



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.13.

8/4/2022

Subject:

Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) request a change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15 and removal of existing BDP. (22Z00027) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from GU (General Use), BU-1 (General Retail Commercial), and TU-2 (Transient Tourist Commercial), with an existing BDP (Binding Development Plan), to RU-2-15 (Medium Density Multi-Family Residential) and removal of existing BDP.

Summary Explanation and Background:

The applicants are requesting to change the zoning of a 20.88± acre property from GU, TU-2, and BU-1 with a BDP, to RU-2-15 and removal of a BDP, in order to develop a 313-unit apartment complex. A companion application, 22SS00006, if approved, would change the Future Land Use designation from CC and NC to RES 15. The proposed RU-2-15 zoning classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square-foot lots.

In general, the character of the area along Port St. John Parkway is mostly undeveloped commercial parcels. Existing developed commercial parcels include an office building immediately south of the subject property, and a medical center further to the east on the south side of Port St. John Parkway. Due to the I-95 interchange, Port St. John Parkway provides vehicular access into the Port St. John community and is intended to serve as a commercial corridor to provide an array of services for local and regional neighborhoods and tourist markets.

If the zoning is approved, the Board would be introducing RU-2-15 zoning into an area consisting of GU, RU-1-11, BU-1, and TU-2.

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

On July 18, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

22Z00027

Jacob Aaron Corporation, Gigi II, LLC, BDM Corp., and Michael & Lori Melzer

GU (General Use), TU-2 (Transient Tourist Commercial), and BU-1 (General Retail Commercial) with One BDP to RU-2-15 (Medium-Density Multiple-Family Residential) and Removal of BDP

Tax Account Numbers: 2312160, 2312187, 2312250, 2312251, 2312255, 2312260, 2312262, 2312264, 2312276, 2312301, 2312307, 2312312, 2312332, 2312333, 2312334, 2312339, 2319284

Parcel I.D.s: 23-35-27-00-03, 23-35-27-00-29, 23-35-27-00-92, 23-35-27-00-93, 23-35-27-00-96, 23-35-27-00-273, 23-35-27-00-309, 23-35-27-00-336, 23-35-27-00-304, 23-35-27-00-298, 23-35-27-00-257, 23-35-27-00-252, 23-35-27-00-329, 23-35-27-00-330, 23-35-27-00-261, 23-35-27-00-331, & 23-35-27-00-259

Location: On the north side of Port St. John Parkway approximately 1,600 feet west of Grissom Parkway (District 1)

Acreage: 20.88± acres

Planning & Zoning Board: 7/18/2022

Board of County Commissioners: 8/04/2022

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot 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	GU, TU-2, and BU-1	RU-2-15
Potential*	<ul style="list-style-type: none"> • 0 SFR unit in GU • Up to 842,015 sq. ft. (1.0 FAR) of commercial 	313 multi-family units
Can be Considered under the Future Land Use Map	YES CC and NC	No; Requires RES 15**

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** A companion application, **22SS00006**, if approved would change the Future Land Use designation on 20.88 acres from Community Commercial (CC) and Neighborhood Commercial (NC) to Residential 15 (RES 15).

Background and Purpose of Request

The applicants are requesting to change the zoning of a 20.88± acre property from GU (General

Use), TU-2 (Transient Tourist Commercial), and BU-1 (General Retail Commercial) with One BDP to RU-2-15 (Medium-Density Multiple-Family Residential) and Removal of BDP in order to develop an apartment complex.

The subject property consists of seventeen parcels that are undeveloped.

The GU portion of the property retains the original zoning. The BU-1 and TU-2 portions of the property were rezoned from GU to BU-1 and TU-2 with a BDP on May 7, 2009 as zoning action **Z-11493**. That BDP, recorded in ORB 5945, Pages 1177-1182, limits the number of hotel rooms to a maximum of 220 rooms on the property and limits commercial square footage, excluding hotel, to 335,000 square feet.

Land Use

The subject property is currently designated as Community Commercial (CC) and Neighborhood Commercial (NC) Future Land Use (FLU). A companion application, **22SS00006**, if approved, would change the Future Land Use designation from CC and NC to RES 15 on the entire property. The proposed RU-2-15 zoning is consistent with the proposed RES 15 FLU.

Applicable Land Use Policies

FLUE Policy 1.2 - Public Facilities and Services Requirements

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:

- 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.
- 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.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

As the project's intensity is 15 units per acre, connection to centralized sewer and potable water is required under Criterion C, above. Site is currently unimproved and not connected to utilities.

FLUE Policy 1.4 - 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 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 applicant has stated the proposed use of developing an apartment complex. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

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

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

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

1. historical land use patterns;

Port St. John Parkway is a commercial corridor with CC Future Land Use designations along the majority of the corridor to provide an array of services for local and regional neighborhoods and tourist markets.

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.

While there have not been any development approvals within the past three (3) years, there is one pending zoning action, 22Z00020, to rezone 17.70 acres from GU, BU-1 and BU-1-A with two BDPs to all BU-2 and removal of two BDPs.

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

In general, the character of the area along Port St. John Parkway is mostly undeveloped commercial parcels. Existing developed commercial parcels include an office building immediately south of the subject property and a medical center further to the east on the south side of Port St. John Parkway. Due to the I-95 interchange, Port St. John Parkway provides vehicular access into the Port St. John community and is intended to serve as a commercial corridor to provide an array of services for local and regional neighborhoods and tourist markets.

The applicants are proposing a 313-unit apartment complex. The closest established residential neighborhood is approximately 2,000 feet to the north of the subject property, and undeveloped residential land is adjacent to the north, south and west of the subject property.

If the zoning is approved, the subject property would be introducing RU-2-15 zoning in this area. Currently, there is no multi-family zoning on Port St. John Parkway. The closest developed RU-2-15 zoning is approximately 2.4 miles to the east at Cedar Lake Drive.

The proposed RU-2-15 zoning classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Undeveloped land	GU and RU-1-11	RES 4 and PUB-CONS
South	One office building and Undeveloped land (across Port St. John Parkway)	GU, RU-1-11 and TU-2	CC and RES 4
East	Undeveloped land	GU and BU-1	CC and RES 4
West	Stormwater pond	RU-1-11	PUB-CONS

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.

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

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

TU-2 is a transient tourist commercial classification, intended to accommodate tourist needs adjacent to interstate and expressway interchanges.

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

There are two pending applications: **22SS00003** is an application for a small scale comprehensive plan amendment to change the future land use on 17.70 acres from RES 4, CC and NC to all CC and **22Z00020** is the companion application to rezone from GU, BU-1 and BU-1-A with two BDPs to all BU-2 and removal of two BDPs.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Port St. John Parkway, between I-95 to Grissom Parkway, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 27.54% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 7.49%. The corridor is anticipated to operate at 35.03% of capacity daily. The proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development. There is sufficient capacity at Fairglen Elementary School and Cocoa Jr Sr High School for the total of projected and potential students from this development.

The subject parcel is within the City of Cocoa's service area for potable water. The closest Brevard County sewer line is approximately 0.8 miles north of the subject property at Fay Boulevard.

Environmental Constraints

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected Species
- Protected and Specimen Trees

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

The subject parcel contains mapped wetlands. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one unit per five acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65 694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

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

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 22Z00027**

Applicant: Rezanka for Miller

Zoning Request: TU-2, GU, & BU-1 w/ BDP to RU-2-15 & remove BDP

Note: Applicant wants to develop a 313-unit apartment complex.

P&Z Hearing Date: 07/18/22; **BCC Hearing Date:** 08/04/22

Tax ID Nos: 2312160, 2312187, 2312250, 2312251, 2312255, 2312260, 2312262, 2312264, 2312276, 2312301, 2312307, 2312312, 2312332, 2312333, 2312334, 2312339, & 2319284

- 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/Hydric Soils
- Aquifer Recharge Soils
- Floodplain
- Protected Species
- Protected and Specimen Trees

The subject parcel contains mapped wetlands. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 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 in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

A majority of the project area is mapped as being within the isolated floodplain. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils (Anclote sand & St. Johns sand), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 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 in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Floodplain

A majority of the project area is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. 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."

