owners/applicants (JEN Florida 48 LLC / Poulos and Bennett LLC) wish to develop 1,109 acres that has a future land use of RES 1:2.5. To the west and south of this project is the Deer Run community, also having a future land use of RES 1:2.5.

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Thank you.

Marty Piatkowski

Palm Bay, FL

Enjoy life now... it has an expiration date

From: [Patricia Hagin](#)
To: [Champion, Kristen](#)
Cc: [John](#)
Subject: Fwd: Deer Run Community Resident at 332 Pinto Lane, Palm Bay, Florida 32909, Response to Rezoning Property Located Directly Behind My Home/Property
Date: Thursday, May 2, 2024 9:55:57 AM

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Good morning Ms. Champion,

Over the past year my husband and I have been building a home that is now 500 ft of property owned by JEN Florida 48, LLC per your card and notice ID# 23LS00001.

My main concern of this development is any engineering of the property that would increase threat of flooding to my property. Will/can the property owners receive notice from builders that land preparation to build near adjoining current property owners like us will not increase potential flooding?

Another concern, is the home to acre ratios. We are 1 residential to 2.5, which is nice but has been costly to prep for build and we don't want to see our property value decrease. Recommend, ALL builds that are within 500 feet of our property maintain at least a 4 to one acre ratio.

My last concern is the impact of the migration of nature as the property is cleared. Will the county be monitoring the migration and ensure adjacent property owners are protected from such migration?

I apologize for just getting this to you sooner as I was traveling and just got your card.

I am in Ohio this week so will not be attending the meeting.

Thank you for considering our concerns.

Patricia Hagin
332 Pinto Lane, Palm Bay, FL
614 886 1369

>
>
>
>

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Bellak, Christine](#); [Wines, Katie](#); [Commissioner, D4](#)
Subject: Public Comment -05/02/24 Agenda Item 23LS00001
Date: Thursday, May 2, 2024 10:26:08 AM
Attachments: [Public Comment 23LS00001_Piatkowski.pdf](#)
[image001.png](#)
[image002.png](#)

Kristen,

On behalf of Commissioner Feltner, please see the attached public comment our office received.
Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

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From: webhog1@yahoo.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra Project
Date: Wednesday, May 1, 2024 4:44:35 PM

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Thank you.

Marty Piatkowski
Palm Bay, FL

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DISTRICT 4 COMMISSION OFFICE
2725 Judge Fran Jamieson Way, #C-214
Viera, FL 32940-6698
T: 321-633-2044
D4.Commissioner@brevardfl.gov

April 17, 2024

To: Kristen Champion, Special Projects Coordinator III
From: Rob Feltner, District 4 Commissioner

Re: Disclosure **23LS00001**
Tax Accounts: 3000277, 3000368, 3000827, 3000829

Concerning **23LS00001** on the May 2, 2024 Brevard County Planning and Zoning Agenda; Commissioner Rob Feltner met with Mr. James Dunn and Mr. Daniel Edwards. Discussion entailed compatibility of the project to the area, concerns of the residents of Deer Run and Large-Scale Comprehensive Plan Amendment (2023-2).

This meeting took place on April 16, 2024, in the District 4 Commission Office and lasted 18 minutes.

Sincerely,

Rob Feltner
Brevard County Commissioner
District 4

From: [Stern, Danielle](#)
To: [Richardson, Morris](#)
Cc: [Champion, Kristen](#); [Steele, Jason](#)
Subject: disclosure
Date: Wednesday, April 24, 2024 1:07:47 PM

Commissioner Steele has asked me to email you and let you know that he had a conversation with Kim Rezanka today regarding the items on the next Commission Zoning meeting.

Danielle Stern
Chief of Staff
District 5 County Commissioner Jason Steele
490 Centre Lake Drive NE
Suite 175
Palm Bay, FL 32907
(321)253-6611

From: [Schmadeke, Adrienne](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#)
Subject: 23LS00001
Date: Thursday, April 25, 2024 2:35:24 PM

Good afternoon Ms. Champion,

On behalf of Commissioner Pritchett, she would like to disclose that on Thursday, April 25, she had a 20 minute meeting with Kim Rezanka, Jim Dunn, and Dan Edwards where she listened to the information regarding 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke

Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
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BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
COMMISSIONER JOHN TOBIA, DISTRICT 3

2539 Palm Bay Rd NE, Suite 4
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April 26, 2024

To: Kristen Champion
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Champion,

Regarding the upcoming agenda item G.5 (application #23LS00001) for the zoning meeting to be held on May 2, 2024, please be advised in advance that I spoke with the following parties at the District 3 Commission Office, 2539 Palm Bay Road NE, Suite 4, Palm Bay, FL 32905, on April 24, 2024:

Kim Rezanka
Jim Dunn
Dan Edwards

The meeting lasted approximately thirty minutes, during which the above individuals provided details regarding the amendment request.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

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



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May 2, 2024

To: Kristen Champion
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Champion,

Regarding the upcoming agenda item G.5 (application #23LS00001) for the zoning meeting to be held on May 2, 2024, please be advised in advance that I spoke with the following party via phone on May 2, 2024:

Kim Rezanka

The phone call lasted approximately three minutes, during which the above individual provided answers to questions regarding the amendment request.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

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

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Sandra Collins, Planner I, and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Debbie Thomas stated that in reference to item G.5., she had spoken with Jimmy Dunn from SunTerra Communities. He called to introduce himself and explain a little about what their proposed project will be. The call lasted approximately three minutes.

John Hopengarten stated he also received a call in reference to item G.5., but he declined to listen and meet with the person.

