



Planning and Zoning Board / Local Planning Agency
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida
Agenda
Monday, November 15, 2021

Call To Order - 3:00 P.M.

Approval of Minutes - October 11, 2021, P&Z Minutes; August 23, 2021, LPA Minutes

H. Public Hearings

- H.1.** Public Hearing, Re: Comprehensive Plan Text Amendment Adoption to include a Property Rights Element as required by House Bill 59.
- H.2.** Scott Minnick requests a change of zoning classification from AU to RR-1. (21Z00025) (Tax Account 2102550) (District 1)
- H.3.** DeRosa Holdings, LLC (Bruce Moia) requests an amendment to an existing BDP in a RU-2-12 zoning classification. (21PZ00059) (Tax Account 2534267) (District 2)
- H.4.** Donald White and Trevantay Raymond Curry request a change of zoning classification from AU to RU-1-13. (21Z00029) (Tax Account 2103419) (District 1)
- H.5.** The Heather Calligan Trust (Chad Genoni) requests a change of zoning classification from RU-1-11 with an existing BDP to RU-1-7, with an amendment to the existing BDP. (21Z00030) (Tax Account 2112413) (District 1)
- H.6.** Burnett Parrish, LLC (Javier Fernandez) requests a change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10. (21Z00031) (Tax Account 2409609) (District 1)
- H.7.** Perrone Properties, Inc.; and Curtis R. & Sharon E. Davis (Javier Fernandez) request a Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 to RES 15. (21PZ00062) (Tax Accounts 2424006 & 2424007) (District 1)
- H.8.** Perrone Properties, Inc.; and Curtis R. & Sharon E. Davis (Javier Fernandez) request a change of zoning classification from AU to RU-2-10. (21Z00032) (Tax Accounts 2424006 & 2424007) (District 1)
- H.9.** James Eric Preece, Trustee (Kim Rezanka) requests a change of zoning classification from RU-1-11 to RU-2-12. (21Z00033) (Tax Account 2731687) (District 5)

H.10. EH Cocoa, LLC (Bryan Potts) requests a change of zoning classification from BU-1 to BU-2. (21Z00034) (Tax Accounts 2442707 & 2442708) (District 1)

H.11. Board Direction, Re: Combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency.

Public Comment

Adjournment

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 Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

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 Planning and Zoning Board 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>



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

11/15/2021

Subject:

Public Hearing, Re: Comprehensive Plan Text Amendment Adoption to include a Property Rights Element as required by House Bill 59.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency consider adoption of a text amendment to the Comprehensive Plan to add a Property Rights Element, and to change the Table of Contents to include this Element.

Summary Explanation and Background:

This request is for a text amendment to create a Property Rights Element to the Comprehensive Plan adding Goals, Objectives, and Policies with regards to the local decision making process as it pertains to the rights of property owners.

This request is a result of House Bill 59, which became law on June 29, 2021, adding Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021: Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is **initiated** after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.

The Property Rights Element creates a decision-making policy with regards to the right of property owners to physically control, maintain, improve, protect, and sell properties.

Pursuant to the expedited state review, DEO identified no comment related to adverse impacts to important state resources and facilities within the Departments authorized scope of review. DEO provided one technical comment pertaining to the Ordinance; To revise and remove the reference to the Future Land Use Element and being applicable to the Future Land Use Element of the Comprehensive Plan. Staff has made this change. The other agencies had no comments.

On August 23, 2021, the Local Planning Agency recommended approval of transmittal, adding Paragraph (E) to the element that states Brevard County recognizes that planning and development decisions affect complex systems and have impacts that occur beyond site development. Any affected person may participate in and be a party to a hearing on a planning and development decision. An affected person is any person or local

government that will suffer adverse effect to an interest protected or furthered by this comprehensive plan, included interests related to health, safety, police, fire, service systems, density intensity of development, transportation facilities, healthcare facilities, equipment services, environmental or natural resources.

On September 2, 2021, the Board of County Commissioners approved transmittal as presented and did not include the LPA recommendation.

The Board of County Commissioners will consider adoption of the Property Rights Element on **Thursday, December 2, 2021, at 5:00 p.m.** at the Viera Government Center, 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida.

Clerk to the Board Instructions:

None.

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2021-2.1
PROPERTY RIGHTS ELEMENT – TEXT AMENDMENT**

Request: A text amendment to the Comprehensive Plan creating Property Rights Element XV and changing the Glossary from Element XV to XVI

Owner / Applicant: Planning & Development Department

Location: N/A

Acreage: N/A

**Existing Land
Use Designation:** N/A

**Proposed Land
Use Designation:** N/A

PROPOSED TEXT AMENDMENT

Background:

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021: Each local government must adopt a property rights element into its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is **initiated** after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes (emphasis added).

The new section requires that governmental entities respect judicially acknowledged and constitutionally protected private property rights. The law allows the Board to adopt its own property rights element or use the provision provided. Staff has presented the provision included in the law in order to expedite this process to ensure that development applications may continue to be processed at this time.

Description:

The proposed amendment will create a Property Rights Element to the Comprehensive Plan adding Goals, Objectives and Policies with regards to the local decision making process, as it pertains to the rights of property owners.

Proposed Text Amendment

The proposed amendment would be adopted as Property Rights Element XV and change the Glossary from XV to XVI. Additions to the Comprehensive Plan will be shown as underlined and deletions are shown as ~~strike through~~.

PROPERTY RIGHTS ELEMENT

CHAPTER 15

BREVARD COUNTY COMPREHENSIVE PLAN

CHAPTER XV

PRIVATE PROPERTY RIGHTS

TABLE OF CONTENTS

Private property rights in the local decision making process.....1

GOALS, OBJECTIVES AND POLICIES

GOAL

TO ENSURE CONSIDERATION OF PRIVATE PROPERTY RIGHTS IN THE LOCAL DECISION MAKING PROCESS.

Objective 1

Brevard County shall follow a set of policies to ensure that private property rights are considered in the local decision making process.

Policy 1.1

Brevard County shall consider the following in the local decision making process:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.

THE 1988* BREVARD COUNTY COMPREHENSIVE PLAN

TABLE OF CONTENTS

Preface

Adopting Ordinance

Part I. Conservation Element

Part II. Surface Water Management Element

Part III. Recreation and Open Space Element

Part IV. Historic Preservation Element

Part V. Housing Element

Part VI. Potable Water Element

Part VII. Sanitary Sewer Element

Part VIII. Solid Waste and Hazardous Materials Element

Part IX. Transportation Element

Part X. Coastal Management Element

Part XI. Future Land Use Element

Part XII. Intergovernmental Coordination Element

Part XIII. Capital Improvements and Programs Element

Part XIV. Public School Facilities Element

Part XV. ~~Glossary~~ Property Rights Element

Part XVI. Glossary

Updated ~~November 7, 2008~~ November 4, 2021

ORDINANCE NO. 21-__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED “THE COMPREHENSIVE PLAN”, SETTING FORTH PLAN AMENDMENT 2021-2.1; AMENDING SECTION 62-501, ENTITLED “CONTENTS OF THE PLAN”; SPECIFICALLY AMENDING SECTION 62-501, PART IX, ENTITLED PROPERTY RIGHTS ELEMENT; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2021, for adoption as the Plan Amendment Cycle 2021-2; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on October 25, 2021, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2021-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on November 4, 2021, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon a thorough, and complete consideration, approval for the adoption of Plan Amendment 2021-2.1; and

WHEREAS, Plan Amendment 2021-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2021-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2021-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2021-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this the ____ day of _____, 2021.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

Rachel Sadoff, Clerk

By: _____
Rita Pritchett, Chair

Approved by the Board on _____, 2021.

EXHIBIT A

2021-2.1 COMPREHENSIVE PLAN AMENDMENT

DRAFT

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DRAFT

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

1
2 An act relating to growth management; amending s.
3 163.3167, F.S.; specifying requirements for certain
4 comprehensive plans effective, rather than adopted,
5 after a specified date and for associated land
6 development regulations; amending s. 163.3177, F.S.;
7 requiring local governments to include a property
8 rights element in their comprehensive plans; providing
9 a statement of rights which a local government may
10 use; requiring a local government to adopt a property
11 rights element by the earlier of its adoption of its
12 next proposed plan amendment initiated after a certain
13 date or the next scheduled evaluation and appraisal of
14 its comprehensive plan; prohibiting a local
15 government's property rights element from conflicting
16 with the statement of rights contained in the act;
17 amending s. 163.3237, F.S.; providing that the consent
18 of certain property owners is not required for
19 development agreement changes under certain
20 circumstances; providing an exception; amending s.
21 337.25, F.S.; requiring the Department of
22 Transportation to afford a right of first refusal to
23 certain individuals under specified circumstances;
24 providing requirements and procedures for the right of
25 first refusal; amending s. 380.06, F.S.; authorizing

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0059-05-er

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2021 Legislature

26 certain developments of regional impact agreements to
27 be amended under certain circumstances; providing
28 retroactive applicability; providing a declaration of
29 important state interest; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

32
33 Section 1. Subsection (3) of section 163.3167, Florida
34 Statutes, is amended to read:

35 163.3167 Scope of act.—

36 (3) A municipality established after the effective date of
37 this act shall, within 1 year after incorporation, establish a
38 local planning agency, pursuant to s. 163.3174, and prepare and
39 adopt a comprehensive plan of the type and in the manner set out
40 in this act within 3 years after the date of such incorporation.
41 A county comprehensive plan is controlling until the
42 municipality adopts a comprehensive plan in accordance with this
43 act. A comprehensive plan for a newly incorporated municipality
44 which becomes effective ~~adopted~~ after January 1, 2016 ~~2019~~, and
45 all land development regulations adopted to implement the
46 comprehensive plan must incorporate each development order
47 existing before the comprehensive plan's effective date, may not
48 impair the completion of a development in accordance with such
49 existing development order, and must vest the density and
50 intensity approved by such development order existing on the

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51 effective date of the comprehensive plan without limitation or
52 modification.

53 Section 2. Paragraph (i) is added to subsection (6) of
54 section 163.3177, Florida Statutes, to read:

55 163.3177 Required and optional elements of comprehensive
56 plan; studies and surveys.—

57 (6) In addition to the requirements of subsections (1)–
58 (5), the comprehensive plan shall include the following
59 elements:

60 (i)1. In accordance with the legislative intent expressed
61 in ss. 163.3161(10) and 187.101(3) that governmental entities
62 respect judicially acknowledged and constitutionally protected
63 private property rights, each local government shall include in
64 its comprehensive plan a property rights element to ensure that
65 private property rights are considered in local decisionmaking.
66 A local government may adopt its own property rights element or
67 use the following statement of rights:

68
69 The following rights shall be considered in local
70 decisionmaking:

71
72 1. The right of a property owner to physically
73 possess and control his or her interests in the
74 property, including easements, leases, or mineral
75 rights.

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2021 Legislature

76
77 2. The right of a property owner to use, maintain,
78 develop, and improve his or her property for personal
79 use or for the use of any other person, subject to
80 state law and local ordinances.

81
82 3. The right of the property owner to privacy and to
83 exclude others from the property to protect the
84 owner's possessions and property.

85
86 4. The right of a property owner to dispose of his or
87 her property through sale or gift.

88
89 2. Each local government must adopt a property rights
90 element in its comprehensive plan by the earlier of the date of
91 its adoption of its next proposed plan amendment that is
92 initiated after July 1, 2021, or the date of the next scheduled
93 evaluation and appraisal of its comprehensive plan pursuant to
94 s. 163.3191. If a local government adopts its own property
95 rights element, the element may not conflict with the statement
96 of rights provided in subparagraph 1.

97 Section 3. Section 163.3237, Florida Statutes, is amended
98 to read:

99 163.3237 Amendment or cancellation of a development
100 agreement.—A development agreement may be amended or canceled by

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2021 Legislature

mutual consent of the parties to the agreement or by their successors in interest. A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, unless the amendment or cancellation directly modifies the allowable uses or entitlements of such owners' property.

Section 4. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than \$10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)–(d). The department may afford a right of first refusal to the local government or other political subdivision

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126 in the jurisdiction in which the parcel is situated, except in a
127 conveyance transacted under paragraph (a), paragraph (c), or
128 paragraph (e). Notwithstanding any provision of this section to
129 the contrary, before any conveyance under this subsection may be
130 made, except a conveyance under paragraph (a) or paragraph (c),
131 the department shall first afford a right of first refusal to
132 the previous property owner for the department's current
133 estimate of value of the property. The right of first refusal
134 must be made in writing and sent to the previous owner via
135 certified mail or hand delivery, effective upon receipt. The
136 right of first refusal must provide the previous owner with a
137 minimum of 30 days to exercise the right in writing and must be
138 sent to the originator of the offer by certified mail or hand
139 delivery, effective upon dispatch. If the previous owner
140 exercises his or her right of first refusal, the previous owner
141 has a minimum of 90 days to close on the property. The right of
142 first refusal set forth in this subsection may not be required
143 for the disposal of property acquired more than 10 years before
144 the date of disposition by the department.

145 (a) If the property has been donated to the state for
146 transportation purposes and a transportation facility has not
147 been constructed for at least 5 years, plans have not been
148 prepared for the construction of such facility, and the property
149 is not located in a transportation corridor, the governmental
150 entity may authorize reconveyance of the donated property for no

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151 consideration to the original donor or the donor's heirs,
152 successors, assigns, or representatives.

153 (b) If the property is to be used for a public purpose,
154 the property may be conveyed without consideration to a
155 governmental entity.

156 (c) If the property was originally acquired specifically
157 to provide replacement housing for persons displaced by
158 transportation projects, the department may negotiate for the
159 sale of such property as replacement housing. As compensation,
160 the state shall receive at least its investment in such property
161 or the department's current estimate of value, whichever is
162 lower. It is expressly intended that this benefit be extended
163 only to persons actually displaced by the project. Dispositions
164 to any other person must be for at least the department's
165 current estimate of value.

166 (d) If the department determines that the property
167 requires significant costs to be incurred or that continued
168 ownership of the property exposes the department to significant
169 liability risks, the department may use the projected
170 maintenance costs over the next 10 years to offset the
171 property's value in establishing a value for disposal of the
172 property, even if that value is zero.

173 (e) If, at the discretion of the department, a sale to a
174 person other than an abutting property owner would be
175 inequitable, the property may be sold to the abutting owner for

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2021 Legislature

the department's current estimate of value.

Section 5. Paragraph (d) of subsection (4) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(d) Any agreement entered into by the state land planning agency, the developer, and the local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before April 6, 2018, and may be amended pursuant to the processes adopted by the local government for amending development orders. Any such agreement or amendment may authorize the developer to exchange approved land uses, subject to demonstrating that the exchange will not increase impacts to public facilities. This paragraph applies to all such agreements and amendments effective on or after April 6, 2018.

Section 6. The Legislature finds and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

October 1, 2021

The Honorable Rita Pritchett
Chair, Brevard County
Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chair Pritchett:

The Department of Economic Opportunity ("Department") has reviewed the Brevard County proposed comprehensive plan amendment (Amendment No. 21-01ESR), received on September 3, 2021, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

- ***The draft ordinance heading references this amendment being to the Future Land Use Element of the County's Comprehensive Plan, while the draft ordinance exhibit and supporting documents show the amendment will create a new, separate element. To ensure consistency with Section 163.3177(6)(i), F.S., DEO recommends that prior to adoption, the ordinance be revised to remove the reference to the amendment being applicable to the Future Land Use Element of the Comprehensive Plan and to clearly reference the Property Rights Element as its own, stand alone element.***

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

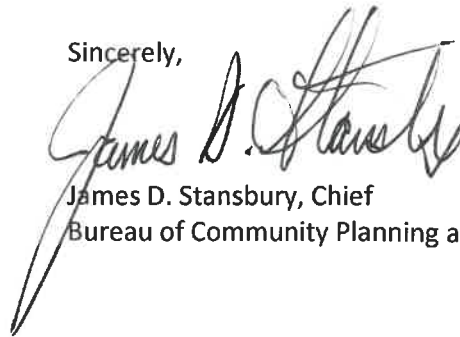
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Matthew Preston, Planning Analyst, by telephone at (850) 717-8490 or by email at matt.preston@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" being the most prominent.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/mp

Enclosure(s): Procedures for Adoption

cc: Cheryl Campbell, Planner III, Planning and Development Department, Brevard County
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**"

(<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

11/15/2021

Subject:

Scott Minnick requests a change of zoning classification from AU to RR-1. (21Z00025) (Tax Account 2102550) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from AU to RR-1 for the purpose of legitimizing a substandard lot and constructing a single-family residence on the property.

The proposed RR-1 classification permits single-family residential land uses on a minimum one acre lot, with a minimum lot width and depth of 125 feet, and minimum house size of 1,200 square feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning classification.

The trend in the surrounding area has been the gradual rezoning of larger AU parcels to commercial and residential zoning classifications that require smaller lot sizes, then splitting those parcels into smaller lots. The commercial zoning classifications include BU-1 and BU-2, and the residential zoning classifications include RR-1 and EU-2. AU is still present in the area on lots above the 2.5 acre minimum lot size, including the lots directly to the west and to the north.

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

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

21Z00025

Scott Minnick

AU (Agricultural Residential) to all RR-1 (Rural Residential)

Tax Account Number: 2102550
Parcel I.D.: 21-35-07-00-26
Location: West side of U.S. 1, north of Glenn Road (District 1)
Acreage: 1.15 acres

Planning & Zoning Board: 11/15/2021
Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposed zoning 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	RR-1
Potential*	0 units	One single-family unit
Can be Considered under the Future Land Use Map	YES, NC	Yes, NC

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential) for the purpose of legitimizing a substandard lot and constructing a single-family residence on the property.

The subject parcel was recorded in its current configuration in Official Records Book 2099, Page 48, in October 1979. The resulting lot is 1.15 acres in size. The parcel is therefore substandard in regards to lot size for the AU zoning classification. AU requires a minimum lot size of 2.5 acres. The applicant does not own any adjacent property that could resolve the substandard status. Per Sec. 62-2102, "No person shall sever any lot in such a manner that a violation of any of the provisions of this chapter would be created on any new or altered lot, including their uses and structures."

AU is the original zoning of the lot. A zoning action, **Z-3468**, would have rezoned the property to BU-1 with a CUP for Beer & Wine, but was denied on December 3, 1973.

Land Use

The subject property retains a FLU designation of Neighborhood Commercial (NC). The proposed RR-1 zoning classification can be considered with NC FLU per Policy 2.13 of the Future Land Use element, which states: "Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map." The closest residential FLU designation to this property is RES 4, which RR-1 is compatible with.

Applicable Future Land Use Policies

FLUE Objective 15 – Brevard County shall eliminate inconsistencies between the Comprehensive Plan and the zoning regulations of the Land Development Regulations, and thereafter, shall reduce the number of existing land uses which are non-conforming to the Comprehensive Plan.

FLUE Policy 2.13 – Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing.

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.

In the future, the applicant will be constructing a single-family home on the subject 1.15-acre parcel, which has a FLU designation of Neighborhood Commercial. FLUE Policy 2.13 permits residential/mixed-use development in NC, provided these developments are compatible with the scale and density/intensity in the area. The parcel abutting the subject property to the north retains a FLU designation of Community Commercial (CC) and the parcel to the south across Glenn Road retains a FLU designation of NC. This is consistent with the role of Highway 1 as a commercial corridor. The abutting residential land use to the west is a 13-acre parcel containing a single-family home and had an agricultural exemption until April 2021.

In general, this area of Highway 1 contains a mix of Community Commercial (CC) and NC FLU designations on the parcels on the west side of the highway, all CC on the east side of the highway, and RES 4 FLU designations on the lots to the west of the lots fronting Highway 1.

The request for a residential use is consistent with the existing development in the area. Despite the commercial land use designations, the majority of developed parcels on the western side contain single-family homes or are vacant rather than containing commercial uses. Directly across Highway 1 to the east of the subject property are additional parcels with CC FLU that are developed with light manufacturing and wholesale/distribution uses. Additional parcels across the highway to the east with a CC FLU designation contain single-family homes.

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

The 1.15-acre subject property currently has a zoning classification of AU. To the north is a half-acre parcel zoned BU-1. The parcel to the south across Glenn Road has a zoning classification of RR-1 on 1.05 acres. Across Highway 1 to the east are two parcels zoned BU-2, one of which is 1.65 acres, while the other is 10.45 acres. The size of the latter parcel is not typical for this area.

Lot sizes vary in the surrounding area, but the majority are half an acre in size or greater. Many of the parcels with commercial zoning classifications on the west side of Highway 1 are occupied by single-family residential uses, including the two parcels to the south of the subject property. On the east side of Highway 1, parcels with commercial zoning contain a mix of single-family residences and commercial uses.

The trend for the parcels in the surrounding area has been the gradual rezoning of larger AU parcels to commercial and residential zoning classifications that require a smaller minimum lot size, then splitting these parcels into smaller lots. These commercial zoning classifications include BU-1 and BU-2, and the residential zoning classifications include RR-1 and EU-2. AU is still present in the area on lots above the 2.5 acre minimum lot size, including the lots directly to the west and to the north.

The request would not be an introduction of RR-1 zoning into the surrounding area, as the parcel to the south was rezoned from AU to RR-1 in May 1986. The applicant chose to apply for the RR-1 zoning classification because they wish to construct a single-family residence, and RR-1 is already present in the area. The RR-1 zoning would ensure the lot could not be split, as the minimum lot size is one acre.

The BU-1 and BU-2 zoning classifications allow retail commercial land uses in addition to single-family residential uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling, while BU-2 does. The applicant would need to change the FLU designation to CC in order to rezone the property to one of these classifications. The NC FLU designation is consistent with BU-1-A zoning, but the applicant does not wish to do commercial activities.

Surrounding Area

The abutting parcel to the north contains a single-family home and has a FLU designation of CC and a zoning classification of BU-1. The property is adjacent to Highway 1 on the east, across which are parcels with Community Commercial (CC) FLU designation and BU-2 zoning being used for light manufacturing and wholesale/distribution. The parcel to the south has a FLU designation of NC with RR-1 zoning, and contains a single-family residence built in 1945. The property to the west has a FLU designation of RES 4, AU zoning, and has a single-family residence in addition to accessory agricultural uses.

The current 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.

The proposed RR-1 classification 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. Keeping of horses and agricultural uses are accessory to a principal residence within the RR-1 zoning classification.

There have been no rezoning applications in the surrounding area in the past 3 years.

Environmental Constraints

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 1, between State Road 46 and Lionel, which has a Maximum Acceptable Volume of 41,790 trips per day, a Level of Service (LOS) of E, and currently operates at 24.89% of capacity daily. The maximum development potential from the proposed rezoning does increase the level of MAV utilization by 0.2%. 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.

The parcel is not serviced by Brevard County sewer. The closest sewer line to the parcel is approximately 1.15 miles to the south at the intersection of Highway 1 and Stanley Street. The parcel is adjacent to a water line supplied by Brevard County.

For Board Consideration

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

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

Item # 21Z00025

Applicant: Scott Minnick

Zoning Request: AU to RR-1

Note: Applicant wants to conform the substandard lot.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID No: 2102550

- 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:

- Land Clearing and Landscape Requirements
- Protected Species
-

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Land Clearing and Landscape Requirements

The entire parcel is overlaid within a mapped polygon of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and are likely found on the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the 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

tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

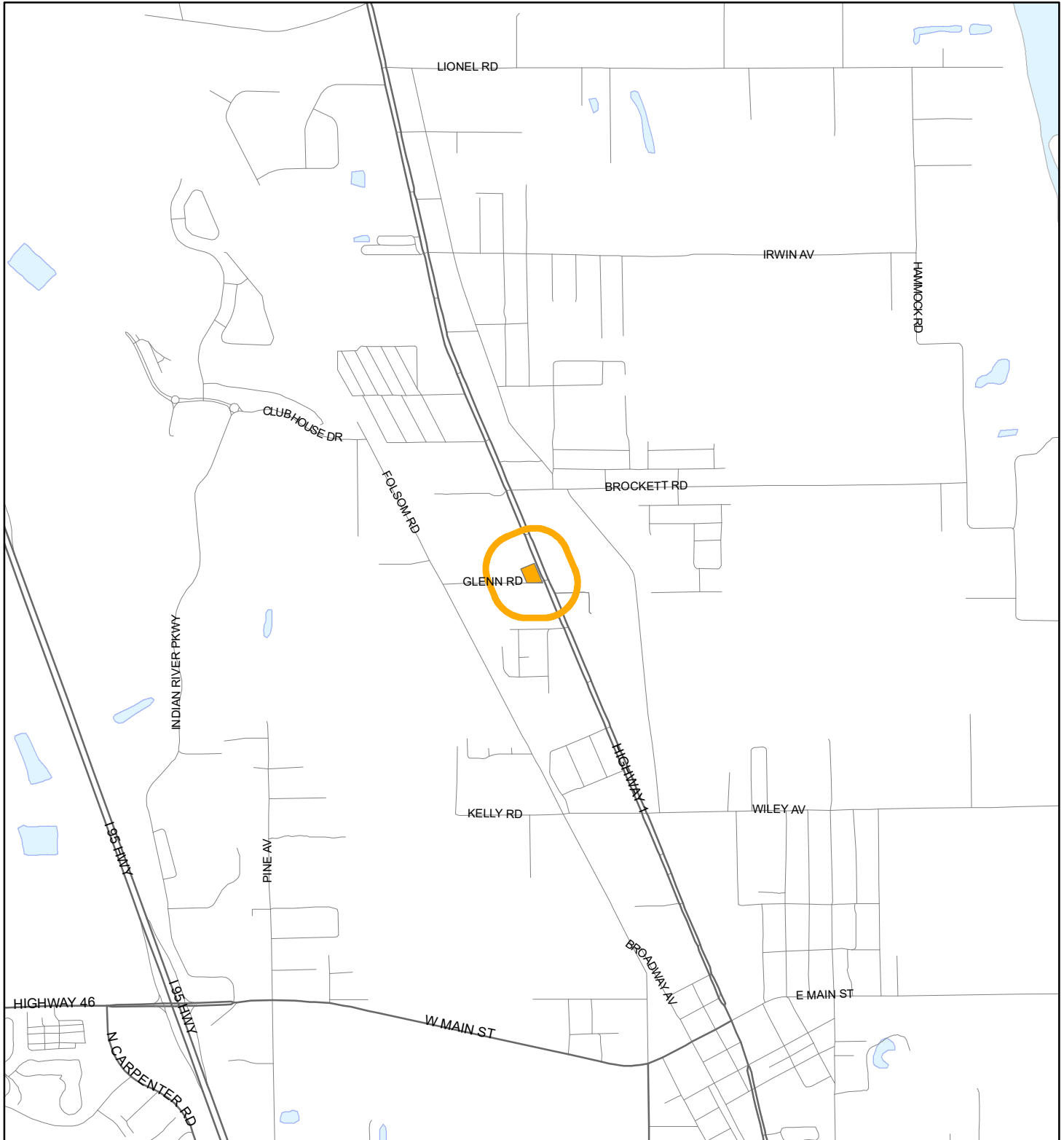
Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

MINNICK, SCOTT

21Z00025





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.

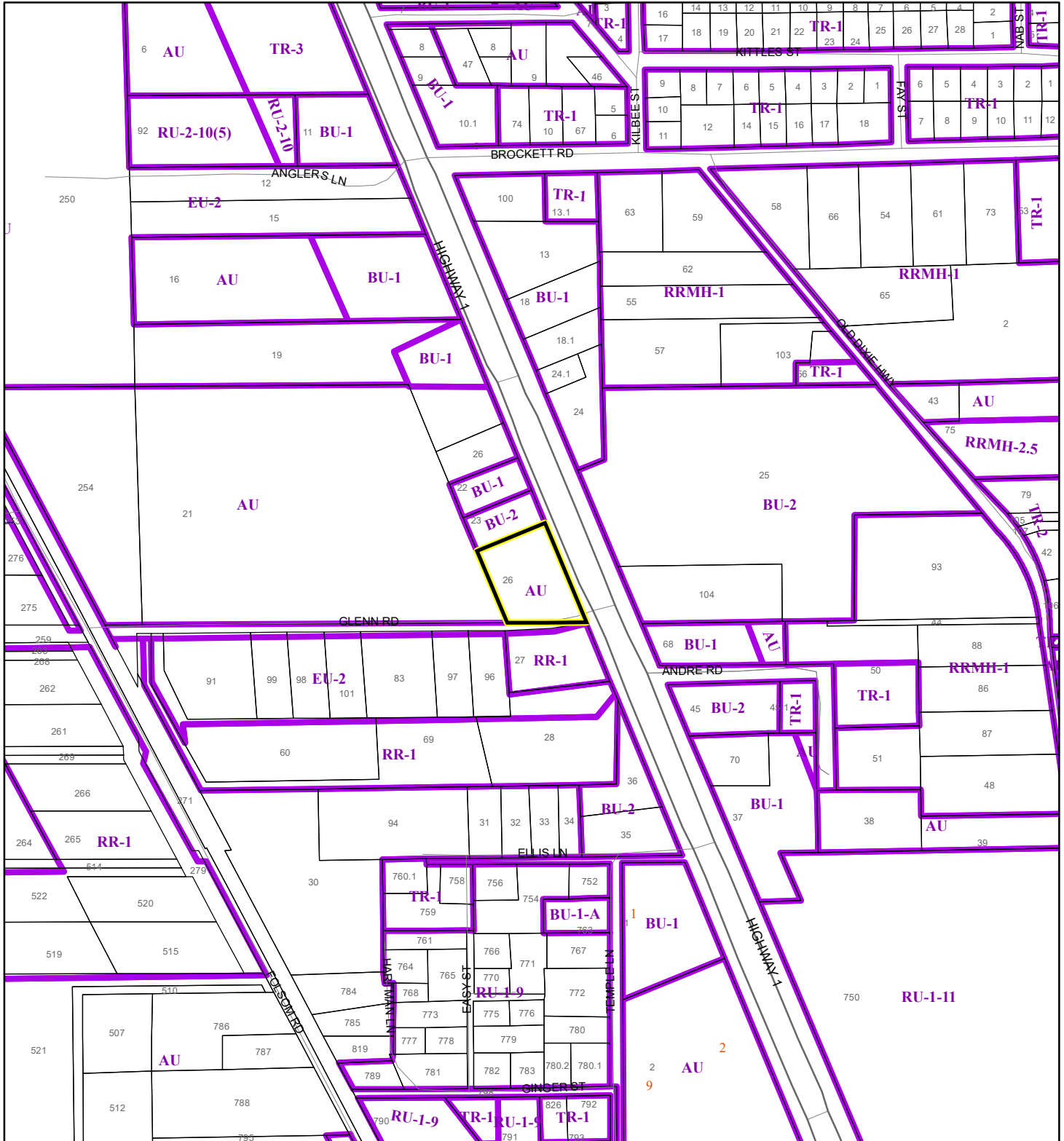
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 Buffer
 Subject Property

ZONING MAP

MINNICK, SCOTT


21Z00025



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.

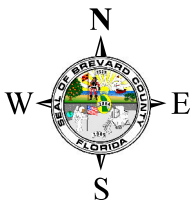
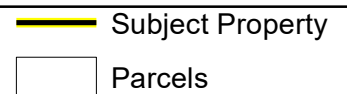
Produced by BoCC - GIS Date: 9/16/2021

 Subject Property

 Parcels

 Zoning

21Z00025



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: 9/16/2021

AERIAL MAP

MINNICK, SCOTT

21Z00025



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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Produced by BoCC - GIS Date: 9/16/2021

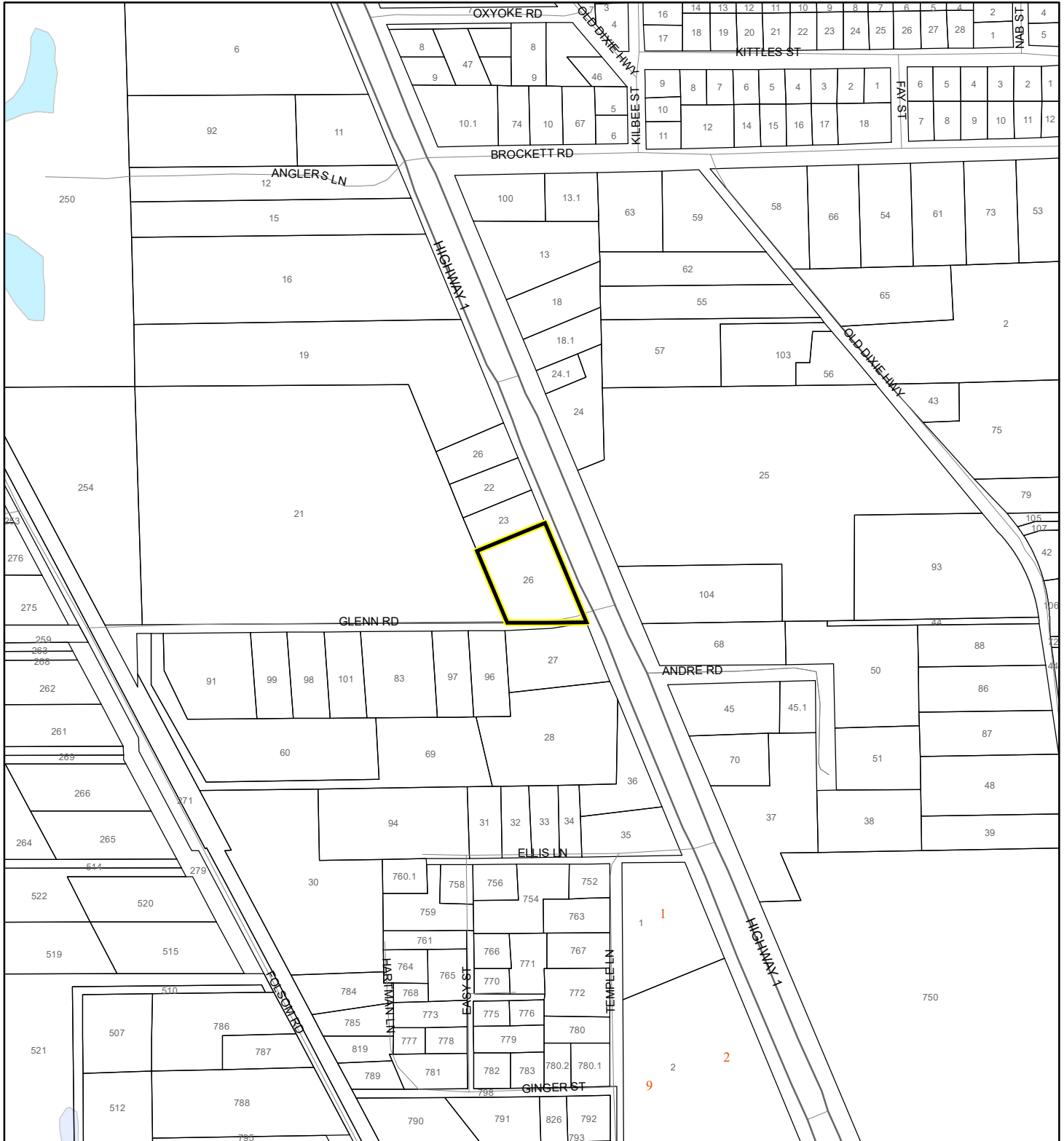
 Subject Property

 Parcels

NWI WETLANDS MAP

MINNICK, SCOTT

21Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/16/2021

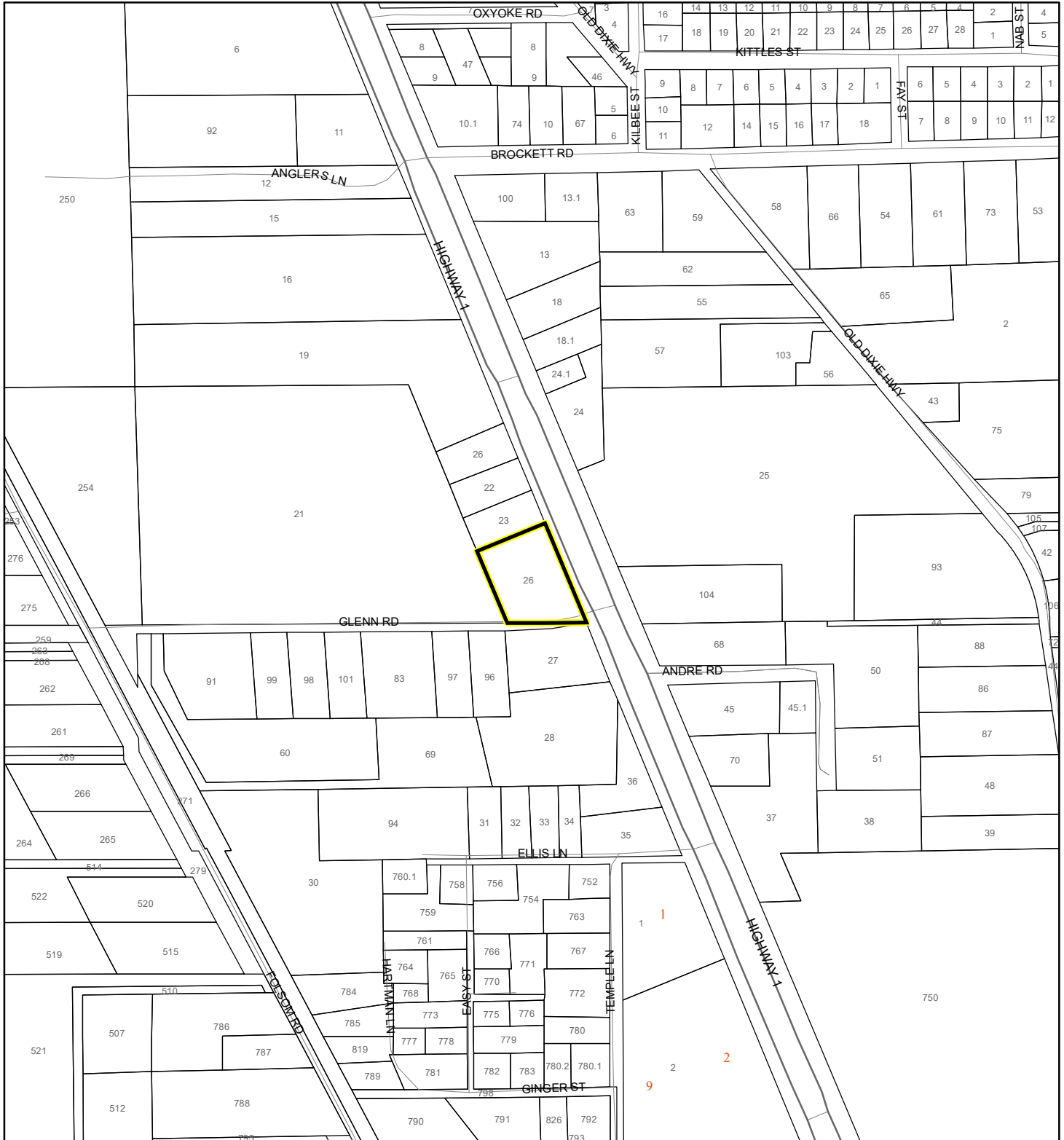
National Wetlands Inventory (NWI)

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

MINNICK, SCOTT

21Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/16/2021

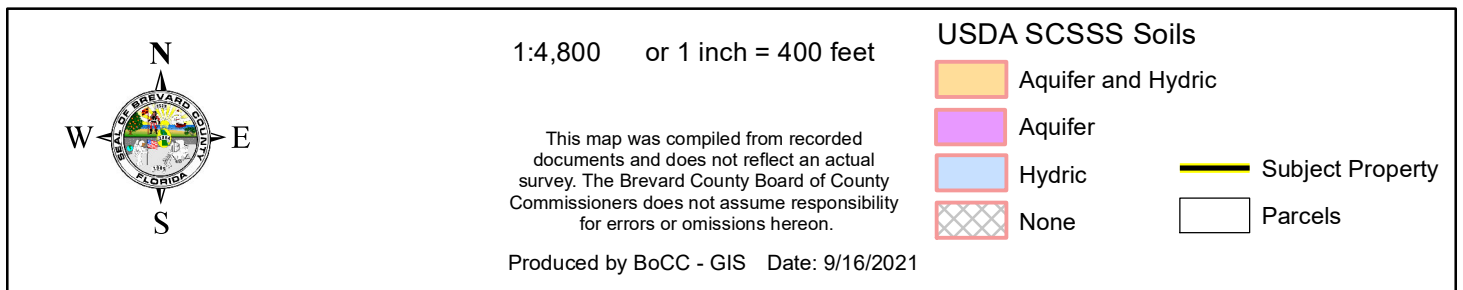
SJRWMD FLUCCS WETLANDS

- 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

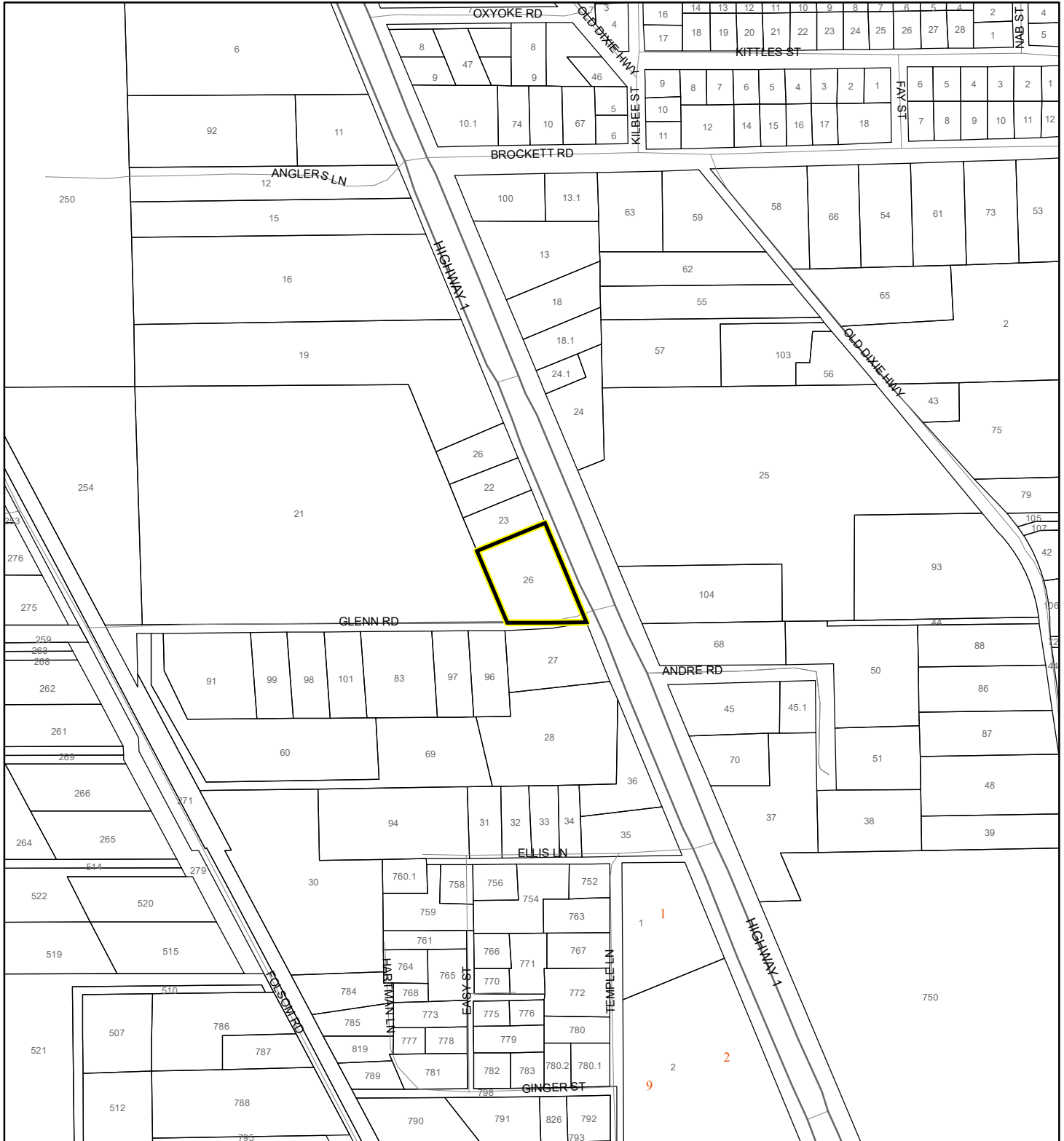
21Z00025



FEMA FLOOD ZONES MAP

MINNICK, SCOTT

21Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/16/2021

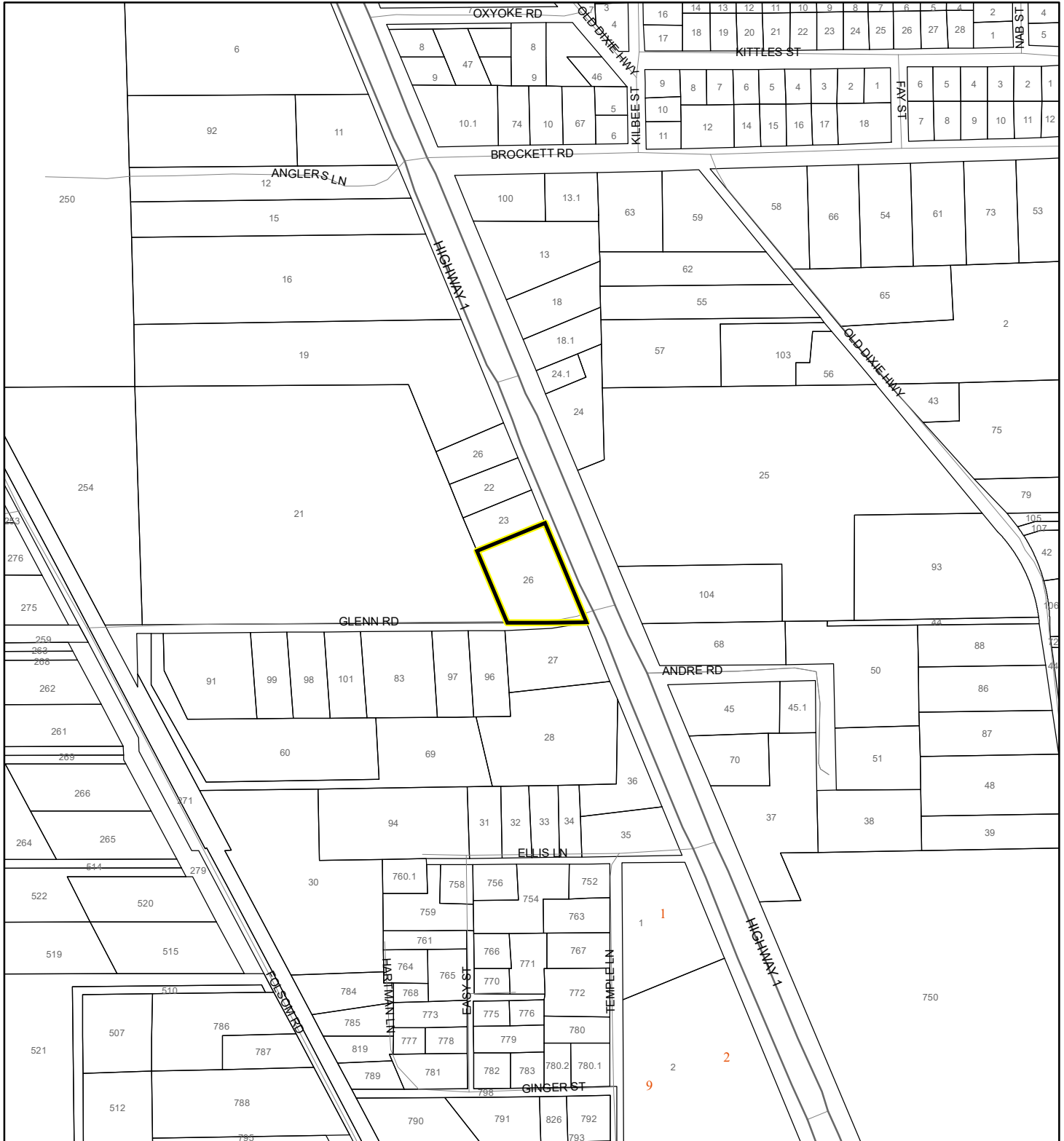
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

MINNICK, SCOTT

21Z00025



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 9/16/2021

 Subject Property

 Parcels

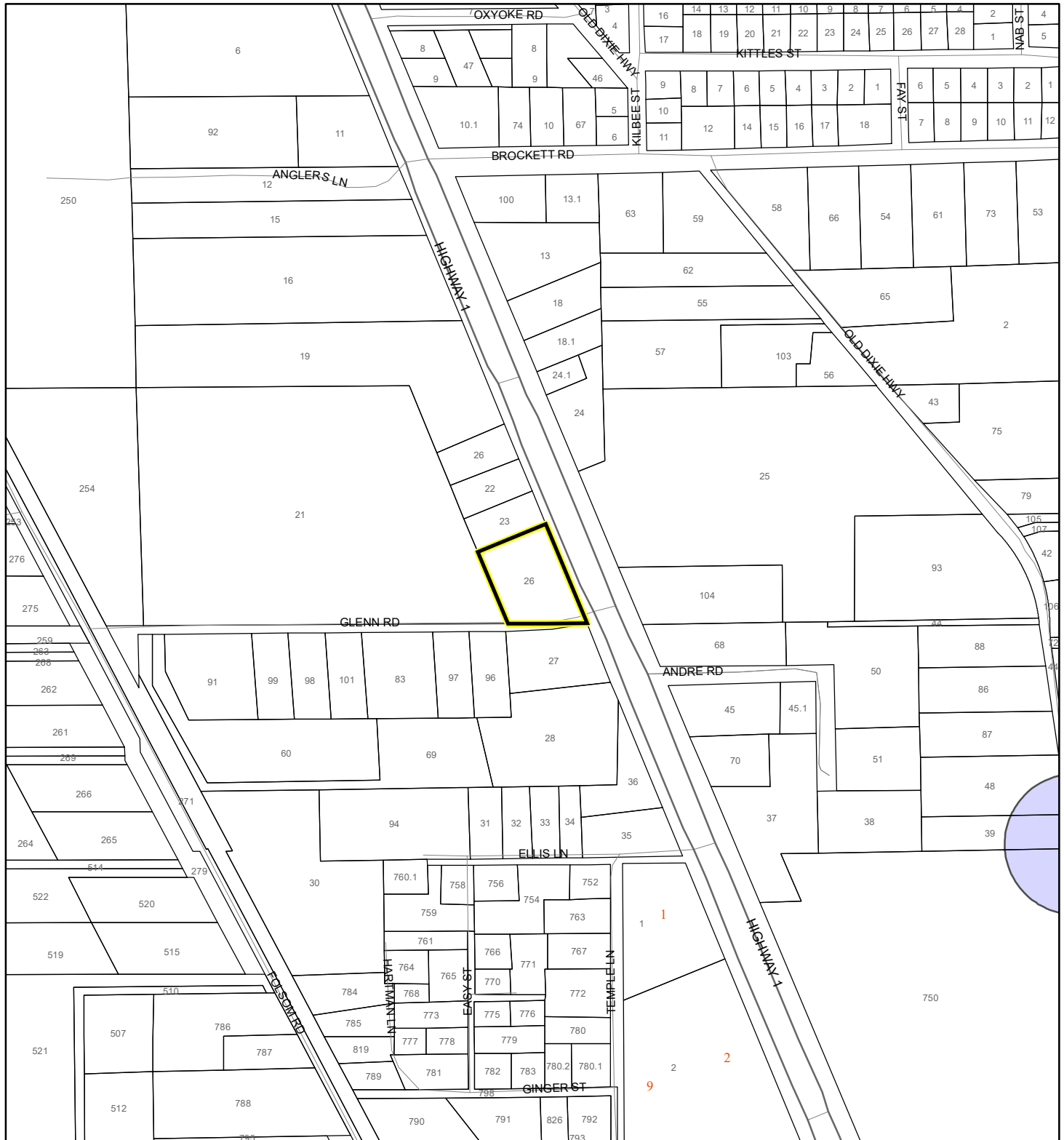
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MINNICK, SCOTT

21Z00025



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

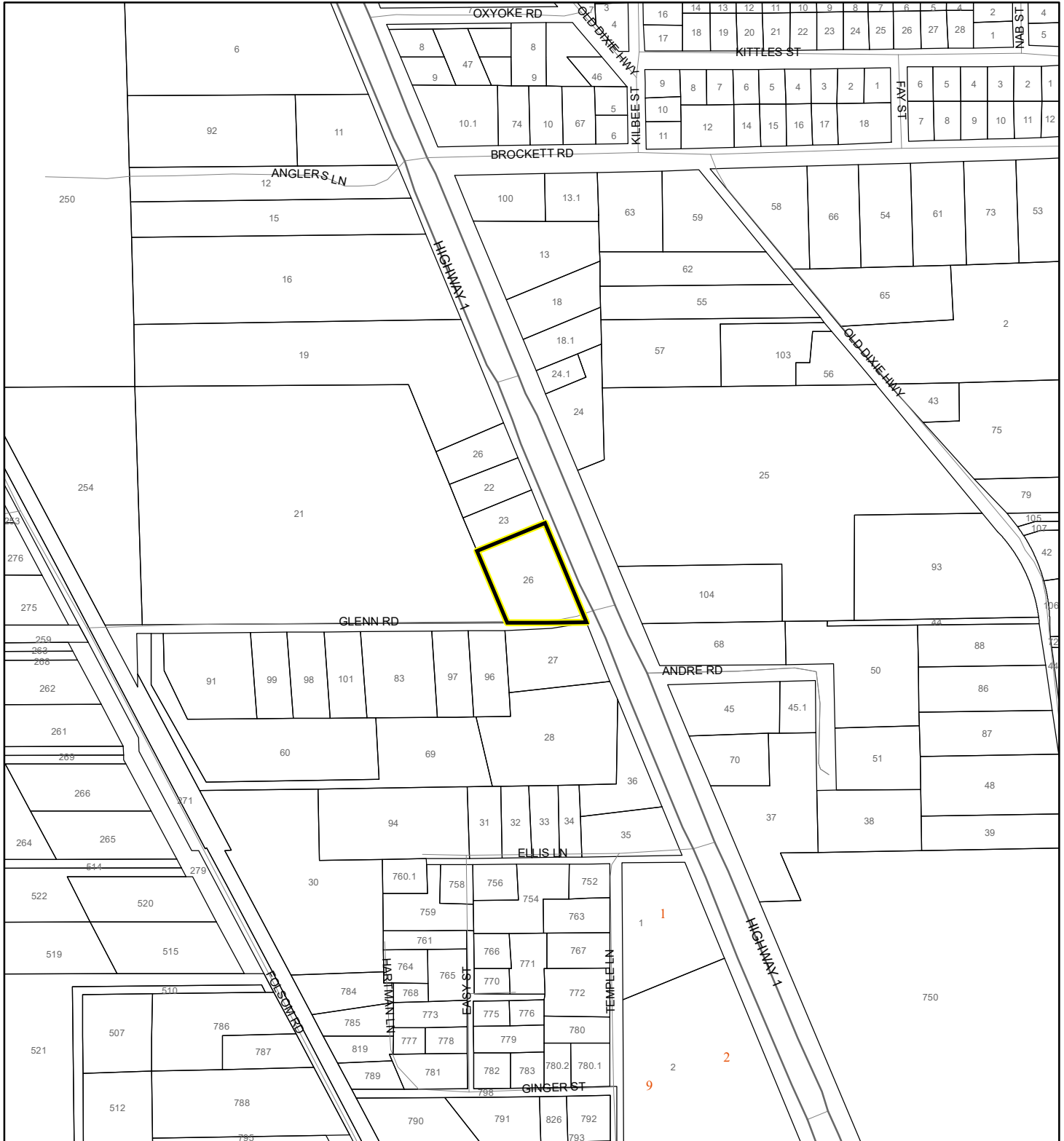
 60 Meters

 All Distances

EAGLE NESTS MAP

MINNICK, SCOTT

21Z00025




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/16/2021

 Subject Property

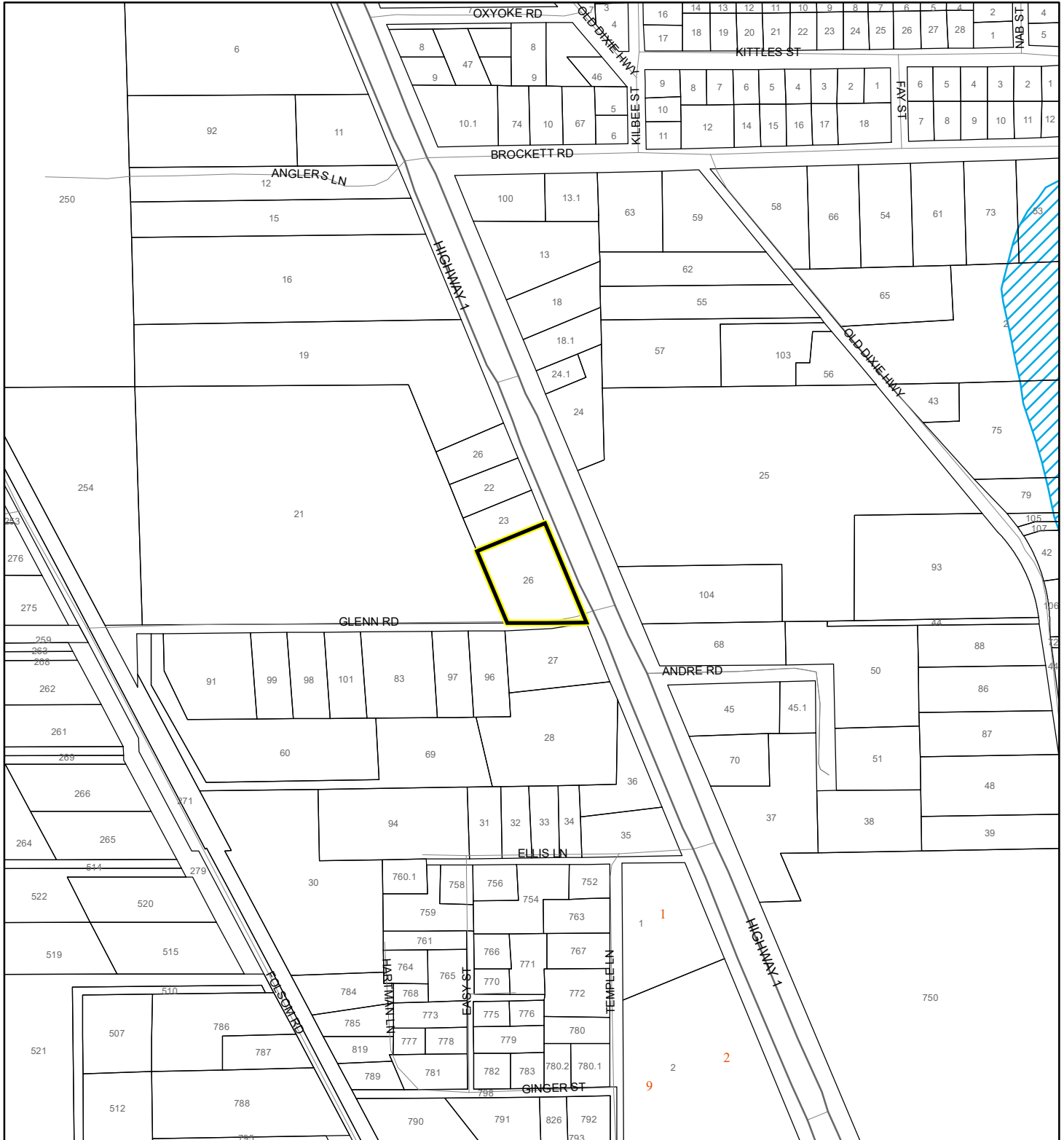
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

MINNICK, SCOTT

21Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/16/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MINNICK, SCOTT

21Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/16/2021

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



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

11/15/2021

Subject:

DeRosa Holdings, LLC (Bruce Moia) requests an amendment to an existing BDP in a RU-2-12 zoning classification. (21PZ00059) (Tax Account 2534267) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider an amendment to an existing BDP in a RU-2-12 (Medium Density Multi-Family Residential) zoning classification.

Summary Explanation and Background:

The applicant's request is to remove the existing BDP and create a new BDP to restrict the property to two detached residential units for residency or rental. The existing BDP allows for the development of a luxury townhouse project of 13-units on 1.41 acres; this lot area represents only a fraction of the overall BDP area. Remaining lots within this block would remain bound to the existing BDP restrictions and limited to 11-units luxury townhomes.

Development under the current BDP would require the development of a townhouse project on this 0.24-acre lot which would require that the owner subdivide this parcel into two platted lots each limited to the development of one attached living unit per lot. If allowed to amend the BDP stipulation, the owner proposes to develop two detached living units upon the existing parcel and not to require a new subdivision plat/review. The RU-2-12 zoning classification is a 12 unit per acre multi-family residential zoning classification.

The adjacent lots within this block all carry the same RU-2-12 with BDP restrictions. Across the street to the north is BU-2 zoning developed as a self-storage mini-warehouse facility. To the east lying east of S. Atlantic Avenue is vacant property zoned GML (Government Managed Lands) and owned by Brevard County. To the south across Summer Street is another storage facility. To the west across of S. Orlando Avenue is the 77-unit Magnolia Bay condominium.

The parcel has access to public water by the City of Cocoa and centralized sewer may be available from the City of Cocoa Beach. Without connection to sewer, this site should limit development to 4-units per acre which would limit the site development potential to 1 unit.

The Board may wish to consider whether the requested action to remove the existing BDP and replace it with

a new BDP is consistent and compatible with the surrounding area.

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021**, at **5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

21PZ00059

Derosa Holdings, LLC

Amendment to an Existing Binding Development Plan (BDP) in RU-2-12

Tax Account Number: 2534267
Parcel I.D.: 25-37-26-25-H-2.01
Location: 2050 S Atlantic Ave Cocoa Beach FL 32931; West side of S. Atlantic Avenue, 83.62 feet south of 20th Street and S. Atlantic Avenue, Cocoa Beach (District 2)
Acreage: 0.24 acres
Planning and Zoning Board: 11/15/2021
Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-2-12 with BDP	RU-2-12 with removal of existing BDP with new BDP
Potential*	2-units (attached on 2-lots)	2-units (detached on 1-lot)
Can be Considered under the Future Land Use Map	YES CC	YES CC

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

Background and Purpose of Request

The applicant's request to remove the existing BDP recorded in ORB 5422, Pages 5613 – 5619 and create a new BDP to restrict the property to two (2) detached residential units for residency or rental. The existing BDP allows for the development of a luxury townhouse project of 13-units upon 1.41 acres; this lot area represents only a fraction of the overall BDP area. Remaining lots within this block would remain bound to the existing BDP restrictions and limit it to 11-units luxury townhomes. A prior zoning action request was denied on August 2, 2012 under **12PZ-00038**. That request attempted to change the RU-2-12 with BDP zoning to BU-1-A (Restricted Neighborhood Retail Commercial) with removal of the existing BDP.

Development under the current BDP would require the development of a townhouse project on this 0.24-acre lot which would require that the owner subdivide this parcel into two platted lots each limited to the development of one attached living unit per lot. If allowed to amend the BDP stipulation, the owner proposes to develop two detached living units upon the existing parcel and not to require a new subdivision plat/review.

The current BDP was approved as part of Zoning action **Z-11033** on May 25, 2005 and provided a development limitation of thirteen (13) luxury townhome lots upon 1.41 acres. Under this BDP, this lot (0.24 acres) would be allowed to develop two attached units.

Land Use

The subject property is currently designated as Community Commercial FLU. The RU-2-12 zoning classification is consistent with the Community Commercial FLU designation. The amendment of the BDP does not impact the FLU designation and does not increase the development density of this site.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Public Facilities and Services Requirements

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:

- E. 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.
- F. 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.
- G. 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.
- H. 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.

As the project's intensity is 12 units per acre, connection to centralized sewer and potable water is required under Criterion E, above. Site is currently unimproved and not connected to utilities. Without connection to sewer, this site should limit development to 4-units per acre, which would limit the site development potential to 1-unit.

Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Policy 2.13

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

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

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

Although the RU-2-12 zoning classification is consistent with the Community Commercial FLU designation, the proposed development of this lot will be out of character with the abutting lots still constrained by the current BDP condition requiring townhouse style development.

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

The subject property lies within the Community Commercial Future Land Use (FLU) designation. With nearby Residential 15 FLU in the area, this site can utilize the same residential density allowance (15 units per acre) based upon Policy 2.13 stated above. The current RU-2-12 zoning density is established at 12-units per acre which is less than the current Residential 15 FLU designation. Due to that factor, the amendment of the current BDP remains compatible and consistent with the residential density allowance under the current FLU designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The character of the surrounding area is a mixture of commercial and residential uses. Surrounding commercial uses are mixed with a self-storage mini-warehousing and a church to the north. The property to the west across Atlantic Avenue is developed as a Condominium and to the east, across highway A1A is an undeveloped recreational land zoned GML and owned by Brevard County. The character of the area is mostly multi-family residential use with supportive commercial establishments servicing the area.

Surrounding Area

The adjacent lots within this block all carry the same RU-2-12 with BDP restrictions. RU-2-12 zoning classification is a 12 unit per acre multiple-family residential zoning classification. It permits multi-family residential development or single-family residences at a density of up to 12 units per acre on 7,500 square foot lots. The BDP restriction requires that the development style for this area is to be as attached luxury townhouses (fee-simple ownership). In this scenario, the BDP doesn't require all buildings to be attached in one building, only that thirteen (13) such units can be created over the property. It is unknown whether a site plan will be submitted for individual attached duplex style townhomes or whether a single 11-unit townhouse building will be proposed upon the remaining lot area.

Across the street to the north is BU-2 zoning developed as a self-storage mini-warehouse facility. To the east lying east of S. Atlantic Avenue is vacant property zoned Government Managed Lands (GML) and owned by Brevard County. To the south across Summer Street is another storage facility. To the west across of S. Orlando Avenue is a 77-unit residential condominium called Magnolia Bay.

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

RU-2-30 classification permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

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

BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities.

GML zoning is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. This site is undeveloped at this time but may be utilized for its beach frontage as a passive park.

There has been no zoning actions within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway A1A, between South end of One-way pairs to Minutemen Causeway, which has a Maximum Acceptable Volume (MAV) of 19,440 trips per day, a Level of Service (LOS) of D, and currently operates at 48.08% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.06%. The corridor is anticipated to operate at 48.14% 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.

The parcel has access to public water by the City of Cocoa and centralized sewer may be available from the City of Cocoa Beach. Without connection to sewer, this site should limit development to 4-units per acre which would limit the site development potential to 1-unit. A septic system would need to meet FDOH requirements. Additionally, the septic system would need to utilize the more stringent system capable of limiting the nitrogen level output into the ground water table.

Environmental Constraints

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay

The subject parcel appears to contain aquifer recharge soils and is located within the Indian River Lagoon Septic Overlay Map. 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 and/or U.S. Fish and Wildlife Service, as applicable.

No formal review by the Natural Resources Management Department is required for this change to Binding Development Plan (BDP). Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development, including any land alteration permits or landscape restoration plans.

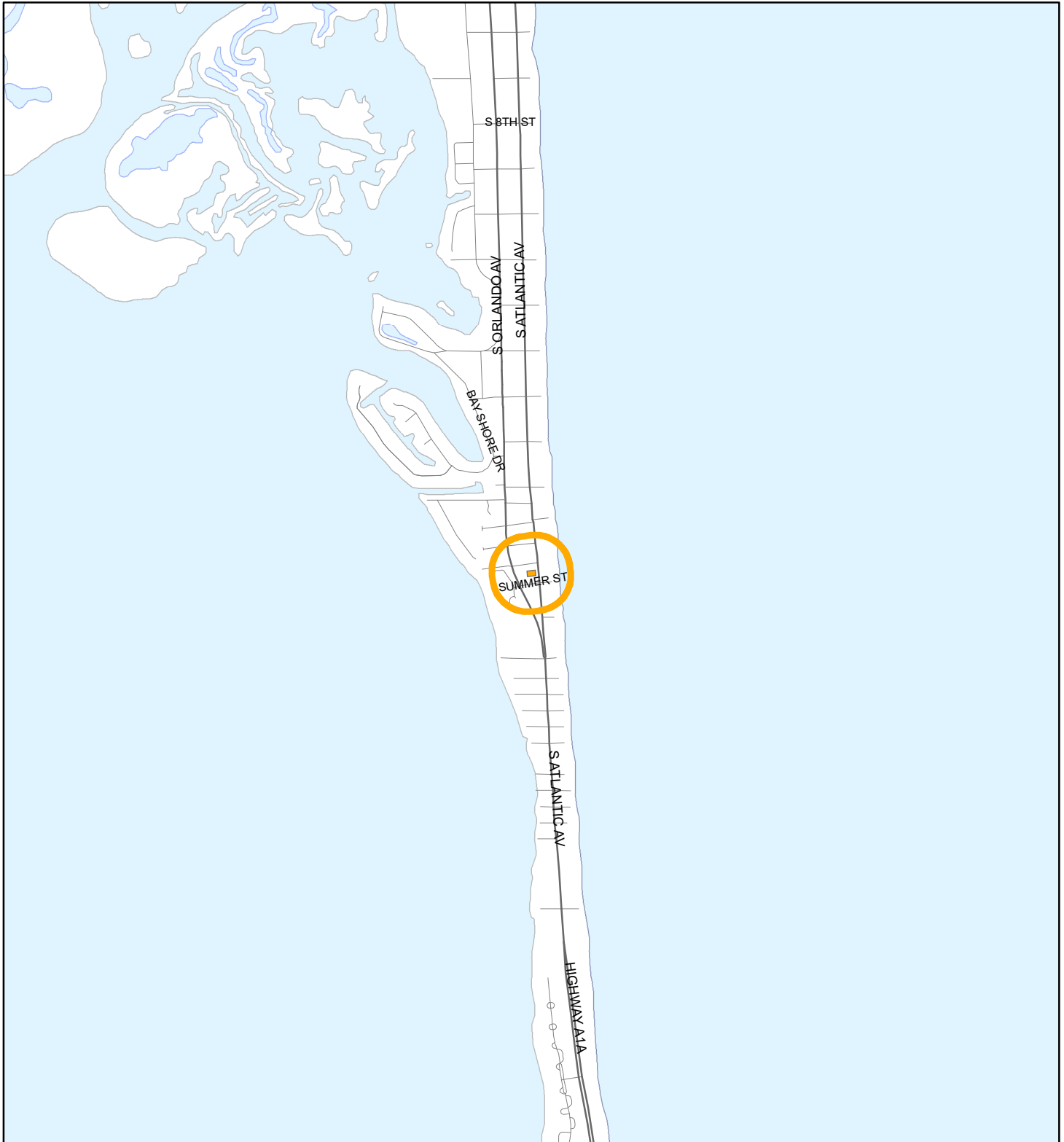
For Board Consideration

The Board may wish to consider whether the requested action to remove the existing BDP and replace it with a new BDP is consistent and compatible with the surrounding area.

LOCATION MAP

DeROSA HOLDINGS, LLC

21PZ00059



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.

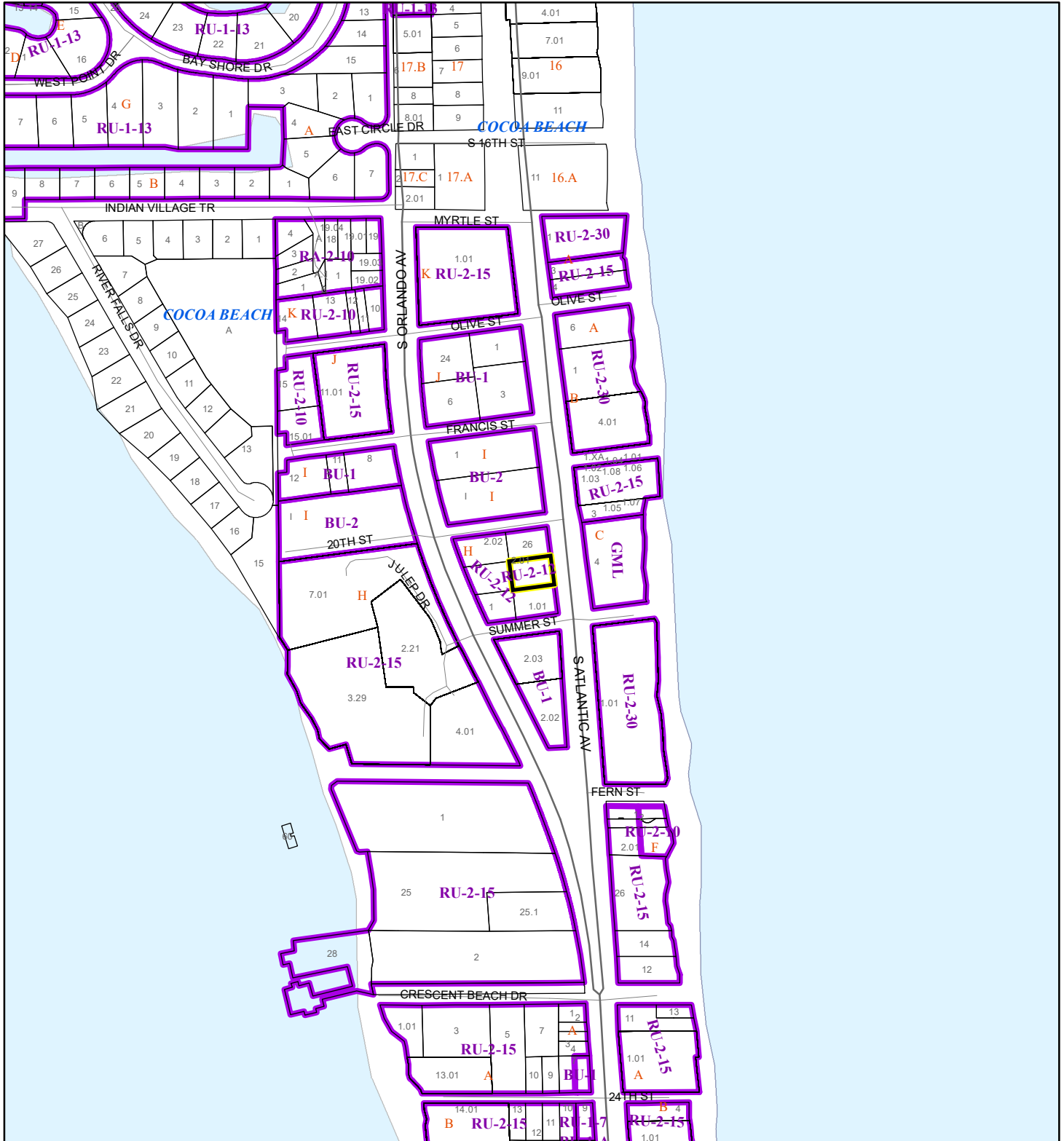
Produced by BoCC - GIS Date: 8/31/2021

— Buffer
— Subject Property

ZONING MAP

DeROSA HOLDINGS, LLC

21PZ00059



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: 8/31/2021

Subject Property

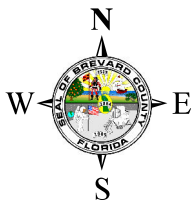
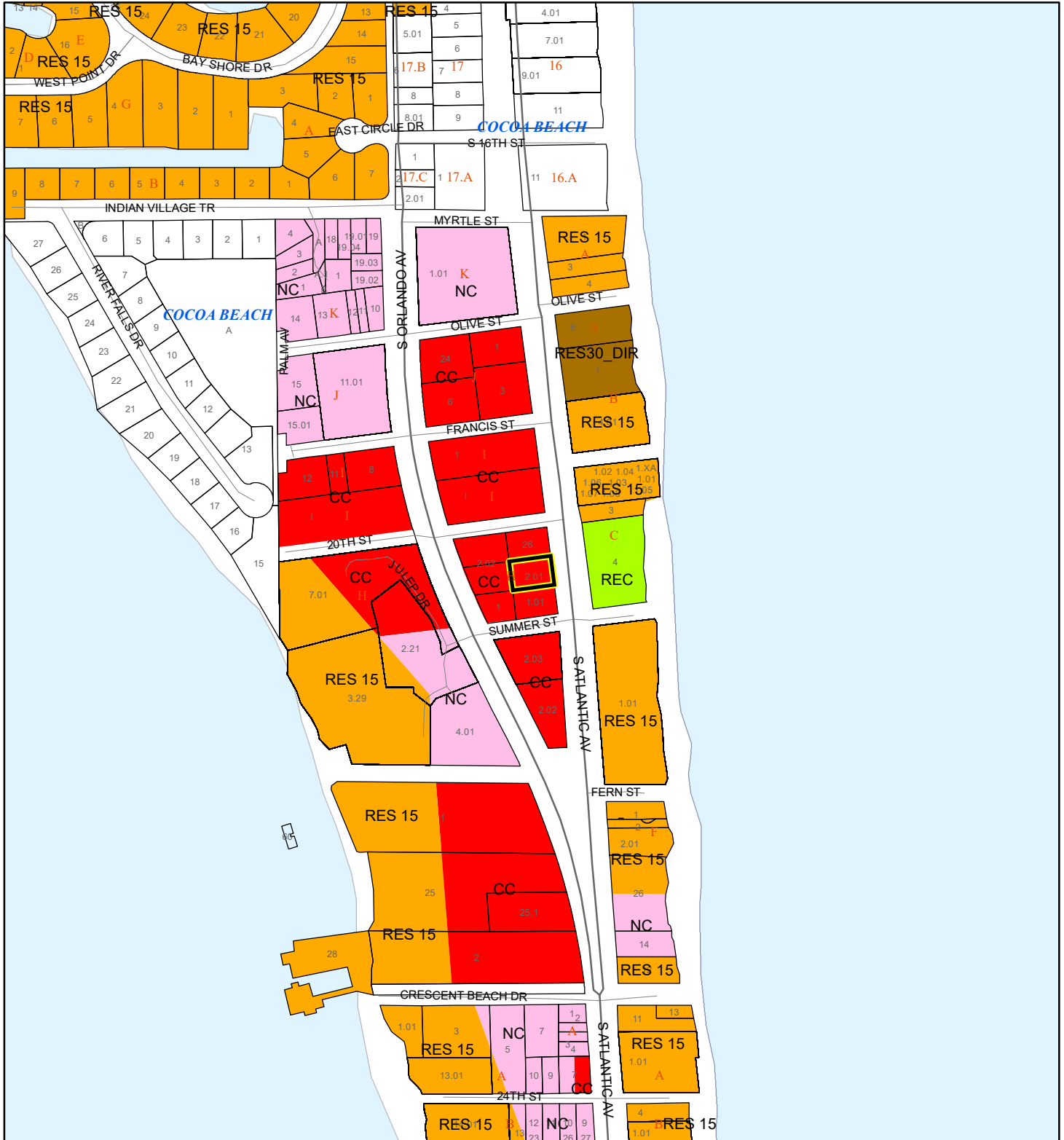
Parcels

Zoning



FUTURE LAND USE MAP

DeROSA HOLDINGS, LLC

21PZ00059



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: 8/31/2021

AERIAL MAP

DeROSA HOLDINGS, LLC

21PZ00059



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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Produced by BoCC - GIS Date: 8/31/2021

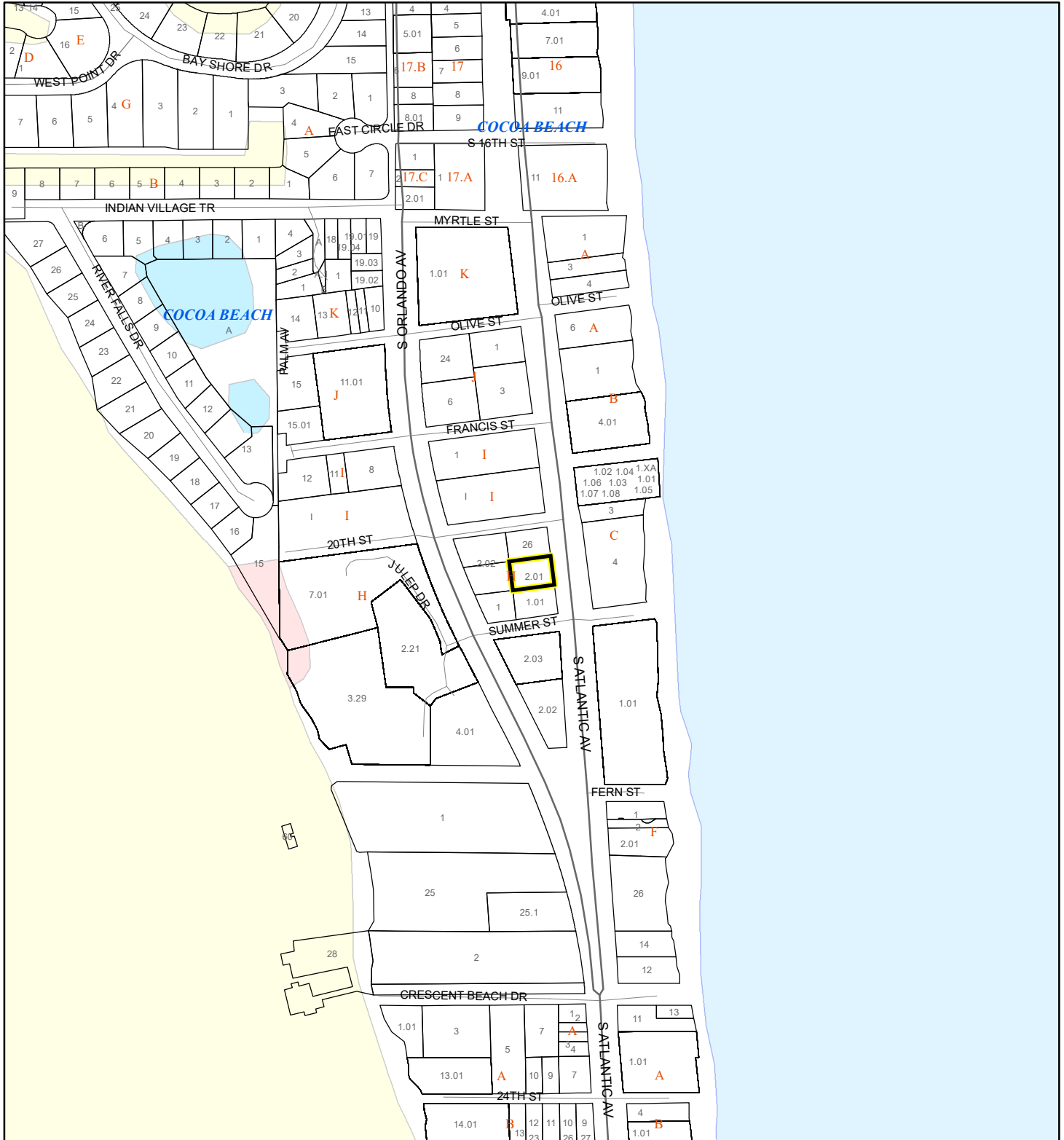
 Subject Property

 Parcels

NWI WETLANDS MAP

DeROSA HOLDINGS, LLC

21PZ00059













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/31/2021

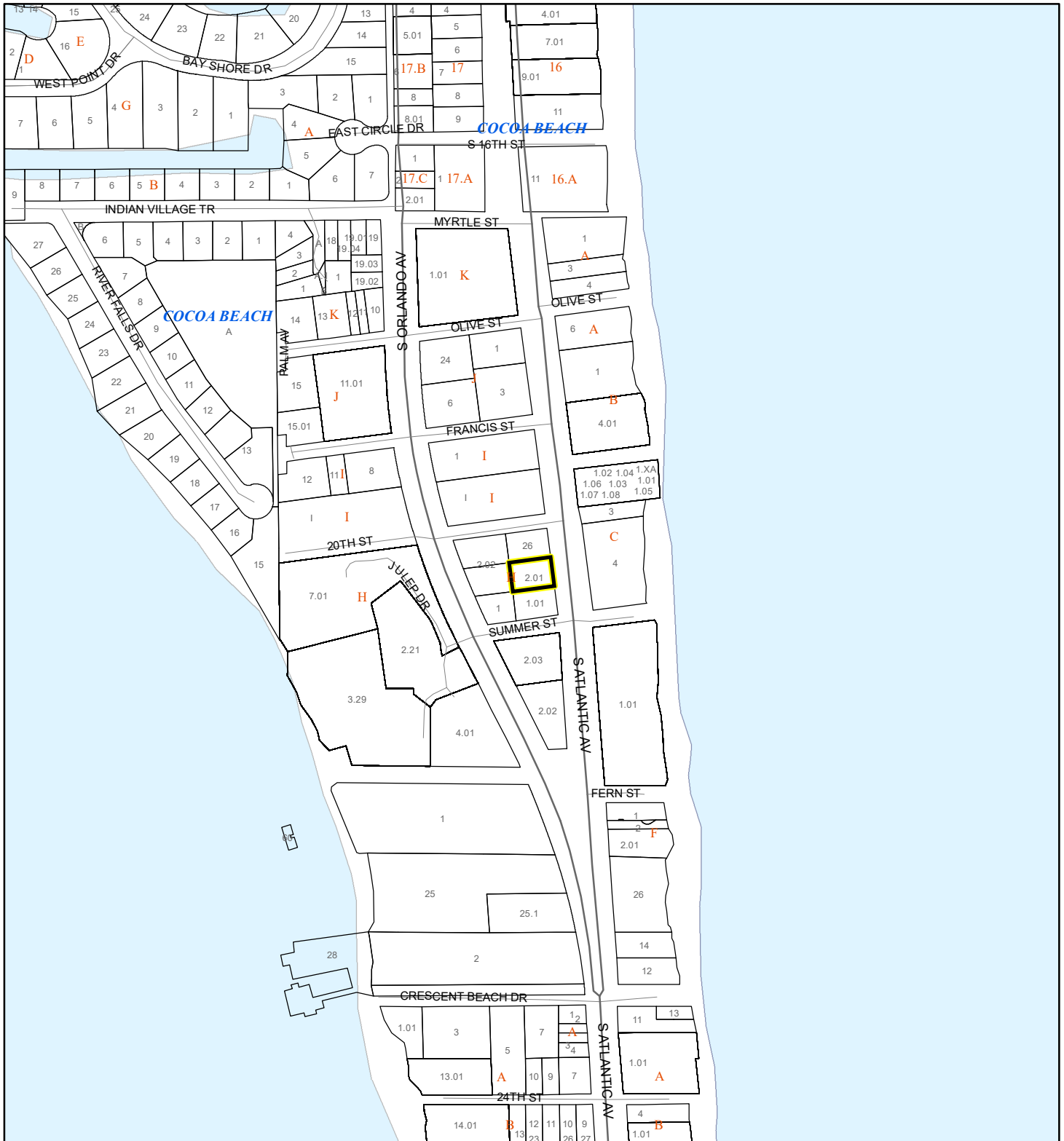
National Wetlands Inventory (NWI)

