



AGENDA REPORT
February 7, 2019

Flamingo Land Company, Inc. (Rick Kern) requests Adoption of the 2018-2.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from IND to Res 4. (18PZ00071) (District 1)

SUBJECT:

Public Hearing, Re: Flamingo Land Company, Inc. (Rick Kern) requests Adoption of the 2018-2.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from IND (Industrial) to Res 4 (Residential 4). The property is 27.99 acres in size, located on the north side of Canaveral Groves Blvd., approximately 0.4 miles west of U.S. Highway 1. (18PZ00071) (District 1)

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board or County Commissioners conduct a public hearing to consider Adoption of the 2018-2.1 Large Scale Comprehensive Plan Amendment for Flamingo Land Company, Inc. to change the Future Land Use designation from IND to Res 4.

SUMMARY EXPLANATION and BACKGROUND:

The Brevard County Code Section 62-502 (b)(3) establishes a twice a year application deadline for Large Scale Comprehensive Plan Amendments, for changes of use on more than 10 acres. Large scale amendments entail a two-step public hearing process, as outlined in Chapter 163, F.S. On December 6, 2018, the Board approved Transmittal of this amendment to the Florida Department of Economic Opportunity, along with other local, regional, and state reviewing agencies. No substantial comments that would have necessitated a response, change in the proposal or new information from the applicant were made by state reviewing agencies as a part of the Expedited State Review process that would have necessitated a response, change in the proposal or new information from the applicant.

This second public hearing is an Adoption hearing, initiating a process for the enactment of the amendment. If unchallenged, the amendment becomes effective 31 days after the State Land Planning Agency notifies the local government that the package is complete.

The proposed amendment is seeking to change the Comprehensive Plan to allow for residential development, on land abutting Canaveral Groves Boulevard to the south. It proposes to remove the existing Light Industrial (IND) Future Land Use designation and replace it with Residential 4 (RES 4), allowing for a companion rezoning for development of up to 111 single-family residences.

The subject property is proposed to be served with both potable water and sanitary sewer, and is located with access from an urban major collector roadway, which intersects with U.S. 1 approximately a half mile to the east and Grissom Road, an urban minor arterial roadway approximately one mile to the west. The subject site is bound by local roads to the north, east and west with direct access to Canaveral Groves Boulevard.

Several similar Large Scale Comprehensive Plan Amendment proposals seeking to change the Future Land Use designation to RES 4 have come forward and been approved within the Sharpes area within the last few years, and trends indicate that the area is transitioning away from industrial land uses and towards residential development.

The Board may wish to consider whether the RES 4 FLU designation is consistent with the surrounding land uses, given that there is a mixture of Residential 4, Residential 2, Industrial and Community Commercial within close proximity of the subject property.

The applicant has submitted a companion rezoning application proposing a change the property's Light Industrial (IU) zoning classification to Single-Family Residential (RU-1-7) with a BDP to limit density to four (4) units per acre for public hearing to coincide with the adoption of this proposed amendment.

On January 28, 2019, the Local Planning Agency voted unanimously to approve the request.

Staff Contact: Cheryl W. Campbell, Planner III, (321) 633-2070 ext. 52660 or via email Cheryl.Campbell@brevardfl.gov

CLERK TO THE BOARD INSTRUCTIONS:

Board Chair to sign the attached DEO Adoption Letter and two copies of the enclosed Ordinance. Staff will bring hard copies to the meeting.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **2018-2.1 Adoption Package**
- ▢ **Ordinance**
- ▢ **LPA Minutes**

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 and 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 staff, 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 development 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 appeals, 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 re-zoning 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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:

Criteria:

- A. Whether adopted levels of service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 11, 2019

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 19-03, which was filed in this office on February 11, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 8, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Erin Sterk

RE: Item H.1., Flamingo Land Company, Inc. Request for Adoption of the 2018-2.1 Large Scale Comprehensive Plan Amendment to Change the Future Land Use Designation from IND to Res 4 (18PZ00071)

The Board of County Commissioners, in regular session on February 7, 2019, adopted Ordinance No. 19-03, for the 2018-2.1 Large Scale Comprehensive Plan Amendment for Flamingo Land Company, Inc. to change the Future Land Use designation from IND to Res 4. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

ORDINANCE NO. 19-03

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2018-2.1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART XI, ENTITLED FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2018, for adoption as the Fall Cycle Large Scale Comprehensive Plan Amendment 2018-2.1; and

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

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and
Officially filed with the Secretary of State February 11, 2019.

