



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

Withdrawn

H.8.

11/7/2024

Subject:

Frank Mastroianni (Jake Wise) requests a change of zoning classification from BU-1 and RU-2-10 to PUD. (23PUD00001) (Tax Account 2600118) (District 2).

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-10 (Medium Density Multi-Family Residential) to PUD (Planned Unit Development).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 2.88 acres and RU-2-10(6) (Multiple-Family Residential) with density cap of six (6) units per acre on the remaining 11.92 acres to PUD (Planned Unit Development) with removal of the cap of six (6) units per acre on 14.8 acres to build a luxury rental apartment community consisting of 252 multi-family units with associated club house, amenities, and parking.

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

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

5.72 acres of the 14.8 acres (overall PUD area) are within the Coastal High Hazard Area (CHHA). The applicant is proposing to limit the density in the CHHA to 15 units per acre (85 units) a total of 252 units (or 17.02 units per acre overall).

The Coastal Residential Densities Objective 7: States to "Limit densities within the coastal high hazard area and direct development outside of this area". While the proposed density does not exceed the density limitation of the CHHA area, the Board should consider if the unit configuration on the PDP meets the intent of the objective.

Natural Resources has noted the subject parcel contains mapped wetlands and hydric soils; Aquifer recharge soils; partially located within the Coastal High Hazard Area; within estuarine floodplain as identified by FEMA; and in the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees and protected species may also be present on the subject property.

The Board should consider if the request is consistent and compatible with the surrounding area along with the following two (2) conditions:

- 1) Limiting the number of units in CHHA as depicted on the PDP. Any substantial changes to the aforementioned redesign be deemed a substantial change by the zoning official, a PDP Amendment would require Board approval;
- 2) All design elements shown on the PDP require conformance with Brevard County codes and regulations.

At the June 10, 2024 Planning and Zoning meeting, this request was unanimously denied.

At the July 11, 2024 Board meeting, the recommendation was that the request was remanded back for staff review in anticipation that the applicant was going to revise the request to be reheard at the October 14, 2024 Planning and Zoning meeting and the November 7, 2024 BoCC meeting. **To date, the applicant has not submitted revised plans.**

On October 14, 2024, the Planning and Zoning Board heard the request and unanimously recommended denial.

Clerk to the Board Instructions:

None

Jackson, Desiree

From: Prasad, Billy
Sent: Tuesday, November 5, 2024 9:59 AM
To: Ball, Jeffrey
Cc: Jackson, Desiree
Subject: FW: Mastroianni Re-Zoning Request (Brevard County Case #23PUD00001)

From: Calkins, Tad <tad.calkins@brevardfl.gov>
Sent: Monday, November 4, 2024 5:11 PM
To: Prasad, Billy <Billy.Prasad@brevardfl.gov>
Subject: Fwd: Mastroianni Re-Zoning Request (Brevard County Case #23PUD00001)

Let's try to update the agenda to reflect this update.

Sent from my iPhone

Begin forwarded message:

From: "Esseesse, Alexander" <Alexander.Esseesse@brevardfl.gov>
Date: November 4, 2024 at 4:23:06 PM EST
To: "Calkins, Tad" <tad.calkins@brevardfl.gov>
Subject: FW: Mastroianni Re-Zoning Request (Brevard County Case #23PUD00001)

FYI

Sincerely,
Alex

Florida has broad public records laws. A public records request may require the disclosure of information sent to or from this e-mail address unless exempt, privileged, or confidential under State law.

From: Jason W. Searl <Jason.Searl@gray-robinson.com>
Sent: Monday, November 4, 2024 4:21 PM
To: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Cc: Richardson, Morris <Morris.Richardson@brevardfl.gov>; Esseesse, Alexander <Alexander.Esseesse@brevardfl.gov>; Jason W. Searl <Jason.Searl@gray-robinson.com>; Laurie M. Perez <Laurie.Perez@gray-robinson.com>
Subject: RE: Mastroianni Re-Zoning Request (Brevard County Case #23PUD00001)

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

Afternoon, Jeffrey. Thank you for your call with me the end of last week. After discussing it again further today with our client, the applicant on the above, please let this email serve as their voluntary withdraw of this application. My understanding is that no further action is needed at Thursday's BCC Meeting (or otherwise), but, I'd ask you to please reply to confirm this receipt. Also, since, as Alex mentions in his Oct. 14th email below, we have now withdrawn this application, no six month period to re-apply is incurred. As such, I'd like to please ask for available days and times when our extended project team (with engineers) may meet with you and Planning Team at County to discuss our new, most likely straight-zoning, application requirements and related matters. Thank you again and best, JWS

T 407.843.8880 / 321.727.8100
D 407.244.5601
F 407.244.5690 / 321.984.4122



Jason W. Searl
Shareholder

GrayRobinson, P.A. • 301 East Pine Street, Suite 1400, Orlando, Florida 32801
GrayRobinson, P.A. • 1795 West NASA Blvd., Melbourne, Florida 32901

From: Esseesse, Alexander <Alexander.Esseesse@brevardfl.gov>
Sent: Monday, October 14, 2024 1:20 PM
To: Jason W. Searl <Jason.Searl@gray-robinson.com>
Cc: Richardson, Morris <Morris.Richardson@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: RE: Mastroianni Re-Zoning Request

This message originated outside of GrayRobinson.

Understood. The application will proceed as scheduled then.

Sincerely,
Alex

Florida has broad public records laws. A public records request may require the disclosure of information sent to or from this e-mail address unless exempt, privileged, or confidential under State law.

From: Jason W. Searl <Jason.Searl@gray-robinson.com>
Sent: Monday, October 14, 2024 1:17 PM
To: Esseesse, Alexander <Alexander.Esseesse@brevardfl.gov>
Cc: Richardson, Morris <Morris.Richardson@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Jason W. Searl <Jason.Searl@gray-robinson.com>
Subject: RE: Mastroianni Re-Zoning Request

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

Thank you again, Alex, for your review and confirmation. But, at this time, our client/the Applicant has instructed me/would *not* like to withdraw its current application until such time as they may receive a substantive response from their Seller/the property owner. We understand that this *may* result in our receiving a recommendation for denial from the County Planning and Zoning Board at their regular meeting later today. Best, JWS

Jason W. Searl
Shareholder

T 407.843.8880 / 321.727.8100
D 407.244.5601
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□ □ □ □ □

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□

This e-mail is intended only for the individual(s) or entity(s) named within the message. This e-mail might contain legally privileged and confidential information. If you properly received this e-mail as a client or retained expert, please hold it in confidence to protect the attorney-client or work product privileges. Should the intended recipient forward or disclose this message to another person or party, that action could constitute a waiver of the attorney-client privilege. If the reader of this message is not the intended recipient or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited by the sender and to do so might constitute a violation of the Electronic Communications Privacy Act, 18 U.S.C. section 2510-2521. If this communication was received in error we apologize for the intrusion. Please notify us by reply e-mail and delete the original message without reading same. Nothing in this e-mail message shall, in and of itself, create an attorney-client relationship with the sender.

Please be advised that this law firm may be acting as a debt collector and is attempting to collect a debt and any information provided will be used for that purpose.

From: Jason W. Searl <Jason.Searl@gray-robinson.com>
Sent: Monday, October 14, 2024 12:47 PM
To: Esseeesse, Alexander <Alexander.Esseeesse@brevardfl.gov>
Cc: Richardson, Morris <Morris.Richardson@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Jason W. Searl <Jason.Searl@gray-robinson.com>
Subject: RE: Mastroianni Re-Zoning Request

Thank you, Alex, for this and, Morris, for call. Reaching out to my client/the Applicant next to relay and discuss. I plan to be back with you shortly. Best, JWS

From: Esseeesse, Alexander <Alexander.Esseeesse@brevardfl.gov>
Sent: Monday, October 14, 2024 12:43 PM
To: Jason W. Searl <Jason.Searl@gray-robinson.com>
Cc: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: Mastroianni Re-Zoning Request
Importance: High

This message originated outside of GrayRobinson.

Good afternoon Jason,

Based on the County's interpretation of Section 62-1151(e), Brevard County Code, and the facts and circumstances of this particular situation, your client can request a withdrawal of the application and will not be required to wait six months to re-apply.

Please confirm as soon as possible whether your client would like to withdraw their application.

Sincerely,
Alex

Alexander Esseeesse, Esq.
Deputy County Attorney
Brevard County Attorney's Office
(321) 633-2090
alexander.esseeesse@brevardfl.gov

Florida has broad public records laws. A public records request may require the disclosure of information sent to or from this e-mail address unless exempt, privileged, or confidential under State law.

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

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

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

23PUD00001

Frank Mastroianni

BU-1 (General Retail Commercial) and RU-2-10(6) (Medium-Density Multi-Family Residential) to PUD (Planned Unit Development)

Tax Account Number(s): 2600118

Parcel I.D.: 26-36-01-00-753

Location: East side of Highway 1 approximately 0.4 miles south of
Viera Blvd (District 2)

Acreage: 14.8 acres

Planning & Zoning Board: 10/14/2024

Board of County Commissioners: 11/07/2024

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	BU-1, RU-2-10(6)	PUD with removal of the cap of six (6) units per acre
Potential*	157 multifamily units	252 units
Can be Considered under the Future Land Use Map	YES CC and RES15	YES CC and RES15

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from BU-1 (General Retail Commercial) on 2.88 acres and RU-2-10(6) (Multiple-Family Residential) with density cap of six (6) units per acre on the remaining 11.92 acres to PUD (Planned Unit Development) with removal of the cap of six (6) units per acre on 14.8 acres to build a luxury rental

apartment community consisting of 252 multifamily units with associated club house, amenities, and parking.

The subject property contains two (2) zoning classifications, BU-1 and RU-2-10(6), received under zoning actions: **Z-3322 (BU-1 & RU-1-11 to BU-1 East 250 ft. of US Hwy. 1, Balance as RU-2-15 June, 1973), AZ-54 (RU-2-15 to RU-1-11) and Z-5279 (RU-1-11 to RU-2-10(6) May 8, 1980).**

Future Land Use (FLU) designations identified in the County's Comprehensive Plan indicate the intended use and development density for a particular area, while zoning classifications specifically define allowable uses and contain the design standards and development guidelines 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.

The subject property contains 2.88 acres of CC FLU and 11.92 acres of RES 15 FLU. Within the Community Commercial FLU designation (CC designation), Chapter XI of the Comprehensive Plan, Policy 2.10 permits a density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. The calculated number of units afforded under this Policy would permit up to 86 units at 30 units per acre. Increases in density beyond this allowance may be considered through a public hearing.

In the Coastal High Hazard Area (CHHA), however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM. The CC portion of the subject property **is not** mapped as CHHA.

The Residential 15 FLU designation (RES 15 designation) outlined in Chapter XI of the Comprehensive Plan, Policy 1.4(E) allows up to a 25% density bonus, or up to 18.75 dwelling units per acre, to 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 Chapter XI, 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. Under this Policy, approximately 6.2 acres would be eligible for the density bonus, which, if approved by the Board, could result in up to 116 units on this 6.2-acre portion of the subject property. The property located within the CHHA has been excluded from the calculations for the density bonus.

This density bonus shall not be utilized for properties within the CHHA therefore the density allowance remains at 15 units per acre. In 1980, the Board granted a rezoning of the 11.92 acres that capped the density of that portion of the subject property at six (6) units per acre. The RES 15 portion of the subject property has been mapped as including 5.72 acres within the CHHA. In other words, Chapter XI of the Comprehensive Plan, Policy 1.4(E) restricts the density of 5.72 acres of the subject property strictly to the RES

15 designation. The proposed number of units within the CHHA is 15 units per acre or 85 units. The Board will need to determine if this request is a density bonus as the density cap with the zoning preceded the Comprehensive Plan adoption of Res 15 in 1988.

The requested number of units for this PUD is 252 units with an overall requested density is 17.02 units per acre. However, the maximum allowable number of units based on the specific criteria noted above would allow up to 288 units, or roughly 19.46 units per acre. The Board shall determine whether the scale and intensity of the residential development is compatible with abutting residential development in the surrounding area.

	Acreage	Allowable Units	Units per acre	Proposed units	Units per acre
Community Commercial	2.88	86	30		
RES 15 – Area outside of CHHA	6.2	93	15		
RES 15 - CHHA	5.72	85	15	85	
Overall PUD acreage	14.8	264	17.8	252	17.02 units per acre
RES 15 (25% density bonus, up to 18.75 du/ac	6.2	116	18.75		
Overall PUD acreage	14.8	287	19.39	252	17.02 units per acre

The 14.8 acre subject property consists of one (1) parcel located on the east side of Highway 1, approximately 0.4 miles south of Viera Blvd and bounded by Ruby St to the north and Laguna Vista Condos to the south. The site is currently undeveloped. The site has access along a Florida Department of Transportation (FDOT) maintained road highway: Highway 1 (to the west). The proposed PDP indicates ingress/egress via Highway 1.

Surrounding Area Zoning classifications and Land Use designations

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

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

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

To the east is the Indian River.

West of the subject property: FDOT Highway US 1.

EU-2 zoning classification is an estate single family residential zoning classification. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

RU-2-10(6) with a cap of six (6) units per acre classification permits multiple-family residential development or single-family residences on minimum lot sizes of 7,500 square feet.

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

Planned Unit Development

The Planned Unit Development (PUD), as provided in sec. 62-1442, is a concept which encourages and permits flexibility in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.

In order to accomplish the objectives of this section, the applicant of a PUD may propose, and the county may consider, alternative development standards to any land development regulation in articles VI or VII of chapter 62 of the Brevard County Code.

The applicant shall justify the proposed alternative development standard(s) by describing how it promotes a development form facilitating the goals and objectives of article VI of this chapter and does not violate the purpose of this chapter for the protection of the public health, safety and welfare in the subdivision of land.

Applicant's response:

No alternative development standards have been requested.

The PDP is a mechanism to request such waivers. The applicant shall specifically include the alternative development standard(s) in the preliminary development plan, and shall present its justification to the planning and zoning board and board of county commissioners in public hearing.

Substantial (major) changes to the PDP require Board approval. As provided in sec. 62-1448(c): If, after the initial approval of the PUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the board of county commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD, which depicts the use and intensity of the project. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Design elements shown as on the Preliminary Development Plan are required to meet code, unless a waiver has been granted by the Board. Substantial changes would require Board approval.

Specific waivers to land development regulations must be stated on the preliminary development plan and must be verbally requested by the applicant at the public hearing. Unless a waiver is specifically requested by the applicant and specifically approved by the Board, it will not be assumed to have been approved.

No waivers have been requested.

PDP Staff Comment:

ENGINEERING - Public Works

The revised preliminary development plan with the note about reviewing the sidewalk along Ruby Street under the site plan is acceptable for Engineering. If it is determined that a public sidewalk is required, the sidewalk will need to be for public access but will need to be privately maintained by the property owner.

Land Use

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

The proposed PUD zoning classification can be considered consistent with the existing CC and RES 15 FLU designation.

Applicable Land Use Policies

FLUE Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

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

The proposed development will connect to Brevard County sewer via a 6" force main that runs along US-1. Brevard County utilities have already been engaged and will be able to service this property.

The applicant has illustrated a proposed stormwater system outfall location on the PDP. Public Works has reviewed the PDP and approved of the proposed. Drainage plans will be reviewed at the site plan review stage.

Adequate recreation facilities are proposed to serve the needs of the associated development. Development is proposed to be complete in one (1) phase.

- 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.

Fire has reviewed the PDP. No issues were noted with regards to fire and emergency medical services.

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

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

The proposed development will connect to Brevard County sewer via a 6" force main that runs along US-1. Brevard County utilities have already been contacted and provide able to service this property.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

The overall density of this project is 17.02 units per acre and will require a connection to a centralized sewer system.

FLUE Policy 1.4

Residential 15 (maximum of 15 units per acre)

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

The subject site is located east of Interstate-95 (I-95). It is located adjacent to an equal density Future Land Use (FLU) designation of RES 15 to the north and south.

- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

The subject site is not adjacent to incorporated areas.

- C. Areas adjacent to an existing Residential 15 land use designation; and

The subject site is adjacent to an existing Residential 15 land use designation to the north and south. However, there is a cap in density with the zoning of 6 dwelling units to the acre.

- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct frontage to Highway US 1, an Urban Principal roadway to the west.

- E. Up to a 25% density bonus to permit up to 18.75 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 Coastal High Hazard Area (CHHA).

The RES 15 portion of the subject property has been mapped as including 5.72 acres of CHHA. Density would remain at 15 units per acre. The proposed number of units of this area is 14.86 units per acre or 85 units. The remaining 6.2 acres would have an allowable density of 18.75 units per acre or 116 units.

The overall density is 17.02 units per acre which includes 30 units per acre in the CC portion of the parcel.

FLUE Policy 2.10 – Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

Criteria:

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

The proposed development is multi-family project with no commercial component. Neo-traditional development techniques are typical utilized during the creation of a subdivision type development. Neo-traditional development is not being proposed.

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

The subject property is not located within a redevelopment district. Applicant is not requesting a density bonus based on Policy 11.2.

Coastal Residential Densities

Objective 7

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

Staff analysis indicates that the density would not exceed 15 units per acre within the CHHA area, if the Board recognizes the Res 15. The Board may recognize the density cap of 6 units per acre as designated in the RU-2-10 zoning classification. This would limit density within the CHHA to 34 units not 85 units as shown on the Preliminary Development Plan (PDP).

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 – 5 of the Future Land Use Element.

Analysis of Administrative Policy 3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The proposed development increases the percentage of MAV utilization by 4.01%. The corridor is anticipated to operate at 64.65% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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

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

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

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

1. historical land use patterns;

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

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

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

There has not been any actual development within this area in the preceding three (3) years.

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

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

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

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

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

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

FLUE Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

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

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

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

- 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

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

- 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

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

Analysis of Administrative Policy 7

Natural Resources has noted the subject parcel contains mapped wetlands and hydric soils; Aquifer recharge soils; partially located within the Coastal High Hazard Area; within estuarine floodplain as identified by FEMA; and in the Indian River Lagoon Nitrogen Reduction Septic Overlay. Protected and specimen trees and protected species may also be present on the subject property.

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

Preliminary Development Plan

In addition of Administrative Policies #3 and #4, the Preliminary Development Plan should be evaluated in the context of **Section 62-1448 (b) (5)** of the Zoning code:

Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

- a. Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.

Applicant response: The Proposed Development includes three (3) story multifamily buildings, providing an attractive transition from the adjacent four (4) story residential condominium building directly to the south and the six (6) single family homes to the north of the Property, located along Ruby Street. Density for the Proposed Development is consistent with Brevard County's Comprehensive Plan.

Staff response: The developed character of the surrounding residential areas is single family to the north with RES 15 FLU designation and multi-family to the south with RES 15 FLU designation. However, the subject property and the property to the south retains RU-2-10(6) zoning that limits density 6 dwelling units to acre.

The proposed zoning request to PUD would permit a density of up to 18.75 dwelling per acre outside of the Coastal High Hazard Areas.

- b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.

Applicant response: The Applicant has recognized the County's need for additional high-quality housing, rather than potentially heavy commercial uses, and feels that

the Proposed Development will be a better fit to the surrounding area, which includes a four (4) story residential condominium building directly to the south of the Property. One element of the Proposed Development that has been given special focus is the handling of buffering and setbacks, especially, along its northern boundary of Ruby Court. As highlighted in the Preliminary Development Plan, the residential buildings are set-back approximately 106' from the north property line, in such a manner to allow for an ample transition with the adjacent single-family uses (six (6) homes total).

Staff response: See staff response above.

- c. Prevention of erosion and degrading of surrounding area.

Applicant response: The Property will be engineered to preserve existing drainage patterns and route any incoming runoff to the Property's current outfall location. Standard best engineering practices will be utilized to ensure that the adjacent properties will not encounter erosion or drainage issues as a result of the Proposed Development.

Staff response: Two large wet retention pond, along with a stormwater outfall has been proposed on the PDP. Specific drainage issues and design will be addressed at site plan.

- d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Applicant response: The Proposed Development will provide adequate private recreational facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation for the area within the Property boundary. Brevard County will review school concurrency during the permitting process. The aforementioned standards will be provided per standard engineering best practices and shall conform to County, state and federal regulations.

Staff response: The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

The maximum development potential of the proposal is not anticipated to create a deficiency in LOS of Highway US 1. A Traffic Impact Analysis (TIA) has been submitted for review. All TIA comments with regards to the PDP has been addressed. Per the study's results, northbound right and southbound left turn lanes are warranted on US 1 at the project driveway. An additional emergency access points has been proposed. Further concurrency evaluation and review will be done during site plan staff. Transportation impacts are typically addressed during the site plan review, unless the Board determines the study is necessary to evaluate the PUD rezoning.

The applicant has provided verification of a stormwater system.

- e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

Applicant response: Common open space for the Proposed Development has been provided per County requirements. The Proposed Development seeks to maximize the Property's riverfront location and offers waterfront common areas to residents of the Proposed Development, anticipated to include market standard waterfront activities and amenities. The common open space will be professionally maintained and managed by the property owner, an affiliated entity of Mill Creek Residential, one of the largest developers of high-quality multifamily rental housing in the United States.

Staff response: The minimum common recreation open space required for the proposed project is 3.75 acres per Sec. 62-1446(c). The PDP states 6.08 acres provided. The proposed development meets the open space requirement.

- f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

Applicant response: no phasing proposed. The Proposed Development will be constructed as a single project/community.

Staff response: No phasing is proposed.

- g. The availability and adequacy of water and sewer service to support the proposed planned unit development.

Applicant response: The City of Cocoa is the water utility provider for the area, and Brevard County is the sewer utility provider for the area. There are both water and sewer lines within the US-1 right of way. Both utility providers have been approached about the project and have confirmed availability for tie-in.
Staff response: A connection to water and sewer facilities is proposed.

- h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

Applicant response: There are two public right of ways that border the Property, US-1 to the west and Ruby Street to the north. The Applicant believes that US-1 alone is sufficient to support the traffic needs of the Proposed Development, and FDOT has already been approached regarding the project. A traffic impact analysis can be provided as part of permitting.

Staff response: There one primary access and thoroughfare to support the development and one proposed access for emergency access only. A 2-way 24 foot driveway isle is proposed within the development.

- i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.

Applicant response: N/A. The proposed development is consistent with the Brevard County Comprehensive Plan and no alternative development standards or waivers are being requested at this time.

The property currently has a County Future Land Use designation of both CC and RES 15, and these land use designations allow for the Proposed Development. As a result of the split land use categories, the Applicant elected to pursue a uniform PUD to provide one set of development standards for the Proposed Development containing multi-family residential, clubhouse and other amenities and associated leasing office uses.

Staff response: The applicant is proposing to 252 multi-family unit mix with recreational amenities. The unit mix ranging from 1 bedroom to 3 bedroom provides a variety of housing options to residents.

- j. The conformity and compatibility of the planned unit development with any adopted development plan of the county.

Applicant response: The proposed development is consistent with the Brevard County Comprehensive Plan and no alternative development standards or waivers are being requested at this time.

Staff response: Staff analysis did not identify any deficiencies with any adopted development plan of the county. The Board will need to determine if the request is conforming and compatible.

- k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.

Applicant response: The Proposed Development provides a cohesive development plan that integrates residential apartment units, leasing and amenity centers, parking, preserved on-site wetlands and common open space that seeks to maximize the Property's riverfront location.

Staff response: The proposed Preliminary Development Plan (PDP) indicates 6.08 acres of common open space will be provided, of which 1.73 acres is active open space. Amenities include a club house, pool, exercise stations, trail, sports court, and observation decks with benches.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 1, from Viera Blvd to Suntree, which has a Maximum Acceptable Volume (MAV) of 41,790 trips

per day, a Level of Service (LOS) of D, and currently operates at 60.64% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 4.01%. The corridor is anticipated to operate at 64.65% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

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

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

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

The subject parcel contains mapped wetlands and hydric soils; indicators that wetlands may be 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 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.**

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

The property is mapped as being within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map (Zone AE). The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

The subject property is located on the Indian River Lagoon, designated as an Impaired Water (as defined in 62-303.200 F.A.C.) and a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.**

NRM encourages the use of GSI (Green Stormwater Infrastructure) and/or LID (Low Impact Development) to reduce water pollution, improve quality of ground and surface waters, reduce urban heat island effect, and protect and enhance aquatic and wildlife habitats. Please contact this office to discuss the potential use of GSI and/or LID.

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

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area along with the following two (2) conditions:

- 1) Limiting the number of units in CHHA as depicted on the PDP. Any substantial changes to the aforementioned redesign be deemed a substantial change by the zoning official, a PDP Amendment would require Board Approval;
- 2) All design elements shown on the PDP require conformance with Brevard County codes and regulations.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 23PUD00001

Applicant: Jake Wise (Owner: Frank Mastroianni)

Zoning Request: BU-1, AU, & SEU to PUD

Note: Change of zoning classification from BU-1 and RU-2-10 to PUD with removal of the cap of six (6) units per acre for luxury apartments (252 units)

Zoning Hearing: TBD; **BCC Hearing:** TBD

Tax ID No.: 2600118

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

The subject parcel contains mapped wetlands and hydric soils; indicators that wetlands may be 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 65-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation to meet the County's no net loss policy in accordance with Section 62-3696. **The**

applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

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

The property is mapped as being within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map (Zone AE). The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

The subject property is located on the Indian River Lagoon, designated as an Impaired Water (as defined in 62-303.200 F.A.C.) and a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.**

NRM encourages the use of GSI (Green Stormwater Infrastructure) and/or LID (Low Impact Development) to reduce water pollution, improve quality of ground and surface waters, reduce urban heat island effect, and protect and enhance aquatic and wildlife habitats. Please contact this office to discuss the potential use of GSI and/or LID.

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Canaveral-Anclote complex, gently undulating; Satellite sand, 0 to 2 percent slopes; and Pompano sand, 0 to 2 percent slopes); indicators that wetlands may be 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 to meet the County's no net loss policy in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Aquifer Recharge Soils

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

Coastal High Hazard Area

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

Floodplain Protection

The property is mapped as being within estuarine floodplain as identified by FEMA and as shown on the FEMA SFHA Map (Zone AE). The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Indian River Lagoon Nitrogen Reduction Septic Overlay

A portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Surface Waters of the State

The subject property is located on the Indian River Lagoon, designated as an Impaired Water (as defined in 62-303.200 F.A.C.) and a Class II Water in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

Protected and Specimen Trees

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

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Gopher tortoises have been observed in this area. If applicable, 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.



MODERA INDIAN RIVER
Preliminary Development Plan Narrative

Existing Property:

The subject property ("Property" or "Proposed Development"), which is located between South Highway 1 and the Indian River in the unincorporated Rockledge area of Brevard County ("County"), is approximately 14.8 total acres. It is bounded on the west by South Highway 1, on the east by the Indian River, has a northern boundary of Ruby Court, and to its southern boundary is the existing Laguna Vista (residential) Condominium. The Property is comprised of one (1) parcel, County Property Appraiser Parcel Id. No. 26-36-01-00-753.

Proposed Change:

The Property currently has a County Future Land Use designation of both CC (Community Commercial) and RES 15 (Residential 15 units per acre), and corollary zoning designations of both BU-1 (General Retail Commercial) and RU-2-10 (Medium-Density Multifamily Residential). The CC / BU-1 is the smaller portion of the Property fronting South Highway 1 to the west, while the RES 15 / RU-2-10 is the larger portion of the Property along the Indian River to the east.

The Applicant, MCRT Investments, LLC, is the contract purchaser of the Property and is proposing to modify the existing zonings from their current mix to a uniform PUD (Planned Unit Development). The overall intent of the modification is to provide one set of development standards for the Proposed Development containing multi-family residential, clubhouse and other amenities, and associated leasing office uses.

In requesting this PUD zoning action, the Applicant intends to utilize Policy 2.10 (Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations) of the County's Comprehensive Plan, which reads, in part:

"Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street."

This means, under this Policy 2.10, residential development on the portion of the Property fronting South Highway 1, with its current County commercial land use designation, is permissible at density of up to one category higher (Residential 30) than the closest residentially designated area on the same side of the street (Residential 15).

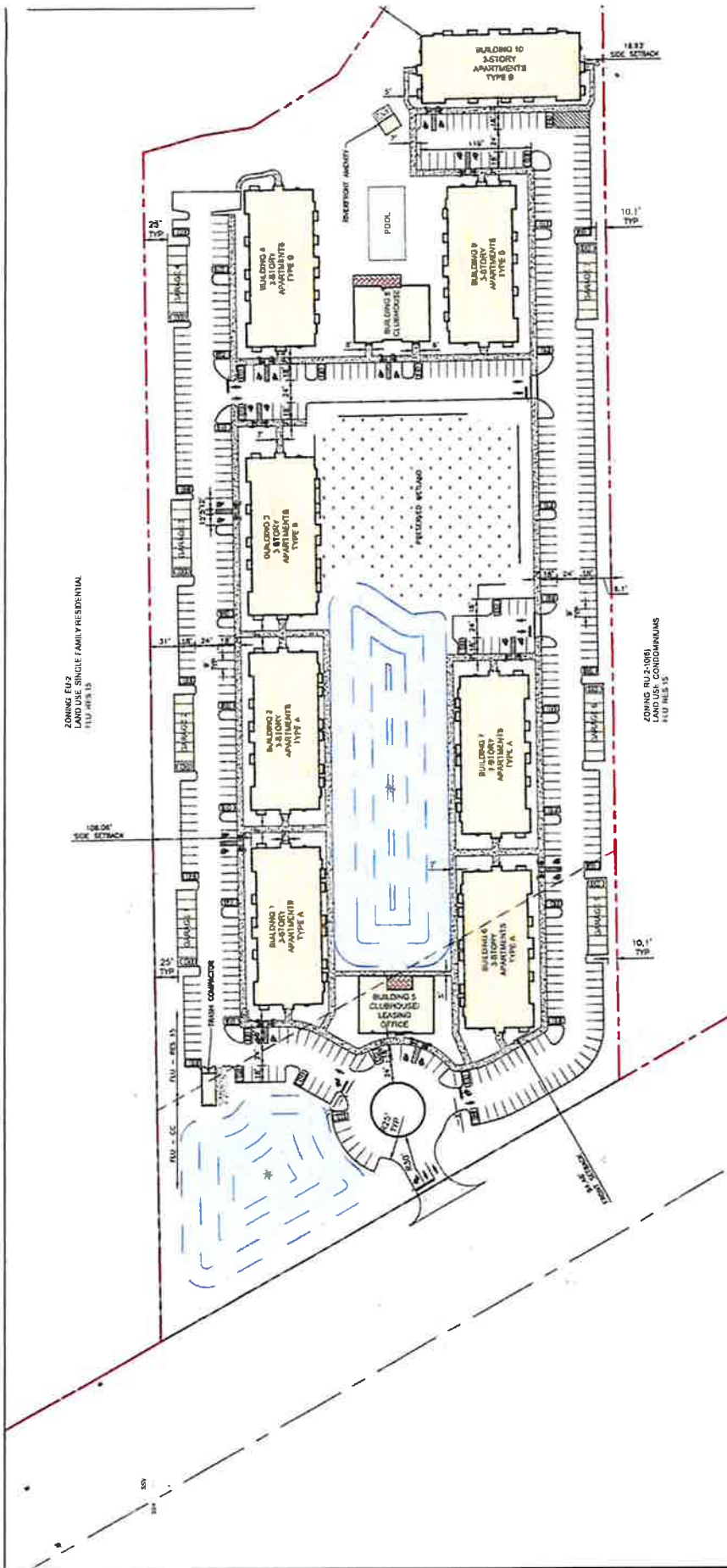
Further, as part of this PUD zoning action, the Applicant is requesting the removal of the cap of six (6) units per acre contained in County Zoning Resolution Z-3322, with an effective date of June 5, 1973, and County Zoning Resolution Z-5279, effective May 8, 1980 (See County Zoning Verification Letter dated May 26, 2023, to the Applicant).





