



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

3/13/2025

Subject:

Frank Mastroianni (Jason Searl) requests a change in zoning classification from BU-1 and RU-2-10(6) to RA-2-6. (24Z00069) (Tax Account 2600118) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-10(6) (Medium-Density Multi-Family Residential) to RA-2-6 (Single-Family Attached Residential) with removal of cap of six units per acre.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 2.88 acres and RU-2-10(6) (Multiple-Family Residential) with a density cap of six (6) units per acre on the remaining 11.92 acres to all RA-2-6 (Single-Family Attached Residential) with removal of the cap of six (6) units per acre on 14.8 acres. Approval of this request will provide consistent zoning across the entire subject property.

The subject property consists of one (1) parcel located on the east side of Highway 1, approximately 0.4 miles south of Viera Blvd and bounded by Ruby St to the north and Laguna Vista Condos to the south. The site is currently undeveloped. The site has access along a Florida Department of Transportation (FDOT) maintained road highway: Highway 1 (to the west).

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Fla. Stat. Sec. 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The subject property, encompassing 2.88 acres zoned BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 0.75 or 86 multi-family units as stipulated by the Live Local Act. Additionally, the remaining RU-2-10(6) area has the potential for 71 multi-family dwelling units, with a maximum density of six (6) units per acre. In total, this results in the possibility of 157 multi-family units.

The subject property has been mapped as including 5.72 acres within the CHHA. Chapter XI of the

Comprehensive Plan, Policy 1.4(E) restricts the density of that 5.72 acres of the subject property strictly to the RES 15 designation. However, current and proposed density of the subject property is and would be a maximum of six (6) dwelling units per acre within the RES 15 FLU designation.

The proposed RA-2-6 single-family attached residential zoning classifications provide a transition between single-family residential detached zoning classifications and multifamily residential zoning classifications, permitting fee simple ownership of individual attached units constructed in accordance with the Standard Building Code for townhouses. The maximum density of RA-2-6 is six (6) dwelling units per gross acre. As such, approval of the RA-2-6 zoning request will reduce the current development potential of the subject property by 69 dwelling units (as a development pursuant to the Live Local Act).

To the north are seven (7) lots. One vacant parcel, approximately 0.52 acres with split zoning classifications of EU-2 and BU-1-A, CC FLU designation, abuts Highway US 1 to the east. The remaining six (6) lots are developed with single-family homes. With EU-2 zoning and RES 15 FLU designations. To the south is Laguna Vista Condo with 24 residential units on approximately 4.53 acres. The property has BU-1 & RU-2-10 with a density cap of 6 units per acres zoning classifications and CC & RES 15 FLU designations. To the east is the Indian River. West of the subject property: FDOT Highway US 1.

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

On February 17, 2025, the Planning and Zoning Board heard the request and recommended approval. The vote was 8:3.

Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning and Development.

Resolution 24Z00069

On motion by Commissioner Goodson, seconded by Commissioner Adkinson, the following resolution was adopted by a unanimous vote:

WHEREAS, Frank Mastroianni (Jason W. Searl) requests a change in zoning classification from BU-1 (General Retail Commercial) and RU-2-10 (Medium Density Multiple Family Residential) to RA-2-6 (Single Family Attached Residential) with removal of cap of six units per acre, on property described as Tax Parcel 753, as recorded in ORB 9648, Pages 2258-2259, of the Public Records of Brevard County, Florida. **Section 01, Township 26, Range 36.** (14.80 +/-acres) Located on the southeast corner of S. Highway 1 and Ruby St. (5955 S. Highway 1, Rockledge); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from BU-1 and RU-2-10 to RA-2-6, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of March 13, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chair
Brevard County Commission
As approved by the Board on March 13, 2025.

ATTEST:


RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – February 17, 2025

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

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, 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 zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other 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 development 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:

- 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 24Z00069

Frank Mastroianni

BU-1 (General Retail Commercial) and RU-2-10(6) (Medium-Density Multi-Family Residential) to RA-2-6 (Single-Family Attached Residential)

Tax Account Number(s): 2600118
Parcel I.D.: 26-36-01-00-753
Location: East side of Highway 1 approximately 0.4 miles south of
Viera Blvd (District 2)
Acreage: 14.8 acres

Planning & Zoning Board: 02/17/2025
Board of County Commissioners: 03/13/2025

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1, RU-2-10(6)	RA-2-6 with removal of the cap of six (6) units per acre
Potential*	FAR 0.75 157 multifamily units**	88 units
Can be Considered under the Future Land Use Map	YES CC and RES15	YES CC and RES15

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

** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act)

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 2.88 acres and RU-2-10(6) (Multiple-Family Residential) with a density cap of six (6) units per acre on the remaining 11.92 acres to all RA-2-6 (Single-Family

Attached Residential) with removal of the cap of six (6) units per acre on 14.8 acres. Approval of this request will provide consistent zoning across the entire subject property.

The subject property consists of one (1) parcel located on the east side of Highway 1, approximately 0.4 miles south of Viera Blvd and bounded by Ruby St to the north and Laguna Vista Condos to the south. The site is currently undeveloped. The site has access along a Florida Department of Transportation (FDOT) maintained road highway: Highway 1 (to the west).

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to **Florida Statute 125.01055**, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The subject property, encompassing 2.88 acres zoned BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 0.75 or 86 multi-family units as stipulated by the Live Local Act. Additionally, the remaining RU-2-10(6) area has the potential for 71 multi-family dwelling units, with a maximum density of six (6) units per acre. In total, this results in the possibility of 157 multi-family units.

The subject property has been mapped as including 5.72 acres within the CHHA. Chapter XI of the Comprehensive Plan, Policy 1.4(E) restricts the density of that 5.72 acres of the subject property strictly to the RES 15 designation. However, current and proposed density of the subject property is and would be a maximum of six (6) dwelling units per acre within the RES 15 FLU designation.

The proposed RA-2-6 single-family attached residential zoning classifications provide a transition between single-family residential detached zoning classifications and multifamily residential zoning classifications, permitting fee simple ownership of individual attached units constructed in accordance with the Standard Building Code for townhouses. The maximum density of RA-2-6 is six (6) dwelling units per gross acre. As such, approval of the RA-2-6 zoning request will reduce the current effective development potential (pursuant to the Live Local Act) of the subject property by 69 dwelling units.

Zoning history actions:

- **Z-1106; August 1963, AU to RU-1 & BU-1**
- **Z-1539; October 1964, RU-1 & BU-1 to Trailer Park; Denied**
- **Z-2980; June 1972, Administrative Rezoning RU-1 to RU-11**
- **Z-3322; June 1973, (BU-1 & RU-1-11 to BU-1 East 250 ft. of US Hwy. 1, Balance as RU-2-15),**
- **AZ-54; (RU-2-15 to RU-1-11),**
- **Z-5279; May 1980, (RU-1-11 to RU-2-10(6)) and**
- **23PUD00001; 11/05/2024, BU-1 & RU-2-10(6) to PUD, Application withdrawn.**

Surrounding Area Zoning classifications and Land Use designations

	Existing Use	Zoning	Future Land Use
North	Single-family residential	EU-2	CC, NC & RES 15
South	Single-family attached	BU-1 & RU-2-10(6)	CC & RES 15
East	Indian River	N/A	N/A
West	FDOT Highway & Funeral services	BU-1 & IN(L)	CC & NC

To the north are seven (7) lots. One vacant parcel, approximately 0.52 acres with split zoning classifications of EU-2 and BU-1-A, CC FLU designation, abuts Highway US 1 to the east. The remaining six (6) lots are developed with single-family homes. With EU-2 zoning and RES 15 FLU designations.

To the south is Laguna Vista Condo with 24 residential units on approximately 4.53 acres. The property has BU-1 & RU-2-10 with a density cap of 6 units per acres and CC & RES 15 FLU designations.

To the east is the Indian River.

West of the subject property: FDOT Highway US 1.

EU-2 zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surrounding. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

RU-2-10(6) with a cap of six (6) units per acre classification permits medium-density multiple-family residential zoning classification encompasses lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. Additionally, single-family residences on minimum lot sizes of 7,500 square feet up to the allowable density limitation of the zoning classification.

BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods.

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. The BU-1 classification does not permit warehousing or wholesaling.

IN(L) is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

Land Use

The subject property is currently designated as Community Commercial (CC) and RES 15 FLU. The existing BU-1 can be considered consistent with the CC FLU designation. The RU-2-10 zoning classifications can be considered consistent with the RES 15 FLU designation.

Applicable Land Use Policies

FLUE 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.

The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The proposed development will be required to connect to Brevard County sewer system.

- 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.

No issues are anticipated with regards to fire and emergency medical services.

- 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.

There is a 16" public water main that runs along the east side of US-1 that will provide water for the proposed development. The City of Cocoa, water utility provider, will be able to service this property.

The proposed development will connect to Brevard County sewer via a 6" force main that runs along US-1. Brevard County utilities has the capacity to service this property.

- 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.

The density of the proposed is a maximum of six (6) units per acre and will require a connection to a centralized sewer system.

Coastal Residential Densities

Objective 7

Limit densities within the coastal high hazard area and direct development outside of this area.

Staff analysis indicates that the density would not exceed 6 dwelling units per acre within the CHHA area. The subject property has been mapped as including 5.72 acres within the CHHA. Chapter XI of the Comprehensive Plan, Policy 1.4(E) restricts the density of 5.72 acres of the subject property strictly to the RES 15 designation. However, current and proposed density of the subject property is and would be a maximum of six (6) dwelling units per acre within the RES 15 FLU designation. This limits density within the CHHA to 34 units.

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 development increases the percentage of MAV utilization by 1.48%. The corridor is anticipated to operate at 62.12% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

- 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 request.

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;

The surrounding land use patterns within half a mile of the subject property includes single-family-residential, cemetery, mini-warehousing, warehousing, professional offices, commercial and retail uses on the west side of Highway 1. East of Highway US 1 is a mix of residential types and one (1) restaurant along Highway US 1.

There are five (5) FLU designations within 500 feet of the subject site: NC, CC, RES 6, RES 15, and PI. The predominant FLU designation in this area is RES 15.

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 has not been any development approved but not yet constructed within this area in the preceding three (3) years.

No zoning actions has been approved within one-half mile in the preceding three (3) years.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies of the Comprehensive Plan has been identified.

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

FLUE 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Traffic from the proposed development is not anticipated to impact the surrounding area. The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The proposal would not create a deficiency in Adopted Level of Service (LOS). No commercial or industrial activity is proposed.

- 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.

There are no established platted subdivisions within a 500 ft. radius of the subject property.

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.

The east side corridor of Highway 1 has existing commercial FLU designations. This request does not include a commercial component.

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.

There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years.

Analysis of 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.

Natural Resources has noted the subject parcel contains mapped wetlands and hydric soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

The subject property is partially located within the Coastal High Hazard Area; within estuarine floodplain as identified by FEMA; and in the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees and protected species may also be present on the subject property.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1, from Viera Blvd to Suntree, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 60.64% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.48%. The corridor is anticipated to operate at 62.12% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The preliminary school concurrency review indicates there is sufficient capacity for the total of projected and potential students from the proposed development.

The parcel has access to a 16" public water main that runs along the east side of US-1 that will provide water. The water utility provider is the City of Cocoa. The applicant stated the City of Cocoa has been engaged and will be able to service this property. The Proposed Development will connect to Brevard County sewer via a 6" force main that runs along US-1. Brevard County utilities have already been engaged and will be able to service this property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Surface Waters of the State
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00069

Applicant: Jason Searl (Owner: Frank Mastroianni)

Zoning Request: BU-1 and RU-2-10 to RA-2-6

Note: requesting 6 units per acre

Zoning Hearing: 02/17/2025; **BCC Hearing:** 03/13/2025

Tax ID No.: 2600118 (14.6 ac)

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Canaveral-Anclote complex, gently undulating; Pompano sand, 0 to 2 percent slopes; and Satellite sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property. The applicant provided a Wetland Delineation Report (Report), completed by Terracon, June 2, 2023, identifying two jurisdictional wetlands on the property. The wetlands

delineation is subject to confirmation by St. Johns River Management District (SJRWMD).

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 residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains soil types that may also function as aquifer recharge soils (Canaveral-Anclote complex, gently undulating; Pompano sand, 0 to 2 percent slopes; and Satellite sand, 0 to 2 percent slopes). Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

A portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. The parcel may be susceptible to nuisance flooding.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The Report also identifies SFHA A on the property, however, NRM did not observe SFHA A in our review of FEMA maps. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

A portion of this property 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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696

(C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.



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>

Addendum #1 To 24Z00069 Frank Mastroianni (Jason Searl) Staff Comments

This addendum provides a clarification to the staff analysis provided in the Staff Comments presented to Local Planning Agency (LPA) for the February 17, 2025 hearing.

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-10(6) (Medium-Density Multi-Family Residential) to RA-2-6 (Single-Family Attached Residential) with removal of cap of six units per acre. The proposed RA-2-6 single-family attached residential zoning classifications provide a transition between single-family residential detached zoning classifications and multifamily residential zoning classifications, permitting fee simple ownership of individual attached units constructed in accordance with the Standard Building Code for townhouses. The maximum density of RA-2-6 is six (6) dwelling units per gross acre.

Staff changes:

The following changes to the Natural Resources Management Staff Comments:

- Sentence removed under Land Use Comments: Coastal High Hazard Area - The parcel may be susceptible to nuisance flooding.
- Sentence added under Land Use Comments: Coastal High Hazard Area - Objective 7 of the Coastal Management Element aims to limit densities within the Coastal High Hazard Area and direct development outside of this area.

The *revised* NRM comments are attached.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 24Z00069

Applicant: Jason Searl (Owner: Frank Mastroianni)

Zoning Request: BU-1 and RU-2-10 to RA-2-6

Note: requesting 6 units per acre

Zoning Hearing: 02/17/2025; **BCC Hearing:** 03/13/2025

Tax ID No.: 2600118 (14.6 ac)

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Canaveral-Anclote complex, gently undulating; Pompano sand, 0 to 2 percent slopes; and Satellite sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property. The applicant provided a Wetland Delineation Report (Report), completed by Terracon, June 2, 2023, identifying two jurisdictional wetlands on the property. The wetlands delineation is subject to confirmation by St. Johns River Management District (SJRWMD).

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 residential parcels greater than five acres in area, the**

preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains soil types that may also function as aquifer recharge soils (Canaveral-Anclote complex, gently undulating; Pompano sand, 0 to 2 percent slopes; and Satellite sand, 0 to 2 percent slopes). Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Coastal High Hazard Area

Nearly the entirety of these properties is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the Coastal High Hazard Area and direct development outside of this area.

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The Report also identifies SFHA A on the property, however, NRM did not observe SFHA A in our review of FEMA maps. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

A portion of this property 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. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible

within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

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Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

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Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

**BREVARD COUNTY PLANNING AND ZONING BOARD
MONDAY, FEBRUARY 17, 2025, REGULAR MEETING
AGENDA ITEM – PUBLIC HEARING H.6. (MASTROIANNI / 24Z00069)
APPLICANT ANSWERS TO STAFF REPORT CRITERIA COMMENTS**

Administrative Policies - 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.

As outlined in Staff Comments/Report, Pg.(s) 1, 5 and 6, *both* the current zoning *and* this proposal "can be considered" under the Future Land Use (FLU) Designation, Section 62-1255.

- (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.

See Staff Report, Pg(s). 2 and 3, for a Subject Property description with a Zoning History, and a detailed Surrounding Area analysis.

- (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.

Staff Report, Pg. 4, notes "no issues" anticipated on systems or services.

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

As outlined in Staff Comments/Report, Pg.(s) 1, 2 and 3, this proposal *is compatible*. In fact, with a maximum density of RA-2-6 with a six (6) dwelling units per acre maximum density or "cap," it will actually "reduce the current effective development potential (pursuant to the Live Local Act) of the subject property by 69 dwelling units (potential of 157 multifamily units)," thus, making it even more consistent that what this potentially could be.

- (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.

See above Answers to "Criteria (2), (3) and (4)" above.

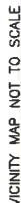
The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

For these reasons, Applicant requests an approval recommendation.

[illegible]

Mr. Craig Rudenland; Chicago Title Insurance Company;


 01/29/2024
 Date of Signature
 Aaron Murphy
 JASON J. MURPHY, T.S.
 JUDGE, CLERK OF SUPERIOR COURT
 CERTIFICATE OF AUTHORIZATION LB #7013
 I, JUDGE JASON J. MURPHY, do hereby certify that the within and the original release order of a Purcell Limited



NOTES REGARDING OPTIONAL ALTA TABLE A

MONUMENTS ARE SHOWN.

1. THE ADDRESS OF THE SUBJECT PROPERTY IS AS SHOWN.

2. THE FLOOD ZONE IS SHOWN.

3. THE AREA OF THE PROPERTY IS SHOWN.

(4) BUILDING DIMENSIONS ARE SHOWN.

5. SUBSTANTIAL FEATURES OBSERVED ARE SHOWN.

6. PROBABLE EVIDENCE OF ABOVE GROUND AND UNDERGROUND UTILITIES ARE SHOWN.

7. (a) THE ADJACENT OWNERS ARE SHOWN ACCORDING TO THE BREVARD COUNTY PROPERTY APPRAISER'S WEB SITE.

8. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK OR BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

9. THE DATE OF THIS SURVEY IS 01/20/2017 AND THE DATE THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION IS 01/20/2017.

10. ANY PROVIDED EASEMENTS ARE SHOWN (NONE PROVIDED).

11. PROFESSIONAL LIABILITY INSURANCE IS IN PLACE.

ELEVATIONS SHOWN HEREON ARE NAVD 1988

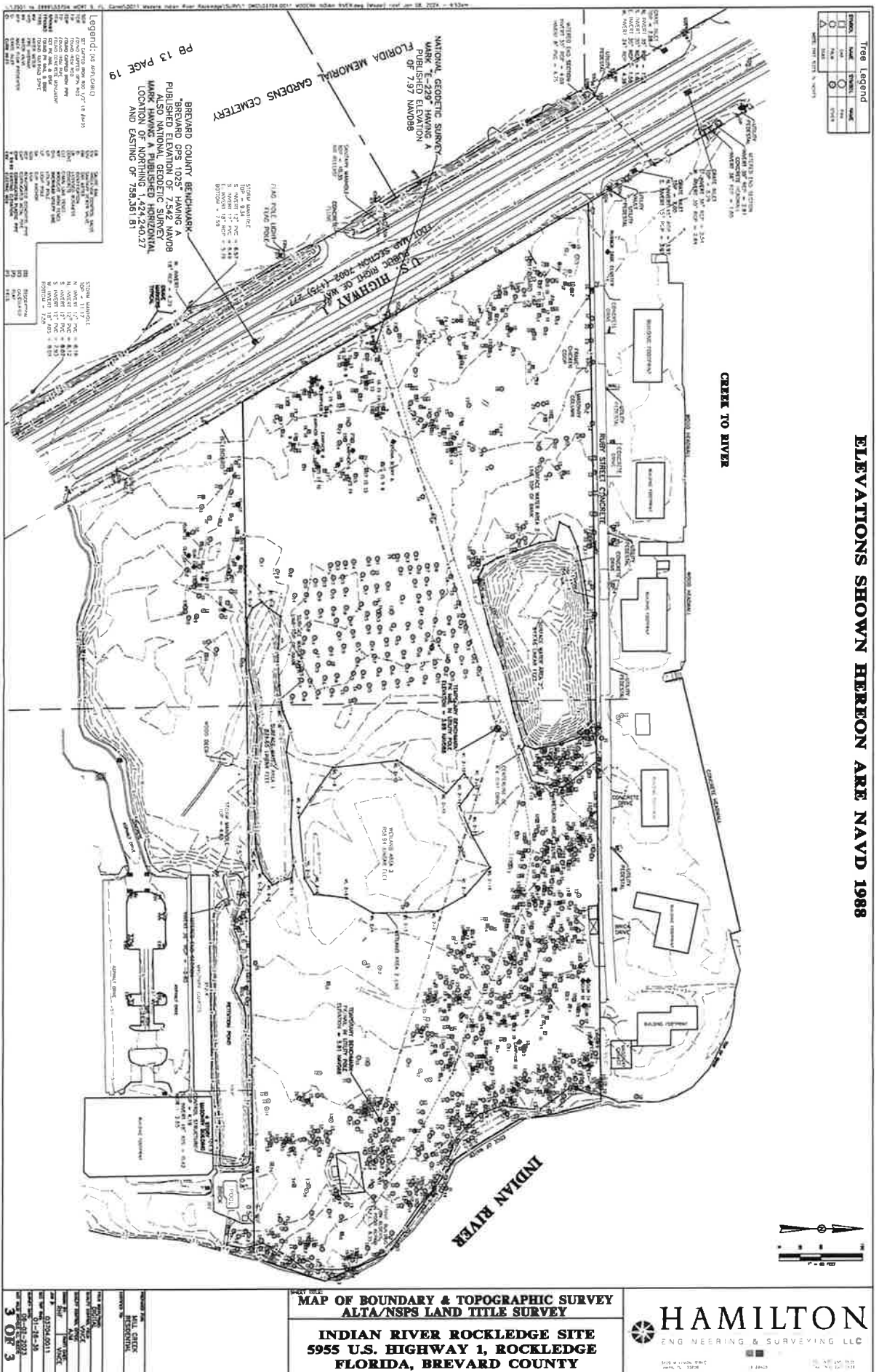
the South 300 feet of the North 500 feet of that part of the East half of the Southeast 1/4 lying East of the right-of-way of U.S. Highway No. 1, in Section 1, Township 26 South, Range 36 East, U.S. Government Lot 3, lying East of the North 500 feet of that part of the Government Lot 3, lying East of U.S. Highway No. 1, in Section 1, Township 26 South, Range 36 East, now situated, lying and being in Brevard County, Florida.

