

**From:** [Steven Austin](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Re: Notes of meeting and school report  
**Date:** Monday, March 21, 2022 12:32:22 PM

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

Ok. Thanks.

*Thanks,*  
**Steven Austin** President  
Austin Financial Group, Inc.  
[409 Pelican Key](#)  
[Melbourne Beach, FL 32951](#)  
Office: [321-725-5600](#)  
Fax: [321-725-5625](#)  
Email: [SAustin@ksifa.com](mailto:SAustin@ksifa.com)

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On Mar 21, 2022, at 11:53 AM, Commissioner, D3  
<d3.commissioner@brevardfl.gov> wrote:

Mr. Austin,

Commissioner Tobia has asked that I inform you he will be meeting with staff to discuss the matter further before the next zoning meeting on April 7<sup>th</sup>.

Sincerely,



<!--[if !vml]--><!--[endif]--> **Katelynne Prasad**  
*Constituent Affairs Director*  
*County Commissioner John Tobia, District 3*  
PH: (321) 633-2075 \* Fax: (321) 633-2196  
2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

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**From:** Steven Austin <saustin@ksifa.com>  
**Sent:** Friday, March 18, 2022 5:00 PM  
**To:** Commissioner, D3 <d3.commissioner@brevardfl.gov>  
**Subject:** Notes of meeting and school report

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Hello John:

Here are the notes and recommendations to the board as well as the minutes. The only recommendation they made was on school capacity and I sent the note on the last page there is plenty of school capacity Mrs. Black bolded that in red for us.

The second recommendation was for Res 2 because we did not have verification of water capacity which we will be getting from Ed or so I hope in the future especially based on this new system you said they are developing?

Next door is ru-1-11 with a BDP of res 2.

We would still like to do ru-1-11 and could do a BDP of third acre lots but we will be limited anyway by the lot size and septic as Bill stated would be a 246 nitrogen unit limiting capacity third acre parcels or pretty close to that.

On page 1 Cheryl Campbell with zoning stated as long as we have water we can have densities no greater than 4 units per acre. Section 1 c

I believe he was quoting 1 d where water is not available residential development with densities greater than 2 units per acres shall be required to connect to a centralized sewer system but we should have water and be able to put in septic.

Thanks for your help hope we addressed all of their concerns as I do not see any others in the notes if you do let me know. Please feel free to call me at 321-794-8111 or email me at [stevenaustin84@gmail.com](mailto:stevenaustin84@gmail.com).

Thanks

***Thanks,***  
***Steven Austin***  
President  
Austin Financial Group, Inc.  
409 Pelican Key  
Melbourne Beach, FL 32951  
Office 321-794-8111  
Fax 321-725-5625  
Email: [SAustin@ksifa.com](mailto:SAustin@ksifa.com)

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**From:** [Steven Austin](#)  
**To:** [Commissioner, D3](#)  
**Subject:** Notes of meeting and school report  
**Date:** Friday, March 18, 2022 5:00:59 PM  
**Attachments:** [county commisson notes.pdf](#)

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Thanks

***Thanks,  
Steven Austin***

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Campbell, Cheryl <Cheryl.Campbell@brevardfl.gov>

William Buchman; Morris Sm

RE: Amended Rushing Wind development CD-2022-04 School Impact Anal

**Public Facilities and Services Requirements**

**Policy 1.2**

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

**Criteria:**

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

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

C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1.2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, NSIT's and other means through which the recipients pay for the service or facility.

From: William Buchman <bill@asabonstatesever.com>

Sent: Tuesday, March 15, 2022 12:38 PM

CONFUSION  
WHAT HE  
THUSAR  
CORS  
\*



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**

**22Z00001**

**Rushing Wind LLC**

**RR-1 (Rural Residential) and IN(L) (Institutional – Low Intensity) to RU-1-11 (Single-Family Residential)**

Tax Account Numbers: 3008616  
Parcel I.D.s: 30G-38-01-HJ-\*-38  
Location: South side of Micco Rd. approximately 0.37 miles west of Dottie Drive  
(District 3)  
Acreage: 34.65

Planning & Zoning Board: 3/14/2022

Board of County Commissioners: 4/07/2022

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RR-1 and IN(L)	RU-1-11
<b>Potential*</b>	<ul style="list-style-type: none"><li>• 25 SFR units (RR-1 portion)</li><li>• Low-intensity institutional uses</li></ul>	138 SFR units
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1 & RES 6	YES** RES 4 & RES 6

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\*Approval is pending approval of companion request **22PZ00003** which proposes to change the Future Land Use Designation from Residential 1 (RES 1) to Residential 6 (RES 6).