As more fully detailed on the Preliminary Development Plan, it is anticipated the Proposed Development will consist of luxury rental residences within eight (8) buildings, three (3) stories in height. Within the interior of the Proposed Development will also be clubhouse(s), a pool, and other amenities, and associated leasing office uses, on-site stormwater pond, and at-grade surface parking areas, with vehicular access provided by South Highway 1 to the west. The Applicant has recognized the County's need for additional high-quality housing, rather than potentially heavy commercial uses, and feels that the Proposed Development will be a better fit to the surrounding area, which includes a four (4) story residential condominium building directly to the south of the Property.

One element of the Proposed Development that has been given special focus is the handling of buffering and setbacks, especially, along its northern boundary of Ruby Court. As highlighted in the Preliminary Development Plan, the residential buildings are set-back approximately 106' from the north property line, in such a manner to allow for an ample transition with the adjacent single-family uses (six (6) homes total).



PRELIMINARY DEVELOPMENT PLAN

1. CONTACT INFORMATION:

OWNER: MASTROMANNI, LLC
 2551 W. EAU CLAIRE BOULEVARD, SUITE A
 TALLAHASSEE, FL 32303
 DEVELOPER: MASTROMANNI, LLC
 2551 W. EAU CLAIRE BOULEVARD, SUITE A
 TALLAHASSEE, FL 32303
 ARCHITECT: MASTROMANNI, LLC
 2551 W. EAU CLAIRE BOULEVARD, SUITE A
 TALLAHASSEE, FL 32303
 ENGINEER: MASTROMANNI, LLC
 2551 W. EAU CLAIRE BOULEVARD, SUITE A
 TALLAHASSEE, FL 32303
 LANDSCAPE ARCHITECT: MASTROMANNI, LLC
 2551 W. EAU CLAIRE BOULEVARD, SUITE A
 TALLAHASSEE, FL 32303
 SURVEYOR: MASTROMANNI, LLC
 2551 W. EAU CLAIRE BOULEVARD, SUITE A
 TALLAHASSEE, FL 32303
 TAX ACCOUNT NUMBER: 2500118

2. SITE CHARACTERISTICS:

TOTAL ACRES: 14.80 AC
 EXISTING ZONING/FLU CLASSIFICATIONS: BU-1/CC, RU-2-10(6)/RES 15
 PROPOSED ZONING/FLU CLASSIFICATIONS: RUO/CC & RES 15

3. BUILDING HEIGHT:

MAX PERMITTED: 35'
 PROPOSED HEIGHT: 35'

4. FLOOD ZONE:

ACCORDING TO CURRENT FLOOD INSURANCE MAPS ISSUED BY THE
 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), THE PROJECT
 APPEARS TO BE WITHIN ZONES XE (TEL 31), XE (TEL 41), XE (SHOARD)
 AND "X" PANEL NO. 12090C04401 DATED JANUARY 28, 2021.

PROPOSED LOT COVERAGES	ACRES	PERCENT
PROPOSED IMPERVIOUS (BUILDING)	127.001	2.92
PROPOSED IMPERVIOUS (PARKING)	172.623	4.13
PROPOSED IMPERVIOUS (TOTAL)	300.624	7.05
TOTAL PROPOSED IMPERVIOUS AREA	300.624	7.05
PROPOSED PAVED PARKING	24.310	0.58
PROPOSED PLANTINGS	644.255	14.80
TOTAL GROSS AREA	644.255	14.80

5. SETBACKS

REQUIRED	PROPOSED
FRONT: 25'	94.40'
REAR: 10'	18.93'
SIDE INTERIOR (NORTH): 20'	50.00'

6. DENSITY CALCULATIONS:

ALLOWABLE DENSITY PER FULL CLASSIFICATION:
 CC (2.88 AC) - 30 UNITS/AC
 RES 15 (11.92 AC) - 15 UNITS/AC

7. CALCULATION:

(2.88 AC X 30 UNITS/AC) + (11.92 AC X 15 UNITS/AC) = 255 UNITS
 PROPOSED DENSITY: 255 UNITS

8. PARKING SPACE CALCULATIONS:

APARTMENT COMPLEXES: ONE AND THREE (THREE) (1.75) SPACES PER
 UNIT. CLUBHOUSE OR AMENITIES REQUIRE
 PARKING PER CODE SECTION 87-3206.
 PRIVATE CLUBS AND CLUBHOUSES: ONE SPACE PER 200 SQUARE FEET
 OF FLOOR AREA.

REQUIRED: 1.75 = 441 PARKING SPACES
 PROVIDED: 200 = 400 PARKING SPACES
 TOTAL REQUIRED = 481
 TOTAL PROVIDED = 481

9. OPEN SPACE CALCULATIONS:

COMMON RECREATION OPEN SPACE SHALL BE PROVIDED AT A MINIMUM
 RATE OF 1.5 ACRES PER 100 RESIDENTIAL UNITS
 REQUIRED: (255/100) X 1.5 = 3.78 AC OF OPEN SPACE
 PROVIDED: 5.38 AC (242,103 SF)

10. BREEZEWAY CALCULATIONS:

MIN. REQUIRED BREEZEWAY WIDTH = 300' X 500' = 150'
 BREEZEWAY PROVIDED: 165.5'



VICINITY MAP

LEGAL DESCRIPTION:
 (AS PER TITLE COMMITMENT NUMBER 1108446-05660 BY CHICAGO TR)
 EFFECTIVE DATE OF APRIL 6, 2023 AT 11:00 PM)

THE NORTH 200 FEET OF THAT PART OF THE EAST HALF OF 1/4
 RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, TOWNSHIP 21
 RANGE 38 EAST, NOW SITUATE, LYING AND BEING
 TOGETHER WITH

THE SOUTH 200 FEET OF THE NORTH 500 FEET OF THAT PART OF THE
 RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, TOWNSHIP 21
 RANGE 38 EAST, NOW SITUATE, LYING AND BEING IN BREVARD COUNTY, FLORIDA



MILL CREEK RESIDENTIAL

MODERA INDIAN RIVER
BREVARD COUNTY, FL
RENDERING • 09-22-2023
MCR2023-02



MILL CREEK RESIDENTIAL

MODERA INDIAN RIVER
BREVARD COUNTY, FL
RENDERING • 09-22-2023
MCR2023-02



MILL CREEK RESIDENTIAL

MODERA INDIAN RIVER
BREVARD COUNTY, FL
RENDERING • 09-22-2023
MCR2023-02



School Board of Brevard County School Facility Planning and Concurrency Application (School Impact Analysis)

Instructions: Submit one copy of completed application, location map, and applicable fee for each project with a residential component requiring a review by the School Board to **each affected Local Government**.

The School Board requires this information for student generation to be calculated, school capacity evaluated, and potential mitigation addressed. For information regarding this application process, please contact the Planning and Project Management Department of the School Board of Brevard County at 321.633.1000 x463.

Local Government to determine the type of Application:

FEES: See Brevard County Public School Concurrency Review Fee Schedule. Make check payable to School Board of Brevard County

I. Project Information

Project Name: Modera Indian River Apartments County / Municipality: Brevard County
Parcel ID / Tax Account #. (attach separate sheet for multiple parcels): 26-36-01-00-753/ 2600118
Location / Address of subject property: 5955 S. Highway 1; Rockledge, FL 32955 (Attach location map)
Acreage: +/- 14.80 Type of Request at Local Government Rezoning

II. Ownership / Agent Information

Owner/Contract Purchaser Name(s): Frank Mastroianni
Agent / Contact Person: Jake Wise, PE- Construction Engineering Group
(Please note that if agent or contact information is completed, the District will forward all information to that person.)
Mailing Address: 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935
Telephone: 321-610-1760 Fax: _____

I hereby certify the statements and/or information contained in this application with any attachments submitted herewith are true and correct to the best of my knowledge.

Owner or Agent Signature

Date

9.22.23

If applicant is not the owner of record, the "Agent for Owner" form (see page 4 of this application form) must be completed and included with this application at time of application submittal. If owner is a company/corporation, please submit documentation that signatory is an authorized officer of the company/corporation.

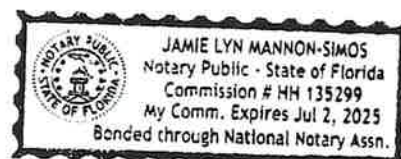
State of Florida, County of Brevard
Sworn and subscribed to before me

This 22nd day of Sept 2023

personally known
(Form of Identification)

[Signature]
Notary Public

Commission Expires: 7.2.25





School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)

III. Development Information

Current Land Use Designation	CC and RES 15	Proposed Land Use Designation	RES 15	
Current Zoning	BU-1& RU-2-10	Proposed Zoning	PUD	
Project Acreage	+/- 14.80			
Total Dwelling Units Proposed	252			
Dwelling Unit Breakdown (Qty)	Single Family or Town Homes:	Multi-Family or Apartments: 252	Condo:	Mobile Home / Manufactured:

Year of Project or Phase Completion: Total Dwelling Units by Type / Year

Year End 20XX	2026				
Unit Type	Year 1	Year 2	Year 3	Year 4	Year 5+
Single Family / Town Homes					
Multi-Family / Apartments	252				
Condominium					
Mobile Home / Manufactured					
Totals by Year	252				

NOTE: This application will not be deemed complete until all required information has been submitted to the School Board of Brevard County. Submittal requirements include completed application, phasing information, review fee(s), agent authorization (if applicable) and location map. Please be advised that additional documentation/information may be requested during the review process.

SCHOOL BOARD USE ONLY
Date / Time Stamp: _____



School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)

Local Government Agency

This section is to be completed by the Local Government and submitted to the School Board of Brevard County. The Local Government is responsible for verifying the number of units currently vested under the existing Comprehensive Plan and Zoning or a previously issued School Concurrency Availability Determination Letter.

Local Government Case #: _____

Please check [✓] type of application request (check only one; as defined by Interlocal Agreement):

- | | |
|---|---|
| <input type="checkbox"/> School Capacity Determination (Preliminary Development Requests) | <input type="checkbox"/> Exemption Review |
| <input type="checkbox"/> Capacity Determination Conversion to Concurrency Determination | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Concurrency Determination (Final Development Requests) | |

Preliminary Development Requests (examples: Rezoning and Comp Plan Amendments):

Number of Units by Type	Maximum Permitted by Proposal	Currently Permitted (Vested)	Difference
Single Family / Town Homes			
Multi-Family / Apartments			
Condominium			
Mobile Home / Manufactured			
Totals:			

Note: The Total Difference will determine if this meets the De Minimis Impact per the Interlocal Agreement.

Final Development Requests requesting a Concurrency Determination:

Number of Units by Type	Proposed
Single Family / Town Homes	
Multi-Family / Apartments	
Condominium	
Mobile Home / Manufactured	

Local Government Reviewer's Signature / Title

Date

Other Affected Local Governments: _____

Comments: _____



School Board of Brevard County
School Facility Planning and Concurrency Application
(School Impact Analysis)

AUTHORIZATION TO ACT AS AGENT

I, FRANK MASTROIANNI authorize Jake Wise, P.E of Construction Engineering Group, Jason Searl of Gray Robinson and Chris Burtner of Mill Creek Residential
(Owner) (Agent)
to act as applicant, representing me in Public Hearings before Brevard County
(Local Government)
pertaining to Preliminary and Final Development Requests, and other matters pertaining to School Concurrency.

[Signature]
Owner Signature

State of Florida, County of Brevard

Sworn and subscribed to before me

This 29th day of August, 2023

Personally Known
(Form of Identification)

Winifred M. Brewer

Notary Public
My Commission Expires: _____



SCHOOL BOARD USE ONLY
Date / Time Stamp: _____

CONCURRENCY FEE SCHEDULE

CONCURRENCY FEE SCHEDULE		
Review / Negotiation	Type	Cost
School Capacity Determination	Preliminary Development Request (CDL)	\$200
Capacity Determination Conversion to Concurrency Determination	Previously Reviewed in the same School Board Reporting Year	\$200
Concurrency Determination	Final Development Request (SCADL)	\$400
Exemption Letter	See Section 13.1(d)2. of the Interlocal Agreement	\$100
Time Extensions	All	\$100
Proportionate Share Mitigation Agreement	All	\$3000
Appeals	All	\$1000
Capacity Enhancement Agreement	All	\$3000

F.S. 163.31777, 163.3180, 1001.41, 1001.42

August 28, 2014

Updated October 22, 2018



LEGAL DESCRIPTION:

(AS PER TITLE COMMITMENT NUMBER 11088446 ISSUED BY CHICAGO TITLE INSURANCE COMPANY BEAR AN EFFECTIVE DATE OF APRIL 6, 2023 AT 11:00 PM)

THE NORTH 200 FEET OF THAT PART OF THE EAST HALF OF THE SOUTHWEST 1/4 LYING EAST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, IN SECTION 1, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND ALSO THE NORTH 200 FEET OF THAT PART OF GOVERNMENT LOT 3, LYING EAST OF U.S. HIGHWAY NO. 1, IN SECTION 1, TOWNSHIP 26 SOUTH, RANGE 36 EAST, NOW SITUATE, LYING AND BEING IN BREVARD COUNTY, FLORIDA.

TOGETHER WITH

THE SOUTH 300 FEET OF THE NORTH 500 FEET OF THAT PART OF THE EAST HALF OF THE SOUTHWEST 1/4 LYING EAST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, IN SECTION 1, TOWNSHIP 26 SOUTH, RANGE 36 EAST, AND ALSO THE SOUTH 300 FEET OF THE NORTH 500 FEET OF THAT PART OF GOVERNMENT LOT 3, LYING EAST OF U.S. HIGHWAY NO. 1, IN SECTION 1, TOWNSHIP 26 SOUTH, RANGE 36 EAST, NOW SITUATE, LYING AND BEING IN BREVARD COUNTY, FLORIDA.

MODERA INDIAN RIVER

LOCATION MAP



**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935
Tel: 321 258 1231
www.cegenengineering.com
COA #3228297

DATE	9/25/23
COUNTY	BREVARD
APPROVED BY	JTW
SCALE	NTS
THIS SHEET	EX. A

EDON: A FINE FINE OUTLINE

The North 200 feet of that part of the East half of the Southwest 1/4 lying East of the right-of-way of U.S. Highway No. 1, in Section 1, Township 26 South, Range 36 East, AND ALSO the North 200 feet of that part of Government Lot 3, lying East of U.S. Highway No. 1, in Section 1, Township 26 South, Range 36 East, now situate, lying and being in Brevard County, Florida.

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

DESCRIPTION: (WRITTEN AS REQUESTED BY CLIENT)

NOTES REGARDING SCHEDULE B-I EXCEPTIONS:
(As per Title Commitment Number 11098446 issued by Chicago Title Insurance Company bear an effective date of April 6, 2023 at 11:00 PM)

THERE ARE NO SURVEY RELATED EXCEPTIONS

**PARCEL CONTAINS
844,666 SQUARE FEET
OR 14.80 ACRES
MORE OR LESS**

11. (9). VISIBLE EVIDENCE OF ABOVE GROUND AND UNDERGROUND UTILITIES IS SHOWN.
12. (9). NO EVIDENT OBSTRUCTIONS TO THE BREVARD COUNTY PROPERTY OWNER'S WEB SITE.
13. (9). NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK OR BARRIERS TO CONSTRUCTION OR BUILDING ADDITIONS.
14. (9). NO CHANGES IN RIGHT OF WAY WIDTH PROVIDED THIS DATE. THERE WAS EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION.
15. (9). ANY PROVIDED EASEMENTS ARE SHOWN. (NONE PROVIDED)
16. (9). PROFESSIONAL LIABILITY INSURANCE IS IN PLACE.

NOTES REGARDING OPTIONAL ALTA TABLE A

1. MONUMENTS ARE SHOWN.
2. THE ADDRESS OF THE SUBJECT PROPERTY IS AS SHOWN.
3. THE FLOOD ZONE IS SHOWN.
4. THE AREA OF THE PROPERTY IS SHOWN.
- 7(a). BUILDING DIMENSIONS ARE SHOWN.
8. SUBSTANTIAL FEATURES OBSERVED ARE SHOWN.
- 11(a). VISIBLE EVIDENCE OF ABOVE GROUND AND UNDERGROUND STRUCTURES ARE SHOWN.
12. THE ADJACENT OPPONENTS ARE SHOWN ACCORDING TO THE COUNTY PROPERTY OWNERS'S WEB SITE.
16. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING OR BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
17. NO CHANGES IN RIGHT OF WAY WIDTH PROVIDED THIS DISTRICT HAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION.
18. ANY PROVIDED EASEMENTS ARE SHOWN. (NONE PROVIDED)
19. PROFESSIONAL LIABILITY INSURANCE IS IN PLACE.

VICINITY MAP NOT TO SCALE



Surveyor's Note: (as required)

1. ACCORDING TO CURRENT FLOOD INSURANCE ZONES MAP, THE SUBJECT PROPERTY IS LOCATED WITHIN AN EMERGENCY MANAGEMENT ACTIVITY, THE FLOOD ZONES ARE ZONE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830

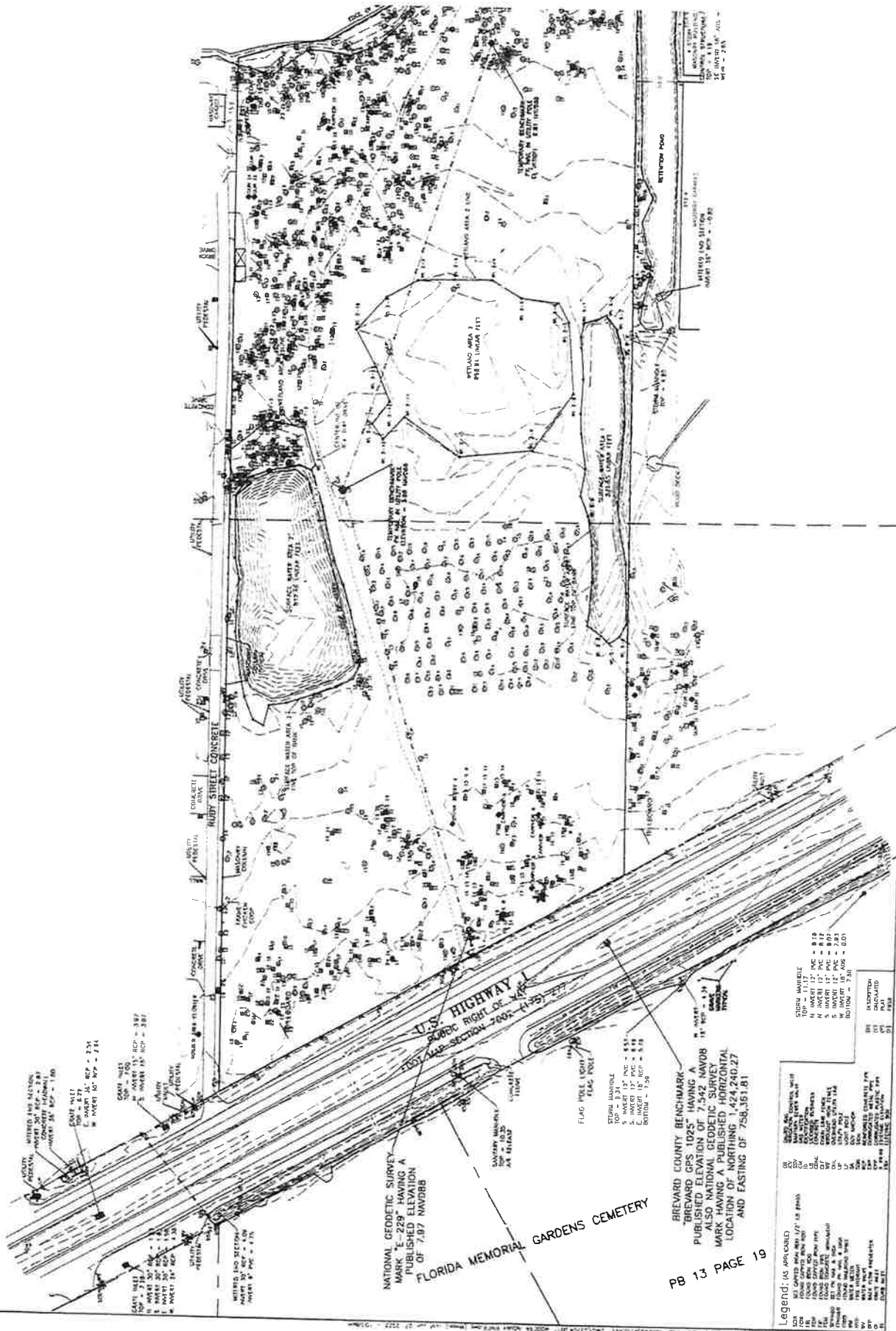
This is to certify that this map or plat was made in accordance with the 2021 Minimum ALTA/NSPS Land Title Survey, jointly established by the American Land Title Association and the National Society of Public Surveyors, and includes Items 1, 2, 3, 4, 7(a), 8, 11(c) and 12. A thorough field work was completed on 11/11/2021.

Action J. Murphy, PLS
 FLORIDA LICENSE NO. PLS86788
 CERTIFICATE OF AUTHORIZATION LB #7013
 Not valid without the signature and the original
 Sawyer and Mopper

ELEVATIONS SHOWN HEREON ARE NAVD 1988

[illegible]

Symbol	Name	Structure	Value
	One		1
	Full		2
	Two		3



The Michael Gaich Group

May 23, 2024

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

Re: 23PUD00001 - Modera Indian River

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

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

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

Michael G. Gaich, CCIM

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

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

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

Thank you for your cooperation.

MICHAEL

Michael G. Gaich, CCIM

Attachments:

CHAA Map / LTG Table 9



Brevard County Coastal Setback Line

Natural Resources (ERM)

Coastal High Hazard Area



Parcels

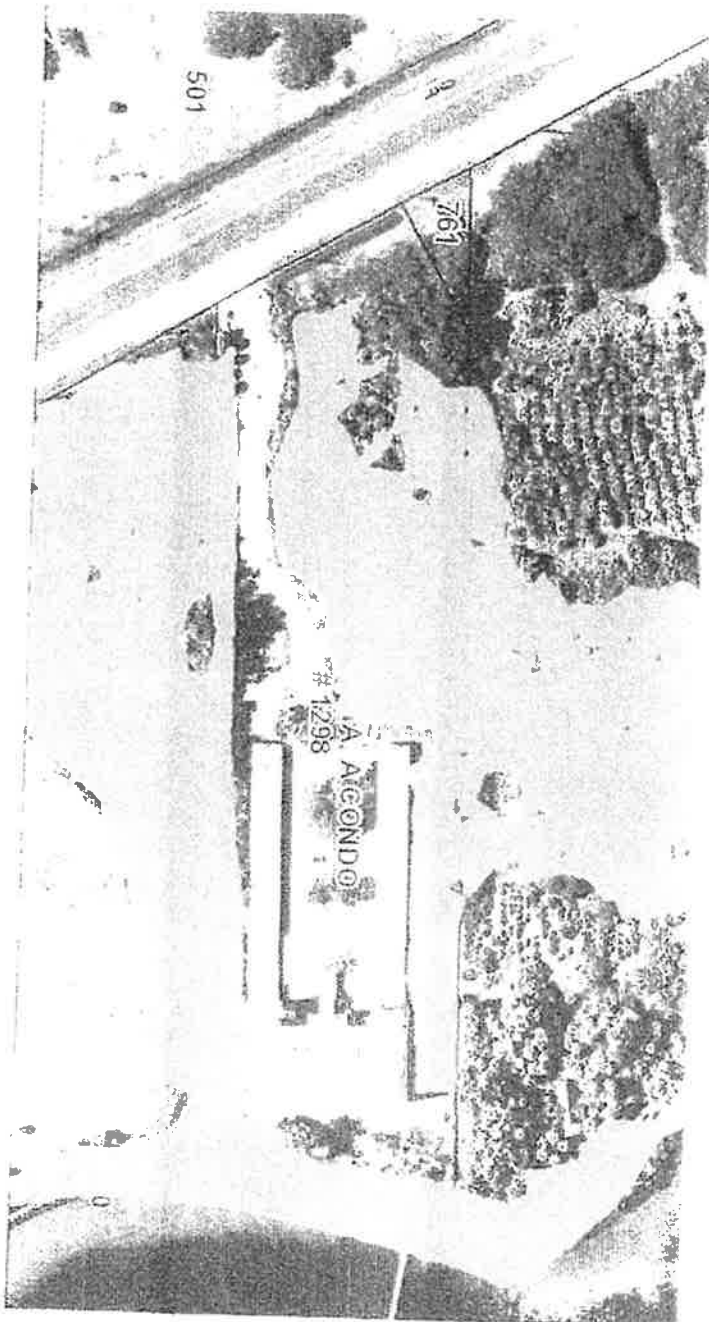
Block Text

Subdivisions

Parcels



Parcel Property



Public Property

Private



Public Property

2027 Build-Out Intersection Analysis

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

Table 9

Build-out PM Peak Hour LOS – Intersections

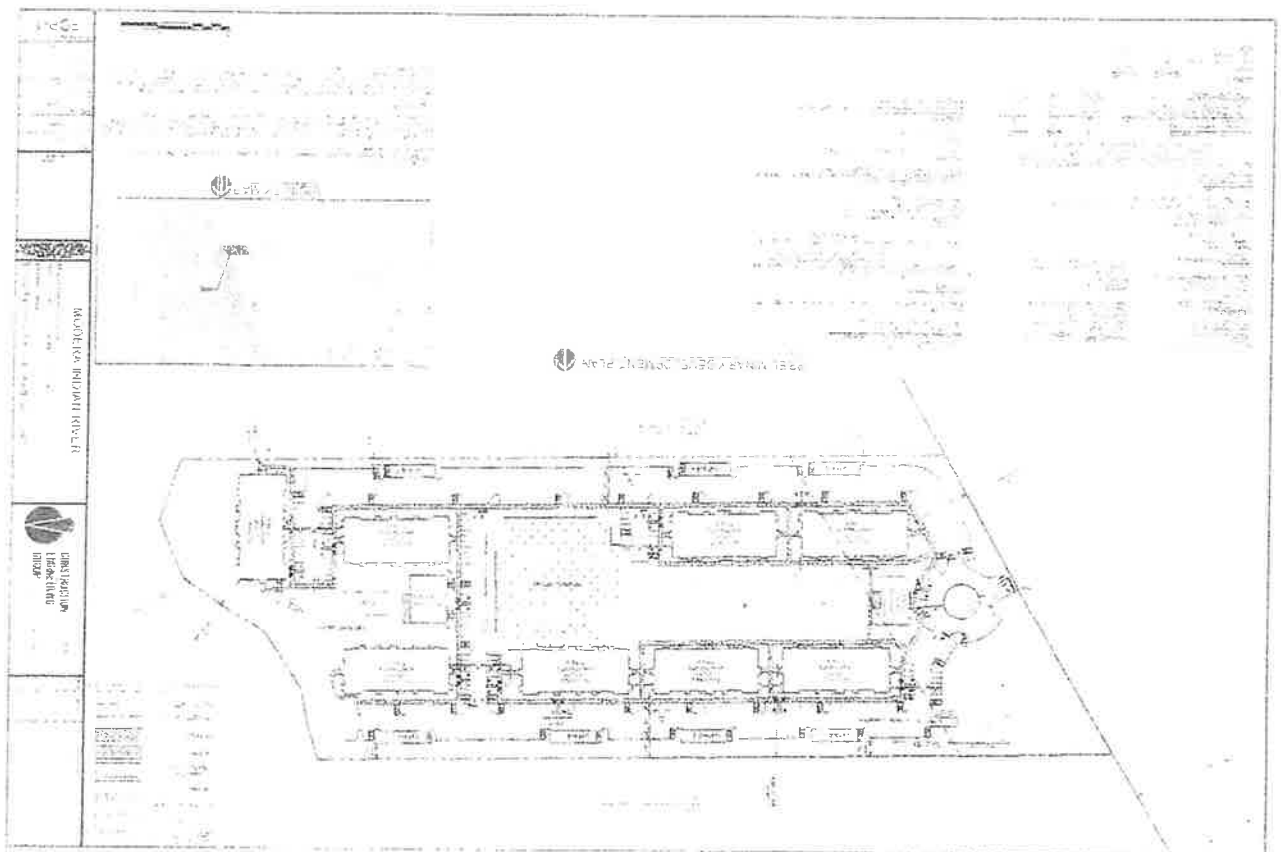
Modera Indian River

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

As indicated in the table, the intersections of US 1 at Suntree Boulevard and US 1 at Viera Boulevard are anticipated to continue to operate with v/c ratios greater than 1.00 during the PM peak hour. Additionally, the intersection of US 1 at Viera Boulevard is anticipated to continue to operate outside the adopted LOS during the PM peak hour. Please note, for the US 1 at Full Median Opening/Project Driveway intersection, it is common that unsignalized intersections operate at higher levels of service with extended delay on the minor street approaches during peak hour when conflicted with high major street volumes.

2027 Build-Out Conditions Roadway Segment Analysis

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



From: [michael.corcoran](#)
To: [Champion, Kristen](#)
Subject: Application number 23PUD00001
Date: Wednesday, May 29, 2024 3:07:29 PM

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

I have been a resident of this area since 1973. Our growth has been slow and steady until recently when it seems to have achieved a pace that is becoming somewhat out of control. I am strongly against the zoning change to a PUD. All the surrounding developments are under 6 units per acre. Why should the present zoning be changed to allow more. Avoid over-development and leave the zoning as is.

Please distribute this email to all the commissioners for the meetings of July 10 and July 11, 2024 regarding application number 23PUD00001.

Sincerely, Michael F. Corcoran M.D.

May 31, 2024

Kristen Champion

C/O Planning and Zoning Board

Re: Application # 23PUD00001

Dear Ms. Champion:

We are against the drastic increase in density for this single project.

We believe the application for a PUD does not meet the PUD guidelines in the county documents. PUD guidelines are for multiple use developments. This is ONLY an apartment complex, thus not meeting the written intent of PUD designation.

We do not agree that one project would be allowed to increase from a density of 6 units per acre to over 17 units per acre.

This project is not compatible with surrounding area development, and will have a negative impact in many ways. Elevated sound, light, and lowering our property values.

This project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be over-developed.

All the surrounding developments, (including Laguna Vista) fall under the 6 units per acres current zoning designation.

We would like to request the email to be put both in the packet and emailed to the members in advance.

Your assistance is greatly appreciated.

Respectfully,

Pete and Debbie Giorgio
6005 US Highway 1 # 205
Laguna Vista Condo
Rockledge Fl. 32955

From: [norm.brownstein](#)
To: [Champion, Kristen](#)
Cc: [Pam Higgins](#)
Subject: ID#23PUD00001
Date: Sunday, June 2, 2024 10:03:56 AM

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

Brevard County Board of County Commissioners

Planning and Development Department 2725 Judge Frann Jamison Way, BldgA Viera, FL 32940

RE: Opposition to Proposed Zoning Change ID#23PUD00001

Dear Brevard County Board of County Commissioners,

I am writing to express my strong opposition to the proposed zoning change (ID#23PUD00001) for a development project located at [Project Address, if known]. My address is [Your Address].

My concerns regarding this project are as follows:

- **Loss of Green Space:** This development appears to significantly reduce the green space within the corridor. Preserving natural areas is crucial for our environment and quality of life.
- **Increased Density and Neighborhood Character:** The proposed density increase from 6 units per acre to over 17 units per acre drastically changes the character of the neighborhood. This high density is likely incompatible with the surrounding area's development patterns.
- **Traffic Concerns on US-1:** The already dangerous traffic situation on US-1, particularly the specific stretch mentioned, will be further exacerbated by this development. Increased traffic flow can lead to safety hazards and congestion.
- **PUD Designation Concerns:** This project appears to be solely an apartment complex and seems to deviate from the intended use of Planned Unit Developments (PUDs) as outlined in the county's regulations. PUDs are typically designed to incorporate a mix of uses and ensure a well-planned development.
- **Negative Quality of Life Impact:** The proposed development is likely to have a negative impact on the overall quality of life in the neighborhood. Increased noise, light pollution, and potential strain on resources can negatively affect residents' well-being and property values.
- **Coastal High Hazard Area (CHAA) Considerations:** It is unclear whether the project adheres to the directives set forth for developments within Coastal High Hazard Areas. This is a critical factor that needs careful evaluation.

For these reasons, I urge the Brevard County Board of County Commissioners to **reject** the proposed zoning change (ID#23PUD00001). This project, in its current form, appears to have several drawbacks that outweigh any potential benefits.