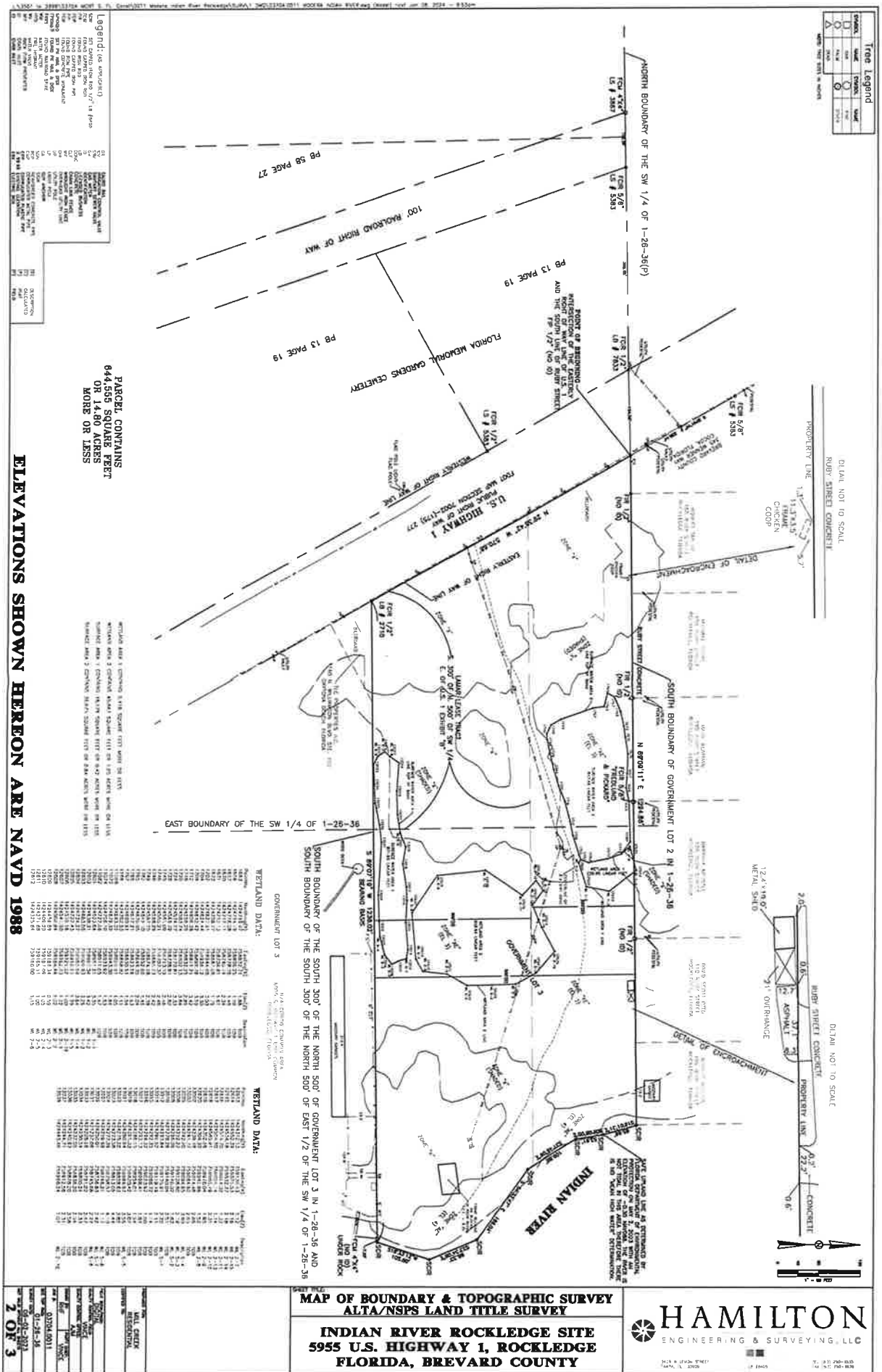
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NOTES REGARDING SCHEDULE B-II EXCEPTIONS:
(As per Title Commitment Number 11089446 issued by
Chicago Title Insurance Company bear an effective date
of April 6, 2023 at 11:00 PM)

**PARCEL CONTAINS
344,555 SQUARE FEET
OR 14.80 ACRES
MORE OR LESS**

[illegible]





MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
ALTA/NSPS LAND TITLE SURVEY
INDIAN RIVER ROCKLEDGE SITE
5955 U.S. HIGHWAY 1, ROCKLEDGE
FLORIDA, BREVARD COUNTY

HAMILTON
ENGINEERING & SURVEYING, LLC

1111 N. US HWY 1, SUITE 100
ROCKLEDGE, FL 32955

TEL: 888-888-8888
FAX: 888-888-8888
WWW.HAMILTONSURVEYING.COM

Wetland Delineation Report

New Garden Deal Viera

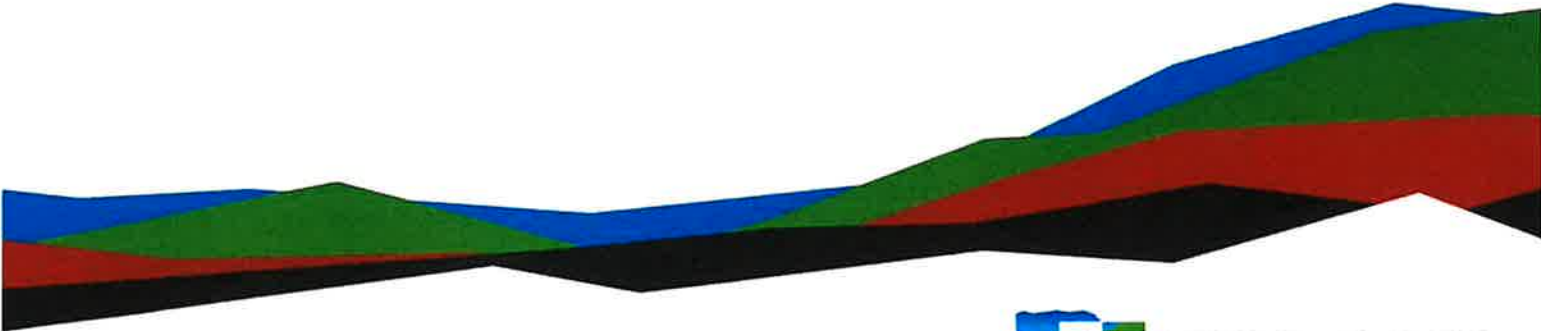
June 2, 2023 | Project Number: H1237389

Site Location:

New Garden Deal Viera
Viera, Brevard County, Florida

Prepared for:

MCRT Investments, LLC
225 East Robinson Street
Suite 360
Orlando, Florida



Nationwide
Terracon.com

- Facilities
- Environmental
- Geotechnical
- Materials



1675 Lee Road
Winter Park, Florida 32789
P (407) 740-6110
F (407) 740-6112
Terracon.com

June 2, 2023

MCRT Investments, LLC
225 East Robinson Street, Suite 360
Orlando, Orange County, Florida

Attn: Mr. Christopher Burtner
P (407) 337-6326
E cburtner@mctrust.com

RE: Wetland Delineation Report
New Garden Deal Viera
5955 South US Highway 1
Viera, Brevard County, Florida
Terracon Project No. H1237389

Dear Mr. Burtner:

Terracon Consultants, Inc. (Terracon) is pleased to submit the enclosed Natural and Aquatic Resources Report for the above-referenced site. The scope of this assessment included a wetland delineation on the site.

This work was performed in general accordance with the scope of services outlined in the Supplement to Agreement for Services dated May 22, 2023. This report was prepared for the exclusive reliance of MCRT Investments, LLC ("client"). Use or reliance by any other party is prohibited without the written authorization of the client and Terracon.

We trust that this information will assist you in your evaluation of the site. If you have questions concerning this report, or if we can assist you in other matters, please contact us.

Sincerely,

Terracon

Brennan Hagan, PWS
Group Manager
(321) 203-7402
Brennan.hagan@terracon.com

Brian P. Brandon, PWS
Environmental Department Manager
(407) 740-6739
Brian.brandon@terracon.com



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Wetland Delineation Report

New Garden Deal Viera ■ Viera, Florida

June 2, 2023 ■ Terracon Project No. H1237389



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1.0 Introduction

The site consists of ±14.99 acres of forested land located at 5955 South US Highway 1 (identified as Brevard County Parcel No. 26-36-01-00-753) in Viera, Florida. The site primarily consists of forested uplands, agricultural areas, a single family residence, and a stormwater pond. It is the understanding of Terracon that the site will be developed with multi-family residential development, associated infrastructure, and dock within the Indian River Lagoon.

Any potential wetland areas on the site would likely fall under the jurisdiction of the St. Johns River Water Management District (SJRWMD) for the State, as "Waters of the United States" (WOTUS) regulated by federal authority under 33 Code of Federal Regulations (CFR) Parts 320-330 by the U.S. Army Corps of Engineers (USACE) as "Retained Waters", and/or potentially the Florida Department of Environmental Protection (FDEP) under the new State 404 Program as "Assumed Waters". Potential impacts to species which are listed as threatened or endangered would fall under the jurisdiction of the Florida Fish and Wildlife Conservation Commission (FWC) for state listed species, and the United States Fish and Wildlife Service (USFWS) for federally listed species. The following sections provide Terracon's methodologies and findings to conduct a natural and aquatic resources assessment of the site.

2.0 Methodology

2.1 Wetland Delineation

A review of readily available published resources was conducted to preliminarily identify features indicative of jurisdictional wetlands and listed species on the site or in the immediate vicinity. A field investigation is then conducted to delineate wetland areas utilizing the FDEP Wetlands Delineation Manual¹, and guidance provided in Florida Administrative Code (F.A.C.) 62-330 *Delineation of the Landward Extent of Wetlands and Surface Waters*. Potential wetland areas are located and evaluated based on the three wetland parameters of hydrophytic vegetation, hydrology, and hydric soil indicators.

Hydrophytic vegetation is assessed by identifying plant species and their assigned wetland indicator rating of obligate (occur in wetlands >99% of the time), facultative wet (occur in wetlands 67-99% of the time), facultative (occur in wetlands 34-66% of the time), facultative upland (occur in wetland 1-33% of the time), and upland (occur in wetlands <1% of the time). The FDEP and water management districts determines hydrophytic vegetation as present when the percent coverage of obligate species is greater than the percent cover of upland species (A Test), or when the percent cover of obligate and facultative wet species are greater than 50% of all species in that stratum (B Test). Wetland hydrology is determined to be present based on several indicators (water marks, elevated lichen lines, plant adaptations, etc.). Hydric soil is determined by investigating soil features such as soil color, and evidence of redoximorphic features which are features that are formed by the processes of reduction,

¹Gilbert, K.M., J.D. Tobe, R.W. Cantrell, M.E. Sweely, and J.R. Cooper. 1995. The Florida Wetlands Delineation Manual. FDEP, Tallahassee, FL.

translocation, and/or oxidation of Fe and Mn oxides formerly called mottles and low chroma colors. These features are commonly found in hydric soils.

2.2 Land Cover

To better categorize onsite habitats, onsite areas were demarcated and classified using FLUCFCS.² Particular attention was allocated to undeveloped and natural areas. The current conditions are discussed in Section 4.0 of this report and reflected on Exhibit 5 (Appendix A).

3.0 Desktop Assessment

3.1 Topography and Hydrology

A review of the United States Geological Survey (USGS) topographical maps for this parcel (Cocoa, FL Quadrangle, 1984), and elevation data from Google Earth indicate the parcel is situated between 0 and 5 feet above mean sea level (amsl). Surface water drainage is anticipated to be consistent with the topographic gradient of the site which generally flows in a eastern direction toward the Indian River Lagoon. According to the USGS Topographic Map Key, the site appears to be a mix of residential, disturbed areas, agriculture, and forested areas as of the most recent topographic map. The topographic maps are included as Exhibit 1, Appendix A.

3.2 Soil Survey

According to the Natural Resources Conservation Service (NRCS) Soil Survey for Brevard County, mapped soil units on the site include the following:

- **9 – Canaveral-Anclote complex, gently undulating:** Somewhat poorly drained with average depth to water table between 12 and 36 inches below ground surface (bgs). This soil type is located on the eastern portion of the site.
- **51 – Pompano sand with 0 to 2 percent slopes:** Poorly drained with average depth to water table 3 to 12 inches bgs. This soil type is mapped centrally on the site.
- **52 – Quartzipsamments, smoothed:** Moderately well drained with average depth to water table 24 to 60 inches bgs. This soil type is mapped along the northwestern portion of the site.
- **53 – Satellite sand 0 to 2 percent slopes:** Somewhat poorly drained with average depth to water table 18 to 42 inches bgs. This soil type is mapped along the southwestern portion of the site.

During the site reconnaissance, Terracon dug test pits to analyze subsurface soil conditions for hydric soil indicators. According to the *Hydric soils of Florida Handbook*, Canaveral-Anclote (9), Pompano sand (51), and Satellite sand (53) are categorized as hydric soils. Quartzipsamments, smoothed (52) is not categorized as a hydric soil. All soil designated areas listed above and located

²Florida Department of Transportation, Survey and Mapping Office Geographic Mapping Section. January 1999, Third Ed. Florida Land Use, Cover and Forms Classification System. Tallahassee, FL.

on site were observed to be generally consistent with the NRCS soil survey designation. The NRCS Soil Survey Map for the site is included as Exhibit 3.

3.3 National Wetlands Inventory

The NWI map of the site was reviewed to identify potential wetlands and surface waters. The map for the site was published by USFWS and depicts probable wetland areas and surface waters based on stereoscopic analysis of high-altitude aerial photographs, topographic maps, and soil survey information. The NWI map does not depict any wetlands on the site; however a surface water is depicted outside of the project area along the northern and eastern portions of the site which has been identified as the Indian River. Based on the site reconnaissance, Terracon identified an additional surface water pond on the northern and southern portions of the site. In addition, Terracon identified two wetlands onsite located centrally and on the northern portion of the site. The NWI map for the site is included as Exhibit 4.

3.4 Flood Zones

Terracon reviewed the Federal Emergency Management Agency (FEMA) ArcGIS online open data portal to determine if the subject project area falls within a designated flood zone area. The site is located within three (3) different flood zones. Flood Zone AE Costal Floodplain, which are areas subject to a 0.2% annual chance flood hazard, and which base flood elevations (BFE) have been determined. The BFE for this portion of the site is 3 feet amsl. A portion of the site is also located in Flood Zone A, which are areas subject to a 0.2% annual chance flood hazard, and which BFEs have not been determined. The remainder of the site is located in Flood Zone X, which are areas located outside of the 0.2% annual chance flood hazard area. The FEMA 100-Year Flood Zone Map is included as part of Appendix A.

3.5 Previously Issued Wetland Permits

Terracon reviewed the following sources to determine if wetland or surface water permits had previously been issued for the site, or if the site is associated with a currently valid permit.

- **Environmental Resource Permit (ERP) Database:** The SJRWMD and FDEP Environmental Resource Permit (ERP) databases were reviewed to identify potential wetland areas and permits previously issued for the site. According to the records search, there are no previously issued ERP permits issued for the site.
- **State 404 Program Permit Database:** The FDEP State 404 Program permit database was reviewed to identify potential wetland areas and permits previously issued for the site. According to the records search, there are no previously issued State 404 Program permits issued for the site.
- **USACE Permit Database:** The US Army Corps of Engineers (USACE) permit database was reviewed to identify potential wetland areas and permits issued for the site. According to the records search, there are no previously issued wetland permits associated with the site.

3.6 Recorded Conservation Easements

Terracon reviewed site information made available through the Brevard County Property Appraiser website, and available data layers made available through FDEP's Map Direct database to determine if the site was associated with recorded conservation easements. According to these resources, there are no conservation easements recorded for the site. However, Terracon recommends that title records for the site be researched prior to acquisition or development of the site.

4.0 Site Reconnaissance

The site was reviewed by Brennan Hagan, PWS and Ashley Chattle, WPIT on May 11, 2023. The site was investigated for the presence of wetlands and surface waters using the Routine Onsite Determination Method described in the FDEP Wetland Delineation Manual. Additionally, the site was investigated to determine if habitat for listed threatened or endangered species was present based on FLUCFCS designation. The following section outlines Terracon's observations during the site reconnaissance.

4.1 Existing Site Conditions

Based on the site inspection and review of the above resources, the following land uses were observed on the site:

- **Residential, Low Density** (Mapped FLUCFCS Code – 110) – ±0.36-acre: The eastern portion of the site contained a structure that appeared to be vacant and abandoned. This structure appeared to previously be a single family residence with a small driveway and landscaped yard.
- **Open Land** (Mapped FLUCFCS Code – 190) – ±0.35-acre: The western portion of the site contained an open grassy area between the forested edge of the property and the right-of-way of US-1.
- **Tree Nurseries** (Mapped FLUCFCS Code – 241) ±2.91 acres: A portion of the site appears to consist of an abandoned tree nursery. The dominant vegetation in this area contained plotted rows of Sylvester palm (*Phoenix sylvestris*). The area also contained cabbage palm (*Sabal palmetto*), cogon grass (*Imperata cylindrica*), Brazilian pepper (*Schinus terebinthifolia*), Frangipani (*Plumeria rubra*), Florida avocado (*Persea americana*), and Muscadine grapevine (*Vitis Rotundifolia*).
- **Brazilian Pepper** (Mapped FLUCFCS Code – 422) – ±1.89 acres: Multiple areas around the central portion of the site is currently dominated by Brazilian pepper. Due to the growth pattern of Brazilian pepper, there was no other canopy or sub canopy. The ground cover was minimal but did contained elderberry (*Sambucus nigra*) and Ceasar's weed (*Urena lobata*).
- **Sand Live Oak** (Mapped FLUCFCS Code – 432) – ±6.05 acres: The western and eastern portion of the site contained forested uplands dominated by sand live oak (*Quercus geminata*). The canopy also included scattered pignut hickrory (*Carya glabra*). The sub canopy consisted of cabbage palm, Brazilian pepper, cherry laurel (*Prunus caroliniana*). The ground cover in these

areas consisted of cogon grass, chalky bluestem (*Andropogon virginicus*), golden rod (*Solidago fistulosa*), bracken fern (*Pteridium aquilinum*), dog fennel (*Eupatorium capillifolium*), and creeping oxeye (*Sphagneticola trilobata*).