WHEREAS, on January 28, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2018-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 7, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for the adoption of Plan Amendment 2018-8.1; and

WHEREAS, Plan Amendment 2018-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2018-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

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

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2018-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.


Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2018-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of the State, State of Florida, within ten days of enactment.

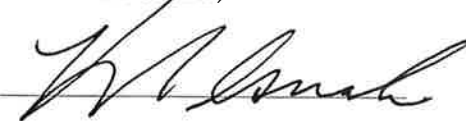
DONE AND ADOPTED in regular session, this 7 day of February, 2019

ATTEST:



SCOTT ELLIS, CLERK

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

By: 

Kristine Isnardi, Chair

Approved by the Board on February 7, 2019.



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

February 17, 2019

Mr. Ray Eubanks,
Plan Processing Administrator
Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2018-2.1 Fall Comprehensive Plan Amendment Adoption Package

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment submittal package for the 2018-2 Fall Comprehensive Plan Amendment cycle – Brevard County Amendment No. 18-01ESR. There is one private application for amendment being considered for adoption in this cycle more fully described in the attached staff report.

The Local Planning Agency held a public hearing regarding the adoption of the 2018-2. Plan Amendment package on January 28, 2019, recommending approval of Comprehensive Plan Amendment, 2018-2.1.

The Brevard County Board of Commissioners approved the adoption of the 2018-2.1 Plan Amendment package during a public hearing on February 7, 2019. Copies of the proposed amendment package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Education, and the Florida Department of Agriculture and Consumer Services.

The plan amendment's "content and effect" is included in this mailing, with minor changes between transmittal and adoption called out in strikethrough/underline, as required by statute.

The proposed amendment package was adopted by Brevard County on February 7, 2019.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2018-2.1 Plan Amendment package is:

Cheryl W. Campbell, Planner III
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940
Cheryl.Campbell@BrevardFL.gov
(321) 633-2069 - FAX (321) 633-2074

A local newspaper of general circulation is:

Florida Today
1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one paper copy and two copies in Portable Document Format (PDF) on the enclosed CD-ROM of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Cheryl W. Campbell at the above address.

Sincerely,



Kristine Isnardi, Chair
Brevard County Board of County Commissioners

Enclosures

cc: Board of County Commissioners (w/out encl.)
Frank Abbate, County Manager (w/out encl.)
Eden Bentley, County Attorney (w/out encl.)
Tad Calkins, Director, Planning and Development Department (w/out encl.)
Exec. Director, East Central Florida Regional Planning Council
Director of Planning and Public Transportation Operations, FDOT District Five
St. Johns River Water Management District
Florida Department of Environmental Protection
Florida Division of Agriculture and Consumer Services
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Department of Education

**Comprehensive Plan Amendment
Fall Cycle Adoption 2018-2
DEO Brevard County Amendment
No. 18-01ESR**

**Comprehensive Plan Amendment
Flamingo Land Company, Inc. 2018-2.1**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2018-2.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT**

Request:	2018-2.1 Large Scale Comprehensive Plan Amendment (LSCPA) Future Land Use (FLU) Map Amendment
Owner / Applicant:	Flamingo Land Company Inc.
Location:	Legal Description On file Tax Acct Parcel #2317712
Acreage:	± 27.99 acres
Existing Zoning Classification:	Light Industrial (IU)
Proposed Zoning Classification:	Single-Family Residential (RU-1-7)
Existing Land Use Designation:	Industrial (IND)
Proposed Land Use Designation:	Residential 4 (RES 4)

FUTURE LAND USE MAP AMENDMENT

Description:

This request is for an amendment to the Future Land Use designation from Light Industrial (IND) to Residential 4 (RES 4) on a 27.99 acres property for the purpose of developing up to 111 single-family residences. The subject property is located on the north side of Canaveral Groves Boulevard and is bound by three local roads on all other sides – Fox Place on the north, Devoe Avenue on the east and Morris Avenue on the west. The existing Light Industrial (IND) Future Land Use was adopted with the initial Comprehensive Plan in 1988, due to its proximity to the Florida East Coast (FEC) railway and major transportation corridors. The subject property has not been developed since that time. The requested Residential 4 (RES 4) Future Land Use designation may permit up to four (4) residential units per acre.