Thank you for considering my concerns. I would appreciate the opportunity to provide further comments if needed.

Sincerely,

Norman and Marjorie Brownstein

11 Pisces Ln.

Rockledge Fl 32955

Please add this to the agenda packets of each P&Z board member.

From: [Kathy Klayman](#)
To: [Champion, Kristen](#)
Cc: [Mark](#)
Subject: Please vote no ID#23PUD00001 Zoning change 5955 S. Hwy. 1, Rockledge
Date: Sunday, June 2, 2024 2:49:16 PM

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

Dear Ms. Champion, June 2, 2024

In response to the card we received in the mail on May 28, 2024, regarding ID#23PUD00001, a request to change the current zoning classification from BU-1 (General Retail Commercial and RU-2-10 (Medium Density Multi-Family Residential) we would kindly request you forward the following to all parties that are involved in the decision making of this change:

The applicant is seeking a zone change to high density which is inconsistent with the Brevard County Comprehensive Plan therefore the application should be denied because:

The zoning change is not compatible with existing land use. (Admin. Policy 3, Criteria A, Brevard Future Land Use Element)

The zone change will result in property values going down. (Admin. Policy 3, Criteria B, Brevard Future Land Use Element) ([realtor.com](https://www.realtor.com))

The zoning change will significantly impact traffic negatively. (Admin. Policy 5, Criteria E and Criteria G along with Admin. Policy 4, Criteria A, Brevard Future Land Use Element)

The zoning change is not appropriate as there are no nearby public services that can support this type of development.

The zoning change will create the negative effects of Urban Sprawl.

There is no need for a zoning change as the current zoning provides sufficient use of the property as it allows for responsible development while protecting the Indian River Lagoon.

This zoning request is made by Frank Mastroianni for Modera Apartments who have out of state investors with out of county contractors.

Please support your Brevard County residents and voters by voting no to the zoning change as there is no public service issue to resolve, no change in circumstances needed to be made and is "inconsistent with emerging or existing patterns with surrounding development". (Admin. Policy 3, Criteria C)

If this information cannot be shared with all parties involved in the decision making process. Please let us know as soon as possible. We tried to e-mail all commissioners with e-mail provided on website and they came back invalid.

Thank you for your courtesy and cooperation.

Sincerely,

Mark and Kathy Klayman

140 Ruby Street, Rockledge mklayman@cfl.rr.com kklayman@cfl.rr.com

From: [Lanny Anaya](#)
To: [Champion, Kristen](#)
Subject: Planning and Zoning Board (Application # 23PUD00001)
Date: Sunday, June 2, 2024 6:44:47 PM

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

Dear Kristen Champion,

The proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number 23PUD00001) has come to my attention and it does not conform with the land usage density in the area. I would like to voice that I am against the drastic increase in density for this single project. This project is not compatible with surrounding area development, and will have a negative impact in many ways.- sound, light, property values, etc. This project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be over-developed.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. Please let the Planning and Zoning Board know of my and other voices are against this increase.

Sincerely;

Lanny Anaya
6200 Anchor Ln
Rockledge, FL 32955

6-3-2024

Brevard County Planning and Zoning Board
Brevard County Commissioners

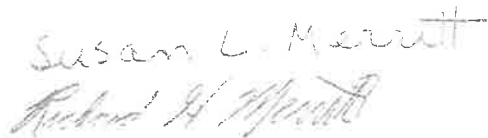
Re: 23PUD00001

Dear P&Z Board and County Commissioner.

Can we ask you where you live? And I bet you love your neighborhood for various reasons. Can we invite you to visit where we live and let us explain to you why we love living at Laguna Vista Condos? You need to see our environment. You need to feel our environment? We know the riverfront land on both sides of us will be developed in due time . . . But why developed with apartment rentals? We ask that you consider other development options. Why not consider a housing development that is more consistent with the riverfront property in our area? I am asking you again, please come visit our piece of paradise and I think you will understand our concerns. Thank you.

Sincerely,

Susan & Richard Merritt,

Handwritten signatures of Susan L. Merritt and Richard H. Merritt in cursive script.

6005 US Highway 1 Unit #405

Laguna Vista Condo

Rockledge, FL 32955

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23PUD00001
Date: Monday, June 3, 2024 11:10:36 AM
Attachments: [Public Comment 23PUD00001 Anaya.pdf](#)
[Public Comment 23PUD00001 Giorgio.pdf](#)
[image001.png](#)
[image002.png](#)

Good morning Kristen,

On behalf of Commissioner Feltner, please see the attached public comments our office has 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.

Mascellino, Carol

From: Lanny Anaya <lanny.anaya@outlook.com>
Sent: Sunday, June 2, 2024 6:37 PM
To: Commissioner, D4
Subject: Planning and Zoning Board (Application # 23PUD00001)

Categories: Carol

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

Dear Rob Feltner (District 4 Commissioner)

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number 23PUD00001) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely;

Lanny Anaya

6200 Anchor Ln

Rockledge, FL 32955

From: [Rick Muething](#)
To: [Champion, Kristen](#)
Subject: 23PUD00001 application
Date: Monday, June 3, 2024 11:35:19 AM

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

Kristen,

We are long-time (30+ years) property owners of residential property in Indian River Isles North (IRIN) and would like to register our opposition to the request for density changes in the above application. The requested high density zoning is not consistent with the virtually all single family and low density condos now on the Indian River Western shoreline.

Please keep us informed of any meetings, changes or actions in the above request.

Gerald F. and Marcia E. Muething
6143 Anchor Lane (Indian River Isle North)
Rockledge FL 32955

321-223-6958 rickmuething@gmail.com

120 Ruby Street
Rockledge, FL 32955
June 3, 2024

Members of the Planning and Zoning Board
c/o Brevard County Board of County Commissioners
Planning & Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

RE: ID# 23PUD00001
June 10, 2024 agenda

Dear Planning and Zoning Board Member

I am writing in strong opposition to the application (ID# 23PUD00001) by “Modera Indian River” to create a Planned Unit Development (PUD). The subject land is currently zoned as CC (2.88 ac) and Res (15) (11.92 ac). These densities are quite generous and would allow for many (84?) residential units to be built on this property. The proposed change would allow the construction of 265 units (252 proposed) which is a 300% increase in density. Note that this is a Coastal High Hazard Area (CHHA).

The application is a cynical attempt to circumvent the current zoning densities by using a special loophole of PUD zoning.

- The homes on Ruby Street are zoned EU-2 and are immediately adjacent to this land. This is our home.
- The other adjacent neighbor, Laguna Vista Condominiums, is RU-2-10 (6).
- There are no areas of RU-30 between Barnes Blvd and Pineda; so the proposal is not compatible with this area of Brevard County.
- RU-30 is never located directly adjacent to EU-2 without some sort of barrier (such as a road). Ruby Street is a private road and is part of our individual properties.

Besides the incompatibilities and inconsistencies with current zoning, the proposed PUD does not fulfill the purposes and intents as specified by the Brevard County Code. Beyond the fact that the parcel exceeds the minimum 10 acre requirement, the Madera proposal is not a PUD.

To clarify the issues and facilitate your rejection of this proposal, below is verbiage from the Brevard County Ordinance contrasted with my observations.

Brevard County Code of Ordinances section 62-1442 for PUD	Comments/Observations
(a) ...The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses...	There are no "range of residence types" and no "residential neighborhoods" within the Madera plan. It is planned as a monolithic apartment complex.
(a cont'd) ...It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use...	There is no imagination, ingenuity, or flexibility in the proposed plan. It is as generic and ho-hum as they come.
(b) This subdivision is intended to establish procedures and standards for planned unit developments within the unincorporated areas of the county, in order that the following objectives may be attained:	
(1) Accumulation of significant areas of usable open spaces for the preservation of natural amenities.	The wetland in the center of the complex is a nod to this requirement but will not be usable open space. It also will not mitigate parking lot runoff, as the wetland and created ponds will be surrounded and blocked by apartment buildings.
(2) Flexibility in design to take the greatest advantage of natural land, trees, historical features and other features.	The plan specifically fills in the pond along Ruby Street to accommodate the huge parking lots. This is not taking advantage of an obvious natural feature. Note that 4.44 acres or 30% of the land would be paved. All of that runoff will have to go somewhere and half of it is aimed at Ruby Street.
(3) Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environment and living units.	A development of eight 3-story apartment buildings does not meet the objective of "a variety of housing types." The plan does not offer "home buyers" greater choice as there will be no opportunities for home buyers at all.
(4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.	This project does not enhance the visual character of the county. The removal of the pond along Ruby Street diminishes the visual character of the county.
(5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.	There are no efficiencies in this project. The proposed buildings are scattered along the perimeter of the property. While apartment buildings are "efficient," they are allowed without a PUD designation.

On a personal note, my parents moved to Brevard County in 1984 so that my father could teach for UCF at a satellite campus at BCC. They built their dream home on Ruby Street in 1989 and lived there ever since. In order to care for my parents, I moved in with them in 2013 along with my son, who has since graduated from both Viera High School and FIT. My father passed away in 2015; my mother is still living here in her home.

We are not requesting that the zoning board roll back the clock and block all development on the land. We are simply asking you to reject this outrageous proposal and allow the land to be developed in a sane manner consistent with planning principles already in place for this part of the county. This application for a Planned Unit Development is simply a way to achieve higher densities to increase the developer's profit-at the expense of the current neighbors while ignoring the intended benefits and intentions of the PUD zoning laws.

Please reject the proposal for a PUD on this land.

Thank you.

Sincerely,

Sandra Neustel

From: [Kevin Fox](#)
To: [Champion, Kristen](#)
Subject: PUD 23PUD00001 Objection
Date: Monday, June 3, 2024 9:46:04 PM

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

Ms. Champion,

Can you please forward this email to the Planning and Zoning Board for the meeting scheduled on June 10, 2024.

Thank you for your assistance.

Kevin and Lucia Fox
6398 Anchor Lane
Rockledge, FL 32955

June 3, 2024

Brevard County Planning and Zoning
2725 Judge Fran Jamison Way
Viera, FL 32940

Dear Board,

I am requesting that you Do Not approve the request for the Planned Unit Development (PUD) application number **23PUD00001**.

I recall, shortly after moving to Brevard in 2002, attending County Commissioners public meetings to determine the density limits for properties along Hwy-1 and the Indian River. The Commissioners ultimately decided that no more than 6-units per acre should be allowed to be constructed on a property to conform with the developments already built in the area.

The PUD **23PUD00001** request for more than 17-dwelling units per acre excessively exceeds the 6-units per acre limitation and does not conform with the "character of the area" in the PUD guidelines as I understand them. Furthermore, the request appears to be a PUD in name only, as it is only an apartment complex, versus being a mixture of residential and commercial use developments.

I am not against the developer building on their land, I simply ask that the Brevard Planning and Zoning Board require them to stay within the 6-dwelling unit per acre restriction. The Laguna Vista Condo developer was able to comply with the 6-unit restriction. I also believe the proposed condominium at 6035 S Highway 1 as depicted in their billboards complies with

the 6-unit restriction. I do not believe there is a development within one-mile of the property along Hwy-1 that is built to the density this developer is requesting.

I again ask that the Planning and Zoning Board not approve the PUD **23PUD000001** request, and recommend to the County Commissioner to do the same. I look forward to attending the public meeting and seeing how the Board votes.

Sincerely,

Kevin Fox

Lucia Fox

Kevin and Lucia Fox
6398 Anchor Lane
Rockledge, FL 32955

From: [Billy B](#)
To: [Champion, Kristen](#)
Date: Tuesday, June 4, 2024 8:26:48 AM

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

Dear Ms. Champion-

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely;

William Bacon
Rockledge, Fl

Sent from my iPad

From: Tania Taylor
To: Champion, Kristen
Subject: ID# 23PUD00001
Date: Tuesday, June 4, 2024 10:08:10 AM

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

Dear Planning and Zoning Board,

My name is Tania Taylor and I am writing to you today to urge you to vote against the rezoning proposed for the land just south of my home located on Ruby St. Site parcel ID 26-36-01-00-753 (plat #753 on the Brevard County Future Land Use Website)-a 14.5 acre area.

One of the many reasons I purchased my home 10 years ago was to escape the high density suburban housing experience. I reviewed the zoning for the land surrounding my property and was aware that future development would include up to 80 units on the IRL and a commercial development on the highway edge of the 14 acres to the south of my home. This was approximately 6 units per acre. The proposed development (ID# 23PUD00001) FAR exceeds the existing zoning by allowing for a rental property of 250+ apartments and over 500 parking spaces - or the equivalent of 17 units per acre. While this is being presented as a Planned Unit Development, I do not believe a rental complex meets the PUD guidelines as a PUD is a multiple use development, which should include a range of housing, creative planning to include existing land features, and incorporates open land for preservation. The proposed Moderna apartment development does not do any of that.

It should be noted that this proposed rezoning is nothing like any nearby development between Barnes and Pineda and simply does not fit in with the aesthetics and lifestyle of this area, an area where people retreat to for the "old Florida" feel and quiet. This lifestyle would cease to exist with the addition of packing 500+ temporary/transient people onto a 14.5 acre lot when surrounding communities are limited to 6 units per acre.

Another important point is that a development this size and in close proximity to our property will have a significant negative impact on our property values. Studies have shown that high density housing can decrease property values by over 13%. As a property owner, this is of great concern to me.

I again urge you to vote against the proposed rezoning and protect the lifestyles of existing homeowners to the area while responsibly developing this land to include additional homeowners looking for similar peaceful housing.

Thank you for your time and consideration.

Tania Taylor
Concerned homeowner on Ruby Street

From: [Commissioner, D4](#)
To: [Champion, Kristen](#); [Chase, Beatrice Mae](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23PUD00001
Date: Tuesday, June 4, 2024 8:51:21 AM
Attachments: [Public Comment 23PUD00001 Bacon.pdf](#)
[image001.png](#)
[Public Comment 23PUD00001 Smith.pdf](#)
[image003.png](#)

Good morning,

On behalf of Commissioner Feltner, please see the attached public comments 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: [Billy B](#)
To: [Commissioner, D4](#)
Subject: 23PUD00001
Date: Tuesday, June 4, 2024 8:30:58 AM

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

Dear Mr. Feltner-

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely;

William Bacon
Rockledge, Fl

Sent from my iPad

From: Becky Smith
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Rezoning Application 23PUD00001
Date: Monday, June 3, 2024 5:00:39 PM

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

We are homeowners (Laguna Vista Condominiums) adjacent to a property located at 5955 S Hwy 1 in Rockledge Florida that is seeking a zoning change and is scheduled to be heard by the Board of County Commissioners on July 11th. We respectfully wish to go on record as opposing this rezoning for the following reasons.

This is a drastic increase in density for this single project.

We believe the application for a PUD does not meet the PUD guidelines in the county documents. PUD guidelines are for multiple use developments. This is ONLY an apartment complex, thus not meeting the written intent of PUD designation.

We can't accept that one project would be allowed to increase from a density of 6 units per acre to over 17 units per acre.

This project is not compatible with surrounding area development, and will have a negative impact in many ways: sound, light, property values, etc.

This project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be overdeveloped.

All the surrounding developments, (including Laguna Vista) fall under the 6 units per acres current zoning designation.

Sincerely,
Kevin & Rebecca Smith
6005 US Hwy 1, Unit 105
Rockledge, FL 32955

From: [Yahoo](#)
To: [Champion, Kristen](#)
Subject: Ref ID# 23PUD00001
Date: Wednesday, June 5, 2024 10:54:10 AM

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

> Ref ID# 23PUD00001

> Please include the following in the agenda packets of each Planning and Zoning Board member. Also, please email this correspondence to them in advance of the 6/10/24 P&Z Board meeting.

>

> This correspondence is regarding the proposed rezoning of the property located on the east side of Hwy 1, abutting Ruby Street to the north, and Laguna Vista Condos to the south. As homeowners on Ruby Street, we want to express several concerns about this project. We certainly understand that this property will be developed some day, but it should be developed in accordance with its current zoning requirements. We expected additional single family homes or a condo complex similar to Laguna Vista that neighbors the property on the south side. When we purchased our Ruby Street home, we researched the zoning requirements of this adjacent property and believed any future development would be built to the existing zoning limitations and would not drastically reduce the value of our home as the high density apartment complex (250+ units) presented by Mill Creek would.

>

> Property Value:

> According to Realtor.com, high density rental property adjacent to single family homes reduces the homes' property value by 13.8%. Brevard County zoning requirements state that if a development reduces home values in the area by more than 5% it should not be allowed. At the developer information meeting held on 3/26/24, the Mill Creek VP of Development, Christopher Burtner, falsely stated that adding high density rental apartments with a parking lot within 25 feet of our homes will increase our property values. How does going from a river view in the back yard and a peaceful wooded view in the front yard to a view of a parking lot and all the noise and lights that come with this proposed development increase our home value? No one enjoys headlights shining in their house windows at all hours of the night. The developer made it clear they were not going to put up a privacy wall to block the view, noise and lights.

>

> High Density Development:

>

> A drastic increase in density at this location does not conform to the surrounding area of single family homes, low density townhomes and condos. We don't understand how the presented development meets the criteria of a PUD. It is only an apartment complex which does not meet the criteria of a PUD.

>

> Brevard County Coastal High Hazard Area Study:

>

> This proposed zoning change is against the directives addressed in this study performed by Brevard County. Nearby developments fall under the current 6 units per acre cap.

>

> Of course there are many other concerns we have as Ruby Street residents that will directly alter our lives. Ruby Street is a quiet and peaceful street. We retired to this street primarily because of the location. Adding high density apartments with a walking trail and parking lots just feet from our property, especially with no privacy wall, will eliminate that peaceful existence we have worked so hard to obtain and significantly reduce the value of our property.

>

> We respectfully ask that the Planning and Zoning Board not approve this request and maintain the current zoning requirements. Please help us keep the development of this property uniform to the surrounding area and not adversely impact the current area communities.

>

> Thank you,

Scott and Linda Otto
110 Ruby St.
Rockledge, FL. 32955

From: [Chase, Beatrice Mae](#)
To: [Kevin Fox](#)
Cc: [Champion, Kristen](#)
Subject: RE: 23PUD0001 Objection
Date: Wednesday, June 5, 2024 11:47:45 AM
Attachments: [image001.png](#)

Good morning,

Your email has been received and is being added to the agenda packet as a public comment, that all Board members will receive a copy of.

Please let us know if we can assist with anything else in the meantime.

Thank you,

Beatrice Chase
Special Projects Coordinator I
Brevard County/Planning & Development
321-633-2069 P x58302
321-633-2074 F



From: Kevin Fox <swa342@aol.com>
Sent: Monday, June 3, 2024 9:54 PM
To: Chase, Beatrice Mae <Beatrice.Chase@brevardfl.gov>
Subject: 23PUD0001 Objection

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

Ms. Chase

Can you please forward this email to the Planning and Zoning Board for the meeting scheduled on June 10, 2024. I sent it to Ms. Champion but she is on emergency leave.

Thank you for your assistance.

Kevin and Lucia Fox
6398 Anchor Lane
Rockledge, FL 32955

June 3, 2024

Brevard County Planning and Zoning
2725 Judge Fran Jamison Way
Viera, FL 32940

Dear Board,

I am requesting that you Do Not approve the request for the Planned Unit Development (PUD) application number 23PUD00001.

I recall, shortly after moving to Brevard in 2002, attending County Commissioners public meetings to determine the density limits for properties along Hwy-1 and the Indian River. The Commissioners ultimately decided that no more than 6-units per acre should be allowed to be constructed on a property to conform with the developments already built in the area.

The PUD 23PUD00001 request for more than 17-dwelling units per acre excessively exceeds the 6-units per acre limitation and does not conform with the "character of the area" in the PUD guidelines as I understand them. Furthermore, the request appears to be a PUD in name only, as it is only an apartment complex, versus being a mixture of residential and commercial use developments.

I am not against the developer building on their land, I simply ask that the Brevard Planning and Zoning Board require them to stay within the 6-dwelling unit per acre restriction. The Laguna Vista Condo developer was able to comply with the 6-unit restriction. I also believe the proposed condominium at 6035 S Highway 1 as depicted in their billboards complies with the 6-unit restriction. I do not believe there is a development within one-mile of the property along Hwy-1 that is built to the density this developer is requesting.

I again ask that the Planning and Zoning Board not approve the PUD 23PUD00001 request, and recommend to the County Commissioner to do the same. I look forward to attending the public meeting and seeing how the Board votes.

Sincerely,

Kevin Fox

Lucia Fox

Kevin and Lucia Fox
6398 Anchor Lane
Rockledge, FL 32955

Members of the Planning and Zoning Board
c/o Brevard County Board of County Commissioners
Planning & Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

Ref: ID# 23PUD00001

Subj: Change of zoning to PUD (Planned Unit Development)

Dear Planning and Zoning Board Members

My husband and I would like to register our strong opposition to the application (ID#23PUD00001) for rezoning for the 14.8 acres located at 5955 S. Hwy 1, Rockledge (east of US Hwy 1, abutting Ruby Street to the north with established zoning of EU-2, and Laguna Vista Condo with established zoning of RU2-10 capped at 6 to the south) to Planned Unit Development (PUD) in order to create a 252 unit (with 500 parking spaces) rental complex called *Madera Indian River*.

Through a very complex series of steps, including gleaning density from areas on the Coastal High Hazard Area (CHHA) map and by filling in a pond abutting Ruby Street (to make a retention pond at a different location), this applicant dubiously comes up with the density level needed to create a 252-unit rental compound if awarded PUD zoning designation (RU-30 with average 17.2 units/acre). The complexity of the maneuvers applied to spread density over these two parcels to make one high density plat are telltale signs that the framers of PUD zoning had not intended for an applicant to extract this level of density from low density communities around it, especially on the CHHA.

Note that Criteria E of Policy 1.4-Residential 15 from the Comprehensive Plan-Future Land Use Element says "Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the PUD concept is utilized, where deemed compatible by the County...**This density bonus shall not be utilized for properties within the CHHA.**"

Density calculations aside, however, and more central to our objection is that the project does not meet the purpose and intent of Planned Unit Development as stated in the Code of Ordinances-Sections 62-1441 to Section 62-145. Please see the attached chart showing the pertinent Code of Ordinances with our corresponding remarks.

The bottom line is that the county is supposed to get something unique and special from a Planned Unit Development with a full range of housing options for purchase at a minimum in exchange for relaxed density guidelines. The only thing this rental complex provides for our county is **more typical rental housing**.

And finally, on a personal note it is important to describe how this plan will affect those of us living on Ruby Street in particular.

The proposed project runs right up to the edges of our properties on Ruby Street without any barrier (natural or otherwise) provided between our homes and the rental complex. The plan calls for plowing down almost all the natural woods and wetland areas (including mangrove along the Indian River) except a small section to be left in the middle of the property. The proposal also calls for a walking/running path to circumnavigate the edge of the proposed complex between the parking areas and our Ruby Street properties, removing all expectation of privacy on our private road going forward. And there will need to be lighting throughout the night for their residents' safety. In addition, we would expect all manner of moving-type vehicles going in and out of the complex at all times to accommodate the yearly leases of the renters.

Our home has been our greatest investment for over 29 years on Ruby Street. Realtor.com lists factors that bring down home values with one key item being high-density renter concentration (decreases by 13.8% <https://www.realtor.com/news/trends/things-that-affect-your-property-value/>). This project will hurt us in our pocketbook.

We do not oppose all development on that property. To the contrary. We know that the subject property will be developed but we are asking that density be compatible with our area, prescribed on the Future Land Use map at RU-15. There should not be RU-30 bumping up against EU-2 or RU2-10(6) properties. RU-15 provides developers with ample opportunities to create desirable neighborhoods more compatible with our area.

We ask that you deny this application for PUD zoning on the basis that the density required is not compatible with the low-density neighborhoods around it and because it does not meet the intentions of PUD zoning laws. This project is not beneficial to the county, and negatively affects the residents around it.

Thank you

Pamela and Robert Higgins
100 Ruby Street
Rockledge, FL 32955



Code of Ordinances	
Planned Unit Development (PUD)	
Purpose and Intent - 62-1442	Remark/Observation/Opposition
"The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of resident types, as well as industrial, commercial and institutional land uses."	This plan provides only for apartment rental units. It does not include a "full range of resident types" which could include single family homes, town homes, condos, duplexes, etc.
Objectives to be attained:	
1) Accumulation of significant areas of usable open spaces for the preservation of natural amenities.	This plan keeps only a small patch of preserved wetlands in the middle of the plot (approx 18% of the total area), removes the pond abutting Ruby Street (and makes a retention pond with a proposed fountain along US1) and mows down all the natural vegetation from the water's edge and all around the perimeter of the plan. The plan is such that 5 of the 8 apartment buildings have no view of the river, and 2 of the remaining 3 buildings have just a few partial-view apartments to offer.
2) Flexibility in design to take the greatest advantage of natural land, trees, historical features and other features.	There is no flexibility to take advantage of the natural land, trees or other features. The trees and indigenous plants are removed. This is a prime piece of property along the Indian River Lagoon. The Plan should center around the natural river feature and provide homeowners with views and water access. This plan is a typical rental complex designed for anywhere USA.
3) Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environments and living units.	There are no "home buyers" in this development, only short-term renters. The only housing types are rental units. There are no compatible neighborhood arrangements.
4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.	There is no creative approach to the use of this land, it does nothing to feature the Indian River. The visual character of this project is your typical rental community one would find anywhere.
5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.	The streets proposed are as small as they can be while providing 500 parking spaces needed to accommodate 252 units. There will likely be large development costs to accommodate environmental measures (lift stations, pumps, sewage plants, etc.) to ensure no run-off to Lagoon. It is not clear who would maintain any safeguards for the Indian River and our adjacent properties.

6) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.	There is no more room on this plot of land to include compatible associated uses. At this point we have not been provided with any type of criteria for associated uses by the developer.
Land Use Regulations - 62-1446	
"In no case shall the overall number of dwelling units permitted in the PUD be inordinately allocated to any particular portion of the total site area.	Note that only approximately 23 of the 252 rental units would be built on the 3.2 acres along US1 from which the project gleans most of its density thru PUD concessions.
Approval of preliminary development plan and tentative zoning - 62-1448	
5) Review Criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:	
a) Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.	This proposed PUD would be a major departure from the EU-2 density of Ruby Street, and the RU2-10 (6) of Laguna Vista. The entire coridor from Barnes Blvd to the Pineda Cswy has been trending to less than 6 units per acre. This project is incompatible with the density of the area.
b) Compatibility within the PUD and relationship with surrounding neighborhoods.	The surrounding neighborhoods consist of homes that are owned by their residents. It is well known that ownership translates to taking better care of properties and surrounding areas. This rental complex would be owned by an investement group from out of state.
c) Prevention of erosion and degrading of surrounding area.	There will need to be considerable development costs for this criteria.
d) Provision for future public eduction and recreation facilities, transportation, water supply, sewage disposal surface drainage, flood control and soil conservation as shown in the preliminary plan	All these areas would need to be addressed adequately. It would seem the only transportation considered is automobile.
e) The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.	The method of maintenance for common open space is not clear as the typical HOA method for maintenance under PUD would not apply to rental units.
f) the feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent deveopment.	This high density plan is really an independent development trying to pose as a PUD to squeeze/abut right next to low density areas. It does not meet the purpose and intent of PUD.
g) The availability and adequacy of water and sewer service to support the proposed PUD	Likely will require infrastructure to handle up to 500+ persons on 14.8 acres.

h) The availability and adequacy of primary streets and throughfares to support traffic to be generated within the proposed PUD.	Although there is a break in the median, this level of density will likely require a traffic light.
i) The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.	The only benefit one might construe is additional typical rental apartments for the county. But the cost to surrounding home values, welfare of the established residents (lighting and noise pollution), destruction of natural green space, impact on the Lagoon, far outweigh any benefit this typical rental unit complex could provide.
j) the conformity and compatibility of the PUD with any adopted development plan of the county.	Not aware of any other adopted plan of the county that could be related.
k) the conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed PUD.	Again, this is a very typical rental unit complex. There's very little extra, unique, or special about it. The common open space, apartments, pool clubhouse, and rental office do not meet the intent or purpose of a PUD as described in the Code of Ordinances.

June 2, 2024

Dear Ms. Champion,

In response to the card we received in the mail on May 28, 2024, regarding ID#23PUD00001, a request to change the current zoning classification from BU-1 (General Retail Commercial and RU-2-10 (Medium Density Multi-Family Residential) we would kindly request you forward the following to all parties that are involved in the decision making of this change:

The zone change is seeking high density which is inconsistent with the Brevard County Comprehensive Plan therefore the application should be denied.

The zoning change is not compatible with existing land use. (Admin Policy 3, Criteria A, Brevard Future Land Use Element)

The zone change will result in property values going down. (Admin Policy 3, Criteria B, Brevard Future Land Use Element)

The zoning change will significantly impact traffic negatively. (Admin Policy 5, Criteria E, Criteria G and Admin Policy 4, Criteria A, Brevard Future Land Use Element)

The zoning change is not appropriate as there are no public services that can support this type of development.

The zoning change will create the negative effects of Urban Sprawl.

There is no need for a zoning change as the current zoning provides sufficient use of the property as it allows for responsible development while protecting the Indian River Lagoon.

This zoning request is made by out of county contractors with out of state investors. There is no public service issue to resolve, no change in circumstances needed to be made and is (inconsistent with emerging or existing patterns with surrounding development). (Admin Policy 3, Criteria C)

Please support your county residents and voters by voting no to this zoning change.

If this information cannot be shared with all parties involved in the decision making process or the commissioners who are copied are unable to receive this e-mail please let us know as soon as possible.

Thank you for your courtesy and cooperation.

Sincerely,

Mark and Kathy Klayman
140 Ruby Street, Rockledge

From: [Chase, Beatrice Mae](#)
To: [Champion, Kristen](#)
Subject: FW: ID# 23PUD00001
Date: Thursday, June 6, 2024 11:08:08 AM
Attachments: [image001.png](#)

Please attach with their letter.

Thank you,

Beatrice Chase
Special Projects Coordinator I
Brevard County/Planning & Development
321-633-2069 P x58302
321-633-2074 F



From: Mark <mklayman@cfl.rr.com>
Sent: Thursday, June 6, 2024 10:58 AM
To: Chase, Beatrice Mae <Beatrice.Chase@brevardfl.gov>
Subject: Fwd: ID# 23PUD00001

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

Hi Ms Chase, please see below to be added to the file for review. Also can you confirm if Kristen added our email letter dated June 2nd?

Thanks
Mark Klayman

Begin forwarded message:

From: Mark <mklayman@cfl.rr.com>
Date: June 6, 2024 at 10:27:53 AM EDT
To: Kristen Champion <kristen.champion@brevardfl.gov>
Cc: Kathy <kklayman@cfl.rr.com>
Subject: ID# 23PUD00001

Hi Ms Champion, As to the issue of conformity and compatibility, please add these photos for board review depicting the 25 ft setback from the front yard at 140 Ruby St where the proposed project's new parking lot will be if zoning request is approved.







Thanks
Mark Klayman

From: [Saggy](#)
To: [Champion, Kristen](#)
Subject: Opposition to Rezoning Application Number 23PUD00001
Date: Thursday, June 6, 2024 11:21:52 AM

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

From:

Ronald Sageser

100 Compass Dr

Rockledge, Fl, 32955

June 6, 2024

To:

Brevard Planning and Zoning Board

Subject: Opposition to Rezoning Application Number 23PUD00001

Dear Brevard Planning and Zoning Board,

I am writing to express my strong opposition to the rezoning application number 23PUD00001, which proposes the development of a large 252-unit apartment complex through the Planned Unit Development (PUD) designation.

While I understand that a PUD allows for a mix of businesses, restaurants, and housing similar to developments like Viera, it is evident that in this case, the primary intent is to exploit the PUD designation to increase the density per acre. By combining the "BU-1 General Retail Commercial" property adjacent to HWY1 with the "RU-2-10 Medium-Density Multiple - Family Residential" property, the developer seeks to create an overly dense apartment complex that is incompatible with the surrounding area.

The proposed development not only raises concerns about increased traffic congestion and strain on existing infrastructure but also threatens the character and quality of life of the community. Moreover, the significant increase in density could have adverse effects on the environment and natural resources, particularly given the proximity of the residential component to the river.

