



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS 23PUD00002 Jen FLORIDA 48 LLC.

General Use (GU) to Planned Unit Development (PUD)

Tax Account Number(s): 3000569 & 3000365
Parcel I.D.: 30-37-10-00-250 & 30-37-09-00-1
Location: Westside of Babcock St. approximately quarter mile south of
St. Johns Heritage Pkwy SE (District 5)
Acreage: 41.39 acres
Planning & Zoning Board: 6/10/2024
Board of County Commissioners: 7/11/2024

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 will not maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	GU	PUD
Potential*	16 single-family	124 single-family
Can be Considered under the Future Land Use Map	YES RES 1:2.5 and RES 1	YES RES 4

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from General Use (GU) to Planned Unit Development (PUD) on approximately 41.39 acres. The applicant has proposed a project consisting of 124 single-family residential units with an overall gross density of 3 dwelling units per acre. The subject parcel is currently undeveloped and has access to Babcock St. and is approximately a quarter mile south of St. Johns Heritage Pkwy SE. This segment of Babcock St. is maintained by the City of Palm Bay.

A companion Future Land Use Map (FLUM) amendment application (**23SS00022**) was submitted accompanying this request to change the Future Land Use designation of the entire 41.39-acre property from Residential 1 (RES 1) and Residential 1:2.5 (RES 1:2.5) to Residential 4 (RES 4). The RES 4 designation would allow up to 165 residential units.

Surrounding Area Zoning classifications and Land Use designations

	Existing Use	Zoning	Future Land Use
North	Single-family residential	AGR	RES 1:2.5, RES 1
South	Undeveloped	GU, AU	RES 1:2.5, RES 1
East	Single-family residential	GU	RES 1
West	Undeveloped	GU	RES 1:2.5

To the north is 41.38-acre property developed as single-family home with AGR (Agricultural) zoning and Res 1:2.5 and RES 1 FLU designations.

To the south is area totaling approximately 80 acres in size with varying lot sizes. The area was recorded under Plot Plans of Sunshine Grove in Plat Book 21 and Page 78, agricultural plats restricted to agricultural use only, noting all lots depicted are sub-standard for residential purposes. The area encompasses a multitude of lots with at least half of which have no direct access to a roadway access. There are a total of 65 lots, most are 0.75 acre in size. Two (2) are classified by the BCPAO as Bee (honey) Farms. Six (6) lots are zoned AU (Agricultural Residential) and the remainder retains the original GU zoning with RES 1:2.5 and RES 1 fronting Babcock St.

To the east across Babcock St. are two (2) larger lots. Both approximately 7.5 acres, GU zoning and RES 1 FLU designation. One is developed with single-family residence. The other property is a horse boarding ranch.

To the immediate west are two undeveloped lots, approximately 1 acre, no direct access with GU zoning and RES 1:2.5 FLU designation.

There is a mixture of residential zoning classifications in the surrounding area and the following provides a brief description:

AGR classification permits single-family or mobile home residences and agricultural pursuits on 5 acre lots, with a minimum width of 200 feet and depth of 300 feet. The minimum house size in AGR is 750 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.

GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

Planned Unit Development

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

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

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

Applicant's response:

No alternative development standards have been requested.

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

Substantial (major) changes to the PDP require Board approval. As provided in sec. 62-1448(c): If, after the initial approval of the PUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the Board of County Commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open

space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

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

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

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

Applicant response:

The proposed waivers and justification for each waiver is described in the following applicant response and on Sheet C3.00 of the Preliminary Development Plan. The PUD, containing 124 detached single-family units, is compatible with the surrounding area.

Requested waivers.

The preliminary development plan proposes two (2) waivers:

1. A waiver to be exempt from LDR Section 62-1446. (g), requiring the designation of an outdoor parking area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles.

Applicant response:

Justification for waiver #1: The Preliminary Development Plan is exceeding the requirements for common recreation and open space and buffer standards. Allocating space for the parking of campers, travel trailers, recreation vehicles, boats and boat trailers will decrease the provided amount of open space and recreation. In addition, outdoor parking of such vehicles and trailers is aesthetically unappealing.

Staff response:

The proposed 15' perimeter buffer and 25' building setback from the perimeter meets the minimum requirements of Sec. 62-2883(d) and Sec. 62-1446 (d)(4), respectively. Proposed common recreation and open space exceeds minimum by 0.02% with 1.61 being preserved wetlands.

