



Planning and Zoning Board / Local Planning Agency

Brevard County Government Center

2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

Agenda

Monday, September 21, 2020

**The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.**

**Call To Order**

**Approval of Minutes - August 24, 2020**

**H. Public Hearings**

- H.1.** Brevard Medical City, LLC, requests Adoption of the 2019-2.2 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Planned Industrial to Community Commercial. (19PZ00086) (District 4)
- H.2.** Brevard Medical City, LLC; Brevard Medical City Owners Association, Inc.; and Chateau Madeleine, LLC, requests a change of zoning classification from PUD and PIP to all PUD with retention of CUP for alcoholic beverages (full liquor) at an ALF (Assisted Living Facility) with waiver request for building separation between existing and proposed ALF expansion.

**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.



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.1.

9/21/2020

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### Subject:

Brevard Medical City, LLC, requests Adoption of the 2019-2.2 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Planned Industrial to Community Commercial. (19PZ00086) (District 4)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Local Planning Agency conduct a public hearing to consider adoption of the 2019-2.2 Large Scale Comprehensive Plan Amendment for Brevard Medical City, LLC, to change the Future Land Use designation from Planned Industrial to Community Commercial.

### Summary Explanation and Background:

The proposed amendment is seeking to change the Comprehensive Plan from PI (Planned Industrial) to CC (Community Commercial) on 14.12 acres of land located on the east side of N. Wickham Road, approximately 748 feet north of Jordan Blass Boulevard. The applicant originally requested the Future Land Use Amendment on 16.329 acres of land, but has reduced the request to 14.12 acres, a reduction of 2.209 acres. The applicant has also applied for a change of zoning classification from PIP (Planned Industrial Park), and PUD (Planned Unit Development) to all PUD.

Of the comment letters received from the St. Johns River Water Management District, Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, and the Florida Department of Transportation, only FDOT had comments:

1. The Department recommends Brevard County include the proposed development program in the final Comprehensive Plan Amendment Ordinance to minimize potential impacts of the proposed amendment to State facilities.
2. The Department recommends Brevard County request that the applicant provide a Traffic Impact Analysis as part of the identified PUD request and coordinate with the Department in order to identify appropriate mitigation strategies to address potential impacts to State facilities.

The applicant discussed submitting a preliminary development plan with FDOT and the owner has agreed to the restrictions set forth in the PDP submitted with the PUD zoning request.

The companion PUD request will limit the development to a 152-unit Assisted Living Facility and a 100-bed Independent Living Facility.

On September 9, 2019, the Local Planning Agency recommended approval of the Large Scale Comprehensive Plan Amendment transmittal to the Board of County Commissioners, and on October 3, 2019, the Board of County Commissioners approved the transmittal to the Department of Economic Opportunity.

The Board may wish to consider the compatibility of the requested CC Future Land Use Amendment with the surrounding land uses with the inclusion of a PUD to limit development potential.

The Board of County Commissioners will consider the request on Thursday, October 1, 2020, at 5:00 p.m. The meeting will be located at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1<sup>st</sup> Floor, Commission Room, Viera.

### **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.

**ADDENDUM TO STAFF COMMENTS**  
**August 26, 2020**

**19PZ00086**

**Commission District      # 4**

**Hearing Dates:            LPA   09/21/20**  
**BCC   10/01/20**

**Owner Name:                Brevard Medical City, LLC**

**Request:                      Future Land Use Amendment request from Planned Industrial (PI) to Community Commercial (CC)**

**Subject Property:**

**Parcel ID#   26-36-13-00-767, 26-36-13-00-767.XC and a portion of 26-36-13-00-767.XA**

**Tax Acct.#   2632155, 3014505 and a portion of 3012173**

**Location:   The subject parcel is located on the east side of North Wickham Road just south of Pineda Court and is bound by the Florida East Coast (FEC) Railway to the east**

**Acreage:   14.12 acres**

**Background & Purpose of Request**

The applicant was originally requesting a Future Land Use Amendment on 16.329 acres of land from Planned Industrial (PI) to Community Commercial (CC). The applicant has since requested a Zoning change from Planned Industrial Park (PIP), and Planned Unit Development (PUD) to all PUD. The applicant has reduced the Future Land Use Amendment request from 16.329 acres to 14.12 acres, a reduction of 2.209 acres.

On September 9, 2019, the Local Planning Agency (LPA) approved this Large Scale Comprehensive Plan Amendment (LSCPA) for transmittal to the Department of Economic Opportunity (DEO). On October 3, 2019, the Brevard Board of County Commissioners (BCC) approved this LSCPA of 16.329 acres from PI to CC for transmittal to DEO.

Brevard County Staff received a letter from DEO on November 15, 2019 stating they had no comments with the exception that the Adoption public hearings be held within 180 days of the County's receipt of agency comments or the amendment shall be deemed withdrawn

unless extended by agreement with notice to DEO and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

County Staff received comment letters from St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Protection (DEP), Florida Fish and Wildlife Conservation Commission (FWC) and Florida Department of Transportation (FDOT) between October 30 through November 12, 2019. The above listed agencies had no comments with the exception of FDOT (see below):

1) The Department recommends Brevard County include the proposed development program in the final Comprehensive Plan Amendment Ordinance to minimize potential impacts of the proposed amendment to State facilities.

2) The Department recommends Brevard County request that the applicant provide a Traffic Impact Analysis (TIA) as part of the identified Planned Unit Development (PUD) request, and coordinate with the Department in order to identify appropriate mitigation strategies to address potential impacts to State Facilities.

The applicant discussed submitting a preliminary development plan (PDP) with FDOT and the owner has agreed to the restrictions set forth in the PDP submitted with the PUD Zoning change request. (See attached)

At the applicant's request, on April 17, 2020, DEO approved a one hundred eighty (180) day extension for the Adoption public hearings and final transmission to DEO extending the deadline from May 9, 2020 to November 5, 2020.

The Zoning change request from PIP and PUD to all PUD is accompanying the Adoption public hearings to be held on September 21, 2020 by the LPA and October 1, 2020 by the BCC. The Zoning change request is for 16.329 acres which includes a 2.21 acre parcel to the north with a Neighborhood Commercial (NC) Future Land Use designation that remains consistent with the requested PUD Zoning change request. The companion PUD request will limit the development to a one hundred fifty-two (152) unit Assisted Living Facility (ALF) and a one hundred (100) bed Independent Living Facility (ILF).

The proposed amendment to the Future Land Use from PI to CC has been reduced from 16.329 acres to 14.14 acres. This reduction of 2.209 acres reduces the Average Daily Trips (ADT) by 81,178, trips from 601,222 to 583,044 ADT (Based upon a Floor Area Ratio (FAR) of 1, for property with a Future Land Use designation of CC).

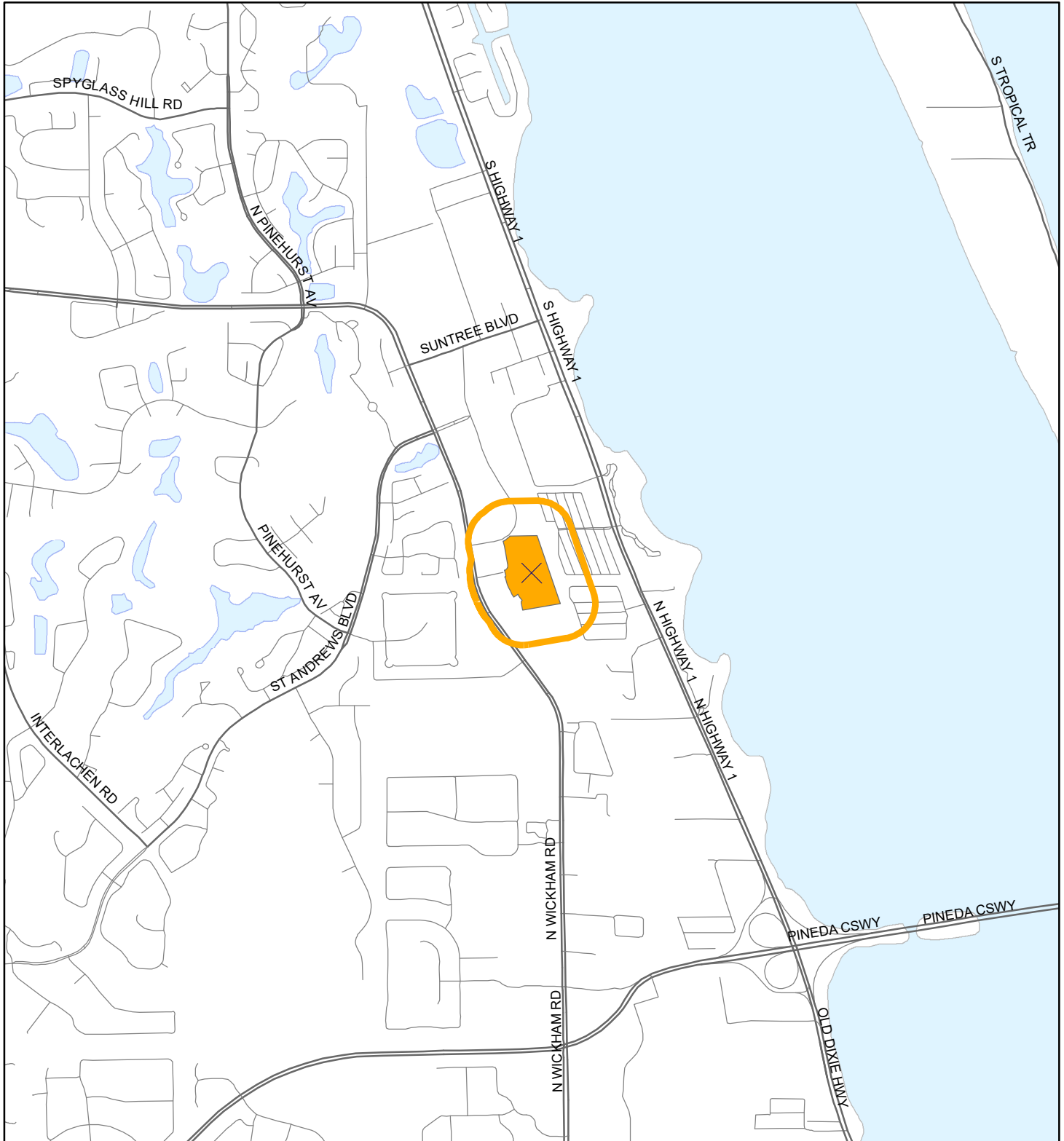
### **For Board Consideration**

The Board may wish to consider the compatibility of the requested CC Future Land Use Amendment with the surrounding land uses with the inclusion of a PUD to limit development potential.



# LOCATION MAP

Comprehensive Plan Amendment 2019-2.2  
Brevard Medical City 19PZ00086



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

Buffer Distance: 500 feet

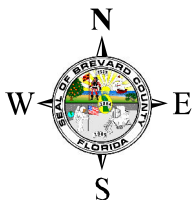
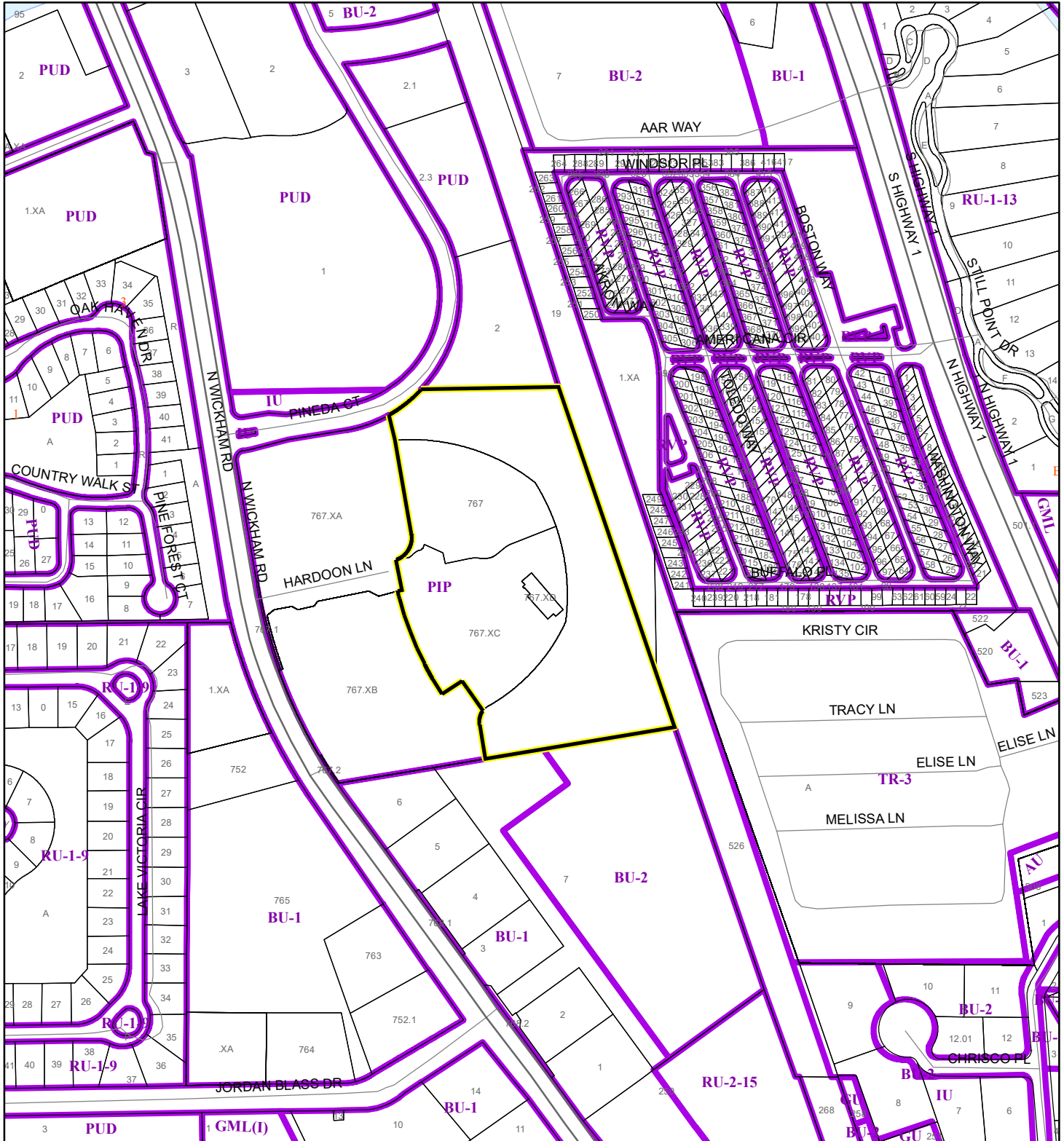
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/3/2020