 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

DeROSA HOLDINGS, LLC

21PZ00059



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: 8/31/2021

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

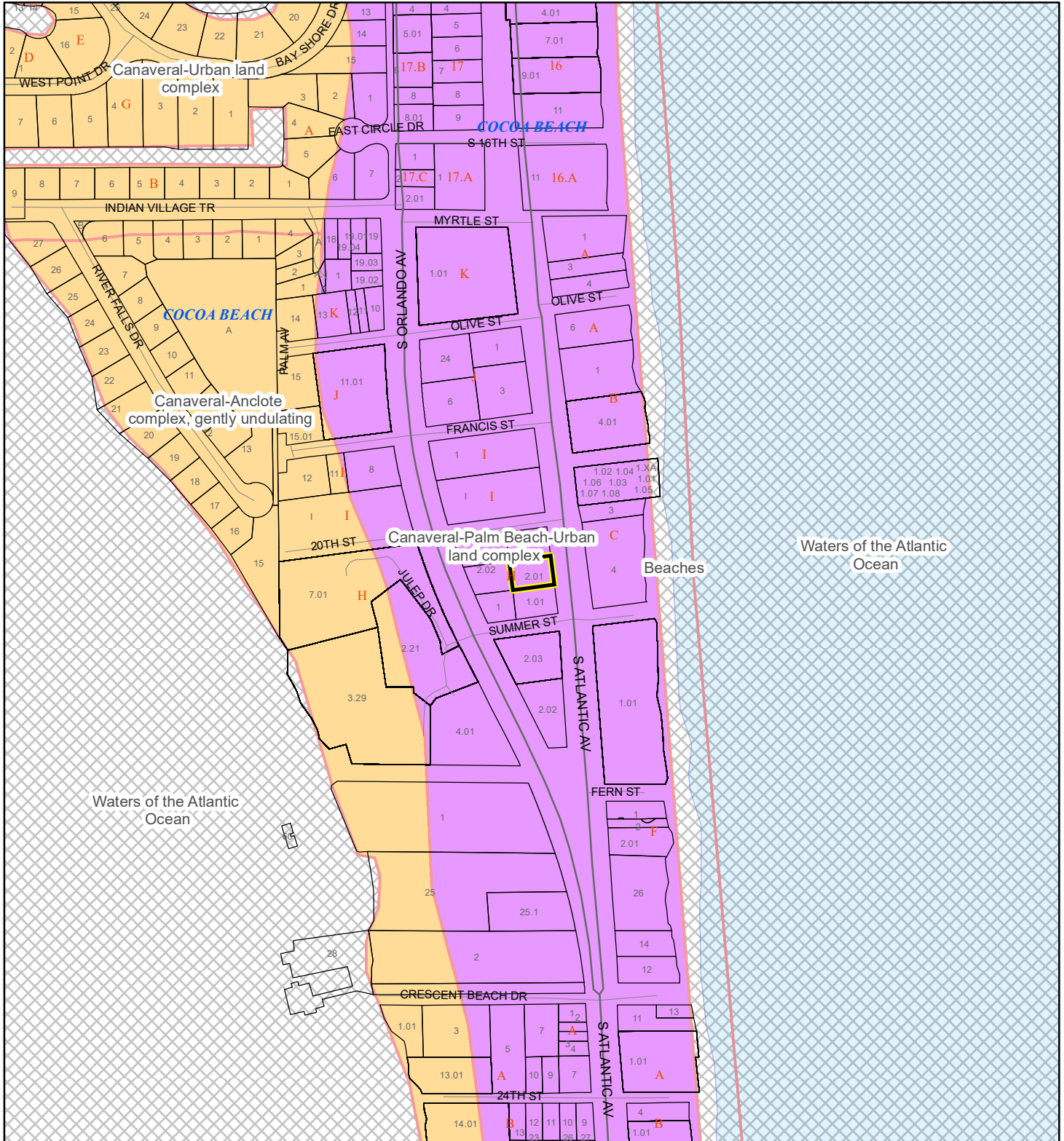
Subject Property

Parcels

USDA SCSSS SOILS MAP

DeROSA HOLDINGS, LLC

21PZ00059



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: 8/31/2021

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

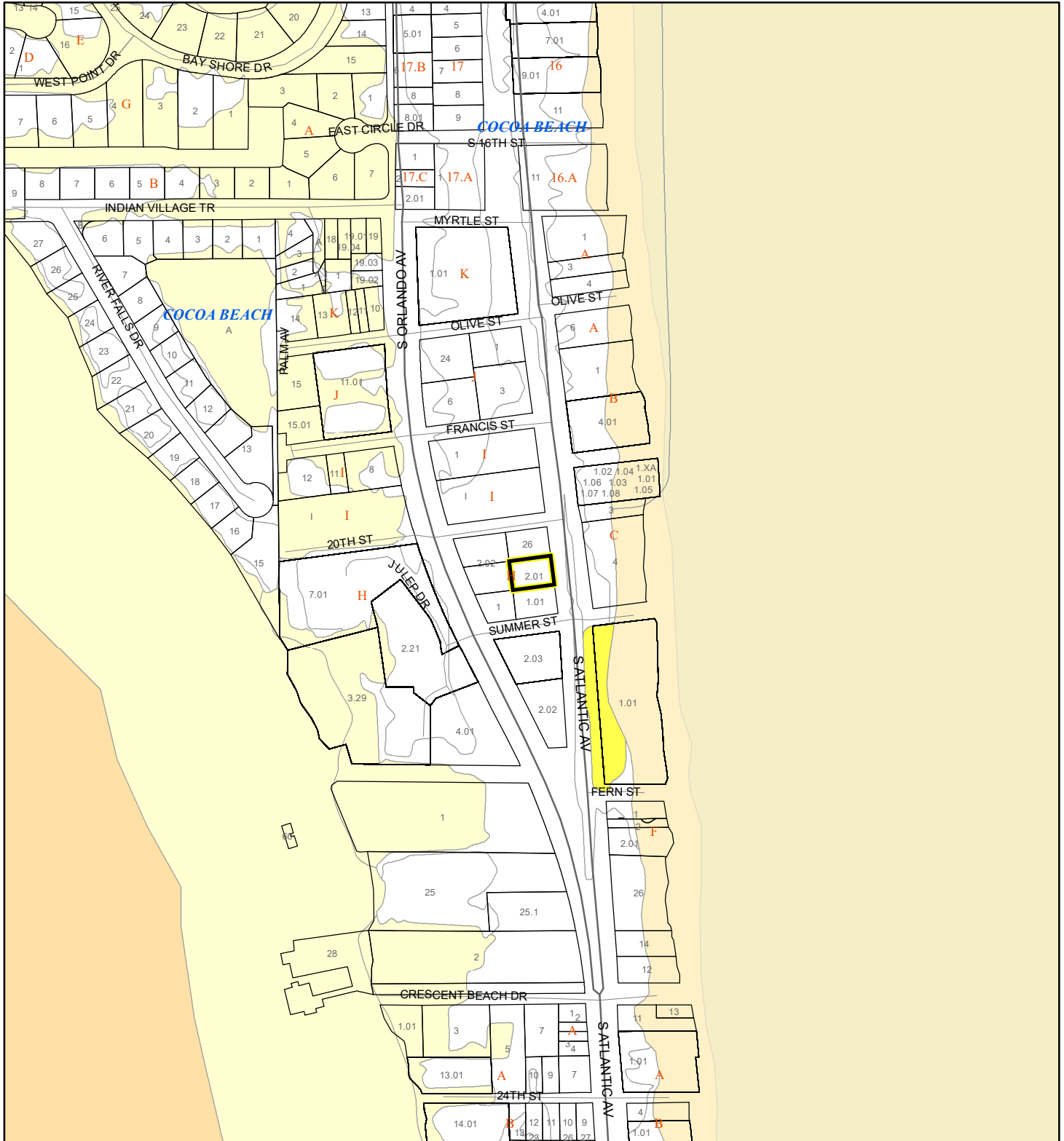
Subject Property

Parcels

FEMA FLOOD ZONES MAP

DeROSA HOLDINGS, LLC

21PZ00059



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/31/2021

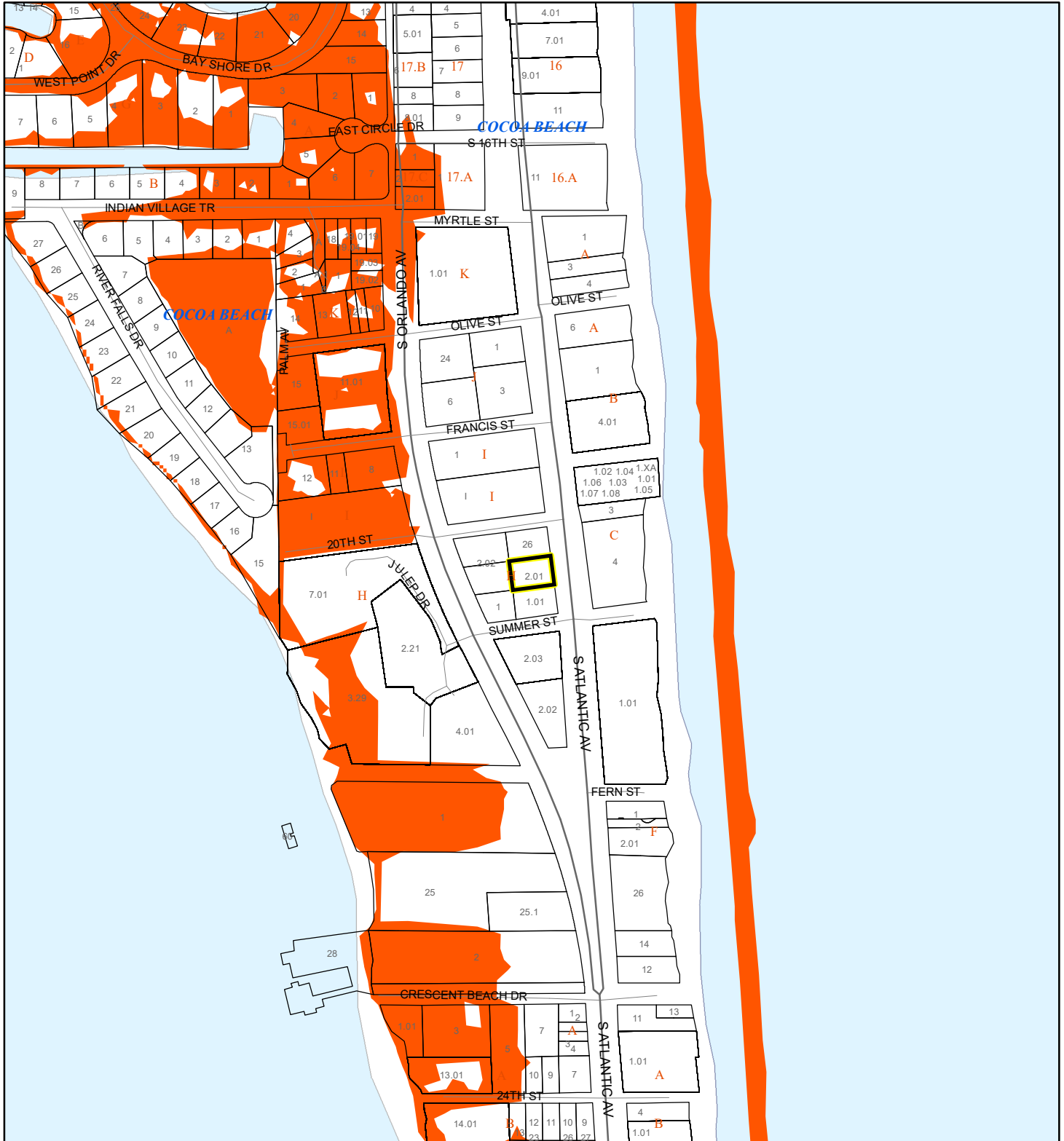
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

DeROSA HOLDINGS, LLC

21PZ00059



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/31/2021

 Subject Property

 Parcels

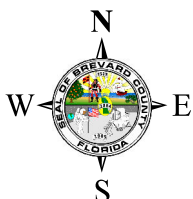
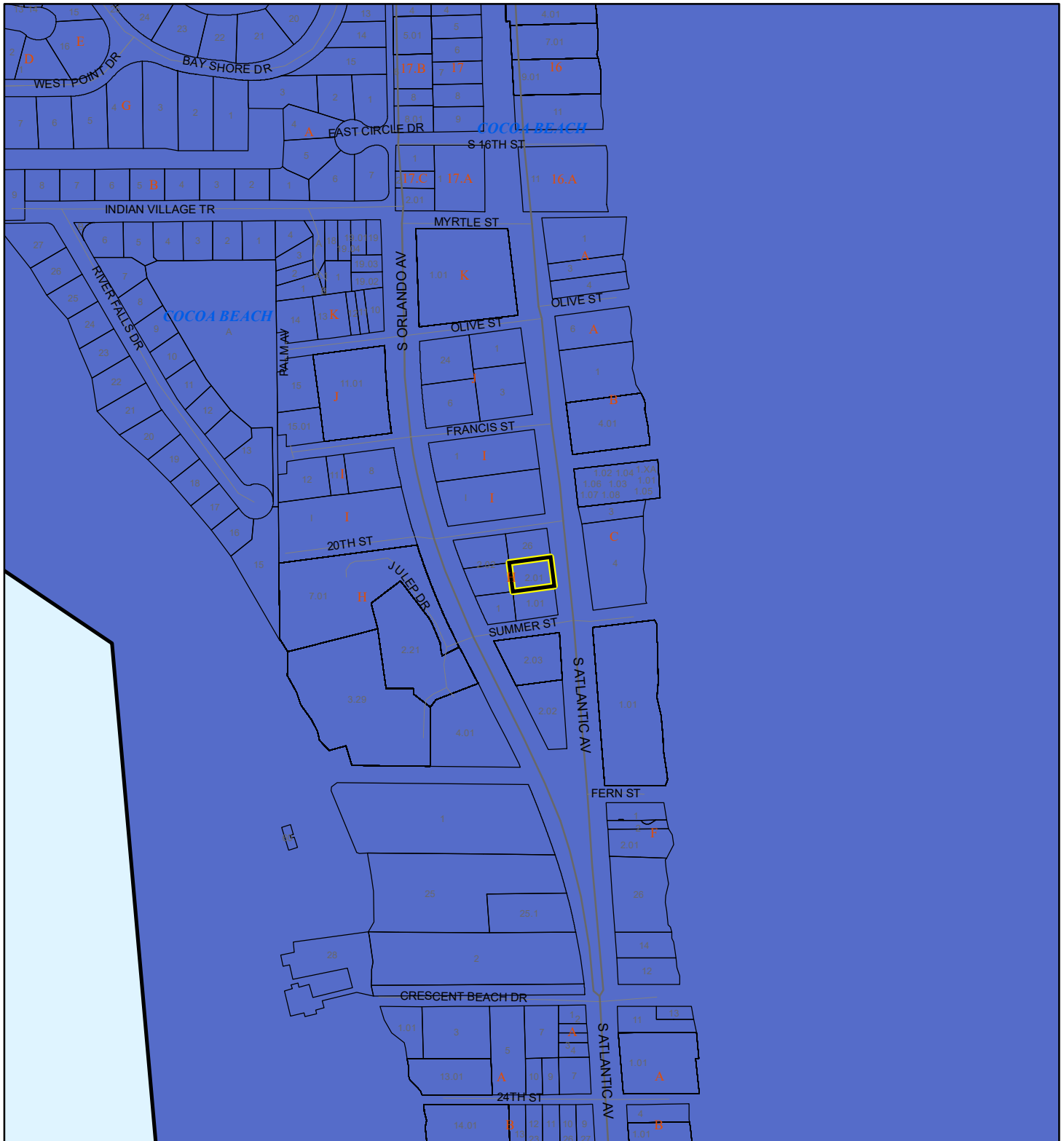
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

DeROSA HOLDINGS, LLC

21PZ00059



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/31/2021

 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

DeROSA HOLDINGS, LLC

21PZ00059




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/31/2021

 Subject Property

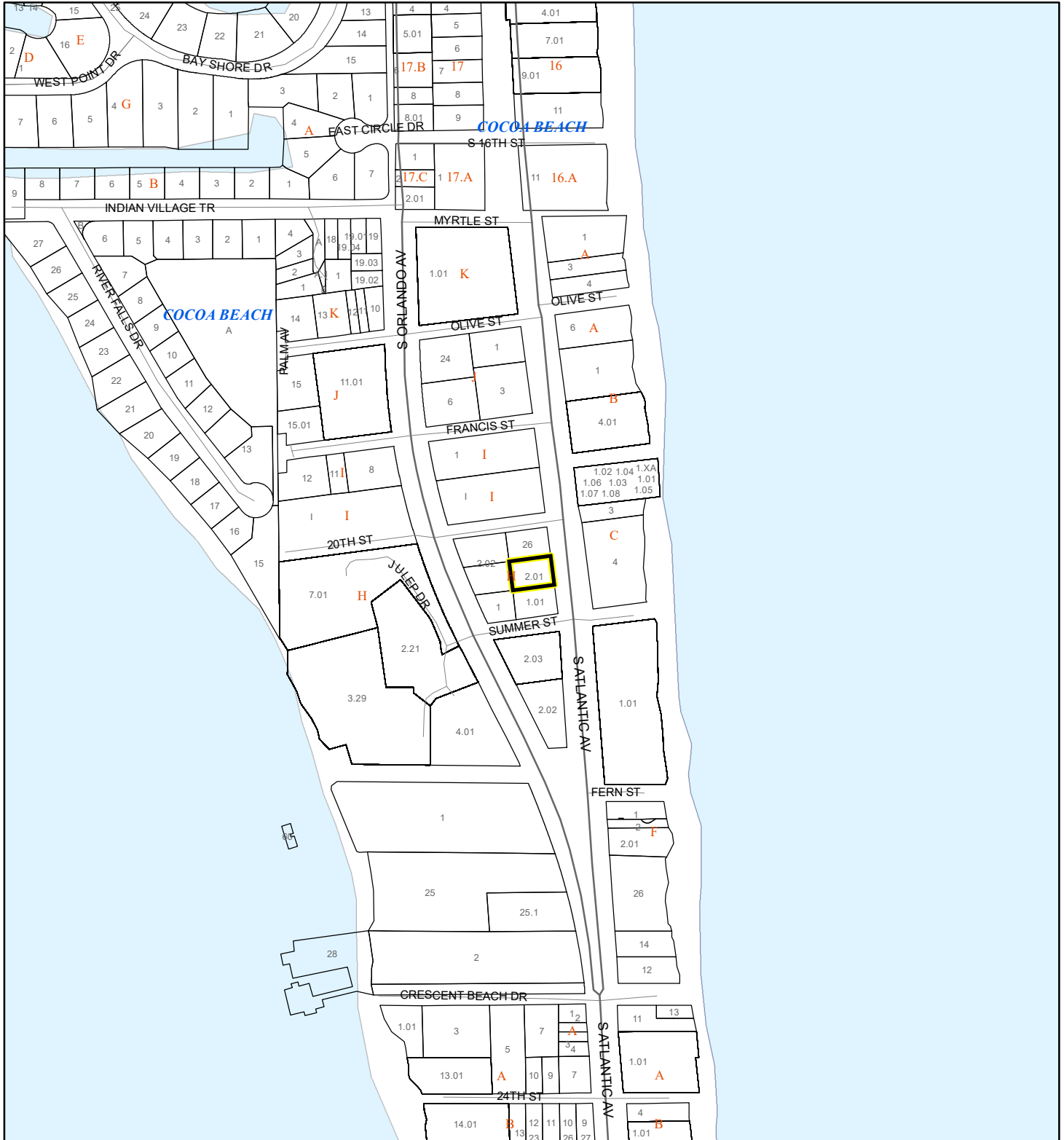
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

DeROSA HOLDINGS, LLC

21PZ00059



1:4,800 or 1 inch = 400 feet

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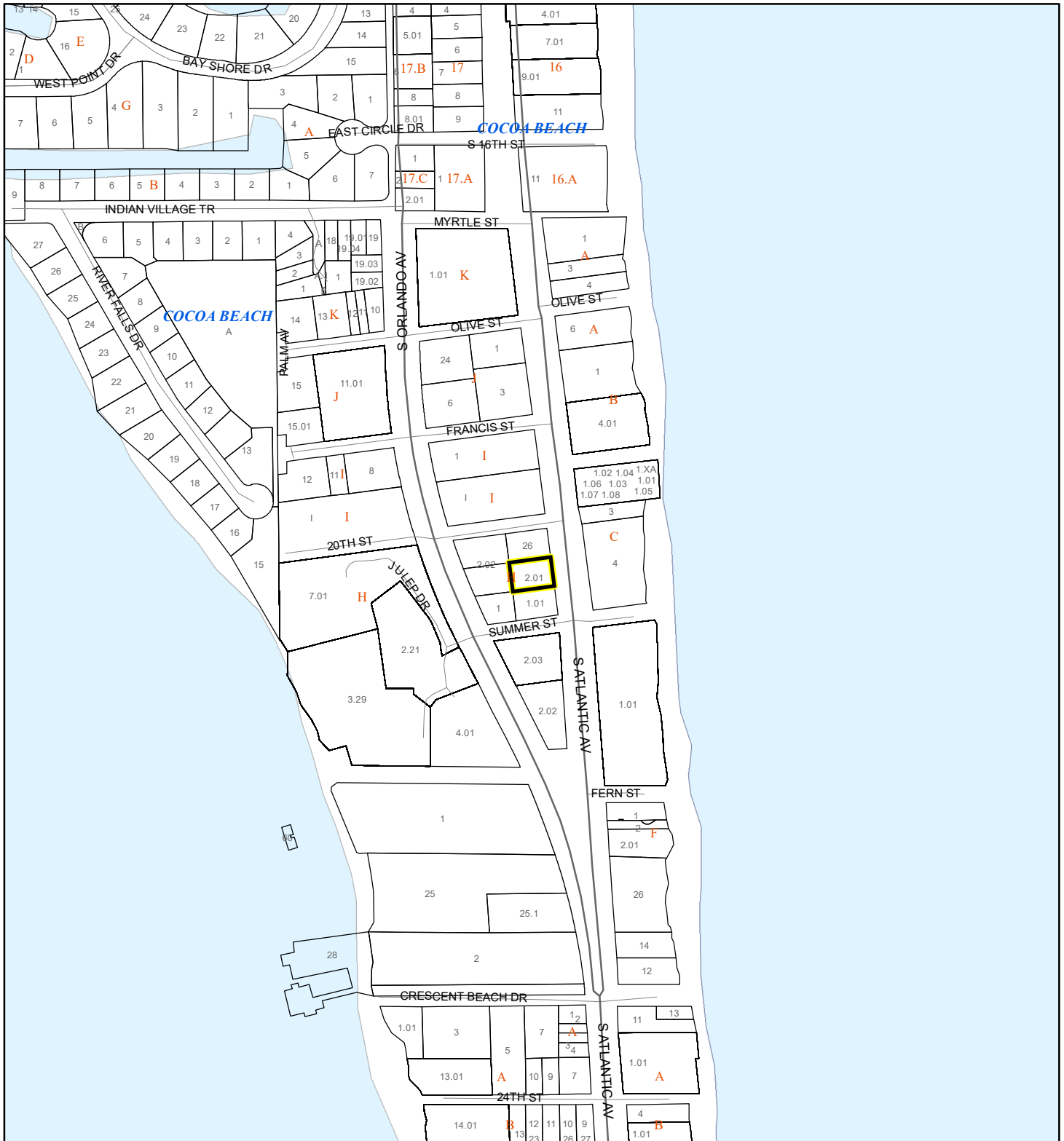
Produced by BoCC - GIS Date: 8/31/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

DeROSA HOLDINGS, LLC

21PZ00059



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/31/2021

SJRWMD FLUCCS Upland Forests

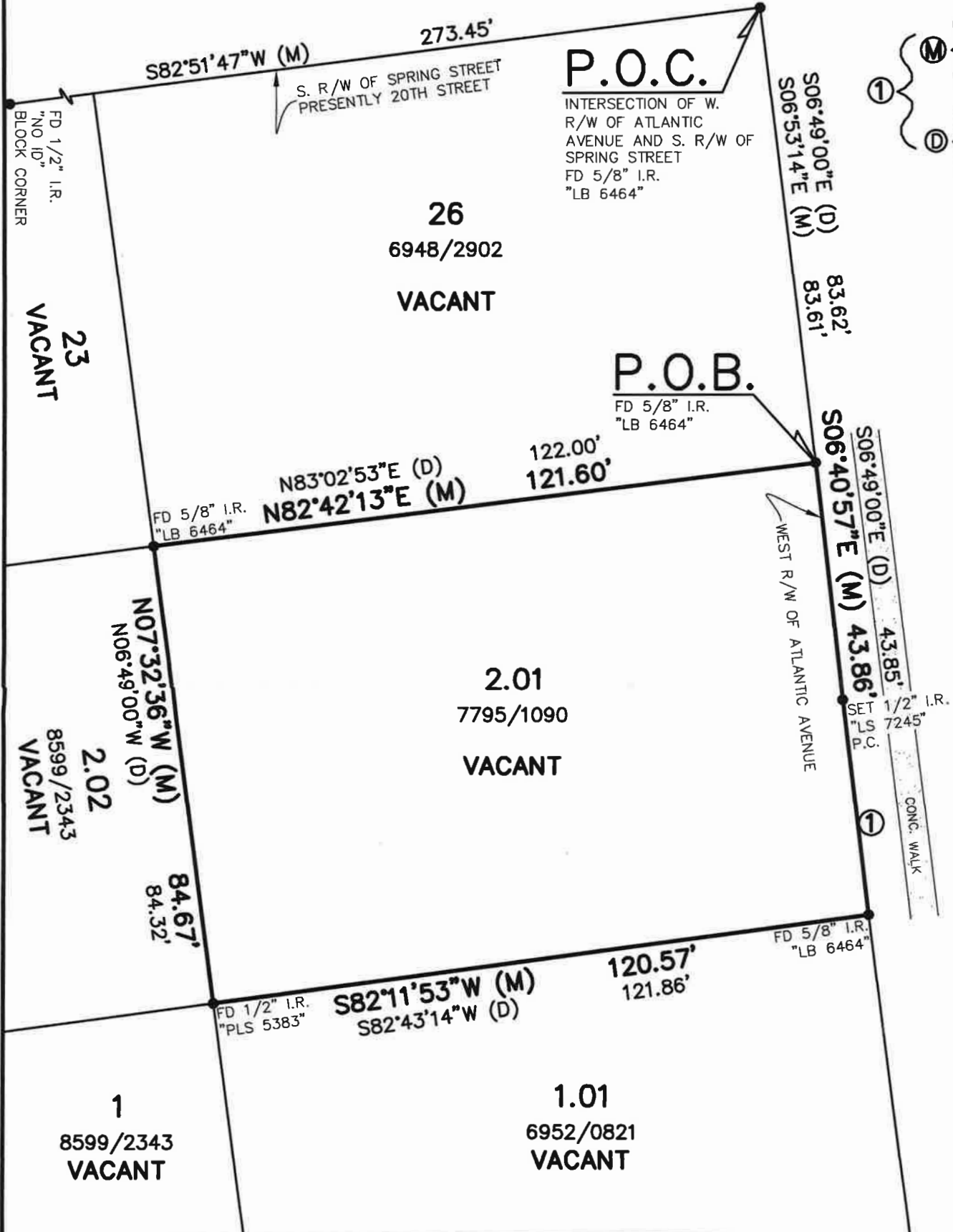
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

GOODNIGHT SURVEYING AND MAPPING, LLC

BOUNDARY SURVEY OF:

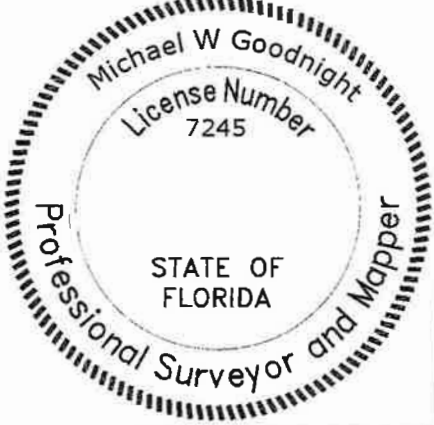
A PARCEL OF LAND BEING A PORTION OF BLOCK H OF A. & B. BRUNERS RE-SUBDIVISION OF BLOCKS A, H, J, K, AND PARTS OF BLOCKS C & I OF A. L. BRUNERS RE-SUB OF BURCHFIELD & BRUNERS ADDITION TO CRESCENT BEACH, RECORDED IN PLAT BOOK 9, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT AN IRON ROD MONUMENTING THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF ATLANTIC AVENUE, AS PRESENTLY LOCATED (A 100 FOOT WIDE RIGHT OF WAY) WITH THE SOUTH RIGHT OF WAY LINE OF SPRING STREET (A 42 FOOT WIDE RIGHT OF WAY) AND RUN S.06°49'00"E., ALONG SAID WEST RIGHT OF WAY OF ATLANTIC AVENUE, A DISTANCE OF 83.62 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S.06°49'00"E., ALONG SAID WEST RIGHT OF WAY LINE OF ATLANTIC AVENUE, A DISTANCE OF 43.85 FEET TO THE POINT OF CURVATURE OF 5679.65 FOOT RADIUS CURVE TO THE LEFT; THENCE CONTINUE SOUTHEASTERLY ALONG SAID WEST RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 00°24'04", A DISTANCE OF 39.77 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE RUN S.82°43'14"W., A DISTANCE OF 121.86 FEET; THENCE N.06°49'00"W., A DISTANCE OF 84.32 FEET; THENCE N.83°02'53"E., A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING.



① { Δ = 00°24'04"
R = 5679.65'
L = 39.75'
② { Δ = 00°24'04"
R = 5679.65'
L = 39.77'



ATLANTIC AVENUE
(100' PUBLIC RIGHT - OF - WAY - DEED)



SCALE: 1" = 30'
DATE: 04/28/2021
PROJECT: 21-107
REVISION:

CERTIFIED TO: MARINE BANK & TRUST COMPANY, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR
DEROSA HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
INTERNATIONAL TITLE AND ESCROW CO., LLC
ALLIANT NATIONAL TITLE INSURANCE COMPANY

- LEGEND
- (AKA) = Also Known As
 - CL = Centerline
 - C.B. = Concrete Block
 - C.B.S. = Concrete Block Structure
 - C.L.F. = Chain Link Fence
 - CLR. = Clear
 - C.M. = Concrete Monument
 - CONC. = Concrete
 - COR. = Corner
 - COVD = Covered
 - ENCH. = Encroachment
 - FD = Found
 - ID = Identification
 - I.P. = Iron Pipe
 - I.R. = Iron Rod
 - L = Length
 - (M) = Measured
 - N/D = Nail & Disk
 - N.R. = Non Radial
 - (P) = Plat
 - P.C. = Point of Curvature
 - P.T. = Point of Tangency
 - PP = Power Pole
 - P.S.M. = Professional Surveyor & Mapper
 - P.U. & D. = Public Utility & Drainage
 - PVMT = Pavement
 - R = Radius
 - R/W = Right-of-way
 - (TYP.) = Typical
 - W.F. = Wood Fence
 - V.F. = Vinyl Fence
 - Δ = Delta Angle

GOODNIGHT SURVEYING & MAPPING
1520 TARPON STREET
MERRITT ISLAND, FL 32952
PHONE: 321-720-9990
www.goodnightsurveying.com
michael@goodnightsurveying.com

- SURVEYOR'S NOTES:
- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON AN ASSUMED BEARING OF N.06°49'00"E., ALONG THE WEST R/W LINE OF ATLANTIC AVENUE.
 - 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0461 H, INDEX DATED 01-29-2021, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
 - 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
 - 4) THIS TRACT CONTAINS 10,181 SQUARE FEET OR 0.23 ACRES OF LAND MORE OR LESS.
 - 5) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
 - 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- LIABILITY SHALL NOT EXCEED THE TOTAL AMOUNT PAID TO THE SURVEYOR BY THE CLIENT.

CERTIFIED BY: Michael W Goodnight
2021.06.07 15:28:26 -04'00'
MICHAEL W GOODNIGHT
FLORIDA P.S.M. #7245
(NOT VALID UNLESS SIGNED & SEALED)
SHEET: 1 OF 1

Existing BDP
21PZ00059
DeRosa

CFN:2005051666 02-15-2005 12:25 pm
OR Book/Page: 5422 / 5613

Prepared by: J. Mason Williams, Esq.
GrayRobinson
1800 W. Hibiscus Blvd, Ste 138
P.O. Box 1870
Melbourne, FL 32902-1870

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 8th day of Februaury 2005 between
THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as
"County") and STEVEN J. & BETH M. HOSKINS, JASON CARMINE UVARO,
MICHAEL FRANCIS DUFFIELD & CARL UVARO (hereinafter referred to as
"Developer/Owner"):

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to a the
"Property") in Brevard County, Florida, as more particularly described in Exhibit "A"
attached hereto and incorporated herein by this reference; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner
wishes to mitigate negative impacts on abutting land owners and affected facilities or
services; and

WHEREAS, the County is authorized to regulate development of the Property;
and

WHEREAS, Developer/Owner desires to develop the Property as a luxury
townhome subdivision under RU-2-12 zoning and to submit to this Binding Development
Plan pursuant to Brevard County Code, Section 62-1157.

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 7	#Names: 6	
Trust: 4.00	Rec: 59.00	Serv: 0.00
Deed: 0.00		Excise: 0.00
Mtg: 0.00		Int Tax: 0.00



NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. Developer/Owner shall develop the Property as a luxury townhome subdivision under RU-2-12 zoning with density limited to thirteen (13) units on the Property, and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. Developer/Owner shall pay all impact fees required by the County to be paid in connection with Development of the Property.

4. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

5. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

6. This Agreement shall be binding upon and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property.

RETURN: Clerk to the Board #27

(23)

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

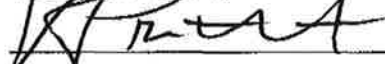


Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

2725 Judge Fran Jamieson Way

Viera, FL 32940



Ron Pritchard, DPA Chairman

As approved by Board on February 8, 2005

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 8th day of February 2005 by Ron Pritchard, DPA, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

My commission




Notary Public


SEAL


Commission No.:

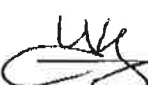
(Name typed, printed or stamped)

WITNESSES:

DEVELOPER/OWNER


by Tanna Ryan
Bernadette Jones
BERNADETTE JONES


STEVEN J. HOSKINS


by Tanna Ryan
Bernadette Jones
BERNADETTE JONES


BETH M. HOSKINS

RETURN: Clerk to the Board #27



Joe Kalagichy
Jaredana Kaldenchy
Eileen Clark
Eileen Clark

[Signature]
JASON CARMINE UVARO

[Signature]
MICHAEL FRANCIS DUFFIELD

[Signature]
CARL UVARO

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 15 day of November, 2004, by STEVEN J. HOSKINS, who is personally known to me or who has produced FLDL#H252790621670 as identification.

My commission expires 10/16/07



[Signature]
Notary Public

MARGARET C. HANCOCK

(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 15 day of November, 2004, by BETH M. HOSKINS, who is personally known to me or who has produced FLDL#H252073637110 as identification.

My commission expires



Margaret C. Hancock

Notary Public

MARGARET C HANCOCK

(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

December
The foregoing instrument was acknowledged before me this 2nd day of ~~November~~, 2004, by JASON CARMINE UVARD, who is personally known to me or who has produced Florida Drivers License #A160-423-74-410-0 as identification.

My commission expires

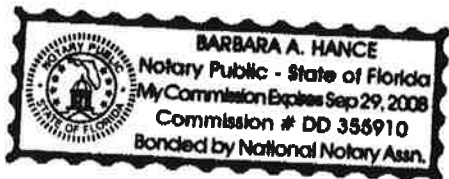
SEAL

Commission No.:

Barbara A. Hance

Notary Public

(Name typed, printed or stamped)



STATE OF FLORIDA
COUNTY OF BREVARD

~~December~~ The foregoing instrument was acknowledged before me this 2nd day of November, 2004, by MICHAEL FRANCIS DUFFIELD, who is personally known to me or who has produced FLORIDA Driver Lic. # D143-546-7a-421-0 as identification.

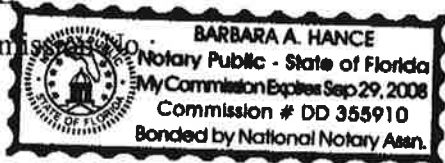
My commission expires

Barbara A. Hance

Notary Public

SEAL

Commission Expires



(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 15 day of November, 2004, CARL UVARO, who is personally known to me or who has produced FDL# 160 126 471900 as identification.

My commission expires

Margaret C. Hancock

Notary Public

SEAL

Commission Expires



(Name typed, printed or stamped)

RETURN: Clerk to the Board #27

A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and parts of Blocks, C and I of A.L. Bruner's Re-Sub of Burchfield & Bruner's Addition to Crescent Beach, recorded in Plat Book 9, Page 4 of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at an iron rod monumenting the intersection of the Westerly Right-of-Way line of Atlantic Avenue, as presently located (a 100 foot wide Right-of-Way) with the South Right-of-Way line, of Springs Street (a 42 foot wide Right-of-Way) and run South 83°22'56" West along said South Right-of-Way line, a distance of 122.00 feet to an iron rod, the Point of Beginning; thence continue South 83°22'56" West, along said South Right-of-Way line, a distance of 149.37 feet to an iron rod on the Easterly Right-of-Way line of Orlando Avenue, as presently located (a 100 foot wide Right-of-Way), said point being on an 1860.08 foot radius curve to the left having a tangent bearing of South 17°34'14" East; thence Southeasterly, along the arc of said curve and along said Easterly Right-of-Way line, thru a central angle of 08°07'18" a distance of 263.67 feet to an iron rod on the North Right-of-Way line of Summer Street (a 50 foot wide Right-of-Way), thence North 82°23'26" East, along said North Right-of-Way line, a distance of 82.02 feet to an iron rod; thence North 06°48'00" West, a distance of 253.02 feet to the Point of Beginning.

LEGAL DESCRIPTION: (Parcel A-3) J

A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and part of Blocks, C & I of A.L. Bruner's Re-Sub and Bruner's Addition of Crescent Beach, Recorded in Plat Book 9, Page 4, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at an iron rod monumenting the intersection of the West right of way line of Atlantic Avenue, as presently located (a 100 foot wide right of way) with the South right of way line of Spring Street (a 42 foot wide right of way), and run South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 127.47 feet to the point of curvature of a 5679.85 foot radius curve to the left; thence continue Southeasterly along said West right of way line and along the arc of said curve; thru a central angle of 00°24'04", a distance of 39.77 feet to the Point of Beginning of the herein described parcel; thence continue Southeasterly along said West right of way line and along the arc of said curve thru a central angle of 00°50'40", a distance of 83.70 feet to the North right of way line of Summer Street (a 50 foot wide right of way); thence South 82°23'26" West along said North right of way line, a distance of 120.67 feet; thence North 06°48'00" West, a distance of 84.32 feet; thence North 82°43'14" East a distance of 121.86 feet to the Point of Beginning.

LEGAL DESCRIPTION: (Parcel A-1) C

A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and part of Blocks, C & I of A.L. Bruner's Re-Sub and Bruner's Addition of Crescent Beach, Recorded in Plat Book 9, Page 4, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at an iron rod monumenting the intersection of the West right of way line of Atlantic Avenue, as presently located (a 100 foot wide right of way) with the South right of way line of Spring Street (a 42 foot wide right of way), and run South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 83.82 feet; thence leaving said West right of way line run South 83°02'53" West a distance of 122.00 feet; thence North 06°48'00" West parallel to said right of way of Atlantic Avenue, a distance of 84.33 feet to the aforesaid South right of way line of Spring Street; thence North 83°22'56" East a distance of 122.00 feet to the Point of Beginning.

LEGAL DESCRIPTION: (Parcel A-2) M

A parcel of land being a portion of Block "H" of A & B Bruner's Re-Subdivision of Blocks A, H, J, K and part of Blocks, C & I of A.L. Bruner's Re-Sub and Bruner's Addition of Crescent Beach, Recorded in Plat Book 9, Page 4, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commence at an iron rod monumenting the intersection of the West right of way line of Atlantic Avenue, as presently located (a 100 foot wide right of way) with the South right of way line of Spring Street (a 42 foot wide right of way), and run South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 83.82 to the Point of Beginning of the herein described parcel; thence continue South 06°48'00" East along said West right of way line of Atlantic Avenue, a distance of 43.85 feet to the point of curvature of a 5679.85 foot radius curve to the left; thence continue Southeasterly along said West right of way line and along the arc of said curve; thru a central angle of 00°24'04", a distance of 39.77 feet; thence leaving said West right of way line run South 82°43'14" West a distance of 121.86 feet; thence North 06°48'00" West, a distance of 84.32 feet; thence North 82°43'14" East a distance of 121.86 feet to the Point of Beginning.



RETURN: Clerk to the Board #27

Prepared by: MBV Engineering, Inc.
Address: 1250 W. Eau Gallie Blvd., Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and DeRosa Holdings LLC (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU2-12 zoning classification(s) and desires to develop the Property as two detached Town Homes , and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall develop the property as two (2) detached residential units for residency and/or rental. The property shall remain under one ownership.

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property prior to issuance of an approved development order.
4. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
6. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 14 above.
8. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Rachel Sadoff, Clerk of Court
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

DeRosa Holdings LLC
1173 N.E. 103rd. Street
Miami Shores, Florida, 33138

(Witness Name typed or printed)

(Witness Name typed or printed)

President

Jamie DeRosa

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ____ physical presence or ____ online notarization, this ____ day of _____, 20____, by _____, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public
(Name typed, printed or stamped)



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

11/15/2021

Subject:

Donald White and Trevantay Raymond Curry request a change of zoning classification from AU to RU-1-13. (21Z00029) (Tax Account 2103419) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from AU to RU-1-13 for the purpose of developing two single-family residential lots. RU-1-13 requires a minimum lot size of 7,500 sq. ft. and a minimum house size of 1,300 sq.ft.

The developed character of the surrounding area is a mixture of vacant and developed residential properties. Brevard Housing Authority is located across Warren Street to the north and developed with 25 duplex units on 7.75 acres. The site has a current developed density of 3.22 units per acre. The adjacent lot to the west (0.2 acres) is developed with a single-family home, while the lots to the east and south are vacant lots ranging in size from 0.5 acres to over 4 acres in size.

The Board may wish to consider whether the requested action is consistent and compatible with the surrounding area.

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

21Z00029

Donald White and Trevantay Raymond Curry

AU (Agricultural Residential) to RU-1-13 (Single-family Residential)

Tax Account Number: 2103419

Parcel I.D.: 21-35-17-00-770

Location: South side of Warren Street 205 feet east of Harry T. Moore Avenue
(District 1)

Acreage: 0.55 acres

Planning and Zoning Board: 11/15/2021

Board of County Commissioners: 12/02/2021

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	RU-1-13
Potential*	0 units	2 units
Can be Considered under the Future Land Use Map	YES 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 is requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-family Residential) for the purpose of developing two single-family residential lots.

The AU zoned area was original 1958 zoning. It appears the deed creating this lot was recorded on May 1, 1984 under ORB 2506 Page 1827. This lot appears to have been split out as a substandard lot and needs to be rezoned to be able to receive development rights.

Access to the property is through Warren Street which is paved and maintained by Brevard County.

Land Use

The subject property is currently designated as Residential 4 FLU. Both the current zonings of AU and RU-1-13 are consistent with the RES 4 FLU designation.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

FLUE Policy 1.7 – The Residential 4 Future 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 the Future Land Use Element.

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

The subject property and the surrounding area are all within the Residential 4 Future Land Use (FLU) designation. The subject property is 0.55 acres in size which can be subdivided consistent with this FLU designation creating, 2 - 0.25+ acre lots. Lots to the west, range in size from <0.25 acres to ½ acre in area; Larger lots 0.5+ acres can be found located to the north, south and east of this lot.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is a mixture of vacant and developed residential properties. Brevard Housing Authority is located across Warren Street to the north and developed with 25 duplex units upon 7.75 acres of land. The site has a current developed density of 3.22 units per acre. The adjacent lot to the west (0.2 acres) is developed with a single-family home, while the lots to the east and south are vacant lots ranging in size from 0.5 acres to over 4 acres in size.

Surrounding Area

The parcel's location is located within the East Mims Neighborhood lying east of Highway 1 and south of E. Main Street. The Mims Small Area Study was completed in March, 2007. The Brevard County Department of Housing and Human Services in 2004 prepared, and the Board of County Commissioners adopted, a Neighborhood Action Plan for the East Mims Neighborhood Strategy Area. The Action Plan contains numerous goals and objectives toward improving quality of life in East Mims. Although most relate to potential funding with Community Development Block Grant (CDBG) funds, the Action Plan is a reasonably comprehensive look at the community's development needs. In East Mims, particularly the core neighborhood area around Main Street and Harry T. Moore Boulevard, the need is less focused on new growth and greenfield development and more focused on redevelopment and expansion of opportunity in existing neighborhoods.

The parcel to the North is zoned RU-2-30, the highest residential zoning classification allowed within Brevard County. This zoning has the potential to develop up to 30-units per acre; however, with a Residential FLUM of RES 4 only 4-units per acre would be allowed/permitted. The property lying East of this site is zoned AU and is a vacant parcel. To the South is a parcel zoned RU-2-10 which

allows development up to 10 units per acre. This area also is limited to the Residential 4 FLUM. To this parcel's west lies a developed single-family home site, zoned AU. That lot fails to meet current zoning criteria to be consistent with that zoning classification.

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.

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

RU-2-30 classification permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

Although RU-1-13 zoning has not been established in the surrounding area, RU-1-11 has and requires the same lot size. The only difference between the two is the size of the house. RU-1-11 requires an 1,100 sq.ft. house vs. 1,300 sq.ft. for RU-1-13.

There has been three zoning actions within a half-mile radius of the subject property within the last three years. The most recent action, **20Z00041**, was for a change of zoning from BU-1 and AU to all BU-1 adopted on March 4, 2021. This location lies 1,790 feet in a southwesterly direction from this parcel and is located at the NE corner of US Highway 1 and Cuyler Street. The second action, **20Z00035**, was for a rezoning from AU to EU-1 adopted on February 4, 2021. This location lies 620 feet in a northeasterly direction from this site and is located on the south side of E. Main Street. The third action, **20Z00023**, was for a rezoning from RU-1-9 and BU-1 to BU-1-A with a BDP recorded in ORB 9063, Pages 1956-1961, limiting development of the RU-1-9 portion of the request to 4-units per acre; no limitations to the BU-1-A portion was stipulated. This zoning action was adopted on March 25, 2021. This location lies 470 feet in a NW direction from this lot at the SW corner of E. Main Street and Harry T. Moore Avenue.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Dairy Road to SR Highway 46, which has a Maximum Acceptable Volume (MAV) of 41,700 trips per day, a Level of Service (LOS) of D, and currently operates at 37.17% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 37.21% 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.

The parcel has access to public water from Brevard County Utilities, if it is extended from the north side of Warren Street. No sewer is available. A septic system will be required.

Environmental Constraints

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

The subject parcel contains mapped SJRWMD wetlands, an indicator that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal. 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 splitting the lot, if applicable.

For Board Consideration

The Board may wish to consider whether the requested action is consistent and compatible with the surrounding area.

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

Item #21Z00029

Applicant: Donald White

Zoning Request: AU to RU-1-13

Note: Applicant wants to develop lot, and possibly subdivide into two lots

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID No: 2103419

- 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 Species
- Land Clearing and Landscape Requirements

The subject parcel contains mapped SJRWMD wetlands, an indicator that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or building permit submittal. 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 splitting the lot, if applicable.

Land Use Comments:

Wetlands

The subject parcel contains mapped SJRWMD wetland code 6300 – Mixed Forested Wetland, as shown on the SJRWMD Florida Land Use & Cover Codes map, an indicator that wetlands may be present on the property. A wetland determination/delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or splitting of the lot, if applicable.

Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use 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, and should be contacted at 321-264-5393 for specific requirements to meet this classification.

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.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected Species

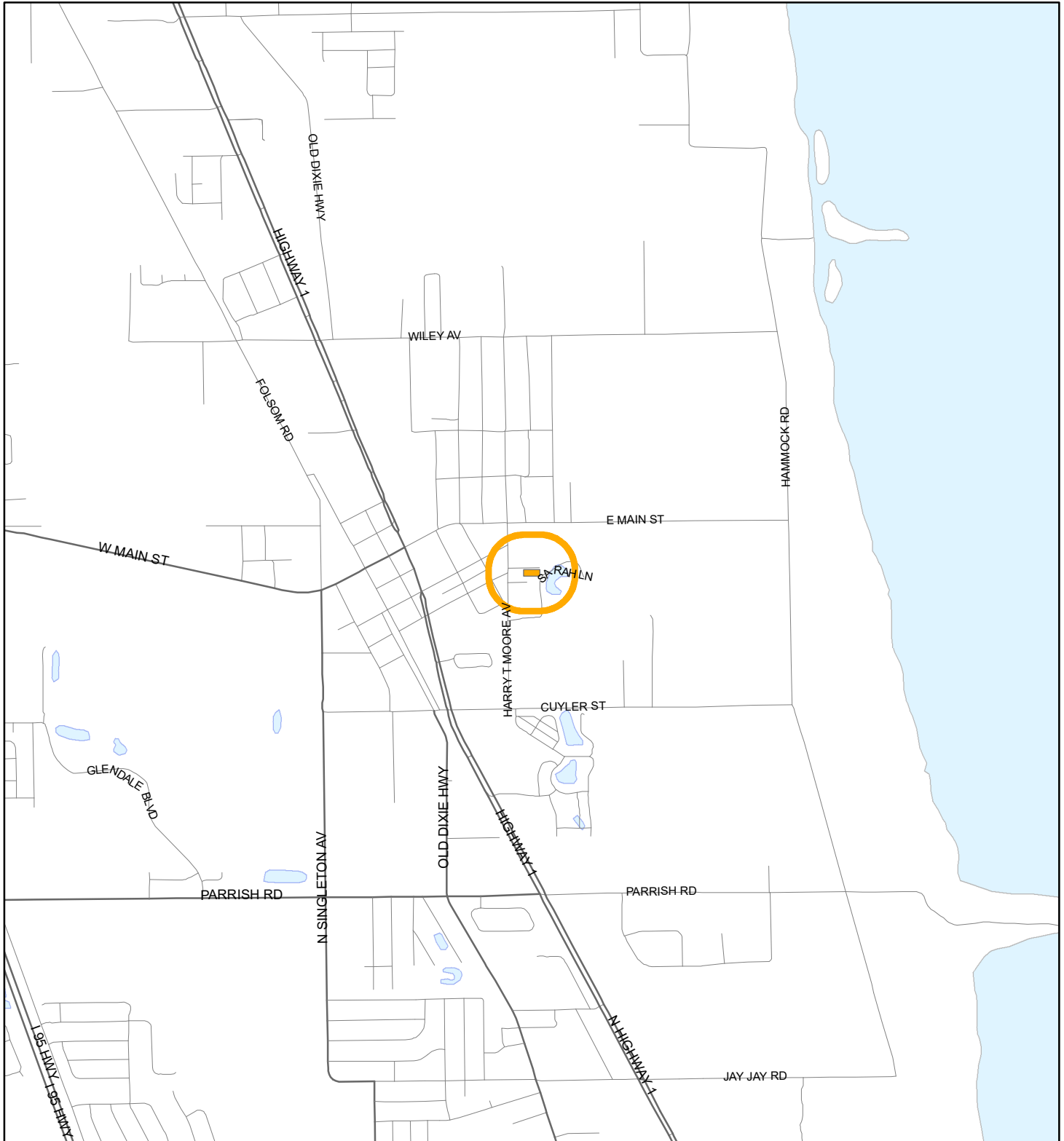
Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Land Clearing and Landscape Requirements

Aerials indicate that Specimen Trees (greater than or equal to 24 inches in diameter) may exist on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the 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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND
21Z00029





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.

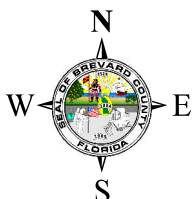
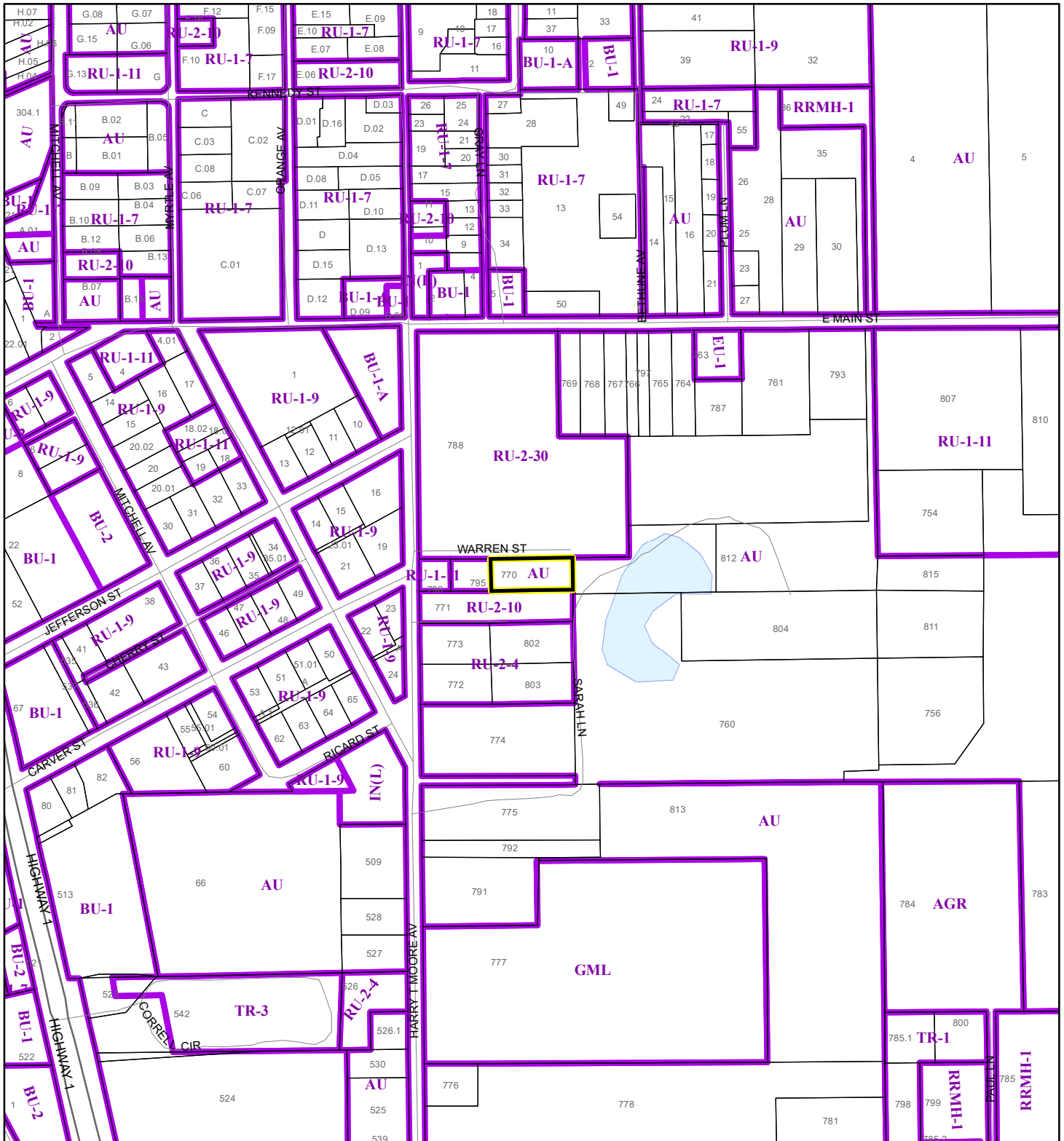
Produced by BoCC - GIS Date: 9/2/2021

 Buffer
 Subject Property

ZONING MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/2/2021

 Subject Property

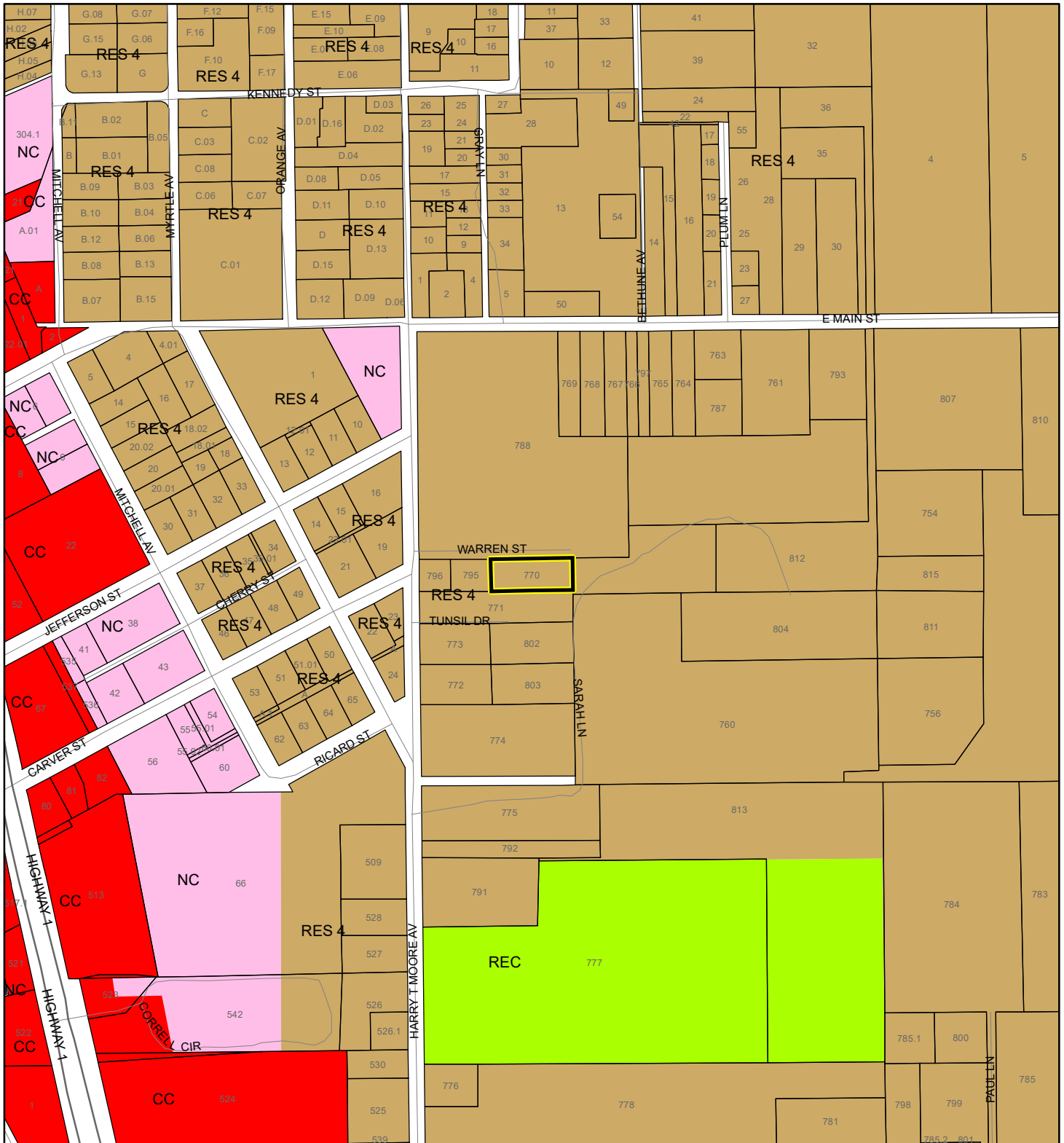
 Parcels

 Zoning



FUTURE LAND USE MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

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Produced by BoCC - GIS Date: 9/1/2021

AERIAL MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND
21Z00029





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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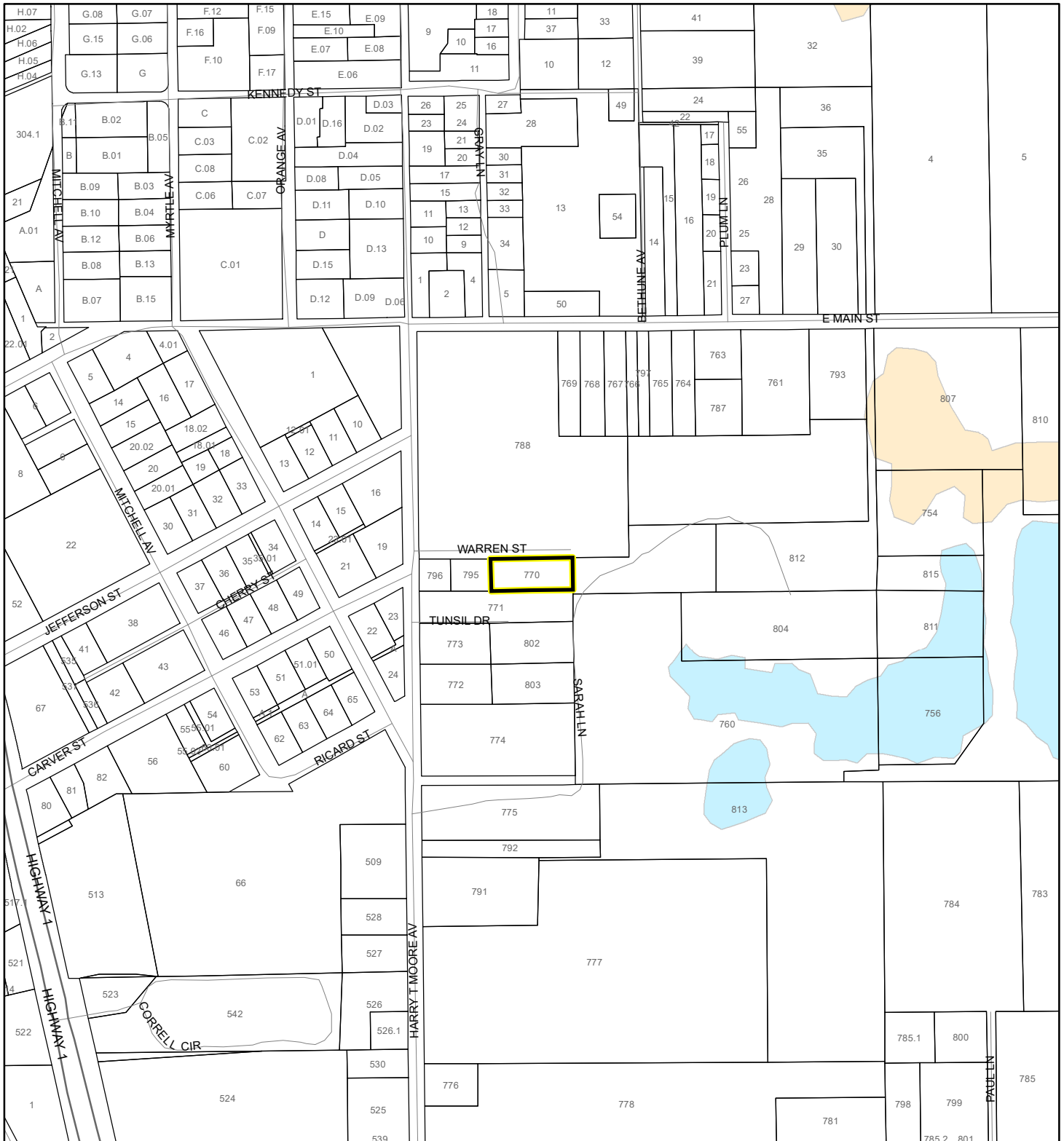
Produced by BoCC - GIS Date: 9/2/2021

 Subject Property
 Parcels

NWI WETLANDS MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/1/2021

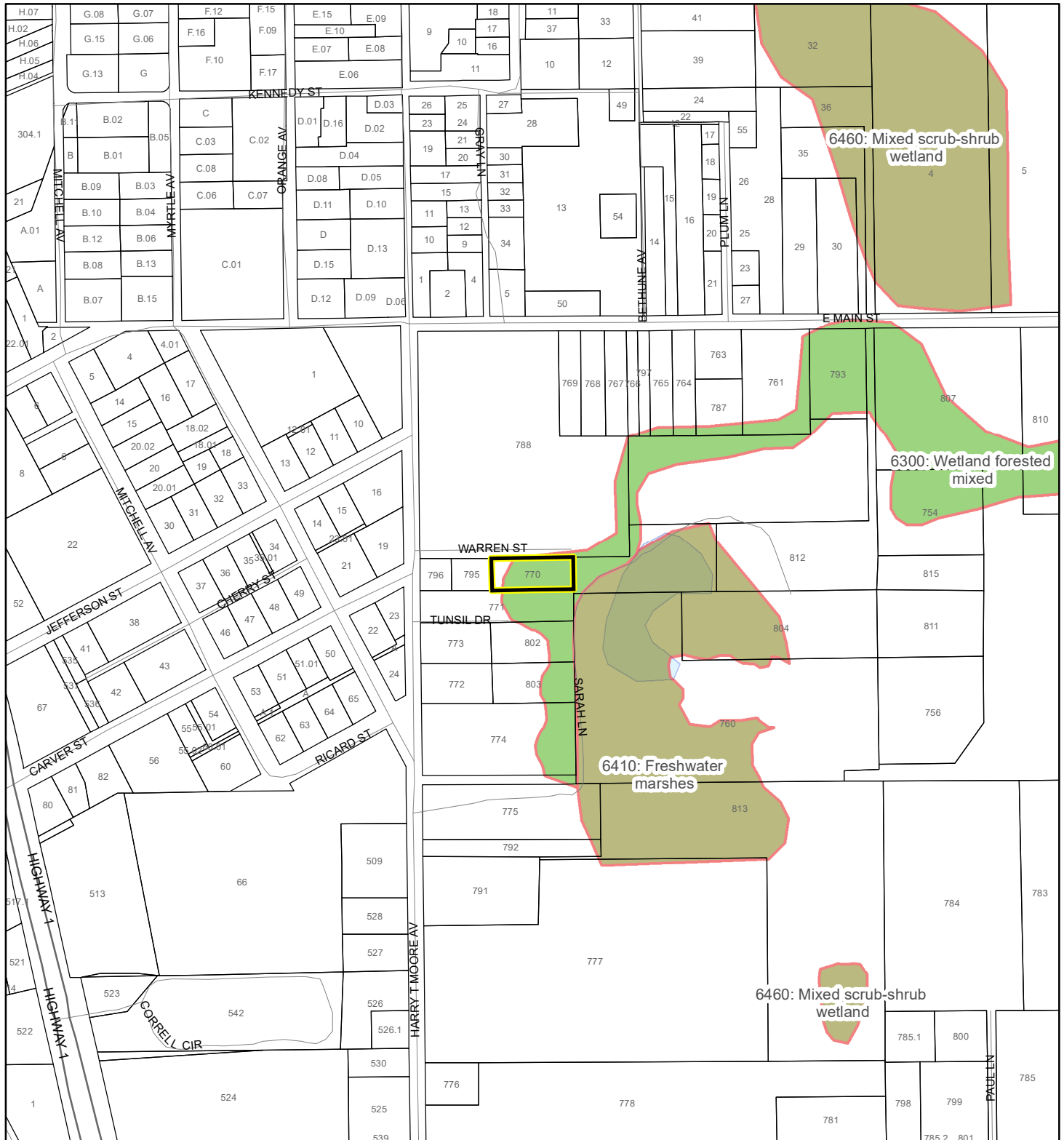
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| 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

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/1/2021

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

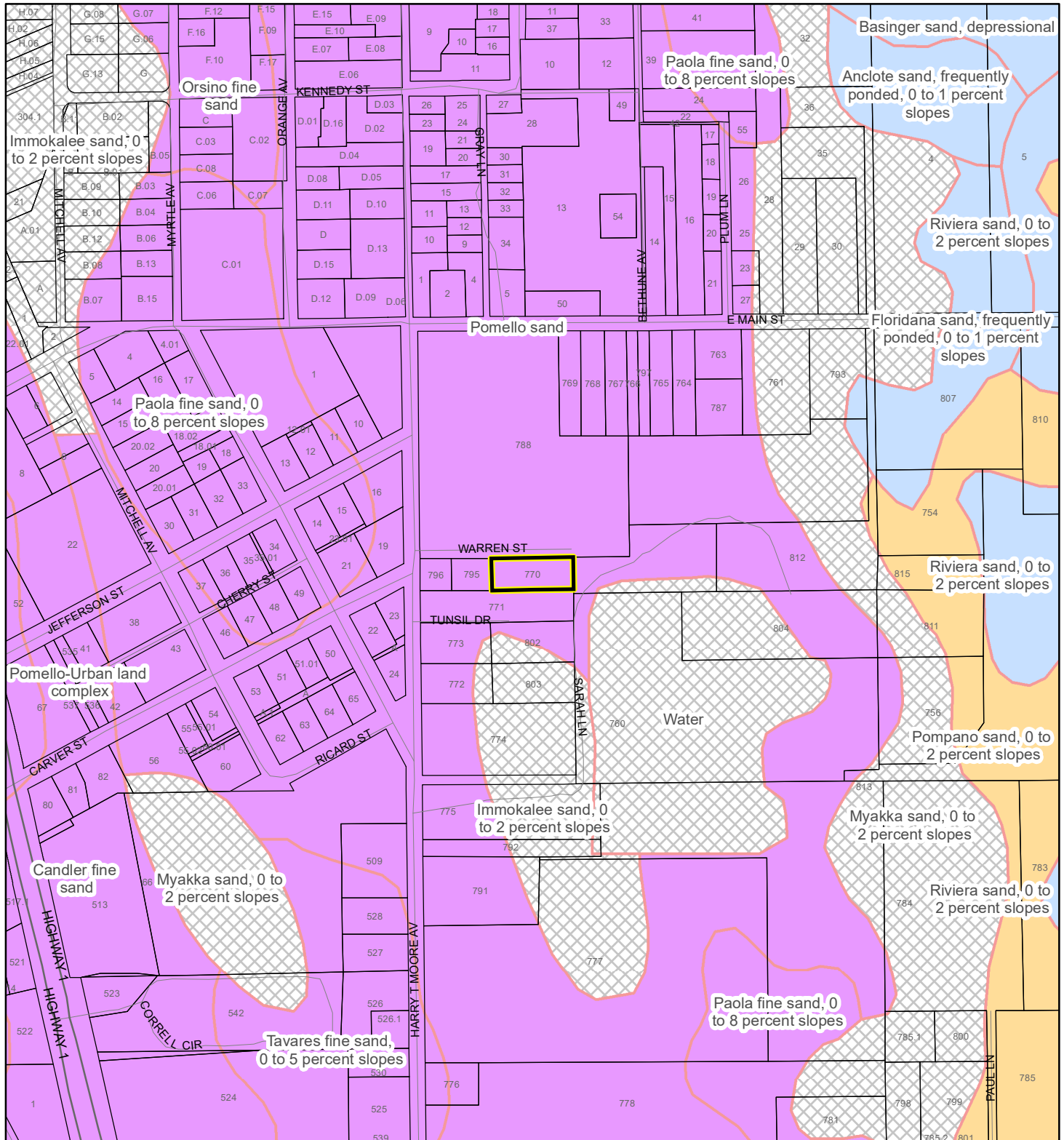
Subject Property

Parcels

USDA SCSSS SOILS MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/1/2021

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

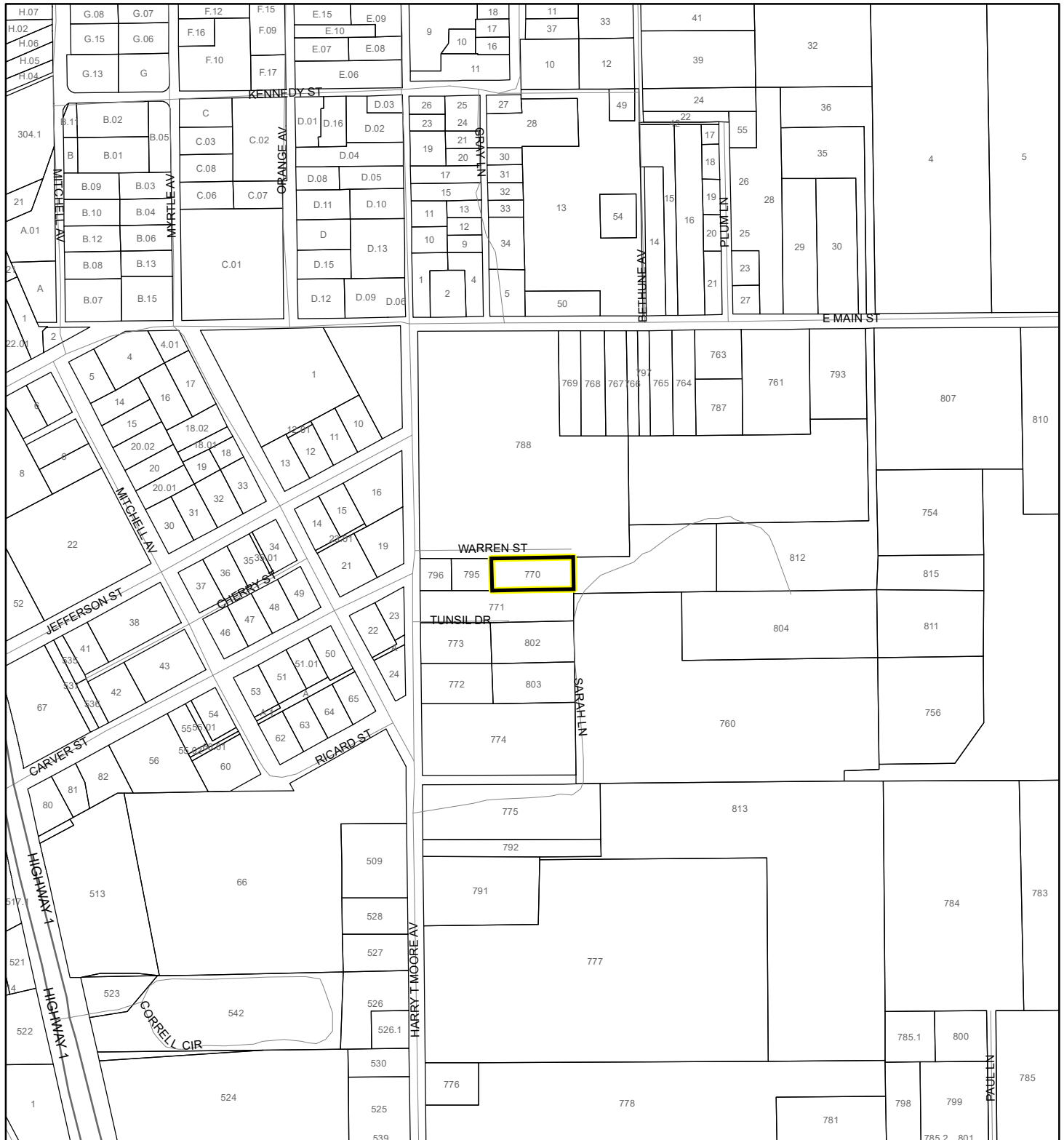
Subject Property

Parcels

FEMA FLOOD ZONES MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/1/2021

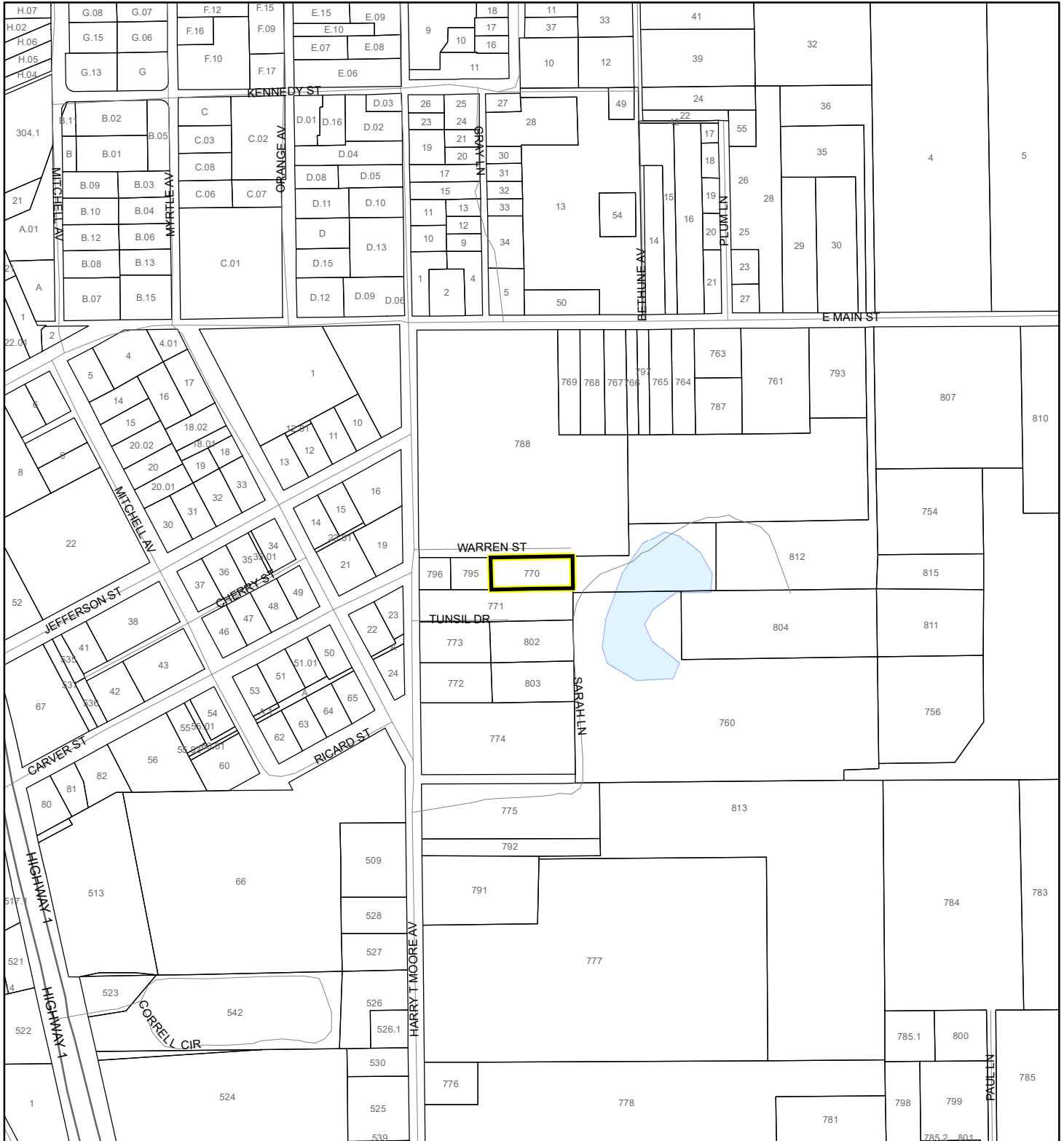
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 9/1/2021

 Subject Property

 Parcels

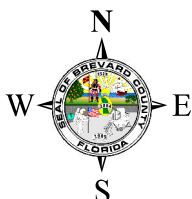
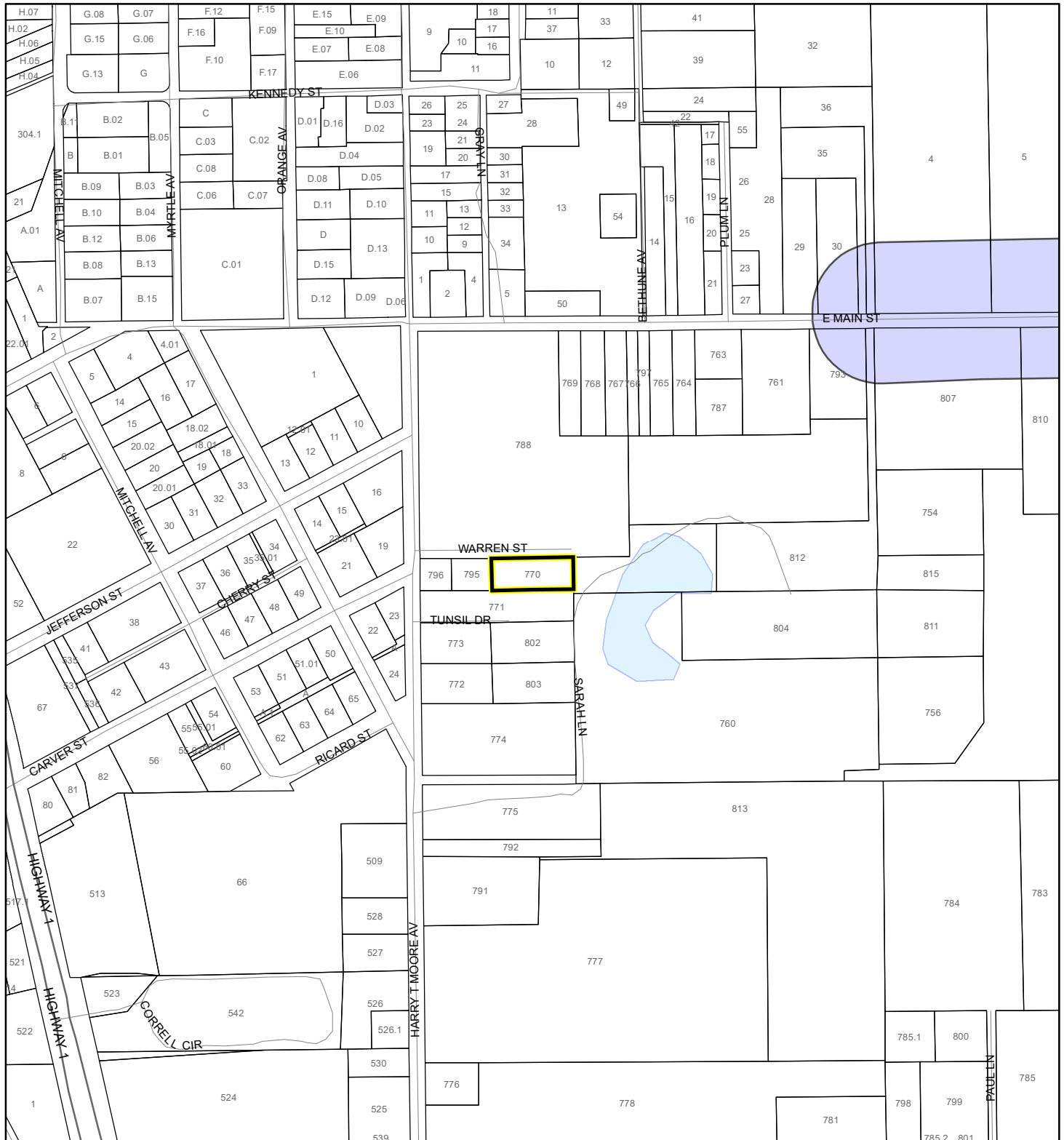
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/1/2021

 Subject Property

 Parcels

Septic Overlay

 40 Meters

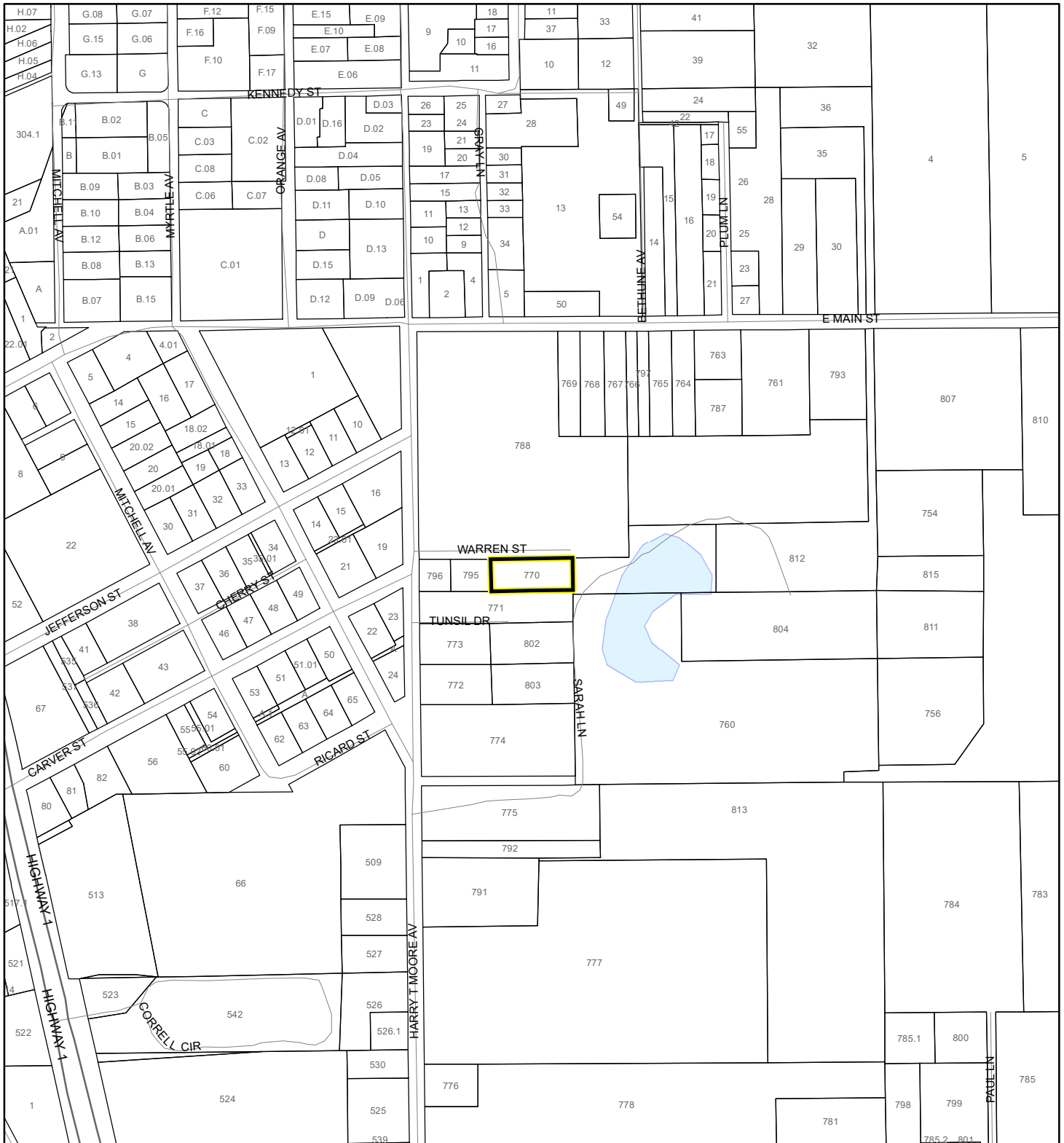
 60 Meters

 All Distances

EAGLE NESTS MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/1/2021

 Subject Property

 Parcels

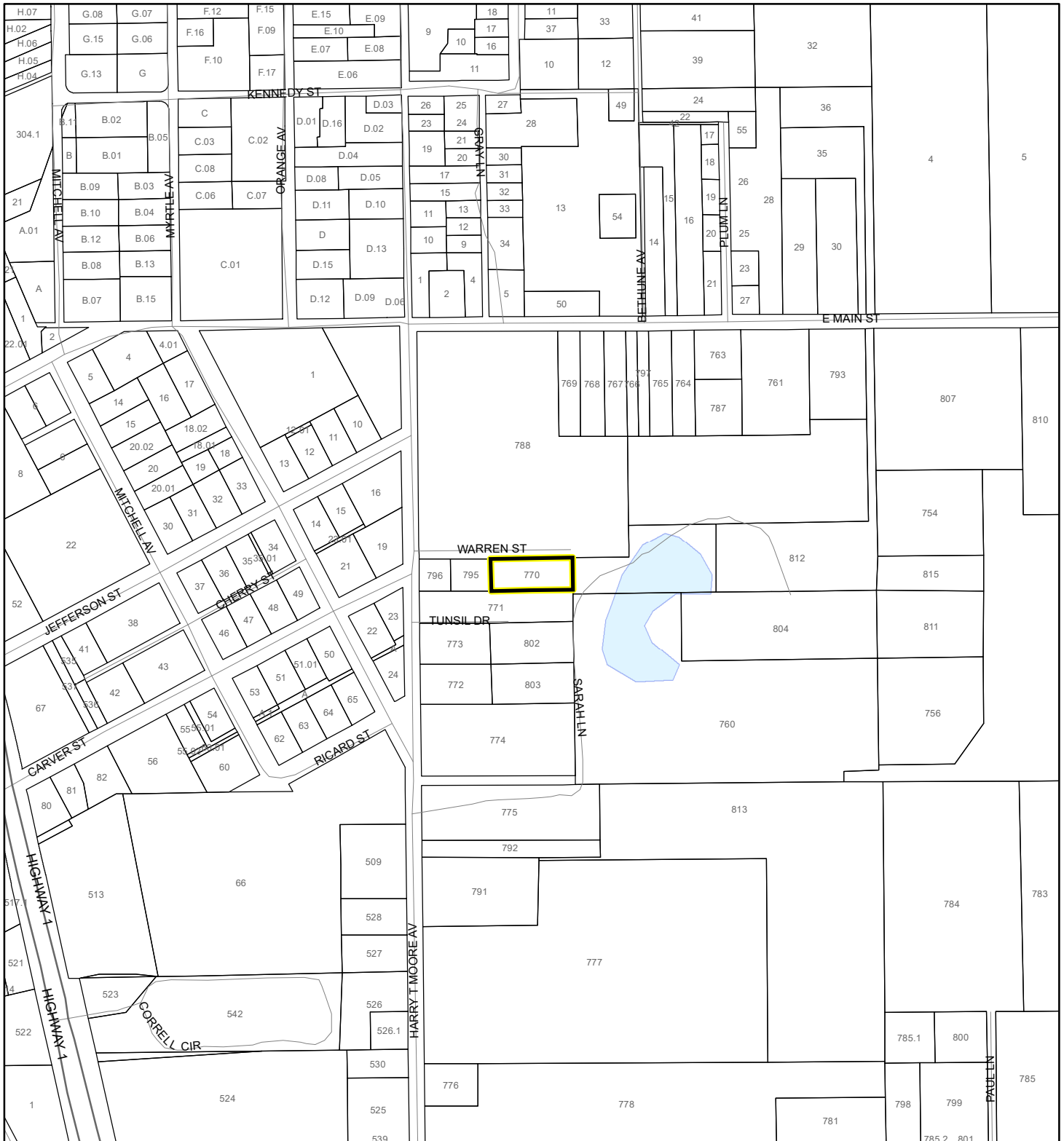


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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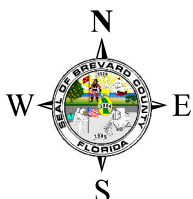
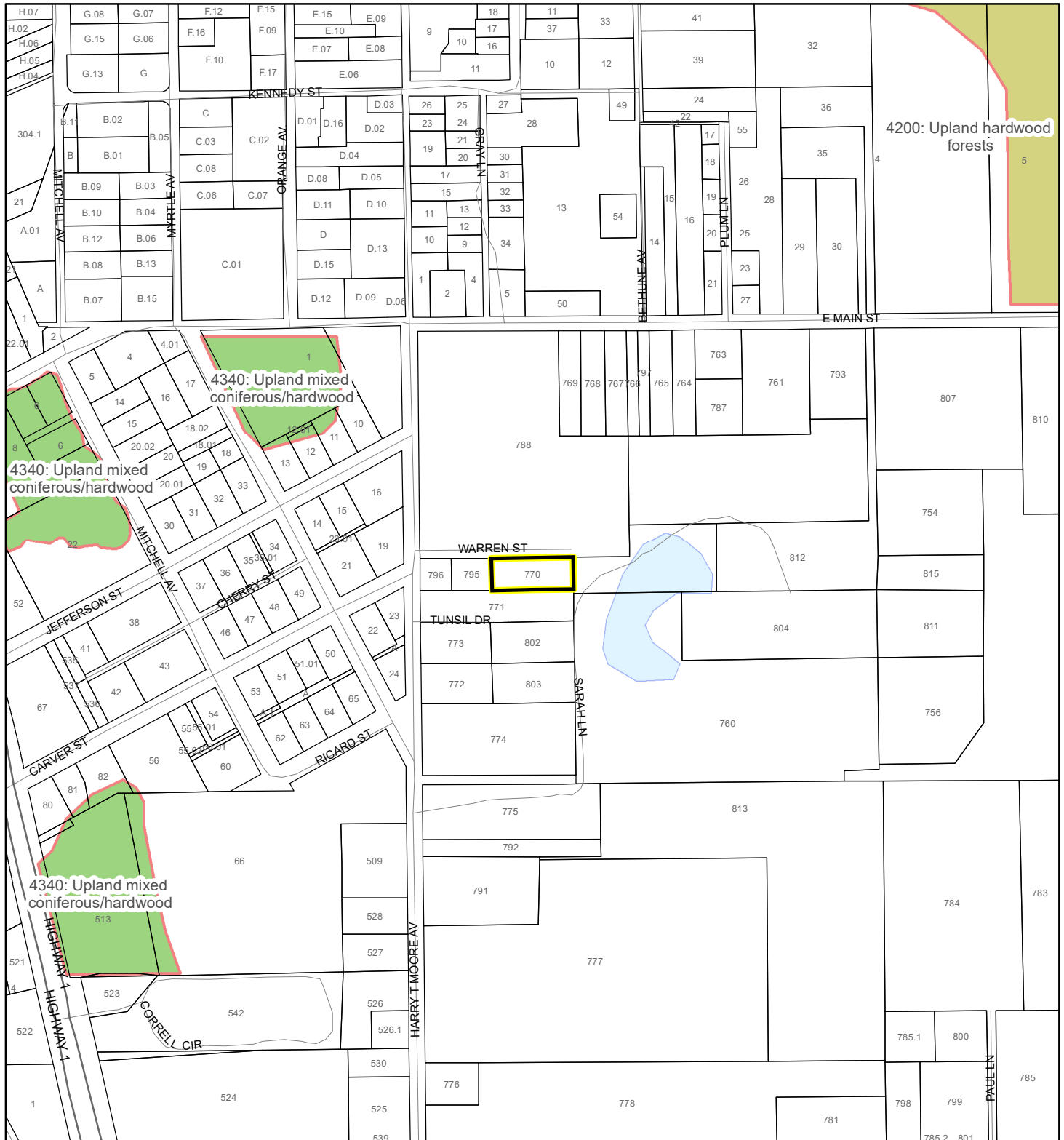
Produced by BoCC - GIS Date: 9/1/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

WHITE, DONALD SIRROAN AND CURRY, TREVANTAY RAYMOND

21Z00029



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/1/2021

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



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

11/15/2021

Subject:

The Heather Calligan Trust (Chad Genoni) requests a change of zoning classification from RU-1-11 with an existing BDP to RU-1-7, with an amendment to the existing BDP. (21Z00030) (Tax Account 2112413) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from RU-1-11 (Single-Family Residential) with an existing BDP (Binding Development Plan) to RU-1-7 (Single-Family Residential), with an amendment to the existing BDP.