- **Streams and Waterways** (Mapped FLUCFCS Code – 510) – ±0.36-acre: The southern portion of the site contained a small excavated pond. The edges of the pond was dominated by Brazilian pepper.
- **Reservoirs** (Mapped FLUCFCS Code – 530) – ±0.68-acre: The northern portion of the site contained a small excavated pond. The edges of the pond contained carolina willow *Salix caroliniana*, Peruvian primrose (*Ludwigia peruviana*), swamp fern (*Blechnum serrulatum*), cattail (*Typha latifolia*), creeping oxeye, and Brazilian pepper.
- **Exotic Wetland Hardwoods** (Mapped FLUCFCS Code – 619) – ±1.06-acre: The central portion of the site contained a wetland dominated by nuisance and exotic vegetation. The area is dominated by Brazilian pepper and elderberry with occurrences of swamp fern and coastal leather fern (*Acrostichum danaeifolium*).
- **Wetland Forested Mixed** (Mapped FLUCFCS Code – 630) – ±0.11-acre: The northern portion of the site contained a forested wetland. This wetland appears to be associated with the excavated pond and located directly adjacent to the wetland. The wetland vegetation contained a canopy dominated by cabbage palm with occurrences of pignut hickory. The sub canopy consisted of carolina willow, Peruvian primrose, and Brazilian pepper. The ground cover consisted of swamp fern, coastal leather fern, and swamp rosemallow (*Hibiscus grandiflorus*).
- **Disturbed Lands** (Mapped FLUCFCS Code – 740) – ±1.22 acres: The site contained several areas that appeared to have been disturbed in the past due to the landscape operating occurring on the site. This area was dominated by cogon grass, Ceasar's weed, common ragweed (*Ambrosia artemisiifolia*), beggartick (*Bidens alba*), dog fennel, Brazilian pepper, young cabbage palm, and Sylvester palm.

5.0 Wetland Jurisdiction and Permitting Needs

5.1 Brevard County

Because the site is located within unincorporated Brevard County, onsite wetlands fall under the jurisdiction of Brevard County Environmental Resource Management. Per Brevard County Land Development Code § 62-3639 (1), any wetlands addressed by a SJRWMD or FDEP permit will be exempt from the County's permitting and mitigation standards. The permit (and any staff comments) must be provided to Brevard County ERM prior to any wetland alterations. In addition, the ERM may conduct a site visit to review the wetland delineation boundaries. Therefore, additional coordination with Brevard County ERM may be required, but is not anticipated to require a separate permit and mitigation.

5.2 St. John's River Water Management District

The wetlands and surface waters on site also fall under the jurisdiction of SJRWMD. An ERP application would need to be submitted to address stormwater needs and wetland/surface water impacts as they relate to the project. If SJRWMD deems it necessary, mitigation may be required in order to offset any impacts to wetlands or surface waters. If purchasing mitigation credits is the preferred method of mitigation, the credits would need to be purchased from a mitigation bank located within the same drainage basin. The site is located within the Northern Indian River Lagoon drainage basin which has two (2) different mitigation banks (Green Wing and NeoVerde Mitigation Banks) that service this area. If credits are not available at these banks at the time of permitting, a cumulative impact assessment would need to be reviewed and approved by SJRWMD in order to mitigate from a bank located out of basin.

5.3 Florida Department of Environmental Protection

Under current state regulations, wetlands and surface waters are assessed to determine if they would constitute WOTUS and be federally regulated by the FDEP under the Assumed Waters Rule that went into effect on December 22, 2020. Although the NWPR was vacated in federal court on August 31, 2021, the FDEP is using the NWPR to make jurisdictional determinations until the state definition is revised to be consistent with the federal definition. However, to avoid objection from the EPA due to the FDEP utilizing the NWPR to determine jurisdictional status, the pre-2015 definition of WOTUS is also considered. Based on the findings of the site reconnaissance, one of the two wetlands located onsite would likely be considered (a)(4) 'Adjacent wetlands' because it appears to be adjacent to jurisdictional features. Therefore, a State 404 Program permit would be required from FDEP to address any proposed wetland/surface water impacts. Mitigation would need to be provided to offset wetland and surface water impacts. Additionally, as part of the State 404 Program permit application process, the applicant will need to provide an alternate site analysis which demonstrates that other parcels were considered for purchase to accommodate the project, and that development on the subject site represents the least environmentally damaging practicable alternative (LEDPA) of all the parcels considered.

In addition to jurisdiction over wetlands on the site, FDEP retains jurisdiction of the Sovereign Submerged Lands Program (SSL). The project currently proposed a docking structure that will be subject to the SSL program and will likely require a State Lands Lease.

5.4 United States Army Corps of Engineers

The "Assumed Waters Rule" went into effect on December 22, 2020. Under this rule, jurisdiction over traditional navigable waters, tidally influenced waters, certain other waters, and wetlands within 300 feet of these resources was "retained" by USACE. Jurisdiction over all other wetlands and surface waters was "assumed" by the FDEP under the State 404 Program. Based on Terracon's review of publicly available resources, one of the wetlands onsite appears to be within 300 feet of a waterbody in which jurisdiction was retained by USACE. Therefore, a 404 Permit application would ordinarily need to be submitted to USACE to address any impacts to jurisdictional features. However, on May 25, 2023 the U.S. Supreme Court issued its decision in *Sackett v. Environmental Protection Agency (EPA)*. Based on the ruling, WOTUS are limited to streams, rivers, lakes, oceans, relatively permanent water bodies that are connected to navigable waters that are navigable in fact, and wetlands that have a continuous surface connection with navigable waters; provided the relatively permanent water bodies and wetlands constitute WOTUS in their own right, and are "indistinguishable from" those waters. The EPA and USACE

will interpret the phrase “Waters of the United States” consistent with the Supreme Court’s decision in Sackett. Following interpretation, the agencies will develop rules and guidance. Therefore, USACE jurisdiction over the wetlands and surface waters on the site will be determined once new agency guidance is provided; however, it is the opinion of Terracon that the supreme court decision implies the wetlands and surface waters on the site would not be considered WOTUS.

6.0 Functional Assessment

In accordance with Rule 62-345 FAC: UMAM, Terracon conducted a preliminary analysis to determine the functional value of wetlands onsite that were proposed to be impacted. The following table is a summary of the preliminary UMAM scores for the site.

Assessment Area	Type	Location & Landscape		Water Environment		Community Structure		Delta
		w/o	w	w/o	w	w/o	w	
Wetland 1	Direct	5	0	4	0	4	0	-0.43
Wetland 2	Direct	5	0	5	0	3	0	-0.43

Based on the UMAM analysis of the wetlands onsite, the functional value of Wetland 1 is estimated to be 0.43 and the functional loss for wetland 2 is estimated to be 0.43. Therefore, each acre of impact to Wetland 1 would require 0.43 credits, and each acre of impact to Wetland 2 would require 0.43 credits. If utilizing a mitigation bank is the preferred method of mitigation, then mitigation credits would need to be purchased from a mitigation bank located within the same cumulative impact basin to offset wetland impacts and yield “no net loss” of wetlands. Based on the location of the site, there are currently 2 wetland mitigation banks located within the same cumulative impact basin (Northern Indian River Lagoon) as the site – Green Wing and NeoVerde Mitigation Banks. Credits are currently \$320,000 per credit for dual credits. As such, if only a portion of the wetlands onsite are proposed for impact, the mitigation needed will likely cost \$136,000 per acre of wetland impact.

7.0 Conclusions and Recommendations

The site was investigated to identify the potential presence of wetlands and listed species on the site. Based on the results of our assessment, Terracon makes the following conclusions and recommendations:

- Based on the site visit, multiple jurisdictional wetlands and surface waters to the State have been identified on the site. Terracon recommends having the delineated wetland and surface water boundaries reviewed and approved by SJRWMD. The agency will review the wetland and surface water boundaries once an ERP application is submitted for stormwater/wetlands permit with SJRWMD or as part of a request for a formal wetland delineation determination with SJRWMD.

- Based on recent actions by the supreme court, the jurisdictional reach of WOTUS has been reduced and the 404 program is pending guidance from the regulatory community regarding the implementation of the supreme court ruling in *Sackett v. US EPA*. It is the opinion of Terracon that the supreme court decision implies the wetlands and surface waters on the site would not be considered WOTUS.
- Because the installation of a dock is proposed as part of the project, coordination and permitting with FDEP SSL program would be required.
- Brevard County ERM may conduct a site visit to review the wetland delineation boundaries. Additional coordination with Brevard County ERM may be required as ERM may request to conduct a site visit to review the wetland delineation boundaries. However, it is not anticipated to require a separate permit and mitigation.

8.0 Standard of Care

Terracon's services were performed in a manner consistent with generally accepted practices of the profession undertaken in similar studies in the same geographical area during the same time period. Terracon makes no warranties, express or implied, regarding the findings, conclusions or recommendations. Please note that Terracon does not warrant the work of laboratories, regulatory agencies or other third-party resources supplying information used in the preparation of the report. These services were performed in accordance with the scope of work agreed to by the client. Findings, conclusions, and recommendations resulting from these services are based upon information derived from the onsite activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of wetlands may have been latent, inaccessible, unobservable, or not present during our services.

9.0 User Reliance

This report is prepared for the exclusive use and reliance of MCRT Investments, LLC. Use or reliance by any other party is prohibited without the written authorization of MCRT Investments, LLC and Terracon Consultants, Inc. (Terracon). Reliance on this report by the client and all authorized parties will be subject to the terms, conditions and limitations stated in the proposal and Terracon's Agreement for Services. The limitation of liability defined in the Agreement for Services is the aggregate limit of Terracon's liability to the client and all relying parties.

10.0 Additional Considerations

It should be noted that development projects within the state of Florida typically involve additional natural resources considerations that are regulated by state, and federal agencies as well as local governments. Additionally, the project funding may constitute a federal nexus and be subject to regulation under the National Environmental Policy Act (NEPA); which requires additional consultation

Wetland Delineation Report

New Garden Deal Viera ■ Viera, Florida

June 2, 2023 ■ Terracon Project No. H1237389

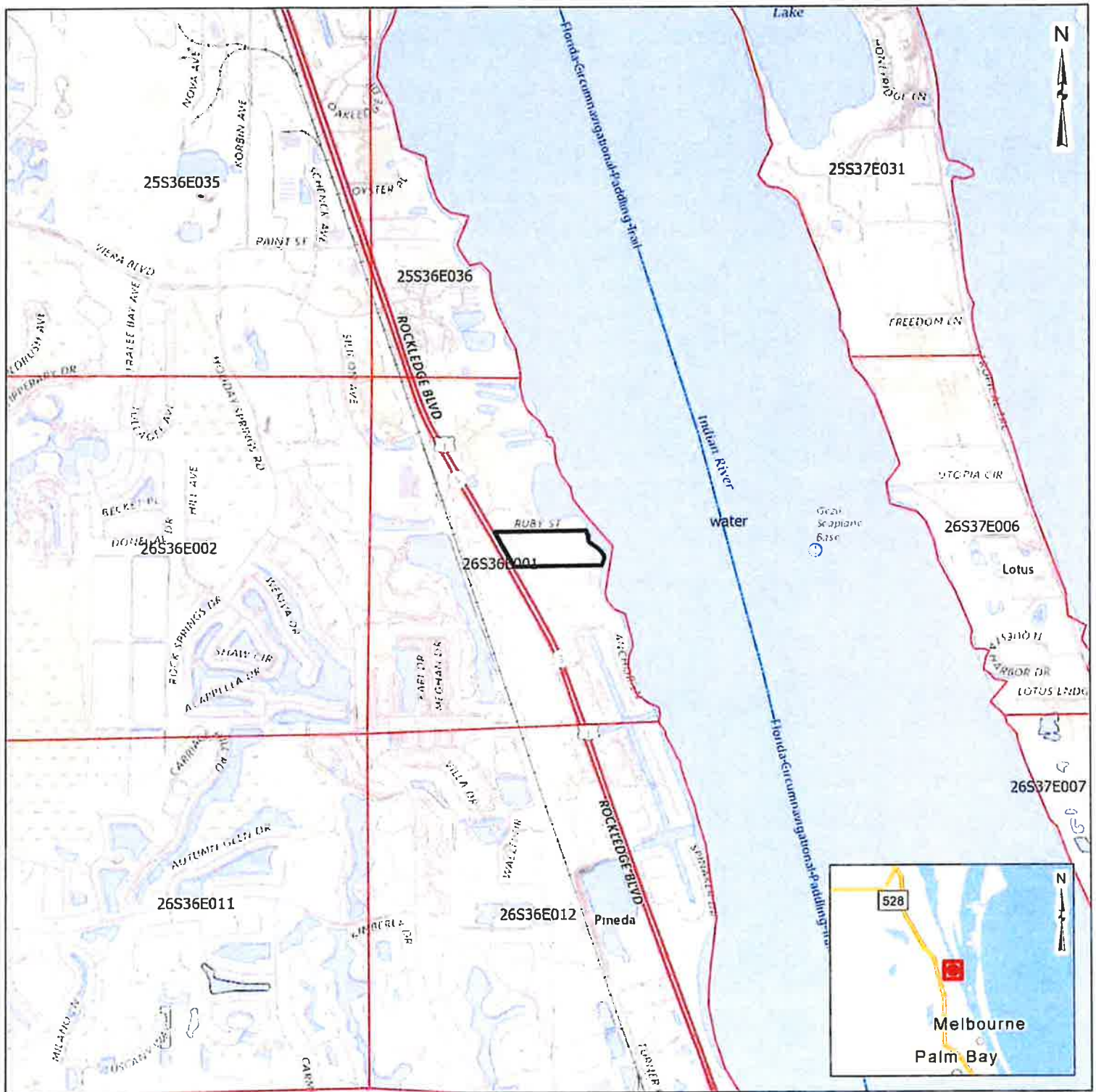


efforts with federal agencies, native american tribes, and the general public. At the request of the client, Terracon can provide the following services:

- Tree inventories/Health Assessments
- Tree Mitigation Plans and Permitting Assistance
- Desk-Based Assessment (DBA) for Archaeological and Historical Resources
- Cultural Resources Assessment Survey (CRAS)
- Historical Structure Assessments and National Register Nominations
- Cemetery Assessments and Rehabilitation
- NEPA Services
- Public Outreach
- Guidance on Environmental and Cultural Elements of Land Development Code (LDC)
- Land Use Feasibility Studies
- Wetland Mitigation Bank Siting, Permitting, and Monitoring
- Grant Management Services
- Commercial Dock Permitting/Compliance

Appendix A

Exhibits



- Project Boundary
- Public Land Survey System (TRS)

Feet

0 1,000 2,000 4,000

DATA SOURCES:
USGS Topographic Survey, Cocoa Quadrangle, ESRI
USGS Topographic Basemap & World Navigation Map

Project No.:
H1237389

Date:
May 2023

Drawn By:
GRS

Reviewed By:
BH

Terracon

1675 Lee Road Winter Park, FL 32789

PH. (407) 740-6110 terracon.com

Project Location

Wetland Delineation
New Deal Viera
Brevard County, Florida

Exhibit

1



Project Boundary



DATA SOURCES:
Brevard County - Parcels (2022); ESRI - World Imagery
Hybrid Basemap & World Navigation Map

Project No.:	H1237389
Date:	May 2023
Drawn By:	GRS
Reviewed By:	BH



1875 Lee Road Winter Park, FL 32789
PH. (407) 740-8110 terracon.com

Aerial Photograph

Wetland Delineation
New Deal Viera
Brevard County, Florida

Exhibit

2



Project Boundary

Soils

- 9, Canaveral-Anclote Complex, Gently Undulating
- 51, Pompano Sand
- 52, Quartzipsamments, Smoothed
- 53, Satellite Sand
- 100, Waters Of The Atlantic Ocean

DATA SOURCES
 USDA - NRCS Soils Survey of Seminole County, FL,
 ESRI - World Imagery Hybrid Basemap & World
 Navigation Map

Project No.:
 H1237389
 Date:
 May 2023
 Drawn By:
 GRS
 Reviewed By:
 BH

1675 Lee Road Winter Park, FL 32789
 PH. (407) 740-6110 terracon.com

NRCS Soils

Wetland Delineation
 New Deal Viera
 Brevard County, Florida

Exhibit

3



- Project Boundary**
- National Wetlands Inventory**
- Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Riverine
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland

Feet
0 300 600 1,200

DATA SOURCES:
USFWS - National Wetlands Inventory (NWI), ESRI -
World Imagery Basemap & World Navigation Map

Project No.:
H1237389

Date:
May 2023

Drawn By:
GRS

Reviewed By:
BH

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National Wetlands Inventory

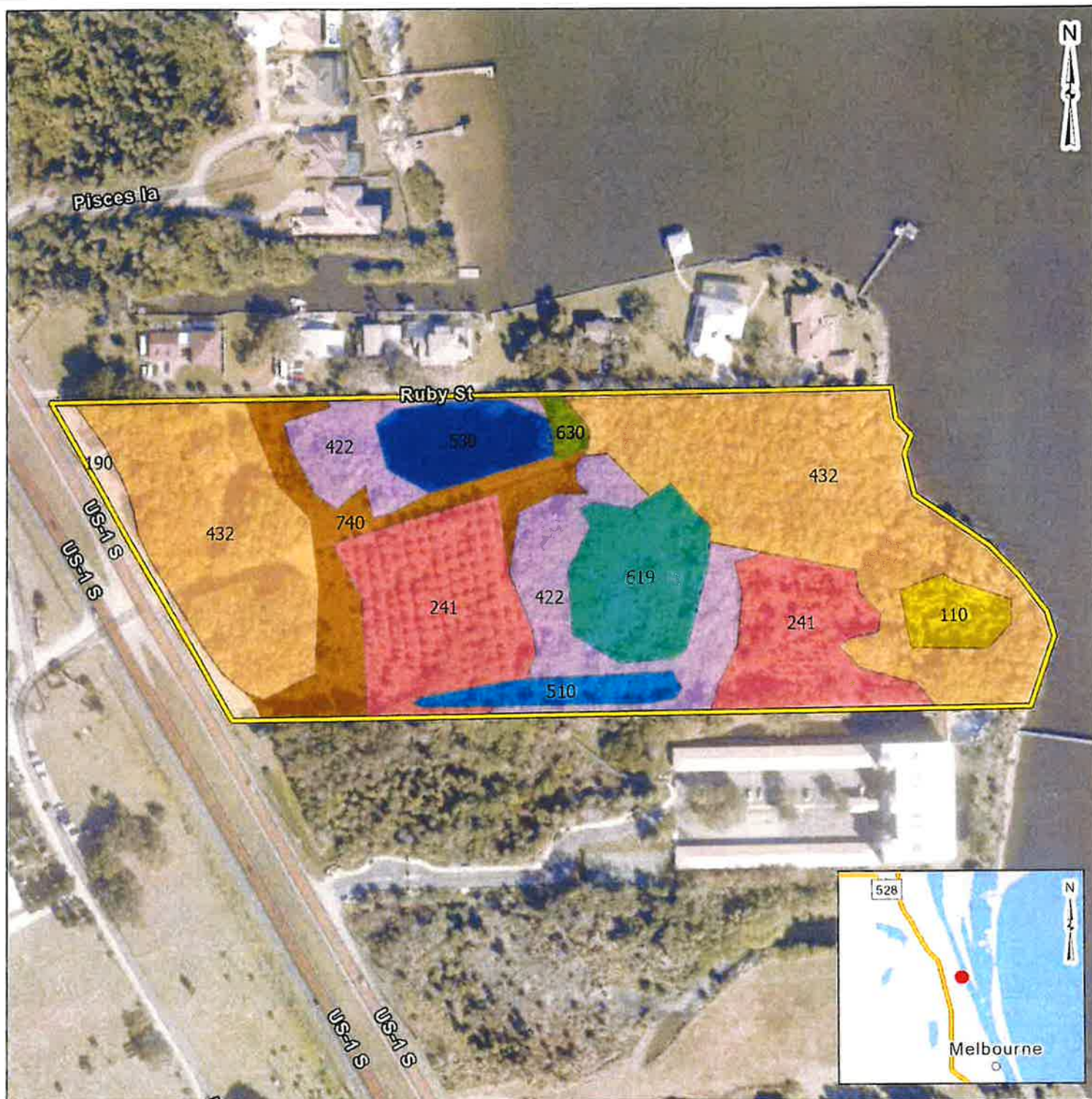
Wetland Delineation
New Deal Viera
Brevard County, Florida