— Buffer  
— Subject Property

# ZONING MAP

Comprehensive Plan Amendment 2019-2.2  
Brevard Medical City 19PZ00086



1:4,800 or 1 inch = 400 feet

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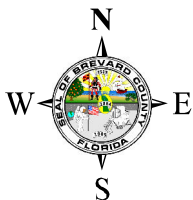
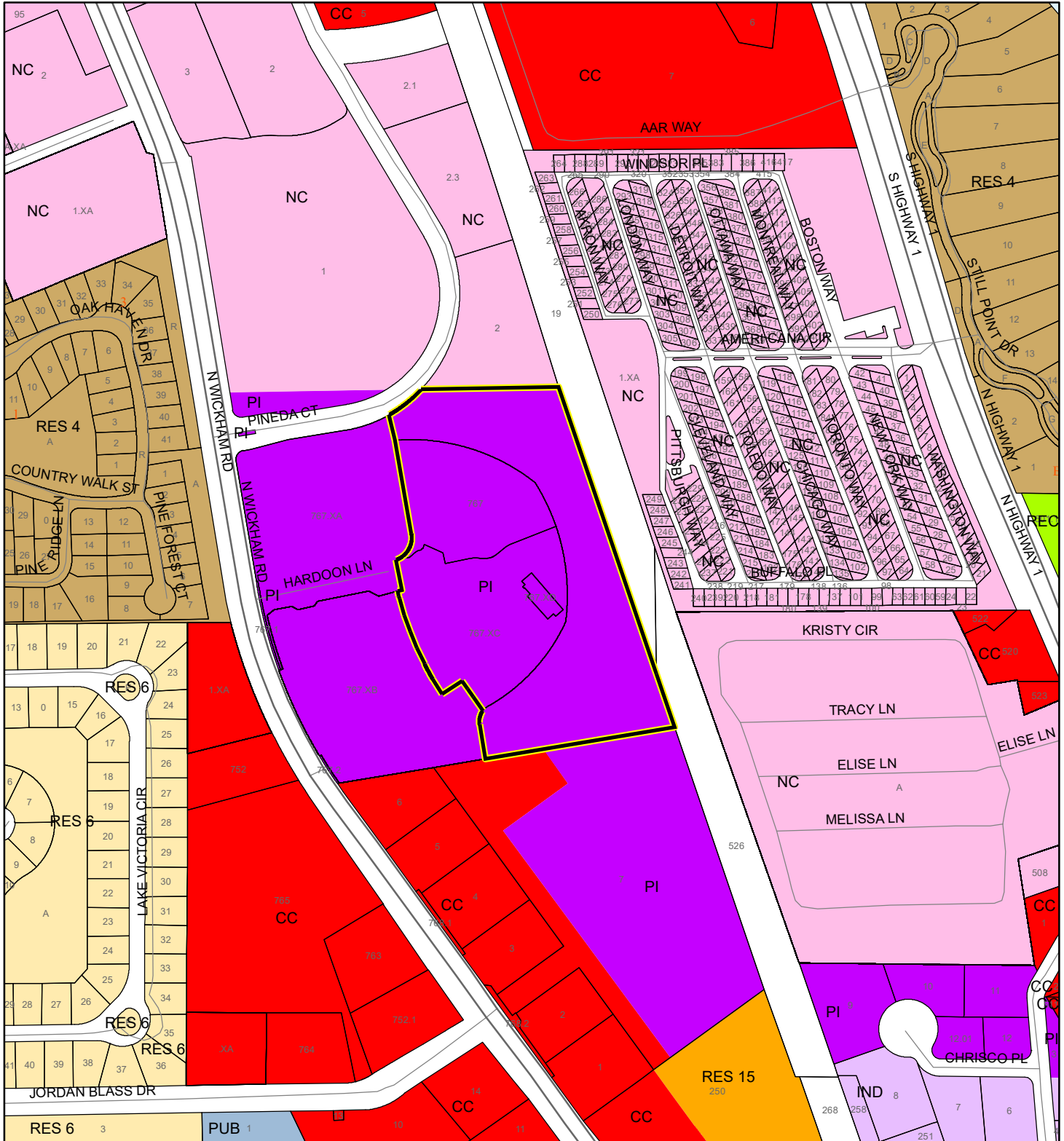
Produced by BoCC - GIS Date: 8/3/2020

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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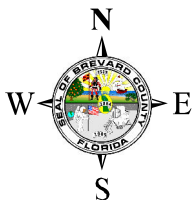
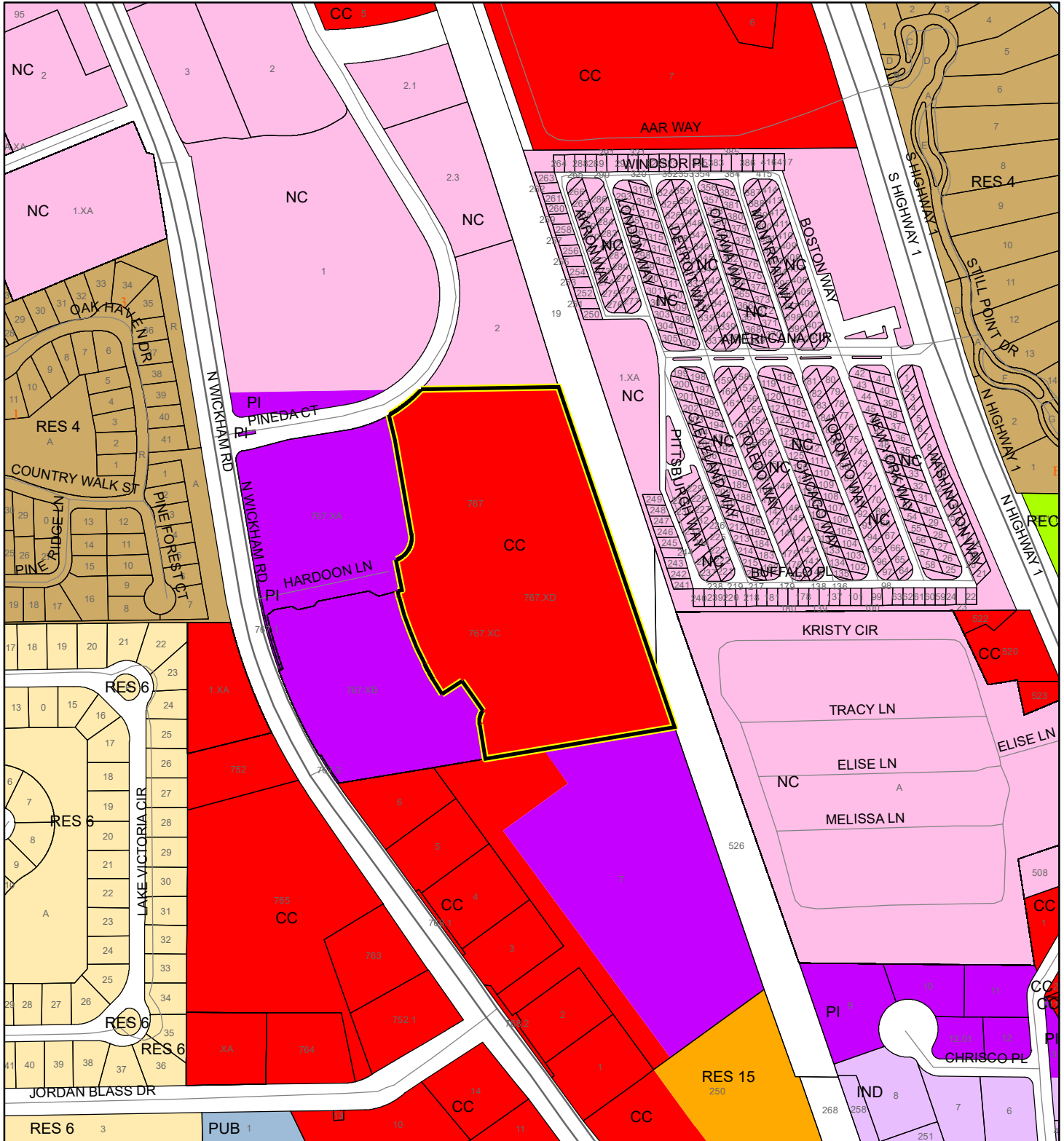
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# PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

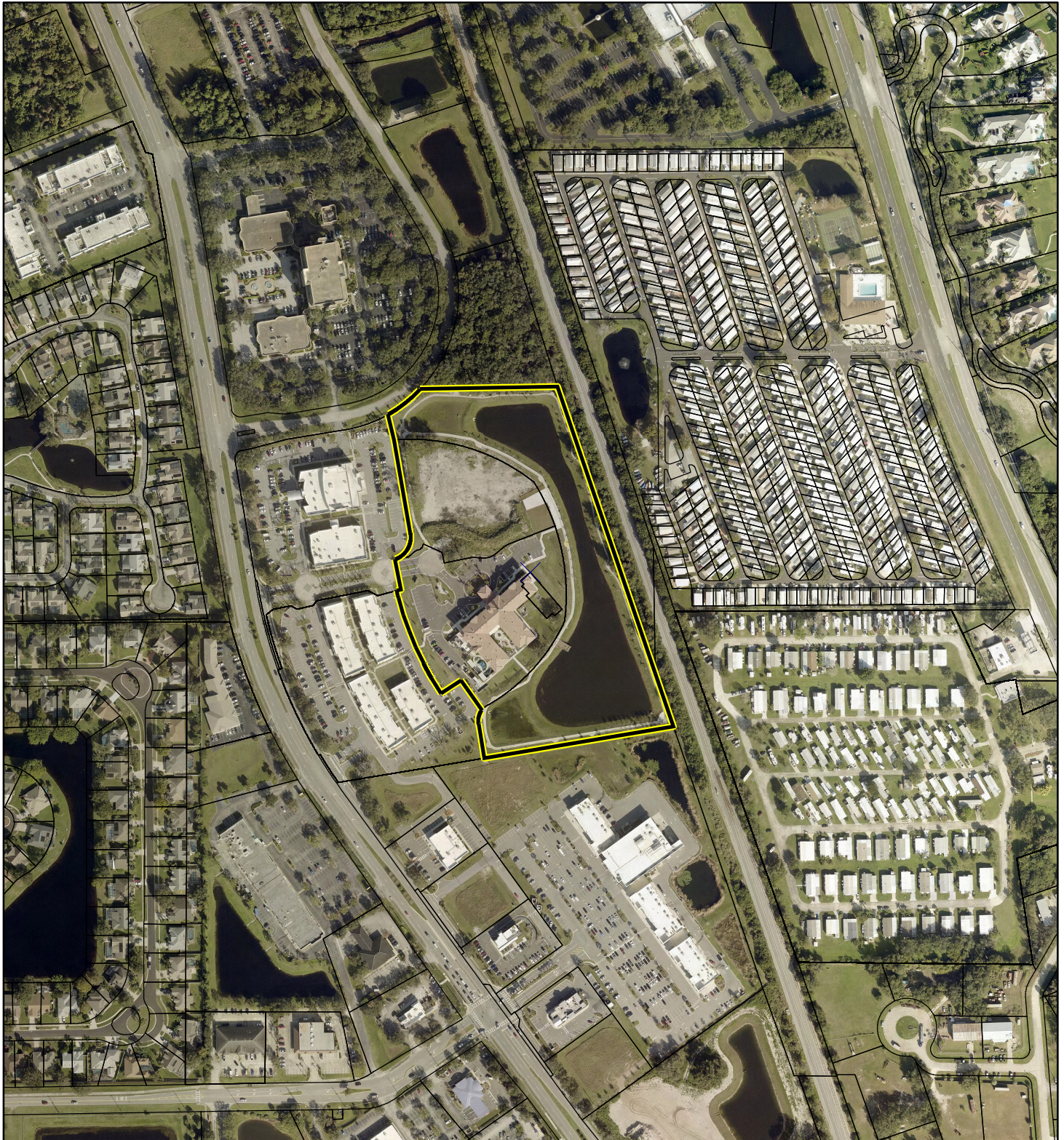
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Produced by BoCC - GIS Date: 8/3/2020



# AERIAL MAP

Comprehensive Plan Amendment 2019-2.2  
Brevard Medical City 19PZ00086





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

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.

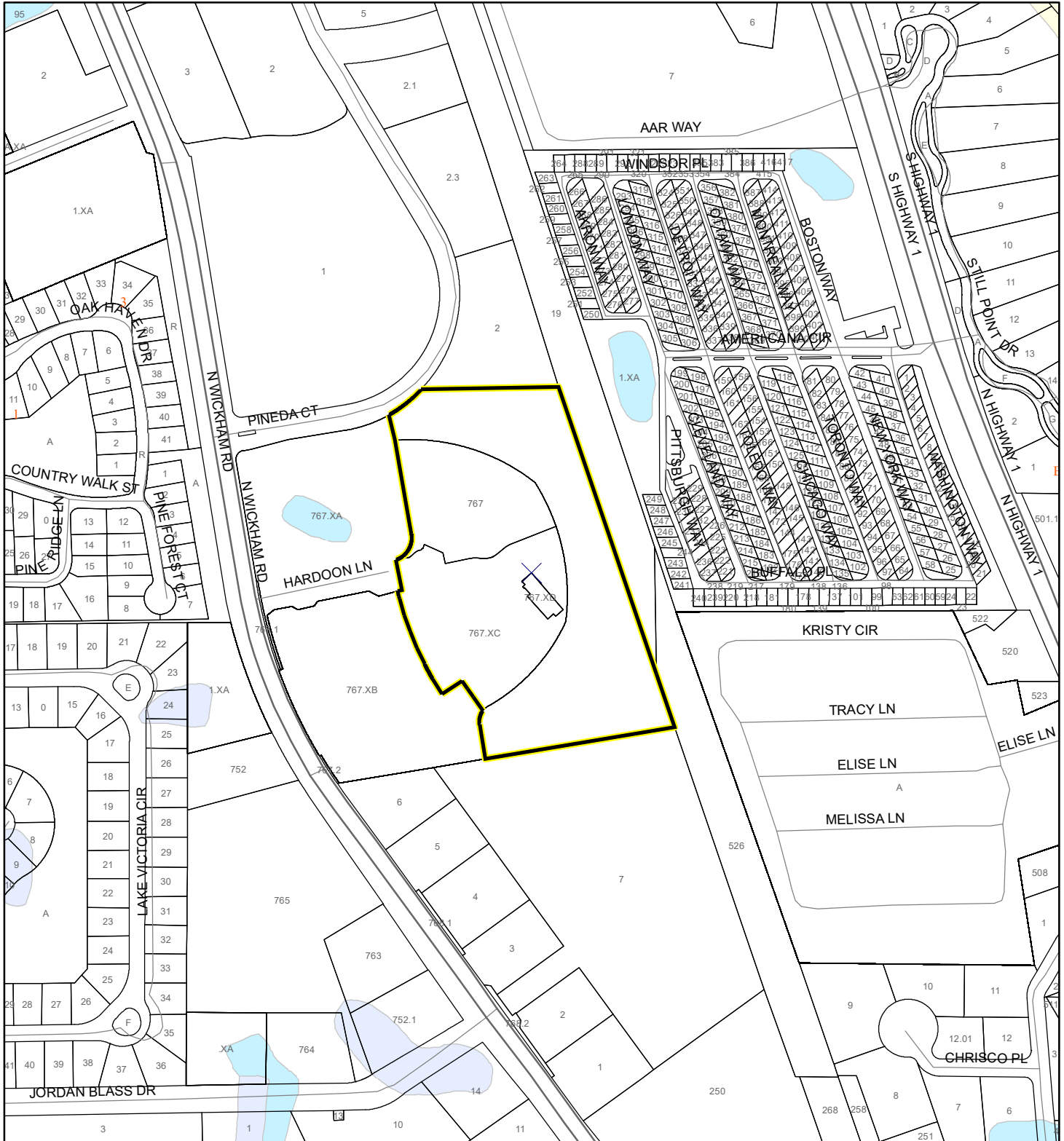
Produced by BoCC - GIS Date: 8/3/2020

 Subject Property  
 Parcels



# NWI WETLANDS MAP

Comprehensive Plan Amendment 2019-2.2  
Brevard Medical City 19PZ00086



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: 8/3/2020

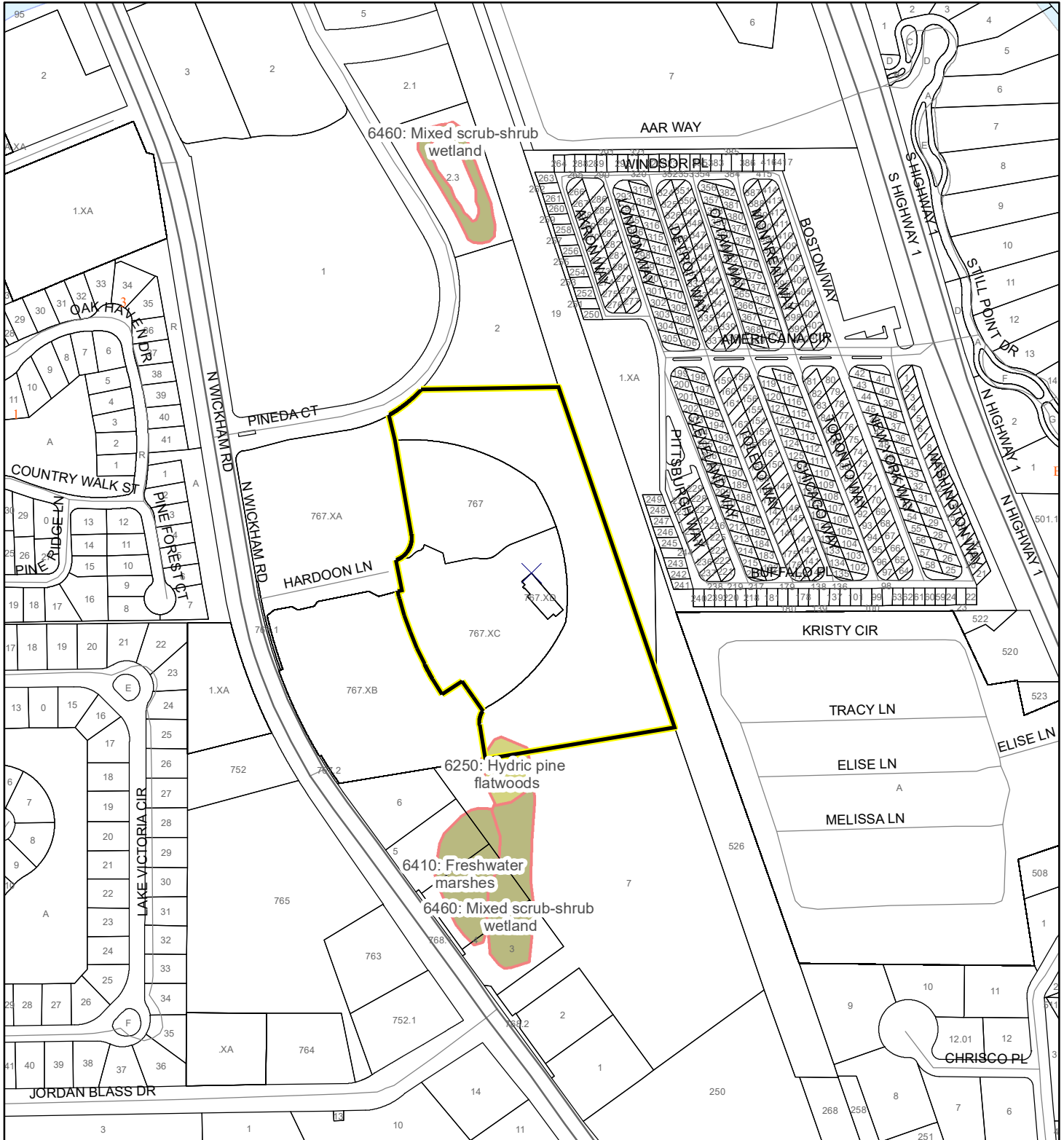
## National Wetlands Inventory (NWI)