**Background and Purpose of Request**

The applicants are requesting to change the zoning of a 34.65-acre property from RR-1 (Rural Residential) and IN(L) (Institutional – Low Intensity) to RU-1-11 (Single-Family Residential) in order to develop a subdivision. The parcel is currently vacant.

The site has access along Micco Road, which is a paved county-maintained road. In order to develop the parcel at a density of four units per acre or higher, the applicants will be required to connect to potable water and sewer.

The original zoning of the property was AU (Agricultural Residential). On November 3, 2005, 28.866 acres of the parcel were rezoned from AU to RR-1 as part of zoning action **Z-11135**. On September 4, 2008, 9.026 acres were rezoned from AU and RR-1 to IN(L) as part of zoning action **Z-11440**.

### **Land Use**

The subject property is currently designated as Residential 1 (RES 1) and Residential 6 (RES 6) FLU. The proposed RU-1-11 zoning is consistent with the existing Residential 6 (RES 6) FLU designation, but not with the existing Residential 1 (RES 1) FLU designation. A companion application, **22PZ00003**, if approved, would change the Future Land Use designation on the RES 1 portion of the parcel to RES 4.

### **Applicable Land Use Policies**

**Policy 1.2** - Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### **Criteria:**

C.

In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

Connection to centralized potable water and wastewater treatment is required. The nearest potential potable water connection is directly to the east of the subject site servicing The Lakes at St. Sebastian Preserve. Presently, there are no wastewater treatment connections to this site.

**Policy 1.7** - The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

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

The subject site is not immediately adjacent to RES 4 land use designation; however, it is located adjacent to RES 6 immediately to the north which is a higher density than what is being proposed on the subject site.

The closest RES 4 land use designation is approximately .4 miles to the east on the north side of Micco Road at Barefoot Bay.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

**The subject site does not serve as a transition between densities greater than four (4) units per acre and areas with density of less than four (4) units per acre.**

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

**The subject site is adjacent to the incorporated area of Palm Bay along the west side.**

- D.** Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**The applicant is not proposing a Planned Unit Development.**

**Policy 2.7 – Community Commercial (CC)** development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met.

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

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

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

Criteria:

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

**The proposed use (residential subdivision) is not anticipated to have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly**



**diminish the quality of life in the existing neighborhood in the area. Currently the only other subdivision in the area is located to the east of the subject property.**

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

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

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

1. historical land use patterns;

**There has been a historical pattern of residential development along Micco Road.**

**Approximately .4 miles east of the subject site is the Barefoot Bay manufactured home community with a RES 4 Future Land Use designation with development beginning in the 1970's and continuing up to the present.**

**Directly adjacent to the east of the subject site is The Lakes at St. Sebastian Preserve, a single-family development with houses constructed in 2019 through the present.**

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

**There has not been any actual development within this area in the preceding three (3) years.**

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

**There have not been any development approvals within the past three (3) years.**

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

In general, the character of the area is rural with a low-density residential neighborhood to the east. Across Micco Road to the north is property within the City limits of Palm Bay. To the east of the subject property is the Lakes at St. Sebastian Preserve, a subdivision with RU-1-13 zoning that was approved in August 2013. Lot sizes in this subdivision are around 0.25 acres. The site has a Binding Development Plan limiting the overall density to 2 units per acre in order to be consistent with the RES 2 land use. To the south of the subject property is state-owned land that is undeveloped. The area to the west of the subject property is entirely undeveloped, with some of it within the jurisdiction of Palm Bay. The City of Palm Bay has stated that there are currently no plans to develop these large parcels to the west.

There is no RU-1-11 in the area, with the RU-1-13 directly to the east being the closest similar zoning classification. RU-1-11 and RU-1-13 have the same requirements for minimum lot size, lot width, and lot depth, and have the same setback requirements. RU-1-13 requires a minimum living area of 1,300 sq. ft. whereas RU-1-11 requires a minimum living area of 1,100 sq. ft. The rezoning to RU-1-13 on the adjacent property included a Binding Development Plan limiting development to two units per acre.

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	City of Palm Bay Vacant Orchard Groves	GU & AU	RES 1
<b>South</b>	State-owned land	AU	PUB-CONS
<b>East</b>	Residential Common Area and Single-Family Residences	GU	RES 1
<b>West</b>	City of Palm Bay Grazing Land	City of Palm Bay Rural Residential	City of Palm Bay Micco Park Village (MPVD)

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

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

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

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

TRC-1 encompasses lands devoted to planned single-family mobile home development which permits mobile homes or residences on lots of minimum 6,500 square feet with a lot width of 65 feet and a lot depth of 80 feet.