Excerpt of Complete Agenda

JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 and CC (Residential 4 and Community Commercial). The property is 1,109.572 acres, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. (No assigned address.) (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

Jeffrey Ball read the item into the record and stated to the Board that this a large-scale comprehensive plan amendment. This is a two-step process where the application before the Board is a land use change that is Board of County Commissioners decides to transmit this, it goes to the State in a coordinated review with Florida commerce and all other state agencies to provide comments. Once this comes back from the state, the applicant will have time to address any of those comments and responses. When it comes back for adoption, the associated PUD application will dovetail with the adoption hearing for this application. This application before you only establishes the density based on the infrastructure requirements, it's not based on a plan or specific requirements for the PUD as far as buffering and cross sections, etc. That will be done at a later stage. We are only going to vote on density.

Mark Wadsworth asked for clarification to ensure they're only going to vote on density and Jeffrey Ball stated that the application before you is a density increase of RES 4 and Community Commercial.

Mark Wadsworth addressed the members of the audience, asking who is here in affiliation with this application. He stated that he was going to give each person two minutes to speak on the item, or if the group would like to designate one person to speak on everyone's behalf, we'll take however many

people are in attendance and multiply it by two and that will be how many minutes this person has to speak on this item. We don't want it to be repetitive with the same issues, i.e., it's lowering our land value, horses can't cross the canal, increase in traffic, etc.

After a count of 12 audience members, Mark Wadsworth gave their spokesperson 30 minutes to speak and asked if she was okay with that allotted time, which she agreed to.

Kim Rezanka, Lacey Lyons Rezanka 1290 US1, Rockledge, FL., stated she is here on behalf of the applicant/property owner JEN Florida 48, LLC. We are here on the Large-Scale Comp Plan Amendment and with me is Jimmy Dunn and Dan Edwards with SunTerra Communities. If you have questions, we also have the engineer of record, Poulos & Bennett. Lance Bennett and Andrew Ivy and also Planner Jesse Anderson, he was formerly the Assistant Growth Management Director at Palm Bay and James Taylor, the transportation engineer with Kimley-Horn.

Kim Rezanka stated she has provided everyone with a physical copy of the PowerPoint because they weren't sure if it was going to be able to be shown since it was only sent over this morning. There's also some fine writing on there that you may want to see to follow along.

She stated they held a community meeting last Wednesday and that 95-98% of this is information they've already heard, and this is what they plan to go through.

Kim Rezanka stated that the location is in South Brevard County, about 3.5 miles from the County line. It's on Babcock St., bordered on the north by Willowbrook, on the west side of Babcock. It is a little over 1,100 acres. We are seeking a future land use amendment to allow a mixed-use development. A PUD application has been submitted but it not on the agenda for today. The request is for RES 4 limited to three units per acre. Some of you may remember that there used to be a Directive 3. The county doesn't do that anymore, but the PUD will limit it to three units per acre. Engineering is not complete so we're not sure if we can even get the three units per acre. The Future Land Use of RES 4 is for 1,182.5 acres and seeking Community Commercial on 27.3 acres on Babcock Street. It's 398,000 sq. ft. intended to be retail type services for the residents here and the surrounding residents. More detailed for the location in yellow, that is the property we're seeking to change the Future Land Use. You can see it is somewhat squished between Palm Bay City Limits and Deer Run is to the south of the property. Willowbrook St. is to the north. Between Willowbrook St. and the property, there is a 100-ft. drainage ditch. There's 120 ft. of Right-of Way of Willowbrook St. and then there's a strip of land to the south of the ditch that is 150 ft. Some of you may call it a spike strip, but this is to stop any annexation into Palm Bay. This is owned by James Satori and Jaric Holdings, LLC, which is a Satori property. James Satori also owns all the property right along Willowbrook, the strip is about 250 ft. The property all the way to St. John's Water Management District property is owned by Jaric and to the north is Rolling Meadow Ranch, which is a little over 1,300 acres. This is the property owned by Andrew Machata, that de-annexed from palm Bay back into the County, if you all may remember.

This is a challenging project; this is why we need to change to RES 4. As mentioned in the legislation report prepared by staff and the staff comments, there are current deficiencies in infrastructure, but all have solutions. Even the staff report says they're potential solutions. The engineers and experts are here today to explain the solutions and answer any questions. The transportation infrastructure will be dealt with. The school deficiency, the water and sewer deficiency, all have been discussed with the

various entities and as you all are aware, proportionate fair share requires that capacities and concurrencies be met. What's not in the staff comments but is in the SunTerra response is a review of all other large-scale developments in a two-mile radius of this proposed project and most of these projects have a greater density than what's being proposed here. There's nothing in the administrative policy that requires you to look just at Brevard County properties.

Where St. John's Heritage Parkway intersects with Babcock, that's what's causing all of this development. There's a Publix going in about 0.6 miles north of this project, so development is coming to this area. St. John's Heritage Pkwy from I-95 links Emerald Lakes, Cypress Bay, and Waterstone Development.

The concept, or bubble, plan for SunTerra Lakes is for a proposed development of 3,246 units. 398,000 sq. ft. of commercial, that's the red area along Babcock. It says Phase 11 but that just to designate it as the commercial area. It will have open space of 468 acres, 140 acres of active, 328 acres of passive. Assuming this is approved by Brevard County and comes back, the PUD will be in front of you sometime in the early fall hopefully. Just to clarify what those colors are designated for, the yellow is the residential. The medium green is passive recreation, the darker green is active recreation, and then the really dark green is wetlands. This property has about 114 acres of wetlands. Ninety-four of them will be preserved and approximately 20 will be impacted and in correspondence with the County requirements, the orange color is the impacted wetlands. The light blue is storm water, and the dark blue is lake active recreation.

