



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.10.

9/5/2024

Subject:

JEN Florida 48, LLC, requests Adoption of the 2023-2 Large Scale Plan Amendment to change the Future Land Use Designation from RES 1:2.5 to RES 4 & CC. (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial). (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

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 adoption of the Large-Scale Comprehensive Plan Amendment (2023-2) to change the Future Land Use designation from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial).

Summary Explanation and Background:

Large-Scale Comprehensive Plan Amendments are a multi-step process consisting of “transmittal and adoption ” The Board of County Commissioners approved transmitting this Comprehensive Plan Amendment to Florida Commerce on May 2, 2024, as Item G.5. Transmittal notified Florida Commerce to conduct a State Expedited Review of the proposed amendment.

The State agencies have completed their review of the proposed amendment and made comments (see **Addendum #2**, which includes applicant’s responses and staff analysis). The applicant has requested that the adoption hearing be scheduled expeditiously.

This request is seeking to amend the Future Land Use Map designation from RES 1:2.5 to RES 4 and a portion of CC on a 1,109.57-acre parcel. The RES 4 designation would allow up to 4,329 single-family homes and 27.33 acres of Community Commercial (CC). At the transmittal hearing, the Board of County Commissioners limited residential development to 3,246 units and required dedication of a suitable site for a Fire/Rescue Station. The subject parcel is currently undeveloped and has access only along Babcock Street. This segment of Babcock St. is county-maintained roadway.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from GU (General Use) and AU (Agricultural Residential) to PUD (Planned Unit Development) on the entire 1,109.57 acre subject property (23PUD00005).

The subject property is adjacent to Res 1:2.5 to the south, west, and north (with a portion of Res 2). The

closest RES 4 is approximately 5 miles to the east in the County's jurisdiction.

Staff analysis of the proposed amendment identified level of service impacts on several facilities. Staff recognizes that there may be multiple potential solutions to the concerns, and staff has advised the applicant that the capacity improvements for the facilities need to be addressed with their zoning application. These concerns include:

- Transportation network infrastructure
- Availability of central water and sewer
- Level of Service (LOS) for fire rescue
- Public schools

While there are no planned improvements in the Capital Improvement Program (CIP), the applicant has agreed to conditions addressing the needed capital improvements including, but not limited to, traffic improvements.

On August 12, 2024, the Local Planning Agency heard the request and recommended approval. The vote was 4:3.

Clerk to the Board Instructions:

Return the fully executed ordinance adopting the proposed plan amendment to Planning and Development.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 6, 2024

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Jeffrey Ball

RE: Item H.10., Large Scale Comprehensive Plan Amendment (2023-2)

The Board of County Commissioners, in regular session on September 5, 2024, conducted the public hearing and adopted Ordinance No. 24-23, setting forth the first Large Scale Comprehensive Plan Amendment 2024 (2023-2) to change the Future Land Use designation from RES 1:2.5 to RES 4 and CC (23LS00001). Enclosed is the fully-executed Ordinance and Transmittal letter.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

Encls. (2)

cc: County Attorney

ORDINANCE NO. 24- 23

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIRST LARGE SCALE PLAN AMENDMENT OF 2024, PLAN AMENDMENT 2023-2, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Section 163.3184(3)(c)1., Florida Statutes, established the process for expedited state review of large scale comprehensive plan amendments pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County accepted application for large scale amendments to the Comprehensive Plan for adoption in calendar year 2024 as Plan Amendment 2023-2; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 2023-2; and

Officially filed with the Secretary of State on September 10, 2024.

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on April 15, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2023-2, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 2, 2024, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved transmittal of Plan Amendment 2023-2 to the state land planning agency for review; and

WHEREAS, on August 12, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2023-2 and considered the findings and advice of the State review agencies, and all interested parties submitting comments; and

WHEREAS, on September 5, 2024, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the State review agencies, the Local Planning Agency, and all interested parties submitting written and oral comments, and approved adoption of Plan Amendment 2023-2; and

WHEREAS, Plan Amendment 2023-2 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2023-2 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Section 163.3184, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2023-2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2023-2, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision,

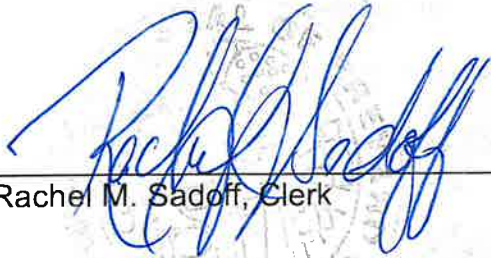
clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3184(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Commerce, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this fifth day of September 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk

By: 
Jason Steele, Chair

As approved by the Board on September 5, 2024.

EXHIBIT A
2023-2 LARGE SCALE
COMPREHENSIVE PLAN AMENDMENT

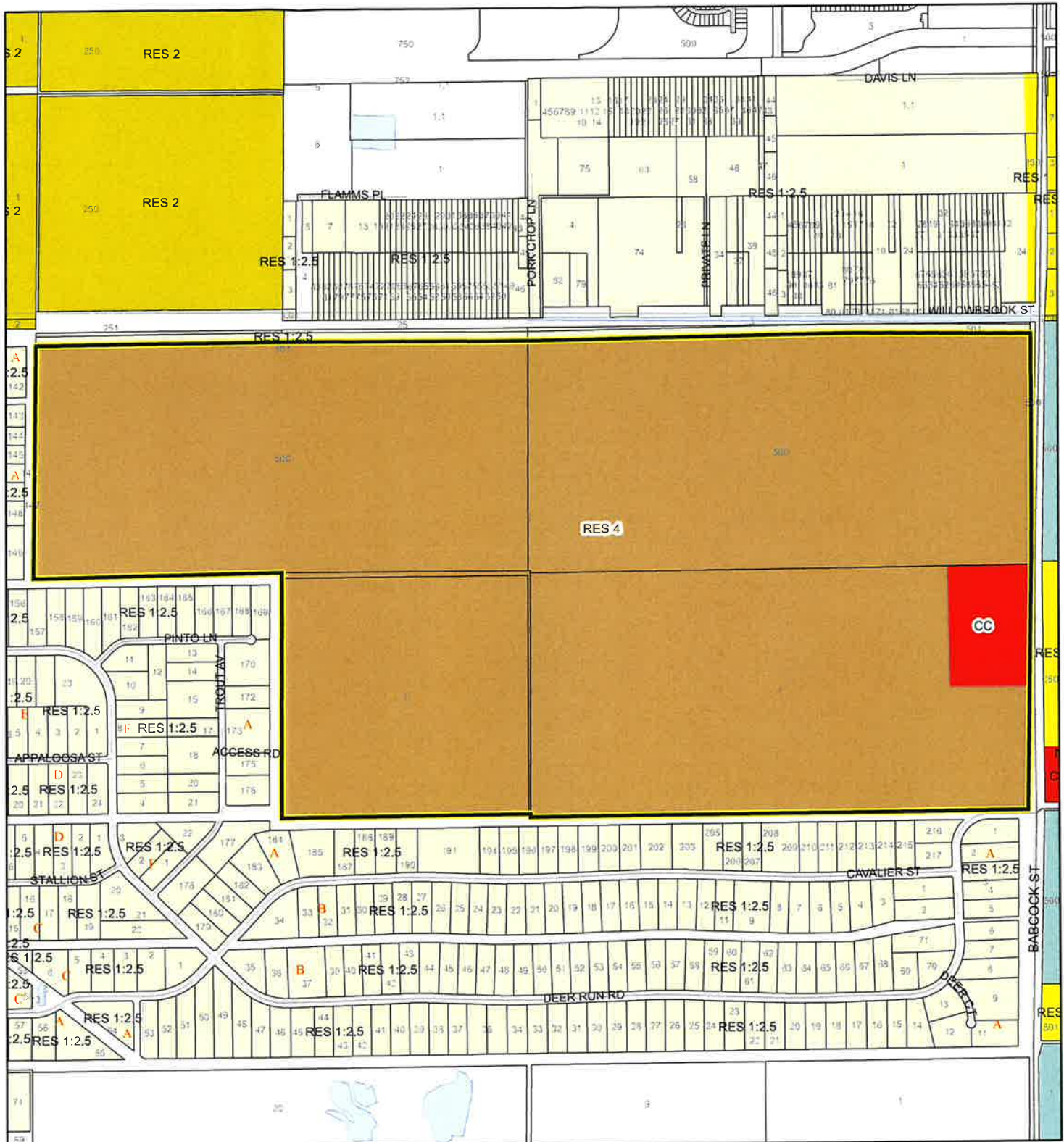
Contents

- 1. Adopted Future Land Use Map**

ADOPTED FUTURE LAND USE MAP

JEN Florida 48, LLC

2023-2



1:18,000 or 1 inch = 1,500 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: 3/5/2024

EXHIBIT B

Contents

1. Legal Description

THE SOUTH 1/2 OF SECTIONS 8 & 9; THE NORTH 1/2 OF SECTION 16; AND THE NORTHEAST 1/4 OF SECTION 17, ALL BEING IN TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT CANAL AND ROAD RIGHT OF WAYS.

ALSO LESS AND EXCEPT THE NORTH 100 FEET OF THE SOUTH 1/2 OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND A PART OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND CONCRETE MONUMENT STAMPED R.L.S. 953, C.E. 4379; AT THE EAST 1/4 CORNER OF SAID SECTION 9; THENCE SOUTH 01'46'10" EAST, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 53.06 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT; THENCE NORTH 89°28'45" WEST, 100.00 FEET SOUTHERLY OF AND PARALLEL TO THE PHYSICAL CENTERLINE OF THE SOTTILE CANAL, AS LAID OUT AND IN USE, A DISTANCE OF 1991.81 FEET TO THE POINT OF INTERSECTION WITH THE EAST-WEST 1/4 SECTION LINE OF SAID SECTION 9; THENCE SOUTH 88°59'40" WEST, ALONG AFORESAID 1/4 SECTION LINE, A DISTANCE OF 3413.86 FEET, TO A FOUND CONCRETE MONUMENT AT THE WEST 1/4 CORNER OF SAID SECTION 9; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 9 TO THE POINT OF INTERSECTION WITH A LINE 100.00 FEET SOUTHERLY OF AND PARALLEL TO THE AFORESAID EAST-WEST 1/4 SECTION LINE; THENCE NORTH 88°59'40" EAST, PARALLEL WITH THE AFORESAID EAST-WEST 1/4 SECTION LINE OF SECTION 9, A DISTANCE OF 3415.19 FEET TO THE POINT OF INTERSECTION WITH A LINE 200.00 FEET SOUTHERLY OF AND PARALLEL WITH THE SAID PHYSICAL CENTERLINE OF THE SOTTILE CANAL AS LAID OUT AND IN USE; THENCE SOUTH 89°28'45" EAST, PARALLEL WITH AFORESAID CENTERLINE OF THE SOTTILE CANAL A DISTANCE OF 1991.81 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF SAID SECTION 9; THENCE NORTH 01'46'10" WEST ALONG SAID SECTION LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.



BOARD OF COUNTY COMMISSIONERS

May 2, 2024

Donna Harris, Plan Processing Administrator
Florida Department of Commerce
Bureau of Community Planning
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120

Re: 2024-1 Spring Cycle Large Scale Comprehensive Plan Amendment Transmittal
Package

Dear Ms. Harris:

Enclosed please find the Transmittal package for the 2024-1 Large Scale Comprehensive Plan Amendment. There is one private application for an amendment to the Future Land Use Map from Residential 1 unit per 2.5 acres (1,109.57 acres) to Residential 4 (1,082.24 acres) and Community Commercial (27.33 acres) submitted by JEN Florida 48, LLC, more fully described in the attached staff comments for 23LS00001.

This amendment is subject to State Coordinated Review process pursuant to Section 163.3184(4), Florida Statutes. The following statements are included to ensure consistency with the statutory requirements contained therein.

- This amendment is not related to the Brevard Barrier Island Area, an Area of Critical State Concern adopted pursuant to Section 380.0553, Florida Statutes.
- This amendment is not related to a rural land stewardship area pursuant to Section 163.3248, Florida Statutes.
- This amendment is not related to a sector plan pursuant to Section 163.3245, Florida Statutes.
- This amendment is not related to an update of the Comprehensive Plan based on an Evaluation and Appraisal Report pursuant to Section 163.3191, Florida Statutes.
- This amendment does not propose a development pursuant to Section 380.06, Florida Statutes
- This amendment is not related to a new plan for a newly incorporated municipality adopted pursuant to Section 163.3167, Florida Statutes.



Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

The Brevard County Local Planning Agency held a public hearing at 3:00 pm on April 15, 2024 and recommended transmittal of this Comprehensive Plan Amendment with a recommended density of Residential 2 units per acre (1,082.24 acres) and Community Commercial (27.33 acres).

The Board of County Commissioners of Brevard County, Florida held a public hearing at 5:00 pm on May 2, 2024 and approved transmittal of this Comprehensive Plan Amendment to Florida Commerce for review.

Brevard County certifies that it has sent a complete amendment package with supporting data and analysis via e-mail to the following agencies on the date indicated.

- Department of Agriculture and Consumer Services (CompPlans@fdacs.gov) on May 9, 2024
- Department of Education (CompPlans@fldoe.org) on May 9, 2024.
- Department of Environmental Protection (Plan.Review@dep.state.fl.us) on May 9, 2024.
- Department of State (CompliancePermits@DOS.MyFlorida.com) on May 9, 2024.
- Florida Fish and Wildlife Conservation Commission (FWCCConservationPlanningServices@myfwc.com) on May 9, 2024.
- Department of Transportation, District 5 (CompPlans.D5@dot.state.fl.us) on May 9, 2024.
- East Central Florida Regional Planning Council (Compplan@ecfrpc.org) on May 9, 2024.
- St. Johns River Water Management District (sfitzgibbons@sjrwmd.com) on May 9, 2024.
- Patrick Space Force Base and Cape Canaveral Space Force Station (ann.heyer.1@spaceforce.mil) on May 9, 2024.

The proposed Large Scale Comprehensive Plan amendment will amend the Future Land Use Map designation on the subject property as described above.

Brevard County anticipates the adoption of this Comprehensive Plan amendment no later than October, 2025.



Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

The local contact person is:
Stephen M. Swanke, Senior Planner
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way, Suite A-114
Viera, Florida 32940
Direct Line (321) 350-8298
Fax (321) 633-2087
Steve.swanke@brevardfl.gov

If you have any questions about the enclosed materials, please contact Mr. Swanke.

Sincerely,

A handwritten signature in black ink that reads "Jason Steele".

Jason Steele, Chair



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 10, 2024

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 24-23, which was filed in this office on September 10, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh

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.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Large Scale Plan Amendment 24LS.01 (23LS00001)
Township 30, Range 37, Section 8, 9, 16, 17*

Property Information

Owner / Applicant: JEN Florida 48 LLC / Poulos and Bennett LLC

Adopted Future Land Use Map Designation: Residential 1:2.5 (RES 1:2.5)

**Requested Future Land Use Map Designation: Residential 4 (RES 4) and
Community Commercial (CC)**

Acreage : 1,109.57 acres

Tax Account #: 3000277, 3000368, 3000827 & 3000829

**Site Location: West of Babcock St. and south of Willowbrook St.
North and east of Deer Run**

Commission District: 5

Current Zoning: GU (General Use) and AU (Agricultural Residential)

Requested Zoning: PUD (Planned Unit Development) (23PUD00005)

Background & Purpose

The applicant is requesting an amendment to the Future Land Use Map designation from RES 1:2.5 to RES 4 and a portion of CC on a 1,109.57 acre parcel. The Res 4 designation would allow up to 4,329 single-family homes and 27.33 acres of Community Commercial (CC). The subject parcel is currently undeveloped and has frontage only along Babcock Street. This segment of Babcock St. is county-maintained roadway. The applicant has indicated that the density will be limited to 3 dwelling units to the acre (3,246 single-family units).

This request will transmit this application to the Department of Commerce under the State Coordinated review process for Large-Scale Comprehensive Plan Amendments. The adoption hearing date will be scheduled at future date which will allow time for the applicant to address any comments or responses from any of the state reviewing agencies, prior to adoption.

In 1988, Brevard County Comprehensive Plan went into effect applying the RES 1:2.5 Future Land Use (FLU) to the subject property and the surrounding area west of Babcock Street to the north and south. Included in the minimum criteria governing activities in this land use designation calling for residential densities not to exceed one dwelling unit per two and half (2.5) acres. The subject property has retained the FLU designation of RES 1:2.5 since the adoption of the Future Land Use map (FLUM) in 1988. The current density limits the development to 432 residential units. No infrastructure improvements have been made or are planned to suggest otherwise.

The subject parcel's GU and AU zoning classification (requires lot sizes of 5 and 2.5 acres respectively) is consistent with the RES 1:2.5 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

The requested RES 4 FLU designation permits low density residential development with a maximum density of up to four (4) units per 1 acre, except as otherwise may be provided for within the FLU element. The subject parcel's existing GU and AU zoning can be considered consistent with the requested RES 4 FLU designation. This request is a 10x net increase in density.

A companion rezoning application has been submitted accompanying this request to change the zoning classification from GU (General Use) and AU (Agricultural Residential) to PUD (Planned Unit Development) on the entire 1,109.57 acre subject property (**23PUD00005**). The requested zoning classification can be considered consistent with the requested RES 4 FLU designation. This application will be heard at a future adoption meeting.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Vacant South of Willowbrook St. (owned by Willowbrook Farms)	GU	RES 1:2.5
South	Single-family subdivision	AU	RES 1:2.5
East	Vacant State-owned Land, Borrow Pit	GU, RRMH-1, AU, BU-1	PUB-CONS, RES 1, NC, CC
West	Single-family subdivision	AU	RES 1:2.5

Future Land Use (FLU) designations within the county's Comprehensive Plan establishes the intended use and development density for a particular area. The zoning classification specifies specific uses and contains development standards for those intended uses. The county's Comprehensive Plan shall be the guidance for consideration when considering the appropriate zoning district to rezone a property to, moving towards consistency with the FLUM.

To the north of the subject property on the southside of Willowbrook St. is a two-mile long, linear strip of property owned by Willowbrook Farms. It varies in width from approximately 100 feet to 140 feet which prevents roadway access from the subject property to Willowbrook St. There is also a canal to the north of this strip. The FLUM designation of this strip is Residential 1:2.5 (RES 1:2.5). The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within the County's Comprehensive Plan. Per Resolution 2021-168, the Rolling Meadows Ranch development was approved at 2 units per acre.

To the south and west is the Deer Run single-family subdivision is a large lot development with single-family, site-built homes with AU zoning and a RES 1:2.5 FLUM designation developed with 433 lots.

To the east across Babcock St., there is vacant State owned property with a FLUM designation of PUB-CONS and GU zoning. There is also a privately-owned, borrow pit with FLUM designations of RES 1, NC and CC with RRMH-1, AU, and BU-1 zoning. Zoning Resolution #3529, approved BU-1 zoning. Zoning resolution 15PZ00016 approved a small-scale Comprehensive Plan amendment and a conditional use permit for land alteration limiting use of the property to a borrow pit.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Residential 4 (maximum of 4 dwelling units per acre) FLUE Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum

density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

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

The subject property is not adjacent to any existing Residential 4 land use designation. The closest Res 4 is approximately 5 miles to the east.

B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

The subject property does not serve as a transition between areas with land use designations greater than four (4) units per acre and land use designations that are lower in density. Rolling Meadows Ranch was approved at a density of two (2) units per acre to the northwest.

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

The subject property is not adjacent to any incorporated areas.

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

The subject property has requested PUD zoning (23PUD00005). The subject property is not within the CHHA. At Res 1:2.5, current density would allow 443 units. Specific density bonuses, should be deferred to the PUD zoning should Policy 1.2 be met. Res 5 would allow 5,547 residential units.

FLUE 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;

Traffic from the proposed development will have significant impacts on the surrounding area. Capacity of Babcock St. will be exceeded and no planned capacity expansion is anticipated. Please see Admin Policy # 5 below.

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

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

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

1. historical land use patterns;

The character of this area is mostly undeveloped with some residential development on large lots 2.5 acres or greater. There is an existing borrow pit at the intersection of Babcock St. and Micco Rd. Higher density developments have been proposed on the vacant properties in this area to the north by the same applicant.

Rolling Meadows Ranch has a FLUM designation of RES 2 and PUD zoning. Willowbrook Farms has FLUM designations of AGRIC and RES 1:2.5 and GU zoning.

There are seven (7) FLU designations within 500 feet of the subject site: RES 1, RES 2, RES 1:2.5, AGRIC, NC, CC, and PUB-CONS.

The Deer Run development, encompassing 1,602 acres, is the only established residential development in the vicinity of the subject property. The adopted density of Deer Run is 1 unit per 2.5 acres. There are 433 platted lots with an average lot size of 2.9 acres. Lot sizes range from 1.02 acres to 8.44 acres. These parameters indicate that the actual density of Deer Run is 1 unit per 3.7 acres.

Rolling Meadows Lakes, encompassing 1,331 acres, was de-annexed from the City of Palm Bay on May 10, 2019. Brevard County has vested development of this project at a maximum of 2 units per acre.

Adopted densities of adjoining residential developments within a 1/2 mile radius of the subject property range from approximately 1 unit per 2.5 acres to 2 units per acre.

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

Although the St. Johns Heritage Parkway between Babcock St. and the interchange with Interstate 95 has recently been completed, there have not been any development approvals or construction activity in the previous three years within unincorporated Brevard County.

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

There has not been any development approved within the vicinity of the subject property in the unincorporated Brevard County in the past three years that has not been constructed.

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

FLUE Administrative Policy #3 Compatibility with existing or proposed land uses; The Board shall make this determination.

FLUE Administrative Policy #4 regarding the character of the area; The Board shall make this determination.

FLUE Administrative Policy #5 regarding roadway infrastructure; The Board shall make this determination.

FLUE Administrative Policy #6 regarding the future land use elements of the comprehensive plan; The Board shall make this determination.

FLUE Policy 1.1, Criteria C regarding roadway, potable water, sanitary sewer, public school facilities and fire protection and emergency medical services infrastructure deficiencies; Shall be provided concurrent with development.

FLUE Policy 1.2 regarding public facilities and services requirements; Shall be provided concurrent with development.

FLUE Policy 1.7 regarding the RES 4 FLUM designation; The Board shall make this determination.

FLUE Policy 2.1, Criteria E, regarding availability of required infrastructure for commercial development; Shall be provided concurrent with development.

FLUE Policy 2.8, Criteria A, regarding locational criteria for CC land uses greater than 10 acres in size; The Board shall make this determination.

CIE Policy 1.3 Criteria D, regarding advisory level of service for fire/protection; Shall be provided concurrent with development.

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.

At a residential density of four (4) units per acre will introduce traffic volumes that exceed the capacity of Babcock St.

- 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.

The Deer Run subdivision is the only established residential neighborhood to the south. Platted in 1980, with a FLUM of RES 1:2.5 and AU zoning. This subdivision was approved for 433 single-family lots on 1,602.

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.

There is an existing borrow pit at the northeast corner of Babcock St. and

Micco Rd. The property encompasses 74.86 acres and has RES 1, NC and CC FLUM designations and RRMH-1, AU and BU-1 zoning. A small-scale Comprehensive Plan amendment and conditional use permit limiting the use to a borrow pit were approved by Zoning Resolution 15PZ00016.

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 within the County's jurisdiction. Development activity has occurred within the City of Palm Bay approximately ½ mile away to the north.

FLUE 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 service will be compromised;

Based on the existing roadway capacities and vehicle trips that the proposed land use and intensities will generate, the level of service (LOS) will be compromised and anticipated to fall below the Acceptable LOS Standards defined in the Capital Improvement Element Policy 1.1.

The adopted LOS volume threshold on Babcock Street along the site's frontage is 14,200 vpd (vehicles per day). The existing 2024 Annual Average Daily Traffic (AADT) is 5,494 vpd. Per the TIA methodology letter dated January 24, 2024, the project proposes to add a maximum volume of 18,490 vpd to this roadway segment. This will result in a volume-to-capacity (v/c) ratio of 1.30. The existing v/c ratio is 0.39.

- 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;

A road system condition assessment must be conducted by the applicant to assess the physical quality of the existing pavement and structural condition of affected roadways and identify necessary improvements, such as road resurfacing or road reconstruction, to support the proposed development

without significant road system 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;

The road system condition assessment must include an inventory of the existing affected roadways and identify necessary improvements, such as road widening or other modifications, to support the proposed development.

- 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;

The road system condition assessment must include an evaluation of potential impacts on public safety that could result from the proposed development. Separately, a Traffic Calming Study must be conducted by the applicant for the affected roadways and will identify necessary improvements, as appropriate based on the roadways' functional and context classifications, to mitigate speeding and encourage preferred routing of traffic.

- 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;

The development is anticipated to impact the road system's volume-to-capacity ratios, and design capacities along Babcock Street will be exceeded. This project proposes adding 16,313 vpd over the allotment. Options for a project or phase requiring services or facility capacity in excess of the maximum capacity allotment are outlined in Sec. 62-602(f)(6)(c).

The required Traffic Impact Analysis will determine the degree of the impacts and whether Babcock Street should be classified as an arterial road. This study will be reviewed in conjunction with the PUD application.

- 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;

The road system condition assessment must include an inventory of the existing affected roadways and an evaluation of the potential physical deterioration to the surrounding road system, as well as the identification of the necessary improvements to support the proposed development.

- 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.

An increase in traffic volumes is anticipated to result in the speed at or below which 85% of the drivers travel on a road segment. The required Traffic Calming Study will determine the prevailing existing and anticipated driving behaviors in the area.

FLUE 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.

The applicant has not demonstrated compliance with: FLUE Administrative Policy 5, FLUE Policies 1.1., 1.2, 1.7, 2.1 and 2.8; or CIE Policy 1.3.

Residential Land Use Designations

FLUE Policy 1.1

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

Criteria:

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines site;

The Natural Resources Management Department identified the following environmental constraints: Wetlands and Hydric Soils; Protected and Specimen Trees; Indian River Lagoon Nitrogen Reduction Septic Overlay; Flood Prone Area and Protected Species.

- B. Land use compatibility pursuant to Administrative Policy 3;
See the analysis of this request pursuant to FLUE Administrative Policy 3 above.
- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements

Element;

The existing capacity of Babcock St. is inadequate to accommodate the traffic generated by the proposed development and no public funding is available to increase capacity.

Centralized potable water and sanitary sewer service is currently not available to the subject property. The applicant has represented that these services will be provided by the City of Palm Bay but, the City has no capacity to provide these services.

The Brevard County School Board staff projects that with 3,246 residential units the proposed development will generate 1,396 students and that there will be insufficient school capacity at the elementary, middle school, and high school levels to accommodate the projected demand in the school concurrency area that includes the subject property. It will be necessary to adjust school attendance boundaries in the adjacent school concurrency area to accommodate the projected student demand. However, an anticipated shortage of elementary school capacity will remain.

A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.

D. Character of the general area, pursuant to Administrative Policy 4;

See the analysis of this request pursuant to FLUE Administrative Policy 4 above.

E. Hurricane evacuation capabilities; and;

The subject property is not located on a barrier island. The completion of the westward segment of St. Johns Heritage Parkway linking Babcock St. with US 192 will provide additional evacuation capacity.

F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

The South Mainland Small Area Study did not make recommendations that specifically pertain to this area or the subject property.

**Public Facilities and Services Requirements
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.

There is insufficient roadway capacity on Babcock St. to maintain the adopted Level of Service. There are no public funds available for roadway capacity expansion needed to maintain the adopted Level of Service concurrent with development.

- 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.

A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.

- C. In the Residential 30 Directive, 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.

Centralized potable water and sanitary sewer are not currently available to the subject property. The applicant has represented that the City of Palm Bay will provide these services. At this time, there is not sufficient capacity.

Sanitary Sewer Element Policy 3.17, Criteria 4B states, "Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan".

- 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.

Public water service is not currently available, and the applicant has not

requested a density greater than 4 units per acre.

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

Centralized potable water and sanitary sewer are not currently available to the subject property.

- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

The applicant has not demonstrated that there would be an overriding public benefit from their proposed development.

Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The commercial portion of the subject property will only have direct access to Babcock St. and internal access to the residential units on the property.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

Other than internal, inter-connectivity with the proposed residential use on the subject property, the development proposal does not demonstrate inter-connectivity to adjacent Future Land Use designations or land uses.

The proposed residential density is a 10-fold increase relative to the density of the established Deer Run development (RES 1:2.5) to the west and south of the subject property. It is double the density approved for Rolling Meadows Ranch (RES 2) and a 20-fold increase relative to Willowbrook Farms (1 unit per 5 acres), both located to the north of the subject property.

- C. Existing commercial development trend in the area;

The only existing commercial development in this area is the existing borrow pit that is sited at the northeast quadrant of Babcock St. and Micco

Road.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

The County has not made significant infrastructure improvements outside of the St. Johns Heritage Parkway interchange. This was a collaborative effort between the City of Palm Bay and the County.

- E. Availability of required infrastructure at/above adopted levels of service;

There is insufficient roadway capacity on Babcock St. to accommodate this development and other currently approved developments.

The subject property is not served by centralized potable water and sanitary sewer.

Brevard County Fire/Rescue indicates that it cannot meet the advisory Level Of Service contained in Policy 1.3 of the Capital Improvements Element.

- F. Spacing from other commercial activities;

The nearest, existing commercial facilities are located within the City of Palm Bay at a considerable distance to the subject property.

- G. Size of proposed commercial designation compared with current need for commercial lands;

The applicant has not provided any information regarding the need for additional commercial property in this area.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;

The Natural Resources Management Department's analysis indicates the applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street.

Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board may be required for impacts. 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.

- I. Integration of open space; and

The integration of open space with the CC portion of the site will be address in the Preliminary Development Plan associated with the PUD zoning request.

- J. Impacts upon strip commercial development.

Currently, there is no strip commercial development along Babcock St. south of the St. Johns Heritage Parkway. Although the CC component of the subject property is not located at an intersection, the nearest intersection is also the entrance to the Deer Run subdivision and the current offset from the intersection may be more desirable from the perspective of area residents.

Locational and Development Criteria for Community Commercial Uses Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The proposed community commercial (CC) portion of the subject property encompasses 27.33 acres with a Floor Area Ratio (FAR) of 1.75. It is not located at a principal arterial/principal arterial intersection.

There is CC land use on the east side of Babcock St., opposite the commercial portion of the subject property, with a conditional use permit that limits its use to a borrow pit. The CC FLUM designation encompasses 9.87 acres.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

The proposed Community Commercial portion of the subject property encompasses 27.33 acres and is not located at an intersection. An additional 9.87 acres of community commercial exists at the northeast corner of Babcock St. and Micco Road. These two properties combined do not exceed 40 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

This community commercial cluster is located at least five miles from the nearest existing community commercial cluster.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

The community commercial portion of the subject property is greater than 10 acres and less than 400,000 square feet in size. It is included in the companion application for rezoning for this property to the PUD zoning classification.

These two CC parcels combined would be less than 40 acres in size but would likely exceed the limits on the size of the footprint required by this policy even though the subject property will be located in a PUD.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

This application has a companion PUD and would be limited to a FAR of 1.75, if approved.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

The applicant has not proposed a recreational vehicle park on the subject property.

**Capital Improvements Element
Policy 1.3**

As a part of the Capital Improvements Plan development process, Brevard County should utilize the following advisory level of service standards for public libraries, law enforcement, correctional facilities, fire protection, emergency medical services, and public education shown below as planning guidelines to evaluate the need for public facility improvements.

A. Public Libraries: 0.6 sq. ft. of library building space per capita;
 2.16 volumes per capita;
 1.5 titles per capita.

B. Law Enforcement: 2.0 deputies per 1,000 residents;

C. Correctional Facilities: .003 inmate spaces per capita.

D. Fire Protection:

1. 6 minute average response time county wide.
2. 90% of Brevard County within 3 miles of a station.
3. For 90% of all structural fires, deploy 1 engine company within 5 minutes, and 1 paramedic unit and 1 chief officer within 10 minutes.
4. For response areas with 5 buildings 3 stories or 35 feet or more in height, or with a needed fire flow greater than 3,500 g.p.m., deploy a ladder company within 5 minutes for 90% of all alarms.
5. Develop an attack force that can advance 2 standard fire stream hand lines.
6. Major emergencies: deploy a programmed reserve and automatic aid fire force of 6 engine companies, 3 ladder companies and 3 chief officers within 15 minutes of third alarm.
7. Petroleum storage and production area fires: deploy within 10 minutes special light water or foam fire fighting equipment and prepare long relays and extended pumping operations.
8. Water deficient areas: deploy within 10 minutes a pumper-tanker and relay operation of adequate capacity to augment local supplies.
9. Harbor areas: deploy within 5 minutes adequate marine fire fighting equipment of 500 g.p.m. for 90 percent of all marine oriented incidents.
10. Light rescue emergencies: deploy 1 engine company within 5 minutes 90% of the time; deploy 1 paramedic unit within 5 minutes 80% of the time.
11. Heavy rescue emergencies: deploy 1 truck company, in addition to an engine and paramedic unit, within 10 minutes 90% of the time. Rescue all trapped persons.

12. Manpower:

Unincorporated Population	No. Fire Fighters Per 1,000 Residents	% Supervisory Fire Fighters
100,000 - 249,999	1.89	20.4
250,000 - 499,999	1.84	25.5
500,000 +	1.81	21.7

E. Emergency Medical Establish effective Advanced Life Support response within six minutes to 90% of the population.

Brevard County Fire/Rescue indicates that it cannot meet the advisory level of service contained in Policy 1.3 of the Capital Improvements Element.

Concurrency

The concurrency management segment for the subject property is Babcock Street from the Grant Road to Micco Road, which has a Maximum Acceptable Volume (MAV) of 14,200 average daily trips, an Acceptable Level of Service (ALOS) of D, and currently operates at approximately 40% of daily capacity. At the currently adopted FLUM designation of RES 1:2.5, 3,978 average daily trips would be generated which would require approximately 45% of the remaining daily capacity of Babcock St.

At the requested residential density of RES 4 on 1,082.24 acres and CC on 27.33 acres, 44,247 annual average daily trips would be generated which would significantly exceed available capacity on Babcock St. There are no publicly funded infrastructure improvements anticipated that could create the additional roadway capacity needed for the proposed development.

Centralized potable water service is not available to this property. The applicant has represented that the City of Palm Bay will provide this service but the City has not yet confirmed its intention to do so. The lack of centralized potable water service also has an impact on the provision of adequate flow rates for fire protection.

A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time

A non-binding, school capacity determination letter, dated March 25, 2024, was prepared by the School Board staff indicating that with 3,246 residential dwelling units, the project would generate 779 elementary school students, 227 middle school students and 390 high school students. The analysis also found the Sunrise Elementary, Southwest Middle School and Bayside Senior High School would not have enough capacity for projected and potential students.

The school capacity determination letter notes that there is sufficient capacity for middle and high school students in the adjacent school concurrency area, but that there is an anticipated shortage of capacity for elementary school students.

Applicant's Response Letter Dated April 1, 2024 and Staff Analysis

The Planning and Development staff has reviewed the applicant's response letter dated

April 1, 2024 and offer the following responses:

- Specific Comprehensive Plan amendment polices need to be addressed for compliance at the transmittal stage of the Comprehensive Plan amendment not the zoning (PUD) stage.
- The surrounding area Future Land Use Map (FLUM) density within the unincorporated Brevard County is 1: 2.5 acres within a half-mile of the subject property.
- Although the City property is not adjacent, property within the City of Palm Bay outside of the half-mile radius may include pockets of up to 20 units to the acre. However, the predominate overall FLUM density is 5 units to the acre. The platted projects include Waterstone Plat One PUD with 220 lots on 145.41 acres; Gardens at Waterstone Phase 1, 2 and 3a with 387 lots on 144.71 acres; and Cypress Bay West – Phase II and III with 1,116 units on 376.03 acres. The platted densities for these parcels range from 1.5 units per acre for Waterstone Plat One PUD to 3.0 for the Cypress Bay West development.
- Preliminary concurrency analysis indicates a deficiencies with no planned improvements in the Capital Improvement Program (CIP) relating to transportation, fire rescue, and schools.
- Impact fees alone will not cover the cost of the needed infrastructure to support the uses. An alternative funding source will be needed.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

The Natural Resources Management Department identified the following environmental constraints.

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

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

Historic Resources

There are no recorded historical or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

The Board may consider transmitting this request to the Department of Commerce for their review and comments.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 23LS00001

Applicant: Jesse Anderson (Owner: Jen Florida 48 LLC)

Zoning Request: RES 1:2.5 to RES 4 FLU

Note: Proposing mixed-use development of SFRs (3,246 units on 1082.24 ac) and Commercial (398,000 sf on 27.33 ac)

LPA Hearing: TBD; **BCC Hearing:** TBD

Tax ID No.(s): 3000277, 3000827, 3000829, 3000368

- 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
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

A majority of the subject parcel contains mapped wetlands and the entire site contains mapped hydric soils; indicators that wetlands are likely present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan 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 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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage 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.

The applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board may be required for impacts. 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.

Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

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 (Pineda sand, 0 to 2 percent slopes; EauGallie sand; Riviera sand, 0 to 2 percent slopes; Floridana sand, frequently ponded, 0 to 1 percent slopes; Malabar sand, 0 to 2 percent slopes; and EauGallie, Winder, and Riviera soils, depressionnal); indicators that wetlands are likely present on 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 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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage 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.

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Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may 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.**

Indian River Lagoon Nitrogen Reduction Septic Overlay

Portions of this property are 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. **However, the PDP provided by the applicant indicates that sanitary sewer service will be provided by Palm Bay Utilities.**

Flood Prone Areas

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

Protected Species

Federally and/or state protected species may be present on the property, as indicated on the provided Environmental Assessment report dated 1/26/2023. Specifically, gopher tortoises have been observed on-site. The applicant should obtain any

necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.



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 23LS0001 (JEN Florida 48, LLC.) Staff Comments

This addendum provides a staff analysis of the applicant's presentation to the Local Planning Agency (LPA), and the LPA's Recommendation. The original analysis provided in the Staff Comments is still relevant to the large-scale comprehensive plan amendment.