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

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



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: 8/3/2020

## 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

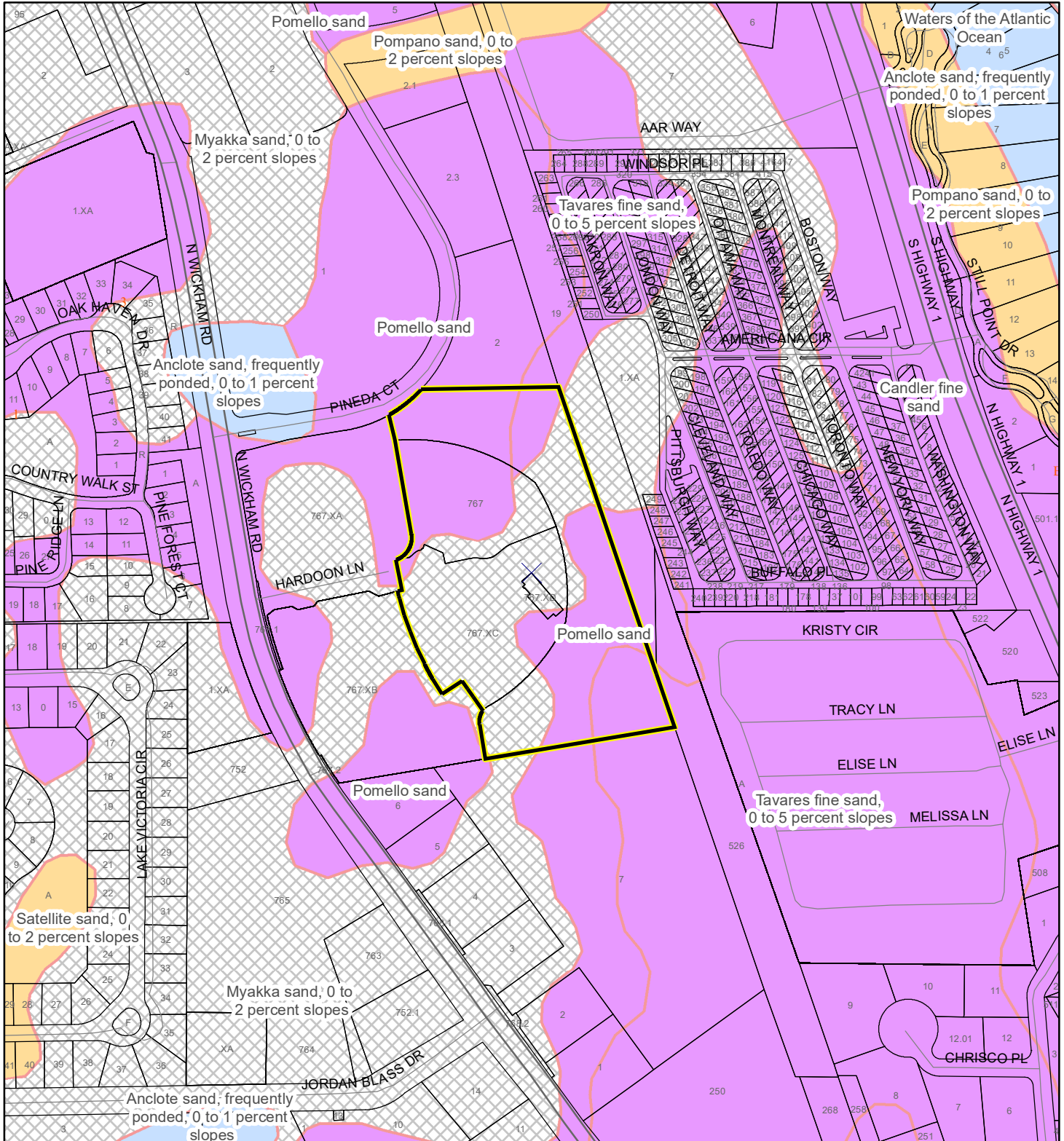
Subject Property

Parcels

# USDA SCSSS SOILS MAP

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



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: 8/3/2020

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

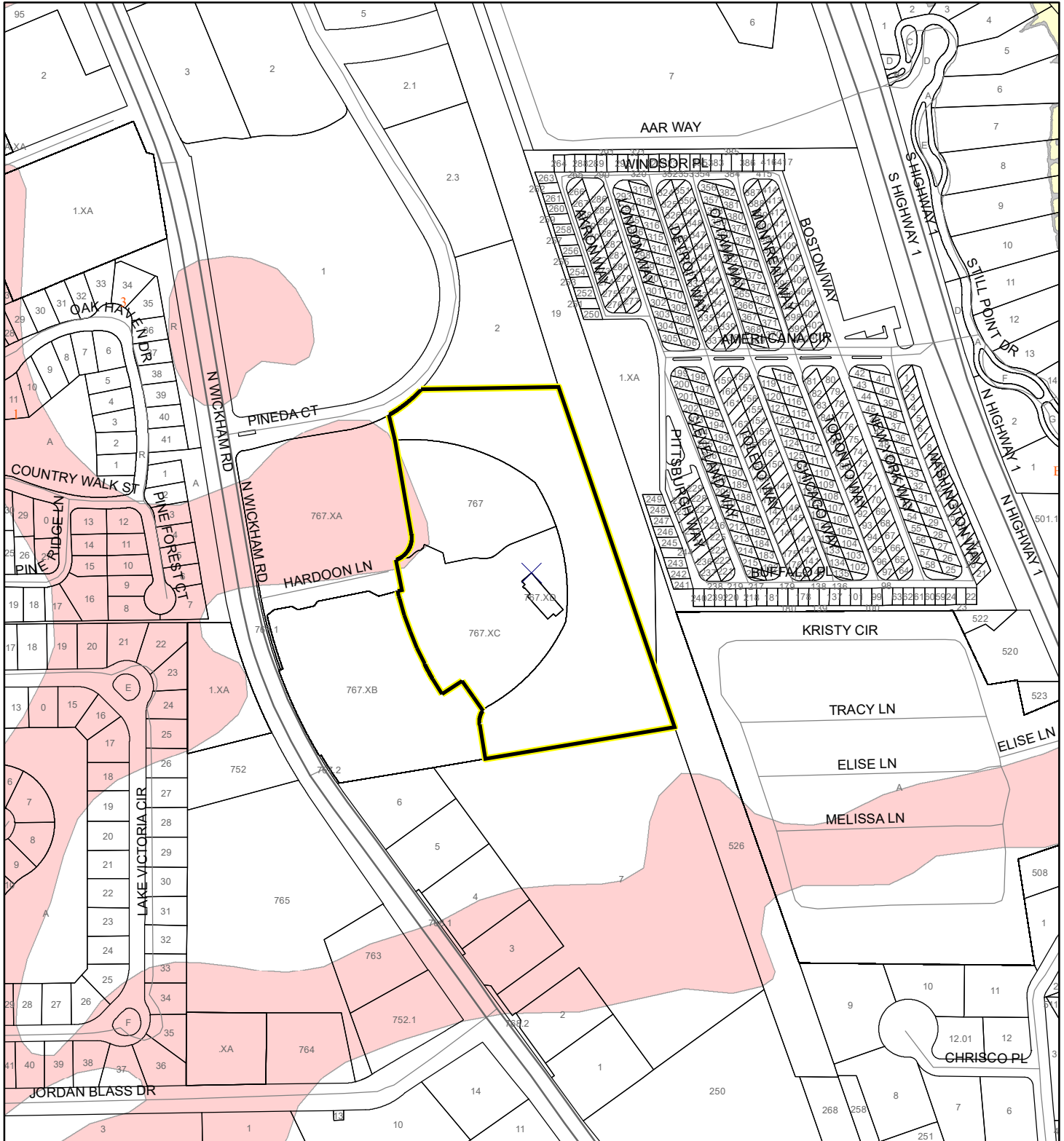
Parcels



# FEMA FLOOD ZONES MAP

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



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: 8/3/2020

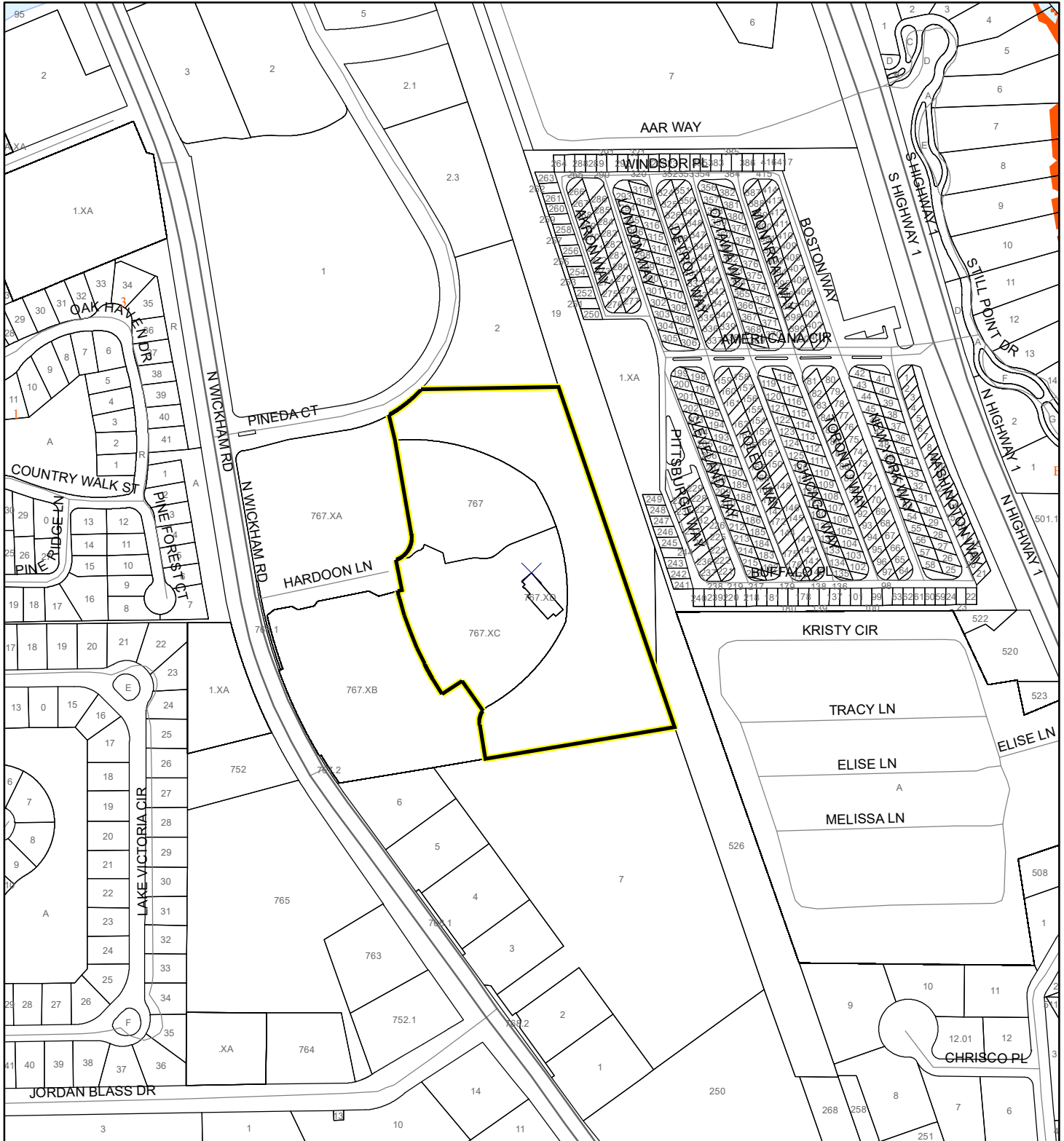
## FEMA Flood Zones

- |                                                             |            |                      |
|-------------------------------------------------------------|------------|----------------------|
| A                                                           | AO         | X                    |
| AE                                                          | Open Water | X Protected By Levee |
| AH                                                          | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property                                            |            | Parcels              |

# COASTAL HIGH HAZARD AREA MAP

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/3/2020

 Subject Property

 Parcels

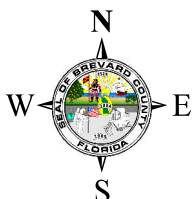
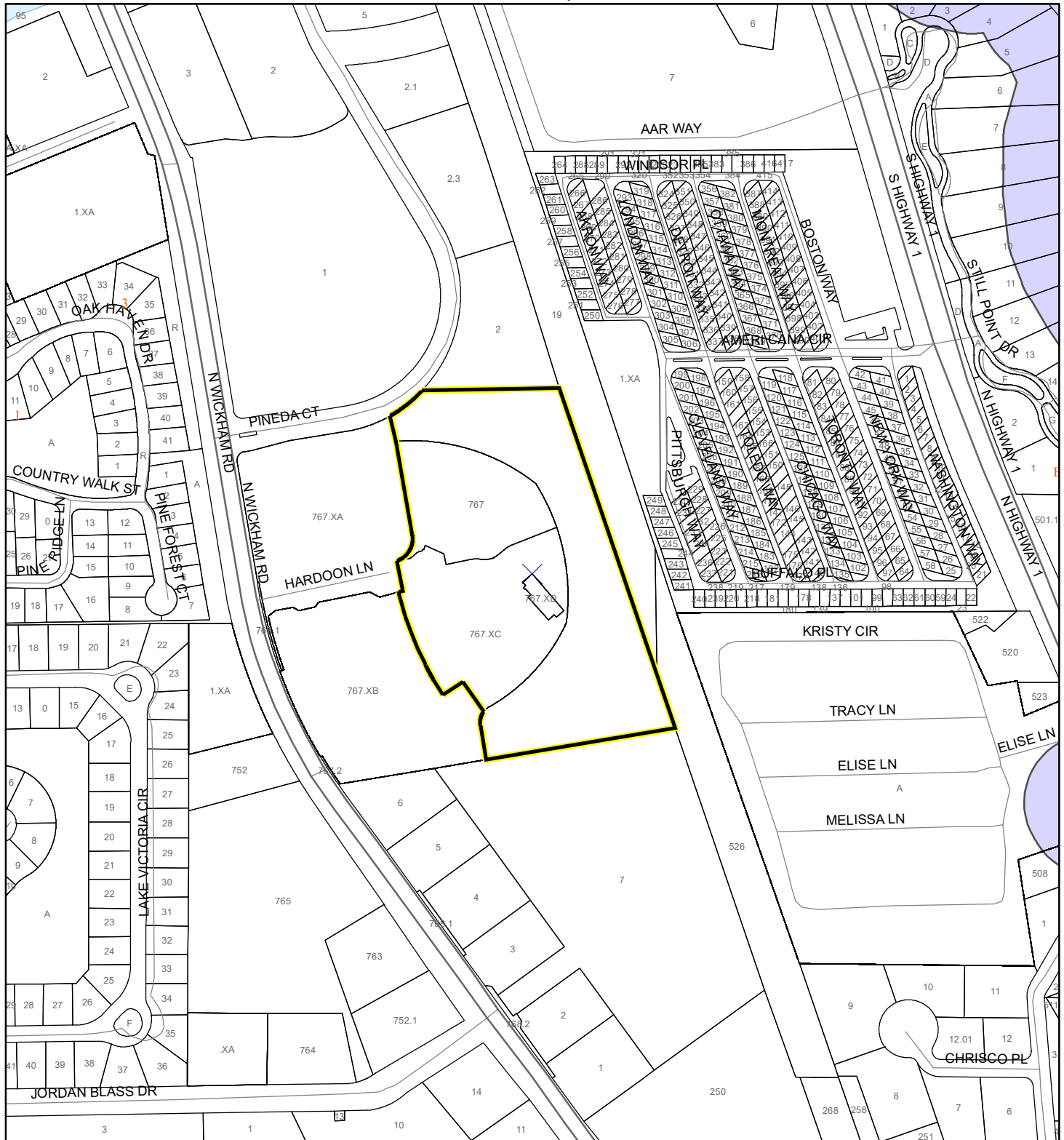
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/3/2020

