



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

12/12/2024

Subject:

Mahasu Associates, LLC requests a change of zoning classification from AU to RU-1-9. (24Z00009) (Tax Account 2419409) (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 AU (Agricultural Residential) to RU-1-9 (Single-Family Residential).

Summary Explanation and Background:

The applicants are requesting a change of zoning classification from AU to RU-1-9 on a 0.31 acre portion of a parcel totaling 7.71 acres. The subject property is to provide access to the southern portion of the parcel from Bevis Road, a county-maintained roadway. This request would allow development with a unified zoning classification across the entire parcel.

A variance to the lot width (**24V00022**) was approved by the Board of Adjustment on October 16, 2024.

North, directly across Bevis Rd. are two (2) single-family residences, each on 0.24 acre lots with AU and RU-1-11 zoning, respectively. Property to the East is developed as a single-family on 0.69 acres with RU-1-7 zoning. To the South of the subject property is Barony Estates subdivision on lots less than a quarter acre in size zoned RU-1-9, separated by a 30' drainage easement. To the West is a single vacant 0.69 acre parcel with AU zoning.

RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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

On November 18, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

Resolution 24Z00009

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

WHEREAS, Mahasu Associates, LLC. requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), on property described as a portion of Tax Parcel 286, as described in ORB 8936 Pages 2633-2635, of the Public Records of Brevard County, Florida. Section 26, Township 24, Range 36. (0.31 acres) Located on the south side of Bevis Rd. approx. 370 ft. south of Lucas Rd. and 730 ft. east of N. Tropical Tr. (No address assigned. In the Merritt Island area.) 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 AU to RU-1-9, 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 December 12, 2024.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chair

Brevard County Commission

As approved by the Board on December 12, 2024.

ATTEST:


RACHEL SADOFF, CLERK

(SEAL)

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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

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Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
24Z00009**

Mahasu Associates LLC

AU (Agricultural residential) to RU-1-9 (Single-family residential)

Tax Account Number: 2419409
Parcel I.D.s: 24-36-26-00-286
Location: South side of Bevis Rd Approximately 480 feet South of
Lucas Rd (District 2)
Acreage: 0.31 acres, a portion of 7.7 acres
Planning & Zoning Board: 11/18/2024
Board of County Commissioners: 12/12/2024

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	AU	RU-1-9
Potential*	0 Single-family	0 Single-family
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

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

Background and Purpose of Request

The applicants are requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-family Residential) on 0.31 acres of a portion of a parcel totaling 7.71 acres. Considering the 0.31 acres alone, the property does not meet the lot size or width requirement of the AU zoning classification. A variance to the lot width, under application number **24V00022**, was approved by the Board of Adjustment on

October 16, 2024. It allows a lot width of 50 feet in lieu of the code requirement of 66 feet for the proposed RU-1-9 zoning classification.

The use of the subject property is to provide access to the southern portion of the parcel from Bevis Road, a county-maintained roadway. The remaining 7.40 acres is RU-1-9. This request would allow development with a unified zoning classification across the entire parcel as well as provide access from Bevis Rd.

The 0.31 acre portion retains the AU zoning established in 1958. In 1966, the 0.31 acre portion was part of a 12 acre parcel which was denied a rezoning for a special use permit for Planned Unit Development under Z-1954.

In March 9, 1967, the subject property (0.31 was a portion) was part of a 10 acre request. The request was to change from AU and RU-1 to RU-3 multiple family residential and was denied under application **Z-2052**.

Zoning Actions applicable to the 7.44 acre portion include;

Z-550 dated October 5, 1961 which changed the zoning from AU to RU-1.

Z-2052 occurred March 9, 1967 which was a request to change the zoning from AU to RU-3 which was denied.

Z-2980 occurred June 1, 1972 to administratively rezone from RU-1 to RU-1-9.

There are no current code enforcement cases applicable to the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence across ROW	AU, RU1-11	RES 15
South	Undeveloped	RU-1-9	RES 6
East	Single-family residence	RU-1-7	RES 15
West	Undeveloped	AU	RES 15

To the North, directly across Bevis Rd. are two (2) single-family residences, each on 0.24 acre lots with AU and RU-1-11 zoning, respectively.

To the East is developed as a single-family on 0.69 acres with RU-1-7 zoning.

To the South of the subject property is Barony Estates subdivision on lots less than a quarter acre in size zoned RU-1-9, separated by a 30' drainage easement.

To the West is a single vacant parcel of 0.69 acres with AU zoning.

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

RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

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

Land Use

The subject property is currently designated Residential 15 (RES 15) Future Land Use Map (FLUM). The current AU zoning classification can be considered consistent with the existing RES 15 FLUM designation.

The proposed RU-1-9 zoning classifications can be considered consistent with the RES 15 FLUM designation.

Applicable Land Use Policies

FLUE Policy 1.7 – The RES 15 future land use designation affords a higher density from the surrounding FLU designation. This land use designation permits a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within the Future Land Use Element. The applicants request can be considered consistent with the existing Future Land Use.

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 0.31 acre portion is not anticipated to generate any additional traffic, only provide access to the southern portion of the subject property. Any

development of the subject property would need to meet Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

- 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 (Master Appraisal Institute) 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;

Land use to the north, east and south, is single-family development with varied lot sizes from 0.07 acres to 0.25 acres.

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

Within a half-mile radius, there has been no actual development over the immediately preceding three years.

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

There have been three approved zoning changes:

1. 20Z00033 approved 05/11/2021 (Tax account 2417034) which changed the zoning of RU-1-7 and RU-2-30 to RU-2-12 with a BDP limit of 85 units
2. 21Z00024 approved 11/04/21 (Tax account 2419400) which changed the zoning from AU to RU-1-11
3. 22Z00058 approved 02/02/2023 (Tax account 2419383) that had a change of zoning from AU to RU-1-9.

- 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 has been identified.

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

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.

Staff analysis indicates the subject property is not located in an established residential neighborhood, but can be considered a residential area. The subject property abuts single-family residential uses to the east and west. Barony Estates subdivision is an established residential neighborhood to the south.

The RU-1-9 request can be considered compatible with the existing development trends.

- 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.

Staff analysis indicates the subject property is not located in an established residential neighborhood. However, it can be considered a residential area

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.

This request is not for commercial 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.

The subject property is not requesting a rezoning for commercial, industrial or other non-residential uses.

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.

Based on staff analysis, the presence of wetlands and hydric soils on the property may inhibit development of the property to not more than one (1) dwelling unit per five (5) acres or 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. A wetland delineation will be required prior to any land clearing activities, or site plan design.

Preliminary Concurrency

The request is not anticipated to generate any additional traffic as it is only providing access to the property to the south.

A preliminary school concurrency review is not applicable to this request.