The proposed Future Land Use of Residential 4 (RES 4) will allow the subject property to be rezoned for residential use, allowing for a maximum of 111 single-family residences, a proposal that is consistent with the residential density historically permitted on the property. A companion rezoning application to Single-Family Residential (RU-1-7) with a Binding Development Plan (BDP) limiting density to four (4) units per acre and including a commitment to also provide for sewer service connectivity to proposed future residential development has also been submitted for consideration.

The abutting properties to the north, separated from the subject property by Fox Place, have been previously developed as single-family residences. Directly to the east of the subject property and across Devoe Avenue is a vacant parcel with a Future Land Use designation of Industrial (IND) which abuts the F.E.C. Railroad. To the west of the subject site, separated from the subject property by Morris Avenue is a commercially zoned (BU-1-A) parcel at Canaveral Groves Boulevard, an almost 4 acre parcel with mobile home zoning (TR-1-A) that will allow up to 17 units that both have a Future Land Use designation of Residential 4 (RES 4) and a Brevard County park known as the Space Coast Communities Sports Complex that has a Future Land Use designation of Recreational (REC). To the south of the subject site across Canaveral Groves Boulevard are vacant and developed parcels with Industrial (IND), Residential 2 (RES 2) and Community Commercial (CC).

Surrounding Uses	Current Use	Zoning	Future Land Use
North Across Fox Place	Single-Family Residence, Multiple Family Residences, Vacant Multi-Family	RU-1-11, IU	RES 4
East Across Devoe Avenue	Vacant Industrial	IU	IND
South Across Canaveral Groves Boulevard	Vacant Commercial, Vacant Residential, Single-Family Residence, Heavy Industrial Machine Shop	BU-2, AU, IN(L)	IND, RES 2, CC
West Across Morris Avenue	Space Coast Communities Sports Complex, Manufactured Housing Park, Vacant Commercial	GML, TR-1-A, BU-1-A	RES 4, REC

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Cocoa Service Area. The applicant has submitted a *potable water* Capacity Availability Certificate that depicts a non-deficiency (see attached).

Sanitary Sewer: The subject property is located within Brevard County's sanitary sewer service area. The applicant has submitted a *sanitary sewer* Capacity Availability Certificate that depicts a non-deficiency (see attached).

Solid Waste: Brevard County provides solid waste collection and disposal for this area. The applicant has submitted a *solid waste* Capacity Reservation Certificate that depicts a non-deficiency (see attached).

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the Central Mainland Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The subject property is located on Canaveral Groves Boulevard (segment 053B from Grissom Road to Highway U.S 1). The segment was identified with a non-deficiency and is not nearing maximum capacity. The Maximum Acceptable Volume (MAV) is 15,600 with an Average Daily Trips (ADT) of 5,337. The segment has a current operating volume of 34.21%.

The proposed 111 unit single-family residential subdivision would generate approximately 1,057 ADT and 111 PM Peak trips. Therefore, if the proposed project were to be approved, the ADT would increase to 6,394. As a result, the operating volume would also increase to 40.99%.

The potential trips from the existing Industrial land use is 15,276 (ADT) and 1,450 (PM Peak), based on ITE Code 816. Therefore, one can conclude that the proposed Residential 4 (RES 4) Future Land Use designation would result in a reduction in both the AADT and PM Peak trips, when considering the maximum development potential, compared to the Industrial (IND) Future Land Use designation the property retains today.

	ADT	PM PEAK		
Trips from Existing Zoning	3,399	473	Segment Number	053B
Trips from Proposed Zoning	1,057	111	Segment Name	Canaveral Groves Blvd Grissom to US 1
Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	E
Current Volume	5,337	480	Directional Split	0.5
Volume With Proposed Development	6,394	575	ITE CODE	
Current Volume / MAV	34.21%	34.21%	210	
Volume / MAV with Proposal	40.99%	40.99%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="checked" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Public Schools: The applicant has submitted a School Impact Analysis-Capacity Determination letter from the School Board of Brevard County that depicts a non-deficiency.