Summary Explanation and Background:

The applicant's request is to change the current zoning classification of RU-1-11 with two existing BDPs to RU-1-7 with an amended BDP in order to reduce the minimum lot size required (7,500 square feet to 5,000 square feet) Other noted conditions within the existing BDP do not appear to be amended or requested for removal under the new BDP.

Although the applicant has indicated retaining the existing 198-unit development limitation of the current BDP, there is a potential development allowance of up to 301-units under the various FLU designations of Residential 1, Residential 4, and Neighborhood Commercial.

There are two BDPs currently on the property. The first BDP was approved as part of zoning action Z-11076, with conditions that include, but are not limited to, a limitation of 2.5 dwelling units per acre, or 198 units; a berm, fence, and buffering from the adjacent development to the west; conservation easement, and minimum lot size of 1 acre along the western/southern portion; and a minimum living area of 1,800 sq. ft. for all areas not required to be 1 acre in size. The second BDP was approved as part of zoning action Z-11158, with a limit of 3 units, and only affects 0.033 acres of the property.

The Board may wish to consider whether any of the existing conditions in the aforementioned BDPs should remain to mitigate potential impacts.

The property to the North of Highway SR-46 is zoned TR-1 (Single-family Mobile home. The property lying East of this site is zoned RVP (Recreational Vehicle Park), RU-1-11 (Single-family residential), and GU (General Use). To the South is are multiple parcels zoned EU-2 (Estate Use residential), SR (Suburban Residential), AU

(Agricultural Residential), and SEU (Suburban Estate Use Residential).

The Board may wish to consider whether the requested rezoning action is consistent and compatible with the surrounding area and does the stipulations in the BDP mitigate potential impacts.

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

21Z00030

The Heather Calligan Trust

RU-1-11 (Single-family Residential) with two existing Binding Development Plans (BDP) to RU-1-7 with an amendment to the existing BDPs

Tax Account Number: 2112413
Parcel I.D.: 21-34-13-00-506
Location: Address Not Assigned; South side of SR 46, 635 feet east of Turpentine Road (District 1)
Acreage: 79.16 acres

Planning and Zoning Board: 11/15/2021

Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-1-11 with 2 BDPs	RU-1-7 with amended BDP
Potential*	198-units	198-units
Can be Considered under the Future Land Use Map	YES** RES 1, RES 4 & NC	YES** RES 1, RES 4 & NC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** Zoning consistent in the RES 1 and RES 4 FLU designations due to limitations noted in the BDPs (existing or proposed).

Background and Purpose of Request

The applicant's request is to change the current zoning classification of Single-family Residential (RU-1-11) with two (2) existing Binding Development Plans (BDPs) to Single-family Residential (RU-1-7) with an amended BDP in order to reduce the minimum lot size required (from 75' by 75' and 7,500 square foot area requirements to 50' by 100' and 5,000 square foot square foot area requirements). Other noted conditions within the existing BDP do not appear to be amended or requested for removal under the new BDP.

This site is located within the Mims Small Area Study which was completed in March, 2007. This parcel is located within the I-95 commercial corridor lying west of Highway I-95. The Study's Buildout

Scenario section recommends leaving most settled areas, such as East Mims and around SR 46 as they are currently quantified with no FLU density reductions.

Although the applicant has indicated retaining the current 198-unit development limitation of the current BDP, there is a potential development allowance of up to 301-units under the various FLU designations as follows:

- 8-lots within the Residential 1 FLU (estimated 8.0 acres) – consistent with one unit per acre development;
- 38-lots in the Neighborhood Commercial FLU (estimated 6.4 acres) if sewer and water are provided – consistent with six units per acre development;
- 255-lots in the Residential 4 FLU area (estimated 63.9 acres) – consistent with four units per acre development, for a total of 301 units.

The first BDP, recorded in ORB 5472, Pages 3172-3183 approved as part of Zoning action **Z-11076** on May 25, 2005 provides the following conditions:

- Condition #2 - a development limitation of 2.5 dwelling units per acre or 198 units;
- Condition #3 - a berm, fence and buffering from the adjacent development to the west of the property;
- Condition #4 - conservation area easement, additional buffering, and minimum lot size of 1.0 acre lots along the western/southern portion of the site with minimum unit living area size of 2,200 square feet;
- Condition #5 - additional buffering;
- Condition #10 – provides a minimum living area of 1,800 square feet for all other areas not required to be 1.0 acre in size (refer to condition #4 above – this condition applies to all other areas);
- Condition #11 - provides a minimum lot size of 5,500 square feet with the average lot area of 6,000 square feet or higher.

The second BDP recorded in ORB 5620, Pages 5603-5609 on March 23, 2006, was approved as part of Zoning action **Z-11158** and limited development to 3-units upon a portion of the property that was rezoned from GU to RU-1-11. Only a fraction of the 1.45-acre portion that was changed from GU to RU-1-11 is included into this request; that area contains 0.033-acres.

The Board may wish to consider whether any of the existing conditions in the aforementioned BDP should remain to mitigate potential impacts.

Land Use

The subject property is currently designated as Residential 1, Residential 4 and Neighborhood Commercial FLU. The RU-1-11 zoning classification is consistent with the Residential 4 and Neighborhood Commercial FLU while the RU-1-7 zoning classification is only consistent with the Neighborhood Commercial FLU designation. The RU-1-11 zoning with BDP limits the project to be consistent with the Residential 1 FLU and the RU-1-7 zoning with BDP limits the proposed project to be consistent with the Residential 1 and Residential 4 FLU designations.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Policy 1.7 – The Residential 4 Future 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 the Future Land Use Element.

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.

Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Policy 2.13

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

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

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

The subject 79.16-acre property lies within three Future Land Use (FLU) designations: Residential 1, Residential 4 and Neighborhood Commercial (NC).

As the applicant continues to limit the number of units to that of the prior BDP (198-units), the existing FLU will not generate additional lots. The request will be consistent and compatible with the FLU designations only by the adoption of a BDP which limits the development potential of this site. As this site lies along the south side of SR Hwy 46, the FLU to the east, closer to the Highway I-95 intersection, changes from NC to Community Commercial (CC). To the south, this property borders additional Residential 4 FLU. To the west, the FLU transitions to lower Residential 2 and Residential 1 FLU designations.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is a mixture of recreational vehicles, mobile home and single-family built structures upon various residential zoning classifications. To the north is Highway SR-46. To its north is a developed mobile home subdivision. This area under the Single-family Mobile Home (TR-1) zoning classification requires 7,500 square foot lots with a minimum living area of 600 square feet. To the east is an existing Seasons in the Sun RV Resort park and a KOA RV/Campground site. This area is under the Recreational Vehicle Park (RVP) zoning classification requires 2,000 square foot minimum sized lots and temporary use of RV's, park trailers and cabins. To the west is a developed mobile home subdivision under the Rural Residential Mobile Home (RRMH-1) zoning classification which requires minimum sized one-acre lots and Turpentine Road right-of-way. To the south are one acre lots zoned Suburban Residential (SR), Suburban Estate Use (SEU) and Agricultural Residential (AU).

Surrounding Area

The property to the North of Highway SR-46 is zoned Single-family Mobile home (TR-1). The property lying East of this site is zoned Recreational Vehicle Park (RVP), Single-family residential RU-1-11 and General Use (GU). To the South is are multiple parcels zoned Estate Use residential (EU-2), Suburban Residential (SR), Agricultural Residential (AU) and Suburban Estate Use (SEU). To this parcel's west are the Government Managed Lands (GML), Rural Residential Mobile home (RRMH-1) and General Use (GU) zoning classifications.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet. As defined, spaces or lots may be used by a recreational vehicle or equivalent facilities constructed in or on automotive vehicles, or tents, or other short-term housing devices. Cabins or park trailers used for short-term rentals may comprise no more than 20 percent of the permitted space or lots, and shall not exceed a maximum of 1,000 square feet each in size.

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

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

SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 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.

SEU zoning permits suburban estate residential uses on lots of one acre (minimum) with a width of 125 feet and a depth of 200 feet. Minimum floor area is 2,000 square feet of living area.

RRMH-1 classification permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

There has been three zoning actions within a half-mile radius of the subject property within the last three years. The most recent action, **20Z00028**, was for a change of zoning from AU and EU-2 with BDP to all EU-2 and removal of BDP adopted on December 3, 2020. This location lies 1,440 feet in a southerly direction from this parcel and is located on the east side of Londontown Road. The second action, **18PZ00161**, was for a rezoning from BU-1, BU-2 and GU to all BU-2 approved under a BDP recorded in ORB 8454, Pages 2241-2244, (limiting development to a fast food restaurant with drive-thru, of no more than 2,700 square feet, a convenience store of no more than 10,300 square feet, a gas station of no more than 24 fueling stations, a tire center with a maximum of 3 bays and a hotel with a maximum of 120 rooms) adopted on June 4, 2019. This location lies 1,250 feet in an easterly direction from this site and is located on the north side of Highway SR-46. The third action, **18PZ00005**, was for a rezoning from AU to RR-1 adopted on May 3, 2018. This location lies 1,870 feet in a SW direction from this lot on the east side of Tomato Farm Road.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Dairy Road to SR Highway 46, which has a Maximum Acceptable Volume (MAV) of 41,700 trips per day, a Level of Service (LOS) of D, and currently operates at 37.09% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 4.51%. The corridor is anticipated to operate at 41.60% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

At this time, the school concurrency service area for the Mims Elementary School, Madison Middle School and Astronaut High School are projected to have sufficient capacity to accommodate the maximum potential residential development resulting from the proposed Summerfields development. This accommodation for predicting development and potential redistricting of students is done in coordination between Brevard County Government and Brevard County Schools, through

intergovernmental coordination. A copy of the Brevard Public Schools concurrency analysis is included in the package for Board consideration.

The parcel is not currently connected to water and sewer at this time, however, the owner has submitted for a Potable Water Service Capacity Availability Certificate and a Sanitary Sewer Service Capacity Availability Certificate from Brevard County Utilities. The County's analysis is, as of this date, that there is sufficient capacity available for the 198-unit project.

Environmental Constraints

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

The subject parcel contains a large area of mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan/subdivision application. 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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

The property contains large areas of mapped wetland and upland forests. A tree survey will be required at time of site plan submittal, and is highly recommended prior to any site plan design/engineering. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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. Land clearing is not permitted without prior authorization by NRM.

For Board Consideration

The Board may wish to consider whether the requested rezoning action is consistent and compatible with the surrounding area and does the stipulations in the BDP mitigate potential impacts.

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

Item # 21Z00030

Applicant: Genoni for Calligan

Zoning Request: RU-1-11 with BDP to RU-1-7 with replacement BDP for a single-family subdivision with 301 units.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID No: 2112413

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

The subject parcel contains a large area of mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan/subdivision application. 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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

The property contains large areas of mapped wetland and upland forests. A tree survey will be required at time of site plan submittal, and is highly recommended prior to any site plan design/engineering. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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. Land clearing is not permitted without prior authorization by NRM.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains a large area of mapped NWI wetlands, SJRWMD wetlands, and hydric soils (Terra Ceia muck, Tomoka muck, Anclote sand frequently ponded, and Basinger sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan/subdivision application. 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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand, Pompano sand and Basinger sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Specimen and Protected Trees

The subject property contains mapped areas of SJRWMD FLUCCS codes 4340-Upland Mixed Coniferous/Hardwood Forest, 6300-Wetland Mixed Forest, and 6170-Wetland Mixed Hardwoods. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in these FLUCCS codes and are likely found on the project area. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

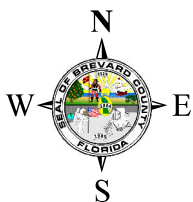
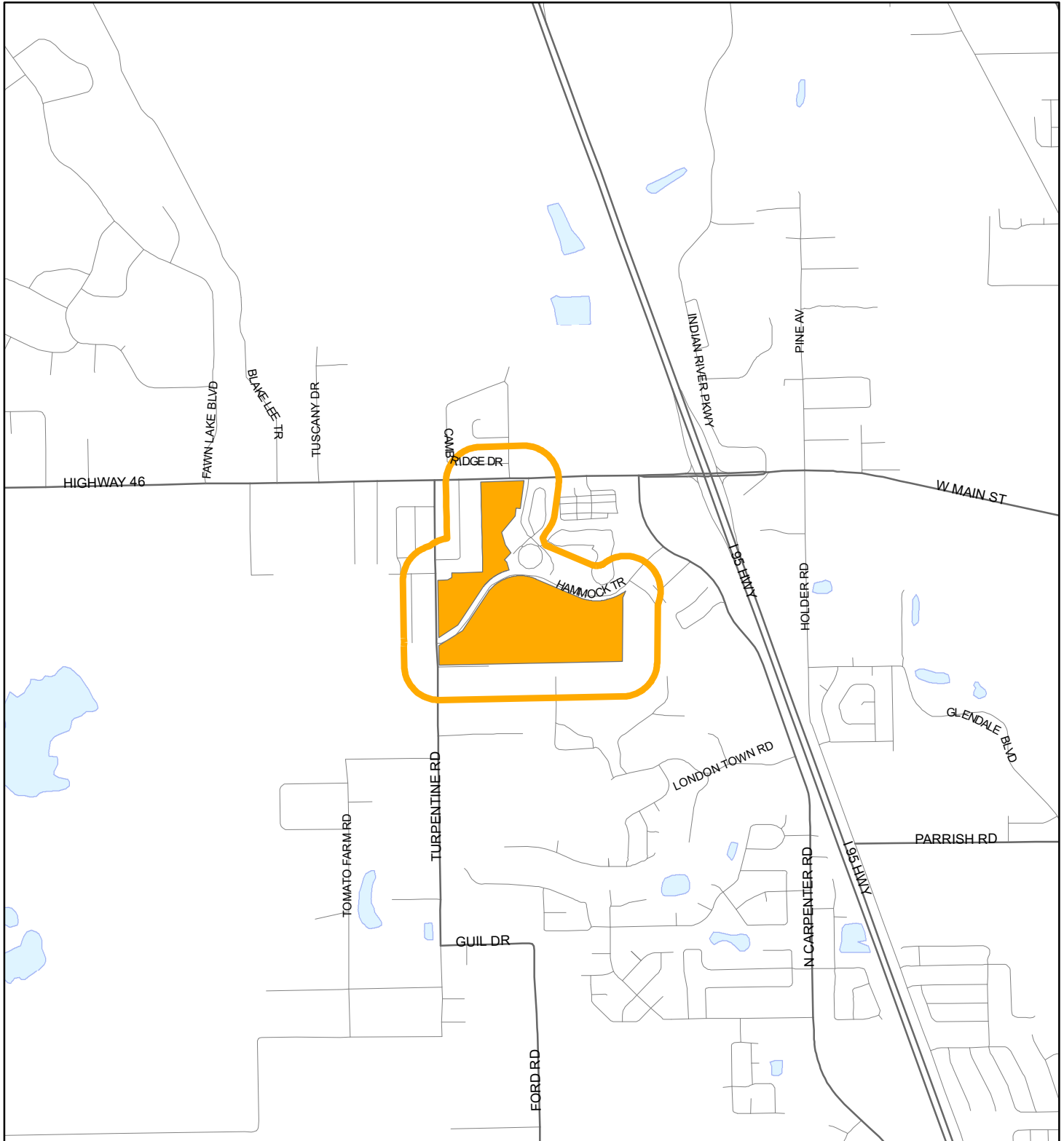
Protected Species

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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

THE HEATHER CALLIGAN TRUST

21Z00030





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.

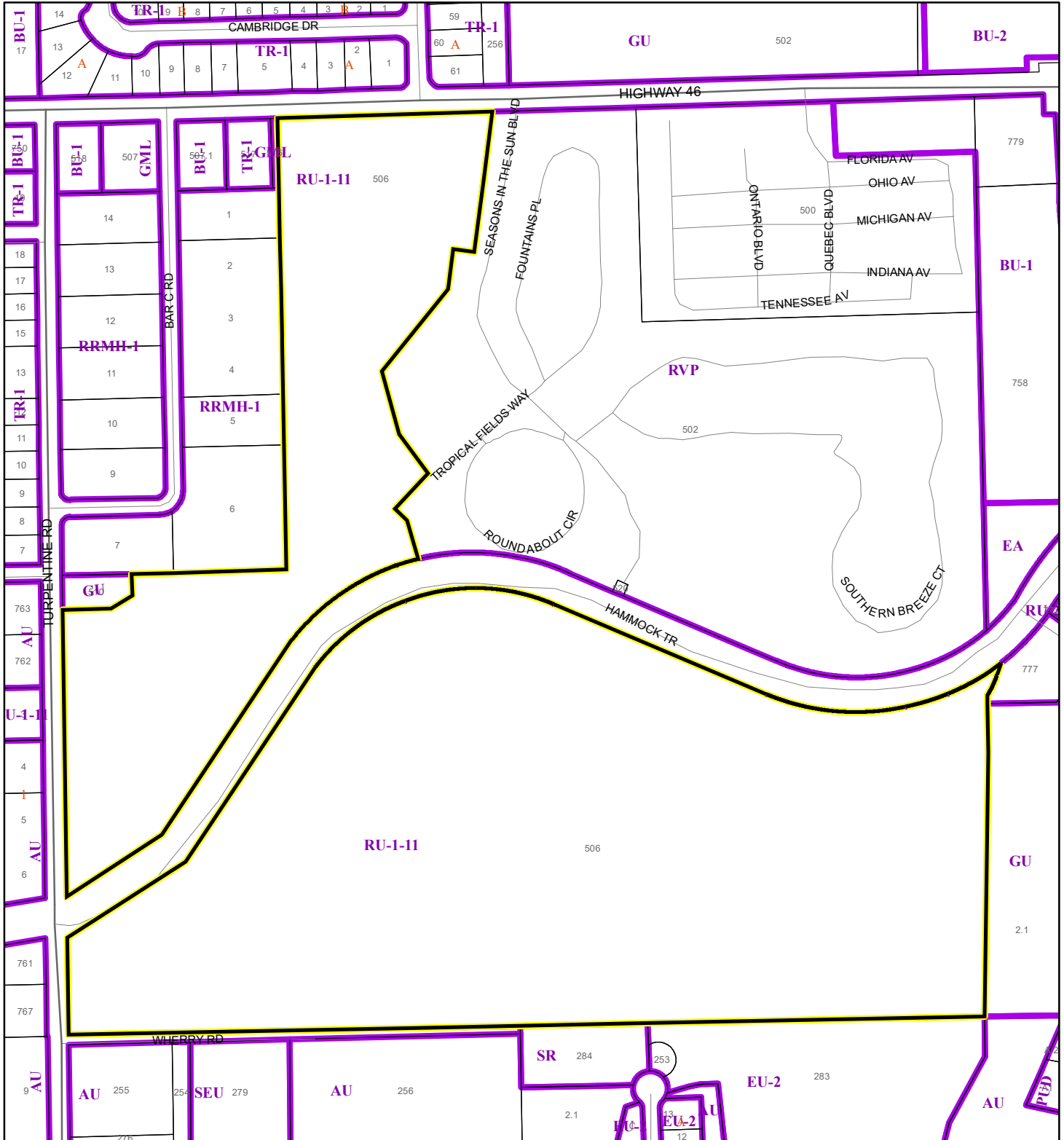
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 Buffer
 Subject Property

ZONING MAP

THE HEATHER CALLIGAN TRUST

21Z00030



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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 Subject Property

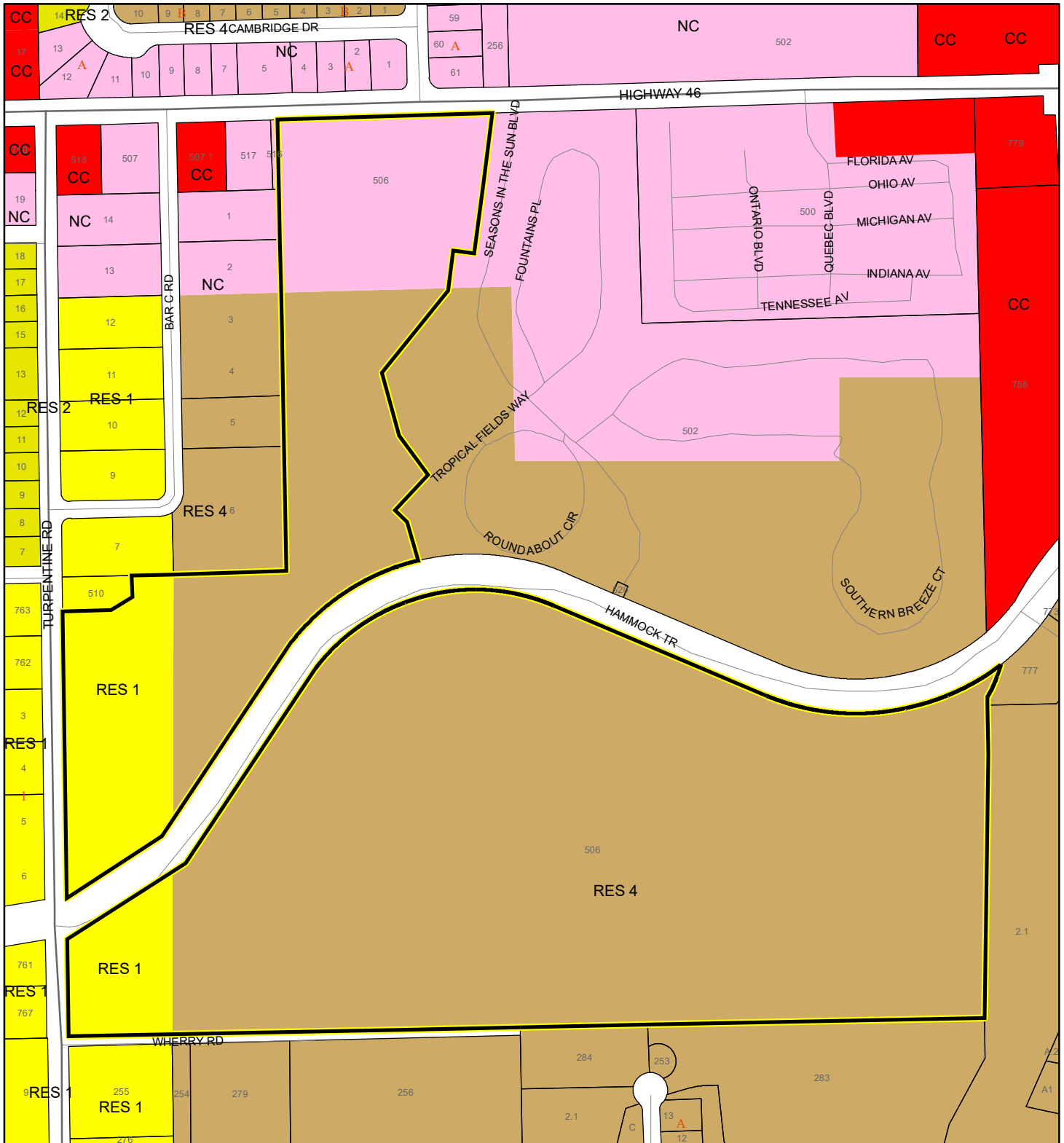
Parcels

Zoning

FUTURE LAND USE MAP

THE HEATHER CALLIGAN TRUST

21Z00030



1:4,800 or 1 inch = 400 feet

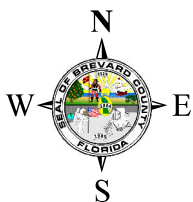
Subject Property

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: 9/10/2021

AERIAL MAP
THE HEATHER CALLIGAN TRUST
21Z00030





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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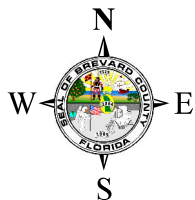
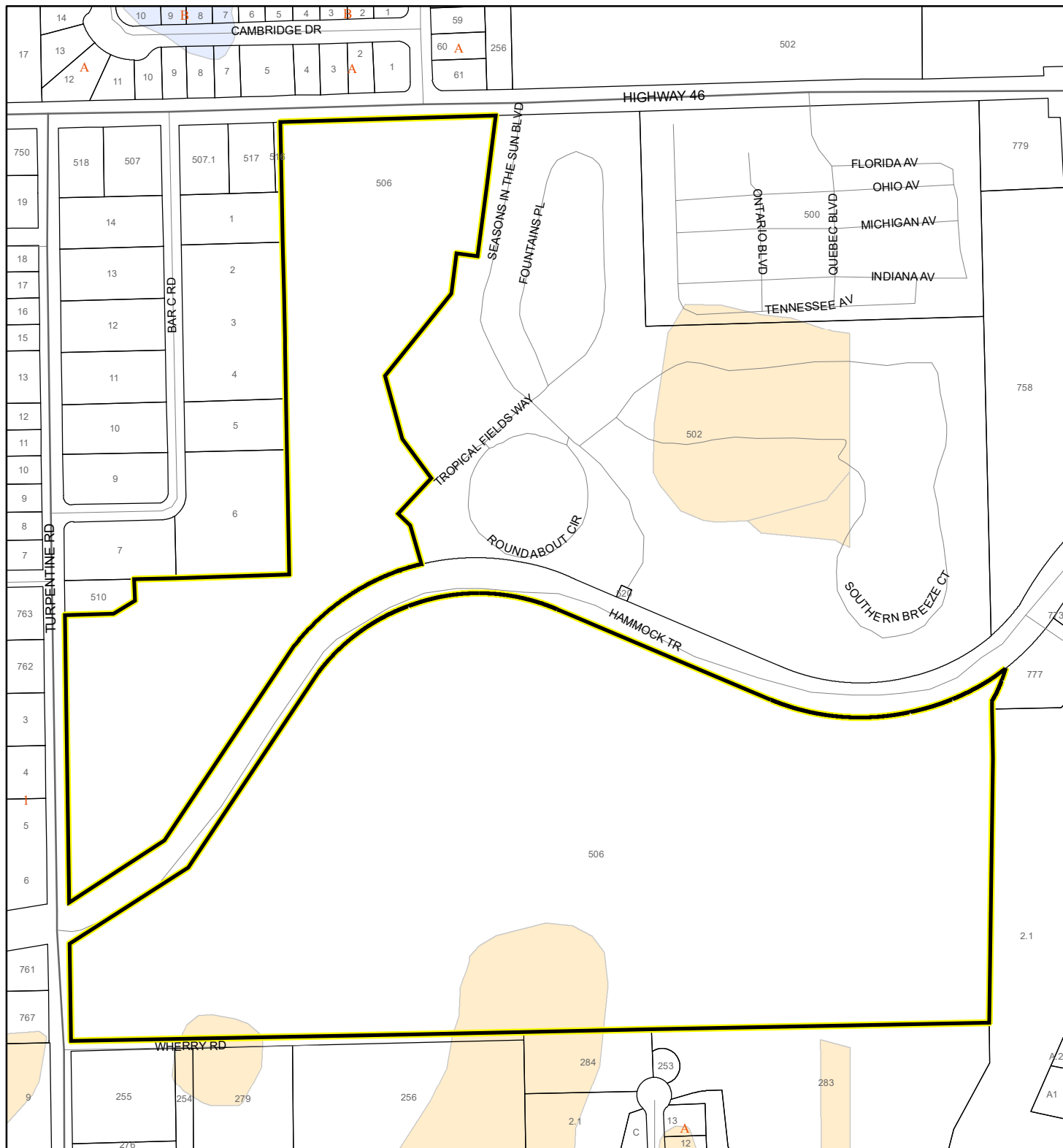
Produced by BoCC - GIS Date: 9/10/2021

 Subject Property
 Parcels

NWI WETLANDS MAP

THE HEATHER CALLIGAN TRUST

21Z00030













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

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

THE HEATHER CALLIGAN TRUST

21Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

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

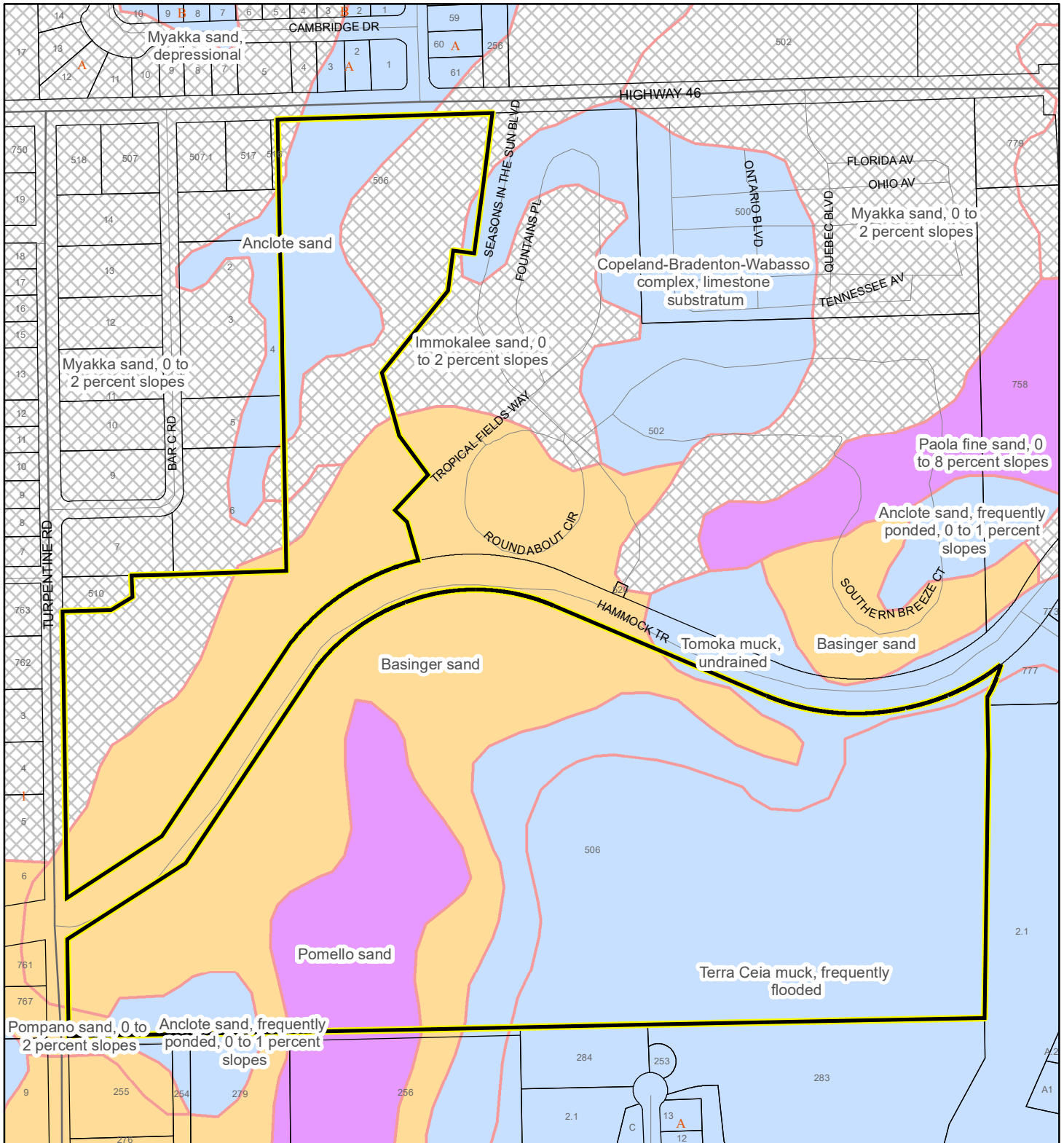
Subject Property

Parcels

USDA SCSSS SOILS MAP

THE HEATHER CALLIGAN TRUST

21Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

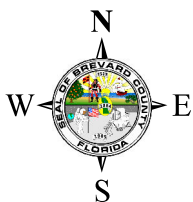
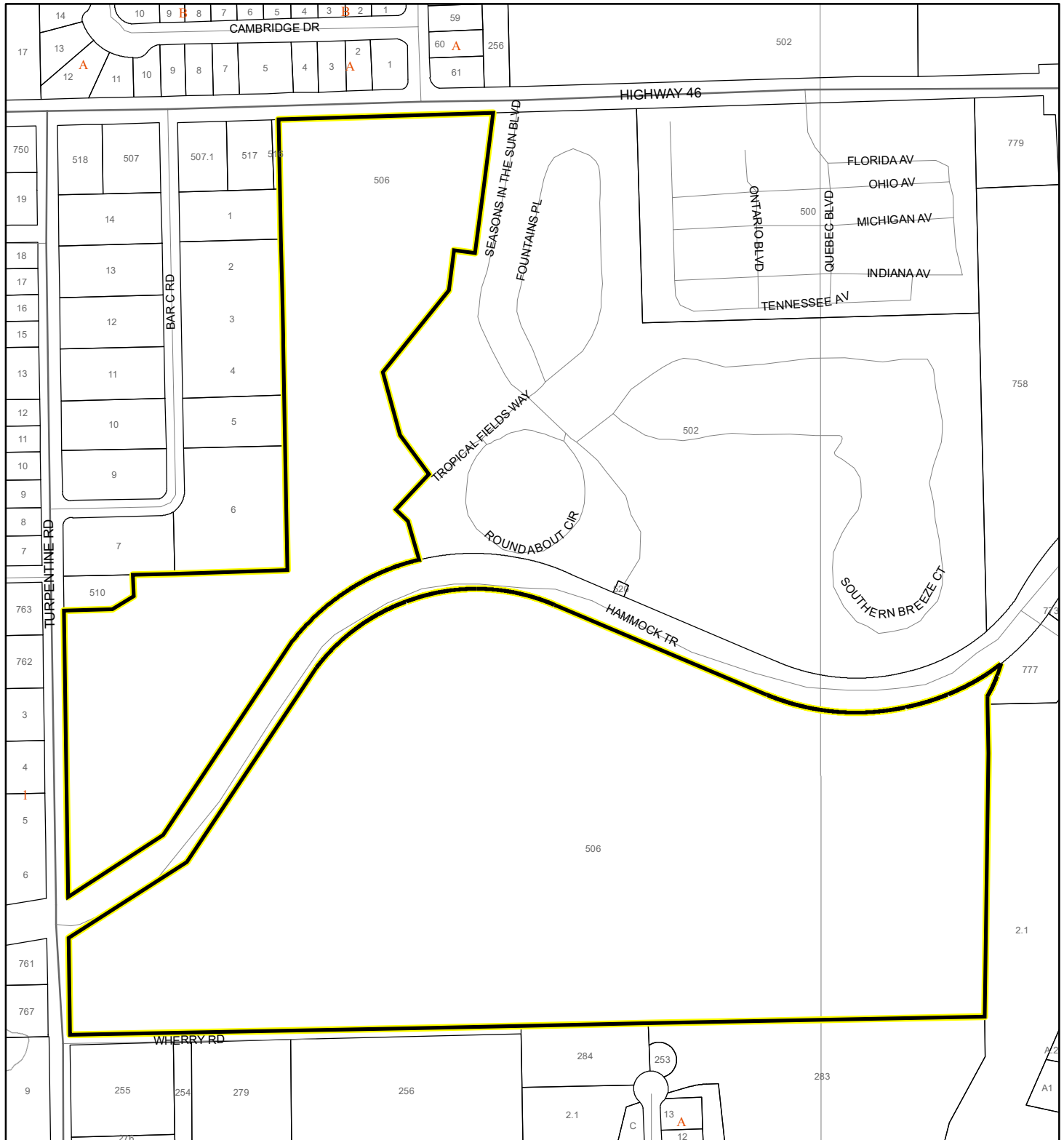
Subject Property

Parcels

FEMA FLOOD ZONES MAP

THE HEATHER CALLIGAN TRUST

21Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

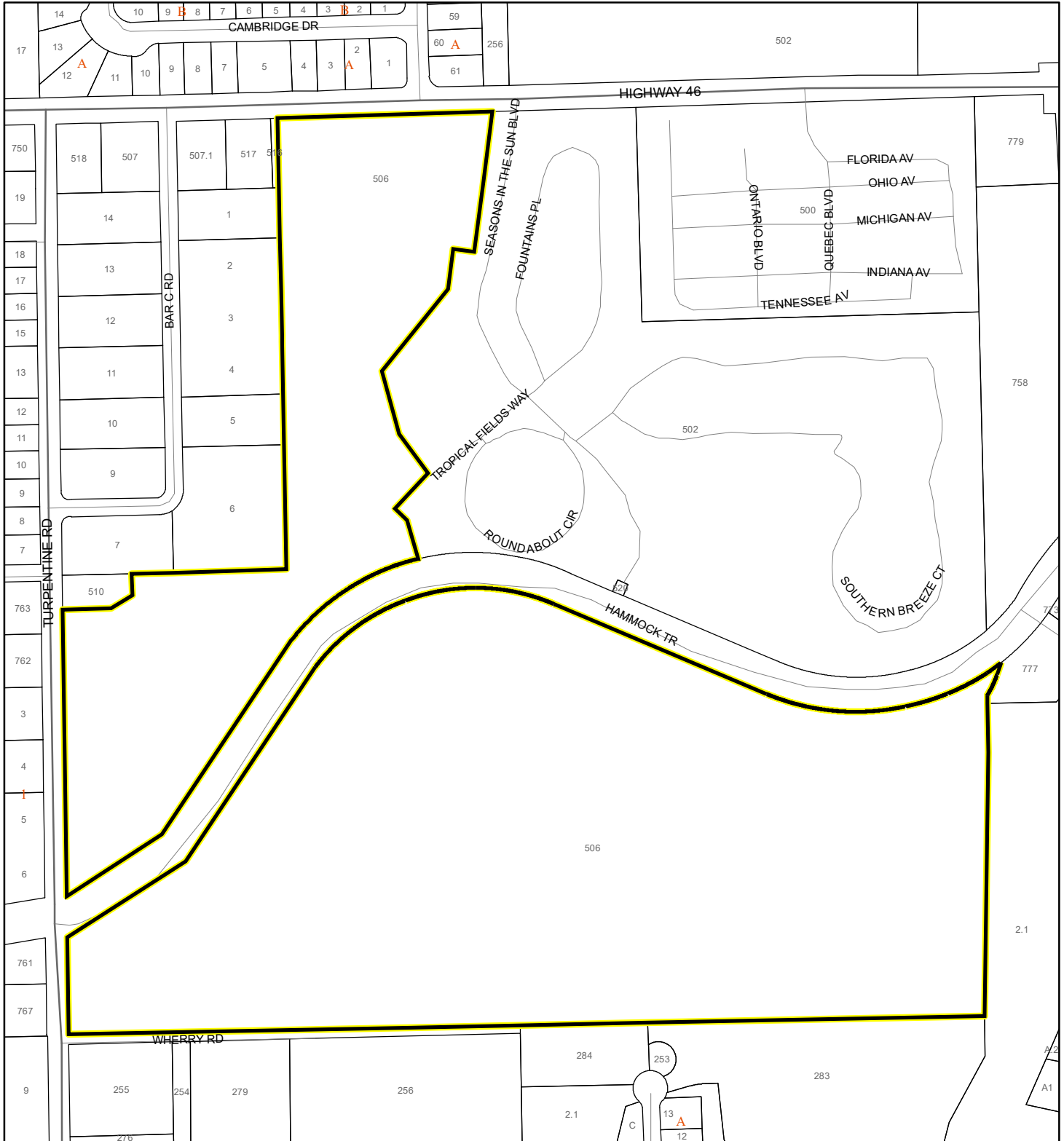
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

THE HEATHER CALLIGAN TRUST

21Z00030



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 9/10/2021

 Subject Property

 Parcels

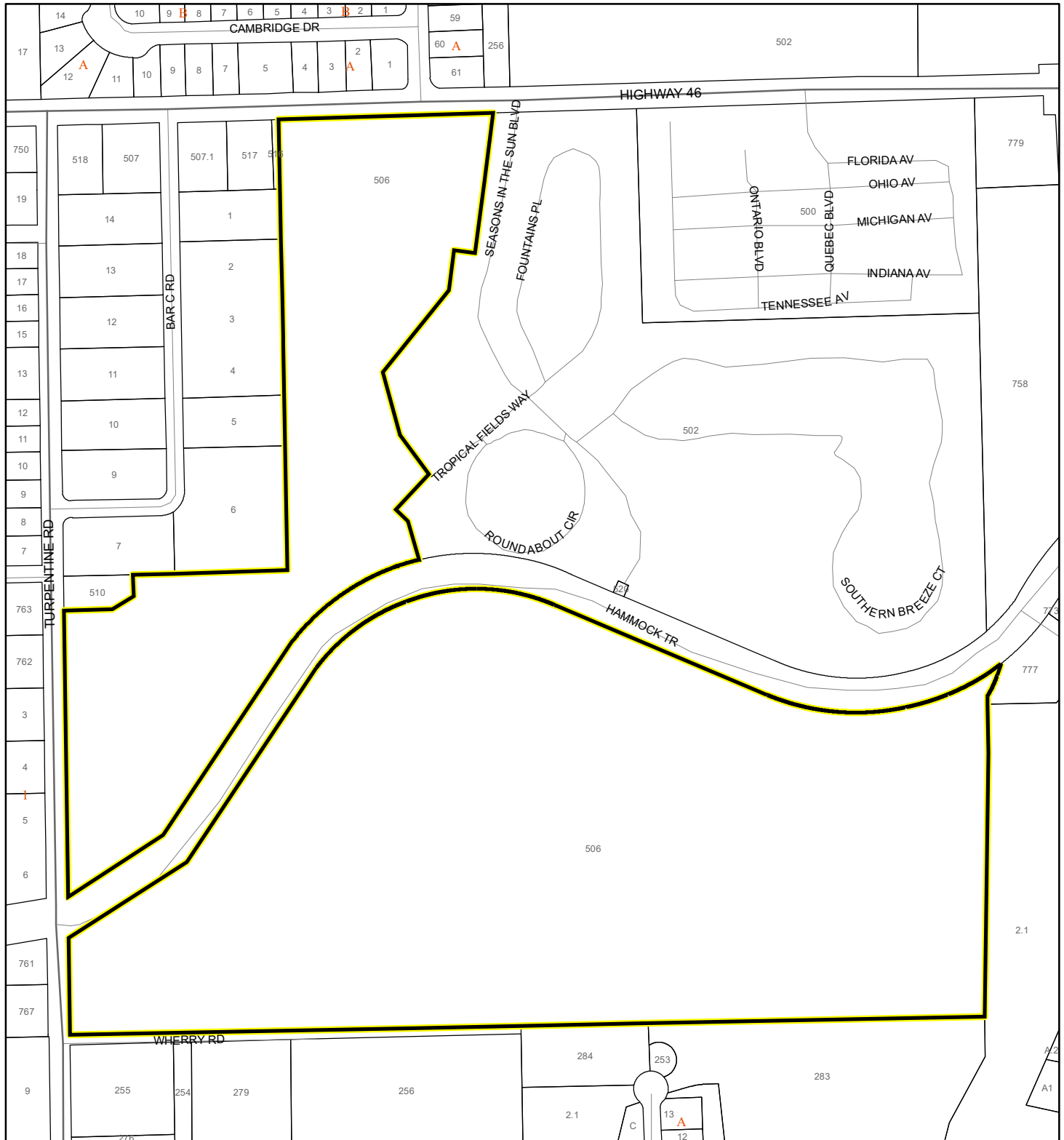
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

THE HEATHER CALLIGAN TRUST

21Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

 Subject Property

 Parcels

Septic Overlay

 40 Meters

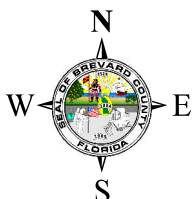
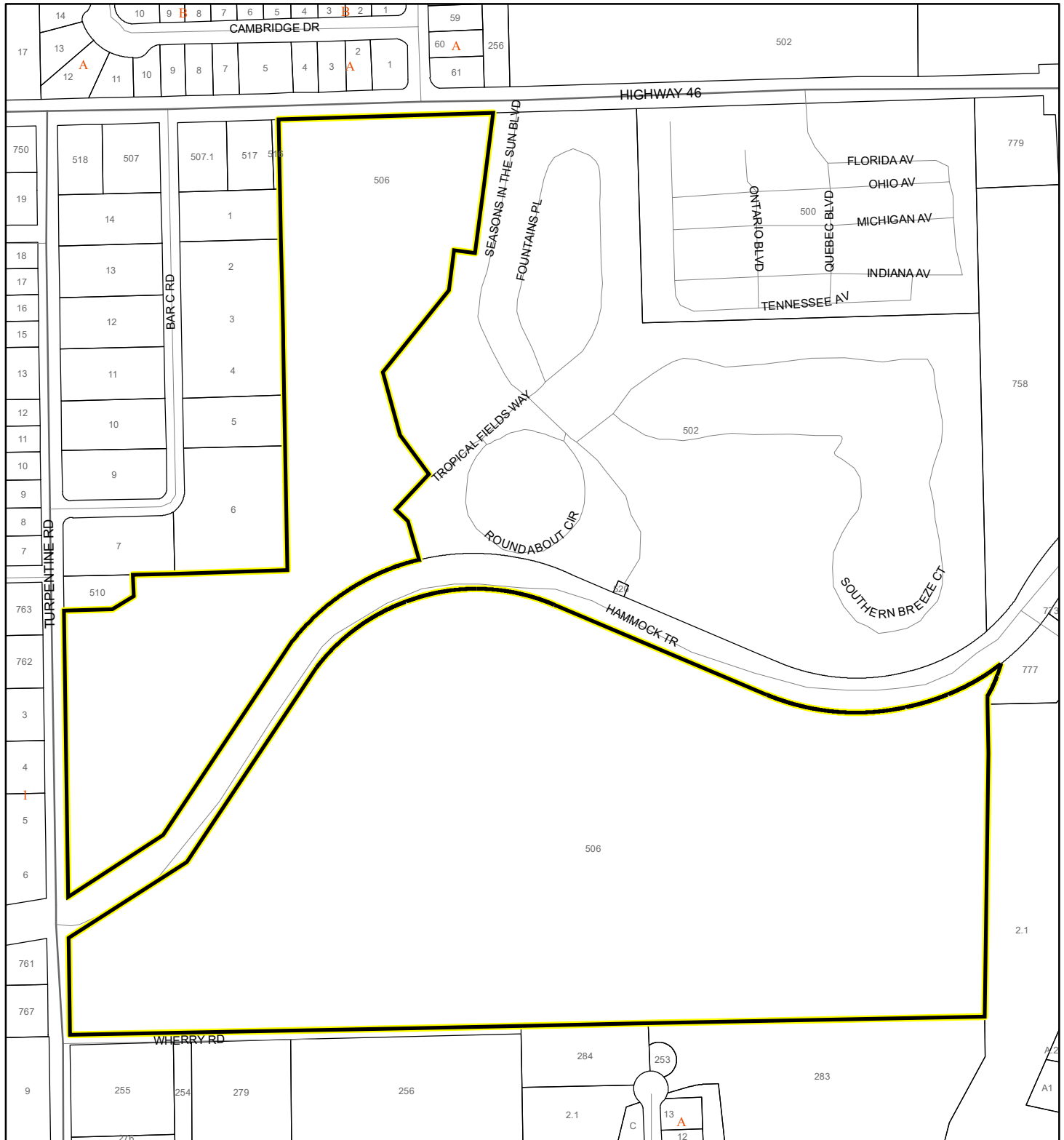
 60 Meters

 All Distances

EAGLE NESTS MAP

THE HEATHER CALLIGAN TRUST

21Z00030




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

 Subject Property

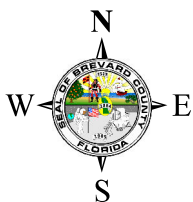
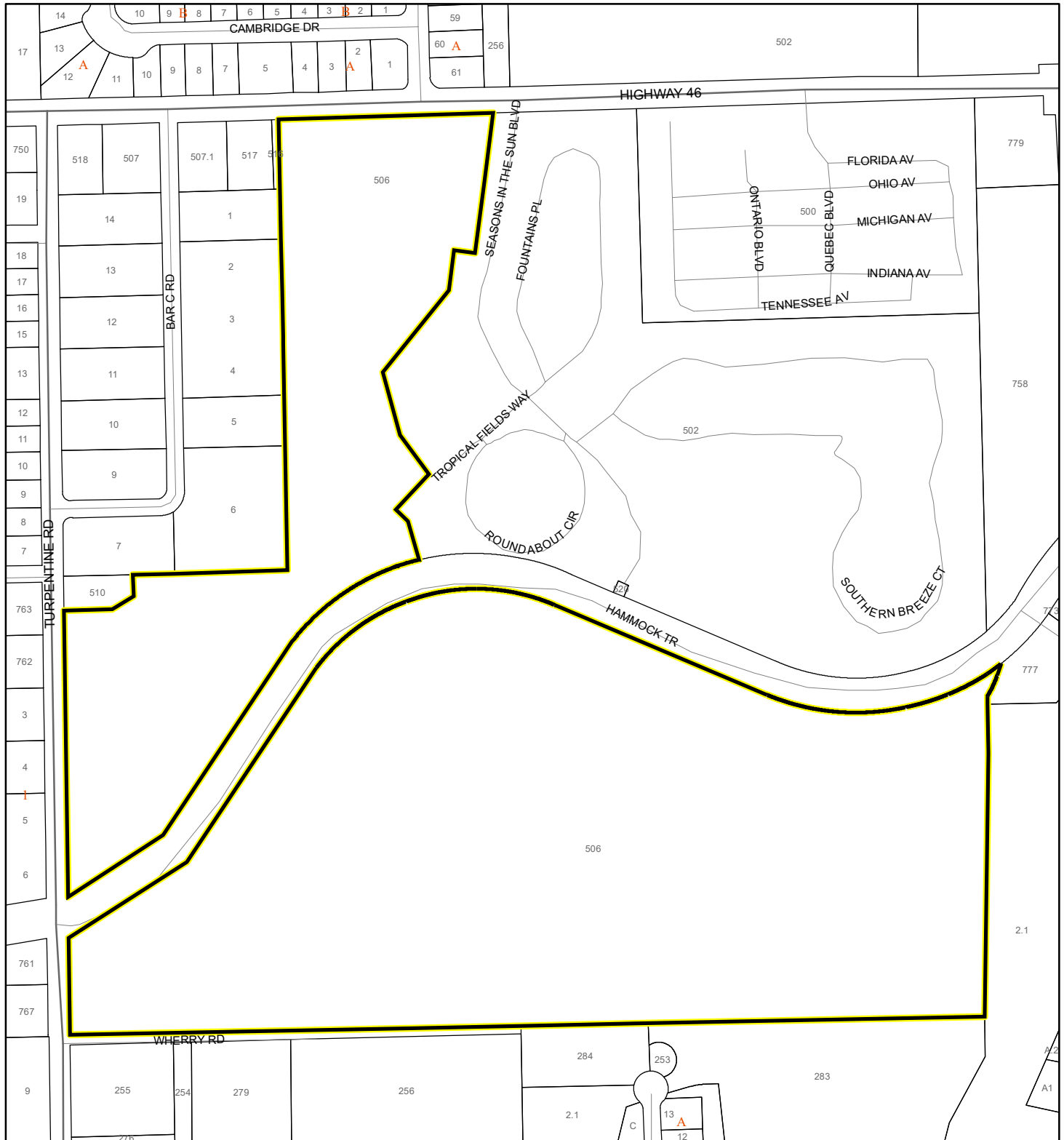
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

THE HEATHER CALLIGAN TRUST

21Z00030



1:4,800 or 1 inch = 400 feet

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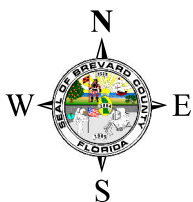
Produced by BoCC - GIS Date: 9/10/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

THE HEATHER CALLIGAN TRUST

21Z00030



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: 9/10/2021

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

(PARCEL B)
A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH,
RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

(PARCEL D)
A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH,
RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E,
ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON
THE EAST RIGHT OF WAY LINE OF TURPINNE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY)
THENCE S.89°27'18"E, ALONG THE EAST RIGHT OF WAY LINE OF TURPINNE ROAD
(SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF
SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY
LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL
RECORDS BOOK 2314, PAGE 2137 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE
THENCE CONTINUE ON A BEARING OF NORTH, ALONG THE AFOREMENTIONED EASTERLY RIGHT
OF WAY LINE OF TURPINNE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL
OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409 OF THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA, THENCE S.89°27'18"E, ALONG THE SOUTHWEST CORNER OF SAID
PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE
SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314,
PAGE 2137 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE ALONG THE
BOUNDARY OF SAID PARCEL, ALONG THE FOLLOWING TWO COURSES AND DISTANCES:
THENCE N.58°49'19"E, 69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT
LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFORESAID
SECTION 13 AND THE SOUTH LINE OF BAR-"C" RANCHETTES AS RECORDED IN PLAT BOOK 28,
PAGE 58 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE S.89°27'18"E,
ALONG SAID LINE, 436.80 FEET TO THE SOUTHEAST CORNER OF SAID PLAT OF BAR-"C"
RANCHETTES AND THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SAID SECTION 13 AND SAID POINT BEING THE POINT OF BEGINNING OF THE
LAND HERIN DESCRIBED; THENCE N.00°03'56"W, ALONG THE EAST LINE OF SAID SECTION 13,
A DISTANCE OF 1285.83 FEET TO THE POINT OF BEGINNING OF THE NORTHWEST 1/4 OF
THE SOUTHWEST 1/4 OF SECTION 13, A DISTANCE OF 1285.83 FEET TO A POINT LYING ON THE
SOUTH RIGHT OF WAY LINE OF STATE ROAD NO.46; THENCE N.89°10'34"E, ALONG SAID RIGHT
OF WAY LINE, 615.30 FEET; THENCE S.08°33'12"W, 403.88 FEET; THENCE N.81°26'48"W,
THENCE S.08°12'12"E, 115.65 FEET; THENCE S.89°27'18"E, 300.12 FEET;
THENCE N.88°22"E, 139.62 FEET; THENCE S.35°28"E, 139.61 FEET;
S.44°13'35"W, 139.33 FEET; THENCE S.45°46'28"E, 47.84 FEET; THENCE S.15°04'59"E,
112.69 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID
HAMMOCK TRAIL AND THE POINT OF BEGINNING OF A CURVILINEAR COURSE, CONCAVE SOUTHERLY, HAVING
A RADIUS OF 675.63 FEET AND TO WHICH POINT THE CURVILINEAR COURSE BEGINS, THENCE
WESTERLY, ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH
A CENTRAL ANGLE OF 05°05'18", 60.02 FEET TO A POINT LYING ON THE SOUTH LINE OF THE
NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE S.89°20'20"W, ALONG
SAID LINE, A DISTANCE OF 12.87 FEET TO THE POINT OF BEGINNING.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E,
ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON
THE EAST RIGHT-OF-WAY OF THE TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT-OF-WAY)
ALONG THE EAST RIGHT-OF-WAY OF SAID EAST RIGHT-OF-WAY OF THE TURPENTINE ROAD
(SAID RIGHT-OF-WAY WAY LINE PARALLEL WITH AND 33.00 FEET WEST OF THE WEST LINE OF
RECORDS BOOK 121, 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY
OF THE TURPENTINE ROAD, THENCE S.85°33'30"E, 556.13 FEET TO THE POINT OF BEGINNING OF
THE LAND HEREIN DESCRIBED; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX
COURSES AND DISTANCES: THENCE N.57°09'30"E, 386.98 FEET; THENCE N.34°59'40"E,
384.64 FEET; THENCE E.00°00'00"E, 844.56 FEET; THENCE S.00°41'18"E, 756.51 FEET; THENCE
S.89°28'50"E, 756.51 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.89°28'50"E,
756.51 FEET TO THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A
DISTANCE OF 327.78 FEET; THENCE S.89°28'50"E, 756.51 FEET TO THE SOUTHWEST 1/4 OF SAID SECTION 13, A
DISTANCE OF 85.85 FEET; THENCE N.00°31'10"E, 948.80 FEET; THENCE N.53°47'52"E, 263.61
FEET; THENCE N.24°26'30"E, 24.02 FEET; THENCE N.53°47'58"E, 91.57 FEET TO THE POINT
OF BEGINNING OF SAID COURSE CONTAINING 30.95 ACRES MORE OR LESS.

(PARCEL E)
A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH,
RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

(PARCEL C)
A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH,
RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E,
ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON
THE EAST LINE OF SAID SECTION 13, THENCE S.89°27'18"E, ALONG SAID EAST LINE, TO
THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPINETTE ROAD
(SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF
SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY
LINE OF SAID SECTION 13, THENCE S.89°27'18"E, ALONG SAID NORTHERLY RIGHT OF WAY
RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND
SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE
S.89°27'18"E, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAID SECTION 13, TO THE
EAST LINE OF TURPINETTE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND
DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409 OF THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, THENCE S.89°27'18"E, ALONG SAID SOUTHWEST CORNER OF SAID PARCEL OF
LAND, 100.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER
OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 231, PAGE 2137 OF THE
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE S.89°27'18"E, ALONG SAID SOUTHWEST
CORNER OF SAID PARCEL OF LAND, FOLLOWING TWO COURSES AND DISTANCES; THENCE N.58°49'17"E,
69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT LYING ON THE SOUTH LINE
OF SAID SECTION 13, THENCE S.89°27'18"E, ALONG SAID SOUTH LINE OF SAID SECTION 13, TO THE
SOUTHWEST CORNER OF SAID PARCEL OF LAND, 100.00 FEET TO THE SOUTHWEST CORNER OF THE
LAND OF BAR-C "C" RANCHETTES AS RECORDED IN PLAT BOOK 24, PAGE 58 OF THE PUBLIC
RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°20'40"E, ALONG SAID LINE, 755.43
FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND, THENCE S.89°20'40"E, ALONG
HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A
RADIUS OF 678.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.20°10'17"W; THENCE
S.89°20'40"E, ALONG SAID HAMMOCK TRAIL, FOLLOWING TWO COURSES AND DISTANCES;
THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL
ANGLE OF 34°50'03", 410.88 FEET TO THE POINT OF TANGENCY; THENCE S.34°59'40"W,
302.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.61 ACRES MORE OR LESS.

(PARCEL F)
A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH,
RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E,
ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON
THE EAST RIGHT OF WAY LINE OF TURPINETTE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY);
THENCE S.89°27'18"E, ALONG SAID RIGHT OF WAY LINE OF TURPINETTE ROAD
(SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF
SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY
LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL
RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
THENCE S.89°27'18"E, ALONG SAID HAMMOCK TRAIL, THE FOLLOWING SIX
CURVES AND DISTANCES: THENCE N.57°30'19"E, 386.98 FEET; THENCE N.34°59'40"E,
366.98 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND
HAVING A RADIUS OF 578.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY,
ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 228°15'11",
TO THE POINT OF TANGENCY; THENCE S.89°27'18"E, 1,000.00 FEET TO THE POINT OF CURVATURE
OF A CIRCULAR CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET;
THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 291°51"11",
929.13 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE
S.89°27'18"E, ALONG SAID EAST LINE, 1,000.00 FEET TO A POINT LYING ON THE SOUTHWEST 1/4 OF THE AFORESAID
SECTION 13; THENCE S.00°14'18"E, ALONG SAID LINE, 226.51 FEET TO A POINT LYING ON THE
EAST OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 844.56 FEET, AND TO
WHICH POINT A RADIAL LINE BEARS S.24°28'17"E; THENCE WESTERLY, ALONG THE ARC OF
SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°25'2", 305.34 FEET; THENCE
N.00°14'18"E, 200.33 FEET TO THE POINT OF BEGINNING.

PARCEL 2

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE N.00°14'18"W., ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 13, 13.00 FEET TO THE POINT OF BEGINNING; THENCE S.00°00'00"W. ALONG THE EAST LINE OF SAID SECTION 13, 13.00 FEET; THENCE CONTINUE N.00°14'18"W., ALONG SAID LINE, 62.23 FEET TO A POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL, A 100 FOOT WIDE ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID RIGHT OF WAY LINE BEING AN ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 64.65 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.32°43'34"E.; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 122°28'48.64"E. TO A POINT LYING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL, A 100 FOOT WIDE ROAD, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 123°47'49", 66.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.434 SQUARE FEET MORE OR LESS.

SHEET 1	LEGAL DESCRIPTION, LOCATION MAP, SURVEYOR'S NOTES, LEGEND AND TITLE COMMITMENT ADDRESSED.
2 AND 3	GENERAL MAP OF BOUNDARY SURVEY SHOWING MONUMENTATION AND SCATTERED IMPROVEMENTS.
ROUGH 8	MAP SHOWING TOPOGRAPHY AND MORE DETAILED DEPICTION OF IMPROVEMENTS.

1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON AN ASSUMED BEARING OF "NORTH" ALONG THE CENTERLINE OF TURPENTINE ROAD.

- 2) AS PER FLOOD INSURANCE RATE MAPS NO.12009C0100G AND 12009C0105G, INDEX DATE 3/17/14, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THE RIGHT OF WAY OF STATE ROAD NO.46 AS SHOWN HEREON IS PER FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP PROJ. F.E.S. 3-A, DATED 8-15-36.
- 4) LEGAL DESCRIPTION ORIGINALLY PREPARED BY SURVEYOR.
- 5) THE BENCHMARK OF ORIGIN IS NGS BENCHMARK DESIGNATION I95 73 B17, PID AK5214. ELEVATION = 37.45 N.A.V.D.88.
- 6) PARCELS B THROUGH F DESIGNATIONS ADDED TO LEGALS PROVIDED FOR PURPOSE OF IDENTIFYING PARCELS ON MAP.
- 7) ONLY THE OUTER BOUNDARIES OF THE COLLECTIVE PARCELS WERE MONUMENTED. PARCELS B AND C WERE MONUMENTED AS ONE AND PARCELS D, E, F, AND F WERE MONUMENTED AS ONE.
- 8) THE ABOVE DESCRIBED PARCEL OF LAND IS ZONED RU-1-11 (SINGLE FAMILY) PER THE BREVARD COUNTY ZONING DEPARTMENT.
- 9) OTHER THAN THE FEW MINOR IMPROVEMENTS SHOWN, THE PROPERTY IS A MIX OF ARBONDED ORANGE, GROVES AND FORESTED AREAS.

ALL THE FOREGOING SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESERVATIONS, RESTRICTIONS OR EASEMENTS OF RECORD
NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFIED BY: DENNIS L. WRIGHT
REGISTERED LAND SURVEYOR NO. 4024
STATE OF FLORIDA

(IN FEET)
inch = 200

B/O	=	Blow Off Valve	P.C.C.	=	Point of Compound Curvature
B.F.P.	=	Back Flow Preventer	P.O.B.	=	Point of Beginning
C.B.	=	Concrete Block	P.O.C.	=	Point of Commencement
C.B.S.	=	Concrete Block Stucco	P.O.T.	=	Point of Termination
C.	=	Centerline	PP	=	Power Pole
C.L.F.	=	Chain Link Fence	P.R.C.	=	Point of Reverse Curvature
C.L.	=	Clear	P.R.M.	=	Permanent Reference Monument
C.M.	=	Concrete Monument	P.T.	=	Point of Tangency
C/O	=	Clean Out	P.U.&D.	=	Public Utility & Drainage Easement
C/L	=	Column	PVC	=	Polyvinyl Chloride Pipe
C.C.	=	Concrete	P.P.	=	Corrupted Polyethylene Pipe
C.D.	=	Deed	P.W.M.	=	Pavement
DB	=	Deed Book and Page	R.C.P.	=	Reinforced Concrete Pipe
945-631	=	Typical nomenclature for Deed Book and Page	R.R.	=	Range
EL	=	ELEV = Elevation	R/W	=	Right-of-way
ENCH.	=	Encroachment	SBT	=	Southern Bell Telephone
F	=	Found	SV	=	Sanitary Sewer Valve
F.F.	=	Finish Floor Elevation	TP	=	Typical
F.P.L.	=	Florida Power and Light	TWP	=	Township
INV.	=	Invert	WM	=	Water Meter
I.P.	=	Iron Pipe	WV	=	Water Valve
I.R.	=	Iron Rod	Δ	=	Delta Angle
LP	=	Light Pole	△	=	Triangle
(M)	=	Measured	FD CM	=	Found 4"x4" concrete monument with aluminum cap stamped "PRM PLS 4014" unless noted otherwise.
MT	=	Man Hole	FD	=	Found 1 1/2" iron rod with plastic cap stamped "LB 6762"
N/D	=	Nail & Disk	IR	=	Iron Rod
ORB.	=	Official Records Book and Page			
3345/2234	=	A typical nomenclature for official records book and page			
P.	=	Plot			
P.C.	=	Point of Curvature			

P.C.C. = Point of Compound Curvature
P.O.B. = Point of Beginning
P.O.C. = Point of Commencement
P.O.T. = Point of Tangency
PP = Power Pole
P.R.C. = Point of Reverse Curvature
P.R.M. = Permanent Reference Monument
P.T. = Point of Tangency
P.U.&D. EMT. = Public Utility & Drainage Easement
PVC = Polyvinyl Chloride Pipe
C.P.P. = Corrugated Polyethylene Pipe
P.W.T. = Pavement
R.C.P. = Reinforced Concrete Pipe
RGE = Range
R/W = Right-of-way
SBT = Southern Bell Telephone
SV = Sanitary Sewer Valve
TYP = Typical
TWP = Township
WM = Water Meter
WW = Water Valve
Δ = Delta Angle

^{FD} CM = Found "4"x4" concrete monument with aluminum cap stamped "PRM FL3S 4014" unless noted otherwise.

• FD = Found 1/2" Iron rod with plastic cap stamped "LB 6782"

EXCEPTIONS LISTED IN SCHEDULE B-SECTION II OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT FILE NO:14058081 LWE, EFFECTIVE DATE: JULY 1, 2014 AT 8:00 A.M. ARE ADDRESSED AS FOLLOWS:

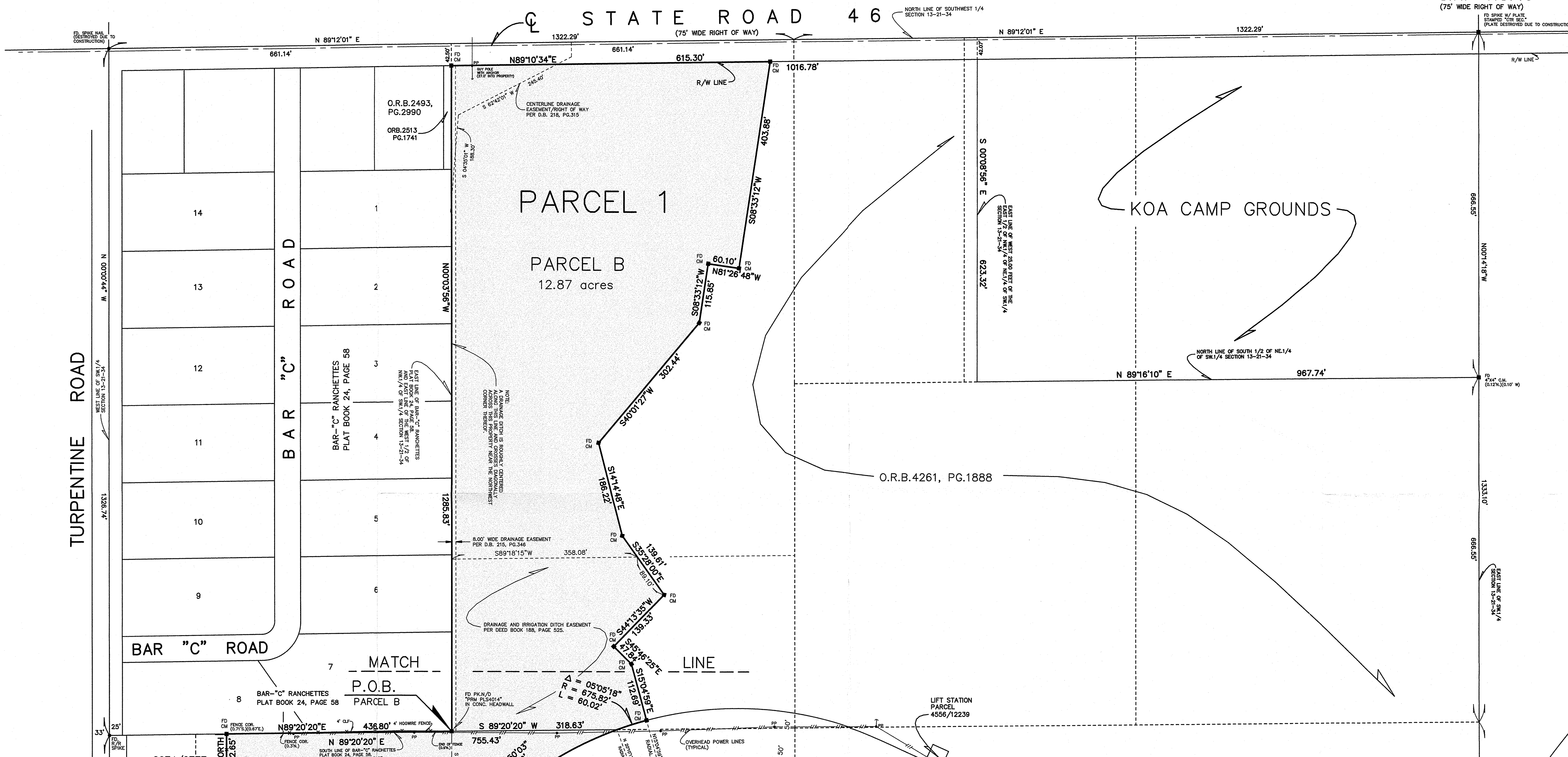
- 1, 3, 4, 8, 10, 17, 18) NOT MATTERS OF SURVEY.
- 2) MINOR ENCROACHMENTS SHOWN PLOTTED HEREON.
- 5) THE SURVEYOR IS NOT AWARE OF ANY EASEMENTS OR CLAIMS OF EASEMENTS NOT FOUND IN THE PUBLIC RECORDS.
- 7) THE SURVEYOR IS NOT AWARE OF ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LAND SHOWN SURVEYED HEREON.
- 9) THE SURVEYOR IS NOT AWARE OF ANY MINERAL RIGHTS RESERVATIONS.
- 11) CENTERLINE OF DITCH EASEMENT (WITH NO WIDTH DEFINED) DESCRIBED IN DEED BOOK 219, PAGE 275 IS SHOWN PLOTTED HEREON
PORTIONS OF DRAINAGE AND IRRIGATION EASEMENT AREAS (DITCH ALLOWED NOT TO EXCEED 25' WIDE) DESCRIBED IN DEED BOOK 188, PAGE 525 IS SHOWN PLOTTED HEREON.
DRAINAGE AND IRRIGATION EASEMENT AREA (DITCH ALLOWED NOT TO EXCEED 25' WIDE) DESCRIBED IN DEED BOOK 189, PAGE 453 IS SHOWN PLOTTED HEREON.
DITCH EASEMENT CENTERLINE (WIDTH NOT DEFINED) DESCRIBED IN DEED BOOK 218, PAGE 315 IS SHOWN PLOTTED HEREON.
- 12) A 50 FOOT WIDE DRAINAGE EASEMENT PER O.R.B.798, PG. 129 IS SHOWN PLOTTED HEREON.
O.R.B.182, PG.98 AND O.R.B.189, PG.60 DO NOT AFFECT THIS PROPERTY.
AN 8 FOOT WIDE DRAINAGE EASEMENT PER DEED BOOK 215, PG. 346 IS SHOWN PLOTTED HEREON.
O.R.B.1187, PAGE 763 MAKES MENTION OF DRAINAGE EASEMENT DESCRIBED IN DEED BOOK 218, PAGE 315 WHICH IS SHOWN PLOTTED HEREON AND ALSO MAKES MENTION OF A POWER LINE EASEMENT, BUT GIVES NO REFERENCE AS TO WHERE IT IS.
- 13) THE RIGHT OF WAY DEED RECORDED IN O.R.B.1212, PAGE 917 DESCRIBES THE RIGHT OF WAY OF HAMMOCK TRAIL SHOWN PLOTTED HEREON.
- 14) AN F.P.&L. EASEMENT RECORDED IN O.R.B. 3123, PAGE 3054 LIES ENTIRELY WITHIN THE RIGHT OF WAY OF TURPENTINE ROAD AND DOES NOT AFFECT THIS PROPERTY. IT IS SHOWN PLOTTED HEREON
AN F.P.&L. EASEMENT DESCRIBED IN O.R.B.4296, PAGE 3527 DOES NOT AFFECT THIS PROPERTY.
- 15) THE RIGHT OF WAY AND DRAINAGE CANAL REFERRED TO IN O.R.B. 1139, PAGE 790 AS BEING UNRECORDED AND THEREFORE NOT PARTICULARLY DEFINED, APPEARS TO BE WHAT HAMMOCK TRAIL IS TODAY.
- 16) O.R.B. 4212, PAGE 1025 DOES NOT AFFECT THIS PROPERTY.
- 19) O.R.B. 4556, PAGE 1246 AND O.R.B.4560, PAGE 2230 DO NOT AFFECT THIS PROPERTY.
- 20) CONSERVATION EASEMENT PER O.R.B.5400, PAGE 2782 IS SHOWN PLOTTED HEREON.

DATE:	ORDER NO.	F.B. NO.	REVISIONS	DATE: 8/18/14	CERTIFIED TO: HEATHER CALLIGAN
				ORDER NO. 24796	SEASONS IN THE SUN LLC
				F.B. NO. 614	COMMUNITY CREDIT UNION OF FLORIDA
				SCALE: AS SHOWN	STATE TITLE
				DWG. NO. BS-1039-14	OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AC9372
				CADD FILE HEATHER BND SHT1-R.DWG	CANTWELL & GOLDMAN, P.A.