The application before the Board is for "transmittal" of the large-scale comprehensive plan amendment requesting to change the future land use designation from Res 1:2.5 to Res 4 and Community Commercial. Transmittal essentially signifies to Florida Commerce that Brevard is considering a change to the Future Land Use designation of the subject property, and requests initiation of State agency review. According to Fla. Stat. Sec. 163.3184 once the transmittal phase has been completed, the Board may consider adoption of the amendment establishing the proposed or recommended densities. This would occur at a future date.

Applicant's Presentation:

On April 15, 2024, the applicant submitted and presented the attached PowerPoint slides to the LPA. Staff offers the Board the following observations:

- Slide #5 contains a conceptual plan of the proposed development which depicts the proposed number of dwelling units, commercial square footage, access, and open space/recreation. This plan should be considered informational only; it will be reviewed by County staff for compliance with the Land Development Code with future application submittals (e.g., PUD, subdivision plan, and site plan). The Board's action on the application does not approve nor vest the plan.
- Slide #7 depicts the radius, the proposed segment, intersections, and trip generation. A Traffic Impact Analysis (TIA) has been submitted and the data is adequate for the Staff Comments for the application, however, it not been approved by Brevard County Traffic Operations. It may be premature to establish the modal split on the road segments within the study area prior to traffic operations approving the study. In addition, the applicant stated the Transportation impact fees from the project could generate approximately \$16 million. It should be noted that the County has an ILA with the City of Palm Bay that obligates 50% of the impact fees in this area to be allocated for the future widening and improvements to the 9-mile section of Babcock St.
- Slide #8 contains a conceptual plan of the perimeter cross section. This plan should be considered informational only; it has not been reviewed by county staff for compliance with the Land Development Code. The Board's action on the application does not approve nor vest the plan.
- Slide #9 depicts developments within a two-mile radius of the site which includes development occurring within Palm Bay. Staff routinely uses a half-mile radius to determine compatibility to the surrounding area.

LPA Recommendation:

The LPA recommended Residential 2 (Res 2) and Community Commercial (CC) in lieu of the requested Residential 4 (Res 4). Future Land Use Element Policy 1.8, Residential 2 (RES 2), stipulates that this land use designation allows for lower density residential development with a maximum density of up to two (2) units per acre, subject to certain exceptions. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by the Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 2 land use designation; or

The subject property could be considered adjacent to a portion of the Rolling Meadows Ranch development (to the North) whereas this property was de-annexed from the City of Palm Bay whereby the County recognized entitlements up to 2 units per acre. This area is separated by a strip of land approximately 100 feet to 140 feet which prevents roadway access from the subject property to Willowbrook St.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

There are no land uses greater than two units per acre adjacent to the subject property. This request could be considered an expansion of the existing Res 2 to the North of the subject property into an area with Res 1:2.5.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

The City of Palm Bay city limits are not adjacent to the subject property and therefore, could not be considered a logical transition.

- D. Up to a 25% density bonus to permit up to 2.25 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

Developing the property as a PUD would allow up to 2,705 dwelling units at 2.25 dwelling units per acre, while traditional zoning limits the density to 2,164 dwelling units. In comparison, the RES 4 would permit a density of 4,328 dwelling units.

The developer has indicated that they intend to cap the density of the project at 3 units to the acre for a total of 3,246 dwelling units.

In addition, it should be noted that the recommended RES 2 does not alleviate all the facility concerns mentioned in the original Staff Comments. Staff has identified that the existing capacity of Babcock St. is inadequate to accommodate the traffic generated by the proposed development.

The Brevard County School District has identified that redistricting the attendance boundary zones for the high school and middle schools would potentially achieve concurrency, but it does not have the necessary

student capacity for elementary school students.

Fire Rescue has identified that the response times, distances, and water for firefighting would not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, nor the fire apparatus needed to support the increased demand for service expected from the proposed development.

City of Palm Bay Utilities has identified that they will provide water and sewer at a future date, depending on certain improvements to extend service (excluding the fire flows for the commercial portion). Lots smaller than a quarter acre or less in size would be required to connect to central water and sewer per Policy 1.2 (Criteria C).

AERIAL MAP

BORUCH-DAVID LLC

23LS00001



1:36,000 or 1 inch = 3,000 feet

PHOTO YEAR: 2023

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: 3/15/2024

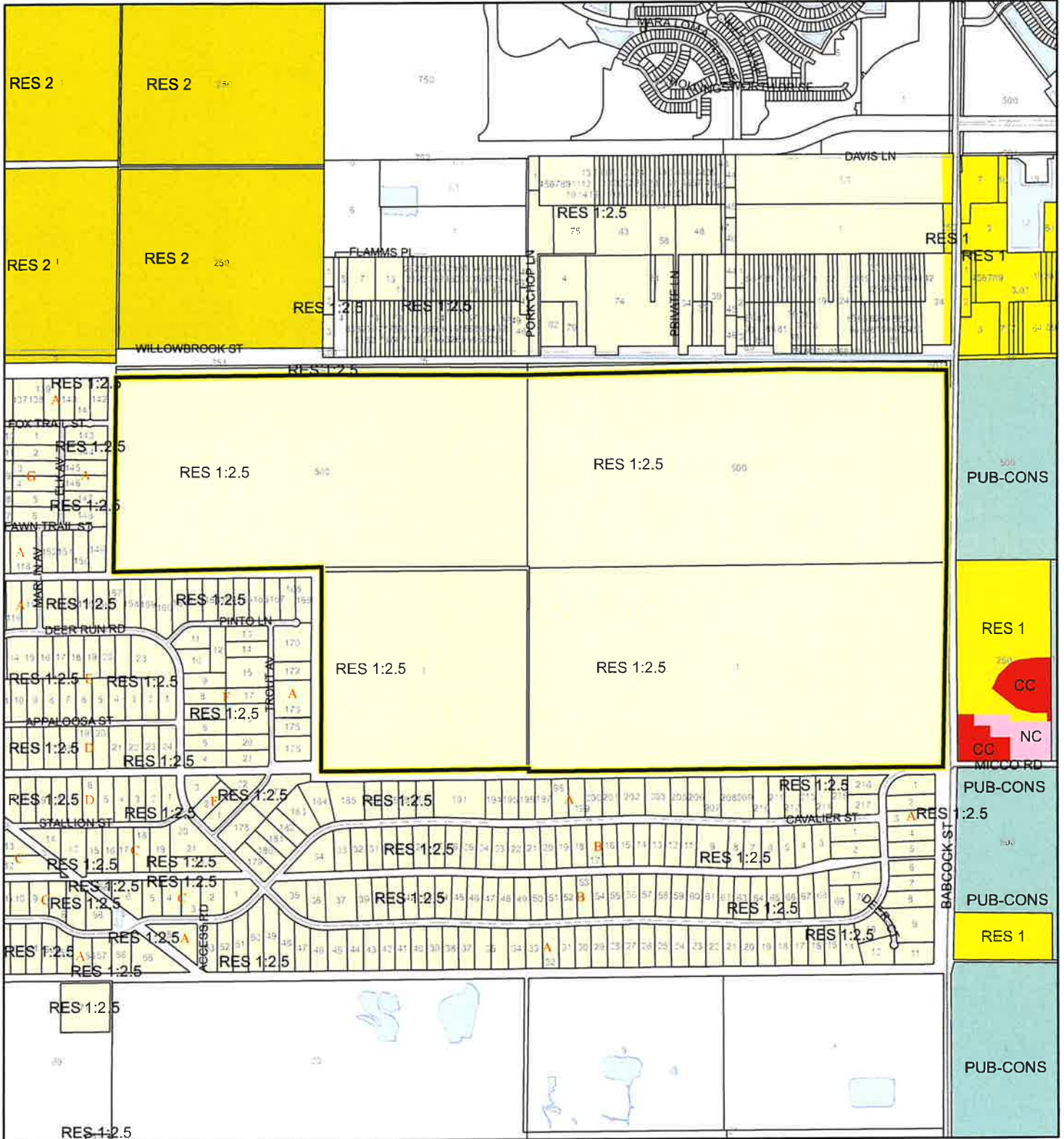
 Subject Property

 Parcels

FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:21,600 or 1 inch = 1,800 feet

- Subject Property
- Parcels

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Produced by BoCC - GIS Date: 3/15/2024

ZONING MAP

BORUCH-DAVID LLC

23LS00001



1:21,600 or 1 inch = 1,800 feet

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Produced by BoCC - GIS Date: 3/15/2024

 Subject Property

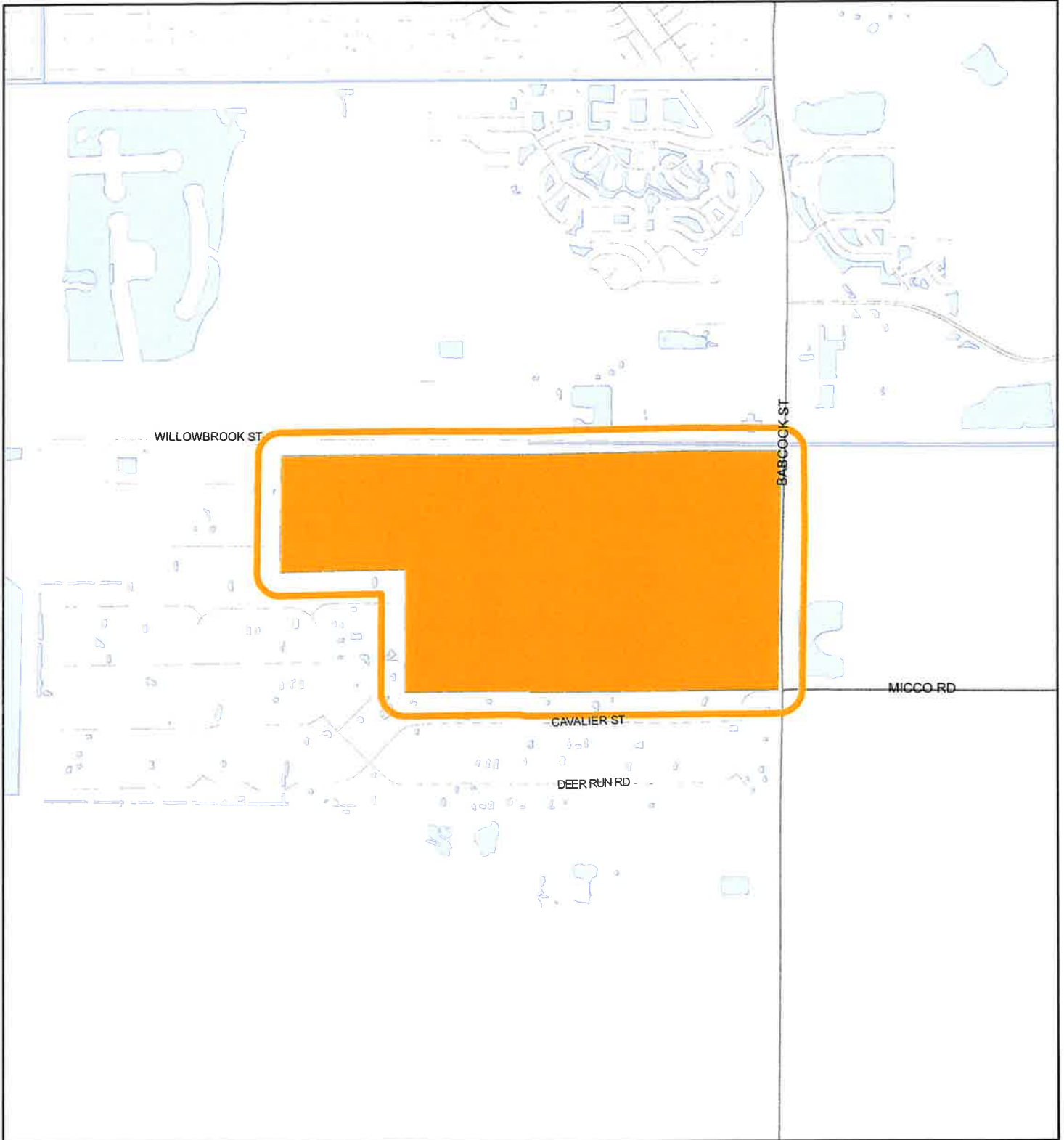
 Parcels

 Zoning

LOCATION MAP

BORUCH-DAVID LLC

23LS00001





1:36,000 or 1 inch = 3,000 feet

Buffer Distance: 500 feet

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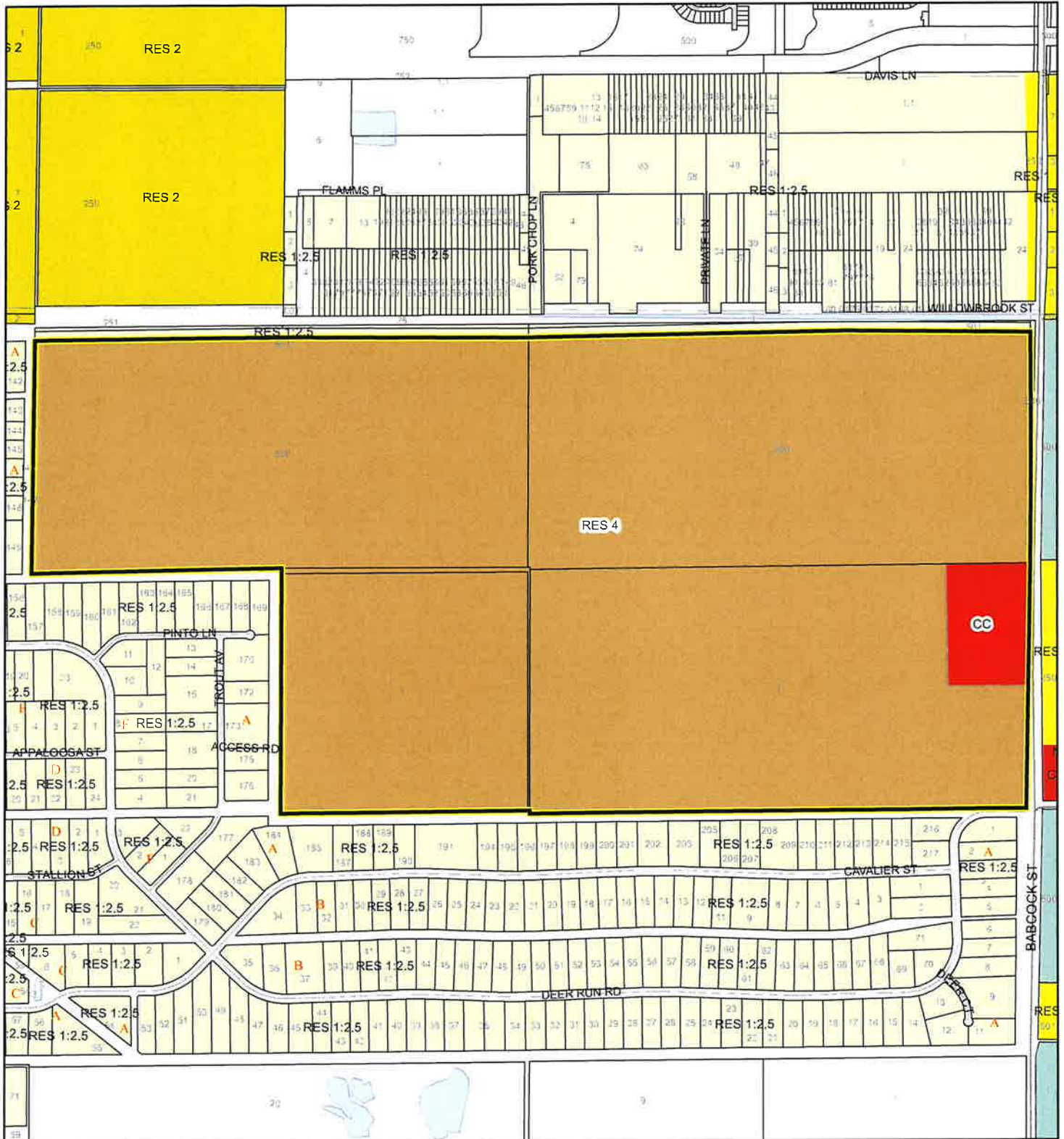
Produced by BoCC - GIS Date: 3/5/2024

-  Buffer
-  Subject Property


PROPOSED FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

 Subject Property
 Parcels

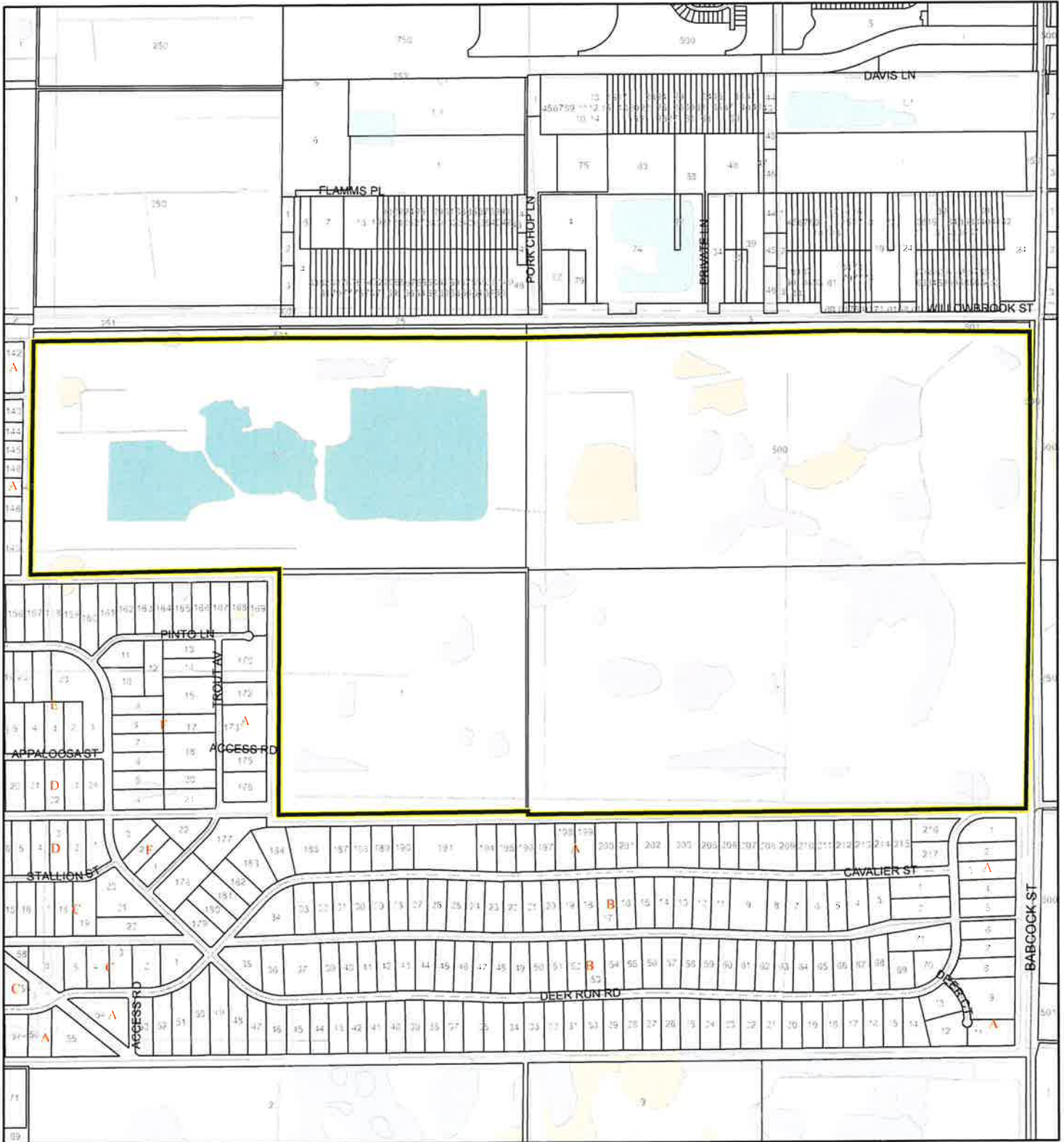
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/5/2024

NWI WETLANDS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

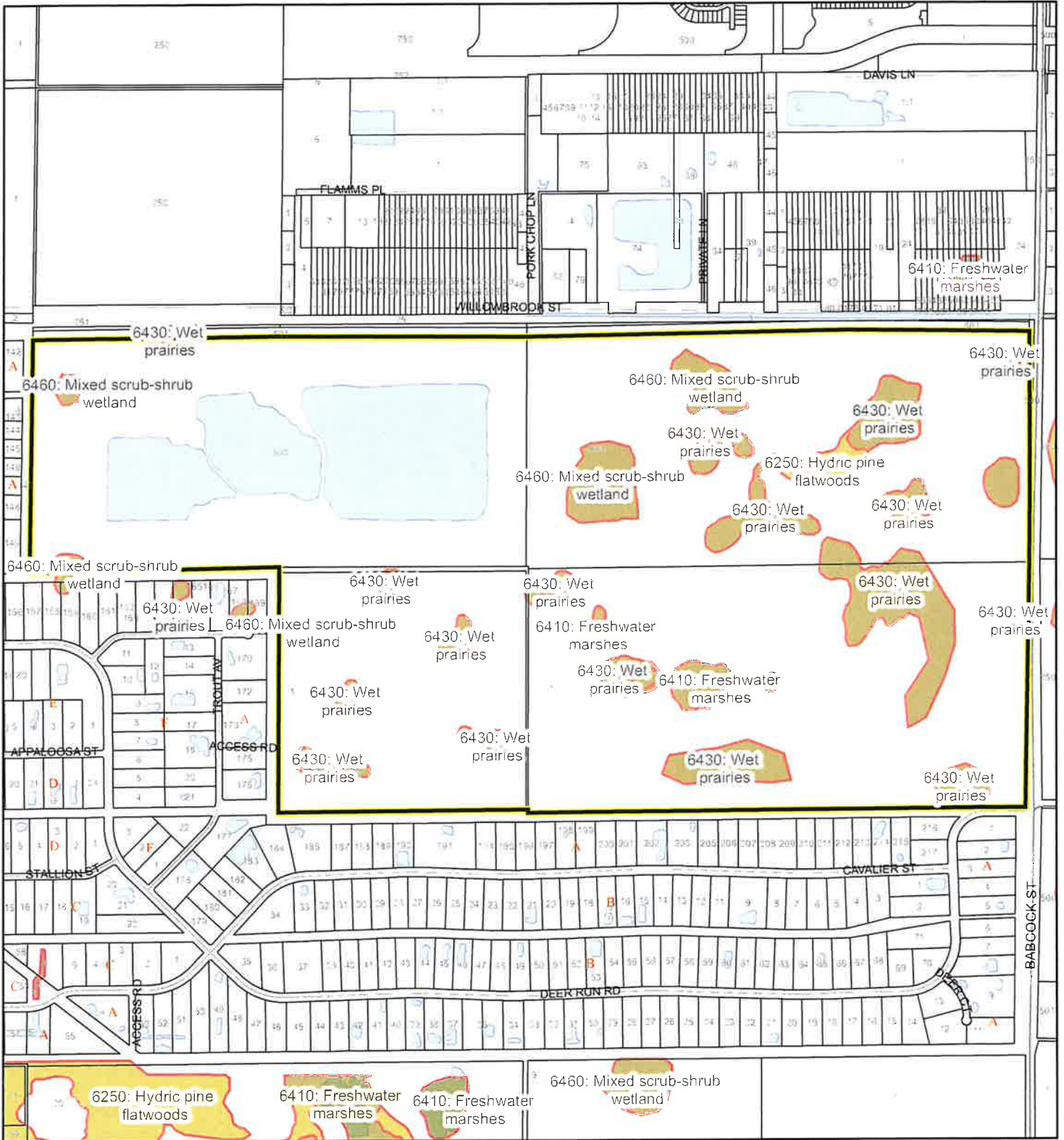
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|------------------|
| 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

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

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

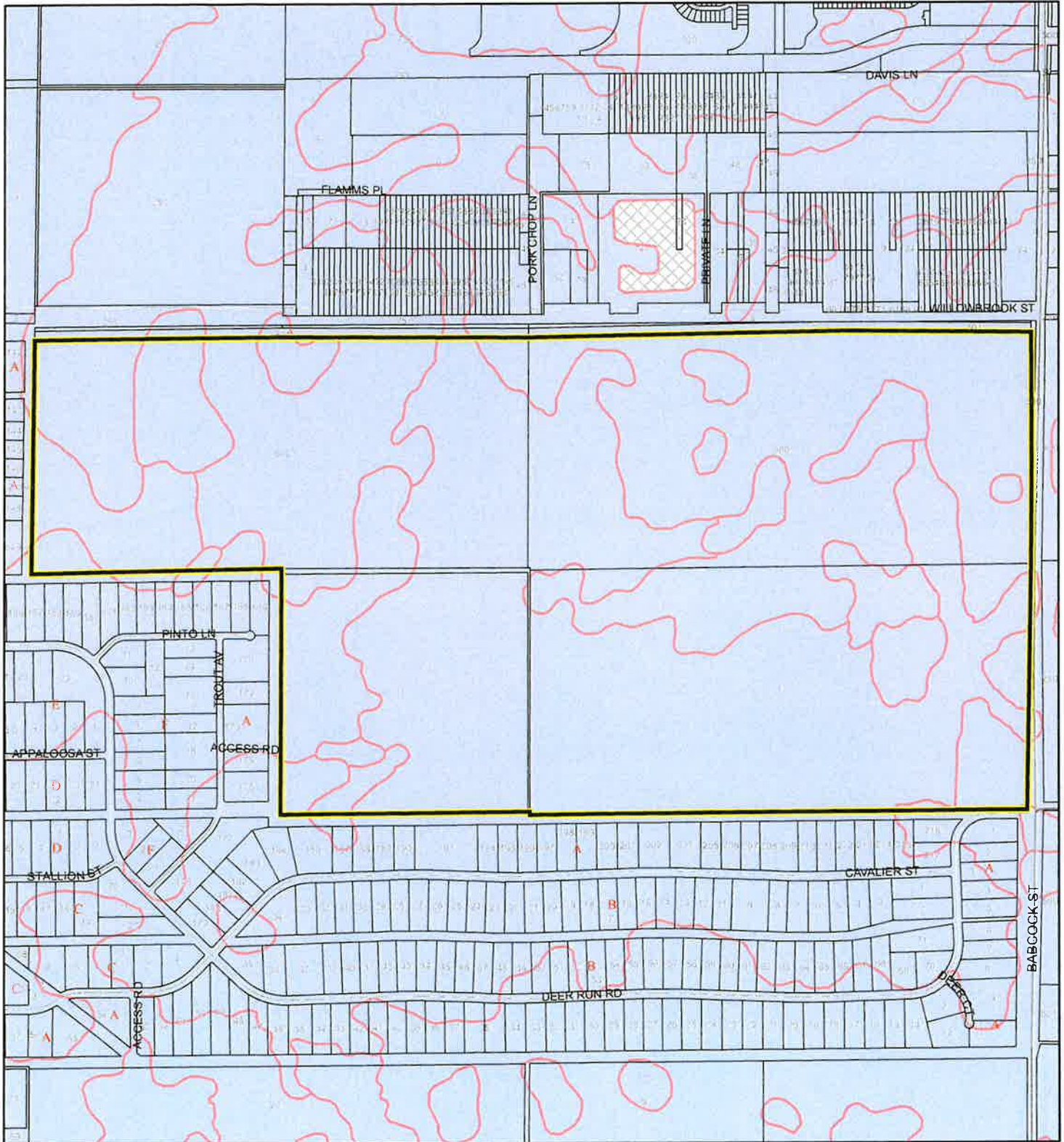
Subject Property

Parcels

USDA SCSSS SOILS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

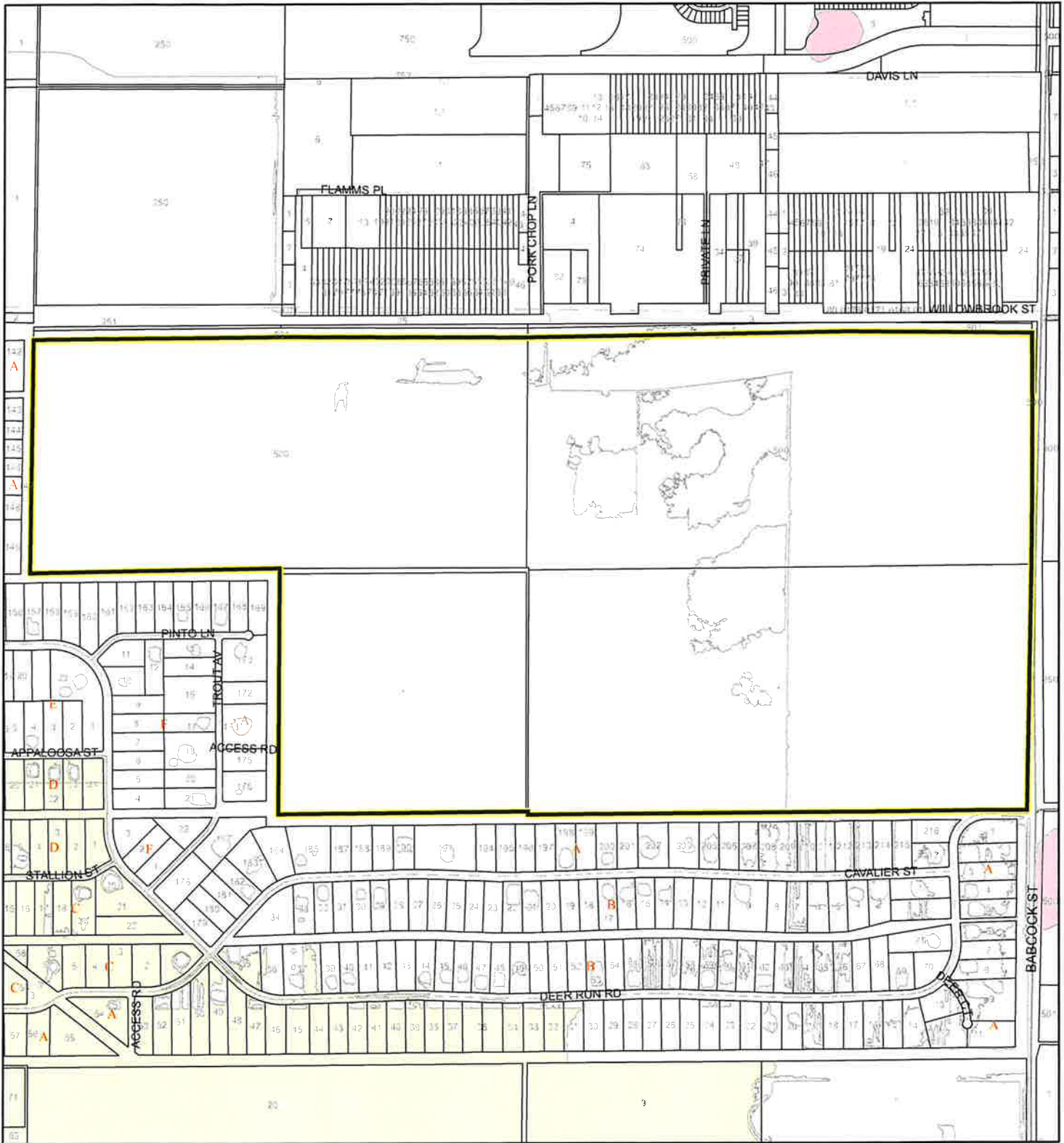
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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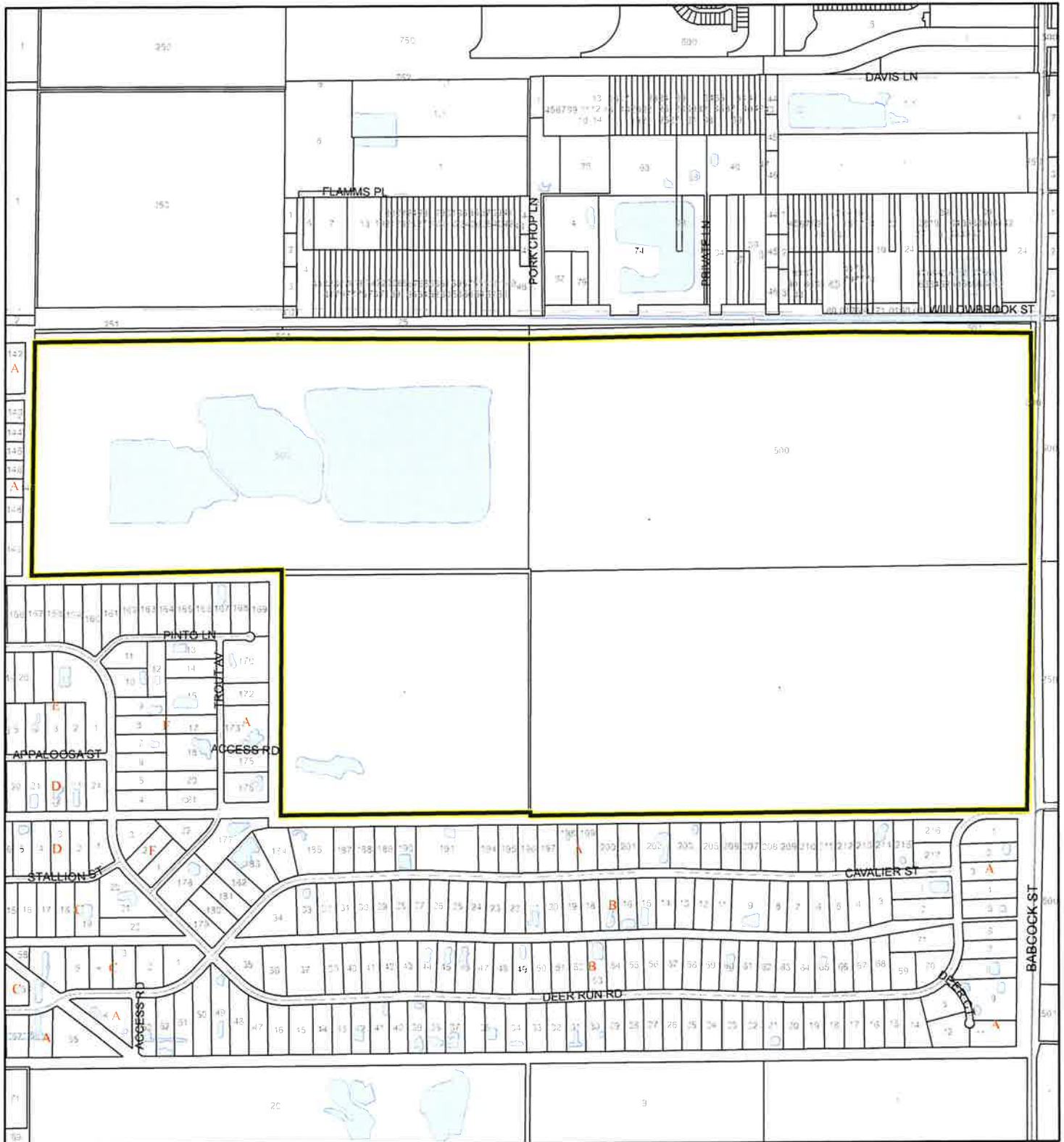
Produced by BoCC - GIS Date: 3/5/2024

FEMA Flood Zones	
	A
	AE
	AH
	AO
	Open Water
	VE
	Subject Property
	Parcels
	X

COASTAL HIGH HAZARD AREA MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

 Subject Property

 Parcels

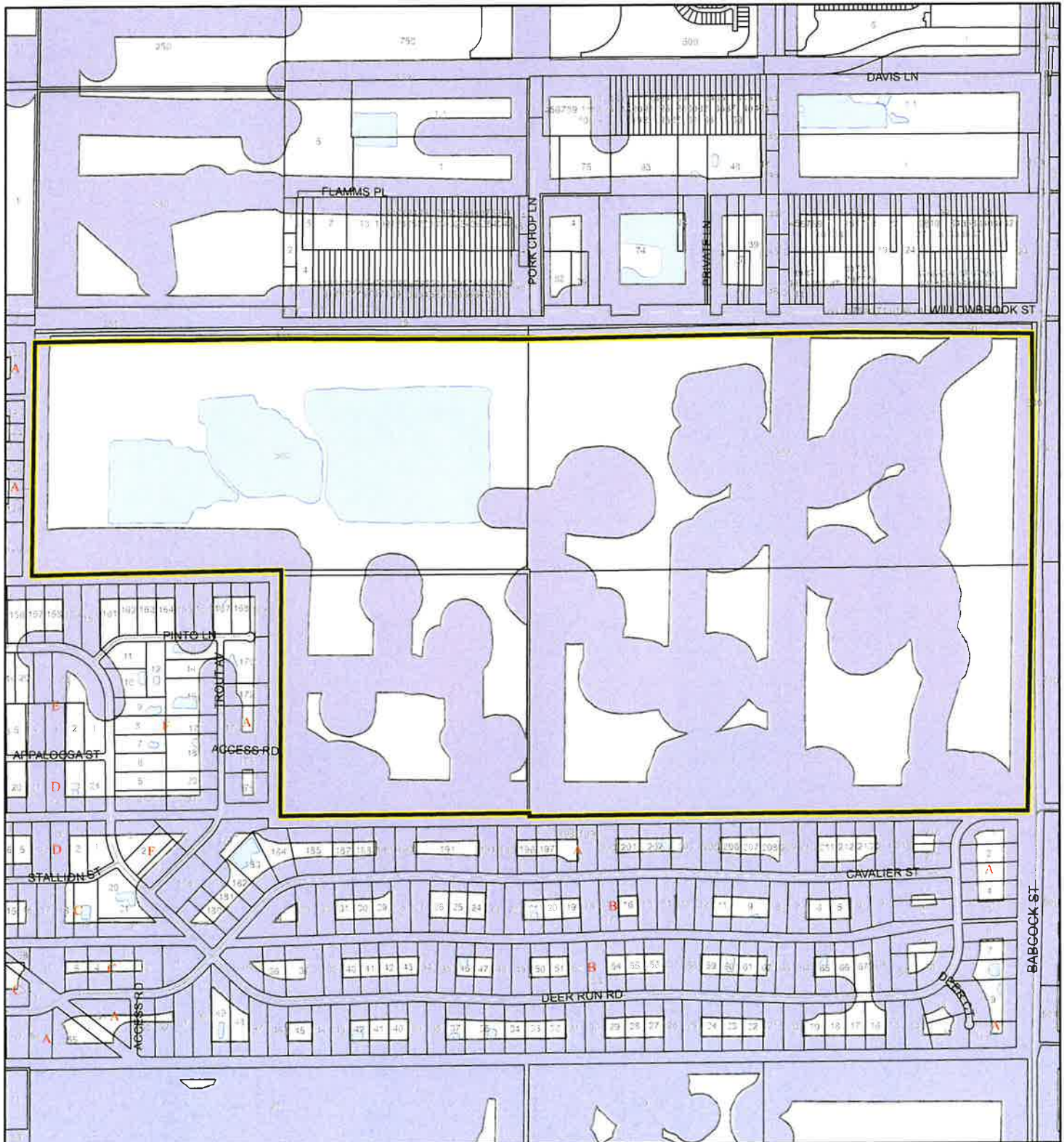
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