Conclusion: The preliminary concurrency analysis at the first level of review did not indicate that the proposed development would cause a deficiency of adopted levels of service. Further review will be completed at site plan review.

Environmental Resources:

Please refer to comments provided by the Natural Resource Management Department.

Coastal High Hazard Zone:

The subject property is not located within the Coastal High Hazard Zone.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

The following policies pertain to this future land use planning activity.

Residential 4 (maximum of 4 dwelling units per acre)

Policy 1.7

The Residential 4 (RES 4) land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 (RES 4) land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

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

The subject property is adjacent to parcels with the following Future Land Use designations – Residential 4 (RES 4) to the north, Industrial (IND) to the east abutting the F.E.C. Railroad, Residential 2 (RES 2) and Community Commercial (CC) to the south and Residential 4 (RES 4) and Recreational (REC) to the west on a parcel with the Space Coast Communities Sports Complex.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject parcel is located between five different Future Land Use designations. The proposed Residential 4 (RES 4) land use would be consistent with the adjacent residential and recreational properties to the west and north and serve as transition to the industrial property to the east that abuts the F.E.C. Railroad.

Summary

The proposed amendment is seeking to change the Comprehensive Plan to allow for residential development, on land abutting Canaveral Groves Boulevard to the south. It proposes to remove the existing Light Industrial (IND) Future Land Use designation and replace it with Residential 4 (RES 4), allowing for a companion rezoning for development of up to 111 single-family residences.

The subject property is proposed to be served with both potable water and sanitary sewer, and is located with access from an urban major collector roadway, which intersects with U.S. 1 approximately a half mile to the east and Grissom Road, an urban minor arterial roadway approximately one mile to the west. The subject site is bound by local roads to the north, east and west with direct access to Canaveral Groves Boulevard.

The applicant has submitted a companion rezoning application proposing a change the property's Light Industrial (IU) Zoning classification to Single-Family Residential (RU-1-7) with a BDP to limit density to four (4) units per acre

and to memorialize the commitment for the provision of sewer service to the proposed development and to provide commitment to sewer connectivity for the proposed development.

If you have any questions, please contact Cheryl W. Campbell, Planner III, of the Planning & Development Department at (321) 633-2070 ext. 52660 or via email to Cheryl.Campbell@brevardfl.gov

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Large Scale Comprehensive Plan Amendment Review**

SUMMARY

Item #: 18PZ00071
FLU Request: IND to RES 4
LPA Hearing: 08/20/18

Applicant: Susan Moore
BCC Hearing: 09/06/18

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, County or Local Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp 23, Rng. 36, Sec. 31;
Tax ID No. 2317712**

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Tomoka muck, undrained) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. An Environmental Assessment Report prepared by Andrew Conklin Environmental Services on May 16, 2018, delineated 4.27 acres of wetlands on the southwest portion of the site. 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 subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Orsino Fine sand and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

A large portion of the property is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones 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. Additional impervious area, often associated with increased density, increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. 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."