Aquifer Recharge Soils

St. Johns sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected Species

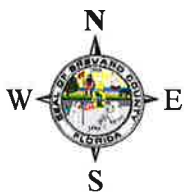
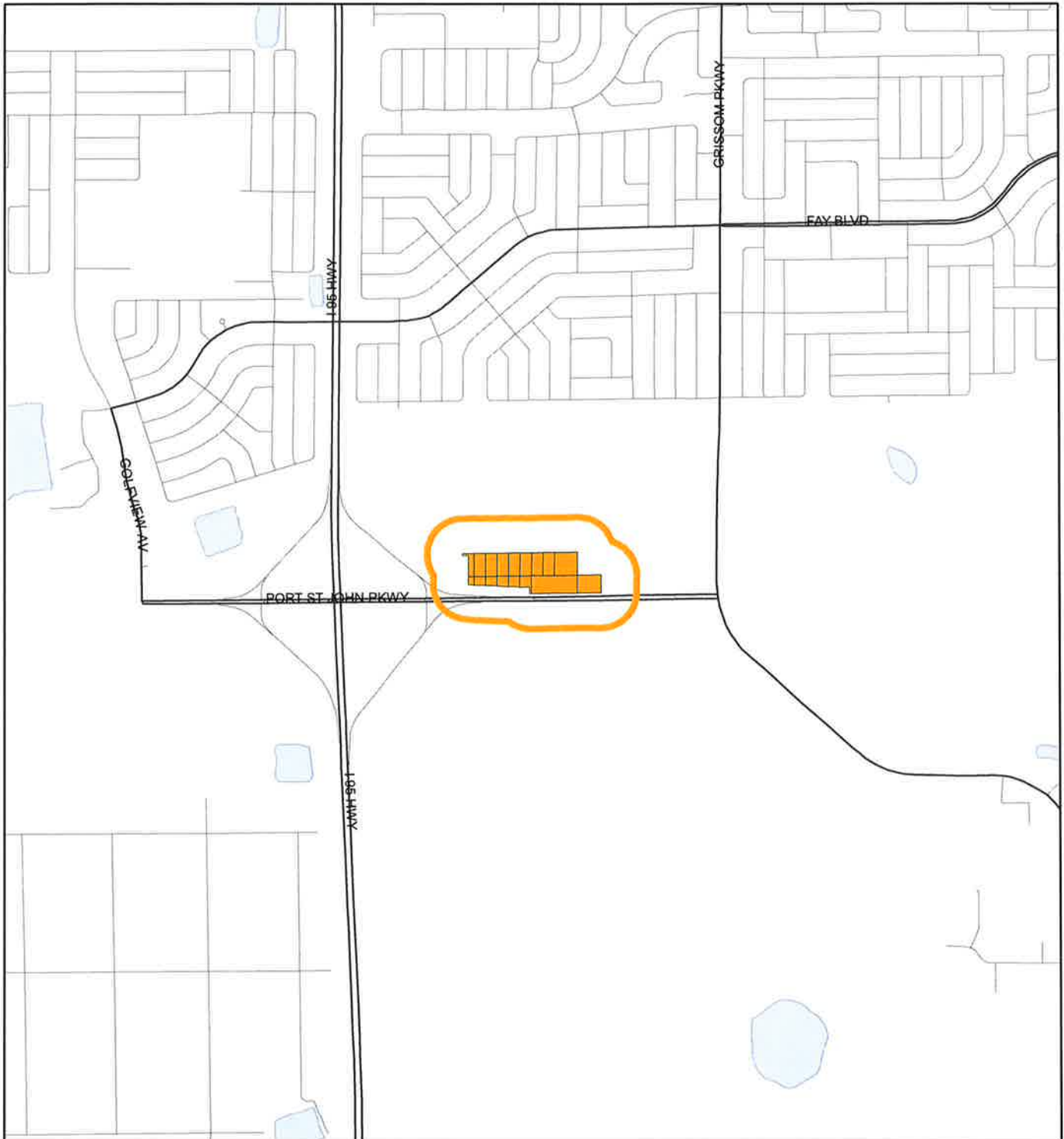
Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy in the vicinity of the property, and there is potential that Gopher Tortoises inhabit the site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per 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. During site plan design, the applicant is encouraged to use a low-water use plant palette such as xeriscape plants and trees. 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.

LOCATION MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER
22Z00027



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

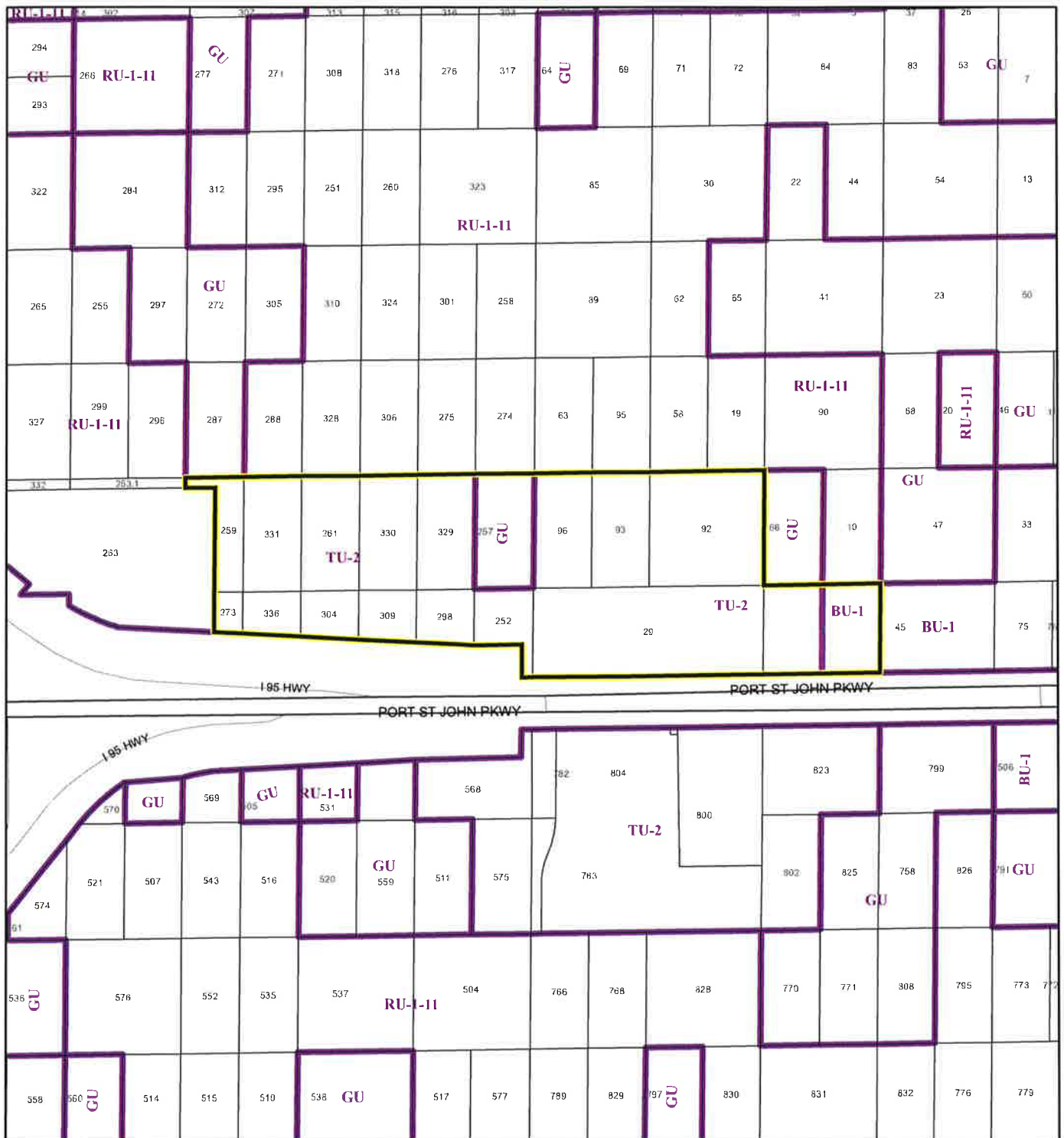
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/10/2022