 Subject Property

 Parcels

**Septic Overlay**

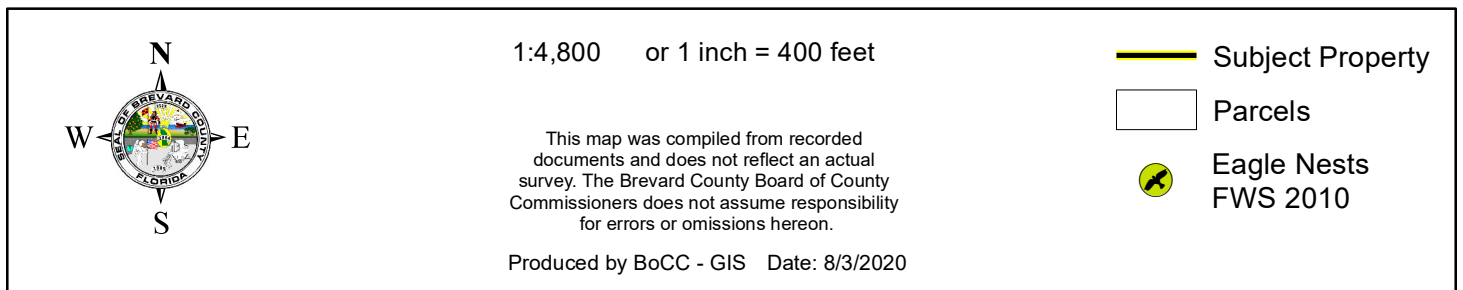
 40 Meters

 60 Meters

 All Distances

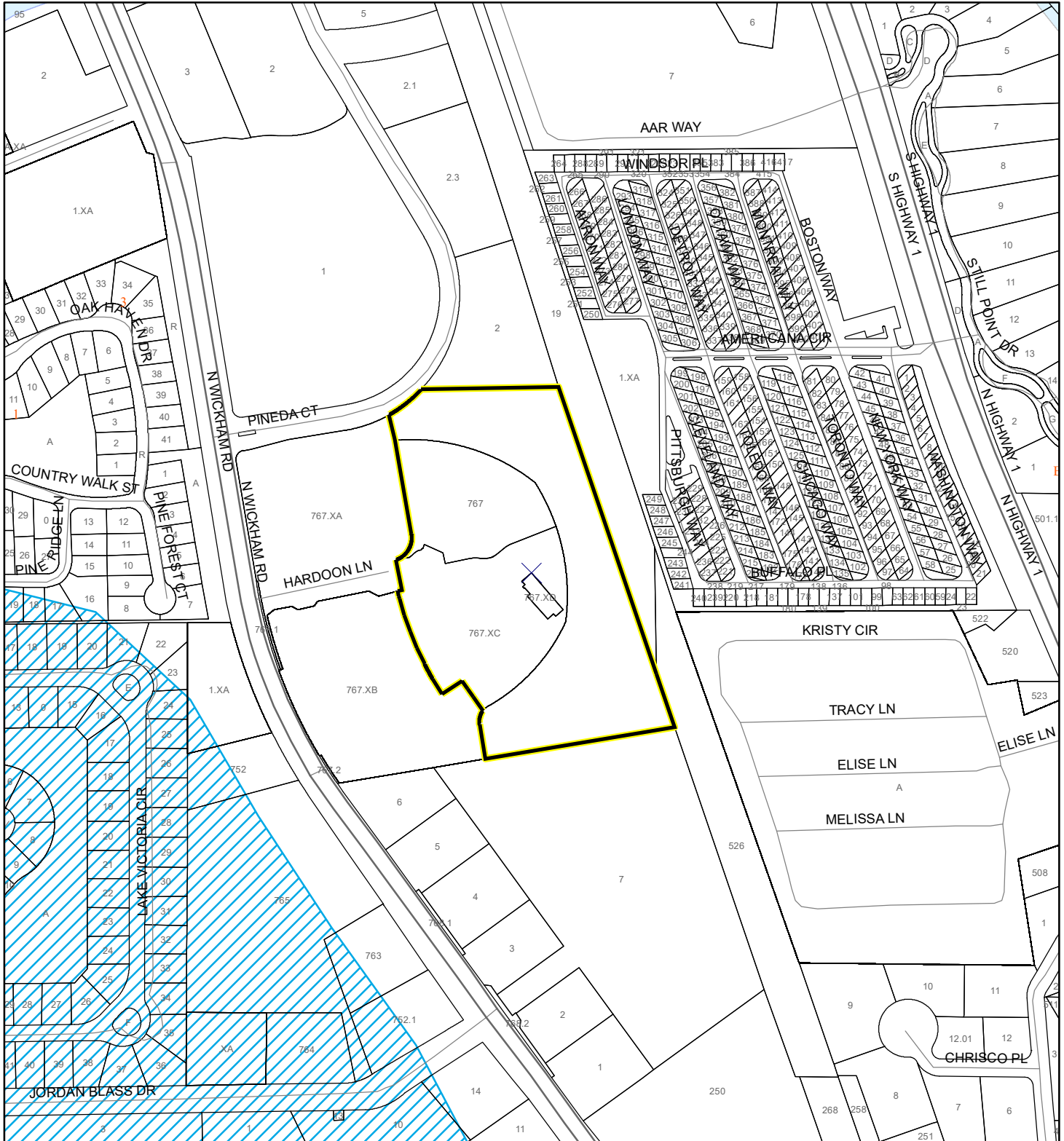


Comprehensive Plan Amendment 2019-2.2  
Brevard Medical City 19PZ00086



# SCRUB JAY OCCUPANCY MAP

Comprehensive Plan Amendment 2019-2.2  
Brevard Medical City 19PZ00086



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.

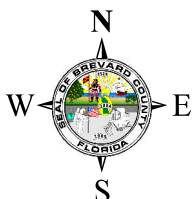
Produced by BoCC - GIS Date: 8/3/2020

- Subject Property
- Parcels
- Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Comprehensive Plan Amendment 2019-2.2

Brevard Medical City 19PZ00086



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: 8/3/2020

## 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.2.

9/21/2020

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### Subject:

Brevard Medical City, LLC; Brevard Medical City Owners Association, Inc.; and Chateau Madeleine, LLC, requests a change of zoning classification from PUD and PIP to all PUD with retention of CUP for alcoholic beverages (full liquor) at an ALF (Assisted Living Facility) with waiver request for building separation between existing and proposed ALF expansion.

### 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 PUD and PIP to all PUD with retention of CUP for alcoholic beverages (full liquor) at an ALF (Assisted Living Facility) with waiver request for building separation between existing and proposed ALF expansion.

### Summary Explanation and Background:

The applicant is requesting a change of zoning classification from PUD (Planned Unit Development) and PIP (Planned Industrial Park) to all PUD with the retention of the existing full-liquor CUP for alcoholic beverages accessory to a 96-bed ALF. Secondly, the applicant requests a waiver to the building separation distance required between the existing ALF and the proposed ALF addition. Thirdly, the applicant requests to expand the ALF to a total of 152-units and to add a 12-story 121.5-foot tall 100-bed Independent Living Facility (ILF) use with recreational amenities to this site. The ILF use is not permitted in the existing PIP zoning classification nor is it allowed in the BU-1 or BU-2 zoning classifications.

The current PIP and PUD zoning classifications permits a variety of commercial, retail, office and medical office uses. The PUD portion is currently vacant. The portion of the property zoned PIP has a 96-bed Assisted Living Facility and a CUP for alcoholic beverages.

The Planned Unit Development (PUD) encourages and permits variations in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one of the residential zoning classifications. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial, and institutional land uses.

The developed character of the surrounding area is commercial. The abutting parcel to the west is zoned PIP

and is part of Brevard Medical City; the parcels to the north are zoned PUD; the abutting parcel to the south is zoned BU-2; and the parcels to the east are developed as recreational vehicle and mobile home parks.

The Board may wish to consider whether the proposed development is consistent and compatible with the surrounding area, and if any additional considerations are necessary to mitigate potential impacts. The Board may also wish to consider additional tree canopy preservation or determine if additional visual buffering should be required to enhance the compatibility of this project with the surrounding area.

The Board of County Commissioners will consider the request on Thursday, October 1, 2020, at 5:00 p.m. The meeting will be located at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1<sup>st</sup> Floor, Commission Room, Viera.

**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

20Z00014

**Brevard Medical City LLC, Brevard Medical City Owners Association, Inc.  
and Chateau Madeleine, LLC**

**PUD and PIP to all PUD with retention of the CUP for alcoholic beverages (full-liquor) at an  
Assisted Living Facility (ALF) with waiver request for building separation between existing  
and proposed ALF expansion**

Tax Account Number: 3012171, 2603505, 2632155, 3014504 and 3014506  
Parcel I.D.: 26-36-13-00-767, 767.A, 767.Y, 767.Z and 26-36-13-77-2  
Location: South side of Pineda Court 460 feet east of Wickham Road (District 4)  
Acreage: 16.329 acres

Planning and Zoning Board: 09/21/2020  
Board of County Commissioners: 10/01/2020

### 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
<b>Zoning</b>	PUD and PIP with CUP for alcoholic beverages	PUD to provide for ALF and ILF uses and to retain existing CUP
<b>Potential*</b>	PUD – 72,200 square feet PIP – 221,409 square feet	56-unit ALF expansion and proposal of a 100-unit ILF
<b>Can be Considered under the Future Land Use Map</b>	Yes PUD - Neighborhood Commercial PIP - Planned Industrial	Yes** Neighborhood Commercial Community Commercial

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*Future Land Use request from Planned Industrial to Community Commercial is pending under **19PZ00086**. Approval of the LSCPA will allow the PUD request to be heard.



## Background and Purpose of Request

The applicant is requesting a change of zoning classification from PUD (Planned Unit Development) and PIP (Planned Industrial Park) to all PUD with the retention of the existing full-liquor CUP for alcoholic beverages accessory to a 96-bed ALF. Secondly, the applicant requests a waiver to the building separation distance required between the existing ALF and the proposed ALF addition. Thirdly, the applicant requests to expand the ALF to a total of 152-units and to add a 12-story 121.5-foot tall 100-bed Independent Living Facility (ILF) use with recreational amenities to this site. The ILF use is not permitted in the existing PIP zoning classification nor is it allowed in the BU-1 or BU-2 zoning classifications.

The subject parcel contains two zoning classifications. It received its PUD zoning on December 4, 1975 under **Z-3989** as part of Tract # 101 of the Suntree PUD. The designated use of this tract was for multi-family use allowing development density up to 15 units per acre. This portion was later rezoned under zoning action **Z-6806** and designated as Tract # 65. Tract # 65 contains BU-1 commercial uses. **Z-6806** was approved by the Board on August 9, 1984. That portion of the site is currently vacant.

The portion of the site zoned PIP was adopted on January 22, 1990 under **Z-8534(A)**. This action changed the zoning from IU zoning to PIP with a height limitation of 67 feet.

Subsequent action, **Z-10817(9)** removed the approval of the additional height allowance adopted on May 22, 2003.

**19PZ00004** adopted April 4, 2019 allowed full-liquor use to be added to the ALF site under the limitation that it would be permitted only in the dining areas, lounge, courtyard and residences.

## Land Use

The subject property contains two FLU designations – Planned Industrial (PI) and Neighborhood Commercial (NC). There is a Large-scale Comprehensive Plan Amendment request in review (**19PZ00086**) to change the Planned Industrial (PI) designation to Community Commercial (CC). If the FLU amendment is approved, the PUD request would be consistent with both the NC and CC FLU designations.

## Environmental Constraints

The proposed PUD, specifically parcel with tax account number 2603505, contains 100% forested, mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees (Coastal Temperate Hammock). The hammock forest is unique and experiencing loss rate in the area. Per Section HW3.5 of the Action Plan Matrix of the East Central Florida Regional Resiliency Action Plan, adopted by Brevard County on March 26, 2019, the applicant is encouraged to seek a design layout that integrates the hammock, and the PUD uses (Assisted and Independent Living Facilities) with Low Impact Development toward the goal of sustainable practices for health and well-being. Please refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. 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 Wickham Road, between Jordan Blass to St. Andrew, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 47.41% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.76%. With the maximum development potential from the proposed rezoning, the corridor is anticipated to operate at 46.65% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the project is for uses limited to the 55+ age community for Independent Living and Assisted Living needs.

The parcels are serviced potable water by the City of Cocoa. Sewer is provided by Brevard County.

## **Applicable Land Use Policies**

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 site lies within the Future Land Use (FLU) designations of Planned Industrial and Neighborhood Commercial. The current Land Use designation does not support the institutional use – Independent Living Facility which the owner/applicant desires. The proposed FLUM amendment will change this parcel's FLU from Planned Industrial to Community Commercial. Both the Community Commercial and Neighborhood Commercial FLU designations support either PUD or Institutional zoning requests. The proposed PUD zoning classification which could support this use is not compatible with the PI FLUM; therefore, the owner/applicant proposes to change the FLUM and zoning on this property. The proposed changes to the FLUM and Zoning appear to be consistent with the general commercial land uses in the vicinity.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The subject parcel is a portion of the Brevard Medical City site located at the SE corner of Wickham Road and Pineda Court. This portion lies upon the eastern ½ of the parcel lying between Wickham Road and the FEC railroad tracks. The character of the area is a mixture of commercial and medical office uses within a Planned Industrial Park (PIP). Imperial Plaza, a multi-story commercial building is located to the north of this site. The Fresh Market, a multi-lot commercial shopping center, lies to the south. East of the railroad tracks are the developments known as Ameri-Cana Resorts Co-Op, a recreational vehicle park and Casa Loma Estates Mobile Home Park Co-Op.

## **Surrounding Properties**

The developed character of the surrounding area is commercial. The current PIP and PUD zoning classifications permits a variety of commercial, retail, office and medical office uses. The PUD portion is currently vacant. The portion of the property zoned PIP has a 96-bed Assisted Living Facility and a CUP for alcoholic beverages.

The abutting developed parcel to the west is zoned PIP and is part of Brevard Medical City. Uses in this area include retail, food service and medical offices. The parcels to the north are zoned PUD. The existing uses are a multi-storied commercial development known as Imperial Plaza that provides office and food service uses with the eastern portion of the site being used as a retention pond that lies east of Pineda Court. The abutting parcel to the south is zoned BU-2 and is identified as Pineda Landings. The Pineda Landings shopping center includes multiple parcels for food service, retail and a grocery store. The parcels to the east are developed as recreational vehicle and mobile home parks under the zoned classifications of RVP and TR-3.

PIP is a light industrial zoning classification, allowing light manufacturing within an enclosed building with strict buffering, storage and other requirements.

The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses. BU-2 zoning could also support ALF use but does not support ILF uses.

The 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.

TR-3 zoning is a mobile home park zoning classification.

The Planned Unit Development (PUD) encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification. The purpose of a PUD is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses.

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

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

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

Applicant response: The BMC PUD is of lower density than other CC properties in the area.

*Staff comment:* The character and intensity of the area is mostly for medical office uses. The potential development on this site would generate 283,609 square feet of office/medical office uses which equates to a trip generation of 10,247 daily trips. The existing and proposed ALF and ILF uses only generate a maximum of 750 daily trips.

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

Applicant response: The BMC PUD is planned to fit well into the surrounding neighborhoods.