Sec. 62-1446 (g) *Parking requirements*. Where the planned unit development consists of single-family detached dwellings on platted lots of less than 6,600 square feet, the developer **may be required** to provide an approved designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles. The Board may consider the necessity for the development to provide space for the storage of recreational vehicles.

2. A waiver is requested from LDR Section 62-1446 (d) (3) (b) to allow residential structures, two stories or less, a minimum building separation of 10', rather than 15'.

Applicant response:

Justification for Waiver #2: LDR Section 62-1446 (d) (3) (a) requires single-family lots, with less than 75' lot widths, to have a minimum 5' side setback. Where two lots, without side street setbacks, abut each other, the minimum required distance between the two lots will be 10'. In addition, the required minimum building separation of 10' for structures two stories or less is consistent with the RPUD Zoning District.

Staff response:

Aspects of this PUD zoning request is consistent with RPUD zoning classification, specifically the clustering of significant areas of usable open spaces for recreation and preservation of natural amenities such as the protect of wetland habitats. As well as creation of housing types that gives the home buyer or residents greater choice in selecting types living units. And the integration of continuous and physically linked sidewalks to provide safe alternative modes of transportation internal to the site.

Land Use

The proposed PUD zoning classification can be considered consistent with the existing Residential 1 (RES 1) and Residential 1:2.5 (RES 1:2.5) FLU designations, as well as the proposed Residential 4 (RES 4) FLU designations.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Future Land Use Element.

Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

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

The roadway segment of Babcock St. is maintained by the City of Palm Bay. The applicant has not provided documentation from the City of Palm Bay that this segment of Babcock St. will adequately maintain its adopted roadway level of service. The St. Johns Heritage Parkway Intersection and Babcock Street Interlocal Agreement between the County and the City of Palm Bay agrees that the County will set aside fifty percent (50%) of the transportation impact fees received for any new development in the south Mainland Benefit District located south of Grant Road and west of the Florida East Coast Railway to be utilized for the Babcock Street future 4-lane widening project.

The City and the County also agreed that coordination regarding future development, as further described in the Interlocal Agreement (ILA) recorded in OR Book 8730, Page 998. It also provides a mechanism for the City to take ownership of Babcock St.

Preliminary concurrency analysis indicates the proposal would not create a deficiency in Adopted Level of Service (LOS), however, a traffic concurrency has not been provided by City of Palm Bay which maintains this segment of roadway. The corridor is anticipated to operate at 52.35% of capacity daily. Specific concurrency issues will be addressed during a coordinated review with the City of Palm Bay. This is only a preliminary review and is subject to change. The City, however, will permit access to Babcock Street for the propose development.

The applicant has submitted a letter from the City of Palm Bay stating it is the intent of the City to serve the subject property in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. At this time, there is not sufficient capacity through City of Palm Bay to serve the subject property.

Drainage plans will be reviewed at the site plan review stage.

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

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

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, 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 in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. 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 is requesting a density 3 units per acre. The applicant has represented that the City of Palm Bay will provide these services in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed.

- 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. If public water service is not available in the future, then Pursuit to Florida Statute 373.469(3)(d) would be applicable.

Florida Statute 373.469(3)(d). Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned

sewerage system is available as defined in F.S. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized. The subject property is located within the Central Indian River Lagoon Basin Management Action Plan.

- 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.

Analysis of 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 impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 13.75%. The corridor is anticipated to operate at 52.35% of capacity daily. A traffic concurrency has not been provided by City of Palm Bay which maintains this segment of roadway. Specific concurrency issues will be addressed during a coordinated review with the City of Palm Bay.

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

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

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The area within half mile including the subject property land use patterns includes RES 1:2.5, RES 1, PUB-CONS. Please note, the area only includes unincorporated areas of Brevard County. Lots in this area range from 294 acres to approximately 0.75 acre. The character of the area is smaller vacant lots platted in 1967 as Plot Plans of Sunshine Grove in Plat Book 21 and Page 78 and Plot Plans of Cape Kennedy Groves in Plat Book 21 and Page 77, agricultural plats restricted to agricultural use only, noting all lots depicted are sub-standard for residential purposes and sparse residential lots on 2.67 acres to 41.39 acres (7 homesteads). Active agricultural pursuits in this area includes a plant nursery, honeybee farm and a horse ranch.

There is a proposed FLUM change to the south that would introduce Res 4 into the surrounding area made by the same applicant. This request is being reviewed by Florida Commerce

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

Within Brevard County jurisdiction to the south of the subject property, there has been 12 single-family homes constructed in the Deer Run subdivision within the preceding three (3) years.

There has been no zoning action within 0.5 miles of the subject property within the preceding three years.