Buffer
Subject Property

ZONING MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER
22Z00027



1:4,800 or 1 inch = 400 feet

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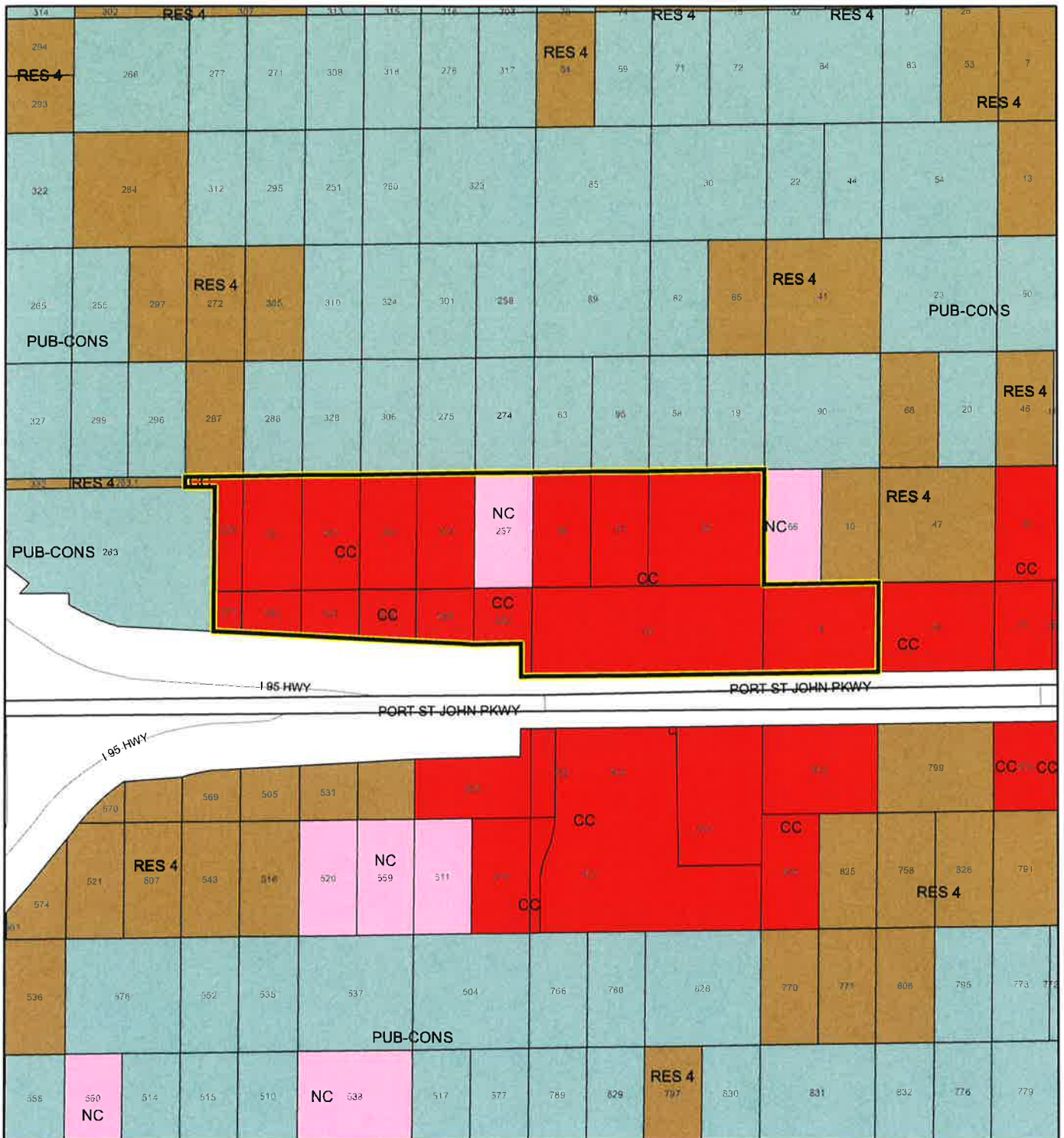
Produced by BoCC - GIS Date: 6/10/2022

- Subject Property
- Parcels
- Zoning



FUTURE LAND USE MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22Z00027



1:4,800 or 1 inch = 400 feet

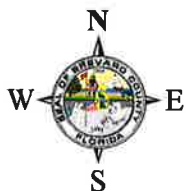
 Subject Property
 Parcels

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

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AERIAL MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER
22Z00027



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

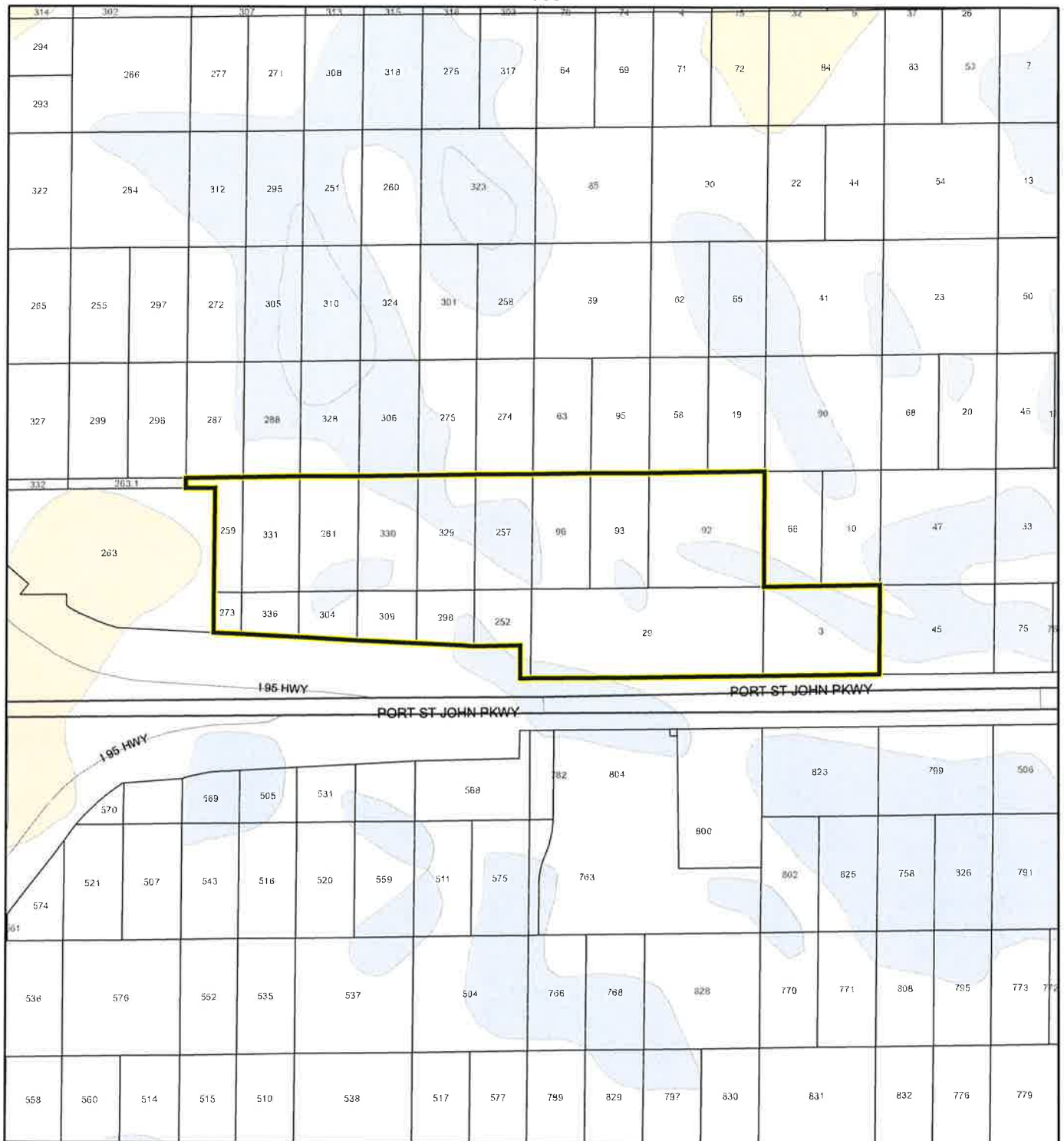
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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 Subject Property
 Parcels