*Staff comment: The proposed development is a mixed-use development with Assisted Living and Independent Living facilities will complement the existing surrounding uses.*

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

Applicant response: The BMC PUD will be constructed with a modern surface water management system and FDEP NPDES erosion controls.

*Staff comment: Engineering comments were provided to the applicant; further review will be conducted as part of the official site plan submittal.*

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

Applicant response: The BMC PUD will provide all infrastructure, utilities, and common area improvements as required by code. The ILF and ALF will provide educational and recreational opportunities for the residents on and off site. Transportation to shopping and other areas is being provided by the facilities for the residents.

*Staff comment: This PUD proposal provides amenities to its residents which will be aged 55+. Brevard County code requires certain services to be provided to the clients of an ILF facility. The applicant states that the project will meet the needs for ALF and ILF residents as identified in Section 62-1826 & Section 62-1836.5 of Brevard County Code.*

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

Applicant response: The BMC PUD will provide significant open space and improvements to be maintained by the Owner's Association.

*Staff comment: The PDP graphic plan identifies that 4.082 acres (25% of the 16.329-acre site) will be provided for open space. ILF use pursuant to Section 62-1836.5 (6) (e) of Brevard County Code requires 25 % of the site of the ILF to be used for open space. Subsection (e) states: Each facility shall provide for its residents' on-site common recreation needs, both outdoors and indoors. At least 25 percent of the site shall be reserved for usable common open space as defined in section 62-1102. At least 10 square feet per unit of indoor recreation space shall be provided. Common dining areas which are made available for recreation during non-dining hours may constitute up to 50 percent of the indoor requirement, but the remainder shall be comprised of specific areas dedicated to indoor recreation, such as exercise rooms or activities rooms. ALF use does not require open space.*

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

Applicant response: The ALF has existing infrastructure in places and the ILF has connections to

Page 5

roadways and utility infrastructure stubbed out to or adjacent to the property.

*Staff comment: Staff's initial review has commented upon the proposed phasing of the project. Minor modifications have been noted. If approved, comments will be addressed during the formal site plan review.*

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

Applicant response: The BMC PUD has connection to county sanitary sewer and Cocoa potable water utility services.

*Staff comment: A connection to water and sewer facilities are proposed.*

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

Applicant response: The BMC PUD is a low traffic project and has connections to arterial and local streets.

*Staff comment: The preliminary concurrency review indicates there are no anticipated LOS deficiencies.*

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

Applicant response: The benefit to the development and the public by the PUD versus standard land use requirements lies in the space utilization of common infrastructure and the symbiotic relationship of the PUD with surrounding BMC and nearby services. Local Suntree, Viera and beachside families have access to their loved ones nearby and the residents have access to BMC medical services and adjacent shopping and businesses.

*Staff comment: The proposed development and supporting infrastructure is adjacent to convenient shopping, medical services and provides extended care services (recreation, transportation, meal and housekeeping) to our aging citizenry.*

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

Applicant response: The PUD will be consistent with future land use objectives. There are no special area plans in this location.

*Staff comment: The applicant is seeking a waiver of building separation between the existing and proposed ALF building expansion. The applicant is asking for the maximum waiver of 45 feet to have zero separation between the 8-story ALF buildings. If deemed appropriate, the Board can waive the distance on building spacing requirements.*

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

Applicant response: We believe the features of the BMC PUD to be a perfect fit with the proposed residential and nonresidential component uses, which is senior living adjacent to a medical center.

*Staff comment: The proposed Preliminary Development Plan (PDP) provides the framework for an integrated scenario by allowing its residents to age in place, by providing support services to those individuals who may want them to those that depend upon them for daily living needs.*

**Staff Note:**

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD and therefore is intended to depict the proposed use of the property. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Additional details on the Preliminary Development Plan that are normally required at the Final Development Plan stage will not be reviewed at this time by staff. Accordingly, PUD zoning approved by the Board of County Commissioners will not be viewed as a waiver of land development regulations that are applied/submitted at the Final Development Plan stage of review.

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

*Staff comment: A waiver to onsite building separation distance has been requested between the existing and proposed ALF buildings that are 81.5 feet tall. The applicant states that as no architectural plans have been created, they are asking for the maximum waiver of 45 feet to have zero separation between the 8-story buildings. In the PUD code, Section 62-1446 (d) (3) (b-f), building height separation starts at 15 feet for up to a 2-story buildings and adds an additional 5 feet of separation distance required for each additional floor height of the building. An 8-story building requires 45 feet of building separation. There is no request for waiver of building separation distance for the 12-story ILF building.*

There have been five recent zoning actions within a half-mile of the subject property within the last three years.

- **19PZ00064** adopted August 1, 2019 mitigated a nonconforming mobile home park (TR-3). Parcel lies along the east side of FEC railroad tracks.
- **19PZ00004** adopted April 4, 2019 approved the full liquor CUP request for the onsite ALF.
- **18PZ00113** adopted December 6, 2018 approved beer and wine at a vape shop located 2,200 feet north of this site on the east side of Wickham Rd.
- **18PZ00059** adopted January 9, 2019 approved a rezoning from RU-2-15 to BU-1 with a BDP and the site is located 1,000 to the south along the east side of Wickham Road.
- **17PZ00109** adopted April 25, 2018 approved a rezoning from PIP to RU-2-15 with a BDP and this site is located to the east of the BU-1 site mentioned above lying 790 feet south from the

subject property. This site also includes an area under a CUP for a 180-foot tall (monopole) telecommunication tower that was approved under Z-10297 in September, 1999.

### **For Board Consideration**

The Board may wish to consider whether the proposed development is consistent and compatible with the surrounding area, and if any additional considerations are necessary to mitigate potential impacts. The Board may also wish to consider additional tree canopy preservation or determine if additional visual buffering should be required to enhance the compatibility of this project with the surrounding area.

The applicant requests continuation of the existing (full liquor) CUP for alcoholic beverages serving the current ALF residents. Secondly, the applicant requests a waiver of the full building separation distance (45-feet) between the existing and proposed ALF structures.

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

**Item # 20Z00014**

**Applicant:** Lee for Hardoon

**Zoning Request:** PIP & PUD to PUD, and retain existing CUP for alcohol

**Note:** Applicant wants to develop Assisted Living Facility (ALF) and Independent Living Facility (ILF).

**P&Z/LPA Hearing Date:** 09/21/20; **BCC Hearing Date:** 10/01/20

**Tax ID Nos:** 2603505, 2632155, 3014504, 3014506, & portion of 3012171

- 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:**

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

The proposed PUD, specifically parcel with tax account number 2603505, contains 100% forested, mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees (Coastal Temperate Hammock). The hammock forest is unique and experiencing loss rate in the area. Per Section HW3.5 of the Action Plan Matrix of the East Central Florida Regional Resiliency Action Plan, adopted by Brevard County on March 26, 2019, the applicant is encouraged to seek a design layout that integrates the hammock, and the PUD uses (Assisted and Independent Living Facilities) with Low Impact Development toward the



goal of sustainable practices for health and well-being. Please refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

### **Land Use Comments:**

#### **Wetlands**

The subject parcel contains mapped SJRWMD wetlands on the forested, undeveloped portion of the project with tax account number 2603505. On May 21, 2018, an environmental assessment report was prepared by Atlantic Environmental Solutions. The report indicates that wetlands do not exist on the forested parcel. The report is subject to confirmation by SJRWMD. Per Section 62-3694(c)(5), wetland impacts may be permitted for mixed-use land development activities that meet criteria. Impacts to wetlands from residential and mixed-use land development activities, on a cumulative basis, shall not exceed 1.8% of the non-commercial and non-industrial acreage of the PUD. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696.

#### **Aquifer Recharge Soils**

The project area contains mapped aquifer recharge soils (Tavares fine sand and Pomello 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.

#### **Protected and Specimen Trees**

The proposed PUD, specifically parcel with tax account number 2603505, contains 100% forested, mapped polygon of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees (Coastal Temperate Hammock). The hammock forest is unique and experiencing loss rate in the area. Per Section HW3.5 of the Action Plan Matrix of the East Central Florida Regional Resiliency Action Plan, adopted by Brevard County on March 26, 2019, the applicant is encouraged to seek a design layout that integrates the hammock, and the PUD uses (Assisted and Independent Living Facilities) with Low Impact Development toward the goal of sustainable practices for health and well-being. 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. Please refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree

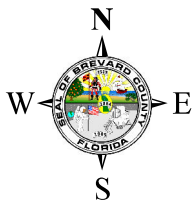
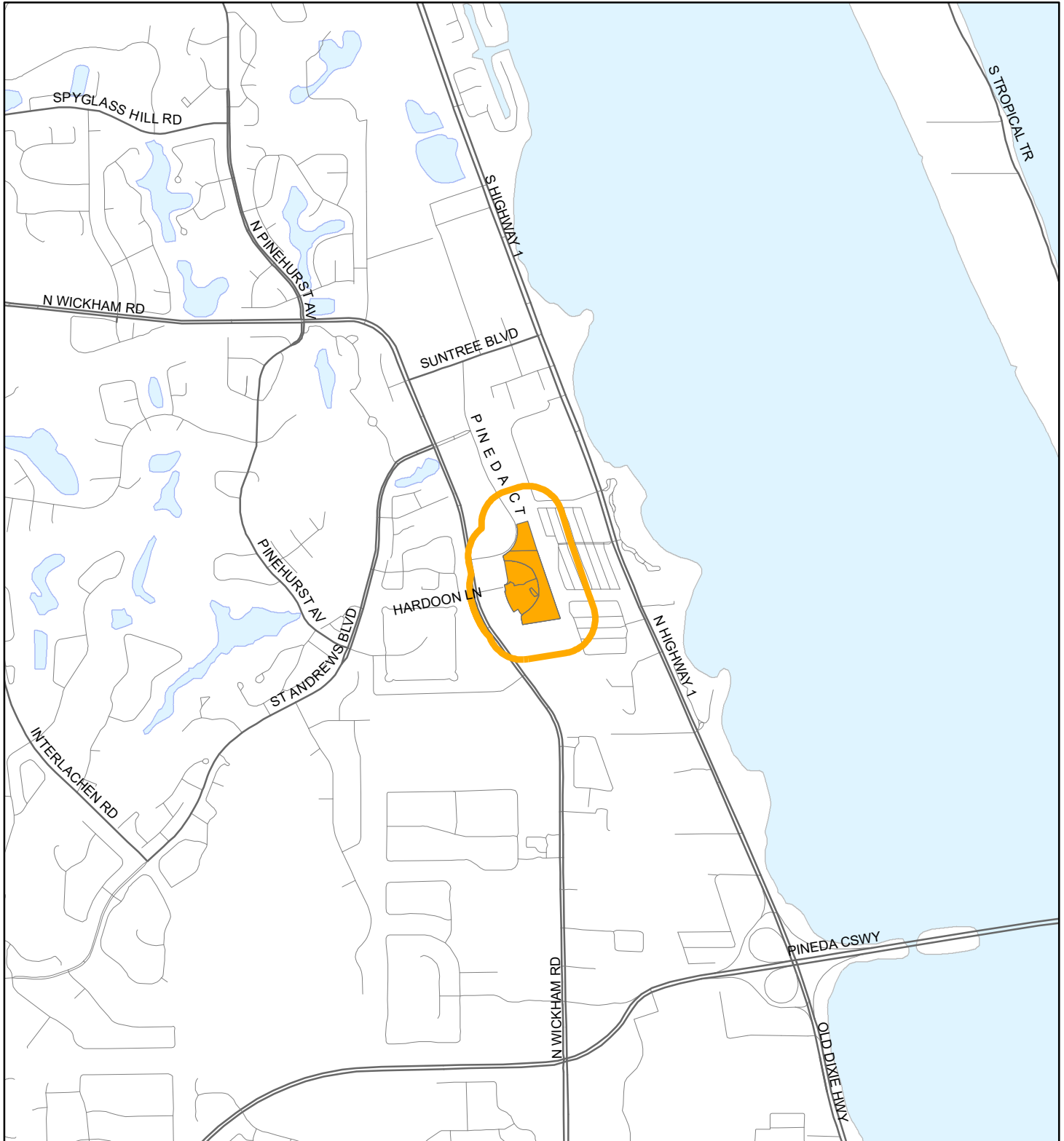
Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

### **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

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



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

Buffer Distance: 500 feet

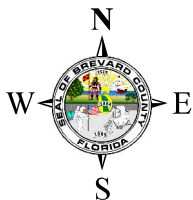
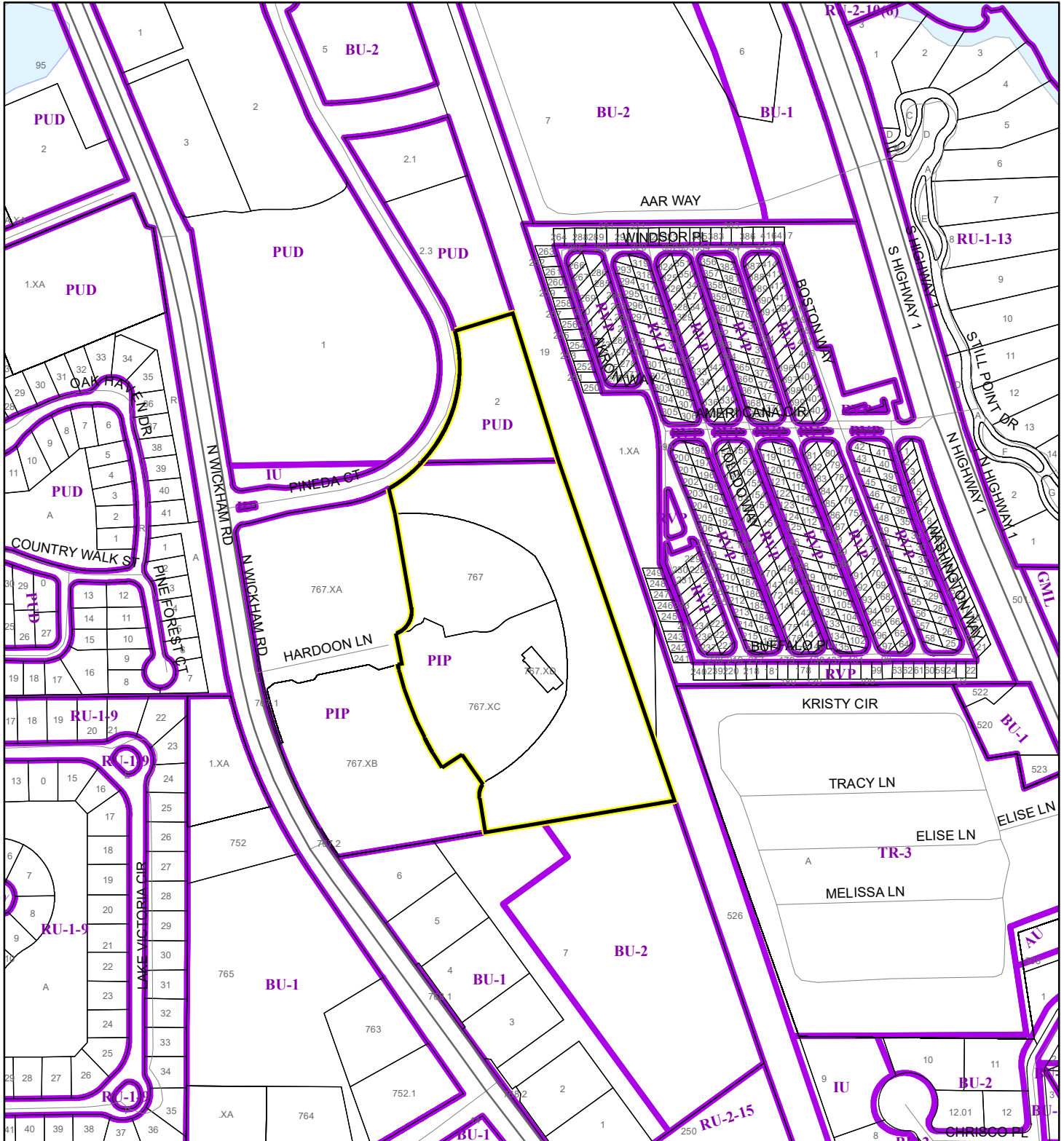
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/6/2020