 Subject Property

 Parcels

Septic Overlay

 40 Meters

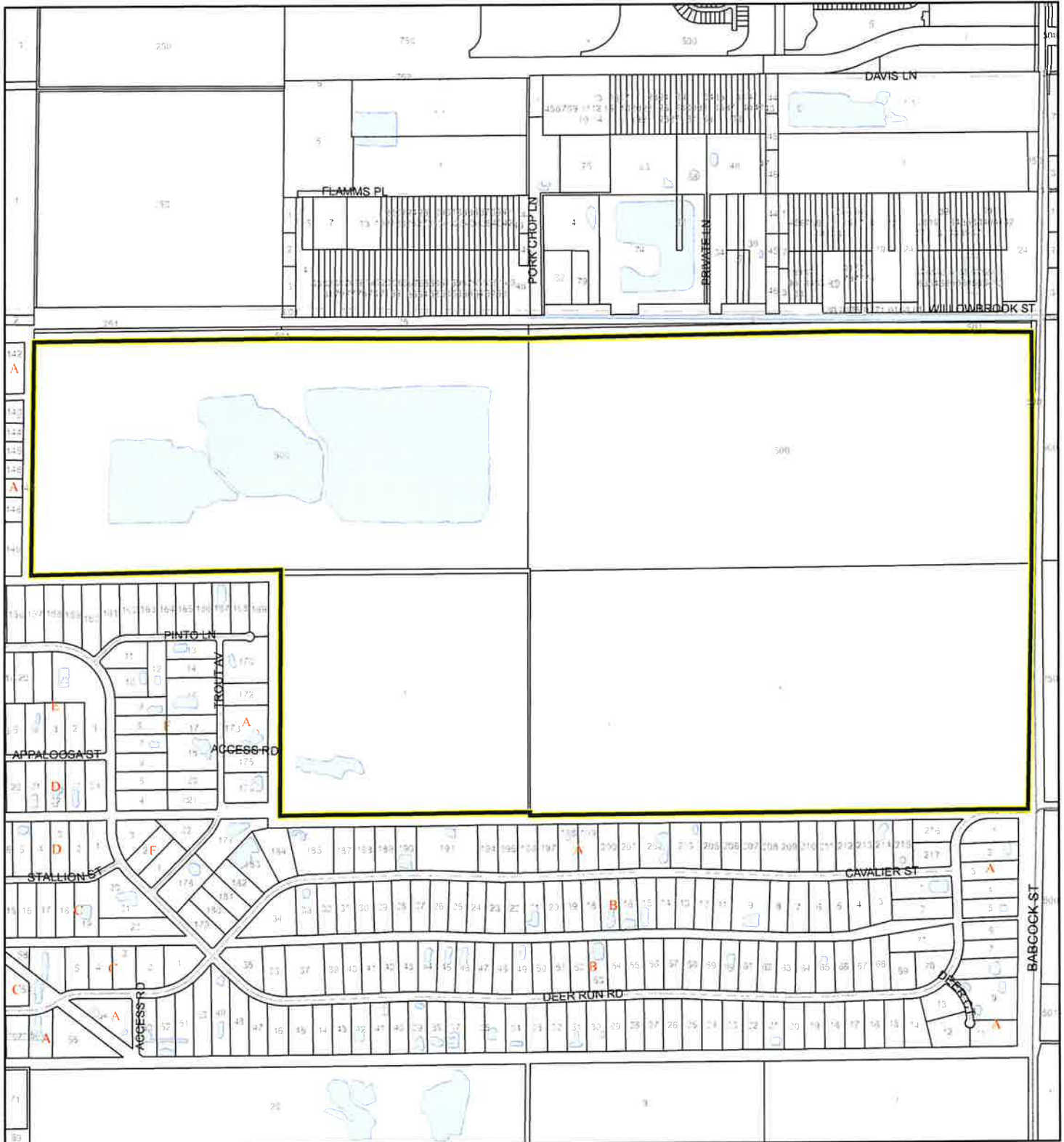
 60 Meters

 All Distances

EAGLE NESTS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

 Subject Property

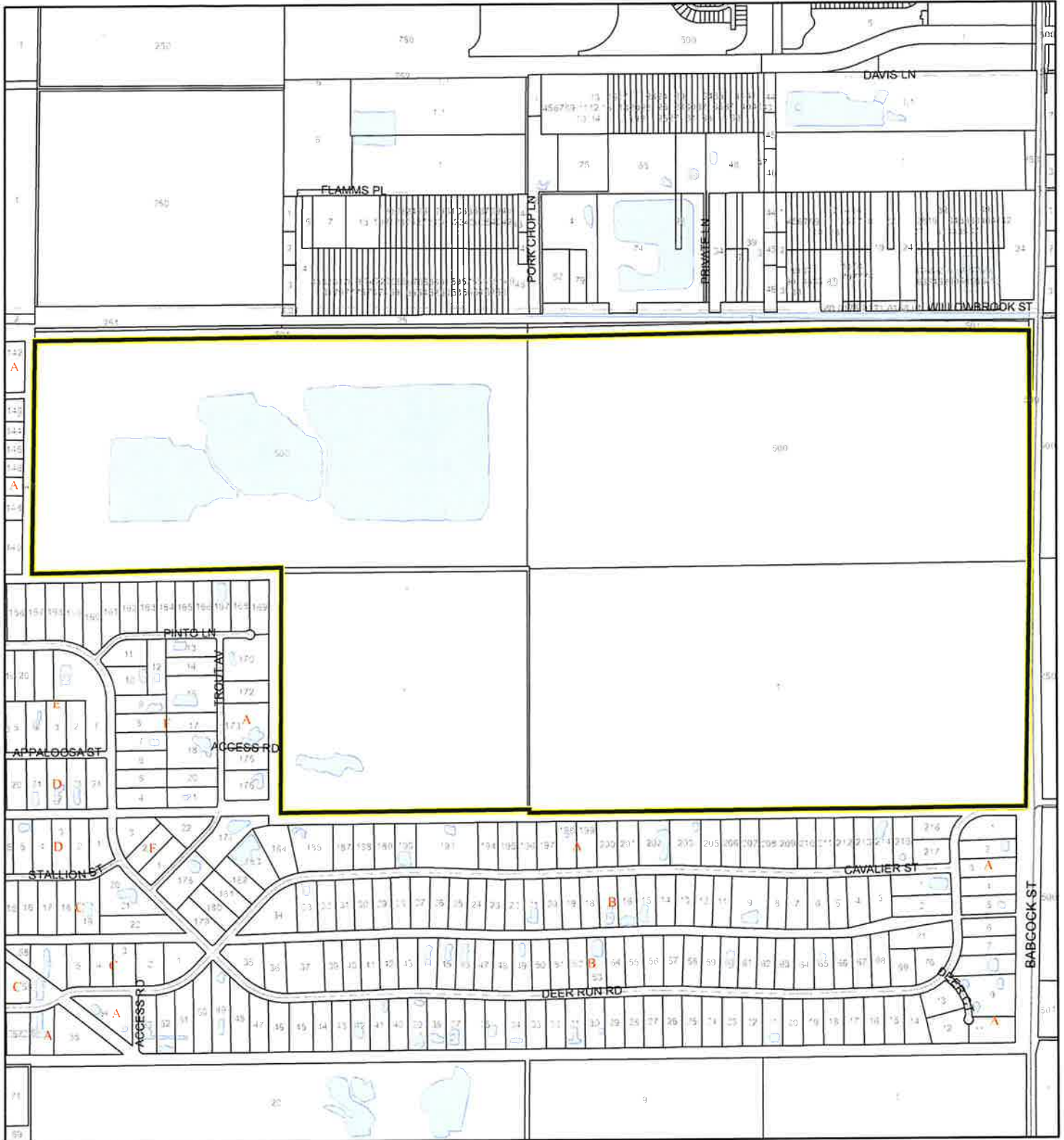
 Parcels

 Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

BORUCH-DAVID LLC




23LS00001



1:18,000 or 1 inch = 1,500 feet

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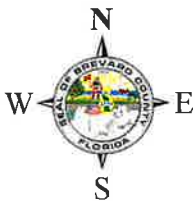
Produced by BoCC - GIS Date: 3/5/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 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: 3/5/2024

SJRWMD FLUCCS Upland Forests

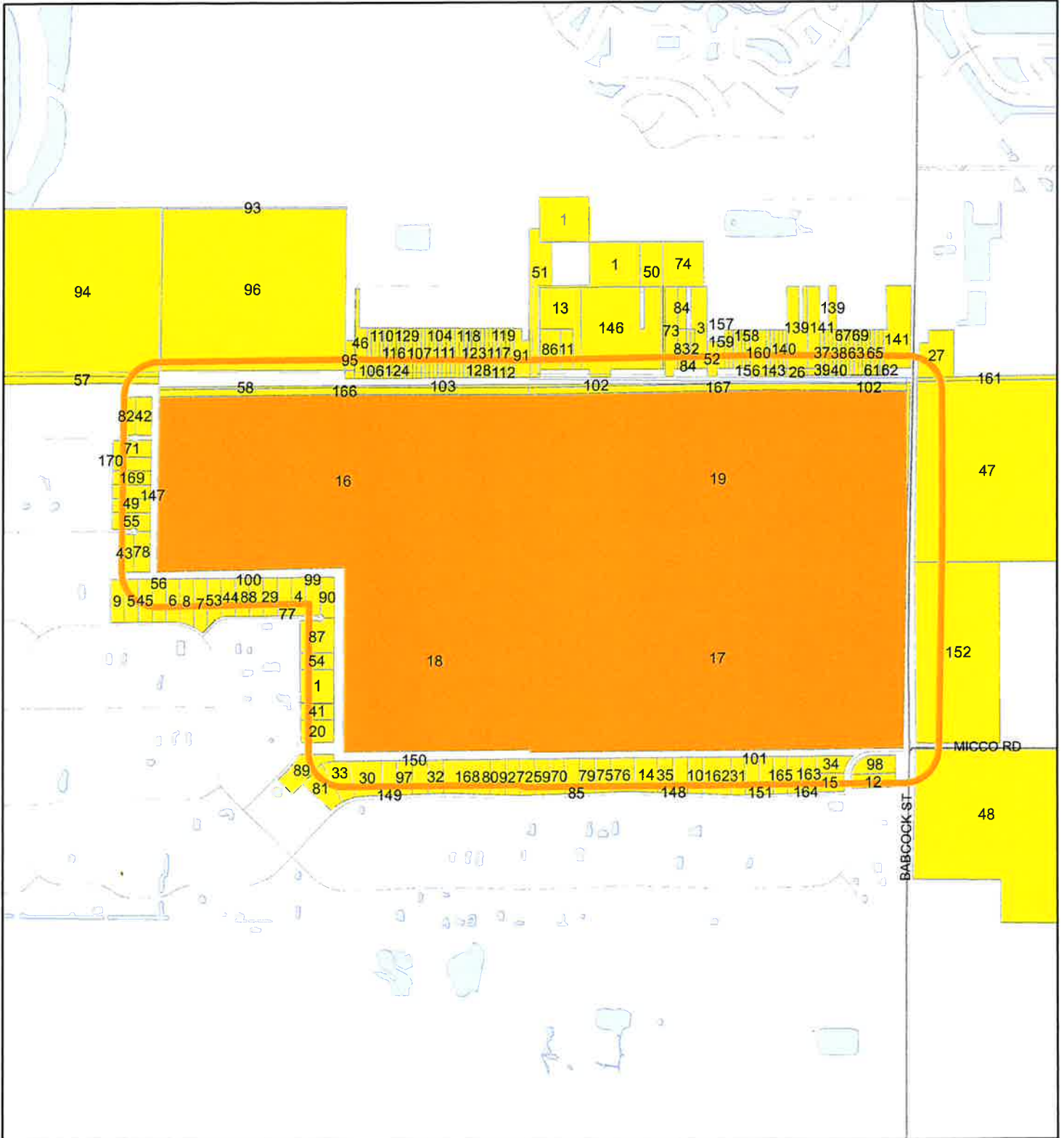
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

RADIUS MAP

BORUCH-DAVID LLC

23LS00001







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: 3/5/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



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 #2 To 23LS00001 (JEN Florida 48, LLC.) Applicant's Response to Review Agency Comments

This addendum provides a staff analysis of the applicant's responses to comments received from State review agencies during the Expedited Review Process conducted by Florida Commerce.

Applicant's Response to Review Agency Comments:

On July 19, 2024, the applicant submitted the attached responses to review agency comments to PZ. Staff offers the Board the following observations:

- **East Central Florida Regional Planning Council (ECFRPC)**

Throughout the study of available CLIP data from the FNAI, adverse effects to resources of regional significance and the animals that inhabit them have been found to be created by this large-scale future Land Use Map amendment proposal. As shown through the Figure 1 map, this amendment could impact conservation efforts in not only Brevard, but also Indian River and Osceola counties. For these reasons, the ECFRPC cannot support approval of the Future Land Use map amendment as proposed. Consideration should be given to future land use amendments with residential densities closer to the existing density, as the Residential 2 (two (2) dwelling units per acre) recommended by the Local Planning Agency at its meeting of Monday, April 15, 2024. Alternatively, conservation subdivision techniques (clustering) could be used to increase open space for the migration of animals and the preservation of areas of greater biodiversity.

Response: Alternative conservation-based subdivision techniques (such as clustering) will be utilized on the site through the Planned Unit Development Zoning District and associated Development Plan. The Concept Plan submitted with this application further demonstrates that over 468 acres of open space, 328 acres of which will be composed of wetlands, stormwater ponds and passive recreation tracts. Furthermore, there is a continuous 50 ft buffer to the south and a continuous 30 ft buffer to the north to allow for increased migration of animals and better preservation of the greater biodiversity.

Staff Analysis: The Preliminary Development Plan submitted by the applicant avoids and minimizes impacts to wetlands as required by Brevard County code. Additionally, the PDP incorporates the existing historical borrow pit as an amenity to the development. The amount of open space provided exceeds the requirements of the Brevard County zoning classification. However, the wetlands, stormwater ponds, and passive recreation tracts, which are suitable for wildlife migration, are disconnected. This layout conflicts with clustering design principles and may hinder safe wildlife migration.

- **Florida Department of Environmental Protection (FDEP)**

The Central Florida Indian River Lagoon BMAP, outlined by 403.067, (7), F.S. and adopted by secretarial order, identifies and frames actions to address and restore impaired state waters. The Clean Waterways Act (Chapter 2020-150, Laws of Florida) and Chapter 2023-169, L.O.F. (HB1379), further refine actions taken by the BMAPs, including requirements for any county or municipality with a BMAP within its jurisdiction to include in its comprehensive plan a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP, where the plans must address the treatment or upgrading of wastewater treatment facilities and prioritize advanced water treatment (AWT); and requirements for comprehensive plans to include an element to consider the feasibility of providing sanitary sewer services within a 10-year planning horizon to any group of more than 50 built or unbuilt residential lots with a density of more than one onsite sewage and disposal system (OSTDS; aka septic system) per acre. In addition, effective January 1, 2024, HB 1379 requires nitrogen-reducing systems for new septic systems serving lots of all sizes within the Indian River Lagoon Protection Program area (parts of Brevard, Indian River, St. Lucie and Volusia counties). New septic system construction permit applications for all lots in this area must comply with enhanced nutrient-reducing system requirements unless they were received prior to January 1, 2024, and have been determined complete (except for the site evaluation). The law also requires all domestic wastewater facilities discharging to an impaired waterway to upgrade to meet advanced waste treatment standards by 2033.

Activities associated with these land use changes have the potential to impact water quality. Appropriate measures should be taken to minimize any potential additional nutrient loadings to the Indian River Lagoon. These measures include the proper treatment and disposal of wastewater in accordance with BMAP requirements, implementation of current and future OSTDS prohibitions, stormwater controls, and the implementation of adequate sediment and erosion control practices to mitigate any groundwater or surface water impacts. As proposed, the project may affect future loading in the BMAP. Any additional nitrogen and phosphorous loading to the basin will be evaluated and may require additional restoration by the County. The Department would also encourage the County to continue coordination with other local governments and any private wastewater utilities within its jurisdiction on the wastewater feasibility plans as outlined in the Clean Waterway Act (403.067(7)(a)9, F.S.)

The Department is providing technical assistance comments consistent with s.163.3168(3), F.S. The comments will not form the basis of a challenge.

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Staff Analysis: The City of Palm Bay has indicated a willingness to provide centralized water and wastewater to the subject property in the future but is unable to do so at the present time. Palm Bay is unable to provide a future date identifying when service will become available. Effluent from the wastewater facility will need to comply with the FDEP requirements.

- **Florida Department of Transportation (FDOT)**

Based on the analysis above and the information provided, the FLUM amendment would significantly increase the trip generation potential of the subject property. In addition, the

property is in proximity of S.R. 9/I-95. One segment of this facility is projected to operate over capacity through the future year 2045 scenario given current conditions. Therefore, the proposed amendment has the potential to impact the SHS significantly.

The Department recommends that, as the development moves into the next phase, Brevard County coordinates with the Department on ways to mitigate the potential impacts of the proposed development to the SHS and/or SIS roadway segments in proximity to the proposed amendment, including specifically to S.R. 9/I-95.

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Staff Analysis: Babcock Street along the eastern property boundary has limited capacity. There is currently a PD&E Study filed with FDOT and included in the Long Range Transportation Plan. Completion of this study is necessary to identify the full scope of the improvements needed to accommodate traffic from the subject property, as well as, traffic from other development in the vicinity. Completion of the study is necessary to identify the extent of the proportionate share payment and to identify the amount of right-of-way required to construct the necessary improvements. Currently, FDOT has placed the PD&E study on hold due to the unavailability of funding for the study.

- **Florida Fish and Wildlife Conservation Commission**
Comments and Recommendations:

Wildlife Surveys

To better identify potential project impacts to listed species of fish and wildlife, FWC staff recommends that species-specific surveys be conducted prior to any clearing or construction. Species-specific surveys are time sensitive and are best conducted by wildlife biologists with recent documented experience for that species. Species-specific survey protocols approved by the USFWS and the FWC are provided in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/> or in the FWC Species Conservation Measures and Permitting Guidelines available at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Gopher Tortoise

The project area may have potential habitat for the gopher tortoise. The applicant should refer to the Gopher Tortoise Permitting Guidelines (revised April 2023) (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/> for survey methodology and permitting guidance prior to any development activity. Burrow surveys should cover a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities including staging areas (refer to Appendix 4 in the Guidelines for additional

information). Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavation should be handled in accordance with Appendix 9 of the Guidelines. For questions regarding gopher tortoise permitting, contact John Snow by phone at (561) 882-5714 or at John.Snow@MyFWC.com.

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Florida Pine Snake

Florida pine snakes have historically occurred in this area, and suitable habitat may also occur on the project site. Florida pine snakes are naturally secretive in nature and can spend up to 80 percent of their time in underground refuges like stump holes, gopher tortoise burrows, and the burrows of nine-banded armadillos and mice. This species is often associated with southeastern pocket gophers (*Geomys pinelr'r*); however, they can persist and thrive in areas without this species. Florida pine snakes are active from March through October but show the greatest activity in May, June, July, and October when they move more frequently and travel farther distances. Florida pine snakes are sensitive to habitat fragmentation and often negatively impacted by roadways. Additional information can be found in the Species Conservation Measures and Permitting Guidelines for the Florida Pine Snake (<https://myfwc.com/media/25003/floridapinesnakegl.pdf>). If a Florida pine snake is observed during construction, FWC staff recommends that work activities cease and the snake be allowed to leave on its own accord, or that the snake is relocated following criteria included in the Guidelines. It would also contribute to FWC's research efforts if sightings could be reported to the staff member at the close of this letter, preferably with a photograph and GPS coordinates.

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Wading Birds

The potential exists for wading bird nesting activity in the marsh, artificial reservoir, and mixed scrub-shrub wetlands on the project site. FWC staff recommends that specific surveys be conducted for wading birds prior to the commencement of any clearing, grading, or filling activities. Surveys should be conducted during their breeding season, which extends from March through August. The Species Conservation Measures and Permitting Guidelines for the Little Blue Heron, Reddish Egret, Roseate Spoonbill, Tricolored Heron (<https://myfwc.com/media/18634/threatened-wading-birds-guidelines.pdf>) can be referenced for biological information, survey methodology, measures for avoiding impacts, and recommended conservation practices. If there is evidence of nesting during this period, FWC staff recommends that any wading bird nest sites be buffered by 100 meters (330 feet) to

avoid disturbance by human activities. If nesting is discovered after site activities have begun, if the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the applicant may contact the FWC staff identified below to discuss potential permitting alternatives.

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Florida Sandhill Crane

The site may provide foraging habitat for Florida sandhill crane, and the freshwater emergent marshes, artificial reservoirs, and wet prairies onsite may provide potential nesting habitat for this species. FWC staff recommends that surveys for nesting Florida sandhill cranes be conducted prior to construction activities and during the December through August breeding season. If construction occurs over several years, it may be necessary to conduct surveys each year as Florida sandhill cranes do not nest in the same location every year. If active nests are identified onsite, the *Species Conservation Measures and Permitting Guidelines for Florida Sandhill Crane* (<https://myfwc.com/media/11565/florida-sandhill-crane-guidelines.pdf>) recommends that the nest site be buffered by 400 feet (122 meters) to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the applicant can contact FWC staff identified below to discuss potential permitting needs. Additional information and guidance for conducting Florida sandhill crane surveys can be found in the Guidelines.

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Lakes and Ponds

According to the transmittal package, created wetlands are proposed for stormwater management that may have the potential to provide wildlife habitat as well as a recreational area for wildlife viewing and recreational fishing. Ponds can be managed for both fish production and wildlife habitat, including wading birds and waterfowl. The addition of native wetland plants along a gradual pond slope (< 45') provides a vegetated fringe which may increase the habitat value of the site and possibly provide foraging or nesting areas for several wading bird species and ease of access into and out of the pond for amphibians and turtles. Littoral fringe habitat may also provide spawning habitat for fish which would enhance future recreational fishing opportunities for the community. FWC staff recommends a commitment to long-term maintenance and development of a plan for managing exotic invasive plant species that can significantly degrade habitat values and impact ponds, wetlands and nearby natural areas. The Florida Wildlife Conservation Guide provides more information on this topic with suggested guidelines for construction and management of stormwater ponds (<https://myfwc.com/conservation/youconserve/recreation/pond-management>).

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

Federal Species

This site may also contain habitat suitable for the federally listed species identified above. FWC staff recommends coordination with the USFWS Florida Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species. The USFWS ESO can be contacted at FW4FLESRegs@fws.gov .

Response: These comments have been acknowledged and will be taken into consideration throughout subsequent development applications associated with the property.

- **St. Johns River Water Management District (SJRWMD)**
No Comments

- **Florida Department of Commerce (Florida Commerce)**
No Comments

From: williamsvic86@gmail.com
To: [Champion, Kristen](#)
Cc: [Denise Williams](#)
Subject: ID#23LS00001
Date: Friday, April 12, 2024 6:50:17 PM

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

Hello.

I am the land owner at 128 Cavalier st. Palm Bay Fl. 32909 located on the south boundary of the proposed building site. I would like to know if any provisions will be taken to fence the south canal on the north side of the canal?

I assume that a major concern for this development would be consideration for safety especially for the children living in the new development. I have had to deal with alligators and wild bore in and near the canal. Please provide information as to any considerations under discussion.

Thanks, Vic Williams 937-212-9631.

Sent from my iPhone

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public comment received 23LS00001
Date: Monday, April 15, 2024 8:13:09 AM
Attachments: [Agenda Item Number G5 \(23LS00001\).msg](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, she has received the attached public comment for 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke

Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23S00001
Date: Monday, April 15, 2024 8:55:37 AM
Attachments: [Public Comment G5 \(23LS00001\).pdf](#)
[image001.png](#)
[image002.png](#)

Good morning Kristen,

On behalf of Commissioner Feltner, please see the attached public comment our office received. Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: abutti@aol.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Agenda Item Number G5 (23LS00001)
Date: Sunday, April 14, 2024 6:37:56 PM

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

County Commissioners,
I live in Deer Run and my property backs up to this property.
I am concerned about Sun Terra proposed land rezoning.
I would like to see it stay 1 unit per 2.5 acres, as that would be compatible with Deer Run.
I am concerned about wildlife, wetlands, water, septic, roadway improvements, traffic issues, public services.
Please, do not rezone this area.
Anita Butti
222 Cavalier St. (have lived here 31 years)

Thanks for your time,
Anita

From: [Champion, Kristen](mailto:webhog1@yahoo.com)
To: webhog1@yahoo.com
Subject: RE: April 15 P&Z Meeting
Date: Monday, April 15, 2024 10:08:00 AM

Perfect, we'll see you this afternoon.

The Chair of the Board will give everyone an opportunity to speak after each item is presented.

Please let me know if there's anything else we can assist with in the meantime.

Respectfully,

Kristen

Kristen K. Champion, Special Projects Coordinator III

Brevard County Planning and Development

2725 Judge Fran Jamieson Way

Bldg. A-114

Viera, FL 32940

(321)350-8300

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

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Monday, April 15, 2024 8:25 AM
To: Champion, Kristen <Kristen.Champion@brevardfl.gov>
Subject: Re: April 15 P&Z Meeting

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

I plan on attending the meeting.

Marty Piatkowski

Palm Bay, FL

Enjoy life now... it has an expiration date.

On Monday, April 15, 2024, 8:16 AM, Champion, Kristen <Kristen.Champion@brevardfl.gov> wrote:

Good morning,

Your email has been received. Will you be attending this afternoon, or would you like to submit me another electronic response that I can add to the file for public comment to the Board members?

Respectfully,

Kristen

Kristen K. Champion, Special Projects
Coordinator III

Brevard County Planning and Development

2725 Judge Fran Jamieson Way

Bldg. A-114

Viera, FL 32940

(321)350-8300

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

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Sunday, April 14, 2024 4:27 PM
To: Champion, Kristen <Kristen.Champion@brevardfl.gov>
Subject: April 15 P&Z Meeting

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

Hi,

I'd like to be able to comment on Agenda Item Number G5 (23LS00001) at the April 15, 2024 meeting.

Thank you,

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date

From: [Neil Adams](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Re: Sunterra Development- Deer run community impact
Date: Monday, April 15, 2024 2:45:39 PM

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

Hello,

This is a follow-up for some more information that is very important that the county and builder are aware of.

Deer Run has its own canal system to handle runoff water during heavy rains and hurricanes. Two huge pumps in the back of the community pump water out of this canal system and into the C54 system.

If this community is built, water runoff from it, if not controlled, could cause flooding in our community. during the past hurricane, we had runoff water from that property pushed through the ground and into our canal system, where the red circle is in the picture below.



Please, Make sure they complete the necessary steps to insure no run-off water will cause issue for our community in the future.

On Monday, April 15, 2024 at 02:23:12 PM EDT, Neil Adams <nail1114@yahoo.com> wrote:

Dear Commissioner

Hello, My name is Neil Adams and my property will directly be effected by this community.

My address is 308 Pinto In Palm Bay fl 32909

I am writing to express my strong opposition to the proposed rezoning of the parcel of land located next to my residence. The proposed change from R1 to R4) raises significant concerns for our community and the quality of life for its residents.

1. Traffic and Safety Concerns: The existing traffic situation on the 2 lane Babcock is already challenging, especially with all the dump trucks running from the 2 mines south of our community. Adding multi-family housing will exacerbate traffic congestion.
2. School Overcrowding: Our local schools are already operating at or above capacity. Approving multi-family dwellings without addressing school concurrency could strain educational resources and affect the quality of education for our children.
3. Wildlife Habitat Preservation: The proposed development may destroy local wildlife habitat. We have observed wildlife in the area, and any planned development should consider its impact on the environment.
4. Property Values: Introducing R4 4homes per acre could lower property values in our community. Such developments are inconsistent with the character of our existing neighborhoods.
5. Community Consensus: While we understand that development may be inevitable, it is essential to consider the sentiments of the local community. Nearly all residents in our Deer run community oppose the addition of multi-family housing due to the potential adverse effects mentioned above.
6. Buffer They define: they are defining a 50Ft + buffer between us and the community. however if they clear the land per county code removing all the pepper trees then there would be no buffer left! please grant an exception to leave the natural buffer already in place.
7. Noise and fear for Hoses In community: Communities zoned R4 will produce more noise than R1 communities. please also consider that fact that many homes in our community have hoses that will be impacted by the noise from the Sunterra development.
8. In light of these concerns, I urge you to disapprove the proposed rezoning. I believe my opinions are shared by many others who may not have had the opportunity to attend meetings or write letters.

Thank you for your attention to this matter. I trust that you will consider the long-term impact on our community when making your decision.

Sincerely, Neil Adams

From: [Justin Neal](#)
To: [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Rezoning of property bordering Deer Run
Date: Monday, April 15, 2024 1:57:57 PM

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

Good afternoon,

I am a homeowner in Deer Run who is within 500ft of the property that is proposing a rezoning to from its existing 1 residence per 2.5 acres to 4 residences per acre. This development will certainly displace all of the wildlife that reside between this 1100+ acres and Deer Run. All of these deer, turkey, bobcats, coyotes and many others will be driven away and increase the likelihood of animal and vehicle accidents on Babcock due to construction pressure of their habitat. We moved down here from West Melbourne just a few years ago to get away and have a piece of property in this equestrian community to enjoy the wildlife. Keeping this property rural and in the current zoning of 1 residence per 2.5 acres is the best we can hope for to still have some peaceful interactions with wildlife. For our equestrian folks in the neighborhood the added stress on their horses from all of the construction activity could be severe. We have so many neighborhoods being built off the St John's Heritage Parkway that are currently small size lots and packed in houses. I ask to please leave the properties south of Willowbrook road with the larger property sizes for zoning so we can still have some rural left in brevard county to share for future generations.

Thanks,

Justin Neal

From: [Gloria Kanungo](#)
To: [Commissioner, D1](#)
Subject: Rezoning Sun Terra Property
Date: Monday, April 15, 2024 1:35:24 PM

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

Ms Pritchett,

I am writing in reference to the proposed rezoning of property that was recently purchased by Sun Terra.

I am a resident of the Deer Run Community which adjoins this property. As you are aware, there is massive development in South Brevard, there needs to be checks and balances. There are already several high dentistry developments completed and under construction just north of this property, with other projects proposed on Micco Rd and St Johns Parkway. Brevard County does not have the infrastructure in place to accommodate another high density development. **Ex: roads, schools, fire, police, ambulance, and parks.**

This property should stay consistent with the zoning of Deer Run not the proposed R4. There would be a substantial impact to wildlife, the development borders environmentally sensitive land and a wildlife sanctuary.

I ask you as **our representative** to consider what is best for your constituents and **VOTE NO!!!!!!**

Regards,

Gloria Kanungo
174 Deer Run Rd.

Dear Commissioner,

This letter is in regards to the proposed large scale Sun Terra project west of Babcock Street and south of Willowbrook Street in unincorporated Brevard County.

The builder would like to build 3,246 homes plus commercial units creating a high density housing environment.

There are many potential impacts to the area regarding this development.

If the developer plans on installing wells for the large amount of homes in the proposed project, do we really know the impact on the aquifer? What will be the impact on the wells that supply water to the neighboring equestrian community Deer Run?

If the developer plans on septic tanks for all the dwellings what is the impact on the environment?

What type of buffer or separation will occur between the high density project and the established equestrian neighborhood Deer Run? The builder currently plans on only a 50 foot buffer which is not nearly enough.

If the current greenery which consists mostly of Brazilian Pepper trees is to be used this will not be enough of a screen since the invasive pepper trees have to be removed.

The noise levels in the area will increase with construction of dwellings, roads, commercial and recreation areas. How will the noise be minimized for the adjacent Deer Run neighborhood?

The amount of traffic in the area will increase exponentially. It has already increased with the huge increase of dump trucks and all of the new developments near the St. John's Heritage Parkway. Babcock street is currently insufficient for the amount of traffic.

There is an abundance of wildlife currently living on the acreage of the proposed development.

The wildlife will be pushed out. Bird, mammal and reptile environments will be destroyed. Canopy and wetlands will be lost.

Environmental impact studies need to be done before any disturbances occur on the acreage.

There are no fire stations within a 5 mile radius. There are no police stations within a 5 mile radius.

The current fire stations are already overwhelmed.

What are the plans for one or more fire stations?

Hospitals and medical offices are already overwhelmed. What are the plans for additional medical services? At a minimum there should be consideration for a free standing ER in the vicinity near all of the proposed development.

Schools are already at or near capacity.
What are the plans for additional schools?

I do not believe the current electrical grid can handle all of this growth? How and when will the grid be upgraded to ensure seamless electric power?

The canals that run around and through the Deer Run Community could potentially spill over and flood Deer Run if the proposed project dumps water into the canals during the building and post building time frames especially during hurricanes and periods of heavy rains due to storms.

Questioning why the existing Compound is not being used for these high density developments.

Brevard County originally zoned the property that is under discussion for this project many years ago as a continuance of Deer Run in order to protect the equine environment and wildlife. This is currently zoned for 1 home per 2.5 acres just like Deer Run. We also have preserves across the street East of this proposed high density project which will have a large impact on the wildlife in this area.

All of these concerns/issues need to be discussed and addressed as necessary to minimize impacts to the Deer Run Equestrian Community and the local environment.

Thank You

Minde Gibson
8510 Trout Ave

From: [Neil Adams](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sunterra Development- Deer run community impact
Date: Monday, April 15, 2024 2:23:20 PM

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

Dear Commissioner

Hello, My name is Neil Adams and my property will directly be effected by this community.

My address is 308 Pinto In Palm Bay fl 32909

I am writing to express my strong opposition to the proposed rezoning of the parcel of land located next to my residence. The proposed change from R1 to R4) raises significant concerns for our community and the quality of life for its residents.

1. Traffic and Safety Concerns: The existing traffic situation on the 2 lane Babcock is already challenging, especially with all the dump trucks running from the 2 mines south of our community. Adding multi-family housing will exacerbate traffic congestion.
2. School Overcrowding: Our local schools are already operating at or above capacity. Approving multi-family dwellings without addressing school concurrency could strain educational resources and affect the quality of education for our children.
3. Wildlife Habitat Preservation: The proposed development may destroy local wildlife habitat. We have observed wildlife in the area, and any planned development should consider its impact on the environment.
4. Property Values: Introducing R4 4homes per acre could lower property values in our community. Such developments are inconsistent with the character of our existing neighborhoods.
5. Community Consensus: While we understand that development may be inevitable, it is essential to consider the sentiments of the local community. Nearly all residents in our Deer run community oppose the addition of multi-family housing due to the potential adverse effects mentioned above.
6. Buffer They define: they are defining a 50Ft + buffer between us and the community. how ever if they clear the land per county code removing all the pepper trees then there would be no buffer left! please grant an exception to leave the natural buffer already in place.
7. Noise and fear for Hoses In community: Communities zoned R4 will produce more noise than R1 communities. please also consider that fact that many homes in our community have hoses that will be impacted by the noise from the Sunterra development.
8. In light of these concerns, I urge you to disapprove the proposed rezoning. I believe my opinions are shared by many others who may not have had the opportunity to attend meetings or write letters.

Thank you for your attention to this matter. I trust that you will consider the long-term impact on our community when making your decision.

Sincerely, Neil Adams

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public Comments received 23LS00001
Date: Thursday, April 25, 2024 8:19:55 AM
Attachments: [Please deny the SunTerra rezoning request - here's why....pdf](#)
[South Brevard Rezoning \(Sunterra\).pdf](#)
[Sun Terra.pdf](#)
[Sunterra Development.pdf](#)
[URGENT Sun Terra Lakes Development meeting May 2nd,2024.pdf](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, attached are additional comments received for 23LS00001.

Thank you for your support of her office.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Jim Araiza](#)
To: [Commissioner, D1](#)
Subject: Please deny the SunTerra rezoning request - here's why...
Date: Wednesday, April 24, 2024 4:56:01 PM

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

Dear Commissioner Pritchett,

I oppose the SunTerra zoning request.

As a property owner in adjacent Deer Run Equestrian Community, the most compatible zoning for the SunTerra property is exactly what Brevard County desired this area to be: R1.

Our current county commissioners, and those who preceded you, have ALWAYS placed great emphasis on quality of life and protection of our local environment.

Indeed, that is what drew us to Deer Run and southern Brevard County county: spacious neighborhoods and wildlife, supported by YOUR commission's dedication to adequate infrastructure and safety!

Approving SunTerra's request for R4 zoning would abandon your commission's long-standing commitment to protect south Brevard County. Adequate infrastructure is not in place, nor in the current budget to support the requirements of the massive R4 community desired by SunTerra.

I support development – everyone needs a place to live and call their own. The new Sun Terra neighbors should enjoy the same protections currently in place for our Deer Run community. We have accessible streets and adequate infrastructure to support our quality of life, our wildlife, and the environment. A massive R4 development will not only adversely affect Deer Run, but also the new residents of SunTerra. We will all suffer...