The subject property has access to potable water through the City of Cocoa and sewer service through Brevard County. The sewer connection is located on Bevis Road at the proposed entrance of the development.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- **Wetlands and Hydric Soils**
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees - Unpermitted Land Clearing
- Protected Species

The subject property (including the flag stem access) contains mapped wetlands and hydric soils; indicators that wetlands may be present on the property, potentially much of the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 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.**

For Board Consideration

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

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

Item No. 24Z00009

Applicant: Sam Sebaali (Owner: Mahasu Associates LLC)

Zoning Request: RU-1-9 and AU to all RU-1-9 (0.31 ac AU to RU-1-9)

Note: to develop a SFR subdivision

Zoning Hearing: 06/10/2024; **BCC Hearing:** 07/11/2024

Tax ID No.: A portion of 2419409

- 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**
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees - Unpermitted Land Clearing
- Protected Species

The subject parcel (including the flag stem access) contains mapped wetlands and hydric soils; indicators that wetlands may be present on the property, potentially much of the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 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.**

Information available to NRM indicates that unpermitted land clearing and filling activities may have occurred in wetlands on the southern portion of the property (outside of the area of this request) between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel (including the flag stem access) contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Anclote sand, frequently flooded); indicators that wetlands may be present on the property, potentially much of the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 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.**

Information available to NRM indicates that unpermitted land clearing and filling activities may have occurred in wetlands on the southern portion of the property (outside of the area of this request) between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The eastern 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.

Protected and Specimen Trees

Protected and Specimen Trees likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance Section 62-4337, entitled Permit Application Requirements and Review Process, states that a permit shall be required prior to any land clearing activities unless exempt. 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. The confirmation of unpermitted land clearing activities may result in code enforcement action. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Information available to NRM indicates that unpermitted land clearing and filling activities may have occurred in wetlands on the southern portion of the property (outside of the area of this request) between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.

Protected Species

Federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable.

School Board of Brevard County

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



April 25, 2024

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

**RE: Proposed Tropical Palms Subdivision Development
School Impact Analysis – Capacity Determination CD-2024-08**

Dear Ms. Gilliam,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2419409 (Parcel ID: 24-36-26-00-286), containing a total of approximately 7.71 acres in District 2, Brevard County, Florida. The proposed development includes 22 single-family homes. 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 2023-24 to 2028-29 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2024-25 to 2028-29* which is attached for reference.

Single-Family Homes 22			
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	5.28	5
Middle	0.07	1.54	2
High	0.12	2.64	3
Total	0.43		10

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2024-25 to 2028-29**

School	2024-25	2025-26	2026-27	2027-28	2028-29
Mila	707	707	707	707	707
Jefferson	873	873	873	873	873
Merritt Island	1,966	1,966	1,966	1,966	1,966

Projected Student Membership

School	2024-25	2025-26	2026-27	2027-28	2028-29
Mila	439	430	441	429	416
Jefferson	521	523	480	479	540
Merritt Island	1,443	1,376	1,352	1,360	1,306

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2024-25	2025-26	2026-27	2027-28	2028-29
Mila	-	-	-	-	-
Jefferson	-	-	-	-	-
Merritt Island	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2024-25	2025-26	2026-27	2027-28	2028-29
Mila	-	5	5	5	5
Jefferson	-	2	2	2	2
Merritt Island	-	3	3	3	3

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

School	2024-25	2025-26	2026-27	2027-28	2028-29
Mila	439	435	446	434	421
Jefferson	521	525	482	481	542
Merritt Island	1,443	1,379	1,355	1,363	1,309

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2024-25	2025-26	2026-27	2027-28	2028-29
Mila	268	272	261	273	286
Jefferson	352	348	391	392	331
Merritt Island	523	587	611	603	657

At this time, MILA Elementary School, Thomas Jefferson Middle School, and Merritt Island Senior High School are projected to have enough capacity for the total of projected and potential students from the Tropical Palms Subdivision 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,

A handwritten signature in blue ink, appearing to read 'Karen M. Black', written over a light blue horizontal line.

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 2023-24 to 2028-29*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2024-08

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2024-08

Tropical Palms Subdivision Development Location Map





Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2023-24 to 2028-29

Summary		2023-24		2024-25		2025-26		2026-27		2027-28		2028-29	
Highest Utilization Elementary Schools:		101%		101%		98%		97%		100%		100%	
Highest Utilization Middle Schools:		86%		87%		87%		92%		95%		100%	
Highest Utilization Jr / Sr High Schools:		80%		80%		79%		81%		82%		82%	
Highest Utilization High Schools:		97%		97%		99%		99%		99%		100%	