Exhibit

4



DATA SOURCES
FEMA - Flood Hazard Zones for Brevard County
(Effective Date 7/13/2021), FIRM Panel -
12009C0445H, ESRI - World Imagery Basemap &
World Navigation Map



Project Boundary (14.99 ac.±)

FLUCFCS

110, Residential - Low Density (0.36 ac.±)

190, Open Land (0.35 ac.±)

241, Tree Nurseries (2.91 ac.±)

422, Brazilian Pepper (1.89 ac.±)

432, Sand Live Oak (6.05 ac.±)

510, Streams and Waterways (0.36 ac.±)

530, Reservoirs (0.68 ac.±)

619, Exotic Wetland Hardwoods (1.06 ac.±)

630, Wetland Forested Mixed (0.11 ac.±)

740, Disturbed Land (1.22 ac.±)

DATA SOURCES

Terracon - Wetland Delineation; Florida Land Use, Cover and Forms Classification System (FLUCFCS); ESRI - World Imagery Basemap & World Navigation Map

Project No.:
H1237389

Date:
May 2023

Drawn By:
GRS

Reviewed By:
BH



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Winter Park, FL 32789

PH: (407) 740-6110

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Existing Site Conditions

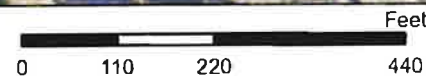
Wetland Delineation
New Deal Viera
Brevard County, Florida

Exhibit

6



- Project Boundary (14.99 ac.±)
- Flagged
- Wetlands (1.17 ac.±)
- Other Surface Water (0.36 ac.±)
- Unflagged
- Other Surface Water (0.68 ac.±)



DATA SOURCES:
Terracon - Wetland Delineation; ESRI - World Imagery
Basemap & World Navigation Map

Project No.:	H1237389
Date:	May 2023
Drawn By:	GRS
Reviewed By:	BH

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Approximate Wetlands

Wetland Delineation
New Deal Viera
Brevard County, Florida

Exhibit

7

Appendix B

Photos



Photo #1 Surface Water 1



Photo #2 Surface Water 2



Photo #3 Wetland 1



Photo #4 Wetland 2



Photo #5 Wetland 2



Photo #6 Typical Wetland Soil Profile

Appendix C

Resumes

Brennan Hagan

GROUP MANAGER

PROFESSIONAL EXPERIENCE

Mr. Hagan has 6.5 years of experience as an environmental professional, specializing in environmental permitting, wetland delineation, environmental planning, arboricultural services, and listed species services in Florida. His expertise includes wetland delineation, wetland permitting and compliance, design, implementation, and design of wetland mitigation plans, sovereign submerged land authorizations, hydrologic surveys, sand skink surveys, tree inventories, tree health/risk assessments, reviewing/interpreting municipal code, southeastern American kestrel survey, Audubon's crested caracara surveys, Florida burrowing owl survey/relocations, and gopher tortoise surveys/relocations. In addition, Mr. Hagan has experience conducting Phase 1 site visits and writing Phase 1 reports per the ASTM standards. Experience also includes coordination with Florida Fish and Wildlife Conservation Commission (FWC), the Florida Department of Environmental Protection (FDEP), Orange County Environmental Protection Division (OCEPD), Hillsborough County Environmental Protection Commission (EPC) and all Water Management Districts (WMD) across the state.

PROJECT EXPERIENCE

Bass Pro Okeechobee Fishing Resort – Wetland Permitting & Crested Caracara Survey

Assisted in obtaining a formal wetland determination with SFWMD associated with this site. In addition, was the primary observer on the crested caracara survey from January 2023 – April 2023.

South Fork High School – Natural Resources Assessment, Wetland Permitting & Conservation Easement Amendment

Project Manager for this multi-phase project in coordination with Martin County School Board. The first phase of this project included listed species assessment and wetland delineation. The second phase involved amending the existing conservation easement onsite. Efforts included initial wetland evaluation based on a UMAM analysis, creating a mitigation plan & monitoring plan, facilitate agency field visits, and prepare project documents for submittal to SFWMD.

Tampa VA Regional – Natural Resources Assessment & Wetland Permitting

Project Manager for this two-phase project located in Tampa, Florida. The first phase of the project included a listed species assessment and wetland delineation. The second phase of the project included permitting efforts with Hillsborough County EPC, SFWMD, and FDEP. Efforts included pre-application meetings, application preparation, document submittals, and facilitating agency field visits.

Duke Energy Falmouth – Southeastern American Kestrel Survey

The lead project scientist on a southeastern American kestrel survey on over 500 acres in panhandle Florida. Created the survey design, managed a project team to execute the survey, prepared the assessment report, and facilitated the permitting phase of the project.



EDUCATION

Bachelor of Science,
Interdisciplinary Studies –
Environmental Science
University of Central Florida, 2018

Masters of Science, Urban &
Regional Planning, University of
Central Florida, 2021

Graduate Certificate, Emergency
Management & Homeland
Security, University of Central
Florida, 2021

YEARS WITH TERRACON: 2
YEARS WITH REGULATORY
AGENCIES: 5

CERTIFICATIONS

Wildland Firefighter

Florida Stormwater, Erosion, and
Sediment Control Inspector, Tier II

Professional Wetland Scientist
(PWS)

Authorized Gopher Tortoise Agent

ADDITIONAL TRAINING

40 hours of Advanced Wetland
Delineation Training by FDEP
delineation team.

40-hour Hazardous Waste
Operations and Emergency
Response Certification

AFFILIATIONS

Society of Wetland Scientists

Urban Knights (UCF)

Central Florida Association of
Environmental Professionals

** Work performed prior to joining
Terracon.*

Brennan Hagan (continued)

Duke Energy – Hildreth Solar Gopher Tortoise Relocation

Authorized Gopher Tortoise Agent responsible for surveys, bucket trapping, and relocation activities. Lead agent onsite for multiple relocation efforts managing a team of eight people and three backhoe operators.

Advent Health – City of Orlando Environmental Assessment / Parcel Annex

Project Manager for this environmental assessment for a City of Orlando parcel annexation. The scope of services included wetland delineation, wetland functional assessment, Q-Wet Ranking score, and a listed species assessment. In addition, the project included the annexation requirements set forth within the City of Orlando Code of Ordinance.

Orange County Public Schools – Continuing Contract

Staff Scientist for this continuing environmental consulting services contract with Orange County Public Schools. The scope of services include sand skink surveys, burrowing owl surveys, consultation with USFWS, gopher tortoise burrow surveys and permitting, wetland delineations and permitting, and consultation with the Orange County Environmental Protection Division, FWC, and USFWS.

Lake Placid Solar – Listed Species Surveys

Staff Scientist on this solar farm project in Highlands County. Conducted American Kestrel surveys along with multiple other different listed species including Scrub Jay, Gopher Tortoise, Sand Skinks, and Crested Caracara.

Palm City Elementary School – Wetland Permitting

Project manager for this wetland permitting contract. The scope of work includes a wetland delineation report and permitting, gopher tortoise burrow surveys. Additional efforts included pre-application meetings, application preparation, document submittals, and facilitating agency field visits with SFWMD.

Shingle Creek Regional Trail – Application Processor*

The lead environmental analyst at SFWMD on this multi-county regional recreation trail. This project consisted of multiple field reviews and planning around large wetland systems such as Shingle Creek and Lake Tohopekaliga. Worked in consultation with multiple consulting firms, Orange County, Osceola County, City of Kissimmee, and the City of Orlando.

ADDITIONAL EXPERIENCE

Land Management Reviews (LMRs)

Participated in land management reviews of Florida State Parks including Tiger Bay State Park, Blue Springs State Park, and Hontoon Island State Park. FDEP participated to review how the State Park was being ecologically managed and offered input on practices that we working or not.

Central Florida Water Initiative

Conducted vegetative and hydrologic surveys at various management areas around Central Florida. These surveys required coordination between SFWMD, SWFWMD, and SJRWMD.

Prescribed Fire

Participated in multiple controlled burns on SFWMD property.

Phase 1 Reports/Site Visits

Conducts Phase 1 site visits and prepares reports per the ASTM standards.

Tree Inventory and Health Assessments

Brian P. Brandon, PWS

Environmental Department Manager III

PROFESSIONAL EXPERIENCE

Mr. Brandon's experience includes serving in leadership roles at consulting firms in Florida for the past decade, having expert level experience in wetland delineation, wetland permitting and compliance, wetland functional assessment/mitigation plans, wetland monitoring, habitat assessments, habitat conservation plans, floral/vegetation surveys, threatened and endangered species surveys, migratory bird evaluations, wildlife monitoring, creation and maintenance of avian protection programs, tribal and agency consultation pursuant to the National Environmental Policy Act (NEPA), Phase I Environmental Site Assessments (ESA), Asbestos sampling, Lead-based Paint sampling, and other environmental assessment and monitoring techniques. His experience also includes coordination with the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), Federal Communications Commission (FCC), various state and tribal historic preservation offices (HPOs), the Florida Department of Environmental Protection (FDEP), United States Army Corps of Engineers (USACE), all 5 Florida Water Management Districts, and dozens of county and municipal representatives for various permitting and compliance projects.

PROJECT EXPERIENCE

Durando Yeehaw Ranch – Yeehaw Junction, Florida

Senior Staff Scientist and Project Manager for land analysis that includes demography of saw palmetto stands, agricultural soil analysis, and land use analysis to determine the correlation between palmetto densities and productivity and available soil nutrients on site. The 12,000-acre project site was proposed to be utilized for saw palmetto propagation and harvesting.

Placid Solar Projects – Highlands County

Senior Staff Scientist and Project Manager for a proposed 2,000 acre solar farm. Scope of services includes wetland delineation and permitting assistance, gopher tortoise and burrowing owl surveys, formal surveys for crested caracara, Florida scrub-jay, Florida bonneted bat, sand skinks and blue-tailed mole skinks, Southeastern American kestrel, and agency consultation.

Endangered Plant Surveys – Lake County Florida

Conducted surveys for the federally endangered Lewton's polygala and clasping warea on an outparcel owned by Seminole State Forest. Surveys were conducted in pre-established plots. The target species were identified, and the growth status was recorded. All collected data was used to monitor yearly population growth, correlate impacts of prescribed fire, and determine if detrimental effects from invasive herbs affected rare plant species population. Work was conducted as a volunteer for the Florida Forest Service.

Endangered Plant Surveys – Polk County, Florida

Conducted demography survey on the state endangered blushing scrub balm at a confidential site in Polk County, Florida. Surveys consisted of measuring



EDUCATION

Bachelor of Science, Biology
University of Central Florida, 2012

Graduate Certificate, Wetlands
and Water Resource Management,
University of Florida 2020

YEARS WITH TERRACON: 4
YEARS WITH OTHER FIRMS: 6

CERTIFICATIONS

Professional Wetland Scientist
(PWS) No. 3405

FWC Authorized Gopher Tortoise
Agent No. GTA-14-00004D

FWC Burrowing Owl Authorized
Agent No. RAG-21-00005

Certified Florida Master Naturalist

PROFESSIONAL TRAINING

38-Hour USACE Wetland
Delineation Training

AFFILIATIONS

Florida Native Plant Society –
Tarflower Chapter

National Association of
Environmental Professionals

Ecological Society of America

National Audubon Society

Florida Association of
Environmental Soil Scientists

Society of Wetland Scientists

and recording plant height and width, and counting stems, flowers, and seeds. The data was used to determine germination rates in response to the prescribed fire regiment of the area.

Grand Medina Resort (Everest Place) – Osceola County, Florida

Project Manager and Senior Ecologist for conducting annual wetland monitoring for Consumptive Use Permit with the City of Apopka. The scope of work included bringing the CUP permit into compliance by conducting wetland monitoring for a two-year period; collecting GPS data of water elevations at four lakes, analyzing vegetative cover, and making a correlation between annual rainfall data, piezometer data, and visual observations to determine if groundwater drawdown is occurring as the result of the City's water usage.

ADDITIONAL EXPERIENCE

Biological Assessments - Alabama, Florida, Georgia, North Carolina, South Carolina*

Project Manager and Lead Biologist. Analyzed habitat structure and performed surveys to determine anticipated impacts to threatened and endangered species and species of special concern pursuant to Section 7 of the Endangered Species Act. Species-specific surveys include gopher tortoise, migratory bird evaluations, bats, red cockaded woodpeckers, Florida scrub-jays, and various vegetation surveys. Consulted with lead agency for determinations of "no adverse effect" findings and coordinated permitting when necessary.

Wetland Delineations –Florida, Georgia, Maryland*

Project Manager and Lead Wetland Scientist. Determined the landward extent of wetlands and other surface waters in accordance with Florida Administrative Code 62-340 and the Army Corps of Engineers wetland delineation methodology. Delineated wetland boundaries and coordinated Environmental Resource Permits (ERP's), Nationwide Permits, and Individual Permits with the FDEP, USACE, and all Water Management Districts.

Migratory Bird Evaluations and Avian Protection Programs – Nationwide*

Director of Migratory Bird Services. Managed and directed a team of scientists to conduct evaluations/formal surveys of Osprey, Bald Eagle, Red-tailed Hawk, Great Horned Owl, Crested Caracara, Crows, Ravens, Eastern Kingbirds, and other migratory birds for compliance with the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, and Endangered Species Act. Determined nest status and facilitated permit actions. Created and maintained Avian Protection Programs for various national clientele.

School Board of Brevard County

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



January 13, 2025

Trina Gilliam, Senior Planner
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, Florida 32940

**RE: Proposed Mastroianni Development
School Impact Analysis – Capacity Determination CD-2025-01**

Dear Ms. Gilliam,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2600118 (Parcel ID: 26-36-01-00-753), containing a total of approximately 14.6 acres in District 2, Brevard County, Florida. The proposed development includes a maximum of 88 townhomes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2025-26 to 2029-30 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2024-25 to 2029-30* which is attached for reference.

Single Family Townhomes		88	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	21.12	21
Middle	0.07	6.16	6
High	0.12	10.56	11
Total	0.43		38

Planning & Project Management
Facilities Services
Phone: (321) 633-1000, ext. 11418



School Board of Brevard County

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



FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2025-26 to 2029-30

School	2025-26	2026-27	2027-28	2028-29	2029-30
Suntree	755	755	755	755	755
Viera Middle	955	955	955	955	955
Viera	2,461	2,461	2,461	2,461	2,461

Projected Student Membership

School	2025-26	2026-27	2027-28	2028-29	2029-30
Suntree	574	555	532	530	536
Viera Middle	954	943	925	903	898
Viera	2,379	2,375	2,422	2,421	2,435

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2025-26	2026-27	2027-28	2028-29	2029-30
Suntree	-	-	-	-	-
Viera Middle	-	-	-	-	-
Viera	-	-	-	-	-

Cumulative Students Generated by Proposed Development

School	2025-26	2026-27	2027-28	2028-29	2029-30
Suntree	-	21	21	21	21
Viera Middle	-	6	6	6	6
Viera	-	11	11	11	11

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

School	2025-26	2026-27	2027-28	2028-29	2029-30
Suntree	574	576	553	551	557
Viera Middle	954	950	931	910	904
Viera	2,379	2,386	2,433	2,432	2,446

Projected Available Capacity = FISH Capacity - Total Projected Student Membership

School	2025-26	2026-27	2027-28	2028-29	2029-30
Suntree	181	179	202	204	198
Viera Middle	1	5	24	45	51
Viera	82	75	28	29	15

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At this time, Suntree Elementary School, Viera Middle School and Viera High School are projected to have enough capacity for the total of projected and potential students from the Mastroianni 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 2024-25 to 2029-30*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2025-01

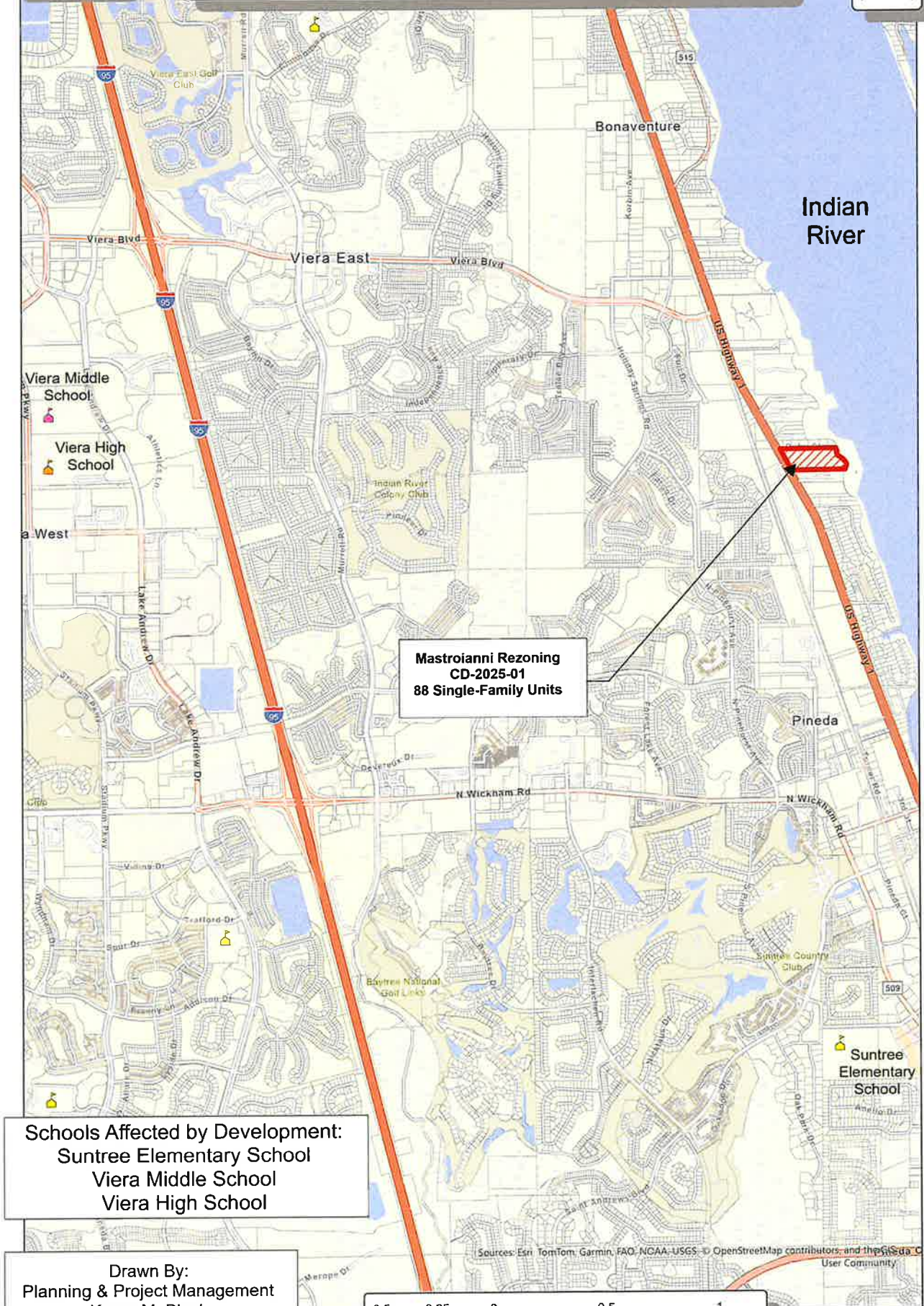
David G. Lindemann, AICP
Director of Planning & Project Management, Facilities Services
File CD-2025-01