NWI WETLANDS MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER
22Z00027



1:4,800 or 1 inch = 400 feet

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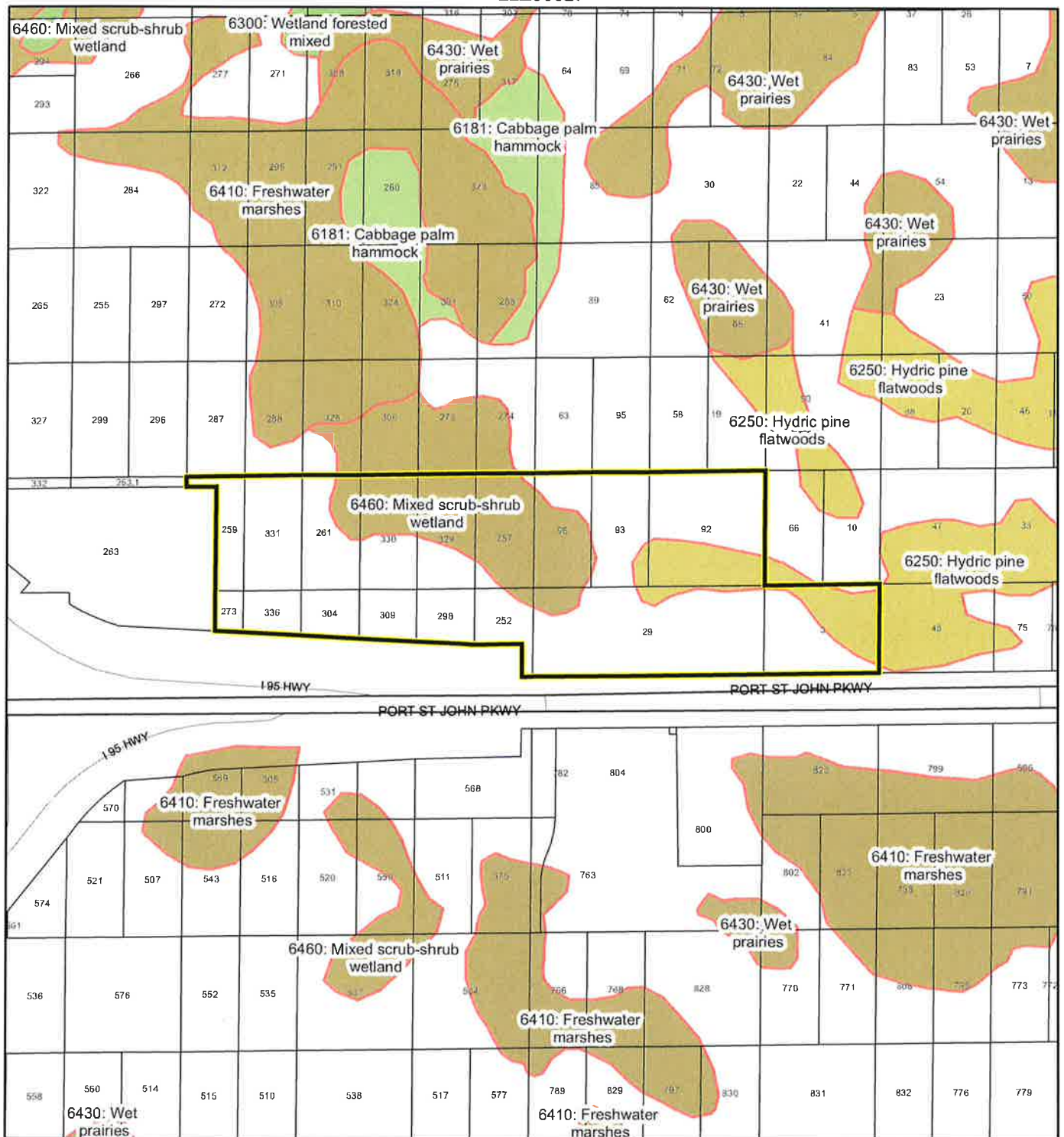
Produced by BoCC - GIS Date: 6/10/2022

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

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER
22Z00027



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

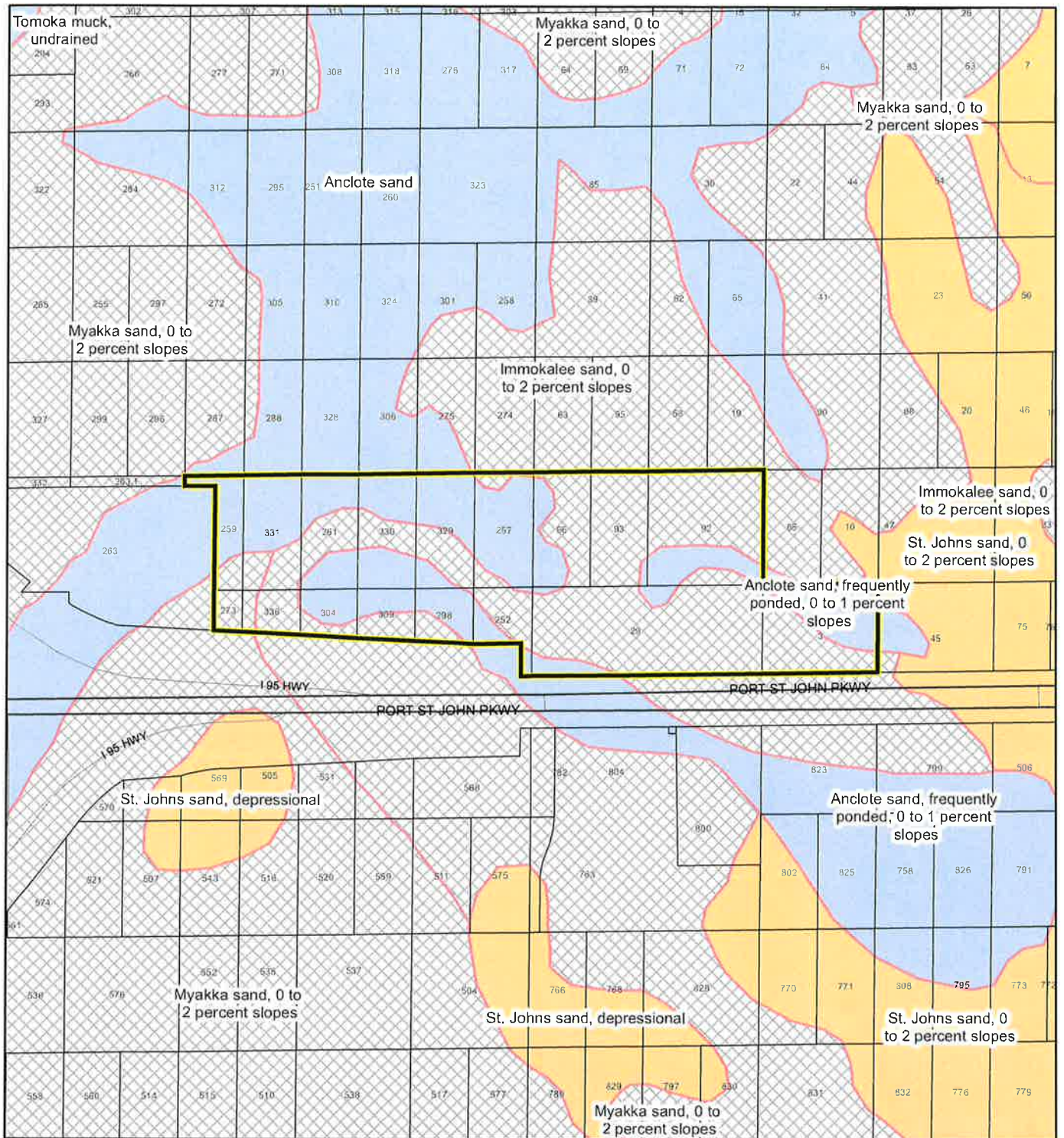
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER
22Z00027