The big pond on the west is part of an existing burrow pit that will be turned into an active recreation site, and it'll be amenitized for the residents. There's also walking trails throughout and it's intended that some of these parks will be open to the public, not just for the residents there. However, that's still in the planning stages.

We had a community meeting last Wednesday and it was the first time many of the residents knew about this project. There's no place to hold a community meeting that far south so it was at the Comfort Inn on Malabar Rd. There were approximately 23 people in attendance and 21 attended virtually. We ended the formal meeting about 8:15 but people stayed around, and the engineers stayed around to speak with them. The concerns and responses, as you would expect, are traffic, schools, fire and police response, and density consistency and compatibility.

Kim Rezanka added with that, I'm going to address the first issue of traffic and James Taylor will come up to address you.

James Taylor with Kimley-Horn Associates, Transportation Engineer, 200 South Orange Ave. Orlando.

James Taylor stated what you see on the screen is the anticipated study area for a traffic impact analysis that we're going to be conducting for the purpose of the County and all the permits that go along with the site, as well as the access. The blue on the outside is the anticipated 5-mile radius around the site that we'll be studying. The red dots are indicating a study area intersection. Some red roadway segments are showing where the traffic is to a point that's significant enough to include those items in the study area as well. Then some blue dots along the front edge of the property indicating probable access points. Some percentages on some of those roadways, these are the

anticipated percentages that come out of the local travel demand model for this district and the DOT. What it's showing is the anticipated traffic from the site is intended to be, more or less, equally split north and south. A little bit more to the north as people are getting up to St. John's Heritage Pkwy and then onto the Interstate. Some on Micco Road as well as Babcock St.

So today what we've done for the purpose of the Future Land Use Amendment is we've conducted a study that's prescribed by the State to show a short-term and a long-term impact for the trips that are anticipated from this proposed amendment. What it indicated in that study out to year 2035 for the short term, then 2045 for the long term, is that Babcock Street from Grant Road down to Micco Rd. is anticipated to exceed its capacity. As you know it's two lanes out there today and operating at about 40% of its' capacity based on today's counts. But this project, as well as the other growth, is anticipated to increase that to the point that it exceeds the two-lane capacity of that roadway and then as we come in for additional permits if this goes forward is we will do that long-term, larger scale transportation study that shows how the intersections, roadways, etc. all need to get mitigated as prescribed by the State and also the local requirements and I'll be standing by with any questions.

Henry Minneboo stated that he thought he read that they would be at service level D. At what point would that occur, assuming the numbers that we're looking at today?

James Taylor responded that if Henry is referring to Babcock St., that's going to be a Level Service F if that roadway is not widened to four lanes.

Henry Minneboo asked if we have a preliminary number of what the units would be when that transpires. That's in your program, I'm sure.

James Taylor stated that that will be a part of that future traffic study, because as we've talked about mitigating for the capacity items that'll be one of the things that obviously the County won't want to proceed past a certain amount of development until the capacity is available.

Henry Minneboo asked for conversation purposes today, if this transpires, how far south will you go with the modifications and changes on Babcock?

James Taylor said the deficiency that we're showing is not just because of this project but because the other growth of the area extends from Micco all the way to Grant, so that's about a three-mile segment. The mitigation for this developer is prescribed for the by the state, either a proportionate share contribution for their impacts or a physical improvement. Not the whole three miles but something that equates to the proportionate share.

Henry Minneboo asked if they could end up being a three-lane, the center bidirectional?

James Taylor said that would not mitigate the entire deficiency. It really does need additional capacity. The bidirectional left turn lane would give it a little more capacity, but not the capacity that is needed out there.

Bruce Moia asked for clarification that Babcock from Malabar Rd. to the County Line is all a County roadway, so we're only dealing with one entity, not multi-jurisdictional and James Taylor responded that yes, that's correct.

Kim Rezanka stated that this issue came up during the community meeting and although they're not sure at what time it'll be widened, it will have to be with all the growth that's in the area and just to look at the transportation impact fees for this project alone will be approximately \$16.5M. The issues with schools came up as well because of how far south this project is. The school impact fees will also be about \$16.5M for this project between the retail and the commercial.

We did a school concurrency letter from the school board and the concurrency did show there would be issues with the adjacent school capacity. There would be a shortfall of available capacity for elementary and middle schools, however, they did note that for the next 5 years, the intermediate growth could be accommodated by putting in portable classrooms.

Kim Rezanka stated that she spoke with Karen Black at length, that there are at least 5 sites that could serve this area that the School Board owns or that's being dedicated. Ashton Park, which is going into the south and east, will have a 30-acre site for an elementary K-8 school. Which would also be available to serve this community. We understand that school capacity could be an issue but Florida Statutes provide for proportionate fair share so any deficiencies would be addressed as the time requires it to be.

Another issue that came up if fire and police response, and again, that will be addressed as necessary. This area is served by Palm Bay Fire Station #4 under an interlocal agreement. There is also a fire station near Micco Rd. closer to the east but anything that is necessary would be accommodated for fire and emergency response. SunTerra doesn't want to impact anyone with fire and emergency responses.

As for density and compatibility, what the developer is intending to do as part of the PUD is to leave a 50-foot buffer in a natural state. Including the spike strip and 100-ft. canal, the minimum buffer would be 150 ft. from property line to property line.