Planning & Project Management
Facilities Services
Phone: (321) 633-1000, ext. 11418





Mastroianni Rezoning Development Location Map



Schools Affected by Development:
Suntime Elementary School
Viera Middle School
Viera High School

Drawn By:
Planning & Project Management
Karen M. Black
January 13, 2025



Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

Data and Analysis for School Years 2024-25 to 2029-30

Summary		2024-25		2025-26		2026-27		2027-28		2028-29		2029-30			
		Highest Utilization Elementary Schools:	Highest Utilization Middle Schools:	Highest Utilization Jr / Sr High Schools:	Highest Utilization High Schools:	Highest Utilization Elementary Schools:	Highest Utilization Middle Schools:	Highest Utilization Jr / Sr High Schools:	Highest Utilization High Schools:	Highest Utilization Elementary Schools:	Highest Utilization Middle Schools:	Highest Utilization Jr / Sr High Schools:	Highest Utilization High Schools:		
School		FISH Capacity	10/14/24 Member-ship	School Year 2024-25		School Year 2025-26		School Year 2026-27		School Year 2027-28		School Year 2028-29		School Year 2029-30	
Type	Grades	Utilization Factor		Future FISH Capacity	Student Projection	Total Capacity	Utilization	Future FISH Capacity	Student Projection	Total Capacity	Utilization	Future FISH Capacity	Student Projection	Total Capacity	Utilization
Elementary School Concurrency Service Areas															
Allen	Elementary	100%	751	751	620	83%	83%	751	650	87%	81%	751	680	81%	751
Andersen	Elementary	100%	757	757	481	64%	64%	757	455	60%	55%	757	419	55%	757
Apollo	Elementary	100%	902	902	596	66%	64%	902	550	61%	57%	902	494	55%	902
Allantis	Elementary	100%	739	739	653	88%	88%	739	613	83%	81%	739	590	80%	739
Audubon	Elementary	100%	761	761	415	55%	55%	761	422	55%	54%	761	398	52%	761
Cambridge	Elementary	100%	787	787	477	61%	61%	787	491	62%	68%	787	556	71%	787
Cape View	Elementary	100%	570	570	273	48%	48%	570	264	46%	49%	570	277	49%	570
Carroll	Elementary	100%	751	751	636	85%	85%	751	607	81%	77%	751	546	73%	751
Challenger 7	Elementary	100%	573	573	431	75%	75%	573	393	63%	60%	573	345	60%	573
Columbia	Elementary	100%	751	751	573	76%	76%	751	682	91%	100%	705	792	100%	705
Coquina	Elementary	100%	711	711	465	65%	65%	711	464	65%	68%	711	468	68%	711
Creel	Elementary	100%	1,114	1,114	540	48%	48%	1,114	531	48%	45%	1,114	511	45%	1,114
Croton	Elementary	100%	795	795	464	58%	58%	795	470	59%	59%	795	482	61%	795
Discovery	Elementary	100%	980	980	680	69%	69%	980	752	73%	81%	980	791	81%	980
Endeavour	Elementary	100%	968	968	744	77%	77%	968	750	77%	79%	968	729	75%	968
Enterprise	Elementary	100%	729	729	597	82%	82%	729	563	77%	76%	729	557	76%	729
Fairgen	Elementary	100%	789	789	466	59%	59%	789	470	60%	59%	789	463	59%	789
Gemini	Elementary	100%	711	711	410	58%	58%	711	374	53%	49%	711	332	47%	711
Golfview	Elementary	100%	777	777	448	58%	58%	777	480	62%	64%	777	500	64%	777
Harbor City	Elementary	100%	629	629	390	62%	62%	629	428	68%	72%	629	458	73%	629
Holland	Elementary	100%	605	605	444	73%	73%	605	408	67%	63%	605	379	63%	605
Imperial Estates	Elementary	100%	729	729	607	83%	83%	729	607	83%	83%	729	598	83%	729
Indianola	Elementary	100%	798	798	664	83%	83%	798	641	80%	76%	798	606	76%	798
Jupiter	Elementary	100%	930	930	856	92%	92%	974	979	96%	98%	1,062	1,059	98%	1,150
Longleaf	Elementary	100%	892	892	573	64%	64%	892	585	66%	66%	892	591	66%	892
Longleaf	Elementary	100%	790	790	579	73%	73%	790	549	59%	58%	790	528	67%	790
Manatee	Elementary	100%	998	998	910	91%	91%	998	930	93%	94%	998	932	93%	998
McAuliffe	Elementary	100%	838	838	687	82%	82%	838	726	87%	89%	838	765	91%	838
Meadowlane Intermediate	3-6	100%	1,004	1,004	778	77%	77%	1,004	742	74%	71%	1,004	704	70%	1,004
Meadowlane Primary	K-6	100%	824	824	604	73%	73%	824	565	69%	73%	824	598	73%	824
Mia	Elementary	100%	707	707	382	54%	54%	707	377	53%	52%	707	329	47%	707
Mims	Elementary	100%	725	725	395	54%	54%	725	442	61%	63%	725	476	66%	725
Oak Park	Elementary	100%	968	968	473	49%	49%	968	490	51%	50%	968	482	50%	968
Ocean Breeze	Elementary	100%	654	654	499	76%	75%	654	463	71%	69%	654	418	64%	654
Palm Bay Elem	Elementary	100%	983	983	583	59%	59%	983	601	61%	61%	983	591	60%	983
Pinewood	Elementary	100%	613	613	501	82%	82%	613	535	87%	88%	613	541	88%	613
Port Malabar	Elementary	100%	852	852	628	74%	74%	852	678	80%	85%	852	797	94%	852
Quest	Elementary	100%	932	932	690	74%	74%	932	674	72%	71%	932	637	68%	932
Riviera	Elementary	100%	733	733	721	98%	98%	821	814	95%	100%	931	911	98%	931
Roosevelt	Elementary	100%	599	599	275	46%	46%	599	294	49%	49%	599	305	51%	599
Sabal	Elementary	100%	785	785	493	63%	63%	785	499	64%	64%	785	476	61%	785
Saturn	Elementary	100%	998	998	622	62%	62%	998	633	63%	62%	998	600	60%	998
Sea Park	Elementary	100%	461	461	308	67%	67%	461	313	68%	67%	461	305	66%	461
Sherwood	Elementary	100%	609	609	494	81%	81%	609	520	85%	86%	609	522	86%	609
Sunrise	Elementary	100%	957	957	907	95%	95%	1,045	1,029	98%	99%	1,243	1,236	99%	1,338
Sunrise	Elementary	100%	755	755	585	77%	77%	755	555	74%	70%	755	530	70%	755
Surfside	Elementary	100%	541	541	404	75%	75%	541	410	76%	76%	541	391	72%	541
Tropical	Elementary	100%	910	910	569	63%	63%	910	540	59%	58%	910	498	55%	910
Turner	Elementary	100%	874	874	599	69%	69%	874	768	88%	97%	1,006	988	98%	1,072
University Park	Elementary	100%	811	811	529	65%	65%	811	612	75%	80%	811	649	80%	811
Viera Elem	Elementary	100%	1,030	1,030	885	86%	86%	1,030	979	95%	97%	1,030	1,001	97%	1,030
Westside	Elementary	100%	941	941	984	105%	105%	1,051	1,041	99%	98%	1,237	1,296	99%	1,421
Williams	Elementary	100%	715	715	436	61%	61%	715	387	54%	49%	715	353	49%	715
Elementary Totals			42,106	30,023	42,348	30,425	42,546	30,883	42,876	31,251	43,338	31,428	43,690	31,653	43,690

School	Type	Grades	Utilization Factor	School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28			School Year 2028-29			School Year 2029-30		
				FISH Capacity	10/14/24 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,058	70%	1,514	1,063	70%	1,514	1,048	69%	1,514	1,101	73%	1,514	1,161	77%	1,514	1,158	76%
DeLaura	Middle	7-8	90%	960	548	57%	960	440	46%	960	419	44%	960	446	46%	960	430	45%	960	411	43%
Hoover	Middle	7-8	90%	680	473	70%	680	465	68%	680	451	66%	680	446	66%	680	490	71%	680	486	71%
Jackson	Middle	7-8	90%	660	505	77%	660	465	70%	660	454	68%	660	446	68%	660	434	66%	660	411	62%
Jefferson	Middle	7-8	90%	873	478	55%	873	481	55%	873	450	52%	873	437	50%	873	513	59%	873	528	60%
Johnson	Middle	7-8	90%	1,064	577	54%	1,064	547	51%	1,064	633	59%	1,064	662	64%	1,064	718	67%	1,064	696	65%
Kennedy	Middle	7-8	90%	869	449	52%	869	355	41%	869	327	38%	869	362	42%	869	368	42%	869	348	40%
Madison	Middle	7-8	90%	781	446	57%	781	431	55%	781	412	53%	781	463	59%	781	482	62%	781	436	56%
McNair	Middle	7-8	90%	616	262	43%	616	258	42%	616	258	42%	616	282	46%	616	324	53%	616	322	52%
Southwest	Middle	7-8	90%	1,281	1,001	78%	1,281	1,046	82%	1,281	1,073	84%	1,281	1,224	96%	1,439	1,403	87%	1,459	1,448	99%
Stone	Middle	7-8	90%	1,076	556	52%	1,076	523	49%	1,076	584	54%	1,076	612	57%	1,076	651	61%	1,076	786	73%
Viera Middle	Middle	7-8	90%	896	742	83%	896	742	83%	896	742	83%	896	742	83%	896	742	83%	896	742	83%
Middle Totals				11,270	7,096		11,329	7,084		11,329	7,052		11,329	7,460		11,487	7,877		11,507	7,928	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,085	1,435	69%	2,085	1,371	66%	2,085	1,320	63%	2,085	1,270	61%	2,085	1,306	63%	2,085	1,317	63%
Cocoa Beach	Jr / Sr High	7-12	90%	1,464	1,049	72%	1,464	982	67%	1,464	966	66%	1,464	912	62%	1,464	894	61%	1,464	859	59%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,505	81%	1,852	1,500	81%	1,852	1,482	80%	1,852	1,476	80%	1,852	1,433	77%	1,852	1,382	75%
Jr / Sr High Totals				5,401	3,989		5,401	3,853		5,401	3,768		5,401	3,658		5,401	3,633		5,401	3,558	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,054	73%	1,451	1,047	72%	1,451	1,034	71%	1,451	884	66%	1,451	953	66%	1,451	970	67%
Bayside	High	9-12	95%	2,358	1,126	48%	2,358	1,173	50%	2,358	1,173	50%	2,429	1,270	54%	2,572	1,306	55%	2,786	1,317	55%
Eau Gallie	High	PK, 9-12	95%	2,211	1,400	63%	2,211	1,416	64%	2,211	1,429	65%	2,211	1,446	66%	2,211	1,530	69%	2,211	1,588	72%
Heritage	High	9-12	95%	2,314	1,992	86%	2,314	1,969	85%	2,314	1,979	86%	2,314	1,922	83%	2,314	1,923	83%	2,314	1,969	85%
Melbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,202	93%	2,370	2,199	93%	2,370	2,214	93%	2,370	2,218	94%	2,370	2,309	97%
Merritt Island	High	9-12	95%	1,966	1,445	73%	1,966	1,328	68%	1,966	1,272	65%	1,966	1,231	63%	1,966	1,149	58%	1,966	1,135	58%
Palm Bay	High	PK, 9-12	95%	2,642	1,366	52%	2,642	1,328	50%	2,642	1,307	49%	2,642	1,325	50%	2,642	1,410	53%	2,642	1,435	54%
Rockledge	High	9-12	95%	1,836	1,577	86%	1,836	1,579	87%	1,836	1,592	87%	1,836	1,555	85%	1,836	1,526	83%	1,836	1,560	85%
Satellite	High	PK, 9-12	95%	1,551	1,436	93%	1,551	1,373	89%	1,551	1,317	85%	1,551	1,232	79%	1,551	1,213	78%	1,551	1,178	75%
Titusville	High	9-12	95%	1,801	1,277	71%	1,801	1,268	70%	1,801	1,206	67%	1,801	1,160	64%	1,801	1,141	63%	1,801	1,104	61%
Viera	High	PK, 9-12	95%	2,461	2,333	95%	2,461	2,379	97%	2,461	2,375	97%	2,461	2,422	98%	2,461	2,421	98%	2,461	2,435	99%
High Totals				22,961	18,216		22,961	18,052		22,961	18,014		23,032	17,918		23,175	18,038		23,389	18,467	

Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	408	86%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	481	85%	569	486	85%	569	486	85%	569	486	85%	569	486	85%	569	486	85%
South Lake	Elementary	K-6	100%	539	469	87%	539	486	90%	539	496	92%	539	496	92%	539	496	92%	539	496	92%
West Melbourne	Elementary	K-6	100%	654	605	93%	654	605	93%	654	605	93%	654	605	93%	654	605	93%	654	605	93%
Edgewood	Jr / Sr High	7-12	90%	1,077	945	87%	1,077	945	88%	1,077	945	88%	1,077	945	88%	1,077	945	88%	1,077	945	88%
West Shore	Jr / Sr High	7-12	90%	1,264	947	75%	1,264	945	75%	1,264	945	75%	1,264	945	75%	1,264	945	75%	1,264	945	75%
Schools of Choice				4,878	3,850		4,784	3,911		4,784	3,911		4,784	3,911		4,784	3,911		4,784	3,911	
Brevard Totals				86,416	63,174		86,823	63,325		87,021	63,628		87,422	64,198		88,185	64,887		88,771	65,517	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2024-25 are reported from the FISH database as of November 13, 2024.
- Student Membership is reported from the Fall Final Membership Count (10/14/2024).
- Davis Demographics School/Site Enrollment Forecasting Extension for ACGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County Student Concurrency Student, Generation Multipliers (SGM)
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations

For school year 2025-26, a total of 13 intermediate classrooms are projected for Jupiter (2), Riviera (2), Sunrise (2), and Westside (4) Elementary Schools.

For school year 2026-27, a total of 9 intermediate classrooms are projected for Jupiter (2), Riviera (2), Sunrise (2), and Westside (3) Elementary Schools.

For school year 2027-28, a total of 15 intermediate classrooms are projected for Jupiter (2), Riviera (3), Sunrise (4), Turner (1) and Westside (5) Elementary Schools and 3 High School relocatable classrooms are proposed for Bayside High School.

For school year 2028-29, a total of 29 intermediate classrooms are projected for Columbia (2), Jupiter (2), Riviera (2), Sunrise (5), Turner (5), and Westside (5) Elementary Schools, Southwest Middle School (8) and 6 High School relocatable classrooms are proposed for Bayside High School.

For school year 2029-30, a total of 17 intermediate classrooms are projected for Columbia (2), Jupiter (2), Sunrise (5), Turner (5), and Westside (4) Elementary Schools, Southwest Middle School (1) and 9 High School relocatable classrooms are proposed for Bayside.

9. A classroom addition is planned to open at West Melbourne School of Science for 2025-26. The factored capacity is adjusted for the proposed 106 student stations.

FEB. 17, 2025

May 23, 2024

Planning and Zoning Board (email to Jeffrey.Ball@brevardfl.gov)

ALICE. RANDALL@BREVARDFL.GOV

Re: ~~23PUD000001 - Modera Indian River~~ **MASTROIAN**
2400069

My name is Michael Gaich, and I purchased 8± acres of riverfront property in 1973. The Brevard County property ID is **2600109**. The property address is 6035 S Hwy 1, Rockledge, FL. You will note that the property is now titled Visions Twenty Inc. containing 6.44 acres of residential property and Visions Thirty, LLC containing 2.1 Acres. I have a real estate background as a licensed Real Estate Broker in Brevard County since 1973. In addition, I became a commercial developer in 1985 developing commercial properties for sale for major tenants.

The combination of Visions Twenty Inc. and Visions Thirty LLC has approximately 330 feet on the Indian River. This location is approximately 400 feet south from the proposed PUD on US Hwy 1. Both parcels of land have the zoning classification of **RU-2-10 (cap of 6)** since at least 1996. The property also includes approvals by the Army Corp of Engineers, Saint Johns River Water Management, including a 5-year mitigation plan for replanting a wetland which has now been completed. Currently, Visions Twenty Inc. has received a site plan approval of 22 luxury Condominiums.

Mill Creek is proposing to build 252 apartments on 14.8 acres of land East of Hwy US 1, which is wholly incompatible with the area and with the **County's Comprehensive Plan** and **violates** the administrative policy 4, as the property to the south and north are high value single family residences.

COMM

Visions Twenty Inc. property is south of Laguna Vista and has a site plan approved for 24 Luxury Condominiums each intended to sell for \$1,000,000 and up! Before discussing this PUD violation, the developer is disingenuous about the actual zoning of the 14.8 acres. The zoning is RU2-10 (cap of 6). This density cap was put in place to protect the residential river side lands as discussed in **FLU POLICY 1.2**. The PUD seeks to introduce commercial apartments use on an area protected by the stated policy. To approve this PUD would violate this policy also a great deal of the property is the coastal high hazard area, as shown by the attachment to this letter. **Comprehensive Coastal Management Element objective 7**, demands that the County Limits Densities within the coastal high hazard area To increase the density beyond the limit of 6 units per acre would violate the objective. Similarly, over half of the PUD property is in a special flood zone area, zoned **AE Coastal Flood Plane**, and the number of units should not be increased.

Finally, this apartment complex contemplated by the PUD will increase traffic on US1 by 1691 trips per day for the 252 units, from 88 units, with approximately 840 trips per day from the PUD site.

More importantly, this will result in a decrease of two intersections level of service as shown in table 9 of the LTG Traffic Impact Report dated January 2024, attached for your reference. This is a concurrency deficiency caused by this PUD and the PUD should not be approved. Please deny this PUD request.

Thank you for your cooperation

MICHAEL

Michael G. Gaich, CCIM

Attachments

CHAA Map / LTG Table 9

CCIM



Brevard County Coastal Setback Line

Natural Resources (ERM)

Coastal High Hazard Area



Parcels

Block Text

Subdivisions

Parcels



Parcel Property



Subdivision name

Parcel



Parcel Property

2027 Build-Out Intersection Analysis

The study area intersections were analyzed to determine the operational LOS under build-out conditions. Table 9 presents the anticipated LOS for the study area intersections during the PM peak hour. The Synchro summary sheets are provided as Appendix G.