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/10/2022

USDA SCSSS Soils

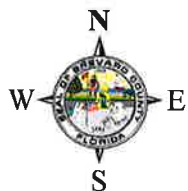
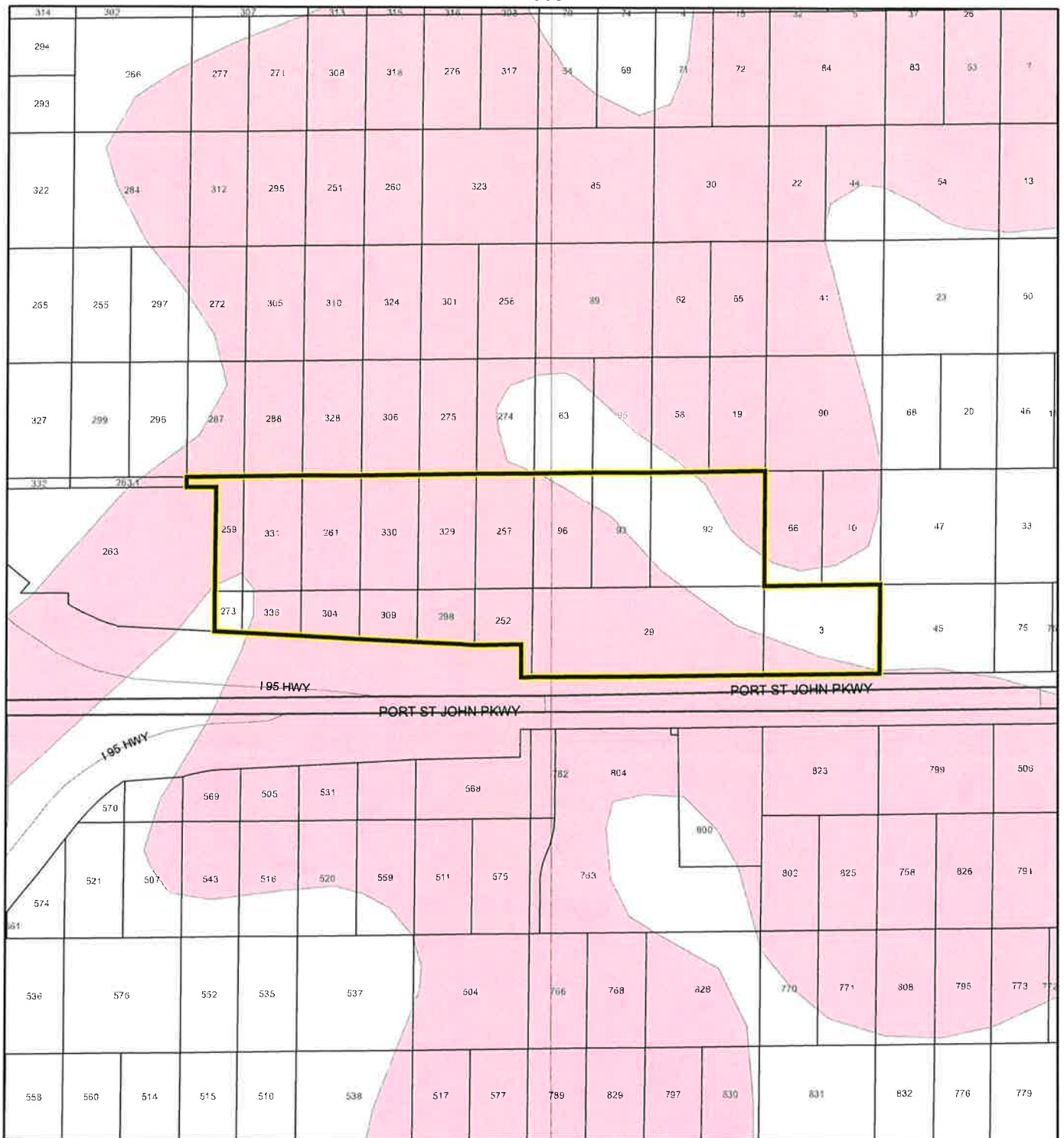
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22Z00027



1:4,800 or 1 inch = 400 feet

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FEMA Flood Zones

- | | | |
|------------------|------------|---|
| A | AO | X |
| AE | Open Water | |
| AH | VE | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22Z00027



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

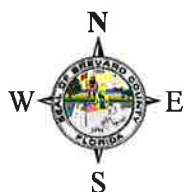
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2022

— Subject Property

□ Parcels

Septic Overlay

40 Meters

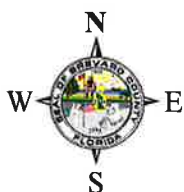
60 Meters

All Distances

EAGLE NESTS MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2022

 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER
22Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2022

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22Z00027



1:4,800 or 1 inch = 400 feet

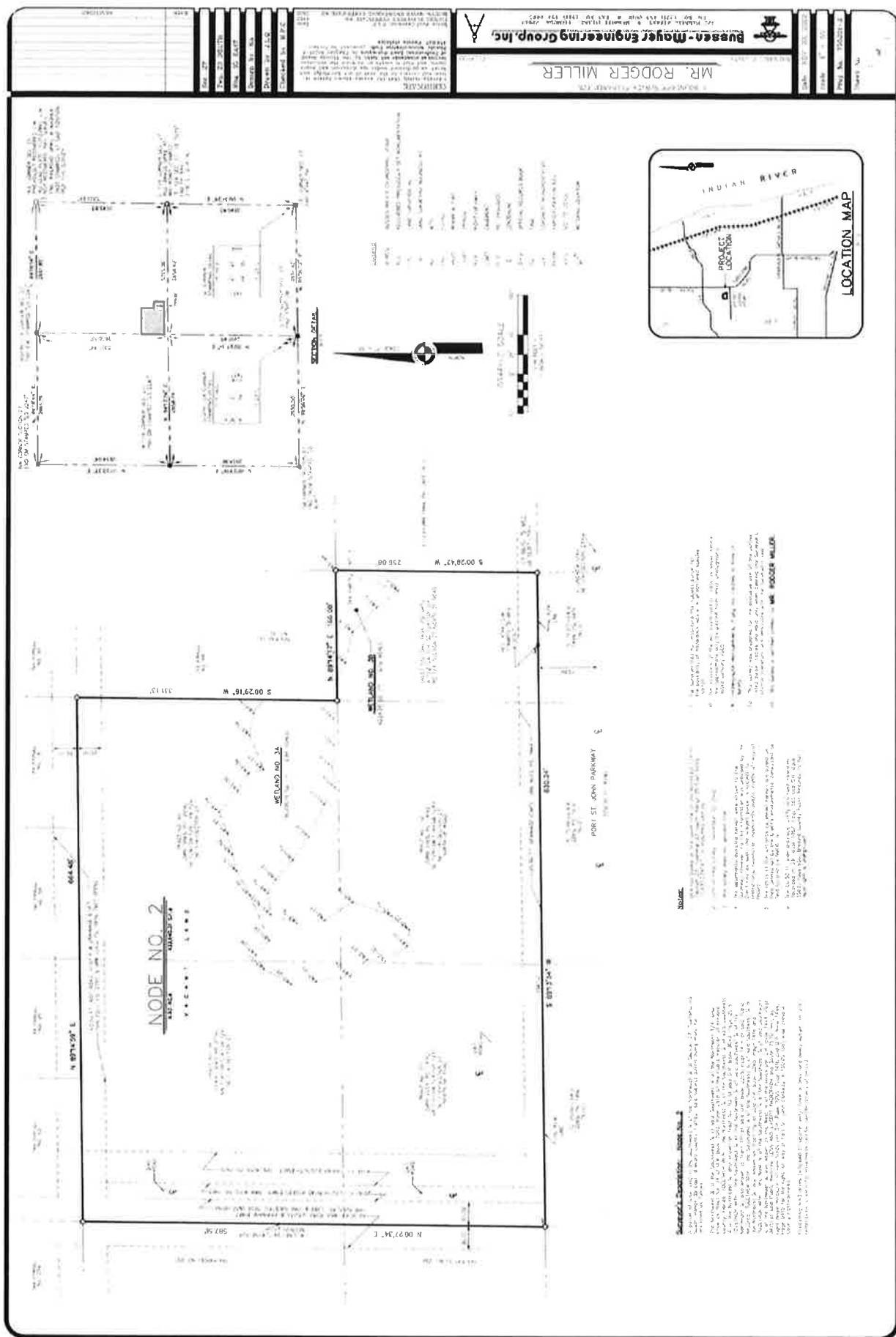
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/10/2022

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





PORT ST. JOHN
BREVARD COUNTY, FL
DENSITY STUDY • 03-04-2022
B-20207-02



School Board of Brevard County

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

May 31, 2022

Ms. Jane Hart, Planner
Land Development Section
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Blaze Capital Apartments Development
School Impact Analysis – Capacity Determination CD-2022-28**

Dear Ms. Jane Hart,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2312262 (Parcel ID number: 23-35-27-00-259), Tax Account number 2312334 (Parcel ID number: 23-35-27-00-331), Tax Account number 2312264 (Parcel ID number: 23-35-27-00-261), Tax Account number 2312333 (Parcel ID number: 23-35-27-00-330), Tax Account number 2312332 (Parcel ID number: 23-35-27-00-329), Tax Account number 2312255 (Parcel ID number: 23-35-27-00-252), Tax Account number 2312260 (Parcel ID number: 23-35-27-00-257), Tax Account number 2312301 (Parcel ID number: 23-35-27-00-298), Tax Account number 2312307 (Parcel ID number: 23-35-27-00-304), Tax Account number 2312339 (Parcel ID number: 23-35-27-00-336), Tax Account number 2312312 (Parcel ID number: 23-35-27-00-309), Tax Account number 2312276 (Parcel ID number: 23-35-27-00-273), Tax Account number 2319284 (Parcel ID number: 23-35-27-00-96), Tax Account number 2312251 (Parcel ID number: 23-35-27-00-93), Tax Account number 2312250 (Parcel ID number: 23-35-27-00-92), Tax Account number 2312187 (Parcel ID number: 23-35-27-00-29) and Tax Account number 2312160 (Parcel ID number: 23-35-27-00-3) containing a total of approximately 20.88 acres in District 1, Brevard County, Florida. The proposed development includes 313 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

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



An Equal Opportunity Employer

Multi-Family Homes	313		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.11	34.43	34
Middle	0.02	6.26	6
High	0.05	15.65	16
Total	0.18		56

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	789	789	789	789	789
Cocoa	2,084	2,084	2,084	2,084	2,084

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	580	597	620	626	639
Cocoa	1,517	1,578	1,627	1,637	1,626

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	-	-	-	-	-
Cocoa	-	5	5	5	5

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	-	34	34	34	34
Cocoa	-	22	22	22	22

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	580	631	654	660	673
Cocoa	1,517	1,605	1,654	1,664	1,653

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

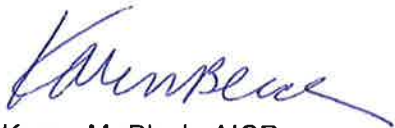
School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	209	158	135	129	116
Cocoa	567	479	430	420	431

At this time, Fairglen Elementary School and Cocoa Jr Sr High School are projected to have enough capacity for the total of projected and potential students from the Blaze Capital Apartments development.