Honeycutt & Associates, Inc.
ENGINEERS • SURVEYORS • PLANNERS
3700 South Washington Avenue • Titusville, Florida 32780
(321) 267-6233 Fax (321) 269-7847
CERTIFICATE OF AUTHORIZATION NO. 186762

3700 South Washington Avenue • Titusville, Florida 32780
(321) 267-6233 Fax (321) 269-7847
CERTIFICATE OF AUTHORIZATION NO. LB6782

S.R. NO.46
(75' WIDE RIGHT OF WAY)



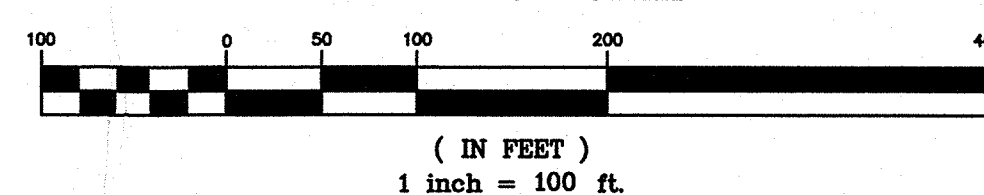
SEE SHEET 2

LEGEND

- B/O = Blow Off Valve
B.F.P. = Back Flow Preventer
C.B. = Concrete Block
C.B.S. = Concrete Block Stucco
C.L. = Centerline
C.L.F. = Chain Link Fence
C.L.R. = Clear
C.M. = Concrete Monument
C/O = Clean Out
C.O.L. = Column
C.O.N.C. = Concrete
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PVC = Polyvinyl Chloride Pipe
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W.A. = Water Angle
Δ = Delta Angle
FD CM = Found 4"x4" concrete monument with aluminum cap
Stamped "PRM PLS 4014" unless noted otherwise.
FD IR = Found 1/2" iron rod with plastic cap stamped "LB 6762"

MAP OF BOUNDARY SURVEY

GRAPHIC SCALE



KEY MAP
NOT TO SCALE

DATE:	ORDER NO.	F.B. NO.	REVISIONS

DATE: 8/18/14
ORDER NO. 24798
F.B. NO. 614
SCALE: AS SHOWN
DWG. NO. BS-1039-14
CADD FILE: HEATHER BND SHT2-3-R.DWG

Honeycutt & Associates, Inc.
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3700 South Washington Avenue • Titusville, Florida 32780
(321) 267-8253 Fax (321) 269-7847
CERTIFICATE OF AUTHORIZATION NO. 168724



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Mark W. Mullins, Ed.D., Superintendent

September 1, 2021

Mr. Paul Body
Planner II
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Summerfields Development
School Impact Analysis – Capacity Determination CD-2021-21**

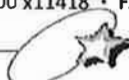
Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2112413 (Parcel ID: 21-34-13-00-506) containing approximately 79.16 acres in District 1, Brevard County, Florida. The proposed single-family development includes 198 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2020-21 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes	198		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	55.44	55
Middle	0.08	15.84	16
High	0.16	31.68	32
Total	0.52		103

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to
2025-26**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	725	725	725	725	725
Madison	781	781	781	781	781
Astronaut	1,446	1,446	1,446	1,446	1,446

Projected Student Membership

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	422	398	499	514	515
Madison	475	445	468	465	426
Astronaut	1,141	1,081	1,092	1,065	1,052

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	-	52	104	104	104
Madison	-	13	24	24	24
Astronaut	1	22	41	41	41

**Cumulative Students Generated by
Proposed Development**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	-	14	28	42	55
Madison	-	4	8	12	16
Astronaut	-	8	16	24	32

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	422	464	631	660	674
Madison	475	462	500	501	466
Astronaut	1,142	1,111	1,149	1,130	1,125

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	303	261	94	65	51
Madison	306	319	281	280	315
Astronaut	304	335	297	316	321

At this time, Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the Summerfields development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP Candidate
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2021-21

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2021-21

Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2020-21 to 2025-26



Summary	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Highest Utilization Elementary Schools:	87%	90%	100%	100%	100%	100%
Highest Utilization Middle Schools:	87%	89%	90%	93%	98%	99%
Highest Utilization Jr / Sr High Schools:	81%	81%	80%	89%	94%	98%
Highest Utilization High Schools:	93%	99%	99%	99%	99%	100%

School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FISH Capacity	10/09/19 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	596	79%	751	679	90%	751	652	87%	751	681	91%	773	758	98%	795	781	99%
Andersen	Elementary	K-6	100%	884	618	70%	884	617	70%	884	687	78%	884	696	79%	884	702	79%	884	713	81%
Apollo	Elementary	K-6	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	757	84%	902	744	82%
Atlantis	Elementary	PK-6	100%	739	633	86%	739	660	89%	739	625	85%	739	624	84%	739	616	83%	739	610	83%
Audubon	Elementary	PK-6	100%	781	469	62%	781	475	62%	781	471	62%	781	476	63%	781	475	62%	781	484	64%
Cambridge	Elementary	PK-6	100%	765	519	68%	765	525	69%	765	503	66%	765	494	65%	765	469	61%	765	458	60%
Cape View	Elementary	PK-6	100%	570	302	53%	570	283	50%	570	277	49%	570	269	47%	570	253	44%	570	254	45%
Carroll	Elementary	K-6	100%	751	593	79%	751	593	79%	751	530	71%	751	553	74%	751	559	74%	751	540	72%
Challenger 7	Elementary	PK-6	100%	573	477	83%	573	493	86%	573	443	77%	573	423	74%	573	406	71%	573	398	69%
Columbia	Elementary	PK-6	100%	751	405	54%	751	400	53%	751	455	61%	751	514	68%	751	533	71%	751	547	73%
Coquina	Elementary	K-6	100%	711	499	70%	711	532	75%	711	475	67%	711	436	61%	711	396	56%	711	376	53%
Cresel	Elementary	PK-6	100%	1,154	703	61%	1,154	748	65%	1,154	743	64%	1,154	737	64%	1,154	740	64%	1,154	741	64%
Croton	Elementary	PK-6	100%	795	480	60%	795	530	67%	795	615	77%	795	622	78%	795	627	79%	795	635	80%
Discovery	Elementary	PK-6	100%	980	580	57%	980	550	56%	980	494	50%	980	500	51%	980	507	52%	980	503	51%
Endeavour	Elementary	PK-6	100%	990	608	61%	990	646	65%	990	589	59%	990	581	59%	990	528	53%	990	527	53%
Enterprise	Elementary	K-6	100%	729	536	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	492	67%
Fairglen	Elementary	PK-6	100%	789	577	73%	789	590	75%	789	598	76%	789	630	80%	789	678	86%	789	700	89%
Gemini	Elementary	K-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	383	54%
Golfview	Elementary	PK-6	100%	777	439	56%	777	450	58%	777	528	68%	777	522	67%	777	537	69%	777	545	70%
Harbor City	Elementary	PK-6	100%	629	345	55%	629	378	60%	629	379	60%	629	418	66%	629	412	66%	629	402	64%
Holland	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	418	69%	605	417	69%
Imperial Estates	Elementary	K-6	100%	729	605	83%	729	608	83%	729	615	84%	729	627	86%	729	644	88%	729	648	89%
Indialantic	Elementary	K-6	100%	798	662	83%	798	694	87%	798	683	86%	798	675	85%	798	668	84%	798	649	81%
Jupiter	Elementary	PK-6	100%	930	679	73%	930	656	71%	930	705	76%	930	806	87%	930	876	94%	930	926	100%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	609	68%	892	592	66%	892	555	62%	892	541	61%	892	518	58%
Longleaf	Elementary	PK-6	100%	790	568	72%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	76%
Manatee	Elementary	K-6	100%	996	688	69%	998	696	70%	998	808	81%	998	786	79%	998	748	75%	998	714	72%
McAuliffe	Elementary	PK-6	100%	918	669	73%	918	657	72%	918	591	64%	918	594	65%	918	561	61%	918	570	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	988	87%	1,114	998	90%
Meadowlane Primary	Elementary	K-6	100%	824	661	80%	824	724	88%	824	634	77%	824	687	83%	824	687	83%	824	699	85%
Mila	Elementary	PK-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	418	59%	707	408	58%
Mims	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	499	69%	725	514	71%	725	515	71%
Oak Park	Elementary	PK-6	100%	968	603	62%	968	580	60%	968	542	56%	968	514	53%	968	484	50%	968	482	50%
Ocean Breeze	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	485	71%	654	462	71%	654	455	70%	654	429	66%
Palm Bay Elem	Elementary	PK-6	100%	983	573	58%	983	596	61%	983	653	66%	983	736	75%	983	770	78%	983	773	79%
Pinewood	Elementary	PK-6	100%	569	470	83%	569	486	85%	569	493	87%	569	504	89%	569	510	90%	569	516	91%
Port Malabar	Elementary	PK-6	100%	852	648	76%	852	631	74%	852	616	72%	852	612	72%	852	617	72%	852	625	73%
Quest	Elementary	PK-6	100%	1,152	795	69%	1,152	682	59%	1,152	676	59%	1,152	651	57%	1,152	647	56%	1,152	675	59%
Riviera	Elementary	PK-6	100%	777	561	72%	777	578	74%	821	818	100%	865	846	98%	885	836	97%	865	817	94%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	247	41%	599	242	40%	599	230	38%	599	207	35%	599	193	32%
Sabal	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	74%	785	594	76%	785	580	74%	785	581	74%
Satum	Elementary	PK-6	100%	976	794	81%	976	841	86%	976	825	85%	1,042	1,039	100%	1,042	1,020	98%	1,042	997	96%
Sea Park	Elementary	PK-6	100%	461	272	59%	461	298	65%	461	287	62%	461	288	62%	461	294	64%	461	286	62%
Sherwood	Elementary	PK-6	100%	609	393	65%	609	416	68%	609	379	62%	609	381	63%	609	386	63%	609	379	62%
South Lake	Elementary	K-6	100%	481	367	76%	481	397	83%	481	367	76%	481	367	76%	481	367	76%	481	367	76%
Sunrise	Elementary	PK-6	100%	913	700	77%	913	693	76%	913	791	87%	957	941	98%	1,023	1,021	100%	1,111	1,096	99%
Suntree	Elementary	K-6	100%	755	594	79%	755	616	82%	755	571	76%	755	579	77%	755	546	72%	755	535	71%
Surfside	Elementary	K-6	100%	541	438	81%	541	457	84%	541	430	79%	541	412	76%	541	398	74%	541	400	74%
Tropical	Elementary	K-6	100%	910	682	75%	910	725	80%	910	623	68%	910	603	66%	910	565	62%	910	547	60%
Turner	Elementary	PK-6	100%	874	529	61%	874	525	60%	874	602	69%	874	675	77%	874	720	82%	874	733	84%
University Park	Elementary	PK-6	100%	811	432	53%	811	471	58%	811	638	79%	811	738	91%	811	748	92%	811	747	92%
Viera Elem	Elementary	K-6	100%	1,012	384	38%	1,012	643	64%	1,012	613	61%	1,012	697	69%	1,012	738	73%	1,012	741	73%
Westside	Elementary	K-6	100%	857	671	78%	857	594	69%	857	617	72%	857	641	75%	857	663	77%	857	663	77%
Williams	Elementary	PK-6	100%	715	482	67%	715	484	68%	715	463	65%	715	444	62%	715	425	59%	715	396	55%
Elementary Totals				42,996	29,821		42,996	30,667		43,040	30,387		43,194	31,384		43,282	31,483		43,392	31,487	

Middle School Concurrency Service Areas															
Central	Middle	7-8	90%	1,505	1,135	75%	1,505	1,136	75%	1,505	1,076	71%	1,505	1,167	78%
DeLaura	Middle	7-8	90%	939	800	85%	939	787	84%	939	846	90%	939	924	98%
Hoover	Middle	7-8	90%	880	489	56%	880	493	56%	880	480	54%	880	486	55%
Jackson	Middle	7-8	90%	654	586	89%	654	583	89%	654	523	80%	654	558	85%
Jefferson	Middle	7-8	90%	854	647	76%	854	640	75%	854	632	74%	854	609	71%
Johnson	Middle	7-8	90%	997	731	73%	997	710	71%	997	694	70%	997	727	73%
Kennedy	Middle	7-8	90%	813	668	82%	813	638	78%	813	618	76%	813	606	75%
Madison	Middle	7-8	90%	781	470	60%	781	475	61%	781	445	57%	781	468	60%
McNair	Middle	7-8	90%	611	407	67%	611	390	64%	611	438	72%	611	448	73%
Southwest	Middle	7-8	90%	1,177	904	77%	1,177	886	75%	1,177	892	76%	1,177	879	75%
Stone	Middle	7-8	90%	1,024	775	76%	1,024	754	74%	1,024	858	84%	1,024	927	91%
Middle Totals				10,035	7,570		10,035	7,492		10,035	7,500		10,035	7,730	
Junior / Senior High School Concurrency Service Areas															
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,572	75%	2,084	1,578	76%	2,084	1,658	80%	2,084	1,857	89%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	984	66%	1,466	1,000	68%	1,466	948	65%	1,466	914	62%
Space Coast	Jr / Sr High	7-12	90%	1,857	1,501	81%	1,857	1,505	81%	1,857	1,492	80%	1,857	1,455	78%
Jr / Sr High Totals				5,407	4,037		5,407	4,083		5,407	4,108		5,407	4,226	
Senior High School Concurrency Service Areas															
Astronaut	High	9-12	95%	1,446	1,087	75%	1,446	1,141	79%	1,446	1,081	75%	1,446	1,092	76%
Bayside	High	9-12	95%	2,257	1,568	69%	2,257	1,625	72%	2,257	1,669	74%	2,257	2,010	89%
Eau Gallie	High	PK, 9-12	95%	2,221	1,605	72%	2,221	1,642	74%	2,221	1,726	78%	2,221	1,741	78%
Heritage	High	9-12	95%	2,314	1,899	82%	2,314	1,953	84%	2,314	1,980	86%	2,314	2,081	90%
Melbourne	High	9-12	95%	2,370	2,112	89%	2,370	2,148	91%	2,370	2,338	99%	2,370	2,354	99%
Merritt Island	High	PK, 9-12	95%	1,891	1,489	79%	1,891	1,587	84%	1,891	1,494	79%	1,891	1,517	80%
Palm Bay	High	PK, 9-12	95%	2,602	1,336	51%	2,602	1,286	50%	2,602	1,629	63%	2,602	1,827	70%
Rockledge	High	9-12	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,624	95%	1,701	1,664	98%
Satellite	High	PK, 9-12	95%	1,516	1,412	93%	1,516	1,496	99%	1,516	1,411	93%	1,516	1,393	92%
Titusville	High	9-12	95%	1,848	1,230	67%	1,848	1,230	67%	1,848	1,391	75%	1,848	1,428	77%
Viera	High	PK, 9-12	95%	2,275	2,096	92%	2,275	2,165	95%	2,275	2,266	99%	2,275	2,377	99%
High Totals				22,441	17,352		22,441	17,845		22,441	18,809		22,441	19,484	
Schools of Choice (Not Concurrency Service Areas)															
Freedom 7	Elementary	K-6	100%	475	395	83%	475	414	87%	475	395	83%	475	395	83%
Stevenson	Elementary	K-6	100%	569	487	86%	569	505	89%	569	488	86%	569	488	86%
West Melbourne	Elementary	K-6	100%	618	531	86%	618	552	89%	618	531	86%	618	531	86%
Edgewood	Jr / Sr High	7-12	90%	1,072	937	87%	1,072	950	89%	1,072	942	88%	1,072	942	88%
West Shore	Jr / Sr High	7-12	90%	1,264	967	77%	1,264	956	76%	1,264	967	77%	1,264	967	77%
Schools of Choice				3,998	3,317		3,998	3,377		3,998	3,323		3,998	3,323	
Brevard Totals				84,877	61,897		84,877	63,464		84,877	64,127		84,877	66,147	

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
2. Student Membership is reported from the Fall Final Membership Count (10/09/20).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Riviera Elementary, Saturn Elementary, Sunrise Elementary, and Stone Middle School (Total 19 Classrooms)
 - High school relocatable classrooms are proposed to be added at Melbourne High and Viera High (Total of 11 Classrooms)
7. Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.



Summerfields Location Map



**Summerfields
198 SFD Units**

Schools Affected by Development:
Mims Elementary School
Madison Middle School
Astronaut High School

Drawn By:
Blake Stinson
08/31/2021
Facility Services

3,300 1,650 0 3,300 Feet

BINDING DEVELOPMENT PLAN

BDP/RU 1-11/79.13 Acres
Parcels 2, 3, 4, 5, & 6

THIS AGREEMENT, entered into this 30th day of MARCH, 2005, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Vero-Pittsburgh Partners L.L.C. the successor in interest to Seasons In The Sun L.L.C., (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner plans to develop the property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "1" attached hereto and incorporated herein by this reference; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. Developer/Owner shall limit gross density on the property to 2.5 dwelling units per acre or 198 units. Any increase in site density will require an amendment to this agreement and will require public hearings and notice as provided in the Code of Ordinances of Brevard County, Florida, and will be restricted to a maximum of four (4) units per acre which may be further restricted by and changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall construct a berm with an average height of four (4) feet (varies from three (3) feet to five (5) feet high) along the length of the Property that fronts on Turpentine Road. The berm will be located in the buffer area contiguous to Turpentine Road. This area will also include a six (6) foot high wood fence or opaque vegetative landscaped buffer. The berm will be irrigated and maintained by the Developer/Owner and or its assigns. The berm will be constructed along with the initial phase of construction.

Scott Ellis

Clerk Of Courts, Brevard County

CFN:2005183943 05-25-2005 09:22 am
OR Book/Page: 5472 / 3172

#Pgs: 12 #Names: 2
Trust: 6.50 Rec: 97.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

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4. The Developer/Owner shall provide a 300 foot wide buffer along the east 1,600 feet of the South Property line. The east 1,600 feet shall be placed in a conservation easement. The conservation easement may be used for mitigation of wetlands with the St. Johns River Water Management District (SRJWMD). In that case the easement will be in favor of the SJRWMD only. The remaining (western) portion of the south property line shall have one acre lots adjacent to the (south) property line as more particularly shown in Exhibit A with a minimum unit square footage of 2,200 square feet. The 300 foot conservation area shall be used for conservation, wetland mitigation and/or open space only.

5. The Developer/Owner shall provide a twenty-five (25) foot wide buffer along the south Property line of Bar "C" Ranchettes (as recorded in plat book 24, page 58 of the public records of Brevard County, Florida) where it contiguous to the Property and along the contiguous property line of the Property with the two (2) parcels as recorded in Official Record Book 298, page 409 and Official Record Book 2314 page 2137 or the public records of Brevard County, Florida. The Developer/Owner shall install a six (6) foot high opaque wooden fences along this contiguous property line and along the southeast three hundred and fifty (350) feet of Bar "C" Ranchettes east of boundary line which is contiguous to the Property. In addition to the wood fence, a six (6) foot high landscaped buffer will be provided along Bar-C Ranchettes south property line where it is contiguous to the Property. A buffer area for the undisturbed area as shown and dimensioned on Exhibit "B" will be provided no less than fifty (150) feet extending south from the north three hundred (300) feet of Bar "C" Ranchettes east property line which is contiguous to the Property. The area between the north three hundred (300) feet and the south three hundred and fifty (350) feet on east property line shall be a minimum of a fifty (50) foot buffer. Property abutting S.R. 46 will provide an opaque vegetative buffer no less than fifty (50) feet east of the one hundred and fifty (150) buffer and extend from the south side of S.R. 46 which is contiguous to the property. Existing vegetations shall remain intact in the buffer area. The Developer/Owner shall provide replacement vegetation in this area if the existing vegetation is destroyed.

6. The Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This agreement constitutes Developers/Owners agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

7. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

8. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property.

9. Subdivision will have deed restrictions and an architectural review committee.

Z11076

a. Deed restrictions shall require all common tract natural buffers areas be placed in ownership of the Home Owners Association.

b. Deed restrictions shall include the Home Owners Association as solely responsible for the maintenance of the common tract natural buffer areas.

c. Deed restrictions shall include that conservation common tracts shall not permit any structures be erected. Encroachments into the common tracts shall be prohibited.

d. Deed restrictions shall permit conservation common tracts to add natural vegetation by the Home Owners Association as appropriate for the purposes of maintenance, overall conservation and aesthetic quality, consistent with permitted plant materials and installation methodologies of Brevard County.

10. Minimum unit size shall be eighteen hundred (1,800) square feet or larger except for the one acre lot parcels.
11. The average lot size for the project shall be a minimum of or above 6,000 square feet, with no lots under 5,500 square feet.
12. S&T Bank, the Developer / Owner's Mortgagee has joined in this Binding Development Plan as evidenced by their execution of the Joinder document which is attached hereto as Exhibit "C" and is incorporated by reference herein.

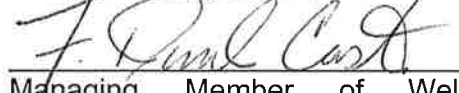
IN WITNESS THEREOF, the parties hereto have caused these presents to the signed all as of the date and year first written above.

STATE OF PENNSYLVANIA
COUNTY OF ALLEGHENY

WITNESSES:



DEVELOPER/OWNER:


Managing Member of Welcast Partners, LLC, which is the General Partner of Caste-Woodland Partners, L.P., a Pennsylvania Limited Partnership, which is a Managing Member of Vero-Pittsburgh Partners, LLC

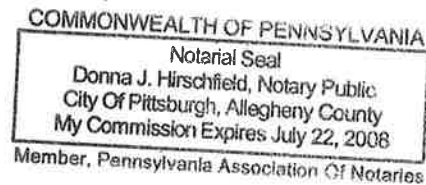
Z11076

The foregoing instrument was acknowledged before me this 30th day of March, 2005, by F. Daniel Caste, who is the Managing Member of Welcast Partners, LLC, which is the General Partner of Caste Woodland Partners, L.P., which is a Managing Member of Vero Pittsburgh Partners, LLC, who is known to me.

My commission expires
Commission No.:

SEAL

Donna J. Hirschfield
Notary Public



ATTEST:

Scott Ellis
Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

2725 Judge Fran Jamieson Way
Viera, FL 32940

Ron Pritchard
Ron Pritchard, D.P.A., Chairman
As approved by the Board on May 17, 2005

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 17th day of May, 2005, by Ron Pritchard, D.P.A., Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

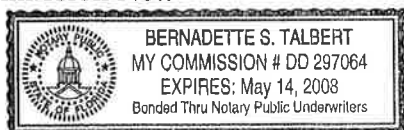
My commission expires

SEAL

Commission No.:

Bernadette S. Talbert
Notary Public

(Name typed, printed or stamped)



Z11076

Prepared by/Return to:
 Dianne C. Cisarano
 LANDAMERICA GULFATLANTIC TITLE
 752 Country Club Drive
 Titusville, Florida
 Case No.: 0409617 tvl

32780



CFN 2005096731 03-21-2005 02:35 pm
 OR Book/Page: 5439 / 0860

Property Appraisers Parcel No.

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 5 #Names: 2
 Trust: 3.00 Rec: 41.00 Serv: 0.00
 Excise: 0.00
 Mtg: 0.00 nt Tax: 0.00

THIS WARRANTY DEED made on 03/11/05

SEASONS IN THE SUN, LLC

a FLORIDA corporation, hereinafter called Grantor to:

VERO-PITTSBURGH PARTNERS, LLC :

hereinafter called Grantee, and whose post office address is:

300 WEYMAN ROAD, SUITE 210

PITTSBURGH, PA. 15236

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Brevard County, Florida, viz:

PARCEL 2:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 14 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 89 DEGREES 27'18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF

Continued

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that the land is free of all encumbrances, except taxes for the current year and subsequent years, restrictions, limitations, covenants, and easements of record, if any.

(CORPORATE SEAL)

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Witnessed By:

SEASONS IN THE SUN, LLC

Printed/typed name of above witness

Dianne C. Cisarano

Printed/typed name of above witness

State of FLORIDA
 County of BREVARD

The foregoing instrument was acknowledged before me on 03/11/05
 by HEATHER CALLIGAN as MANAGING MEMBER
 of SEASONS IN THE SUN, LLC a FLORIDA corporation
 who is personally known to me or who produced a Driver's License as identification.

(SEAL)



Dianne C. Cisarano
 MY COMMISSION # 08050948 EXPIRES
 August 19, 2005
 BONDED THROUGH NOTARY INSURANCE, INC.

Notary Public
 DIANNE C. CISARANO
 Print/type name of notary:
 My commission expires:

(tvcwd 5/04)

Z11076

EXHIBIT

1

RETURN: Clerk to the Board #27

Continued

WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET TO THE WEST LINE OF SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE ON A BEARING OF NORTH ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE NORTH 58 DEGREES 49'19" EAST, 69.61 FEET; THENCE ON A BEARING OF NORTH 62.65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR "C" RANCHETTES, AS RECORDED IN PLAT BOOK 24, PAGE 58, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST ALONG SAID LINE, 436.80 FEET TO THE SOUTHEAST CORNER OF SAID PLAT OF BAR "C" RANCHETTES AND THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE NORTH 00 DEGREES 03'56" WEST, ALONG THE EAST LINE OF SAID PLAT OF BAR "C" RANCHETTES AND ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, A DISTANCE OF 1285.83 FEET TO A POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 46; THENCE NORTH 89 DEGREES 10'34" EAST ALONG SAID RIGHT OF WAY LINE, 615.30 FEET; THENCE SOUTH 08 DEGREES 33'12" WEST, 403.88 FEET; THENCE NORTH 81 DEGREES 26'48" WEST, 60.10 FEET; THENCE SOUTH 08 DEGREES 33'12" WEST, 115.85 FEET; THENCE SOUTH 40 DEGREES 01'27" WEST, 302.44 FEET; THENCE SOUTH 14 DEGREES 14'48" EAST, 186.22 FEET; THENCE SOUTH 35 DEGREES 28'00" EAST, 139.61 FEET; THENCE SOUTH 44 DEGREES 13'35" WEST, 139.33 FEET; THENCE SOUTH 45 DEGREES 46'25" EAST, 47.84 FEET; THENCE SOUTH 15 DEGREES 04'59" EAST, 112.69 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 15 DEGREES 04'59" WEST; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05 DEGREES 05'18", 60.02 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 20'20" WEST ALONG SAID LINE, 318.63 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 13; THENCE NORTH 89 DEGREES 27'18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13); 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE ON A BEARING OF NORTH, ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND THE FOLLOWING TWO COURSES AND DISTANCES; THENCE NORTH 58 DEGREES 49'19" EAST, 69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR "C" RANCHETTES AS RECORDED IN PLAT BOOK 24, PAGE 58, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 20'20" EAST, ALONG SAID LINE, 755.43 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 20 DEGREES 10'17" WEST; THENCE ALONG SAID RIGHT OF WAY LINE OF HAMMOCK TRAIL, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 50'03", 410.88 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 34 DEGREES 59'40" WEST, 650.21 FEET; THENCE SOUTH 57 DEGREES 09'30" WEST, 302.84 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

RETURN: Clerk to the Board #27

CRN 2005098731
OR Book/Page: 5439 / 0861



Z11076

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 27'18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13); 275.48 FEET TO THE INTERSECTION WITH THE

Continued



CFN 2005096731

OR Book/Page: 5439 / 0862

RETURN: Clerk to the Board #27



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Continued

SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917M OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES; THENCE NORTH 57 DEGREES 09'30" EAST, 386.98 FEET; THENCE NORTH 34 DEGREES 59'40" EAST, 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79 DEGREES 26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65 DEGREES 33'30" EAST, 84.87 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE SOUTH 65 DEGREES 33'30" EAST, 556.13 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 15'11", 329.13 FEET; THENCE SOUTH 00 DEGREES 14'18" EAST, 200.33 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 844.56 FEET AND TO WHICH POINT A RADIAL LINE BEARS NORTH 03 DEGREES 43'25" WEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20 DEGREES 42'52", 305.34 FEET TO A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE SOUTH 00 DEGREES 14'18" EAST, 756.51 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 28'50" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 1327.78 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 89 DEGREES 27'18" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 85.85 FEET; THENCE NORTH 00 DEGREES 31'10" WEST, 949.80 FEET; THENCE NORTH 53 DEGREES 47'52" EAST, 263.61 FEET; THENCE NORTH 24 DEGREES 26'30" EAST, 24.02 FEET; THENCE NORTH 53 DEGREES 47'58" EAST, 91.57 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 27'18" EAST, ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY) AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING FOUR COURSES AND DISTANCES; THENCE NORTH 57 DEGREES 09'30" EAST, 386.98 FEET; THENCE NORTH 34 DEGREES 59'40" EAST, 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79 DEGREES 26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65 DEGREES 33'30" EAST, 84.87 FEET; THENCE SOUTH 53 DEGREES 47'58" WEST, 91.57 FEET; THENCE SOUTH 24 DEGREES 26'30" WEST, 24.02 FEET; THENCE SOUTH 53 DEGREES 47'52" WEST, 263.61 FEET; THENCE SOUTH 00 DEGREES 31'10" EAST, 949.80 FEET TO A POINT LYING ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE SOUTH 89 DEGREES 27'18" WEST, ALONG SAID LINE, 1208.61 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 27'18" EAST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES; THENCE NORTH 57 DEGREES 09'30" EAST, 386.98 FEET; THENCE NORTH 34 DEGREES 59'40" EAST, 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79 DEGREES 26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65 DEGREES 33'30" EAST, 641.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 15'11", 329.13 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27 DEGREES 54'53", 314.08 FEET TO

CFN 2005096731
OR Book/Page: 5439 / 0863



RETURN: Clerk to the Board #27



211076

A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13;
 THENCE SOUTH 00 DEGREES 14'18" EAST, ALONG SAID LINE, 226.51 FEET TO A POINT LYING
 ON THE ARC OF A CIRCULAR CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 844.56 FEET AND
 TO WHICH POINT A RADIAL LINE BEARS SOUTH 24 DEGREES 26'17" EAST; THENCE WESTERLY,
 ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20 DEGREES 42'52", 305.34
 FEET; THENCE NORTH 00 DEGREES 14'18" WEST, 200.33 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT CORRECTIVE DEED RECORDED IN OFFICIAL RECORDS BOOK 4560
 PAGE 2224, BREVARD COUNTY, FLORIDA

XXXXXXXXXX
 XXXXXXXXXX



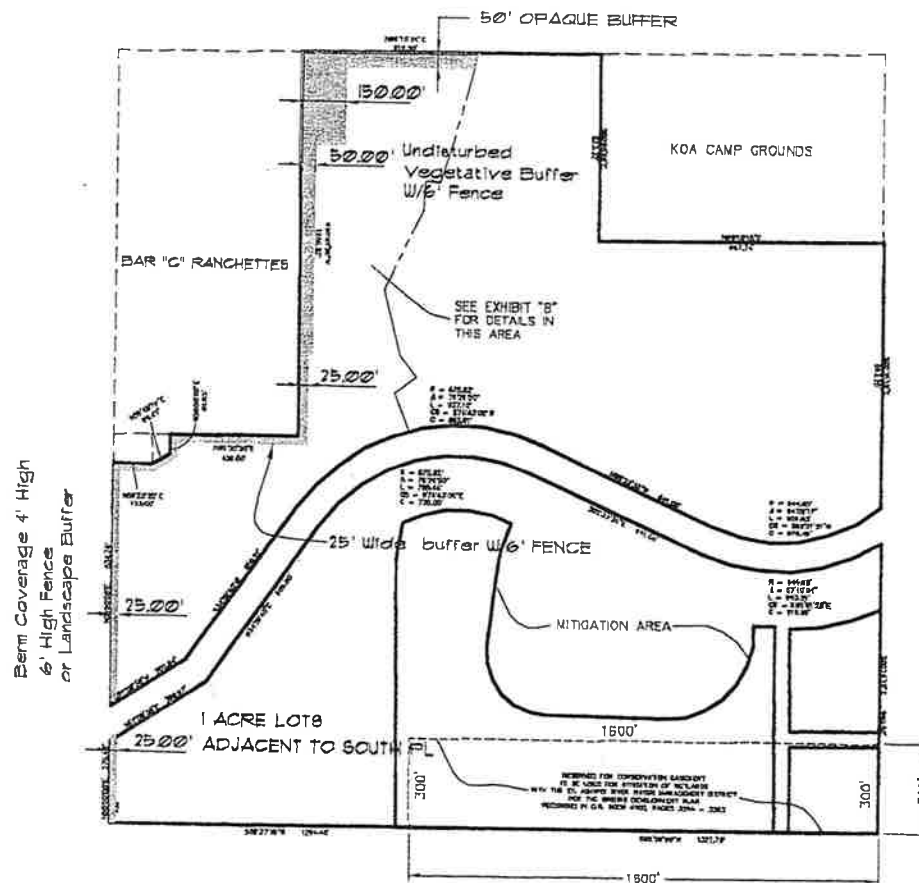
CFN 2005098731

OR Book/Page: 5439 / 0864

↑ RETURN: Clerk to the Board #27

Z11076

Z11076



GRAPHIC SCALE
0 100 200
1" = 100'

SEASONS IN THE SUN

BINDING DEVELOPMENT PLAN

MILLER LEGG

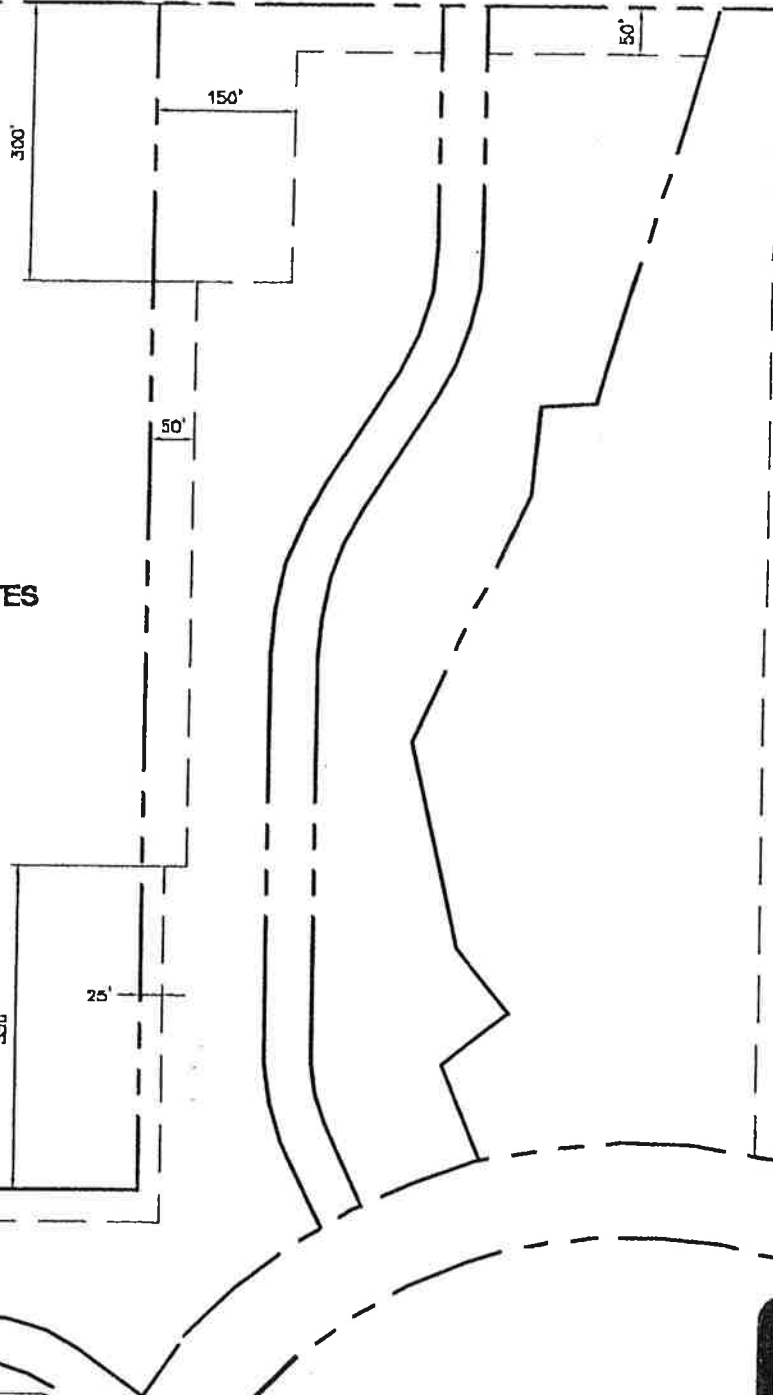
Central Florida Office: 831 S. Orlando Avenue • Suite 200
Winter Park, Florida • 32789-7122
407-829-5580 • Fax: 407-829-7883
www.millerlegg.com

EXHIBIT A

TITUSVILLE, FLORIDA

STATE ROAD 46

BAR 'C' RANCHETTES



RETURN: Clerk to the Board #27

MILLER LEGG
 South Florida Office: 1000 North Douglas Road - Suite 200
 Pembroke Pines, Florida - 33024-3300
 954-435-7000 • Fax: 954-435-5894
 www.millerlegg.com

Z11076

tabbles'	EXHIBIT
	B

BUFFER EXHIBIT

SEASONS IN THE SUN

04-00447

EXHIBIT "B"

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated MARCH 11, 2005, given by VERO-PITTSBURGH PARTNERS, LLC, as mortgagor, in favor of the undersigned, S&T BANK, as mortgagee, recorded in Official Records Book 5439, page 0865, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS:

Jonathan M. Kamin
(Witness name typed or printed)

S&T BANK
800 Philadelphia Street, Indiana, PA 15701
(Address)

Jonathan M. Kamin
(Witness name typed or printed)

Michelle Petrovsky, S.R.
Authorized Agent
(Name typed, printed or stamped) & Title of Agent

STATE OF Pennsylvania §

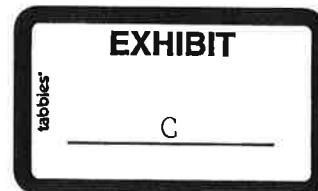
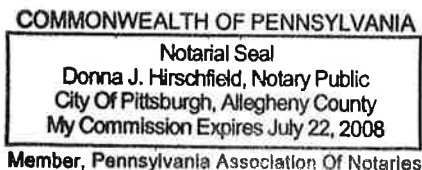
COUNTY OF Allegheny §

The foregoing instrument was acknowledged before me this 14 day of March, 2005, by Michelle Petrovsky, who is personally known to me or who has produced _____ as identification.

My commission expires

SEAL
Commission No.:

Donna J. Hirschfield
Notary Public
Donna J. Hirschfield
(Name typed, printed or stamped)





March 23, 2006

MEMORANDUM

TO: Scott Knox, County Attorney

Attn: Christine Lepore

RE: Item I.A.13, Binding Development Plan with Vero-Pittsburgh Partners, LLC

The Board of County Commissioners, in regular session on March 21, 2006, executed Binding Development Plan with Vero-Pittsburgh Partners, LLC for property located west of Carpenter Road, south side of Hammock Trail. Said Agreement was recorded in ORB 5620, PGs 5603 through 5609. Enclosed for your necessary action are two certified copies of the recorded document.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Bernadette S. Talbert, Deputy Clerk

/crc

Encls. (2)

cc: ☒ Zoning – Rick Enos
Contracts Administration

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 7 #Names: 2
Trust: 4.00 Rec: 57.00 Serv: 0.00
Mtg: 0.00 Excise: 0.00
Int Tax: 0.00

THIS INSTRUMENT PREPARED BY
AND RETURNED TO:
JONATHAN M. KAMIN, ESQUIRE
GOLDBERG, KAMIN AND GARVIN
1806 FRICK BUILDING, 437 GRANT STREET
PITTSBURGH, PA 15219-6101

BDP / RU-1-11
6.36 ACRES

CFN:2006084950 03-23-2006 09:52 am
OR Book/Page: 5620 / 5603

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this ____ day of _____, 2006,
between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, a political, subdivision of the State of Florida (hereinafter referred to as
"County") and VERO-PITTSBURGH PARTNERS, LLC, a Florida Limited Liability
Company, whose office address is 300 Weyman Road, Suite 210, Pittsburgh, PA
15236, (hereinafter referred to as "Developer").

RECITALS:

WHEREAS, Developer owns, by virtue of a Warranty Deed recorded in the Office
of the Clerk of Brevard County, Florida in Official Records Book 5495, Page 1377, that
certain parcel of property, which is more particularly described in Exhibit "A", which is
attached hereto and is incorporated by reference herein (hereinafter referred to as
"Property"). The Property is also known in the Office of Property Appraiser of Brevard
County as Parcel I.D. #21-34-13-00-00752.0; and

WHEREAS, the County and the Developer desire to enter into a Binding
Development Plan for the purpose of assuring both the County and the Developer that
the proposed development will be built in accordance with the representations of the
Developer; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the Parties hereto agree as follows:

711158
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1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements (other than street improvements and maintenance once the same have been dedicated to and accepted by the County). It is the intent of the Parties that the Developer, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer shall not erect more than three (3) dwelling units on the portion of the Property which has been rezoned to RU-1-11, which is more particularly described in Exhibit "B", which is attached hereto and is incorporated by reference herein (hereinafter referred to as "Rezoned Property"). The Developer shall have the right to use the remaining portion of the Property in accordance with the provisions of its GU zoning, or such other designations as may be applicable.

3. The Parties agree that violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, as amended.

4. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This agreement constitutes Developer's agreement to meet additional standards or restrictions in developing the Properties. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this Property.

5. Developer, upon execution of this agreement, shall pay to the County the cost of recording this agreement in Brevard County, Florida.

6. This agreement shall be binding and shall inure to the benefit of the successors or assigns of the Parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property. If the Property is

Z1115 8 (5)

annexed into a municipality, the municipality may enforce the agreement or declare it null and void.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to the signed all as of the date and year first written above.

COUNTY:

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940



Scott Ellis, Clerk
(SEAL)

By: 

Helen Voltz, Chair

As approved by the Board on March 21, 2006

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 21 day of March, 2006, by, Helen Voltz, as Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.



Commission No.:



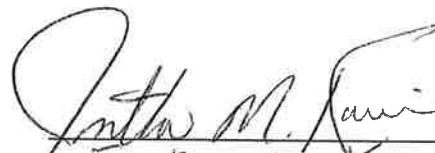
Notary Public

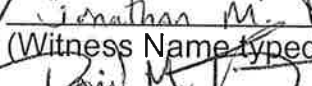
Tamara J. Ricard
(Name typed, printed or stamped)

WITNESSES:

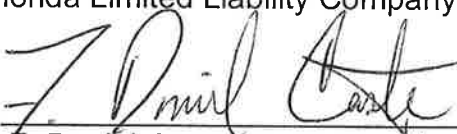
DEVELOPER:

VERO-PITTSBURGH PARTNERS, LLC,
a Florida Limited Liability Company



Jonathan M. Kamin
(Witness Name typed or printed)


David M. Kamin
(Witness Name typed or printed)

By: 

F. Daniel Caste, Managing Member of
Welcast Partners, LLC, which is the
General Partner of Caste-Woodland
Partners, L.P., which is a Managing
Member of Vero-Pittsburgh Partners, LLC

Z11158 

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

§
§

The foregoing instrument was acknowledged before me this 6th day of March, 2006, by, F. Daniel Caste, Managing Member of Welcast Partners, LLC, which is the General Partner of Caste-Woodland Partners, L.P., which is a Managing Member of Vero-Pittsburgh Partners, LLC, on behalf of Vero-Pittsburgh Partners, LLC, who is personally known to me or who has produced his driver's license as identification.

My commission expires:

SEAL

Commission No.:

Donna J. Hirschfield
Notary Public
Donna J. Hirschfield
(Name typed, printed or stamped)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Donna J. Hirschfield, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires July 22, 2008
Member, Pennsylvania Association Of Notaries

Z11158 (3)



EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

Tax Parcel 752, as recorded in ORB 5495, Pages 1377 through 1388, Public Records, Brevard County, Florida. Section 13, Township 21, Range 34 on 6.36 acres.

211158 (31)

EXHIBIT "B"

LEGAL DESCRIPTION OF THE REZONED PROPERTY

A parcel of land lying in the Southeast 1/4 of Section 13, Township 21 South, Range 34 East, Brevard County, Florida, described as follows: commencing at the Southwest corner of the Southeast 1/4 of said Section 13, thence N. $00^{\circ} 56' 18''$ W., along the West line of said Southeast 1/4 of Section 13, a distance of 898.60 feet to the point of beginning of the land herein described; thence continue N. $00^{\circ} 56' 18''$ W., along said line, 84.42 feet to a point lying on the Southerly right of way line of Hammock Trail as described in Official Records Book 1212, Page 917 of the public records of Brevard County, Florida and said right of way line being the arc of a circular curve, concave Northwesterly, having a radius of 644.65 feet and to which point a radial line bears S. $33^{\circ} 25' 34''$ E.; thence Northeasterly, along the arc of said curve, through a central angle of $22^{\circ} 14' 51''$, 250.31 feet to a point lying on the Westerly line of the parcel of land described in Official Records Book 2676, Page 0012 of the public records of Brevard County, Florida; thence along the Westerly boundary of said parcel of land, the following two courses and distances; thence S. $54^{\circ} 21' 29''$ E., 247.45 feet; thence S. $32^{\circ} 57' 46''$ E., 82.36 feet; thence S. $78^{\circ} 03' 33''$ W., 123.00 feet; thence N. $77^{\circ} 42' 41''$ W., 18.00 feet; thence S. $83^{\circ} 32' 24''$ W., 76.00 feet; thence S. $40^{\circ} 24' 42''$ W., 16.00 feet; thence S. $89^{\circ} 03' 23''$ W., 198.00 feet to the point of beginning.

Containing 1.45 acres more or less.

Z11158
158

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated July 6, 2005, given by Vero-Pittsburgh Partners, LLC, as Mortgagor, in favor of the undersigned, S & T Bank, as Mortgagee, recorded in Official Records Book 5495, Page 1389, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan, for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS:

S & T Bank
800 Philadelphia Street
Indiana, PA 15701

Susan D. Scarnato

Susan D. Scarnato
(Witness name typed or printed)

Susan D. Scarnato

Susan D. Scarnato
(Witness name typed or printed)

Michelle Petrowsky, SVP

Michelle Petrowsky, SVP
Authorized Agent

MICHELLE PETROWSKY
(Name typed, printed or stamped) &
Title of Agent)

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF Indiana)

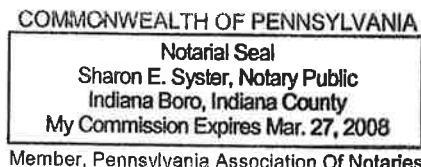
) SS:

The foregoing instrument was acknowledged before me this 24th day of January, 2006, by Michelle Petrowsky SVP, who is personally known to me or who has produced _____ as identification.

My commission expires: 3-27-08

Sharon E. Syster
Notary Public

SEAL

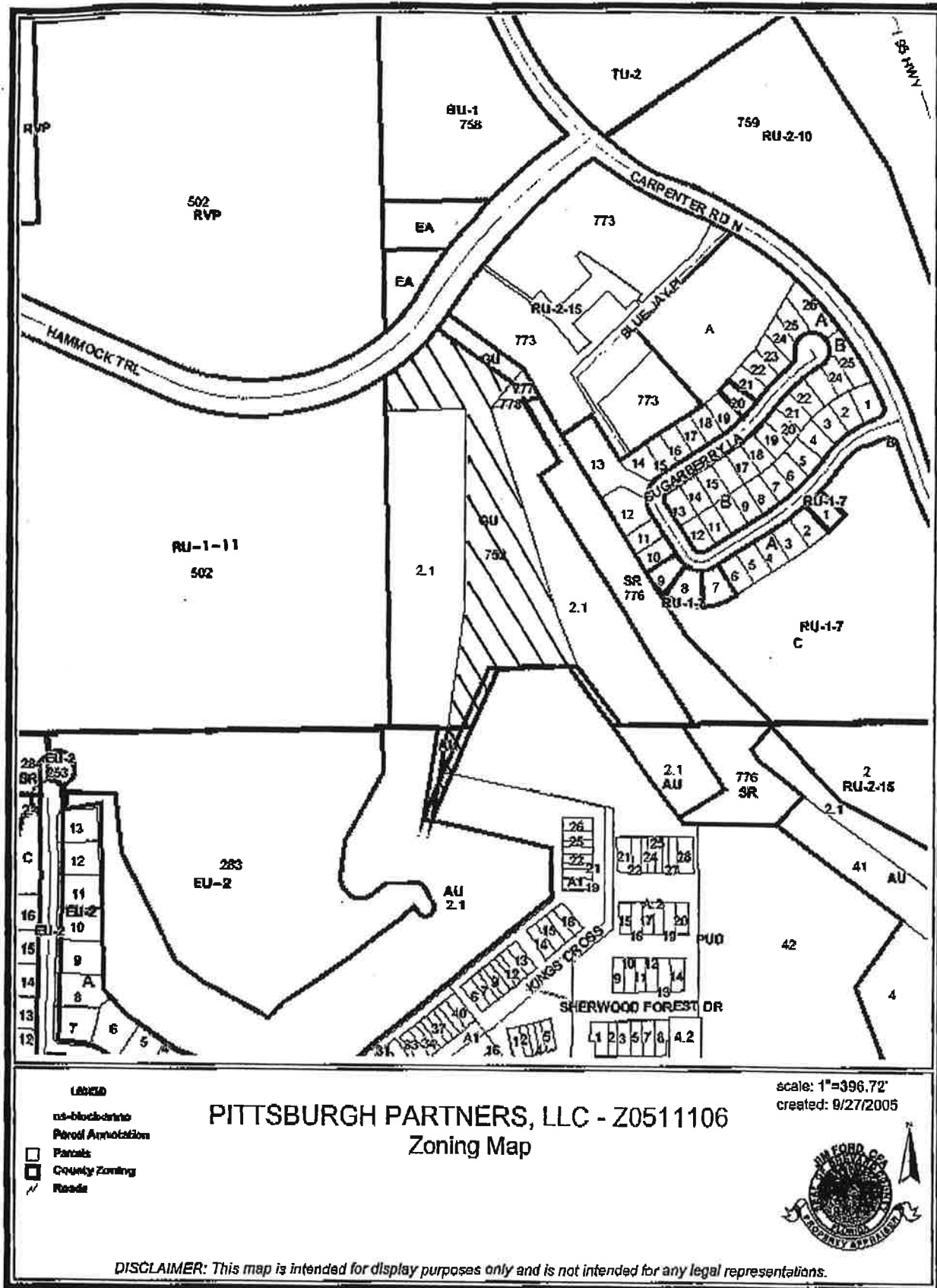


Sharon E. Syster
(Name typed, printed or stamped)

211158

PITTSBURGH PARTNERS, LLC - Z0511106

Page 1 of 1



Z11 15 8 (51)

Prepared by: Charles B. Genoni
Flordevco Corp.
4760 N. US1 #201
Melbourne FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20__ between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Heather Calligan Trust, (hereinafter referred to as Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU 1-7 zoning classification and desire to develop the Property as a Single-Family Subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the

Property. NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit the project density to 198 units.
3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this

Property.

4. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

5. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____, 20___. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamison Way
Viera, FL 32940

_____, Clerk
(SEAL)

_____, Chair
As approved by the Board on _____

(Please note: you must have two witnesses and a notary for each signature required, the notary may serve as one witness.)

WITNESSES:

OWNER

Heather Calligan Trust

(Witness Name typed or printed)

3942 Rambling Acres Dr Titusville FL 32796

(Witness Name typed or Printed)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, as _____ of _____,
who is personally known or produced _____ as identification.

My commission expires _____

Commission no _____

SEAL

Notary Public

(Name typed, printed or stamped)

Exhibit "A"

PARCEL 1:

(PARCEL B)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE ON A BEARING OF NORTH, ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834.74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°20'20"E., ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE N.58°49'19"E., 69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1 /4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR-"C" RANCHETTES AS RECORDED IN PLAT BOOK 24, PAGE 58 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.89°20'20"E., ALONG SAID LINE, 436.80 FEET TO THE SOUTHEAST CORNER OF SAID PLAT OF BAR-"C" RANCHETTES AND THE SOUTHEAST CORNER OF THE WEST 1 /2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N.00°03'56"W., ALONG THE EAST LINE OF SAID PLAT OF BAR-"C" RANCHETTES AND ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1 /4 OF THE SOUTHWEST 1/4 OF SECTION 13, A DISTANCE OF 1285.83 FEET TO A POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO.46; THENCE N.89°10'34"E., ALONG SAID RIGHT OF WAY LINE, 615.30 FEET; THENCE S.08°33'12"W., 403.88 FEET; THENCE N.81°26'48"W., 60.10 FEET; THENCE S.08°33'12"W., 115.85 FEET; THENCE S.40°01'27"W., 302.44 FEET; THENCE S.14°14'48"E.; 186.22 FEET; THENCE S.35°28'00"E.; 139.61 FEET; THENCE S.44°13'35" W., 139.33 FEET; THENCE S.45°46'25"E., 47.84 FEET; THENCE S.15°04'59"E., 112.69 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.15°04'59"W.; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°05'18", 60.02 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE S.89°20'20"W., ALONG SAID LINE, 318.63 FEET TO THE POINT OF BEGINNING. CONTAINING 12.87 ACRES MORE OR LESS.

(PARCEL C)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 394.50 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE ON A BEARING OF NORTH, ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF TURPENTINE ROAD, 834. 74 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 409 OF THE PUBLIC RECORDS OF BREVARD COUNTY. FLORIDA; THENCE N.89°20'20"E., ALONG THE SOUTH LINE OF SAID PARCEL, 133.00 FEET TO THE SOUTHEAST CORNER THEREOF AND SAID POINT BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 2137 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE N.58°49'19"E., 69.61 FEET; THENCE ON A BEARING OF NORTH, 62.65 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST 1 /4 OF THE SOUTHWEST 1 /4 OF THE AFORESAID SECTION 13 AND THE SOUTH LINE OF BAR-"C" RANCHETTES AS RECORDED IN PLAT BOOK 24, PAGE 58 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA: THENCE N.89°20'20"E., ALONG SAID LINE, 755.43 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID HAMMOCK TRAIL AND THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 675.82 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.20°10'17"W.; THENCE ALONG SAID RIGHT OF WAY LINE OF HAMMOCK TRAIL, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°50'03", 410.88 FEET TO THE POINT OF TANGENCY; THENCE S.34°59'40"W., 650.21 FEET: THENCE S.57°09'30"W., 302.84 FEET TO THE POINT OF BEGINNING. CONTAINING 9.61 ACRES MORE OR LESS.

(PARCEL D)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY); THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF

THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES: THENCE N.57°09'30"E.; 386.98 FEET; THENCE N.34°59'40"E., 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET: THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79°26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE S.65°33'30"E., 84.87 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE S.65.33'30"E.; 556.13 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET: THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°5'11", 329.13 FEET; THENCE S.00°4'18"E., 200.33 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 844.56 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.03°43'25"W.; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°42'52". 305.34 FEET TO A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE S.00°14'18"E., 756.51 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.89°28'50"W., ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 1327.78 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S.89°27'18"W., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13, A DISTANCE OF 85.85 FEET; THENCE N.00°31'10"W., 949.80 FEET; THENCE N.53°47'52"E., 263.61 FEET; THENCE N.24°26'30"E., 24.02 FEET: THENCE N.53°47'58"E., 91.57 FEET TO THE POINT OF BEGINNING. CONTAINING 30.95 ACRES MORE OR LESS.

(PARCEL E)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY) AND SAID POINT BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING FOUR COURSES AND DISTANCES: THENCE N.57°09'30"E., 386.98 FEET; THENCE N.34°59'40"E., 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79°26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE S.55°33'30"E., 84.87 FEET: THENCE S.5°47'58"W., 91.57 FEET: THENCE S.24°26'30"W., 24.02 FEET: THENCE S.53°47'52"W., 263.61 FEET: THENCE S.00°31'10"E., 949.80 FEET TO A POINT LYING ON THE SOUTH LINE OF THE

SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13; THENCE S.89°27'18" W., ALONG SAID LINE, 1208.61 FEET TO THE POINT OF BEGINNING. CONTAINING 24.28 ACRES MORE OR LESS.

(PARCEL F)

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE N.89°27'18"E., ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 33.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (A 66.00 FOOT WIDE RIGHT OF WAY): THENCE ON A BEARING OF NORTH ALONG SAID EAST RIGHT OF WAY LINE OF TURPENTINE ROAD (SAID RIGHT OF WAY LINE LYING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 13), 275.48 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL (A 100 FOOT WIDE RIGHT OF WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE RIGHT OF WAY LINE OF SAID HAMMOCK TRAIL, THE FOLLOWING SIX COURSES AND DISTANCES: THENCE N.57°09'30"E., 386.98 FEET; THENCE N.34°59'40"E., 669.79 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 575.82 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79°26'50", 798.44 FEET TO THE POINT OF TANGENCY; THENCE S.55°33'30"E., 641.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 644.65 FEET: THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°5'11", 329.13 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE CONTINUE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°54'53", 314.08 FEET TO A POINT LYING ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE AFORESAID SECTION 13; THENCE S.00°14'18"E.. ALONG SAID LINE, 226.51 FEET TO A POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 844.56 FEET, AND TO WHICH POINT A RADIAL LINE BEARS S.24°26'17"E.; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20'42'52", 305.34 FEET: THENCE N.00°4'18"W ., 200.33 FEET TO THE POINT OF BEGINNING. CONTAINING 1.42 ACRES MORE OR LESS.

PARCEL 2

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13: THENCE N.00°4'18"W., ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 13, A DISTANCE OF 920.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.00°4'18"W., ALONG SAID LINE, 62.23 FEET TO A POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HAMMOCK TRAIL, A 100 FOOT WIDE ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1212, PAGE 917 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID RIGHT OF WAY LINE BEING AN ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 644.65 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.32°43'34"E.; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL

ANGLE OF $04^{\circ}20'28''$, 48.84 FEET; THENCE $S.19^{\circ}35'16''W.$, 32.69 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $12^{\circ}37'49''$, 66.13 FEET TO THE POINT OF BEGINNING. CONTAINING 1434 SQUARE FEET MORE OR LESS.

From: stonepeeps@outlook.com
To: [Jones, Jennifer](#)
Subject: ID# 21Z00030 Rezoning Proposal
Date: Saturday, November 13, 2021 3:08:24 PM

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

Ms. Jennifer Jones:

I have recently become aware of a proposed zoning change for Brevard County parcel 21-34-13-00-506, the subject property of the above ID#. Living in the vicinity of this property, I have some concerns regarding proposed development relative to: 1) compatibility with surrounding residential areas, 2) increasing vehicle traffic, and 3) public safety.

1. **Compatibility with surrounding residential areas.** I understand that the property is currently zoned RU-1-11, which would allow for a dwelling density far in excess of surrounding properties. While the R-1-11 zoning may be a “done deal” at this point, the county should not add insult to injury by a zoning change to RU-1-7, which would allow an even higher density. The entire area immediately adjacent to the subject property, and in surrounding areas south of Highway 46 and along Turpentine Road is currently characterized as “rural residential”, with lot sizes typically one acre or more. The RU-1-7 zoning, which allows lots as small as 0.115 acres is in no way compatible with the character of surrounding residential areas. In asking for the zoning change from RU-1-11 to RU-1-7, it is clearly the intent of the property owner to achieve maximum density of constructed dwellings, such that we may expect the property to build out in a density completely incompatible with the rural nature of the area.
2. **Increased vehicular traffic.** Given the high dwelling density allowed by RU-1-7 zoning, traffic can be expected to increase exponentially. Traffic congestion in the area has already increased dramatically, backing up traffic on Highway 46 from the new stoplights, following the recent opening of the Love’s truck stop at the end of North Carpenter Road. Assuming a net dwelling density ranging from 50 to 70 percent, the RU-1-7 zoning would allow 340 to 480 new residences adding traffic to this congested area.
3. **Public Safety.** There are a number of school bus stops along Turpentine Road in the vicinity of the subject property. Turpentine Road is clearly designed and maintained to serve a rural/low-density residential area. There are no sidewalks for pedestrians, or children awaiting the bus, to stay out of traffic. High-capacity power poles line the east side of Turpentine through this area, close to the road, which will complicate or preclude road widening or improvements for sidewalks. Also, many local residents walk their dogs, walk for exercise, and bicycle along the roads in this immediate area. The increase in traffic would be a serious hazard to non-vehicular users of these roads.

Given the above concerns, I would ask the County to reject the proposed rezoning, and consider the following:

- The burden to the County in providing funding and resources for the sure-to-be-needed traffic upgrades and public safety improvements that would accompany such a high population increase in this immediate neighborhood.
- Creating additional congestion in an already-congested traffic area that would result from development of this property under the proposed (and even the existing) zoning, and the corresponding safety hazards to pedestrians, school children, and cyclists.
- The dramatic re-characterization of the residential neighborhoods surrounding the property, with resulting negative impacts to existing residents of the area: property values, environmental degradation, and aesthetic concerns.

Thank you for your time and attention,

Nancy D Bolton
4957 Hamlin Circle
Mims (Brevard County)

Sent from [Mail](#) for Windows

From: [Gary Parker](#)
To: [Jones, Jennifer](#)
Subject: 21Z00030
Date: Monday, November 15, 2021 12:08:24 PM

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

Sent from [Mail](#) for Windows 10

I have spoken with my neighbors on the subject of re-zoning this parcel of land. We are ALL in agreement that the existing BDP should be upheld. My address is 2360 turpentine rd. phone # 321-223-8327



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

11/15/2021

Subject:

Burnett Parrish, LLC (Javier Fernandez) requests a change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10. (21Z00031) (Tax Account 2409609) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium Density Multi-Family Residential) to all RU-2-10.

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from RU-1-9 and RU-2-10 to all RU-2-10 for the purpose of having the zoning consistent with the RU-2-10 zoning on the east portion of the parcel. This request is for a proposed 260-unit single-family attached residential development with the current RU-1-9 (9.186 acres) portion of the parcel will be used as the recreation and drainage for the proposed multi-family development.

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

The developed character of the surrounding area is single-family residential. There is no multi-family development in the area, although there is multi-family zoning in the area. The abutting parcels to the north are zoned RU-1-9 and developed with single-family homes. The abutting parcel to the west is a 56-unit duplex development owned by the Housing Authority of Brevard County.

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

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

21Z00031

Burnett Parish, LLC (Javier E. Fernandez, Esq.)

**RU-1-9 (Single-Family Residential) and RU-2-10 (Medium-Density Multiple-Family Residential)
to all RU-2-10**

Tax Account Number: 2409609
Parcel I.D.: 24-35-36-00--265
Location: No address assigned, Northwest corner of Parrish Road and S. Burnett Road (District 1)
Acreage: 27.06 acre

Planning and Zoning Board: 11/15/2021

Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-1-9 & RU-2-10	RU-2-10
Potential*	39-Single-Family Units and 178 Multi-family Units	260 Multi-Family Units
Can be Considered under the Future Land Use Map	Yes RES 15/NC	Yes RES 15/NC

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

Background and Purpose of Request

The applicant is seeking a change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium-density Multiple-Family Residential) to all RU-2-10 for the purpose of having the zoning consistent with the RU-2-10 zoning that is on the east portion of the parcel. This request is for a proposed 260 unit Single-family attached residential development on the parcel with the current RU-1-9 (9.186 acres) portion of the parcel being used as recreation and drainage for the proposed multi-family development. The applicant did not provide staff with a proposed development plan or a Binding Development Plan (BDP) that would limit the development potential or offer other mitigations with this application.

The west 1/3 portion of the parcel was originally zoned GU (General Use) and was rezoned to RU-1 (Single Family Residential) on June 27, 1962, per zoning action **Z-766**.

On August 07, 1973, Administrative rezoning **AZ-39** per Ordinance **1973-13**, change the zoning from RU-1 to RU-1-9.

Land Use

The subject property retains the Residential 15 (RES 15) FLU designation on 22.76 acres and Neighborhood Commercial (NC) FLU designation on 4.3 acres.

The RES 15 FLU designation permits a density of 15 units per acre.

Per Future Land Use Element Policy 2.13: Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map.

Applicable Land Use Policies

The parcel is located in the RES 15 Future Land Use Designation and NC Future Land Use Designation.

The current zoning of RU-1-9 as well as the proposed RU-2-10 zoning classification is consistent with the RES 15 FLU designation and the NC FLU designation per Policy 2.13.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

FLUE Policy 2.13: Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map.

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

The subject property is vacant land and lies within the RES 15 (Residential 15) Future Land Use designation and NC Neighborhood Commercial) Future Land Use Designation. The abutting parcels to the north lie within the RES 15 Future Land Use designation. The abutting parcel to the west has a REC (Recreational) Future Land Use designation. The RES 15 Future Land Use designation is compatible with the current RU-1-9 zoning. The proposed RU-2-10 zoning is also considered consistent with the RES 15 Future Land Use designation.

There has been no FLU change to the RES 15 designation of the area in the past 5 years. Existing development of the surrounding area is generally described as single-family homes on lots that are 0.17 acre or larger.

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

The subject parcel is an undeveloped RU-1-9 and RU-2-10 zoning.

The developed character of the surrounding area is a mixture developed residential properties and of vacant multi-family property. The Housing Authority of Brevard County is abutting the parcel to the west and developed with 56 duplex and single-family units and recreational area upon 16.04 acres of land. The adjacent parcels to the north are developed with single-family homes on lots 1/4 acre in size.

Surrounding Properties

The developed character of the surrounding area is single-family residential. There is no multi-family development in the area, although there is multi-family zoning in the area. The abutting parcels to the north are zoned RU-1-9 and developed with single-family homes. The abutting parcel to the west is The Housing Authority of Brevard County and is zoned AU (Agricultural Residential) which is developed with a recreational area and 56 duplex and single-family units upon 16.04 acres of land.

The RU-1-9, a Single-Family Residential zoning classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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

The AU, an Agricultural Residential 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.

There have been no zoning actions within a half-mile of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is W. King Street (Highway 520), between I-95 to S. Burnett Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 57.91% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 3.75%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 61.66% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

At this time, Saturn Elementary School and Rockledge High School are not projected to have enough capacity for the total of projected and potential students from Affinity Capital Townhomes

development. Because there is a shortfall of available capacity in the concurrency service areas of the Affinity Capital Townhomes development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Golfview Elementary School, Manatee Elementary School, Endeavour Elementary School, Cambridge Elementary School and Fairglen Elementary School. The adjacent high school concurrency service area is Cocoa Jr. Sr. High School.

Considering the adjacent elementary school and high school concurrency service areas, there currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Townhomes development.

The parcel can be serviced by City of Cocoa water. The parcel can be serviced by Brevard County sewer, located on Parrish Road in front of the parcel. Central water and sewer will be required.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Protected Species
- Specimen and Protected Trees

The subject parcel contains areas of mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

The property contains a large area of upland forest. A tree survey will be required at time of site plan submittal, and is highly recommended prior to any site plan design/engineering. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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. Land clearing is not permitted without prior authorization by NRM.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 21Z00031

Applicant: Fernandez for Burnett Parrish, LLC

Zoning Request: RU-1-9 & RU-2-10 to RU-2-10

Notes: Applicant wants to develop 260 townhome units.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID No: 2409609

- 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/Hydric Soils
- Protected Species
- Specimen and Protected Trees

The subject parcel contains areas of mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

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Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains areas of mapped NWI wetlands (Freshwater forested/shrub wetlands), SJRWMD wetlands (Mixed scrub and shrub wetlands), and hydric soils (Eau Gallie sand, Turnbull & Riomar soils, and Ancloste sand frequently ponded) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Specimen and Protected Trees

The subject property contains a large mapped area of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood Forest. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are likely found on the project area. A tree survey will be required at time of site plan submittal, and is highly recommended prior to any site plan design. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

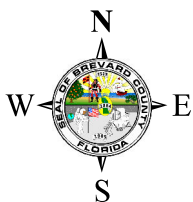
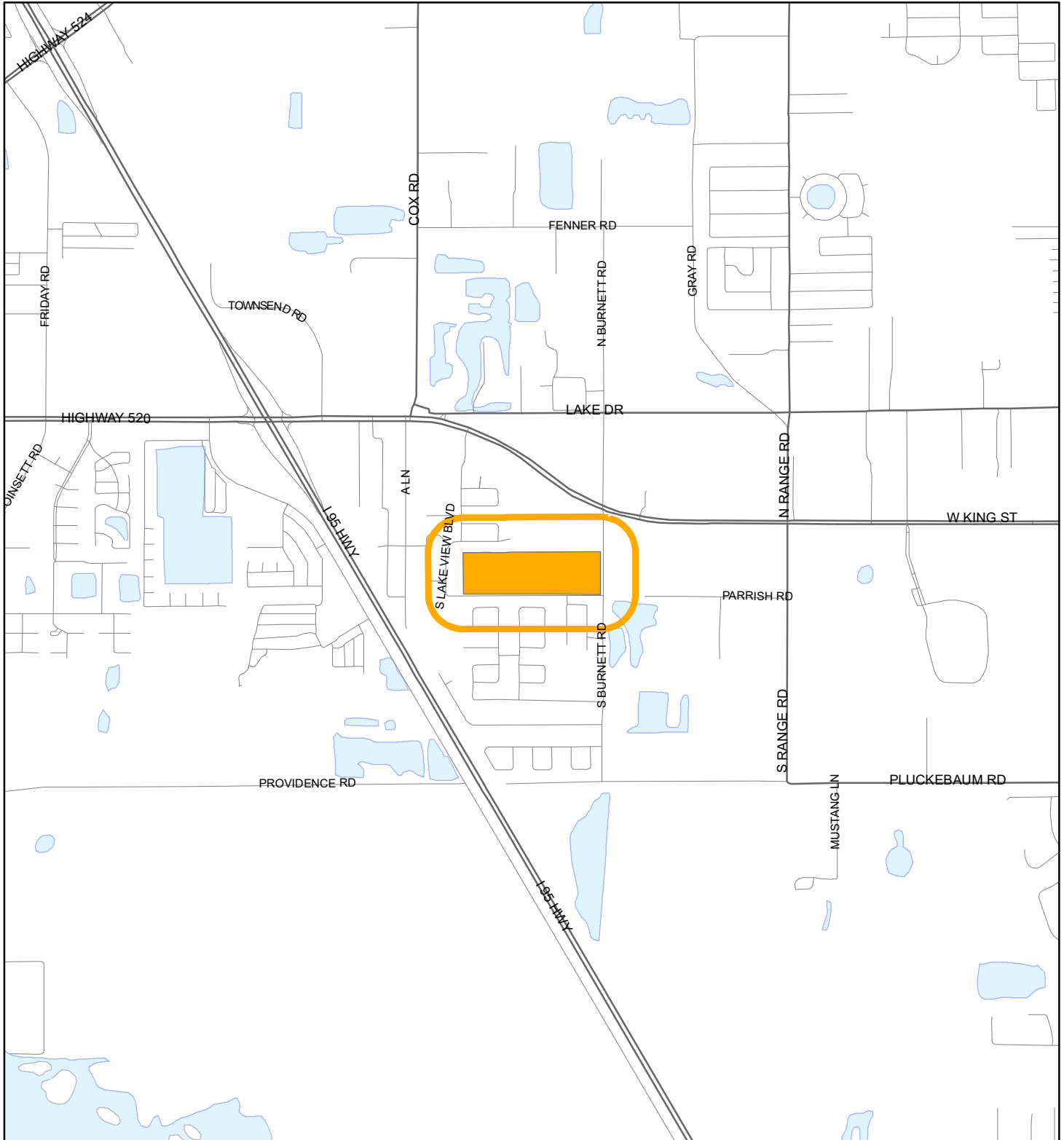
Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

BURNETT PARRISH, LLC

21Z00031



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.

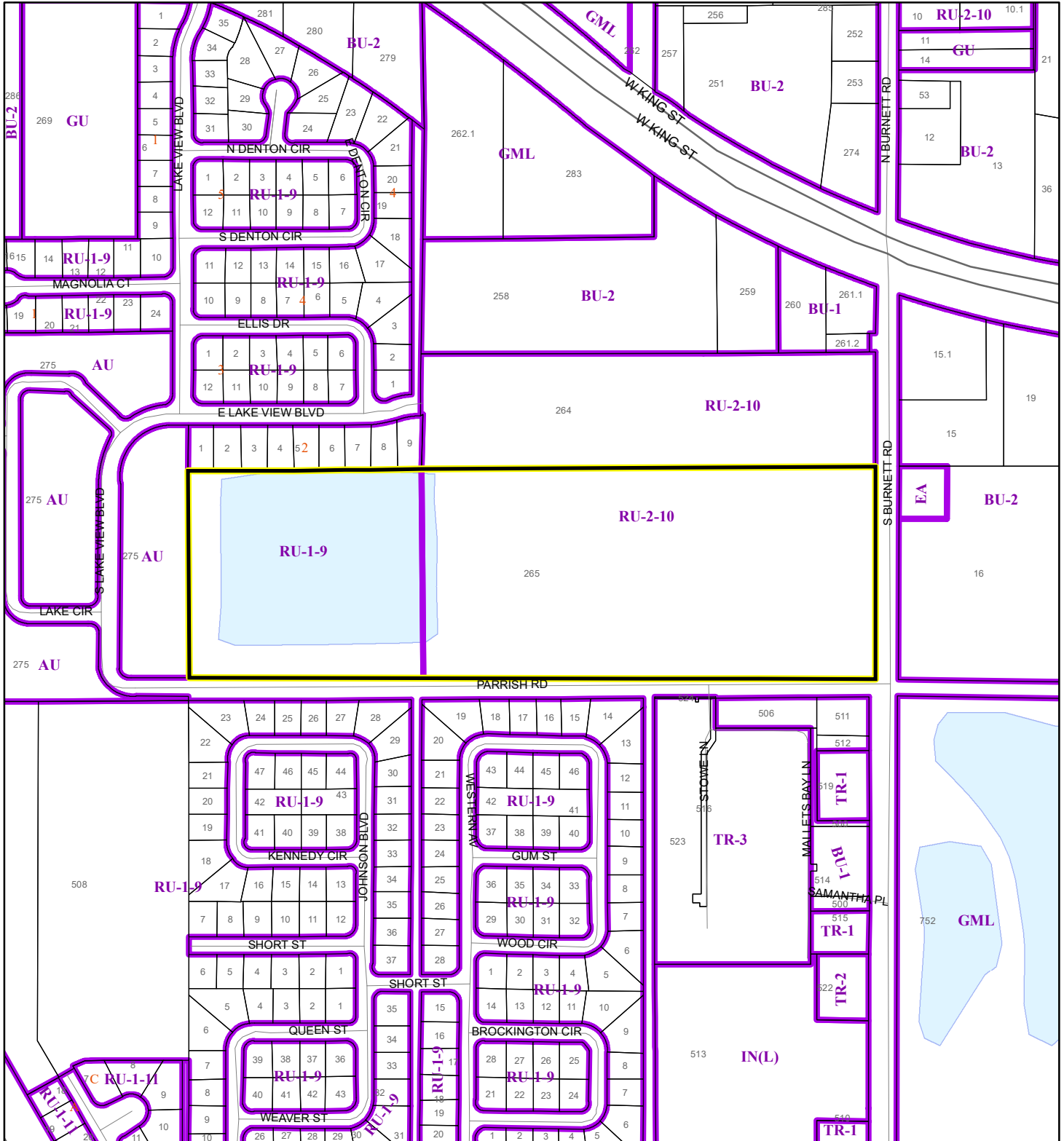
Produced by BoCC - GIS Date: 9/10/2021

— Buffer
— Subject Property

ZONING MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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Subject Property

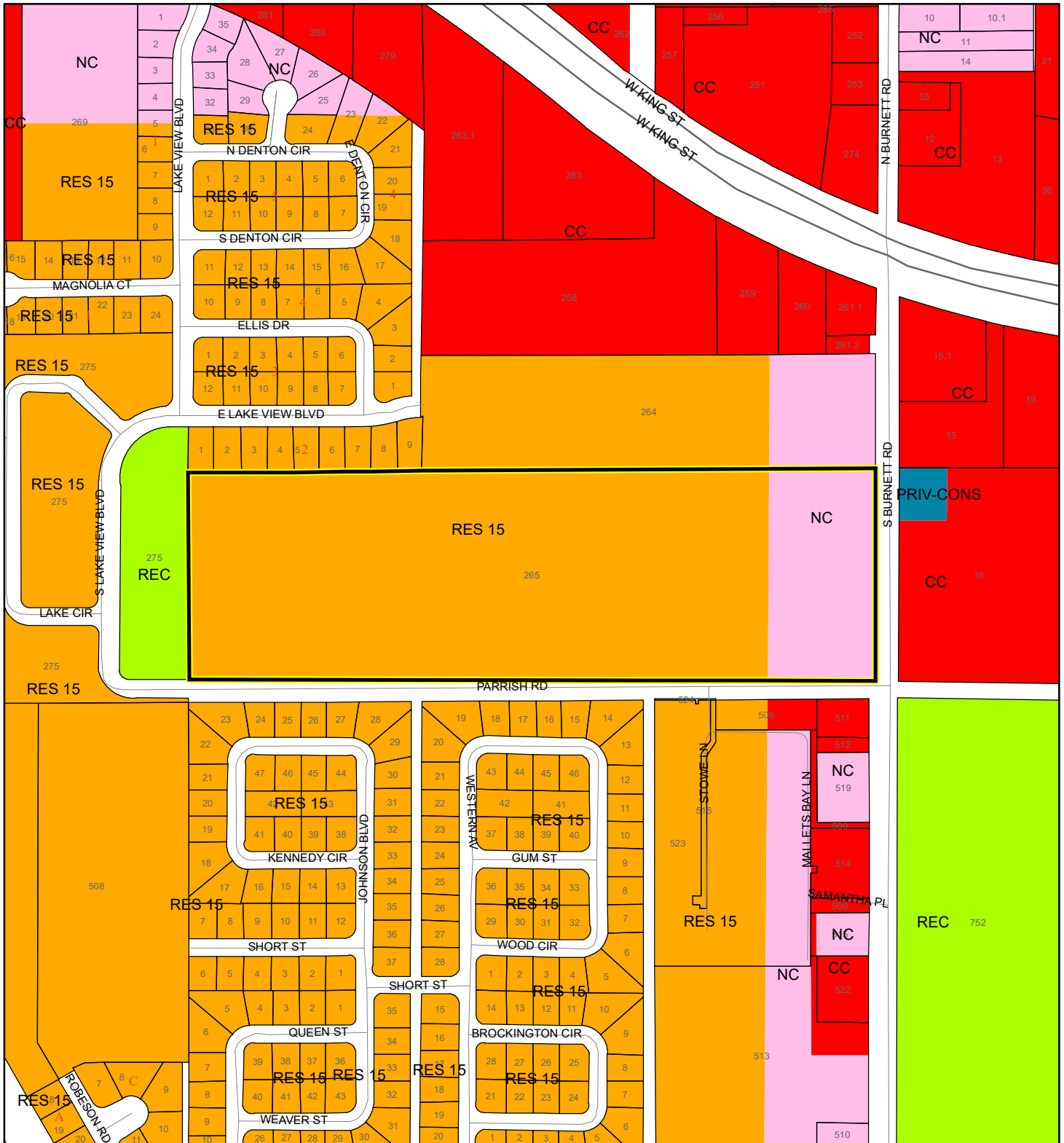
Parcels

Zoning

FUTURE LAND USE MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

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AERIAL MAP

BURNETT PARRISH, LLC

21Z00031





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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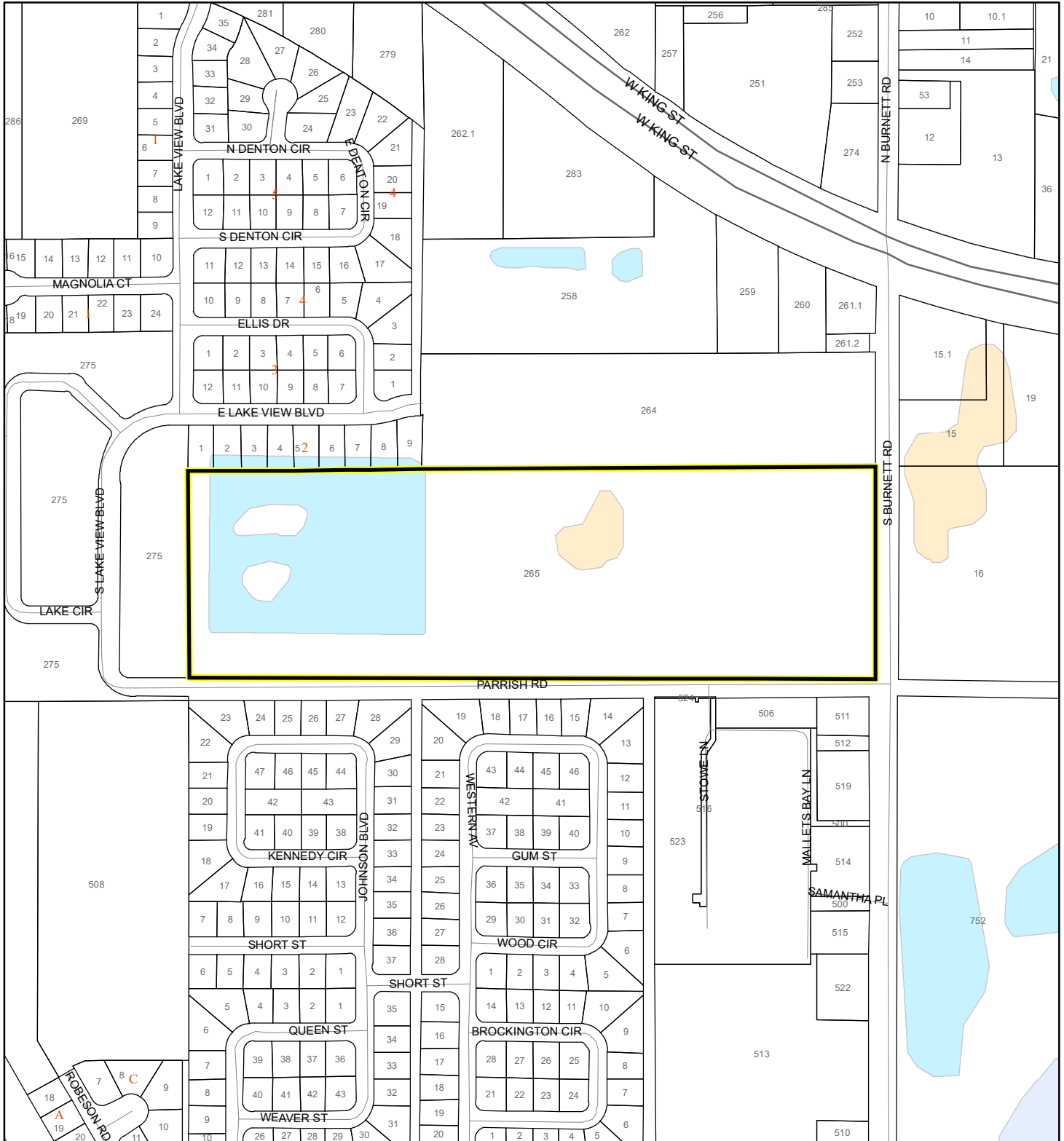
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 Subject Property
 Parcels

NWI WETLANDS MAP

BURNETT PARRISH, LLC

21Z00031













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

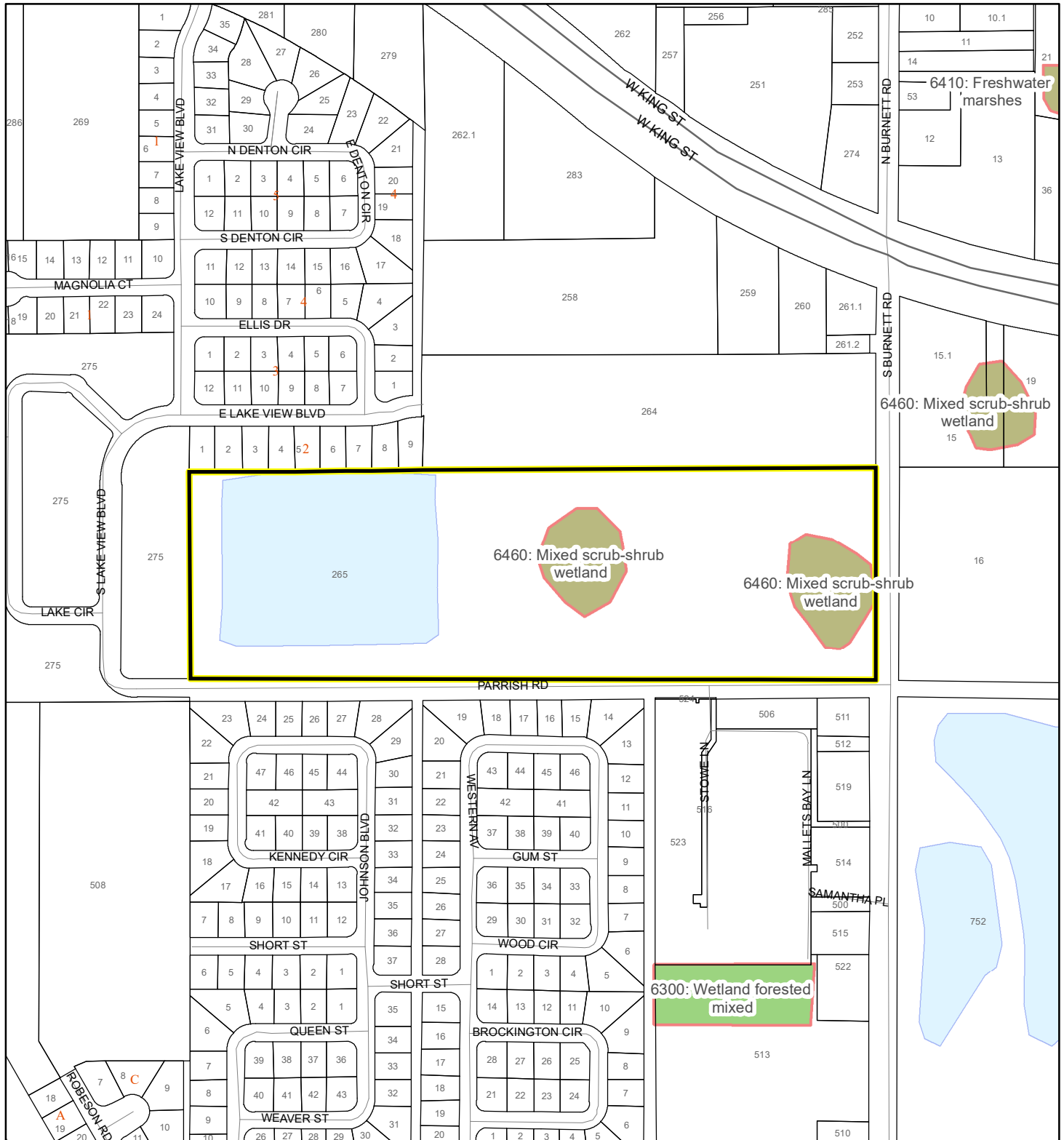
National Wetlands Inventory (NWI)

 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

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 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

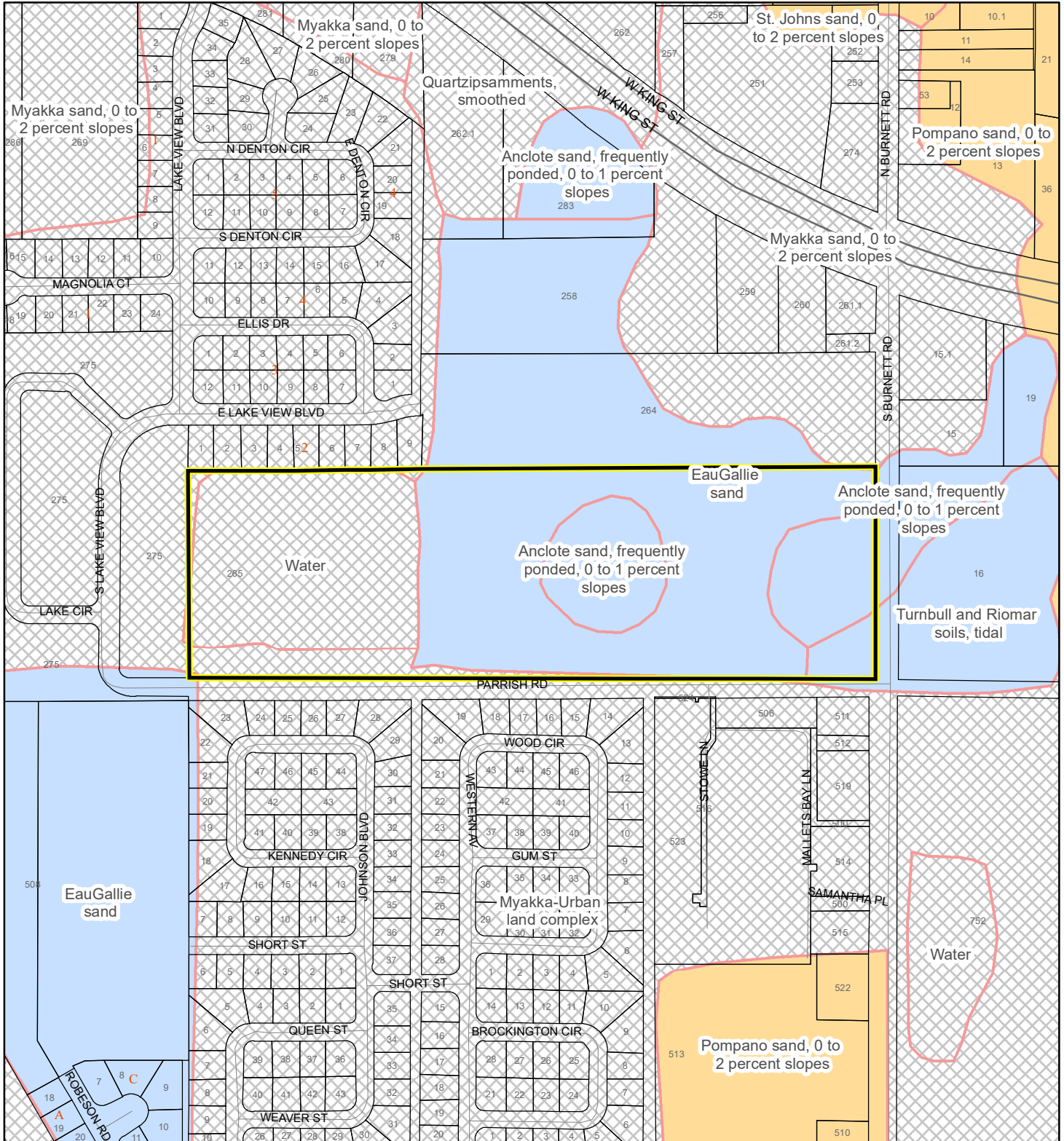
Subject Property

Parcels

USDA SCSSS SOILS MAP

BURNETT PARRISH, LLC

21Z00031



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/10/2021

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

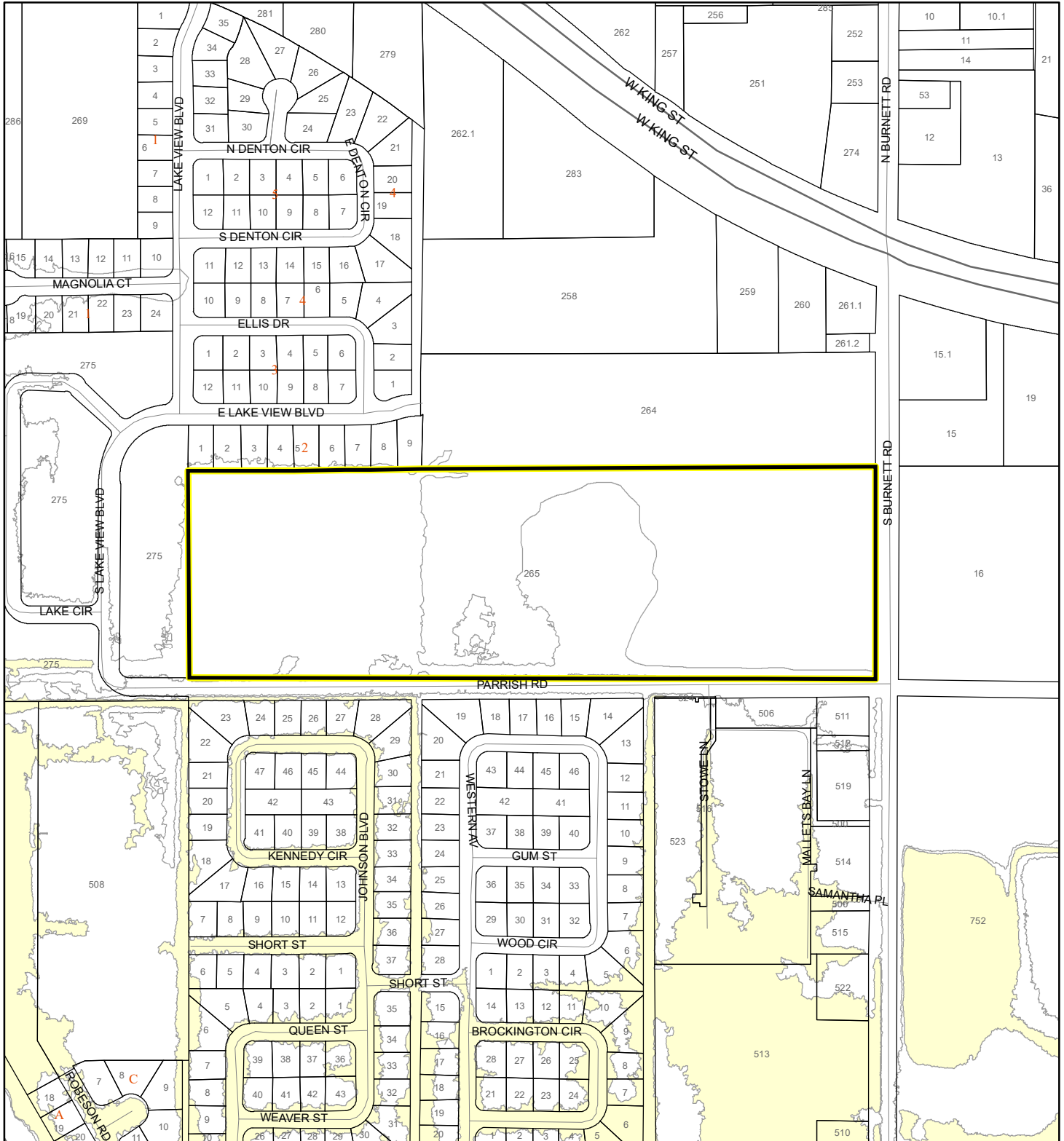
Subject Property

Parcels

FEMA FLOOD ZONES MAP

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

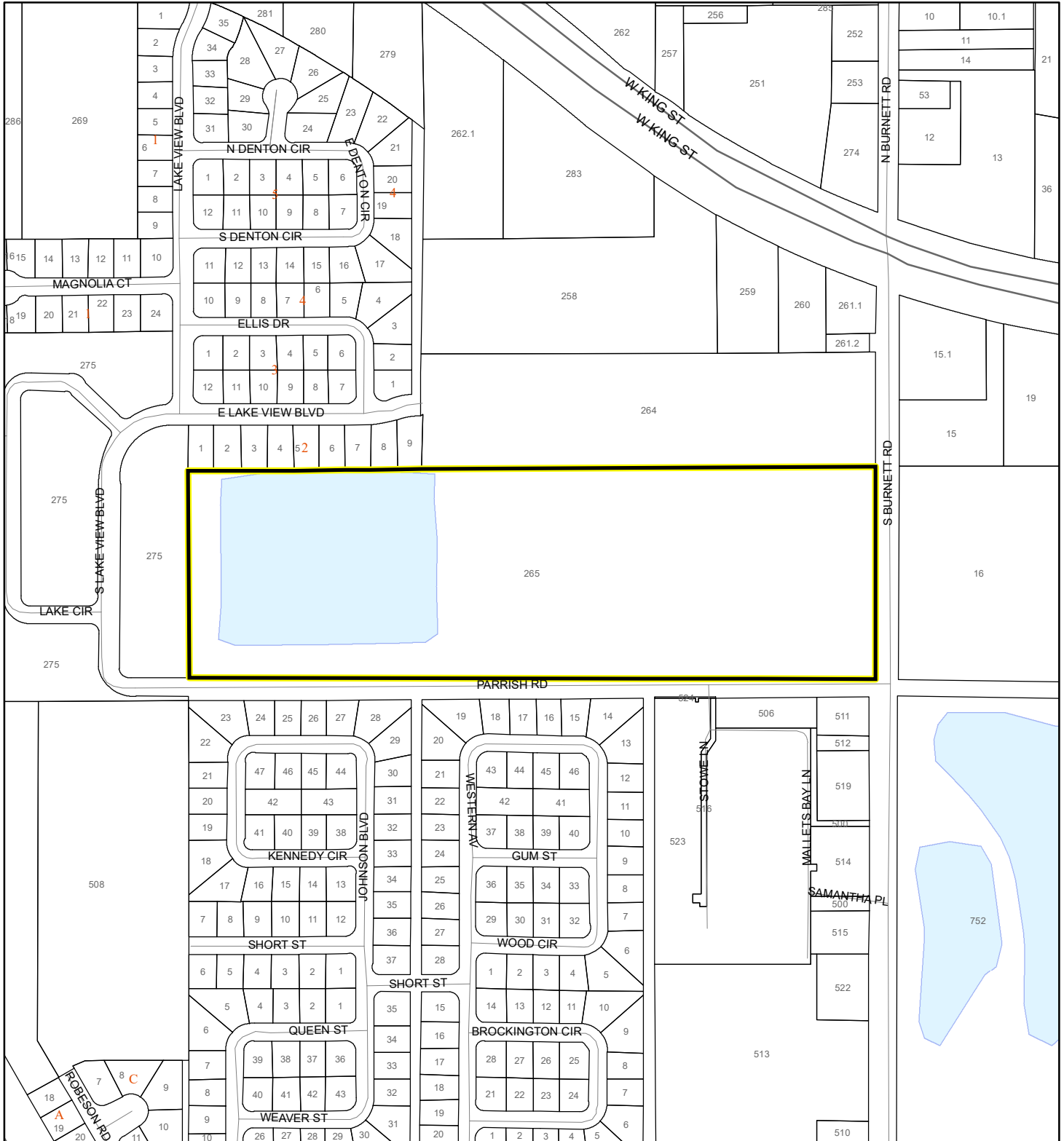
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