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

There has been any development approved but not yet constructed or land use amendments adjacent to the site 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.

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

FLUE Administrative Policy 4 evaluating the 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 Board shall make this determination.

FLUE Policy 1.1, Criteria C regarding 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.

CIE Policy 1.3 regarding the Capital Improvements Element; 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.

The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 11.06%. The corridor is anticipated to operate at 52.05% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change. No commercial or industrial activity is proposed with this application.

- 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 acres.

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 half-mile away to the north.

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 submitted preliminary development plan indicates preservation of 1.61 acres of wetlands. However, an area containing 0.06 acres of wetland will be impacted for an active recreation tract.**
- **Portions of this property along the east, west and south borders are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. The Applicant states that sanitary sewer will be provided by City of Palm Bay. However, per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.**
- **PDP indicates stormwater plans and calculations shall meet the requirements of Sec. 62-3751. Exhibit A. The proposed development will need to include the control elevation for the Willowbrook Ditch and Sottile Canal. The development shall meet the requirements of SJRWMD.**
- **PDP indicates runoff will sheet flow off of the residential lots to the right-of-way, where it will be directed via curb and gutter to the gravity storm sewer system conveying the stormwater runoff to the two proposed wet detention ponds. The ultimate outfall for the development will be the roadside swale of the east side of Babcock Street.**

Preliminary Development Plan

The Preliminary Development Plan should be evaluated in the context of **Section 62-1448 (b) (5)** of the Zoning code:

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

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

Applicant response:

Applicant response: The proposed Planned Unit Development provides 124 single-family detached units at a density of 3 dwelling units per acre. This is compatible with the proposed Future Land Use designation, Residential 4 (maximum of 4 dwelling units per acre). The surrounding area is experiencing growth, including the Waterstone and Cypress Bay developments to the north, in the City of Palm Bay. These Palm Bay developments contain the City Future Land Use designation Low Density Residential (Maximum 5 dwelling units per acre) and High Density Residential (Maximum 20 dwelling units per acre). In addition, the City of Palm Bay's Commercial Future Land Use is within the vicinity. The proposed Preliminary Development Plan, containing 3.00 dwelling units per acre, serves as a rational transition from the higher densities to the north.

Staff response:

The developed character of the surrounding area is single-family residential, agricultural lands (active and vacant), horse ranch and one (1) partially developed single-family residential subdivision with PUD zoning. Built-out densities of adjoining residential developments range from approximately 0.02 units per acre to 0.09 units per acre.

Surrounding Area Existing and Approved Development

Development	Acreage	Density (units built)	Lot sizes
0.5 miles West	147	9 units – 0.06 units/ac	30.21 to 2.67 ac
0.5 miles East	123	3 units – 0.02 units/ac	7.61 to 6.52 ac
Adjacent North	41.39	1 unit – 0.02 units/ac	41.39 ac
0.25 miles South	76.1	2 units – 0.02 units/ac	14.86 to 3.61 ac
Deer Run Subdivision South 430 SFR approved	1,602	149 units – 0.09 units/ac	5 +/- to 2.5 ac
***Rolling Meadows Ranch 1815 SFR, 248 TH, commercial vested	1,376.23	2 units/ac	
**Grand Total	3,365.72	*164 – 0.05 units/ac	

***164 units build out of 2,508 units approved**

**** Full build out density is 0.76 units per acre**

***** Development is vested for 2 units per acre**

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

Applicant response:

The proposed PUD, containing detached single-family units is compatible with the proposed Future Land Use designation, Residential 4, and the surrounding area. The preliminary development plan contains an average 15 ft. wide perimeter buffer.

Staff response:

TYPE	EXISTING Lots	PROPOSED Lots
<i>Single-family</i>	<i>2.5 – 41.39 ac</i>	<i>0.12 ac</i>

The proposed single-family lot sizes are significantly smaller than the existing lot sizes in the surrounding area under Brevard County jurisdiction within one half mile of the subject property.

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

Applicant response:

Approximately 8.52 acres of stormwater ponds and 1.61 acres of wetlands are designated in the northeastern areas of the Preliminary Development Plan. The Final Development Plan will provide details for grading and drainage and any required permits for grading and clearing will be obtained from the County.

Staff response:

The PDP indicates the surface water management system for the project will consist of two wet detention ponds with an roadside swale of the east side of Babcock Street as the ultimate outfall for the development.