This is a non-binding review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen Black', with a stylized flourish at the end.

Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-28

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2022-28

Blaze Capital Apartments Location Map



**Blaze Capital Apartments
313 Multi-Family Units**

Schools Affected by Development:
Fairglen Elementary School
Cocoa Jr Sr High School

Drawn By:
Planning & Project Management
Blake Stinson
05/31/2022

2,250 1,125 0 2,250 Feet



Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2021-22 to 2026-27

Summary		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:		88%	88%	95%	98%	97%	99%
Highest Utilization Middle Schools:		88%	88%	90%	90%	92%	96%
Highest Utilization Jr / Sr High Schools:		84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:		101%	100%	99%	95%	94%	97%

School	Type	Grades	Utilization Factor	School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
				FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	630	84%	751	694	92%	751	739	98%	751	739	98%	751	739	98%	751	739	98%
Anderson	Elementary	K-6	100%	884	592	67%	884	597	68%	884	589	67%	884	589	67%	884	589	67%	884	589	67%
Apollo	Elementary	K-6	100%	902	782	87%	902	755	84%	902	761	84%	902	761	84%	902	761	84%	902	761	84%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	616	83%	739	600	81%	739	600	81%	739	592	80%	739	592	80%
Audubon	Elementary	PK-6	100%	761	464	61%	761	458	60%	761	438	58%	761	438	58%	761	427	56%	761	440	58%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	513	67%	765	510	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	287	50%	570	281	49%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	605	81%	751	613	82%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	462	62%	751	484	64%	751	568	76%	751	568	76%	751	572	76%	751	572	76%
Coolidge	Elementary	K-6	100%	711	534	75%	711	557	78%	711	572	80%	711	572	80%	711	569	79%	711	602	85%
Crest	Elementary	PK-6	100%	1,114	767	69%	1,114	812	73%	1,114	847	76%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	530	67%	795	589	74%	795	589	74%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	639	65%	980	633	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	988	657	67%	988	668	68%	988	668	68%	988	668	68%	988	627	64%	988	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	587	81%	729	529	73%	729	513	70%
Fairlane	Elementary	PK-6	100%	789	581	74%	789	597	76%	789	620	79%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	440	62%	711	424	60%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	59%	777	467	60%	777	503	65%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	386	61%	629	399	63%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	471	78%	605	473	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	85%	729	622	85%	729	619	85%	729	619	85%	729	620	85%	729	645	88%
Indiantonic	Elementary	K-6	100%	798	671	84%	798	658	82%	798	646	81%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	857	92%	930	857	92%	930	854	92%	930	920	97%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	594	67%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	587	74%	790	593	74%	790	593	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	863	87%	998	863	87%	998	865	87%	998	868	87%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	624	68%	918	583	64%	918	583	64%	918	576	63%	918	565	62%
Meadowdale Intermediate	Elementary	K-6	100%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowdale Primary	Elementary	K-6	100%	824	678	82%	824	731	89%	824	725	88%	824	725	88%	824	734	89%	824	731	88%
Villa	Elementary	PK-6	100%	707	438	62%	707	430	61%	707	444	63%	707	444	63%	707	417	59%	707	416	59%
Mims	Elementary	PK-6	100%	725	431	59%	725	443	61%	725	441	61%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	554	57%	968	554	57%	968	554	57%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	524	80%	654	506	77%	654	506	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	571	58%	983	570	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	517	91%	569	524	92%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	630	74%	852	636	75%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	684	60%	1,152	722	63%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	709	91%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	241	40%	599	221	37%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	516	66%	785	523	67%	785	516	66%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	697	72%	976	772	79%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	324	70%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	429	70%	609	429	70%	609	434	71%	609	434	71%	609	442	73%	609	441	72%
Snitree	Elementary	PK-6	100%	913	691	76%	913	738	81%	913	935	82%	913	929	81%	913	929	81%	913	1,061	99%
Surfside	Elementary	K-6	100%	755	595	79%	755	584	77%	755	555	74%	755	555	74%	755	546	72%	755	523	69%
Topical	Elementary	K-6	100%	941	408	75%	941	372	69%	941	345	64%	941	345	64%	941	336	62%	941	329	61%
Turner	Elementary	PK-6	100%	910	641	70%	910	635	70%	910	614	67%	910	614	67%	910	597	65%	910	609	67%
University Park	Elementary	PK-6	100%	874	576	66%	874	564	65%	874	564	65%	874	564	65%	874	569	65%	874	694	79%
Vera Elem	Elementary	PK-6	100%	811	466	57%	811	486	60%	811	554	68%	811	554	68%	811	622	77%	811	657	81%
Westside	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	742	72%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Williams	Elementary	PK-6	100%	857	728	85%	857	715	84%	857	855	90%	857	855	90%	857	872	91%	857	895	97%
Elementary Totals				42,471	29,890	68%	42,471	30,745	72%	42,515	31,024	73%	42,515	31,190	74%	42,515	31,190	74%	42,735	31,547	75%

Middle School Concurrency Service Areas																		
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%	1,514	1,360	90%
DeLaura	Middle	7-8	90%	960	851	89%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	480	71%	680	506	74%	680	550	81%	680	539	79%
Jackson	Middle	7-8	90%	680	574	87%	680	494	90%	680	556	84%	680	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	471	60%	781	480	61%	781	457	59%	781	446	57%
McNair	Middle	7-8	90%	611	350	57%	611	359	59%	611	353	58%	611	362	59%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	96%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,617		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,019	
Junior / Senior High School Concurrency Service Areas																		
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,637	79%	2,084	1,626	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	821	57%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,465	79%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,029		5,381	4,021		5,381	4,028		5,381	3,923		5,381	3,856	
Senior High School Concurrency Service Areas																		
Astronaut	High	9-12	95%	1,451	1,076	74%	1,451	1,094	75%	1,451	1,086	75%	1,451	1,078	74%	1,451	1,086	75%
Bayside	High	PK, 9-12	95%	2,263	1,728	76%	2,263	1,950	82%	2,263	1,942	86%	2,263	2,002	88%	2,263	2,069	91%
Eau Gallie	High	9-12	95%	2,221	1,605	72%	2,221	1,634	74%	2,221	1,555	70%	2,221	1,680	76%	2,221	1,700	77%
Heritage	High	9-12	95%	2,314	2,038	88%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%	2,314	2,248	97%
Melbourne	High	PK, 9-12	95%	2,370	2,208	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%	2,370	2,185	92%
Merritt Island	High	9-12	95%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401	71%	1,962	1,389	71%
Palm Bay	High	PK, 9-12	95%	2,631	1,325	50%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,645	63%	2,631	1,643	62%
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,638	89%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,551	1,550	100%	1,551	1,533	99%	1,551	1,470	95%	1,551	1,438	93%	1,551	1,367	89%
Titusville	High	9-12	95%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,313	71%	1,849	1,330	72%	1,849	1,270	69%
Viera	High	PK, 9-12	95%	2,251	2,233	99%	2,251	2,272	88%	2,251	2,366	105%	2,251	2,411	105%	2,251	2,469	104%
High Totals				22,627	17,878		22,627	18,630		22,627	18,930		22,627	18,953		22,627	19,066	
Schools of Choice (Not Concurrency Service Areas)																		
Freedom 7	Elementary	K-6	100%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	417	87%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	Elementary	K-6	100%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,614	64,697		85,658	65,450		85,878	66,275	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics School/Site Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current Front/To attendance patterns are assumed to remain constant
 - Nonrelocated student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

Prepared by: Robertson and Associates
Address: 100 Parnell Street, Merritt Island, FL 32953

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 5 day of May, 2009, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Jacob Aaron Corporation, BDM Financial Corporation, Florida corporations; and Michael P., Richard, Patricia, and Lori L. Melzer, and their heirs, successors and assigns (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the BU-1 and TU-2 zoning classification(s) and desires to develop the property as commercial and tourist commercial, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit the number of hotel rooms to a maximum of 220 rooms on the Property; and commercial square footage, excluding hotel square footage, to 335,000 square feet on the Property.