School	Type	Grades	Utilization Factor	School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28			School Year 2028-29		
				FISH Capacity	10/13/23 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
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	583	78%	751	559	74%	751	602	80%	751	634	84%	751	653	87%	773	649	84%
Andersen	Elementary	K-6	100%	884	525	59%	884	483	56%	884	476	54%	884	478	54%	884	446	50%	884	433	49%
Apollo	Elementary	K-6	100%	902	643	71%	902	616	68%	902	633	70%	902	642	71%	902	637	71%	902	641	71%
Atlantis	Elementary	PK-6	100%	739	635	86%	739	660	89%	739	661	89%	739	667	90%	739	662	92%	739	688	93%
Audubon	Elementary	PK-6	100%	761	420	55%	761	408	54%	761	415	55%	761	438	58%	761	442	58%	761	447	59%
Cambridge	Elementary	PK-6	100%	787	504	64%	787	505	64%	787	518	66%	787	532	68%	787	546	69%	787	564	72%
Cape View	Elementary	PK-6	100%	570	295	52%	570	284	50%	570	284	50%	570	282	49%	570	286	50%	570	285	50%
Carroll	Elementary	K-6	100%	751	628	84%	751	645	86%	751	626	83%	751	622	83%	751	606	81%	751	594	79%
Challenger 7	Elementary	PK-6	100%	573	481	84%	573	470	82%	573	469	82%	573	457	80%	573	431	75%	573	416	73%
Columbia	Elementary	K-6	100%	751	558	74%	751	573	76%	751	560	75%	751	570	76%	751	566	75%	751	561	75%
Covina	Elementary	K-6	100%	711	488	69%	711	472	66%	711	481	68%	711	477	67%	711	476	67%	711	470	66%
Crest	Elementary	PK-6	100%	1,114	589	53%	1,114	575	52%	1,114	576	52%	1,114	584	52%	1,114	584	51%	1,114	543	49%
Croton	Elementary	PK-6	100%	795	484	61%	795	491	62%	795	518	65%	795	551	69%	795	565	71%	795	569	74%
Discovery	Elementary	PK-6	100%	980	682	70%	980	724	74%	980	738	75%	980	750	77%	980	753	77%	980	764	78%
Endeavour	Elementary	PK-6	100%	968	720	74%	968	740	76%	968	750	77%	968	749	77%	968	739	76%	968	708	73%
Enterprise	Elementary	PK-6	100%	729	610	84%	729	621	85%	729	625	86%	729	622	85%	729	634	87%	729	644	88%
Fairfield	Elementary	PK-6	100%	789	517	66%	789	492	62%	789	511	65%	789	540	68%	789	531	67%	789	534	68%
Gemini	Elementary	K-6	100%	711	445	63%	711	437	61%	711	442	62%	711	426	60%	711	428	60%	711	433	61%
Golfview	Elementary	PK-6	100%	777	459	59%	777	477	61%	777	500	64%	777	503	65%	777	505	65%	777	506	65%
Harbor City	Elementary	PK-6	100%	629	397	63%	629	412	66%	629	425	68%	629	448	71%	629	463	74%	629	477	76%
Holland	Elementary	PK-6	100%	605	435	72%	605	436	72%	605	433	72%	605	435	72%	605	420	69%	605	425	70%
Imperial Estates	Elementary	K-5	100%	729	671	92%	729	674	92%	729	666	90%	729	650	88%	729	640	88%	729	628	86%
Indianapolis	Elementary	K-6	100%	798	680	86%	798	682	86%	798	671	84%	798	672	84%	798	646	81%	798	662	83%
Jupiter	Elementary	PK-6	100%	930	851	92%	930	892	96%	930	941	97%	930	992	107%	1,062	1,061	100%	1,084	1,072	99%
Lockhart	Elementary	PK-6	100%	892	601	67%	892	592	65%	892	577	65%	892	577	65%	892	564	63%	892	567	64%
Longleaf	Elementary	PK-6	100%	790	607	77%	790	596	75%	790	581	74%	790	570	72%	790	548	69%	790	554	70%
Longleaf	Elementary	K-6	100%	998	876	88%	998	869	87%	998	823	82%	998	800	80%	998	773	77%	998	757	76%
McAuliffe	Elementary	PK-6	100%	838	648	77%	838	644	77%	838	642	77%	838	627	75%	838	611	73%	838	601	72%
Meadowdale Intermediate	Elementary	3-6	100%	1,114	655	59%	1,114	793	71%	1,114	779	70%	1,114	773	69%	1,114	805	72%	1,114	843	76%
Meadowdale Primary	Elementary	K-6	100%	824	621	75%	824	621	75%	824	660	80%	824	630	76%	824	618	75%	824	613	74%
Mills	Elementary	PK-6	100%	707	431	61%	707	439	62%	707	430	61%	707	441	62%	707	429	61%	707	416	59%
Mims	Elementary	PK-6	100%	725	416	57%	725	414	57%	725	490	68%	725	497	69%	725	466	64%	725	441	61%
Oak Park	Elementary	PK-6	100%	968	472	49%	968	441	46%	968	449	46%	968	453	47%	968	428	44%	968	403	42%
Ocean Breeze	Elementary	PK-6	100%	654	529	81%	654	513	78%	654	494	76%	654	477	73%	654	459	70%	654	437	67%
Palm Bay Elem	Elementary	PK-6	100%	983	623	63%	983	636	65%	983	660	67%	983	683	69%	983	685	70%	983	684	70%
Pinewood	Elementary	PK-6	100%	613	529	86%	613	532	87%	613	558	91%	613	586	95%	613	592	95%	613	570	93%
Port Malabar	Elementary	PK-6	100%	852	605	71%	852	613	72%	852	654	77%	852	657	77%	852	677	79%	852	713	84%
Quest	Elementary	PK-6	100%	932	712	76%	932	719	77%	932	715	77%	932	704	75%	932	701	75%	932	689	74%
Riviera	Elementary	PK-6	100%	777	647	83%	777	627	81%	777	664	85%	777	688	89%	777	735	93%	777	741	93%
Roosevelt	Elementary	K-6	100%	599	268	45%	599	280	47%	599	283	48%	599	285	48%	599	282	48%	599	292	49%
Sabal	Elementary	PK-5	100%	785	514	65%	785	517	66%	785	523	67%	785	537	68%	785	532	68%	785	542	69%
Saturn	Elementary	PK-5	100%	998	589	59%	998	614	62%	998	634	64%	998	638	64%	998	632	63%	998	644	65%
Sea Park	Elementary	PK-8	100%	461	327	71%	461	347	75%	461	351	76%	461	362	78%	461	365	79%	461	375	81%
Shenwood	Elementary	PK-8	100%	609	468	77%	609	477	78%	609	492	81%	609	495	81%	609	493	81%	609	502	82%
Sunrise	Elementary	PK-8	100%	913	667	73%	913	697	77%	913	707	78%	913	727	80%	913	757	83%	913	787	86%
Sunrise	Elementary	K-6	100%	755	601	80%	755	604	80%	755	604	80%	755	595	79%	755	584	77%	755	563	75%
Sunrise	Elementary	K-6	100%	541	419	77%	541	410	76%	541	397	75%	541	388	72%	541	364	67%	541	353	65%
Surfside	Elementary	K-6	100%	910	619	68%	910	611	67%	910	580	64%	910	565	62%	910	547	60%	910	516	57%
Tropical	Elementary	PK-6	100%	874	578	66%	874	623	71%	874	672	77%	874	739	85%	874	807	92%	874	854	98%
Turner	Elementary	PK-5	100%	811	495	61%	811	505	62%	811	533	66%	811	565	70%	811	577	71%	811	590	73%
University Park	Elementary	PK-6	100%	1,030	784	76%	1,030	854	83%	1,030	997	97%	1,030	1,115	108%	1,030	1,272	126%	1,030	1,359	131%
Viera Elem	Elementary	K-6	100%	857	867	101%	857	950	110%	857	1,033	121%	857	1,121	131%	857	1,209	141%	857	1,309	151%
Westside	Elementary	K-6	100%	715	443	62%	715	427	60%	715	390	55%	715	380	53%	715	371	52%	715	359	50%
Williams	Elementary	PK-5	100%	42,259	30,287	72%	42,391	30,545	73%	42,589	31,075	74%	42,809	31,550	75%	43,029	31,697	76%	43,161	31,795	77%