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

Applicant response:

Approximately 2.37 acres is being dedicated for active recreation, exceeding the 1.86 acre requirement. The preliminary development plan contains one full access point off Babcock Street. As described previously, approximately 8.52 acres of stormwater ponds and 1.61 acres of wetlands are designated in the northeastern

areas of the Preliminary Development Plan. The applicant is coordinating with City of Palm Bay officials to connect to the City of Palm Bay water and sewer systems. Water and sewer utilities are proposed to be extended southward, along Babcock Street to the subject property. Utility details will be provided on the Final Development Plan.

Staff response:

The PDP indicates approximately 2.10 acres is being dedicated for active recreation, exceeding the 1.86 acre requirement with a tot lot being the proposed active recreation. In addition, the PDP states – Final Development Plan shall adhere to the minimum required acreages for common recreation and open space requirements, active recreation regulations and passive recreation regulations.

The applicant has submitted a letter from the City of Palm Bay stating it is the intent of the City to serve the subject property in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. At this time, there is not sufficient capacity through City of Palm Bay to serve the subject property.

A non-binding, school capacity determination letter Indicates there is not enough capacity for the total of projected and potential students from the proposed development. There is not sufficient capacity at Sunrise Elementary School, Southwest Middle School, and Bayside Senior High School for the total of projected and potential students from this development.

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

Surface drainage and flood control – addressed in c. above. Soil conservation is not shown.

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

Applicant response:

The Preliminary Development Plan provides approximately 4.24 acres of Common Recreation and Open Space, exceeding the 4.14-acre requirement. As described previously, approximately 2.10 acres is being dedicated for Active Recreation, exceeding the 1.86-acre requirement. The Recreation facilities shall be private, for the use of community residents, and owned and maintained by the Homeowners' Association. The recreational amenities will be determined during the Final Development Plan design.

Staff response:

Staff analysis indicates the proposed common open space could be considered compatible. The proposed method for the maintenance and conservation of the common open space is indicated as Homeowners Association (H.O.A.).

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

Applicant response:

The development may be phased, and phasing will be determined during the Final Development Plan review. Should the development be phased, the phasing will be in accordance with LDR section 62-1446 (b) (2).

Staff response:

The applicant has not proposed any phasing of the project at this time.

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

Applicant response:

The applicant is coordinating with City of Palm Bay officials to connect to the City of Palm Bay water and sewer systems. Water and sewer utilities are proposed to be extended southward, along Babcock Street to the subject property. Utility details will be provided on the Final Development Plan and the availability and adequacy of water and sewer service will be determined during the Final Development Plan review.

Staff response:

City of Palm Bay Will Serve letter states “The City of Palm Bay utilities can provide adequate wastewater capacity and potable water capacity and fire flows for the subject site provided the following improvements are completed, whether by the developer, palm Bay Utilities, or other parties”. The improvements include WWTF improvements (currently under construction and anticipated to be completed mid-2025 by Palm Bay Utilities), forcemain extensions, potable water extension and appropriately size ground storage tank.

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

Applicant response:

The preliminary development plan proposes one loop-oriented street throughout the subdivision, which contains a full access point to Babcock Street. A small-scale rezoning traffic impact analysis (RTIA) was provided with the submittal of the Preliminary Development Plan. The RTIA contains a roadway segment analysis and shows that the roadway, in the analysis (Babcock Street), will operate within the adopted level of service, with the inclusion of 124 detached single-family units. Concurrency and any required mitigation to support the proposed development program will be assessed in greater detail during the final development permitting process.

Staff response:

The PDP proposes a loop-oriented street throughout the subdivision to support the traffic generated by the development.

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

Applicant response:

The preliminary development plan requests 50' wide lots to provide a greater variety of single-family detached housing products. In addition, the required minimum floor area in the Preliminary Development Plan, 1,100 square feet, exceeds the code requirement of 900 square feet. The smaller lot sizes assist the Preliminary Development Plan to exceed the recreation and open space requirements. The recreation and open space, including a 15-foot-wide perimeter buffer creates a scenic community that is buffered from the surrounding land uses and respects Babcock Street's classification as a Scenic Roadway, per the Transportation Element in the County's Comprehensive Plan. Furthermore, the preliminary development plan proposes to waive any potential requirement to provide an outdoor storage area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles, as described in LDR Section 62-1446 (g). With the intent of providing a scenic community, which exceeds the recreation and open space requirements, this waiver is requested to avoid placing an aesthetically unappealing outdoor storage area in the community.

The Preliminary Development Plan provides a subdivision layout that enhances the surrounding area through smart-growth techniques such as providing perimeter buffers, designating large amounts of open space, preserving wetlands, and clustering lots in a centralized location.