 Subject Property

 Parcels

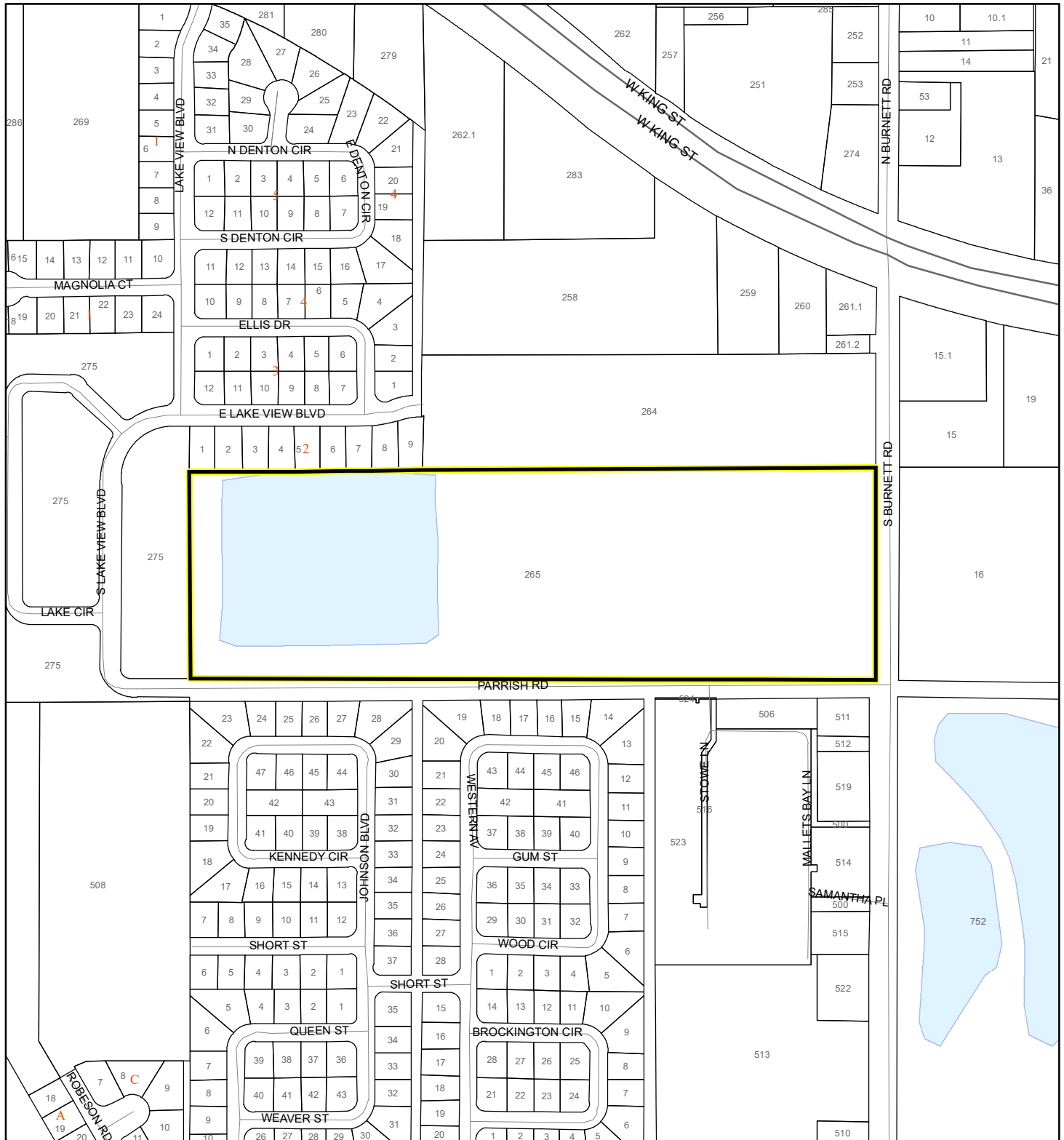
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

 Subject Property

 Parcels

Septic Overlay

 40 Meters

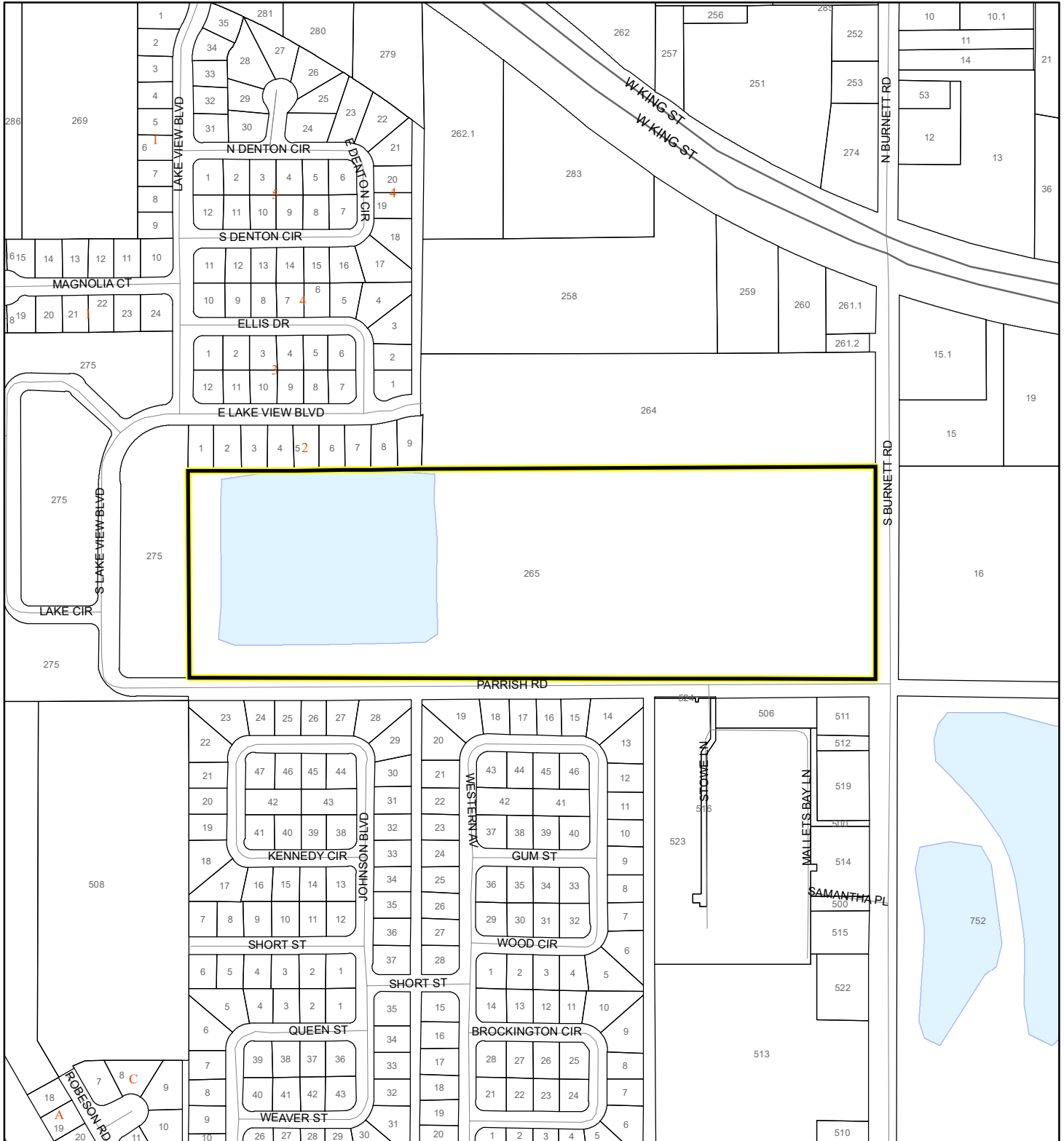
 60 Meters

 All Distances

EAGLE NESTS MAP

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

 Subject Property

 Parcels

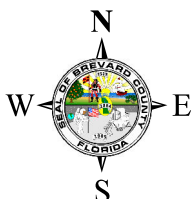
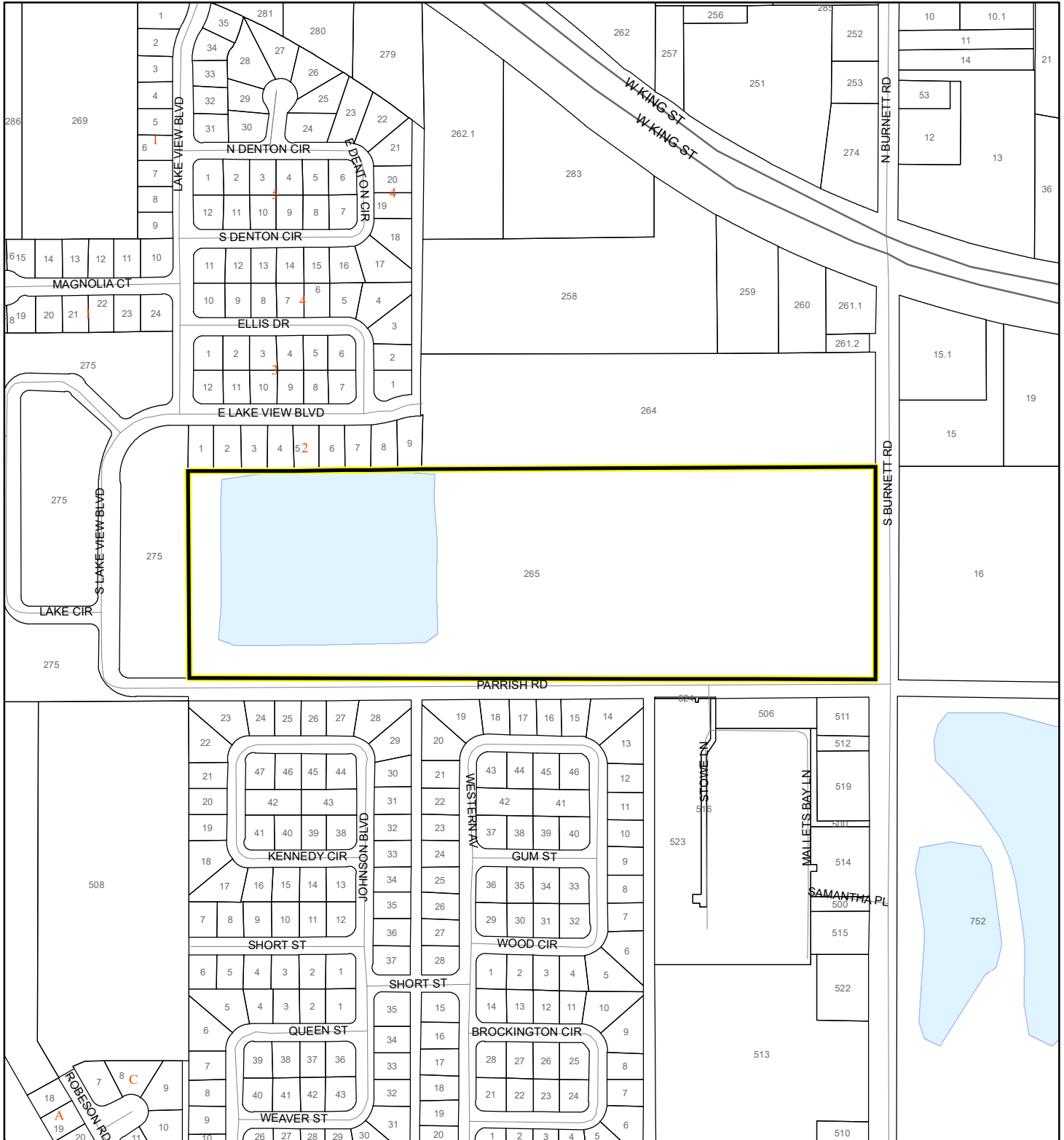


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

BURNETT PARRISH, LLC

21Z00031



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.

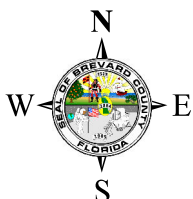
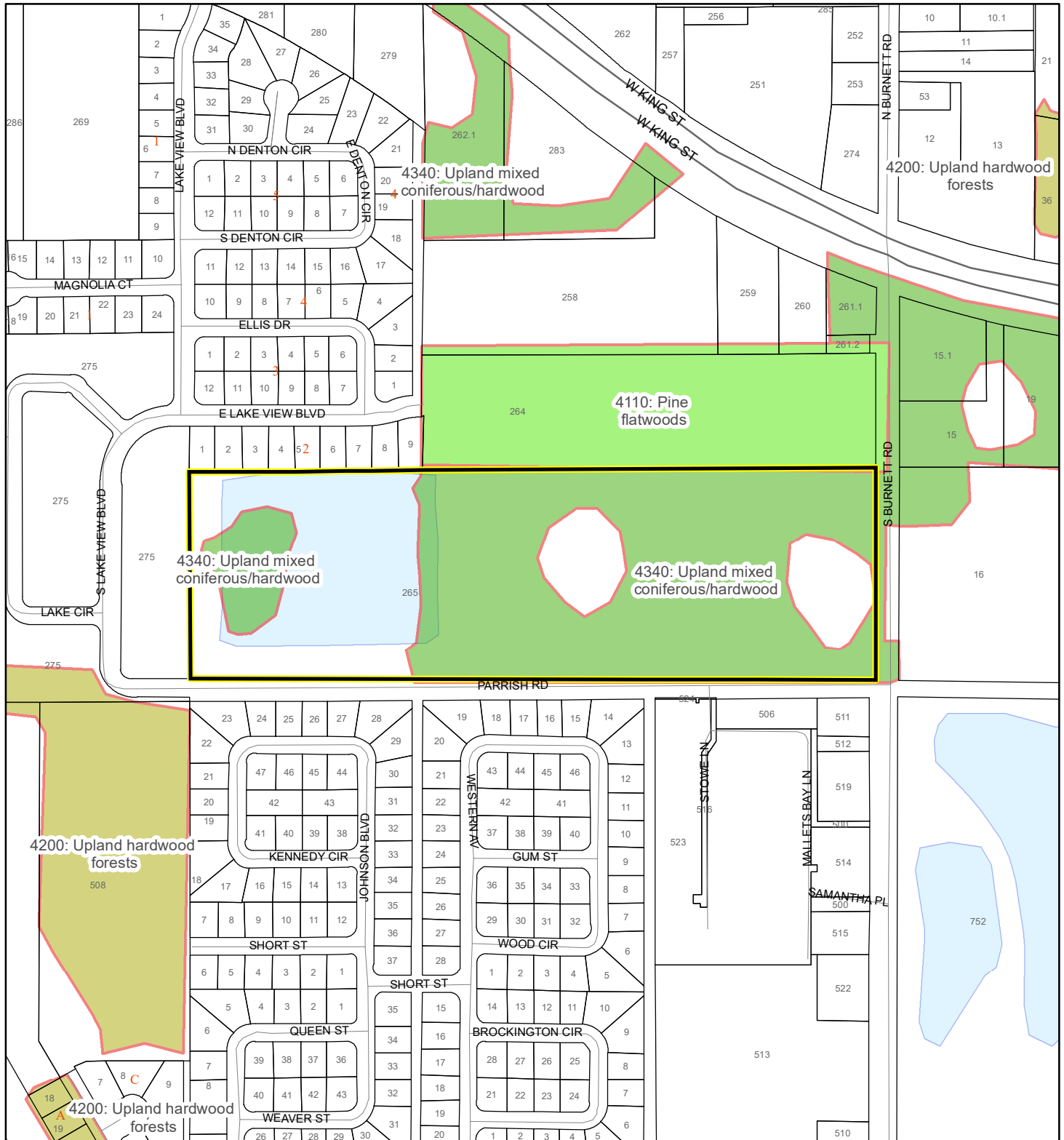
Produced by BoCC - GIS Date: 9/10/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BURNETT PARRISH, LLC

21Z00031



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: 9/10/2021

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

September 3, 2021

Via Hand-Delivery

Planning & Development Department
Brevard County
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Parcel ID #24-35-36-00-265 / Tax Account #240609 - Request to Rezone Property from RU-1-9 to RU-2-10

To whom it may concern:

Our firm represents Affinity Capital, LLC (hereinafter, "Applicant" or "Contract Purchaser"). Applicant has placed under contract to purchase two properties -Tax Account #240609 and #240608 – totaling approximately 35 acres (+/-) for the purpose of developing a 260-unit townhome community. Presently, the combined assemblage has a split zoning designation of RU-1-9 and RU-2-10 with the westernmost portion of the property, which totals approximately 9.186 acres (+/-), zoned RU-1-9 (the "Subject Property"). The Contract Purchaser seeks approval from Brevard County ("County") to rezone the Subject Property from RU-1-9 to RU-2-10.

s. 62-1151.(c) of the County Code of Ordinances ("Code") sets forth the criteria for the approval or denial of a rezoning. Applicant's request to rezone the Subject Property is consistent with or advances each of the enumerated criteria as follows:

- **The character of the land use of the property surrounding the property being considered.**

The Subject Property is surrounded by residential land uses in each cardinal direction. To the Subject Property's immediate South and Northwest, the parcels are predominantly improved with single-family residential uses. To the Subject Property's immediate East and Northeast, the balance of the Contract Purchaser's assemblage has a zoning designation of RU-2-10 which is consistent with the Applicant's request. Therefore, Applicant's requested designation is consistent with character of the land use surrounding the property.

- **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.**

Conditions surrounding the Subject Property have substantially evolved in recent years. In addition to the continued development of single-family residential units within the immediate submarket, low-scale and garden-style, multi-family residential development is becoming increasingly commonplace. Contract Purchaser's requested rezoning will allow for the adjoining parcel to be developed as a townhome community and expand the diversity of housing types within the submarket.

- **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.**

Applicant's request will have no adverse impact on available and projected traffic patterns and other public facilities & utilities and the established character of the surrounding property. All future development proposed by the Contract Purchaser – which development is preliminary planned to include a maximum of 260 townhome units – will occur on the adjoining parcels which are already zoned RU-2-10 and permits development at the contemplated density. Applicant contemplates using the Subject Property exclusively for drainage and recreational facilities in support of the proposed townhome development on the adjoining parcels. While the Applicant's request will result in a rezoning to a more intense residential designation, the Subject Parcel will effectively serve as a transitional parcel from the more intense parcels adjoining the Subject Parcel to the East and Northeast to the less intense parcels located to the Subject Parcel's immediate North, Northwest, West, and South.

- **The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.**

As noted hereinabove, the Applicant's proposed zoning classification is compatible with the existing land use plans for the affected area. Single-family residential development continues to the property's East toward Range Road and further to the Southeast along Pluckebaum and Range Roads. In addition, new, multi-family residential development projects, like the Cocoa Grand southeast of King Street and Range Road, are becoming increasingly common within the sub-area.

- **The appropriateness of the proposed zoning classification 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.**

Applicant's request is appropriate and will have no adverse impact on the public health, safety and welfare. Applicant's will request will also serve to advance several goals, objectives and policies of the County's Comprehensive Plan, including the following:

FUTURE LAND USE ELEMENT

Objective 1

County shall facilitate the development of residential neighborhoods that offer the highest quality of life to citizenry through implementation of policies that accomplish the following:...A. Ensure the compatibility of new development with its surroundings;...E. Produce neighborhoods that complement adjacent land uses;...G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.

Applicant's request meets the public's social and economic needs through the development of residential neighborhoods that offer the highest quality of life to the citizenry. The County is experiencing incredible growth that substantially increased demand for housing resulting in significant price escalations and inventory shortages. A normal or balanced housing market typically has an inventory supply of 6

months.¹ Recent reports from May 2021 indicate that the available inventory for townhomes and condos have decreased 71.4% over the prior year from 3.5 months of available supply to 1.0 month of available supply.² The current inventory levels represent a historic low and the continuation of a three-year trend.³ Similarly, median and average sales prices increased by 36.9% and 33.9%, respectively, over the prior year.⁴

Given the state of the County's job market, it is likely that demand for housing of all types will likely continue to increase. In March of 2021, the County's total nonagricultural employment increased to 230,000 representing a gain of 2,400 jobs above the prior month. The 1.1% job gain in Brevard was the seventh-highest percentage increase of the state's 25 metropolitan areas.⁵ Employee recruitment has remained challenging across all sectors, including aerospace, health care, manufacturing, and retail.⁶ The lack of available housing may negatively impact employer recruitment efforts in the County. Approval of the requested rezoning will facilitate the development of needed housing.

Further, the Applicant's request will provide for the development of housing inventory that is increasingly compatible with its surroundings and that is not in conflict with any of the surrounding land uses. Finally, Applicant's proposed project will incorporate open space within the residential development and to promote interconnectivity with surrounding land uses.

HOUSING ELEMENT

Objective 3

Brevard County shall seek to achieve a housing market with mechanisms to ensure that the market is fair and balanced, and provides equal housing opportunity for all residents of the County.

Objective 4

Brevard County shall continue to provide for adequate lands for residential land uses in a wide variety of housing types, housing pricing levels and broad geographic choices to meet the needs of all existing and anticipated residents in the County.

Policy 4.1

The zoning ordinance of the Land Development Regulations shall continue to designate adequate lands for residential development which allows for a variety of housing types, while providing residents with choices in location...

As noted above, presently the County's housing market is presently unbalanced due to historic lows in available housing inventory. Approval of the Applicant's requested change will result in the production of needed units that will help correct the current inventory imbalance, expand geographic choices for quality housing, and further diversity the variety of housing types available within the County. Townhome style units are not presently available in the immediate housing market and Applicant's

¹ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

² <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

³ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

⁴ Ibid.

⁵ <https://www.floridatoday.com/story/money/business/2021/04/20/economy-improving-brevard-employers-having-tough-time-filling-jobs/7276130002/> Last viewed: September 1, 2021.


⁶ Ibid.

proposal will fill said niche and complement both the existing single-family housing units that have traditionally represented the bulk of housing supply in the immediate market and emerging low-scale apartment complexes that have been proposed or are under construction in the immediate sub-market.

Further, approval of the request will also expand housing affordability as the median and average sales prices for townhome and condominium units within the County are substantially lower than for single-family residential units.⁷

For the foregoing reasons, we look forward to the department's favorable recommendation of the Applicant's requested rezoning for the Subject Property.

Respectfully submitted,



Javier E. Fernández, Esq.

For the Firm

⁷ <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

LEGAL DESCRIPTION (FILE NO. 1062-5489405)

The land referred to herein below is situated in the County of BREVARD, State of Florida, and described as follows:

The South 1/2 of the Southeast 1/4 of the Northwest 1/4 and the East 1/2 of the Southwest 1/4 of the Northwest 1/4, south of Plat Book 19, page 100, Parcel 272 in Section 36, Township 24 South, Range 35 East, Brevard County, Florida, except road Right of Way of Parrish Road, and Burnett Road

LEGAL DESCRIPTION (FILE NO. 1062-5489404)

The land referred to herein below is situated in the County of BREVARD, State of Florida, and described as follows:

A Tract of land described as the South 1/2 of the North 1/2 of the SE 1/4 of the NW 1/4 except road right of way, of Section 36, Township 24 S, Range 35 E, Brevard County, Florida.

SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST, AS HAVING AN ASSUMED BEARING OF NORTH 89°41'23" EAST.
2. THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORD AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR OR SHOWN ON THIS BOUNDARY SURVEY THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE SUBJECT PROPERTY.
3. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF TITLE COMMITMENT, FILE NUMBER 1062-5489405 AND COMMITMENT FILE NUMBER 1062-5489405 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, EFFECTIVE DATE OF JUNE 29, 2021 @ 8:00 AM AND AN EFFECTIVE DATE OF JUNE 26, 2021 @ 8:00 AM.
4. THE LEGAL DESCRIPTION HEREON HAS BEEN PROVIDED BY THE ABOVE REFERENCED TITLE COMMITMENTS.
5. THERE MAY BE ENVIRONMENTAL ISSUES AND/OR OTHER MATTERS REGULATED BY VARIOUS DEPARTMENTS OF FEDERAL, STATE OR LOCAL GOVERNMENTS AFFECTING THE SUBJECT PROPERTY NOT SHOWN ON THIS SURVEY.
6. THE LANDS SHOWN HEREON LIE IN ZONE X UNSHADED, DEFINED AS AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD CHANCE FLOODPLAIN AND ZONE X SHADE, DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY levees FROM THE ANNUAL CHANCE FLOOD, PER FLOOD INSURANCE RATE MAP (FIRM) NO. 12000000425G, WITH AN EFFECTIVE MAP DATE OF MARCH 17, 2014. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP. IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THE LIMITS OF SAID ZONES ARE GRAPHICALLY DEPICTED HEREON AS NEAR AS MAY BE SCALED FROM SAID MAP.
7. THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES LISTED HEREON AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOSOEVER.
8. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
9. UNLESS OTHERWISE NOTED OR SHOWN HEREON, THERE ARE NO APPARENT AND/OR UNOBSERVED, ABOVE GROUND ENCROACHMENTS. THE DISPOSITION OF ANY POTENTIAL ENCROACHING IMPROVEMENTS SHOWN IS BEYOND PROFESSIONAL PURVIEW AND SUBJECT TO LEGAL INTERPRETATION.
10. UNLESS OTHERWISE NOTED OR SHOWN HEREON, APPARENT AND/OR VISIBLE UNOBSERVED, ABOVE GROUND IMPROVEMENTS WERE LOCATED. UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATIONS AND UTILITIES, WERE NOT LOCATED.
11. LAST DATE OF FIELD SURVEY: JULY 14, 2021.
12. SUBJECT PROPERTY CONTAINS APPROXIMATELY 1,542,251.13 SQUARE FEET OR 35.41 ACRES.

**LEGEND:**

- GUY WIRE
- WOODEN POWER POLE
- CATCH BASIN
- STORM DRAINAGE MANHOLE
- WETTED END SECTION
- OPTIONAL RECORDS BOOK
- PAGE(S)
- FOUND CONCRETE MONUMENT AS NOTED
- FOUND IRON ROD OR PIPE AS NOTED
- TOP OF BANK
- BOTTOM OF BANK
- OVERHEAD ELECTRICAL LINE

NOTES TO SCHEDULE B - SECTION 8 OF THE HEREON REFERENCED TITLE COMMITMENTS

File No. 1062-5489405 - Commitment Date: June 26, 2021 @ 8:00 AM

9. Easement granted to Florida Power & Light Company by instrument recorded in Book 57, Page 83. Affects subject property as shown hereon.

File No. 1062-5489405 - Commitment Date: June 29, 2021 @ 8:00 AM

9. Drainage Easement recorded in Book 3674, Page 3447. Affects subject property as shown hereon.

10. State of Florida Department of Transportation Project Resolution for State Highway System Projects recorded in Book 5516, Page 6503. Affects subject property and is blanket in nature.

CERTIFIED TO:

FIRST AMERICAN TITLE INSURANCE COMPANY
AFFINITY CAPITAL

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 11, AND 13 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JULY 14, 2021.

DATE OF PLAT RECORD: JULY 23, 2021

61,231
77,126.17
1,542,251.13
35.41 ACRES

JAMES L. RICHMOND, Surveyor



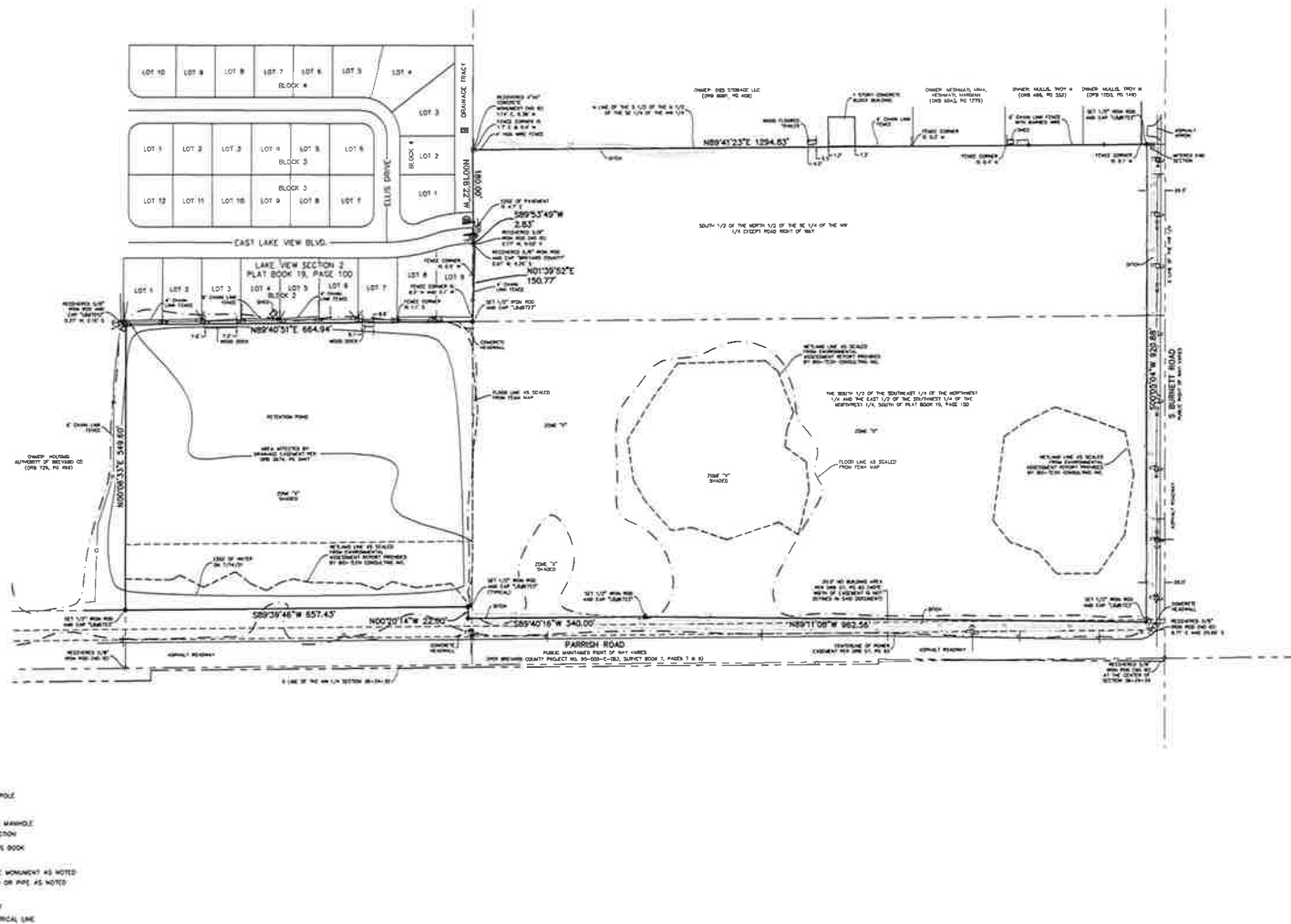
ALTA/NSPS LAND TITLE SURVEY
OF
PARRISH ROAD PARCELS
SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST
BREVARD COUNTY, FLORIDA

FOR:
AFFINITY CAPITAL

DATE: 7/23/21

JOB # 20210478
DATE: 7/23/21
SCALE: 1" = 100'
SALE BY: JLR
FIELD BY: JLR
DRAWN BY: JLR
CHECKED BY: JLR

SHEET 1 OF 2



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ALTA / NSPS LAND TITLE SURVEY
OF
PARRISH ROAD PARCELS
SECTION 36, TOWNSHIP 24 SOUTH, RANGE 35 EAST
BREVARD COUNTY FLORIDA

FOR:

AFFINITY CAPITAL

DATE	REVISION

JOB # 20210475
DATE 1/21/22
SCALE 1" = 100'
DRA BY JSC
FIELD BY SM
DRAWN BY JSC
CHECKED BY AB

SHEET 2 OF 2



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark W. Mullins, Ed.D., Superintendent

September 20, 2021

Mr. Paul Body
Planner II
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Affinity Capital Townhomes Development
School Impact Analysis – Capacity Determination CD-2021-22**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2409609 (Parcel ID: 24-35-36-00-265), containing approximately 27.06 acres in District 1, Brevard County, Florida. The proposed single-family development includes 260 single-family homes to be developed on 9.186 acres of the overall tract. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2021-22 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes	260		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	72.8	73
Middle	0.08	20.8	21
High	0.16	41.6	42
Total	0.52		136

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to
2025-26**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		976	976	1,042	1,042	1,042
McNair		611	611	611	611	611
Rockledge		1,701	1,701	1,701	1,701	1,701

Projected Student Membership

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	825	1,039	1,020	997
McNair		390	438	448	440	455
Rockledge		1,570	1,624	1,664	1,676	1,663

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	-	-	-	-
McNair		-	15	29	29	29
Rockledge		-	29	58	58	58

**Cumulative Students Generated by
Proposed Development**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	36	73	73	73
McNair		-	10	21	21	21
Rockledge		-	21	42	42	42

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	861	1,112	1,093	1,070
McNair		390	463	498	490	505
Rockledge		1,570	1,674	1,764	1,776	1,763

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		135	115	(70)	(51)	(28)
McNair		221	148	113	121	106
Rockledge		131	27	(63)	(75)	(62)

At this time, Saturn Elementary School and Rockledge High School are not projected to have enough capacity for the total of projected and potential students from Affinity Capital Townhomes development. Because there is a shortfall of available capacity in the concurrency service areas of the Affinity Capital Townhomes development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Golfview Elementary School, Manatee Elementary School, Endeavour Elementary School, Cambridge Elementary School and Fairglen Elementary School. The adjacent high school concurrency service area is Cocoa Jr. Sr. High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of Affinity Capital Townhomes development is shown:

FISH Capacity (including relocatables) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to 2025-26						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		777	777	777	777	777
Cocoa		2,084	2,084	2,084	2,084	2,084
Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	528	522	537	545
Cocoa		1,578	1,668	1,857	1,966	2,005
Students Generated by Newly Issued SCADL Reservations Since FFP						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	51	102	102	102
Cocoa		-	13	13	13	13
Cumulative Students Generated by Proposed Development						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	36	73	73	73
Cocoa		-	21	42	42	42
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	615	697	712	720
Cocoa		1,578	1,702	1,912	2,021	2,060
Projected Available Capacity = FISH Capacity - Total Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		327	162	80	65	57
Cocoa		506	382	172	63	24

Considering the adjacent elementary school and high school concurrency service areas, there currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Townhomes development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP Candidate
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2021-22

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2021-22

Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2020-21 to 2025-26



Summary	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Highest Utilization Elementary Schools:	87%	90%	100%	100%	100%	100%
Highest Utilization Middle Schools:	87%	89%	90%	93%	98%	99%
Highest Utilization Jr / Sr High Schools:	81%	81%	80%	89%	94%	96%
Highest Utilization High Schools:	93%	99%	99%	99%	99%	100%

School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FISH Capacity	10/09/19 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	596	79%	751	679	90%	751	652	87%	751	681	91%	773	758	98%	795	791	99%
Andersen	Elementary	K-6	100%	884	618	70%	884	617	70%	884	687	78%	884	696	79%	884	702	79%	884	713	81%
Apollo	Elementary	K-6	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	757	84%	902	744	82%
Atlantis	Elementary	PK-6	100%	739	633	86%	739	660	89%	739	625	85%	739	624	84%	739	616	83%	739	610	83%
Audubon	Elementary	PK-6	100%	761	469	62%	761	475	62%	761	471	62%	761	476	63%	761	475	62%	761	484	64%
Cambridge	Elementary	PK-6	100%	765	519	68%	765	525	69%	765	503	66%	765	494	65%	765	469	61%	765	458	60%
Cape View	Elementary	PK-6	100%	570	302	53%	570	283	50%	570	277	49%	570	269	47%	570	253	44%	570	254	45%
Carroll	Elementary	K-6	100%	751	593	79%	751	593	79%	751	530	71%	751	553	74%	751	559	74%	751	540	72%
Challenger 7	Elementary	PK-6	100%	573	477	83%	573	493	86%	573	443	77%	573	423	74%	573	406	71%	573	398	69%
Columbia	Elementary	PK-6	100%	751	405	54%	751	400	53%	751	455	61%	751	514	68%	751	533	71%	751	547	73%
Coquina	Elementary	K-6	100%	711	499	70%	711	532	75%	711	475	67%	711	436	61%	711	396	56%	711	376	53%
Creel	Elementary	PK-6	100%	1,154	703	61%	1,154	746	65%	1,154	743	64%	1,154	737	64%	1,154	740	64%	1,154	741	64%
Croton	Elementary	PK-6	100%	795	480	60%	795	530	67%	795	615	77%	795	622	78%	795	627	79%	795	635	80%
Discovery	Elementary	PK-6	100%	980	560	57%	980	550	56%	980	494	50%	980	500	51%	980	507	52%	980	503	51%
Endeavour	Elementary	PK-6	100%	990	608	61%	990	646	65%	990	589	59%	990	581	59%	990	528	53%	990	527	53%
Enterprise	Elementary	K-6	100%	729	536	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	492	67%
Fairglen	Elementary	PK-6	100%	789	577	73%	789	590	75%	789	598	76%	789	630	80%	789	676	86%	789	700	89%
Gemini	Elementary	K-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	383	54%
Golfview	Elementary	PK-6	100%	777	439	56%	777	450	58%	777	528	68%	777	522	67%	777	537	69%	777	545	70%
Harbor City	Elementary	PK-6	100%	629	345	55%	629	378	60%	629	379	60%	629	416	66%	629	412	66%	629	402	64%
Holland	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	69%	605	417	69%
Imperial Estates	Elementary	K-6	100%	729	605	83%	729	608	83%	729	615	84%	729	627	86%	729	644	88%	729	648	89%
Indialantic	Elementary	K-6	100%	798	662	83%	798	694	87%	798	683	86%	798	675	85%	798	668	84%	798	649	81%
Jupiter	Elementary	PK-6	100%	930	679	73%	930	656	71%	930	705	76%	930	806	87%	930	876	94%	930	926	100%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	609	68%	892	592	66%	892	555	62%	892	541	61%	892	518	58%
Longleaf	Elementary	PK-6	100%	790	568	72%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	76%
Manatee	Elementary	K-6	100%	998	868	87%	998	896	90%	998	808	81%	998	786	79%	998	748	75%	998	714	72%
McAuliffe	Elementary	PK-6	100%	918	669	73%	918	657	72%	918	591	64%	918	594	65%	918	561	61%	918	570	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	968	87%	1,114	998	90%
Meadowlane Primary	Elementary	K-6	100%	824	661	80%	824	724	88%	824	634	77%	824	687	83%	824	687	83%	824	699	85%
Mila	Elementary	PK-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	418	59%	707	408	58%
Mims	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	499	69%	725	514	71%	725	515	71%
Oak Park	Elementary	PK-6	100%	968	603	62%	968	580	60%	968	542	56%	968	514	53%	968	484	50%	968	482	50%
Ocean Breeze	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	465	71%	654	462	71%	654	455	70%	654	429	65%
Palm Bay Elem	Elementary	PK-6	100%	983	573	58%	983	596	61%	983	653	66%	983	736	75%	983	770	78%	983	773	79%
Pinewood	Elementary	PK-6	100%	569	470	83%	569	486	85%	569	493	87%	569	504	89%	569	510	90%	569	516	91%
Port Malabar	Elementary	PK-6	100%	852	648	76%	852	631	74%	852	616	72%	852	612	72%	852	617	72%	852	625	73%
Quest	Elementary	PK-6	100%	1,152	795	69%	1,152	682	59%	1,152	676	59%	1,152	651	57%	1,152	647	56%	1,152	675	59%
Riviera	Elementary	PK-6	100%	777	561	72%	777	578	74%	777	821	100%	777	865	98%	777	836	97%	777	865	99%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	247	41%	599	242	40%	599	230	38%	599	207	35%	599	193	32%
Sabal	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	74%	785	594	76%	785	580	74%	785	581	74%
Saturn	Elementary	PK-6	100%	976	794	81%	976	841	86%	976	825	85%	976	1,039	100%	976	1,042	98%	976	997	96%
Sea Park	Elementary	PK-6	100%	461	272	59%	461	298	65%	461	287	62%	461	288	62%	461	294	64%	461	288	62%
Sherwood	Elementary	PK-6	100%	609	393	65%	609	416	68%	609	379	62%	609	381	63%	609	386	63%	609	379	62%
South Lake	Elementary	K-6	100%	481	367	76%	481	397	83%	481	367	76%	481	367	76%	481	367	76%	481	367	76%
Sunrise	Elementary	PK-6	100%	913	700	77%	913	693	76%	913	791	87%	913	941	98%	913	1,023	100%	913	1,096	99%
Suntree	Elementary	K-6	100%	755	594	79%	755	616	82%	755	571	76%	755	579	77%	755	546	72%	755	535	71%
Surfside	Elementary	K-6	100%	541	438	81%	541	457	84%	541	430	79%	541	412	76%	541	398	74%	541	400	74%
Tropical	Elementary	K-6	100%	910	682	75%	910	725	80%	910	623	68%	910	603	66%	910	565	62%	910	547	60%
Turner	Elementary	PK-6	100%	874	529	61%	874	525	60%	874	602	69%	874	675	77%	874	720	82%	874	733	84%
University Park	Elementary	PK-6	100%	811	432	53%	811	471	58%	811	638	79%	811	738	91%	811	748	92%	811	747	92%
Viera Elem	Elementary	K-6	100%	1,012	384	38%	1,012	643	64%	1,012	613	61%	1,012	697	69%	1,012	738	73%	1,012	741	73%
Westside	Elementary	K-6	100%	857	671	78%	857	594	69%	857	617	72%	857	641	75%	857	663	77%	857	663	77%
Williams	Elementary	PK-6	100%	715	482	67%	715	484	68%	715	463	65%	715	444	62%	715	425	59%	715	396	55%
Elementary Totals				42,996	29,621		42,996	30,667		43,040	30,387		43,194	31,384		43,282	31,483		43,392	31,487	

Middle School Concurrency Service Areas

Central	Middle	7-8	90%	1,505	1,135	75%	1,505	1,136	75%	1,505	1,076	71%	1,505	1,167	78%	1,505	1,173	78%	1,505	1,250	83%
DeLaura	Middle	7-8	90%	939	800	85%	939	787	84%	939	846	90%	939	873	93%	939	924	98%	939	899	96%
Hoover	Middle	7-8	90%	680	469	69%	680	493	73%	680	480	71%	680	468	69%	680	486	71%	680	529	78%
Jackson	Middle	7-8	90%	654	566	87%	654	583	89%	654	523	80%	654	558	85%	654	565	86%	654	534	82%
Jefferson	Middle	7-8	90%	854	647	76%	854	640	75%	854	632	74%	854	609	71%	854	601	70%	854	593	69%
Johnson	Middle	7-8	90%	997	731	73%	997	710	71%	997	694	70%	997	727	73%	997	773	78%	997	805	81%
Kennedy	Middle	7-8	90%	813	666	82%	813	638	78%	813	618	76%	813	606	75%	813	618	76%	813	635	78%
Madison	Middle	7-8	90%	781	470	60%	781	475	61%	781	445	57%	781	468	60%	781	465	60%	781	426	55%
McNair	Middle	7-8	90%	611	407	67%	611	390	64%	611	438	72%	611	448	73%	611	440	72%	611	455	74%
Southwest	Middle	7-8	90%	1,177	904	77%	1,177	886	75%	1,177	892	76%	1,177	879	75%	1,177	949	81%	1,177	1,025	87%
Stone	Middle	7-8	90%	1,024	775	76%	1,024	754	74%	1,024	856	84%	1,024	927	91%	1,024	1,021	98%	1,024	1,031	99%
Middle Totals				10,035	7,570		10,035	7,492		10,035	7,500		10,035	7,730		10,055	8,015		10,055	8,182	

Junior / Senior High School Concurrency Service Areas

Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,572	75%	2,084	1,578	76%	2,084	1,668	80%	2,084	1,857	89%	2,084	1,966	94%	2,084	2,005	96%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	964	66%	1,466	1,000	68%	1,466	948	65%	1,466	914	62%	1,466	884	60%	1,466	818	56%
Space Coast	Jr / Sr High	7-12	90%	1,857	1,501	81%	1,857	1,505	81%	1,857	1,492	80%	1,857	1,455	78%	1,857	1,460	79%	1,857	1,437	77%
Jr / Sr High Totals				5,407	4,037		5,407	4,083		5,407	4,108		5,407	4,226		5,407	4,310		5,407	4,260	

Senior High School Concurrency Service Areas

Astronaut	High	9-12	95%	1,446	1,087	75%	1,446	1,141	79%	1,446	1,081	75%	1,446	1,092	75%	1,446	1,065	74%	1,446	1,052	73%
Bayside	High	9-12	95%	2,257	1,568	69%	2,257	1,625	72%	2,257	1,869	83%	2,257	2,010	89%	2,257	2,046	91%	2,257	2,034	90%
Eau Gallie	High	PK, 9-12	95%	2,221	1,605	72%	2,221	1,642	74%	2,221	1,726	78%	2,221	1,741	78%	2,221	1,758	79%	2,221	1,783	80%
Heritage	High	9-12	95%	2,314	1,899	82%	2,314	1,953	84%	2,314	1,980	86%	2,314	2,081	90%	2,314	2,161	93%	2,314	2,179	94%
Melbourne	High	9-12	95%	2,370	2,112	89%	2,370	2,148	91%	2,370	2,338	99%	2,370	2,354	99%	2,370	2,373	99%	2,370	2,392	100%
Memit Island	High	PK, 9-12	95%	1,891	1,489	79%	1,891	1,587	84%	1,891	1,494	79%	1,891	1,517	80%	1,891	1,491	79%	1,891	1,428	76%
Palm Bay	High	PK, 9-12	95%	2,602	1,336	51%	2,602	1,288	50%	2,602	1,629	63%	2,602	1,827	70%	2,602	1,943	75%	2,602	2,041	78%
Rockledge	High	9-12	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,624	95%	1,701	1,664	98%	1,701	1,676	99%	1,701	1,663	98%
Satellite	High	PK, 9-12	95%	1,516	1,412	93%	1,516	1,496	99%	1,516	1,411	93%	1,516	1,393	92%	1,516	1,343	89%	1,516	1,334	88%
Titusville	High	9-12	95%	1,848	1,230	67%	1,848	1,230	67%	1,848	1,391	75%	1,848	1,428	77%	1,848	1,460	79%	1,848	1,490	81%
Viera	High	PK, 9-12	95%	2,275	2,096	92%	2,275	2,165	95%	2,322	2,266	98%	2,393	2,377	99%	2,512	2,493	99%	2,512	2,495	99%
High Totals				22,441	17,352		22,441	17,845		22,488	18,809		22,559	19,484		22,701	19,809		22,701	19,891	

Schools of Choice (Not Concurrency Service Areas)

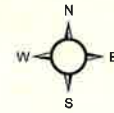
Freedom 7	Elementary	K-6	100%	475	395	83%	475	414	87%	475	395	83%	475	395	83%	475	395	83%	475	395	83%
Stevenson	Elementary	K-6	100%	569	487	86%	569	505	89%	569	488	86%	569	488	86%	569	488	86%	569	488	86%
West Melbourne	Elementary	K-6	100%	618	531	86%	618	552	89%	618	531	86%	618	531	86%	618	531	86%	618	531	86%
Edgewood	Jr / Sr High	7-12	90%	1,072	937	87%	1,072	950	89%	1,072	942	88%	1,072	942	88%	1,072	942	88%	1,072	942	88%
West Shore	Jr / Sr High	7-12	90%	1,264	967	77%	1,264	956	76%	1,264	967	77%	1,264	967	77%	1,264	967	77%	1,264	967	77%
Schools of Choice				3,998	3,317		3,998	3,377		3,998	3,323		3,998	3,323		3,998	3,323		3,998	3,323	
Brevard Totals				84,877	61,897		84,877	63,464		84,968	64,127		85,193	66,147		85,443	66,940		85,553	67,143	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
- Student Membership is reported from the Fall Final Membership Count (10/09/20).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Riviera Elementary, Saturn Elementary, Sunrise Elementary, and Stone Middle School (Total 19 Classrooms)
 - High school relocatable classrooms are proposed to be added at Melbourne High and Viera High (Total of 11 Classrooms)
- Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.



Affinity Capital Townhomes Location Map



Affinity Capital
Townhomes
260 SFD Units

Schools Affected by Development:
Saturn Elementary School
McNair Middle School
Rockledge High School

Drawn By:
Blake Stinson
09/20/2021
Facility Services





Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

11/15/2021

Subject:

Perrone Properties, Inc.; and Curtis R. & Sharon E. Davis (Javier Fernandez) request a Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 to RES 15. (21PZ00062) (Tax Accounts 2424006 & 2424007) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15).

Summary Explanation and Background:

The applicant is seeking to change the Future Land Use designation from RES 4 to RES 15 to develop single-family attached dwellings on 40 acres. A companion rezoning application was submitted accompanying this request for a zoning change from AU (Agricultural Residential) to RU-2-10 (Medium-Density Multiple-Family Residential). RU-2-10 would be compatible with a RES 10 Future Land Use designation which would provide up to 10 dwelling units per acre versus the 15 dwelling units per acre being requested.

On the north side of the subject site there is a multi-family apartment complex under construction located within the City of Cocoa, with a Future Land Use Designation of Medium Density Residential with a zoning classification allowing up to fifteen (15) dwelling units per acre. On the east side of the subject site is vacant single-family land located within the City of Cocoa with a Very Low Residential Future Land Use designation allowing four (4) dwelling units per acre.

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

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

Small Scale Plan Amendment 21S.06 (21PZ00062)
Township 24, Range 36, Section 31

Property Information

Owner / Applicant: Perone Properties, Inc. and Curtis R. and Sharon E. Davis

Adopted Future Land Use Map Designation: Residential 4 (RES 4)

Requested Future Land Use Map Designation: Residential 15 (RES 15)

Acreage: 40 acres

Tax Account #: 2424006 & 2424007

Site Location: Approximately one quarter mile east of Srange Road on the north side of Pluckebaum Road.

Commission District: 1

Current Zoning: Agricultural Residential (AU)

**Requested Zoning: Medium-Density Multi-Family Residential (RU-2-10)
(application 21Z00032)**

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on 40 acres of land from Residential 4 (RES 4) to Residential 15 (RES 15). The subject property currently has a Future Land Use designation of RES 4.

On June 29, 2021, Governor DeSantis signed into law HB 487, which increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres.

On the north side of the subject site there is a multi-family apartment complex under construction located within the City of Cocoa, with a Future Land Use Designation of Medium Density Residential with a zoning classification allowing up to fifteen (15) dwelling units per acre. On the east side of the subject site is vacant single-family land located within the City of Cocoa with a Very Low Residential Future Land Use designation. The Future Land Use designation of the subject site has remained RES 4 since the adoption of the Comprehensive Plan in September of 1988.

The applicant is seeking to change the Future Land Use designation from RES 4 to RES 15 to develop the property with single-family attached dwellings on 40 acres of land. A companion rezoning application was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) to Medium-Density Multiple-Family Residential (RU-2-10). RU-2-10 would be compatible with a Residential 10 (RES 10) Future Land Use designation which would provide up to 10 dwelling units per acre versus the 15 dwelling units per acre being requested.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Multi-Family Apartment Complex (under construction)	City of Cocoa RU-2-15	City of Cocoa Medium Density Residential
South	Across Pluckebaum Road, Horse Stables	AU	RES 4
East	Vacant Single-Family	City of Cocoa RU-1-7	City of Cocoa Very Low Residential
West	Grazing Land	AU	RES 4

To the north of the subject property there is an approved apartment complex under construction to yield 268 units, to the east is vacant single-family land, to the south across Pluckebaum Road there are horse stables and to the west is grazing land.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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.

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:

- 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.

The subject property is served with potable water by the City of Cocoa.

- 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.

This Future Land Use Amendment request to change from RES 4 to RES 15 will require a connection to a centralized sewer system. The nearest potential connection is approximately one (1) mile north along State Road 520 (SR 520). The City of Cocoa verified that as of this date, there is sufficient sanitary sewer capacity for the proposed development of 330 townhomes to be developed on the subject site.

Residential 15 (maximum of 15 units per acre)

Policy 1.4

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

Criteria:

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

The subject site is located east of Interstate-95 (I-95). It is located adjacent to an equal density Future Land Use (FLU) designation to the north with a City of Cocoa, Medium Density Residential FLU designation with a 268 unit apartment complex that is currently under construction. The apartment complex is centered in the middle of a 130.66 acre site on approximately 31 acres of land. In addition, there is an approximately 28.46 acre portion with a Future Land Use designation of City of Cocoa Commercial with access to the north onto SR-520. To the east is a City of Cocoa FLU designation of Very Low Residential with Single-Family Residential (RU-1-7) Zoning. To the west is

land with a Residential 4 (RES 4) FLU designation and Agricultural Residential (AU) Zoning and to the south, across Pluckebaum Road, are lands with a RES4 FLU designation and AU Zoning.

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

The subject site is located directly adjacent to the north by an incorporated area which also allows up to fifteen (15) dwelling units per acre.

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

The subject site is located directly adjacent to an existing City of Cocoa FLU of Medium Density Residential which allows up to 15 dwelling units per acre.

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

The subject site has direct access to Pluckebaum Road, an urban major collector roadway to the south.

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

The applicant is not seeking a Planned Unit Development.

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:

- 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 has been an emerging pattern of multi-family development surrounding the subject site. To the north, in the City of Cocoa, a

Large-Scale Site Plan was approved and recorded by the City of Cocoa on December 14, 2020. To the east, south and west are horse stables, vacant single-family land and grazing land.

This area is in transition with the existing uses and FLU of the property being a small pocket of agricultural residential properties in an area increasingly transitioning within suburban/urban infill.

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

Construction is in progress for the approved Large-Scale Site Plan for an Apartment Complex to the north of the subject site.

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

To the north, adjacent to the subject parcel, is an approved Apartment Complex with 268 dwelling units that was approved by the City of Cocoa in December, 2020.

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water. The subject parcel will be required to connect to a centralized sewer system. The City of Cocoa has evaluated the capacity for sanitary sewer as sufficient at this time. The school concurrency indicates there is enough capacity for the total of projected and potential students from the Pluckebaum development.

Environmental Resources

Mapped resources include Hydric Soils/Wetlands, Floodplain, Land Clearing and Landscape Requirements and Protected Species.

- Wetlands/Hydric Soils
- Floodplain
- Land Clearing and Landscape Requirements
- 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 historic 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 wish to consider if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 21PZ00062**

Applicant: Fernandez for Perrone Properties, Inc.

Future Land Use Request: RES 4 to RES 15

Notes: Applicant wants to develop 330 townhome units.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID Nos: 2424006 & 2424007

- 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/Hydric Soils
- Floodplain
- Land Clearing and Landscape Requirements
- Protected Species

The subject parcel contains mapped SJRWMD wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696.

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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use 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 discovery of unpermitted wetland impacts, that may have occurred during periods of time when Bona Fide Agricultural land classification was not established, may result in enforcement action.

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped SJRWMD wetlands (Mixed scrub and shrub wetlands), and hydric soils (Holopaw sand and Anclote sand) as shown on the SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

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Floodplain

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Clearing and Landscape Requirements

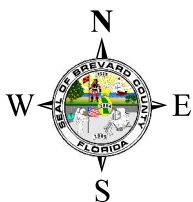
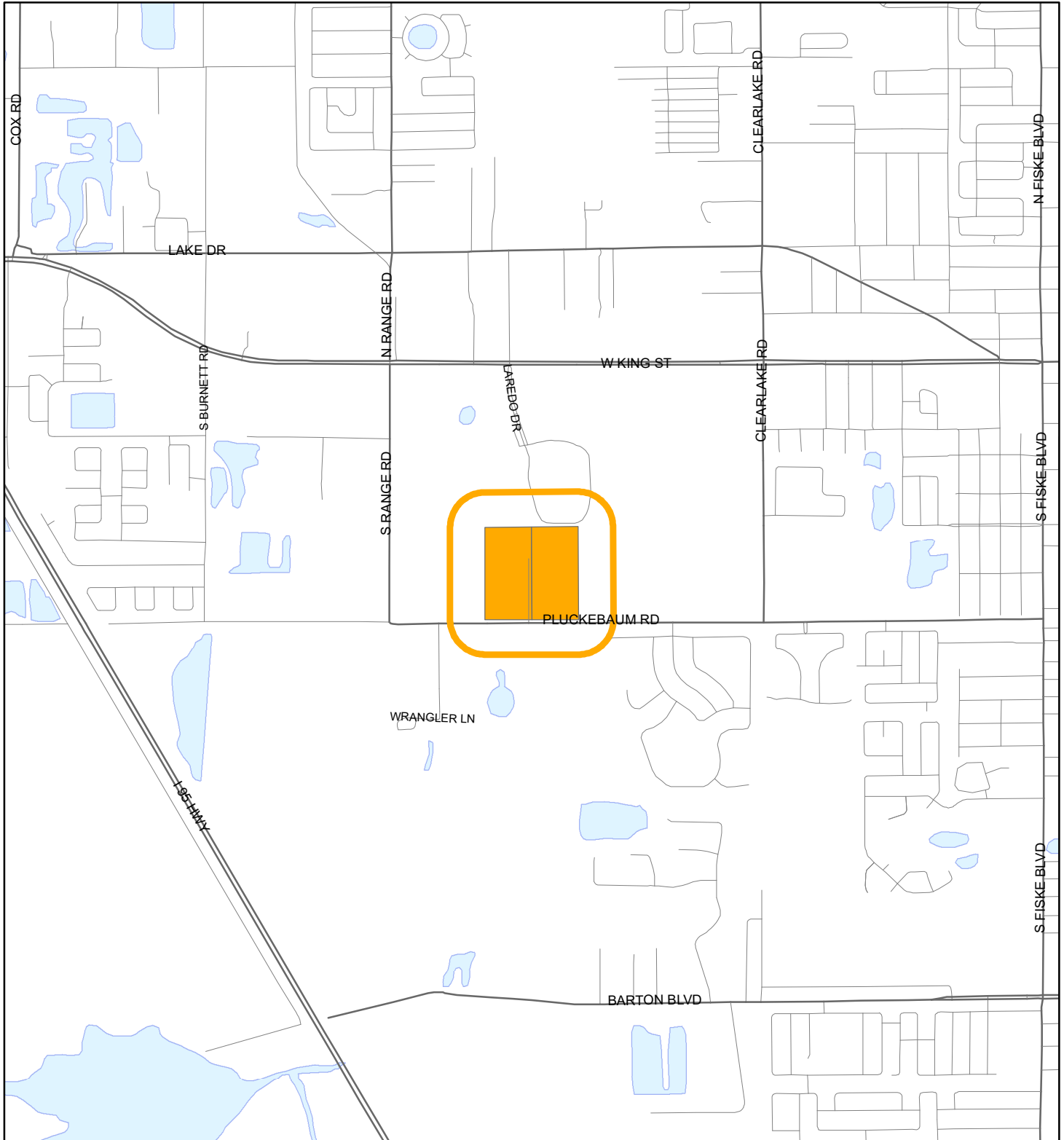
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06





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

Buffer Distance: 500 feet

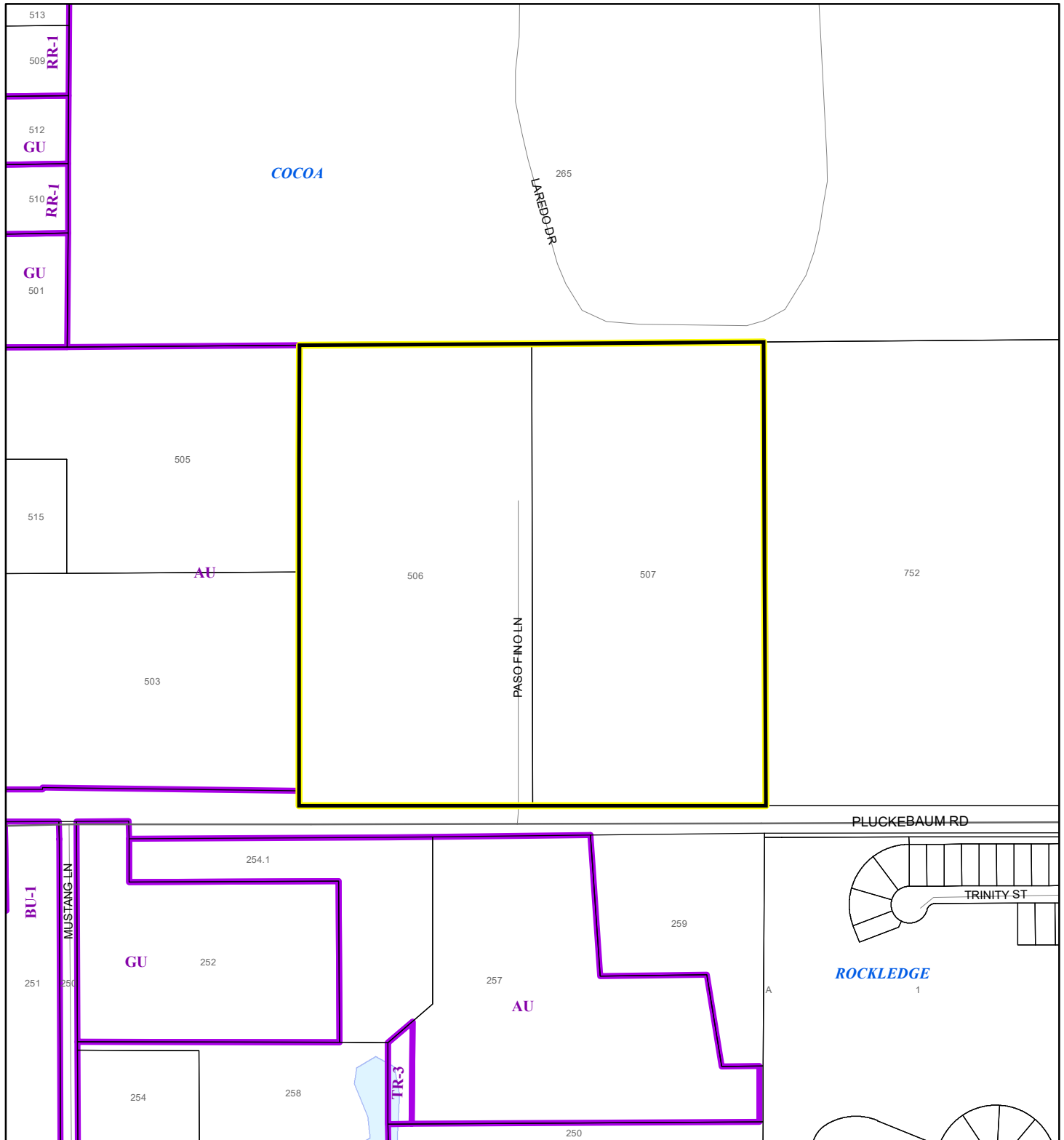
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/13/2021

 Buffer
 Subject Property

ZONING MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

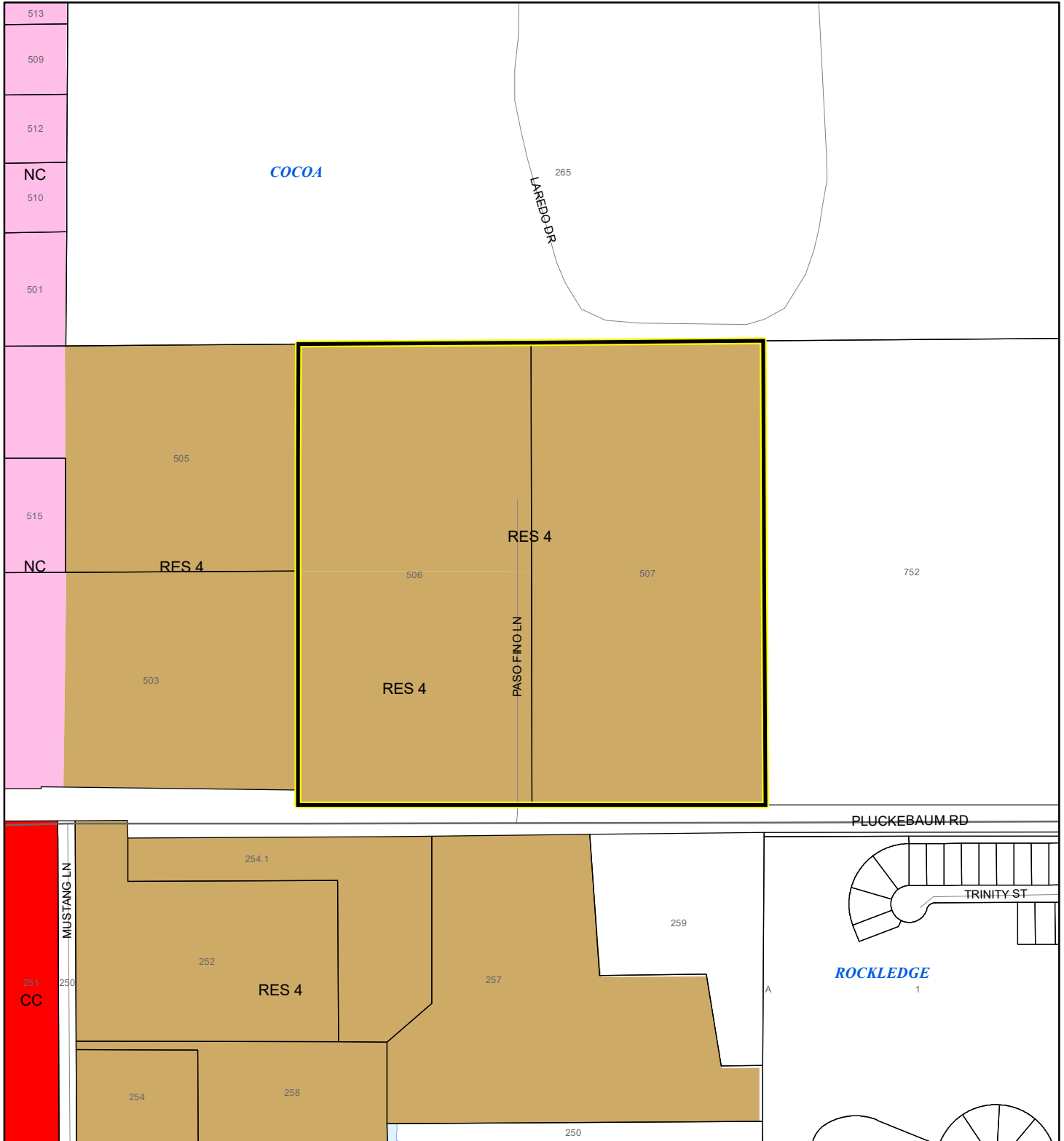
Subject Property

Parcels

Zoning

FUTURE LAND USE MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

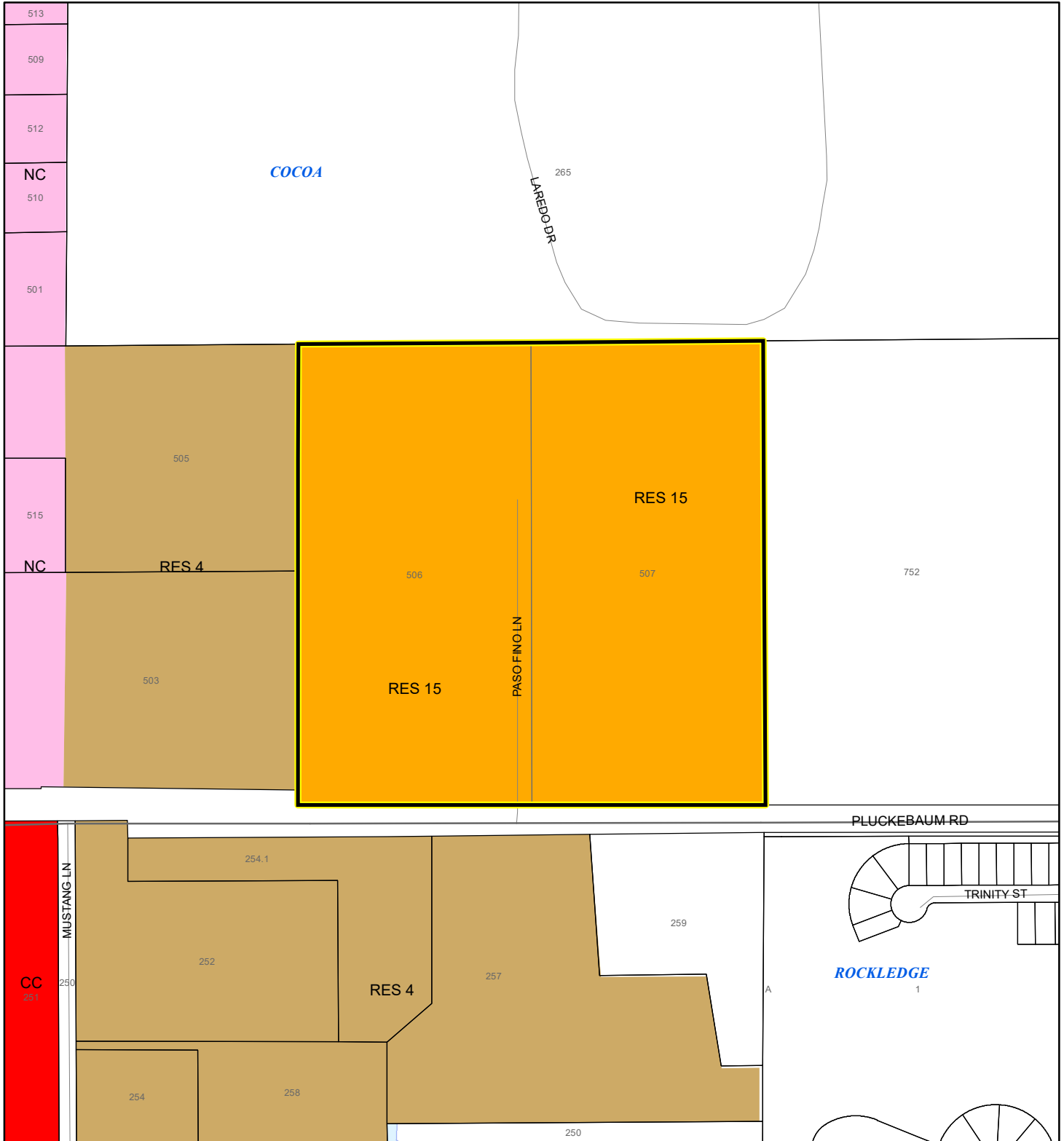
Subject Property
 Parcels

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: 9/13/2021

PROPOSED FUTURE LAND USE MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

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AERIAL MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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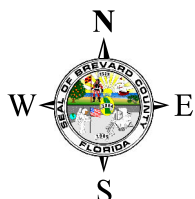
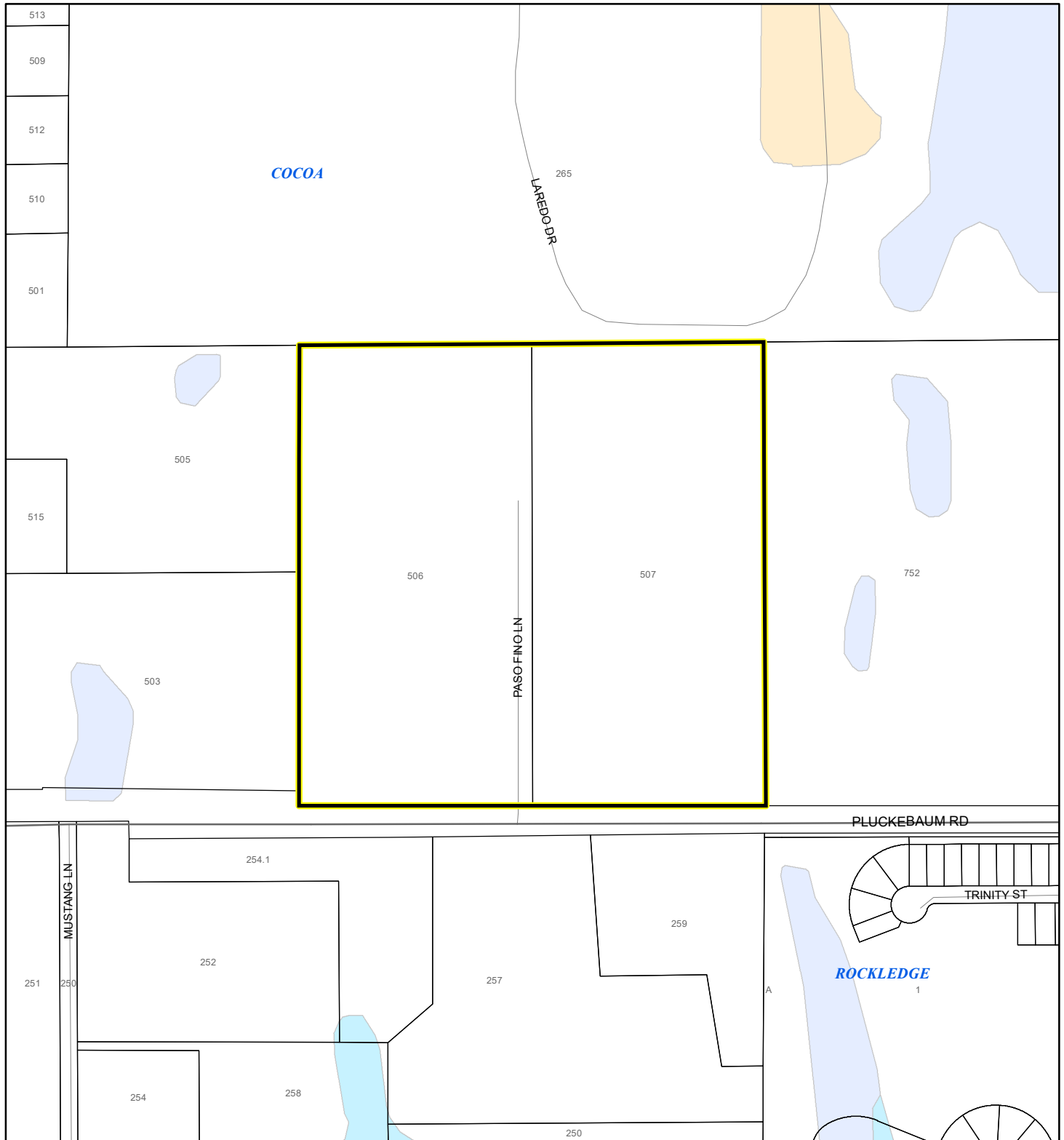
Produced by BoCC - GIS Date: 9/13/2021

 Subject Property

 Parcels

NWI WETLANDS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



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: 9/13/2021

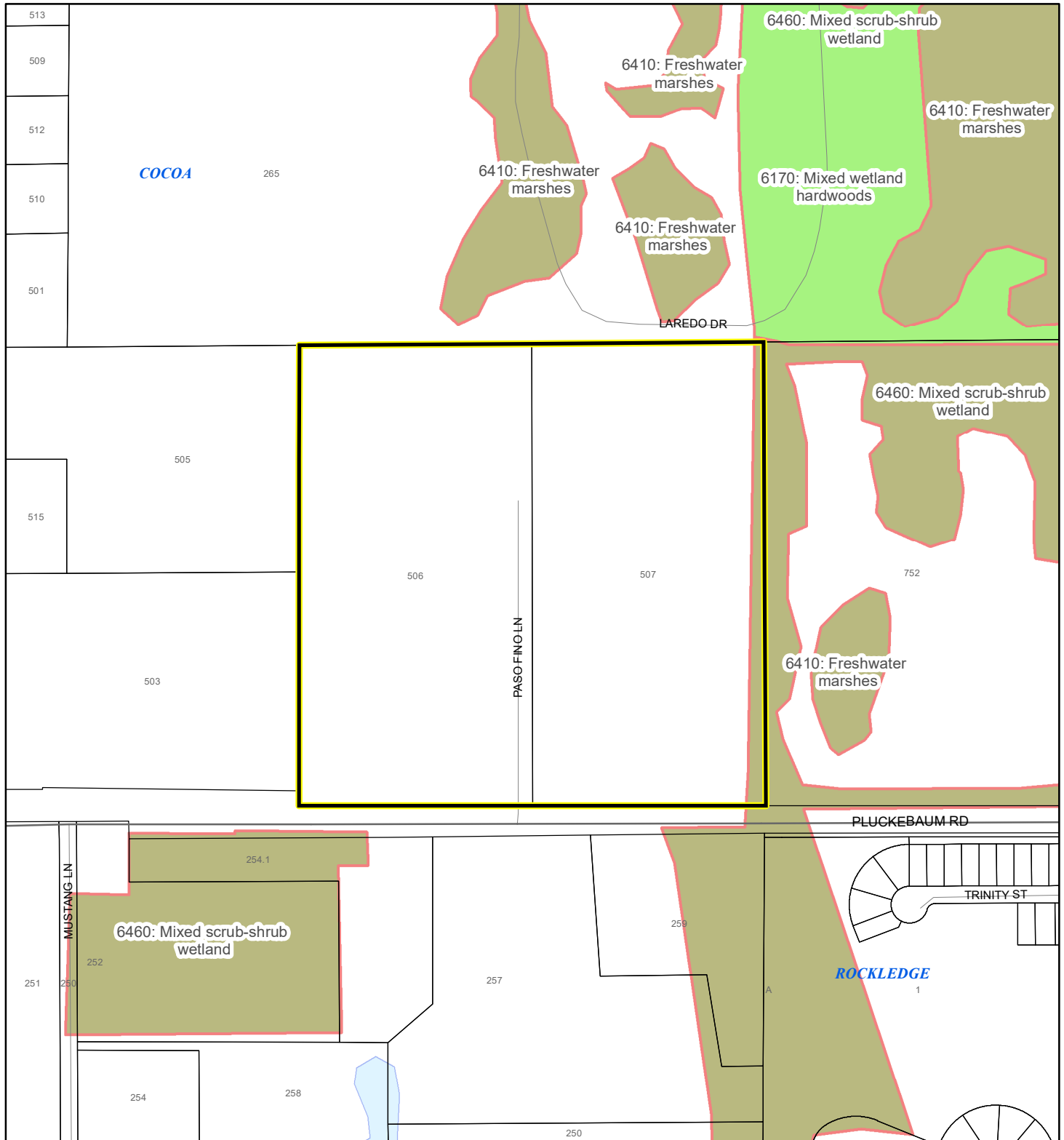
National Wetlands Inventory (NWI)

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

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID

21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

SJRWMD FLUCCS WETLANDS

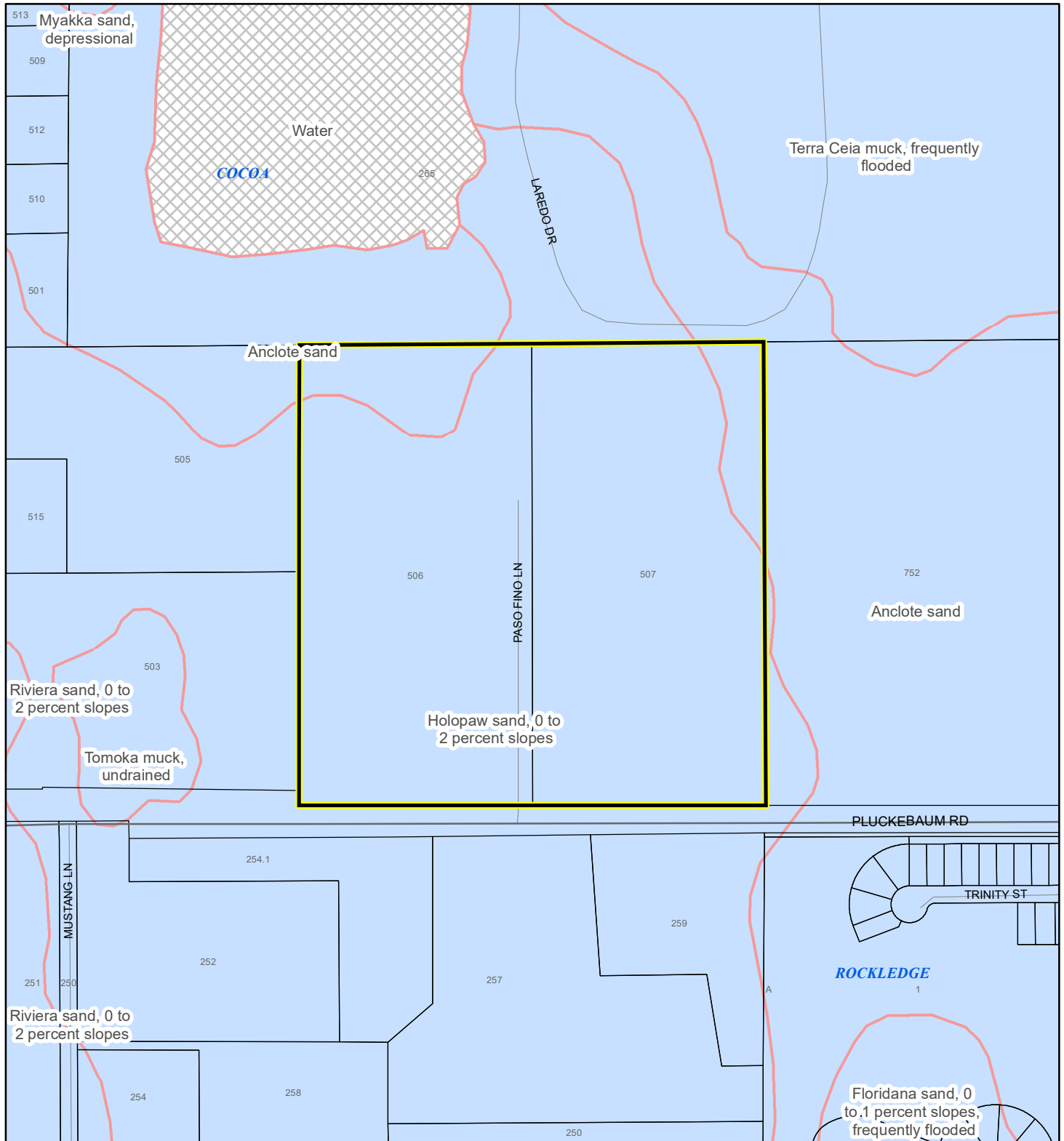
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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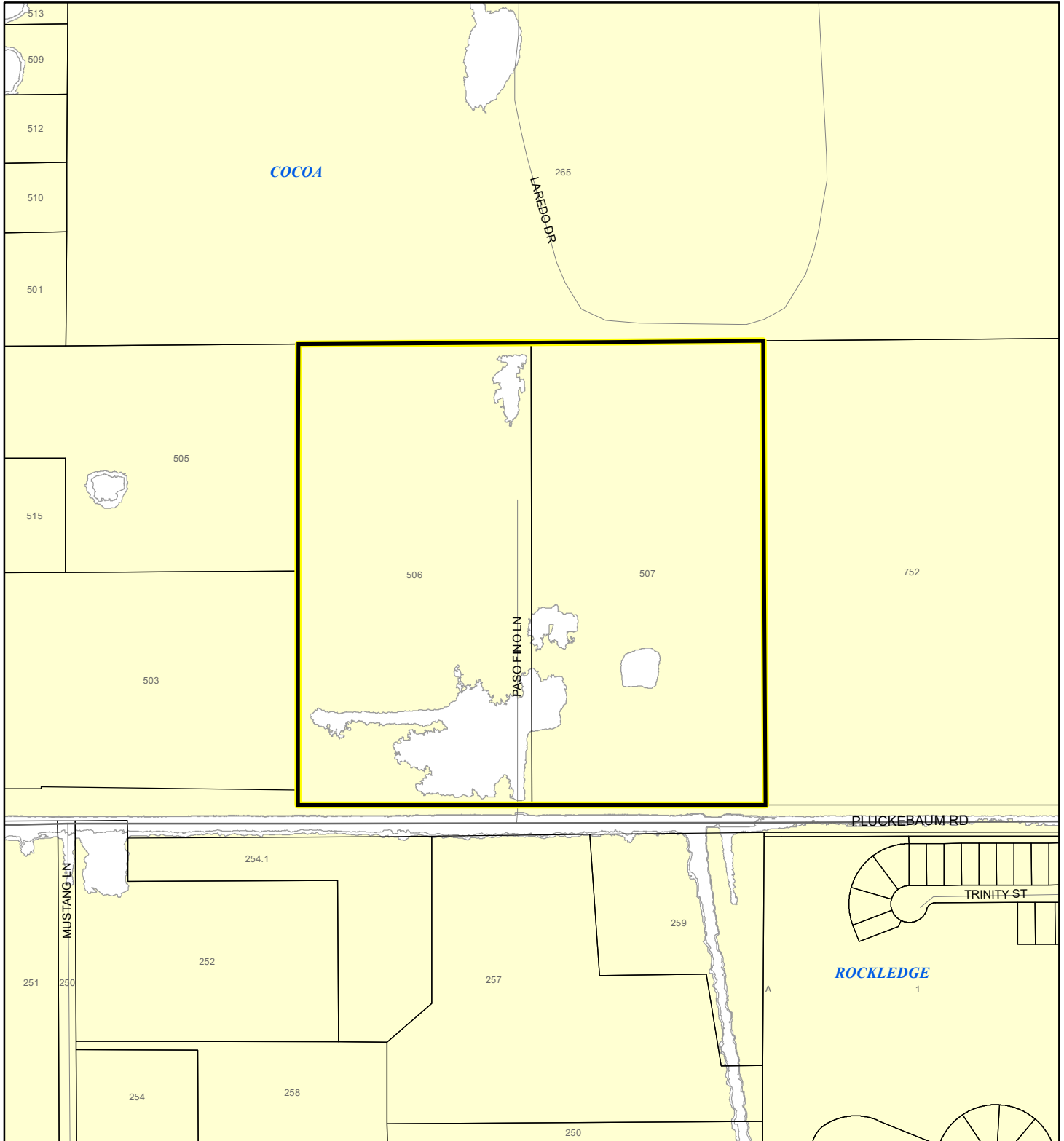
Produced by BoCC - GIS Date: 9/13/2021

USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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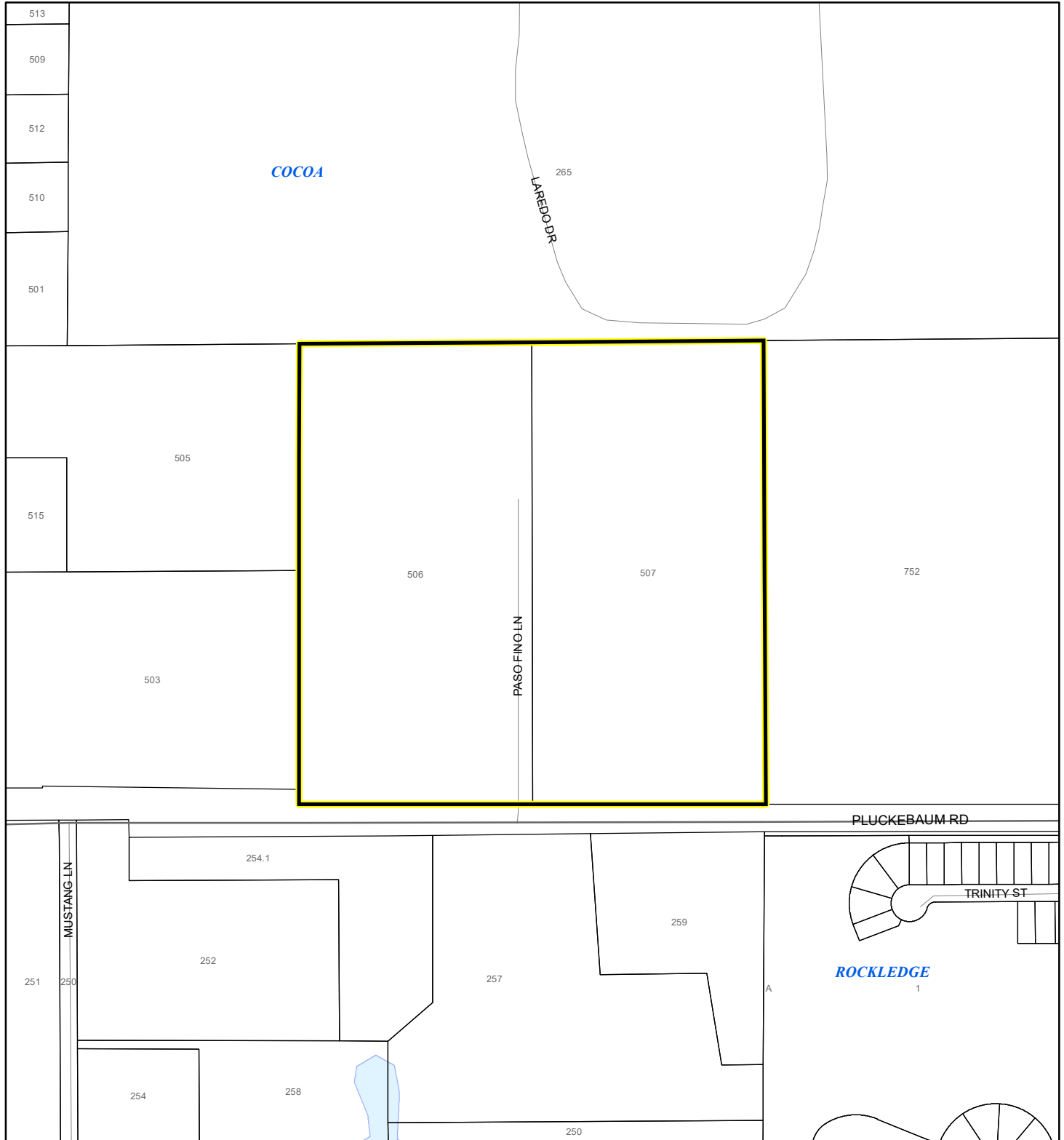
Produced by BoCC - GIS Date: 9/13/2021

FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



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Produced by BoCC - GIS Date: 9/13/2021

 Subject Property

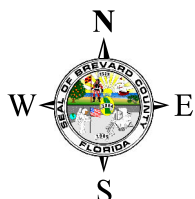
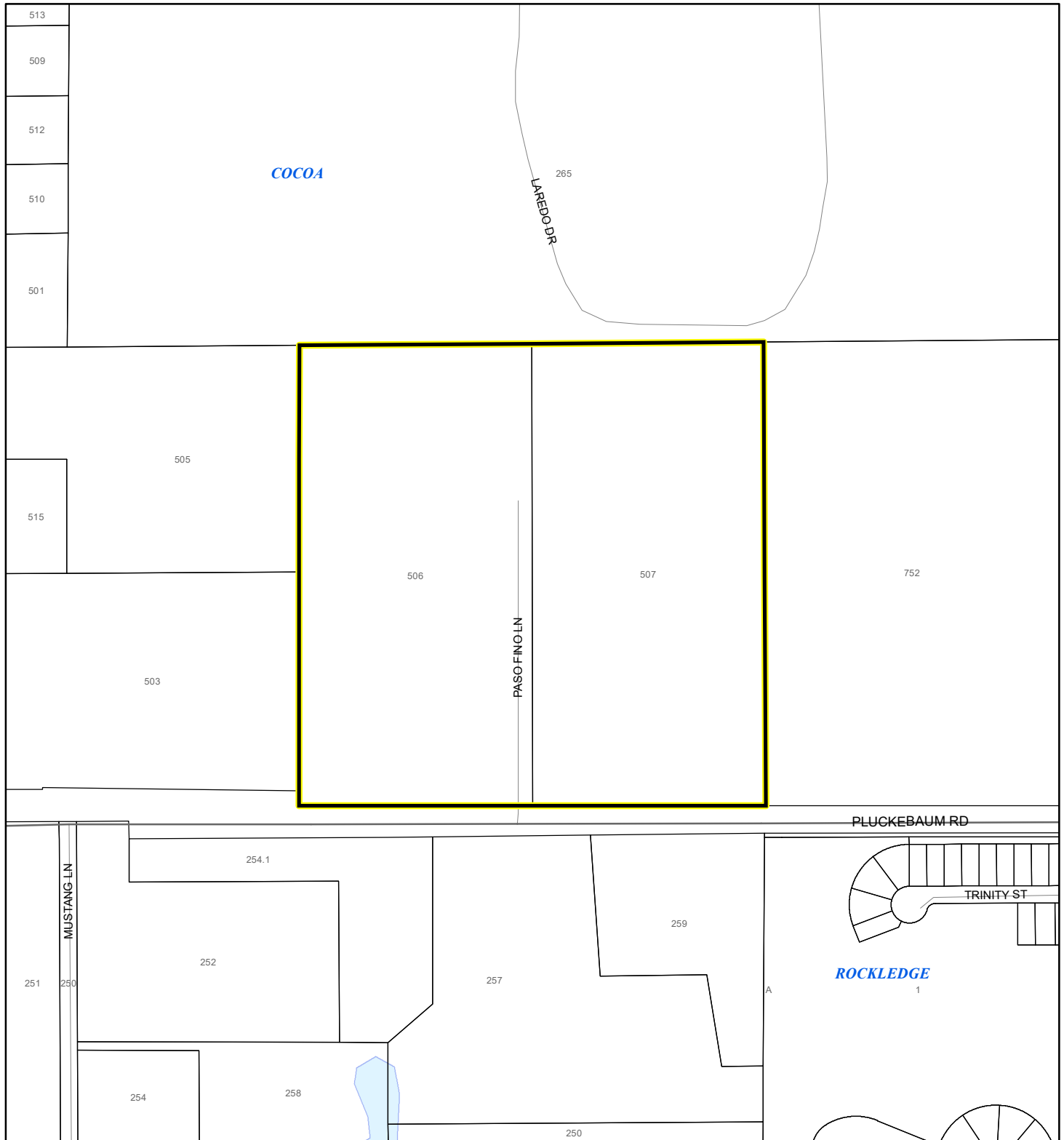
 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

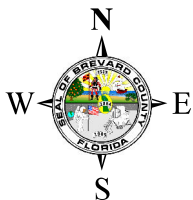
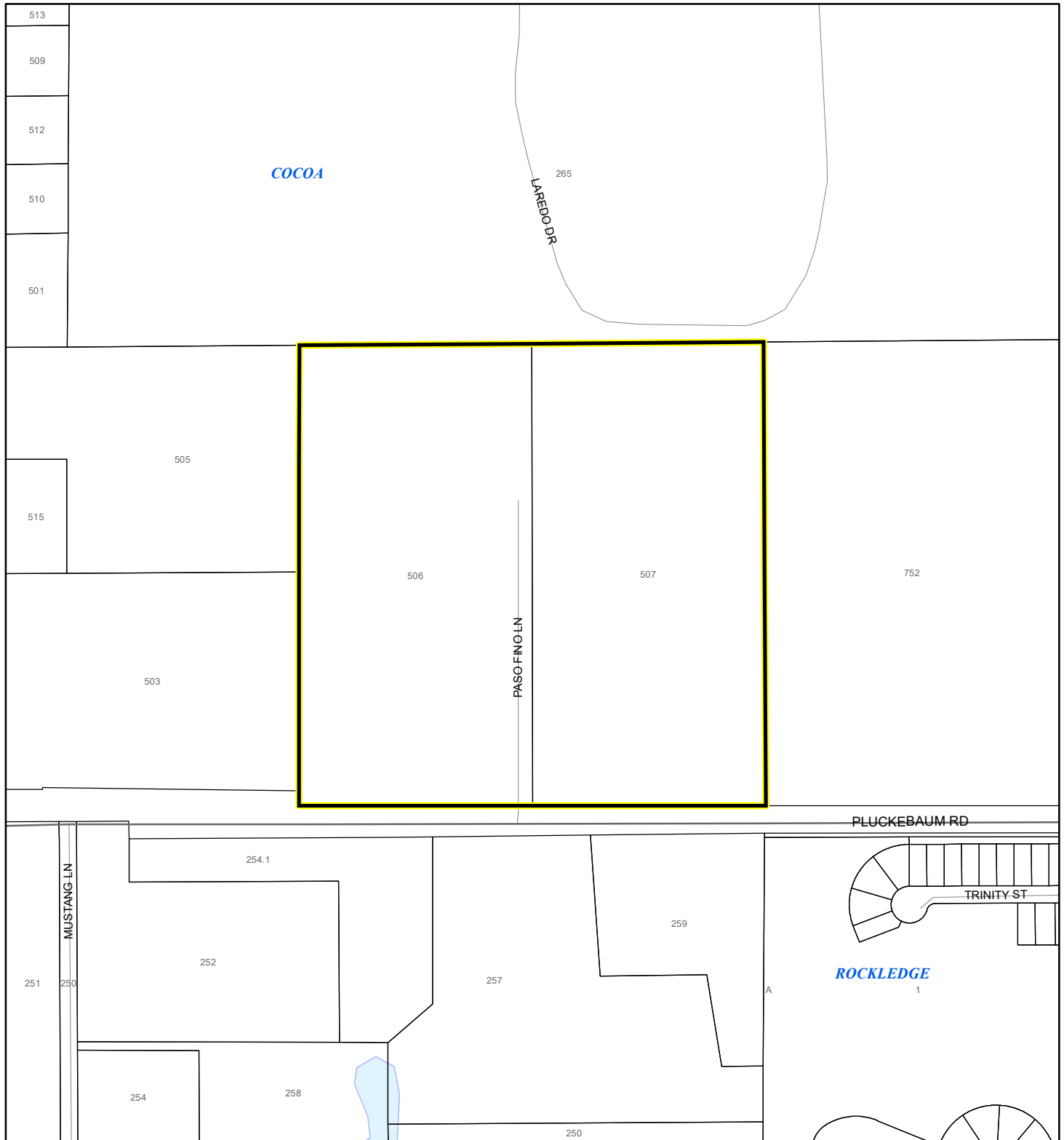
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

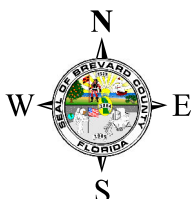
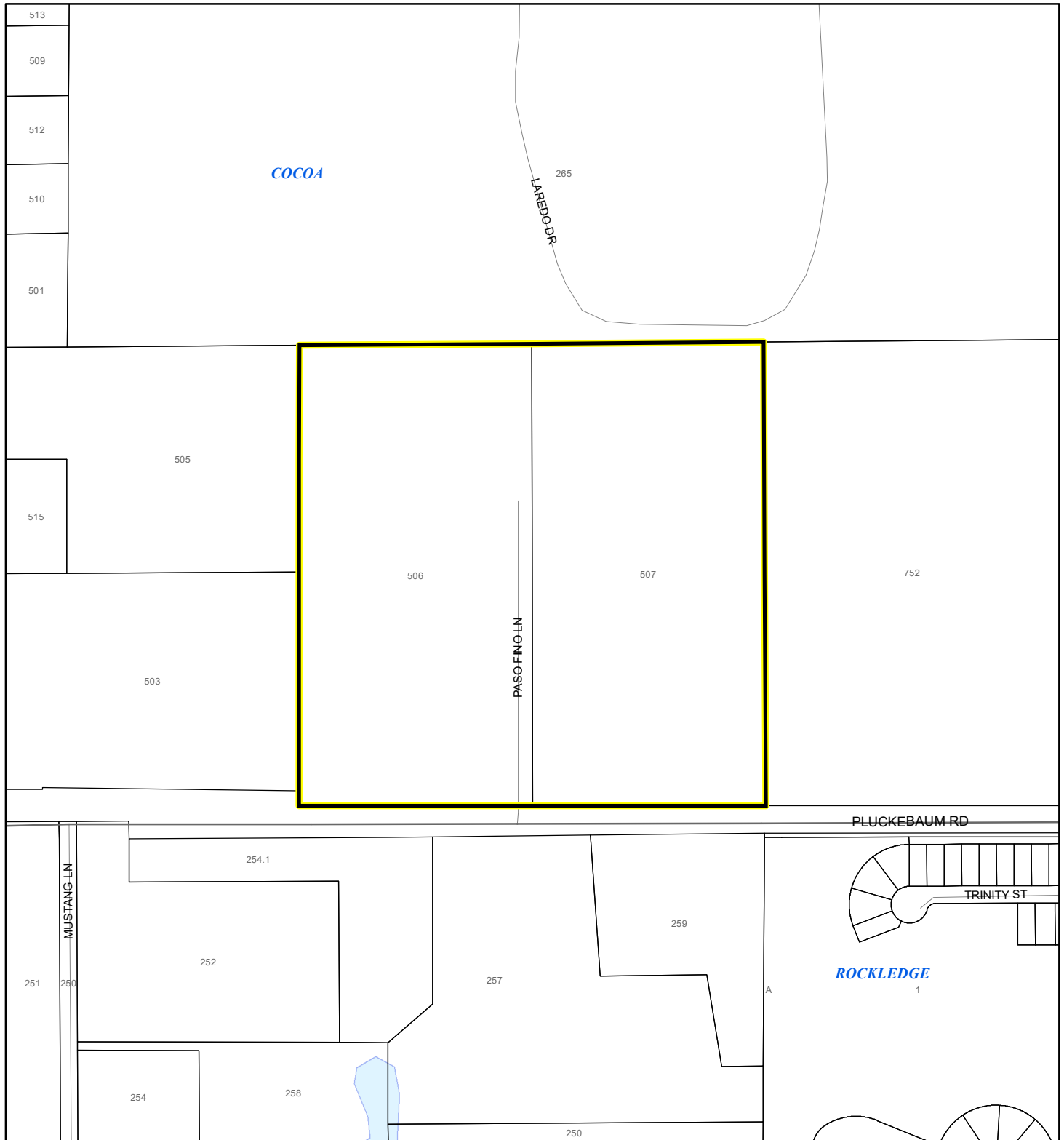
 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

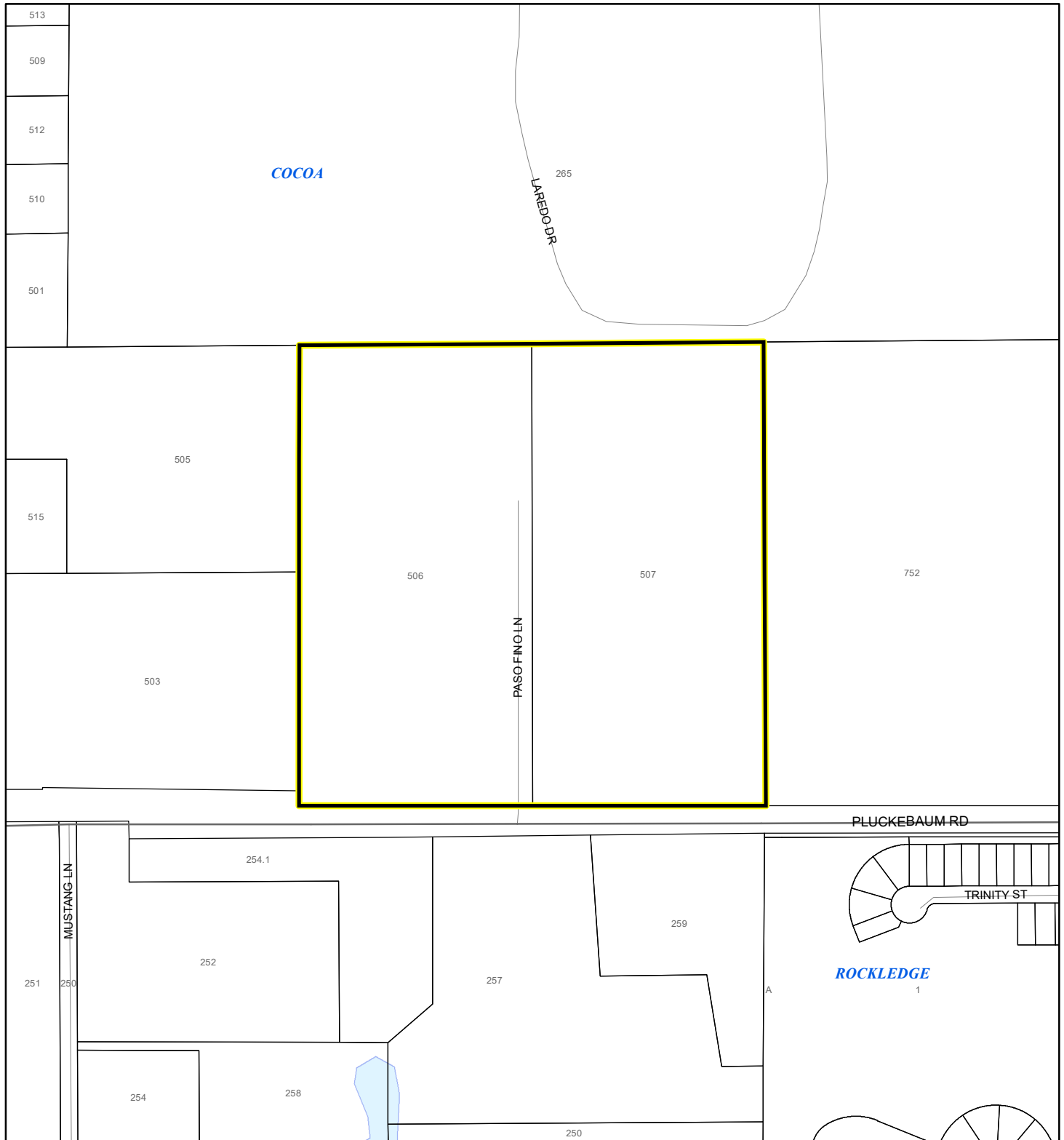
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/13/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

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

September 3, 2021

Via Hand-Delivery

Planning & Development Department
Brevard County
2725 Judge Fran Jamieson Way
Viera, FL 32940

**Re: Parcel ID #24-36-31-00-506 & #24-36-31-00-507 / Tax Account #2424006 & #2424007 –
2100 & 2250 Pluckebaum Road, Cocoa, FL 32926 - Request for a Small Scale
Comprehensive Plan Amendment (SSCPA) from Residential 4 to Residential 15**

To whom it may concern:

Our firm represents Affinity Capital, LLC (hereinafter, "Applicant" or "Contract Purchaser"). Applicant has placed under contract to purchase two properties -Tax Account #2424006 and #2424007 – totaling approximately 40 acres (+/-) for the purpose of developing a 330-unit townhome community. Presently, the assemblage has a zoning designation of Agricultural Residential (AU) (the "Subject Property"). The Contract Purchaser seeks approval from Brevard County ("County") of a SSCPA to change the Subject Property's designation from Residential 4 to Residential 15.

Applicant's request is consistent with and advances multiple goals, objectives and policies of the County's Comprehensive Plan as further outlined in the enclosed Supplement to Comprehensive Plan Amendment Application. Approval of the requested SSCPA will not authorize any proposed use that will: (i) 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; (ii) materially reduce the value of existing abutting land or approved development; (iii) prove inconsistent with an emerging or existing pattern of surrounding development; or (iv) result in a material violation of relevant policies in any elements of the Comprehensive Plan.

We look forward to the department's favorable recommendation of the Applicant's requested SSCPA for the Subject Property.

Respectfully submitted,



Javier E. Fernández, Esq.
For the Firm



BOARD OF COUNTY COMMISSIONERS

Supplement to Application
21PZ00062
Perrone and Davis

Planning & Development Department
2725 Judge Fran Jamieson Way, Bldg A, Suite 114
Viera, FL 32940
Phone: (321) 633-2070, Fax: (321) 633-2074
www.BrevardFL.gov/PlanningDev

Supplement to Comprehensive Plan Amendment Application

1. **Type of Application:**

☒

Small-scale Comprehensive Plan Future Land Use Map Amendment

☐

Large-scale Future Land Use Map Amendment

☐

Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. **Applicant:** Affinity Capital, LLC **Staff Planner:** _____

3. **Comprehensive Plan Amendment Information:**

Adopted Future Land Use Designation: Residential 4

Requested Future Land Use Designation: Residential 15

Existing Zoning: AU

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike- thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. **Description of Request/Justification: Must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.**

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

See enclosed narrative.

(Use additional sheets if necessary)



BREVARD COUNTY
SUPPLEMENT TO COMPREHENSIVE PLAN AMENDMENT APPLICATION

4. Description of Request/Justification: Must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

The subject property is situated east of Interstate 95 (I-95) within the Brevard County (the "County") in West Cocoa proximate to the King Street corridor. Applicant, Affinity Capital, LLC, is requesting a Small Scale Comprehensive Plan Amendment (SSCPA) that would change the Future Land Use Map designation of the subject property from Residential 4 to Residential 15. Applicant believes the requested SSCPAs is consistent with the County's comprehensive plan as it serves to advance the following plan goals, objectives and policies:

LAND USE ELEMENT

Goal: Manage growth in Brevard County in a manner that enhances natural and man-made systems and meets the public's social and economic needs.

Objective 1

County shall facilitate the development of residential neighborhoods that offer the highest quality of life to citizenry through implementation of policies that accomplish the following:

Criteria:

- A. *Ensure the compatibility of new development with its surroundings;*
- E. *Produce neighborhoods that complement adjacent land uses;*
- G. *Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.*

Policy 1.2

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

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.*
- C. *In Residential...15...land use designations, centralized potable water and wastewater treatment shall be available current with the impact of the development.*

Applicant's request meets the public's social and economic needs through the development of residential neighborhoods that offer the highest quality of life to the citizenry. The County is experiencing incredible growth that substantially increased demand for housing resulting in significant price escalations and inventory shortages. A normal or balanced housing market typically has an inventory supply of 6 months.¹ Recent reports from May 2021 indicate that the available inventory for townhomes and condos have

¹ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

decreased 71.4% over the prior year from 3.5 months of available supply to 1.0 month of available supply.² The current inventory levels represent a historic low and the continuation of a three-year trend.³ Similarly, median and average sales prices increased by 36.9% and 33.9%, respectively, over the prior year.⁴

Given the state of the County's job market, it is likely that demand for housing of all types will likely continue to increase. In March of 2021, the County's total nonagricultural employment increased to 230,000 representing a gain of 2,400 jobs above the prior month. The 1.1% job gain in Brevard was the seventh-highest percentage increase of the state's 25 metropolitan areas.⁵ Employee recruitment has remained challenging across all sectors, including aerospace, health care, manufacturing, and retail.⁶ The lack of available housing may negatively impact employer recruitment efforts in the County. Approval of the requested SSCPA will facilitate the development of needed housing.

Further, the Applicant's request will provide for the development of housing inventory that is increasingly compatible with its surroundings and not in conflict with any of the surrounding land uses. Applicant's proposal will provide a type of housing product which is less intense than new multi-family, garden style apartments proposed near King Street and Range Road North of the property and denser and more affordable than the single-family residences located immediately South and to the property's East and West.

Finally, adequate roadways, solid waste disposal, drainage and recreation facilities necessary to serve the needs of the Applicant's future project are either in-place or shall be delivered concurrently with the townhome development consistent with the requirements of Policy 1.2.

SURFACE WATER MANAGEMENT ELEMENT

Objective 2

Require stormwater management facilities to meet future development requirements, consistent with the County's Master Stormwater Management Plan and this Comprehensive Plan.

Policy 2.3

Brevard County requires that new stormwater management facilities or techniques shall not negatively impact adjacent properties.

Objective 3

Require new development to adequately manage stormwater generated by the development.

Applicant's development proposal will incorporate new stormwater management facilities that will ensure that the project's stormwater facilities will not negatively impact adjacent properties.

² <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

³ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

⁴ Ibid.

⁵ <https://www.floridatoday.com/story/money/business/2021/04/20/economy-improving-brevard-employers-having-tough-time-filling-jobs/7276130002/> Last viewed: September 1, 2021.

⁶ Ibid.

HOUSING ELEMENT

Objective 3

Brevard County shall seek to achieve a housing market with mechanisms to ensure that the market is fair and balanced, and provides equal housing opportunity for all residents of the County.

Objective 4

Brevard County shall continue to provide for adequate lands for residential land uses in a wide variety of housing types, housing pricing levels and broad geographic choices to meet the needs of all existing and anticipated residents in the County.

Policy 4.1

The zoning ordinance of the Land Development Regulations shall continue to designate adequate lands for residential development which allows for a variety of housing types, while providing residents with choices in location...

As noted above, presently the County's housing market is presently unbalanced due to historic lows in available housing inventory. Approval of the Applicant's requested change will result in the production of needed units that will help correct the current inventory imbalance, expand geographic choices for quality housing, and further diversity the variety of housing types available within the County. Townhome style units are not presently available in the immediate housing market and Applicant's proposal will fill said niche and complement both the existing single-family housing units that have traditionally represented the bulk of housing supply in the immediate market and emerging low-scale apartment complexes that have been proposed or are under construction in the immediate sub-market.

Further, approval of the request will also expand housing affordability as the median and average sales prices for townhome and condominium units within the County are substantially lower than for single-family residential units.⁷

⁷ <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

individual lot &
add'l skel - esut
(967.50 - 1000 paid)

ENC. 31, TWP. 34N, R9C. 30E
TAX PARCEL 24-34-31-00505.0-0000.00

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 24 SOUTH, RANGE 26 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SW 1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 30 EAST, 3RD MERIDIAN, COLAR, FLORIDA, THENCE S 89°42'00" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 123.13 FEET TO THE POINT OF BEGINNING, THENCE S 89°07'11" E, ALONG THE WEST LINE OF THE W 1/2 OF THE SW 1/4 OF SAID SW 1/4, A DISTANCE OF 107.83 FEET, THENCE S 89°07'11" E, A DISTANCE OF 37.11 FEET, THENCE S 89°07'11" E, A DISTANCE OF 107.83 FEET TO THE SOUTH LINE OF SAID SW 1/4 OF SECTION 21, THENCE N 89°07'11" E, ALONG SAID SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 214.43 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 5.30 ACRES, MORE OR LESS.

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SW 1/4 OF SECTION 24, TOWNSHIP 24
SOUTH, RANGE 30 EAST, BROWARD COUNTY, FLORIDA, THENCE S 89°47'21" E, ALONG
THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 131.38 FEET,
ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°47'21" E, A DISTANCE OF 296.40
FEET TO THE POINT OF BEGINNING, THENCE S 89°47'21" E, A DISTANCE OF 342.34
FEET, THENCE S 89°47'21" E, A DISTANCE OF 200.00 FEET, THENCE S 89°47'21" E,
A DISTANCE OF 343.57 FEET TO THE SOUTH LINE OF SAID SW 1/4 OF SECTION 24,
THENCE S 89°47'21" E, ALONG SAID SOUTH LINE OF THE SW 1/4, A DISTANCE OF
25.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 3.46 ACRES.
NONE, OR LOTS.

SUBJECT TO A 25 FOOT ACCESS EASEMENT ACROSS THE NORTH 25 FEET OF THE SOUTH 80 FEET OF SAID PARCEL.

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 30 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONVERSE AT THE SOUTHWEST CORNER OF THE SW 1/4 OF SECTION 36, TOWNSHIP 24 NORTH, RANGE 18 EAST, DEKALB COUNTY, FLORIDA. THENCE S 89°42'30" E, ALONG THE SOUTH LINE OF SAID SW 1/4 A DISTANCE OF 1433.39 FEET, THENCE CONVERSE, ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°42'30" E, A DISTANCE OF 208.40 FEET, THENCE CONVERSE, ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°42'30" E, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING, THENCE S 89°42'30" E, A DISTANCE OF 843.57 FEET, THENCE S 89°42'30" E, A DISTANCE OF 200.00 FEET, THENCE S 89°42'30" E, A DISTANCE OF 844.40 FEET TO SAID SOUTH LINE OF SAID SW 1/4, THENCE S 89°42'30" E, ALONG SAID SOUTH LINE OF THE SW 1/4, A DISTANCE OF 1433.39 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.50 ACRES, MORE OR LESS.

SUBJECT TO A 25 FOOT ACCESS EASEMENT ACROSS THE NORTH 25 FEET OF THE SOUTH 60 FEET OF SAID PARCEL.

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 30 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

SUBJECT TO A 25 FOOT ACCESS EASEMENT ACROSS THE NORTH 25 FEET OF THE SOUTH 80 FEET OF SAID PARCEL.

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 24 SOUTH, RANGE 30 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CORNER OF THE SW 1/4 OF SECTION 31, TOWNSHIP 24
NORTH, RANGE 31 EAST, BAYVIEW COUNTY, FLORIDA, THENCE S 89°07'40" E, ALONG
THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 1336.38, THENCE N 00°07'40" E,
ALONG THE WEST LINE OF THE W 1/2 OF THE SE 1/4 OF SAID SW 1/4 OF SECTION 31,
A DISTANCE OF 1067.63 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE
N 00°07'40" E, ALONG THE WEST LINE OF THE W 1/2 OF THE SE 1/4 OF SAID SW 1/4
SECTION, THENCE S 89°07'40" E, ALONG THE NORTH LINE OF THE W 1/2 OF THE SE 1/4
OF SAID SW 1/4 OF SECTION 31, A DISTANCE OF 1943.66 FEET, THENCE S
00°07'40" E, ALONG THE EAST LINE OF THE WEST 1/2 OF THE SE 1/4 OF SAID SW
1/4, A DISTANCE OF 263.50 FEET, THENCE N 89°07'40" E, A DISTANCE OF 867.18
FEET TO THE POINT OF BEGINNING. SA PARCEL CONTAINS 0.52 ACRES, MORE OR

1. THE PURPOSE OF THIS DRAWING IS TO SHOW THE PROPOSED PARCELS
2. THIS DRAWING WAS CREATED ELECTRONICALLY USING COMPUTER AIDED
DRAWING (CAD). IT SHOULD NOT BE CONSIDERED A CERTIFIED
SURVEY. THE DRAWING IS BASED ON A BOUNDARY SURVEY OF THE
INDIVIDUAL PARCELS. THE OVERALL BOUNDARY SHOWN HEREON IS
BASED ON A BOUNDARY SURVEY BY BLAND SURVEYING & MAPPING
CO. DATED APRIL 1, 2005, DRAWING NUMBER 05-048-C3.

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DRAWING (CAD). IT SHOULD NOT BE CONSIDERED A CERTIFIED
SURVEY. THE DRAWING IS BASED ON A BOUNDARY SURVEY OF THE
INDIVIDUAL PARCELS. THE OVERALL BOUNDARY SHOWN HEREON IS
BASED ON A BOUNDARY SURVEY BY BLAND SURVEYING & MAPPING
CO. DATED APRIL 1, 2005, DRAWING NUMBER 05-048-C3.

PROPERTY LINE
FENCE LINE
IRON PIN FD. AS NOTED
CONC. MONUMENT FD. AS NOTED
NAIL & BUSH SET LB #5833
1/2" IRON SET LB #5833
UTILITY POLE

00 MISS
 01 FROM
 02 BALDING
 03 OFFICE
 04 P.O.B. POINT OF BEGINNING
 05 P.O.C. POINT OF COMMENCEMENT
 06 BONE CONCRETE
 07 CR CONCRETE WALL/DOOR
 08 D OVER PACE
 09 D.O.D. Dist. A. 1000



**ISLAND SURVEYING
& MAPPING CO.**

A SCOTSDALE, ARIZONA, U.S. COMPANY

3400 N. COURTMAY PKWY. (212), MERRITT ISLAND, FL. 32953
TELEPHONE: (321) 452-1738 FAX: (321) 452-7258

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RALPH & CYNTHIA PERONE TRUST

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School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark W. Mullins, Ed.D., Superintendent

September 21, 2021

Mr. Paul Body
Planner II
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Affinity Capital Pluckebaum Road Development
School Impact Analysis – Capacity Determination CD-2021-23**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2424006 (Parcel ID: 24-36-31-00-506) and Tax Account 2424007 (Parcel ID: 24-36-31-00-507) containing approximately 40 acres in District 1, Brevard County, Florida. The proposed single-family development includes 330 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2021-22 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes	330		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	92.4	92
Middle	0.08	26.4	26
High	0.16	52.8	53
Total	0.52		171

Planning & Project Management
Facilities Services
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An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to
2025-26**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		976	976	1,042	1,042	1,042
McNair		611	611	611	611	611
Rockledge		1,701	1,701	1,701	1,701	1,701

Projected Student Membership

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	825	1,039	1,020	997
McNair		390	438	448	440	455
Rockledge		1,570	1,624	1,664	1,676	1,663

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	-	-	-	-
McNair		-	15	29	29	29
Rockledge		-	29	58	58	58

**Cumulative Students Generated by
Proposed Development**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	46	92	92	92
McNair		-	13	26	26	26
Rockledge		-	26	53	53	53

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	871	1,131	1,112	1,089
McNair		390	466	503	495	510
Rockledge		1,570	1,679	1,775	1,787	1,774

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		135	105	(89)	(70)	(47)
McNair		221	145	108	116	101
Rockledge		131	22	(74)	(86)	(73)

At this time, Saturn Elementary School and Rockledge High School are not projected to have enough capacity for the total of projected and potential students from Affinity Capital Pluckebaum Road development. Because there is a shortfall of available capacity in the concurrency service areas of the Affinity Capital Pluckebaum Road development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Golfview Elementary School, Manatee Elementary School, Endeavour Elementary School, Cambridge Elementary School and Fairglen Elementary School. The adjacent high school concurrency service area is Cocoa Jr. Sr. High School and Viera High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of Affinity Capital Pluckebaum Road development is shown:

FISH Capacity (including relocatables) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to 2025-26						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		777	777	777	777	777
Cocoa		2,084	2,084	2,084	2,084	2,084
Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	528	522	537	545
Cocoa		1,578	1,668	1,857	1,966	2,005
Students Generated by Newly Issued SCADL Reservations Since FFP						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	-	-	-	-
Cocoa		-	13	13	13	13
Cumulative Students Generated by Proposed Development						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	46	92	92	92
Cocoa		-	26	53	53	53
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	574	614	629	637
Cocoa		1,578	1,707	1,923	2,032	2,071
Projected Available Capacity = FISH Capacity - Total Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		327	203	163	148	140
Cocoa		506	377	161	52	13

Considering the adjacent elementary school and high school concurrency service areas, there currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Pluckebaum Road development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP Candidate
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2021-23

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2021-23

Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2020-21 to 2025-26



Summary				2020-21			2021-22			2022-23			2023-24			2024-25			2025-26		
Highest Utilization Elementary Schools:				87%			90%			100%			100%			100%					
Highest Utilization Middle Schools:				87%			89%			90%			93%			98%					
Highest Utilization Jr / Sr High Schools:				81%			81%			80%			89%			94%					
Highest Utilization High Schools:				93%			99%			99%			99%			99%					
School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FISH Capacity	10/09/19 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	596	79%	751	679	90%	751	652	87%	751	681	91%	773	758	98%	795	791	99%
Andersen	Elementary	K-6	100%	884	618	70%	884	617	70%	884	667	78%	884	696	79%	884	702	79%	884	713	81%
Apollo	Elementary	K-6	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	757	84%	902	744	82%
Atlanta	Elementary	PK-6	100%	739	633	86%	739	660	89%	739	625	85%	739	624	84%	739	616	83%	739	610	83%
Audubon	Elementary	PK-6	100%	761	469	62%	761	475	62%	761	471	62%	761	476	63%	761	475	62%	761	484	64%
Cambridge	Elementary	PK-6	100%	765	519	68%	765	525	69%	765	503	66%	765	494	65%	765	469	61%	765	458	60%
Cape View	Elementary	PK-6	100%	570	302	53%	570	283	50%	570	277	49%	570	269	47%	570	253	44%	570	254	45%
Carroll	Elementary	K-6	100%	751	593	79%	751	593	79%	751	530	71%	751	553	74%	751	559	74%	751	540	72%
Challenger 7	Elementary	PK-6	100%	573	477	83%	573	493	86%	573	443	77%	573	423	74%	573	406	71%	573	398	69%
Columbia	Elementary	PK-6	100%	751	405	54%	751	400	53%	751	455	61%	751	514	68%	751	533	71%	751	547	73%
Coquina	Elementary	K-6	100%	711	499	70%	711	532	75%	711	475	67%	711	436	61%	711	396	56%	711	376	53%
Creel	Elementary	PK-6	100%	1,154	703	61%	1,154	746	65%	1,154	743	64%	1,154	737	64%	1,154	740	64%	1,154	741	64%
Croton	Elementary	PK-6	100%	795	480	60%	795	530	67%	795	615	77%	795	622	78%	795	627	79%	795	635	80%
Discovery	Elementary	PK-6	100%	980	560	57%	980	550	56%	980	494	50%	980	500	51%	980	507	52%	980	503	51%
Endeavour	Elementary	PK-6	100%	990	608	61%	990	646	65%	990	589	59%	990	581	59%	990	528	53%	990	527	53%
Enterprise	Elementary	K-6	100%	729	536	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	492	67%
Fairglen	Elementary	PK-6	100%	789	577	73%	789	590	75%	789	598	76%	789	630	80%	789	676	86%	789	700	89%
Gemini	Elementary	K-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	383	54%
Golfview	Elementary	PK-6	100%	777	439	56%	777	450	58%	777	528	68%	777	522	67%	777	537	69%	777	545	70%
Harbor City	Elementary	PK-6	100%	629	345	55%	629	378	60%	629	379	60%	629	416	66%	629	412	66%	629	402	64%
Holland	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	69%	605	417	69%
Imperial Estates	Elementary	K-6	100%	729	605	83%	729	608	83%	729	615	84%	729	627	86%	729	644	88%	729	648	89%
Indianalantic	Elementary	K-6	100%	798	662	83%	798	694	87%	798	683	86%	798	675	85%	798	668	84%	798	649	81%
Jupiter	Elementary	PK-6	100%	930	679	73%	930	656	71%	930	705	76%	930	806	87%	930	876	94%	930	926	100%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	609	68%	892	592	66%	892	555	62%	892	541	61%	892	518	58%
Longleaf	Elementary	PK-6	100%	790	568	72%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	76%
Manatee	Elementary	K-6	100%	998	868	87%	998	896	90%	998	808	81%	998	786	79%	998	748	75%	998	714	72%
McAuliffe	Elementary	PK-6	100%	918	669	73%	918	657	72%	918	591	64%	918	594	65%	918	561	61%	918	570	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	968	87%	1,114	998	90%
Meadowlane Primary	Elementary	K-6	100%	824	661	80%	824	724	88%	824	634	77%	824	687	83%	824	687	83%	824	699	85%
Mila	Elementary	PK-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	418	59%	707	408	58%
Mims	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	499	69%	725	514	71%	725	515	71%
Oak Park	Elementary	PK-6	100%	968	603	62%	968	580	60%	968	542	56%	968	514	53%	968	484	50%	968	482	50%
Ocean Breeze	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	465	71%	654	462	71%	654	455	70%	654	429	66%
Palm Bay Elem	Elementary	PK-6	100%	983	573	58%	983	596	61%	983	653	66%	983	736	75%	983	770	78%	983	773	79%
Pinewood	Elementary	PK-6	100%	569	470	83%	569	486	85%	569	493	87%	569	504	89%	569	510	90%	569	516	91%
Port Malabar	Elementary	PK-6	100%	852	648	76%	852	631	74%	852	616	72%	852	612	72%	852	617	72%	852	625	73%
Quest	Elementary	PK-6	100%	1,152	795	69%	1,152	682	59%	1,152	676	59%	1,152	651	57%	1,152	647	56%	1,152	675	59%
Riviera	Elementary	PK-6	100%	777	561	72%	777	578	74%	821	818	100%	865	846	98%	865	836	97%	865	817	94%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	247	41%	599	242	40%	599	230	38%	599	207	35%	599	193	32%
Sabal	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	74%	785	594	76%	785	580	74%	785	581	74%
Satum	Elementary	PK-6	100%	976	794	81%	976	841	86%	976	825	85%	1,042	1,039	100%	1,042	1,020	98%	1,042	997	96%
Sea Park	Elementary	PK-6	100%	461	272	59%	461	298	65%	461	287	62%	461	288	62%	461	294	64%	461	288	62%
Sherwood	Elementary	PK-6	100%	609	393	65%	609	416	68%	609	379	62%	609	381	63%	609	386	63%	609	379	62%
South Lake	Elementary	K-6	100%	481	367	76%	481	397	83%	481	367	76%	481	367	76%	481	367	76%	481	367	76%
Sunrise	Elementary	PK-6	100%	913	700	77%	913	693	76%	913	791	87%	957	941	98%	1,023	1,021	100%	1,111	1,096	99%
Suntree	Elementary	K-6	100%	755	594	78%	755	616	82%	755	571	76%	755	579	77%	755	546	72%	755	535	71%
Surfside	Elementary	K-6	100%	541	438	81%	541	457	84%	541	430	79%	541	412	76%	541	398	74%	541	400	74%
Tropical	Elementary	K-6	100%	910	682	75%	910	725	80%	910	623	68%	910	603	66%	910	565	62%	910	547	60%
Turner	Elementary	PK-6	100%	874	529	61%	874	525	60%	874	602	69%	874	675	77%	874	720	82%	874	733	84%
University Park	Elementary	PK-6	100%	811	432	53%	811	471	58%	811	638	79%	811	738	91%	811	748	92%	811	747	92%
Viera Elem	Elementary	K-6	100%	1,012	384	38%	1,012	643	64%	1,012	613	61%	1,012	697	69%	1,012	738	73%	1,012	741	73%
Westside	Elementary	K-6	100%	857	671	78%	857	594	69%	857	617	72%	857	641	75%	857	663	77%	857	663	77%
Williams	Elementary	PK-6	100%	715	482	67%	715	484	68%	715	463	65%	715	444	62%	715	425	59%	715	396	55%
Elementary Totals:				42,996	29,621		42,996	30,667		43,040	30,387		43,194	31,384		43,282	31,483		43,392	31,487	

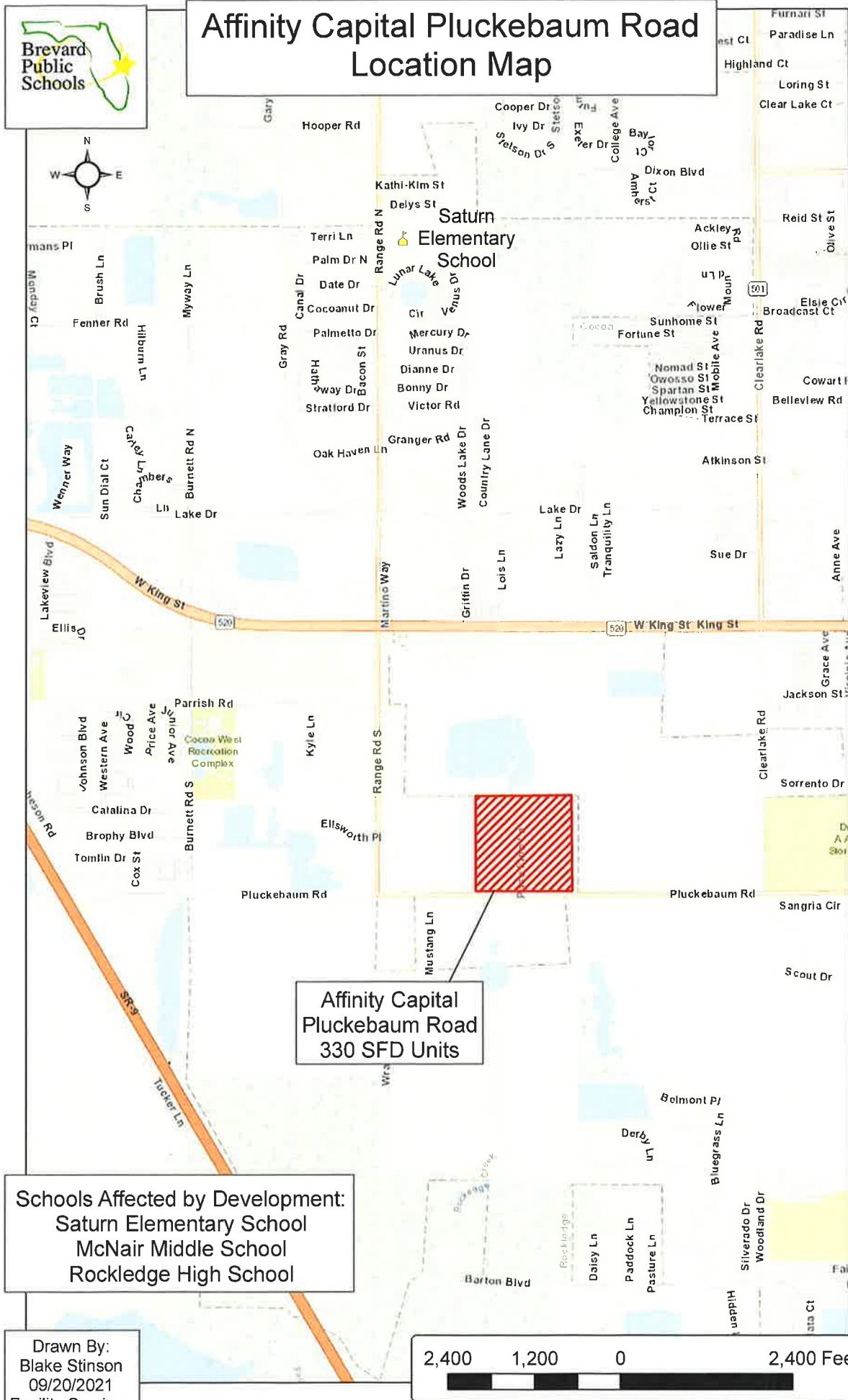
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,505	1,135	75%	1,505	1,136	75%	1,505	1,076	71%	1,505	1,167	78%	1,505	1,173	78%	1,505	1,250	83%
DeLaura	Middle	7-8	90%	939	800	85%	939	787	84%	939	846	90%	939	873	93%	939	824	88%	939	899	96%
Hoover	Middle	7-8	90%	680	469	69%	680	493	73%	680	480	71%	680	468	69%	680	486	71%	680	529	78%
Jackson	Middle	7-8	90%	654	566	87%	654	583	89%	654	523	80%	654	558	85%	654	565	86%	654	534	82%
Jefferson	Middle	7-8	90%	854	647	76%	854	640	75%	854	632	74%	854	609	71%	854	601	70%	854	593	69%
Johnson	Middle	7-8	90%	997	731	73%	997	710	71%	997	694	70%	997	727	73%	997	773	78%	997	805	81%
Kennedy	Middle	7-8	90%	813	666	82%	813	638	78%	813	618	76%	813	606	75%	813	618	76%	813	635	78%
Madison	Middle	7-8	90%	781	470	60%	781	475	61%	781	445	57%	781	468	60%	781	465	60%	781	426	55%
McNair	Middle	7-8	90%	611	407	67%	611	390	64%	611	438	72%	611	448	73%	611	440	72%	611	455	74%
Southwest	Middle	7-8	90%	1,177	904	77%	1,177	886	75%	1,177	892	76%	1,177	879	75%	1,177	949	81%	1,177	1,025	87%
Stone	Middle	7-8	90%	1,024	775	76%	1,024	754	74%	1,024	856	84%	1,024	927	91%	1,044	1,021	98%	1,044	1,031	99%
Middle Totals				10,035	7,570		10,035	7,492		10,035	7,500		10,035	7,730		10,055	8,015		10,055	8,182	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,572	75%	2,084	1,578	76%	2,084	1,668	80%	2,084	1,857	89%	2,084	1,966	94%	2,084	2,005	96%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	964	66%	1,466	1,000	68%	1,466	948	65%	1,466	914	62%	1,466	884	60%	1,466	818	56%
Space Coast	Jr / Sr High	7-12	90%	1,857	1,501	81%	1,857	1,505	81%	1,857	1,492	80%	1,857	1,455	78%	1,857	1,460	79%	1,857	1,437	77%
Jr / Sr High Totals				5,407	4,037		5,407	4,083		5,407	4,108		5,407	4,226		5,407	4,310		5,407	4,260	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,446	1,087	75%	1,446	1,141	79%	1,446	1,081	75%	1,446	1,092	76%	1,446	1,065	74%	1,446	1,052	73%
Bayside	High	9-12	95%	2,257	1,568	69%	2,257	1,625	72%	2,257	1,869	83%	2,257	2,010	89%	2,257	2,046	91%	2,257	2,034	90%
Eau Gallie	High	PK, 9-12	95%	2,221	1,605	72%	2,221	1,642	74%	2,221	1,726	78%	2,221	1,741	78%	2,221	1,758	79%	2,221	1,783	80%
Heritage	High	9-12	95%	2,314	1,899	82%	2,314	1,953	84%	2,314	1,980	86%	2,314	2,081	90%	2,314	2,161	93%	2,314	2,179	94%
Melbourne	High	9-12	95%	2,370	2,112	89%	2,370	2,148	91%	2,370	2,338	99%	2,370	2,354	99%	2,393	2,373	98%	2,393	2,392	100%
Meritt Island	High	PK, 9-12	95%	1,891	1,489	79%	1,891	1,587	84%	1,891	1,494	79%	1,891	1,517	80%	1,891	1,491	79%	1,891	1,428	76%
Palm Bay	High	PK, 9-12	95%	2,602	1,336	51%	2,602	1,288	50%	2,602	1,629	63%	2,602	1,827	70%	2,602	1,943	75%	2,602	2,041	78%
Rockledge	High	9-12	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,624	95%	1,701	1,664	98%	1,701	1,676	98%	1,701	1,663	98%
Satellite	High	PK, 9-12	95%	1,516	1,412	93%	1,516	1,496	99%	1,516	1,411	93%	1,516	1,393	92%	1,516	1,343	89%	1,516	1,334	88%
Titusville	High	9-12	95%	1,848	1,230	67%	1,848	1,230	67%	1,848	1,391	75%	1,848	1,428	77%	1,848	1,480	79%	1,848	1,490	81%
Viera	High	PK, 9-12	95%	2,275	2,096	92%	2,275	2,165	95%	2,322	2,266	98%	2,393	2,377	99%	2,512	2,493	99%	2,512	2,495	99%
High Totals				22,441	17,352		22,441	17,845		22,488	18,809		22,559	19,484		22,701	19,809		22,701	19,891	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	395	83%	475	414	87%	475	395	83%	475	395	83%	475	395	83%	475	395	83%
Stevenson	Elementary	K-6	100%	569	487	86%	569	505	89%	569	488	86%	569	488	86%	569	488	86%	569	488	86%
West Melbourne	Elementary	K-6	100%	618	531	86%	618	552	89%	618	531	86%	618	531	86%	618	531	86%	618	531	86%
Edgewood	Jr / Sr High	7-12	90%	1,072	937	87%	1,072	950	89%	1,072	942	88%	1,072	942	88%	1,072	942	88%	1,072	942	88%
West Shore	Jr / Sr High	7-12	90%	1,264	967	77%	1,264	956	76%	1,264	967	77%	1,264	967	77%	1,264	967	77%	1,264	967	77%
Schools of Choice				3,998	3,317		3,998	3,377		3,998	3,323		3,998	3,323		3,998	3,323		3,998	3,323	
Brevard Totals				84,877	61,897		84,877	63,464		84,968	64,127		85,193	66,147		85,443	66,940		85,553	67,143	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
- Student Membership is reported from the Fall Final Membership Count (10/09/20).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongecoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Riviera Elementary, Saturn Elementary, Sunrise Elementary, and Stone Middle School (Total 19 Classrooms)
 - High school relocatable classrooms are proposed to be added at Melbourne High and Viera High (Total of 11 Classrooms)
- Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.



Affinity Capital Pluckebaum Road Location Map



Schools Affected by Development:
Saturn Elementary School
McNair Middle School
Rockledge High School

Drawn By:
Blake Stinson
09/20/2021
Facility Services

2,400 1,200 0 2,400 Feet



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.8.

11/15/2021

Subject:

Perrone Properties, Inc.; and Curtis R. & Sharon E. Davis (Javier Fernandez) request a change of zoning classification from AU to RU-2-10. (21Z00032) (Tax Accounts 2424006 & 2424007) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from AU to RU-2-10 for the purposes of developing a Single-Family Attached (townhome) community under the RA-2-10 (Single-Family Attached Residential) standards.

The proposed zoning classification of RU-2-10 is not consistent with the RES 4 FLU. The applicant has submitted a companion application for a Small Scale Comprehensive Plan Amendment to change the Future Land Use Map from RES 4 (Residential 4) to RES 15 (Residential 15).

Abutting the subject property to the north is a 130.66-acre property within the City of Cocoa, which is currently being developed as a 268-unit apartment complex with mini-warehouses. To the east is a vacant 40-acre parcel within the City of Cocoa. To the south, across Pluckebaum Road, is a single-family subdivision, with quarter-acre lots and within the City of Rockledge. To the west are agricultural residential utilized properties in unincorporated Brevard County with AU zoning.

The proposed RU-2-10 classification permits multi-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet. Single-Family Attached residential units are also permitted in RU-2-10 as long as they meet the Single-Family Attached Residential (RA-2-10) standards.

The Board may wish to consider whether this request for RU-2-10 zoning is consistent and compatible with the properties in the surrounding area.

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at

the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

21Z00032

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis

Agricultural Residential (AU) to RU-2-10 (Medium-Density Multiple-Family Residential)

Tax Account Number: 2424006 and 2424007
Parcel I.D.: 24-36-31-00-*-506 and 24-36-31-00-*-507
Location: 2100 and 2250 Pluckebaum Road, Cocoa Florida 32926. North side of Pluckebaum Road, approximately 2,670 feet west of the Intersection of Pluckebaum Road and Clearlake Road (District 1)
Acreage: 40.00 acres
Planning and Zoning Board: 11/15/2021
Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can not 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	RU-2-10
Potential*	16 units	400 units
Can be Considered under the Future Land Use Map	YES, RES 4	NO, RES 4**

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

The applicant has submitted a companion Small Scale Comprehensive Plan Amendment (SSCPA) application to change the Future Land Use Map (FLUM) from RES 4 (Residential 4) to RES 15 (Residential 15) under **21PZ00062.

Background and Purpose of Request

The applicant is seeking a change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium-Density Multiple-Family Residential) for the purposes of developing a Single-Family Attached (townhome) community under the RA-2-10 (Single-Family Attached Residential) standards, as permitted by Section 62-1372 (1) a.

The property consists of two adjacent 20.00-acre lots, totaling 40.00 acres, under the current AU zoning.

Land Use

The subject property retains the RES 4 Future Land Use designation (FLU). The existing zoning classification of AU is consistent with the FLU. The proposed zoning classification of RU-2-10 is not consistent with the RES 4 FLU. The applicant has submitted a companion Small Scale Comprehensive Plan Amendment application to change the Future Land Use Map (FLUM) from RES 4 (Residential 4) to RES 15 (Residential 15) under **21PZ00062**. Should either the proposed Future Land Use designation of RES 15 be approved or RES 10 be approved, then this request to RU-2-10 can be considered to be consistent with Exhibit A of Section 62-1255.

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.

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development, 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.

The property retains RES 4 FLU. The City of Cocoa abuts the property on the north and east sides and City of Rockledge abuts on the south side at the easternmost part of the property. The property is in between medium-density residential and single-family residential land uses, with existing urban and suburban uses in the general area to the north, east, south, and west. To the southwest, between the subject property and I-95, are an AM Radio station, borrow pits, low-lying vacant/agricultural residential properties, and the Sheriff's Ranch, which includes a gun range. The eastern half of the property is developed with one single-wide manufactured home and nine pole barns. The western half of the property is undeveloped residential.

The existing and FLU of the subject property, and adjacent properties to the east, west, and southwest of the subject property, are increasingly out of character with the development of the general area. This is an area in transition, with the existing uses and FLU of the subject and abutting properties, being a small pocket of agricultural residential properties in an area increasingly transitioning via urban/suburban infill to medium density multi and single family residential. The proposed use could be considered consistent and compatible with the emerging development pattern of the area as a transition between medium density multi-family residential uses and FLU's, and single-family residential uses and FLU's. The proposed use is not consistent with the current FLU of RES 4, but is consistent with the proposed RES 15 FLU and would also be consistent with RES 10 FLU.

The 130.66 acre property to the north is currently being developed by Cocoa Grand LLC as a medium-density luxury apartment complex of 268 units, clustered on the center 31 acres of the property, within the City of Cocoa, and has frontage on the south side of SR-520, with commercial FLU's and uses on both sides of that frontage. The City of Cocoa FLU is Medium Density Residential (15 units/acre) for 102.2 acres of the property, and Commercial for the remaining 28.46 acres closer

to SR-520, which is site-planned for mini-warehouse storage units. While the gross density of the project is 268 units/130.66 acres, or 2.05 units/acre, plus proposed mini-warehouse use, the effective clustered density is approximately 268 units/31 acres, or 8.65 units per acre.

The property to the east of the subject property is vacant and has a Low Density Residential FLU within the City Limits of Cocoa, with medium density FLU to the north of that, and is across Pluckebaum Road from a single-family subdivision within the City of Rockledge with Low Density Residential (3 units/acre) FLU platted as quarter-acre lots under City of Rockledge PUD zoning.. The parcels to the south of the subject property and across Pluckebaum Road are developed as agricultural residential, and have Low Density City of Rockledge FLU on the eastern part, and RES 4 Brevard County FLU on the western part. To the west of the subject property are agricultural residential uses with RES 4 with RES 15 FLU's to the west of that on the west side of South Range Road.

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

The subject property and abutting neighbors to east, south and west can be characterized as a small pocket of vacant agricultural residential lots, surrounded by a greater neighborhood area, which consists of established commercial properties, and is transitioning with newer residential and commercial projects, including multi-family and single-family residential developments on adjacent and close-by properties. This trend in this area could be classified as urban/suburban infill. The area is located between medium density multi-family residential and high intensity commercial to the north; planned and developing residential to the northeast, east, and southeast; single-family residential to the south; lower-lying mixture of residential, agricultural residential and government managed lands to the southwest, including the approximately 600 acre Harvest Landing PUD within the City Limits of the City of Rockledge, and; commercial and medium density residential properties to the west.

Surrounding Area

Abutting the subject property to the north is a 130.66 acre property within the City of Cocoa, which is currently being developed as a 268 unit multi-family luxury apartment complex, with mini-warehouses, under City of Cocoa Multiple-Family Dwelling District (RU-2-15) and Whole-Sale Commercial (C-W) zoning. To the east is a vacant 40 acre parcel, within the City of Cocoa, with Single-Family Residential District (RU-1-7) zoning. To the south, across Pluckebaum Road, a single-family subdivision, with quarter-acre lots and within the City of Rockledge City Limits, is zoned Planned Unit Development (PUD), and, also across Pluckebaum, but further are, are agricultural utilized properties in unincorporated Brevard County with AU zoning. To the west are agricultural residential utilized properties in unincorporated Brevard County with AU zoning.

The current AU classification permits single-family residences and agricultural pursuits on 2 ½ 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 commercial crops, packaging, processing, and sale of commodities raised on the premises as provided in Chapter 86, Article IV, the raising/grazing of animals, including unlimited cattle and horses, up to four adult hogs, fowl and beekeeping.

The proposed Medium-Density Multiple-Family Residential (RU-2-10) classification permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on

minimum lot sizes of 7,500 square feet. Single-Family Attached (townhomes) residential units are also permitted in this zoning classification as long as they meet the Single-Family Attached Residential (RA-2-10) standards.

The City of Cocoa Multiple-Family Dwelling District (RU-2-15) provisions are intended to apply to an area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of open space for such development. Multiple-family, townhome, duplex, and single-family dwellings are permitted, if they meet the code criteria for the respective housing type.

The City of Cocoa Single-Family Residential District (RU-1-7) permits single family residential development on lots of 7,500 square feet (minimum). The minimum house size is 1,000 square feet.

The City of Rockledge Planned Unit Development District (PUD) has the potential to permit up to 12 units per acre of a variety of housing types, if certain code criteria are met, including but not limited to 25% open space, minimum lot size of 5,000 square feet, minimum living area of 1,200 square feet, and a maximum height of 40 feet.

On 08/21/2013, The City of Rockledge approved **Ordinance 1627-2012** rezoning the property directly across Pluckebaum Road from the southeastern cornerpoint of the subject property from Single-Family Residential to PUD with zero lot-line single-family residential lots of approximately 0.2 acres each. This is part of 156.21 acre PUD rezoning, and approximately 600 acres of contiguous PUD zoning, that extends from the south side of Pluckebaum Road, both southeast and southwest of the subject property, all the way to beyond the intersection of I-95 and proposed extension of Barton Boulevard.

The following zoning actions have been approved within a half-mile of the subject property within the last three years:

- On 01/23/2019, The City of Cocoa approved Ordinance **13-2018**, rezoning a property fronting Clearlake Road, which abuts the east side of the abutting property to the north of the subject property, from RU-1-7 to RU-2-15;
- On 10/10/2017, The City of Cocoa approved **Ordinance 09-2017**, rezoning the southern approximately 1,300 feet of the abutting property to the north of the subject property from RR-1 to RU-2-15;

Additionally, a rezoning from Single-Family Residential (RU-1-9) to Medium Density Residential (RU-2-10) for a similar project, is being reviewed by the Board as **21Z00031**, under the same review cycle as this application, for a property located approximately 0.8 miles to the northwest of the subject property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Floodplain
- Land Clearing and Landscape Requirements

■ Protected Species

The subject parcel contains mapped SJRWMD wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696.

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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use 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 discovery of unpermitted wetland impacts, that may have occurred during periods of time when Bona Fide Agricultural land classification was not established, may result in enforcement action.

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Pluckebaum Road, between Clearlake Road and Fiske Boulevard, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 43.72% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 4.08%. The corridor is anticipated to continue to operate at 72.14% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

School concurrency review by Brevard County Public Schools is presented in School Impact Analysis Capacity Determination CD-2021-23 letter dated September 21, 2021 and concludes: "Considering the adjacent elementary school and high school concurrency service areas, there

currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Pluckebaum Road development.”

The parcel is not serviced by Brevard County sewer. The applicant has obtained a Capacity Availability Certificate for sewer service from City of Cocoa Utilities Department.

The parcel is not serviced by Brevard County water. The applicant has obtained a Capacity Availability Certificate for water service from the City of Cocoa Utilities Department.

For Board Consideration

The Board may wish to consider whether this request for RU-2-10 zoning is consistent and compatible with the properties in the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 21Z00032

Applicant: Fernandez for Perrone Properties, Inc.

Zoning Request: AU to RU-2-10

Notes: Applicant wants to develop 330 townhome units.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID Nos: 2424006 & 2424007

- 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/Hydric Soils
- Floodplain
- Land Clearing and Landscape Requirements
- Protected Species

The subject parcel contains mapped SJRWMD wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696.

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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use 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 discovery of unpermitted wetland impacts, that may have occurred during periods of time when Bona Fide Agricultural land classification was not established, may result in enforcement action.

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped SJRWMD wetlands (Mixed scrub and shrub wetlands), and hydric soils (Holopaw sand and Ancote sand) as shown on the SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. 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. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or 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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use 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 discovery of unpermitted wetland impacts, that may have occurred during periods of time when Bona Fide Agricultural land classification was not established, may result in enforcement action.

Floodplain

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including

compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Clearing and Landscape Requirements

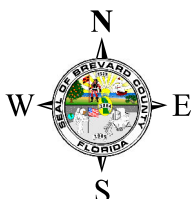
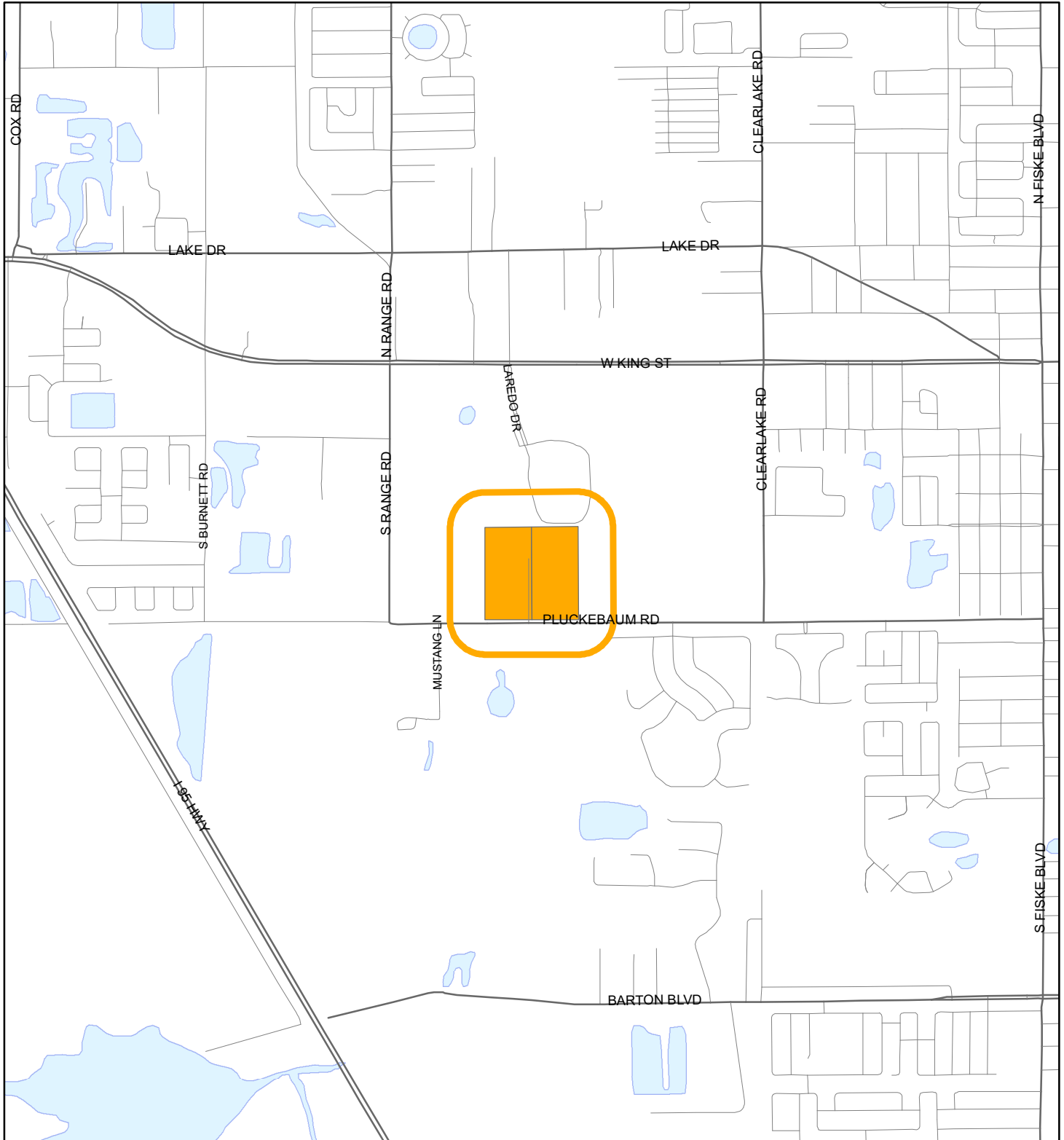
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS
21Z00032





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.

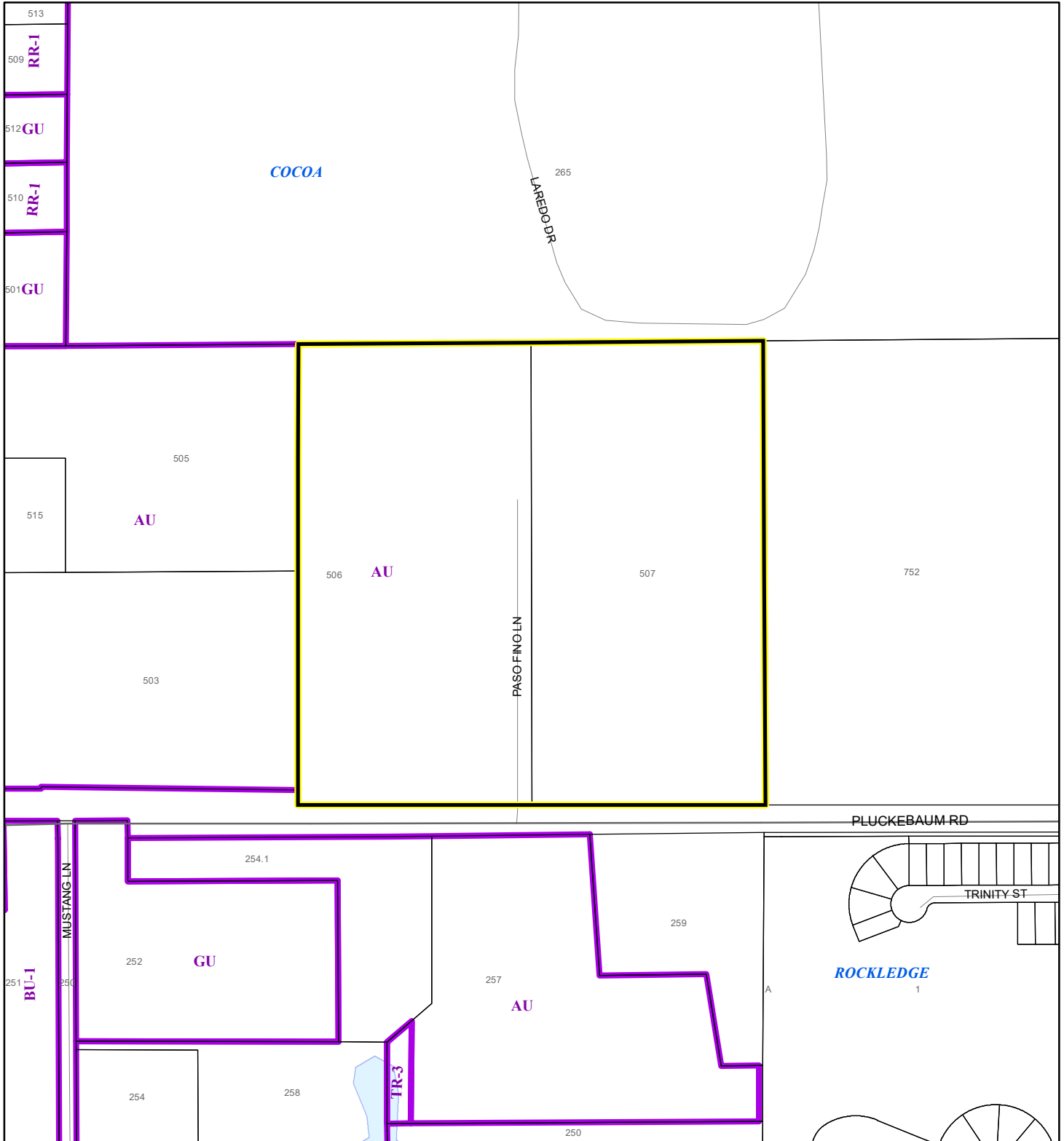
Produced by BoCC - GIS Date: 9/13/2021

 Buffer
 Subject Property

ZONING MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

Subject Property

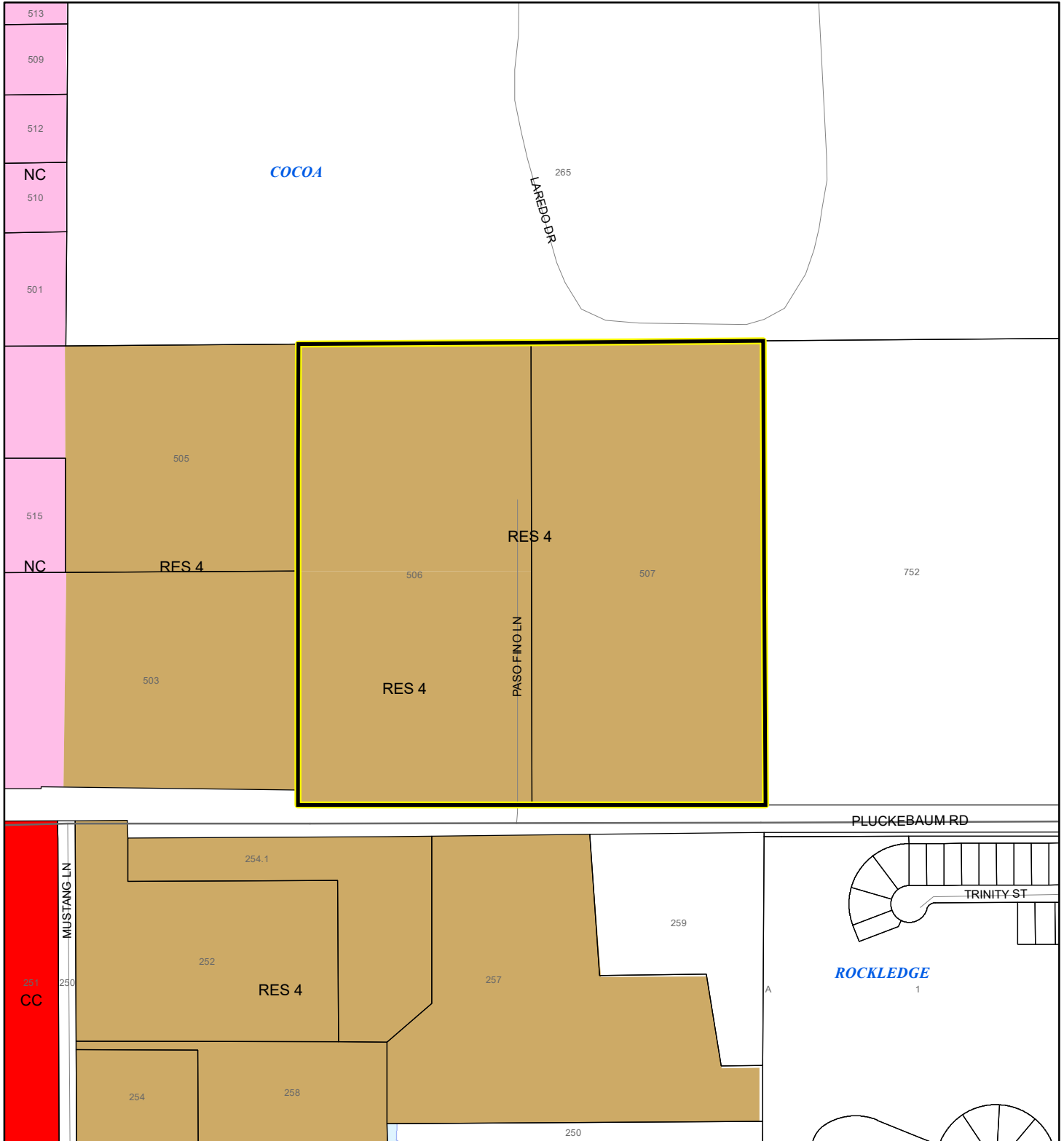
Parcels

Zoning

FUTURE LAND USE MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

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Produced by BoCC - GIS Date: 9/13/2021

AERIAL MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS
21Z00032




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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Produced by BoCC - GIS Date: 9/13/2021

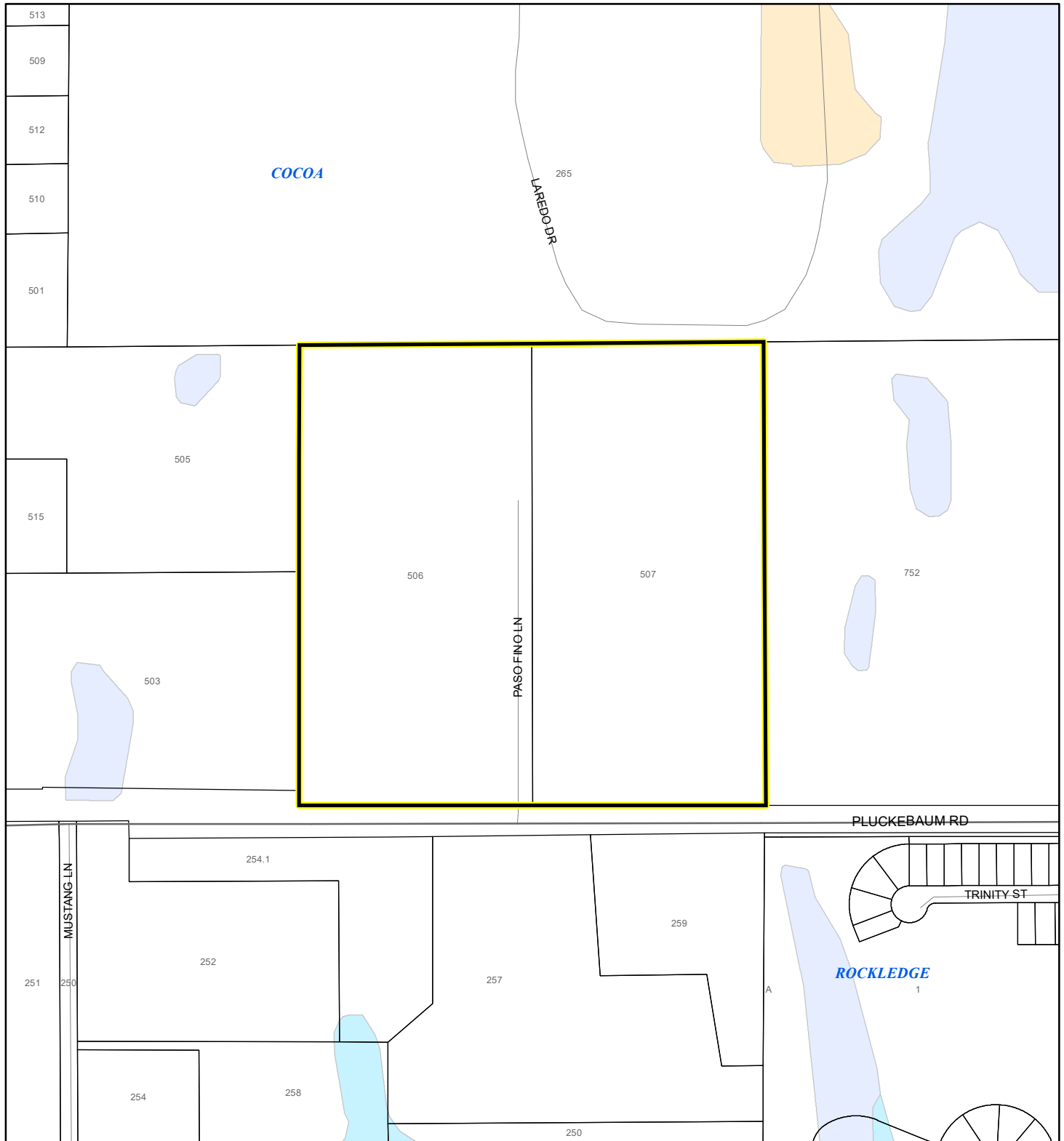
 Subject Property

 Parcels

NWI WETLANDS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

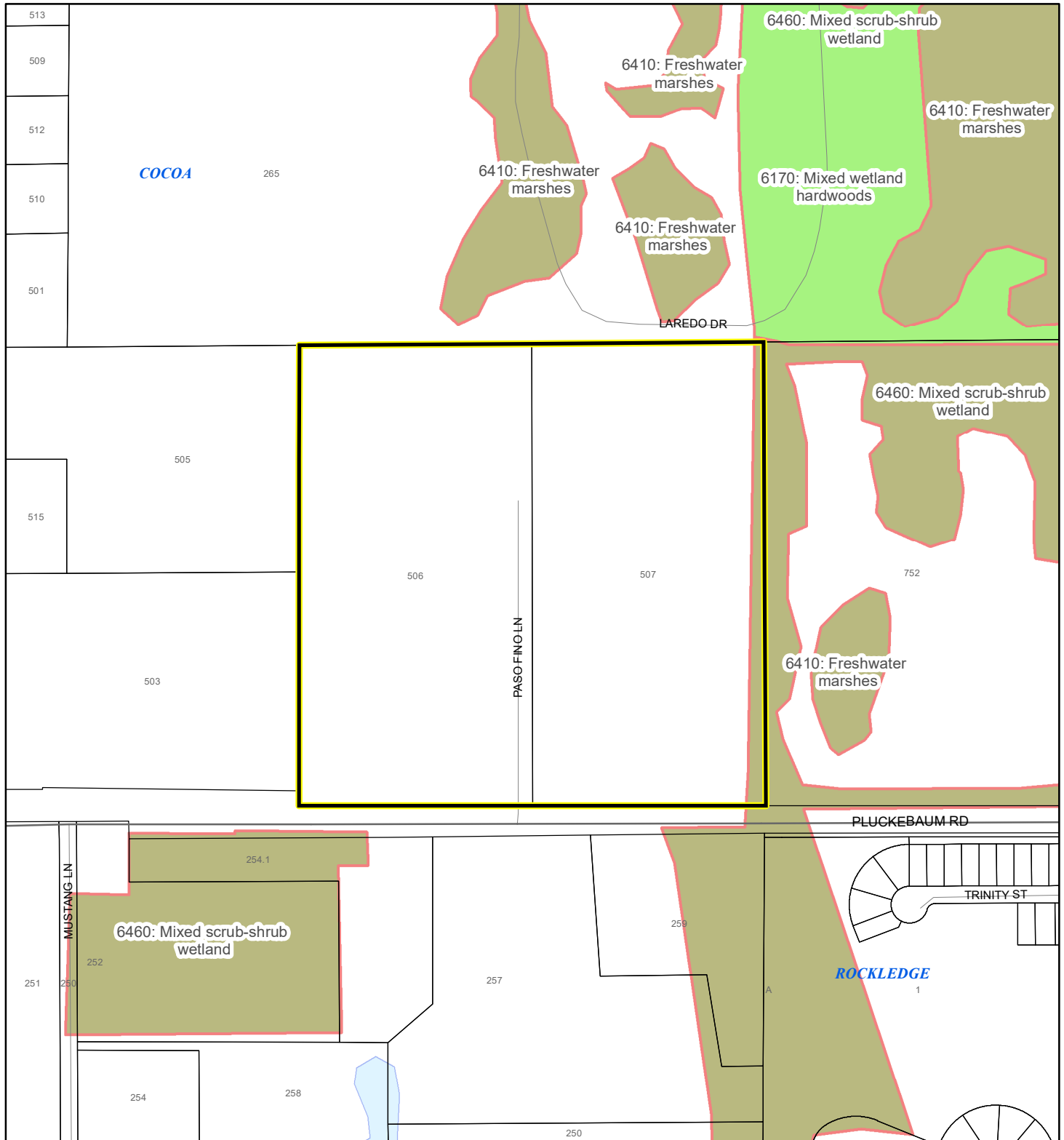
National Wetlands Inventory (NWI)