School	Type	Grades	Utilization Factor	School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28			School Year 2028-29		
				FISH Capacity	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	1,061	70%	1,514	1,110	73%	1,514	1,184	78%	1,514	1,213	80%	1,514	1,272	84%	1,514	1,348	89%
DeLaura	Middle	7-8	90%	960	823	86%	960	517	54%	960	432	45%	960	411	43%	960	439	46%	960	429	45%
Hoover	Middle	7-8	90%	680	442	65%	680	475	70%	680	498	73%	680	470	69%	680	479	70%	680	463	68%
Jackson	Middle	7-8	90%	680	561	83%	680	575	84%	680	501	76%	680	482	73%	680	505	77%	680	517	78%
Jefferson	Middle	7-8	90%	873	541	62%	873	521	60%	873	523	60%	873	480	55%	873	479	55%	873	540	62%
Johnson	Middle	7-8	90%	1,064	555	52%	1,064	588	55%	1,064	575	54%	1,064	548	52%	1,064	620	58%	1,064	640	60%
Kennedy	Middle	7-8	90%	869	667	77%	869	436	50%	869	391	45%	869	373	43%	869	412	47%	869	433	50%
Madison	Middle	7-8	90%	781	429	55%	781	431	55%	781	374	48%	781	336	43%	781	426	55%	781	469	60%
McNair	Middle	7-8	90%	616	355	58%	616	290	47%	616	284	46%	616	281	46%	616	299	49%	616	330	54%
Southwest	Middle	7-8	90%	1,281	900	70%	1,281	980	77%	1,281	1,118	87%	1,281	1,178	92%	1,281	1,290	99%	1,281	1,340	100%
Stones	Middle	7-8	90%	1,076	584	54%	1,076	571	53%	1,076	509	47%	1,076	470	44%	1,076	509	47%	1,076	540	50%
Viera Middle	Middle	7-8	90%	-	-	0%	-	556	73%	-	755	84%	-	805	95%	-	830	92%	-	869	97%
Middle Totals				10,374	6,918		11,274	7,150		11,274	7,275		11,274	7,285		11,314	7,834		11,373	8,236	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 9-12	90%	2,085	1,474	71%	2,085	1,480	71%	2,085	1,441	69%	2,085	1,421	68%	2,085	1,444	69%	2,085	1,437	69%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	1,028	71%	1,445	1,025	71%	1,445	967	67%	1,445	938	65%	1,445	873	60%	1,445	831	58%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,488	80%	1,852	1,483	80%	1,852	1,469	79%	1,852	1,503	81%	1,852	1,510	82%	1,852	1,513	82%
Jr / Sr High Totals				5,382	3,990		5,382	3,988		5,382	3,877		5,382	3,862		5,382	3,827		5,382	3,781	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,056	73%	1,451	1,046	72%	1,451	1,008	69%	1,451	1,024	71%	1,451	985	68%	1,451	975	67%
Bayside	High	9-12	95%	2,263	2,039	90%	2,263	2,166	96%	2,263	2,241	99%	2,263	2,316	100%	2,263	2,391	100%	2,263	2,466	100%
Enu Galle	High	PK, 9-12	95%	2,211	1,489	67%	2,211	1,470	66%	2,211	1,490	67%	2,211	1,440	65%	2,211	1,395	63%	2,211	1,440	65%
Heritage	High	9-12	95%	2,314	2,037	88%	2,314	2,053	89%	2,314	2,023	87%	2,314	2,118	92%	2,314	2,160	93%	2,314	2,246	97%
Melbourne	High	9-12	95%	2,370	2,178	92%	2,370	2,146	91%	2,370	2,145	91%	2,370	2,188	92%	2,370	2,265	96%	2,370	2,395	99%
Merritt Island	High	PK, 9-12	95%	1,966	1,481	75%	1,966	1,443	73%	1,966	1,376	70%	1,966	1,352	68%	1,966	1,360	69%	1,966	1,306	66%
Palm Bay	High	PK, 9-12	95%	2,657	1,544	58%	2,657	1,413	53%	2,657	1,442	54%	2,657	1,482	56%	2,657	1,507	57%	2,657	1,605	60%
Rockledge	High	9-12	95%	1,836	1,506	82%	1,836	1,601	87%	1,836	1,675	91%	1,836	1,671	91%	1,836	1,660	90%	1,836	1,623	88%
Satellite	High	PK, 9-12	95%	1,551	1,506	97%	1,551	1,497	97%	1,551	1,443	93%	1,551	1,393	90%	1,551	1,297	83%	1,551	1,269	82%
Titusville	High	9-12	95%	1,801	1,309	73%	1,801	1,293	72%	1,801	1,322	73%	1,801	1,330	74%	1,801	1,317	73%	1,801	1,317	73%
Viera	High	PK, 9-12	95%	2,461	2,312	94%	2,461	2,349	96%	2,461	2,364	96%	2,461	2,368	96%	2,461	2,420	98%	2,461	2,441	99%
High Totals				22,881	18,361		22,881	18,479		22,881	18,569		22,881	19,702		23,024	18,747		23,142	19,083	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2023-24 are reported from the FISH database as of October 11, 2023.
- Student Membership is reported from the Fall Final Membership Count (10/13/2023).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - 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.
 - Nonrelocated 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.
 - If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
 - 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 2024-25, a total of 6 intermediate classrooms are projected for Westside (4), Viera (2), and Jupiter (2) Elementary Schools.
- For school year 2025-26, a total of 10 intermediate classrooms are projected for Westside (4), Viera (4), and Jupiter (2) Elementary Schools, Southwest Middle School (2), and 3 High School relocatable classrooms are proposed for Bayside High School.
- For school year 2026-27, a total of 12 intermediate classrooms are projected for Westside (4), Viera (4), and Jupiter (2) Elementary Schools, Southwest Middle School (3), and 5 High School relocatable classrooms are proposed for Bayside High School.
- For school year 2028-29, a total of 9 intermediate classrooms are projected for Viera (4), and Jupiter (3) Elementary Schools, Southwest Middle School (3), and 5 High School relocatable classrooms are proposed for Bayside (3) and Melbourne (2) High Schools.
- A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 18, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5); Debbie Thomas (D4); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; Derrick Hughey, Planner; Sandra Collins, Planner; and Alice Webber, Operations Support Specialist.

Excerpt of complete agenda.

Item H.5. Mahasu Associates, LLC requests a change of zoning classification from AU to RU-1-9. (24Z00009) (Tax Account 2419409) (District 2)

Trina Gilliam read the application into the record.

Sam Sebaali on behalf of the applicant spoke to this item. The parcel which we are requesting a rezoning from AU to RU-1-9 is a 0.31-acre portion or a larger parcel which is 7.71 acres. That parcel serves as access for the main parcel. The main parcel is zoned RU-1-9 and all we are asking for is to rezone the parcel which serves for access, it's a flag lot, to the same zoning as the main parcel, so they are consistent. The requested zoning is consistent with the comprehensive plan, and it doesn't allow, or it doesn't cause any addition of any units, or cause any concurrency issues. It's basically to make it consistent with the main parcel. I'll be glad to address any specific questions, but this is the request.

Robert Sullivan asked the applicant do you access to the property now.