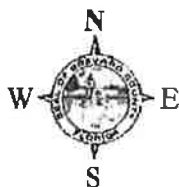
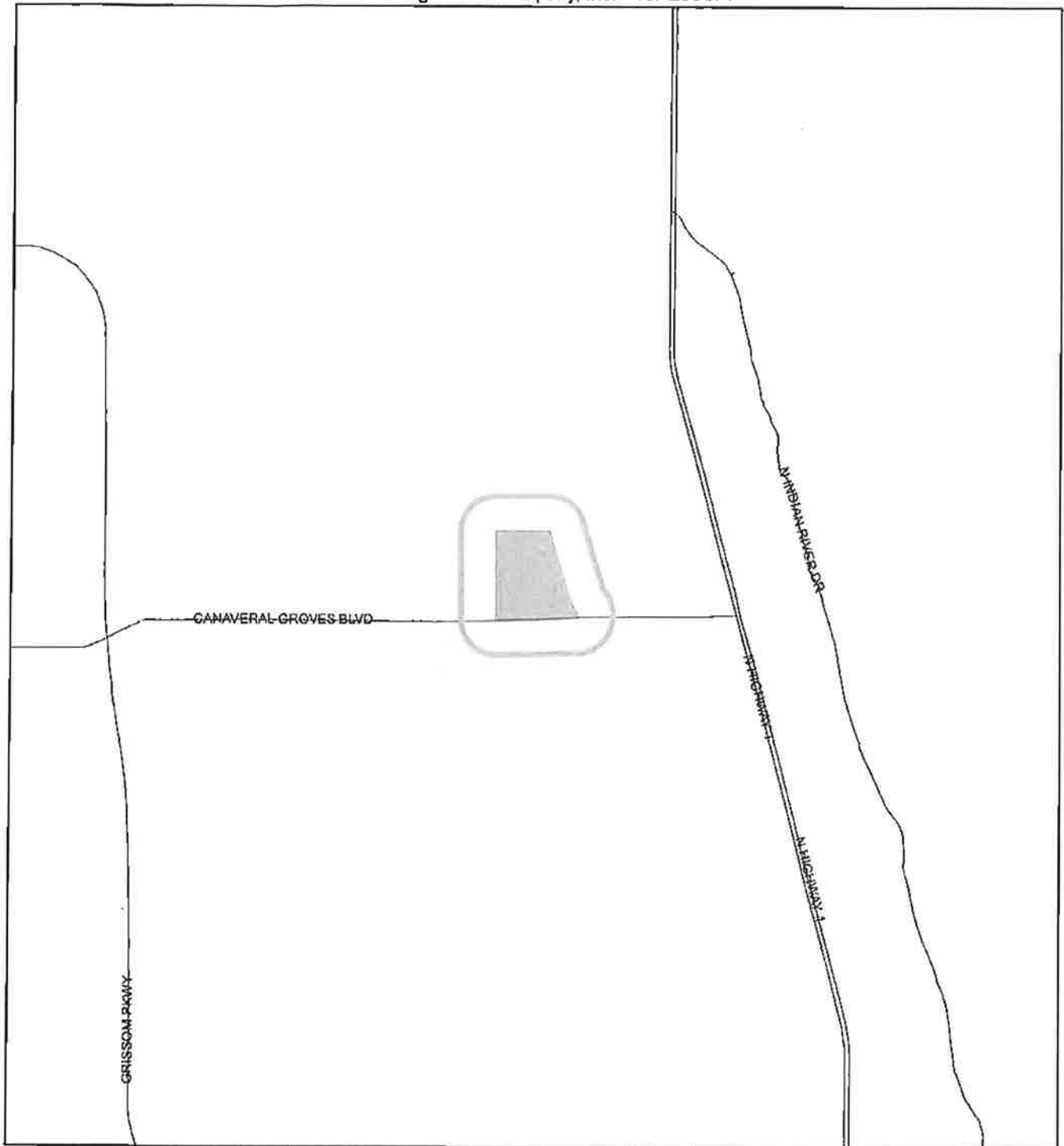
Information available to NRM indicates that federally and/or state protected species may be present on the property. An Environmental Assessment Report prepared by Andrew Conklin, confirmed existence of gopher tortoises on the property. In addition, a large Florida Scrub Jay polygon is mapped to the north of the parcel as shown on the Scrub Jay Occupancy Map. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant shall obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service (FWS), as applicable. NRM will require FWS clearance letter or permit for Florida Scrub Jays.

The project contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) codes: 4340- Upland Mixed Coniferous/Hardwood trees and 3300- Mixed Upland non-forested. In addition, the Environmental Assessment Report prepared by Andrew Conklin, identified FLUCCS codes: 4250- Temperate hardwoods, 4210- Xeric Oaks, and 4110- Pine flatwoods. Live Oaks and Chapman's Oaks were identified in the Environmental Assessment Report and may be classified as Protected or Heritage Specimen Trees (greater than 24 inches in diameter). Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LSCPA
Flamingo Land Company, Inc.
Fall Cycle 2018-2.1
Supporting Maps