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.


4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until the Property is rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on FEBRUARY 5, 2009. The County at any time may amend or cancel this Agreement as to the Property or any part of the Property provided the Owner of that part of the Property which the amendment or cancellation addresses consents to the amendment or cancellation at that time. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1-7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST



Scott Ellis, Clerk of Circuit Court
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940



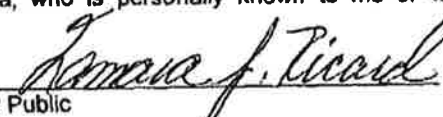
Chuck Nelson, Chairman
As approved by the Board on 5/5/09

STATE OF FLORIDA §
COUNTY OF BREVARD §

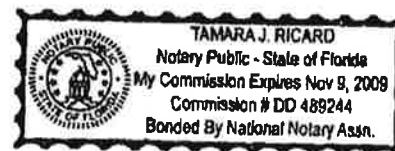
The foregoing instrument was acknowledged before me this 5 day of May, 2009 by Chuck Nelson, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

My commission expires

SEAL
Commission No.:



Notary Public
Tamara J. Ricard
(Name typed, printed or stamped)



WITNESSES:

Antonio Rodriguez
(Witness Name typed or printed)

Christine Hinselwood

CHRISTINE HINSELWOOD

(Witness Name typed or printed)

DEVELOPER/OWNER

Roger Miller

Roger Miller, President.
Jacob Aaron Corp & BDM Financial Corp.

STATE OF FLORIDA §

COUNTY OF MIAMI-DADE §

The foregoing instrument was acknowledged before me this 2nd day of April, 2009, by Roger Miller, President of Jacob Aaron Corp. and BDM Financial Corp., who is personally known to me or who has produced _____ as identification.

My commission expires May 12, 2011
SEAL
Commission No.: DD646127

Cathy M. Rucker

Notary Public

CATHY M. RUCKER
(Name typed, printed or stamped)



Cathy M. Rucker
Commission # DD646127
Expires: MAY 12, 2011
www.AARONNOTARY.com

MICHAEL P. MELZER
WITNESSES:

M. P. Melzer
M. P. Melzer
(Witness Name typed or printed)

M. P. Melzer
Daniel E. deFluiter
(Witness Name typed or printed)
DANIEL E. deFluiter

DEVELOPER/OWNER

Richard Melzer
Patricia Melzer

Michael P. Melzer

STATE OF FLORIDA §

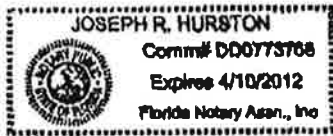
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 9TH day of MARCH, 2009, by MICHAEL P. MELZER, RICHARD MELZER ARE President of who is personally known to me or who has produced LORI MELZER, PATRICIA MELZER as identification.

My commission expires
SEAL
Commission No.:

[Signature]
Notary Public

(Name typed, printed or stamped)



LEGAL FOR JACOB AARON, BDM FINANCIAL, AND MELZER PARCELS

Rezoning from GU to TU-2

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL

North Tax Parcels:

259, 331, 261, 330, 329, 96, 93, 92, 273, 336, 304, 309, 298, 252, 29, and W ½ of 3.

Total acreage – 7.48 acres, 9.93 acres, and 1.17 acres = 18.58

South Tax Parcels –

S ½ of 575 - .63 ac.; sw ¼ of 763 - .59 ac.; 823 – 1.93 ac., 802 – 1.25 ac.

Total acreage – 4.40

Total Rezoning to TU-2 – 22.98 acres

Rezoning from GU to BU-1

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL

North Tax Parcels:

E ½ of 3 - .96 ac; 45 - 1.93 ac.; 33, 43, 91, 75, 76, 56, 55, 94 – 12.44 ac.

Total Rezoning to BU-1 - 15.33 acres

Existing TU-2

The following tax parcels located in Section 27, Township 23 South, Range 35 North, Brevard County, FL:

568, 782, 804, 816, 824, , 801, 800, N ½ of 575, and 763 less the SW ¼ consisting of 10.4 acres.

TOTAL ACRES: 48.71

Exhibit A

**PORT ST. JOHN BOULEVARD PROPERTIES
BUILDING SQUARE FOOTAGES BY USE**

September 18, 2008

Hotels

1 - 45,864 square feet - 110 Rooms
2 - 45,864 square feet - 110 Rooms
91,700 square feet - 220 Rooms

Retail

105,864 square feet
66,600 square feet
19,080 square feet
191,544 square feet

Office

28,000 square feet
14,274 square feet
42,274 square feet

Restaurants

1,850 square feet
1,170 square feet
6,750 square feet
9,770 square feet

Total Square Footage = 335,288

Z11493

THE B.D.M. FINANCIAL CORPORATION.; JACOB AARON CORPORATION.; MICHAEL P. & LORI L. MELZER; RICHARD & PATRICIA MELZER – (Doug Robertson) – request a Small Scale Plan Amendment (08S.17) to change the Future Land Use designation from Res. 4 & Neighborhood Commercial to Community Commercial on property described as Tax Parcel 309, as recorded in ORB 3118, Page 4609; Tax Parcel 252, as recorded in ORB 3118, Page 4611; Tax Parcel 802, as recorded in ORB 3811, Page 720; and Tax Parcel 823, as recorded in ORB 3043, Page 2518, of the Public Records of Brevard County, Florida, (8.46 acres); AND a change of classification from GU (General Use) & RU-1-11 (Single-Family Residential) to TU-2 (Transient Tourist Commercial) with a Binding Development Plan, limiting hotel units to 475 on property described as Tax Parcel 259, as recorded in ORB 3063, Page 3785; Tax Parcel 261, as recorded in ORB 2982, Page 3435; Tax Parcels 329, 330, 331 and 336, as recorded in ORB 3116, Page 4917; Tax Parcel 96, as recorded in ORB 3192, Page 3801; Tax Parcel 93, as recorded in ORB 3043, Page 2518; Tax Parcel 92, as recorded in ORB 3116, Page 4917; Tax Parcel 273, as recorded in ORB 2910, Page 2612; Tax Parcel 304, as recorded in ORB 2932, Page 1060; Tax Parcel 309, as recorded in ORB 3118, Page 4609; Tax Parcel 298, as recorded in ORB 3051, Page 466; Tax Parcel 252, as recorded in ORB 3118, Page 4611; Tax Parcel 29, as recorded in ORB 4013, Page 1961; Tax Parcel 3, as recorded in ORB 3063, Page 3779; Tax Parcel 575, as recorded in ORB 3043, Page 2518; Tax Parcel 763, as recorded in ORB 3116, Page 4930; Tax Parcel 802, as recorded in ORB 3811, Page 720, of the Public Records of Brevard County, Florida, (22.98 acres); AND a change of classification from RU-1-11 (Single-Family Residential) to BU -1 (General Retail Commercial) on property described as Tax Parcel 45, as recorded in ORB 3043, Page 425; Tax Parcel 33 & 43, as recorded in ORB 3450, Page 4286, Tax Parcels 91 & 94, as recorded in ORB 3116, Page 4917; Tax Parcels 75 & 76, as recorded in ORB 3025, Page 30; Tax Parcels 55 & 56 as recorded in ORB 3116, Page 4915, (15.33 acres). **Section 27, Township 23, Range 35.** Total acreage for rezoning 38.31 acres. Located on both sides of Port St. John Pkwy., between 1-95 and Grissom Parkway. The following ordinance will also be considered in conjunction with the small scale plan amendment: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the Seventeenth Small Scale Plan Amendment of 2008, 08S.17, amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 18, 2022**, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Planner III; Alex Essee, Assistant County Attorney; and Tonya Parker, Administrative Secretary.