Sam Sebaali responded the property is not developed, but the access is through that parcel. The issue came up when we submitted an application for development on the main parcel and staff asked us to rezone this parcel so it's consistent with the main parcel's zoning. And what we are proposing, as far as the development itself, is consistent with the RU-1-9 which is the main parcel. But this is the only legal access for that parcel. So, it would serve as an access roadway. It is 50-foot wide and because of the zoning it requires a minimum of 66 feet. We had to get a variance and we came in front of the board of zoning adjustment, and we did get a variance. We worked with the adjacent property owners, and they understand what we are doing, and everybody was okay with it.

Robert Sullivan asked do you know if the county has any plans for the west side or the south side to put a roadway in or would that be under your obligation.

Sam Sebaali responded I do not know. I think with this request we would have to build the roadway to connect to Bevis Road through this portion of the property which is where the access is currently from. I don't believe the county has any plans, but I'm not aware of any.

Robert Sullivan stated my concern was the width of that lot being 50 feet versus 60.

Sam Sebaali commented right, and we did get the variance for that, the 50-foot right-of-way is adequate.

Robert Sullivan went on to say well there's utilities and other things that have to come through those in that access area. 50 feet starts getting crowded very quickly, and drainage ditches and utility corridors, and things like that.

Sam Sebaali commented internal, just for clarity, the internal right-of-way would be 50 feet and would have the same utilities and we already looked at the cross section going through that.

Henry Minneboo asked Mr. Sebaali, have you been on the property.

Sam Sebaali responded yes sir.

Henry Minneboo stated I'm trying to answer Robert better than you did. Isn't that Bevis through there?

Sam Sebaali responded it is.

Henry Minneboo then commented Bevis goes left, right, left, right. It meanders. It's probably the only road on Merritt Island that's got 9 curves.

Sam Sebaali stated that one of the concerns on the south and the west there is a canal and we're trying to stay away from that, and that's a drainage system through there so I don't expect there will be any roadways through there.

Henry Minneboo commented I think you answered Robert that it's Bevis.

There was no public comment.

Erika Orriss asked so you're saying that there is currently no access, but you would be putting in access or the county could put in a county road.

Sam Sebaali stated the property is not developed; it does abut the right-of-way through the flag portion of this lot. So, that provides the access into the property. It is an access, but when you develop it, you have to meet certain standards. Which is it has to be the same zoning as the main parcel and then we would have to build a proper roadway, which would meet the county standards. And that is the intent.

Henry Minneboo comments yeah but you don't have to go all the way to the back.

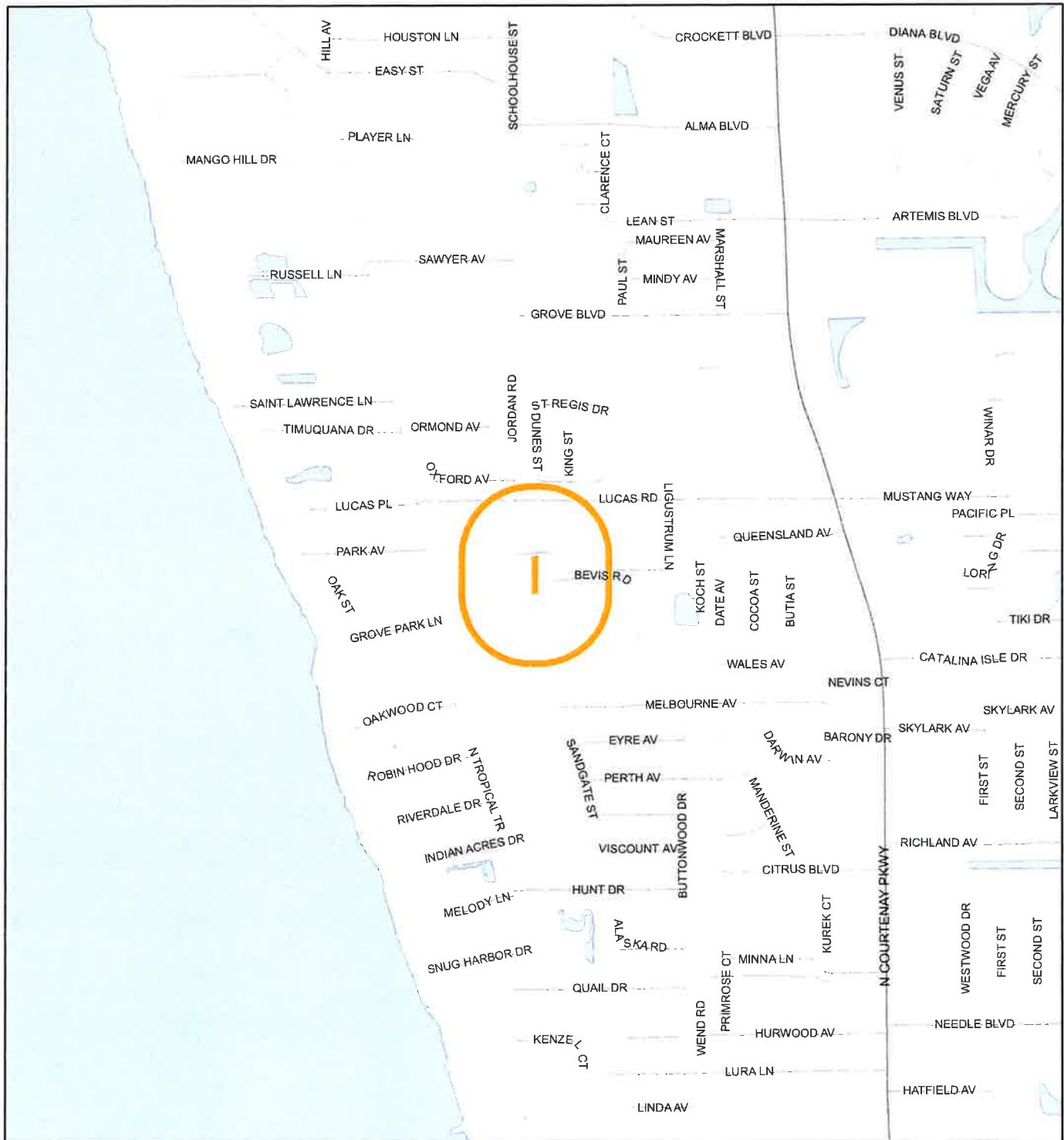
Sam Sebaali responded we will take it all the way to the parcel and that's part of the development, we're going to have a roadway, which would be the same width, it would be meeting the county standards for right-of-way with all the utilities and what have you. It would be a closed drainage system, so that's why we can do it in 50 feet.

Motion to recommend approval of item H.5. by Robert Sullivan, seconded by Brian Hodgers. Motion passed unanimously.