LOCATION MAP

Comprehensive Plan Amendment
Flamingo Land Company, Inc. 18PZ00071



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: 6/5/2018

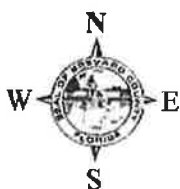
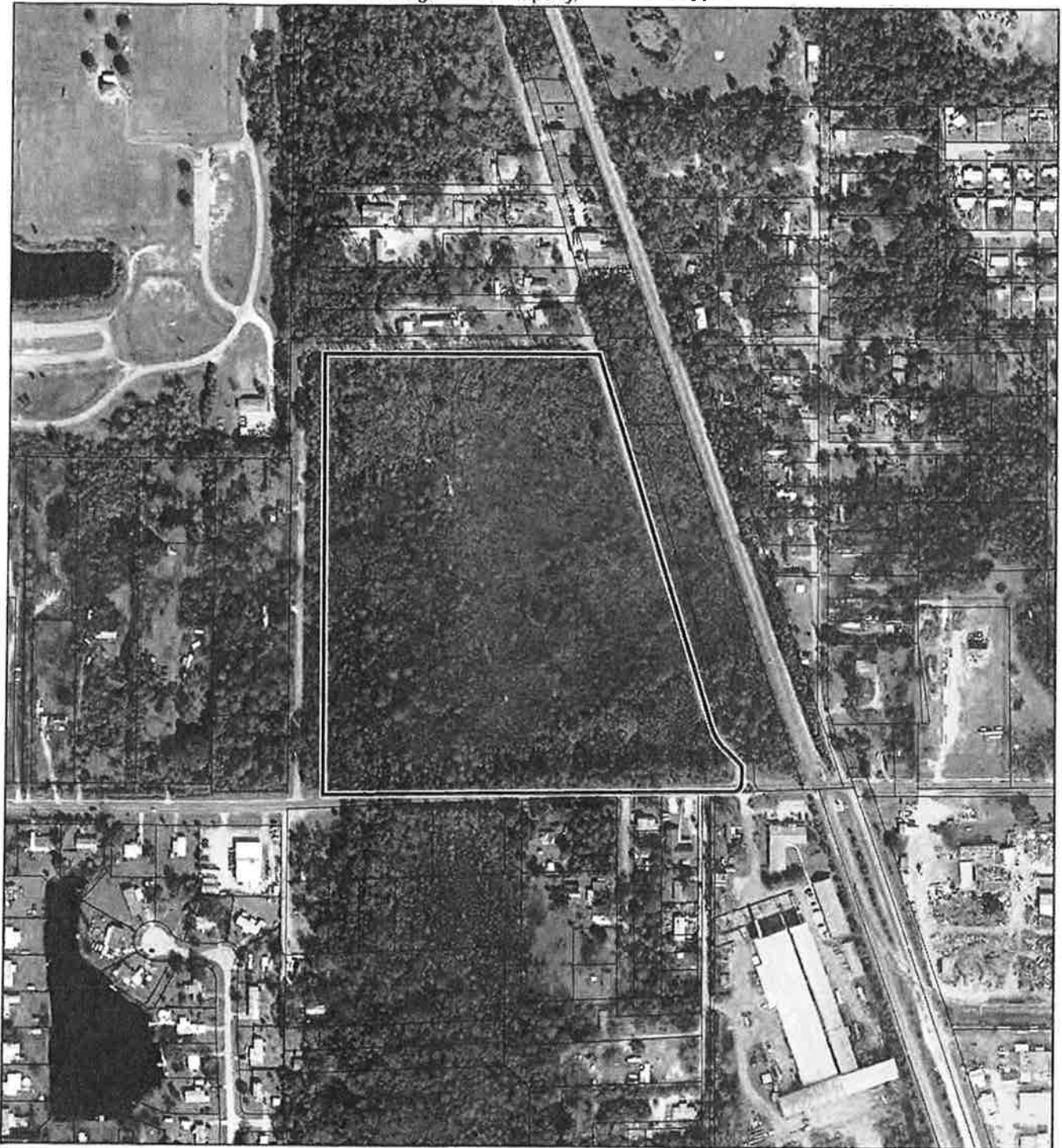
Buffer