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

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

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

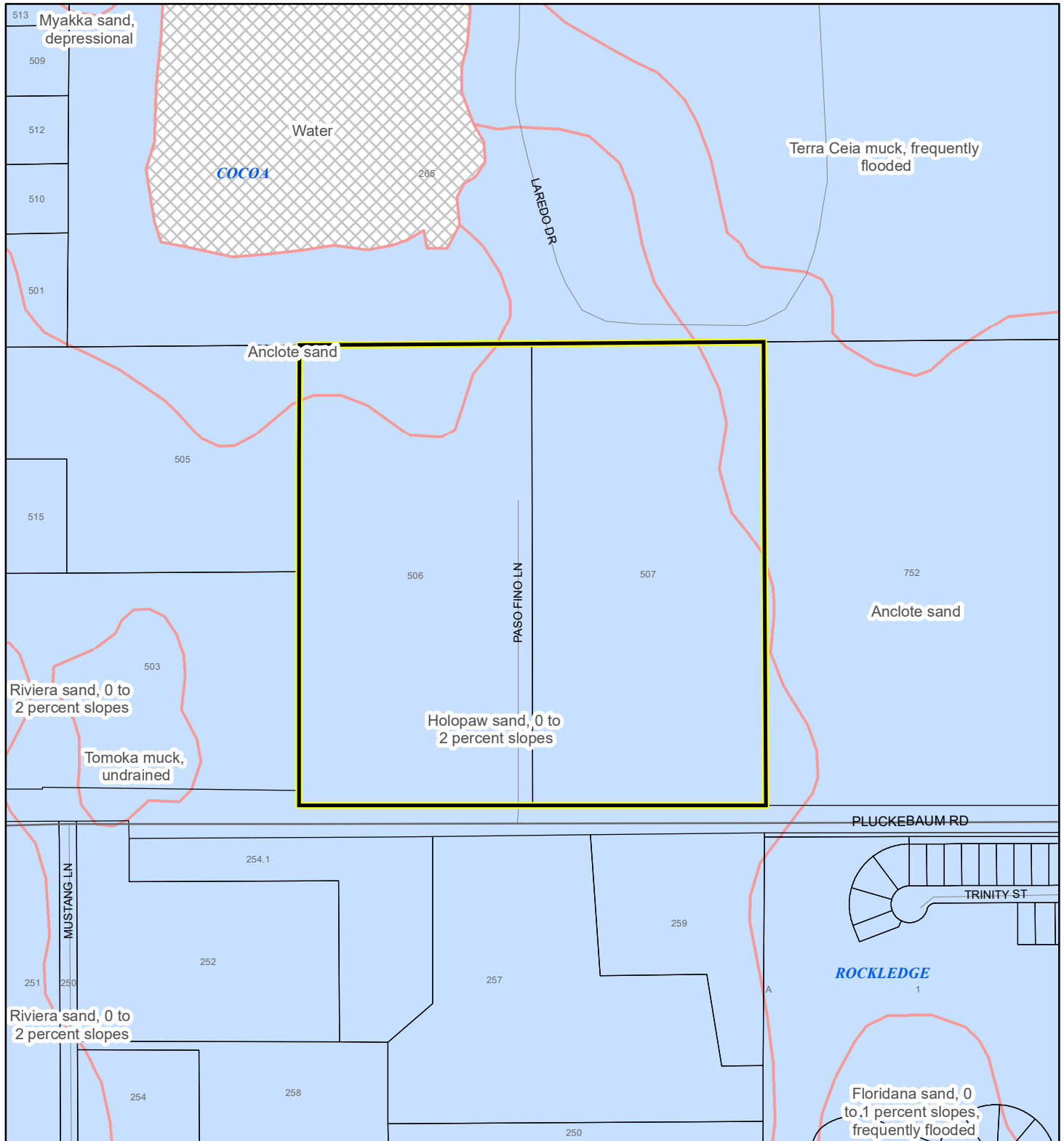
Subject Property

Parcels

USDA SCSSS SOILS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

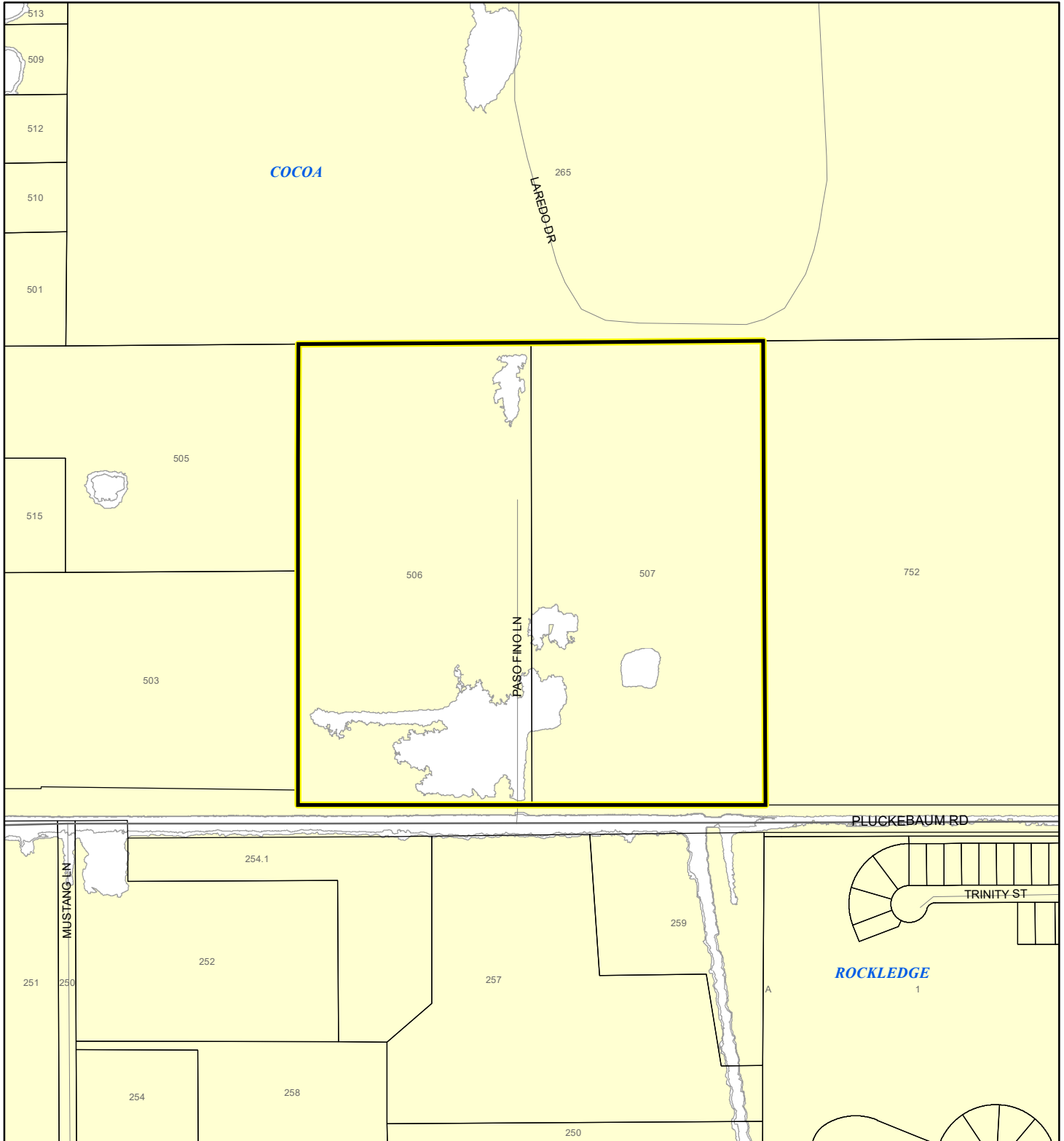
USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

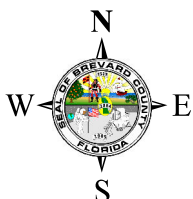
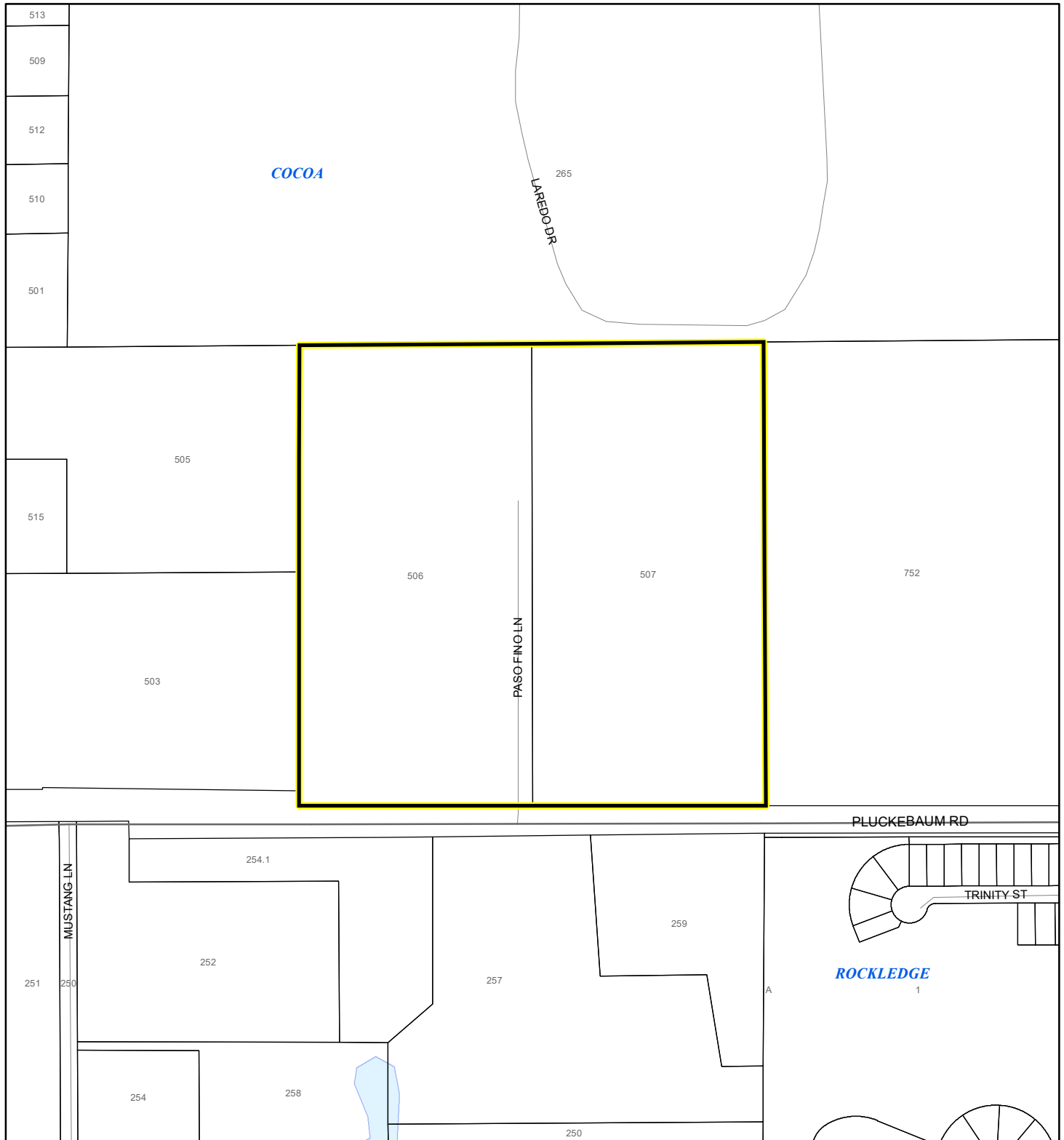
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 9/13/2021

 Subject Property

 Parcels

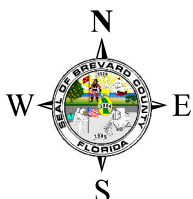
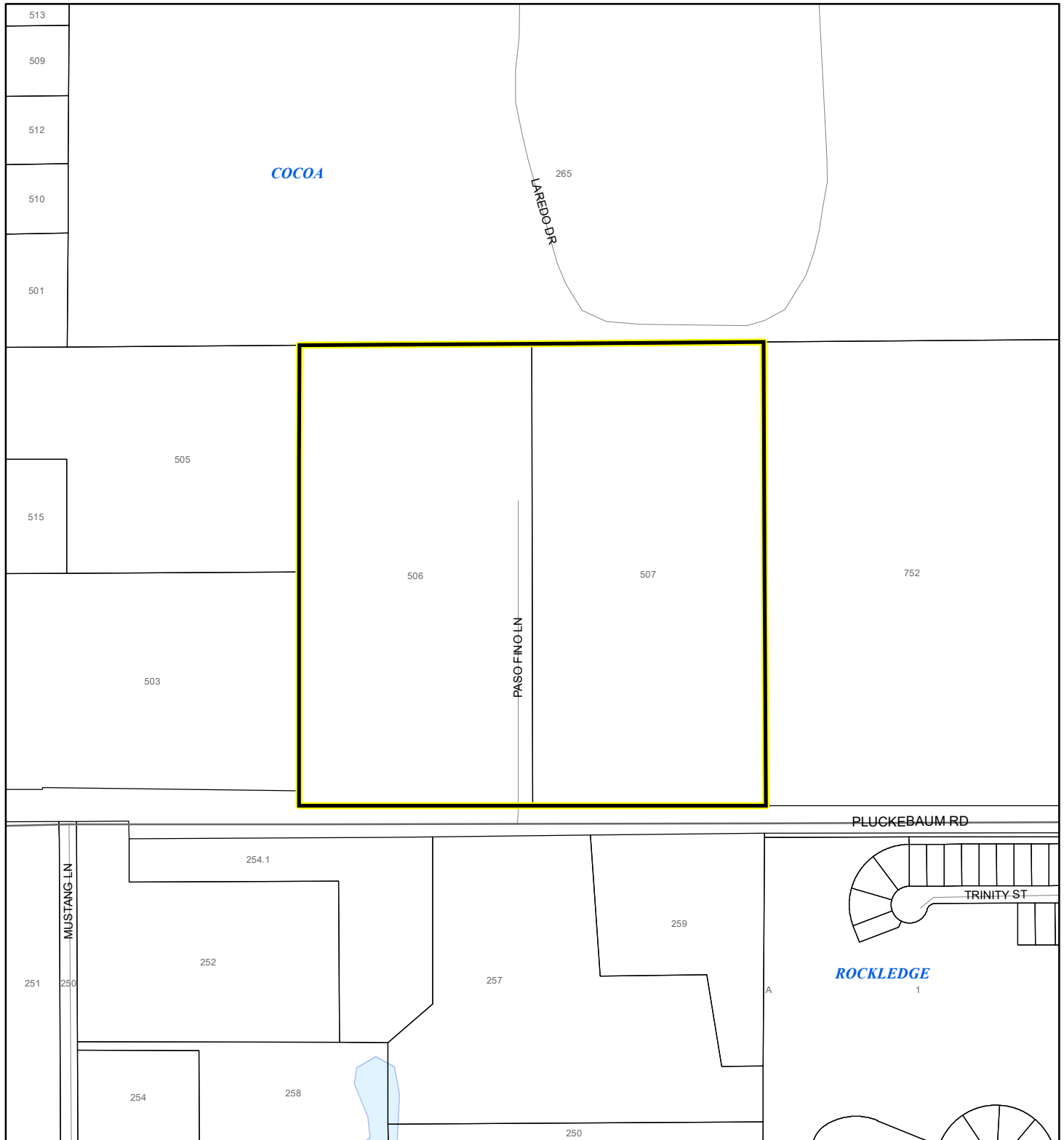
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

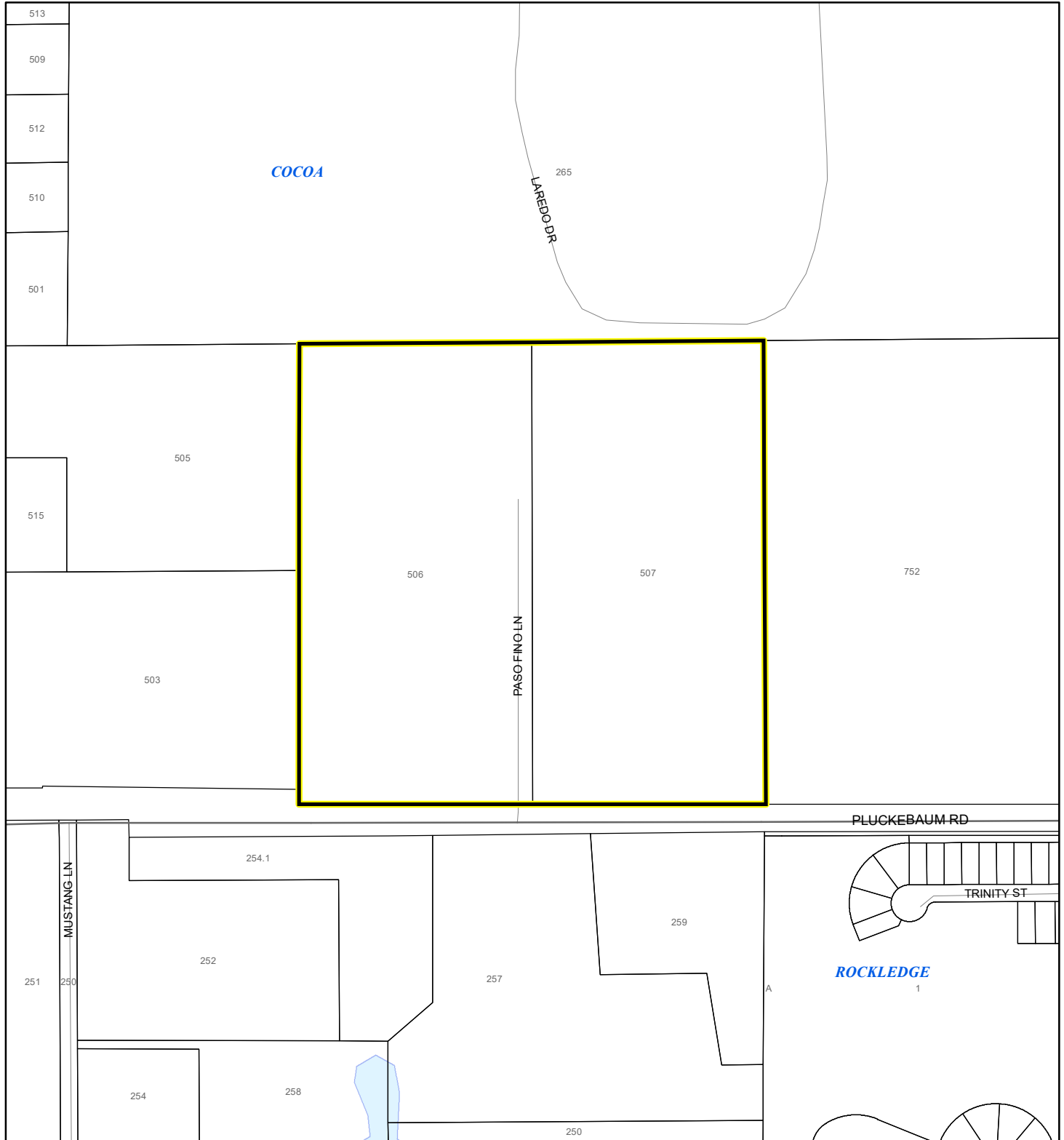
 60 Meters

 All Distances

EAGLE NESTS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

 Subject Property

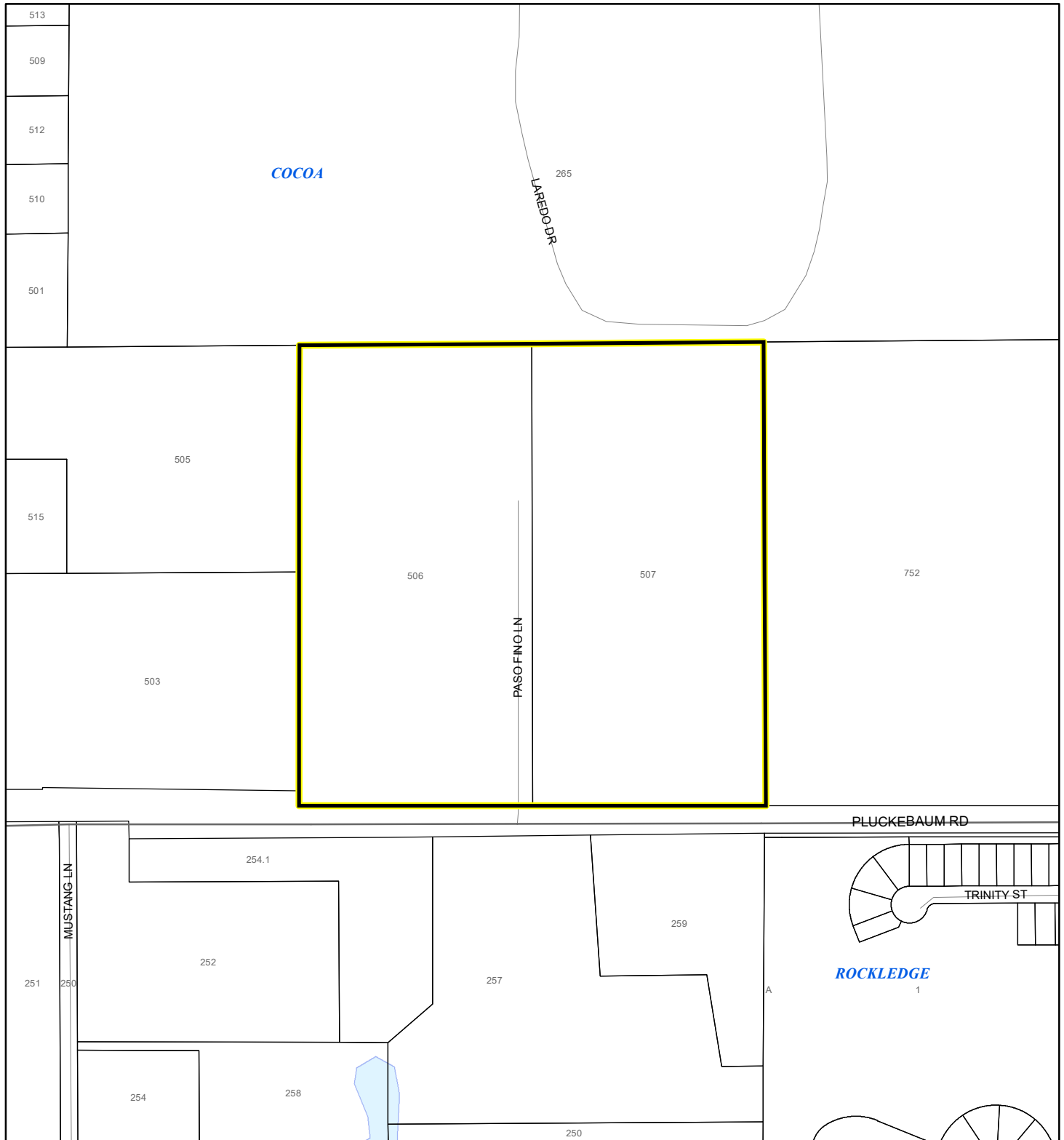
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVIS

21Z00032



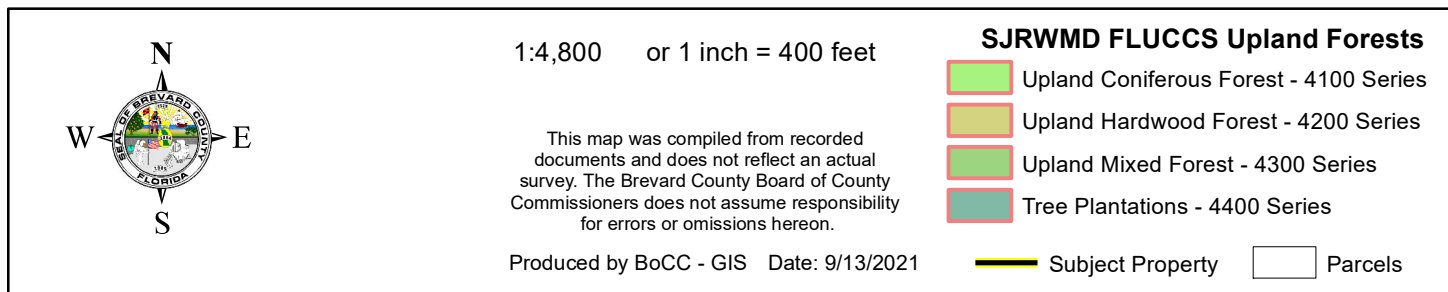
1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

21Z00032



September 3, 2021

Via Hand-Delivery

Planning & Development Department
Brevard County
2725 Judge Fran Jamieson Way
Viera, FL 32940

**Re: Parcel ID #24-36-31-00-506 & #24-36-31-00-507 / Tax Account #2424006 & #2424007 –
2100 & 2250 Pluckebaum Road, Cocoa, FL 32926 - Request to Rezone Property from
AU to RU-2-10**

To whom it may concern:

Our firm represents Affinity Capital, LLC (hereinafter, "Applicant" or "Contract Purchaser"). Applicant has placed under contract to purchase two properties -Tax Account #2424006 and #2424007 – totaling approximately 40 acres (+/-) for the purpose of developing a 330-unit townhome community. Presently, the assemblage has a zoning designation of Agricultural Residential (AU) (the "Subject Property"). The Contract Purchaser seeks approval from Brevard County ("County") to rezone the Subject Property from AU to RU-2-10.

s. 62-1151.(c) of the County Code of Ordinances ("Code") sets forth the criteria for the approval or denial of a rezoning. Applicant's request to rezone the Subject Property is consistent with or advances each of the enumerated criteria as follows:

- **The character of the land use of the property surrounding the property being considered.**

The Subject Property is surrounded by residential land uses in most cardinal directions. To the Subject Property's immediate South and Southeast, the parcels are predominantly improved (or will be improved) with single-family residential uses. To the Subject Property's Northwest, low-scale, multi-family developments, like the Cocoa Grand, are becoming increasingly commonplace. Therefore, Applicant's requested designation is consistent with character of the land use surrounding the property.

- **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.**

Conditions surrounding the Subject Property have substantially evolved in recent years. In addition to the continued development of single-family residential units within the immediate submarket, low-scale and garden-style, multi-family residential development is becoming increasingly commonplace. Contract Purchaser's requested rezoning will allow for the adjoining parcel to be developed as a townhome community and expand the diversity of housing types within the submarket.

- **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.**

Applicant's request will have no adverse impact on available and projected traffic patterns and other public facilities & utilities and the established character of the surrounding property. To the extent needed to support the proposed development, Applicant's proposed project will deliver any required public facilities and utilities concurrent with the development. Finally, the residential nature of the property will further reinforce the residential character of the surrounding property.

- **The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.**

As noted hereinabove, the Applicant's proposed zoning classification is compatible with the existing land use plans for the affected area. Single-family residential development continues to the property's West toward Range Road and beyond. In addition, new, multi-family residential development projects, like the Cocoa Grand southeast of King Street and Range Road, are becoming increasingly common within the sub-area.

- **The appropriateness of the proposed zoning classification 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.**

Applicant's request is appropriate and will have no adverse impact on the public health, safety and welfare. Applicant's will request will also serve to advance several goals, objectives and policies of the County's Comprehensive Plan, including the following:

FUTURE LAND USE ELEMENT

Objective 1

County shall facilitate the development of residential neighborhoods that offer the highest quality of life to citizenry through implementation of policies that accomplish the following:...A. Ensure the compatibility of new development with its surroundings;...E. Produce neighborhoods that complement adjacent land uses;...G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.

Applicant's request meets the public's social and economic needs through the development of residential neighborhoods that offer the highest quality of life to the citizenry. The County is experiencing incredible growth that substantially increased demand for housing resulting in significant price escalations and inventory shortages. A normal or balanced housing market typically has an inventory supply of 6 months.¹ Recent reports from May 2021 indicate that the available inventory for townhomes and condos have decreased 71.4% over the prior year from 3.5 months of available supply to 1.0 month of available

¹ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

supply.² The current inventory levels represent a historic low and the continuation of a three-year trend.³ Similarly, median and average sales prices increased by 36.9% and 33.9%, respectively, over the prior year.⁴

Given the state of the County's job market, it is likely that demand for housing of all types will likely continue to increase. In March of 2021, the County's total nonagricultural employment increased to 230,000 representing a gain of 2,400 jobs above the prior month. The 1.1% job gain in Brevard was the seventh-highest percentage increase of the state's 25 metropolitan areas.⁵ Employee recruitment has remained challenging across all sectors, including aerospace, health care, manufacturing, and retail.⁶ The lack of available housing may negatively impact employer recruitment efforts in the County. Approval of the requested rezoning will facilitate the development of needed housing.

Further, the Applicant's request will provide for the development of housing inventory that is increasingly compatible with its surroundings and that is not in conflict with any of the surrounding land uses. Finally, Applicant's proposed project will incorporate open space within the residential development and to promote interconnectivity with surrounding land uses.

HOUSING ELEMENT

Objective 3

Brevard County shall seek to achieve a housing market with mechanisms to ensure that the market is fair and balanced, and provides equal housing opportunity for all residents of the County.

Objective 4

Brevard County shall continue to provide for adequate lands for residential land uses in a wide variety of housing types, housing pricing levels and broad geographic choices to meet the needs of all existing and anticipated residents in the County.

Policy 4.1

The zoning ordinance of the Land Development Regulations shall continue to designate adequate lands for residential development which allows for a variety of housing types, while providing residents with choices in location...

As noted above, presently the County's housing market is presently unbalanced due to historic lows in available housing inventory. Approval of the Applicant's requested change will result in the production of needed units that will help correct the current inventory imbalance, expand geographic choices for quality housing, and further diversity the variety of housing types available within the County. Townhome style units are not presently available in the immediate housing market and Applicant's proposal will fill said niche and complement both the existing single-family housing units that have traditionally represented the bulk of housing supply in the immediate market and emerging low-scale apartment complexes that have been proposed or are under construction in the immediate sub-market.

² <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

³ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

⁴ Ibid.

⁵ <https://www.floridatoday.com/story/money/business/2021/04/20/economy-improving-brevard-employers-having-tough-time-filling-jobs/7276130002/> Last viewed: September 1, 2021.

⁶ Ibid.

Further, approval of the request will also expand housing affordability as the median and average sales prices for townhome and condominium units within the County are substantially lower than for single-family residential units.⁷

For the foregoing reasons, we look forward to the department's favorable recommendation of the Applicant's requested rezoning for the Subject Property.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Javier E. Fernández', written over a horizontal line.

Javier E. Fernández, Esq.

For the Firm

⁷ <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

05-049039

individual lot &
add'l sketch - esat
(967.50 - rd)

SKETCH & DESCRIPTIONS

SEC. 31, TWP. 34S, R9C. 3E2
TAX PARCEL 24-36-31-00505.0-0000.00

LEGAL DESCRIPTIONS

(BY SURVEYOR)

PARCEL 1:

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SW 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, THENCE S 89°20'12" E, ALONG THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE SE 1/4 OF SAID SW 1/4 OF SECTION 24, A DISTANCE OF 1324.00 FEET, THENCE S 89°20'12" E, A DISTANCE OF 1324.00 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 3.36 ACRES, MORE OR LESS.

PARCEL 2:

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SW 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, THENCE S 89°20'12" E, ALONG THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 1324.00 FEET, THENCE CONTINUE ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°20'12" E, A DISTANCE OF 204.40 FEET TO THE POINT OF BEGINNING, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET, THENCE S 89°20'12" E, A DISTANCE OF 1324.00 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 2.46 ACRES, MORE OR LESS.

SUBJECT TO A 25 FOOT ACCESS EASEMENT ACROSS THE NORTH 25 FEET OF THE SOUTH 80 FEET OF SAID PARCEL.

PARCEL 3:

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SW 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, THENCE S 89°20'12" E, ALONG THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 1324.00 FEET, THENCE CONTINUE ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°20'12" E, A DISTANCE OF 204.40 FEET, THENCE CONTINUE ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°20'12" E, A DISTANCE OF 204.40 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, THENCE S 89°20'12" E, A DISTANCE OF 1324.00 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 2.30 ACRES, MORE OR LESS.

SUBJECT TO A 25 FOOT ACCESS EASEMENT ACROSS THE NORTH 25 FEET OF THE SOUTH 80 FEET OF SAID PARCEL.

PARCEL 4:

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SUBJECT TO A 25 FOOT ACCESS EASEMENT ACROSS THE NORTH 25 FEET OF THE SOUTH 80 FEET OF SAID PARCEL.

PARCEL 5:

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SW 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, THENCE S 89°20'12" E, ALONG THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 1324.00 FEET, THENCE CONTINUE ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°20'12" E, A DISTANCE OF 204.40 FEET, THENCE CONTINUE ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°20'12" E, A DISTANCE OF 204.40 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, THENCE S 89°20'12" E, A DISTANCE OF 1324.00 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 2.37 ACRES, MORE OR LESS.

PARCEL 6:

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SW 1/4 OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, THENCE S 89°20'12" E, ALONG THE SOUTH LINE OF SAID SW 1/4, A DISTANCE OF 1324.00 FEET, THENCE CONTINUE ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°20'12" E, A DISTANCE OF 204.40 FEET, THENCE CONTINUE ALONG SAID SOUTH LINE OF THE SW 1/4 S 89°20'12" E, A DISTANCE OF 204.40 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, THENCE S 89°20'12" E, A DISTANCE OF 1324.00 FEET, THENCE N 89°20'12" E, A DISTANCE OF 1324.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 2.37 ACRES, MORE OR LESS.

NOTES

1. THE PURPOSE OF THIS DRAWING IS TO SHOW THE PROPOSED PARCELS AND LEGAL DESCRIPTIONS. THIS IS NOT A BOUNDARY SURVEY OF THE BOUNDARY PARCELS. THE BOUNDARY SURVEY SHOWN HEREIN IS BASED ON A BOUNDARY SURVEY BY ISLAND SURVEYING & MAPPING CO. DATED APRIL 1, 2003, DRAWING NUMBER 05-049-03.
2. THIS DRAWING WAS CREATED ELECTRONICALLY USING COMPUTER AIDED DRAFTING (CAD). IT SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT BEARS THE RAISED SEAL AND ORIGINAL SIGNATURE IN RED INK OF A REGISTERED FLORIDA PROFESSIONAL SURVEYOR AND MAPPING.

PROPERTY LINE
FORCE LINE
IRON PIN FOL, AS NOTED
CONC. MONUMENT FOL, AS NOTED
NAIL IN BUSH SET, 18" (1963)
1/2" IRON SET, 18" (1963)
UTILITY POLE

ABBREVIATIONS
B = BOUNDARY
F = FORCE
P = PIN
M = MONUMENT
C = CONC.
PAC = POINT OF BEGINNING
PAC = POINT OF COMMENCEMENT
CONC = CONCRETE
D = DRAINAGE
P = PILE
N = NAIL

LEGEND



ISLAND SURVEYING
& MAPPING CO.
L.L. 0000

A BOUNDARY SURVEY & MAPPING CO. COMPANY

2400 N. COURTESY PKWY. #222, SEVENTH ISLAND, FL. 32963
TELEPHONE: (321) 402-1738 FAX: (321) 402-7258

CERTIFIED TO:
RALPH PERRONE, SR.
RALPH & CYNTHIA PERRONE TRUST

DATE: APRIL 28, 2003 SCALE: 1" = 80'

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School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark W. Mullins, Ed.D., Superintendent

September 21, 2021

Mr. Paul Body
Planner II
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Affinity Capital Pluckebaum Road Development
School Impact Analysis – Capacity Determination CD-2021-23**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2424006 (Parcel ID: 24-36-31-00-506) and Tax Account 2424007 (Parcel ID: 24-36-31-00-507) containing approximately 40 acres in District 1, Brevard County, Florida. The proposed single-family development includes 330 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2021-22 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes	330		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	92.4	92
Middle	0.08	26.4	26
High	0.16	52.8	53
Total	0.52		171

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to
2025-26**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		976	976	1,042	1,042	1,042
McNair		611	611	611	611	611
Rockledge		1,701	1,701	1,701	1,701	1,701

Projected Student Membership

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	825	1,039	1,020	997
McNair		390	438	448	440	455
Rockledge		1,570	1,624	1,664	1,676	1,663

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	-	-	-	-
McNair		-	15	29	29	29
Rockledge		-	29	58	58	58

**Cumulative Students Generated by
Proposed Development**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	46	92	92	92
McNair		-	13	26	26	26
Rockledge		-	26	53	53	53

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	871	1,131	1,112	1,089
McNair		390	466	503	495	510
Rockledge		1,570	1,679	1,775	1,787	1,774

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		135	105	(89)	(70)	(47)
McNair		221	145	108	116	101
Rockledge		131	22	(74)	(86)	(73)

At this time, Saturn Elementary School and Rockledge High School are not projected to have enough capacity for the total of projected and potential students from Affinity Capital Pluckebaum Road development. Because there is a shortfall of available capacity in the concurrency service areas of the Affinity Capital Pluckebaum Road development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Golfview Elementary School, Manatee Elementary School, Endeavour Elementary School, Cambridge Elementary School and Fairglen Elementary School. The adjacent high school concurrency service area is Cocoa Jr. Sr. High School and Viera High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of Affinity Capital Pluckebaum Road development is shown:

FISH Capacity (including relocatables) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to 2025-26						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		777	777	777	777	777
Cocoa		2,084	2,084	2,084	2,084	2,084
Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	528	522	537	545
Cocoa		1,578	1,668	1,857	1,966	2,005
Students Generated by Newly Issued SCADL Reservations Since FFP						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	-	-	-	-
Cocoa		-	13	13	13	13
Cumulative Students Generated by Proposed Development						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	46	92	92	92
Cocoa		-	26	53	53	53
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	574	614	629	637
Cocoa		1,578	1,707	1,923	2,032	2,071
Projected Available Capacity = FISH Capacity - Total Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		327	203	163	148	140
Cocoa		506	377	161	52	13

Considering the adjacent elementary school and high school concurrency service areas, there currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Pluckebaum Road development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP Candidate
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2021-23

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2021-23

Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2020-21 to 2025-26



Summary				2020-21			2021-22			2022-23			2023-24			2024-25			2025-26		
Highest Utilization Elementary Schools:				87%			90%			100%			100%			100%			100%		
Highest Utilization Middle Schools:				87%			89%			90%			93%			98%			99%		
Highest Utilization Jr / Sr High Schools:				81%			81%			80%			89%			94%			96%		
Highest Utilization High Schools:				93%			99%			99%			99%			99%			100%		
School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FISH Capacity	10/09/19 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	596	79%	751	679	90%	751	652	87%	751	681	91%	773	758	98%	795	791	99%
Andersen	Elementary	K-6	100%	884	618	70%	884	617	70%	884	667	78%	884	696	79%	884	702	79%	884	713	81%
Apollo	Elementary	K-6	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	757	84%	902	744	82%
Atlantis	Elementary	PK-6	100%	739	633	86%	739	660	89%	739	625	85%	739	624	84%	739	616	83%	739	610	83%
Audubon	Elementary	PK-6	100%	761	469	62%	761	475	62%	761	471	62%	761	476	63%	761	475	62%	761	484	64%
Cambridge	Elementary	PK-6	100%	765	519	68%	765	525	69%	765	503	66%	765	494	65%	765	469	61%	765	458	60%
Cape View	Elementary	PK-6	100%	570	302	53%	570	283	50%	570	277	49%	570	269	47%	570	253	44%	570	254	45%
Carroll	Elementary	K-6	100%	751	593	79%	751	593	79%	751	530	71%	751	553	74%	751	559	74%	751	540	72%
Challenger 7	Elementary	PK-6	100%	573	477	83%	573	493	86%	573	443	77%	573	423	74%	573	406	71%	573	398	69%
Columbia	Elementary	PK-6	100%	751	405	54%	751	400	53%	751	455	61%	751	514	68%	751	533	71%	751	547	73%
Coquina	Elementary	K-6	100%	711	499	70%	711	532	75%	711	475	67%	711	436	61%	711	396	56%	711	376	53%
Creel	Elementary	PK-6	100%	1,154	703	61%	1,154	746	65%	1,154	743	64%	1,154	737	64%	1,154	740	64%	1,154	741	64%
Croton	Elementary	PK-6	100%	795	480	60%	795	530	67%	795	615	77%	795	622	78%	795	627	79%	795	635	80%
Discovery	Elementary	PK-6	100%	980	560	57%	980	550	56%	980	494	50%	980	500	51%	980	507	52%	980	503	51%
Endeavour	Elementary	PK-6	100%	990	608	61%	990	646	65%	990	589	59%	990	581	59%	990	528	53%	990	527	53%
Enterprise	Elementary	K-6	100%	729	536	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	492	67%
Fairglen	Elementary	PK-6	100%	789	577	73%	789	590	75%	789	598	76%	789	630	80%	789	676	86%	789	700	89%
Gemini	Elementary	K-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	383	54%
Golfview	Elementary	PK-6	100%	777	439	56%	777	450	58%	777	528	68%	777	522	67%	777	537	69%	777	545	70%
Harbor City	Elementary	PK-6	100%	629	345	55%	629	378	60%	629	379	60%	629	416	66%	629	412	66%	629	402	64%
Holland	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	69%	605	417	69%
Imperial Estates	Elementary	K-6	100%	729	605	83%	729	608	83%	729	615	84%	729	627	86%	729	644	88%	729	648	89%
Indianapolis	Elementary	K-6	100%	798	662	83%	798	694	87%	798	683	86%	798	675	85%	798	668	84%	798	649	81%
Jupiter	Elementary	PK-6	100%	930	679	73%	930	656	71%	930	705	76%	930	806	87%	930	876	94%	930	926	100%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	609	68%	892	592	66%	892	555	62%	892	541	61%	892	518	58%
Longleaf	Elementary	PK-6	100%	790	568	72%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	76%
Manatee	Elementary	K-6	100%	998	868	87%	998	896	90%	998	808	81%	998	786	79%	998	748	75%	998	714	72%
McAuliffe	Elementary	PK-6	100%	918	669	73%	918	657	72%	918	591	64%	918	594	65%	918	561	61%	918	570	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	968	87%	1,114	998	90%
Meadowlane Primary	Elementary	K-6	100%	824	661	80%	824	724	88%	824	634	77%	824	687	83%	824	687	83%	824	699	85%
Mila	Elementary	PK-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	418	59%	707	408	58%
Mims	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	499	69%	725	514	71%	725	515	71%
Oak Park	Elementary	PK-6	100%	968	603	62%	968	580	60%	968	542	56%	968	514	53%	968	484	50%	968	482	50%
Ocean Breeze	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	465	71%	654	462	71%	654	455	70%	654	429	66%
Palm Bay Elem	Elementary	PK-6	100%	983	573	58%	983	596	61%	983	653	66%	983	736	75%	983	770	78%	983	773	79%
Pinewood	Elementary	PK-6	100%	569	470	83%	569	486	85%	569	493	87%	569	504	89%	569	510	90%	569	516	91%
Port Malabar	Elementary	PK-6	100%	852	648	76%	852	631	74%	852	616	72%	852	612	72%	852	617	72%	852	625	73%
Quest	Elementary	PK-6	100%	1,152	795	69%	1,152	682	59%	1,152	676	59%	1,152	651	57%	1,152	647	56%	1,152	675	59%
Riviera	Elementary	PK-6	100%	777	581	72%	777	578	74%	821	818	100%	865	846	98%	865	836	97%	865	817	94%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	247	41%	599	242	40%	599	230	38%	599	207	35%	599	193	32%
Sabal	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	74%	785	594	76%	785	580	74%	785	581	74%
Satum	Elementary	PK-6	100%	976	794	81%	976	841	86%	976	825	85%	1,042	1,039	100%	1,042	1,020	98%	1,042	997	96%
Sea Park	Elementary	PK-6	100%	461	272	59%	461	298	65%	461	287	62%	461	288	62%	461	294	64%	461	288	62%
Sherwood	Elementary	PK-6	100%	609	393	65%	609	416	68%	609	379	62%	609	381	63%	609	386	63%	609	379	62%
South Lake	Elementary	K-6	100%	481	367	76%	481	397	83%	481	367	76%	481	367	76%	481	367	76%	481	367	76%
Sunrise	Elementary	PK-6	100%	913	700	77%	913	693	76%	913	791	87%	957	941	98%	1,023	1,021	100%	1,111	1,096	99%
Suntree	Elementary	K-6	100%	755	594	78%	755	616	82%	755	571	76%	755	579	77%	755	546	72%	755	535	71%
Surfside	Elementary	K-6	100%	541	438	81%	541	457	84%	541	430	79%	541	412	76%	541	398	74%	541	400	74%
Tropical	Elementary	K-6	100%	910	682	75%	910	725	80%	910	623	68%	910	603	66%	910	565	62%	910	547	60%
Turner	Elementary	PK-6	100%	874	529	61%	874	525	60%	874	602	69%	874	675	77%	874	720	82%	874	733	84%
University Park	Elementary	PK-6	100%	811	432	53%	811	471	58%	811	638	79%	811	738	91%	811	748	92%	811	747	92%
Viera Elem	Elementary	K-6	100%	1,012	384	38%	1,012	643	64%	1,012	613	61%	1,012	697	69%	1,012	738	73%	1,012	741	73%
Westside	Elementary	K-6	100%	857	671	78%	857	594	69%	857	617	72%	857	641	75%	857	663	77%	857	663	77%
Williams	Elementary	PK-6	100%	715	482	67%	715	484	68%	715	463	65%	715	444	62%	715	425	59%	715	396	55%
Elementary Totals:				42,996	29,621		42,996	30,667		43,040	30,387		43,194	31,384		43,282	31,483		43,392	31,487	

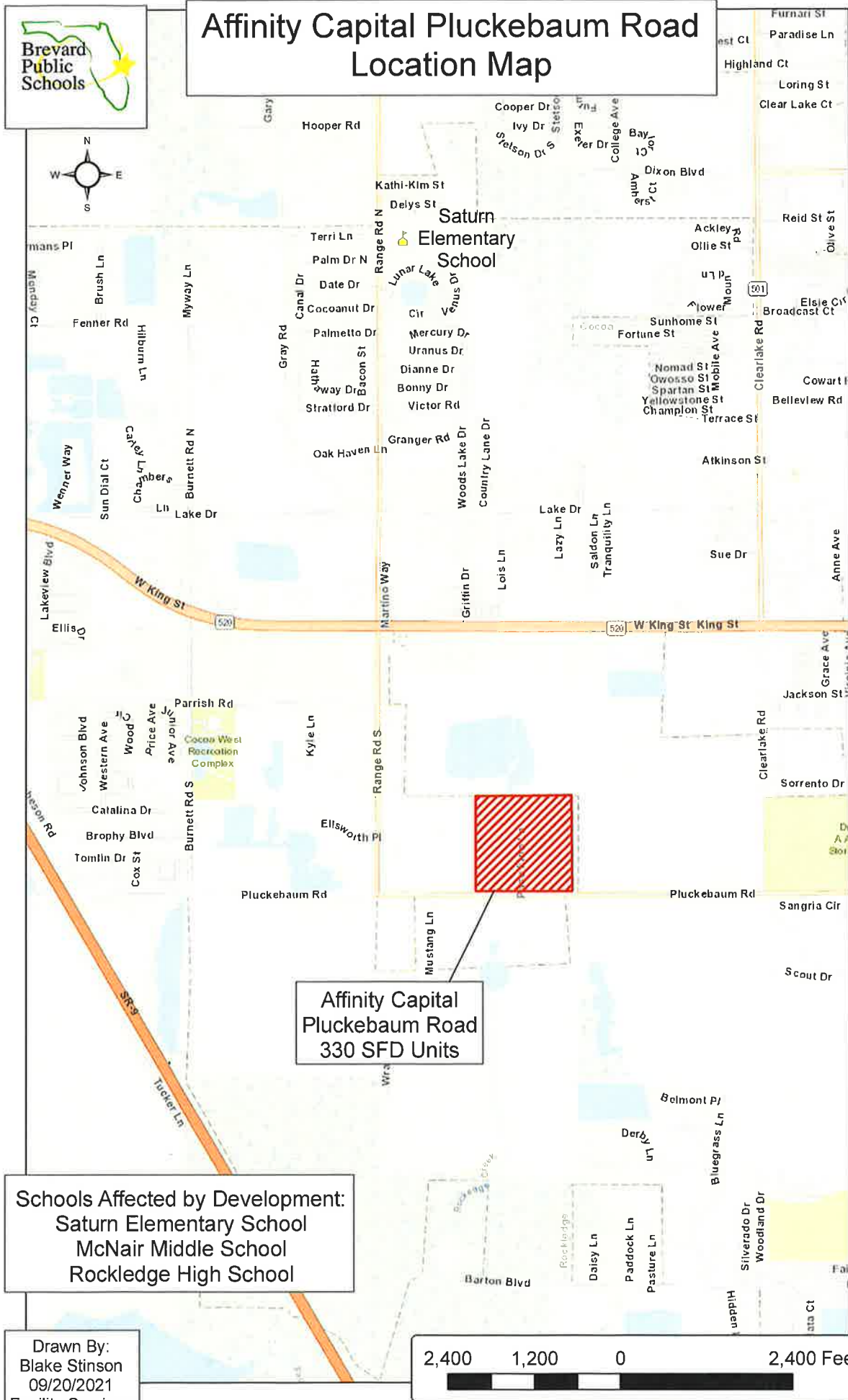
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,505	1,135	75%	1,505	1,136	75%	1,505	1,076	71%	1,505	1,167	78%	1,505	1,173	78%	1,505	1,250	83%
DeLaura	Middle	7-8	90%	939	800	85%	939	787	84%	939	846	90%	939	873	93%	939	924	98%	939	899	96%
Hoover	Middle	7-8	90%	680	469	69%	680	493	73%	680	480	71%	680	468	69%	680	486	71%	680	529	78%
Jackson	Middle	7-8	90%	654	566	87%	654	583	89%	654	523	80%	654	558	85%	654	565	86%	654	534	82%
Jefferson	Middle	7-8	90%	854	647	76%	854	640	75%	854	632	74%	854	609	71%	854	601	70%	854	593	69%
Johnson	Middle	7-8	90%	997	731	73%	997	710	71%	997	694	70%	997	727	73%	997	773	78%	997	805	81%
Kennedy	Middle	7-8	90%	813	666	82%	813	638	78%	813	618	76%	813	606	75%	813	618	76%	813	635	78%
Madison	Middle	7-8	90%	781	470	60%	781	475	61%	781	445	57%	781	468	60%	781	465	60%	781	426	55%
McNair	Middle	7-8	90%	611	407	67%	611	390	64%	611	438	72%	611	448	73%	611	440	72%	611	455	74%
Southwest	Middle	7-8	90%	1,177	904	77%	1,177	886	75%	1,177	892	76%	1,177	879	75%	1,177	949	81%	1,177	1,025	87%
Stone	Middle	7-8	90%	1,024	775	76%	1,024	754	74%	1,024	856	84%	1,024	927	91%	1,044	1,021	98%	1,044	1,031	99%
Middle Totals				10,035	7,570		10,035	7,492		10,035	7,500		10,035	7,730		10,055	8,015		10,055	8,182	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,572	75%	2,084	1,578	76%	2,084	1,668	80%	2,084	1,857	89%	2,084	1,966	94%	2,084	2,005	96%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	964	66%	1,466	1,000	68%	1,466	948	65%	1,466	914	62%	1,466	884	60%	1,466	818	56%
Space Coast	Jr / Sr High	7-12	90%	1,857	1,501	81%	1,857	1,505	81%	1,857	1,492	80%	1,857	1,455	78%	1,857	1,460	79%	1,857	1,437	77%
Jr / Sr High Totals				5,407	4,037		5,407	4,083		5,407	4,108		5,407	4,226		5,407	4,310		5,407	4,260	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,446	1,087	75%	1,446	1,141	79%	1,446	1,081	75%	1,446	1,092	76%	1,446	1,065	74%	1,446	1,052	73%
Bayside	High	9-12	95%	2,257	1,568	69%	2,257	1,625	72%	2,257	1,869	83%	2,257	2,010	89%	2,257	2,046	91%	2,257	2,034	90%
Eau Gallie	High	PK, 9-12	95%	2,221	1,605	72%	2,221	1,642	74%	2,221	1,726	78%	2,221	1,741	78%	2,221	1,758	79%	2,221	1,783	80%
Heritage	High	9-12	95%	2,314	1,899	82%	2,314	1,953	84%	2,314	1,980	86%	2,314	2,081	90%	2,314	2,161	93%	2,314	2,179	94%
Melbourne	High	9-12	95%	2,370	2,112	89%	2,370	2,148	91%	2,370	2,338	99%	2,370	2,354	99%	2,393	2,373	98%	2,393	2,392	100%
Meritt Island	High	PK, 9-12	95%	1,891	1,489	79%	1,891	1,587	84%	1,891	1,494	79%	1,891	1,517	80%	1,891	1,491	79%	1,891	1,428	76%
Palm Bay	High	PK, 9-12	95%	2,602	1,336	51%	2,602	1,288	50%	2,602	1,629	63%	2,602	1,827	70%	2,602	1,943	75%	2,602	2,041	78%
Rockledge	High	9-12	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,624	95%	1,701	1,664	98%	1,701	1,676	98%	1,701	1,683	98%
Satellite	High	PK, 9-12	95%	1,516	1,412	93%	1,516	1,496	99%	1,516	1,411	93%	1,516	1,393	92%	1,516	1,343	89%	1,516	1,334	88%
Titusville	High	9-12	95%	1,848	1,230	67%	1,848	1,230	67%	1,848	1,391	75%	1,848	1,428	77%	1,848	1,460	79%	1,848	1,490	81%
Viera	High	PK, 9-12	95%	2,275	2,096	92%	2,275	2,165	95%	2,322	2,266	98%	2,393	2,377	99%	2,512	2,493	99%	2,512	2,495	99%
High Totals				22,441	17,352		22,441	17,845		22,488	18,809		22,559	19,484		22,701	19,809		22,701	19,891	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	395	83%	475	414	87%	475	395	83%	475	395	83%	475	395	83%	475	395	83%
Stevenson	Elementary	K-6	100%	569	487	86%	569	505	89%	569	488	86%	569	488	86%	569	488	86%	569	488	86%
West Melbourne	Elementary	K-6	100%	618	531	86%	618	552	89%	618	531	86%	618	531	86%	618	531	86%	618	531	86%
Edgewood	Jr / Sr High	7-12	90%	1,072	937	87%	1,072	950	89%	1,072	942	88%	1,072	942	88%	1,072	942	88%	1,072	942	88%
West Shore	Jr / Sr High	7-12	90%	1,264	967	77%	1,264	956	76%	1,264	967	77%	1,264	967	77%	1,264	967	77%	1,264	967	77%
Schools of Choice				3,998	3,317		3,998	3,377		3,998	3,323		3,998	3,323		3,998	3,323		3,998	3,323	
Brevard Totals				84,877	61,897		84,877	63,464		84,968	64,127		85,193	66,147		85,443	66,940		85,553	67,143	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
- Student Membership is reported from the Fall Final Membership Count (10/09/20).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongecoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Riviera Elementary, Saturn Elementary, Sunrise Elementary, and Stone Middle School (Total 19 Classrooms)
 - High school relocatable classrooms are proposed to be added at Melbourne High and Viera High (Total of 11 Classrooms)
- Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.



Affinity Capital Pluckebaum Road Location Map





Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.9.

11/15/2021

Subject:

James Eric Preece, Trustee (Kim Rezanka) requests a change of zoning classification from RU-1-11 to RU-2-12. (21Z00033) (Tax Account 2731687) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from RU-1-11 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential).

Summary Explanation and Background:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from RU-1-11 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential).

The applicant's request to rezone from RU-1-11 to RU-2-12 would increase the number of potential residential lots from 1 to 3 units on the 0.26-acre parcel. This parcel has road frontages along Franklyn Avenue along the northern access and Grosse Point along its southern lot line. The owner proposes to replace the dated 1957 home with a triplex. The RU-2-12 zoning classification permits multi-family residential development or single-family residences at a density of up to 12 units per acre on 7,500 square foot lots.

The properties to the north are developed with single-family uses, but are within the RU-2-10 zoning classification. To the east are single-family residences under the RU-1-11 and RA-2-6 zoning classifications. To the south and west are duplexes. To the south across Grosse Pointe are properties within the City of Indialantic. The City's R-3 zoning allows single-family, duplex and multi-family uses. The City's R-P zoning allows single-family, duplex, multi-family and professional uses.

The Board may wish to consider whether the requested action to change the zoning to RU-2-12 is consistent and compatible with the surrounding area.

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

21Z00033

James Eric Preece, Trustee

Single-family Residential (RU-1-11) to Medium-density Multi-family residential (RU-2-12)

Tax Account Number: 2731687
Parcel I.D.: 27-38-31-EW-F-6.02
Location: 117 Franklyn Ave Indialantic FL 32903; 735 feet west of N Highway A1A
(AKA N. Miramar Avenue) (District 5)
Acreage: 0.26 acres

Planning and Zoning Board: 11/15/2021
Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-1-11	RU-2-12
Potential*	1 unit	3 units (triplex)
Can be Considered under the Future Land Use Map	YES Residential 15	YES Residential 15

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

Background and Purpose of Request

The applicant's request is to rezone from the Single-family Residential (RU-1-11) zoning classification to the Medium-density Multi-family (RU-2-12) zoning classification. This rezoning action would increase the number of potential residential lots from 1 to 3 units upon the 0.26-acre parcel. This parcel has road frontages along the northern access (Franklyn Avenue) and Grosse Point along its southern lot line. The neighboring lot to the west was split north to south to create individual lots one upon each roadway. This owner proposes to replace the dated 1957 home with a triplex. The owner did not propose to split the lot or amend the lot configuration.

The current RU-1-11 Zoning was approved by the Board under Zoning action **Z-2980** adopted June 1, 1972.

Land Use

The subject property is currently designated as Residential 15 FLU. Both the RU-1-11 and the RU-2-12 zoning classifications are consistent with the Residential 15 FLU designation.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development.

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

The subject property lies within the Residential 15 Future Land Use (FLU) designation. As this site is located within an area serviced by potable water and sanitary sewer, residential densities higher than 4 units per acre can be achieved. The applicant desires to redevelop the lot into a triplex (density 12 units per acre). The City of Indialantic has the following FLU designations: Residential Medium Density (>4 up to 15 units per acre), Commercial and Utility located South & SE of this property. This site appears to be consistent and compatible with existing FLU designations in the surrounding area.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The character of the surrounding area is a mixture of single-family, duplex and multi-family residential uses. Initial construction dates from 1957 when the area was mostly developed as single-family homes. The more recent development trend has been to convert the single-family sites into duplex use. The adjacent property to the west was transitioned to multi-family zoning under Zoning files: **Z-1356** and **Z-3386** which changed the zoning from RU-1-11 to RU-2 and RU-2-10. The RU-2 zoning was approved on April 9, 1964. The RU-2-10 zoning was approved on September 20, 1973. On November 6, 2014 this same property was rezoned from the RU-2-10 to RU-2-12 under Zoning action **14PZ-00074** to legitimize the three existing duplexes which were built in 1977. Properties on the north side of the street were granted multi-family zoning back in 1963 under Zoning action **Z-988** and later amended to RU-2-10 in 1973 as part of Ordinance 73-13.

Surrounding Area

The properties to the north are developed with single-family uses, but are within the RU-2-10 zoning classification. To the east are single-family residences under the RU-1-11 and RA-2-6 zoning classifications. To the south and west are duplexes. To the south across Grosse Pointe are properties within the City of Indialantic. The City's R-3 zoning allows single-family, duplex and multi-family uses. The City's R-P zoning allows single-family, duplex, multi-family and professional uses.

RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

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

RU-2-12 zoning classification is a 12 unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to 12 units per acre on 7,500 square foot lots.

There has been no zoning actions within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway A1A, between US Hwy 192 to Paradise Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 49.51% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.05%. The corridor is anticipated to operate at 49.56% 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.

The parcel has public water by the City of Melbourne and centralized sewer from Brevard County.

Environmental Constraints

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board may wish to consider whether the requested action to change the zoning to RU-2-12 is consistent and compatible with the surrounding area.

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

Item # 21Z00033

Applicant: Rezanka for Preece

Zoning Request: RU-1-11 to RU-2-12

Note: Applicant wants to develop a triplex.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID No: 2731687

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Canaveral-Palm Beach-Urban land complex) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

The site is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

Land Clearing and Landscape Requirements

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the 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 tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

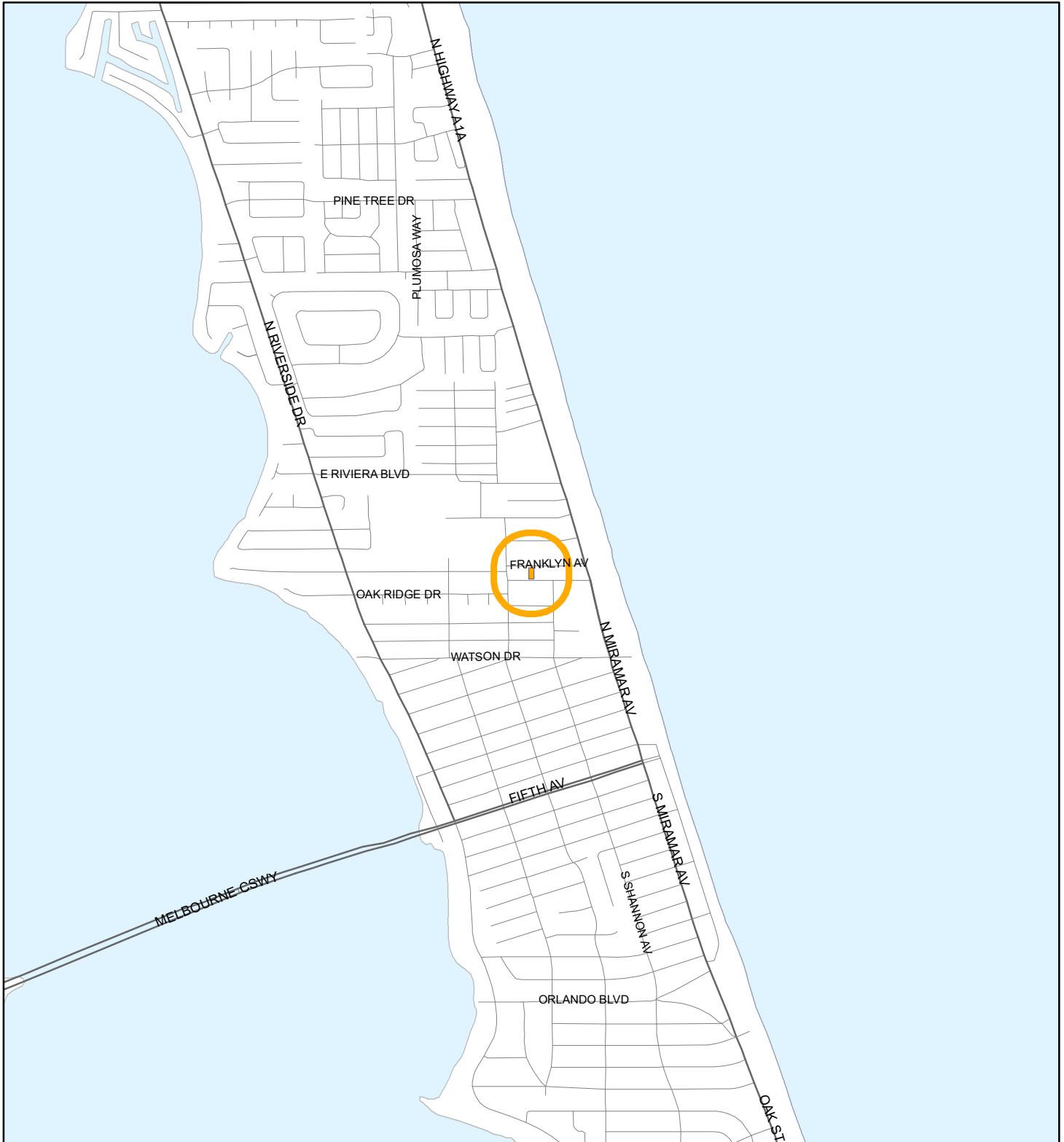
Protected Species

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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033





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.

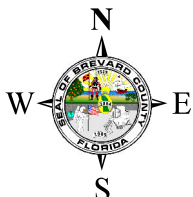
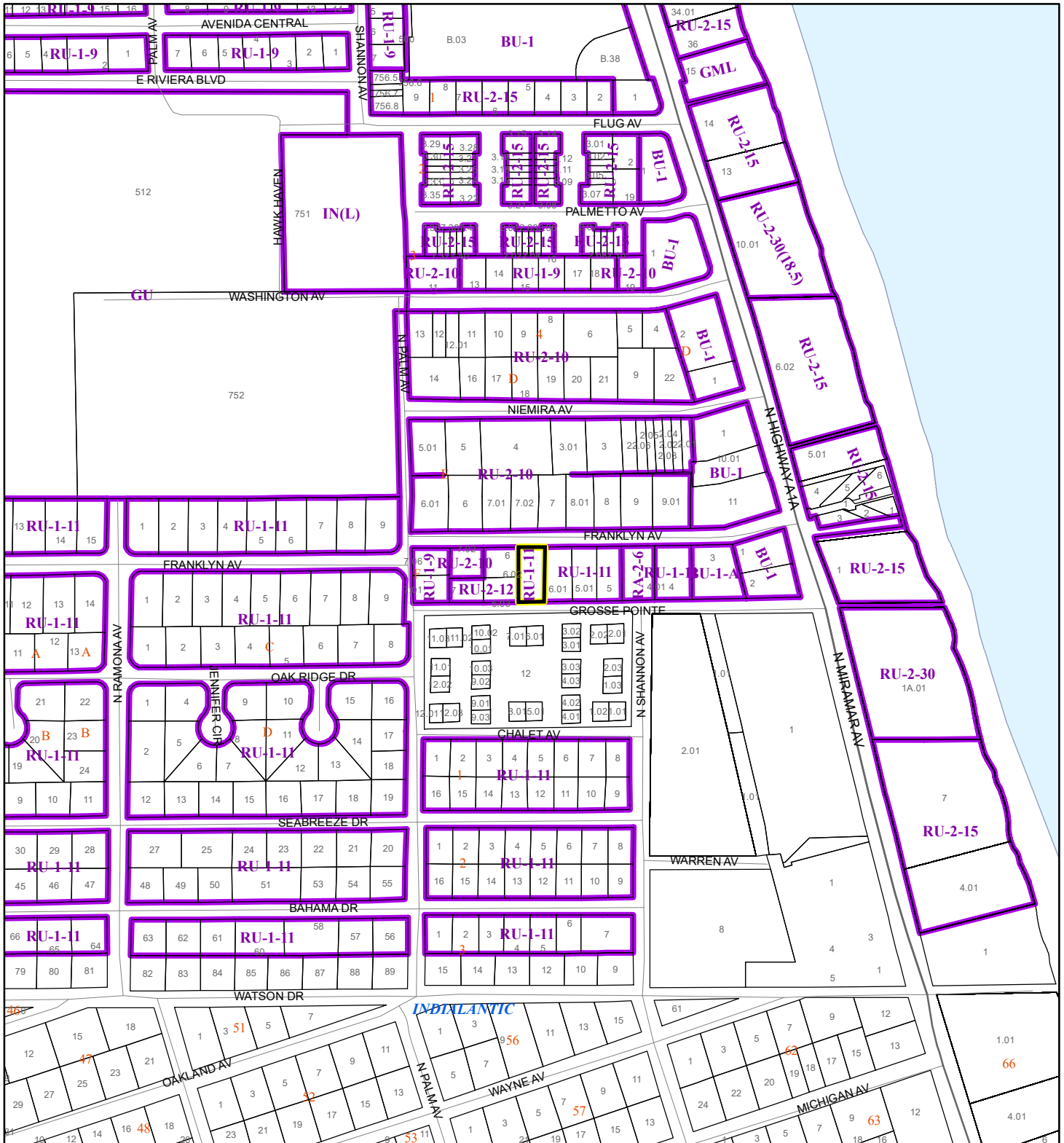
Produced by BoCC - GIS Date: 9/16/2021

-  Buffer
-  Subject Property

ZONING MAP

JAMES ERIC PREECE, TRUSTEE


21Z00033



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: 9/16/2021

 Subject Property

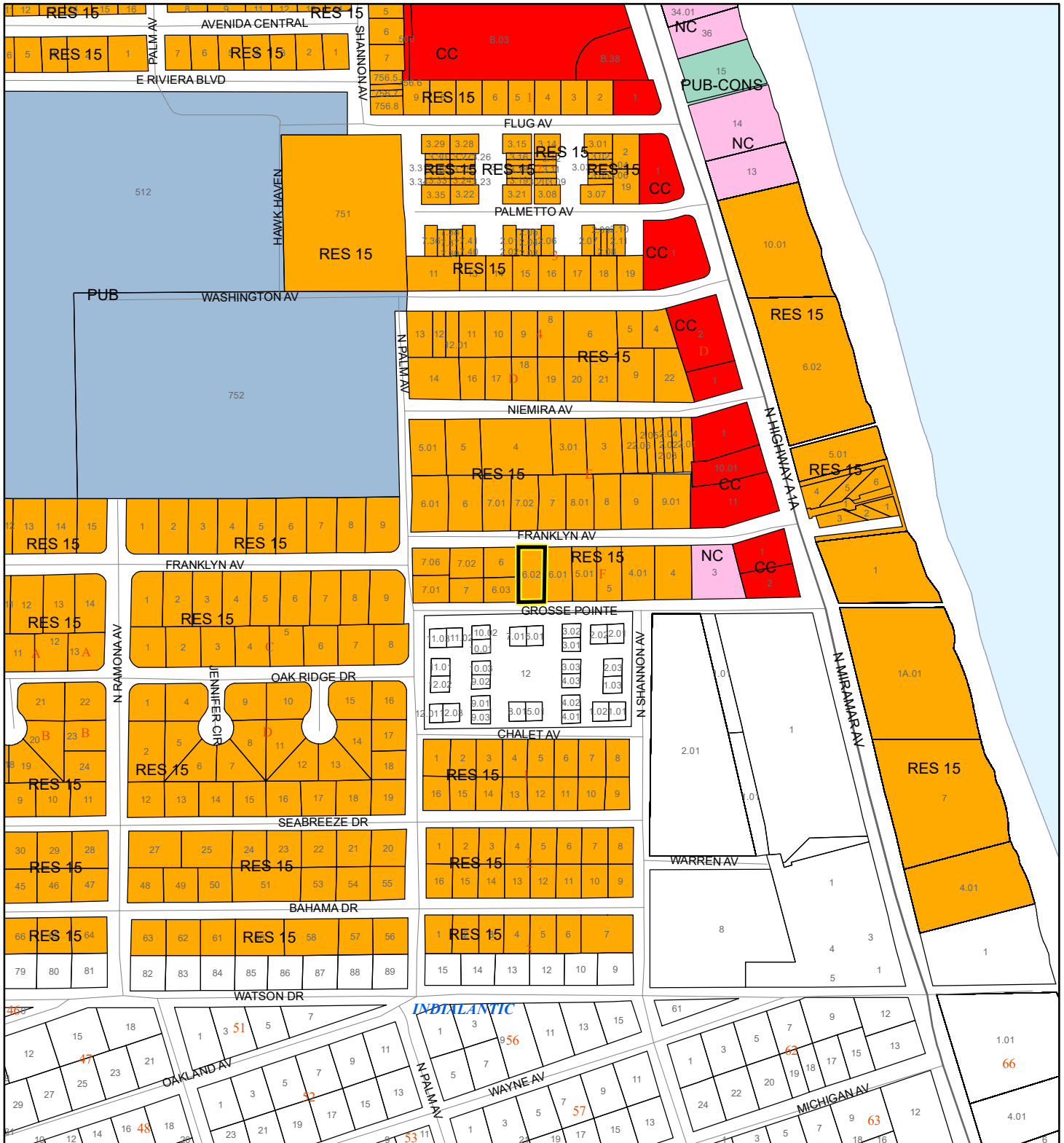
 Parcels

 Zoning

FUTURE LAND USE MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

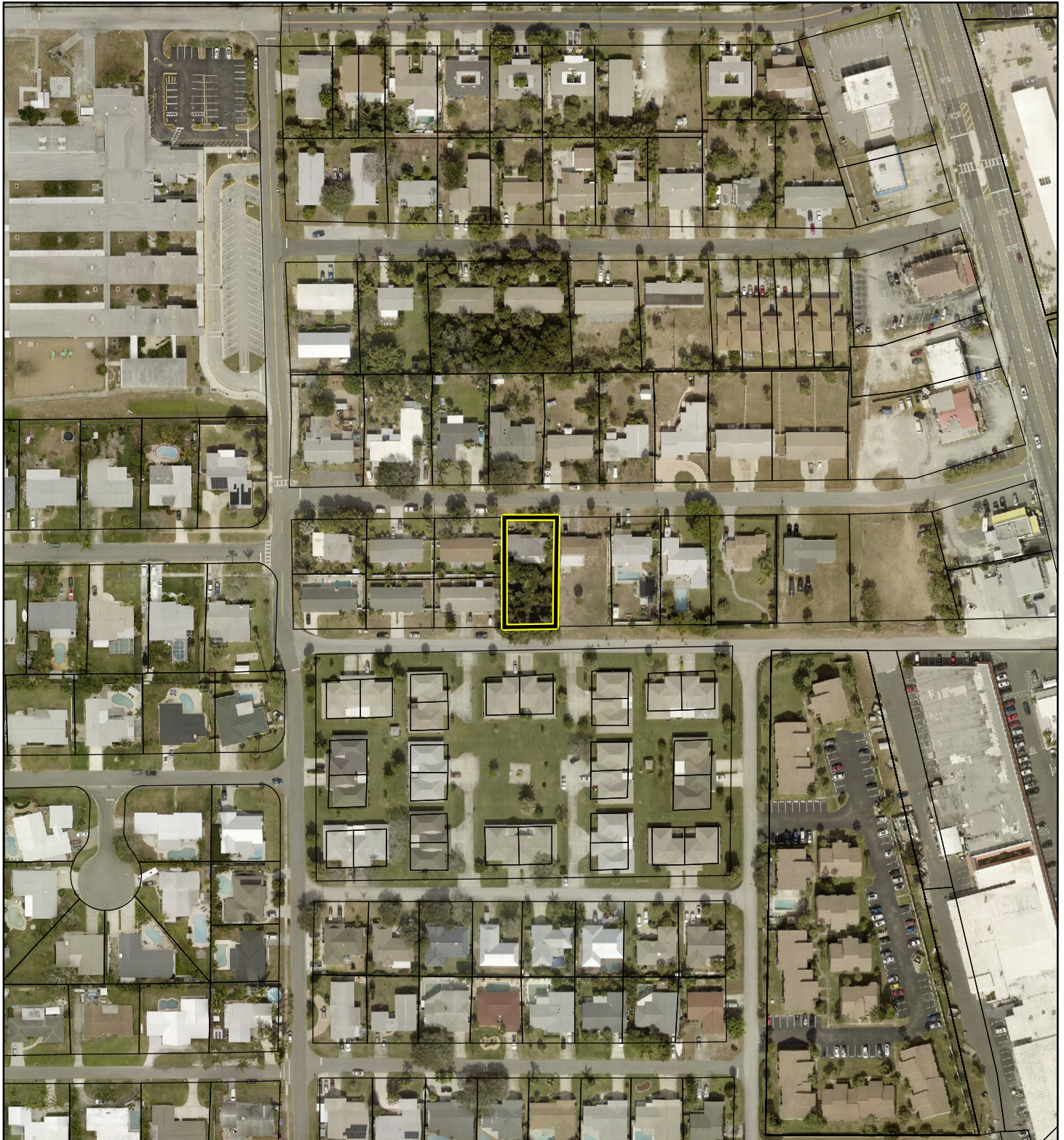
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/15/2021

AERIAL MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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: 9/15/2021

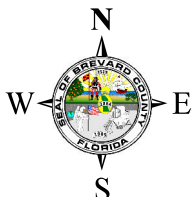
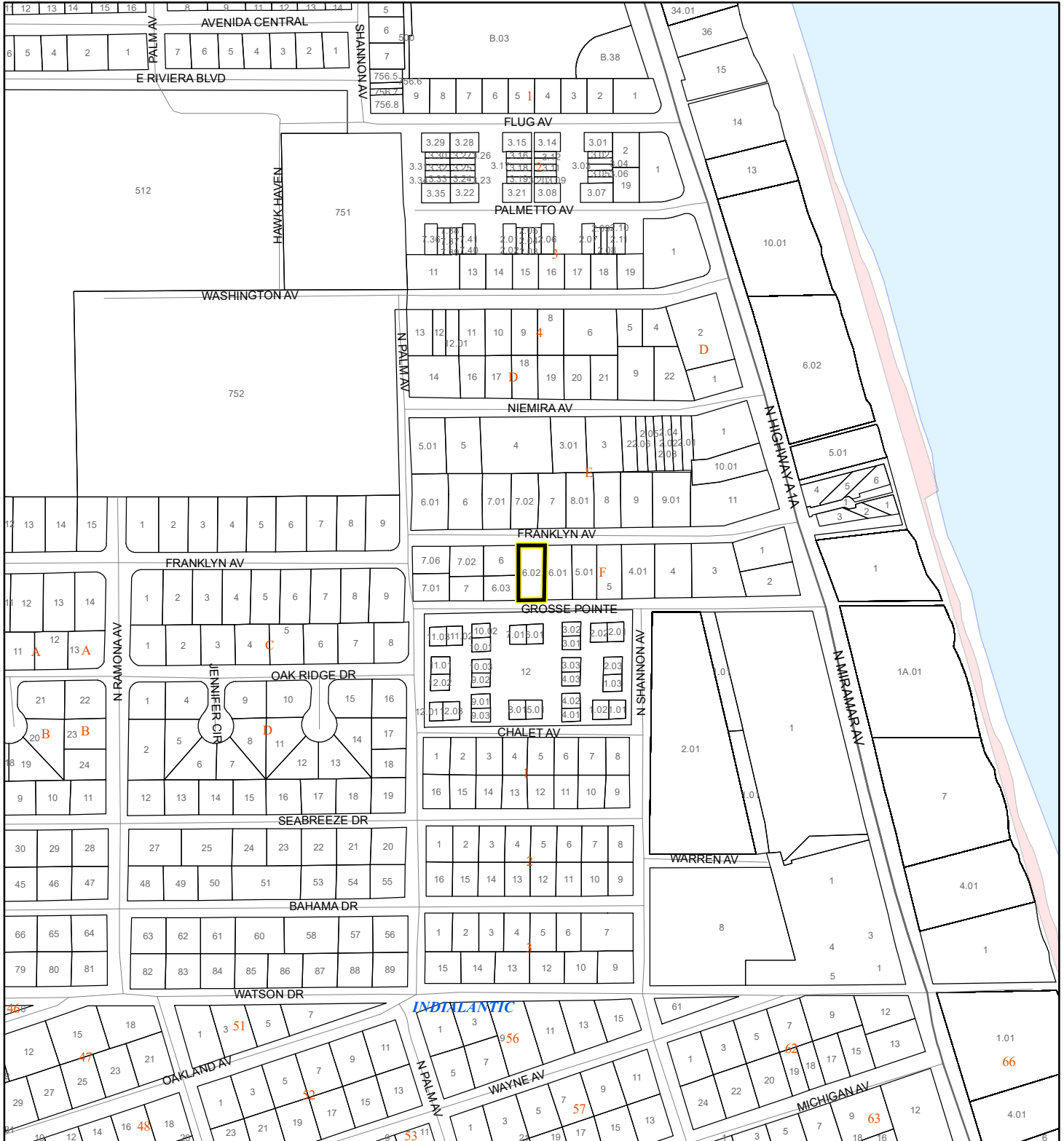
 Subject Property

 Parcels

NWI WETLANDS MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033













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: 9/15/2021

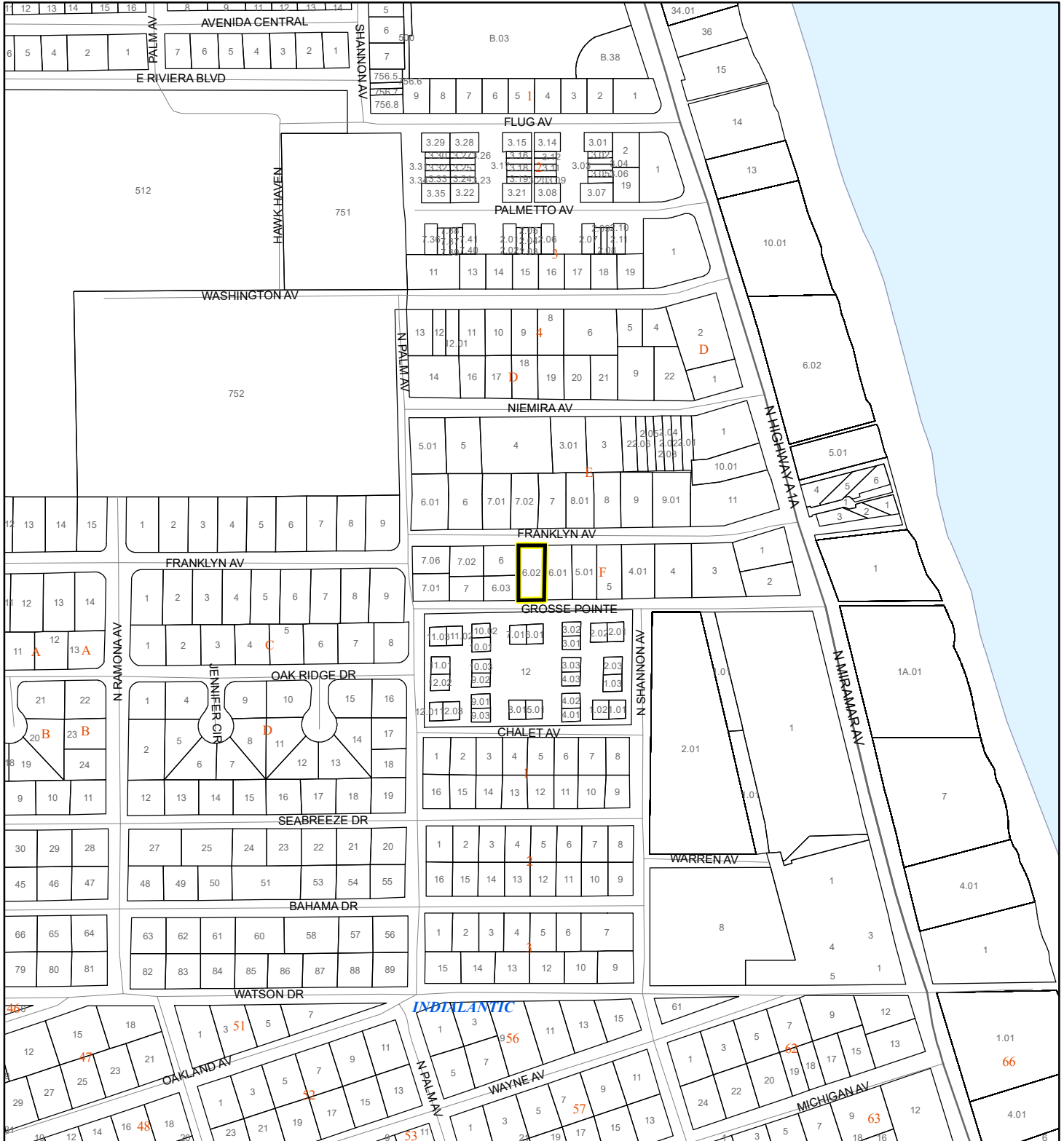
National Wetlands Inventory (NWI)