LOCATION MAP

MAHASU ASSOCIATES LLC

24Z00009



1:12,000 or 1 inch = 1,000 feet

Buffer Distance: 500 feet

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Buffer

Subject Property

MAHASU ASSOCIATES LLC
24Z00009



1:4,800 or 1 inch = 400 feet

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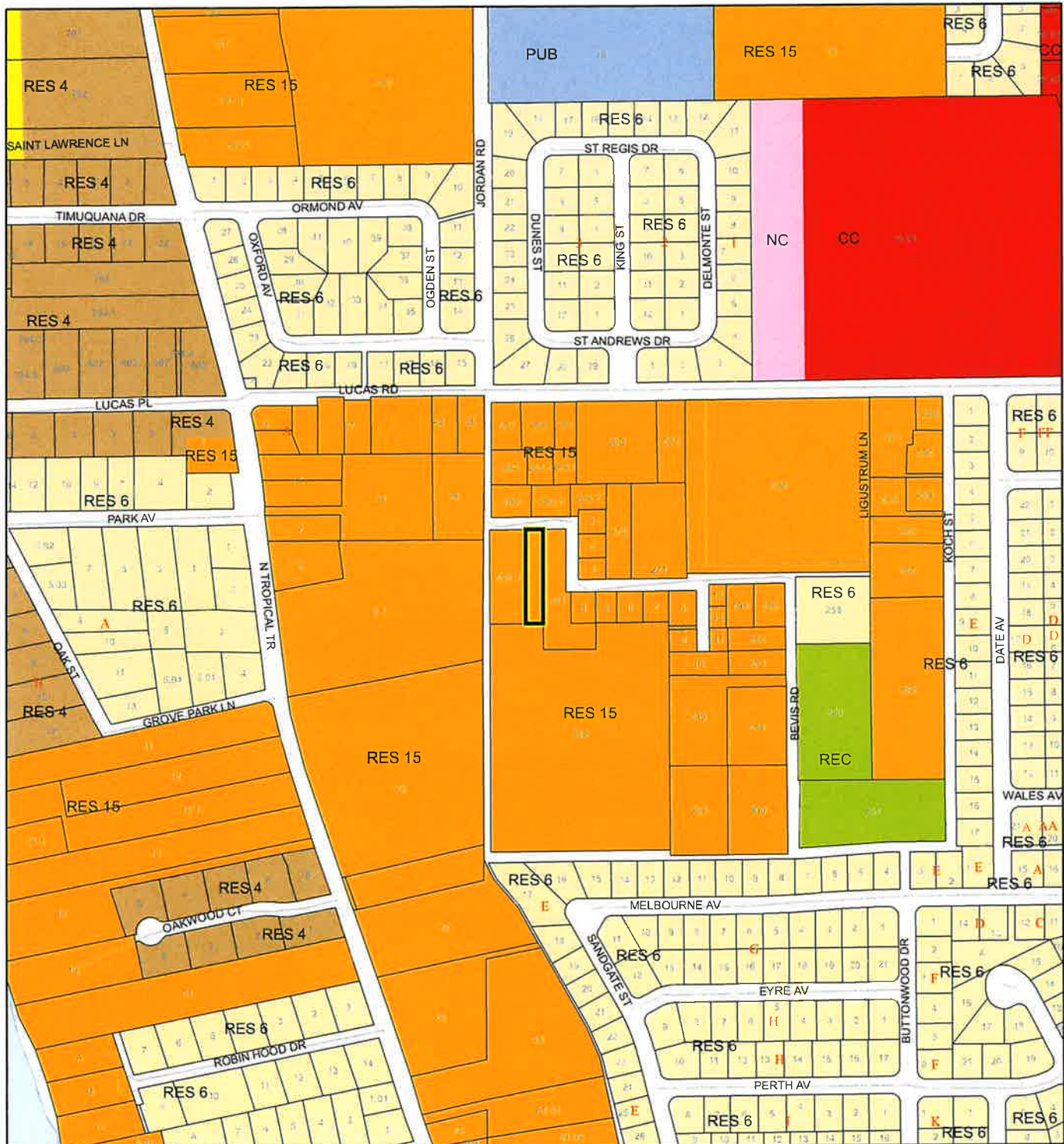
Subject Property

☐ **Parcels** Zoning

FUTURE LAND USE MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

— Subject Property

□ Parcels

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AERIAL MAP
MAHASU ASSOCIATES LLC
24Z00009



1:600 or 1 inch = 50 feet

PHOTO YEAR: 2023

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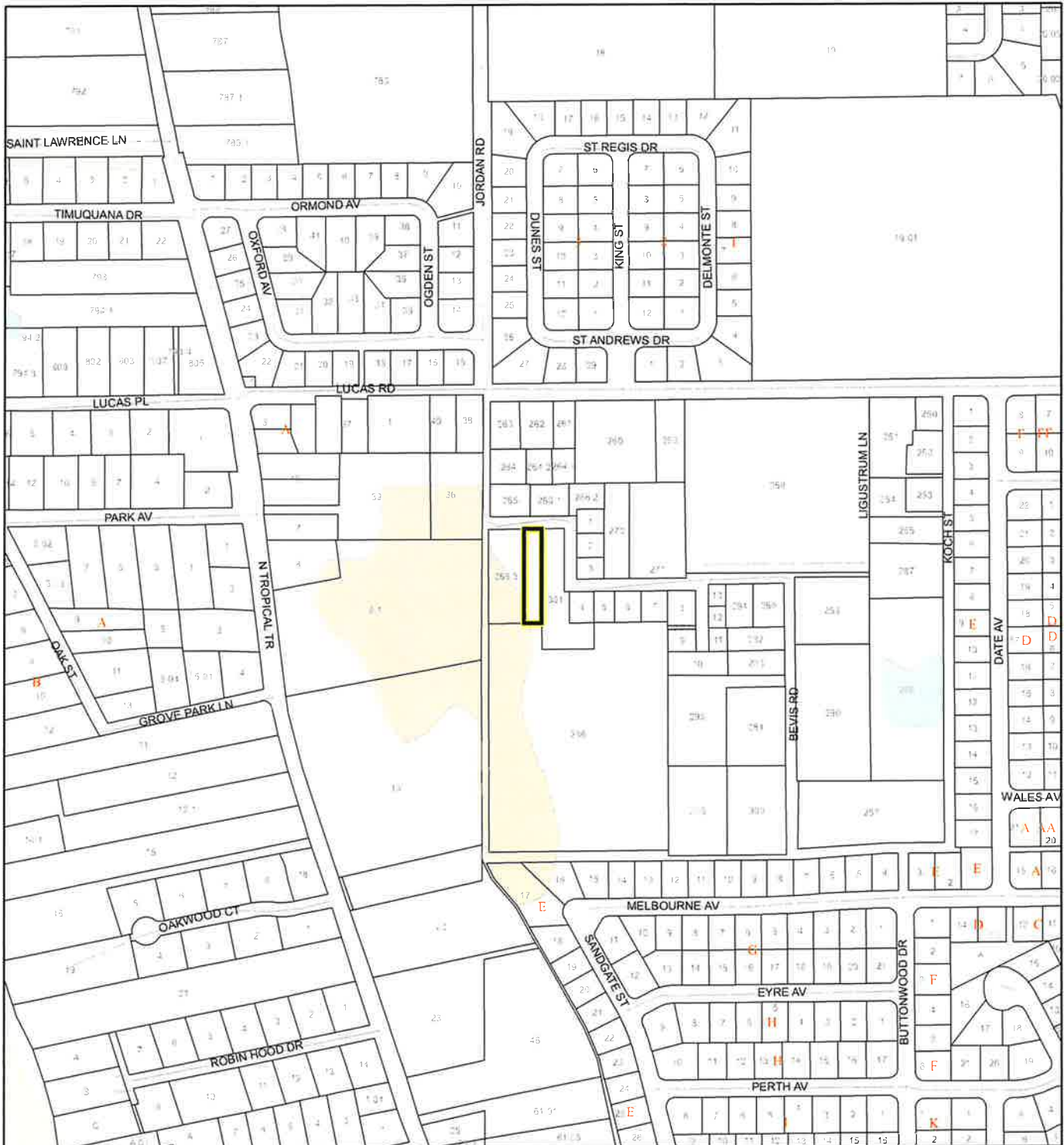
 Subject Property