Buffer  
Subject Property

# ZONING MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



1:4,800 or 1 inch = 400 feet

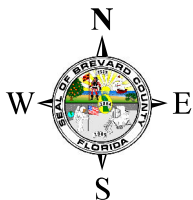
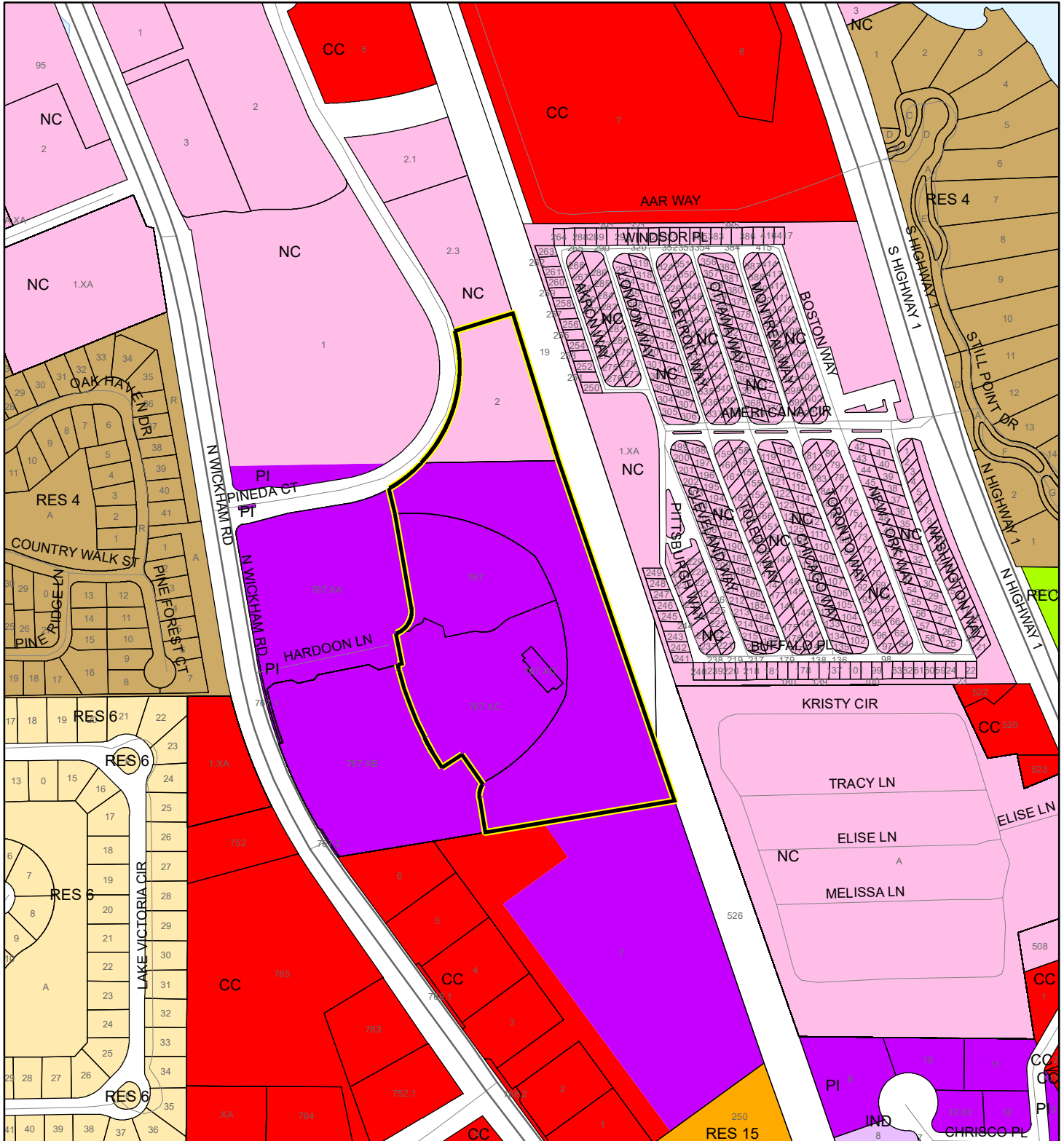
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- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



1:4,800 or 1 inch = 400 feet

Subject Property  
 Parcels

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# AERIAL MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

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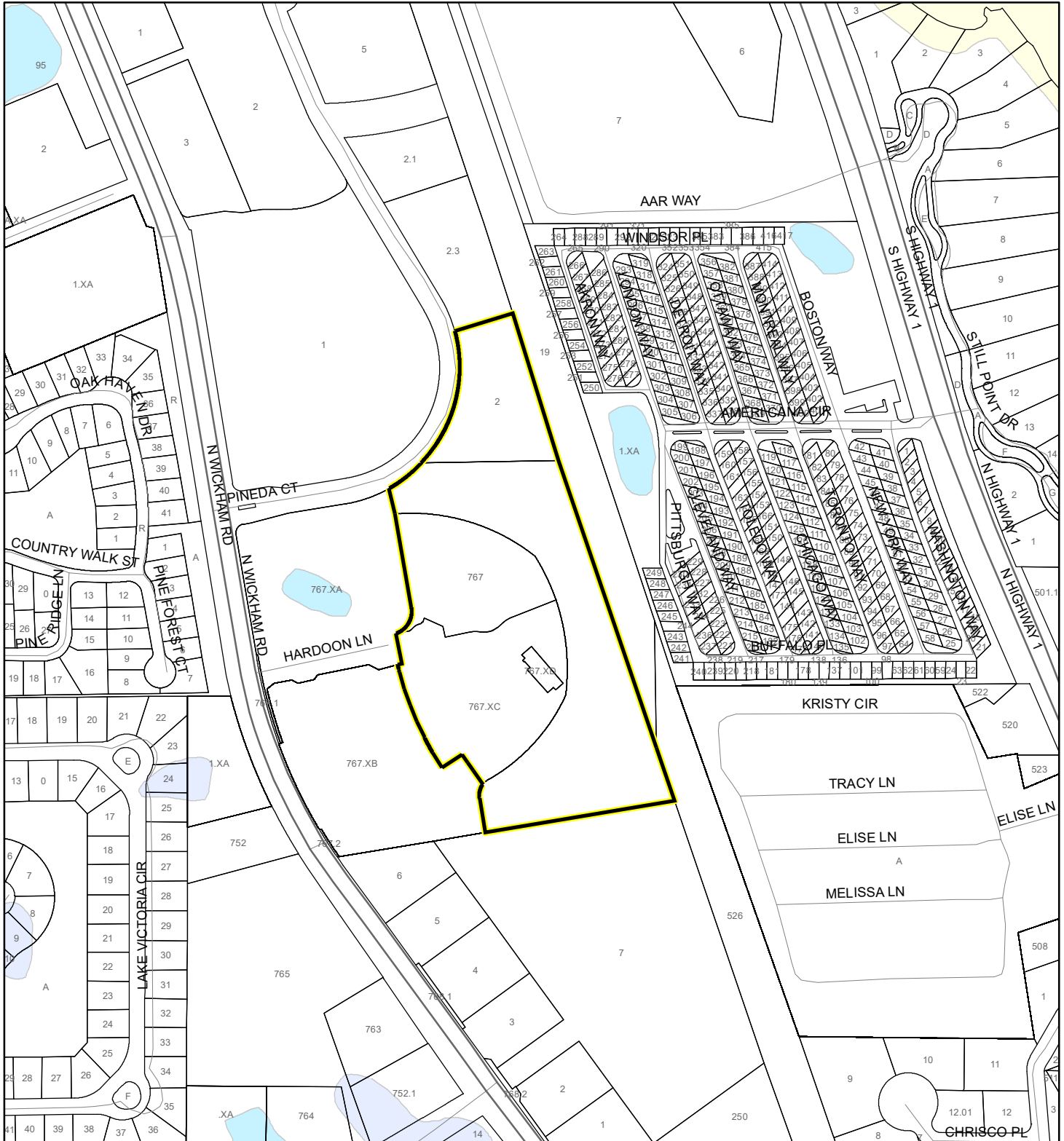
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 Subject Property  
 Parcels



# NWI WETLANDS MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014













1:4,800 or 1 inch = 400 feet

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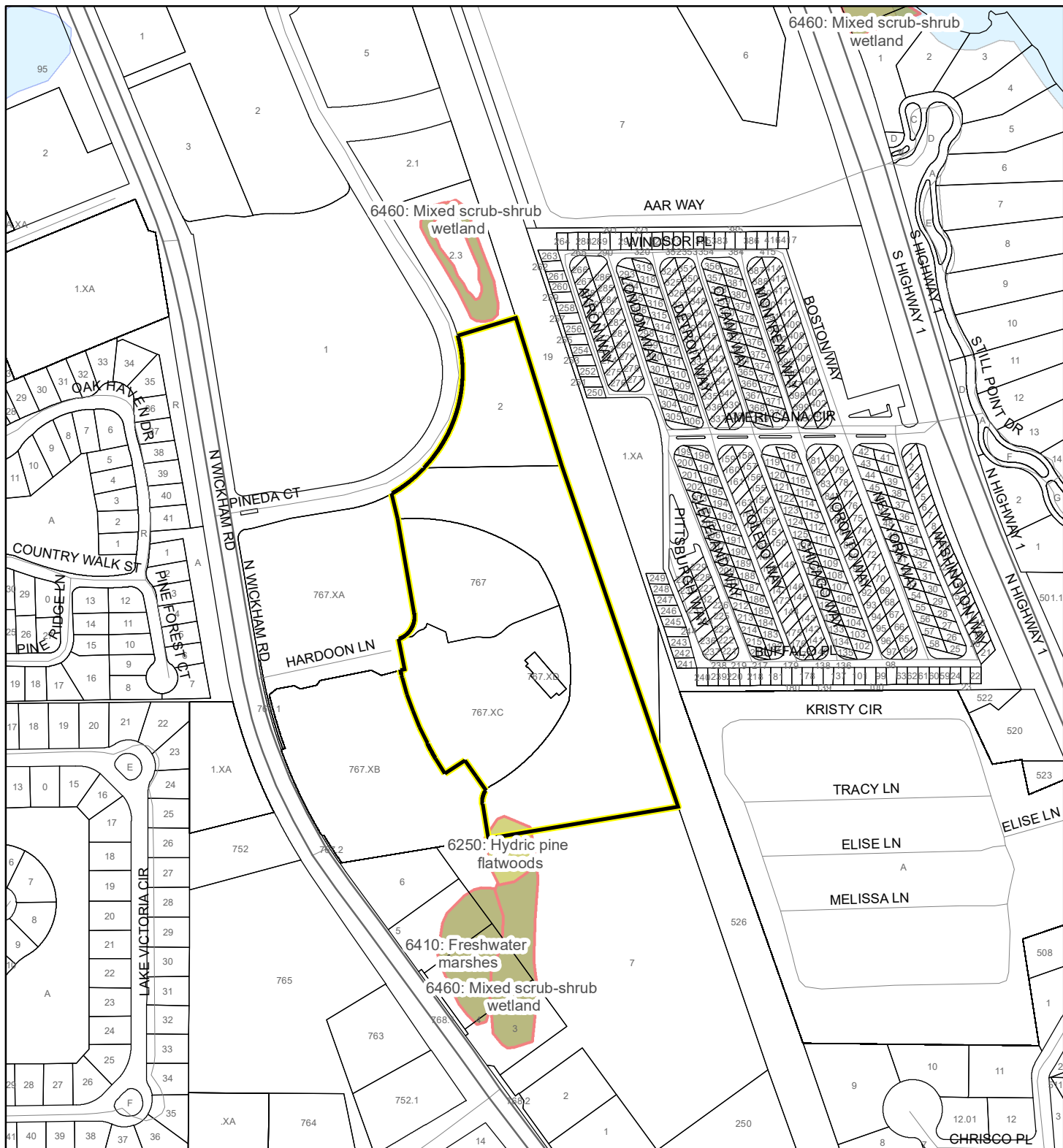
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## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



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

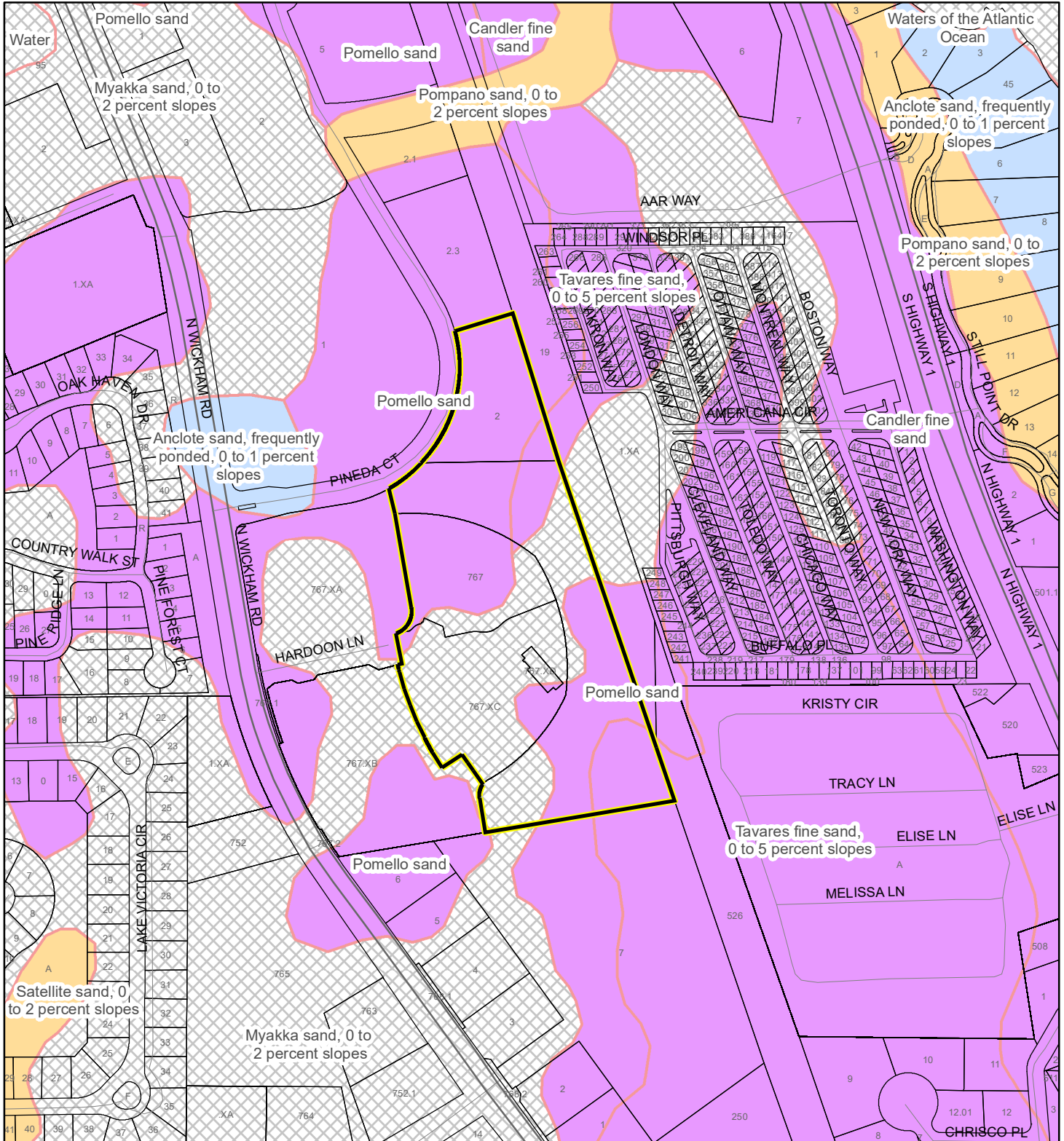
Subject Property

Parcels



# USDA SCSSS SOILS MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



1:4,800 or 1 inch = 400 feet

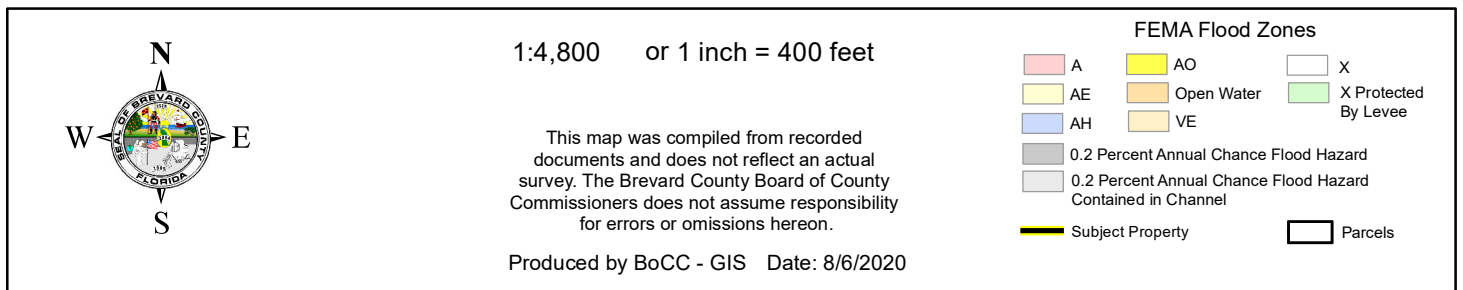
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## USDA SCSSS Soils