It is crucial to prioritize responsible and sustainable development that respects the existing zoning regulations and preserves the integrity of the neighborhood. Rezoning the property to accommodate such a dense development sets a concerning precedent and disregards the concerns of local residents.

I urge the County Planning Department to carefully consider the implications of this rezoning application and reject it in its current form. Instead, I encourage the exploration of alternative development plans that align with the existing land use regulations and promote the long-term well-being of the community.

Thank you for considering my concerns regarding this matter.

Sincerely,

Ronald Sageser

From: [David DaSilva](#)
To: [Champion, Kristen](#)
Cc: [Sara DaSilva](#)
Subject: 23pud00001
Date: Thursday, June 6, 2024 12:15:41 PM

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

Kristen

As a resident of Indian river isle and tax payer in brevard I hope the county keeps the requirements for 6 units an acre on the river property on US1. PLEASE you have implemented regulations recently to preserve our lagoon .changes to this ordinance will only greatly impact the delicate situation . Therefore please note I strongly oppose any changes to the current standards that will allow condos, apartments etc to be built on the river front properties

Sincerely

David DASILVA - P.E.

Sent from my iPad

From: [Donald Adams](#)
To: [Champion, Kristen](#)
Subject: 23 PUD00001
Date: Thursday, June 6, 2024 12:20:21 PM

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

Kristen

I am for property owners to have the right to develop their property based on established zoning, I am against the drastic increase in density requested for the above referenced project. The project is not compatible with the surrounding area development. The increase from 6 units per acre to 17 units per acre will have a negative impact on surrounding property owners from the amount of sound and light generated to the potential decrease in quality of life and property values.

Thanks for your attention to this matter.

Donald Adams

6183 Anchor Ln, Rockledge, FL 32955

Indian River Isles North

Sent from my iPhone

From: [Julie Allen](#)
To: [jason allen](#); [Champion, Kristen](#)
Subject: ID #23PUD00001 Proposed Project Resident Concerns
Date: Thursday, June 6, 2024 12:40:28 PM

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

Dear Brevard County Planning and Zoning Department,

As residents of Laguna Vista which is located on the southern property line of a Proposed Project for a Large Apartment Complex which supersedes the designated zoning and is not compatible on several fronts with this area along the Indian River, I would like to share the concerns we have along with our neighbors at Laguna Vista, Ruby Street, Indian River Isles, residents on Pisces Lane and Kieran Lane:

We are not against development but this a Drastic Increase in Density for a single project. Their request to increase density goes against the current zoning.

It is Not a fit for this parcel of land.

We believe the Application for a PUD does not meet the PUD Guidelines within the county documents. PUD Guidelines are for Multi Use Developments-

this is an Apartment Complex thus Not meeting the written intent of a PUD Designation.

This High Density Project goes against everything in this area along the Indian River. They are requesting to Change zoning to Allow an increase from a current density of 6 units per acre to 17 units per acre.

This high density project is not compatible with the surrounding area development and will have a Negative impact in many ways: noise, light, traffic and property values.

This project goes against the directives of the Coastal High Hazard (CHHA) and should Not be over developed. Infringement in the Coastal High Hazard Areas along the Indian River - consider DENSITY in Coastal High Hazard Areas Policy 1.11 and Protection of Residential Riverside Lands Policy 1.12. This land area should not be over developed beyond the Future Land Use Map (RU-15)

ALL OF THE SURROUNDING DEVELOPMENTS INCLUDING LAGUNA VISTA FALL UNDER 6 UNITS PER ACRE - PER ZONING.

The Zoning of this area is in place for many important reasons. Please consider protecting this on behalf of our beautiful county in maintaining what makes Brevard County such special place to live.

There have been a dozen New Large Apartment Complexes built recently in every direction from this proposed property. Brevard offers many diverse housing options for its residence.

Respectfully,

Julie & Jason Allen

From: [Stephanie Bacon](#)
To: [Champion, Kristen](#)
Cc: [Stephanie Bacon](#); [Bill Bacon](#)
Subject: Vote No: application number 23PUD00001
Date: Thursday, June 6, 2024 12:44:57 PM

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

Dear Ms. Champion and Planning & Zoning Board Members,

I am concerned about a potential change in land usage density in my area. I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**).

This seems to be an apartment complex using the PUD designation to allow for a significant increase in the land usage density. My impression is this does not meet the intent of the PUD guidelines for Brevard County. It seems the 2 properties in application are zoned BU-1 General Retail Commercial and RU-2-10 Medium-Density Multiple-Family Residential (6-units per acre). If stayed to the current 6-unit density for over 14 acres, it would allow for 88-unit complex which is in line with present land use restrictions, instead of the proposed 252-unit complex.

I am not against the property being developed and believe it should conform with the 6-units per acre density limit that the Brevard County Commission already created which aligns with the development in the area, instead of the 17 units per acre the application proposes.

Another consideration is the directive of the Coastal High Hazard Area (CHHA). We as a community have worked so hard to protect the intercoastal, it should be asked whether this significant increase would go against the directive by CHHA?

Thank you for your time and involvement.

Sincerely,
Stephanie Bacon
6167 Anchor Lane
Rockledge, FL 32955

From: [Kristen Whittington](#)
To: [Champion, Kristen](#); [Chase, Beatrice Mae](#)
Subject: Proposed PUD Development at 23PUD00001, 5955 S Highway 1, FL
Date: Thursday, June 6, 2024 1:25:38 PM

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

Dear Ms. Champion,

I ask that you deny the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area. In addition, this request does not meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this issue.

Sincerely,
Kristen Whittington
6285 Anchor Ln.
Rockledge, FL 32955
720-254-7250

From: [Mascellino, Carol](#)
To: [Champion, Kristen](#); [Chase, Beatrice Mae](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23PUD00001
Date: Thursday, June 6, 2024 1:27:13 PM
Attachments: [Public Comment 23PUD00001 Bacon S.pdf](#)
[image001.png](#)
[image002.png](#)

Good afternoon,

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: [Stephanie Bacon](#)
To: [Commissioner, D4](#)
Cc: [Stephanie Bacon](#)
Subject: Vote No: application number 23PUD00001
Date: Thursday, June 6, 2024 1:01:57 PM

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

Dear Mr. Feltner,

I am concerned about a potential change in land usage density in my area. I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**).

This seems to be an apartment complex using the PUD designation to allow for a significant increase in the land usage density. My impression is this does not meet the intent of the PUD guidelines for Brevard County. It seems the 2 properties in application are zoned BU-1 General Retail Commercial and RU-2-10 Medium-Density Multiple-Family Residential (6-units per acre). If stayed to the current 6-unit density for over 14 acres, it would allow for 88-unit complex which is in line with present land use restrictions, instead of the proposed 252-unit complex.

I am not against the property being developed and believe it should conform with the 6-units per acre density limit that the Brevard County Commission already created which aligns with the development in the area, instead of the 17 units per acre the application proposes.

Another consideration is the directive of the Coastal High Hazard Area (CHHA). We as a community have worked so hard to protect the intercoastal, it should be asked whether this significant increase would go against the directive by CHHA?

Thank you for your time and involvement.

Sincerely,
Stephanie Bacon
6167 Anchor Lane
Rockledge, FL 32955

From: dcwkan@comcast.net
To: [Champion, Kristen](#); [Chase, Beatrice Mae](#)
Subject: Proposed PUD Development at 23PUD00001, 5955 S Highway 1, FL
Date: Thursday, June 6, 2024 2:03:10 PM

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

Dear Ms. Champion,

I ask that you deny the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area. In addition, this request does not meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this issue.

Sincerely,
Douglas Chad Whittington
6285 Anchor Ln.
Rockledge, FL 32955
303-257-4296

From: [arielle.fox](#)
To: [Chase, Beatrice Mae](#); [Champion, Kristen](#)
Subject: Stop 252 Apartment Complex
Date: Thursday, June 6, 2024 2:41:56 PM

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

Dear Board,

I am requesting that you do NOT approve the request for the PUD application number 23PUD00001.

The PUD 23PUD00001 is requesting approval for 17 units per acre, for a proposed apartment complex, which is almost triple the amount of 6 units per acre that the County Commissioners determined was the density limits for properties along Hwy-1 and the Indian River. Plans for this development goes against the directives of the Coastal High Hazard Area (CHHA) and property within this area should not be over-developed.

I am not against development of this property, but ask that the development stay within the density limits as other developers have, such as Laguna Vista Condominiums and that they adhere to the PUD development guidelines.

I believe that when limitations and guidelines have been set, that all current and future developers must adhere to those set limitations and guidelines when developing. I am hopeful that the Planning and Zoning Board as well as the County Commissioners will NOT permit the PUD 23PUD00001 request. Thank you for your time.

--
Best Regards,

Arielle Fox

From: [Dell](#)
To: [Champion, Kristen](#)
Subject: 23PUD00001
Date: Thursday, June 6, 2024 3:14:41 PM

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

Kristen Champion.

I am writing today to ask you to vote against the proposed PUD development at 5955S Highway 1, Rockledge FL, 32955 application number 23PUD00001. This proposal does not conform with the land usage density already established in this area.

I am a strong proponent of property development. I am in favor of keeping the existing 6 unit per acre limit that the Brevard County Commission put in place several years ago. I am not in favor of increasing the units per acre to 17. Increasing to 17 units per acre is not in conformity with surrounding development. This proposal goes against the directives of the CHHA and should not be overdeveloped. The surrounding housing all conforms with existing land development of 6 units per acre, and request it stay that way.

I thank you for your time,
Sincerely,
Matthew and Jackie Brait

From: rsmith630@cfl.rr.com
To: [Champion, Kristen](#)
Subject: Application No. 23PUD00001
Date: Thursday, June 6, 2024 3:15:48 PM

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

TO: Kristen Champion

Please include this email in the packet for the Planning & Zoning Board meeting to be held June 10, 2024. We would appreciate it if you would email this to the members in advance.

Please vote NO on Application 23PUD00001.

This application for a Planned Unit Development (PUD) does not meet the definition and purpose of a PUD as described in the Code of Ordinances.

--PUD guidelines are for multiple use developments. This is ONLY an apartment complex and therefore does not meet the intent and rules of PUD designation.

--It does not provide for a full range of residential and commercial options, which is the stated purpose of a PUD.

--It is not a unique/creative plan that makes use of natural land and features.

--It does not accumulate a significant area of usable open spaces for preservation.

--It does not use innovative techniques to enhance the visual character of the county.

--It also does not include possibilities for compatible associated uses within the plan area.

This project goes against the directives of the Coastal High Hazard Area (CHHA). All the surrounding developments fall under the current zoning designation of 6 units per acres, while this project would drastically increase from a density of 6 units per acre to over 17 units per acre. This project is not compatible with surrounding area development and will have a negative impact in many ways, including more noise, increased light, lowering of property values.

Please vote NO on Application 23PUD00001.

Ron and Annelle Smith
6005 US Highway 1, Unit 404
Rockledge, FL 32955

From: [Rosemary Layne](#)
To: [Champion, Kristen](#)
Cc: [Chase, Beatrice Mae](#)
Subject: 23PUD00001 - Public Comment for 6/10/24 Planning and Zoning meeting
Date: Thursday, June 6, 2024 3:34:07 PM
Attachments: [23PUD00001 Public comment - Layne 6.6.24.pdf](#)

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

RE: 23PUD00001

Dear Ms. Champion or Ms. Chase,

Please include the attached Public Comment letter in the packet for the Monday, **6/10/24 Planning and Zoning Board meeting**. Thank you for all that you do on behalf of the citizens of Brevard County.

Rosemary Layne
6134 Anchor Lane, Rockledge, FL 32955
rglayne@cfl.rr.com
321-258-9464

Rosemary G. Layne
6134 Anchor Lane, Rockledge, FL 32955

June 6, 2024

RE: 23PUD00001

Dear Planning and Zoning Board and County Commissioners,

My name is Rosemary Layne and I have resided in, paid taxes and voted in Brevard County since 1979. For the past 40 years I have owned my home in Indian River Isles North – a single-family waterfront community located slightly south of the proposed development of a 252-unit apartment complex currently under your consideration.

I respectfully urge your **denial** of the above proposed project as it does not conform to land usage density in the area nor PUD guidelines as defined by Brevard County.

Please know that I am not against the property being developed, however, the development should comply with responsible growth management plans, regulations and tenets. Specifically,

- The project does **not** comply with the 6-units per acre density cap (RU-2-10) that the Brevard County Commission put in place years ago to ensure conformity with developments in the area. Rather, the proposed commercial 252-apartment complex is seeking to drastically increase density to over 17-units per acre for this single project.
- The project does **not** meet the PUD guidelines as defined by Brevard County.
- The project is **not** compatible with surrounding area current and planned development and will have an adverse impact including elevated sound, light and increased traffic on US1. (There are no traffic signals on US1 between Viera Blvd. to the north and Suntree Blvd. to the south, increasing safety hazards when entering/exiting our community).
- The project does **not** seem compatible with the directives of Coastal High Hazard Area (AE Coastal Flood Plane).
- Finally, this high-density zoning project has **no** obvious merit beyond increasing the developer's profits at the expense of lowering property values and quality of life for current long-term Brevard County residents.

Thank you for your consideration to **deny** proposed **23PUD00001**. I trust that you will hold fast to your mission to "Contribute to enhancing and ensuring Brevard's quality of life today and always."

Respectfully,



Rosemary G. Layne, Ed.D.

From: [Becky Smith](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Bcc: admin@6005lagunavista.com
Subject: Rezoning Application 23PUD00001
Date: Monday, June 3, 2024 5:00:34 PM

We are homeowners (Laguna Vista Condominiums) adjacent to a property located at 5955 S Hwy 1 in Rockledge Florida that is seeking a zoning change and is scheduled to be heard by the Board of County Commissioners on July 11th. We respectfully wish to go on record as opposing this rezoning for the following reasons.

This is a drastic increase in density for this single project.

We believe the application for a PUD does not meet the PUD guidelines in the county documents. PUD guidelines are for multiple use developments. This is ONLY an apartment complex, thus not meeting the written intent of PUD designation.

We can't accept that one project would be allowed to increase from a density of 6 units per acre to over 17 units per acre.

This project is not compatible with surrounding area development, and will have a negative impact in many ways: sound, light, property values, etc.

This project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be overdeveloped.

All the surrounding developments, (including Laguna Vista) fall under the 6 units per acres current zoning designation.

Sincerely,
Kevin & Rebecca Smith
6005 US Hwy 1, Unit 105
Rockledge, FL 32955

From: linda_ufrnom6183
To: [Champion, Kristen](#)
Subject: 23 PUD00001
Date: Thursday, June 6, 2024 9:31:36 PM

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Kristen

> I am for property owners to have the right to develop their property based on established zoning, I am against the drastic increase in density requested for the above referenced project. The project is not compatible with the surrounding area development. The increase from 6 units per acre to 17 units per acre will have a negative impact on surrounding property owners from the amount of sound and light generated to the potential decrease in quality of life and property values.

> Thanks for your attention to this matter.

> Linda Adams

> 6183 Anchor Ln, Rockledge, FL 32955

> Indian River Isles North

>

From: [Steve Kidd](#)
To: [Champion, Kristen](#)
Subject: PUD application
Date: Friday, June 7, 2024 6:29:05 AM

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

Dear Madam,

As residents of Indian River Isles we are reaching out today to express our opposition to the proposed PUD application at 5955 Hwy 1 Rockledge, FL 32955(application number 23PUD00001) as it does not conform with the land usage density in the area.

To be clear, we are not against the development of this property. In fact, we are all for the responsible development of this property and any other property in our area. Our issue here is that we think that it should be capped at the 6 units per acre density limit that the Brevard County Commission put in place years ago. It would also appear as though this request does not meet the PUD guidelines as defined by Brevard County. We have a great deal of concern about how this would impact our property values as well.

We appreciate you taking the time to hear our concerns, and I would add that everyone that I have spoken to in our community shares those same concerns. I hope we can count on each one of our commissioners to cast a vote in opposition to this proposal.

Sincerely,
Steve & Cathy Kidd
6355 Anchor Ln
Indian River Isles North

From: [Mike R](#)
To: [Champion, Kristen](#)
Subject: application number 23PUD00001
Date: Friday, June 7, 2024 3:34:14 PM

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

Dear Kristen Champion,

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (*application number 23PUD00001*) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Very Respectfully,
Michael Rucki
321-431-2855
6265 anchor lane
Rockledge, FL 32955

From: [Commissioner, D4](#)
To: [Champion, Kristen](#); [Chase, Beatrice Mae](#)
Cc: [Commissioner, D4](#); [Bellak, Christine](#); [Wines, Katie](#)
Subject: Public Comment - 23PUD00001
Date: Sunday, June 9, 2024 9:26:15 PM
Attachments: [Public Comment 23PUD00001 Obert.pdf](#)
[Public Comment 23PUD00001 Orrick.pdf](#)
[Public Comment 23PUD00001 Adams.pdf](#)
[Public Comment 23PUD00001 Goodrich.pdf](#)
[Public Comment 23PUD00001 Kelly.pdf](#)
[image001.png](#)
[image002.png](#)

Kristen,

On behalf of Commissioner Feltner, please see the attached public comments 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: [William Dunne](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 2024-6-2 County Density Change Proposal
Date: Friday, June 7, 2024 4:03:01 PM

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

To:
Commissioner Rita Pritchett
Commissioner Tom Goodson
Commissioner John Tobia
Commissioner Rob Feltner
Commissioner Jason Steele

My wife and I understand that a developer is attempting to change and increase the longstanding Brevard County rule of 6 units per acre for our area to 17 units per acre for a total of 252 units in a small parcel just north of Indian River Isles North.

We purchased our home at 6390 Anchor Lane 38 years ago, because it is located in a single family home environment. Over the years our homes have increased in value because of the care, maintenance, improvements and sweat equity of the residents. We don't want to see that destroyed by rezoning and over building the current environment.

We welcome the development at 6 units per acre as the current rule calls for. The drastic proposal of 17 units would adversely impact our current environment.

Bill and Chris Dunne
6390 Anchor Lane
Indian River Isles North

From: [diana.sageser](#)
To: [Commissioner, D4](#)
Subject: Proposed zoning change
Date: Thursday, June 6, 2024 6:07:47 PM

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

From:

Diana Sageser

100 Compass Dr

Rockledge, FL 32955

June 6, 2024

To:

Brevard Planning and Zoning Board

Subject: Opposition to Rezoning Application Number 23PUD00001

Dear Brevard Planning and Zoning Board,

I am writing to express my strong opposition to the rezoning application number 23PUD00001, which proposes the development of a large 252-unit apartment complex through the Planned Unit Development (PUD) designation.

While I understand that a PUD allows for a mix of businesses, restaurants, and housing similar to developments like Viera, it is evident that in this case, the primary intent is to exploit the PUD designation to increase the density per acre. By combining the "BU-1 General Retail Commercial" property adjacent to HWY1 with the "RU-2-10 Medium-Density Multiple - Family Residential" property, the developer seeks to create an overly dense apartment complex that is incompatible with the surrounding area.

The proposed development not only raises concerns about increased traffic congestion and strain on existing infrastructure but also threatens the character and quality of life of the community. Moreover, the significant increase in density could have adverse effects on the environment and natural resources, particularly given the proximity of the residential component to the river.

It is crucial to prioritize responsible and sustainable development that respects the existing zoning regulations and preserves the integrity of the neighborhood. Rezoning the property to accommodate such a dense development sets a concerning precedent and disregards the concerns of local residents.

I urge the County Planning Department to carefully consider the implications of this rezoning application and reject it in its current form. Instead, I encourage the exploration of alternative development plans that align with the existing land use regulations and promote the long-term well-being of the community.

Thank you for considering my concerns regarding this matter.

Sincerely,

Diana Sageser

From: [Brian O'Neil](#)
To: [Commissioner, D4](#)
Subject: RE: 5955 S Highway 1, Rockledge, FL 32955 (application number 23PUD00001 **PRIORITY**
Date: Friday, June 7, 2024 8:28:25 AM

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

Dear Commissioner Rob Feltner:

Good morning. I grew up in Ft. Lauderdale and moved to Brevard County 30 years ago. I have seen what unchecked, overdevelopment can do to cities. Having restrictions on land use density is a very good thing for the future of Brevard County. When you allow too much density per acre it places a large burden on the infrastructure, water, sewer, etc. In addition, allowing an area to be too densely populated leads to an increase in crime. The current 6 unit per acre restriction for 5955 S Highway 1, Rockledge, FL 32955, is a good thing. There is a reason that was put into effect.

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely,
Brian O'Neil
6126 Anchor Lane
Rockledge, FL 32955

From: [Steve Kidd](#)
To: [Commissioner_D4](#)
Subject: PUD application
Date: Friday, June 7, 2024 6:23:49 AM

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

Dear Mr.Feltner,

As residents of Indian River Isles we are reaching out today to ask that you vote against the proposed PUD application at 5955 Hwy 1 Rockledge, FL 32955(application number 23PUD00001) as it does not conform with the land usage density in the area.

To be clear, we are not against the development of this property. In fact, we are all for the responsible development of this property and any other property in our area. Our issue here is that we think that it should be capped at the 6 units per acre density limit that the Brevard County Commission put in place years ago. It would also appear as though this request does not meet the PUD guidelines as defined by Brevard County. We have a great deal of concern about how this would impact our property values as well.

We appreciate you taking the time to hear our concerns, and I would add that everyone that I have spoken to in our community shares those same concerns. I hope we can count on each one of you commissioners to cast a vote in opposition to this proposal.

Sincerely,
Steve & Cathy Kidd
6355 Anchor Ln
Indian River Isles North

From: [Dell](#)
To: [Commissioner, D4](#)
Subject: Application 23PUD00001
Date: Thursday, June 6, 2024 3:18:20 PM

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

Hello Rob Feltner

I am writing today to ask you to vote against the proposed PUD development at 5955S Highway 1, Rockledge FL, 32955 application number 23PUD00001. This proposal does not conform with the land usage density already established in this area.

I am a strong proponent of property development. I am in favor of keeping the existing 6 unit per acre limit that the Brevard County Commission put in place several years ago. I am not in favor of increasing the units per acre to 17. Increasing to 17 units per acre is not in conformity with surrounding development. This proposal goes against the directives of the CHHA and should not be overdeveloped. The surrounding housing all conforms with existing land development of 6 units per acre, and request it stay that way.

I thank you for your time,
Sincerely,
Matthew and Jackie Brait

From: [Angela O'Neil](#)
To: [Commissioner, D4](#)
Subject: 5955 S Highway 1, Rockledge, FL 32955 (application number 23PUD00001)
Date: Thursday, June 6, 2024 2:50:15 PM

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

Dear Commissioner Rob Feltner;

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely,
Angela O'Neil
6126 Anchor Lane
Rockledge, FL 32955

From: [Dennis Foster](#)
To: [Commissioner, D4](#)
Subject: rezoning changes property north of Laguna Vista
Date: Thursday, June 6, 2024 2:22:22 PM

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

I am writing to object the approval of rezoning changes to the 14 acre property to the north of Laguna Vista. This property is presently zoned for 6 units per acre and would be changed to 17. This is clearly not good for our area, our home values, traffic, noise, lights etc.

Sincerely,
Dennis Foster

6174 Anchor Lane
Rockledge, FL 32955
Indian Rivers North subdivision

From: dcwkan@comcast.net
To: [Commissioner, D4](#)
Subject: Proposed PUD development at 23PUD00001, 5955 S Highway 1, FL
Date: Thursday, June 6, 2024 2:20:37 PM

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

Dear Mr. Feltner,

I ask that you deny the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area. In addition, this request does not meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this issue.

Sincerely,
Douglas Chad Whittington
6285 Anchor Ln.
Rockledge, FL 32955
303-257-4296

From: maryfos@aol.com
To: [Commissioner, D4](#)
Subject: proposed zoning changes to property north of Laguna Vista
Date: Thursday, June 6, 2024 2:16:17 PM

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

I am writing to object the approval of rezoning changes to the 14 acre property to the north of Laguna Vista. This property is presently zoned for 6 units per acre and would be changed to 17. This is clearly not good for our area, our home values, traffic, noise, lights etc.

Sincerely,
Mary Foster

6174 Anchor Lane
Rockledge, FL 32955
Indian Rivers North subdivision

From: [Rosemary Layne](#)
To: [Commissioner, D4](#)
Cc: ["Rosemary Layne"](#)
Subject: 23PUD00001 - Please DENY change of zoning classification
Date: Friday, June 7, 2024 3:55:55 PM

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

RE: 23PUD00001 – Frank Mastroianni (Jake Wise) requests change of zoning classification (File: #6848)

Dear Commissioner Feltner,

I respectfully urge your **denial** of the proposed project as it does not conform to land usage density in the area nor PUD guidelines as defined by Brevard County.

My name is Rosemary Layne and I have resided in, paid taxes and voted in Brevard County since 1979. For the past 40 years I have owned my home in Indian River Isles North – a single-family waterfront community of 52 homes located a bit south of the proposed development of a 252-unit rental apartment complex currently under your consideration.

Please know that I am not against property development; however, this project does **not** seem to comply with responsible growth management plans, regulations and tenets. Specifically,

- The project does **not** comply with the 6-units per acre density cap (RU-2-10) that the Brevard County Commission put in place years ago to ensure conformity with developments in the area. Rather, the proposed commercial 252-apartment complex is seeking to drastically increase density to over 17-units per acre for this single project.
- The project does **not** meet the PUD guidelines as defined by Brevard County.
- The project is **not** compatible with the surrounding area and will have an adverse impact including elevated sound, light and increased traffic on US1. (There are no traffic signals on US1 between Viera Blvd. to the north and Suntree Blvd. to the south, increasing safety hazards when entering/exiting our community).
- The project does **not** seem compatible with the directives of Coastal High Hazard Area.
- Finally, this high-density zoning project (as presented) has **no** obvious merit beyond increasing the developer's profits at the expense of lowering property values and quality of life for current long-term Brevard County residents.

Thank you for your consideration to **deny** proposed project **23PUD00001**.

Respectfully,

Rosemary G. Layne, Ed.D.
6134 Anchor Lane, Rockledge, FL 32955
Indian River Isles North

From: [Mike R](#)
To: [Commissioner, D4](#)
Subject: 23PUD00001
Date: Friday, June 7, 2024 3:39:26 PM

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

Dear Rob Feltner,

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (*application number 23PUD00001*) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Very Respectfully,
Michael Rucki
321-431-2855
6265 anchor lane
Rockledge, FL 32955

From: oberts@bellsouth.net
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Champion, Kristen](#); [Chase, Beatrice Mae](#)
Subject: Application #23PUD00001 - Development at 5955 S Highway 1, Rockledge, FL 32955
Date: Friday, June 7, 2024 8:04:54 PM

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

Dear Brevard County Commissioners, Planning and Zoning Board Members,
Kristen Champion and Beatrice Chase:

We ask that you vote against the proposed PUD development as requested in application number **23PUD00001** at 5955 S Highway 1, Rockledge, FL 32955.

The request does not conform with the land usage density of 6-units per acre as set forth by the Brevard County Commission years ago. The land usage density limit was put in place to ensure the conformity with developments in this area years ago.

We support property development at this location. Our request is simply that the application meets the current land density limit and the Brevard County PUD zoning guidelines.

Thank you for addressing this matter. We look forward to seeing how you vote on this matter.

Sincerely;
Ron & Theresa Obert

Email: oberts@bellsouth.net
Ron Mobile: 321.591.4260
Theresa Mobile: 321.794.9808

From: kirkorrick@gmail.com
To: [Commissioner, D5](#)
Subject: Proposed PUD development at 5955 S Highway 1, Rockledge (application number 23PUD00001)
Date: Saturday, June 8, 2024 8:11:51 AM

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

Dear Commissioner Steele,

My name is Kirk Orrick, and I am a 16-year resident of the Indian River Isles subdivision, located just south of the proposed apartment complex development. My understanding is that this proposal involves the construction of a 252-unit apartment complex, which requires an increase in density from 6 units per acre to 17 units per acre. I am vehemently opposed to this change as it will impact the value of mine and my neighbors' single-family homes. This is a drastic increase and is not compatible with the surrounding area development. Furthermore, I do not believe the application for a PUD meets the PUD guidelines in the Brevard County documents. PUD guidelines are intended for multiple-use developments. This is simply an apartment complex, thus it does not meet the written intent of a PUD designation.

Additionally, this development will have numerous negative impacts, including increased sound, light pollution, and decreased property values. The project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be overdeveloped. All surrounding developments, including Laguna Vista, fall under the current zoning designation of 6 units per acre and have developed their property accordingly.

Please understand, I am not opposed to developers building in this area, but changing the zoning density laws in this case to accommodate this developer is simply wrong and should be denied.

Thank you for your service and consideration in this matter.

Respectfully,
Kirk and Sandra Orrick
6300 Anchor Lane
Rockledge, 32955
(518) 322-8004

From: [Ronda Kelly](#)
To: [Champion, Kristen](#); [Chase, Beatrice Mae](#)
Cc: [Tom](#)
Subject: Re: Rezoning Application 23PUD00001
Date: Saturday, June 8, 2024 7:01:08 PM

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

Ms. Chase,

Per Ms. Champion's OOO, I am forwarding our email concerning subject application.

Please let me know if you have any questions or if I need to forward to anyone else.

Thank you,
Ronda Kelly

On Sat, Jun 8, 2024, 3:42 PM Ronda Kelly <rondakelly2010@gmail.com> wrote:
Good afternoon Ms Champion

Below is the email I sent to the County Commisioners concerning the Rezoning Application 23PUD00001.

If possible, please add to the packet to be presented.

Thanks so much!

Ronda and Tom Kelly
256-509-5803

Thank you,
Ronda Kelly

----- Forwarded message -----

From: Ronda Kelly <rondakelly2010@gmail.com>
Date: Sat, Jun 8, 2024, 3:22 PM
Subject: Rezoning Application 23PUD00001
To: <D1.Commissioner@brevardfl.gov>, <D2.Commissioner@brevardfl.gov>, <D3.Commissioner@brevardfl.gov>, <D4.Commissioner@brevardfl.gov>, <D5.Commissioner@brevardfl.gov>
Cc: Tom <tkelly1144@gmail.com>

Good afternoon

My husband and I live at 6005 US Hwy1 Unit 206 Rockledge in Laguna Vista

Condominiums. Our unit is on the north end of the property and has a clear view of the property located at 5955 S Hwy 1 that is seeking a zoning change to their property.

The Board of County Commissioners is scheduled to hear their request on July 11th. We would like to officially go on record as opposing this rezoning request.

The application for a PUD does not meet the guidelines in the county documents. PUD guidelines are for multiple use developments. This is only an apartment complex, therefore, not meeting the written intent of PUD designation.

This is a drastic increase in density for this single project. How can one project be allowed to increase from a density of 6 units per acre to 17+ units per acre? This project would not be anything similar to or compatible with surrounding area developments and will have a negative impact on all areas nearby. (i.e., property values, view, noise, etc.)

This project also goes against the directives of the Coastal High Hazard Area (CHHA) and should not be allowed to overdevelop. All the surrounding developments, (including Laguna Vista) fall under the 6 units per acres current zoning designation.

Thank you for your time and attention to this issue.

Thank you,
Ronda and Tom Kelly
6005 US HWY 1 UNIT 206
Rockledge, FL 32955
256-509-5803
rondakelly2010@gmail.com

From: [Chase, Beatrice Mae](#)
To: [Steve Kidd](#)
Cc: [Champion, Kristen](#)
Subject: RE: PUD application
Date: Monday, June 10, 2024 9:02:39 AM
Attachments: [image001.png](#)

Good morning,

Your letter has been received and has been added to the agenda packet as public comment, that all Board members will receive a copy of.

Please let us know if we can assist with anything else in the meantime.

Thank you,

Beatrice Chase
Special Projects Coordinator I
Brevard County/Planning & Development
321-633-2069 P x58302
321-633-2074 F



From: Steve Kidd <737maxflyer@gmail.com>
Sent: Friday, June 7, 2024 6:31 AM
To: Chase, Beatrice Mae <Beatrice.Chase@brevardfl.gov>
Subject: PUD application

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

Dear Madam,

As residents of Indian River Isles we are reaching out today to express our opposition to the proposed PUD application at 5955 Hwy 1 Rockledge, FL 32955(application number 23PUD00001) as it does not conform with the land usage density in the area.