At the community meeting they agreed that if it is a sparse, natural 50-ft. buffer, they will improve it. They will make it much more solid to make an opaque buffer. That's something that you would hear more at the PUD stage. Jesse Anderson will explain the other developments and their density in the area, and as a reminder these are in Palm Bay except for Rolling Meadows. Rolling Meadows is two units to the acre and it adjacent to this site.

Jesse Anderson, 1340 Tradition Circle, Melbourne, stated he was previously the Assistant Director of Growth Management. This project is situated in a vary interesting location. It is very much surrounded by the city of Palm Bay in a broad stance, except for where you have conservation lands over to its eastern side and along with our parcel, you have the Deer Run community. While were not at all trying to exclude them, if you look at the broader picture, today much of the city has encapsulated parts of this and then larger developments in the county that are coming have also started to encompass the area surrounding this development. When we look into compatibility in a Florida Statute stance, we're looking at compatibility in a term that we are saying that it can coexist in a relative proximity to each other in a stable fashion over time, so that no use or condition is unduly negatively impacted.

Jesse Anderson acknowledged that there's going to be a concentration by some members in the audience on the unduly negative impacted aspect, but what we need to understand in this entire statement today is that this is a stable fashion over time. Today we've also made sure to convey to

you that this project is intended to go through the PUD zoning regulation standards that requires phasing development. It requires us to go through the processes that actually have more regulations in line that allow for is to ensure that we have different types of compatibility through us being able to slowly development the property. Instead of this just simply being a residential subdivision development, this would allow for us to slowly phase it and appropriately lay out the schematics, so it does not unduly negatively impact anyone over time. Instead, we will ensure that development throughout it's time period will be in concert with the Land Development code for Brevard County, as well as the interjurisdictional entities that do oversee many of these processes such as the Water Management District.

Because this is over a one-thousand-acre project, you're not going to see a single subdivision construction plan. You're going to see 11 different phases. Depending on what the needs are of the market, certain portions may be developed earlier than later. For instance, that could potentially be the commercial if it was demanded earlier. Alternatively, if there is a point in time when the roadway needs to be expanded because of these increasing amounts of subdivisions coming through, it'll be determined during one of the subdivision construction plan routine evaluations by your staff. Who will identify that it has gone over capacity and then revert it back to saying that Babcock widening will need to happen before approvals commence beyond that.

We're looking at the properties that are surrounding us going from the western side. Rolling Meadows is a RES 2, which is a little less dense than the RES 4 we're asking for but as a reminder we are looking to cap it at three dwelling units per acre, and they could potentially go up to 2.5 with a PUD in their own entitled Future Land Use, so we're only looking at a half unit per acres difference at that point.

Waterstone moving into the city, has low density residential of 5 dwelling units per acre, high density residential of 20 units per acre, and a substantial amount of commercial.

Cypress Bay going further east has a Publix going up, so we already have a food chain in the area.

Emerald Lakes is going to span into 3,760 dwelling units and over 2.8-million sq. ft. of non-residential activity, mainly being commercial.

Ashton Park further south is also expected to have over one-million sq. ft. of commercial, so the point of this two-mile buffer around this property is going to be an entirely new community. Right now, we can plan for it the correct way. We have the ability to make sure we're going through it in a planned development standpoint.

Emerald Bay, Ashton Park, Cypress Bay, Waterstone, these are all planned developments. Why would we not follow suit and make sure we have the planned region we're looking for? Most of Palm Bay is sprawled out and does not have much sustainable development. As you've heard from other developers, rooftops do matter. To get all the infrastructure into place and the commercial aspects, you do need a certain level of residences to support that. We're trying to make sure that we become a middle component where we are buffering between our neighbors that are in the County, while being a transition between the city to the north and the city to the south.

We are looking at an area that we're trying to prevent sprawl, inefficient urbanization. If we continue to look at a 1.5 dwelling units per acre, or less, type of development, it's not going to have the ability to support those services, that infrastructure that needs to desperately come down here to help in the future. In the short-term it may not impact them greatly, but in the long-term, if we don't develop this area in a more conducive and sustainable manner, they'll never get to have those infrastructure benefits that will come with proper sustainable development that can come through with PUD at RES 4.

Bruce Moia asked if this was in the city of Palm Bay, what would the required commercial component be for a project like this? A PUD commercial project this size.

Jesse Anderson stated that he believes they are currently trying to amend that section of their code because there is a conflict. There is a 20% restriction where they are supposed to have at least 20% commercial. They realized that that was accompanied to the gross area of the project which is a little more difficult to encompass. For instance, 20% of 1,100 is over 200 acres of commercial. We don't even have 200 acres of commercial fronting Babcock St. We don't have an arterial roadway that's going to make conducive sense for that. What they're trying to change it to is more aligned with the Bayfront Mixed Use District, which is 15% or 20% of the gross floor area of the first floor of all units.

That would be all of our units first floor area ration to determine how much commercial we would need, and we're providing 27 acres of commercial.

Bruce Moia asked if that would be 2.7% of the gross area?

Jesse Anderson responded with possibly, but he doesn't have that information with him.

Bruce Moia asked for clarification if it's over 100 acres, it has to be 25%.

Jesse Anderson stated that that portion of the code is not something that has been successfully worked with. That he assisted in writing that, and they determined afterwards that they overshot by doing it on gross acreage when it should have been based upon the proportionality of the site.

Bruce Moia asked if Jesse Anderson could comment on transitional zoning and when densities they have to the north and south, and how this falls in the middle. How would that meet the transitional zoning requirements?

Jesse Anderson reminded the Board that we're only speaking on a future land use, not zoning today.

Bruce Moia corrected himself and asked for clarification on transitional density.