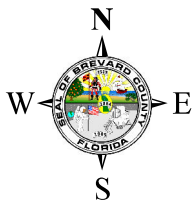
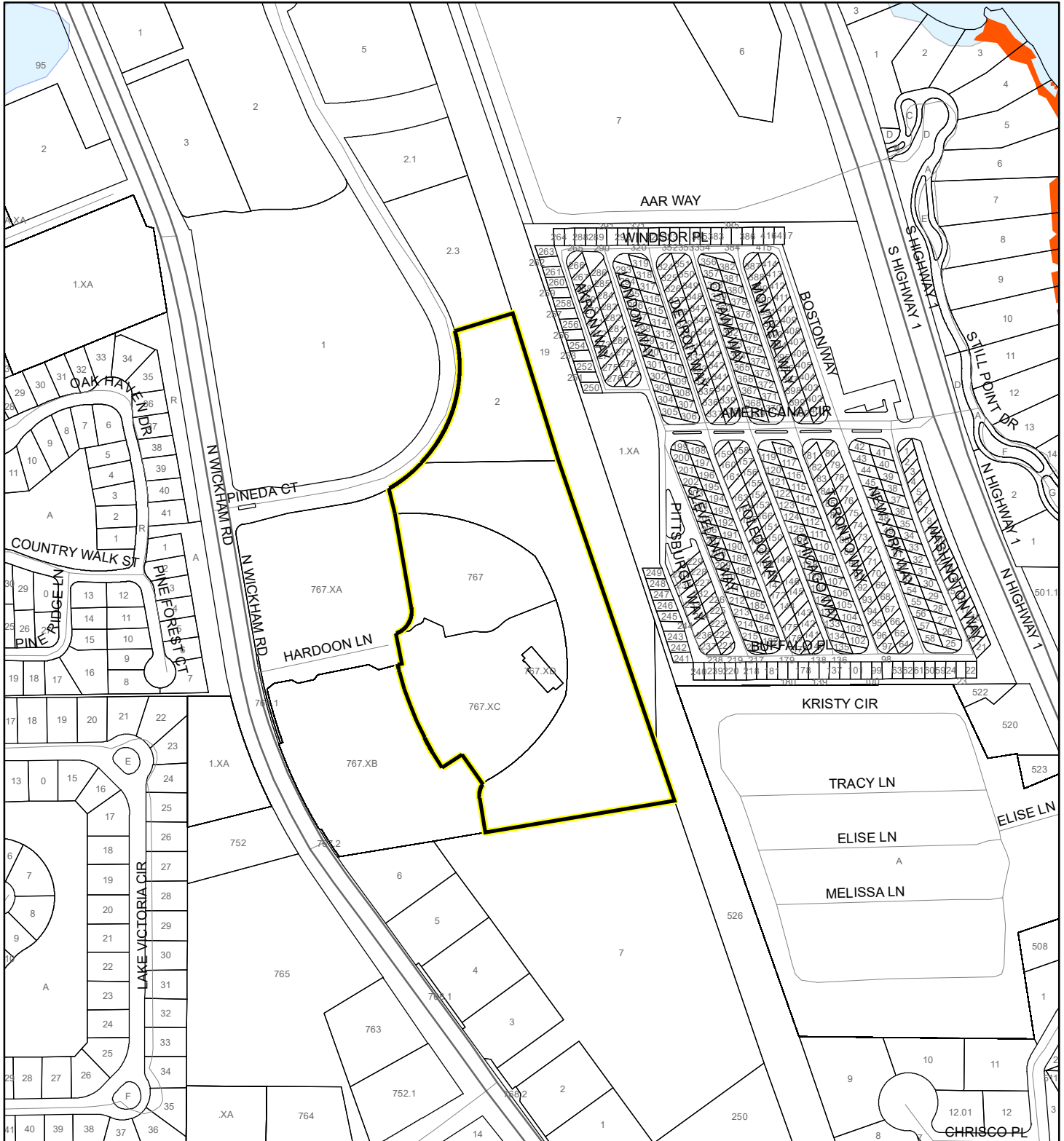
- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



# COASTAL HIGH HAZARD AREA MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

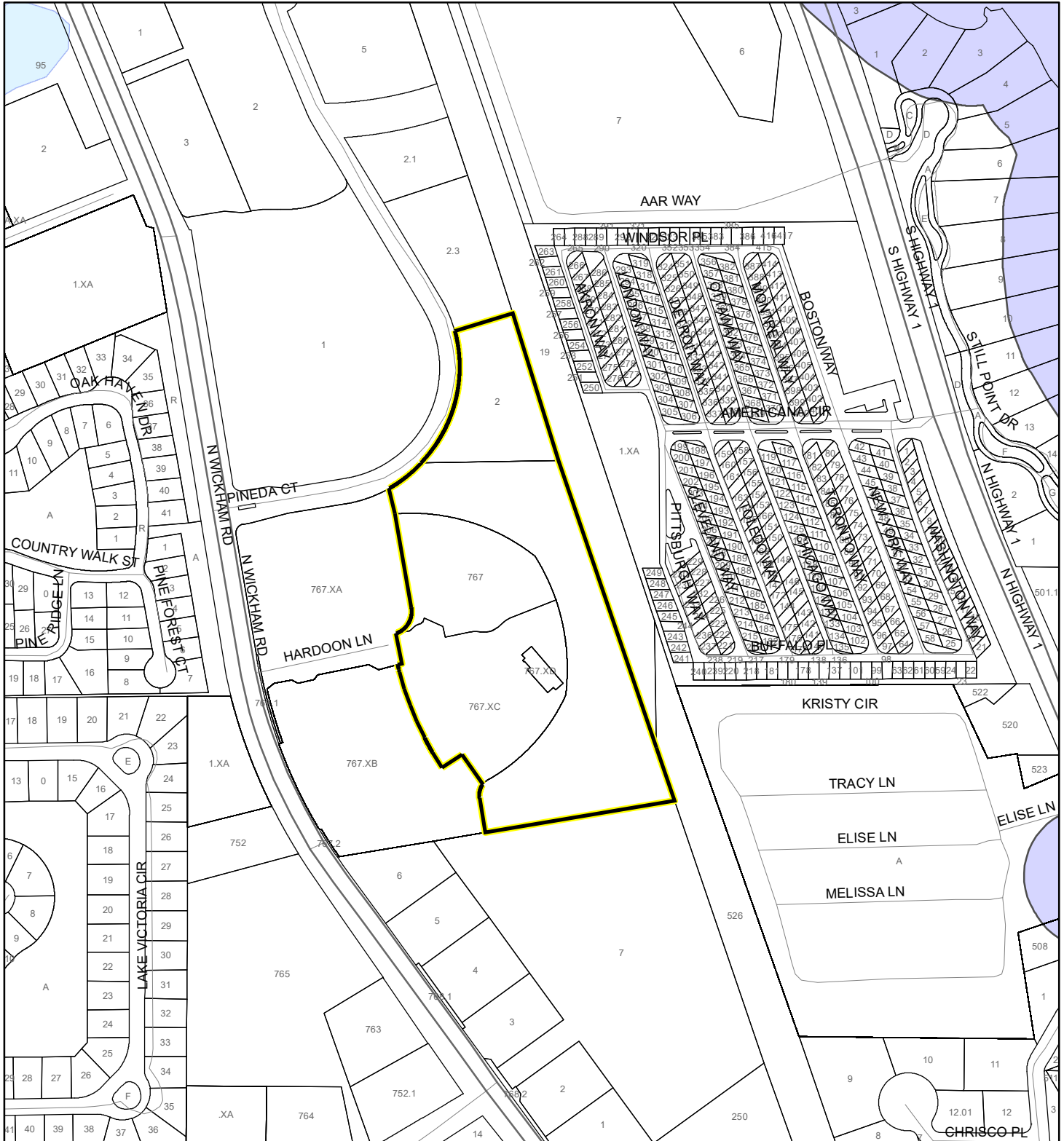
**Coastal High Hazard Area**

 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

**Septic Overlay**

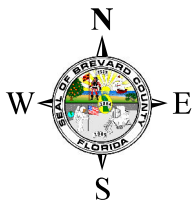
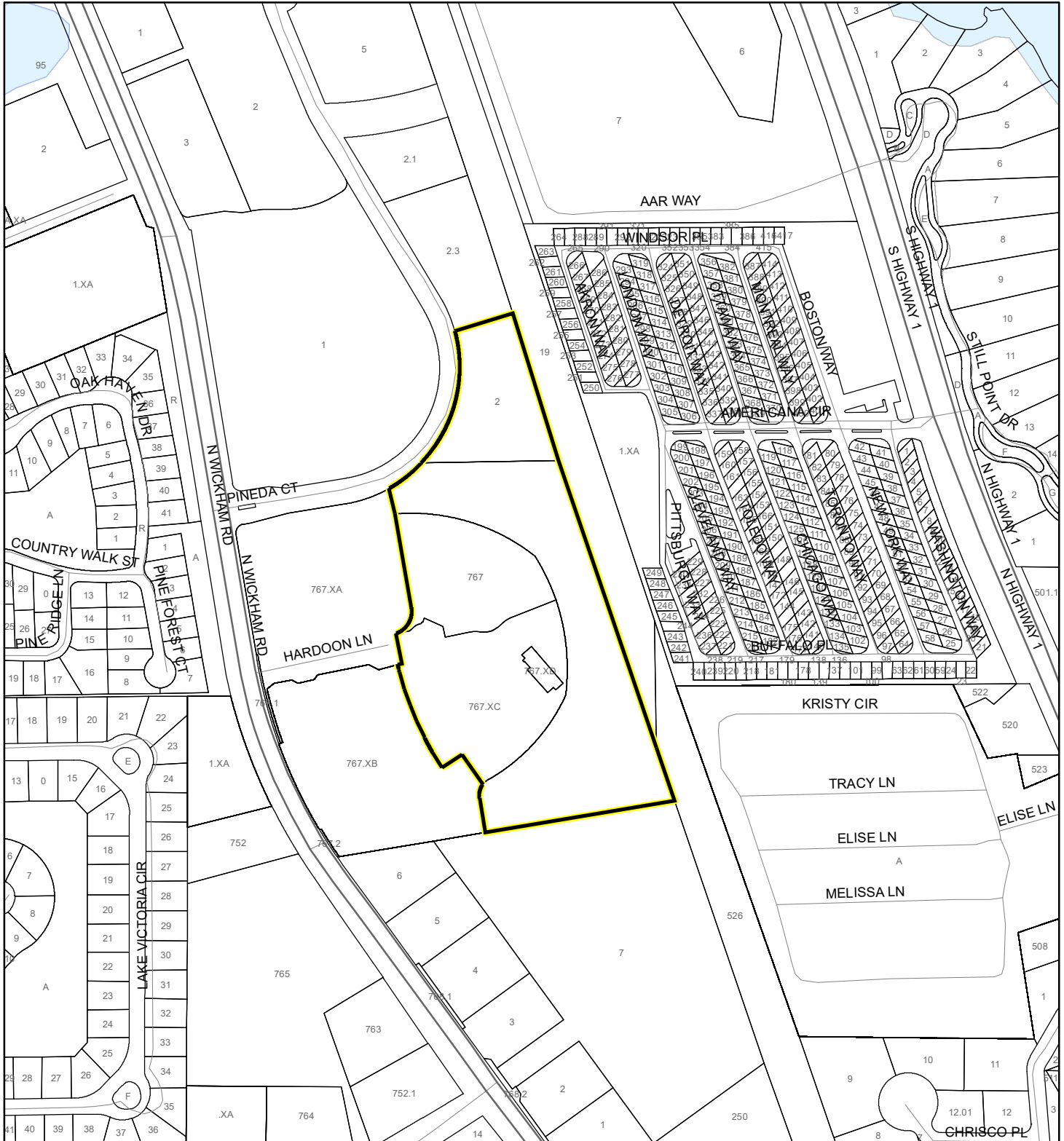
 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014




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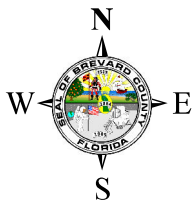
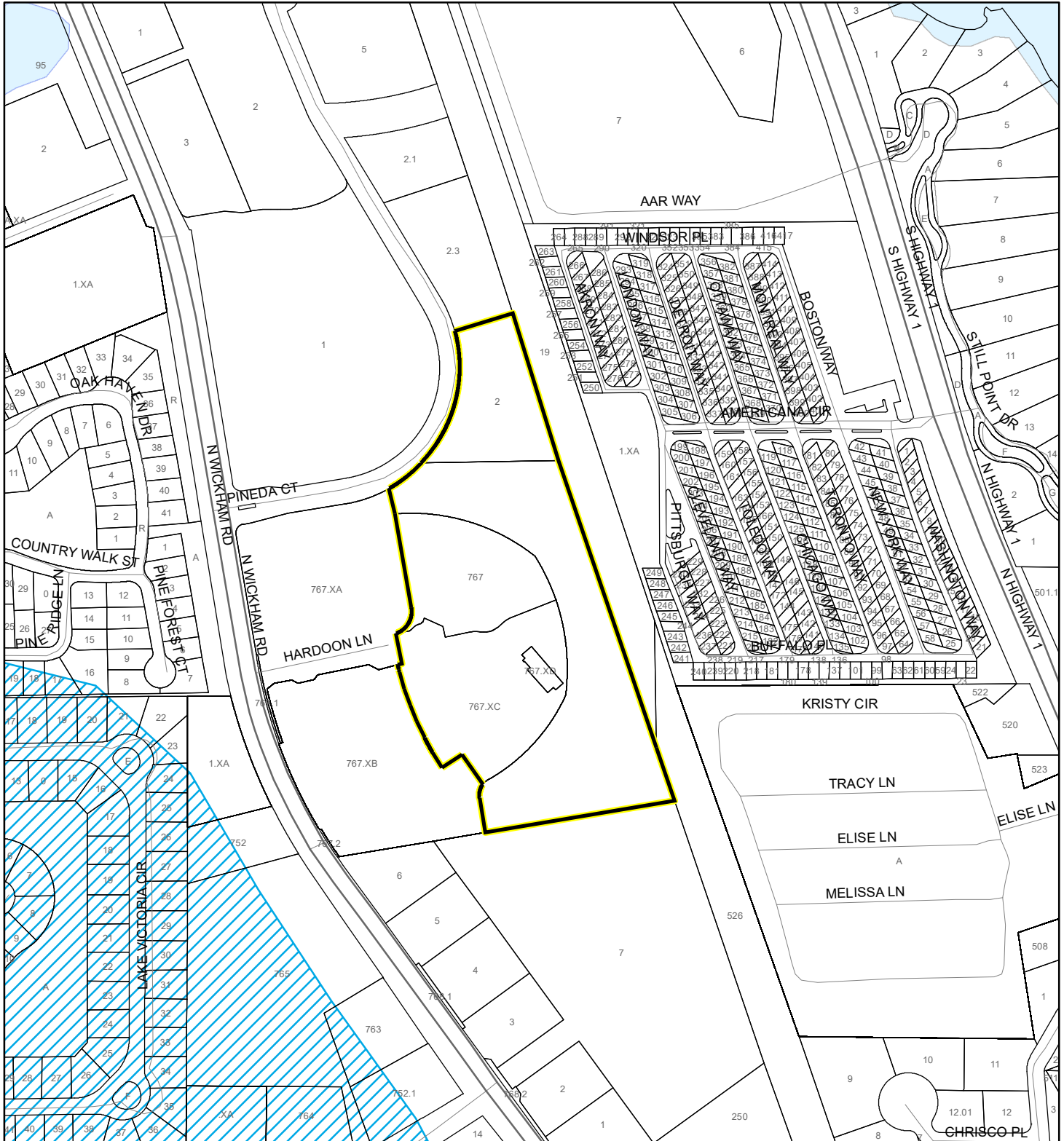
 Subject Property

 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



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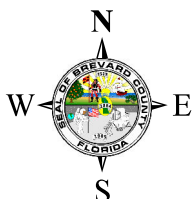
Produced by BoCC - GIS Date: 8/6/2020

- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BREVARD MEDICAL CITY, LLC; BREVARD MEDICAL CITY OWNERS ASSOC., INC; and CHATEAU MADELEINE, LLC  
20Z00014



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/6/2020

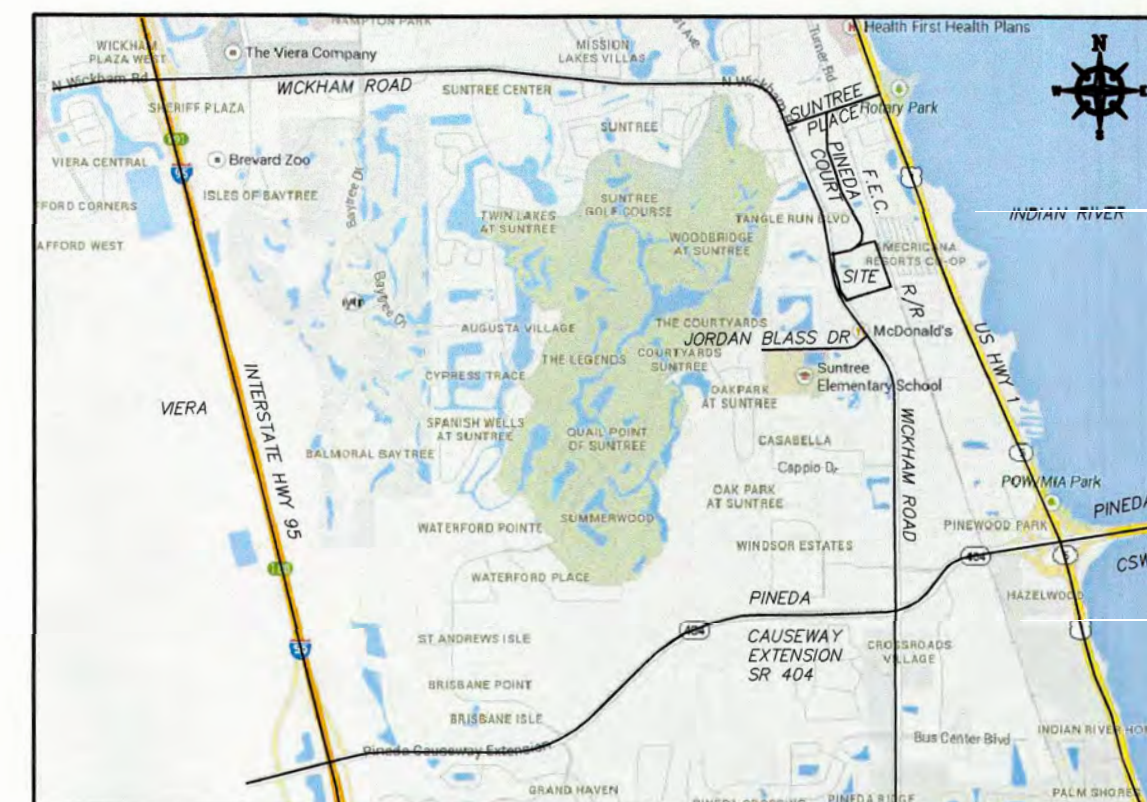
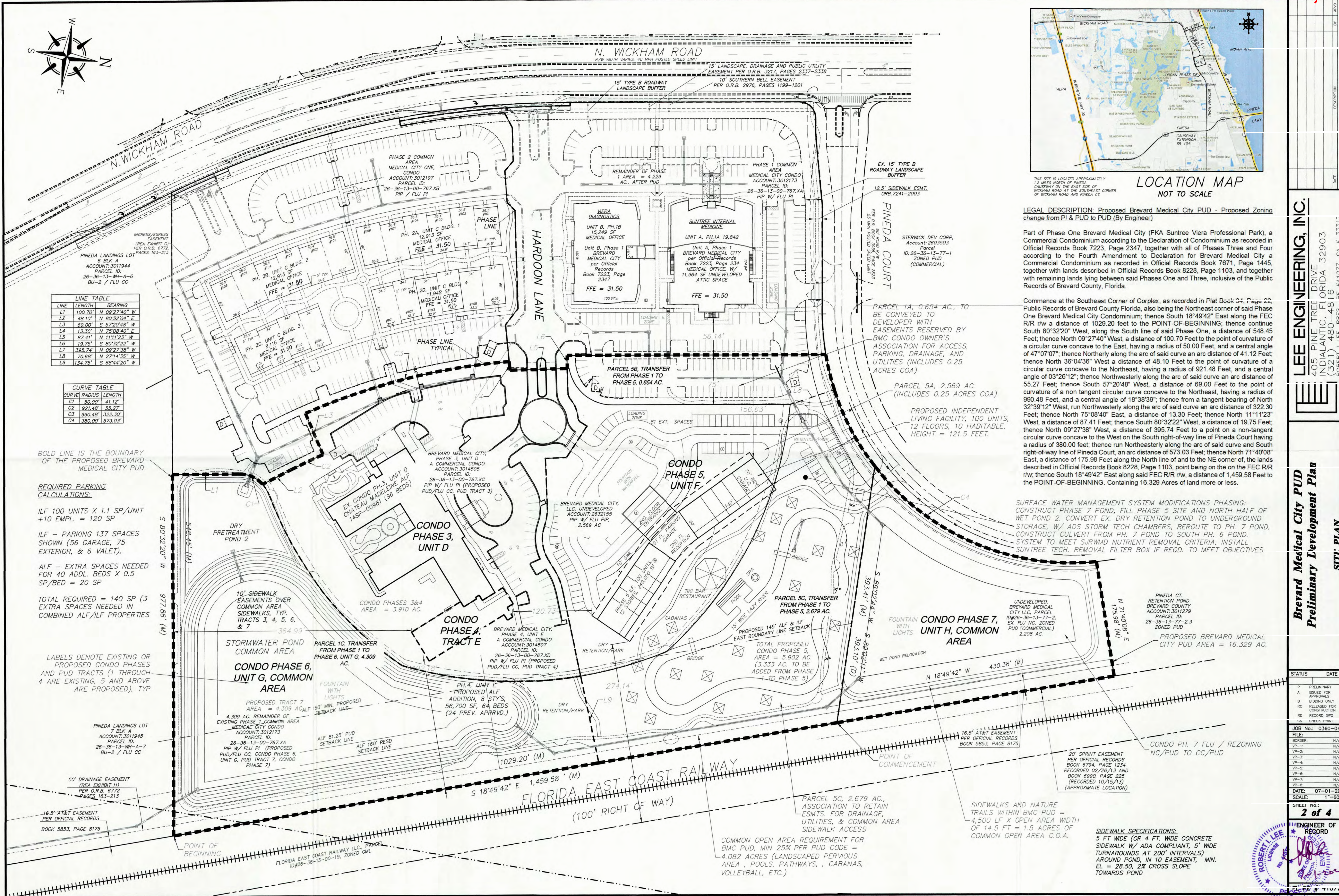
## SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels





LEGAL DESCRIPTION: Proposed Brevard Medical City PUD - Proposed Zoning change from PI & PUD to PUD (By Engineer)

Part of Phase One Brevard Medical City (FKA Suntree Viera Professional Park), a Commercial Condominium according to the Declaration of Condominium as recorded in Official Records Book 7223, Page 2347, together with all of Phases Three and Four according to the Fourth Amendment to Declaration for Brevard Medical City a Commercial Condominium as recorded in Official Records Book 7671, Page 1445, together with lands described in Official Records Book 8228, Page 1103, and together with remaining lands lying between said Phases One and Three, inclusive of the Public Records of Brevard County, Florida.

Commence at the Southeast Corner of Corplex, as recorded in Plat Book 34, Page 22, Public Records of Brevard County Florida, also being the Northeast corner of said Phase One Brevard Medical City Condominium; thence South 18°49'42" East along the FEC R/R a distance of 1029.20 feet to the POINT-OF-BEGINNING; thence continue South 80°32'20" West, along the South line of said Phase One, a distance of 548.45 Feet; thence North 09°27'40" West, a distance of 100.70 Feet to the point of curvature of a circular curve concave to the East, having a radius of 50.00 Feet, and a central angle of 47°07'07"; thence North along the arc of said curve an arc distance of 41.12 Feet; thence North 36°04'36" West a distance of 48.10 Feet to the point of curvature of a circular curve concave to the Northeast, having a radius of 921.48 Feet, and a central angle of 03°26'12"; thence Northwesterly along the arc of said curve an arc distance of 55.27 Feet; thence South 57°20'48" West, a distance of 69.00 Feet to the point of curvature of a non tangent circular curve concave to the Northeast, having a radius of 990.48 Feet, and a central angle of 18°38'39"; thence from a tangent bearing of North 32°39'12" West, run Northwesterly along the arc of said curve an arc distance of 322.30 Feet; thence North 75°08'40" East, a distance of 13.30 Feet; thence North 11°11'23" West, a distance of 87.41 Feet; thence South 80°32'22" West, a distance of 19.75 Feet; thence North 09°27'38" West, a distance of 395.74 Feet to a point on a non-tangent circular curve concave to the West on the South right-of-way line of Pineda Court having a radius of 380.00 feet; thence run Northwesterly along the arc of said curve and South right-of-way line of Pineda Court, an arc distance of 573.03 Feet; thence North 71°40'08" East, a distance of 175.98 Feet along the North line of and to the NE corner of, the lands described in Official Records Book 8228, Page 1103, point being on the on the FEC R/R; thence South 18°49'42" East along said FEC R/R, a distance of 1,459.58 Feet to the POINT-OF-BEGINNING. Containing 16.329 Acres of land more or less.

SURFACE WATER MANAGEMENT SYSTEM MODIFICATIONS PHASING:  
CONSTRUCT PHASE 7 POND, FILL PHASE 5 SITE AND NORTH HALF OF WET POND 2. CONVERT EX. DRY RETENTION POND TO UNDERGROUND STORAGE, W/ ADS STORM TECH CHAMBERS, REROUTE TO PH. 7 POND, CONSTRUCT CULVERT FROM PH. 7 POND TO SOUTH PH. 6 POND. SYSTEM TO MEET SURFMD NUTRIENT REMOVAL CRITERIA, INSTALL SUNTREE TECH. REMOVAL FILTER BOX IF REQD. TO MEET OBJECTIVES

**LEE ENGINEERING, INC.**  
405 PINE TREE DRIVE  
INDIAN LANTIC, FLORIDA 32903  
(321) 480-4816  
ROBERT L. LEE, PRES. PE #41077 CA # 33317

**Brevard Medical City PUD**  
**Preliminary Development Plan**  
**SITE PLAN**

STATUS	DATE
P	PRELIMINARY
A	ISSUED FOR APPROVALS
B	BIDDING ONLY
R	RELEASED FOR CONSTRUCTION
RD	RECORD DWG
UK	CHECK POINT
FILE:	JOB No.: 0360-04
BORDER:	N/A
VP-1:	N/A
VP-2:	N/A
VP-3:	N/A
VP-4:	N/A
VP-5:	N/A
VP-6:	N/A
VP-7:	N/A
VP-8:	N/A
DATE:	07-01-20
SCALE:	1"=60'

SHEET No.: **2 of 4**  
**ENGINEER OF RECORD**  
ROBERT L. LEE  
Professional Engineer  
State of Florida  
No. 41077  
CA # 33317



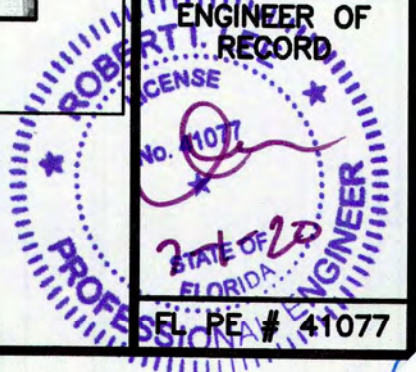


DATE	DESCRIPTION	BY	APPD

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ROBERT I. LEE, PRES., PE #41077, CA # 33317

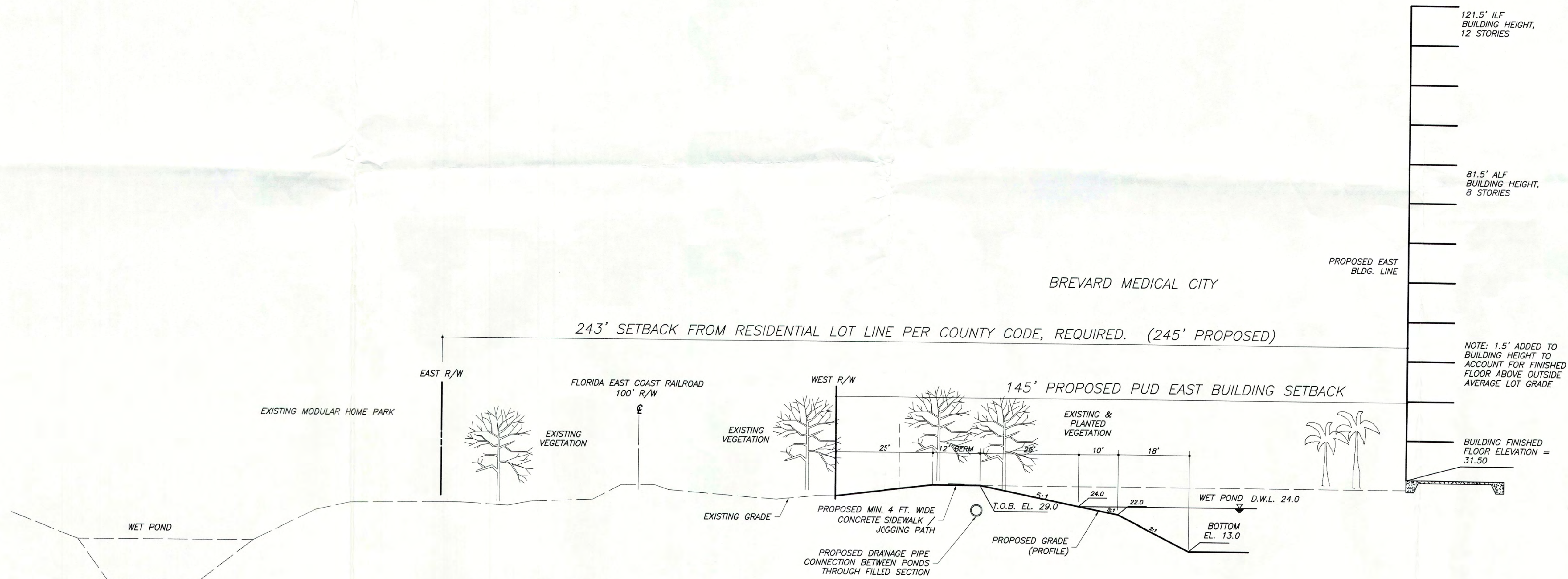
**Brevard Medical City PUD**  
**Preliminary Development Plan**  
**AERIAL SITE PLAN**

STATUS	DATE
P PRELIMINARY	
A ISSUED FOR APPROVALS	
B BIDDING ONLY	
RC RELEASED FOR CONSTRUCTION	
RD RECORD DWG	
CK CHECK PRINT	
JOB No.: 0360-04	
FILE:	
BORDER:	N/A
VP-1:	N/A
VP-2:	N/A
VP-3:	N/A
VP-4:	N/A
VP-5:	N/A
VP-6:	N/A
VP-7:	N/A
VP-8:	N/A
DATE:	07-01-20
SCALE:	1"=100'
SHEET No.:	3 of 4



ROBERT I. LEE  
PROFESSIONAL ENGINEER  
STATE OF FLORIDA  
LICENSE NO. 41077





**CROSS SECTION LOOKING SOUTH - DEPICTION OF BUILDING HEIGHT & SETBACKS**

SCALE: 1" = 15'

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**Brevard Medical City PUD  
Preliminary Development Plan**  
CROSS SECTIONS

STATUS	DATE
P PRELIMINARY	
A ISSUED FOR APPROVALS	
B BIDDING ONLY	
RC RELEASED FOR CONSTRUCTION	
RD RECORD DWG	
OK CHECK PRINT	
JOB No.: 0360-01	
FILE: XSEC	
REVISION:	
VP-1:	N/A
VP-2:	N/A
VP-3:	N/A
VP-4:	N/A
VP-5:	N/A
VP-6:	N/A
VP-7:	N/A
VP-8:	N/A
DATE: 07-01-20	
SCALE: NOTED	
SHEET No.: 4 of 4	

ENGINEER OF RECORD  
**ROBERT J LEE**  
PE #41077  
CA #33317