 Parcels

NWI WETLANDS MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake

Other

Riverine

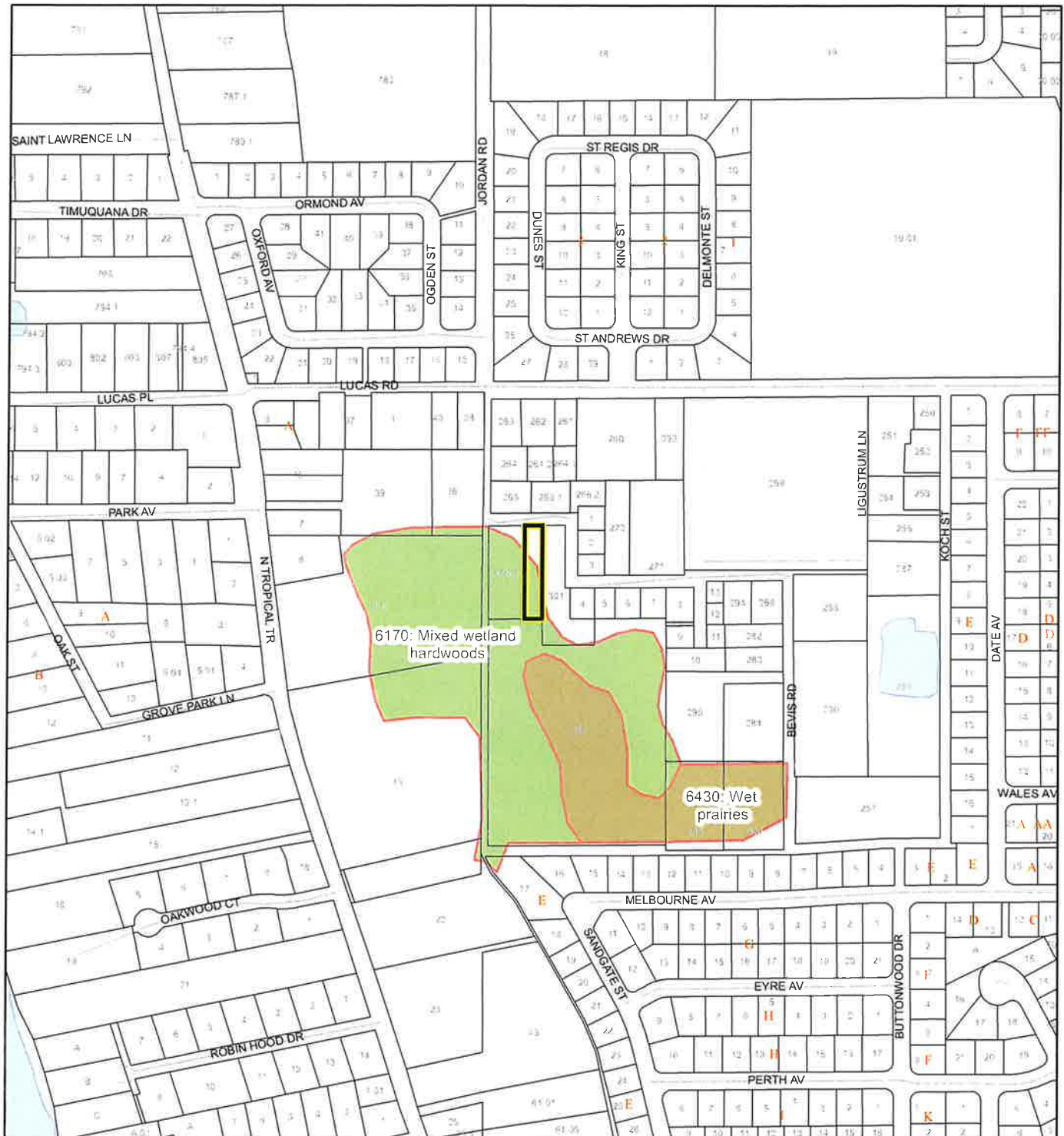
Subject Property

Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

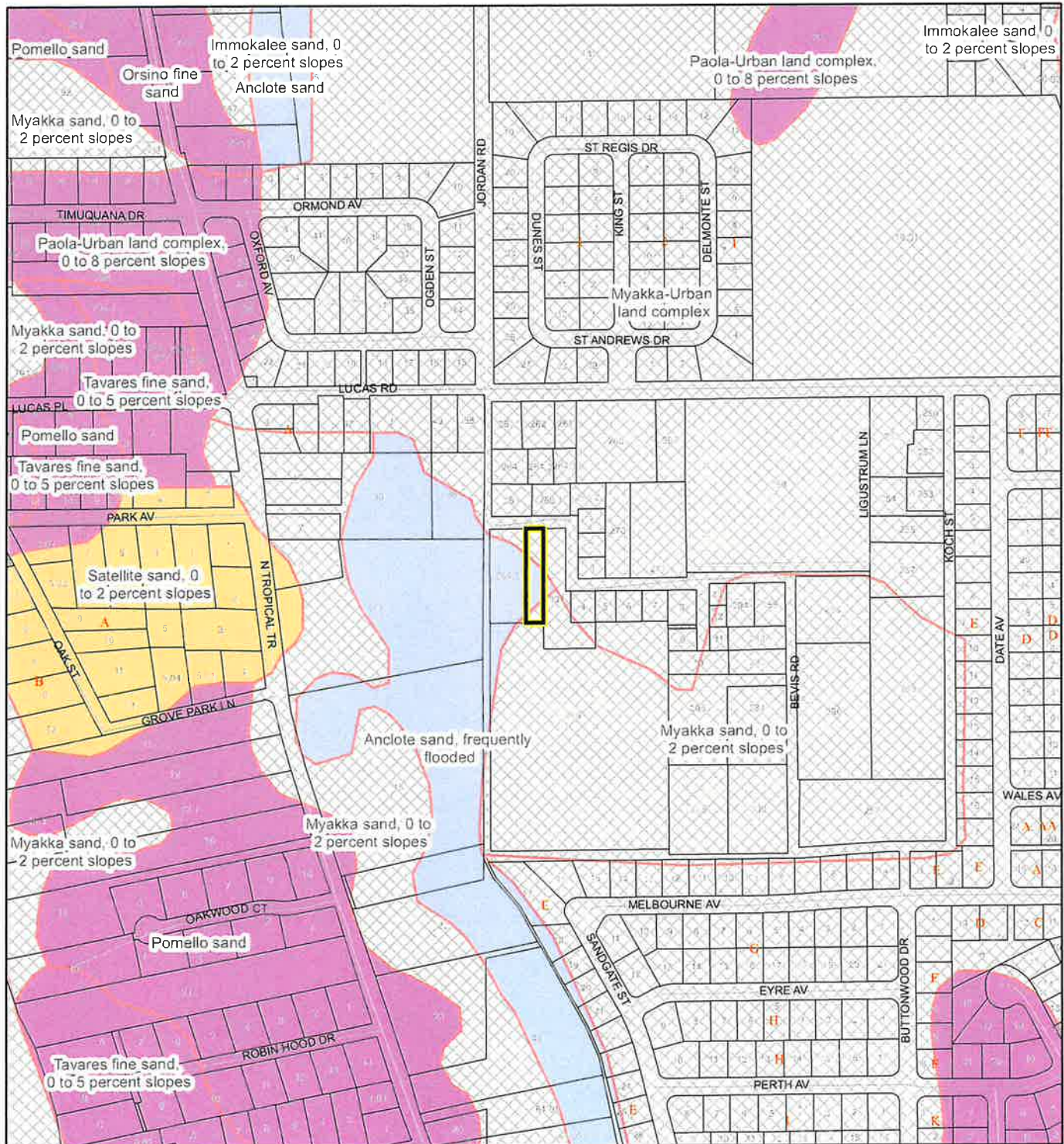
Subject Property

Parcels

USDA SCSSS SOILS MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

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FEMA Flood Zones

A	AO	x
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