Jesse Anderson replied that they're not looking at a transition of density, they're looking at a transition of a general area because there's nowhere limiting the specific area to those abutting the property, which is why you'd want to look at a more holistic region. If you think about that specific area alone, where is there commercial? Where do they use their services? Where are all the compatible things that they would need? We're proposing help in bringing things to this area to bolster it as well as be self-sustainable. Our transition is to reduce our density down to three dwelling units per acre, which is very similarly compatible with Rolling Meadows, which is RES 2 with PUD that

can be 2.5. We're only half a dwelling unit per acre difference in time from a compatible density, further away from an arterial road residential development.

The fact that we're abutting an arterial roadway with better access points, that would need a lot more effort to get citizens into an area that has access to commercial nodes and other services.

Bruce Moia stated that the simple answer is it's RES 2 to the north and RES 1:2.5 to the south, and you're asking for RES 4 in the middle.

Jesse Anderson stated that they're asking for a RES 4 with a restriction to RES 3 in this vicinity.

Jeffrey Ball offered clarification that there is a portion of the property on the other side of the canal that is RES 2, but the majority is RES 1:2.5.

Kim Rezanka said that the utilities would be coming from Palm Bay and there is a letter in the packet, but there was an updated letter sent that did not make it that explains more. Palm Bay has done a will-serve letter and we can have one of the engineers speak if there are any questions.

Henry Minneboo stated that the ones they received in their packets didn't have the capacity listed.

Kim Rezanka said that is correct, but this handout explains how they will go through the process.

She reiterated that they've already had a community meeting, this is the Local Planning Agency. It is intended to go to the BoCC on May 2nd. If it's approved, it will be transmitted to the state for review and that could take 45-60 days to come back. Then staff would have to advertise is again so the County Commission hearing would be sometime in August or September, hopefully at that same time we would come back to you with the PUD so the PUD and Future Land Use amendment would go to the same Commission meeting in September/October timeframe. This is just the first step, it'll be going up to Tallahassee for agency reviews, then it would come back to have the County and Developer address comments.

Ron Bartcher asked what the lot sizes are going to be.

Kim Rezanka replied that they're going to be smaller lots, anywhere from 0.1 - 0.16 acres. They'll be smaller lots, but they don't know for sure yet, especially around the lake. They anticipate the lake with its' amenities will have larger lots.

Ron Bartcher asked what price range are the houses?

Kim Rezanka stated that is to be determined. The developer did comment at the community meeting that entry level houses start around \$325K, but if construction doesn't start for a year and a half, who knows what cost will be at that point.

John Hopengarten aske what is the developers experience in developments of this size?

Mark Wadsworth stated that we need to stick to the future land use application.

John Hopengarten stated that he wants to verify that the developers know what they're doing.

Kim Rezanka stated that this question did come up in the community meeting and if you go to their website, they've done many large-scale projects. Harmony being one of them.

Mark Wadsworth asked for staff assistance on clarifying that this will need to go to the state and then come back to us anyway, so he'd like to keep the focus on letting the audience members speak.

Jeffrey Ball responded yes; this is a two-step process.

Mark Wadsworth reiterated to the Board that they need to focus on the comp plan, density and land use, not the developers experience.

Henry Minneboo added that he's not sure he wants to be involved in qualifying every developer that comes in.

Mark Wadsworth asked if there were any other questions from the Board?

Henry Minneboo asked why didn't the developers bring this into Palm Bay?

Kim Rezanka responded that they can't, because of that spike strip to the north, the property does not touch Palm Bay.

Mark Wadsworth asked again if there were any other questions from the Board? No further questions at this time.

Kim Rezanka stated that she left a copy of the utilities letter at the podium for the Deer Run HOA president, Teresa, because she wasn't sure if they've seen a copy.

Public Comment:

Teresa Torsiello, 267 Deer Run Rd., Palm Bay. I am the President of the Deer Run Homeowners Association, which is an equestrian development. I do have a statement but listening to all the discussion that was going on here I have some notes that I'd like to say first before the statement. One of the interesting things was ironically on the way here there was an accident at the end of their property at Willowbrook and Babcock. An 18-wheeler and two vehicles. I was trying to get around the 18-wheeler and almost got into a head-on {collision} because the people were just speeding by. I called 911 and got into an argument with the dispatcher. She was asking if it's on Babcock or is it on Willowbrook because they own Babcock, they don't own Willowbrook.

Teresa Torsiello stated that she told the dispatcher she wasn't sure because she's not part of the accident and this argument continued. After about 3 minutes she finally gave me over to the County who said they weren't sure what it is, so they called the state trooper.

There was an accident that went on for over 20 minutes and we had no police because they were arguing over jurisdiction. I thought it was very ironic to be coming here about this and already having the problems just because of what's going on down there.

Mrs. Torsiello read the following statement:

Rolling Meadows was annexed back to the County, so yes there's nothing contiguous to Palm Bay as that was stated, but there are current deficiencies in the infrastructure. They said they have solutions, I'm sorry, I didn't hear solutions. What I heard was \$16 million for roads and \$16 million for schools and that told me the solution is the taxpayers. The two-mile radius of projects that were discussed with greater density are not Brevard County and they do not butt up against Deer Run. They do not butt up against the Micco Sanctuary that's across the street. They are farther out and that density traffic that they've already done is a nightmare. If you drive in South Babcock, you will see it's already a nightmare. I'm not quite sure what they're talking about when they talk about Emerald Lakes because that was swapped so there's a new name for it so I'm not sure what that is. The active recreational lake at the meeting last week, we asked about that. Is it going to be skiing, what's it going to be? We were told oh no, no it's not a recreational lake. But that's what was stated, a recreational lake, which means more traffic than just what's in there. People are going to go to the lake. The traffic impact of a 5-mile radius that impacts all the Palm Bay developments, and we were told they didn't have that. We asked if Babcock was already a Service Level D Road, which we knew it was, but we were told they didn't know. So, it was interesting to hear that it is a Level D, which we knew. It will be an F without the enlargement of Babcock.