I don't believe that's what you and your fellow commissioners envision for our community. I know it's not the vision your predecessors had when they addressed the best-use zoning of southern Brevard County!

Developers rarely know (or care) what is "best" for a community. You do! Please stay the course...

Thank you for your service, Rita...

With appreciation,

Jim Araiza
105 Deer Run Road

Palm Bay, FL 32909
305-720-7245

From: [zach Levy](#)
To: [Commissioner, D1](#)
Subject: South Brevard Rezoning (Sunterra)
Date: Tuesday, April 23, 2024 1:34:08 PM

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

Hello Ms Rita,

My name is Zach Levy, I am a land owner and hopeful future resident of 179 Deer Run Rd. I currently live in South East Palm Bay, and have lived in this area my whole life.

My wife and I are working towards moving our family to the Deer Run community to raise our young children in a place filled with space to play and listen to the sounds of nature.

The South St John's Heritage Parkway development is exciting in that it opens the Deer Run area to easier access to the rest of the county via I-95, and we are supportive of the general development of the area. That said, I am concerned by the level of allowed re-zoning of the land (especially that directly adjoining to Deer Run) to allow densely packed homes. I am concerned over the noise pollution, the traffic increase, and the displaced water that could further flood the already flood prone Deer Run; additionally I am concerned about the available resources of fire, police, medical, and educational facilities to cover this area that is quickly booming in population.

I understand the benefit to the development, and I would like to ask that requests for rezoning (namely the Sunterra development) be denied. Again, I am for development, I just ask it not be as densely packed as Sunterra is proposing directly by Deer Run. I ask this not only out of personal desire to live in peace, but also out of concern that not enough foresight is going in to the pace of development in our area.

Thank you for your time,
Zach Levy

From: [Big Morly](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra
Date: Tuesday, April 23, 2024 10:21:01 PM

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

Hello, I own a property in Deer Run, I bought this property mainly because of the area, it is a perfect community to live in because of its tranquility, its natural habitat and the space we have between houses, now I am reviewing the information about a construction of thousands of houses in the vicinity of Deer Run, this would put an end to everything mentioned above, this new community of thousands of houses with spaces between them with less than half an acre would be putting an end to the type of construction zone, with the tranquility of all the neighbors of Deer Run, with the animals in the areas, this would also leave less land that helps with the rainwater that is so needed in this area, these thousands of houses would also be depreciating our houses.

I don't understand why a millionaire company wants to do a project on wetland lands with trees, plants and animals unique to the area and the county can easily allow it and a person who is not at the economic level of that company, the county puts so many restrictions on him, so many inspections and only to tell you that you cannot build because the land is wetlands and there are protected species, it is impossible for any person to clean a lot of more than one acre due to all the county restrictions and now a millionaire company is easy to destroy a large area of wetland land with so much natural life.

I would like to know where the deer, wild pigs, turtles, turkeys and all the birds that inhabit those lands would go? Or if this company would pay the thousands of dollars that the county charges to move these animals to a safe area, I would also like to know if they would be planting the number of trees that the county requests for each one they remove on those lands, if you have an answer For this please let me know.

From: [Bill Sergent](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sunterra Development
Date: Tuesday, April 23, 2024 9:17:42 AM

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

Good afternoon,

My name is William Sergent and I live in the Deer Run subdivision at 325 Pinto Lane, across the street from where the proposed new development would be built.

I would like to say I'm happy to see our community grow, but I, like many other residents in Palm Bay are concerned about the unmitigated growth. I've been through this before and what was a nice place to live, became a nightmare. I previously lived in a town that was adjacent to Murfreesboro, TN. Over the past ten years, it has almost doubled in size to 175,000 residents. The infrastructure is lacking, traffic is a nightmare, schools are over crowded, new ones can't be constructed quick enough and there's a huge shortage of teachers and bus drivers . Not to mention the increase in crime, taxes (approx 50% over the few past years) and an overall negative impact on the way of life.

We too welcomed the growth but we realized that sometimes you regret what you asked for. Having attended the Sunterra meeting at Comfort Suites, there doesn't seem to be much of a plan for anything but construction. There's not enough schools and most are already frozen, infrastructure is lacking, not enough first responders, hospitals, etc, etc, etc. Sounds and looks familiar. The overcrowding that negatively impacted so many things is the main reason I moved from Tennessee. It's not the same place as the farms, agriculture, open spaces and wildlife have been replaced by thousands of homes. Unfortunately, it looks like Palm Bay and Brevard County are headed down the same path as Murfreesboro, TN.

Personally, and I speak for many, I'm not in favor of any new development until some of the above situations are addressed, Unless the course of things change, I foresee another Murfreesboro scenario. I would ask for your consideration to delay any new development until the concerns of the citizens have been addressed and we are actually ready and able to support new building, including Sunterra.

Sincerely,

William and Tamara Sergent
325 Pinto Lane
Palm Bay, 32909
615-430-9241

From: [JoAnn Young](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: URGENT: Sun Terra Lakes Development meeting May 2nd,2024
Date: Wednesday, April 24, 2024 4:22:06 PM

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

Good afternoon Commissioners,
My name is JoAnn Young. I am a real Estate Broker and a resident of Deer Run in Southern Brevard. My husband and I own two adjacent properties totalling 5 acres that will border the recently purchased Sun Terra Development. We have attended the developer's meeting & the Planning and Zoning meeting for changing the future use of said development. In my business profession I have worked with the county making inquiries on future land use and conformity. In my conversations with department employees, the county seems to want to keep conformity with the surrounding properties. The reasons are obvious. The future land use for the 1100+ acres of Sun Terra is 1 residence per 2.5 acres - The same as Deer Run. Sun Terra has requested Res 4 with a cap at 3. The planning and zoning committee is recommending Res 2 for your commissioners meeting.

While I as a real Estate Broker welcome any new development, we have our concerns for such density for this area of Brevard that abutts to Deer Run.

Our main concerns are the following:

- Deer Run already has flooding issues. Due to no sewer system in Deer Run, the new development will be sharing the same canals and ditches for runoff as our two parcels (5 acres) that border the west side of the new development. A small canal will be between our borders. We are gravely concerned about the density of 2700-3200+ homes built up higher than ours that will shed runoff water into a small area.
- South Babcock Street is a "D" rated road and has been on the schedule to be widened for some time. There are many developments on the schedule around Deer Run and the intersection of Deer Run Rd and Babcock St. The amount of vehicles just in Sun Terra Lakes could be as high as 6000+ if each home has two vehicles. This does not include traffic from other subdivisions already approved nearby. We believe the widening of Babcock St. should take place before allowing any homes to be built. The St. Johns Heritage Pkwy's remaining 14 miles to connect to Malabar Rd. should also be taken into consideration before allowing the large volume of traffic to consume us.
- The proposed buffer for Sun Terra Lakes from Deer Run is rather

small in some areas. One resident only has a 50 ft buffer from property line to property line We were advised there would be a natural tree line of the existing trees. I will remind you that most of the tree line is Brazilian Pepper trees currently. If you were to approve the Planning and Zoning's suggestion, Many of their homesite lots will be of the size 40x80 as we were informed by the developer. Could we increase the buffer, or install a berm separating the two developments thus retaining more of their own runoff and allow them to create their own canals for water runoff?

- I lived in Kingsmill Subdivision in Melbourne for 17 years and watched my neighborhood flood in major storms and rainfall over and over again due to a neighborhood built behind Kingsmill higher in elevation that shared the same retention ponds as Kingsmill and not enough space to retain nor culvert size to carry the water fast enough under Lake Washington Rd. It was tragic watching the homes in the back flood. Some are still recovering from mold issues.
- We do not have school aged children but understand there are no schools or teachers to support this density.
- There is no Fire station within 9-11 miles of Deer Run and we already pay high insurance premiums for that reason. We will need more than one station if all the development planned is coming any time soon.

Again, we do not have an issue with new development. We welcome it! However, we would like to see it arrive more properly planned, more conforming to Deer Run's sized lots and without harm to the neighboring Deer Run Community.

We ask that you vote to keep the future land use "AS IS".

Thank you for your time and consideration.

Sincerely,

--
James & JoAnn Young
8423 Elk Ave
Palm Bay, FL 32909

Real Estate Broker
321-243-4917



From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment 23LS00001 May 2, 2024 Zoning Agenda
Date: Thursday, April 25, 2024 8:31:00 AM
Attachments: [Public Comment 23LS00001_multi.pdf](#)
[image001.png](#)
[image002.png](#)

Good morning Kristen,

On behalf of Commissioner Feltner, please see the attached public comments which our office has received pertaining to item 23LS00001.

Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

Mascellino, Carol

From: JoAnn Young <goldensforever@gmail.com>
Sent: Wednesday, April 24, 2024 4:21 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: URGENT: Sun Terra Lakes Development meeting May 2nd,2024

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Good afternoon Commissioners,

My name is JoAnn Young. I am a real Estate Broker and a resident of Deer Run in Southern Brevard. My husband and I own two adjacent properties totalling 5 acres that will border the recently purchased Sun Terra Development. We have attended the developer's meeting & the Planning and Zoning meeting for changing the future use of said development.

In my business profession I have worked with the county making inquiries on future land use and conformity. In my conversations with department employees, the county seems to want to keep conformity with the surrounding properties. The reasons are obvious. The future land use for the 1100+ acres of Sun Terra is 1 residence per 2.5 acres - The same as Deer Run. Sun Terra has requested Res 4 with a cap at 3. The planning and zoning committee is recommending Res 2 for your commissioners meeting.

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Our main concerns are the following:

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Kingsmill higher in elevation that shared the same retention ponds as Kingsmill and not enough space to retain nor culvert size to carry the water fast enough under Lake Washington Rd. It was tragic watching the homes in the back flood. Some are still recovering from mold issues.

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We ask that you vote to keep the future land use "AS IS".

Thank you for your time and consideration.

Sincerely,

James & JoAnn Young
8423 Elk Ave
Palm Bay, FL 32909

Real Estate Broker
321-243-4917



Mascellino, Carol

From: Jim Araiza <jaraiza@1800yachtcharters.com>
Sent: Wednesday, April 24, 2024 5:03 PM
To: Commissioner, D4
Subject: Please deny the SunTerra rezoning request - here's why...

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

Dear Commissioner Feltner,

I oppose the SunTerra zoning request.

As a property owner in adjacent Deer Run Equestrian Community, the most compatible zoning for the SunTerra property is exactly what Brevard County desired this area to be: R1.

Our current county commissioners, and those who preceded you, have ALWAYS placed great emphasis on quality of life and protection of our local environment.

Indeed, that is what drew us to Deer Run and southern Brevard County county: spacious neighborhoods and wildlife, supported by YOUR commission's dedication to adequate infrastructure and safety!

Approving SunTerra's request for R4 zoning would abandon your commission's long-standing commitment to protect south Brevard County. Adequate infrastructure is not in place, nor in the current budget to support the requirements of the massive R4 community desired by SunTerra.

I support development – everyone needs a place to live and call their own. The new Sun Terra neighbors should enjoy the same protections currently in place for our Deer Run community. We have accessible streets and adequate infrastructure to support our quality of life, our wildlife, and the environment. A massive R4 development will not only adversely affect Deer Run, but also the new residents of SunTerra. We will all suffer...

I don't believe that's what you and your fellow commissioners envision for our community. I know it's not the vision your predecessors had when they addressed the best-use zoning of southern Brevard County!

Developers rarely know (or care) what is "best" for a community. You do! Please stay the course...

Thank you for your service, Rob...

With appreciation,

Jim Araiza
105 Deer Run Road
Palm Bay, FL 32909
305-720-7245

Mascellino, Carol

From: Big Morly <morly464@gmail.com>
Sent: Tuesday, April 23, 2024 10:21 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Sun Terra

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

Hello, I own a property in Deer Run, I bought this property mainly because of the area, it is a perfect community to live in because of its tranquility, its natural habitat and the space we have between houses, now I am reviewing the information about a construction of thousands of houses in the vicinity of Deer Run, this would put an end to everything mentioned above, this new community of thousands of houses with spaces between them with less than half an acre would be putting an end to the type of construction zone, with the tranquility of all the neighbors of Deer Run, with the animals in the areas, this would also leave less land that helps with the rainwater that is so needed in this area, these thousands of houses would also be depreciating our houses.

I don't understand why a millionaire company wants to do a project on wetland lands with trees, plants and animals unique to the area and the county can easily allow it and a person who is not at the economic level of that company, the county puts so many restrictions on him. , so many inspections and only to tell you that you cannot build because the land is wetlands and there are protected species, it is impossible for any person to clean a lot of more than one acre due to all the county restrictions and now a millionaire company is easy to destroy a large area of wetland land with so much natural life.

I would like to know where the deer, wild pigs, turtles, turkeys and all the birds that inhabit those lands would go? Or if this company would pay the thousands of dollars that the county charges to move these animals to a safe area, I would also like to know if they would be planting the number of trees that the county requests for each one they remove on those lands, if you have an answer For this please let me know.

Mascellino, Carol

From: zach Levy <zlevy0715@gmail.com>
Sent: Tuesday, April 23, 2024 1:36 PM
To: Commissioner, D4
Subject: South Brevard Rezoning (Sunterra)

Categories: Carol

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

Hello Mr Feltner,

My name is Zach Levy, I am a land owner and hopeful future resident of 179 Deer Run Rd. I currently live in South East Palm Bay, and have lived in this area my whole life.

My wife and I are working towards moving our family to the Deer Run community to raise our young children in a place filled with space to play and listen to the sounds of nature.

The South St John's Heritage Parkway development is exciting in that it opens the Deer Run area to easier access to the rest of the county via I-95, and we are supportive of the general development of the area. That said, I am concerned by the level of allowed re-zoning of the land (especially that directly adjoining to Deer Run) to allow densely packed homes. I am concerned over the noise pollution, the traffic increase, and the displaced water that could further flood the already flood prone Deer Run; additionally I am concerned about the available resources of fire, police, medical, and educational facilities to cover this area that is quickly booming in population.

I understand the benefit to the development, and I would like to ask that requests for rezoning (namely the Sunterra development) be denied. Again, I am for development, I just ask it not be as densely packed as Sunterra is proposing directly by Deer Run. I ask this not only out of personal desire to live in peace, but also out of concern that not enough foresight is going in to the pace of development in our area.

Thank you for your time,
Zach Levy

Mascellino, Carol

From: Bill Sergent <wsargent1@yahoo.com>
Sent: Tuesday, April 23, 2024 9:17 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Sunterra Development
Categories: Carol

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

Good afternoon,

My name is William Sergent and I live in the Deer Run subdivision at 325 Pinto Lane, across the street from where the proposed new development would be built.

I would like to say I'm happy to see our community grow, but I, like many other residents in Palm Bay are concerned about the unmitigated growth. I've been through this before and what was a nice place to live, became a nightmare. I previously lived in a town that was adjacent to Murfreesboro, TN. Over the past ten years, it has almost doubled in size to 175,000 residents. The infrastructure is lacking, traffic is a nightmare, schools are over crowded, new ones can't be constructed quick enough and there's a huge shortage of teachers and bus drivers. Not to mention the increase in crime, taxes (approx 50% over the few past years) and an overall negative impact on the way of life.

We too welcomed the growth but we realized that sometimes you regret what you asked for. Having attended the Sunterra meeting at Comfort Suites, there doesn't seem to be much of a plan for anything but construction. There's not enough schools and most are already frozen, infrastructure is lacking, not enough first responders, hospitals, etc, etc, etc. Sounds and looks familiar. The overcrowding that negatively impacted so many things is the main reason I moved from Tennessee. It's not the same place as the farms, agriculture, open spaces and wildlife have been replaced by thousands of homes. Unfortunately, it looks like Palm Bay and Brevard County are headed down the same path as Murfreesboro, TN.

Personally, and I speak for many, I'm not in favor of any new development until some of the above situations are addressed, Unless the course of things change, I foresee another Murfreesboro scenario. I would ask for your consideration to delay any new development until the concerns of the citizens have been addressed and we are actually ready and able to support new building, including Sunterra.

Sincerely,

William and Tamara Sergent
325 Pinto Lane
Palm Bay, 32909
615-430-9241

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23LS00001 Agenda 05/02/24
Date: Thursday, April 25, 2024 12:19:41 PM
Attachments: [Public Comment 23LS00001_Vadnev.pdf](#)
[image001.png](#)
[image002.png](#)

Good afternoon Kristen,

On behalf of Commissioner Feltner; please see the attached public comment concerning item 23LS00001 on the May 2, 2024 agenda. Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

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From: [Cheryl Salov Vadney](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Thursday, April 25, 2024 12:11:06 PM

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

Dear Commissioner Steele,

Good morning and thank you for your representation of South County. Because I have lived here for twenty-three years, I realize how special this area has become to me; and to my neighbors too. I was a suburban girl but now I'm more of a farm girl.

I live in the Deer Run subdivision. I am a recent widow so I maintain my 2.7 acres mostly by myself now. It's hard, sweaty work but I love this land.

A new proposed subdivision has come to our attention which will be built on about 1,000 acres to the north of Deer Run. As I know you are aware, the Planning and Zoning Commission has reduced the density in SunTerra from four homes per acre to 2. As I understand it, due to the available buildable acres, there will be more homes per acre than two.

We've seen a lot of development in South County lately. Some good, some not so much. SunTerra could be a lovely addition to the area if it remains consistent with the surrounding lands. We are blessed to have the Micco Scrub Preserve, the EELs land and Deer Run. Here in my subdivision, the minimum lot size is 2.5 acres. Some folks have more. It was the original intent of the Brevard County for the future density of this land to be one home on 2.5 acres. That certainly seems more in keeping with the current landscape.

There are so many concerns of which I'm sure you are aware; being built in phases, the construction will seem never ending. We have grave concerns regarding schools, fire response, law enforcement, traffic and Babcock St. and not the least of which, the wildlife. Deer Run has seen an explosion in the wild boar and deer population which has caused a great deal of destruction. We always had some but now it is every single day. There is less and less land available to the wildlife.

It is my hope that you vote to maintain the vision of the original intent of one home per 2.5 acres. I also hope to have the pleasure of meeting you on May 2.

Sincerely,
Cheryl Salov Vadney
349 Stallion St. Palm Bay FL 32909
(321) 409-8369
cherylsalov@hotmail.com

From: [Schmadeke, Adrienne](#)
To: [Champion, Kristen](#)
Subject: 23LS00001 public comment
Date: Thursday, April 25, 2024 2:16:58 PM
Attachments: [SunTerra_Development.pdf](#)

Good afternoon Ms. Champion,

On behalf of Commissioner Pritchett, she has received the attached public comment for 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov
7101 S. US Hwy 1
Titusville, FL 32780

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From: [Cheryl Salov Vadney](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Thursday, April 25, 2024 12:11:06 PM

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

Dear Commissioner Steele,

Good morning and thank you for your representation of South County. Because I have lived here for twenty-three years, I realize how special this area has become to me; and to my neighbors too. I was a suburban girl but now I'm more of a farm girl.

I live in the Deer Run subdivision. I am a recent widow so I maintain my 2.7 acres mostly by myself now. It's hard, sweaty work but I love this land.

A new proposed subdivision has come to our attention which will be built on about 1,000 acres to the north of Deer Run. As I know you are aware, the Planning and Zoning Commission has reduced the density in SunTerra from four homes per acre to 2. As I understand it, due to the available buildable acres, there will be more homes per acre than two.

We've seen a lot of development in South County lately. Some good, some not so much. SunTerra could be a lovely addition to the area if it remains consistent with the surrounding lands. We are blessed to have the Micco Scrub Preserve, the EELs land and Deer Run. Here in my subdivision, the minimum lot size is 2.5 acres. Some folks have more. It was the original intent of the Brevard County for the future density of this land to be one home on 2.5 acres. That certainly seems more in keeping with the current landscape.

There are so many concerns of which I'm sure you are aware; being built in phases, the construction will seem never ending. We have grave concerns regarding schools, fire response, law enforcement, traffic and Babcock St. and not the least of which, the wildlife. Deer Run has seen an explosion in the wild boar and deer population which has caused a great deal of destruction. We always had some but now it is every single day. There is less and less land available to the wildlife.

It is my hope that you vote to maintain the vision of the original intent of one home per 2.5 acres. I also hope to have the pleasure of meeting you on May 2.

Sincerely,
Cheryl Salov Vadney
349 Stallion St. Palm Bay FL 32909
(321) 409-8369
cherylsalov@hotmail.com

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment 23LS00001 May 2, 2024 Zoning Agenda
Date: Wednesday, May 1, 2024 2:12:01 PM
Attachments: [Public Comment 23LS00001 Roman.pdf](#)
[Public Comment 23LS00001 Winegar.pdf](#)
[image001.png](#)
[image002.png](#)

Kristen,

On behalf of Commissioner Feltner, please see the attached public comments he received pertaining to 23LS00001 on the May 2, 2024 Zoning Agenda. Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracomunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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Firstly, we rely on a Shallow well for our water supply, and we are apprehensive about the potential negative effects of the dewatering process required for the installation of the proposed lake behind our property. Given its proximity, any adverse consequences could directly impact our household.

Secondly, the proposed removal of the invasive Brazilian pepper trees, which currently serve as a natural barrier, raises concerns about the prolonged exposure of our property to the construction activities that will follow. Maintaining a certain level of privacy and aesthetic appeal in our backyard is important to us, and we seek assurances that measures will be taken to address this issue.

Furthermore, we need to understand the developer's plans for mitigating stormwater runoff in a manner that will not adversely affect our properties. As responsible homeowners, we recognize the importance of sustainable development practices and wish to ensure that our community's natural resources are preserved.

It is worth noting that we do not oppose the development outright. On the contrary, we believe that with proper consideration and ongoing dialogue, the future development could contribute positively to our growing area. We are encouraged by the developer's willingness to engage with the community openly and take our concerns seriously.

In conclusion, we respectfully urge you to address the aforementioned issues in your planning process and to keep the lines of communication open as the project progresses. By doing so,

we believe that together we can ensure a mutually beneficial outcome for all stakeholders involved.

Thank you for your attention to our concerns.

Thank you!

Mary Roman

Lic. Real Estate Broker

State of Florida

Southern Signature Realty, LLC.

Southern Commercial Management/Southern Companies

Office: 954-670-2808 Cell: 954-914-8764

mary@maryroman.com www.southern-companies.com



Please help others in their decision to hire us and kindly leave a review by following the links above!!

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:35 PM

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

Dear Commissioners Steele, Pritchett, Goodson, Tobia, and Feltner,

I live in Deer Run and am writing to express concern about the SunTerra development north of our neighborhood.

I am not against development in our little slice of Florida paradise, but I would like to stress that it needs to be compatible with our adjacent established neighborhood.

I believe we are the only horse community left in this county. As such, all of our properties are at least 2.5 acres in size. We value the quiet rural lifestyle here and abundant wildlife. It makes me shudder to think of the proposed houses almost touching each other crammed together on tiny yards – which would be within view just on the other side of our property.

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Sincerely,
Pam & Richard Winegar
194 Cavalier Street
Palm Bay, FL 32909
(321) 431-9570
pgwinegar@aol.com
Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

District 2 Disclosures
5/2/2024 BOCC Zoning Meeting

G.5. JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use designation from RES1:2.5 to RES 4 and CC. (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

- On 4/14/2024, received email from Anita requesting to not rezone this area.
- On 4/15,2024, received emails from the following with opposition to the project as proposed:
 - Gloria Kanungo
 - Justin Neal
 - Neil Adams – two separate emails
- On 4/15/2024, received email from Minde Gibson with a letter regarding concerns/issues to be discussed and addressed to minimize impacts to the Deer Run Equestrian Community and the local environment
- On 4/23/2023, received emails from the following with opposition to the project as proposed:
 - William and Tamara Sergent
 - Big Morly
 - Zach Levy
- On 4/24/2024, received emails from the following with opposition to the project as proposed:
 - James & JoAnn Young
 - Jim Araiza
- On 4/25/2024, received email from Cheryl Salov Vadney opposing the project as proposed.
- On 4/26/2024, received email from Sarah Neal with opposing the project as proposed.
- On 5/1/2024, received emails from the following:
 - Mary Roman – raising some concerns/issues for consideration
 - Pam & Richard Winegar with opposition to the project as proposed

From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracommunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
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In conclusion, we respectfully urge you to address the aforementioned issues in your planning process and to keep the lines of communication open as the project progresses. By doing so, we believe that together we can ensure a mutually beneficial outcome for all stakeholders involved.

Thank you for your attention to our concerns.

Thank you!

Mary Roman

Lic. Real Estate Broker

State of Florida

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mary@maryroman.com www.southern-companies.com



Please help others in their decision to hire us and kindly leave a review by following the links above!!

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:35 PM

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Palm Bay, FL 32909
(321) 431-9570
pgwinegar@aol.com
Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public Comments 23LS00001
Date: Thursday, May 2, 2024 8:52:02 AM
Attachments: [Sun Terra Project.pdf](#)
[SunTerra Development.pdf](#)
[Sunterra Lakes Development Babcock St. Palm Bay.pdf](#)
[SunTerra Zoning .pdf](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, attached are more public comments received for 23LS00001.

Thank you for your support of her office.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke

Legislative Aide

Brevard County Commission, District 1

Commissioner Rita Pritchett

[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

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From: webhog1@yahoo.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra Project
Date: Wednesday, May 1, 2024 4:44:38 PM

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Attention Commissioners:

The owners/applicants (JEN Florida 48 LLC / Poulos and Bennett LLC) wish to develop 1,109 acres that has a future land use of RES 1:2.5. To the west and south of this project is the Deer Run community, also having a future land use of RES 1:2.5.

According to the county's Future Land Use Element:

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- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

The owners/applicants desire to develop at a higher density serves no benefit to traffic, police and fire safety, schools or the environment. Their only desire is increased profit.

If the owners/applicants wish to develop this property, then it should be developed at 1 unit per 2.5 acres (minimum lot size), with no PUD density bonuses.

Thank you.

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:37 PM

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(321) 431-9570
pgwinegar@aol.com
Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracommunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
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Mary Roman

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State of Florida

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Office: 954-670-2808 Cell: 954-914-8764

mary@maryroman.com www.southern-companies.com



Please help others in their decision to hire us and kindly leave a review by following the links above!!

From: [Sarah Neal](#)
To: [Commissioner, D1](#)
Subject: SunTerra Zoning
Date: Friday, April 26, 2024 8:18:33 AM

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

Dear Ms. Pritchett,

As a mother of a two-year-old and part of a young family, I want to express our deep concern about the proposed changes to our beloved Deer Run community. Our little ones thrive in this haven of nature, and we're committed to keeping it safe and full of wildlife for them to explore and enjoy.

The proposed SunTerra zoning request is troubling for us. It threatens to disrupt the peaceful lifestyle we cherish. Currently, Deer Run is zoned Agriculture, with spacious 2.5-acre parcels allowing for a harmonious coexistence with nature. However, SunTerra's plan to rezone to R4, with the potential for up to 13 homes per acre, is simply incompatible with our way of life.

Imagine looking out from our yards and seeing rows of houses instead of the serene landscape we're accustomed to. The noise, the congestion—it's a stark contrast to the tranquility we've come to love. And it's not just about us; it's about preserving this environment for our children and the generations to come.

Moreover, the proposed development poses a threat to our precious natural habitats, including the Micco Scrub Sanctuary. These areas are vital for our local wildlife and contribute to the rich biodiversity of Brevard County. We must protect them for the sake of our children's future.

Infrastructure concerns also weigh heavily on our minds. How will our roads cope with the influx of thousands of vehicles? Who will bear the cost of necessary expansions and upgrades? These are questions that demand answers, especially when it comes to vital services like water, sewage, fire, police, and healthcare.

Our schools are already stretched to their limits, with no clear plan to accommodate additional students. The shortage of teachers and bus drivers further exacerbates the problem. We simply cannot afford to compromise on our children's education and well-being.

And let's not forget about stormwater drainage. The proposed development threatens to exacerbate flooding issues, putting our homes and families at risk. We've invested in initiatives to protect our waterways, yet SunTerra's plans could undo all that progress.

In essence, Deer Run thrives on its sense of community and connection to nature. We moved here because we believed in the vision for this area—a vision that respected the environment and valued our quality of life. Without proper safeguards in place, SunTerra's proposal puts all of that at risk.

Add to your post

As a concerned mother and member of this community, I urge you to join me in opposing this zoning request. Together, we can ensure that Deer Run remains a safe haven for wildlife and a nurturing environment for our families. Thank you for listening.

Warm regards,

Sarah Neal 306 Fox Trail Street Palm Bay, FL 32909



From: [Commissioner, D2](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D2](#)
Subject: D2 Disclosure List
Date: Thursday, May 2, 2024 9:25:24 AM
Attachments: [image001.png](#)

Good morning Kristen,
Can you please add the below email to our disclosure list?

- On 5/1/2024, received email from Marty Piatkowski opposing the project as proposed

Thank you and have a great day,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtenay Parkway Suite 200
Merriitt Island, FL 32953
Ph: (321) 454-6601
E-mail: Susan.Smith@brevardfl.gov

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Wednesday, May 1, 2024 4:45 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Subject: Sun Terra Project

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Attention Commissioners:

The owners/applicants (JEN Florida 48 LLC / Poulos and Bennett LLC) wish to develop 1,109 acres that has a future land use of RES 1:2.5. To the west and south of this project is the Deer Run community, also having a future land use of RES 1:2.5.

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Residential 1:2.5 (maximum of 1 unit per 2.5 acres)

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Thank you.

Marty Piatkowski

Palm Bay, FL

Enjoy life now... it has an expiration date

From: [Patricia Hagin](#)
To: [Champion, Kristen](#)
Cc: [John](#)
Subject: Fwd: Deer Run Community Resident at 332 Pinto Lane, Palm Bay, Florida 32909, Response to Rezoning Property Located Directly Behind My Home/Property
Date: Thursday, May 2, 2024 9:55:57 AM

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

Good morning Ms. Champion,

Over the past year my husband and I have been building a home that is now 500 ft of property owned by JEN Florida 48, LLC per your card and notice ID# 23LS00001.

My main concern of this development is any engineering of the property that would increase threat of flooding to my property. Will/can the property owners receive notice from builders that land preparation to build near adjoining current property owners like us will not increase potential flooding?

Another concern, is the home to acre ratios. We are 1 residential to 2.5, which is nice but has been costly to prep for build and we don't want to see our property value decrease. Recommend, ALL builds that are within 500 feet of our property maintain at least a 4 to one acre ratio.

My last concern is the impact of the migration of nature as the property is cleared. Will the county be monitoring the migration and ensure adjacent property owners are protected from such migration?

I apologize for just getting this to you sooner as I was traveling and just got your card.

I am in Ohio this week so will not be attending the meeting.

Thank you for considering our concerns.

Patricia Hagin

332 Pinto Lane, Palm Bay, FL

614 886 1369

>
>
>
>

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Bellak, Christine](#); [Wines, Katie](#); [Commissioner, D4](#)
Subject: Public Comment -05/02/24 Agenda Item 23LS00001
Date: Thursday, May 2, 2024 10:26:08 AM
Attachments: [Public Comment 23LS00001 Piatkowski.pdf](#)
[image001.png](#)
[image002.png](#)

Kristen,

On behalf of Commissioner Feltner, please see the attached public comment our office received.
Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

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From: webhog1@yahoo.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra Project
Date: Wednesday, May 1, 2024 4:44:35 PM

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The owners/applicants (JEN Florida 48 LLC / Poulos and Bennett LLC) wish to develop 1,109 acres that has a future land use of RES 1:2.5. To the west and south of this project is the Deer Run community, also having a future land use of RES 1:2.5.

According to the county's Future Land Use Element:

Residential 1:2.5 (maximum of 1 unit per 2.5 acres)

Policy 1.10

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The Residential 1:2.5 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 1:2.5 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

The owners/applicants desire to develop at a higher density serves no benefit to traffic, police and fire safety, schools or the environment. Their only desire is increased profit.

If the owners/applicants wish to develop this property, then it should be developed at 1 unit per 2.5 acres (minimum lot size), with no PUD density bonuses.

Thank you.

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date



DISTRICT 4 COMMISSION OFFICE
2725 Judge Fran Jamieson Way, #C-214
Viera, FL 32940-6698
T: 321-633-2044
D4.Commissioner@brevardfl.gov

April 17, 2024

To: Kristen Champion, Special Projects Coordinator III
From: Rob Feltner, District 4 Commissioner

Re: Disclosure **23LS00001**
Tax Accounts: 3000277, 3000368, 3000827, 3000829

Concerning **23LS00001** on the May 2, 2024 Brevard County Planning and Zoning Agenda; Commissioner Rob Feltner met with Mr. James Dunn and Mr. Daniel Edwards. Discussion entailed compatibility of the project to the area, concerns of the residents of Deer Run and Large-Scale Comprehensive Plan Amendment (2023-2).

This meeting took place on April 16, 2024, in the District 4 Commission Office and lasted 18 minutes.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rob Feltner', is written over a white background.

Rob Feltner
Brevard County Commissioner
District 4

From: [Stern, Danielle](#)
To: [Richardson, Morris](#)
Cc: [Champion, Kristen](#); [Steele, Jason](#)
Subject: disclosure
Date: Wednesday, April 24, 2024 1:07:47 PM

Commissioner Steele has asked me to email you and let you know that he had a conversation with Kim Rezanka today regarding the items on the next Commission Zoning meeting.

Danielle Stern
Chief of Staff
District 5 County Commissioner Jason Steele
490 Centre Lake Drive NE
Suite 175
Palm Bay, FL 32907
(321)253-6611

From: [Schmadeke, Adrienne](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#)
Subject: 23LS00001
Date: Thursday, April 25, 2024 2:35:24 PM

Good afternoon Ms. Champion,

On behalf of Commissioner Pritchett, she would like to disclose that on Thursday, April 25, she had a 20 minute meeting with Kim Rezanka, Jim Dunn, and Dan Edwards where she listened to the information regarding 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov
7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.



BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
COMMISSIONER JOHN TOBIA, DISTRICT 3

2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905
www.Brevardfl.gov

Phone: (321) 633-2075
Fax: (321) 633-2196
John.Tobia@Brevardfl.gov

April 26, 2024

To: Kristen Champion
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Champion,

Regarding the upcoming agenda item G.5 (application #23LS00001) for the zoning meeting to be held on May 2, 2024, please be advised in advance that I spoke with the following parties at the District 3 Commission Office, 2539 Palm Bay Road NE, Suite 4, Palm Bay, FL 32905, on April 24, 2024:

Kim Rezanka
Jim Dunn
Dan Edwards

The meeting lasted approximately thirty minutes, during which the above individuals provided details regarding the amendment request.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco



BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
COMMISSIONER JOHN TOBIA, DISTRICT 3

2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905
www.Brevardfl.gov

Phone: (321) 633-2075
Fax: (321) 633-2196
John.Tobia@Brevardfl.gov

May 2, 2024

To: Kristen Champion
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Champion,

Regarding the upcoming agenda item G.5 (application #23LS00001) for the zoning meeting to be held on May 2, 2024, please be advised in advance that I spoke with the following party via phone on May 2, 2024:

Kim Rezanka

The phone call lasted approximately three minutes, during which the above individual provided answers to questions regarding the amendment request.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco

Sun Terra Lakes COUNTY COMMISSION

May 2, 2024

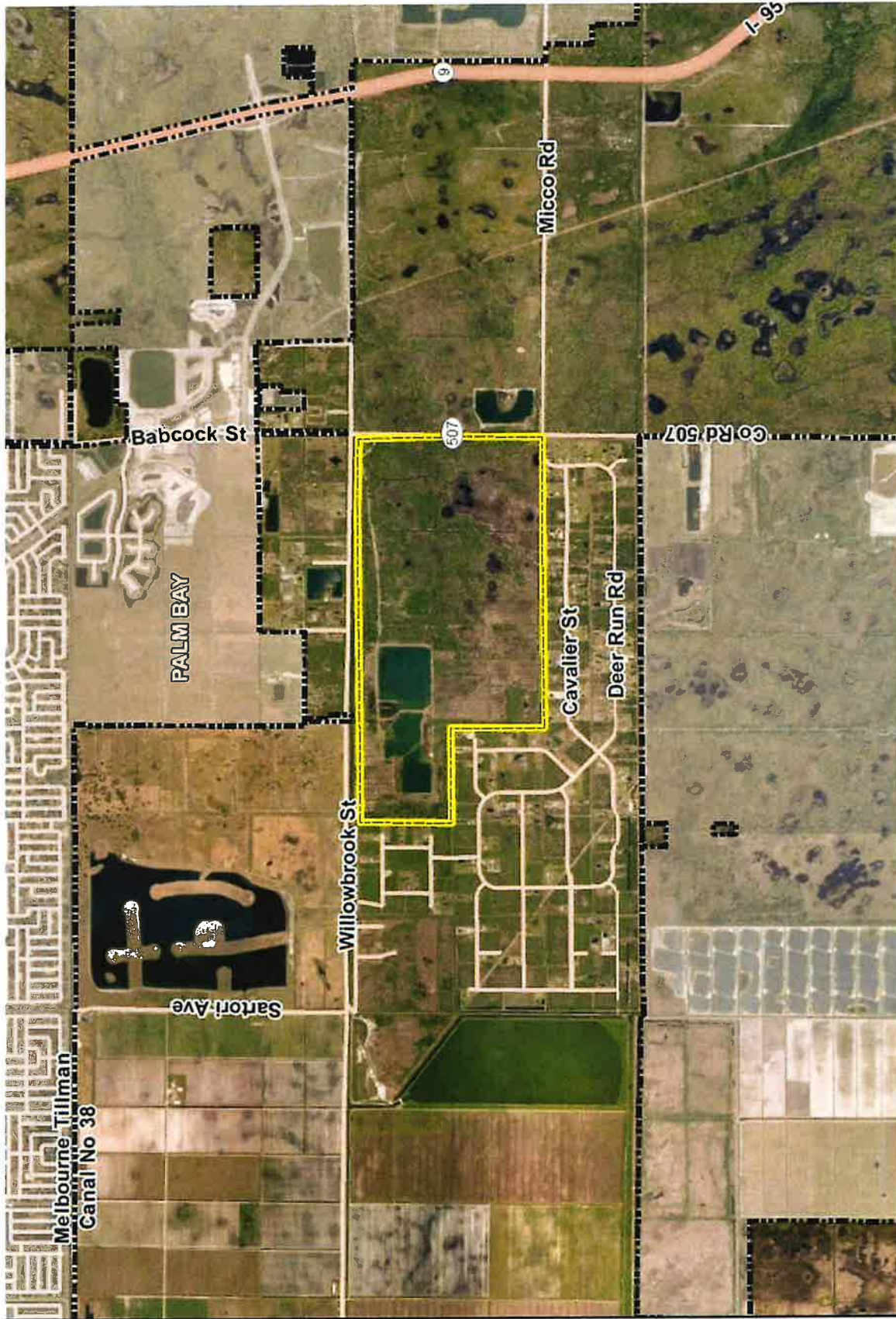
Project Location and Summary of Request

Location:

Located on the west side of Babcock Street, south of Willowbrook Street, in unincorporated Brevard County, Florida.