To be clear, we are not against the development of this property. In fact, we are all for the responsible development of this property and any other property in our area. Our issue here is that we think that it should be capped at the 6 units per acre density limit that the Brevard County Commission put in place years ago. It would also appear as though this request does not meet the PUD guidelines as defined by Brevard County. We have a great deal of concern about how this would impact our property values as well.

We appreciate you taking the time to hear our concerns, and I would add that everyone that I have spoken to in our community shares those same concerns. I hope we can count on each one of our commissioners to cast a vote in opposition to this proposal.

Sincerely,
Steve & Cathy Kidd
6355 Anchor Ln
Indian River Isles North

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: 23PUD00001 public comments received
Date: Monday, June 10, 2024 9:19:20 AM
Attachments: [23 PUD 00001.pdf](#)
[23PUD00001 - Please DENY change of zoning classification.pdf](#)
[23PUD00001.pdf](#)
[2024-6-2 County Density Change Proposal.pdf](#)
[Application 23PUD00001.pdf](#)
[application number 23PUD00001.pdf](#)
[Dell - Application 23PUD00001.pdf](#)
[Kelly - Rezoning Application 23PUD00001.pdf](#)
[laguna letter.docx](#)
[Letter and Attachments re Proposed PUD.pdf](#)
[Planning and Zoning Board \(Application # 23PUD00001\).pdf](#)
[Proposed PUD development at 23PUD00001, 5955 S Highway 1, FL.pdf](#)
[Proposed PUD development at 5955 S Highway 1, Rockledge \(application number 23PUD00001\) .pdf](#)
[Proposed PUD on US Hwy 1 Rockledge.pdf](#)
[Proposed zoning change.pdf](#)
[PUD development 23PUD00001 .pdf](#)
[PUD 23PUD0001.pdf](#)
[PUD application .pdf](#)
[RE PUD development at 5955 S Highway 1, Rockledge, FL 32955 \(application number 23PUD00001\) PRIORITY .pdf](#)
[Rezoning Application 23PUD00001.pdf](#)
[rezoning changes property north of Laguna Vista.pdf](#)
[rezoning property north of Laguna Vista.pdf](#)
[Vote No application number 23PUD00001.pdf](#)
[Whittington - Proposed PUD development at 23PUD00001, 5955 S Highway 1, FL.pdf](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, attached are the public comments received up until now for 23PUD00001.

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: [Donald Adams](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D2](#)
Subject: 23 PUD 00001
Date: Friday, June 7, 2024 3:49:09 PM

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

Dear Commissioners.

I am for property owners having the right to develop their property based on established zoning for the surrounding area. I am against the drastic increase in density requested for the above project. The project is not compatible with the surrounding area's current Zoning. The increase from 6 units per acre to 17 units per acre will have a negative impact on surrounding property owners from the amount of increased noise and outside lighting to a potential decrease in quality of life and property values.

Thanks for your attention to matter.
Donald Adams
6183 Anchor Lane
Rockledge, FL 32955
Indian River Isles North
Sent from my iPhone

From: [Rosemary Layne](#)
To: [Commissioner, D1](#)
Cc: ["Rosemary Layne"](#)
Subject: 23PUD00001 - Please DENY change of zoning classification
Date: Friday, June 7, 2024 4:04:56 PM

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

RE: 23PUD00001 – Frank Mastroianni (Jake Wise) requests change of zoning classification
(File: #6848)

Dear Commissioner Pritchett,

I respectfully urge your **denial** of the aforementioned proposed project as it does not conform to land usage density in the area nor PUD guidelines as defined by Brevard County.

My name is Rosemary Layne and I have resided in, paid taxes and voted in Brevard County since 1979. For the past 40 years I have owned my home in Indian River Isles North – a single-family waterfront community of 52 homes located a bit south of the proposed development of a 252-unit rental apartment complex currently under your consideration.

Please know that I am not against property development; however, this project does **not** seem to comply with responsible growth management plans, regulations and tenets. Specifically,

- The project does **not** comply with the 6-units per acre density cap (RU-2-10) that the Brevard County Commission put in place years ago to ensure conformity with developments in the area. Rather, the proposed commercial 252-apartment complex is seeking to drastically increase density to over 17-units per acre for this single project.
- The project does **not** meet the PUD guidelines as defined by Brevard County.
- The project is **not** compatible with the surrounding area and will have an adverse impact including elevated sound, light and increased traffic on US1. (There are no traffic signals on US1 between Viera Blvd. to the north and Suntree Blvd. to the south, increasing safety hazards when entering/exiting our community).
- The project does **not** seem compatible with the directives of Coastal High Hazard Area.
- Finally, this high-density zoning project (as presented) has **no** obvious merit beyond increasing the developer's profits at the expense of lowering property values and quality of life for current long-term Brevard County residents.

Thank you for your consideration to **deny** proposed project **23PUD00001**.

Respectfully,

Rosemary G. Layne, Ed.D.
6134 Anchor Lane, Rockledge, FL 32955
Indian River Isles North

From: [Billy B](#)
To: [Commissioner, D1](#)
Subject: 23PUD00001
Date: Tuesday, June 4, 2024 8:25:02 AM

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

Dear Name Ms. Pritchett-

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely;
William Bacon
Rockledge, Fl
Sent from my iPad

From: [William Dunne](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 2024-6-2 County Density Change Proposal
Date: Friday, June 7, 2024 4:03:01 PM

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

To:
Commissioner Rita Pritchett
Commissioner Tom Goodson
Commissioner John Tobia
Commissioner Rob Feltner
Commissioner Jason Steele

My wife and I understand that a developer is attempting to change and increase the longstanding Brevard County rule of 6 units per acre for our area to 17 units per acre for a total of 252 units in a small parcel just north of Indian River Isles North.

We purchased our home at 6390 Anchor Lane 38 years ago, because it is located in a single family home environment. Over the years our homes have increased in value because of the care, maintenance, improvements and sweat equity of the residents. We don't want to see that destroyed by rezoning and over building the current environment.

We welcome the development at 6 units per acre as the current rule calls for. The drastic proposal of 17 units would adversely impact our current environment.

Bill and Chris Dunne
6390 Anchor Lane
Indian River Isles North

From: [Mike R](#)
To: [Commissioner, D1](#)
Subject: application number 23PUD00001
Date: Friday, June 7, 2024 3:36:10 PM

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

Dear Rita Pritchett,

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (*application number 23PUD00001*) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Very Respectfully,
Michael Rucki
321-431-2855
6265 anchor lane
Rockledge, FL 32955

From: [Dell](#)
To: [Commissioner, D1](#)
Subject: Application 23PUD00001
Date: Thursday, June 6, 2024 3:20:42 PM

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

Hello Rita Pritchett.

I am writing today to ask you to vote against the proposed PUD development at 5955S Highway 1, Rockledge FL, 32955 application number 23PUD00001. This proposal does not conform with the land usage density already established in this area.

I am a strong proponent of property development. I am in favor of keeping the existing 6 unit per acre limit that the Brevard County Commission put in place several years ago. I am not in favor of increasing the units per acre to 17. Increasing to 17 units per acre is not in conformity with surrounding development. This proposal goes against the directives of the CHHA and should not be overdeveloped. The surrounding housing all conforms with existing land development of 6 units per acre, and request it stay that way.

I thank you for your time,
Sincerely,
Matthew and Jackie Brait

From: [Ronda Kelly](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [Tom](#)
Subject: Rezoning Application 23PUD00001
Date: Saturday, June 8, 2024 3:22:48 PM

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

Good afternoon

My husband and I live at 6005 US Hwy1 Unit 206 Rockledge in Laguna Vista Condominiums. Our unit is on the north end of the property and has a clear view of the property located at 5955 S Hwy 1 that is seeking a zoning change to their property.

The Board of County Commissioners is scheduled to hear their request on July 11th. We would like to officially go on record as opposing this rezoning request.

The application for a PUD does not meet the guidelines in the county documents. PUD guidelines are for multiple use developments. This is only an apartment complex, therefore, not meeting the written intent of PUD designation.

This is a drastic increase in density for this single project. How can one project be allowed to increase from a density of 6 units per acre to 17+ units per acre? This project would not be anything similar to or compatible with surrounding area developments and will have a negative impact on all areas nearby. (i.e., property values, view, noise, etc.)

This project also goes against the directives of the Coastal High Hazard Area (CHHA) and should not be allowed to overdevelop. All the surrounding developments, (including Laguna Vista) fall under the 6 units per acres current zoning designation.

Thank you for your time and attention to this issue.

Thank you,
Ronda and Tom Kelly
6005 US HWY 1 UNIT 206
Rockledge, FL 32955
256-509-5803
rondakelly2010@gmail.com

May 31, 2024

Board of County Commissioners

Re: Application # 23PUD00001

To whom it may concern:

We are against the drastic increase in density for this single project.

We believe the application for a PUD does not meet the PUD guidelines in the county documents. PUD guidelines are for multiple use developments. This is ONLY an apartment complex, thus not meeting the written intent of PUD designation.

We do not agree that one project would be allowed to increase from a density of 6 units per acre to over 17 units per acre.

This project is not compatible with surrounding area development, and will have a negative impact in many ways. Elevated sound, light, and lowering our property values.

This project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be over-developed.

All the surrounding developments, (including Laguna Vista) fall under the 6 units per acres current zoning designation.

Your assistance is greatly appreciated.

Respectfully,

Pete and Debbie Giorgio
6005 US Highway 1 # 205
Laguna Vista Condo
Rockledge Fl. 32955

From: [Lanny Anaya](#)
To: [Commissioner, D1](#)
Subject: Planning and Zoning Board (Application # 23PUD00001)
Date: Sunday, June 2, 2024 6:33:52 PM

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

Dear Rita Pritchett (District 1 Commissioner)

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number 23PUD00001) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely;

Lanny Anaya
6200 Anchor Ln
Rockledge, FL 32955

From: dcwkan@comcast.net
To: [Commissioner, D1](#)
Subject: Proposed PUD development at 23PUD00001, 5955 S Highway 1, FL
Date: Thursday, June 6, 2024 2:05:58 PM

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

Dear Ms. Pritchett,

I ask that you deny the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area. In addition, this request does not meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this issue.

Sincerely,
Douglas Chad Whittington
6285 Anchor Ln.
Rockledge, FL 32955
303-257-4296

From: kirkorrick@gmail.com
To: [Commissioner, D1](#)
Subject: Proposed PUD development at 5955 S Highway 1, Rockledge (application number 23PUD00001)
Date: Saturday, June 8, 2024 8:01:12 AM

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

Dear Commissioner Pritchett,

My name is Kirk Orrick, and I am a 16-year resident of the Indian River Isles subdivision, located just south of the proposed apartment complex development. My understanding is that this proposal involves the construction of a 252-unit apartment complex, which requires an increase in density from 6 units per acre to 17 units per acre. I am vehemently opposed to this change as it will impact the value of mine and my neighbors' single-family homes. This is a drastic increase and is not compatible with the surrounding area development. Furthermore, I do not believe the application for a PUD meets the PUD guidelines in the Brevard County documents. PUD guidelines are intended for multiple-use developments. This is simply an apartment complex, thus it does not meet the written intent of a PUD designation.

Additionally, this development will have numerous negative impacts, including increased sound, light pollution, and decreased property values. The project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be overdeveloped. All surrounding developments, including Laguna Vista, fall under the current zoning designation of 6 units per acre and have developed their property accordingly.

Please understand, I am not opposed to developers building in this area, but changing the zoning density laws in this case to accommodate this developer is simply wrong and should be denied.

Thank you for your service and consideration in this matter.

Respectfully,
Kirk and Sandra Orrick
6300 Anchor Lane
Rockledge, 32955
(518) 322-8004

From: [Sarah Swanson](#)
To: [Commissioner, D1](#)
Cc: [Michael Gaich](#)
Subject: Proposed PUD on US Hwy 1 Rockledge
Date: Sunday, June 2, 2024 5:35:02 PM
Attachments: [Letter and Attachments re Proposed PUD.pdf](#)

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

Dear Commissioner Pritchett,

Please find attached information and my comments regarding the subject property.

I strongly oppose this proposed project, and trust that the provided information will help you to understand my reasoning.

I am currently in Europe and will be returning June 12th if you wish to discuss this matter further.

Sincerely,

Michael Gaich

Sarah Swanson
Executive Assistant
For
Michael Gaich CCIM
The Michael Gaich Company

From: [diana.sageser](#)
To: [Commissioner, D1](#)
Subject: Proposed zoning change
Date: Thursday, June 6, 2024 6:06:57 PM

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

From:

Diana Sageser

100 Compass Dr

Rockledge, FL 32955

June 6, 2024

To:

Brevard Planning and Zoning Board

Subject: Opposition to Rezoning Application Number 23PUD00001

Dear Brevard Planning and Zoning Board,

I am writing to express my strong opposition to the rezoning application number 23PUD00001, which proposes the development of a large 252-unit apartment complex through the Planned Unit Development (PUD) designation.

While I understand that a PUD allows for a mix of businesses, restaurants, and housing similar to developments like Viera, it is evident that in this case, the primary intent is to exploit the PUD designation to increase the density per acre. By combining the "BU-1 General Retail Commercial" property adjacent to HWY1 with the "RU-2-10 Medium-Density Multiple - Family Residential" property, the developer seeks to create an overly dense apartment complex that is incompatible with the surrounding area.

The proposed development not only raises concerns about increased traffic congestion and strain on existing infrastructure but also threatens the character and quality of life of the community. Moreover, the significant increase in density could have adverse effects on the environment and natural resources, particularly given the proximity of the residential component to the river.

It is crucial to prioritize responsible and sustainable development that respects the existing zoning regulations and preserves the integrity of the neighborhood. Rezoning the property to accommodate such a dense development sets a concerning precedent and disregards the concerns of local residents.

I urge the County Planning Department to carefully consider the implications of this rezoning application and reject it in its current form. Instead, I encourage the exploration of alternative development plans that align with the existing land use regulations and promote the long-term well-being of the community.

Thank you for considering my concerns regarding this matter.

Sincerely,

Diana Sageser

From: [linda ufmom6183](#)
To: [Commissioner, D1](#)
Cc: ufmom6183@bellsouth.net
Subject: PUD development /23PUD00001
Date: Saturday, June 8, 2024 7:37:52 AM

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

Dear Rita Pritchett

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely;

Linda M. Adams

6183 Anchor Lane
Rockledge Fl 32955

From: [Dan and Sherry Goodrich](#)
To: [Commissioner, D1](#)
Subject: PUD 23PUD0001
Date: Saturday, June 8, 2024 7:25:06 AM

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

Dear Commissioner Pritchett

I ask that you vote against the proposed PUD development at [5955 S Highway 1, Rockledge, FL 32955](#) (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely;

Dan Goodrich

6335 Anchor Lane. Rockledge, Fl

Dan Goodrich
(321) 987-7406

From: [Steve Kidd](#)
To: [Commissioner, D1](#)
Subject: PUD application
Date: Friday, June 7, 2024 6:18:50 AM

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

Dear Madam

As residents of Indian River Isles we are reaching out today to ask that you vote against the proposed PUD application at 5955 Hwy 1 Rockledge, FL 32955(application number 23PUD00001) as it does not conform with the land usage density in the area.

To be clear, we are not against the development of this property. In fact, we are all for the responsible development of this property and any other property in our area. Our issue here is that we think that it should be capped at the 6 units per acre density limit that the Brevard County Commission put in place years ago. It would also appear as though this request does not meet the PUD guidelines as defined by Brevard County. We have a great deal of concern about how this would impact our property values as well.

We appreciate you taking the time to hear our concerns, and I would add that everyone that I have spoken to in our community shares those same concerns. I hope we can count on each one of you to cast a vote in opposition to this proposal.

Sincerely,
Steve & Cathy Kidd
6355 Anchor Ln
Indian River Isles North

From: [Brian O'Neil](#)
To: [Commissioner, D1](#)
Subject: RE: PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number 23PUD00001)
PRIORITY
Date: Friday, June 7, 2024 8:33:07 AM

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

Dear Ms. Rita Pritchett:

Good morning. I grew up in Ft. Lauderdale and moved to Brevard County 30 years ago. I have seen what unchecked, overdevelopment can do to cities. Having restrictions on land use density is a very good thing for the future of Brevard County. When you allow too much density per acre it places a large burden on the infrastructure, water, sewer, etc. In addition, allowing an area to be too densely populated leads to an increase in crime. The current 6 unit per acre restriction for 5955 S Highway 1, Rockledge, FL 32955, is a good thing. There is a reason that was put into effect.

I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area years ago. Nor does this request meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this matter. I look forward to seeing how you vote on this matter.

Sincerely,
Brian O'Neil
6126 Anchor Lane
Rockledge, FL 32955

From: [Becky Smith](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Rezoning Application 23PUD00001
Date: Monday, June 3, 2024 5:00:39 PM

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

We are homeowners (Laguna Vista Condominiums) adjacent to a property located at 5955 S Hwy 1 in Rockledge Florida that is seeking a zoning change and is scheduled to be heard by the Board of County Commissioners on July 11th. We respectfully wish to go on record as opposing this rezoning for the following reasons.

This is a drastic increase in density for this single project.

We believe the application for a PUD does not meet the PUD guidelines in the county documents. PUD guidelines are for multiple use developments. This is ONLY an apartment complex, thus not meeting the written intent of PUD designation.

We can't accept that one project would be allowed to increase from a density of 6 units per acre to over 17 units per acre.

This project is not compatible with surrounding area development, and will have a negative impact in many ways: sound, light, property values, etc.

This project goes against the directives of the Coastal High Hazard Area (CHHA) and should not be overdeveloped.

All the surrounding developments, (including Laguna Vista) fall under the 6 units per acres current zoning designation.

Sincerely,
Kevin & Rebecca Smith
6005 US Hwy 1, Unit 105
Rockledge, FL 32955

From: [Dennis Foster](#)
To: [Commissioner, D1](#)
Subject: rezoning changes property north of Laguna Vista
Date: Thursday, June 6, 2024 2:20:07 PM

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

I am writing to object the approval of rezoning changes to the 14 acre property to the north of Laguna Vista. This property is presently zoned for 6 units per acre and would be changed to 17. This is clearly not good for our area, our home values, traffic, noise, lights etc.

Sincerely,
Dennis Foster

6174 Anchor Lane
Rockledge, FL 32955
Indian Rivers North subdivision

From: maryfos@aol.com
To: [Commissioner, D1](#)
Subject: rezoning property north of Laguna Vista
Date: Thursday, June 6, 2024 2:14:02 PM

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

I am writing to object the approval of rezoning changes to the 14 acre property to the north of Laguna Vista. This property is presently zoned for 6 units per acre and would be changed to 17. This is clearly not good for our area, our home values, traffic, noise, lights etc.

Sincerely,
Mary Foster

6174 Anchor Lane
Rockledge, FL 32955
Indian Rivers North subdivision

From: [Kristen Whittington](#)
To: [Commissioner, FL](#)
Subject: Proposed PUD development at 23PUD00001, 5955 S Highway 1, R.
Date: Thursday, June 6, 2024 1:28:17 PM

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

Dear Ms. Pritchett,

I ask that you deny the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**) as it does not conform with the land usage density in the area.

I am not against the property being developed, but it should conform with the 6-units per acre density limit that the Brevard County Commission put in place years ago to ensure the conformity with developments in the area. In addition, this request does not meet the PUD guidelines as defined by Brevard County.

Thank you for addressing this issue.

Sincerely,
Kristen Whittington
6285 Anchor Ln.
Rockledge, FL 32955
720-254-7250

From: [Stephanie Bacon](#)
To: [Commissioner, D1](#)
Cc: [Stephanie Bacon](#)
Subject: Vote No: application number 23PUD00001
Date: Thursday, June 6, 2024 12:46:43 PM

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

Dear Ms. Pritchett,

I am concerned about a potential change in land usage density in my area. I ask that you vote against the proposed PUD development at 5955 S Highway 1, Rockledge, FL 32955 (application number **23PUD00001**).

This seems to be an apartment complex using the PUD designation to allow for a significant increase in the land usage density. My impression is this does not meet the intent of the PUD guidelines for Brevard County. It seems the 2 properties in application are zoned BU-1 General Retail Commercial and RU-2-10 Medium-Density Multiple-Family Residential (6-units per acre). If stayed to the current 6-unit density for over 14 acres, it would allow for 88-unit complex which is in line with present land use restrictions, instead of the proposed 252-unit complex.

I am not against the property being developed and believe it should conform with the 6-units per acre density limit that the Brevard County Commission already created which aligns with the development in the area, instead of the 17 units per acre the application proposes.

Another consideration is the directive of the Coastal High Hazard Area (CHHA). We as a community have worked so hard to protect the intercoastal, it should be asked whether this significant increase would go against the directive by CHHA?

Thank you for your time and involvement.

Sincerely,
Stephanie Bacon
6167 Anchor Lane
Rockledge, FL 32955

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 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); Brian Hodgers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); 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; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Excerpt of complete agenda.

Frank Mastroianni (Jake Wise) requests a change of zoning classification from BU-1 (General Retail Commercial) and RU-2-10 (6) (Medium Density Multi-Family Residential) to PUD (Planned Unit Development). The property is 14.8 acres, located on the east side of US Hwy 1, approx. 2.1 miles north of Suntree Blvd. (5955 S. Hwy 1, Rockledge) (23PUD00001) (Tax Account 2600118) (District 2)

Mark Wadsworth asked the members of the audience if they were able to select three people to speak on their behalf. They responded that it may be more than three if those three don't cover everything they'd like to discuss.

Mark Wadsworth asked if 15 minutes per person would be sufficient, and they responded that they may only need a few minutes per person.

Trina Gilliam read the application into the record.

Chris Burtner, Mill Creek Residential MCRT Investments, LLC, 1650 North Mills Ave., Orlando. Stated that he is a real estate developer, and he works with a company called Mill Creek Residential, which is a national apartment development company that focuses and specializes in building luxury market rate apartment communities in the best locations and best submarkets. While you just heard that I live in Orlando, I'm actually from Viera and grew up here. My parents live here, which is why this project is so important and special to me.

Our proposed business plan includes a 252-home luxury market rate apartment rental community that seeks to maximize the value of the waterfront along the Indian River that our property benefits from, and what we think provides a great amenity for our potential, future renters, their guests and their families.

You're going to hear from several members of our consultant team, including Jake Wise, Landon Shear, and Susan Hall, but generally speaking we are requesting a rezoning to PUD for the property. Which will bring the property consistent with what's allowed under the comprehensive plan, and more particularly, remove a six-unit per acre density cap that was put in place in the 1980s I believe.

Susan Hall, Landscape Architect, working with the Modera Team for this project. This is an aerial view that shows the distant location of the property along the Indian River. A little closer and you can see the single-family homes to the north, our proposed project in the middle, and the existing

condominiums to the south. This is a site plan that we put together that illustrates what we are proposing for landscape buffers, just conceptually. We are aware of our neighbor's concerns, the neighbors to the north and to the south. So, we have gone above and beyond with what we are proposing for our landscape and tree buffers. We have laid out the buffers using the County's Type-B buffer code requirements and we've gone, as said, above and beyond. We understand that neither the residents to the north or south, or the new property residents, really want to be looking at each other. We understand these buffers are important and play an important role, so we're proposing to increase the size of the buffers at the time of planting. Both in size and in quantity.

8-foot trees are required by code. We're proposing to put in trees that are installed at 14-18 ft. in height. 52 trees are required along the north property line alone and we're proposing to use 60. The hedge that we would use there along with ground covers, which are part of the way the code requirement is written, we are proposing to increase that hedge in size by 50%. This would also apply to the southeast corner of the site where you can see building 10 that's on the riverfront, opposite of the existing condominium structure that's to the south.

We've put together a slide, as an example, that shows the required sizes of the trees on the left of each set of three, the sizes we propose to install (which would be in the middle of the set) and what we could expect to see 5 years later. Generally speaking, we see trees increase in size about 2 ft. in height and 2.4 ft. in width per year, and some trees are even faster than that. So, this means that in 5 years from now, we should be seeing trees that are 24-28 ft. in height and around 12-14 ft. in width.

A very important point I'd like to make is that this site is fully vegetated, fully canopied, and it's important that we fit this site neatly into this property and provide ample landscape for the benefit of everybody. But because it's fully vegetated, it means that we will have a good amount of tree canopy mitigation to address and this means that at the end of landscaping on this site, we will have a heavily landscaped site following construction simply by the way the County's mitigation code is written.

I work with Natural Resources all the time and I know that they heavily prefer to have all the planting accomplished within a site and they really prefer not to have payout on trees. We're going to have a lot of trees on this property to accomplish that all.

Jake Wise, Civil Engineer for the project, 2651 W. Eau Gallie Blvd., Melbourne. This slide shows, in greater detail, what Susan was talking about. What you're seeing in the middle of the two sections is what we're proposing and how we've moved all the buildings to the center of the site. We're providing the best buffer that we can with a combination of extra planting, extra-large trees, and tree preservation. It's equally as important for our luxury apartment rental project to be able to buffer our neighbors as it is for them to want to be buffered from us. No offense at all, it's just what we would prefer for our project. To create our own little enclave just like the condominium to the south of us has done. We also proposed three stories because the condominiums to the south have of us are four stories in height and then we have seven or so single-family homes to the north of us. They have their road and then their lots. We have a little extra buffer too with a roadway there.

We did have a voluntary neighborhood meeting and one of the items that was talked about was Ruby Road to the north of us. Ruby Road does have some flooding issues, so part of our engineering effort will be to help alleviate some of those. Our project will provide on-site treatment and we won't have anything that runs off from it at all.

As you notice, our application is not asking for a Future Land Use Amendment at all. It's just strictly rezoning. We're utilizing the existing future land use amendment there. There is an old of cap of 6 (units per acre) on there back to the 1980s. I was in first grade and looked it up, Caddyshack was the biggest movie of the year, so it's been a little while. Viera wasn't even something people were thinking about. We're asking to eliminate that part of it, and we feel like the stairstep approach that we're proposing is a good transition of the height and the condensing of the buildings towards the middle of the site is good.

Mr. Wise also states that he's been driving by this site for decades and that little commercial corridor has never been very successful. The BU-1 zoning probably wouldn't have anything moving forward anytime in the near future.

We provided a traffic study and this section of US1 has a very high level of services and has a lot of trips available. We're not providing any deficiency on it at all, in fact it still is only about 64% capacity which is much, much better than most of the main corridors in Brevard County. With the PUD zoning that we're asking for, we have the option of doing alternative development standards with the option of asking for waivers we have the option of asking for a density bonus. We're not asking for any of those, none of those at all. We're just asking for the zoning. We do have a wetland area on site that we worked around and preserved; we're going to greatly enhance it. Right now, it's got invasives and it's uh not looking too good. We'll be improving it with a mix of replanting buffering it and keeping it enhanced with the water connection to it as well.

We do have an existing dock that's in disrepair, so we already talked to staff about working with a marine protection plan making sure we're in compliance with that to bring the dock back into compliance with being able to utilize it as they said for an asset to our project to be on the river. The way the PUD was created so you can create these types of unique and cohesive development plans. We have a lot of different amenities around the project plus the access to the river that we talked about previously. This developer, that we've worked with before, typically does their projects with low impact development standards. They try to get to a lead silver level. They are very proud of how they try to work within the environment that they're at. We also will work with staff to hit as many of the points with the green storm water infrastructure that we can. We know that's always a concern at the County level and for us as well being local. There's no endangered species that were found on the site, and we did do an environmental assessment of it. We have the wetlands and there could be a few gopher tortoises that we would have to relocate.

A final study would be done on that prior to construction starting. With that being said, I promise not to go through all the points. Staff has their future land use policies; 1.2, 1.4, 2.1. Admin policies three and four in the Natural Resource review. If you see all the different criteria; two, three, four, five of them for each of those, that we either comply with every single one of them or they're really not applicable to our site. We feel like our project is meeting all the criteria that we need and we're again just asking for our zoning to come in compliance with the existing future land use that's there today. With that being said, I don't know if the team wants to add anything else, but we do appreciate a chance to respond any public comments.

Mark Wadsworth stated while you're right there Mr. Wise before we go out to the audience, does anyone have a question?

Bruce Moia said that he just had one engineering question, have they done a traffic study and if so, what are the improvements that are being required or recommended? Do you know the specific improvements?

Landon Scheer, 2651 W. Eau Gallie Blvd., Melbourne. We did a preliminary TIA for the planning level study, there is a Northbound right deceleration lane and a southbound left deceleration lane that is proposed, or going to be proposed, with the project and incorporated when site planning.

Henry Minneboo stated that he has a couple of questions. He asked Jeffrey Ball "the item they talked about in 1980 was that six or four?

Jeffrey Ball said his recollection back in 1980, there was a land use plan which predated the 1988 comp plan, and that cap and density was at six units to the acre.

Henry Minneboo stated okay, because I think that was a Nancy Higgs favorite. You weren't even here, but that was that was well constructed back in 1980. Do you remember, Bruce? I'm trying to remember if it was four or six, it wasn't too many.

Bruce Moia said he doesn't remember much about what they what she did this. I remember she did a lot in South Mel Beach, but I don't know too much about what she did here.

Henry Minneboo asked Jake Wise how close is the old Alamo to this site? Do you know what I'm talking about, the old Alamo?

Jake Wise said the street north of us, one more development, and then the old Alamo was there.

Henry Minneboo asked if he said the Lancaster property, does that mean anything to you?

Jake Wise responded that it does not.

Members from the audience said that it IS the Lancaster property and Mark Wadsworth told them he would give them a chance to speak in a moment.

Henry Minneboo asked if the water on this site would come from where?

Jake Wise said the City of Cocoa has a 16-in. water main in the US1 right away and then Brevard County has a 6-in. force main.

Henry Minneboo asked does Brevard have the sewer there and Jake Wise responded that they do. Henry Minneboo asked do they have the capacity and Jake Wise responded yes and that we would be doing a private lift station that we would maintain.

Henry Minneboo: Is the address of this site Rockledge or what is it?

Jake Wise responded with yes, I think the mailing address is Rockledge.

Henry Minneboo stated it's not a trick question, how far are you from the City of Rockledge? The true city of Rockledge boundaries. Do you know?

Jake Wise said it's a little strange on US1. I think if you get up by Indian River Furniture you're hitting the Rockledge line, so that's a good distance from us.

Henry Minneboo asked to the best of your recollection are there any or what's the closest proximity to this potential site that would be somewhat identical to that site?

Jake Wise responded that he would say the property to the south of us directly is four-story condos residential. If you go up and down this Corridor you see a mix of single family.

Henry Minneboo clarified that he's asking distance wise. How far is the site?

Jake Wise said the site to the south of us, hundreds of feet from, between building to building. Just north of the Alamo, another condominium project that we did probably about 15 years ago or so. That's pretty compatible and there's again a mix of single-family North and South in between those as well.

Henry Minneboo asked how long have these new owners owned this property?

Chris Burtner stated that Mr. Lancaster passed away about two years ago and I had spoken with Mr. Lancaster for several years. His nephew or his son-in-law, I can never remember the relationship, inherited the property. We are a contract purchaser, Mr. Mastroianni still owns the property, and we have a purchase contract to acquire the property.

Henry Minneboo stated/asked this is truly the Lancaster property.

Chris Burtner responded yes, it is. He also clarified that Jake Wise wouldn't know that because he's not in the contract negotiations.

Rob Sullivan asked to give him the rationale for removing the cap of six units per acre.

Jake Wise said we're looking at the overall property because it's a mix of different land uses underneath it. Because it was back done all the way back in 1980, in order for us to be able to have a successful project with this type of luxury apartments and the maintenance and upkeep that goes with them, in order to be able to do a project like this we have to have enough units to make it so that it can be well maintained in the luxury manner that we want to.

Rob Sullivan said you mentioned that the property to the south of you is also a condo. Do you know the number of units per acre for that?

Jake Wise responded that he doesn't know the number of units but typically in this area it's dictated by wetlands and things like that because Brevard County doesn't allow impact.

Rob Sullivan stated that It's actually dictated by the Coastal High Hazard Area and the exception for the commercial portion is not mapped as a Coastal High Hazard Area. I'm a consultant for FEMA and the reason is commercial doesn't have people living in it, so the cap is dictated by the Coastal High Hazard Area. That's been since 1996 not 1980.