 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

JAMES ERIC PREECE, TRUSTEE

21Z00033



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: 9/15/2021

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

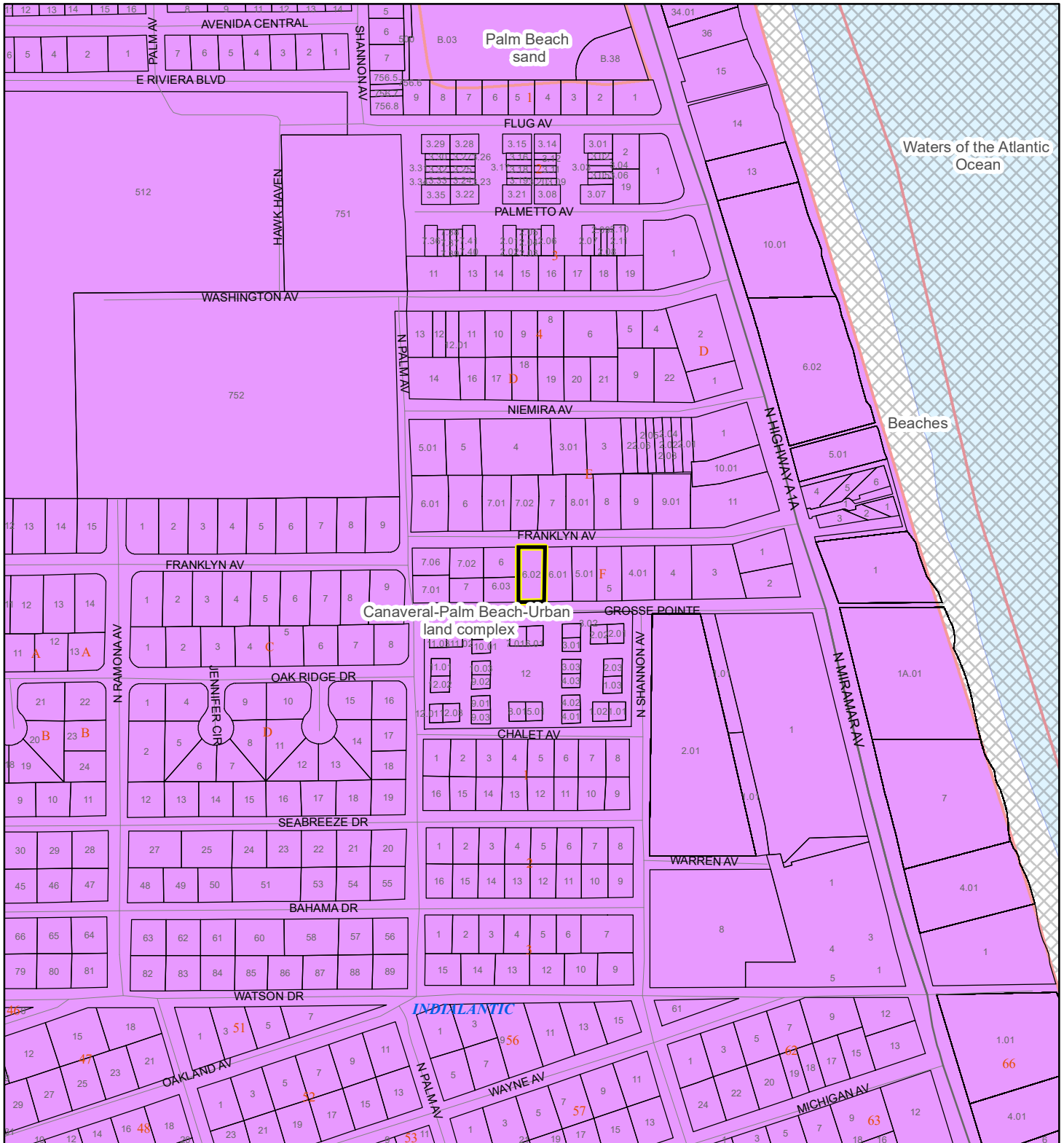
Subject Property

Parcels

USDA SCSSS SOILS MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/15/2021

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

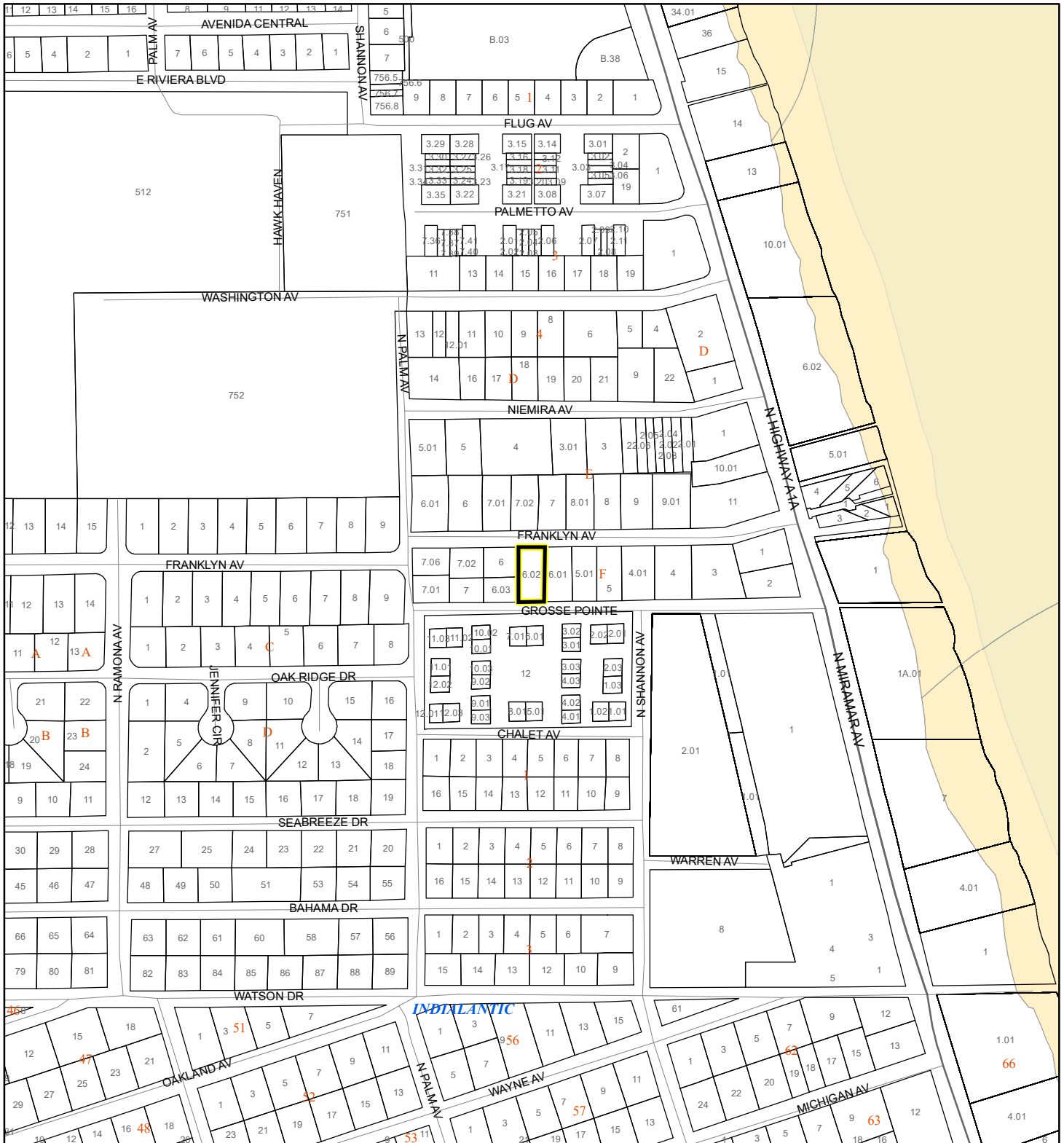
Subject Property

Parcels

FEMA FLOOD ZONES MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



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: 9/15/2021

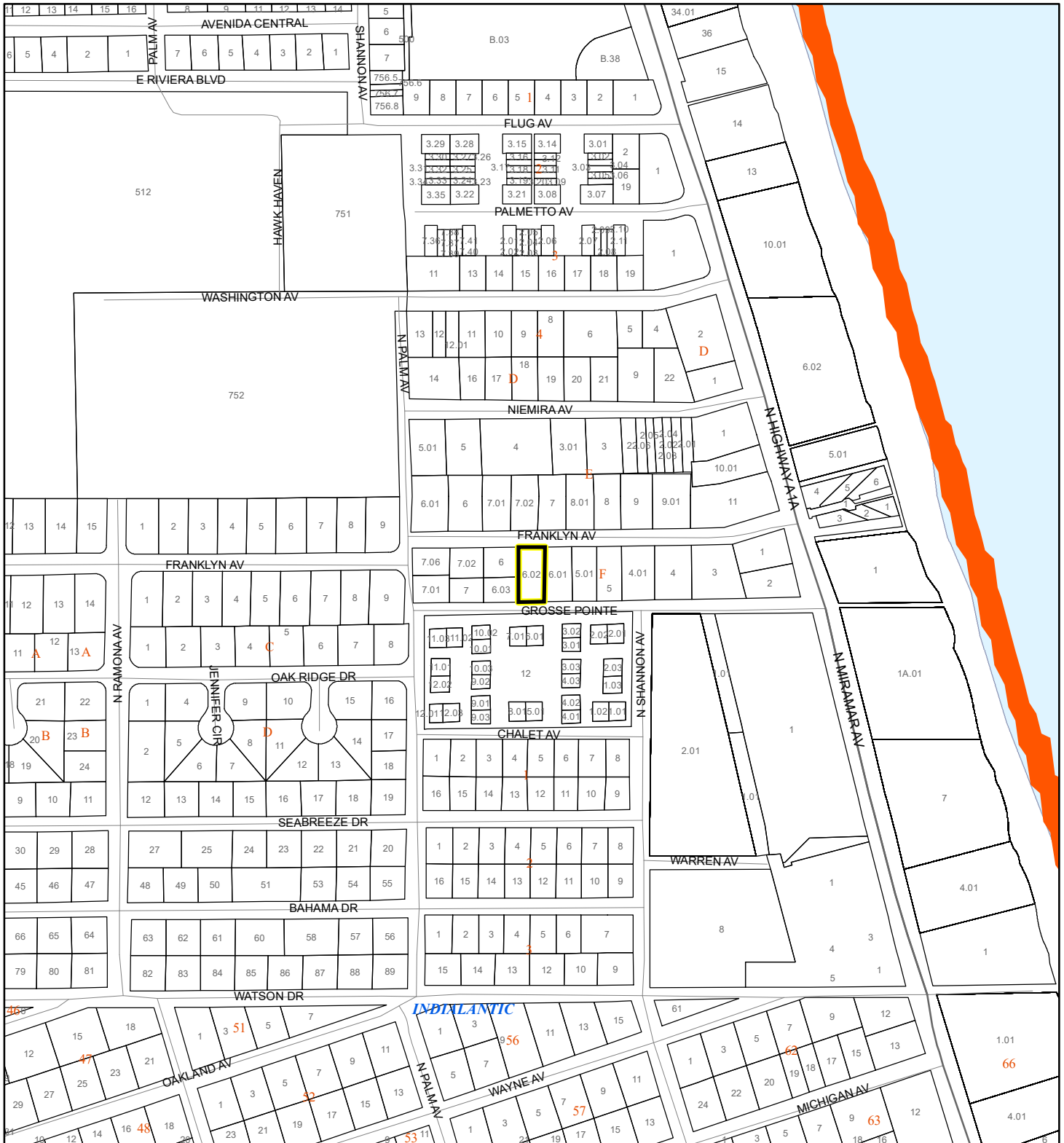
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



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: 9/15/2021

 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



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: 9/15/2021

 Subject Property

 Parcels

Septic Overlay

 40 Meters

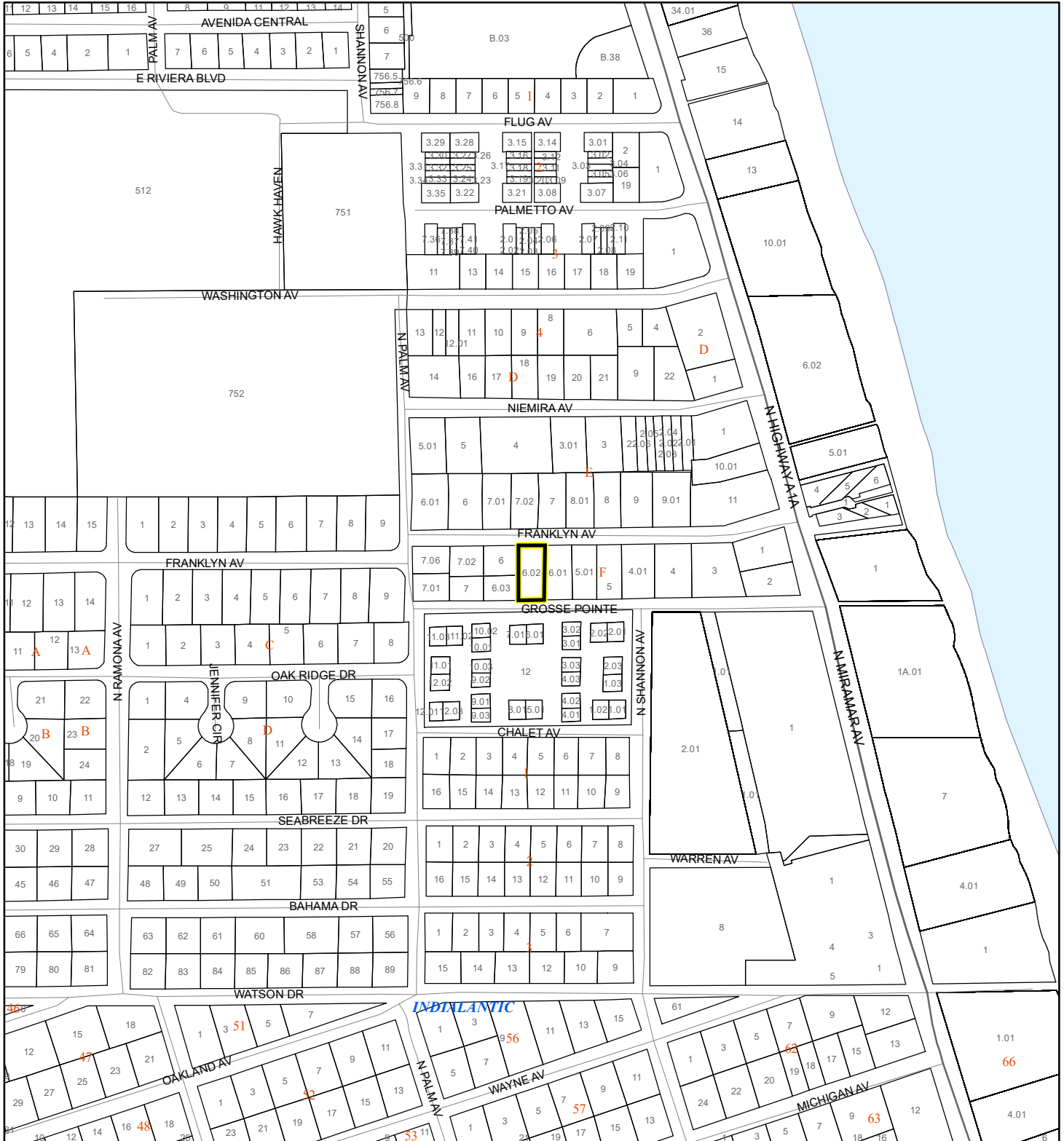
 60 Meters

 All Distances

EAGLE NESTS MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/15/2021

 Subject Property

 Parcels

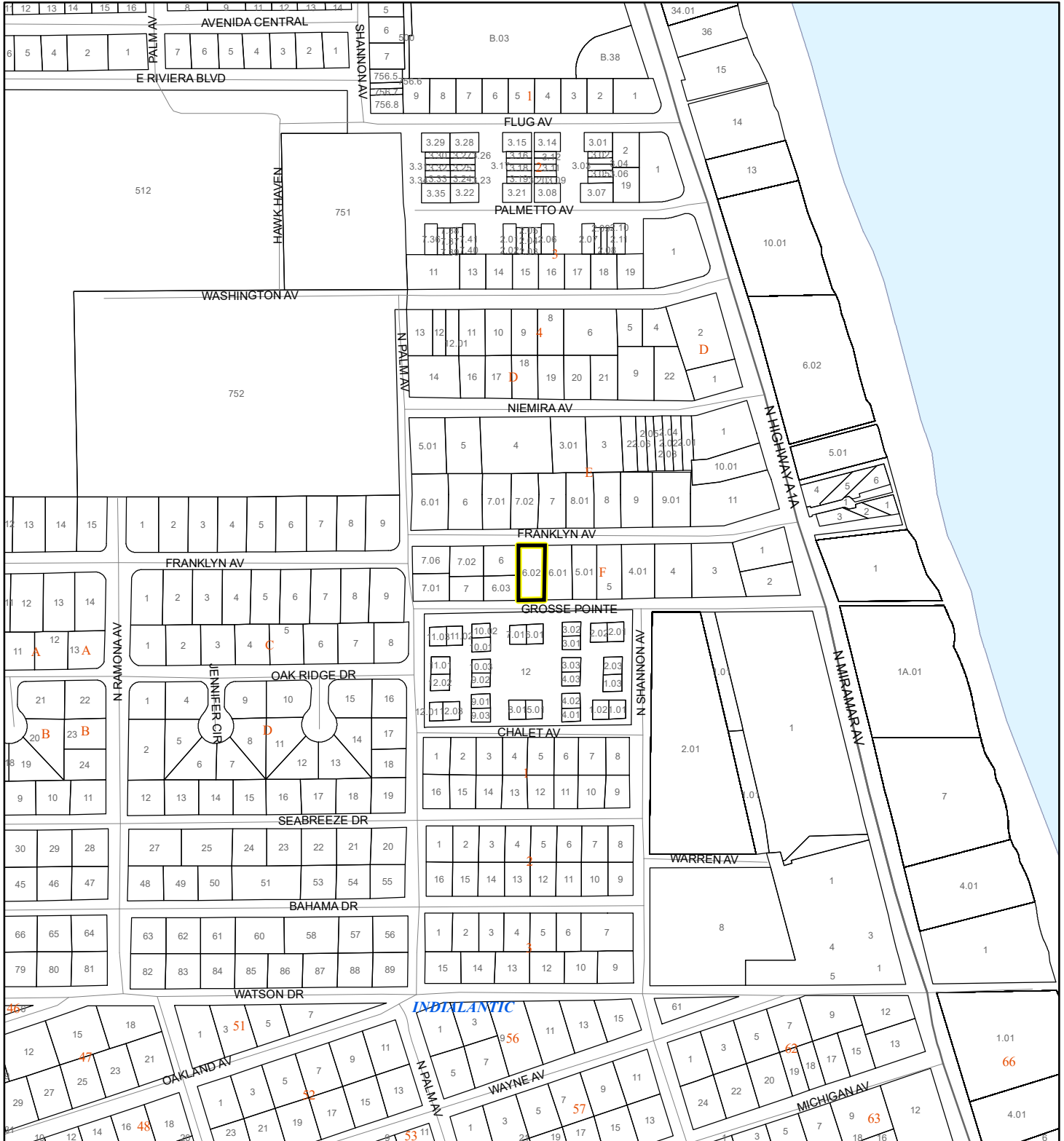


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/15/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JAMES ERIC PREECE, TRUSTEE

21Z00033



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: 9/15/2021

SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels



From: [Nathan Kivi](#)
To: [Jones, Jennifer](#)
Subject: ID# 21Z00033
Date: Thursday, November 4, 2021 12:49:59 PM

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

Hi Jennifer,

I am writing in relation to the notice / request to change the zoning for 117 Franklyn Avenue from RU-1-11 to RU-2-12.

I am a resident at 310 Franklyn Avenue (approximately four houses East of the site – on the corner of Palm and Franklyn) and would like to formally **object** to this change.

The entire market is seeing substantial movement – and the last thing we need is for an individual/trust to make significant gains at the determinant to the neighborhood. Ignoring the large individual gain, this area already has traffic issues morning and night from the school (we already have difficulty getting into our own house in those times), a series of multifamily development will further impact this. I personally don't believe this is in the interest of the greater community.

As a further note, should the change be successful we intend to apply for the same zoning change and to use this case as a precedent.

Regards,

Nathan Kivi
KNA Hospitality
+1 (404) 625-8009

From: [Michelle T.](#)
To: [Jones, Jennifer](#)
Subject: ID# 21Z00033 Re-Zoning in Indialantic Florida
Date: Friday, November 5, 2021 9:41:18 AM

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

Dear Ms. Jennifer Jones

Thank you for the letter informing of the potential rezoning of 117 Franklyn Ave, Indialantic, FL. ID# 21Z00033

I am unable to attend the public hearing, but would like to voice my concerns for this rezoning and implications for the neighborhood.

I am against this particular rezoning because

- 1) financial damage by reducing the value of my home and neighboring homes.
- 2) We already have several multi-family households on the street, and adding more will change the feel of the residential street.
- 3) The anticipation of major construction and how this construction will impact my family's experience and impact the school traffic we experience on that street.

If this zoning does go through, I am concerned it will drive a few of the existing families off the street.

Thank you for your time.

Best,
Michelle Tishler

To: Planning and Zoning Board of Brevard County

November 9, 2021

From: Liane Burnette, Property Owner
207 Grosse Pointe Ave., Indialantic, FL 32903
Correspondence ID# 21Z00033

Thank you for the courtesy notice about a request for rezoning or we would not have known and had this opportunity to comment. Please keep the current zoning classification: RU-1-11 (Single-Family Residential). Some of the reasons against the request will follow.

There's already too much traffic and gets very congested at school and work traffic! Vehicles on the north side of Grosse Pointe Avenue rental duplexes park on the edge of the street in their yards causing cars to go towards the center of the road so they don't hit them or get their own ^{side} mirrors damaged. The oncoming cars/vehicles then move over and run into our yards on the southside. An interesting observation since receiving the courtesy notices there's been fewest number of vehicles ever since I moved here nine years ago.

Duplex & tenants (rental) are transient. You never know if new tenants ^{will} be good or bad neighbors. Many issues have been noise, unruly parties (gatherings) with many guests parking along the southside of Grosse Pointe. They have been loud, boisterous and many appear drunk when returning to their vehicles. One party had so many that cars blocked our ^(late night) driveway and even the whole street. Someone must have called police as Indialantic and Brevard

County police came. Individuals ran from them and many into our yards. I was so frightened when I looked out my raised open bedroom window into the face of a young man hiding behind my hibiscus bush.

I was hit on my right upper arm with a BB by a male tenant (duplex rental) while standing in my yard. When I looked down the street to see who had done it, he said, "It's just plastic." He never asked if he'd hurt me. I didn't report the incident to the police for fear of retaliation.

Until just recently (like the parked cars issue) at the rental duplexes garbage and recycling receptacles have remained on the street on non-pickup days. I hope it stays that way. Maybe there's a different landlord. Time will tell especially after the final vote on December 2. I hated the Waste Management trucks would have to stop unnecessarily. It cost time, money and money for this. It's always been a problem in past.

Pets (dogs) have been left alone for hours while renter tenants gone to work or elsewhere.

I am not against gatherings / parties if handled properly. People need to fellowship. The west end house has parties and their guests park along the street coming and leaving orderly, day or at night. It is a single-family dwelling. They also do not have numerous crowds of people.

We can't keep our windows open during the cooler months if parties, etc. at the rental duplexes due to the noise. Some times even when windows closed, AC on, TV on, we can still hear.

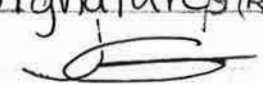
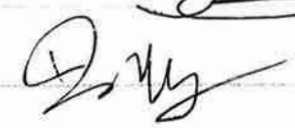
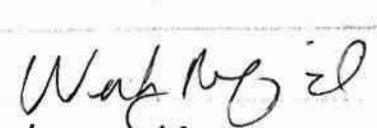
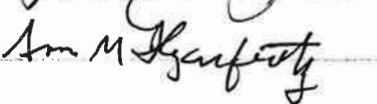

Safety is a big issue, so please keep the single-family residence zoning. More people and vehicles will not help the already crowded street. The multi-family residential zoning would impact the community in a negative way.

Thank you for your consideration and the opportunity to write. We appreciate you and your work.

Sincerely,
Diane Burnette
Diane Burnette

To: Planning and Zoning Board of Brevard County

Please KEEP the current zoning classification of RU-1-11 (Single Family Residential) for the property (117 Franklyn Ave., Indian Shalantic, FL) on the south side of Franklyn Ave. approximately 320 ft. east of Palm Ave. Please DENY the request to change its zoning classification to RU-2-12 (Medium Density Multi-Family Residential). Thank you.

House Number	Franklyn Ave	Address	Print-Name	Signature	(O) owner or (R) Renter
125	1	---	Ken Gordon		R
123	-	---	Rich EGAN		R
109	<i>Days</i>	---	Alecia Knapp		Owner
107	-	---	Wendy Kletich		Owner
112	-	---	Ann Thompson		Owner

I am sending copy of this form signed by people I spoke to at their homes on Sunday, November 7th. Many were not home or didn't answer door on Sunday or Monday. Several owners on Grosse Pointe Ave. ^{the 84th} want single family also (that I spoke to) some will send email, a couple are not home this week. None wanted multi-family.

To: Planning and Zoning Board of Brevard County

Please KEEP the current zoning classification of RU-1-11 (Single Family Residential) for the property (117 Franklyn Ave., Indian Lake, FL) on the south side of Franklyn Ave. approximately 320 ft. east of Palm Ave. Please DENY the request to change its zoning classification to RU-2-12 (medium density Multi-Family Residential). Thank you.

House Number	Address	Print Name	Signature	(O) Owner or (R) Renter
208	Chalet Ave	Michael Heckman	[Signature]	O
208	Chalet Ave	Debra Heckman	[Signature]	O
202	CHALET AVE	Ker Bernis	KERIN L. BERNIS	O
202	Chalet Ave	Angela Bernis	Angela Bernis	O
216	CHALET AVE	William H. Weeks	William H. Weeks	O
209	Grosse Pointe	JANNE EVERETT	Joanne Everett	O
210	Chalet Ave	Anna Rotondo	Anna Rotondo	O
203	Grosse Pointe Ave	JANICE RASBERRY DARLING	[Signature]	O
217	Grosse Pointe	Angela Brown	Angela Brown	O
211	Grosse Pte Ave	Kisie T. Amos	Kisie T. Amos	O
200	Chalet Ave	Mary Collins (Amy Seidel)	[Signature]	O
1130	Shawnee Ave	Gladie Eliasson	Gladie Eliasson	O
207	Grosse Pointe Ave	Diane Burnette	Diane Burnette	O

From: [J Geracie](#)
To: [Jones, Jennifer](#)
Subject: Rezoning of 117 Franklin Ave, Indialantic, FL 32903
Date: Friday, November 12, 2021 8:57:21 AM

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

Ms. Jones, yesterday I was informed by a neighbor that there is an outstanding rezoning notice for the captioned location. Our property is directly across the street on Grosse Pointe Ave.

The request is to change the zoning status for this property from a one-family residential to a two-story, three-family dwelling. I did not get enough notice to attend next Monday's meeting. So I am writing to you to express my concern.

I want urge the zoning board to **decline** this request as it would: 1. negatively affect the quality of the neighbor; 2. increase congestion in an already crowded area; 3. adversely affect property values; 4. put more pressure on the municipal services and resources.

I have no problem with the construction of a new one-story, one-family dwelling on the property that is similar to the existing one-story, one-family homes in the neighborhood. There are enough multi-family dwellings currently in the area. Adding more will create additional problems and change the character of this Indialantic neighborhood. I believe that if this request is granted it will lead to additional rezoning for multifamily requests.

Thank you for your consideration,

Best Regards,

Joe Geracie
678.386.5416

Executor, Personal Representative for the Estates of
Virginia P. Wilson/ James R. Wilson
215 Grosse Pointe Ave.
Indialantic, FL 32903

Sent from [Mail](#) for Windows

From: [Chuck Sigmund](#)
To: [Jones, Jennifer](#)
Subject: Rezoning_117Franklyn_ID#21Z00033
Date: Friday, November 12, 2021 9:27:08 AM

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

To the Board of County Commissioners:

My name is Charles Sigmund and I live at 225 Grosse Pointe Ave. in Indialantic.

I am writing regarding ID# 21Z00033. It concerns the rezoning of the property owned by James Eric Preece, Trustee, at 117 Franklyn Ave., Indialantic. He is requesting the zoning be changed from RU-1-11 (Single Family Residential) to RU-2-12 (Medium Density Multi-Family Residential).

The property borders Grosse Pointe Ave. on the south side. Grosse Pointe is a narrow and busy road as there is a traffic light where it connects with A1A. The street is like a funnel for cars wanting to make turns on A1A with the help of the traffic light or go to the Indialantic Shopping Center. Also, Grosse Pointe is part of the roadway connecting A1A with Riverside Drive. It is heavily travelled by vehicles and also used by school buses from both Indialantic Elementary and Hoover Middle School. The new nearby Publix and relocated Starbucks have also increased traffic flow on Grosse Pointe.

There are already two duplexes on Grosse Pointe Avenue that would connect with this property. Sometimes the yards of these units look like parking lots, and sometimes the residents park their cars on portions of Grosse Pointe Avenue causing problems for vehicles and pedestrians and especially school buses. Usually multiple adults live in these units, each with a vehicle. If multifamily units are allowed on the property in question, I'm sure such parking problems would only increase. Bringing more parking issues, driving concerns and increased noise levels will definitely cause safety issues in the area. It will also negatively impact the seniors living in the Chalets Atlantique Under 55 Adult community on the opposite side of Grosse Pointe Avenue.

Another reason for rejecting the rezoning of this property is that there are two schools nearby. Indialantic Elementary is a block away. Hoover Middle School is also nearby. If the rezoning is approved, the increased traffic issues which will be a safety concern for those students who walk and bicycle to these schools, not so much on Franklyn Avenue but certainly on Grosse Pointe Avenue.

This is a different issue, but Grosse Pointe Avenue desperately needs sidewalks. I shutter in the mornings when I see high school students walking two or three abreast down Grosse Pointe with their backs to the traffic causing vehicles to stop behind them and wait for traffic to clear so they can safely drive around the students.

Surely the owner of this property could sell the land for a significant profit. Perhaps he could build single family homes, one on Grosse Pointe and the other on Franklyn. With the escalating price of housing in this area, Mr. Preece would make a handsome profit and not detract from the quality of life of those who live in the areas adjacent to this property.

The effects of the zoning change would be minimal for Franklyn but significant for the Grosse Pointe side. Perhaps the zoning could be changed for the property along Franklyn, but the property along Grosse Pointe Avenue could be kept single family residential.

Hopefully you will take into account my objections when you make your decision on rezoning this property.

Respectfully,
Charles Sigmund



Virus-free. www.avast.com

From: [Mayor berkman](#)
To: [Jones, Jennifer](#); [Stern, Danielle](#)
Subject: Re: Letter opposing changes to 117 Franklyn
Date: Monday, November 15, 2021 11:34:00 AM

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

Jennifer/Danielle,

Thank you for the opportunity to let Indialantic's voice be heard.

In regard to today's hearing for proposed re-zoning of 117 Franklyn, I ask that you deny this request. Franklyn is exactly one street North of the incorporated Town of Indialantic and such a change directly affects us also.

I have received a number of objections to this action and as such I am sending this as Mayor of Indialantic.

This change doesn't fit the character of that street or surrounding area. It also changes the immediate density and traffic which is extremely important as it is located extremely close to our elementary and middle schools, for which we have significant traffic already.

Changing from single family to multi-family changes the character of that street and we all know it won't stop once the first change is granted.

I ask that this be denied or not recommended for board approval. In the Town of Indialantic a change like this would be denied, it isn't appropriate for a mid-block location. Changes like this have only been approved on lots that are directly on A1A and consistent with other existing building zones similarly.

Thank you
Mayor Dave Berkman
Town of Indialantic, FL

Sent from my iPhone 5s
(321) 693-7367

On Nov 15, 2021, at 11:15 AM, Stern, Danielle <danielle.stern@brevardfl.gov> wrote:

If you can email me your letter against these changes by 1 p.m. today, I can include in the meeting package for today. Just include it in a reply to this email. I have copied the Planning and Zoning department representative on it so she can also receive it.

Danielle Stern
Chief of Staff
Brevard County Commissioner Kristine Zonka
District Five
490 Centre Lake Drive NE
Suite 175
Palm Bay, FL 32907
(321)253-6611

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.10.

11/15/2021

Subject:

EH Cocoa, LLC (Bryan Potts) requests a change of zoning classification from BU-1 to BU-2. (21Z00034) (Tax Accounts 2442707 & 2442708) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 to BU-2 zoning for the purpose of redeveloping the parcels with a 108,152 total sq. ft. two-story self-storage mini-warehouses. Currently, there are 2, two-story retail buildings on the parcels totaling 77,980 sq. ft.

The applicants state that the conditions in BU-1 limits the height of self-storage mini-warehouses to the heights of adjacent off-site buildings to the side or rear of the property. They also state they would like to utilize a metal building which would not be allowed in the BU-1, but is allowed in BU-2.

BU-1 zoning does not permit warehousing or wholesaling and prohibits outdoor storage. BU-2 zoning permits retail, wholesale and warehousing commercial land uses and permits outdoor storage with conditions.

The developed character of the surrounding area is a mixture of BU-1, BU-2, and TR-1 (Single-Family Residential Mobile Home) zoning. The recent trends in this area is a commercial mixed use retail-center to the north and a vacant commercial parcel abutting the south along with commercial office uses and auto sales further south. Abutting to the west is a developed mobile home subdivision.

The Board may wish to consider whether this request for BU-2 is consistent and compatible with the surrounding area.

The Board of County Commissioners will consider the request on **Thursday, December 2, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

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

21Z00034

EH Cocoa, LLC

BU-1 (General Retail Commercial) to BU-2 (Retail, warehousing and wholesale commercial)

Tax Account Number: 2442707 and 2442708
Parcel I.D.: 24-36-07-00-32 and 24-36-07-00-33
Location: 3635 N. Highway US-1 Cocoa, FL 32926. The west side of Highway US-1, approximately 4,200 feet north of Highway 528 (District 1)
Acreage: 3.83 acres

Planning and Zoning Board: 11/15/2021

Board of County Commissioners: 12/02/2021

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1	BU-2
Potential*	77,980 square feet of commercial use	108,152 square feet of commercial use
Can be Considered under the Future Land Use Map	YES CC	YES CC

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing and Wholesale Commercial) zoning for the purpose of redeveloping the parcels with a 108,152 total sq. ft. two-story self-storage mini-warehouses. There are currently 2, two story 77,980 total sq. ft. retail buildings on the parcels.

The applicants state that the conditions in BU-1 zoning classification limits the height of self-storage mini-warehouses to the heights of adjacent off-site buildings to the side or rear of the property. They also state they would like to utilize a metal building which would not be allowed in the BU-1 zoning but allowed in BU-2.

There is a site plan submitted, 21SP00028, for the self-storage mini-warehouses and demolition of the existing 2 two story retail buildings on the parcels. The applicant did not provide staff with a Binding Development Plan (BDP) that would limit the development potential or offer other mitigations with this application.

May 28, 1959, zoning action **Z-189** changed the zoning from AU (Agricultural Residential) to BU-1 and Drive-In-Theatre.

Land Use

The subject property is currently designated as Community Commercial (CC) Future Land Use FLU designation. Both BU-1 and the proposed BU-2 zoning classifications are consistent with the CC FLU designation.

Applicable Land Use Policies

Future Land Use Policy 2.14 A, states that non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristic are established or planned so as to protect residential areas from their influence. Additionally, under the roadway access requirements subsection, the policy states: Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

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

This parcel is located with frontage along the west side of Highway US-1. This site and the area lying north and south of the subject parcels are all within the Community Commercial (CC) Future Land Use (FLU) designation. Abutting to the west is Residential 4 (RES 4) FLU designation. This FLU designation allows for a residential density of 4 units per acre. The proposed site plan 21SP00028 shows a 6 feet masonry screening wall buffering the adjacent single-family mobile home subdivision to the west.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is a mixture of BU-1, BU-2, and TR-1 (Single-Family Residential Mobile Home) zoning. The recent trend in this area is commercial mixed use retail-center to the north and a vacant commercial parcel abutting the south along with commercial office uses and auto sales further south. Abutting to the west is a developed mobile home subdivision.

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

BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 permits outdoor storage with conditions.

TR-1 is a single-family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

There has been one zoning action within a half-mile radius of the subject property within the last three years.

On March 03, 2021, application **20Z00039** changed the zoning classification from AU (Agricultural Residential) to RRMH-1 (Rural Residential Mobile Home). This parcel is located on the west side of Railroad Avenue, 630 feet westerly of the subject property.

Surrounding Area

The abutting parcel to the North is zoned BU-2. The properties to the North are developed as mix-use and retail. The abutting parcel to the south is undeveloped BU-1. The developed BU-2 properties further to the south are auto sales and offices. Property to the west is zoned TR-1 and is developed as a mobile home subdivision.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. The subject parcels are currently in site plan review process under 21SP00028. Any natural resource issues will be addressed during the review process.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway US-1, between State Road 528 and Canaveral Groves Blvd., which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 67.19% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.29%. The corridor is anticipated to operate at 67.48% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

The parcel is not serviced by Brevard County sewer or the City of Cocoa sewer. The closest available Brevard County sewer line is located approximately 4.1 miles north of the parcel on the east side of Highway US-1.

The parcel is serviced by City of Cocoa water.

For Board Consideration

The Board may wish to consider whether this request for BU-2 is consistent and compatible with the surrounding area.

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

Item # 21Z00034

Applicant: Potts for Howell

Zoning Request: BU-1 to BU-2

Note: Applicant wants to redevelop existing buildings on parcels for BU-2 use.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID Nos: 2442707 & 2442708

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. The subject parcels are currently in site plan review process under 21SP00028. Any natural resource issues will be addressed during the review process.

Land Use Comments:

Aquifer Recharge Soils

The subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas with elevations greater than or equal to 30 feet mean sea level (NGVD 1929). Per Section 62-3636, within Type 2 aquifer recharge soils, the maximum impervious surface shall be 35 percent, private lakes shall be prohibited, and land alteration shall not alter the recharge or storage characteristics of the area. Site plan comments indicate that no impervious coverage is being proposed within the aquifer recharge areas.

Land Clearing and Landscape Requirements

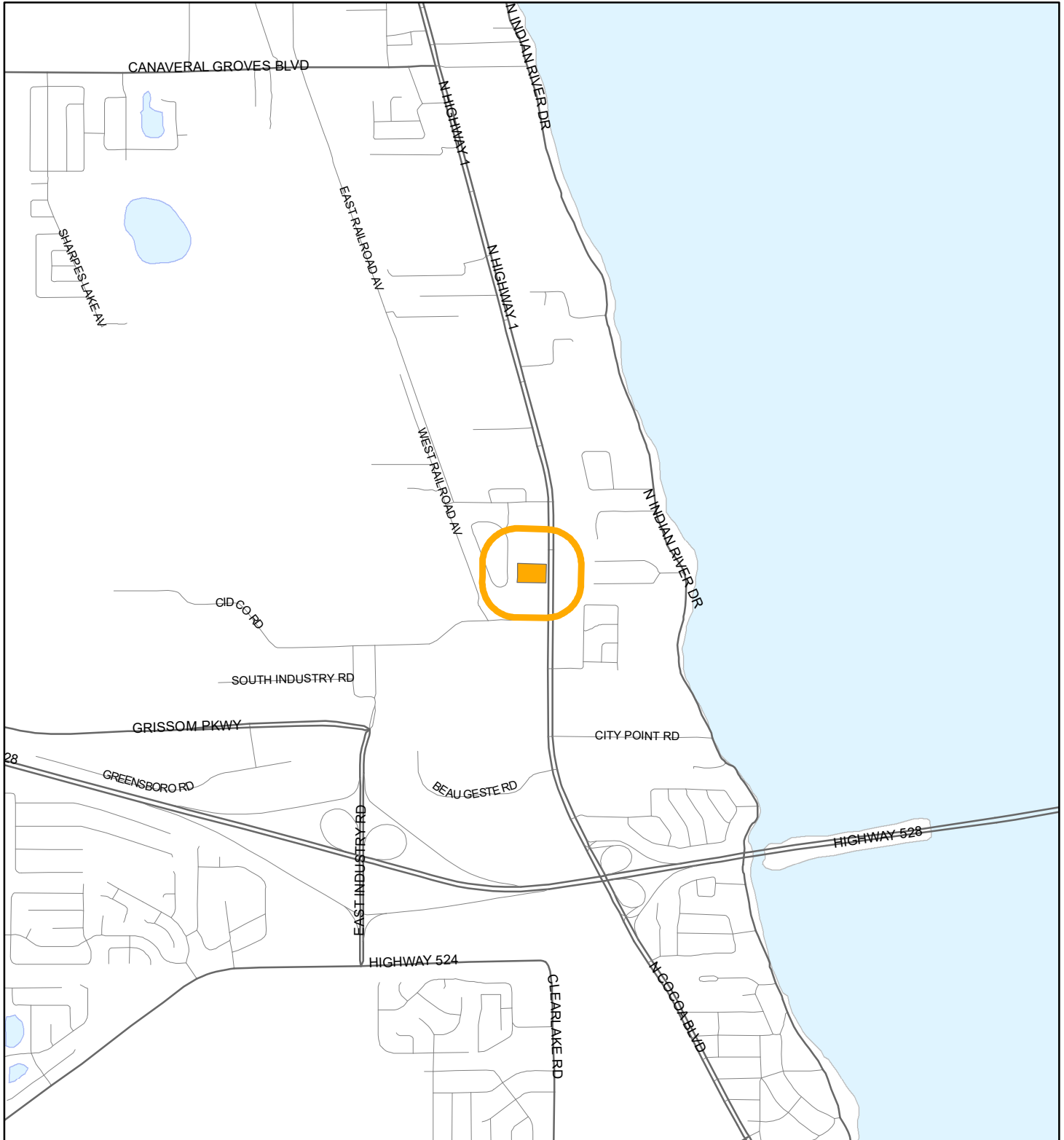
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

EH COCOA, LLC
21Z00034



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

Buffer Distance: 500 feet

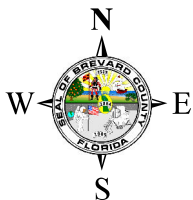
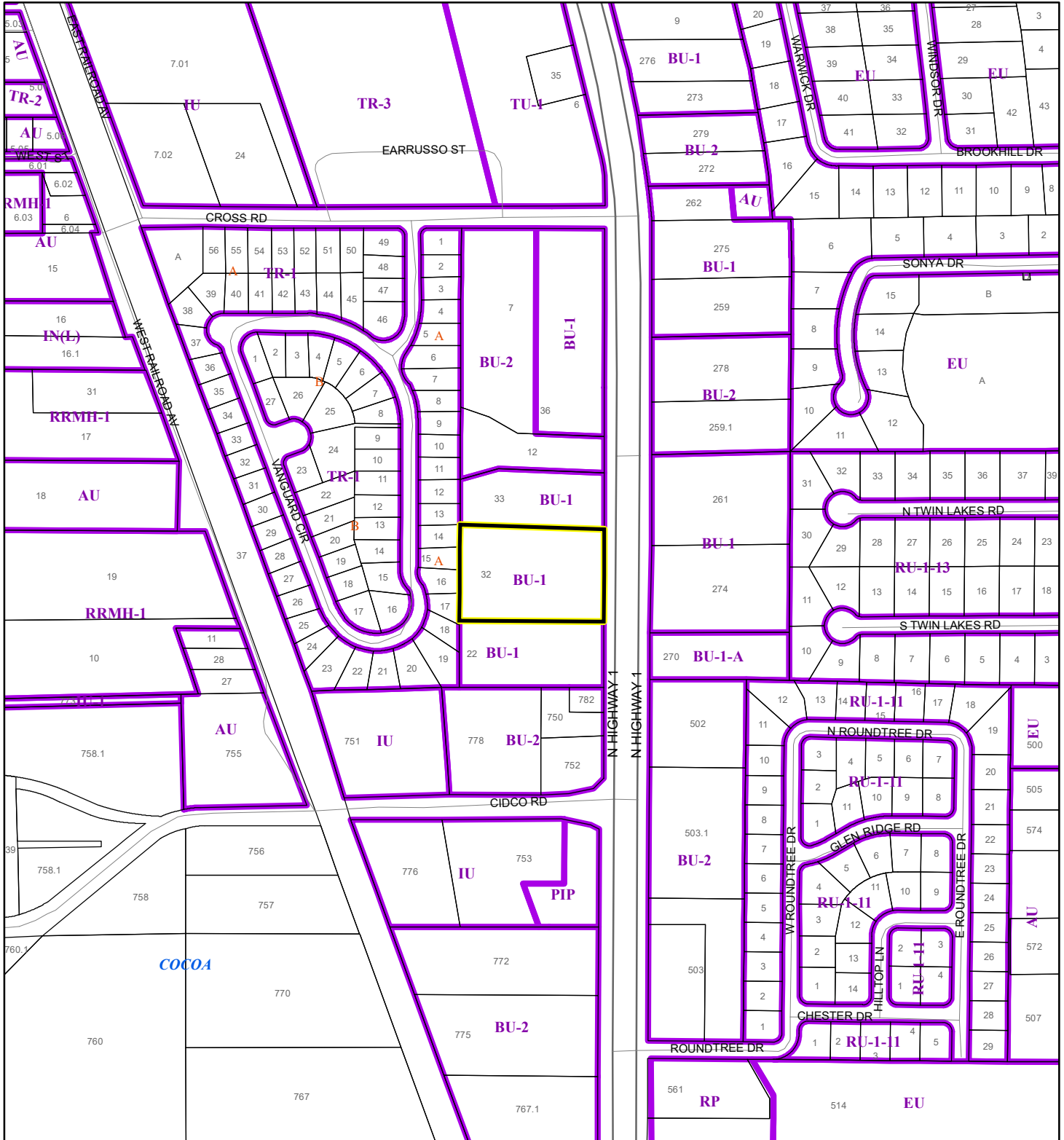
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Produced by BoCC - GIS Date: 9/15/2021

- Buffer
- Subject Property

ZONING MAP

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 feet

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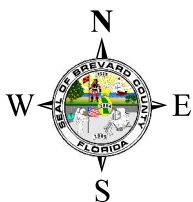
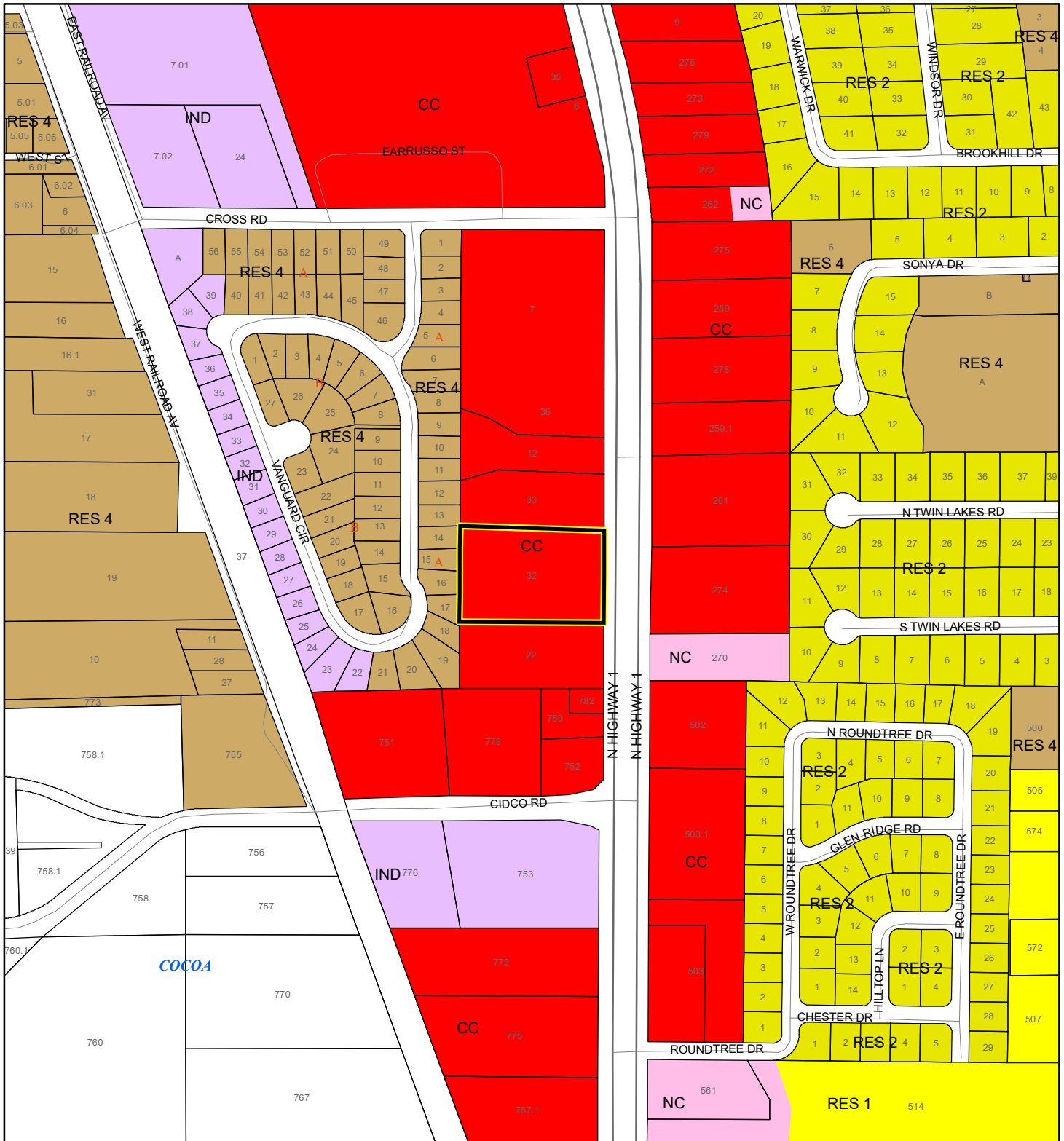
Subject Property

Parcels



Zoning

FUTURE LAND USE MAP

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

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AERIAL MAP

EH COCOA, LLC
21Z00034





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

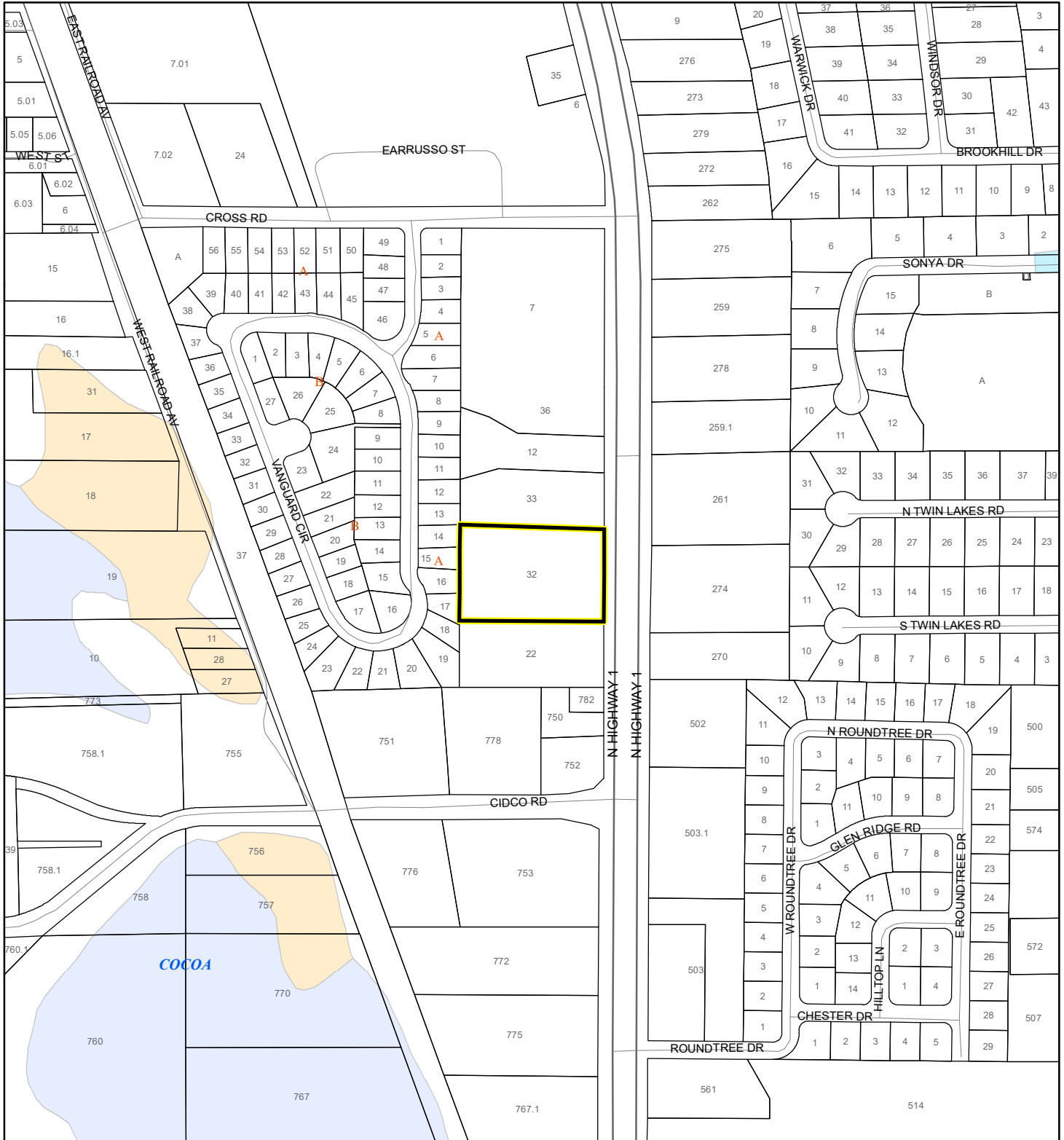
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 Subject Property
 Parcels

NWI WETLANDS MAP

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

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

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 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

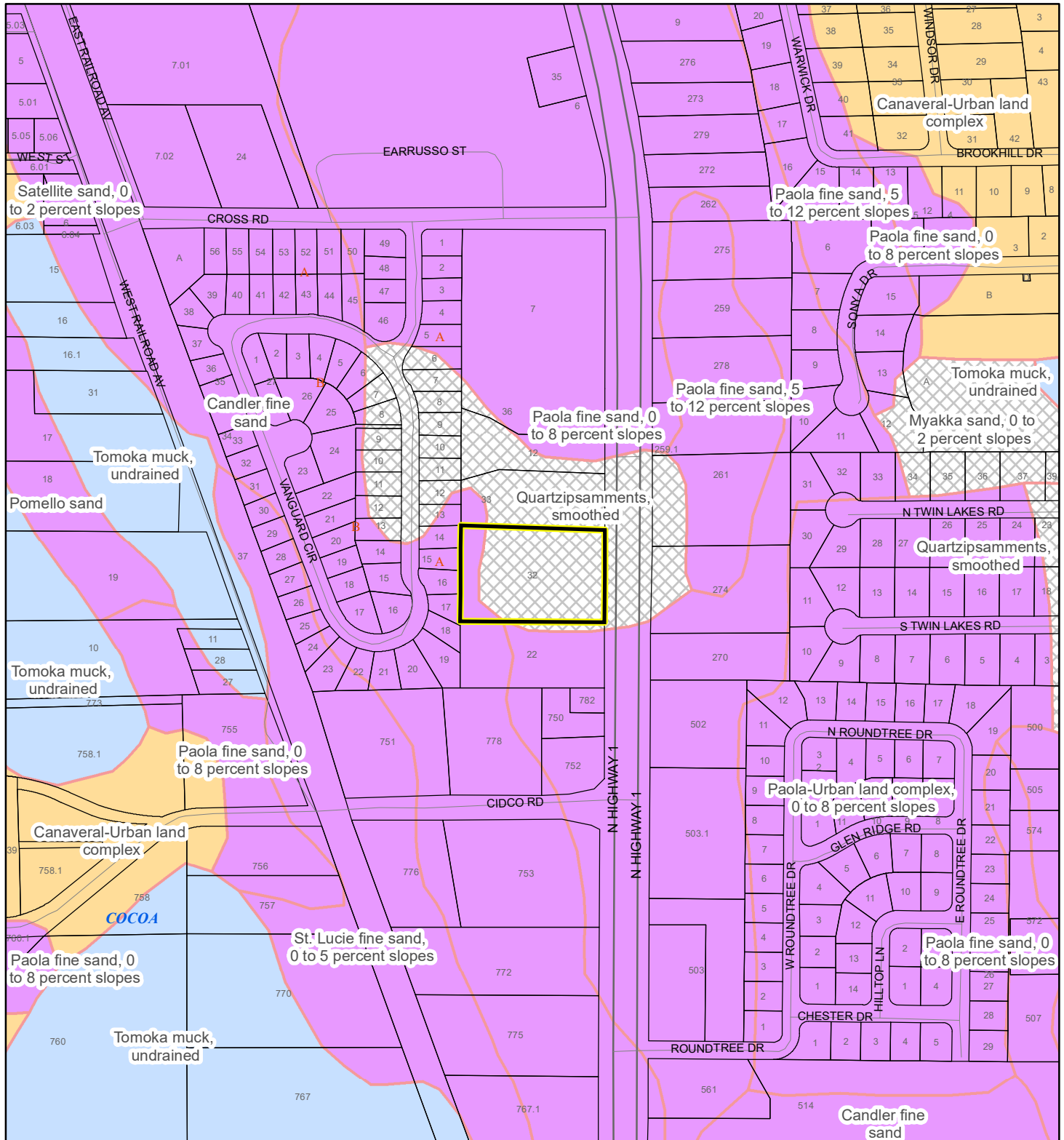
Subject Property

Parcels

USDA SCSSS SOILS MAP

EH COCOA, LLC

21Z00034



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.

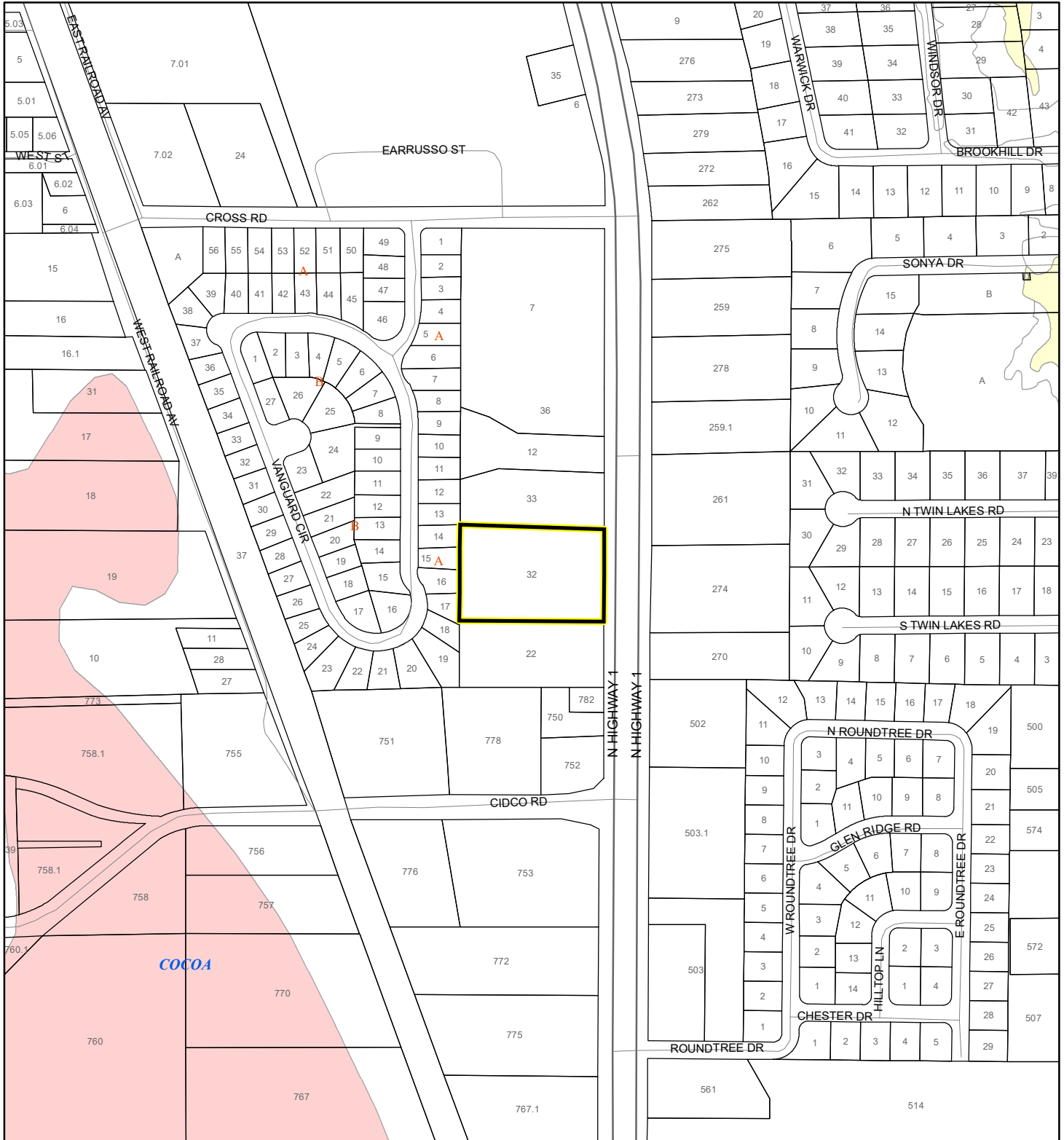
Produced by BoCC - GIS Date: 9/13/2021

USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 feet

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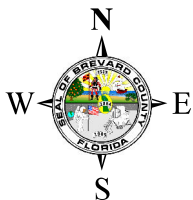
Produced by BoCC - GIS Date: 9/13/2021

FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

EH COCOA, LLC
21Z00034



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: 9/13/2021

 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

 Subject Property

 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

EH COCOA, LLC
21Z00034



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

EH COCOA, LLC
21Z00034



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.

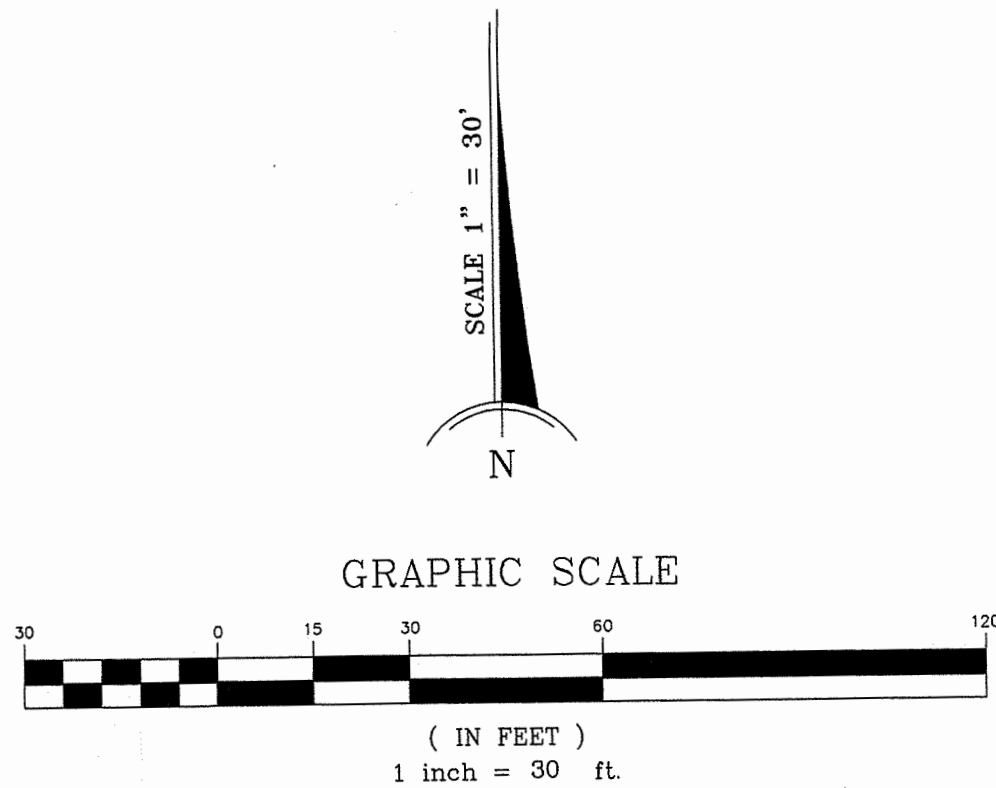
Produced by BoCC - GIS Date: 9/13/2021

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



BOUNDARY SURVEY

LEGAL DESCRIPTION: TAX PARCEL #32
A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4, OF THE NORTHEAST 1/4,
OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY,
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID NORTHEAST 1/4
WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE RUN
NORTH 00°14'31" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF
188.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°14'31"
EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 260.18 FEET; THENCE
NORTH 89°42'29" WEST, A DISTANCE OF 400.00 FEET TO A POINT ON THE
EAST LINE OF VANGUARD ESTATES, PHASE 2, AS RECORDED IN PLAT BOOK 32,
PAGE 36. SAID POINT BEING ALSO 400.00 FEET WEST OF THE WEST
RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, BY RIGHT ANGLE MEASUREMENT;
THENCE SOUTH 00°14'31" WEST, ALONG SAID EAST LINE AND PARALLEL TO AND
400.00 FEET WEST, BY RIGHT ANGLE MEASUREMENT FROM THE AFORESAID
WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 260.18
FEET; THENCE SOUTH 89°42'29" EAST, PARALLEL TO THE SECOND COURSE OF
THIS DESCRIPTION, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

CORRECTIVE SPECIAL WARRANTY DEED (PER OFFICIAL RECORDS BOOK 3360,
PAGE 1025): TAX PARCEL #33
A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4, OF THE NORTHEAST 1/4,
OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY,
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID NORTHEAST 1/4
WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND RUN
NORTH 00°14'31" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF
448.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°14'31"
EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 156.31 FEET TO THE
SOUTHEAST CORNER OF THE FORMER VANGUARD DRIVE-IN THEATER ENTRANCE
PARCEL; THENCE RUN NORTH 88°19'59" WEST ALONG THE SOUTH LINE OF SAID
ENTRANCE PARCEL, A DISTANCE OF 300.00 FEET TO AN ANGLE POINT; THENCE
SOUTH 74°40'26" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 103.90 FEET
TO A POINT ON THE EAST LINE OF VANGUARD ESTATES, PHASE 2, AS
RECORDED IN PLAT BOOK 32, PAGE 36, SAID POINT BEING ALSO 400.00 FEET
WEST OF THE WEST RIGHT-OF-WAY LINE BY RIGHT ANGLE MEASUREMENT;
THENCE SOUTH 00°14'31" WEST ALONG SAID EAST LINE AND PARALLEL TO AND
400.00 FEET WEST BY RIGHT ANGLE MEASUREMENT FROM THE AFORESAID WEST
RIGHT-OF-WAY LINE ON U.S. HIGHWAY NO. 1, A DISTANCE OF 135.54 FEET;
THENCE SOUTH 89°42'29" EAST, A DISTANCE OF 400.00 FEET TO THE POINT
OF BEGINNING.

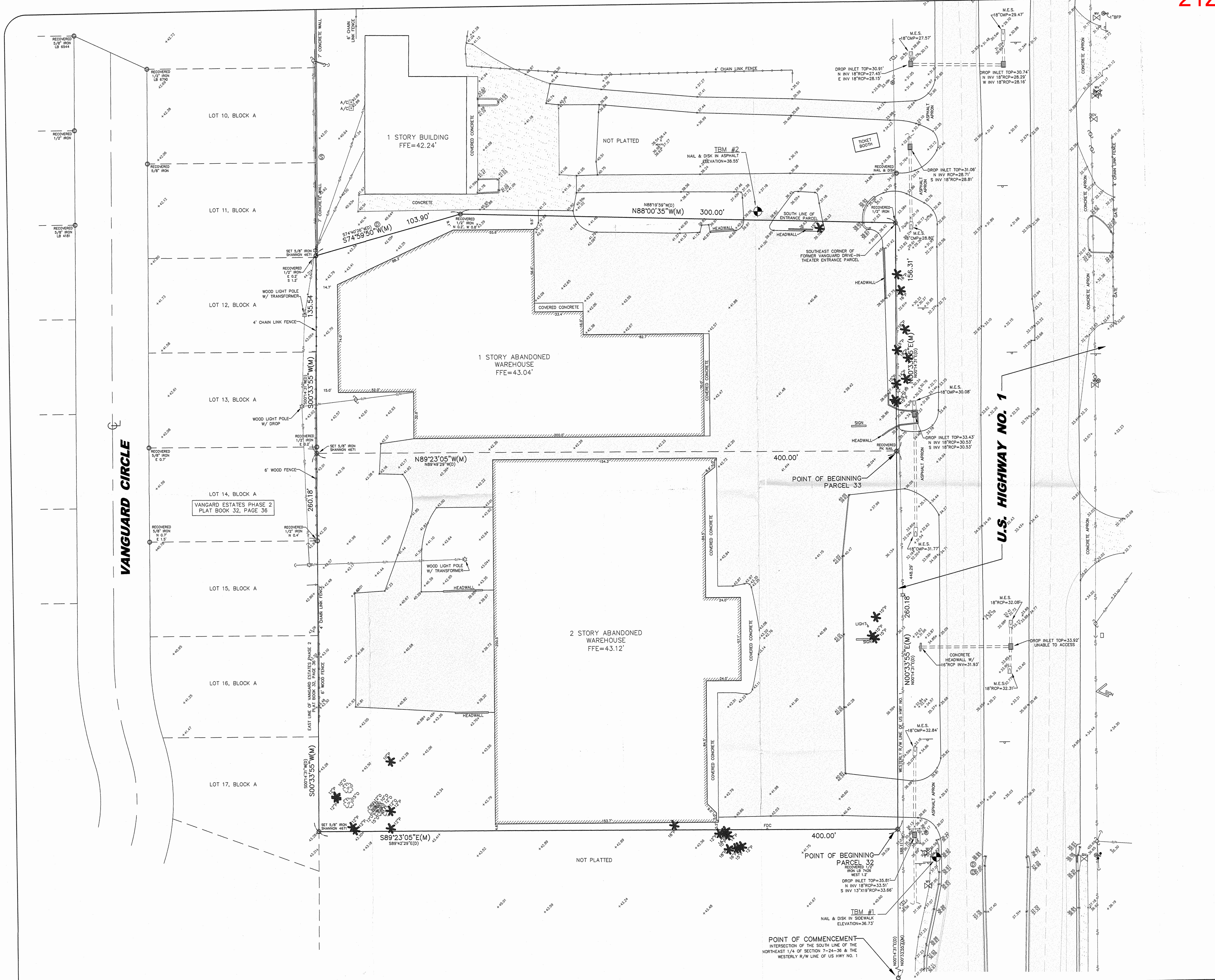
- NOTES:
- BEARINGS BASED ON THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 1 AS BEING N00°49'21"E.
 - NO UNDERGROUND UTILITIES, UNDERGROUND FOUNDATIONS, OR UNDERGROUND SIGN BASES WERE LOCATED.
 - ELEVATIONS BASED ON NGS BENCHMARK NUMBER J404. ELEVATION=32.36', NAVD 1988 DATUM.
 - SURVEY PREPARED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

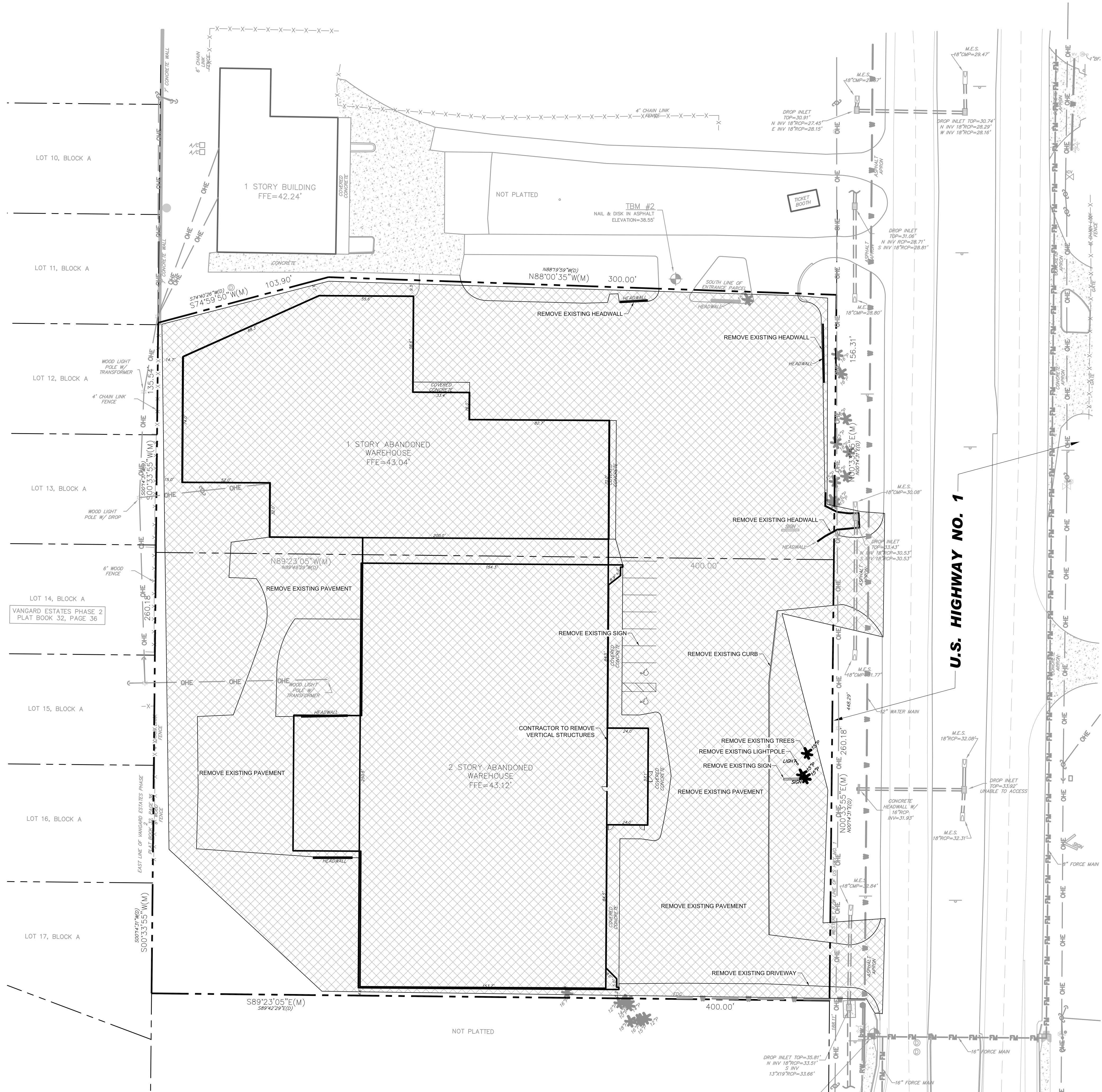
- LEGEND
- BFP BACK FLOW PREVENTER
 - BOLLARD
 - STORM MANHOLE
 - DROP INLET
 - FIRE HYDRANT
 - FDC FIRE DEPARTMENT CONNECTION
 - GUY ANCHOR
 - IRRIGATION CONTROL VALVE
 - LIGHT POLE
 - RECLAIMED WATER METER
 - SIGN
 - SANITARY MANHOLE
 - SEWER VALVE
 - WOOD UTILITY POLE
 - WATER METER
 - WATER VALVE
 - O/H-OVERHEAD UTILITY LINE



SHANNON SURVEYING, INC.
499 NORTH S.R. 434 - SUITE 2045
ALTAMONTE SPRINGS, FLORIDA, 32714
(407) 774-8372 LB # 6898

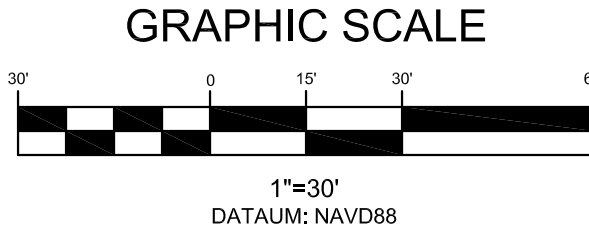
DATE OF SURVEY: 05/25/2021
FIELD BY: JRS SCALE: 1" = 30'
FILE NUMBER: 07-24-38





- DEMOLITION NOTES:**
- THE LOCATIONS, ELEVATIONS, & THE DIMENSIONS OF EXISTING UTILITIES & OTHER FEATURES ARE SHOWN ON THE PLANS ACCORDING TO THE BEST INFORMATION AVAILABLE AT THE TIME OF PLAN PREPARATION. THE CONTRACTOR SHALL VERIFY THE LOCATIONS, ELEVATIONS, & THE DIMENSIONS OF ALL EXISTING UTILITIES & OTHER FEATURES AFFECTING THE WORK PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES WHICH MAY AFFECT THE PROPOSED WORK.
 - THE CONTRACTOR SHALL ASSURE THAT ALL APPROPRIATE AND REQUIRED PERMITS ARE IN HAND AND DISPLAYED ON THE SITE AS REQUIRED BY REGULATOR AGENCIES PRIOR TO PROCEEDING WITH DEMOLITION. CONTRACTOR SHALL ASSURE THAT THE OWNER HAS BEEN ISSUED A NOTICE TO PROCEED PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
 - THE CONTRACTOR SHALL, PRIOR TO INITIATION OF ANY SITE CLEARING OR OTHER CONSTRUCTION ACTIVITIES, INSTALL SILT SCREENS DOWNSTREAM OF ALL AREAS WHICH HAVE POTENTIAL OF EROSION OR SEDIMENT TRANSPORT OFF-SITE OR TO WATER BODIES. THE CONTRACTOR SHALL IMPLEMENT OTHER STRUCTURAL EROSION CONTROL MEASURES IF REQUIRED TO PREVENT SEDIMENT TRANSPORT TO OFF-SITE AREAS & WATER BODIES.
 - CONTRACTOR SHALL PROTECT THE EDGE OF ALL REMAINING PAVEMENT AND HARDSCAPE. DO NOT HAUL OVER UNPROTECTED PAVEMENT OR SAWCUT EDGES.
 - CONTRACTOR SHALL LEAVE SITE FREE OF HOLES, HAZARDS, IMPOUNDMENTS AND DEBRIS UPON COMPLETION.
 - ALL TRASH, DEBRIS, & OTHER MATERIAL REMOVED FROM THE SITE SHALL BE PROPERLY DISPOSED OF BY THE CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE & FEDERAL REGULATIONS.
 - ANY EXCAVATED TRENCHES ARE TO BE BACKFILLED WITH CLEAN SAND COMPACTED TO AT LEAST 95% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY VALUE (AASHTO T-160). REFER TO GEOTECHNICAL REPORT FOR SPECIFIC COMPACTION REQUIREMENTS UNDER BUILDING & OTHER STRUCTURES.
 - THE CONTRACTOR IS RESPONSIBLE FOR THE NOTIFICATION, LOCATION AND PROTECTION OF ALL UTILITIES THAT MAY EXIST WITHIN THE PROJECT LIMITS. THE CONTRACTOR SHALL NOTIFY SUNSHINE LOCATORS FORTY-EIGHT (48) HOURS PRIOR TO BEGINNING CONSTRUCTION AT 1-800-432-4770, MONDAY THROUGH FRIDAY 7:00 AM TO 4:30 PM.

- SPILL PREVENTION CONTROLS AND COUNTERMEASURES:**
- I. MATERIALS MANAGEMENT**
- GOOD HOUSEKEEPING:** THE FOLLOWING GOOD HOUSEKEEPING MEASURES WILL BE FOLLOWED ON-SITE DURING CONSTRUCTION.
- AN EFFORT WILL BE MADE TO STORE ONLY ENOUGH PRODUCT REQUIRED TO DO THE JOB;
 - ALL MATERIALS ON-SITE WILL BE STORED IN A NEAT AND ORDERLY MANNER, IN APPROPRIATE CONTAINERS, AND UNDER A ROOF OR COVER IF POSSIBLE;
 - PRODUCTS WILL BE KEPT IN THEIR ORIGINAL CONTAINERS WITH THEIR ORIGINAL LABELS;
 - SUBSTANCES WILL NOT BE MIXED UNLESS RECOMMENDED BY THE MANUFACTURERS;
 - WHENEVER POSSIBLE, PRODUCTS WILL BE COMPLETELY USED BEFORE DISCARDING THE CONTAINERS;
 - MANUFACTURER'S RECOMMENDATIONS FOR PROPER USE AND DISPOSAL WILL BE FOLLOWED AND MATERIALS SAFETY DATA SHEETS (MSDS) WILL BE MAINTAINED ON-SITE;
 - THE SITE SUPERINTENDENT WILL BE RESPONSIBLE FOR ENSURING ADHERENCE TO GOOD HOUSEKEEPING MEASURES.
- PETROLEUM PRODUCTS:** ALL ON-SITE VEHICLES AND EQUIPMENT WILL BE MONITORED FOR LEAKS. PETROLEUM PRODUCTS WILL BE STORED PROPERLY ON-SITE. ASPHALT SUBSTANCES WILL BE APPLIED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS. REFUELING OF EQUIPMENT AND VEHICLES ON-SITE WILL BE MINIMIZED AND EXTRAORDINARY CARE WILL BE UTILIZED IF REFUELING IS NECESSARY.
- II. SPILL CONTROL PRACTICES**
- IN ADDITION TO GOOD HOUSEKEEPING AND MATERIAL MANAGEMENT PRACTICES, THE FOLLOWING SPILL CONTROL MEASURES SHALL BE FOLLOWED FOR SPILL PREVENTION AND CLEANUP.
- MANUFACTURER'S RECOMMENDED METHODS FOR SPILL CLEANUP WILL BE KEPT IN ANY MATERIAL STORAGE AREAS OR ON-SITE CONSTRUCTION OFFICES OR TRAILERS. THE SITE SUPERINTENDENT WILL BE RESPONSIBLE FOR MAKING ON-SITE PERSONNEL AND SUBCONTRACTORS AWARE OF THE MANUFACTURER'S LITERATURE AND ALL OF THE SPILL CONTROL PRACTICES;
 - MATERIALS AND EQUIPMENT NECESSARY FOR SPILL CLEANUP WILL BE KEPT IN THE MATERIAL STORAGE AREAS OR ON-SITE CONSTRUCTION OFFICES OR TRAILERS. EQUIPMENT AND MATERIALS SHALL INCLUDE BUT NOT BE LIMITED TO BROOMS, DUST PANS, MOPS, RAGS, GLOVES, GOGGLES, ABSORBENT GRANULES, SAND OR SAWDUST, AND PLASTIC OR METAL TRASH CONTAINERS;
 - ALL SPILLS WILL BE CLEANED UP IMMEDIATELY AFTER DISCOVERY;
 - THE SPILL AREAS WILL BE KEPT WELL VENTILATED AND PERSONNEL WILL WEAR APPROPRIATE PROTECTIVE CLOTHING TO PREVENT INJURY;
 - SPILLS OF TOXIC OR HAZARDOUS MATERIALS WILL BE REPORTED TO THE APPROPRIATE STATE OR CITY GOVERNMENT AGENCY;
 - THE SPILL PREVENTION PLAN SHALL BE ADJUSTED TO INCLUDE MEASURES TO PREVENT SPILLS FROM REOCCURRING. A DESCRIPTION OF SPILLS WHICH DO OCCUR WILL INCLUDE WHAT CAUSED THE SPILL, WHEN IT OCCURRED, THE NATURE OF THE SPILL, AND HOW IT WAS CLEANED UP.



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY
BRYAN POTTS ON THE DATE AND TIME SHOWN USING A
DIGITAL SIGNATURE. PRINTED COPIES OF THIS DOCUMENT
ARE NOT CONSIDERED SIGNED AND SEALED AND THE
SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

REVISIONS		BY	DATE
		BRP	08/15/21



Sunshine 811

TANNATH DESIGN, INC.
2494 ROSE SPRING DRIVE
ORLANDO, FLORIDA 32825
(407) 982-9878
www.tannathdesign.com
FL CERT. OF AUTH. #27199



DEMOLITION PLAN

COCOA STORAGE

3633 & 3635 NORTH HIGHWAY US 1

COCOA, FLORIDA

DATE	08/02/21
SCALE	1"=30'
DRAWN-BY	DDP
PROJECT NUMBER:	082-005
C-1.0	
SHEET NO.	





Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.11.

11/15/2021

Subject:

Board Direction, Re: Combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning & Zoning Board / Local Planning Agency make a recommendation to the Board of County Commissioners to combine the P&Z Board meetings and LPA meetings into one meeting per month and approve the attached schedule(s).

Summary Explanation and Background:

The Planning and Zoning Board (P&Z) typically meets the 2nd Monday of the month, and the Local Planning Agency (LPA) typically meets the 4th Monday of the month. There are no apparent legal requirements for these boards to conduct separate meetings. In many cases, they switch from the P&Z board to the LPA during the same meeting when hearing Small-Scale Comprehensive Plan Amendments with associated rezoning applications.

The combination of the two meetings into one monthly meeting seems to provide the opportunity for many benefits. One monthly meeting would allow for a more efficient use of P&Z/LPA members, applicants, and staff time. The more efficient use of the members' time may improve meeting attendance. In addition, one monthly meeting may help Commissioners find volunteers to serve. It will increase turnaround time for preparing BCC agenda after the LPA meeting which currently is less than 5 days.

Since Section 62- 151 requires the LPA's recommendation to the Board of County Commissioners for code changes and Comprehensive Plan Amendments, the change will cause some internal scheduling adjustments for staff taking these items through the legislative process.

The proposed P&Z/LPA meeting schedule, if approved, would generally be the second Monday of the month. The month of May 2022 would need to remain as separate P&Z and LPA meetings.

Board of County Commission approval to amend the meeting schedule is required by Section 62-184(b) of the Zoning Code.

Clerk to the Board Instructions:

None

Sec. 62-151. - Designation and establishment.

Pursuant to and in accordance with the provisions of F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), the Local Government Comprehensive Planning and Land Development Regulation Act, the county planning and zoning board is hereby designated and established as the local planning agency for the unincorporated areas of the county. The county planning and zoning board shall be designated as the local planning agency and shall also perform the responsibilities of the land development regulation commission under F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.).

(Code 1979, § 14-3)

State Law reference— Functions of land development regulation commission, F.S. § 163.3194(2).

Sec. 62-152. - Powers and duties; meetings; organization and funding.

- (a) *Duties.* The local planning agency, in accordance with the provisions of F.S. ch. 163, shall:
 - (1) Assume the general responsibility for the conduct of the comprehensive planning program and the preparation of the comprehensive plan for the county.
 - (2) Coordinate the comprehensive plan of the county or elements or portions thereof with the comprehensive plans of other local governments and the state.
 - (3) Recommend the comprehensive plan of the county or elements or portions thereof to the board of county commissioners for adoption.
 - (4) Monitor and oversee the effectiveness and status of the comprehensive plan of the county and recommend to the board of county commissioners such changes in the comprehensive plan as may from time to time be required.
 - (5) Perform the responsibilities for the land development regulation commission as provided in F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.).
 - (6) Hear appeals of administrative decisions or interpretations of the county comprehensive plan and presentation of claims of regulatory taking or abrogation of vested rights.
- (b) *Designation of agency or person to prepare comprehensive plan.* The board of county commissioners, in cooperation with the local planning agency, may designate any agency, department, committee or person to prepare the comprehensive plan for the county, or any element thereof, under the supervision and direction of the local planning agency.
- (c) *Organization; rules and procedures.* The initial and subsequent members of the local planning agency shall be appointed, shall select their officers and shall follow such rules and procedures as established for the county planning and zoning board or as established by any subsequent resolution or ordinance adopted from time to time by the board of county commissioners.
- (d) *Meetings and records to be public.* All meetings of the local planning agency shall be open to the public, and all records of such agency shall be public records.
- (e) *Funding.* The board of county commissioners shall appropriate funds at its discretion for salaries of staff, fees and expenses necessary in the conduct of the work of the local planning agency, and also establish a schedule of fees to be charged by the agency.

(Code 1979, § 14-4)

DIVISION 3. - PLANNING AND ZONING BOARD^[2]

Footnotes:

--- (2) ---

Cross reference— *Boards, commissions and authorities, § 2-156 et seq.*

Sec. 62-181. - Creation; duties.

There is hereby created the planning and zoning board of the county, which shall also function as the local planning agency and the land development regulation commission. The planning and zoning board shall advise and assist the board of county commissioners on the following matters:

- (1) Applications for amendments to the official zoning map.
- (2) Proposed amendments to this chapter and amendments to or adoption of other ordinances or regulations relating to zoning and land use within the county. Failure of the board of county commissioners to obtain the advice and assistance of the planning and zoning board on such amendment or on such new ordinances or regulations shall not be interpreted or considered to affect the validity of such amendments or ordinances or regulations when adopted.
- (3) Land use plans and other planning documents relating to zoning and land use within the county.
- (4) Interpretations of conflicts within this chapter or conflicts because of the existence of other laws, regulations and ordinances relating to zoning and land use control within the county.
- (5) Such other matters as requested from time to time by the board of county commissioners.

(Code 1979, § 14-20.60(A))

**2022 MEETING SCHEDULE
PLANNING AND ZONING BOARD &
BOARD OF COUNTY COMMISSIONERS**

Applications are accepted by appointment. Please call 321-633-2070 to schedule an appointment.

Please note there are no Planning and Zoning Board meetings in the months of June and December.

Application Deadline by 4:00 p.m.	Planning & Zoning Meeting Date at 3:00 p.m.	County Commission Meeting Date at 5:00 p.m.
November 5, 2021	January 10, 2022	February 3, 2022
December 3, 2021	February 14, 2022	March 3, 2022
January 7, 2022	March 14, 2022	April 7, 2022
February 4, 2022	April 18, 2022	May 5, 2022
March 4, 2022	May 9, 2022	May 26, 2022
May 6, 2022	July 18, 2022	August 4, 2022
June 3, 2022	August 15, 2022	September 1, 2022
July 1, 2022	September 12, 2022	October 6, 2022
August 5, 2022	October 17, 2022	November 3, 2022
September 2, 2022	November 14, 2022	December 1, 2022
November 4, 2022	January 9, 2023	February 2, 2023

Applications for the PUD (Planned Unit Development) zoning classification may be subject to different meeting dates than those above.

Both the Planning and Zoning meetings and the County Commission meetings are held at the following location:

Brevard County Government Center
2725 Judge Fran Jamieson Way
Building C, Commission Room
Viera, Florida

Please note that all dates are subject to change without prior notice.

Board of County Commission dates approved on November 9, 2021.

2022 LOCAL PLANNING AGENCY MEETING SCHEDULE

Please note there are no Local Planning Agency meetings in the months of June and December.

County Attorney Deadline	Materials Submission Deadline	Local Planning Agency Meeting at 3:00 p.m.
December 14, 2021	December 22, 2022	January 10, 2022
January 18, 2022	January 26, 2022	February 14, 2022
February 15, 2022	February 23, 2022	March 14, 2022
March 22, 2022	March 30, 2022	April 18, 2022
April 26, 2022	May 4, 2022	May 23, 2022
June 21, 2022	June 29, 2022	July 18, 2022
July 19, 2022	July 27, 2022	August 15, 2022
August 16, 2022	August 24, 2022	September 12, 2022
September 27, 2022	October 5, 2022	October 17, 2022
September 20, 2022	September 28, 2022	November 14, 2022

The Local Planning Agency meetings are held at the following location:

Brevard County Government Center
2725 Judge Fran Jamieson Way
Building C, Commission Room
Viera, Florida

Please note that all dates are subject to change without prior notice.