Summary of Request:

A Large-Scale Future Land Use Map Amendment from RES 1:2.5 (Residential 1 Unit per 2.5 Acres) to RES 4 (Residential 4 Units per Acre) and CC (Community Commercial).



SOURCE: Brevard County, FL

Actual



Subject Boundary

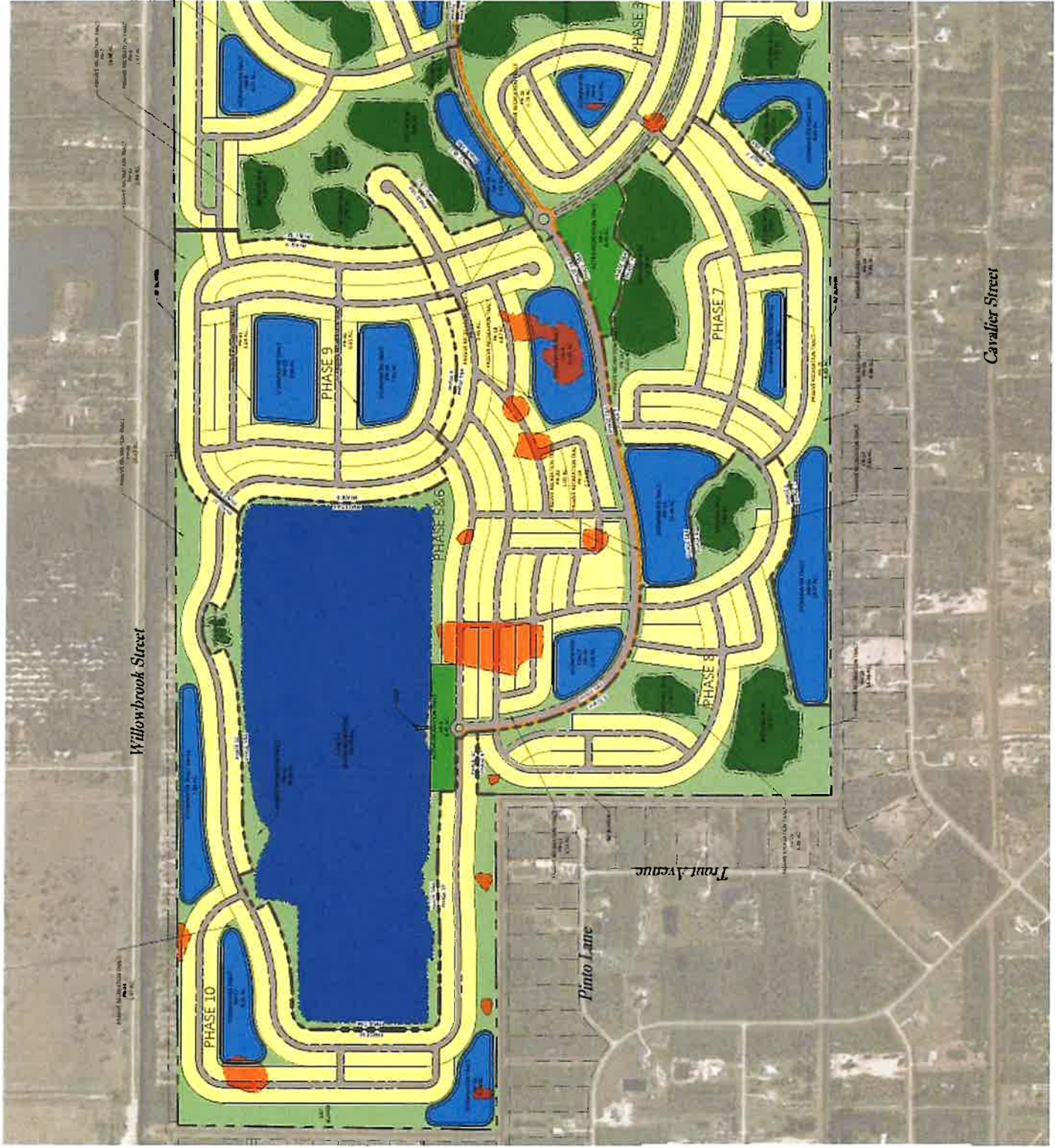
SunTerra - Brevard Co

04/09/2024
P. & E. Job No.: 23-081

2602 E. Livingston Street
Orlando, FL 32803 Ph: 407-437-2564

www.poulosandbennett.com
Certificate of Authorization No. 25267

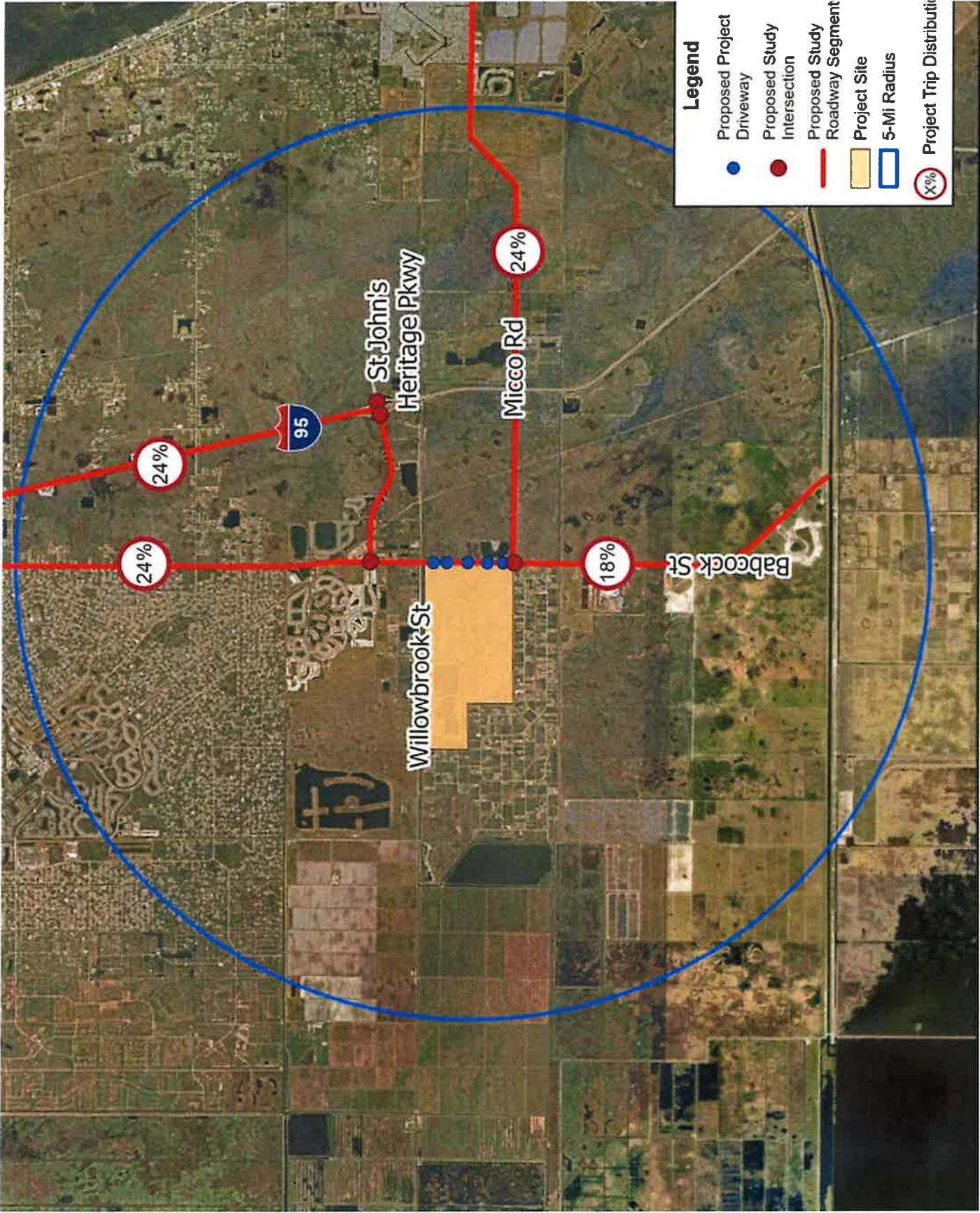
Sun Terra Lakes

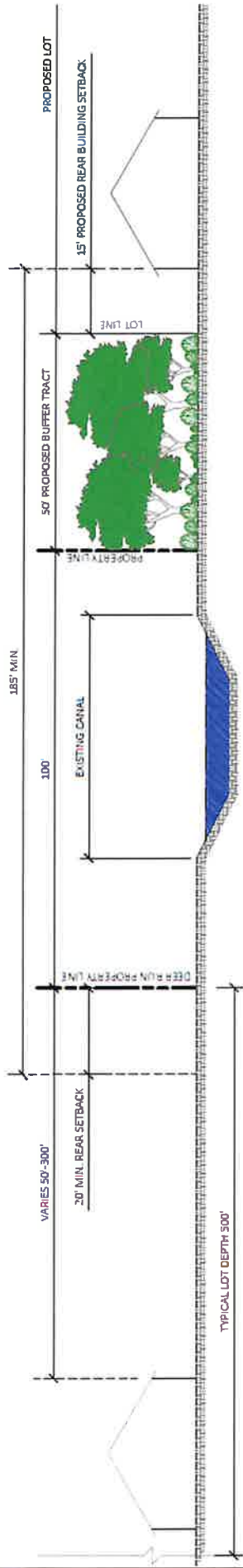


Proposed Development Program	
Proposed Max Allowable Dwelling Units	3,246
Proposed Max Commercial Development (Sqft)	468,540
Open Space	140.08
Active Recreation	328.46
Passive Recreation	

COMMUNITY MEETING

- Occurrence: 6pm-8:45pm on April 10th, 2024
- Location: Comfort Suites Inn, 1175 Malabar Rd, Palm Bay
- Attendance:
 - In-Person – 17 (per sign in sheet), 23 total
 - Virtual – 21 attendees
- Concerns and Responses
 - Traffic Congestion
 - School Impacts
 - Fire and Police Response
 - Density
 - Consistency and Compatibility





Perimeter Cross Section

N.T.S.

Perimeter Cross Section

SunTerra Brevard County Mixed Use

1000 S. US Highway 1, P.O. Box 1000, Titusville, FL 32780
 321.255.1111
POULOS & BENNETT
 ARCHITECTS
 A Florida Professional Corporation
 License No. 11467

February 28, 2024
 P. & W. 144 No. 23-081

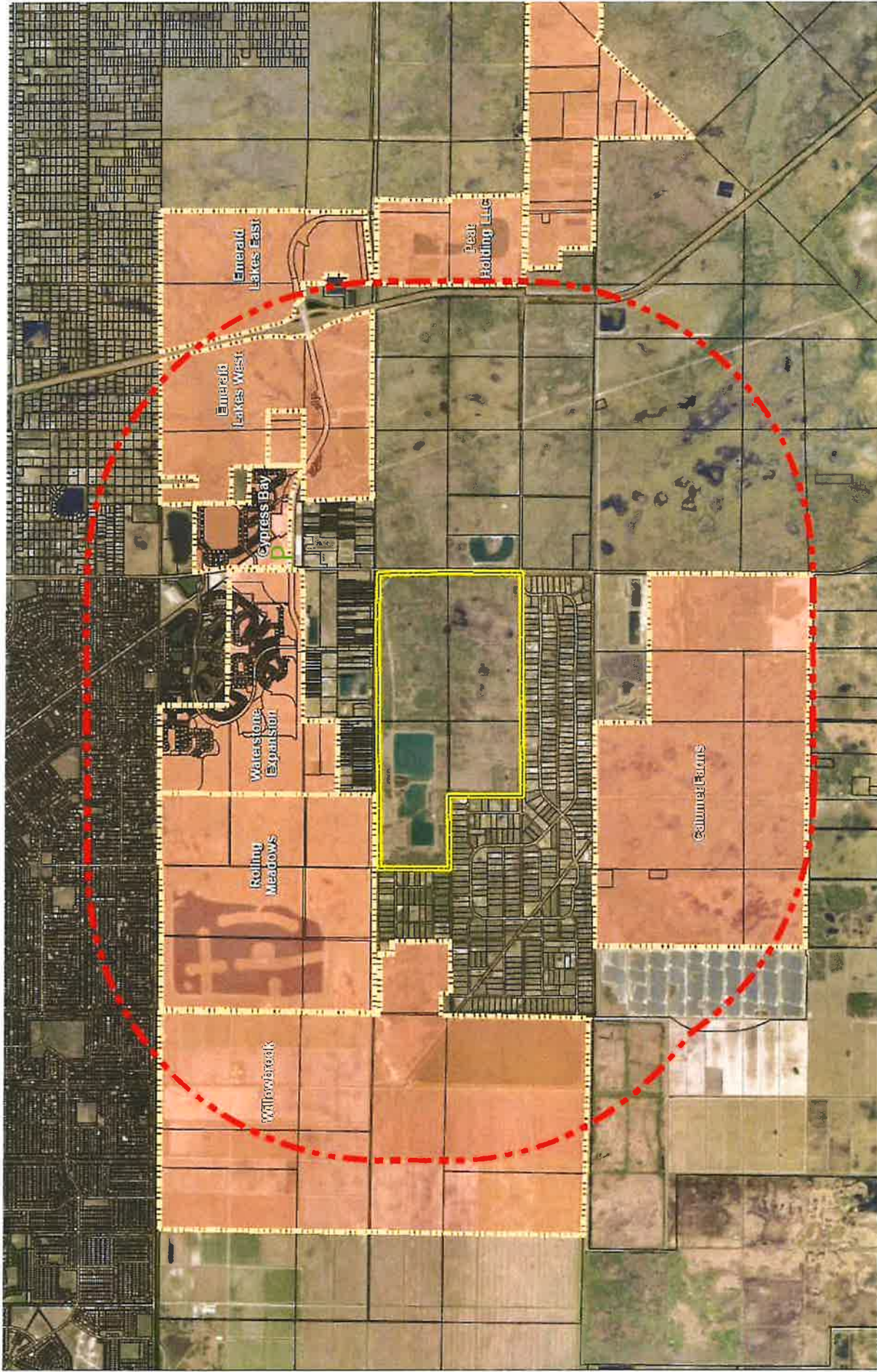
20240228-1000 SUN TERRA BREVARD COUNTY MIXED USE - 500' EIR



Willowbrook Dimensions

Sun Terra Lakes

440 S. Lawrence St.
 Ocala, Florida 32609-9711 USA
 www.poulosandbennett.com
 Cell: 352.369.3663 Fax: 352.369.3664



Map Source: Esri and Columbia, FL

- Subject Property
- Two-Mile Buffer
- Future Developments

03/14/2023
P & P Job No. 23-031

Two-Mile

SunTerra - Brevard Co

POULOS & BENNETT

2600 E. Livingston Street
Orlando, FL 32803 Ph: 407-407-2794
www.poulosandbennett.com
Certificate of Accreditation No. 20061

DEVELOPMENT PROCESS

Large-Scale Future Land Use Map Amendment

1. April 10, 2024 – Community Meeting
2. April 15, 2024 – Local Planning Agency
3. May 2, 2024 – Board of County Commission
 - If BOCC approves, CPA will be transmitted to the State for review
4. TBD – County Commission Hearing
 - To Approve or Disapprove CPA
5. TBD – Planned Development Zoning

April 1, 2024

Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Building A Room 114
Viera, FL 32940

Subject: Large-Scale Comprehensive Plan Amendment
Consistency and Compatibility with Brevard County's Comprehensive Plan
Application #23PUD00005
Poulos & Bennett Job No. 23-081

The Property is generally located on the west side of Babcock Street, south of Willowbrook Street in unincorporated Brevard County, Florida. It is owned by Jen Florida 48, LLC and consists of parcels 30-37-08-HF-500; 30-37-09-00-500; 30-37-17-HF-1; 30-37-16-00-. Please see Exhibit A for the Legal Description of the Property. The Property is approximately **1,109.57** acres in size. The proposed development plan (Exhibit B) projects 1082.24 acres of the 1,109.57 acres to be residential, while the remaining 27.33 acres is to be designated as commercial.

The applicant requests approval for a Large-Scale Future Land Use Map amendment to change the Future Land Use Designation of the Property from RES 1:2:5 (Residential 1 Unit per 2.5 Acres) to Residential 4 (Residential 4 Units per Acre) and CC (Community Commercial) with the intent to cap the density of the development to three (3) dwelling units per acre and develop through the Planned Unit Development zoning district. The proposed development program includes 3,246 single-family residential units, along with 398,000 square feet of accompanying and supporting nonresidential uses (Exhibit B).

Brevard County Comprehensive Plan Policies

Below is a justification statement for the proposed amendment summarizing consistency and compatibility with each element of the County's Comprehensive Plan.

1. Conservation Element

The goal of the Conservation Element is to protect, conserve, enhance, maintain and appropriately use natural resources and environmental systems, maintaining their quality and contribution to the quality of life and economic well-being of Brevard County.

Policy 1.3 Criteria A

The County shall reduce the potential for mobile source emissions by the following means:

Criteria A: Promote appropriate Planned Unit Development and multi-use developments or use centers.

Justification:

The proposed site will be developed through the Planned Unit Development Zoning district standards and processes per the Site-Specific Policies listed in Exhibit C. Furthermore, the proposed development is to consist of both residential and nonresidential uses to provide convenient access to goods and services for the residents. The provisioning of goods and services in close proximity to residents and within the Planned Unit Development will reduce

the traditional daily trips needed by residents and, thus, reduce projected Vehicle Miles Traveled (VMT). Furthermore, the development will be amenitized with interconnected walking trails to further promote a sustainable, multimodal development that minimizes mobile source emissions.

Policy 2.1 Criteria A

Policy 2.1 states that Brevard County shall address various energy saving methods including:

Criteria A: Encouraging appropriate Planned Unit Development and multi-use developments.

Justification:

The current Future Land Use Designation only allows for 1 unit per 2.5 acres. The 1 dwelling unit per 2.5-acre maximum density would create inefficient sprawl. As such, the current Future Land Use Designation is in conflict with Conservation Element Policy 2.1. In contrast, the proposed Future Land Use designation provides for a site-specific policy listed in Exhibit C that requires this development to proceed through the Planned Unit Development process, while providing multiple uses within the development for resident enjoyment and convenience. As such, the proposed designation requested is more appropriately aligned with the policies and intent of the Conservation Element by providing for a more efficient distribution of residential units with convenient access to goods and services for the residents.

2. Surface Water Element

The Goal of the Surface Water Element is for a safe, efficient, environmentally sound and comprehensive surface water management system in Brevard County.

Justification:

If developed, a drainage plan must be prepared in accordance with current regulations and approved by the County, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the County during the site plan review process.

3. Recreation and Open Space Element

The Goal of the Recreation and Open Space Element is to provide a park and open space system which offers opportunities for a variety of passive and active recreation, promotes visual appeal and provides relief from expanses of development.

Parks and Open Space Policy 1.2

A system of parks and recreational facilities meeting the needs of the population shall be maintained to provide for the acceptable levels of service.

Recreation Element Policy 5.1

Development of residential areas shall provide active recreation and open space areas, to augment public recreational facilities and to provide direct, convenient facilities to meet the recreational needs of the residents.

Recreation/Open Space: Acceptable LOS Standard 3.0 acres of developed park land per 1,000 people living in the unincorporated areas of each planning area.

Max Allowable Dwelling Units – 3,246

Required Recreation/Open Space – $3,246/1,000 = 3.246$ Acres

Provided Recreation/Open Space – 140.8 Acres of Active Recreation; 328.46 Acres of Passive Recreation.

Justification:

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density, beyond Level of Service established for the area. However, extending County resources to this area is not conducive with current available services. As such, to accommodate for this influx in density, a condition on making parks in the development available for public access, while being maintained privately is listed in this report below.

The development will have a series of interconnected parks, open space and recreation facilities. Active recreation space will exceed 140 acres, while passive recreation space will exceed 328 acres for a total of over 460 acres of open space and recreation areas. These areas will be comprised of an existing 100-acre lake will be amenitized to allow for active recreation opportunities supplemented by pocket parks throughout the development.

4. Historic Preservation Element

The goal of the Historic Preservation Element is to identify, protect, preserve, recognize, and mitigate impacts upon the resources which are significant in terms of historic, archaeological, architectural and cultural values, and serve as reminders of Brevard County's heritage.

Justification:

The proposed FLU amendment does not adversely impact the ability and continuation of the County to identify, protect, preserve, recognize, and mitigate impacts on historically or culturally significant resources and values.

5. Housing Element

The goal of the Housing Element is to produce and preserve affordable homeownership and multifamily housing to benefit very low, low and moderate income residents of Brevard County.

Justification:

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing for very low, low and moderate income residents within the county. The proposed conceptual plan (Exhibit B) depicts a mixture of single-family units with convenient access to commercial and civic/open space.

6. Potable Water Element

The Goal of the Potable Water Element is that Brevard County shall pursue a potable water supply which does not deplete the freshwater resource and is safe, environmentally sound, and efficient.

Currently, there are no County water facilities near the Property resulting in a Level of Service Analysis that conveys the level of service provisioned in the area will be deficient.

Justification:

Brevard County does not have a potable water facility within the vicinity of the Property. As such, the Developer will provide the Development with central water by means of an approved alternative source to ensure compliance with Brevard County Level of Service capacity requirements. To ensure that sufficient capacity is available for the Property, the applicant has obtained a Will Serve Letter from the City of Palm Bay, Florida (Exhibit E), dated April 1st, 2024.

7. Sanitary Sewer Element

The Goal of the Sanitary Sewer Element is that Brevard County shall operate and maintain an environmentally sound, and efficient wastewater collection, treatment, and disposal system that protects the public health.

Sanitary Sewer: Acceptable LOS Standards Brevard County shall provide adequate wastewater treatment plant capacity to maintain the proportion of the permit plant capacity divided by the number of equivalent units as more than 210 gallons per day per equivalent unit.

Justification:

Brevard County does not have a wastewater treatment facility for sanitary sewer services within the vicinity of the Property. As such, the Developer will provide the Development with sanitary sewer services by means of an approved alternative source to ensure compliance with Brevard County Level of Service capacity requirements. To ensure that sufficient capacity is available for the Property, the applicant has obtained a Will Serve Letter from the City of Palm Bay, Florida (Exhibit E), dated April 1st, 2024.

8. Solid Waste and Hazardous Materials Element

The Goal of the Solid Waste and Hazardous Materials Element is that Brevard County shall ensure an environmentally sound and efficient solid waste management system which utilizes resource recovery, recycling, and source reduction.

Justification:

If developed, a Solid Waste Removal plan must be prepared in accordance with current regulations and approved by the County, along with appropriate outside agencies. Any proposed solid waste removal services needed will be reviewed and approved by the County during the Site Plan review process.

9. Transportation Element

The Goal of the Transportation Element is for a safe, convenient and energy efficient transportation system in Brevard County that supports the community defined by this comprehensive plan and enhances the mobility of people and goods while reducing reliance upon the automobile and minimizing impacts to neighborhoods, cultural resources and natural habitats.

Policy 3.3 - Brevard County recognizes that land uses outside the jurisdiction of Brevard County have significant impacts on Brevard County roadways.

Transportation: Acceptable LOS Standards Brevard County arterial and collector roadways within the urban area boundary: Level of Service E. Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D. State arterial roadways (excluding Florida Intrastate Highway System), within the urban area boundary: Level of Service E. State arterial roadways (excluding Florida Intrastate Highway System), outside the urban area boundary (rural area): Level of Service D.

Justification:

The Transportation Level of Service (LOS) analysis, performed by Kimley Horn & Associates, Inc. in accordance with the Comprehensive Plan's Transportation Element, finds that the proposed Sun Terra development will impact the existing 2 lane roadway capacity of Babcock Street and is anticipated to exceed the adopted LOS due to the addition of anticipated traffic from the proposed FLU designation. To accommodate future traffic volumes, the widening of Babcock Street from Micco Road to Davis Lane and from Capital Drive to Grant Road from two lanes to four lanes is recommended. A traffic impact analysis will be required to determine any project impacts on the existing transportation system along with any suggested mitigation, which will be taken under consideration during the Development Plan or Site Plan review/approval process, if developed.

10. Coastal Management Element

The goal of the Coastal Management Element is to establish growth management strategies that will allow growth to continue within the coastal zone which does not damage or destroy the function of coastal resources, protects human life and limits public expenditures in areas subject to destruction by natural disasters.

Justification:

The Property is not located within the Coastal Management Area.

11. Future Land Use Element

The Goal of the Future Land Use element is to manage growth in Brevard County in a manner that enhances natural and man-made systems and meets the public's social and economic needs.

Future Land Use Element – Residential 4 (maximum of 4 dwelling units per acre) Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation

may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

Criteria B:

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

Justification:

Exhibit C provides a 2-mile radius map for the Property to more thoroughly examine the compatibility of the Residential 4 Future Land Use Designation with the general surrounding area. Looking at the 2-mile radius map provided in Exhibit C, there are several development projects with substantially higher density and intensity than that currently entitled to the properties within this application. Please see the summary of the Future Land Use Designations of abutting properties as well as Large-Scale Developments below.

Future Land Use of Abutting Properties:

North: RES 1:2.5; RES 2; R-1 County (City of Palm Bay)
East: PUB-CON; RES 1; CC
South: RES 1:2.5
West: RES 1:2.5

Nearby Large-Scale Developments:

Waterstone	Low Density Residential (4 du/a); High Density Residential (20 du/a); Commercial (City of Palm Bay)
Cypress Bay	Low Density Residential (4 du/a); High Density Residential (20 du/a); Commercial (City of Palm Bay)
Emerald Lakes	Special Planning Area (SPA) (City of Palm Bay) Dwelling Units - 3,760 Nonresidential Square Footage - 2,820,000
Lulfs Parcel	Parkway Mixed Use (City of Palm Bay) Density – 10 du/ac Intensity – 40 Sqft of nonresidential per unit
Ashton Park	Special Planning Area (SPA) (City of Palm Bay) Dwelling Units – 5,484 Commercial – 78.64 Acres Police/Fire – 2.4 Acres School Site – 30.0 Acres

	Town Center – 41.27 Acres
Calumet Farms	Special Planning Area (SPA) (City of Palm Bay)
	Dwelling Units – 3,184
	Nonresidential Square Footage – 180,000
	*Undergoing a FLU Amendment to increase entitlements
Rolling Meadows Lakes	RES 2 (County)
	Dwelling Units – 2,820
	Nonresidential Square Acreage – 50.7 acres

In addition to these new developments is the supporting infrastructure that catalyzed the overall development of the general area. Specifically, the newer I-95 exit and the establishment and continual expansion of the St. John's Heritage Parkway has dramatically improved the transportation network, affording travelers multiple route options to their destinations.

This application further supports Objective 1 of the Future Land Use Element by ensuring compatibility of new development with its surroundings, discouraging the occurrence of inefficiencies inherent in urban sprawl, produce neighborhoods that complement adjacent land uses, permitting mixed use developments juxtaposing neighborhood services with residential uses to promote efficient uses of land, and encouraging open space within developments, with interconnectivity with surrounding land uses.

Moreover, it supports Objective 2 of the Future Land Use Element by creating accessibility to the commercial site, with compatibility and interconnectivity adjacent land uses.

The current Future Land Use Designation only allows for 1 unit per 2.5 acres. The 1 dwelling unit per 2.5-acre maximum density is emblematic of significantly inefficient suburban sprawl. As such, the current Future Land Use Designation is in conflict with Objective 1 of the Future Land Use Element. In contrast, the proposed Future Land Use designation provides for a site-specific policy listed in Exhibit D that requires this Development to proceed through the Planned Unit Development process and caps density at 3 dwelling units per acre, while providing multiple uses within the Development for resident enjoyment and convenience. As such, the proposed designation requested is more appropriately aligned with the policies and intent of the Conservation Element by providing for a more efficient distribution of residential units with convenient access to goods and services for the residents. Furthermore, Exhibit D is proposed to be entered in as a site-specific policy that will require Planned Development zoning.

Locational and Development Criteria for Community Commercial Uses Policy 2.8

Criteria:

- A. Per Future Land Use Policy 2.8(A) "Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections."

- B. Community commercial complexes should not exceed 40 acres at an intersection.
- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. Furthermore, Policy 2.8(D) states “shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

Justification:

The location of the Property abuts an arterial road in Babcock Street. The Community Commercial area is under 40 acres, with only 27.33 acres proposed to be designated as Community Commercial. The proposed Community Commercial cluster is the only one within a 5-mile radius in Brevard County that is greater than 10 acres in size. The total square feet proposed through site specific policies and Exhibit B (attached) is 398,000 square feet, 2,000 under the maximum allotted without PUD zoning designation. Furthermore, the Property will be developed through PUD development process via site-specific policies, while maintaining under the 400,000 square feet threshold for Community Commercial nodes. The Floor Area Ratio will not exceed the potential 1.75 FAR allowed for in PUD developments.

12. Intergovernmental Coordination Element

Brevard County shall initiate and/or participate in intergovernmental coordination efforts necessary to establish governmental relationships which improve the coordination, effectiveness, and efficiency of public policymaking bodies within Brevard County.

Policy 1.3 Coordinated Public School Facility Siting

Brevard County shall encourage the Brevard County School Board to mutually agree on, promote and support high-quality community and neighborhood development by coordinating site searches, planning and design of public educational facilities as well as assuring the consistency of those facilities with the Comprehensive Plan and Land Development Regulations.

Justification:

The proposed Future Land Use Map amendment alters the distribution of entitled residential land. The Development under review increases the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated. Considering the adjacent concurrency service areas, there is sufficient capacity at the high school level. However, there is an anticipated shortfall of capacity within the adjacent concurrency areas for the elementary and middle school levels. Nevertheless, the school district condition is to have the applicant contact staff to discuss the mitigation process as defined in Section 13.5 of the ILA-2014 prior to submitting for a final concurrency determination. The applicant has been in discussions with the School District to initiate this process.

13. Capital Improvements Element

The goal of the Capital Improvements Element is that Brevard County shall develop and periodically update a capital improvements plan to coordinate and implement public facility improvements which support the goals, objectives, and policies of the Brevard County Comprehensive Plan and encourage efficient utilization of its public facilities.

Justification:

The proposed Future Land Use amendment does not inhibit the County to develop and periodically update the Capital Improvements Plan. Furthermore, the proposed amendment supports the notion of encouraging efficient utilization of public facilities by providing convenient access to goods and services for future residents of the project area, while also efficiently utilizing land by mixing uses and utilizing the Planned Unit Development zoning designation to maximize utilization and conservation of the Property.

14. Public School Facilities Element

The goal of the Public School Facilities Element is to provide a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand within a financially feasible school district's five-year capital facilities work program.

Justification:

The applicant is in discussions with the Brevard County School District and will sufficiently address capacity mitigation concerns, per the determination and guidance of the School District, if any are to emerge.

15. Property Rights Element

The goal of the Property Rights Element is to ensure consideration of private property rights in the local decision making process.

Justification:

The proposed land-use change does not infringe upon the property rights of the applicant.

CONSISTENCY AND COMPATIBILITY WITH ABUTTING PROPERTIES AND SURROUNDING LARGE SCALE DEVELOPMENTS

The proposed Future Land Use Designations of Residential 4 and Community Commercial are consistent and compatible with the Comprehensive Plan and the general surrounding area. For example, policy 1.7.B of the Future Land Use Element lists criteria regulating the Residential 4 Future Land Use designation to be located in areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre. The criteria further cite adjacency to incorporated areas in Policy 1.7.C as rationale for utilizing Residential 4 as a logical transition.

The general surrounding area is composed of significantly varying densities and intensities, with those in the County substantially less dense and intense than those in the city. For instance, the south-adjacent subdivision, Deer Run (County), contains the Res 1:2.5 future land use designation. To the north, in the City of Palm Bay, is the Waterstone and Cypress Bay developments. These developments contain the City Future Land Use Designations Low Density Residential (Maximum 4 dwelling units per acre) and High Density Residential (Maximum 20 dwelling units per acre). As such, this property serves as the transition between the incorporated portions of the City to the north and to the south, which is in direct alignment with the proposed Residential 4 Future Land Use designation, as it serves as a rational transition from the higher densities to the north and the lower densities to the south. Therefore, the proposed development is an ideal location to utilize Residential 4 to logically transition and buffer in between more densely developed and incorporated developments. Moreover, through Exhibit C and associated site-specific policies, density is to be capped at 3 dwelling units per acre to more appropriately provide a transitional development in an area where city jurisdictions are present to the north and south, while lower density county land is to the east, necessitating such transition in the area.

In addition to the compatibility of the Residential 4 Future Land Use, the Community Commercial Future Land Use request is also consistent and compatible with the general area, as commercial Future Land Use designations and land uses, within both the City of Palm Bay and Brevard County, are found within the surrounding area, as depicted on the approximately 2-mile buffer map provided below. Moreover, the arterial classification of Babcock Street, along with the future developments of the St. Johns Heritage Parkway, and the new interchange off of I-95 (St. Johns Heritage Parkway) has transformed the transportation network and connectivity of the region, which may stimulate economic development in the area. The proposed Community Commercial Future Land Use designation is compatible with the surrounding area and is intended to support existing and proposed developments within the region.

Furthermore, while transportation infrastructure is present and increasing in capacity for the area, the increasing density of the region, as shown in the 2-mile buffer map, will require accessibility to goods and services. Therefore, the Community Commercial Future Land Use designation will provide direct commercial access for surrounding residential developments, while minimizing potential trip duration.

Finally, the proposed development is anticipated to have extensive parks and trails within its open space system. Thus, the proposed development directly promotes Policy 2.1.A and Policy 1.3.A of the Conservation Element, which promotes multi-use developments. For example, Comprehensive Plan Policy 1.2 Park and Open Space System and Policy 5.1 Recreation Element calls for a system of parks and recreational facilities meeting the demand of the population while providing active recreation and open space areas to augment public recreational facilities. In this regard, the proposed development will have a series of interconnected parks, open space and recreation facilities. An existing 100-acre lake will be amenitized to allow for active recreation opportunities supplemented by pocket parks throughout the development.

LEGEND/ABBREVIATIONS

- B.C.R. – BREVARD COUNTY RECORDS
- L.B. – LICENSED BUSINESS
- O.R.B. – OFFICIAL RECORDS BOOK
- P.B. – PLAT BOOK
- P.O.C. – POINT OF COMMENCEMENT
- P.O.B. – POINT OF BEGINNING
- PG. – PAGE
- PSM – PROFESSIONAL SURVEYOR AND MAPPER
- R/W – RIGHT-OF-WAY
- R – RANGE
- T – TOWNSHIP

SURVEYOR’S NOTES:

1. SURVEY MAPS OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL SEAL, OR THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF N89°23’59”E, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST. RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT).
5. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENTS OF RECORD RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
7. INSTRUMENTS OF RECORD SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE SHOWN.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH AND DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON AUGUST 21, 2023. I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES CHAPTER 472.027.

DAVID P. LINDLEY, PSM
STATE OF FLORIDA NO. 5005

THIS IS NOT A SURVEY

SHEET 1 OF 4



CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

SUNTERRA – BREVARD
PARCEL 1
SKETCH OF DESCRIPTION

DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	598

DESCRIPTION:

BEING A PORTION OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST LYING IN BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST ONE-QUARTER CORNER OF SECTION 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 16, SOUTH 89°35'24" WEST, 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 16, SOUTH 89°35'24" WEST, 5372.81 FEET TO THE WEST ONE-QUARTER OF SAID SECTION 16; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°35'24" WEST, 2711.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, NORTH 00°11'21" EAST, 2642.10 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°31'23" WEST, 2642.79 FEET TO THE WEST LINE OF SAID SECTION 8; THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 8, NORTH 00°40'15" EAST, 2511.48 FEET TO A POINT 100.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 8, NORTH 89°29'13" EAST, 2650.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID PARALLEL LINE, NORTH 89°23'59" EAST, 2658.46 FEET TO A POINT 100.00 FEET SOUTH OF THE WEST ONE-QUARTER CORNER OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE EASTERLY ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID SECTION 9, NORTH 89°23'59" EAST, 3415.39 FEET; THENCE SOUTH 89°04'27" EAST, 1941.19 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BABCOCK STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 423, PAGE 262 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°08'35" EAST, 2368.17 FEET; THENCE NORTH 90°00'00" WEST, 918.01 FEET; THENCE SOUTH 01°31'07" EAST, 1315.56 FEET; THENCE SOUTH 88°26'54" EAST, 873.58 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF BABCOCK STREET; THENCE SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 00°34'06" WEST, 1423.17 TO THE POINT OF BEGINNING.

