

From: Black.Karen@PIng_Design_and_Constr
To: Kim.Rezanka@laceyandlyons.com
Cc: Ball.Jeffrey@brevardfl.gov
Subject: RE: New rezoning application
Date: Thursday, November 5, 2020 10:57:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
Concurrency Application and Fees Oct2018.pdf
2020-21_Financially_Feasible_Plan.pdf

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

Good Morning,

Providing the County will allow the BDP to be revised without school concurrency, the School Board will consider this as a preliminary development request. The BDP must be recorded simultaneously with the rezoning approval, which would limit the development to 200 units. With the number of units increasing less than 50 units over the previous 154 units-we would consider the request exempt from school concurrency based on Interlocal Agreement Section 13.1(d.6) which states that Preliminary Development request that do not increase the maximum allowable residential units by 50 or more are exempt due to De minimis impact. Please note that if at any time the BDP is changed to increase the number of units further a school concurrency review will be required.

Regardless of this exemption, the School Board will require a Final Development Request (SCADL) in order to reserve the necessary school capacity at such time as a Site development plan or plat is submitted. I have attached a copy of the current application and Financially Feasible Plan for your reference.

You may view the [Interlocal Agreement for Public School Facility Planning and School Concurrency](#), please let me know if you have any questions.

Sincerely,



Karen M. Black, AICP Candidate
Manager-Facilities Planning & Intergovernmental Coordination

School Board of Brevard County
Facilities Services, Planning & Project Management
2700 Judge Fran Jamieson Way
Viera, FL 32940
Office Phone: 321-633-1000, Ext. 11418
E-mail Black.Karen@BrevardSchools.org

From: Kim Rezanka <krezanka@laceyandlyons.com>
Sent: Wednesday, November 4, 2020 5:26 PM
To: Ritchie, George C <George.Ritchie@brevardfl.gov>
Cc: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Black.Karen@PIng, Design and Constr <Black.Karen@Brevardschools.org>; Body, Paul <Paul.Body@brevardfl.gov>
Subject: RE: New rezoning application

Caution: This email originated from outside of Brevard Public Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, George.

As to the school concurrency, I thought concurrency was actually based on the FLU. But even with the limit of 156 units (despite being RES8), the addition of the 7.18 acres of BU-1 should result in less than the 200 units, for school concurrency. Or is commercial land never counted for school concurrency?

Sincerely,

Kimberly B. Rezanka
Office 321.608.0892

From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Wednesday, November 4, 2020 2:32 PM
To: Kim Rezanka <krezanka@laceyandlyons.com>
Cc: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Black.Karen@PIng, Design and Constr <Black.Karen@Brevardschools.org>; Body, Paul <Paul.Body@brevardfl.gov>
Subject: RE: New rezoning application

Good afternoon Kim,

This request will need a School Board School Concurrency Review. The last BDP on 50.64 acres limited development to 154 lots as recorded in ORB 5683 Pgs 716-720. Your request for 200 lots will need a new review. As their attorney, you won't need an authorization to act form. Limits on current sewer capacity are also an issue which has not been resolved. Residential densities over 4 units per acre must be connected to potable water and sewer. Friday afternoon, I am the Planner of the Day so I would not be available for application review. I do have availability from 8-9 am or 10:30 – 11:30am.

3. DEVELOPER shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.

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, Concurrency 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, MSTU's and other means through which the recipients pay for the service or facility.

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

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321-350-8272)

From: Kim Rezanka <krezanka@lacevandlyons.com>
Sent: Wednesday, November 4, 2020 12:49 PM
To: Ritchie, George C <George.Ritchie@brevardfl.gov>
Cc: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: New rezoning application

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

George,

I will be submitting a rezoning request for parcels 2310861, 2310971 and 2316173 – surveys we have show this as 58.04 – **rezoning to TR-1**, and removal of two BDP's (not sure why there are two).

What will be the **cost** of the application (including NRMO review)?

We will be submitting a BDP to limit the number of units to 200, so I do not believe we need a **school concurrency review** (RES8 for 50.85 ac., BU-1 for 7.19 ac.) – please advise.

The **authorization forms** from the owners are coming from Tampa – must I have the originals on Friday to put in the application, or can I give you a copy and deliver the originals later? Or have the originals fedex'd directly to you?

Finally, do you have **time Friday** afternoon for me to submit the application?

Thank you!

Sincerely,

Kimberly B. Rezanka
Partner



1290 US Highway 1, Suite 201
Rockledge, FL 32955
Office 321.608.0892
krezanka@laceyandlyons.com
<https://www.laceyandlyons.com/>

Commercial & Civil Litigation | Zoning & Land Use | Local Government Law

This communication, along with any attachments, may contain information that is confidential, privileged or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution, forwarding, or use of any information contained in or attached to this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone and destroy the original e-mail and its attachments without reading, printing, saving or forwarding in any manner.

Due to Florida's broad public records law, most written communications to or from government employees regarding public education are public records. Therefore, this e-mail communication may be subject to public disclosure.