The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

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

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Micco Rd., between Babcock and Dottie Dr., which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of C, and currently operates at 16.33% of capacity daily. This rezoning is anticipated to increase the MAV utilization by 6.44%. The corridor is anticipated to operate at 22.77% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

The applicants provided a school impact analysis letter dated January 7, 2022, that indicates there is sufficient capacity for 96 single-family homes.

The subject property is not connected to potable water or sewer. The nearest potential potable water connection is directly to the east of the subject site servicing The Lakes at St. Sebastian Preserve. Presently, there are no wastewater treatment connections to this site.

### **Environmental Constraints**

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

- Hydric Soils/Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Approximately 1/3 of the parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel.

### **For Board Consideration**

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



**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Rezoning Review & Summary**  
**Item # 22Z00001**

**Applicant:** Rushing Wind

**Zoning Request:** RR-1 and IN(L) to RU-1-11

**Note:** Applicant wants to increase density for a subdivision

**P&Z Hearing Date:** 03/14/22; **BCC Hearing Date:** 04/07/22

**Tax ID No:** 3008616

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

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

- Hydric Soils/Wetlands
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Approximately 1/3 of the parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel.

**Land Use Comments:**

**Hydric Soils/Wetlands**

The entire parcel contains mapped hydric soils (Eau Gallie sand, Riviera sand, and Pineda sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as

unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. At time of site plan review, a wetland determination/delineation will be required.

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

Approximately 1/3 of the parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. The parcel is connected to the Indian River Lagoon by way of drainage ditches/canals that encompass three sides of the parcel. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

### **Land Clearing and Landscape Requirements**

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

### **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.

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 14, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Lorraine Koss (Alt. D2) (present for and voted on H.3. - H. 14.); Ben Glover (D3) (present for and voted on H.1. - H.13.); Mark Wadsworth, Chair (D4); Liz Alward (D4); David Bassford (Alt. D5) (voted on H.1. - H.12, and H.14; abstained on H.13.); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Peter Martin, Planner II; George Ritchie, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Rushing Wind, LLC (Steven Austin and William Buchman)**

A Small Scale Comprehensive Plan Amendment (22S.02) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4). The property is 24 acres, located on the south side of Micco Rd., approx. .37 miles west of Dottie Dr. (No assigned address. In the Micco area) (Tax Account 3008616) (District 3)

#### **Rushing Wind, LLC (Steven Austin and William Buchman)**

A change of zoning classification from RR-1 (Rural Residential) and IN(L) (Institutional Use, Low-Intensity), to RU-1-11 (Single-Family Residential). The property is 34.65 acres, located on the south side of Micco Rd., approx. 0.37 miles west of Dottie Dr. (No assigned address. In the Micco area.) (Tax Account 3008616) (District 3)

Steve Austin, 409 Pelican Key, Melbourne Beach, stated the subject property is next to a 100-acre development that used to be RR-1 and is now one-quarter-acre lots, and they would like to have similar zoning.

Ben Glover noted the street coming in looks like part of the community. Mr. Austin replied it is the same drive they had for the one-acre lots, but they are not part of the other development.

William Buchman stated they own the property on the west side and it was permitted in 2006. The project on the east side is completed at four units per acre, and they would like to market their land, which is why they want the comp plan change.

Jeffrey Ball stated the board should not focus on the access, because access will have to meet code at the time the site plan is addressed. They will need to provide access to a county-maintained road. He added, the property adjacent to the east is RES 2, and the zoning was approved with a BDP to cap the density at two units per acre.

Mr. Buchman noted the west boundary line is in the City of Palm Bay.

John Hopengarten asked if the lots in the development to the east are build-to-suit lots? Mr. Austin replied they are all sold and built-out. Mr. Buchman stated the builders have bought the lots and houses are being built.

Mr. Hopengarten asked if they are planning on doing the same thing on their property. Mr. Buchman replied they plan to sell to builders and they will come back with engineers.

Motion by Ben Glover to approve the request. He explained the area needs more housing, and if someone wants to sell land to build on it, it's not like the lots next door are small lots.

Liz Alward asked where they will be getting the water and sewer for the subdivision. Mr. Austin replied water is not an issue, but they will have to use septic unless the capacity is increased in Barefoot Bay.

Ms. Alward asked if they are within the Barefoot Bay Water and Sewer District. Mr. Buchman replied no, they would have to annex into Barefoot Bay, but that is up to the builders to figure out. Ms. Alward stated she is concerned about the sewer and not having the capacity for the land use change. Mr. Buchman stated according to Environmental Health, they can do three units per acre.

Ms. Alward stated if they are not in the Barefoot Bay Water and Sewer District boundary, they can't approach the district unless there is capacity. Mr. Buchman replied they are not hooking up to sewer. Ms. Alward asked if they are going to use septic tanks on four units per acre. Mr. Buchman replied yes.