Jake Wise said that a portion of our site is within the Coastal High Hazard Area and we do meet all the requirements.

Rob Sullivan said if you're going to change it to be residential then the whole element would be changed because coastal high-hazard areas are not for commercial, therefore residential.

Landon Scheer stated he thinks it's important to note here that this Coastal High Hazard is not the same Coastal High Hazard as defined by FEMA. This is a Coastal High Hazard as specifically defined by Brevard County. If you look at the FEMA map that's not a FEMA Coastal Hazard area.

Rob Sullivan responded that that is correct, I work in FEMA in 17 States. Local jurisdictions do have changes. If the entire surrounding area and the other properties are all capped at six units per acre, and I'm assuming that the majority of the people in the audience have that concern, why would Brevard County want to grant a specific element or a specific property to not have that cap when all the other properties, including the one to the South, complied with it?

Chris Burtner stated that he would just assume, and maybe incorrectly, that you would want to unify the zoning layer and the comprehensive plan layer that's been adopted by the County Commission and that's really what we're proposing to do. There is an adopted comprehensive plan that was put in place in the 80s, I'm not sure. Jake maybe you know or maybe our land use council, Jason, knows when the comprehensive plan was adopted but I think it was adopted post 1980 so again really, we are just trying to marry up what's allowed for this the County's comprehensive plan and the zoning layer is really the request.

Rob Sullivan said he's looking at a 2023 Florida Statute, Coastal Management, and in here it says under Section B "for local governments that have not established a level of service for out of county hurricane evacuation by following the process in Paragraph A, the level of service shall be no greater than 16 hours for a category 5 storm event as measured by the Saffir-Simpson Scale." Currently the Eastern Florida Central Regional Planning Council has a Category 5 hurricane at 56 hours. Now, I don't know about you, but I've spent 30 years doing urban search and rescue and nobody gives you 56 hours' worth of notification for a CAT 5. You're lucky to get 16 hours for a CAT 3. What we're looking at is; 1.) I have some problems with evacuation, and 2.) I have a problem with the cap of the density. US1 is an evacuation Zone and it's not going to be just local people using US1. If I-95, as in the case of previous hurricanes, is clogged, then the secondary route will be US1, So I do have some heartburn with increasing the density. Particularly in areas of the Coastal High Hazard area as defined by Brevard County but also by FEMA. Thank you.

Jake Wise stated that our current zoning and land use allow for 157 multi-family units so we're not asking for a significant increase. We're just asking for that old cap 6 to be removed, that was again done in 1980.

Rob Sullivan said if you do the math for the area just reduce it back down to the cap for six units per acre, that could be a very viable option. You'd probably get rid of half or 90% of the objections that you're about to hear.

Mark Wadsworth asked the Board if they had any more questions for the applicant.

John Hopengarten said he has a question for staff. Mr. Ball, I always understood that a PUD was for mixed use this is a single use development. How does that play with the PUDs.

Jeffrey Ball said it can be. A PUD is a flexible zoning category or district where the applicant can come in and design their zoning code to meet the product type that they want to build. It allows for flexibility to the setbacks. In that respect, it's a zoning district that the applicant has the ability to design on its own.

John Hopengarten responded by asking if that sets a precedent. People could come in and make everything a PUD just to do a single use development. I always thought it was mixed use; industrial, commercial, retail, not just residential on its own as an apartment project.

Jeffrey Ball said it can be mixed use, it can also be one single use as residential, there's no restrictions either way.

John Hopengarten replied that he didn't see where it stipulated that it could be a single use, that's why I was asking the question.

Jeffrey Ball said in our code we do have an RPUD which is strictly for residential.

Brian Hodgers asked in order for this to be profitable, which is what we see all the time coming through here, they have to have a certain number of units. It's currently got 157 that they can use which that's not enough for them but that's given us a little over 10 units per acre. So, at 252 units it's working out to be about 16 units per acre.

Jeffrey Ball said that the way staff calculated it, it's about 17 units per acre overall.

Brian Hodgers asked is there any other category other than going to a PUD that they could use to get the units per acre that they need, because this seems like a large jump?

Jeffrey Ball responded that he doesn't want to go off the cuff and tell you what would work and what wouldn't. There are some zoning districts, I should say standard zoning district that are comparable to the RES 15. We'd have to look at it with the cap of six. I don't know off the top of what that would be, and I don't want to give the board a false sense of direction.

Bruce Moia asked a follow up question to that, stating he just wants to make sure he understands that too. The only way they can get the density bonus that they want is to go with PUD?

Jeffrey Ball responded that just to be clear, it's not a density bonus.

Bruce Moia asked what is it?

Jeffrey Ball said they're allowed to shift their units but overall, they have two land use categories. They have the CC and RES 15 with the zoning because this is a little bit wonky. Prior to 1988 there was no FLU Designation so in this instance the Board decided the cap the density with the zoning in this instance it's res 10 or r210 with a cap of six so normally without that cap you would be able to do 10 units to the acre.

Bruce Moia responded correct but just looking at it with the land use, the density they've requested they're getting 17 units to the acre because the Community Commercial gives them 30 units the acre on that part and combined with the 15 they can get 17?

Jeffrey Ball responded that is correct.

Bruce Moia said he just wanted to make sure. Really, it's not the PUD that's getting them there, it's the Community Commercial? Jeffrey Ball responded yes, that's correct, and Bruce Moia stated he just wanted to make sure he had that straight.

Jake Wise added to the Board that we could apply for bonus density, but we are not at all.

Bruce Moia responded that he understands, that's what I wanted to make sure you're not and I thought that's why you chose the PUD. I thought that was what was getting you the additional units but that's not at all. I want to make sure I understood that.

Jake Wise added if you look at the staff report, the second page, it identifies 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 future land use. That's what we're doing.

Henry Minneboo asked if that was 1980 and Jake Wise responded yes, 1980.

PUBLIC COMMENT

Mark Wadsworth asked the members of the audience if they were able to select three people to speak on their behalf. They responded that it may be more than three if those three don't cover everything they'd like to discuss.

Mark Wadsworth asked if 15 minutes per person would be sufficient, and they responded that they may only need a few minutes per person.

Mark Wadsworth asked if there are any other questions from staff or I'm going to take it to the audience.

Jeffrey Ball stated that before she comes up and speaks, I wanted to clarify for the Board that the existing land use and Zoning is consistent. If you look at the consistency table in 62-1255, the commercial component of CC is consistent with BU-1 and the RES 15 component is consistent with the RU-2-10.

Mark Wadsworth asked the speaker if three minutes would be enough time, because at the end of the timer, they'll have to move to the next speaker.

Pam Higgins, 100 Ruby Street, Rockledge, which is abutting next to this property. First, I wanted to thank you all for letting us air our concerns. We appreciate you all as volunteers and we really appreciate the questioning that you're taking and that you're taking this seriously, because this is very important to all of our communities along this area. I'm speaking now, since we met out in the hallway, for at least four communities. North of us is called Pisces Area, that's one; we're Ruby Street; we have this property that we're talking about; then we have Laguna Vista; and then we have Indian River Isles North and all of us are represented here. I wanted to thank everyone that came and we're wearing black so you can kind of see where we are and showing solidarity for uh our togetherness in wanting to oppose this action of PUD. I also wanted to note that this process is new to most of us, in particular me, and we're starting behind the eight-ball. This language of comprehensive plans and Coastal High Hazard Areas, and all sorts of land use and future land use and using the maps and all that, we've had to learn on our own for the last month while we've been involved in this. Of course, the developer has been looking at it for months and months and has had input from the staff, which we have not had, so we're coming to you from behind and we're also looking to you to be The Gatekeepers. To really look at this and see all of it. We've learned also that your recommendation to the County Commissioners is very important to them and what you say will have a huge impact on their mindset. Therefore, you are very important to us.

What I wanted to speak primarily about has to do with PUD zoning, and although the staff considers one to three units of rental property a varied amount of home options, seems very wrong. According to the Brevard County's Code of Ordinances, Chapter 62, Section IV, Subsection 62-1442(3) says it's the purpose and intent and objective is the creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer, not rental, the home buyer greater choice in selecting types of environments and living units. That's right from the code. There are no home buyers in this situation, it's all rental units. We feel that this use of PUD zoning is wrong. That they couldn't get this property and put this unit on it this plan without going to PUD. They could not do it. They can't use what it's currently zoned at, and you all know that. Common sense alone tells you that how you have to manipulate yourself and to try to understand how they get to the density levels is mindboggling, and that alone tells me that something nothing's wrong here. This is not the appropriate use of PUD. In this proposal there's just one out of state owner who would be given the concessions of relaxed density in order to make this plan. Also wanting to point out that this plan is going to be a business, this is going to be rental units, all rental units, and it's going to be to my mind multi-family commercial real estate. It's now going to be put on residentially zoned property and doesn't seem appropriate at all for this plan. That is a big thing. The other point is multi-family rental,

again, is a business. It's a business proposition that they're going to be making money off of. We understand that this whole property could be sold off. We don't know the next owner; they all say they're all really good and nice and wonderful but from another state and we don't know what that looks like for us. There are many issues we have with the concerns of this applicant, and you all have at least 11 letters in your package from our people, there's probably more. We have more than that, you have more than that. I was able to pull off from the website only 11. Some of us, I don't know if they didn't make it in what happened, but maybe you've got them.

We're very concerned about it, but you can, within those letters, read all that you don't want to hear us talk about over and over again. So, from that I just want you to understand that our focus is that the Planned Unit Develop is not an appropriate measure or way to approach this. The other point that I want to make is that PUD, this would be the first PUD in our corridor from Barnes Boulevard down to the Pineda Causeway there are no other PUDs. None. There are no other units of this high density, no other properties with RES 30 or even RES 15 built out along that corridor and that is huge because it really changes the density from capped at 6 or EU to this huge 17.2 average, and the ask is a lot. They're asking for so much and on basically our community's backs. I haven't covered everything I'm sure, but others as will. One other thing that I did want to point out is that if we could look at the layout again, the top down, could we look somehow look at it? They say there's 160 ft. between our homes and the next building but what they don't tell you is that the parking areas and the garages are right there. They're literally maybe 10 ft. from our properties in, so although they say, "oh we moved everything to the middle," they haven't. They have 500 spaces there, so I wanted to point that out. Plus, also within that area there are other protected species. There's Bobcats and we have alligators, we have other things and there's a little pond which we all love, that they are going to fill in.

Mark Wadsworth stated he was very nice and extended your time.

Ms. Higgins said she was done.

Mark Wadsworth asked the next speaker how much time are you wanting, 37 minutes or three?

Speaker: I'll try to keep it short; she covered a lot of things, so I won't.

Mark Wadsworth said that the reason is we don't want to hear understood about the alligators again please. With all due respect to everybody, the applicant, and the neighborhood, you know the County, thank goodness for our staff, makes these guys jump through hoops. They're not going to just allow something to come in here if it isn't contiguous with the surrounding zonings. Planning and engineering. We have engineers on this board, we got guys with FEMA on this board, we've got actually a very good board. A very knowledgeable board, but how many how many minutes would you like?

Speaker: I'll try to keep it under three and Mark Wadsworth said they're going to give him five and I'm going to have to cut you off at five.

Rob Solito, 6005 US Highway 1, Rockledge, which is the Laguna Vista condos to the south of this project. I appreciate all of you being here and some of you probably know that I'm a commercial real

estate broker. I have always been relatively pro-development and some of you also probably know that a handful of years ago I sat on this board, so I understand what you guys are looking at and I appreciate that you're giving me a little extra time. I won't go into some of the things I was going to read, Pam covered a lot of the things there. So, a couple of things that I wanted to just clarify when we talked about, or the developer talked about the condo building right next door being four stories and so therefore their three-story apartment complex shouldn't be a big deal, the difference is density. We are on 4 ½ acres, we have 24 units, our density is 5.3. It's a huge difference. While we do have a four-story building, it's well buffered in all directions. The density is under the cap of six, the development to the south of us, he's got a site plan approval for 11-unit, two building complex. Again, staying under the density of six. So, following the trajectory that we've used for a long time in this area, the density going from a cap of 6 to 17+ it just seems untenable to all of us, which is why we're all here today. There are a couple other things that I'll say. Pam did mention there are no similar developments, or densities frankly, between Barnes and Pineda. There is a condo, our condo complex, there's another condo complex a little bit to the North, and then there's the large town home complex at the corner of US1 and Viera Boulevard. It's very big, I looked it up and I did some calculation. They are single story mostly and a couple two-story town homes. They are under the density cap of six and there's over 100 units there, but they have 35 Acres. So again, while it's a big complex they are staying with that density cap.

There's another couple of points about the PUD designation, which Pam didn't mention, that specifically states that a PUD must, must, meet significant open areas and natural preservation. This does not do that, it has one section in the center of wetlands and develops the rest... must take advantage of the natural features of the land, (that's questionable, they're going to add some trees but they're going to essentially fill the entire piece of land with buildings and parking), three: must create a variety of housing types. Specifically says that in the PUD designation, must. Now, one, two, and three-bedroom apartments are not different types of housing. There are no condos, there's no townhomes, there's no single-family residences. And number four, it must have an inclusion of compatible associated uses, must. It does not do that. Having a clubhouse and a pool is not an associated use in my opinion. So, one of the other main points that I wanted to make is that the preliminary development plan needs to be evaluated with the context of section 62-1448 in the zoning code, which says, and I quote "the degree of departure of the proposed Planned Unit Development from surrounding residential areas in terms of character and density." This is a high degree of departure in terms of density. I mean, a cap of 6 to a cap of 17 or 18... it's unbelievable that they would even ask for it honestly. There are a few administrative policies also that I know the staff has worked with the developer on but there's a few that they don't meet and one of them is Policy Six.

There's several more that are in the letters but Policy Six says that the proposed application must be consistent with all written land use development policies, all. Clearly, they've not met all of them, they've not met most of them and they don't meet the definition of a PUD. Which very clearly says they will have a full range of residential types as well as industrial, commercial, institutional land uses. All those things are part of a PUD. With that I'll gladly answer any questions, but I got you with four seconds left.

Kevin Fox, 6398 Anchor Lane, Rockledge, I'm here to represent 52 property owners. I'm the president of the Indian River Isles Property Owners Association Board. Primarily, I first start out that I only

moved here in 2002, and I remember coming over to this complex with the County Commissioners. They brought up this exact issue, looking forward to the future of how they would develop the lands and at that time I remember them discussing, and voting on, and supporting the six units per acre. Everybody's using this 1980, 1996... with all due respect when you call Planning and Zoning, and you try to get the minutes for the County Commissioners, trying to find so I could bring some actual facts to show you, it's next to impossible to find it unless you're a system expert. I'm not that, I'm primarily just up here to speak on the neighborhood to say I don't think it fits in with the plan. The plan was six units, I don't know where this 15 comes from, but my belief is the County Commissioners voted to support the six. All the other developers along the US1 from Barnes down to Pineda Causeway have all lived by that rule. These people are just asking for an exemption to that. Well, if you give it to them the next neighborhood south of that, south of Laguna Vista, just north of our neighborhood in Indian River Isles North, there's approximately I think 14 acres. They're zoned exactly the same way, business and residential. So, with all the respect, I foresee them going in and putting 252 apartments in there. Why would they not? If you're going to grant that, it's just going to be a snowball rolling downhill and we're going to develop in that. Is that what we want?

I'm not against developing, I fully support them, to let to develop the land as much as they want under the six dwelling units per acre. That's primarily all I wanted to speak up about. I don't believe it really complies with the PUD as a neighborhood when we talk about it. A PUD to me is the Avenue(s), you go up there and you have apartments, you have condos. There's houses, there's shopping, movie theaters, and all that. That to me is a PUD. Maybe I'm an uneducated individual who doesn't understand all the nuances of these rules. Sometimes I think these rules are written so that you can tell the public as myself one thing, but then you can do something totally the opposite go well you know there's a little hedge over here you can do that, it's a gray area and I would ask that the board as a whole would think about if you were the neighbor living right next to it on Ruby Street, Laguna Vista, the neighborhood to the south Indian River Isles North. What would you want if you were living there, if it was your next-door neighbor. If you were in our shoes right now, what would you ask the Board? That's pretty much all I have unless you have any questions for me.

Rebecca Hatch, I am a resident at 110 Kieran Lane, Rockledge, representing the six members complying with the density cap on our property. I think we have six total acres, but again seconding what our neighbors are saying there. Thank you all for letting us have this opportunity today, I'm forever thankful. I really love development as well, however, the one component that I have not heard anyone address is something that is super important here in Brevard County. SORL, Save Our Indian River Lagoon, and while we have some beautiful pictures of landscaping that are going to be on there, I didn't see any native species. I don't see any nutrient reduction, and it is my understanding that there is some recent Florida legislation that will be coming down that does require that to be done for any storm water that is emptying into the Indian River Lagoon. So, I would ask you to consider the Indian River Lagoon and the impact that this project would have on that.

Robert Taylor, 160 Ruby Street, Rockledge, I'm not abiding by the agreement that we only send up three, but I'll be very brief. I had one point to make and that is let's just talk about apartments for about one minute. Everybody else you know from the other side; they brought in all their development articles. I brought mine. It's printed on the back of your notes, this is all the apartments on Highway 1, as we mentioned, between Rockledge and Pineda Causeway. This is how many there are. So, 240

apartments, you're out apartment shopping, what are you looking for? I lived in an apartment once. You expect it to be in a dense area you'd be able to walk out across the street to Walgreens and get a candy bar. A lot of Apartments have kids, they don't have their own yard. They need somewhere to play. Where do the kids in an apartment play? A lot of times on the street and around. If you play in the street and you're on Highway 1, there's no sidewalk. You can't ride your bike from this apartment complex anywhere on the planet. You would have to ride your bike on Highway 1 and even my 20-year-old kids are not willing to do that. In the same way, there's no McDonald's; there's no grocery store. This is essentially the last little bit of a rural community in between other cities that developed and there's no resources there.

We used to have a wonderful restaurant, as you mentioned the Alamo. It's gone commercial, it's not thriving along this quarter because people don't want to be there shopping for things like this. You can make a decision and say yeah let's put enough people into that spot and make them walk around and let's create commercial, but you would be doing something completely new, apartments. I don't believe this is where they belong. You don't find apartments on top of a mountain all by themselves in the woods, I don't think apartments belong here period.

RP Higgins, 100 Ruby Street, Rockledge. I've been a resident for 28 years, it's a fine community, I wanted to let you know that. I want to thank you all for the opportunity to speak. Wanted to address a couple issues that Mr. Minneboo and Mr. Sullivan brought up that I thought were apropos. What do we do in case of a hurricane? So, we got 252 residents who are looking to get out of town. The good thing we have a neighborhood, and we all help each other. Sorry, I don't think that's going to happen with this new development. I don't see it happening and it's part of the charm of living in this part of Florida. I think our way of life is going to be altered immeasurably. The second thing I wanted to address is in 2016 Brevard County passed a resolution to add a half cent sales tax for cleaning up the Indian River, and it was addressed earlier but this development flies in the face, now you're going to hear a lot of technical stuff I'm sure about how they're handling run off, we're going to have almost 4 acres of asphalt put in to cover 500 parking spaces. What's going to happen to that, that's going to go directly in the river. Okay, they're going to have lift stations and this and that and the other thing, what invariably with the vegetation it's going to get clogged, who's going to clean it up? You going to pick up the phone and call somebody? No, it's going to go in. I mean because it's an apartment, and apartment owners don't care. They don't have any skin in the game, this is what we're going to miss. Anyway, I want to thank you all again for the time. I appreciate it.

Stephanie Bacon 6167 Anchor Lane, Rockledge, Florida. Proud member of the Indian River Isles Community. I too, served on a homeowner's board or Property Owners board for close to 13 years, so I really respect all your time here today and thank you for that. I'm all about the kids right now. School buses do not stop on US1, for a very good reason. We're over 55 miles an hour there, they pull into each development and pick up our children. I would suspect that 252 homes would also generate many children, so just something for you to consider. I'm sure there's a plan for something like that but thank you very much.

Mark Wadsworth asked if there was anyone else who wanted to speak for or against this item. With no other public comment, he closed to the floor and took it back to the applicant.

End Public Comment

Chris Burtner said he just wanted to make one quick comment before Jason Searl talks about some of the legality around the PUD and the comp plan and Jake Wise addresses some of the more ticky-tacky comments that were made. It was the comment of apartment developers don't care and don't have skin in the game. Candidly speaking, we do care. I personally care. This is a piece of property that I've pursued for several years now, my colleagues in the office tell me that it's a passion project. And it is a passion project. I'm from here, this is a great piece of property. My parents live seven minutes down the road, and we have a lot of skin in the game. A lot of time we invest, a lot of money and because we think that we better the community and we create homes for people. So, I'll let Jason address some of the more legal related questions, but I just wanted to clarify that.

Jason Searl, Gray-Robinson of 1795 W. Nasa Blvd., Melbourne stated I've tried to summarize just three big points and then I'll turn over to our project engineer Mr. Wise for any comments regarding some of the details in response to the public comment. The three things that I want to touch on are the notion that the PUD is the basis for our density here, we believe that to be incorrect. It's based upon the comp plan. I'll touch on that first. Second, why a PUD and why it's Justified here, and then some of the compatibility matters.

First, just when we're looking at the comprehensive plan the very first administrative policy that we have, number one says that our zoning official, our planners, and the directors at the County Staff level are our experts when it comes to reviewing and determining appropriateness of zoning, conditional uses, special exceptions, things like the like today. Staff is where we defer and where we look to for guidance, so what did they do after we made application? They prepared a staff report and on page two of the staff report states that the notion that the PUD rezoning is the basis for our requested density is not correct. It's actually based upon a Comprehensive Plan Policy 2.10, and this was something that we had worked with staff on and the County Attorney's Office prior to our application. After we had our first very first pre-application meeting there's a policy in the County's comprehensive plan that says that residential development is permissible in certain commercial land use designations at density of up to one category higher than the closest residential designated area on the future land use map which is on the same side of the street. As you can see at the end of that paragraph, where I have the arrow, the next highest density is RES 30. We are using that, and not this PUD rezoning as the basis for our density. In fact, as Mr. Wise touched on in his presentation, we are not seeking any comp plan amendment. Just to finish that point before I go to number two, the next page, page three of our staff report says if we were to apply the RES 30, not 15, we could do up to the 288 or the 19.46 as staff (the resident experts) have cited in their staff report, the number we're requesting is less than the potential maximum. The PUD is not the basis for the zoning, the comp plan and the policy that we reference 2.10, as confirmed by staff, is what we're basing for our density. That's number one.

Number two, why a PUD? Before we made an application, we requested and received a zoning verification letter. At the bottom of the first paragraph, it stated that we have inconsistent zonings. As Mr. Wise talked about in his presentation, the smaller part of the property has a commercial zoning, and the larger part has a residential zoning. That's highlighted there at the last sentence; "not consistent with the Future Land Use. So, why a PUD? We are doing a PUD so that we can uniform the

entirety of the property through one zoning and allow it to be developed in a way that creates an asset for the property owner its rental residents, as well as the surrounding community and the county. This is discussed on page four of the staff report. You'll see some catch words like ingenuity, imagination, flexibility. If you're trying to uniform a property, bring it out of incompliance, you need to use all those adjectives, and that's what we're doing here.

Compatibility, last point and then happy to turn it over to Mr. Wise for anything in the weeds. I think it was the first speaker that said we're coming from behind on this application and I would respectfully disagree. We, applicant, at our own volition/voluntarily had (and many attended) a community meeting on March 26th where we shared these plans. We received input and we in fact modified things like buffers and access and some of the on-site considerations in response to that. So, just a quick little point there as I pass that all my way to compatibility.

Last point, staff report. Compatibility, there's a whole section of it. I want to say it's bottom of page nine and going over to page 10, there's four outlined criteria from an administrative policy, Policy 3 from the County's Comprehensive Plan. When we're talking about compatibility, this is just not us saying what's compatible, this is what's outlined as the criteria by the County in its own comp plan. The first one here whether on the bottom of page 9, the first of four criteria is whether our uses of the PUD will have traffic or other activity that that would significantly diminish the enjoyment, or safety, or quality of the existing neighborhoods, those that are represented here today... The answer to that was no it does not. Top of page 10, you can read it, it's right there. B and C, I want to skip over and I want to go to D, whether the proposed uses result in material violation of the relevant policies and the comp plan. The answer to that at the top of page 11 was no it does not. No material violation. B is a property value consideration. Staff said we have to have an appraisal to do that, and we can't do that because we don't have the use to the appraisal. We have materials based upon our experience in the market that would argue, and I've seen it, I've heard of expert testimony from others and other zoning cases that have said that new development actually increases property values in the surrounding area. We'd be happy to present that evidence.

Chris Burtner added just quickly to Jason's point right there, there have been published several research papers at the University level that speak to property values and development nearby. I think the first to point out, and unfortunately none of these were specific studies done for Brevard County, they were done at universities around the United States, but the first was highlighted by the Urban Land Institute in Nashville. The quote being "well-placed apartments with attractive design and landscaping actually increase the overall value of detached houses nearby. The value of single-family houses within 300 feet of an apartment or condominium building went up 2.9% a year, slightly higher than the 2.7% rate for single-family homes without multi-family properties nearby." That was by the Urban Land Institute. Another study by a senior research fellow at the Ken Gardner Policy Institute at the University of Utah, "the impact of higher density apartments on surrounding single-family home values in Suburban Salt Lake County; this study found apartments built between 2010 and 2018 have not reduced single-family home values in Suburban Salt Lake County. Between 2010 and 2019, homes located within a ½ mile of a newly constructed apartment building experienced a 10% average annual increase in medium value, while the value of those farther away increased by 8.6%. Only in the southeast part of the county did homes more than a ½ mile away from the new apartment construction experience higher average price appreciation than those located less than a half a mile

away. One other study, a summary was conducted by the Delaware Valley Regional Planning Commission of Multi-Family Housing Impact Literature Review. The last one being the Smart Growth and the Challenge of Multi-Family Dwellings and Their Association with Single-Family Housing Selling Prices in Tallahassee, Florida. It was created in 2013 By Houston Gibson and Matthew Beaker of Kansas State University. The punchline was the study found that single-family homes within 300 feet of multi-family housing experienced no negative impact in property values. In many cases the authors observed that single-family homes near multi-family housing often witness an increase in property values compared to single family homes not adjacent to high density development.

Jason Searl stated that was B, we've done A, B, and D. Coming back to C, C essentially says that there has not been enough data within the preceding three-year period. I would argue that compatibility is established through this being a transition area from the existing four-story, or taller, condos to the south and the lower single-family residences to the north. Your compatibility is created through the transition area that we're creating through the PUD. I really thought that those were the essence of the various speaker comments, but I'd be happy to answer any questions. I also want to make sure that Mr. Wise or Ms. Hall have a chance to talk about any site-specific items that were mentioned by any of the four or five public speakers. With that, I have nothing further.

Mark Wadsworth asked the Board if they have any questions for Mr. Searl.

Robert Sullivan stated the properties you're talking about compatibility between properties to the south and properties to the north, the one thing they all share is a cap of six units per acre. So, how would you be compatible with that?

Jason Searl said we have the Future Land Use Designation today.

Robert Sullivan responded with that's a Future Land Use, the existing land use right now. You've got a lot of people over here that are very, very insistent that between Rockledge Drive and Pineda Cswy., there are no PUDs, and there are no apartment complexes. So, we're looking at compatibility with the adjacent properties, and I'm bringing up that they are compatible because there are six units per acre.

Chris Burtner noted on the cap he would say, and I apologize I don't have the Comprehensive Plan Map memorized, but I do believe that they share the same Comprehensive Plan Designation as our site. Jake, Landon does that sound correct? I think the RES 15 and the CC runs up and down this corridor. While maybe today they have the six units per acre cap, there is nothing stopping a guy like me coming here in a month or two and making the same application on that adjacent property, right? So, I would argue that we can get to even further consistency because they have the same density basically allowed as of right that we have today.

Jake Wise stated that he was just taking notes from some of the speakers, so I'll just run through what I had written down. Something some said, we do have one local owner who does have a lot of skin in the game as he put it. They're not trying to do a project flip it and move on. They're looking for long-term residents for this area. Back in 1980, could you imagine the number of apartments that we have in this area today? Nobody could imagine what was coming right now, what we're seeing a demand for them like we've never seen before. Look at all the apartment projects in Vieira and all

across, especially Southern Brevard County, and you can't even drive up and down 528 or any of the other corridors and not see them coming up everywhere. That is what is in demand today, that is the market, and we're providing a needed product for the area. It's always dangerous to start comparing projects to projects, but very briefly, Laguna to the south of us, a lot of that property is in wetlands conservation easement. They probably went four stories because they had a limited amount of up to probably get their height when that project was developed. Again, a million other factors of development but those are the major ones. The PUD, it does identify a variety of products but that's for PUDs all over the County. There's numerous PUDs across Brevard County that have single-family types of uses or one type of residential use. If the property was bigger, it would probably have more, but we're limited on the size of the property. We do meet, and it's written in the staff report, the open space and preservation criteria. We do provide a lot of amenities. We have a mile trail around the property. Pool, sport courts, all kinds of things like that. This is a luxury product and we're providing those types of uses for it. The staff report, again, identifies that we are in compliance with it and I didn't even mention the access to the river. Speaking of the nutrient removal, I heard somebody say the historical use of this site is a nursery and a tree farm. That's about the worst possible use to put next to a river with fertilizers and all the things that directly run off straight to the river. We're taking that all back, we're going to meet all the BMP and exceed all the criteria of the St. John's, the nutrient removals, about 96% to 98%. That means 96 to 98% of any of the nutrients will be kept on site and treated and not go into the river. It is a significant improvement to the Indian River Lagoon System with what we're proposing to do. That's the criteria that we meet today, because of the concerns of course that we all have that live in this area.

Plantings, native plantings only. That's all we'll do. We'll remove every invasive. The site is overwhelmed with invasive. The wetlands are a mess, we're going to improve them and fix them. Buffer them and enhance them significantly. That's all part of our project, it's a great enhancement to our project to have the preserved wetlands. To have the access and the visibility to them, same with the preservation of the native plantings around the entire perimeter to help buffer, plus what we're planting to protect the Indian River. Storm water treatment, I mentioned earlier we will do the nutrient removal and provide all the criteria. Because we're on US1, we meet much more stringent requirements than Brevard County requires. We run 48 storm events that we design. Not just one or two that the State and the County have us do. You heard Mr. Searl go through and identify how the staff report, one after another, how we meet all the criteria that applies to our project up and down our application. US1 it's, again, one of the best corridors in this entire County. It's only at 65% capacity. Almost every project I do in a major corridor, they're already passed their level of service and don't have capacity. This area does have capacity for roads.

Yes, we could have more units. We didn't ask for the max, we put in what we thought was compatible with this site, with our neighbors. Height, density, there are other multi-family projects in the area. You've got a Laguna to the South, you've got other condos to the north. Those are multi-family, multiple story developments. They are compatible as well, and again, our application is just a change in zoning. That's all we're asking for this Board's consideration, and with that appreciate a chance to respond if you guys have any questions.

Chris Burtner just wanted to say thank you, I appreciate the Board's time and consideration today. We appreciate y'all. Again, our company really focuses on building kind of best-in-class luxury market rate

rental products. We think that it's suitable and appropriate for this site and we're excited about doing business in Brevard County.

Jeffrey Ball clarified for the Board some comments that Mr. Searl explained about the zoning verification letter that was on the property. As the property stands today, there are two land use designations and there's two zoning classifications. It has Community Commercial along the front and RES 15 behind that. It also has BU-1 zoning and RU-2-10 zoning. Both of those zoning classifications are consistent with its respective land use category. I want to make sure that that's put on the record because there's some confusion with the zoning verification letter. Respectively with the land use and Zoning, those land uses and zonings are consistent with each other.

Mark Wadsworth asked Chris Burtner back up to the podium and stated that they've heard Robert Sullivan talking about the men and women in black in here, is there something in the middle? Because I know you're looking at 17 per acre, approximately 17.02 to be exact. There's a cap of six, we're 11 apart.