MAHASU ASSOCIATES LLC
24Z00009



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

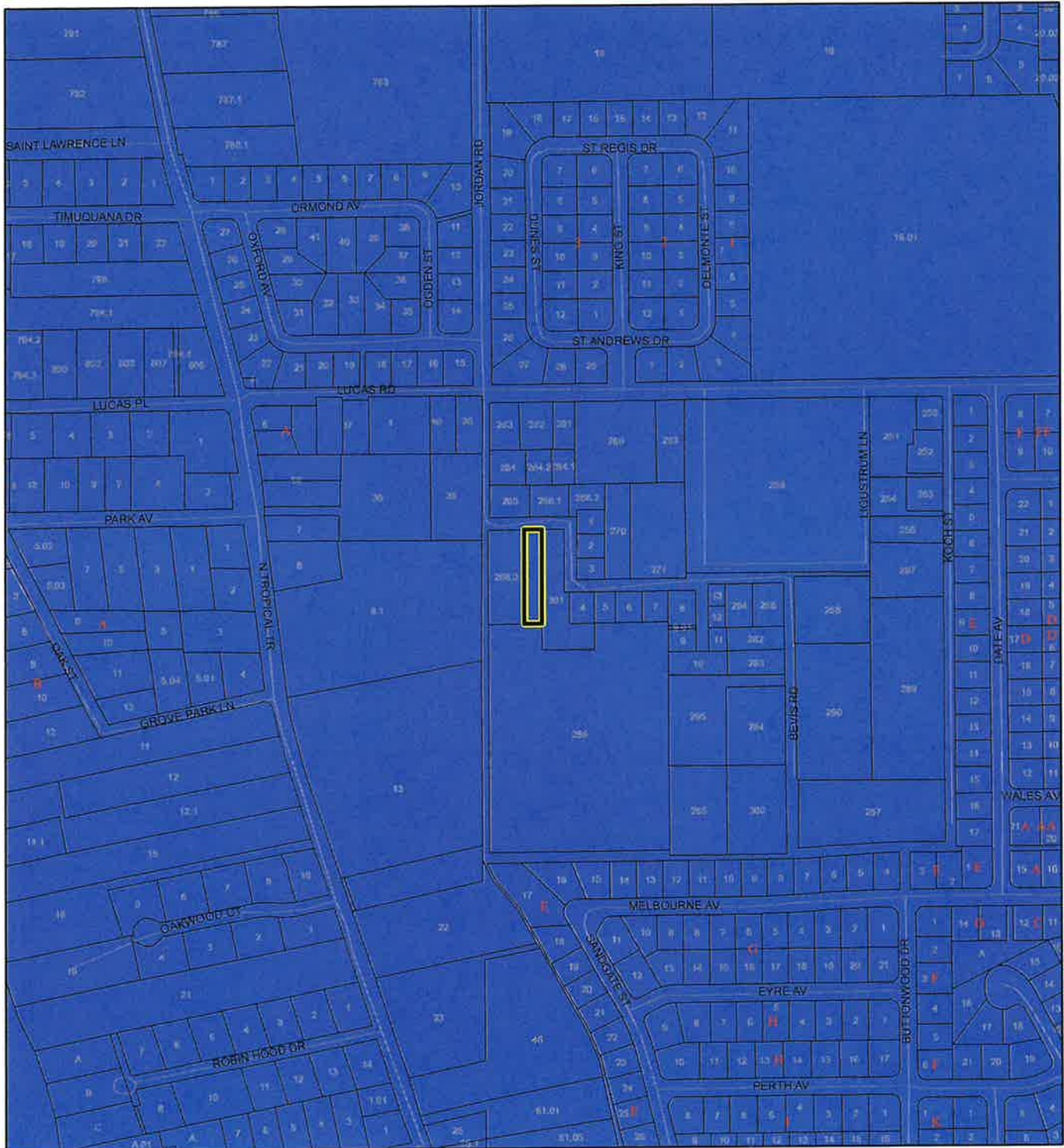
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

MAHASU ASSOCIATES LLC

24Z00009




1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MAHASU ASSOCIATES LLC

24Z00009



1:4,800 or 1 inch = 400 feet

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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