Also, the school capacity, I'm going to get into that. I've got the capacity. This talking about a school in Ashton, is something that isn't even there. We are at full capacity in South Brevard. When I moved here 20 years ago, Westside Elementary was here before Sunrise, they were at 165% capacity. We had 20 Portables and the children suffered. So, having all these developments means we get to make our children pay once again and you know as well as I do, where are they getting the teachers for these portables? We don't have them.

The compatibility and unduly negative aspect. We have a negative aspect; we are on 2.5 acres minimum. Some of our neighbors have eight acres. They have doubles, so when you look out of a 5-acre lot, and we do have members who are actually in this audience who have a 5-acre lot that will go up against this and you're going to see possibly 30 houses looking back at you. I will get into how I got that number because what was stated about how many per acre is not what we heard the other night. We also have to worry about the trucks. So, if they're going to do it in 11 phases, how many years are we going to have to deal with trucks? If you drive down Babcock you will be run off the road at least once a week from the dump trucks that are there. We have police officers all the time sitting there giving out tickets and it doesn't stop. If we have years of phases, now they did say there'd be no input or output but, that's more or less what the input or output of the developing is. Once these builders start, we have to have base, we have to have trusses, we have to have concrete, we have to have machines. That's going to go on for how many years? That doesn't make us safe and it's not compatible. That's not short term if it's over 11 phases, minimum 11 years. Deer Run is a PUD, we are a planning unit development. Brevard County Future Land Development made it one per 2.5 acres. Why change it now? South Brevard you can't find lots like ours where we are going up in price without any more developments because nobody can find land like ours. If you look at what the Deer Run homes are valued, they've already skyrocketed, and we have people who are constantly knocking on our doors to sell. Why didn't the developers look at that? We asked this question last week, did you even look to see about a one per acre, one per 2.5? We were told no we don't do that. Why not? That's what's in the area.

I believe they purchased Harmony, so that's not one to look at by the way. They told us they purchased Harmony. Only look at the new {development}. The half-acre difference at Rolling Meadows, I don't see why they can't do the same to keep our County contiguous. To keep it the same across the board. They said that there is a 2-mile buffer in Palm Bay property and it's all talking about the developments, but they didn't mention, again, Deer Run or the Micco scrubs. We are their neighbors, the direct neighbors, so we are the ones that that are going to be affected. Our infrastructure with stores, I've been there for 20 years, I haven't complained about having to drive to Winn-Dixie on Micco or Publix on Bayside. We love seeing our neighborhood the way it is. We don't have a problem with anybody coming in but we want to keep it in the lifestyle that we're used to.

The lack of participants here, we only knew about this last week. Yes, they had the meeting that we found out about last minute, so we showed up there and on Zoom. We do intend to have more at the Commissioner's meeting. Your courtesy notices that were sent out actually didn't get to the homeowners until Friday, so most didn't even know about this. Deer Run is not opposed to neighboring developments, but we are greatly concerned about upholding compatibility with our existing lifestyle.

The proposed SunTerra zoning request will not be compatible with Deer Run. As you know, Deer run is zoning agricultural, with one home per 2.5-acre parcel. SunTerra wants you to amend them to RES 4 with the commitment of building a maximum of three dwellings per acre. This of course is with a density count. However, the reality is that there will be 3,200+ homes that they plan on building. It's not three homes per acre, it's more like 13 homes per acre. We stick with real math. At the meeting last week, SunTerra explained that some of the houses will be on 40' x 80' plots. That is 13 homes per acre. Obviously, that is not compatible with Deer Run. Two sides of SunTerra will be up against Deer Run. No one on 2.5 acres or more wants to look out their yard and see 32 houses staring back at them. Thirty-two homes with an average of four people per home is 128 people per Deer Run backyard. Whereas we have 4 per 2.5 acres. There's a major noise difference in that, not compatible. The proposed Sunterra zoning request will not be compatible with the EEL program that is their neighbor to the east. The Environmentally Endangered Lands (EEL) Program acquires, protects, and maintains environmentally endangered for resources, stewardship, and ecosystem management. EEL protects the rich biological diversity of Brevard County for future generations. The Micco Scrub Sanctuary protects 1,322 acres of Brevard's remaining scrubby flatwoods and mesic flatwoods habitat. This mosaic of seasonal marshes and dry flatwoods shelter many indigenous species of plants and animals that cannot be found anywhere else in Brevard County. These indigenous species and endangered animals are right across the street from where SunTerra wants to build 3,200 homes and a four-lane highway that is not compatible with our environment.

We're also concerned about the infrastructure in the area. How can Babcock withstand another 6,000 plus vehicles, each home averaging two vehicles. We were told that Babcock would have to widen to four lanes as they stated, when we asked who will pay for this that was an unknown. SunTerra Developers would hope that other developers would pitch in as well as the County which means taxpayers.