Chris Burtner responded with, candidly sir, I felt like our initial proffer of 252 units was closer to the middle or was at the middle. Again, as the staff report identified, I think we could build up to 282 apartments. We are already offering to do less than technically what is permitted. So no, I appreciate the request but again, I think we've proffered an attractive site plan at a home count that does a good job of buffering from the four-story building to the South and the single-family homes to the north. We've provided very sufficient and substantial setbacks from our primary structures from the property line. I think the site plan that we've proffered and put before y'all is a fair representation of an attractive community that will be successful in the area.

Bruce Moia stated that first I want to thank all the residents for coming out and allowing us to trim down the comments. I thought you guys did a great job; I think you covered all the hot button points. I don't think you left anything out. It was very complete; I appreciate you guys agreeing to have some unified voices on that end. This property definitely needs to be developed, no doubt about it. Is this the development that needs to go there? I'll get to that later, but I agreed with a lot of the things you guys said though I didn't agree with everything. I did want to make a point that Jake was very true that developing this property will be better for the Indian River Lagoon than the way it sits right now. It's a shame that the only development on this side of the road for quite a way is that condominium project that has its own storm water system. All the residents on that side drain directly into the Lagoon and that's a problem we've had since I've been here in the early 1960s. Those older houses that drain directly into the lagoon are part of what I consider the main problem that we see today. You've got a great development team. You've got the best landscape architect in the County; you've got the second-best engineer in the County.

As long as I've been doing this I have never seen, I don't care what you say Jake, I've never seen a PUD with one use. Never, and it's never been an apartment complex. We've done a lot of PUDs and we've done a lot of apartment complexes and I've never seen a PUD apartment complex, so that's a first for me. The second thing is, and I have to be consistent, is transitional zoning. I don't agree that if we have development at six units per acre or less, that we should have a spike in the middle of that for one piece of property. So, I think this property, the request for the density, to me is too extreme. It's not compatible with what's to the north and south or even in the area in general. Even though the

land use supports it, it was down zoned for a reason. The zoning capped it at six. It is in a Coastal High Hazard Area, is right on the river. I don't like the fact that you're doing a PUD that you don't have to plat so you don't have to do a 15-ft. perimeter buffer. You're doing landscaping in the landscape buffer including the 15-ft preservation buffer that's required by the County. I think it's asking too much in my opinion and it's strictly because of transitional zoning, that I've said time and time again. I cannot support the request.

Debbie Thomas said I would also like to thank you for coming out and taking your time and making the effort to come out here and all of you uniting and deciding to have just a few speakers come up and talk to us and not us have to sit here for hours listening to the same thing over and over and over again. I really appreciate that and thank you to the woman who came up first you really educated yourself. There is a lot of different acronyms that go along with everything that with P&Z and you went ahead and you really made sure you understood it and you understood it correctly. So, thank you I appreciate that.

I think I agree at this point, the amount of units that are being requested and being asked for, I believe is not appropriate for this land use. It's just not compatible and there is a slippery slope that's going to come in where that's concerned. There is other land around the area, and once again, as much as we need apartments, as much as there are really great people that live in apartments that absolutely respect the area, respect the land, respect everything, there are just as many that do not. They don't have an ownership to that piece of land. The same ownership that you have as an owner, so I would agree that I don't feel like this is compatible.

Henry Minneboo stated there's times when you've been around a long time that there's advantages and disadvantages. If in defense of the staff, had they known what we went through in 1980 and the debate, the constant debate that was associated with these six units to the acre on the river, etc. there wouldn't really be a discussion today because that was ironclad and unfortunately a lot of the staff was not here. Unfortunately, I was here, so I got to have the opportunity to go through many of those discussions both on record and off record. It's such a great area in my opinion, it doesn't need any more changes to do anything more in that area. I knew Bob Lancaster, probably better than the applicant, but you know that whole thing was never designed for a greater area than six units and six is almost too many, but that's what it's fully designed for, that's what everybody's maintained, and I don't think we ought to change anything. By no means could I support what has been presented today.

Ron Bartcher stated that he enjoyed listening to all the people, and by the way thank you for coming out. The point that I would make is you did a great organization and continue that when you go to the County Commission. They're the ones that are going to make the decision, they're the ones that you've got to impress you impressed us.

When I was making notes, I was looking at the drawing that they had what their preliminary plan was, I said rainwater runoff is going to be a big problem with all that concrete and asphalt. Those large buildings, I mean where's all the water going to go? I see two ponds and I suspect they're going to be full all the time, and probably overflowing. That just seems to me a real problem. I just don't like that idea. Another comment is these are luxury apartments and what we really need is affordable housing,

not luxury housing. We have a problem with have not having enough housing but it's not more luxury housing we need, we need affordable stuff. Density increases of three times, that just seems to be outrageous. Wetlands are going to be covered up, I look at the layout where the buildings are. Buildings 1, 2, 3, 4, and 8 are partially in Flood Plains and also in coastal high-hazard areas. That's a significant problem, I just cannot support that. I would make a motion that recommend denial of this zoning change.

Motion to deny rezoning from BU-1 and RU-2-10(6) to PUD by Ron Bartcher, seconded by Robert Sullivan. The vote was unanimous.

Jeffrey Ball added: Mr. Chair, just for the for the audience, this will be heard at the July 11th Board of County Commissioners meeting.

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, July 11, 2024

5:00 PM

Zoning

Commission Chambers

guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. (24Z00007) (Tax Account 2431745) (District 2)

Chair Steele called for public hearing on a request by Suzanne Cook for a Conditional Use Permit (CUP) for a guesthouse in an RU-1-13 zoning classification, located in District 2.

Jeffrey Ball, Planning and Zoning Manager, stated Suzanne Cook requests a CUP for a guesthouse in an RU-1-13 zoning classification; the application number is 24Z00007 and tax account number is 2431745; it is located in District 2; and he wants to point out during the Planning and Zoning Board meeting on June 10, he had mistakenly quoted the Code of saying the CUPs run with the ownership, however, that is incorrect, it runs with the land. He went on to say in the Agenda Report there are criteria for a guesthouse; and one of the criteria is that that guesthouse cannot be rented out, or used for short-term rental.

Suzanne Cook stated the main problem was that they had just a few square feet short of an acre that was necessary; she does understand that she cannot rent it out; she had casually mentioned that due to the economy getting bad; staff had asked if she had changed her mind; she responded by saying certainly; and advised she would sell the property if she cannot pay the bills, it does not bother her. She noted that is the bottom line.

Commissioner Goodson stated as long as Ms. Cook understands all the conditions, he has no problems with it; and he inquired if Ms. Cook understands all the conditions.

Ms. Cook responded affirmatively.

There being no further comments or objections, the Board approved the request by Suzanne Cook for a CUP for a guesthouse in an RU-1-13 zoning classification located in District 2.

Result: APPROVED

Mover: Tom Goodson

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

H.2. Frank Mastroianni (Jake Wise) requests a change of zoning classification from BU-1 and RU-2-10 to PUD. (23PUD00001) (Tax Account 2600118) (District 2)

Commissioner Steele called for a public hearing on a request by Frank Mastroianni for a change of zoning classification from BU-1 and RU-2-10 to PUD (Planned Unit Development), located in District 2.

Commissioner Goodson asked to make a motion to continue the public hearing on this to November 7, 2024, giving the developer the chance to go back to the residents and see if they can come to a resolution of some sort that they are acceptable with; he understands the attendees are saying no; however, he wants to give them 120 days.

Chair Steele asked for a second. He stated hearing no second, the motion dies for lack of a second.

Jeffrey Ball, Planning and Zoning Manager, stated Frank Mastroianni requests a change of zoning classification from BU-1 and RU-2-10 to PUD; application number is 23PUD00001, tax account number is 2600118; and it is located in District 2.

Commissioner Pritchett mentioned her office already turned in all of its public records that it

heard, except she received a phone call from Ms. Debbie Mayfield mentioning about the time limit and that she had a concern over it being 120 days; and she wanted to disclose she had heard from Ms. Mayfield.

Commissioner Tobia advised also regarding application 23PUD00001, on July 11, 2024, he spoke with Mr. Michael Gage via phone; he did not have time to put it in; the call lasted approximately five minutes during which they discussed his opposition to the Item; and he disclosed he did not have to submit it as it happened today.

Commissioner Goodson stated if the Board cannot give people an opportunity to go back, they are very aware of the fact that they probably will not get what they are requesting, but the Board cannot even allow them to have open discussions again to see if they can come to some resolution.

"No" was heard from the audience.

Chair Steele requested that the audience not do this tonight; he knows everybody is uptight and concerned; they will all get through this in an adult fashion with no talking from the audience; and he mentioned he would very much appreciate that. He asked Commissioner Goodson if he would like to try the motion one more time.

Commission Goodson advised he would like to try the motion one more time to give them the opportunity to go back and work with these people; and they are going to have to come through the same process, go back to Planning and Zoning with a new idea, if it is acceptable to the people.

Commissioner Tobia stated if the Board tables to that date, he does not think that motion foresees actually going back to Planning and Zoning, if tabling it until this, there is no necessity to go back to Planning and Zoning.

Commissioner Goodson asked if they come up with a different zoning criteria for a number of units, would they not have to go back to zoning for approval on that. He mentioned he does not know and asked someone to tell him.

Commissioner Tobia stated he would make that extremely clear in the motion; August 14, 2024, is the Planning and Zoning meeting before that, with a deadline of August 2, 2024, for a submittal to make that November 7, 2024, date, just for clarity sake; but that is probably better for staff if that was placed in the motion. He noted he is not saying he is willing to go there; and he certainly would not vote for it to come back to the Board without having to go through Planning and Zoning again.

Commissioner Goodson inquired if Commissioner Tobia said he would not.

Commissioner Tobia clarified that for him, repeating that he would not.

Commissioner Goodson stated he agrees, he would not either.

Chair Steele passed the gavel to Commissioner Pritchett.

Chair Steele seconded the motion. He stated he intends to hear everybody this evening; the people have not come in vain and it is not fair to them to come there in vain; he would like to get this motion passed; there are a couple of very quick zoning Items that can be done; and the

Board can spend whatever time is necessary so the people can pour their hearts out in regards to their request. He advised he does not know if this will pass or not.

Commissioner Feltner asked if the applicants are in attendance.

Chair Steele stated he believes so.

Commissioner Tobia stated for the audience that showed up on this Item, he wants to thank them for showing up; he apologizes that the people received notice that this would happen, and there is tabling; they took time out of their busy schedules and he completely gets that; he appreciates everyone for their participation; and he would like to share where the Board is at. He continued by saying the Board has a couple options today; it could outright deny this, but the problem with outright denying, that may be a temporary victory, but Code would allow them to file the exact same thing six months from now; he knows the audience probably knows this, but these are the decisions that the Board has to make; he does not know what the best one is; he wants to listen to the audience; he wants them to understand no matter what decision the Board makes today, unless it is an outright thumbs up, and there is no way on earth he is going to do that, that is the box the Board is in; and in his opinion, this needs to go through Planning and Zoning again if there are substantial changes to give the people an extra opportunity to engage there and then engage with the Board after that Planning and Zoning meeting. He noted that is what is wonderful about Planning and Zoning, the Board gets to hear what they have to say and then what the neighbors have to say; he asked that they keep that in mind; and he advised those are the two options the Board has to the best of his knowledge.

Commissioner Feltner commented if he understands, the Board is potentially considering a four month delay or possibly a six month delay; to Commissioner Tobia's point, if the Board were to deny this, this evening, they can come back in six months; and he asked Mr. Ball if that is correct.

Tad Calkins, Planning and Development Director, stated if the application is denied, there is a provision in the Code that requires there is a six month time frame before they can submit another application of similar request.

Commissioner Feltner noted so a motion tonight to delay this for 120 days, or four months, or the Board denies it, and they start the process all over again in six months; and he asked if that is correct.

Mr. Calkins responded affirmatively.

Chair Steele commented the reason he is doing this is because there was an email sent out to people at Indian River Isles in the area saying this was going to be continued; he does not believe it is fair not to have the full contingent of people that may be in opposition to this here tonight; he is not so sure 120-day continuation is the best way to go or a table is the best way to go; he does not feel comfortable with them not having the number of people in attendance that he knows are against it; and his office has received tons of emails in regards to this.

Commissioner Feltner asked if the Board denies this tonight, does that mean they go back to the local Planning and Zoning Board to start that process over again.

Mr. Calkins responded affirmatively, advising that the application would be considered new and it would come back through.

Commissioner Goodson stated all he is trying to do, and he is not in agreement with what they want to do with this land as the number of units, he is trying to get them to work with these people to try and come up with something; maybe they cannot and if they do not then they can refile in six months; and that is all he is trying to do.

Chair Steele asked if Commissioner Goodson would consider a friendly amendment to table.

Commissioner Goodson advised he would and asked for how long.

Chair Steele stated until the next Zoning meeting.

Commissioner Tobia advised the problem with that is that they are only allowed one table.

Chair Steele stated this would be their one table.

Commissioner Tobia mentioned there would not be time for revisions or anything like that.

Commissioner Goodson agreed.

Commissioner Tobia continued by saying he thinks the Board may be going around in circles; he thinks Commissioner Goodson was pretty close at the beginning; he thinks he has made it clear to anyone who has called, on where he was on this one; he did not understand that he was in favor of that; he thinks the Board can table this and require it to go to the Planning and Zoning on August 14, 2024, with a submittal day turning in revisions by August 2, 2024; come back to the Board on November 7, 2024; and that gets the Board there, gives the audience an opportunity to engage this Board and Planning and Zoning, and it allows this Board to make the decision on November 2, 2024, not a future Board.

Commissioner Goodson stated that would be his motion.

Commissioner Pritchett returned the gavel.

Chair Steele stated there is a motion on the floor and it has been seconded.

Commissioner Tobia asked Chair Steele to wait.

Commissioner Pritchett asked if the Board made a motion to table to Planning and Zoning (P&Z).

Commissioner Tobia asked if the Board needs to hear from the audience.

Chair Steele stated the Board is going to hear from the audience; and he has three or four little tiny zoning issues in front of them that will keep these people here for hours.

Commissioner Tobia asked if this is being tabled until after the Board goes over the other items.

Chair Steele stated that is correct.

Commissioner Tobia apologized; and he explained he assumed this was being tabled to a later date.

Chair Steele stated he knows this is confusing and asked the audience to bear with him for just a second.

Commissioner Pritchett stated the Board is moving them to the end.

Commissioner Tobia apologized again.

Chair Steele stated he is putting this Item on hold for just a minute and move to the ones that he feels will be relatively quick.

Morris Richardson, County Attorney, stated because it is contemplated that the applicant is going to come back with a substantially revised plan, go through (P&Z), and come before this Board again with a significant lapse in time, because the applicant is not in attendance this evening, it could create a really muddy record if the Board receives testimony tonight when the applicant is not here to ask questions of the witnesses and those kinds of things; it could create record problems in the future; while he understands and certainly feels for the folks who are out here tonight and want to be heard, it is probably in the best interest of everyone if they are heard at the time that the Board is actually going to make the decision based on the application that is submitted at that time; and if the Board wants to hear them tonight with regard to this application, knowing that this particular application likely is not going anywhere, the Board can do that, but it could create a confused record.

Chair Steele stated he certainly has a confused Chairman right now.

Attorney Richardson advised typically when an Item is continued, the Board does not receive testimony from the public at the meeting at which it is continued; although is Chair Steele wants to hear from these folks because they did not know and went through the effort to come out, he may; but in all likelihood whatever testimony goes on the record tonight will be irrelevant to the application that is considered in November.

Commissioner Pritchett stated she knows with what the Board has right now, she does not think it is going to get passed; maybe it would be wise to hear from the applicant to see if he has some very substantial changes and if it is even worth continuing it; and that is just a request because that might just let this thing be solved now or move forward, she just does not know.

Attorney Richardson stated if the applicant is available to speak to that; his understanding is that the applicant is not in attendance, although he thought he saw someone start to come forward earlier.

Chair Steele stated Landon is there; and he asked if an audience member is the applicant; and if he is available to speak. He repeated he would really like to get these other folks out of the way, so the Board can go there; he would like to have a temporary hold on this for discussion purposes; and he advised the Board is coming back to this Item as soon as it is done with these other Items and let the people get out and there will be full discretion and disclosure on this issue.

H.3. JEN FLORIDA 48, LLC (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (23S.22), to change the Future Land Use Designation from RES 1:2.5 and RES 1 to RES 4. (23SS00022) (Tax Account 3000365 & 3000569) (District 5)

Chair Steele called for a public hearing on JEN FLORIDA 48, LLC's request for a Small Scale

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 14, 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.

Voting Board members present were Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5), and John Hopengarten (BPS).

Staff members present were John Denninghoff, Assistant County Manager; Edward Fontanin, Director (Utility Services); Ian Golden, Director (Housing and Human Services); Darcie McGee, Assistant Director (Natural Resources Management); Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; and Desirée Jackson, Planner.

Excerpt of complete agenda

Motion by Henry Minneboo, seconded by Robert Sullivan, to approve the P&Z/LPA minutes of September 16, 2024. The motion passed unanimously.

Items H.1. and H.2. were moved to begin before item H.9. of the agenda by staff.

H.7. Frank Mastroianni (Jake Wise) requests a change of zoning classification from BU-1 and RU-2-10 to PUD. (23PUD00001) (Tax Account 2600118) (District 2) This item was continued from the June 10, 2024, P&Z/LPA meeting, and the July 11, 2024, BoCC meeting.

Jeffrey Ball read the application into the record. He referenced the previous meetings this application had gone to for review. When it was in front of this board at the July 11, 2024, meeting the board recommended denial of the application. It was recommended that it was remanded back for staff review in anticipation that the applicant is going to revise their request to be reheard at the October 14, 2024, Planning and Zoning meeting and the November 07, 2024, BOCC meeting. To date the applicant has not submitted any revised plans.

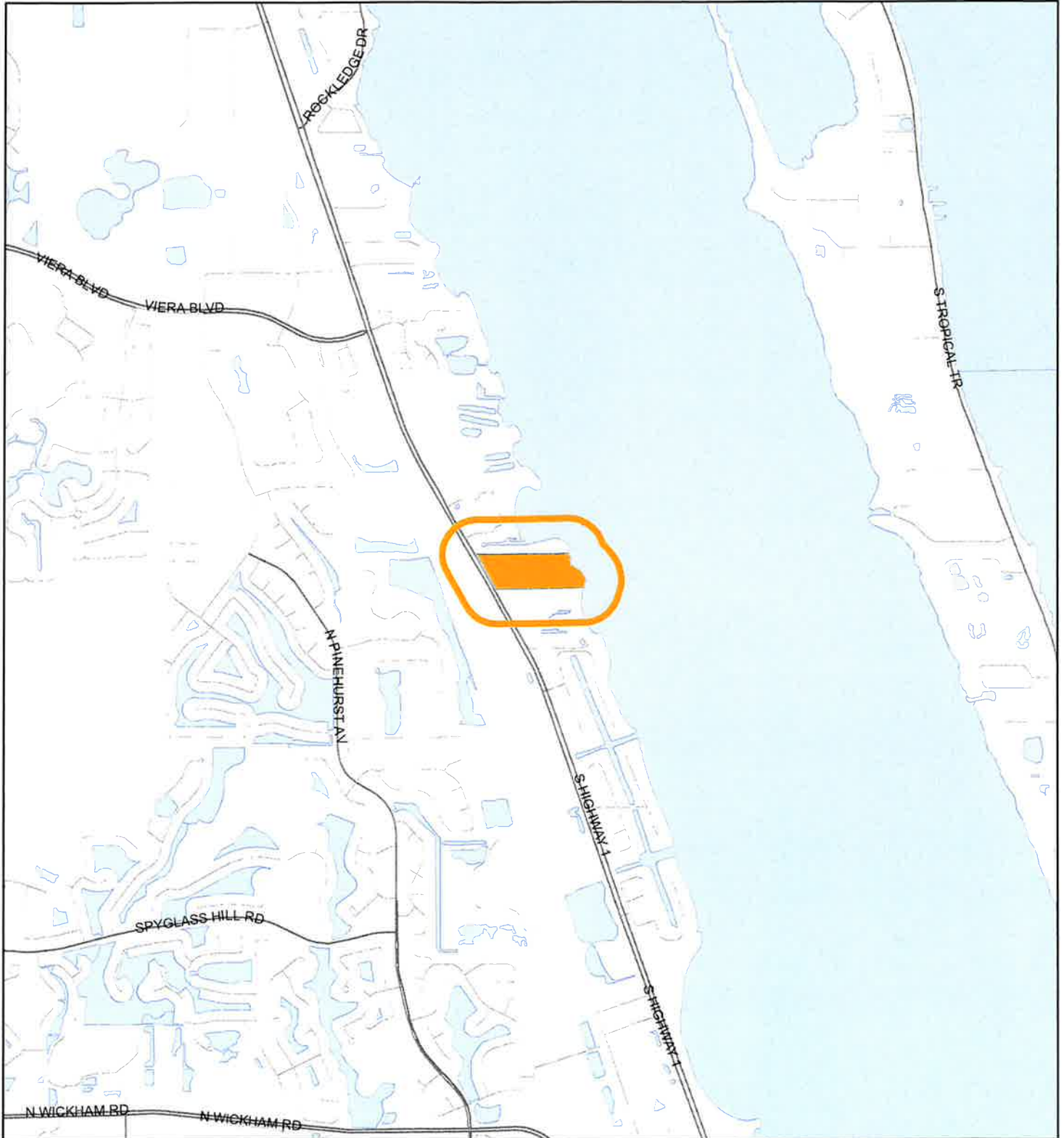
The applicant was not present.

Motion to recommend denial of item H.7. by Ron Bartcher, seconded by Robert Sullivan. The motion passed unanimously.

LOCATION MAP

MASTROIANNI, FRANK

23PUD00001



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.

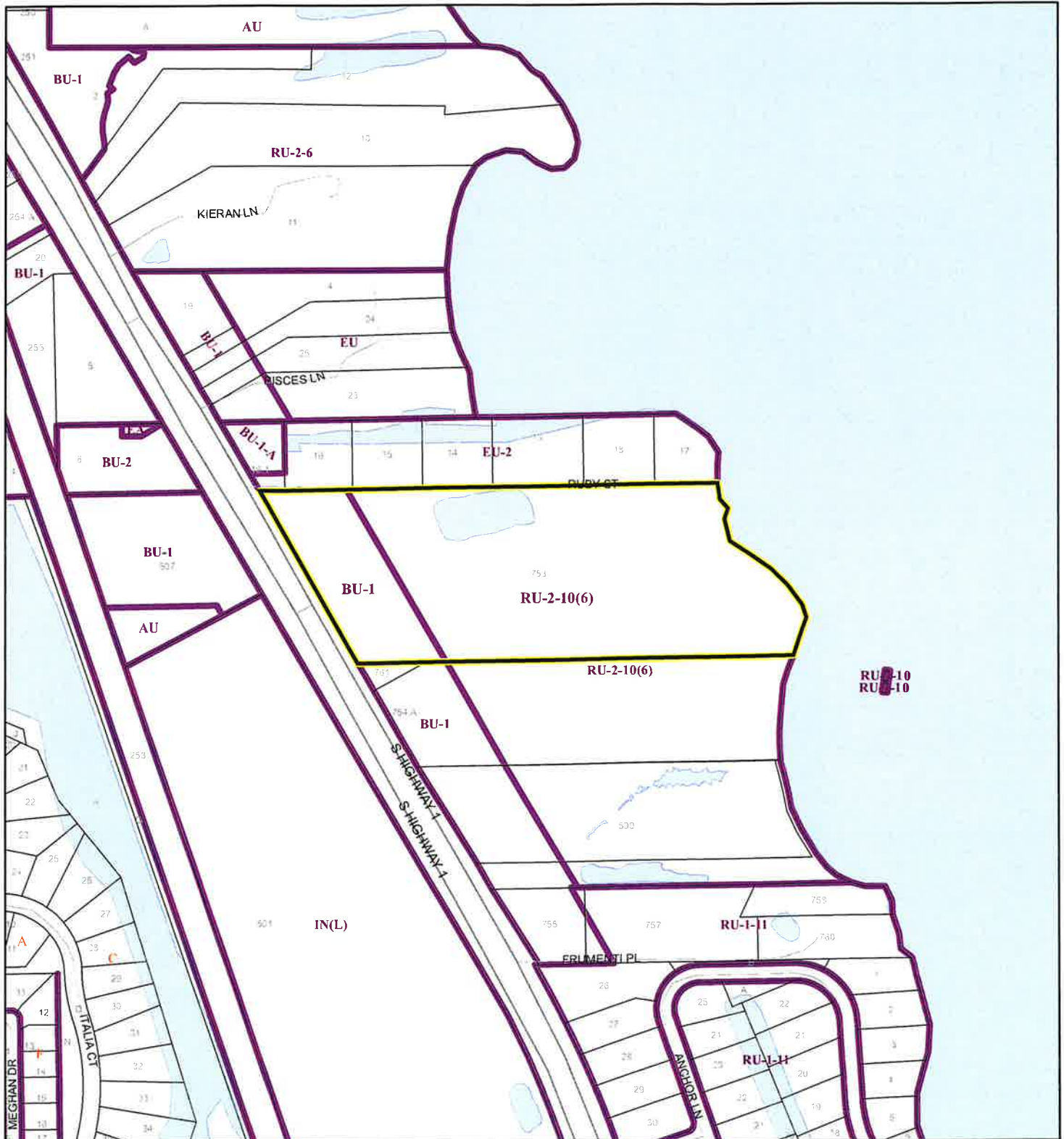
Produced by BoCC - GIS Date: 5/20/2024

Buffer
Subject Property

ZONING MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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Subject Property

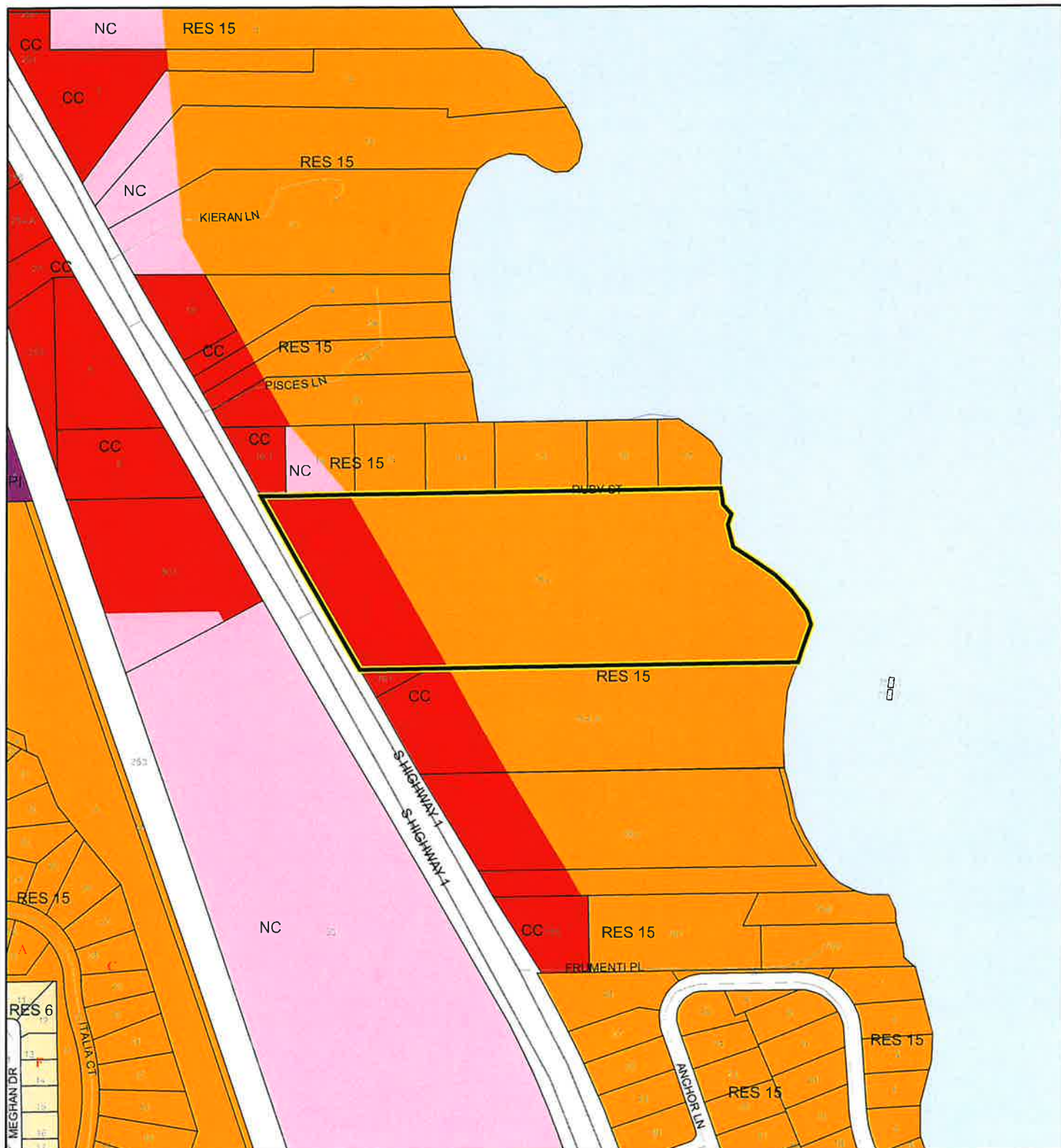
Parcels

Zoning

FUTURE LAND USE MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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AERIAL MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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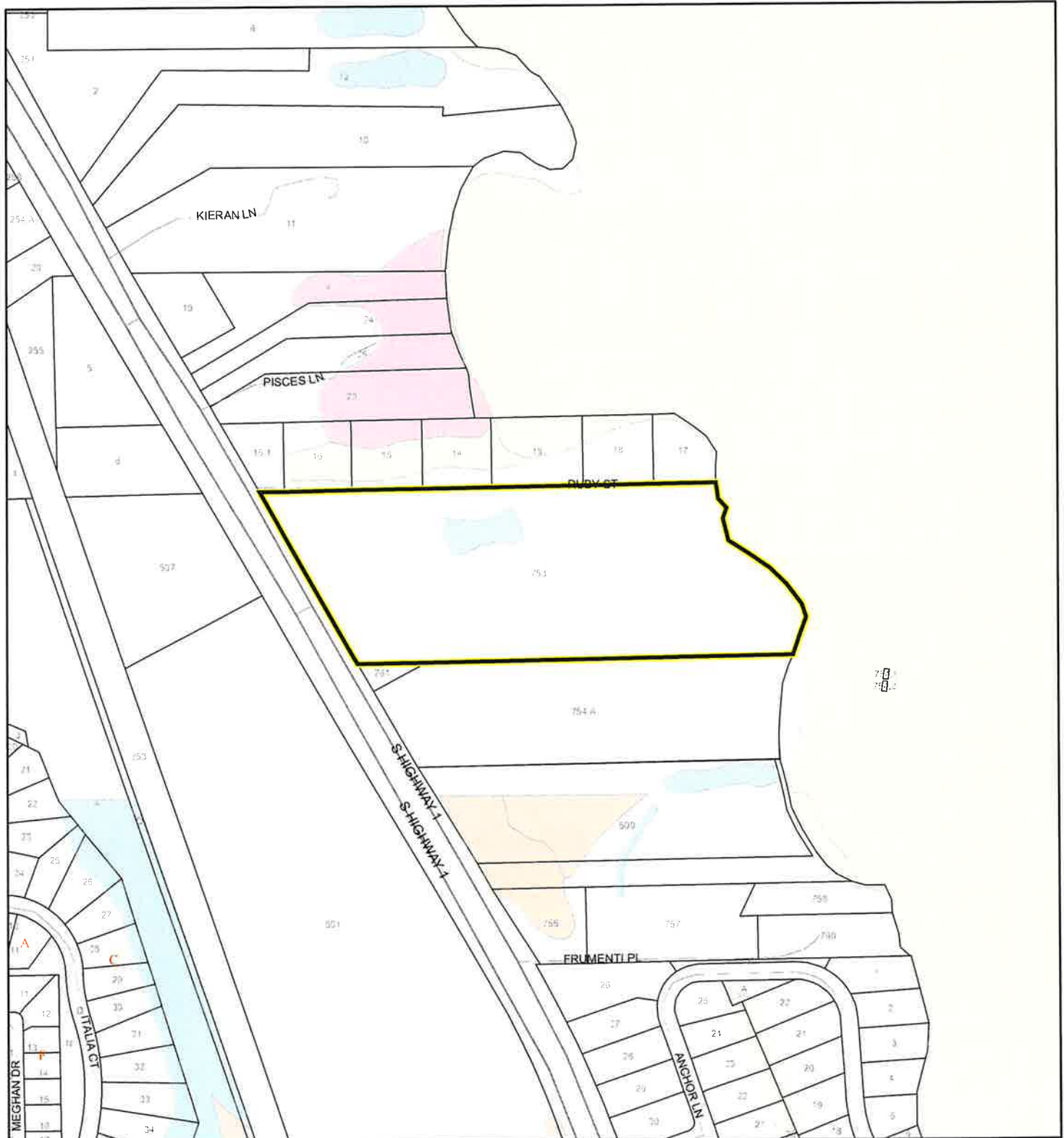
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— Subject Property
□ Parcels