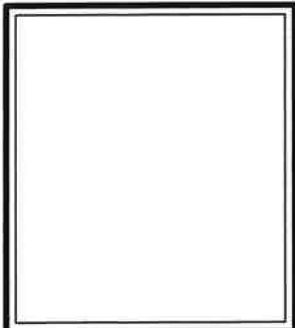
SAID LANDS LYING IN BREVARD COUNTY, FLORIDA AND CONTAINING 1082.242 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY

SHEET 2 OF 4

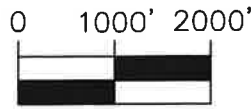


CAULFIELD & WHEELER, INC.
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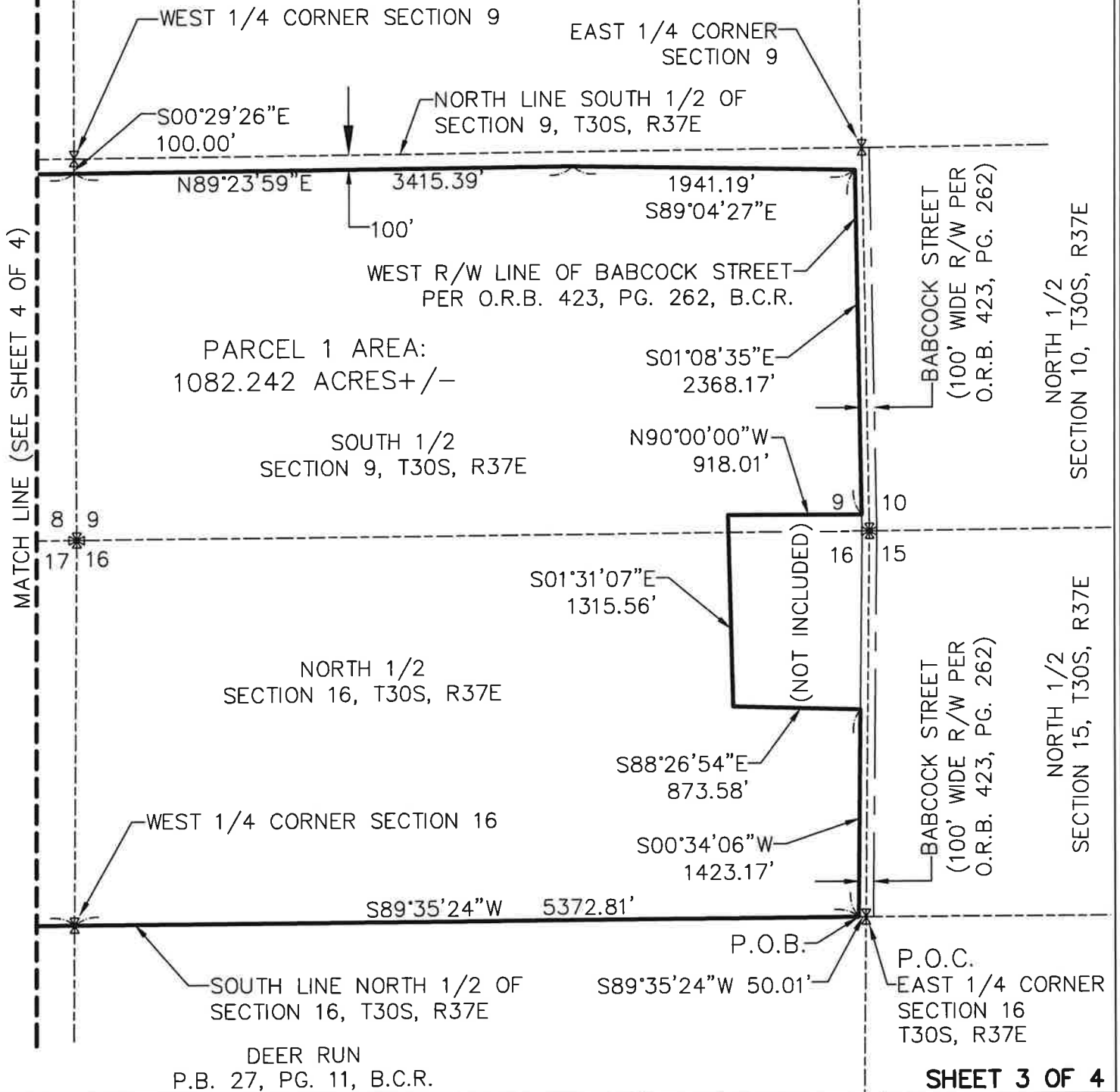


DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	599

SUNTERRA - BREVARD
PARCEL 1
SKETCH OF DESCRIPTION



1 INCH = 1000 FEET



SHEET 3 OF 4



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SUNTERRA - BREVARD
 PARCEL 1
 SKETCH OF DESCRIPTION

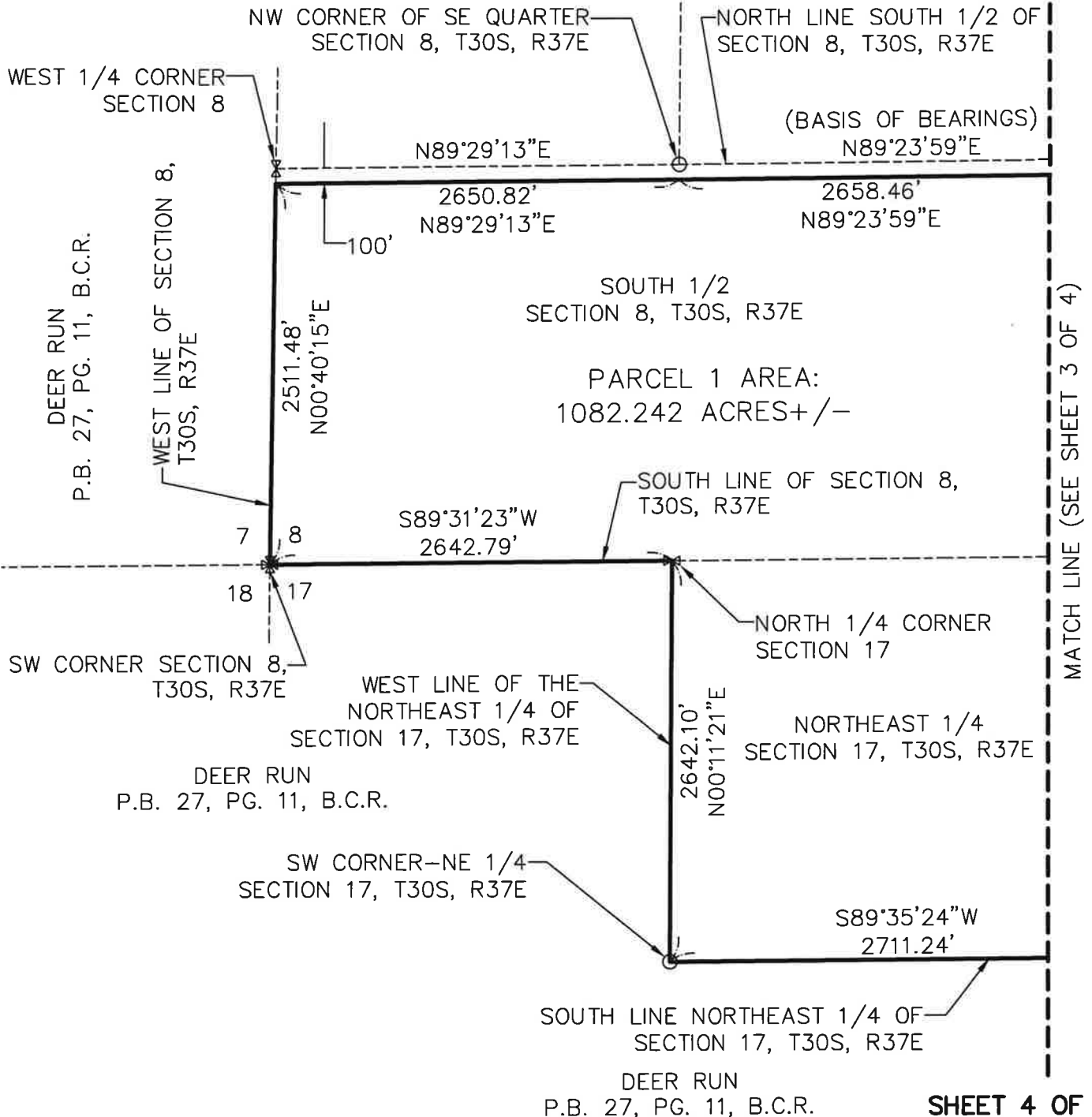
DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	1"=1000'
JOB NO.	600



0 1000' 2000'



1 INCH = 1000 FEET

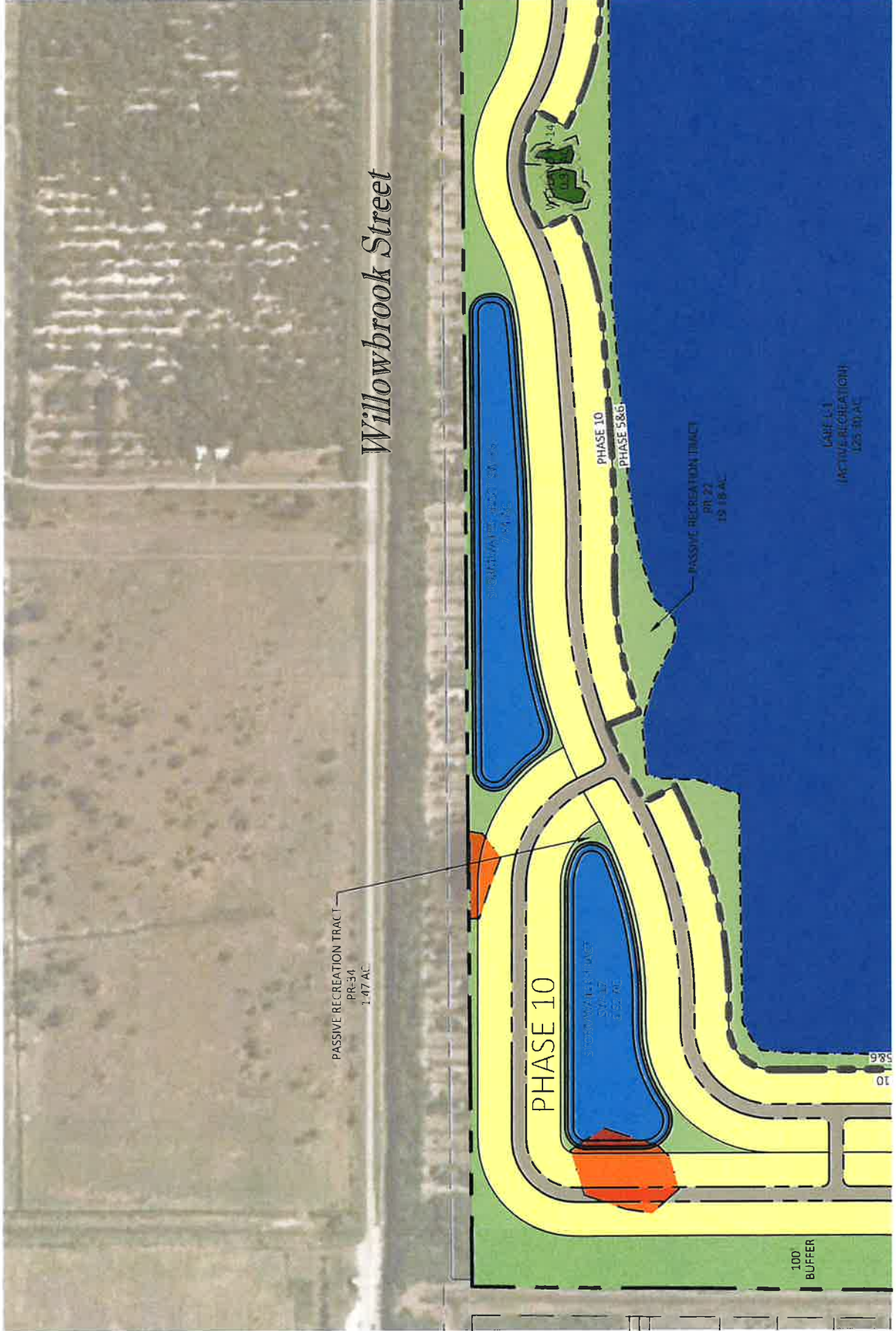


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 7900 GLADES ROAD - SUITE 100
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 PHONE (561)-392-1991 / FAX (561)-750-1452

DATE	8/25/2023
DRAWN BY	dl
F.B./ PG.	N/A
SCALE	1"=1000'
JOB NO.	601

SUNTERRA - BREVARD
 PARCEL 1
 SKETCH OF DESCRIPTION

Willowbrook Street



PASSIVE RECREATION TRACT
PR-34
1.47 AC

PHASE 10

STORMWATER POND SW 103
2.54 AC

PHASE 10
PHASE 586

PASSIVE RECREATION TRACT
PR 22
15.18 AC

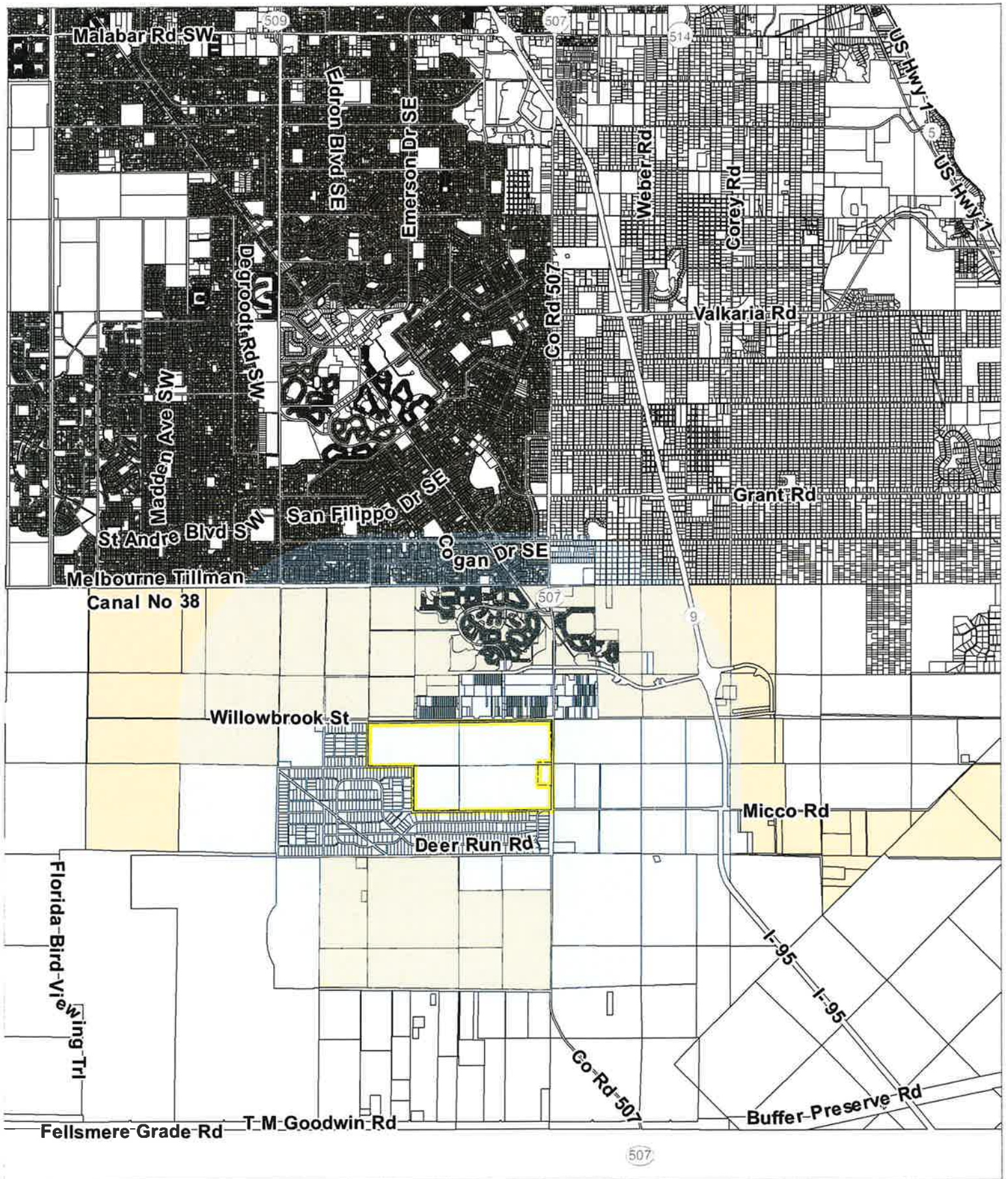
LAKE L-1
(ACTIVE RECREATION)
125.30 AC

100'
BUFFER

985
10

F

E



SOURCE: Brevard County, FL

Legend

- Subject Property Updated Extent
- 2 Mile Buffer
- Surrounding Large-Scale Developments

2 Mile Buffer Map

SunTerra - Brevard Co

POULOS & BENNETT



Exhibit D.
Sun Terra Babcock Street Property Site Specific Conditions

Density and Intensity Regulations

1. Any development associated with this Comprehensive Plan Future Land Use Map amendment must be commenced through a Planned Development zoning district in substantial conformance with the submitted conceptual plan (Exhibit C), subject to developer-initiated adjustments not to exceed a 10% change in acreage for any given place type identified in Exhibit C (PUD Development Plan Sheet).

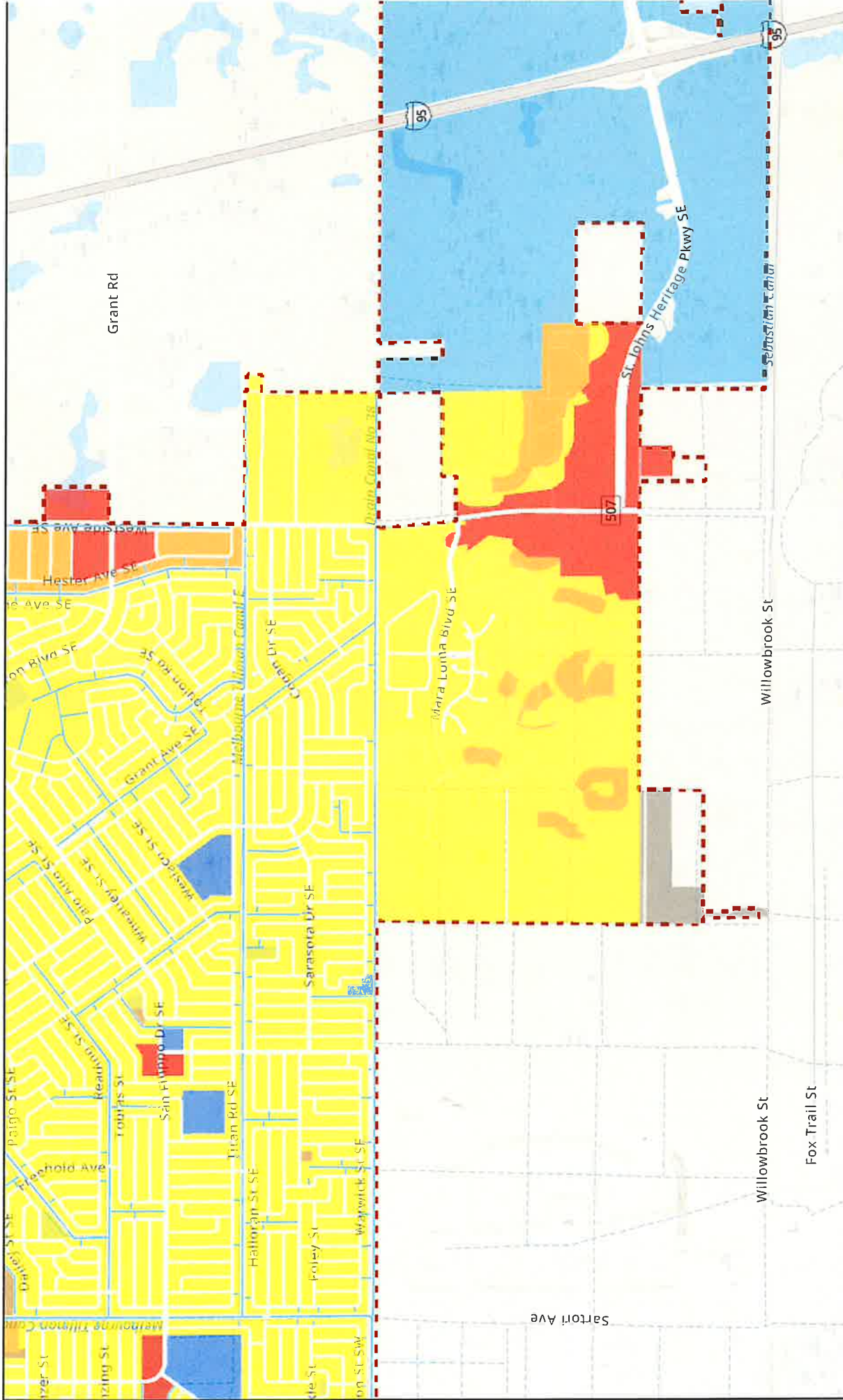
Parks and Open Space Level of Service Analysis Requirements

2. All park and trail space, excluding active lake amenities, clubhouses, and pools, shall be publicly accessible but privately maintained by the developer or any successors.

Transportation Level of Service Analysis Requirements

Babcock street will need to be improved or an agreed upon Proportionate Faire Share Agreement shall be entered into at the time of PUD zoning. If improvements to other Rights of way providing access to the project site are planned for prior to the development, a Traffic Impact Analysis shall be required to determine any required improvements specific to this development through the Planned Development zoning district application process.

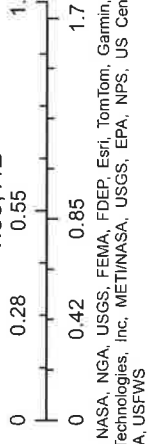
FLUE BARDOCK/SJHF VICINITY



4/3/2024, 8:48:36 AM

- Canals
- Low Density Residential
- Public/Semi-Public
- Commercial
- High Density Residential
- Special Planning Area: Emerald Lakes
- Special Planning Area: Micco Park Village
- Utilities
- City Limits
- Recreation & Open Space

1:36,112



Esri, NASA, NGA, USGS, FEMA, FDEP, Esri, TomTom, Garmin, GeoTechnologies, Inc, METINASA, USGS, EPA, NPS, US Cen USDA, USFWS

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 15, 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 (D1); Ron Bartcher (D1); Robert Sullivan (D2); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Logan Luse (D4 Alt); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Paul Body, Senior Planner; Sandra Collins, Planner I, and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Debbie Thomas stated that in reference to item G.5., she had spoken with Jimmy Dunn from SunTerra Communities. He called to introduce himself and explain a little about what their proposed project will be. The call lasted approximately three minutes.

John Hopengarten stated he also received a call in reference to item G.5., but he declined to listen and meet with the person.

Excerpt of Complete Agenda

JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 and CC (Residential 4 and Community Commercial). The property is 1,109.572 acres, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. (No assigned address.) (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

Jeffrey Ball read the item into the record and stated to the Board that this a large-scale comprehensive plan amendment. This is a two-step process where the application before the Board is a land use change that is Board of County Commissioners decides to transmit this, it goes to the State in a coordinated review with Florida commerce and all other state agencies to provide comments. Once this comes back from the state, the applicant will have time to address any of those comments and responses. When it comes back for adoption, the associated PUD application will dovetail with the adoption hearing for this application. This application before you only establishes the density based on the infrastructure requirements, it's not based on a plan or specific requirements for the PUD as far as buffering and cross sections, etc. That will be done at a later stage. We are only going to vote on density.

Mark Wadsworth asked for clarification to ensure they're only going to vote on density and Jeffrey Ball stated that the application before you is a density increase of RES 4 and Community Commercial.

Mark Wadsworth addressed the members of the audience, asking who is here in affiliation with this application. He stated that he was going to give each person two minutes to speak on the item, or if the group would like to designate one person to speak on everyone's behalf, we'll take however many

people are in attendance and multiply it by two and that will be how many minutes this person has to speak on this item. We don't want it to be repetitive with the same issues, i.e., it's lowering our land value, horses can't cross the canal, increase in traffic, etc.

After a count of 12 audience members, Mark Wadsworth gave their spokesperson 30 minutes to speak and asked if she was okay with that allotted time, which she agreed to.

Kim Rezanka, Lacey Lyons Rezanka 1290 US1, Rockledge, FL., stated she is here on behalf of the applicant/property owner JEN Florida 48, LLC. We are here on the Large-Scale Comp Plan Amendment and with me is Jimmy Dunn and Dan Edwards with SunTerra Communities. If you have questions, we also have the engineer of record, Poulos & Bennett. Lance Bennett and Andrew Ivy and also Planner Jesse Anderson, he was formerly the Assistant Growth Management Director at Palm Bay and James Taylor, the transportation engineer with Kimley-Horn.

Kim Rezanka stated she has provided everyone with a physical copy of the PowerPoint because they weren't sure if it was going to be able to be shown since it was only sent over this morning. There's also some fine writing on there that you may want to see to follow along.

She stated they held a community meeting last Wednesday and that 95-98% of this is information they've already heard, and this is what they plan to go through.

Kim Rezanka stated that the location is in South Brevard County, about 3.5 miles from the County line. It's on Babcock St., bordered on the north by Willowbrook, on the west side of Babcock. It is a little over 1,100 acres. We are seeking a future land use amendment to allow a mixed-use development. A PUD application has been submitted but it not on the agenda for today. The request is for RES 4 limited to three units per acre. Some of you may remember that there used to be a Directive 3. The county doesn't do that anymore, but the PUD will limit it to three units per acre. Engineering is not complete so we're not sure if we can even get the three units per acre. The Future Land Use of RES 4 is for 1,182.5 acres and seeking Community Commercial on 27.3 acres on Babcock Street. It's 398,000 sq. ft. intended to be retail type services for the residents here and the surrounding residents. More detailed for the location in yellow, that is the property we're seeking to change the Future Land Use. You can see it is somewhat squished between Palm Bay City Limits and Deer Run is to the south of the property. Willowbrook St. is to the north. Between Willowbrook St. and the property, there is a 100-ft. drainage ditch. There's 120 ft. of Right-of Way of Willowbrook St. and then there's a strip of land to the south of the ditch that is 150 ft. Some of you may call it a spike strip, but this is to stop any annexation into Palm Bay. This is owned by James Satori and Jaric Holdings, LLC, which is a Satori property. James Satori also owns all the property right along Willowbrook, the strip is about 250 ft. The property all the way to St. John's Water Management District property is owned by Jaric and to the north is Rolling Meadow Ranch, which is a little over 1,300 acres. This is the property owned by Andrew Machata, that de-annexed from palm Bay back into the County, if you all may remember.

This is a challenging project; this is why we need to change to RES 4. As mentioned in the legislation report prepared by staff and the staff comments, there are current deficiencies in infrastructure, but all have solutions. Even the staff report says they're potential solutions. The engineers and experts are here today to explain the solutions and answer any questions. The transportation infrastructure will be dealt with. The school deficiency, the water and sewer deficiency, all have been discussed with the

various entities and as you all are aware, proportionate fair share requires that capacities and concurrencies be met. What's not in the staff comments but is in the SunTerra response is a review of all other large-scale developments in a two-mile radius of this proposed project and most of these projects have a greater density than what's being proposed here. There's nothing in the administrative policy that requires you to look just at Brevard County properties.

Where St. John's Heritage Parkway intersects with Babcock, that's what's causing all of this development. There's a Publix going in about 0.6 miles north of this project, so development is coming to this area. St. John's Heritage Pkwy from I-95 links Emerald Lakes, Cypress Bay, and Waterstone Development.

The concept, or bubble, plan for SunTerra Lakes is for a proposed development of 3,246 units. 398,000 sq. ft. of commercial, that's the red area along Babcock. It says Phase 11 but that just to designate it as the commercial area. It will have open space of 468 acres, 140 acres of active, 328 acres of passive. Assuming this is approved by Brevard County and comes back, the PUD will be in front of you sometime in the early fall hopefully. Just to clarify what those colors are designated for, the yellow is the residential. The medium green is passive recreation, the darker green is active recreation, and then the really dark green is wetlands. This property has about 114 acres of wetlands. Ninety-four of them will be preserved and approximately 20 will be impacted and in correspondence with the County requirements, the orange color is the impacted wetlands. The light blue is storm water, and the dark blue is lake active recreation.

The big pond on the west is part of an existing burrow pit that will be turned into an active recreation site, and it'll be amenitized for the residents. There's also walking trails throughout and it's intended that some of these parks will be open to the public, not just for the residents there. However, that's still in the planning stages.

We had a community meeting last Wednesday and it was the first time many of the residents knew about this project. There's no place to hold a community meeting that far south so it was at the Comfort Inn on Malabar Rd. There were approximately 23 people in attendance and 21 attended virtually. We ended the formal meeting about 8:15 but people stayed around, and the engineers stayed around to speak with them. The concerns and responses, as you would expect, are traffic, schools, fire and police response, and density consistency and compatibility.

Kim Rezanka added with that, I'm going to address the first issue of traffic and James Taylor will come up to address you.

James Taylor with Kimley-Horn Associates, Transportation Engineer, 200 South Orange Ave. Orlando.

James Taylor stated what you see on the screen is the anticipated study area for a traffic impact analysis that we're going to be conducting for the purpose of the County and all the permits that go along with the site, as well as the access. The blue on the outside is the anticipated 5-mile radius around the site that we'll be studying. The red dots are indicating a study area intersection. Some red roadway segments are showing where the traffic is to a point that's significant enough to include those items in the study area as well. Then some blue dots along the front edge of the property indicating probable access points. Some percentages on some of those roadways, these are the

anticipated percentages that come out of the local travel demand model for this district and the DOT. What it's showing is the anticipated traffic from the site is intended to be, more or less, equally split north and south. A little bit more to the north as people are getting up to St. John's Heritage Pkwy and then onto the Interstate. Some on Micco Road as well as Babcock St.

So today what we've done for the purpose of the Future Land Use Amendment is we've conducted a study that's prescribed by the State to show a short-term and a long-term impact for the trips that are anticipated from this proposed amendment. What it indicated in that study out to year 2035 for the short term, then 2045 for the long term, is that Babcock Street from Grant Road down to Micco Rd. is anticipated to exceed its capacity. As you know it's two lanes out there today and operating at about 40% of its' capacity based on today's counts. But this project, as well as the other growth, is anticipated to increase that to the point that it exceeds the two-lane capacity of that roadway and then as we come in for additional permits if this goes forward is we will do that long-term, larger scale transportation study that shows how the intersections, roadways, etc. all need to get mitigated as prescribed by the State and also the local requirements and I'll be standing by with any questions.

Henry Minneboo stated that he thought he read that they would be at service level D. At what point would that occur, assuming the numbers that we're looking at today?

James Taylor responded that if Henry is referring to Babcock St., that's going to be a Level Service F if that roadway is not widened to four lanes.

Henry Minneboo asked if we have a preliminary number of what the units would be when that transpires. That's in your program, I'm sure.

James Taylor stated that that will be a part of that future traffic study, because as we've talked about mitigating for the capacity items that'll be one of the things that obviously the County won't want to proceed past a certain amount of development until the capacity is available.

Henry Minneboo asked for conversation purposes today, if this transpires, how far south will you go with the modifications and changes on Babcock?

James Taylor said the deficiency that we're showing is not just because of this project but because the other growth of the area extends from Micco all the way to Grant, so that's about a three-mile segment. The mitigation for this developer is prescribed for the by the state, either a proportionate share contribution for their impacts or a physical Improvement. Not the whole three miles but something that equates to the proportionate share.

Henry Minneboo asked if they could end up being a three-lane, the center bidirectional?

James Taylor said that would not mitigate the entire deficiency. It really does need additional capacity. The bidirectional left turn lane would give it a little more capacity, but not the capacity that is needed out there.

Bruce Moia asked for clarification that Babcock from Malabar Rd. to the County Line is all a County roadway, so we're only dealing with one entity, not multi-jurisdictional and James Taylor responded that yes, that's correct.

Kim Rezanka stated that this issue came up during the community meeting and although they're not sure at what time it'll be widened, it will have to be with all the growth that's in the area and just to look at the transportation impact fees for this project alone will be approximately \$16.5M. The issues with schools came up as well because of how far south this project is. The school impact fees will also be about \$16.5M for this project between the retail and the commercial.

We did a school concurrency letter from the school board and the concurrency did show there would be issues with the adjacent school capacity. There would be a shortfall of available capacity for elementary and middle schools, however, they did note that for the next 5 years, the intermediate growth could be accommodated by putting in portable classrooms.

Kim Rezanka stated that she spoke with Karen Black at length, that there are at least 5 sites that could serve this area that the School Board owns or that's being dedicated. Ashton Park, which is going into the south and east, will have a 30-acre site for an elementary K-8 school. Which would also be available to serve this community. We understand that school capacity could be an issue but Florida Statutes provide for proportionate fair share so any deficiencies would be addressed as the time requires it to be.

Another issue that came up if fire and police response, and again, that will be addressed as necessary. This area is served by Palm Bay Fire Station #4 under an interlocal agreement. There is also a fire station near Micco Rd. closer to the east but anything that is necessary would be accommodated for fire and emergency response. SunTerra doesn't want to impact anyone with fire and emergency responses.

As for density and compatibility, what the developer is intending to do as part of the PUD is to leave a 50-foot buffer in a natural state. Including the spike strip and 100-ft. canal, the minimum buffer would be 150 ft. from property line to property line.

At the community meeting they agreed that if it is a sparse, natural 50-ft. buffer, they will improve it. They will make it much more solid to make an opaque buffer. That's something that you would hear more at the PUD stage. Jesse Anderson will explain the other developments and their density in the area, and as a reminder these are in Palm Bay except for Rolling Meadows. Rolling Meadows is two units to the acre and it adjacent to this site.

Jesse Anderson, 1340 Tradition Circle, Melbourne, stated he was previously the Assistant Director of Growth Management. This project is situated in a vary interesting location. It is very much surrounded by the city of Palm Bay in a broad stance, except for where you have conservation lands over to its eastern side and along with our parcel, you have the Deer Run community. While were not at all trying to exclude them, if you look at the broader picture, today much of the city has encapsulated parts of this and then larger developments in the county that are coming have also started to encompass the area surrounding this development. When we look into compatibility in a Florida Statute stance, we're looking at compatibility in a term that we are saying that it can coexist in a relative proximity to each other in a stable fashion over time, so that no use or condition is unduly negatively impacted.

Jesse Anderson acknowledged that there's going to be a concentration by some members in the audience on the unduly negative impacted aspect, but what we need to understand in this entire statement today is that this is a stable fashion over time. Today we've also made sure to convey to

you that this project is intended to go through the PUD zoning regulation standards that requires phasing development. It requires us to go through the processes that actually have more regulations in line that allow for is to ensure that we have different types of compatibility through us being able to slowly development the property. Instead of this just simply being a residential subdivision development, this would allow for us to slowly phase it and appropriately lay out the schematics, so it does not unduly negatively impact anyone over time. Instead, we will ensure that development throughout it's time period will be in concert with the Land Development code for Brevard County, as well as the interjurisdictional entities that do oversee many of these processes such as the Water Management District.

Because this is over a one-thousand-acre project, you're not going to see a single subdivision construction plan. You're going to see 11 different phases. Depending on what the needs are of the market, certain portions may be developed earlier than later. For instance, that could potentially be the commercial if it was demanded earlier. Alternatively, if there is a point in time when the roadway needs to be expanded because of these increasing amounts of subdivisions coming through, it'll be determined during one of the subdivision construction plan routine evaluations by your staff. Who will identify that it has gone over capacity and then revert it back to saying that Babcock widening will need to happen before approvals commence beyond that.

We're looking at the properties that are surrounding us going from the western side. Rolling Meadows is a RES 2, which is a little less dense than the RES 4 we're asking for but as a reminder we are looking to cap it at three dwelling units per acre, and they could potentially go up to 2.5 with a PUD in their own entitled Future Land Use, so we're only looking at a half unit per acres difference at that point.

Waterstone moving into the city, has low density residential of 5 dwelling units per acre, high density residential of 20 units per acre, and a substantial amount of commercial.

Cypress Bay going further east has a Publix going up, so we already have a food chain in the area.

Emerald Lakes is going to span into 3,760 dwelling units and over 2.8-million sq. ft. of non-residential activity, mainly being commercial.

Ashton Park further south is also expected to have over one-million sq. ft. of commercial, so the point of this two-mile buffer around this property is going to be an entirely new community. Right now, we can plan for it the correct way. We have the ability to make sure we're going through it in a planned development standpoint.

Emerald Bay, Ashton Park, Cypress Bay, Waterstone, these are all planned developments. Why would we not follow suit and make sure we have the planned region we're looking for? Most of Palm Bay is sprawled out and does not have much sustainable development. As you've heard from other developers, rooftops do matter. To get all the infrastructure into place and the commercial aspects, you do need a certain level of residences to support that. We're trying to make sure that we become a middle component where we are buffering between our neighbors that are in the County, while being a transition between the city to the north and the city to the south.

We are looking at an area that we're trying to prevent sprawl, inefficient urbanization. If we continue to look at a 1.5 dwelling units per acre, or less, type of development, it's not going to have the ability to support those services, that infrastructure that needs to desperately come down here to help in the future. In the short-term it may not impact them greatly, but in the long-term, if we don't develop this area in a more conducive and sustainable manner, they'll never get to have those infrastructure benefits that will come with proper sustainable development that can come through with PUD at RES 4.

Bruce Moia asked if this was in the city of Palm Bay, what would the required commercial component be for a project like this? A PUD commercial project this size.

Jesse Anderson stated that he believes they are currently trying to amend that section of their code because there is a conflict. There is a 20% restriction where they are supposed to have at least 20% commercial. They realized that that was accompanied to the gross area of the project which is a little more difficult to encompass. For instance, 20% of 1,100 is over 200 acres of commercial. We don't even have 200 acres of commercial fronting Babcock St. We don't have an arterial roadway that's going to make conducive sense for that. What they're trying to change it to is more aligned with the Bayfront Mixed Use District, which is 15% or 20% of the gross floor area of the first floor of all units.

That would be all of our units first floor area ration to determine how much commercial we would need, and we're providing 27 acres of commercial.

Bruce Moia asked if that would be 2.7% of the gross area?

Jesse Anderson responded with possibly, but he doesn't have that information with him.

Bruce Moia asked for clarification if it's over 100 acres, it has to be 25%.

Jesse Anderson stated that that portion of the code is not something that has been successfully worked with. That he assisted in writing that, and they determined afterwards that they overshot by doing it on gross acreage when it should have been based upon the proportionality of the site.