Ms. Alward stated according to the School Board there is not enough capacity for the total projected and potential students for the Rushing Wind development. She asked if they have had any correspondence with the school board. Mr. Buchman replied they submitted it all to the County, and they said it is fine. Ms. Alward stated according to the school board, the only capacity is schools many miles away, but the schools closer do not have capacity.

Ms. Alward stated she is not willing to support the motion to approve until she has a better understanding of what they plan on doing as far as septic. She said she supports development, but she doesn't support something that doesn't seem planned.

Mr. Bartcher stated a portion of the area is in the septic overlay, and asked if they will be using the high-performance septic tanks. Mr. Buchman replied yes, 246 nitrogen reduction units.

Mr. Bartcher asked if the board's School Board representative have anything to offer about the school concurrency. Mr. Hopengarten stated they have an issue because Sunrise Elementary is over capacity. Mr. Bartcher stated any children in the subdivision will have to be bused quite a distance.

Ms. Alward stated the comprehensive plan and the zoning accounted for 34.6 acres, which is 25 units, and septic on 25 units is a lot different than 138 units, which is what is being proposed.

Mr. Buchman stated they do not think they're going to get that. He said it was an option of two units per acre or four units per acre. He said the property next door is one-third acre lots, and they were hoping to get the four so they could give it to the engineers and they could come back with a plan.

Mr. Austin stated the builders will have to do some engineering. If they get quarter-acre lots they may not be able to get enough houses with septic.

Mr. Ball explained Policy 1.2 says, "In Residential 30, Residential 15, Residential 10, Residential 6, and Residential 4 land use designations, centralized potable water and wastewater treatment shall be



not sewer w/ water

available concurrent with the impact of the development." He said he is hearing that wastewater is not available, but the RES 4 requires connection to central water and sewer. When considering a land use change, the board can consider the availability of infrastructure and that can mean water, sewer, roads, and school capacity. He said the comp plan requires connection to wastewater if RES 4. If the board is more inclined to approve RES 2 to not have the requirement for central sewer, then a BDP would need to be placed on the zoning to restrict the density because the zoning request is for RU-1-11, and RES 2 is not consistent with that zoning classification. 16

Mr. Bartcher stated it seems the board doesn't have much choice but to deny the request. He said there is a school concurrency problem, they have to meet the RES 4 requirement and they are saying they can't do that, and the board wouldn't want to recommend something that is against the comp plan.

Mr. Ball stated the board can recommend a lesser intense land use category, such as RES 2. Mr. Buchman pointed out they already have RES 6 on the front. Mr. Ball replied RES 6 is already out there, and he's not sure how that was established, but that is not being considered. He said the applicants are requesting a RES 4 land use designation and the comp plan requires central water and sewer.

Mr. Bartcher asked the applicants if they are willing to change their request to RES 2. Mr. Austin replied they will, but they are trying to be consistent with the development next door.

Ms. Alward asked staff how many units they can get with RES 2. Mr. Ball replied at 24 acres, it would be 48 units.

Mr. Glover withdrew his motion to approve RES 4.

Mr. Bartcher asked if the applicants are willing to change their request to RES 2. Mr. Austin replied yes.

No Public comment.

Motion by Ron Bartcher, seconded by Ben Glover, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 1 to RES 2. The motion passed 6:2, with Liz Alward and Lorraine Koss voting nay.

Mr. Ball noted that since the board's recommendation on the land use was for RES 2, the applicants would need to agree to a BDP to cap the density at two units per acre, which would give them the ability to design the subdivision according to the RU-1-11 standards, but cap the density at two units per acre.

Ms. Alward asked how many units that would be. Mr. Ball replied 48 units.

Mr. Bartcher asked the applicants if they would agree to a binding development plan. Mr. Buchman and Mr. Austin agreed to a binding development plan.

Motion by Ron Bartcher, seconded by Ben Glover, to recommend approval of a change of zoning classification from RR-1 and IN(L), to RU-1-11, with a BDP limiting density to two units per acre. The motion passed 6:2, with Liz Alward and Lorraine Koss voting nay.

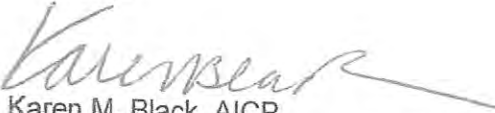
MR Black School CAPACITY IS Good

Considering the adjacent elementary school service areas, there is sufficient capacity for the total projected student membership to accommodate the Rushing Wind development.

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

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

Sincerely,



Karen M. Black, AICP

Manager – Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services  
File CD-2022-04

David G. Lindemann, AICP, Director of Planning & Project Management,  
Facilities Services  
File CD-2022-04