NWI WETLANDS MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

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

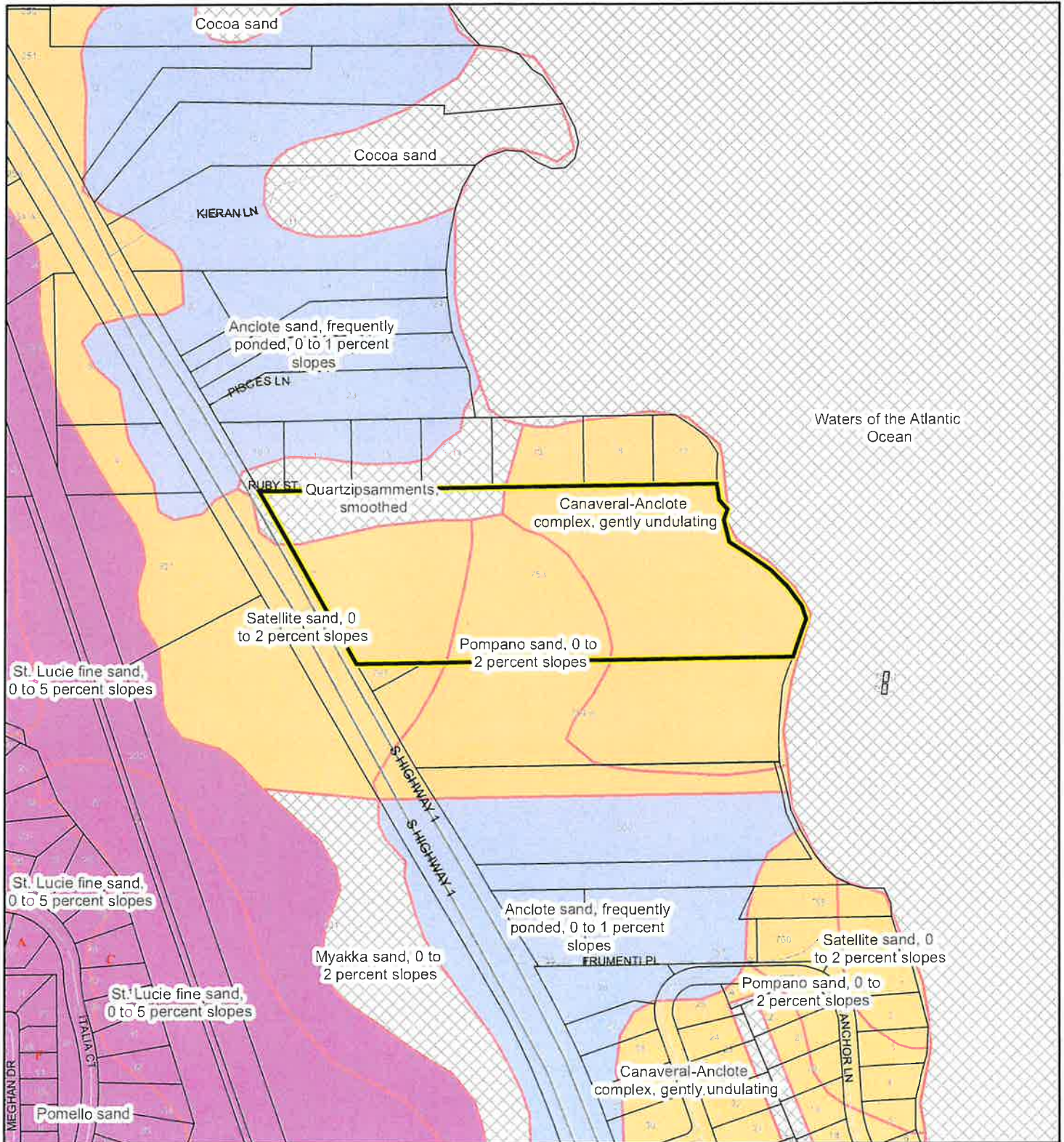
Subject Property

Parcels

USDA SCSSS SOILS MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

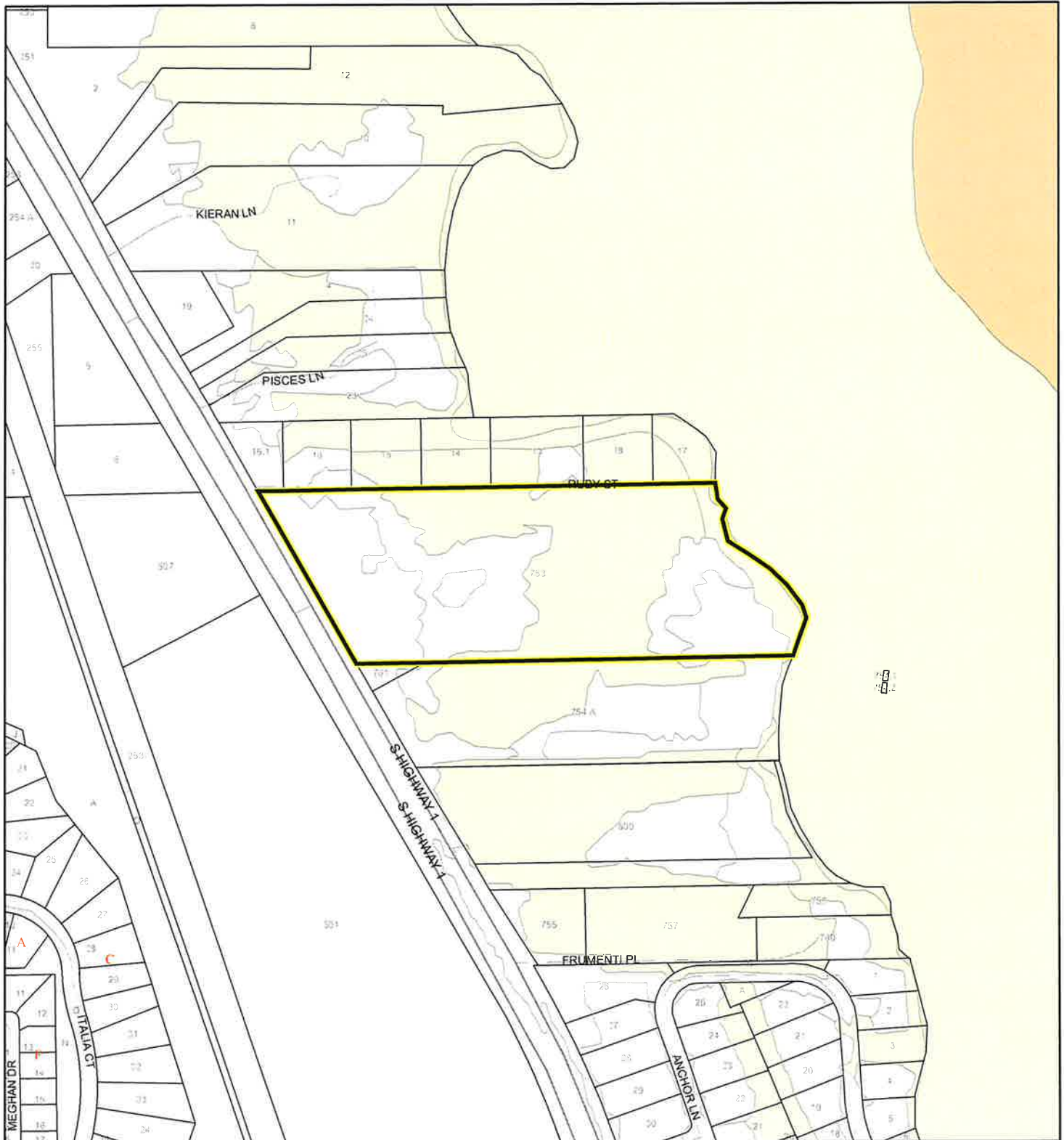
Subject Property

Parcels

FEMA FLOOD ZONES MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/20/2024

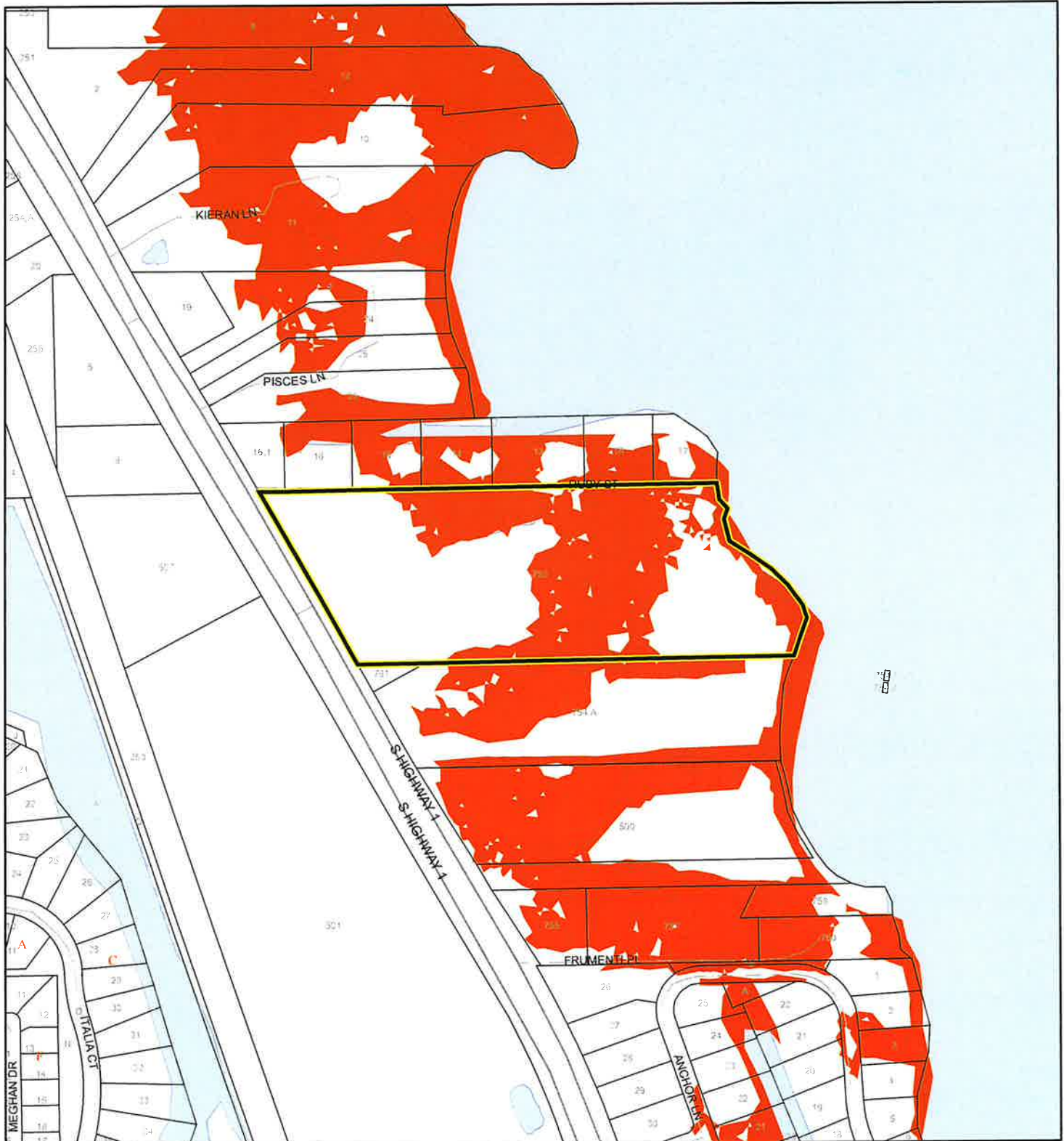
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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Subject Property

Parcels

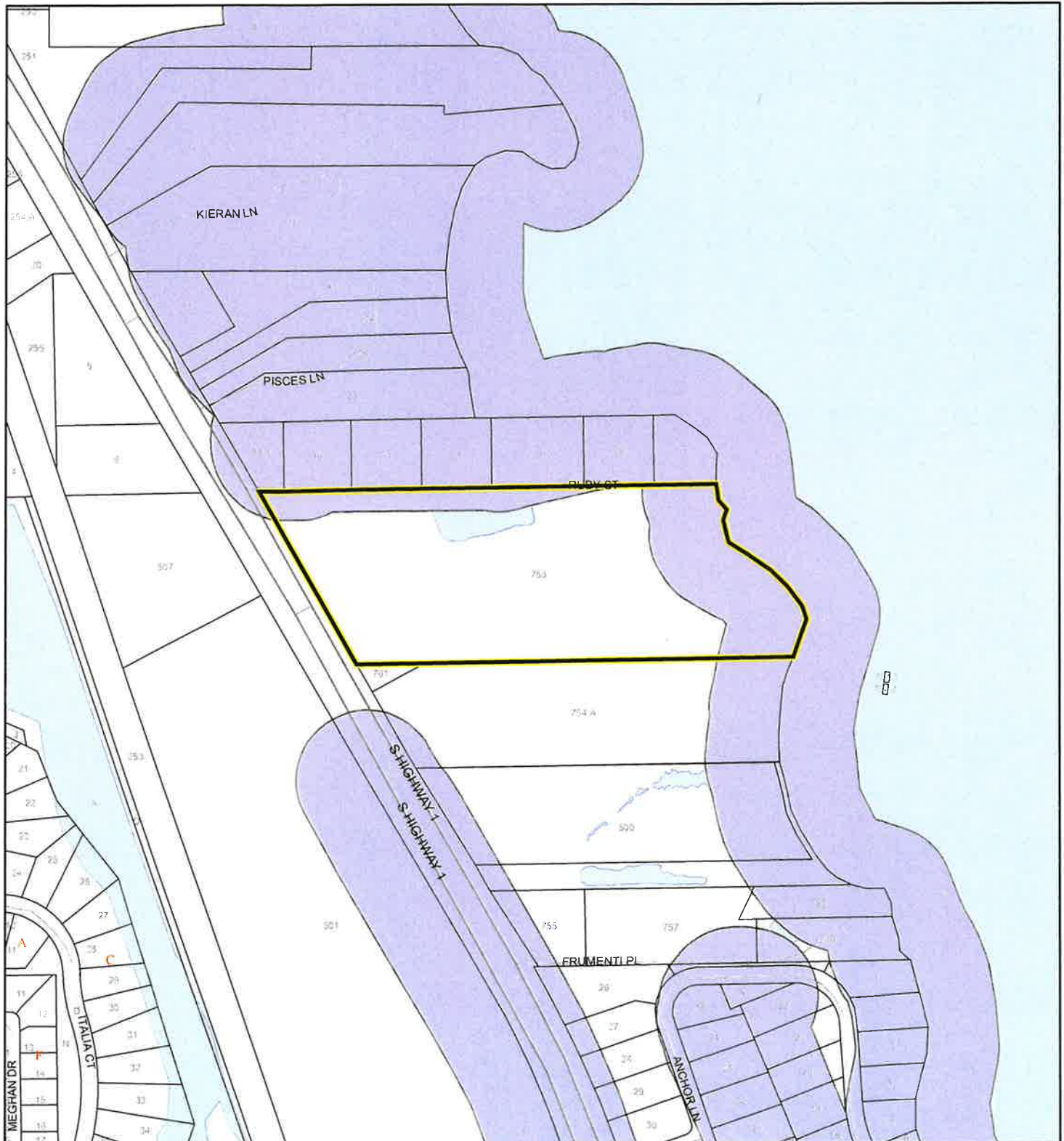
Coastal High Hazard Area

SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/20/2024

Subject Property

Parcels

Septic Overlay

40 Meters

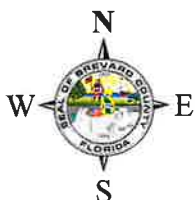
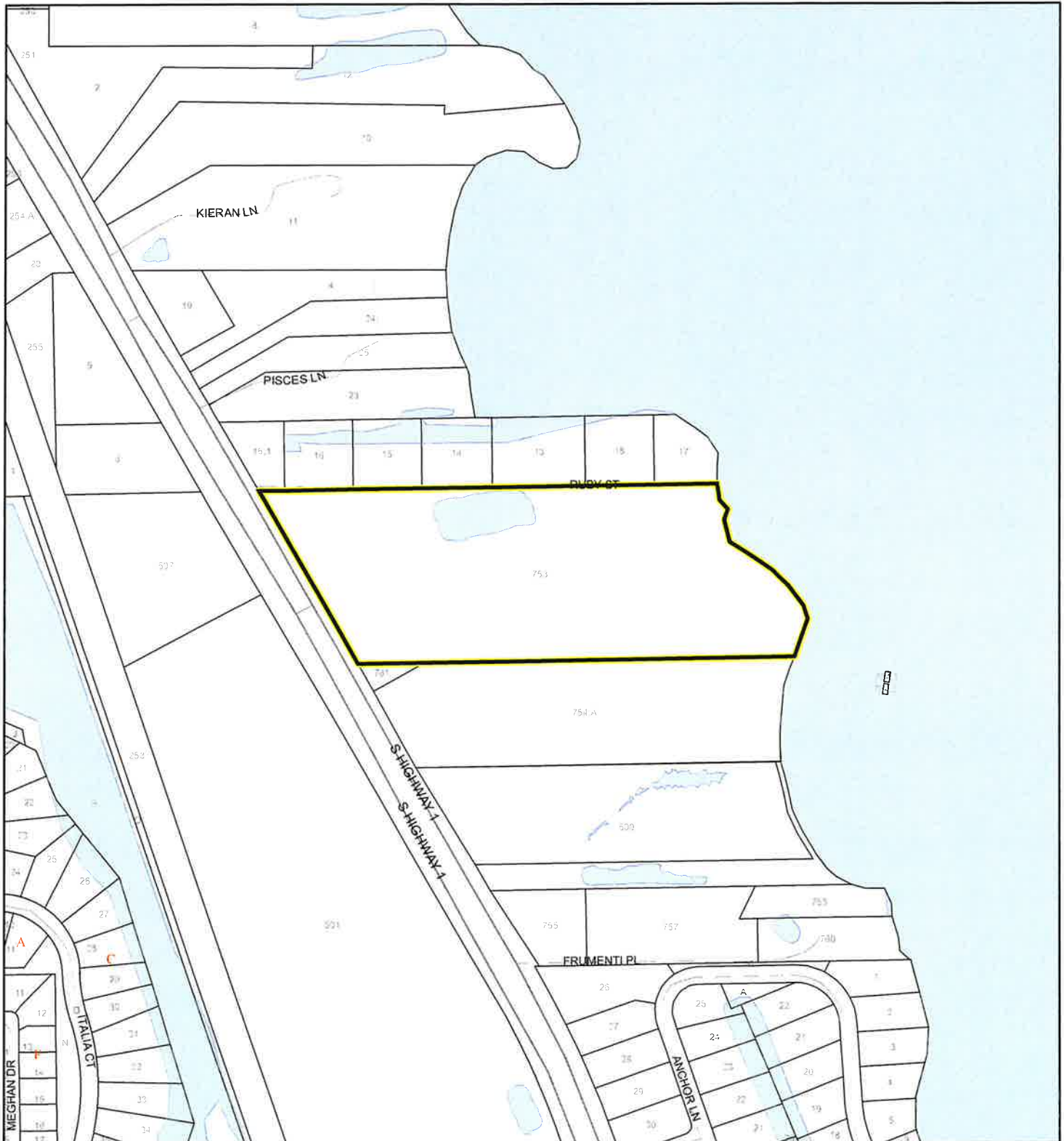
60 Meters

All Distances

EAGLE NESTS MAP

MASTROIANNI, FRANK

23PUD00001



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Produced by BoCC - GIS Date: 5/20/2024

Subject Property

Parcels

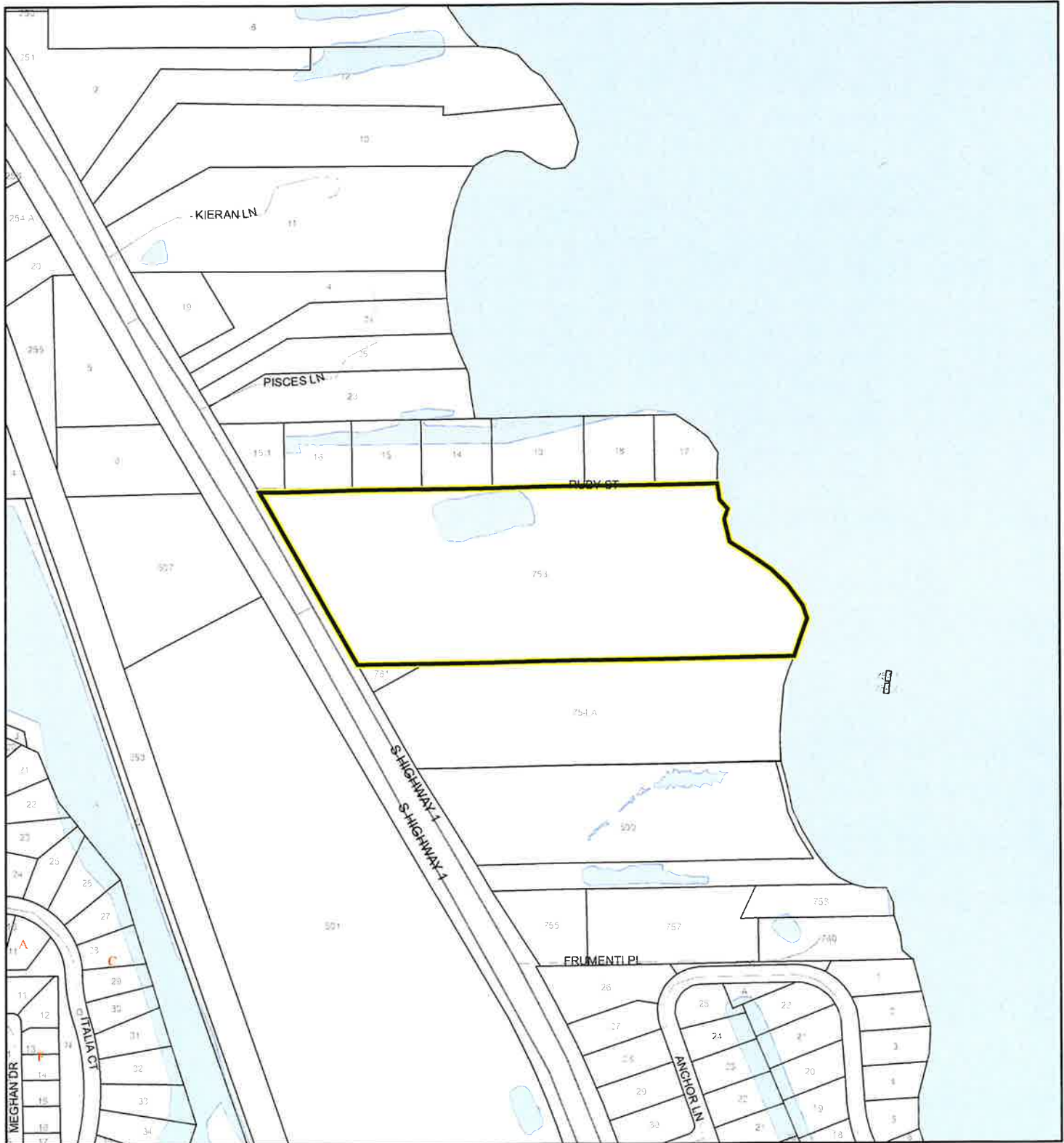


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

MASTROIANNI, FRANK




23PUD00001



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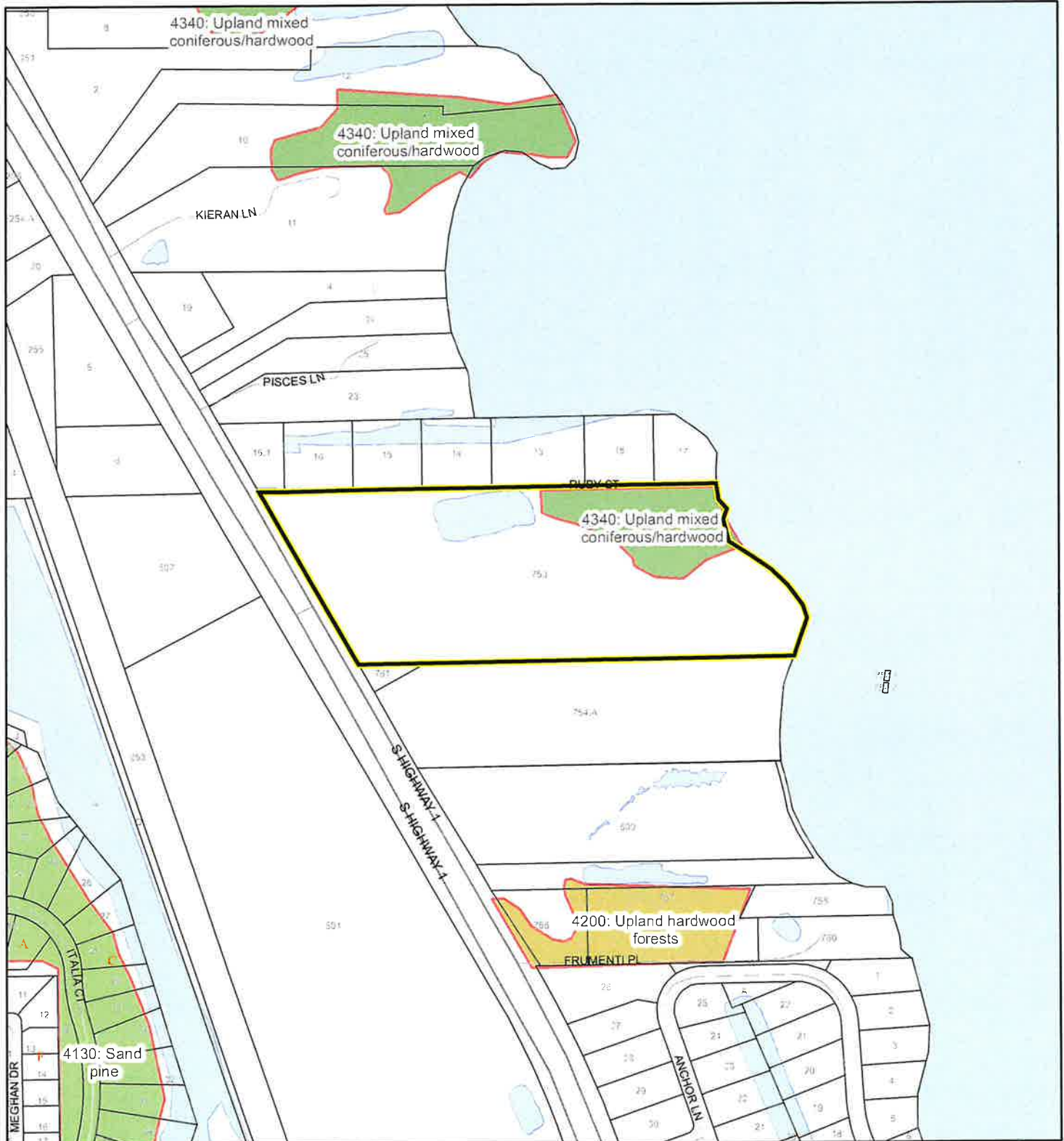
Produced by BoCC - GIS Date: 5/20/2024

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

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

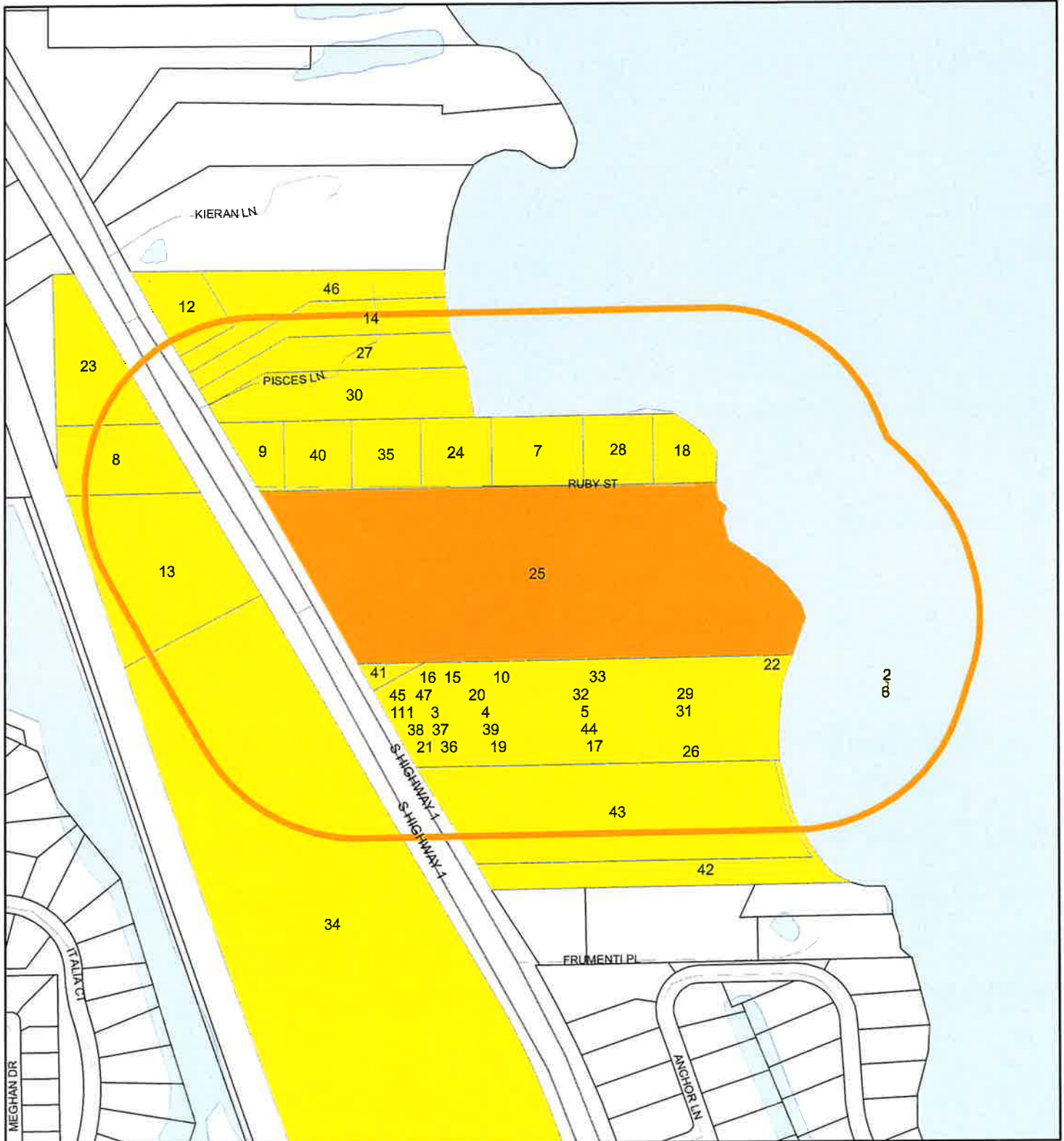
Subject Property

Parcels

RADIUS MAP

MASTROIANNI, FRANK

23PUD00001



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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- Buffer
- Subject Property
- Notify Property
- Parcels