Bruce Moia asked if Jesse Anderson could comment on transitional zoning and when densities they have to the north and south, and how this falls in the middle. How would that meet the transitional zoning requirements?

Jesse Anderson reminded the Board that we're only speaking on a future land use, not zoning today.

Bruce Moia corrected himself and asked for clarification on transitional density.

Jesse Anderson replied that they're not looking at a transition of density, they're looking at a transition of a general area because there's nowhere limiting the specific area to those abutting the property, which is why you'd want to look at a more holistic region. If you think about that specific area alone, where is there commercial? Where do they use their services? Where are all the compatible things that they would need? We're proposing help in bringing things to this area to bolster it as well as be self-sustainable. Our transition is to reduce our density down to three dwelling units per acre, which is very similarly compatible with Rolling Meadows, which is RES 2 with PUD that

can be 2.5. We're only half a dwelling unit per acre difference in time from a compatible density, further away from an arterial road residential development.

The fact that we're abutting an arterial roadway with better access points, that would need a lot more effort to get citizens into an area that has access to commercial nodes and other services.

Bruce Moia stated that the simple answer is it's RES 2 to the north and RES 1:2.5 to the south, and you're asking for RES 4 in the middle.

Jesse Anderson stated that they're asking for a RES 4 with a restriction to RES 3 in this vicinity.

Jeffrey Ball offered clarification that there is a portion of the property on the other side of the canal that is RES 2, but the majority is RES 1:2.5.

Kim Rezanka said that the utilities would be coming from Palm Bay and there is a letter in the packet, but there was an updated letter sent that did not make it that explains more. Palm Bay has done a will-serve letter and we can have one of the engineers speak if there are any questions.

Henry Minneboo stated that the ones they received in their packets didn't have the capacity listed.

Kim Rezanka said that is correct, but this handout explains how they will go through the process.

She reiterated that they've already had a community meeting, this is the Local Planning Agency. It is intended to go to the BoCC on May 2nd. If it's approved, it will be transmitted to the state for review and that could take 45-60 days to come back. Then staff would have to advertise is again so the County Commission hearing would be sometime in August or September, hopefully at that same time we would come back to you with the PUD so the PUD and Future Land Use amendment would go to the same Commission meeting in September/October timeframe. This is just the first step, it'll be going up to Tallahassee for agency reviews, then it would come back to have the County and Developer address comments.

Ron Bartcher asked what the lot sizes are going to be.

Kim Rezanka replied that they're going to be smaller lots, anywhere from 0.1 - 0.16 acres. They'll be smaller lots, but they don't know for sure yet, especially around the lake. They anticipate the lake with its' amenities will have larger lots.

Ron Bartcher asked what price range are the houses?

Kim Rezanka stated that is to be determined. The developer did comment at the community meeting that entry level houses start around \$325K, but if construction doesn't start for a year and a half, who knows what cost will be at that point.

John Hopengarten asked what is the developers experience in developments of this size?

Mark Wadsworth stated that we need to stick to the future land use application.

John Hopengarten stated that he wants to verify that the developers know what they're doing.

Kim Rezanka stated that this question did come up in the community meeting and if you go to their website, they've done many large-scale projects. Harmony being one of them.

Mark Wadsworth asked for staff assistance on clarifying that this will need to go to the state and then come back to us anyway, so he'd like to keep the focus on letting the audience members speak.

Jeffrey Ball responded yes; this is a two-step process.

Mark Wadsworth reiterated to the Board that they need to focus on the comp plan, density and land use, not the developers experience.

Henry Minneboo added that he's not sure he wants to be involved in qualifying every developer that comes in.

Mark Wadsworth asked if there were any other questions from the Board?

Henry Minneboo asked why didn't the developers bring this into Palm Bay?

Kim Rezanka responded that they can't, because of that spike strip to the north, the property does not touch Palm Bay.

Mark Wadsworth asked again if there were any other questions from the Board? No further questions at this time.

Kim Rezanka stated that she left a copy of the utilities letter at the podium for the Deer Run HOA president, Teresa, because she wasn't sure if they've seen a copy.

Public Comment:

Teresa Torsiello, 267 Deer Run Rd., Palm Bay. I am the President of the Deer Run Homeowners Association, which is an equestrian development. I do have a statement but listening to all the discussion that was going on here I have some notes that I'd like to say first before the statement. One of the interesting things was ironically on the way here there was an accident at the end of their property at Willowbrook and Babcock. An 18-wheeler and two vehicles. I was trying to get around the 18-wheeler and almost got into a head-on {collision} because the people were just speeding by. I called 911 and got into an argument with the dispatcher. She was asking if it's on Babcock or is it on Willowbrook because they own Babcock, they don't own Willowbrook.

Teresa Torsiello stated that she told the dispatcher she wasn't sure because she's not part of the accident and this argument continued. After about 3 minutes she finally gave me over to the County who said they weren't sure what it is, so they called the state trooper.

There was an accident that went on for over 20 minutes and we had no police because they were arguing over jurisdiction. I thought it was very ironic to be coming here about this and already having the problems just because of what's going on down there.

Mrs. Torsiello read the following statement:

Rolling Meadows was annexed back to the County, so yes there's nothing contiguous to Palm Bay as that was stated, but there are current deficiencies in the infrastructure. They said they have solutions, I'm sorry, I didn't hear solutions. What I heard was \$16 million for roads and \$16 million for schools and that told me the solution is the taxpayers. The two-mile radius of projects that were discussed with greater density are not Brevard County and they not they do not butt up against Deer Run. They do not butt up against the Micco Sanctuary that's across the street. They are farther out and that density traffic that they've already done is a nightmare. If you drive in South Babcock, you will see it's already a nightmare. I'm not quite sure what they're talking about when they talk about Emerald Lakes because that was swapped so there's a new name for it so I'm not sure what that is. The active recreational lake at the meeting last week, we asked about that. Is it going to be skiing, what's it going to be? We were told oh no, no it's not a recreational lake. But that's what was stated, a recreational lake, which means more traffic than just what's in there. People are going to go to the lake. The traffic impact of a 5-mile radius that impacts all the Palm Bay developments, and we were told they didn't have that. We asked if Babcock was already a Service Level D Road, which we knew it was, but we were told they didn't know. So, it was interesting to hear that it is a Level D, which we knew. It will be an F without the enlargement of Babcock.

Also, the school capacity, I'm going to get into that. I've got the capacity. This talking about a school in Ashton, is something that isn't even there. We are at full capacity in South Brevard. When I moved here 20 years ago, Westside Elementary was here before Sunrise, they were at 165% capacity. We had 20 Portables and the children suffered. So, having all these developments means we get to make our children pay once again and you know as well as I do, where are they getting the teachers for these portables? We don't have them.

The compatibility and unduly negative aspect. We have a negative aspect; we are on 2.5 acres minimum. Some of our neighbors have eight acres. They have doubles, so when you look out of a 5-acre lot, and we do have members who are actually in this audience who have a 5-acre lot that will go up against this and you're going to see possibly 30 houses looking back at you. I will get into how I got that number because what was stated about how many per acre is not what we heard the other night. We also have to worry about the trucks. So, if they're going to do it in 11 phases, how many years are we going to have to deal with trucks? If you drive down Babcock you will be run off the road at least once a week from the dump trucks that are there. We have police officers all the time sitting there giving out tickets and it doesn't stop. If we have years of phases, now they did say there'd be no input or output but, that's more or less what the input or output of the developing is. Once these builders start, we have to have base, we have to have trusses, we have to have concrete, we have to have machines. That's going to go on for how many years? That doesn't make us safe and it's not compatible. That's not short term if it's over 11 phases, minimum 11 years. Deer Run is a PUD, we are a planning unit development. Brevard County Future Land Development made it one per 2.5 acres. Why change it now? South Brevard you can't find lots like ours where we are going up in price without any more developments because nobody can find land like ours. If you look at what the Deer Run homes are valued, they've already skyrocketed, and we have people who are constantly knocking on our doors to sell. Why didn't the developers look at that? We asked this question last week, did you even look to see about a one per acre, one per 2.5? We were told no we don't do that. Why not? That's what's in the area.

I believe they purchased Harmony, so that's not one to look at by the way. They told us they purchased Harmony. Only look at the new {development}. The half-acre difference at Rolling Meadows, I don't see why they can't do the same to keep our County contiguous. To keep it the same across the board. They said that there is a 2-mile buffer in Palm Bay property and it's all talking about the developments, but they didn't mention, again, Deer Run or the Micco scrubs. We are their neighbors, the direct neighbors, so we are the ones that that are going to be affected. Our infrastructure with stores, I've been there for 20 years, I haven't complained about having to drive to Winn-Dixie on Micco or Publix on Bayside. We love seeing our neighborhood the way it is. We don't have a problem with anybody coming in but we want to keep it in the lifestyle that we're used to.

The lack of participants here, we only knew about this last week. Yes, they had the meeting that we found out about last minute, so we showed up there and on Zoom. We do intend to have more at the Commissioner's meeting. Your courtesy notices that were sent out actually didn't get to the homeowners until Friday, so most didn't even know about this. Deer Run is not opposed to neighboring developments, but we are greatly concerned about upholding compatibility with our existing lifestyle.

The proposed SunTerra zoning request will not be compatible with Deer Run. As you know, Deer run is zoning agricultural, with one home per 2.5-acre parcel. SunTerra wants you to amend them to RES 4 with the commitment of building a maximum of three dwellings per acre. This of course is with a density count. However, the reality is that there will be 3,200+ homes that they plan on building. It's not three homes per acre, it's more like 13 homes per acre. We stick with real math. At the meeting last week, SunTerra explained that some of the houses will be on 40' x 80' plots. That is 13 homes per acre. Obviously, that is not compatible with Deer Run. Two sides of SunTerra will be up against Deer Run. No one on 2.5 acres or more wants to look out their yard and see 32 houses staring back at them. Thirty-two homes with an average of four people per home is 128 people per Deer Run backyard. Whereas we have 4 per 2.5 acres. There's a major noise difference in that, not compatible. The proposed Sunterra zoning request will not be compatible with the EEL program that is their neighbor to the east. The Environmentally Endangered Lands (EEL) Program acquires, protects, and maintains environmentally endangered for resources, stewardship, and ecosystem management. EEL protects the rich biological diversity of Brevard County for future generations. The Micco Scrub Sanctuary protects 1,322 acres of Brevard's remaining scrubby flatwoods and mesic flatwoods habitat. This mosaic of seasonal marshes and dry flatwoods shelter many indigenous species of plants and animals that cannot be found anywhere else in Brevard County. These indigenous species and endangered animals are right across the street from where SunTerra wants to build 3,200 homes and a four-lane highway that is not compatible with our environment.

We're also concerned about the infrastructure in the area. How can Babcock withstand another 6,000 plus vehicles, each home averaging two vehicles. We were told that Babcock would have to widen to four lanes as they stated, when we asked who will pay for this that was an unknown. SunTerra Developers would hope that other developers would pitch in as well as the County which means taxpayers.

When we asked about water and sewage, we were informed that SunTerra has a letter from Palm Bay that they are willing to serve them. We all know that there is already a capacity issue in Palm Bay with their water and sewage and that they are currently two years behind. Your staff has the letter stating

exactly that. Palm Bay does not have the capacity but they're willing... But they can't. What about fire departments, police departments? The County has no plans that I saw on building a new fire department in South Brevard, although we could use one. {We could use} a new police station. Our closest County deputies are stationed on Malabar Road. We asked about healthcare. We were told that is a capacity issue that the County oversees. I can tell you we're at capacity in our local hospitals and if you try to make an appointment with any specialist, we're four to six months out right now. We asked about schools, and we were told Brevard County owns land on Willowbrook and a new school for capacity would be in five years. That doesn't work since Sunrise Elementary, which I personally fought for to get there, is at capacity and it's frozen. Meaning no student is allowed to add to that school right now. The backup is Westside, also at capacity and frozen. Southwest Middle is also at capacity, Bayside High is at capacity and frozen. The backup high school, Heritage, is at 99% capacity. Palm Bay High is at 96% capacity, so redistricting is not going to resolve our issues. Worse than that is currently there are 275 open teacher positions in Brevard County and that does not include the bus drivers. We can't hire teachers today for the students that we have. We have no room for the students in the developments that are currently building out in Southeast Palm Bay. We have lots of them, including 5,000 on Micco that wasn't discussed, but we're going to allow more developments with thousand more students in an area that is currently at capacity, without an actual plan.

We spoke about the berms between the properties, once the pepper trees are removed there is no natural berm. Some areas will have 50 ft. between the property, which includes the canal. It's down, so you can see straight across. Some will have 100 ft. but we will see into the backyards of 15 to 30 homes per our backyard and we'll hear the noise of 15+ homes. We also discussed storm water drainage. Surprisingly to us was the statement that SunTerra will pump into the canal, there is currently a \$3.57M storm water park being built to help capture the pollution from the canal prior to it entering the Sebastian River, which is a major tributary to the Indian River Lagoon. The project isn't even completed. Taxpayers haven't seen the benefit of creating a storm water park and the lagoon/Sebastian River is horribly polluted, yet we're going to add the storm water from 3,200 homes back into the canal. If they don't pump it into the canal, then they go into Satori Lake. Which the County had to put a pump into Satori's Lake to prevent Deer Run from flooding every time it rains. Additional storm water from an 1,100-acre parcel of land will flood Deer Run. Deer Run would love for this area to be zoned/amended to RES 1:2.5 acres, to have continuity, to enjoy the beautiful wildlife, and peaceful setting. We all have seen the County's plans in this area for years and we love it. Which is why many of us move there.

Without proper plans to protect SunTerra's only developed neighbor, Deer Run, from excessive traffic noise and flooding, and not having substantial plans to avoid the lack of police, fire, schools, and healthcare, we are requesting that this zoning request be denied.

Thank you. Any questions?

Mark Wadsworth took a moment to thank the audience members from the Board for having one speaker for the group and respect each other's time.

Kim Rezanka stated she had a few rebuttal comments. Starting that this just the future land use application, we're not at the engineering stage yet. It's not a zoning application yet. Florida Statute,

Brevard County Code, Brevard County Comp Plan provides proportionate fair share 163.3180. So, we can't build anything unless we make sure that we have fire, police, roads, schools, those types of things. The impact fees help pay for that. That's why I mentioned the \$16M for transportation and \$16M for schools.

We did explain that the engineers have looked at drainage, they know the way the water flows and where it's going to go, but they also explain that post-development cannot exceed pre-development water runoff. That is the standard that the County abides by, so this development cannot legally impact and flood their property. They did tell us about their flooding problems and of course we'll take that into consideration when they're developing this, but there are no fully engineered plans yet. This is only future land use.

As to the schools, I know it's not an issue because we'll make it work. The school board even got an invitation today to meet with all the other developers in the area next week, to talk about where these schools can go. They do have many, many sites. They have a high school to the north of here. They have Warrior Avenue; a charter school is going in near Sunrise Elementary. Ashton Park when it starts building, will build the school but I also did want to state in the August 2022 - 2023 capacity determination letter they did state that they can indeed maintain for 5 years. They also have the Sunrise Elementary School limited or utilization and for the 2023 - 2024 school year, it's at 84% capacity. It won't be at 100% capacity until the 2027 - 2028 school year. So that's in the record and I understand it probably looks like it's at capacity because I remember when my kids were in elementary school. It seemed like there was never enough space. They had art in a cart, they didn't have an art class anymore. They had a cart that went from classroom to classroom, so I understand that. The school board is very aware of it. They're wanting to work with everyone to do what they can. I just wanted to bring up that issue.

Proper plans are needed, and the potential solutions are you build the infrastructure as you need them, and you make sure the infrastructure is there as the different phases come on board. The developers committed to do that, they can't go forward without the proper concurrency and capacity. The County just won't let them, but again, that's going on down the path. With that, I appreciate your time, we're here to answer any questions that have come up. We have engineers, we have Traffic Engineers, we have planners and I appreciate your time and I ask for approval of the change the future land use well.

Mark Wadsworth stated that we just need someone on your team for future land use and density, not all this other stuff right now. Just for the comp plan.

Kim Rezanka stated that is Dr. Jesse Anderson.

Mark Wadsworth asked the Board if they had any questions for Mrs. Rezanka?

Bruce Moia stated to Teresa Torsiello that he appreciated everything she stated to the Board and her presentation. While he may not agree with everything she said, he appreciated her professionalism.

Bruce Moia added that he's not against, the project, he thinks something need to be done here, but I've always preached transitional density, transitional zoning. To go from RES 2 to the north, it's about half and half RES 2, RES 1:2.5, and RES 1:2.5 to the south and then to spike up the middle at RES 4,

regardless of the BDP that might be coming, to me it's inconsistent with what we've approved here in the past and it would definitely be inconsistent with anything I've agreed to in the past. We do a lot of PUDs. I'm an engineer, I've worked with these people on other projects, and we get this feedback of compatibility and consistency all the time. I don't see it here.

We've been forced to do it in a lot of places, we'll probably be forced to do it whenever this gets to the PUD. There's lots more we can talk about at that time like lot size and all those things, but I'm not convinced this is the right land use for this property. If this was in the city of Palm Bay, it would have a 25% commercial component. I don't even know if it would get approved in Palm Bay, I really don't know. I think that a realistic transitional land use needs to be applied here.

Henry Minneboo asked Bruce Moia if he would feel comfortable with a RES 2 and Bruce stated that yes, he would.

Henry Minneboo said that he is thinking exactly the same. That transitionally, he feels much stronger about that than anything when looking at this application. That he knows about Waterstone, he knows about the interchange. RES 2 just seems to be a much more suitable direction.

Henry Minneboo also asked Jeffrey Ball what is the threshold now on a DRI, is it over a thousand?

Jeffrey Ball responded that it was based upon the population of the county, and that just based upon speculation on his part, he believes this would meet the threshold for density if that still existed. That legislation is long gone, since probably 2015.

Mark Wadsworth asked Kim Rezanka if they have any wiggle room and she responded that would be up to the developer.

Kim Rezanka added that they would need to ask either Jimmy or Dan [with SunTerra] but she is reiterating that it's a RES 3. They've been told they can't put it in the County Ordinance limiting it to RES 3, so it's going to be limited by the PUD, and as a reminder, the engineering hasn't been done yet. So, it may end up being 2.5 units per acre, it may be an open-space subdivision.

Mark Wadsworth asked staff about a hypothetical.

Jeffrey Ball responded that hypothetically, you can make a recommendation to the Board to RES 2 and it could be forwarded onto the Board for them to take into consideration what the applicant is requesting and what this Board has done.

Motion to approve comprehensive plan amendment from RES 1:2.5 to RES 2 and Community Commercial by Bruce Moia, seconded by Henry Minneboo. The vote was unanimous.

Upon consensus, the meeting adjourned at 4:23 PM.



Nicole Sealy

2602 E. Livingston St.

Orlando, FL 32803

We are sending you this letter in response to your request on Feb. 14, 2024 for a formal letter stating the conditions of providing service to a specific property in Brevard County with parcel IDs 30-37-09-00-500, 30-37-08-HF-500, 30-37-17-HF-1, and 30-37-16-00-1.

Please note that this portion of the City is undergoing significant development and conditions may change in the future. The City does not currently have capacity for commercial fire flow demands in this area nor any additional sewer capacity. Various projects are being coordinated to accommodate the growth including water main and force main installations and the construction and expansion of a new water reclamation facility.

It is the intent of the City to serve this property with water and sewer services with the understanding of the aforementioned conditions.

Daniel Cardona

4/1/2024

Thank you,

Daniel R. Cardona, P.E.

Palm Bay Utilities

Engineer II

Office: 321-952-3410 Ext. 7076

Cell: 321-474-8373

Down to Earth And Up To Great Things



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 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); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Excerpt of complete agenda.

G.7. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled The 1988 Comprehensive Plan, setting forth the adoption of Large Scale Comprehensive Plan Amendment Cycle 2023-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date; a Plan Amendment Cycle 2023-2, a proposal by JEN Florida 48, LLC., to amend Part XI, the Future Land Use Element to change the Future Land Use Map Series designation from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial). The property is approx. 1,110 acres +/-, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. **(23LS00001)** (No assigned address.) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

G.8. JEN Florida 48, LLC (Kim Rezanka) requests a change of zoning classification from GU (General Use) & AU (Agricultural Residential) to PUD (Planned Unit Development) with Removal of (CUP) Conditional Use Permit for Commercial Borrow Pit, on property described as Tax Parcel 500 and Tax Parcel 1, less and except canal and road rights-of-way. The property is approx. 1,110 acres +/-, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. **(23PUD00005)** (No assigned address.) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

Trina Gilliam read the companion applications into the record.

Ms. Gilliam requested to read in the 14 conditions of approval and pointed out that the applicant's PowerPoint revises three, or requests to revise three, of those conditions and seeks clarification on one of them.

- 1) The proposed development shall be capped at 3 units per acre.
- 2) Approval of requested waiver from Sec. 62-1446(g). The storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-

family lots as allowed by Brevard County code Sec. 62-2217 provided each lot will have a 20' driveway capable of parking recreational vehicles.

- 3) Approval of requested waiver from Sec. 62-1446(d)(1) to permit lots smaller than 5,000 square feet and less than 50 feet in width shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.
- 4) Approval of requested waiver from Sec. 62-1446(d)(3)(b) to allow residential structures of two stories or less, and a minimum building separation of 10' (rather than 15') provided that proposed structures do not abut utility easements or otherwise affect the ability to provide and maintain utility service to each lot.
- 5) Approval of the commercial uses as allowed in the BU-1 zoning classification per 62-1482.
- 6) Approval of waiver to Sec. 62-2957(c) as it relates to the number of project ingress and egress to Babcock Street; the waiver is subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5.
- 7) Approval of the requested waiver to Sec. 62-1446 to reduce the rear setback for residential principal structures from 20 feet to 15 feet shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.
- 8) Closure of the borrow pit permit shall be in accordance with Sain John River Water Management District (SJRWMD) requirements.
- 9) Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided.
- 10) Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan the Developer shall:
 - a. Execute an agreement including, but not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement shall include provisions requiring the developer to design, permit, and construct the identified improvements. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate.
 - b. Execute an agreement with the County addressing infrastructure deficiencies relating to Fire Rescue. Said agreement will account for the developer providing the land, site design, and permitting of the construction of a fire station, in addition to the necessary equipment for operation. Appropriate impact fees credits may be requested as applicable under Brevard County Code of Ordinances and Florida Statute.
- 11) Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy.
- 12) Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals.

- 13) In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval.
- 14) If the development is to have on-street parking, the developer/owner shall establish a financial mechanism for maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

Jeffrey Ball in his address to the Board added “those conditions were for your consideration to be consistent compatible with the surrounding area in addition. The applicant will provide a BPD containing the following waivers and conditions. When we read condition number 10, it references proportionate fair share agreement. Lastly, there are city comments from Palm Bay that were handed out to you before the meeting that's just as an FYI. Most of those comments will be addressed during the site plan subdivision review process. With the comprehensive plan Amendment being a large scale, there are comments received from the state agencies that are included in your packet. It was addendum number two. There are conditions from the Central Florida of Fish and Wildlife. I just want you to be aware those were the comments from the state agencies and has staff analysis to those.”

Kim Rezenka, 1290 US1, Rockledge, Florida. Ms. Rezenka was there on behalf of Jen Florida 48 LLC, the owner of the property for Sun Terra Lakes. The Sun Terra Communities partners with Jen Florida 48 and here representing Sun Terra is Richard German and Dan Edwards. The engineer records, Poulos and Bennett, represented by Andrew Ivy to answer specific questions about the PUD and the engineering involved and planner, Jesse Anderson, formerly the assistant growth management director with Palm Bay. Planner with Poulos and Bennett was there also to answer any questions about compatibility or any of these conditions that were not clear on when speaking. This is the second go at this. She went on to say “you had the transmittal hearing back I believe in April. It went to County Commission in May and was transmitted up. You all recommended two units to the acre. We have asked for four units to the acre, limited to three, which is now limited by the PUD as you'll see further on in this presentation. the County Commission recommended four units the acre limited to three. There was also a condition that if necessary, the owner would agree to donate two acres to a fire station. And we're still willing to help with the fire station issue but we're concerned this condition goes a little too far based upon all the other development that's coming in the area. So again, we are seeking a large-scale future Lane use Amendment on 1,957 acres to allow mixed use development. The PUD is on your agenda this evening. 1 182.57 acres is requested for RES-4 limited to three units per acre by the PUD and 27.33 acres of community commercial for 398,000sf of retail. The PUD zoning at 3 units per acre would allow 3,241 units and 398,000 Square ft of commercial. The location is near deer run south of Willowbrook street, west of Babcock Street also known as County Road 507. If you look to the where Badcock intersects with the bottom yellow line, you'll see deer Run Road. Starting at Deer Run Road going west all the way around the property is a canal structure. So, there's a good extra 100 foot of canal right away there that serves as a buffer between all of the properties to the north. Where it says Willowbrook Street there's a sliver of land there that is in the county which prohibits this land from entering into Palm Bay. There's no way to annex into Palm Bay and we are staying in the county. As you recall this is a challenging project. There is a bit of opposition from Deer Run. This is a transitional area as you'll see quite a bit of this property in this area is going higher dense than these 5 units to 20 units to the acre. There are some infrastructure challenges, but Florida Statutes and The Brevard County Comps Plan and ordinances address that. So, as we go forward with any proportionate fair share that's necessary, we have to be granted the conditions. Though we believe are a bit overreaching, that's why we've asked for some suggestions to changes as you'll see. There are seven large developments in this area that are coming on the

Board, and this is all of the development that is coming forward. Rolling Meadows in Willowbrook are actually in Brevard County. They went into Palm Bay and then came back out of Palm Bay in 2014. They are vested here at Brevard County at two units to the acre. You have Water stone and Cypress Bay that are anywhere from 5 to 20 units to the acre. Emerald Lakes East is 3.5 units to the acre. Calumet Farms is 2.5 units to the acre. Peat Holding is 10 units to the acre. Ashton Park is 5.5 units the acre.

This is a 2-mile radius this is showing how the area is transitioning into a more dense and how this property indeed does serve as a transition between Deer Run to all these other developments in the area. That is where we believe the compatibility is shown, because of the expanding nature of this area. With that we want to talk about Transportation. As we know that has been a big issue that Babcock Street does not have capacity. James Taylor with Kimley-Horn is going to discuss that.”

James Taylor, 200 South Orange Avenue, Orlando Florida. Mr. Taylor explained “I am the traffic engineer for the project, and we have done quite a bit of traffic analysis on this. We still have some to go. The first thing that we looked at is the evaluation of what the future land use would have as a maximum impact. If that does go through, we did identify both short-term and long-term deficiencies in the area as required by the state. To do that visioning exercise we did u conclude that Babcock Street will need to be widened to four lanes at some point in the future in 2035 and in 2045. The study that we’re embarking on now is the traffic impact study dialing in specific intersections and driveways in some more detail on the roadway capacity and specific to the site plan that’s being proposed. Before we put pen to paper on that exercise, we get with staff early and we talk about the methodology of the assumptions that are going to go into that study, what sort of background traffic is going to be on the road, and where the trips from the project are going to go. That process has concluded, and we got approval today with conditions that if we’re accepting up of the traffic impact study (TIA) will start. We are going to be identifying in that study intersection driveway operational performances and we’re also going to be looking at future transportation deficiencies. These deficiency impacts need to be mitigated for the future growth.

This is an exhibit from the TIA methodology and what we’re going to move forward with when we study these impacts. This percentage that you see on the screen are the percent of trips that are going to impact each roadway segment in this five-mile plus study area radius. What we’re going to conclude in this study is where the deficiencies are and what portion of those deficiencies are attributed to this project. The improvements that we may identify are going to include things for site access such as turn Lanes of driveways or traffic control devices such as traffic signals. We’re also going to identify where there are needs for off-site capacity for roadways such as Babcock Street. Eventually that’s going to lead into what the mitigation agreement looks like. So, you heard staff reading to the record about 15 conditions in the staff report and we have some modifications that we would like to put on the record tonight for at least four of those. For the traffic one, 10(a) that was read in record, I’m just going to go over it and then speak through the strikeouts and additions that’s being requested by the applicant team, “prior to County approval of a construction plan, preliminary plat, and/or site plan, the developer shall....and there’s two more conditions to this but for (a).... execute an agreement including...” we’d like to strike that out and say, “may include but not limited to a proportionate share agreement with the county and appropriate municipalities addressing and/or mitigating any infrastructure deficiencies related to off-site Transportation impacts as identified in the traffic study”. “The agreement” not “shall” but “may” is what we’re requesting “... include provisions requiring the developer to design, permit, and construct the identified improvements.”. Before I go on I’d like to talk about why these things are being requested. This is to provide flexibility. The developer may come to an agreement with City and County that widens a portion of the road in that case there

wouldn't be a proportionate share agreement, or they may only enter into a proportionate share agreement and not necessarily widen the road. So, one of the two will happen, and then the next addition there is "...those improvements will happen at a cost to the developer proportionate to the project's impacts." We didn't think that it was clear in this statement it reads as if anything that is a deficiency will be identified for impact to fund and construct 100 percent. We wanted to clarify that. And with that I will turn it over to back to Ms. Rezanka."

Henry Minneboo asked Ms. Rezanka "Kim can I ask you a question after Mr. Taylor's statement. The spite strip is that what you and I will both call that to the north legally and technically, have we pursued at all to try to get access on that. I mean is that just exercise and futility."

Ms. Rezanka responded "there's another developer that's looking at that, but I don't know where the county is going with that. I don't know that this development would have access to that, and it appears that the St John Heritage Parkway may prevent Willowbrook from being expanded for use for large development."

Mr. Minneboo in turn said "Mr. Taylor would you even... I mean here you got a tremendous road right next to the...."

Ms. Rezanka responded "the problem with Willowbrook is the right of way are owned by private people even though the county has maintained 22 ft of it. It's not sufficient for a four-lane road that the county has maintained. I'm sure you're aware of how that all works. I've been looking at that road for several months. Mr. Minneboo understood the technical issues. Ms. Rezanka continued on to describe the characters of the project. She stated "what you see here is the proposed development program, proposed maximum dwellings, and proposed maximum commercial. The open space has actually increased since we've been here last time due to redesigns and the open space still might go even further than that. This was just to show you again the cross-section showing the buffers from Deer Run and others to the north because there is a 100t canal, the proposed buffer track is 50 ft, and so that really leaves you a minimum 150 ft property to property line before you even have setbacks for both. This was to show that there's going to be a larger buffer than you would normally expect because of that natural buffer canal. This is the phasing plan. This is C3 in the seven-page PUD and this shows how the phasing is going to go. There is a legend that's on the page in the PUD. What is important about this is that red line that surrounds the exterior lots, that is the line outside of which you will only have 60 ft by 110 ft lots. The larger lots have been moved out to the perimeter and there's a variety of natural buffer such as the Lakes and the Wetlands. The passive recreation is in the lighter green, active Recreation is in the middle green, and then the Wetland is in the dark green. The wetlands to the most extent are going to be preserved for this property. There are some impacted wetlands but quite a bit are being saved.

These are the waivers that have been requested. I believe Miss Gilliam has read them into the record and these are the waivers that will allow this project to be developed. There were several conditions added to these waivers that we are asking to be changed mostly because they're unclear. I don't know what "substantial relationship" means and we don't have these lots identified. We just got this back last Thursday when we got the staff report. We would ask that these be stricken on three and seven. The number 10(a), that Mr. Taylor explained, is to allow flexibility to make sure that this development only pays for its fair share and doesn't design a road structure for 22,000 homes. (b) is similar and we are working with Palm Bay Fire Rescue, who has as its number one priority to put a fire station at Sunrise Elementary.

We're working with them to have a meeting set to contribute to Palm Bay's fire station. They have a higher rate of impact fee of \$700 a unit versus our \$50 a unit here in Brevard County. Also, their station will serve 10,000 homes. If Brevard County requires us to put in one station it would only serve 3,000 homes. We're working with Brevard County. We've met with Brevard County. We're meeting with Palm Bay. There is an interlocal agreement and a joint planning agreement that would allow this to happen. That's part of what we anticipate with a binding development agreement and a proportionate fair share. We're just not there yet and the way (b) is written is that they will provide everything for a fire station when it may not be necessary when there's a new fire station going in two miles up the road. That's why we've asked for that change. With (14) we just are not understanding what (off street parking) is. I guess we'll find out more between now and County Commission if this is approved here.

Regarding school impacts, there's been a concurrency review. High schools are fine, middle schools are fine, the elementary school is a problem. I know Mr. Hopengarten talked about that when we were here last time. We are working with Karen Black. All the developers in the area are meeting to try to find a solution and to do whatever proportionate fair share that is required by Florida Statute and the developer will commit to that as well. As for the utilities, there's a will serve letter that was in your packet and with that we would request approval of the comprehensive plan Amendment, request approval of the PUD with the waivers request as modified on the screen in front of you. We're here to answer any questions you have."

Public Comment:

Joanne Young, 8423 Elk Ave., Palm Bay, 32909. Mrs. Young noted "I am a bordering resident of Deer Run. My husband and I own five acres that border this property. Two and a half acres and two and a half acres. I own 8413 also. I have followed this case all the way from the community meeting. To the first Planning and Zoning meeting and then the county. I have bugged your staff for many months asking a lot of questions. I've consulted with environmentalists, and I've talked to other developers as well. My trade is I'm a real estate broker. I welcome development. I sell real estate in Palm Bay and Brevard County. My husband and I moved from the Lake Washington area of Melbourne to southern Brevard five years ago for a quieter lifestyle. More room to garden and have our little chickens. I said we own five contiguous Acres that border this development. That's 400 feet of land that runs along a canal. Some of the canals in Deer Run are not 100 feet. Some of these neighbors will only have a 50-foot border. I have a few comments, probably more questions than comments. One of my questions was the developer already told us that they had not yet done their environmental study. So that was one of my questions because that is a requirement for anyone who wants to build on vacant land in Deer Run. Will they be held to the same standard for wetlands as Deer Run buyers are? Another concern is the size of the Lots on the border. When we went to the community meeting, they said that the border lots would be larger than what they're proposing today. 60 by 120 is not even a quarter acre. And the Deer Run lots are average two and a half acres and some neighbors have eight acres that border this. We do have concerns about the size of the lots. My husband and I do and other neighbors that we've talked to as well. The County Commissioners overrode your votes a few months ago because you voted for RES-2 and you got outvoted on that by the county. Our other concern is the flooding because we already have a problem in Deer Run with that. There's already an auxiliary pump in the back that's being reconditioned right now. We need to know if this development is going to be sharing the same canals as Deer Run. The developer stated that impact fees from this development would help build the roads and widen Babcock Street. We had a concern about a traffic light at Micco Road and Deer Run Road. When

does this take place in the plan. We were very grateful for a fire station, and we would be relieved of the burden of high-cost insurance if it could be built in the very early stages of development. We also wanted to know what was going to happen with the recreational Lake. Please define.”

Billy William, 5 Buck Court, Palm Bay, 32909. Mr. William started by saying “you previously recommended two residents per acre. Don't know what has changed or if you're going to keep up with what you all agreed on before. What happens if Palm Bay doesn't build the fire station? I believe during the County Commission meeting that the two acres was agreed upon by the developer. Now it sounds like they're trying to back out or get something for it. So, my thought of if they're trying to back out of it, the approval should be backed out by the by the County. A study shouldn't be happening right now because Micco Road is closed, and the Heritage Parkway is all messed up. Nobody's coming that way. If they did a study now it wouldn't be correct. Thank you.”

End of Public Comment.

Kim Rezenka approached in response to the public comment. She noted the Environmental Studies will be conducted. They're required before any further. The engineering is not done yet, so the environmental study will have to be done before all that can be completed. The applicant will be required to abide by the wetland's requirements of the county 1.8 percent, and it's intended to do that. She believed they are actually impacting less than that as shown currently. The recreation will be private. Ms. Rezenka said “I know there was some discussion that we might try to open it up to the public, but it was going to be private. There were some concerns about the way the roads were and the size of the roads. At this point it is going to be private recreational. Regarding the two-acre fire station, we're happy to donate that land but the county has come back and said okay you donate the land you and build it.... you equip it and you basically pay for everything. That exceeds what the agreement was. The agreement was kind of.... it wasn't tied to the transmittal of the future land use...it would have to be tied to the PUD. We are happy to pay the fair share. We're happy to donate the land if that's all it would take. That's probably close to \$1 million. Palm Bay's fire station is going to cost \$27 million. We, the developer, can't agree to pay \$27 million in exchange for a \$1-2 million piece of property. That's why those issues have come about. With that we would ask for approval with the modified or removed conditions.”

Mark Wadsworth asked for clarification “let me get this right, that would be Palm Bay's fire station?”

Ms. Rezenka replied, “it is but there is an interlocal agreement and a joint planning agreement with Palm Bay for Fire and Emergency Services.”

Mark Wadsworth noted it was nice of them to donate that land.

Ms. Rezenka added the donation would be towards their fire station at Sunrise Elementary most likely.

With that understanding Mr. Wadsworth went on to ask “now where is the Publix's coming in? Is that right there at Heritage and Badcock? Because that whole area there is...”

Ms. Rezenka pointed out “it's right there, kind of where the 26.0 is. It's right at St John Heritage Parkway on the east side of Babcock.”

Robert Sullivan addressed a question to staff. "Has a preliminary concurrency study been performed?"

Jeffrey Ball answered "what we look at the trip generation rate for the amount of residents and the amount of commercial and what the design capacity of South Babcock is. In essence, yes."

Mr. Sullivan rephrased "okay but that was for roadway, solid waste, potable water, drainage, sanitary, and public schools?"

Mr. Ball noted yes.

Robert Sullivan asked lastly "so you've already done your county concurrency preliminary study and you've evaluated all of the negotiations that they've put up?"

Mr. Ball said "the negotiation is just preliminarily based on what we are reviewing today. Obviously if this gets approved there would be more finite discussions as far as the next step. If the board approved this plan as is, the next phase would be the subdivision plan review. In that we will do another current concurrency review and determine if there is enough capacity to support the uses requested.