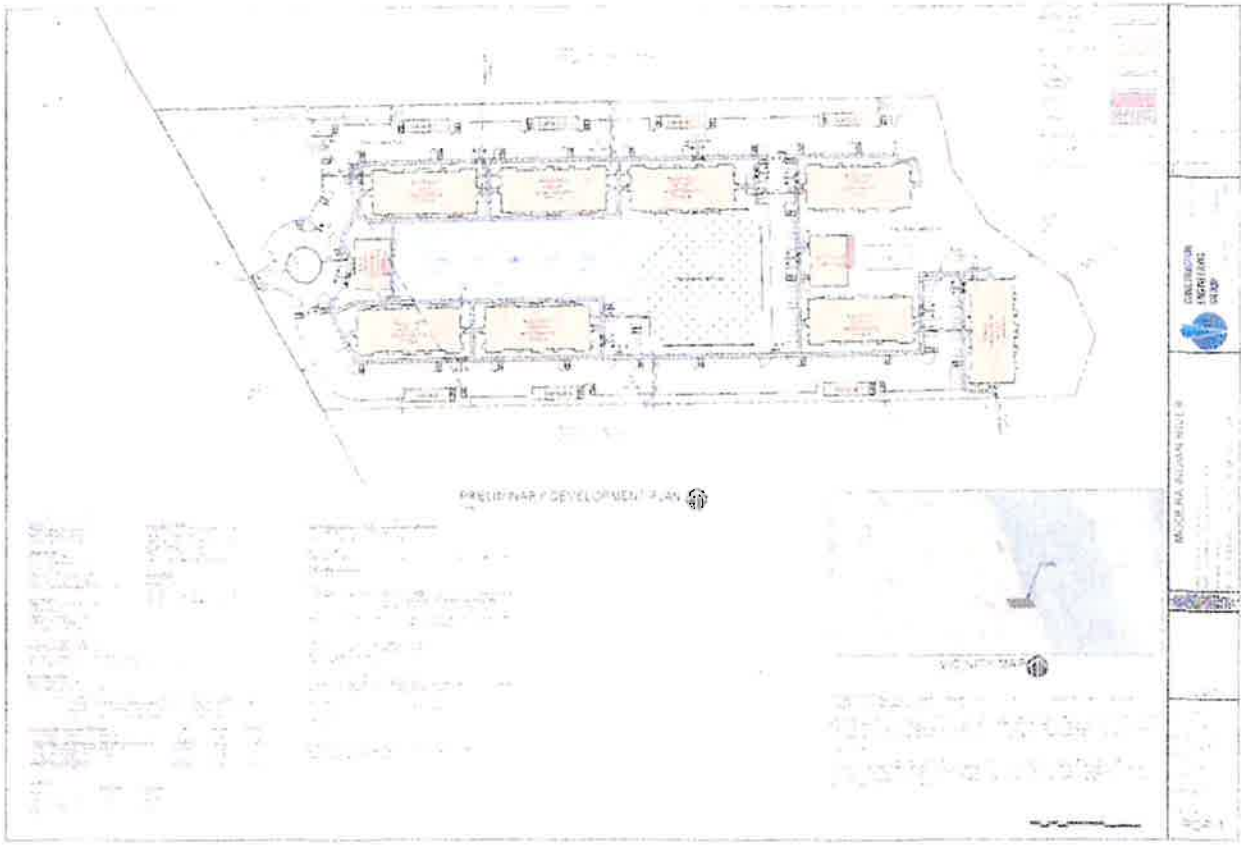
Table 9
Build-out PM Peak Hour LOS – Intersections
Modera Indian River

Intersection	Adopted LOS	Critical Approach	PM Peak Hour			
			Delay (sec.)	LOS	V/C greater than 1.0?	Overall Highest V/C
1. US 1 at Suntree Boulevard	D		44.8	D	Yes	1.183
2. US 1 at Full Median Opening/Project Driveway	D	WB	90.2		No	0.373
3. US 1 at Viera Boulevard	D		66.5		Yes	1.270

As indicated in the table, the intersections of US 1 at Suntree Boulevard and US 1 at Viera Boulevard are anticipated to continue to operate with v/c ratios greater than 1.000 during the PM peak hour. Additionally, the intersection of US 1 at Viera Boulevard is anticipated to continue to operate outside the adopted LOS during the PM peak hour. Please note, for the US 1 at Full Median Opening/Project Driveway intersection, it is common that unsignalized intersections operate at higher levels of service with extended delay on the minor street approaches during peak hour when conflicted with high major street volumes.

2027 Build-Out Conditions Roadway Segment Analysis

The build-out daily and PM peak hour two-way LOS for the study area roadway segments are presented in Table 10. As indicated in the table, the build-out volumes along both study area roadway segments are anticipated to operate within the daily and peak hour capacities.



March 3, 2025

Sent via email

Board of County Commissioners
Brevard County
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Rezoning Application No. 24Z00062 (Tax Account 2600118 – Frank Mastroianni)

Dear Commissioners:

My name is Michael Gaich and I am the sole Director of Visions Twenty, Inc. Visions Twenty, Inc. owns approximately 6.44 acres of residential Property at 6035 S Highway 1, Rockledge, Florida. Also, I have also worked as a licensed real estate broker in Brevard County since 1973.

I write to you regarding the rezoning request for tax account 2600118 owned by Frank Mastroianni (Rezoning Application No.: 24Z0062). The property owned by Visions Twenty, Inc. is 330 feet south of the Property subject to the rezoning request. This subject Property has been zoned BU-1 (General Commercial) and RU-2-10 (cap 6) (Multiple-Family Residential) since at least 1996.

The rezoning application for your consideration requests a change of zoning designation from BU-1 on 2.88 acres and RU-2-10(6) on the remaining 11.92 acres all to RA-2-6 (Single-Family Attached Residential) with removal of the 6 unit per acre cap on the entirety of the property. The Applicant claims in its application that it wishes to “correct inconsistency currently with the existing future land use map designations and carry forward the intent of 6 units per acre density cap”. However, the application as presented and the refusal to limit the entire site to 6 units to the acre is disingenuous. The applicant merely needs to change the BU-1 to RA-2-6, and limit that density to 6 units to the acre to achieve what he claims he wants to build: allegedly townhomes at 6 units to the acre, for a total of 88 units. RU-2-10 allows single-family attached homes; BU-1 also allows attached single-family homes if a small component is commercial, per Sec. 62-2106. To truly cure the inconsistency, the Future Land Use of the entire 14.8 acres should be changed to RES6!

The problem with the developer’s stated intent is that he fails to mention FLU Policy 2.10: “Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street.” Therefore, the 2.88 acres can still have 30 units to the acre, without any commercial use.

Additionally, RES15 allows a 25% density bonus if the developer again attempts a PUD, which now would not be limited by the density cap of 6 units to the acre. Anything more than 6 units to the acre is incompatible.

So, if the developer’s intent is to build 157 single-family attached residences, townhomes, on the 14.8 acres of land east of Highway 1, those extra 88 units are wholly inconsistent and incompatible with the surrounding area, with the County’s Comprehensive Plan and with development in the Coastal High Hazard Area. The property to the north and to the south are high value single family residences. More specifically, the subject Property is located next to five single family homes to the north, valued conservatively between

\$1,200,000 \$500,000. To the south is Laguna Vista Condominiums, with 24 luxury condominiums, each valued conservatively between \$890,000 and \$500,000.

I'd like to underscore the misleading nature of the developer's rezoning request. The request is to remove the current zoning of BU-1 and RU-2-10, specifically with the removal of the density cap of 6 units per acre. Removing this limitation of 6 units to the acre, but leaving the RES15 future land use designation is clearly calculated to attempt to spread density of 157 townhomes over the entire 14.8 acres.

Please deny this rezoning request as to the 11.92 acres as it is unnecessary and creates opportunity for the developer to build more than 6 units to the acre. Thank you for your consideration.

Sincerely,

Michael Gaich

Michael Gaich
Visions Twenty Inc.
Managing Director

Sent to:

Commissioner Katie Delaney (D1.Commissioner@BrevardFL.gov)
Commissioner Tom Goodson (D2.Commissioner@BrevardFL.gov)
Commissioner Kim Adkins (D3.Commissioner@BrevardFL.gov)
Commissioner Rob Feltner (D4.Commissioner@BrevardFL.gov)
Commissioner Thad Altman (D5.Commissioner@BrevardFL.gov)

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 17, 2025, 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 Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Logan Luse (D4); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Interim Zoning Manager; Paul Body, Planner; Darcie McGee, Assistant Director, (Natural Resources Management); Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

Excerpt of complete agenda

Item H.6. Frank Mastroianni (Jason Searl) requests a change in zoning classification from BU-1 and RU-2-10(6) to RA-2-6. (24Z00069) (Tax Account 2600118) (District 2)

Trina Gilliam read the application into the record.

Jason Searl spoke to the application. We are here on a consistency of zoning effort to unify the zoning currently split between BU-1 and RU-2-10(6) to RA-2-6 honoring the six unit per acre density cap that was passed by the county in 1973.

Public Comment

Pam Higgins stated her home is right next to this property and this group came by about 6 months ago using PUD. They wanted to try to use PUD, and it was all from you guys unanimously declined. And then they withdrew their application. Now they're wanting to rezone the business unit front part to make the whole thing one. But they want to remove the cap 6, and it says 2 to 6, but I'm wondering why we have to remove the cap 6 part of the designation. I think if they come back again under future land use which would be RES 15, not having that cap 6 in there, this is a very complicated piece of property. It has all sorts of natural resource issues, and I think not having that cap 6 designated there would limit discussion about it. Could we expect with this change of zoning that they're going to come back with a plan that is under 88 units or are they going to come back for future land use at 222 units?

Michael Gaisch spoke regarding environmental problems. There are ways to get around what the density is and buying what we would call mitigation credits. If you look at the next to the last paragraph of the package from me it states what the FLU policy is, the coastal management element, objective 7 demands that the county limits density within the coastal high hazard area. To increase that density beyond the limit of 6 units per acre would violate that objective. Similarly, over half of the referenced PUD to the now parcel is in a special flood zone area, zone AE coastal flood plain and the number of units should not be increased. I don't see why they can't tell the public what tests they need done on the property.

Rob Solito stated he appreciates what happened in the past where their original application was voted down when they tried to drastically increase the density. This zoning application I believe is consistent with what is acceptable with the cap of 6. My understanding is that the RA-2-6 is a cap of

6, and doesn't need the additional 6 cap. I appreciate the developer's understanding the need for this zoning cap in this region and I do not oppose it.

Henry Minneboo asked Mr. Solito if he was in Indian River Isles.

Mr. Solito responded "No, I'm in the Laguna Vista Condo, right next door."

End of public comment

John Hopengarten commented in your application it states that the property has 2 areas, one is a BU and the other is residential. Is that correct?

Mr. Searl replied correct and maybe there's a visual we could put up.

John Hopengarten went on to say the commercial is 2.88 acres and the remaining residential is almost 12 acres.

Mr. Searl responded correct, if that's what you're reading from the application then yes. The visual is in the staff report. Yes, it is split. The front part of the property has the business zoning, the smaller of the 2.

John Hopengarten continued with questioning the current gives you a FAR of .75, gives you the availability of having 157 multi-family units. You're proposing 88 units. Are those going to be multi-family or single-family?

Mr. Searl responded it is attached single family.

John Hopengarten asked what does that mean?

Mr. Searl stated that's from the county zoning map. BU-1 and you see the line there. My acreage is 14.6. And then there's future land use split that's consistent as well.

John Hopengarten asked if these are going to be townhomes? You said attached single-family.

Mr. Searl answered yes, townhomes.

John Hopengarten asked single story or two story.

Mr. Searl stated to be determined based upon the zoning allowance and the county's requirements for height and FAR and other requirements.

John Hopengarten stated you also mentioned in your application the use of SB 102, the Live Local Act. Do you realize you can only use that on the commercial part.

Mr. Searl responded correct, and that is from the staff report. It is a possibility that yes, the commercial zoning could be used under the Live Local Act and could be utilized as a tool to maintain an even greater density.

John Hopengarten stated right, because they would give you up to 30 units per acre and you have almost 3 acres there.

Mr. Searl responded correct and that would be the development potential that this could be however as we said in our application, we do not desire to remove the cap. In fact, the application said we are making this change and the renewed application to honor the cap. We're very much living with the cap here.

John Hopengarten said the cap would put you at 71.5 units on that almost 12 acres.

Mr. Searl responded page one of the staff report gives us the counts. 88, but that would be both properties.

John Hopengarten stated he was talking about just the residential here. He came up with 71.5, based on 6 units per acre on the 12 acres.

Mr. Searl said his project engineer, Landon Share confirmed 71 on the 12 acres.

John Hopengarten continued you can do that. If you do the Live Local you could have 158 units on this property. But you're restricting yourself to 88.

Mr. Searl responded with affirmative.

Erika Orriss stated the only place you're using Live Local is on the BU.

Mr. Searl stated we are not using Live Local. Live Local is available to anyone who qualifies. We could, and we are not. We are applying to unify the zoning at the requested RA-2-6, maintaining the 6 dwelling units per acre cap from 1973. We are not using Live Local, but we could.

John Hopengarten stated you're asking to change the BU designation to residential.

Mr. Searl responded correct. We're here to unify the zoning so the property may be developed in a uniform fashion. More consistent with the surrounding area as outlined in the staff report, pages 2 and 3.

John Hopengarten stated so then you'll just take the 6 units per acre on the total amount.

Mr. Searl responded with correct. Because the RA-2-6. And there's a table on page 1 of the staff report. And that is consistent with both the CC and RES 15 future land use. So, in theory we could also develop more than that based upon the future land use consideration of the RES 15. That was an earlier discussion.

Henry Minneboo asked if they were going to do a binding development plan.

Mr. Searl responded with I don't believe we are, no. This is straight zoning. The environmental issues noted by speaker 2, I would direct everyone to page 7 of the staff report. It has a very good explanation of our environmental requirements. It's analysis of administrative policy 7, applicant is hereby notified that the development and previous restrictions and the noted regulations of the county. So, yes, we will of course develop the property in accordance with those county and all other government requirements on the environmental items.

Henry Minneboo asked Darcy if she was on board.

Darcy McGee stated she has not been appointed to the board.

Mr. Searl stated we have come a long way, and we're happy where it is. We think it's compatible and consistent. And I think your staff and the staff report.

Henry Minneboo commented you guys have tried to wear us out. Other attorneys have been here and tried to work a plan here. I listened to all those people that live south and north of here and it really hasn't been fun. Unless you come up with a defined development plan, I'm not real excited about it. I just think we can do X, Y and Z and then we can move around and do A, B and C and I'm not real sure, I'm uncomfortable with it. There are too many variables in this piece of stone, so I'm certainly not comfortable, but there's 14 others I'm sure they're extremely comfortable.

John Hopengarten asked what his discomfort is.

Henry Minneboo stated he doesn't think it's conducive to the area. It's a ton of units.

Mr. Searl stated he appreciates the comments and in his humble opinion it's directly consistent with the 6 D.U. cap that was put in place in 1973. We are very much consistent and compatible. It states as much in the staff report. I'd be happy to leave some of the remarks that I prepared that go through the 5 criteria for rezoning. I'd be happy to go through this.

John Hopengarten stated we don't look at site plans here. But have you put a site plan together? Will everything fit? 88 units, he's right, and without going 3 or 4 stories, because you do have height restrictions here.

Mr. Searl stated plans have been worked on in a conceptual basis, but I'm not privy to that. I'm just here for the rezoning efforts today.

Mark Wadsworth commented you still have a lot more hoops to jump through.

Mr. Searl replied thank you, this is really just the first one. And it's stated throughout the staff report. We're fully aware of what we need to do. We appreciate the comments and the sensitivity. We've come a long way from where we were 9 months ago when we came before you the first time.

John Hopengarten asked if they had done a traffic study yet.

Mr. Searl responded with no.

Ana Saunders inquired the property that's developed to the south, that's traditional condos. It's standard 4 or 5 stories, do we know.

Mr. Searl replied that's my understanding and I want to say that maybe the gentleman who spoke or maybe one of the other members that we'd spoken to in the past was affiliated with them, but I believe it's fee title condos.

Ana Saunders continued with I look at it a little bit differently, that it's sort of stair stepping down. You've got a higher density multi-family, a true multi-family use to the south. And a more traditional townhome single-family attached development directly adjacent to those single-family homes, kind of

creating that nice stair stepped planning perk if you will. I like that better than I would like straight condos or something along those lines.

Mr. Searl responded with we agree, and I believe the staff report does talk about how this is a transition area between the two. So, we very much agree with that. Thank you.

Motion to recommend approval of Item H.6. by Ana Saunders, seconded by Debbie Thomas. Motion passed 8 to 3.

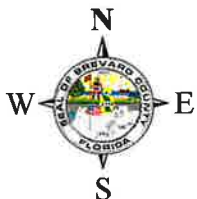
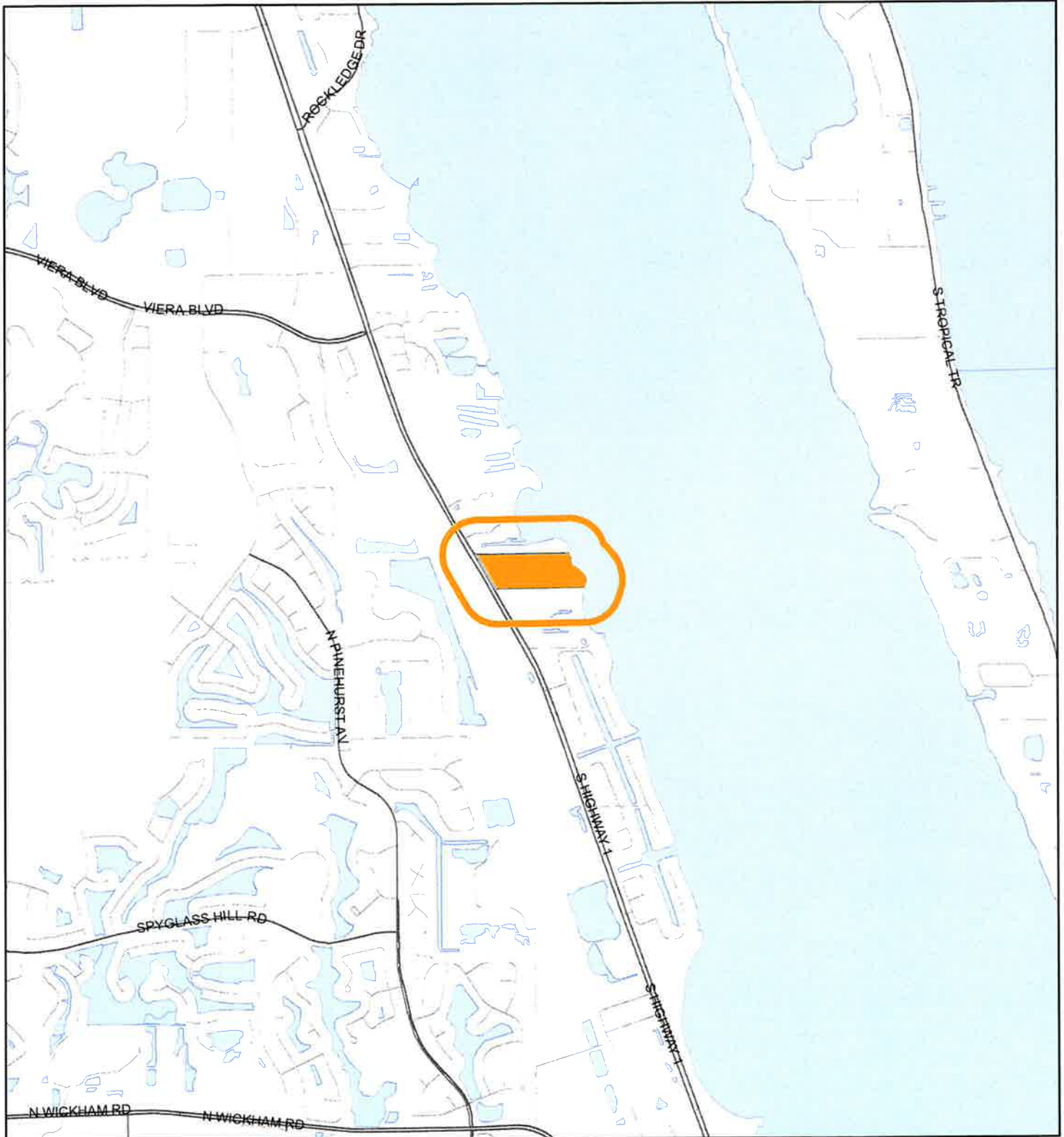
The meeting was adjourned at 4:09 p.m.

DRAFT

LOCATION MAP

MASTROIANNI, FRANK

24Z00069



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.