When we asked about water and sewage, we were informed that SunTerra has a letter from Palm Bay that they are willing to serve them. We all know that there is already a capacity issue in Palm Bay with their water and sewage and that they are currently two years behind. Your staff has the letter stating

exactly that. Palm Bay does not have the capacity but they're willing... But they can't. What about fire departments, police departments? The County has no plans that I saw on building a new fire department in South Brevard, although we could use one. {We could use} a new police station. Our closest County deputies are stationed on Malabar Road. We asked about healthcare. We were told that is a capacity issue that the County oversees. I can tell you we're at capacity in our local hospitals and if you try to make an appointment with any specialist, we're four to six months out right now. We asked about schools, and we were told Brevard County owns land on Willowbrook and a new school for capacity would be in five years. That doesn't work since Sunrise Elementary, which I personally fought for to get there, is at capacity and it's frozen. Meaning no student is allowed to add to that school right now. The backup is Westside, also at capacity and frozen. Southwest Middle is also at capacity, Bayside High is at capacity and frozen. The backup high school, Heritage, is at 99% capacity. Palm Bay High is at 96% capacity, so redistricting is not going to resolve our issues. Worse than that is currently there are 275 open teacher positions in Brevard County and that does not include the bus drivers. We can't hire teachers today for the students that we have. We have no room for the students in the developments that are currently building out in Southeast Palm Bay. We have lots of them, including 5,000 on Micco that wasn't discussed, but we're going to allow more developments with thousand more students in an area that is currently at capacity, without an actual plan.

We spoke about the berms between the properties, once the pepper trees are removed there is no natural berm. Some areas will have 50 ft. between the property, which includes the canal. It's down, so you can see straight across. Some will have 100 ft. but we will see into the backyards of 15 to 30 homes per our backyard and we'll hear the noise of 15+ homes. We also discussed storm water drainage. Surprisingly to us was the statement that SunTerra will pump into the canal, there is currently a \$3.57M storm water park being built to help capture the pollution from the canal prior to it entering the Sebastian River, which is a major tributary to the Indian River Lagoon. The project isn't even completed. Taxpayers haven't seen the benefit of creating a storm water park and the lagoon/Sebastian River is horribly polluted, yet we're going to add the storm water from 3,200 homes back into the canal. If they don't pump it into the canal, then they go into Satori Lake. Which the County had to put a pump into Satori's Lake to prevent Deer Run from flooding every time it rains. Additional storm water from an 1,100-acre parcel of land will flood Deer Run. Deer Run would love for this area to be zoned/amended to RES 1:2.5 acres, to have continuity, to enjoy the beautiful wildlife, and peaceful setting. We all have seen the County's plans in this area for years and we love it. Which is why many of us move there.

Without proper plans to protect SunTerra's only developed neighbor, Deer Run, from excessive traffic noise and flooding, and not having substantial plans to avoid the lack of police, fire, schools, and healthcare, we are requesting that this zoning request be denied.

Thank you. Any questions?

Mark Wadsworth took a moment to thank the audience members from the Board for having one speaker for the group and respect each other's time.

Kim Rezanka stated she had a few rebuttal comments. Starting that this just the future land use application, we're not at the engineering stage yet. It's not a zoning application yet. Florida Statute,

Brevard County Code, Brevard County Comp Plan provides proportionate fair share 163.3180. So, we can't build anything unless we make sure that we have fire, police, roads, schools, those types of things. The impact fees help pay for that. That's why I mentioned the \$16M for transportation and \$16M for schools.

We did explain that the engineers have looked at drainage, they know the way the water flows and where it's going to go, but they also explain that post-development cannot exceed pre-development water runoff. That is the standard that the County abides by, so this development cannot legally impact and flood their property. They did tell us about their flooding problems and of course we'll take that into consideration when they're developing this, but there are no fully engineered plans yet. This is only future land use.

As to the schools, I know it's not an issue because we'll make it work. The school board even got an invitation today to meet with all the other developers in the area next week, to talk about where these schools can go. They do have many, many sites. They have a high school to the north of here. They have Warrior Avenue; a charter school is going in near Sunrise Elementary. Ashton Park when it starts building, will build the school but I also did want to state in the August 2022 - 2023 capacity determination letter they did state that they can indeed maintain for 5 years. They also have the Sunrise Elementary School limited or utilization and for the 2023 - 2024 school year, it's at 84% capacity. It won't be at 100% capacity until the 2027 - 2028 school year. So that's in the record and I understand it probably looks like it's at capacity because I remember when my kids were in elementary school. It seemed like there was never enough space. They had art in a cart, they didn't have an art class anymore. They had a cart that went from classroom to classroom, so I understand that. The school board is very aware of it. They're wanting to work with everyone to do what they can. I just wanted to bring up that issue.

Proper plans are needed, and the potential solutions are you build the infrastructure as you need them, and you make sure the infrastructure is there as the different phases come on board. The developers committed to do that, they can't go forward without the proper concurrency and capacity. The County just won't let them, but again, that's going on down the path. With that, I appreciate your time, we're here to answer any questions that have come up. We have engineers, we have Traffic Engineers, we have planners and I appreciate your time and I ask for approval of the change the future land use well.

Mark Wadsworth stated that we just need someone on your team for future land use and density, not all this other stuff right now. Just for the comp plan.

Kim Rezanka stated that is Dr. Jesse Anderson.

Mark Wadsworth asked the Board if they had any questions for Mrs. Rezanka?

Bruce Moia stated to Teresa Torsiello that he appreciated everything she stated to the Board and her presentation. While he may not agree with everything she said, he appreciated her professionalism.

Bruce Moia added that he's not against, the project, he thinks something need to be done here, but I've always preached transitional density, transitional zoning. To go from RES 2 to the north, it's about half and half RES 2, RES 1:2.5, and RES 1:2.5 to the south and then to spike up the middle at RES 4,

regardless of the BDP that might be coming, to me it's inconsistent with what we've approved here in the past and it would definitely be inconsistent with anything I've agreed to in the past. We do a lot of PUDs. I'm an engineer, I've worked with these people on other projects, and we get this feedback of compatibility and consistency all the time. I don't see it here.