Mr. Sullivan indicated "I'm looking at the April 1 letter from Palm Bay where they're saying the city does not currently have a capacity for commercial fire flow demands in this area nor any additional sewer capacity. Should we be moving forward with something? Unless you know we have a definite either agreement saying that they are going to bring that fire flow capacity and adequate sewer or that capacity has to be existing."

Mr. Ball suggested "what I can tell you is the staff report identifies some infrastructure deficiencies. In order to move forward to get construction plan approval the applicant will need to provide letters from any of the utility providers that will provide whether it's water and sewer or transportation or solid waste. They will need to provide the certificate capacity at the next stage."

Mr. Sullivan stated "so City of Palm Bay has basically said no we don't have that capacity. How are we moving forward with a zoning change if we don't meet the three units per acre? Apparently, it would work if it was at two units per acre and that's what I think we recommended at the last time."

Jeffrey confirmed that is correct.

Mr. Sullivan regarded to the fact of the matter that currently at three units per acre it doesn't meet concurrency.

Mr. Ball clarified "again there are concurrency deficiencies that'll have to be worked out during the next phase. As stated in our staff report there is a need for water and sewer."

Mark Wadsworth looked to the applicant and asked that the engineer approach. He added "just hearing what Robert is saying, is this going to be septic tank and drain field."

Speaker 1, Engineer of Record replied no.

Mr. Wadsworth clarified "so you're going to need utilities."

The Speaker 1, Engineer of Record responded “yes sir. We intend to extend lines down Babcock Road from Palm Bay and we have a Will Serve from the City of Palm Bay. We have been working with Palm Bay for about a year now. We have met with them probably four or five times. I understand that they have a new head there. We're trying to set up a call with them sometime in the next week or two. There will be upsizing of lines. We understand that there's some concern about capacity right now and meeting what the project ultimately will be. This project will be phased. There will be a phase one where we'll be using capacity that is available now or will come online soon. I understand that there are plant expansions and then those expansions will supply the ultimate supply that the project needs.”

Mr. Sullivan questioned if they are anticipating that the spine utilities will come down Babcock Road?

Speaker 1, Engineer of Record said yes.

Robert Sullivan asked “okay, so when does the city look at that infrastructure improvement?”

Speaker 1, Engineer of Record said “the extension will probably be done by us. With a utility upsize agreement in place. That would probably need to happen with phase one, which we hope would probably next year.”

Robert Sullivan then added “also with the traffic you were talking about four lane Babcock? Because you know you want to put the utilities underground before you widen the road.” James Taylor, the traffic engineer, carried on the response and confirmed all needs are to be coordinated. Mr. Sullivan then wished to know more about the timeline.

James Taylor said, “so I'm hearing next year for the utilities if all goes well with the city and the road improvements will have to accommodate those as well.”

Mr. Sullivan in turn asked, “if we're looking at a year out, which I think is aggressive, can we come back when you have all of these negotiations finalized with staff well?”

Mr. Taylor believe it's going to be in staff's hands to go through the PB review and site plan review and access review and all those things well.

Mr. Sullivan carried on and stated, “I'm looking at particularly the RES-2 to RES- 4 or the RES-3, now that it's an agreement to RES-3, that there's some time for us to have something other than 20 minutes' worth of review.”

Mr. Taylor did not think the request is to get this approved at the board in phases. He stated “I think the request is to approve the future land use all at once, the PUD, limit the density to three units to the acre and then move forward with site planning with staff. “

Mr. Sullivan conveyed “like our recommendation that last time was for two residents per acre. That's where we're coming.”

Tad Calkins asked further clarify Mr. Sullivan's concern. He sated “staff's condition number 11 stipulates that they will demonstrate prior to subdivision plan approval that the city will provide water and that it has to be available prior to us issuing a CO. The other thing I would say is, I believe that you also questioned whether we were in agreement with the condition modifications that the applicant

has presented. I would say that we have provided our conditions that we perceive, and we'll be taking forward and the applicant is asking you to consider their changes here today.”

Mr. Wadsworth redirected and said “so staff taking it back to you again. Item G7 large scale plan Amendment and G8 the zoning classification. All these other items as you were just clarifying are going to be handled prior to, correct?”

Mr. Calkins confirmed that was correct.

Mr. Wadsworth concluded “John was saying we be sure we've got the water, the sewer, roads, street signs, whatever the case may be. We need to I guess zero back end on the zoning part.”

Public Comment:

Billy William approached and asked “If that comes two or three years down why are we going to rezone it when they can't do it until three or four years? Why don't they come back when they have Palm Bay give you a letter saying we'll be ready to go on this date? Nobody has that. Please don't change your mind from when you did last time.”

End of Public Comment:

After some consideration Mr. Bartcher noted “it seems to me that this project is coming before us way before it should. You know there's the response times for firefighting do not meet our current standards, there's a shortage capacity for elementary school students, Babcock Road can't support the traffic that's being proposed, and Palm Bay doesn't and won't have the capability for a while. So, they could come back to us next year and all of these problems could be solved and we could say hey you're in great shape. It's also a case of we have to depend on if we can prove it now and then hope really that these other entities do what they're going to say what they say they might do. They have no commitments to do anything yet and the way government works sometimes it's a little slower than we kind of expect. I just think this is way too early to do this. Our primary job is to determine consistency and compatibility with the surrounding area and in consistency you know we've got a little chart that shows us what about consistency. Now we don't really have to worry about that, but compatibility is something else that we need to look at. They've gone to quite a distance to try find compatibility for their project. I say take a look at their immediate neighbor's traffic. The existing neighborhood has about 300 homes, the new one's going to have 3,000 homes. We're going to have ten times the amount of traffic coming from this division and what's already there, site design wise, the existing neighborhood developments have lot sizes of over 100,000 square feet. These they're 7500 square feet, 14 times smaller. There's no compatibility there. Those are just things that would be considered in the normal assessment of compatibility and yet they're basically being ignored. Those are my concerns. One it's way too soon and the other is this development is not compatible with the existing neighborhood. If you want to go out and find neighborhoods farther away. I mean I know that can be done. Then you can do that, but you ought to be looking at your next-door neighbors.”

Motion to recommend denial of item G7 by Ron Bartcher, seconded by Robert Sullivan. The vote failed 4 to 3.

Henry Minneboo said “you know when you have a project of this magnitude it's extremely cumbersome from the very beginning dealing with government today is probably one of the most difficult things you can do. These guys got just literally tons and tons of significant expenditures on

what's ahead of them and I'm just not sure that's our decision to make. I think the compatibility part will come in time. Whether they get the proper sewage, whether they get the proper water. They got a monstrous road to go. I think as a planning zoning board all we're doing is just putting the key in the dash and letting them go from this point on because there's a tremendous amount of work. This isn't a \$1,000 job. This is millions into doing this project. It doesn't make me in favor of it, I just don't think we need to get involved in every aspect. Well, if you can't get a fire station we shouldn't allow you to have it. I think that's not our decision. They've got to move forward. The County's got to work with it. The agreement isn't even worked out. That's why I'm in favor of this just moving forward to let him move forward."

Brian Hodgers addressed a question to Kim Rezanka. "I can't find it in this thousands of pages we have up here, but you showed a map of multiple communities around this that are similar in density. Was it in your presentation or do we actually have that?" Ms. Rezanka noted it was there.

Mr. Hodgers asked, "are all of those in the City of Palm Bay or are some of them in Brevard?"

Ms. Rezanka answered "Rolling Meadows and Willowbrook are in Brevard County. They're immediately to the north and west. They are in the County and they're two units of the acre. We're asking for three units of the acre. They're vested at two units of the acre."

Mr. Hodgers said in consideration "So to Ron's point that you're too far out, that falls on them as Henry was saying if they want to burn cash and go down this path over the next one or two years. And they may never get this project built, correct? I don't think that we're here to deny that if that's what they want to go forward, but the density is an issue. The commission already approved it. We didn't. They did. So, we deny it now, the Commission's likely going to approve it again. I don't know where we're at. You're at three to the acre, correct?"

Ms. Rezanka confirmed "yes sir and again it may turn out to be two and a half once engineering is done. To get this project off the ground with 1,100 acres, the engineering that has to go into it for the water and in the sewer. Because they're paying for it, not Palm Bay. Palm Bay is just saying you can have our water. It's a long process. It's a PUD process. We have to come back with the final development plan within three years or the zoning reverts back. So there is that stop gaff. If it this doesn't go anywhere, it'll go back to the to the zoning that we had before. We would ask that you allow the opportunity to go forward. Proportionate fair share is the law in this state. You can't deny it because we have don't have school concurrency now. We have to provide the concurrency. That's the same with traffic. That's how the whole proportion fair share ordinance has been written that we have to have it before we can build. But you can't deny it because we don't have it now; that's the state statute."

John Hopengarten asked "are we still at RES-4 because the County Commission said they agreed with RES- 4 but with the condition that you only put three units per acre. That's what you're asking. The other thing is that you had a long list of conditions. They're objecting to some of those conditions." Mr. Hopengarten wished to know how the Board's vote today will affect that.

Jeffrey Ball noted "we are presenting the application as we see fit in the conditions written as we see fit. If the Board has a difference of opinion and wants to entertain that I would suggest that you make that part of your motion. That way we can bring that in front of the Board for their decision to make. To clarify this item for the land use, this Board recommended RES- 2 it was transmitted to RES- 4 up

to the state. Now it's coming back from the state as RES-4. The zoning is the mechanism is the top cap the density at three units the acre. So that's where the cap is. It's part of the zoning, not the land use."

Mr. Calkins further stated that the conditions are on the PUD not the land use application.

Mr. Hopengarten said "which is the zoning. Which is what we're still talking about."

Tad Calkins responded, "I believe that the ruling is on G7."

Debbie Thomas confirmed "so the conditions need to be discussed in G8."

Motion to recommend approval of item G7 by Debbie Thomas, seconded by Brian Hodgers. The vote passed 4 to 3.

Mark Wadsworth carried on to item G.8.

Debbie Thomas requested that Ms. Rezenka come back up again to go back over the requested changes and allow staff input.

Kim Rezenka approved and commenced by stating "number three and number seven. These are requesting smaller lot sizes and reduction of rear setbacks. Staff added the condition they shall have a substantial relationship to a 15t common open space track directly adjacent to the affected dwelling units. The concern we had was the "substantial relationship". Who defines that as a very ambiguous term. We've not been able to address that with staff. We got these staff comments on Thursday, but we're concerned about that substantial relationship because we do not know what it means. Regarding 10A, that is a proportionate fair share for traffic impacts and again we do not believe it's incumbent upon Sunterra to pay for all 20,000 homes that are coming into this area. We wanted to have flexibility. They're going to pay their fair share. They have to by law. But the way it was written is that they shall do it all. We did not think that was fair. Same with (b) in terms of the fire station. Although they did agree to donate two acres of land, the county has come back and said you're going to donate the land, pay for site design permitting construction, and the necessary equipment. Which according to Palm Bay would be \$27 million. Where the land to be donated is about \$1 million. That's excessive for what we were requesting. We will certainly pay the fair share. We'll work with the county and with Palm Bay to make sure there's a fire station because the residents of Sunterra need to be safe as well. We're just looking for flexibility. We thought these two were overreaching."

Tad Calkins stated "I would say that our conditions are what we felt were appropriate going forward. If the board wants to consider the applicant suggested changes, then you can do that and we'll include that in your recommendation."

Ms. Thomas then continued with "that being said... the 10B and the \$27 million fire station, is it the County's position that they're expecting that to be the \$27 million? If that's what it comes out to cost for the fire station to be the responsibility of the developer.

Mr. Calkins confirmed "the county does not have the money to put in or to build a fire station in that area. It's not a CIP project. We don't have a CIP project for the roadways at this time. We don't have the ability, because of that entering into the proportionate share agreement that they're suggesting, until that gets on the CIP. The fire station that we asked for was not \$27 million. We just did one with

the Viera company and it came out to be about \$6 million. The problem I think for the applicant is they're looking for reimbursement through impact fees and our amount of impact fees are not what the city is collecting. We have no objection to the applicant working with the City and the County and coming up with an agreement on how to provide fire services down there. The county at this point does not have the money to build a fire station down there. It would have to be a joint effort between the three parties, or it would have to be the applicant's responsibility."

Ms. Thomas questioned further "and regardless to whether this was left in there as is or not, that is something that has to be met regardless before this project continues on?"

Tad Calkins noted that was correct.

Henry Minneboo added "Kim and her group got this information on Thursday. We probably shouldn't be having a discussion on a Monday. This isn't like we're giving somebody a residential lot. This is a major magnitude and here we are debating it on Monday because they got it on Thursday. I know Kim well enough. I'll assure you everything you said is not going to happen in that agreement. We should have had it together. We should have even tabled this item. It's becoming convoluted."

Mr. Sullivan agreed with Mr. Minneboo and said this was very short notice to digest on the magnitude. He recommended to deny.

Mr. Wadsworth held the motion for discussion.

Brian Hodggers wondered "where did the disparity come from between 27 million and 6 million?"

Mr. Calkins explained "the fire station that Ms. Rezenka is referring to is a city fire station. I don't have any idea what their standards are or what kind of equipment they're looking for that. The one that we suggested, or we were hoping for was similar to the one that we just did with the Viera Company."

Kim Rezenka agreed and stated "Tad and the fire chief in Brevard County did tell us it was a \$6 million fire station but because Palm Bay is building one at Sunrise Elementary, Fire Station 8, it's \$27 million based upon their fire estimate. It serves 10,000. So, it's probably a larger station but we shouldn't have a \$6 million station and a \$27 million station within two miles of each other. I was just trying to show you the discrepancy of the costs and the fact that 3,100 homes probably can be better served by the Palm Bay Station. That's what we want the opportunity to work. I have the numbers if you're interested. I can even send you the whole fire report for Palm Bay and all the stations they're building, \$173 million I think is what they're looking for to upgrade all of their fire stations. We're happy to work with staff between now and County Commission."

Mark Wadsworth conveyed "that's where I'm headed. I don't know how many people a fire station can hand handle. If the fire station going there is considered a percentage of your development, are you willing to modify? Debbie I'm hearing what you're saying in that your statement is to pick up your share as far as the subdivision."

Mr. Hodggers added that there are other developments going in that have not even started yet that are going to be in the same phase. Therefore, the applicant will be sharing that \$27 million.

Ms. Rezenka said “that's what makes more sense to us than building a separate fire station for Brevard County when there's not that much in Brevard County that would need that. We're just looking for flexibility. That's all we're looking for.”

Brian Hodgers suggested at the end of the day if the fire station's not there they can't complete the project. It goes back to his earlier statement that they've got a long road ahead of them if they can't comply with what the county needs for fire service.

Motion to recommend denial of item G8 by Robert Sullivan, with no second. The vote failed.

Motion to recommend approval of item G8, as originally written by the County and to allow for discussions to continue between the Developer and the County to come to agreement, by Debbie Thomas and seconded by Brian Hodgers. The vote passed 4 to 3.



H.10

East Central Florida Regional Planning Council

455 N. Garland Avenue, Orlando, FL 32801
Phone 407.245.0300 • Fax 407.245.0285 • www.ecfrpc.org

Tara McCue, AICP
Executive Director

MEMORANDUM

To: Stephen M. Swanke, Senior Planner, Brevard County Planning and Development Department

From: John Patterson, AICP, Planner III ECFRPC

Date: June 6, 2024

Subject: Local Government Comprehensive Plan Transmittal Review | Amendment Brevard County 24-02ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council (Council) to review large-scale local government comprehensive plan amendments prior to their adoption. The regional planning council review, and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. The Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the Brevard County was received on May 16, 2024 and contains one (1) large-scale Future Land Use Map (FLUM) amendment. This report includes a summary of the proposed amendments and Council staff comments.

Summary of Proposed Amendment

The proposed amendment is to change the future land use designation of a ±1,109.57-acre site from Residential 1:2.5 (1 unit per 2.5 acres) to Residential 4 (four (4) units per acre) for 1,082.24 acres of the site and to Community Commercial (CC) for the remaining ±27.33 acres.

The site is generally located west of and adjacent to Babcock Street SE and south of and adjacent to Willowbrook Street. Adjacent future land uses include Residential 1:2.5 to the north, south, and west, with Public Conservation (Pub. Cons.), Residential 1 (1 dwelling unit per acre), Community Commercial (CC) and Neighborhood Commercial (NC) to the east.



Regional Impacts

As required by Florida Statutes (FS) subsection 163.3184(3)(b)3.a, review for impacts on regional resources of significance is to be based on the ECFRPC's Strategic Regional Policy Plan (SRPP). The SRPP relies on the Critical Lands and Water Identification Project (CLIP) maps and data from the Florida Natural Areas Inventory (FNAI) of Florida State University in determining impacts on resources of regional significance. The latest Version 4.0 (2016) of the CLIP data was used for this analysis. Several impacts on resources of regional significance were discovered, which are discussed below.

The first area of impact is at both the State and regional level, due to the proximity of the proposed amendment to St. Sebastian River Preserve State Park (State Park), located in both Brevard and Indian River counties. As shown in Figure 1, the CLIP-based map of conservation areas near the proposed amendment, the southern boundary of the subject property is within $\pm 2,500$ feet of the State Park along Babcock Street SE. This raises concerns with traffic and construction noise on the State Park, as well as decreased safety for migrating animals crossing this roadway.

In addition, the location of additional preserve areas to the east and west of the subject property (Figure 1) also creates additional issues with the ability of animals wishing to migrate between conservation areas in Brevard, as well as within neighboring Osceola and Indian River counties. The Micco Scrubb Sanctuary, directly across Babcock Street SE from the subject property, abuts the State Park to the south. Just to the west of the subject property across the much lower density Deer Run subdivision (1 unit per 2.5 acres) is the Willowbrook Conservation Easement, providing direct access to additional conservation areas to the west, including across the county line in Osceola County. Per the testimony of residents of Deer Run before the Brevard Board of County Commissioners, animals currently use the undeveloped subject property as a way of migrating between the conservation areas to the east and west of it through their subdivision. The higher four dwelling units per acre density proposed for the subject property is likely to serve as a barrier (or create greater danger) for wildlife migration within this area of Brevard County, as well as to Osceola and Indian River counties.

In addition to the data used in creating the Figure 1 map, other maps were created using data from this same (CLIP) database showed other potential impacts from the future land use map amendment on regionally significant resources:

- areas rated high for biodiversity along the central and eastern areas of the subject property (Figure 2);
- an area of the southwestern-most parcel shown as a four (4) on a one (1) to five scale (1 being highest) of priority areas for greenways (also ties into migration above) (see Figure 3); and
- large areas of the property shown as being high level priorities overall for the FNAI (Figure 4).



Extra-jurisdictional Impacts

As mentioned above regarding areas for migration of animals between conservation areas, this proposed future land use amendment would serve to disrupt the movement of animals through conservation areas within Brevard County, as well as between the County and Osceola, and or Indian River counties. It would thus prove harmful to conservation efforts and ecotourism in all these counties.

Conclusion

Through the study of available CLIP data from the FNAI, adverse effects to resources of regional significance and the animals that inhabit them have been found to be created by this large-scale future Land Use Map amendment proposal. As shown through the Figure 1 map, this amendment could impact conservation efforts in not only Brevard, but also Indian River and Osceola counties. For these reasons, the ECFRPC cannot support approval of the Future Land Use Map amendment as proposed. Consideration should be given to future land use amendments with residential densities closer to the existing density, as the Residential 2 (two (2) dwelling units per acre) recommended by the Local Planning Agency at its meeting of Monday, April 15, 2024. Alternatively, conservation subdivision techniques (clustering) could be used to increase open space for the migration of animals and the preservation of areas of greater biodiversity.

We thank you for the opportunity to review this comprehensive plan amendment. If you have any questions, please do not hesitate to contact John Patterson, AICP, by e-mail at jpatterson@ecfrpc.or or by phone at (407) 245-0300, extension 301.

Kind regards,

John Patterson

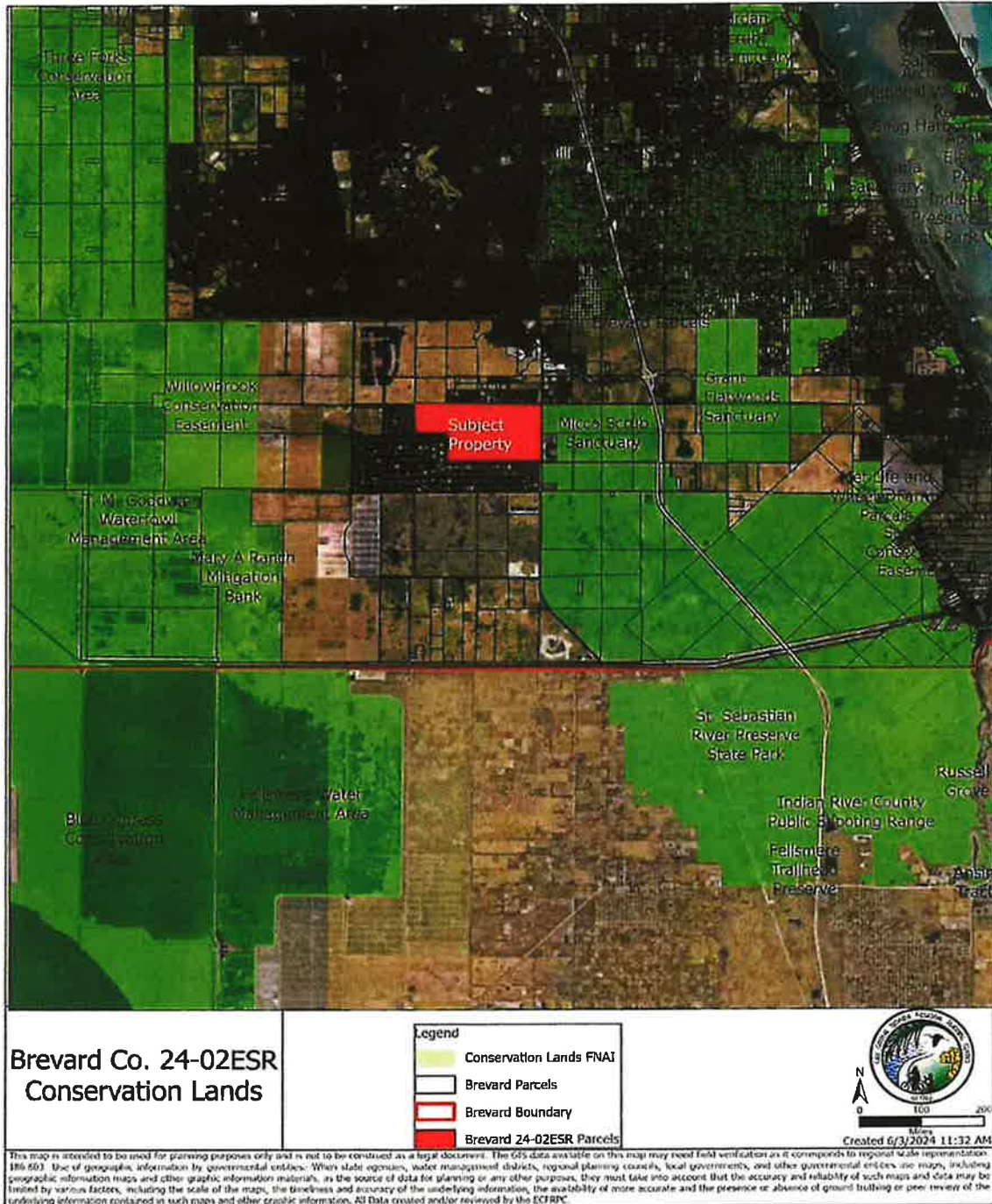
John Patterson, AICP
Planner III
East Central Florida Regional Planning Council

Attachments

- Figure 1: Map of Conservation Areas from CLIP, Petition Brevard County 24-02ESR
- Figure 2: Map of Biodiversity Priority Areas from CLIP, Petition Brevard County 24-02ESR



Figure 1: CLIP Brevard Co. 24-02ESR Conservation Lands



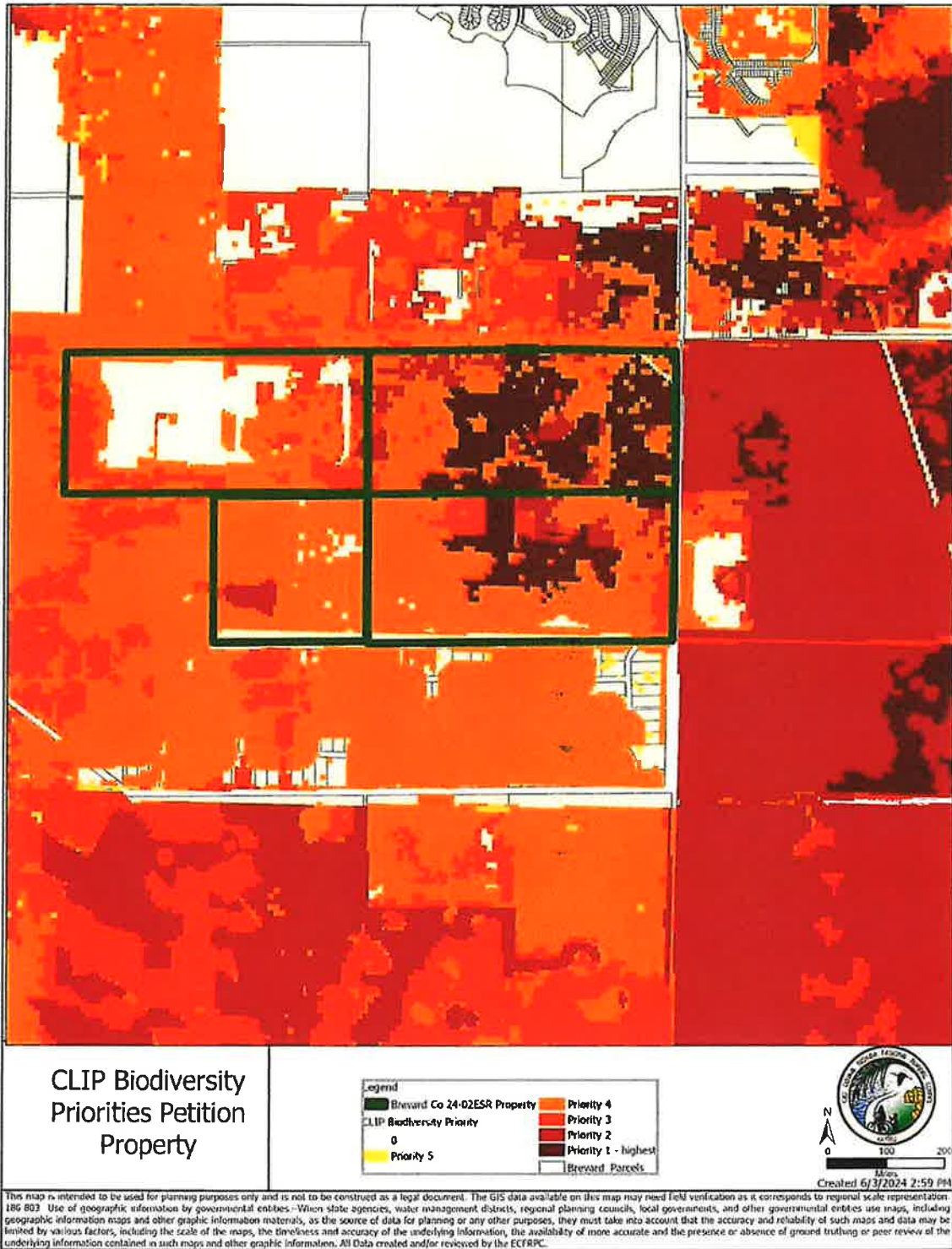


Figure 3: CLIP Greenway Priorities Brevard County 24-02ESR



CLIP Greenway Priorities
Brevard Co. 24-02ESR

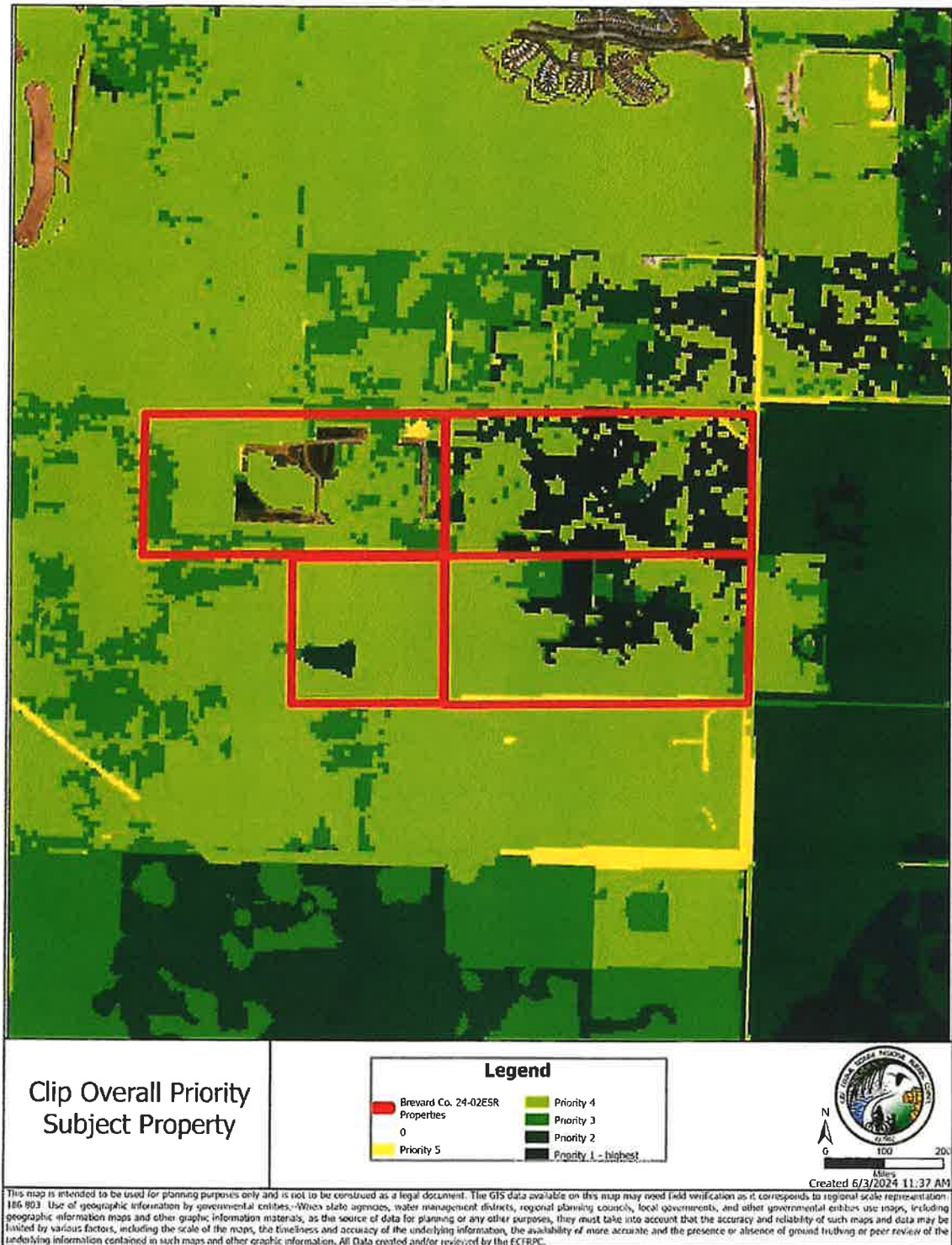
Legend

<p>Greenway Priorities</p> <ul style="list-style-type: none"> OUT Priority 1 - Critical Linkages Priority 2 Priority 3 Priority 4 	<ul style="list-style-type: none"> Priority 5 Brevard Co. 24-02ESR Property Brevard Co. 24-02ESR Property Brevard Parcels Brevard Parcels 	<p>Created 6/3/2024 11:22 AM</p>
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This map is intended to be used for planning purposes only and is not to be construed as a legal document. The GIS data available on this map may need field verification as it corresponds to regional scale representation. 186.803 Use of geographic information by governmental entities—When state agencies, water management districts, regional planning councils, local governments, and other governmental entities use maps, including geographic information maps and other graphic information materials, as the source of data for planning or any other purposes, they must take into account that the accuracy and reliability of such maps and data may be limited by various factors, including the scale of the maps, the timeliness and accuracy of the underlying information, the availability of more accurate and the presence or absence of ground truthing or peer review of the underlying information contained in such maps and other graphic information. All Data created and/or reviewed by the ECRPC.



Figure 4. Aggregated CLIP Resource Priorities.



H.10

Roth, Joy

From: Carol Pasquarosa <easterrose3220@gmail.com>
Sent: Thursday, September 5, 2024 4:33 PM
To: Roth, Joy
Cc: Commissioner, D5; Commissioner, D2
Subject: Fwd: Sunterra Lakes Highlighted In RED-Brevard County Water Shortage

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

I just realized I did not put the period after the D1

----- Forwarded message -----

From: Carol Pasquarosa <easterrose3220@gmail.com>
Date: Thu, Sep 5, 2024 at 4:29 PM
Subject: Sunterra Lakes Highlighted In RED-Brevard County Water Shortage
To: <D1commissioner@brevardfl.gov>, <D3.Commissioner@brevardfl.gov>, <D2.Commissioner@brevardfl.gov>
Cc: <D3.Commissioner@brevardfl.gov>

Dear Commissioners,

Commissioner Steele-Chair, Commissioner Feltner, Commissioner Tobia, Commissioner Goodson and Vice Chair Commissioner Pritchett. Please address or consider my concerns. You are the decision makers

I have poor vision and I emailed all of you last night but realized I failed to spell Commissioners correctly. I will be unable to attend the meeting tonight due to my eye condition.

My specific concerns and why I am not in favor of this project . At then end of this email I provided you just a little background of what I had to deal with in regards to the City Of Palm Bay.

In spite of the fact that Sunterra Lakes is under the jurisdiction of Brevard County, I am concerned about the project. In my understanding, unincorporated land within Brevard can be annexed, is this correct? Taxpayers will be negatively impacted by water and sewer costs. My water volume has already decreased due to the thousand homes that have been built behind me within the last three years due to the impact land SunTerra purchased caught my attention when I heard about it. I had multiple questions so I emailed the city. The purpose of my inquiry was to get information about developments south of the St Johns Heritage Parkway at 95. A copy of the SR404 permit was emailed to me. Emerald Holdings LLC was listed on the permit. It is important to note that this permit was applied for before any water shortages that I am aware of. I have been able to gain some information about this specific SR404 permit. **Is Emerald Lakes CDD and Sunterra Lakes one in the same?**

The Emerald Lakes CDD consists of land south of Grant Road, north of Micco, east of Babcock, and west of Route 1. I believe SunTerra Lakes is within these boundariesn our wells and treatment facilities.

Will a 20" water main be enough, what about fire hydrants every 500 feet? Who will foot this huge bill? According to what I read, Palm Bay would be responsible for water and sewer, but this may just be speculation.

Concerns regarding the environment and wetlands -

Wetlands and the aquifer serve as a natural filtration system for rainfall and runoff. This makes wetlands a vital part of our environment and a critical part of our water drinking supply

Trees purify our air and naturally cool the planet. They also provide habitats for thousands of species and 80% of the earth's land animals and plants depend on woodlands to survive. May I remind you many of the species are already on the Federal endangered species list and the FL endangered species list. **Is this something you would want to hand down to future generations?**

SR404

Transfer of FDEP permit with modifications - RE: SAJ-2018-02833 (SP-JCP) Emerald Lakes

In February 2024, a federal judge ruled that Florida's 404 wetlands permitting program was illegal and vacated the program:

- The judge ruled that the EPA illegally transferred the federal wetland permitting program to Florida in 2020.
- The judge found that Florida's program failed to meet the Endangered Species Act's requirements.
- The judge said that the program didn't show it would protect species or prevent substantial harm to protected species.
- The judge said that the technical assistance process didn't adequately protect endangered species.
- The judge said that the FWS Programmatic Biological Opinion and Incidental Take Statement didn't identify the species at issue or the extent of take. \
- The judge said that the technical assistance process between the state wildlife agency and FWS didn't meet the Endangered Species Act's standards.

Email from Army Corp of Engineers

I am the Chief of the Cocoa Regulatory Section that covers this location. I received your inquiry from Jacksonville. In reference to the permit number above, a USACE permit was never issued, because the FDEP-State 404 Program assumed the program in Dec 2020 during the USACE process and the project was transferred to the State (FDEP). If a State 404 permit was issued, it would be there's to transfer; and given the recent court case vacating the State 404 program (which now reverts back to the Corps), I do not believe there is a valid mechanism for the state to transfer the permit, but that is a question for FDEP.

If you have further questions, please feel free to contact me. Thanks
JCP

John Palmer, Chief
Cocoa Regulatory Office
U.S. Army Corps of Engineers

My History with the City of Palm Bay

I have had to deal with The City of Palm Bay's excuses since I moved here. As a resident of Palm Bay I could not be more disappointed in the city. They are too busy applying for every federal grant and at one time allowed first time home buyers a great deal, you buy a home here, pay on it for 10 years and you own the home free and clear. That is wrong! When you have Sr Citizens that are struggling just to keep their home. The city continues to approve projects, make the developers rich, and keep saying we understand. The impact fees do not even cover the mess the developer leaves. No infrastructure, overcrowded schools. Now, we are going to get a temporary fire station-Probably due to the Sunterra Lakes project. Commissioner Steele, I believe this is your district. Have you seen the amount of development that has taken place in South Brevard? Have you driven down Babcock within the last 3 years? It is a disgrace.

Willowbrook to Mara Loma Blvd-

3 years ago I spoke with Georgiana, SCPTO about being milled. She sent me the map of Babcock SR507-The map clearly states the City of Palm Bay is responsible.

I have been asking about this area and the city engineer told me,that it is Brevard County's responsibility and the county does not have the funding. This is what I have had to deal with. . I have met with them, attended meetings and it is the same old thing-empty promises.

Am I to assume or expect the same from all of you? I apologize. I am a SR Citizen and I am struggling due to this horrific economy, I will refrain from getting into politics. We are living in difficult times but the worst thing is being ignored.