Staff response:

Proposed amenities include Tot Lot. The PDP indicates approximately 2.10 acres is being dedicated for Active Recreation, exceeding the 1.86 acre minimum requirement. The

proposed design would be allowed in a RU-1-7 standard zoning classification. Nothing shown on the proposed PDP shows innovation than what is typically seen in a standard residential development.

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

Applicant response:

The subject properties contain the Residential 1:2.5 and Residential 1 Future Land Use designations and the General Use Zoning District. The subject property is not a part of a previously approved development plan or DRI. The adjacent properties are undeveloped, with the exception of the north-adjacent parcel and Babcock Street is located east-adjacent of the subject properties.

Staff response:

*The applicant is requesting RES 4 surrounded by RES 1:2.5 and RES 1 FLU designations to the north, south, east and west. See description of surrounding on page 2 of this report under **Surrounding Area Zoning classifications and Land Use designations** section. The proposed single-family residential use conforms with the surrounding area. However, the lot sizes are comparable smaller than the existing lot sizes in the surrounding area under Brevard County jurisdiction within one half mile of the subject property.*

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

Applicant response:

As described previously, the Preliminary Development Plan exceeds both the Common Recreation and Open Space requirement and the Active Recreation requirement. The proposed uses: single-family detached dwelling units; group homes (Level 1); accessory structures; recreational amenities; and home occupations are conducive for the proposed residential development and the surrounding area.

Staff response:

The PDP indicates approximately 2.10 acres is being dedicated for active recreation, exceeding the 1.86 acre minimum requirement. Proposed amenities noted is a Tot Lot.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Babcock St between Micco Rd and Grant Rd, which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of D, and currently operates at 38.60% of

capacity daily. The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 13.75%. The corridor is anticipated to operate at 52.35% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The subject property is not located within the Brevard County Utility Services Department service area for potable water and sanitary sewer. The applicant has submitted a letter from the City of Palm Bay stating it is the intent of the City to serve the subject property in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. At this time, there is not sufficient capacity through City of Palm Bay to serve the subject property.

A non-binding, school capacity determination letter Indicates there is not enough capacity for the total of projected and potential students from the proposed development. There is not sufficient capacity at Sunrise Elementary School, Southwest Middle School, and Bayside Senior High School for the total of projected and potential students from this development.

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

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils and the applicant's submittal depicts a wetland on the north side of the property. **Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres.** This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is encouraged to propose innovative wetland preservation alternatives. A copy of the SJRWMD permit is required per Section 62-3693 (8) (e). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

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

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area along with the following six (6) conditions:

- 1) The proposed development should be capped at 3 units per acre;
- 2) The storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County code Sec. 62-2217;
- 3) Approval of requested waiver from Section 62-1446(d)(3)(b) to allow residential structures, two stories or less, a minimum building separation of 10', rather than 15' shall be accompanied by usable open spaces for recreation with more than a tot lot;
- 4) Prior to County approval of a construction plan and Preliminary Plat the Developer shall:
 - a. Provide documentation that the City of Palm Bay will approve the project access/connection to Babcock Street.
 - b. Determine that adequate water and sewer services will be available the development and will be are available prior to issuance of Certificate of Occupancy.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23PUD00002

Applicant: Andrew Ivey/Poulos & Bennett, LLC (Owner: Jen FLORIDA 48, LLC)

Zoning Request: GU to PUD

Note: for a residential development composed of 124 detached single-family units

Zoning Hearing: 06/10/2024; **BCC Hearing:** 07/11/2024

Tax ID Nos: 3000365 & 3000569

- 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:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

The entire subject parcel contains mapped hydric soils and the applicant's submittal depicts a wetland on the north side of the property. **Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres.** This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is encouraged to propose innovative wetland preservation alternatives. A copy of the SJRWMD permit is required per Section 62-3693 (8) (e). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Land Use Comments:

Hydric Soils

The entire subject parcel contains mapped hydric soils and the applicant's submittal depicts a wetland on the north side of the property. **Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one**

dwelling unit per five acres. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is encouraged to propose innovative wetland preservation alternatives. A copy of the SJRWMD permit is required per Section 62-3693 (8) (e). The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Indian River Lagoon Nitrogen Reduction Septic Overlay

Portions of this property along the east, west and south borders are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. The Applicant states that sanitary sewer will be provided by City of Palm Bay. However, per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

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

Protected Species

Federally and/or state protected species may be present on properties with wetlands. Specifically, there is potential for existence of Gopher Tortoises on site. Should any protected species be present, 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.