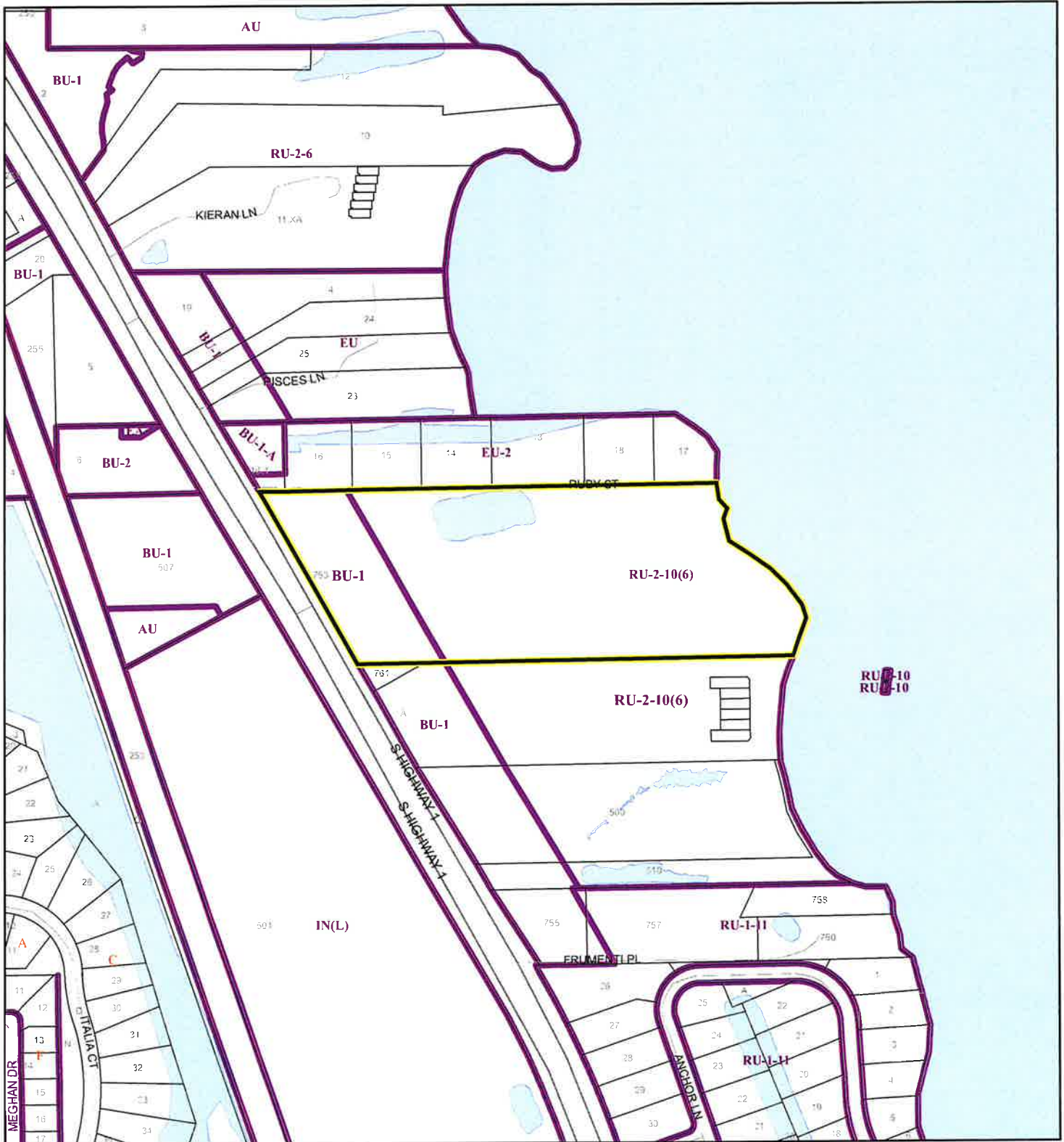
Produced by BoCC - GIS Date: 12/11/2024

— Buffer
— Subject Property

ZONING MAP

MASTROIANNI, FRANK

24Z00069



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: 12/11/2024

— Subject Property

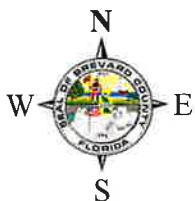
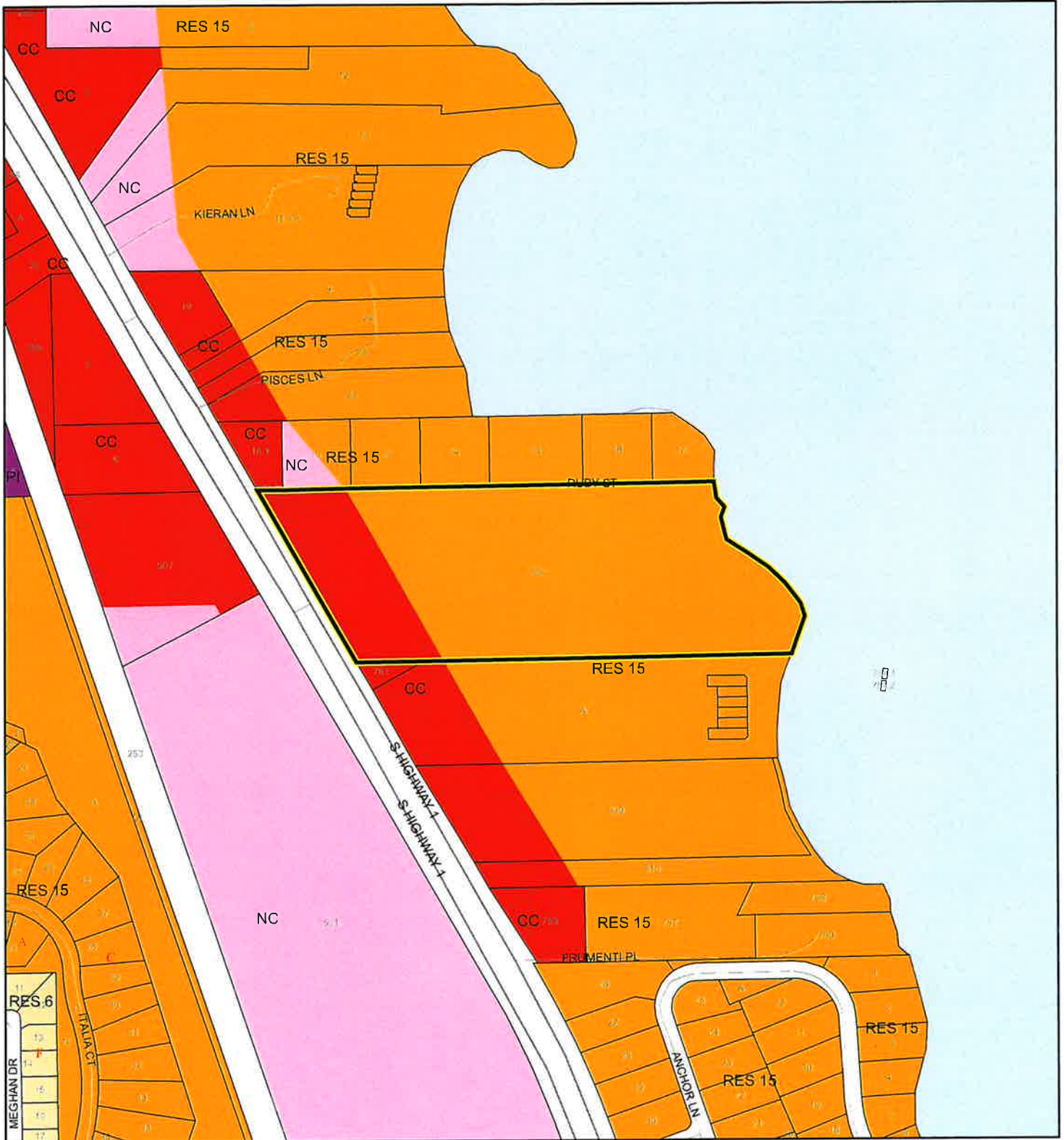
□ Parcels

□ Zoning

FUTURE LAND USE MAP

MASTROIANNI, FRANK

24Z00069



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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

Produced by BoCC - GIS Date: 12/11/2024

AERIAL MAP

MASTROIANNI, FRANK

24Z00069



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2024

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: 12/11/2024

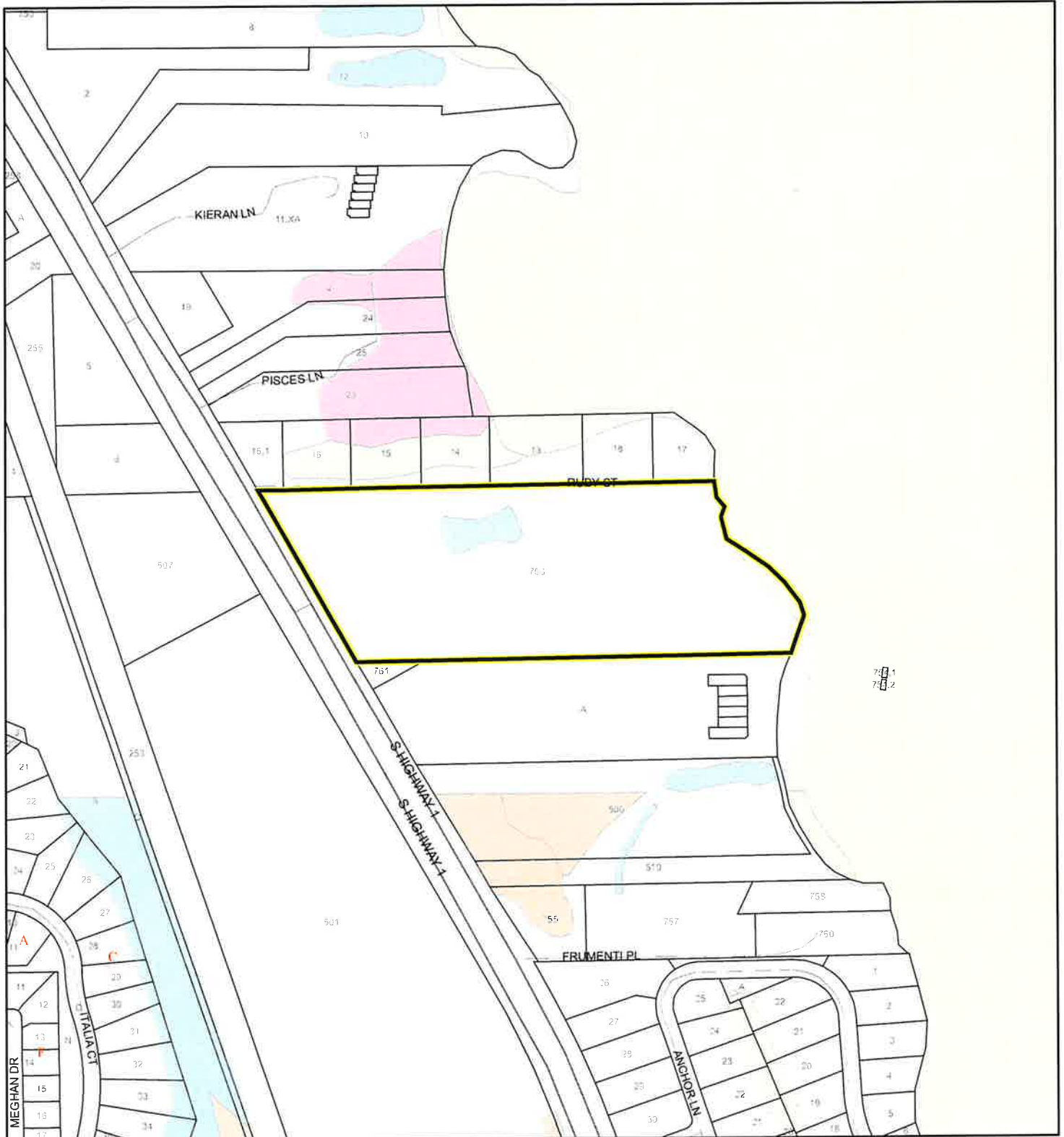
 Subject Property

 Parcels

NWI WETLANDS MAP

MASTROIANNI, FRANK

24Z00069



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: 12/11/2024

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

MASTROIANNI, FRANK

24Z00069



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: 12/11/2024

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

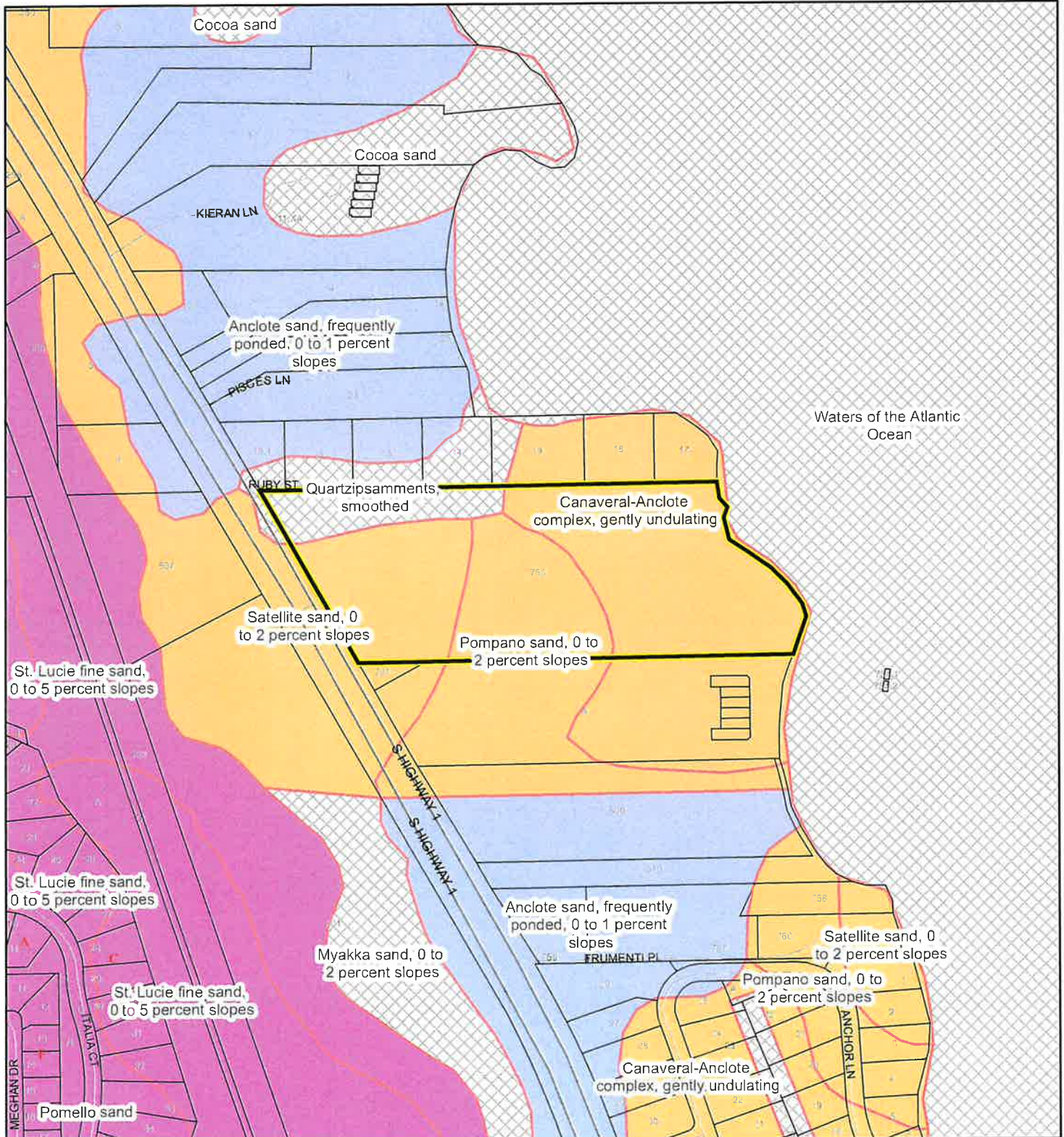
Subject Property

Parcels

USDA SCSSS SOILS MAP

MASTROIANNI, FRANK

24Z00069



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: 12/11/2024

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

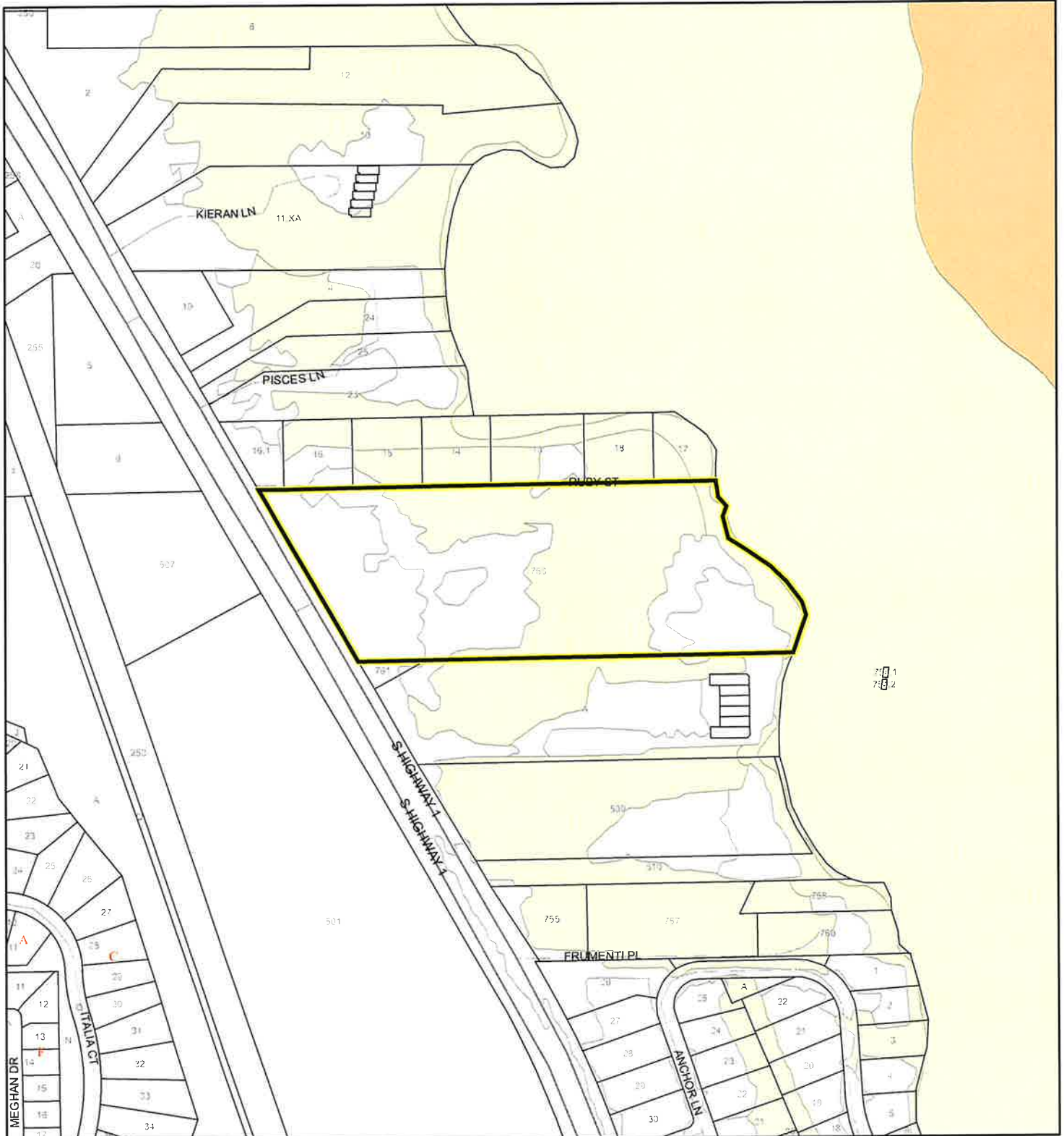
Subject Property

Parcels

FEMA FLOOD ZONES MAP

MASTROIANNI, FRANK

24Z00069



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Produced by BoCC - GIS Date: 12/11/2024