Excerpt of Complete Agenda

Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka)

A Small Scale Comprehensive Plan Amendment (22S.09) to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial) to RES 15 (Residential 15). The property is 20.88 acres, located on the north side of Port St. John Parkway, approx. .30 mile west of Grissom Parkway. (No assigned address. In the Port St. John area.) (22SS00006) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka)

A change of zoning classification from GU (General Use), BU-1 (General Retail Commercial), and TU-2 (Transient Tourist Commercial), with an existing BDP (Binding Development Plan), to RU-2-15 (Medium Density Multi-Family Residential), and removal of the existing BDP. The property is 20.88 acres, located on the north side of Port St. John Parkway, approx. .30 mile west of Grissom Parkway. (No assigned address. In the Port St. John area.) (22Z00027) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

Kim Rezanka, Law Firm of Lacy Lyons Rezanka, stated she represents the contract purchasers, Blaze Capital Partners, LLC. The property is 20.88 acres and a conglomeration of 17 parcels. She said the developer is looking to develop 3-story multi-family, 288-unit apartment complex, with a maximum of 313 units, there will be a clubhouse and a pool, and there will be some garage parking. The thought in 2009 was to develop a hotel/motel, but there is not a need for in that location at this time. There was also planned to be 330,000 square feet of commercial, but there are not enough homes in the area to support that kind of development. The majority of the surrounding properties are vacant with a few commercial uses, such as Parrish Medical facility, a future gas station, and an FPL service center. She said her clients have been working with FPL and County staff as far as easements, stormwater, and accesses. The change of Future Land Use will allow this multi-family apartment complex; it is a great location for an apartment complex because it is close to I-95. The proposed use will not diminish the safety or quality of life in the existing area; the development will not have a negative impact on transportation, the level of services will not be impacted, and there are no school concurrency issues. The development will be on sewer and water and it will continue to maintain the drainage patterns currently in existence. With the change of Future Land Use to RES 15,

Policy 1.4 criteria indicates it is appropriate for these types of land uses for areas located east of I-95 and areas with access to arterial or collector roadways without impacting existing or designated lower density intensity areas, and this will not do that.

She stated for the rezoning portion of the request, they are requesting a change from GU, BU-1, and TU-2, and removal of an existing BDP that limited the property to a 220-room hotel and 335,000 square feet of commercial space. The development will be connected to centralized sewer and potable water, and there are no traffic or school concurrency issues. She said it is a challenging site to develop because there are some wetlands on it, which will be limited impact, and there are drainage easements along the frontage, and a County pond to the west, all of which will be taken into consideration during site planning. She said her client believes housing is needed in Brevard County and new rental property as well.

Henry Minneboo asked if the Scrub Jays are under control on the property.

Scott Nichol, DRMP & Associates, stated they have not completed an environmental assessment yet, but they are in the process. He said he knows there is a potential for them to be on the property.

John Hopengarten asked if Ms. Rezanka's clients have any objection to the proposed FPL service center that will be to the east of the apartment complex. Ms. Rezanka replied she does not believe so, but they know there will be substantial screening, and they are dealing with easement and stormwater issues with them, so the two purchasers have been working together.

Mr. Hopengarten stated the school district has designated Fairglen Elementary School for the area, which is quite a distance, and asked if the developer is planning a playground for the children who live in the apartment complex.

Chris Whitker, Blaze Capital Partners, 3256 NW 60th St., Boca Raton, Florida, stated the plan is preliminary, but they anticipate incorporating playgrounds and pocket parks to the extent they can, and it will be family friendly.

Mr. Hopengarten asked if Mr. Whitker has any objections to the FPL facility that will be next door. Mr. Whitker replied no, not with the screening that will be installed as well as the separation between the two developments.

Bruce Moia asked if it is City of Cocoa water and sewer. Mr. Nichol replied yes.

Peter Filiberto stated as far as the ingress and egress, he sees the resident entry and exit, and then the main entry and exit. He asked if the board wants to have two separate exits, or if both of them should be the main entrance.

Mr. Moia stated he believes that because it is over 200 units, they are required to have two means of ingress and egress.

Mr. Minneboo stated one is going to be right-in/right-out, and they are not going to be able to cross the median.

Mr. Moia stated the other one is the limited access of the I-95 corridor. The access cannot be moved any further west.

Liz Alward stated as far as the playground for the kids, the Bernice Jackson Community Center is less than a mile from the property and it has an indoor gym and playground. She said she thinks with having the FPL service center so close, and the hospital, the apartment complex should never lose power.

Motion by Liz Alward, seconded by Peter Filiberto, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC and CC to RES 15. The motion passed unanimously.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend approval of the change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15, and removal of the existing BDP. The motion passed unanimously.

From: [Griffin, Lorena](#)
To: [Iliff, Bethany](#)
Subject: FW: Conference call with Commissioner John Tobia to review Service Center presentation
Date: Wednesday, August 3, 2022 4:25:26 PM
Attachments: [image004.png](#)

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3
PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Commissioner, D3 <>
Sent: Monday, August 1, 2022 10:39 AM
To: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Cc: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

Good Morning,

The Commissioner has prior commitments this week but I will revert back with possible dates at a later time.

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3
PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Rosenthal, Jon <Jon.Rosenthal@fpl.com>
Sent: Friday, July 29, 2022 2:53 PM
To: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Cc: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

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

Good Afternoon Commissioner Tobia and Ms. Griffin:

Our deepest apologies on missing the meeting earlier this week. It would be wonderful if we could squeeze in a brief call sometime next week.

The attached document contains an overview of the proposed service center at the northwest corner of Port Saint John Parkway and Grissom Parkway we are pursuing, and the activities anticipated to be brought before the County Commission for approval in the months ahead. This is the material we will be reviewing if we are able to get another call scheduled. On July 18, the P&Z Commission did vote unanimously to recommend to the County Commission to approve the rezoning, comp plan amendment and removal of the two Binding Development Plans (BDP).

Thank you and if you have any questions, please feel free to contact Bart or myself.

Jon

Jon Rosenthal | Project Director, Construction & Project Management
Florida Power & Light Company
Telephone: 561-694-4274 | Cellular: 561-310-1165
Email: Jon.Rosenthal@FPL.com

From: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>

Sent: Friday, July 15, 2022 3:19 PM

To: Gaetjens, Bart <Bart.Gaetjens@fpl.com>

Cc: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Griffin, Lorena <Lorena.Griffin@brevardfl.gov>

Subject: RE: Conference call with Commissioner John Tobia to review Service Center presentation

Bart,

I have scheduled your call with Commissioner Tobia for 10am on Monday July 25th. Please call our office at 321-633-2075. Feel free to send any attachments to my email or the d3.commissioner@brevardfl.gov.

Let me know if you have any questions.

Thank you,

Lorena Griffin
Director of Community Affairs
County Commissioner John Tobia, District 3

PH: (321) 633-2075 * Fax: (321) 633-2196
2539 Palm Bay Road NE, Suite 4
Palm Bay, FL 32905

From: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Sent: Friday, July 15, 2022 2:57 PM
To: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>
Cc: Rosenthal, Jon <Jon.Rosenthal@fpl.com>; Commissioner, D3 <d3.commissioner@brevardfl.gov>
Subject: FW: Conference call with Commissioner John Tobia to review Service Center presentation

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

Hi Lorena- let's schedule for July 25th please.

We are both available all day with an exception from 1 to 1:30 so please schedule at your convenience.

Please advise if there is a specific number we should call. Also in advance of the meeting, Jon Rosenthal, our project manager (copied) will be sending Commissioner Tobia a copy of the presentation. Should we send it to the D3 email address?

Thank you for all of your assistance!

Bart Gaetjens | External Affairs Manager
Florida Power & Light Company | 9001 Ellis Road | West Melbourne, FL | 32904
Office: 321-383-7269 | **E-mail:** bart.gaetjens@fpl.com | **Website:** <http://www.fpl.com>

Connect with Us: [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Griffin, Lorena <Lorena.Griffin@brevardfl.gov>
Sent: Wednesday, July 13, 2022 4:40 PM
To: Gaetjens, Bart <Bart.Gaetjens@fpl.com>
Subject: Conference call with Commissioner John Tobia to review Service Center presentation

Hi Bart,

As discussed, we can set up a conference call with Commissioner Tobia to discuss the proposed service center prior to the 8/4 meeting. His availability is as follows:

Monday July 18th – open

Wed July 20th – 9-10am

Thurs July 21th 9-12pm

Monday July 25th & 26th – open

Let me know if any of the above dates work for you. Please email us any documents for his review and let me know who will be attendance.

Please call me with any questions.

Thank you,

Lorena Griffin

Director of Community Affairs

County Commissioner John Tobia, District 3

PH: (321) 633-2075 * Fax: (321) 633-2196

2539 Palm Bay Road NE, Suite 4

Palm Bay, FL 32905

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

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

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

August 3, 2022

To: Jennifer Jones
From: John Tobia, Brevard County Commissioner, District 3
Re: Phone Disclosure

Ms. Jones,

In regard to the upcoming agenda items H.4, H.5, H.7, H.8, H.12 and H.13, for the Brevard County Zoning meeting on August 4, 2022, please be advised in advance that I spoke twice with the following party via telephone on August 3, 2022.

Kim Rezanka, Esq.

The phone calls lasted approximately ten minutes and five minutes, during which the above individual provided information regarding the aforementioned items.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

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