We've been forced to do it in a lot of places, we'll probably be forced to do it whenever this gets to the PUD. There's lots more we can talk about at that time like lot size and all those things, but I'm not convinced this is the right land use for this property. If this was in the city of Palm Bay, it would have a 25% commercial component. I don't even know if it would get approved in Palm Bay, I really don't know. I think that a realistic transitional land use needs to be applied here.

Henry Minneboo asked Bruce Moia if he would feel comfortable with a RES 2 and Bruce stated that yes, he would.

Henry Minneboo said that he is thinking exactly the same. That transitionally, he feels much stronger about that than anything when looking at this application. That he knows about Waterstone, he knows about the interchange. RES 2 just seems to be a much more suitable direction.

Henry Minneboo also asked Jeffrey Ball what is the threshold now on a DRI, is it over a thousand?

Jeffrey Ball responded that it was based upon the population of the county, and that just based upon speculation on his part, he believes this would meet the threshold for density if that still existed. That legislation is long gone, since probably 2015.

Mark Wadsworth asked Kim Rezanka if they have any wiggle room and she responded that would be up to the developer.

Kim Rezanka added that they would need to ask either Jimmy or Dan [with SunTerra] but she is reiterating that it's a RES 3. They've been told they can't put it in the County Ordinance limiting it to RES 3, so it's going to be limited by the PUD, and as a reminder, the engineering hasn't been done yet. So, it may end up being 2.5 units per acre, it may be an open-space subdivision.

Mark Wadsworth asked staff about a hypothetical.

Jeffrey Ball responded that hypothetically, you can make a recommendation to the Board to RES 2 and it could be forwarded onto the Board for them to take into consideration what the applicant is requesting and what this Board has done.

Motion to approve comprehensive plan amendment from RES 1:2.5 to RES 2 and Community Commercial by Bruce Moia, seconded by Henry Minneboo. The vote was unanimous.

Upon consensus, the meeting adjourned at 4:23 PM.



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

May 2, 2024

Donna Harris, Plan Processing Administrator
Florida Department of Commerce
Bureau of Community Planning
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120

Re: 2024-1 Spring Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Ms. Harris:

Enclosed please find the Transmittal package for the 2024-1 Large Scale Comprehensive Plan Amendment. There is one private application for an amendment to the Future Land Use Map from Residential 1 unit per 2.5 acres (1,109.57 acres) to Residential 4 (1,082.24 acres) and Community Commercial (27.33 acres) submitted by JEN Florida 48, LLC, more fully described in the attached staff comments for 23LS00001.

This amendment is subject to State Coordinated Review process pursuant to Section 163.3184(4), Florida Statutes. The following statements are included to ensure consistency with the statutory requirements contained therein.

- This amendment is not related to the Brevard Barrier Island Area, an Area of Critical State Concern adopted pursuant to Section 380.0553, Florida Statutes.
- This amendment is not related to a rural land stewardship area pursuant to Section 163.3248, Florida Statutes.
- This amendment is not related to a sector plan pursuant to Section 163.3245, Florida Statutes.
- This amendment is not related to an update of the Comprehensive Plan based on an Evaluation and Appraisal Report pursuant to Section 163.3191, Florida Statutes.
- This amendment does not propose a development pursuant to Section 380.06, Florida Statutes
- This amendment is not related to a new plan for a newly incorporated municipality adopted pursuant to Section 163.3167, Florida Statutes.



BOARD OF COUNTY COMMISSIONERS

The Brevard County Local Planning Agency held a public hearing at 3:00 pm on April 15, 2024 and recommended transmittal of this Comprehensive Plan Amendment with a recommended density of Residential 2 units per acre (1,082.24 acres) and Community Commercial (27.33 acres).

The Board of County Commissioners of Brevard County, Florida held a public hearing at 5:00 pm on May 2, 2024 and approved transmittal of this Comprehensive Plan Amendment to Florida Commerce for review.

Brevard County certifies that it has sent a complete amendment package with supporting data and analysis via e-mail to the following agencies on the date indicated.

- Department of Agriculture and Consumer Services (CompPlans@fdacs.gov) on May 9, 2024
- Department of Education (CompPlans@fldoe.org) on May 9, 2024.
- Department of Environmental Protection (Plan.Review@dep.state.fl.us) on May 9, 2024.
- Department of State (CompliancePermits@DOS.MyFlorida.com) on May 9, 2024.
- Florida Fish and Wildlife Conservation Commission (FWCConservationPlanningServices@myfwc.com) on May 9, 2024.
- Department of Transportation, District 5 (CompPlans.D5@dot.state.fl.us) on May 9, 2024.
- East Central Florida Regional Planning Council (Compplan@ecfrpc.org) on May 9, 2024.
- St. Johns River Water Management District (sfitzgibbons@sjrwmd.com) on May 9, 2024.
- Patrick Space Force Base and Cape Canaveral Space Force Station (ann.heyer.1@spaceforce.mil) on May 9, 2024.

The proposed Large Scale Comprehensive Plan amendment will amend the Future Land Use Map designation on the subject property as described above.

Brevard County anticipates the adoption of this Comprehensive Plan amendment no later than October, 2025.



Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

The local contact person is:
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2725 Judge Fran Jamieson Way, Suite A-114
Viera, Florida 32940
Direct Line (321) 350-8298
Fax (321) 633-2087
Steve.swanke@brevardfl.gov

If you have any questions about the enclosed materials, please contact Mr. Swanke.

Sincerely,

Jason Steele, Chair