FEMA Flood Zones


 A

 AE

 AH

 AO

 Open Water

 VE

 X

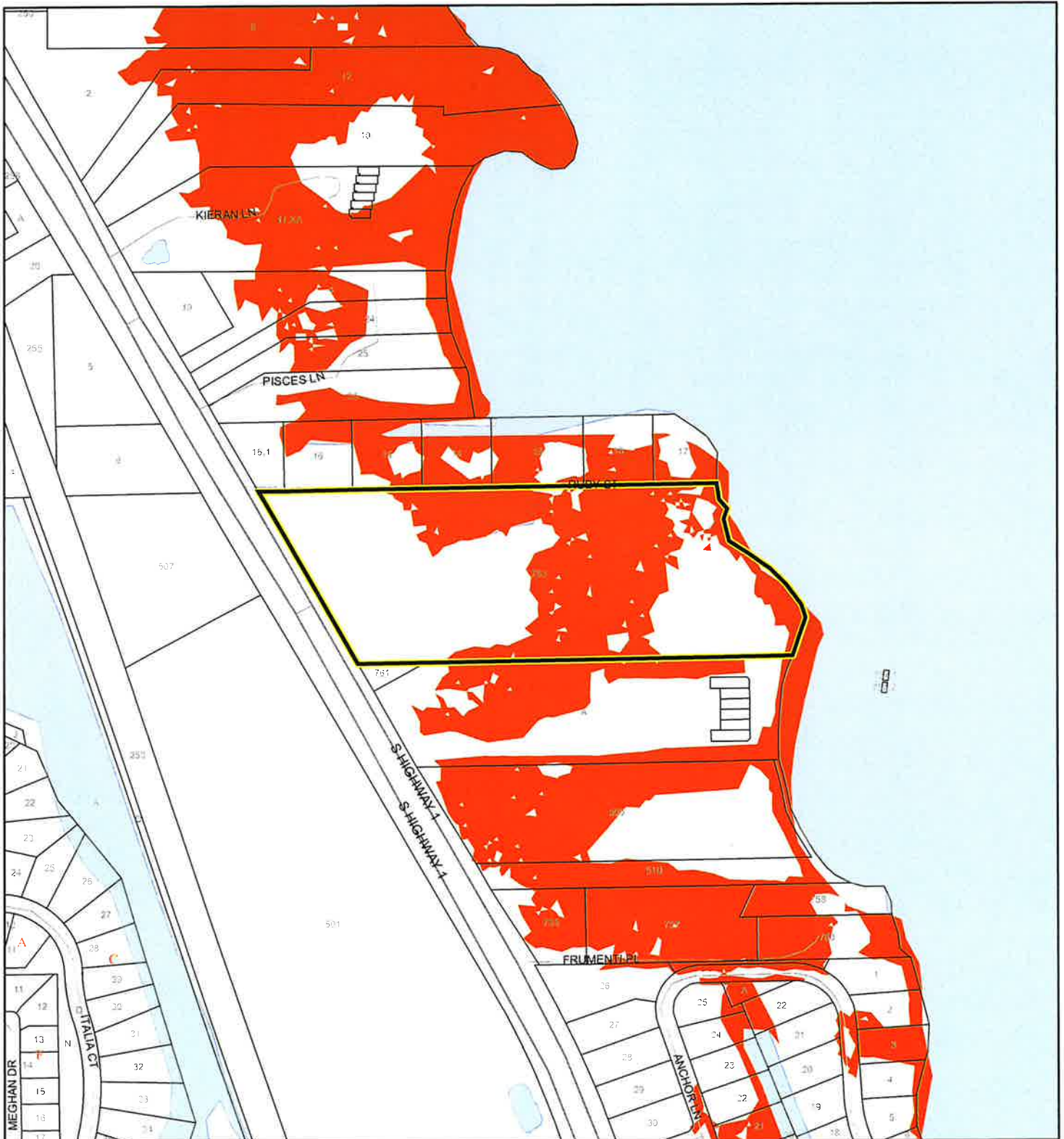
 Subject Property

 Parcels

COASTAL HIGH HAZARD AREA MAP

MASTROIANNI, FRANK

24Z00069



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Produced by BoCC - GIS Date: 12/11/2024

— Subject Property

□ Parcels

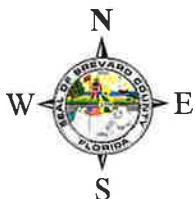
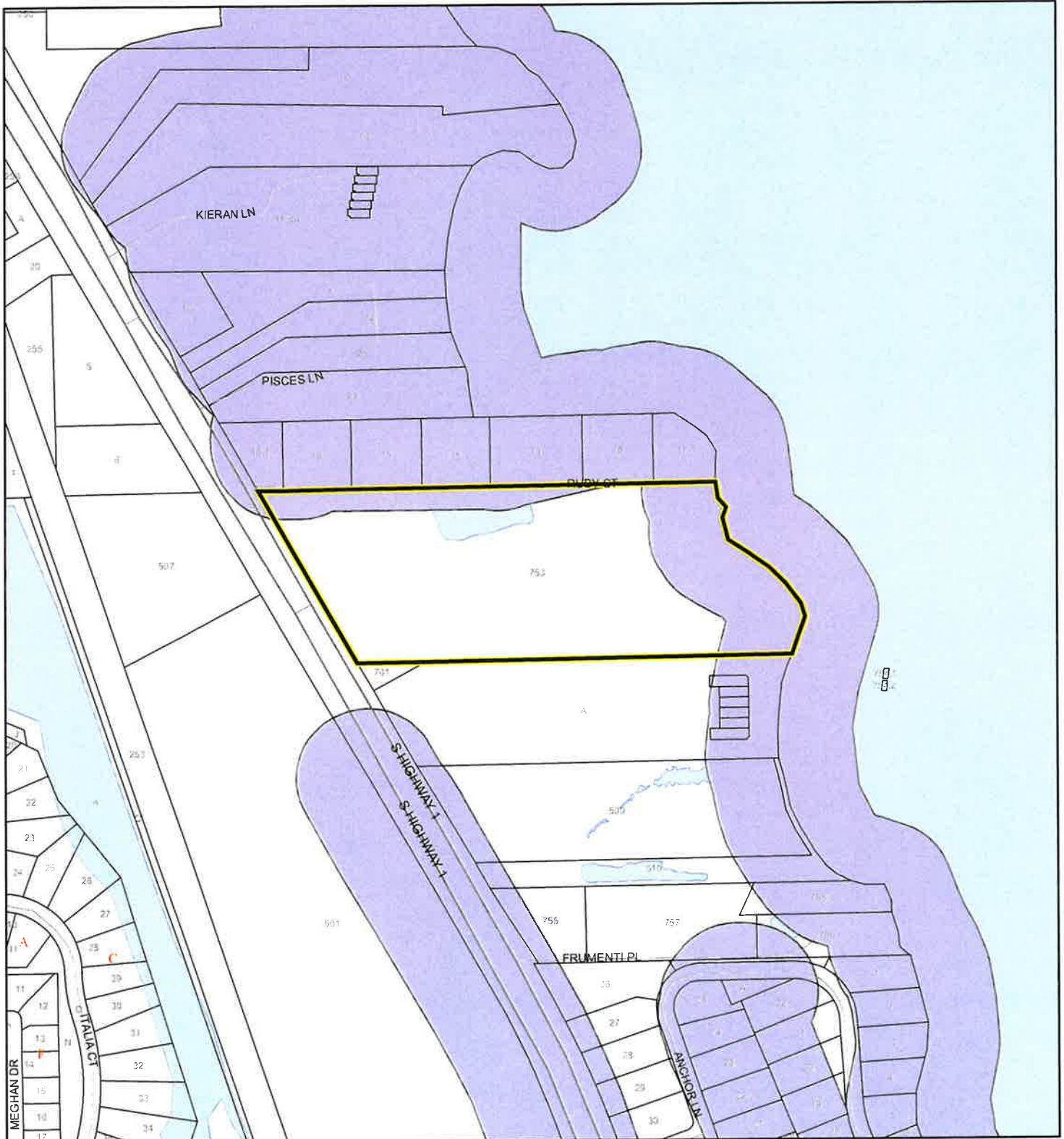
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MASTROIANNI, FRANK

24Z00069



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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

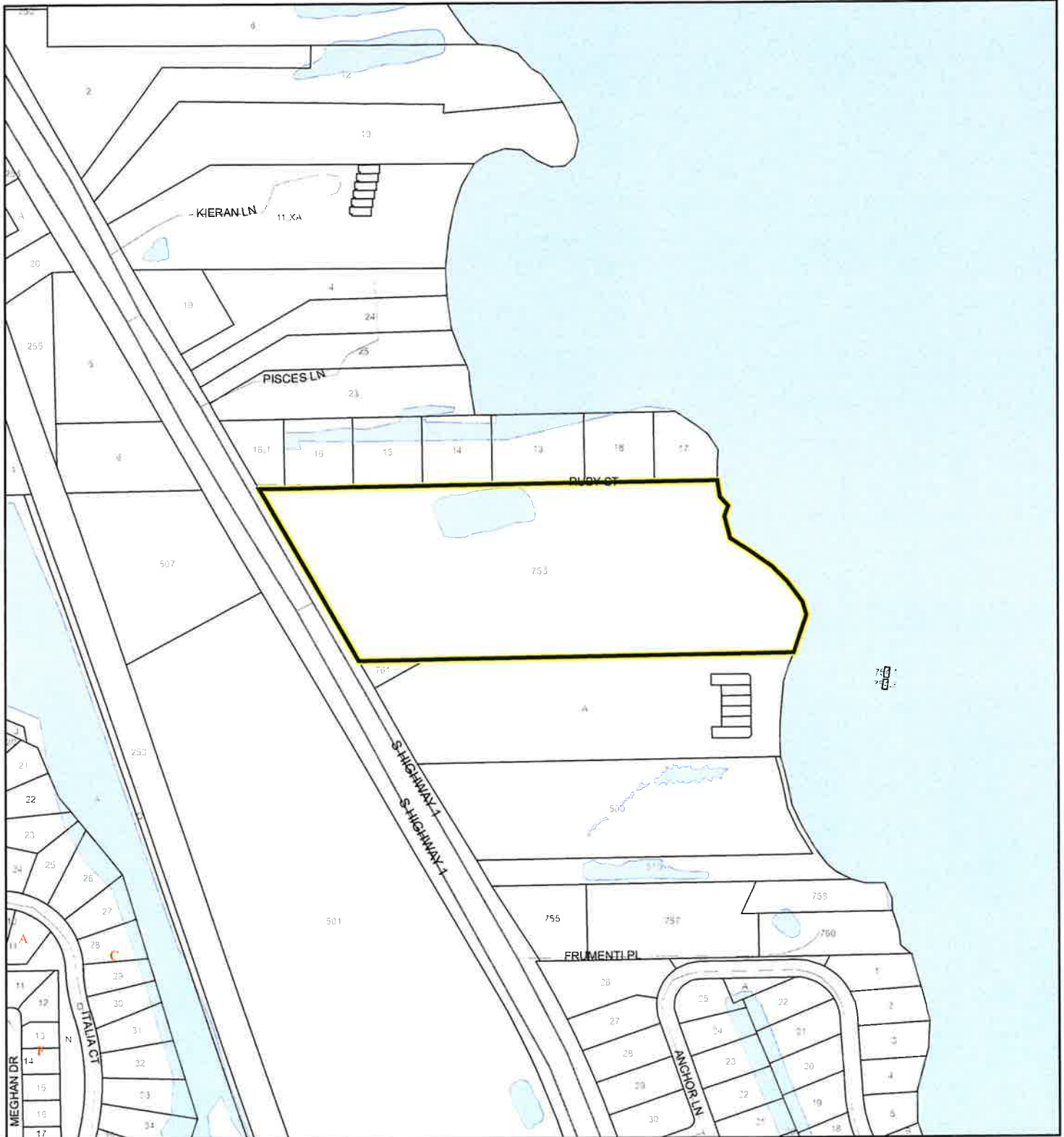
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

MASTROIANNI, FRANK

24Z00069



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 Subject Property

 Parcels

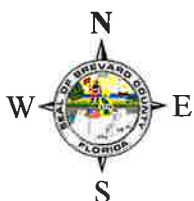
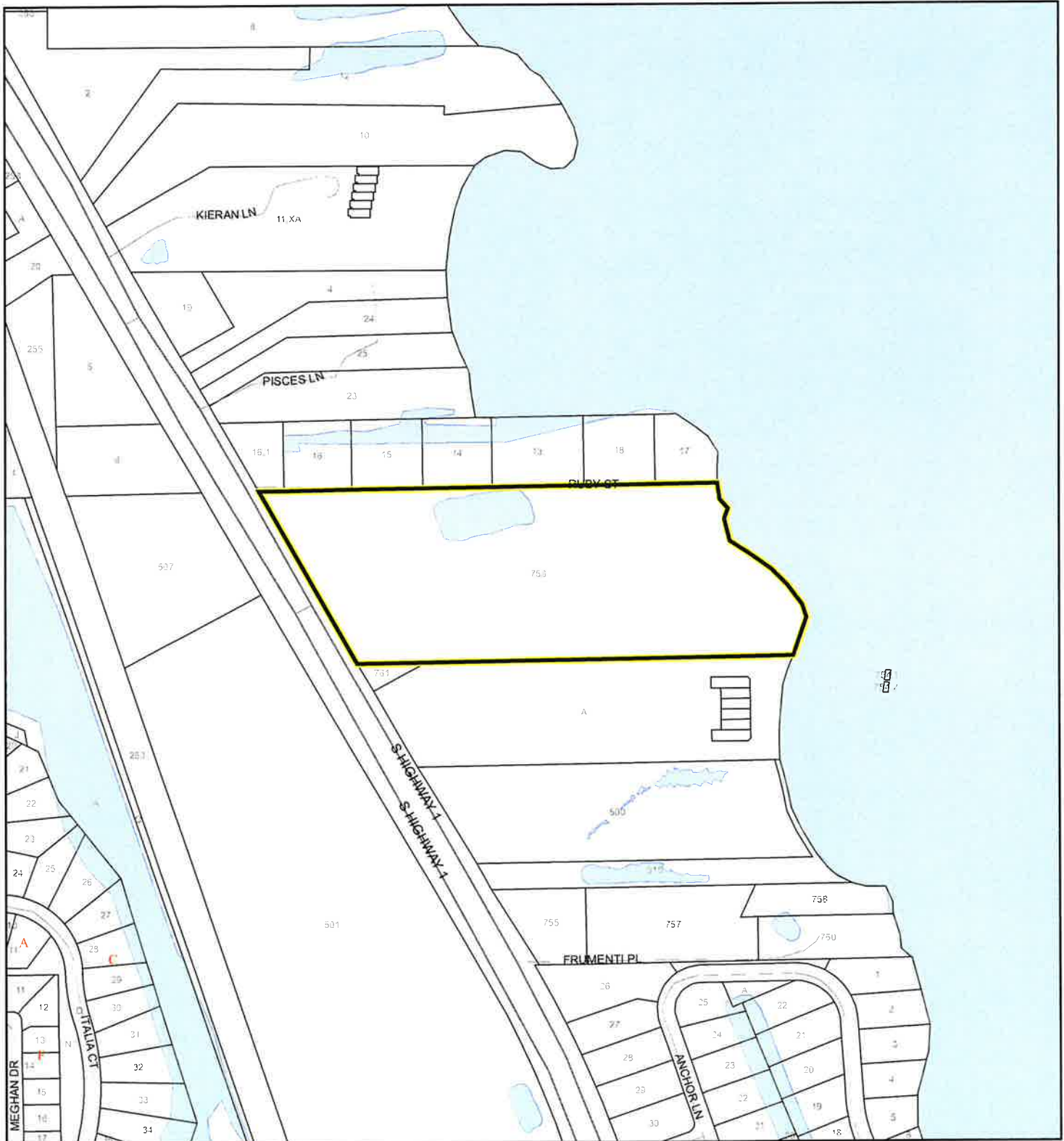


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

MASTROIANNI, FRANK

24Z00069



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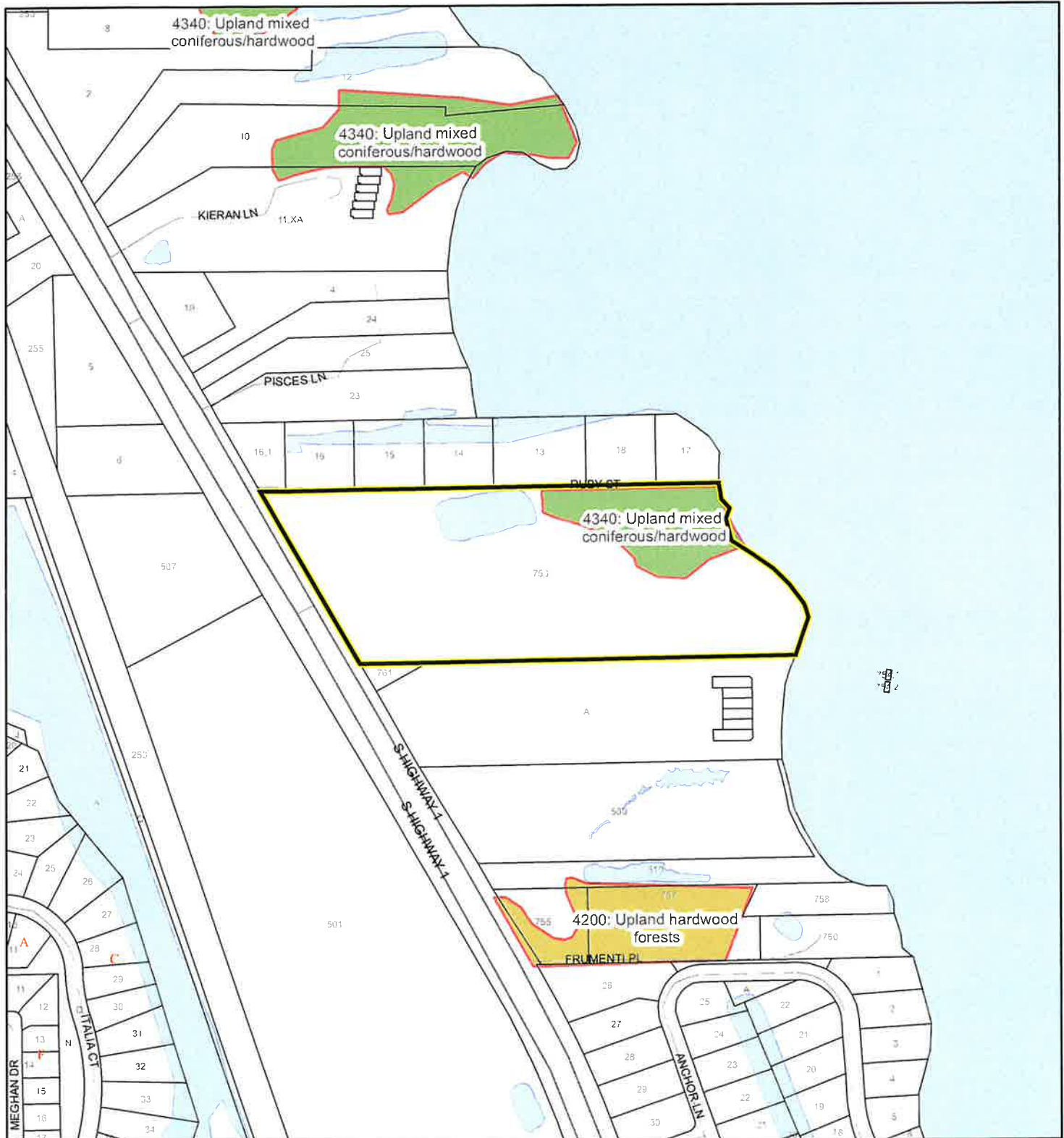
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- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MASTROIANNI, FRANK

24Z00069



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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

Board Meeting Date

March 13, 2025

Item Number: H.6.

Motion By: TG

Second By: KA

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	/	
Vice Chair Goodson	2	/	
Commissioner Adkinson	3	/	
Commissioner Altman	5	/	
Chairman Feltner	4	/	