

September 3, 2021

*Via Hand-Delivery*

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

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

To whom it may concern:

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

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

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

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

- **The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.**

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

- **The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.**

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

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

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

- **The appropriateness of the proposed zoning classification based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.**

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

#### ***FUTURE LAND USE ELEMENT***

##### ***Objective 1***

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

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

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

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

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

## **HOUSING ELEMENT**

### **Objective 3**

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

### **Objective 4**

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

### **Policy 4.1**

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

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

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

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

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

<sup>4</sup> Ibid.

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


<sup>6</sup> Ibid.

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

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

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

Respectfully submitted,



Javier E. Fernández, Esq.

For the Firm

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