Subject Property

AERIAL MAP

Comprehensive Plan Amendment
Flamingo Land Company, Inc. 18PZ00071



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

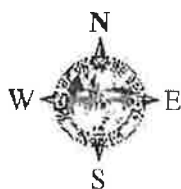
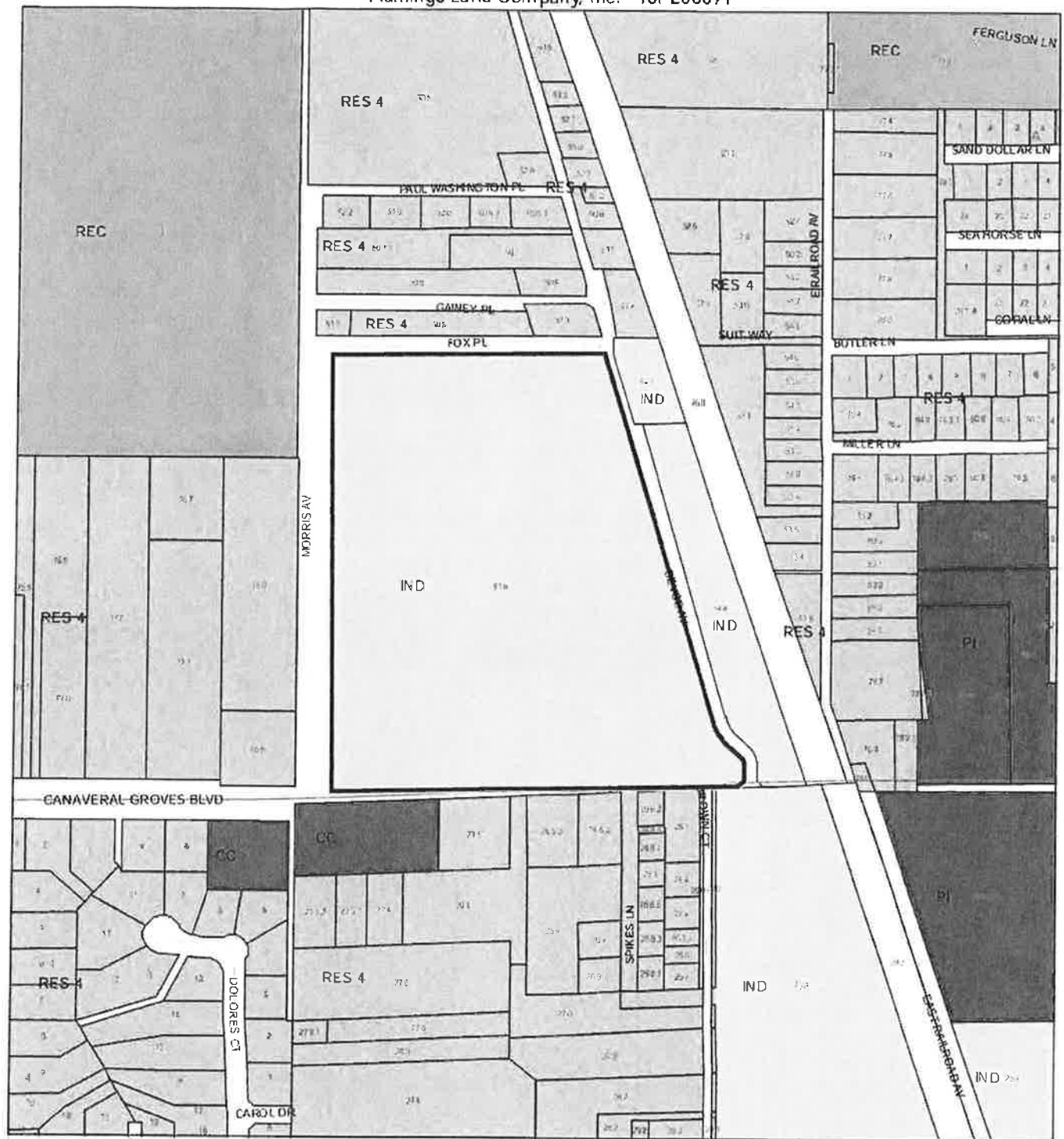
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/5/2018

— Subject Property
□ Parcels

FUTURE LAND USE MAP

Comprehensive Plan Amendment
Flamingo Land Company, Inc. 18PZ00071



1:4,800 or 1 inch = 400 feet

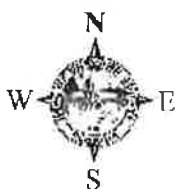
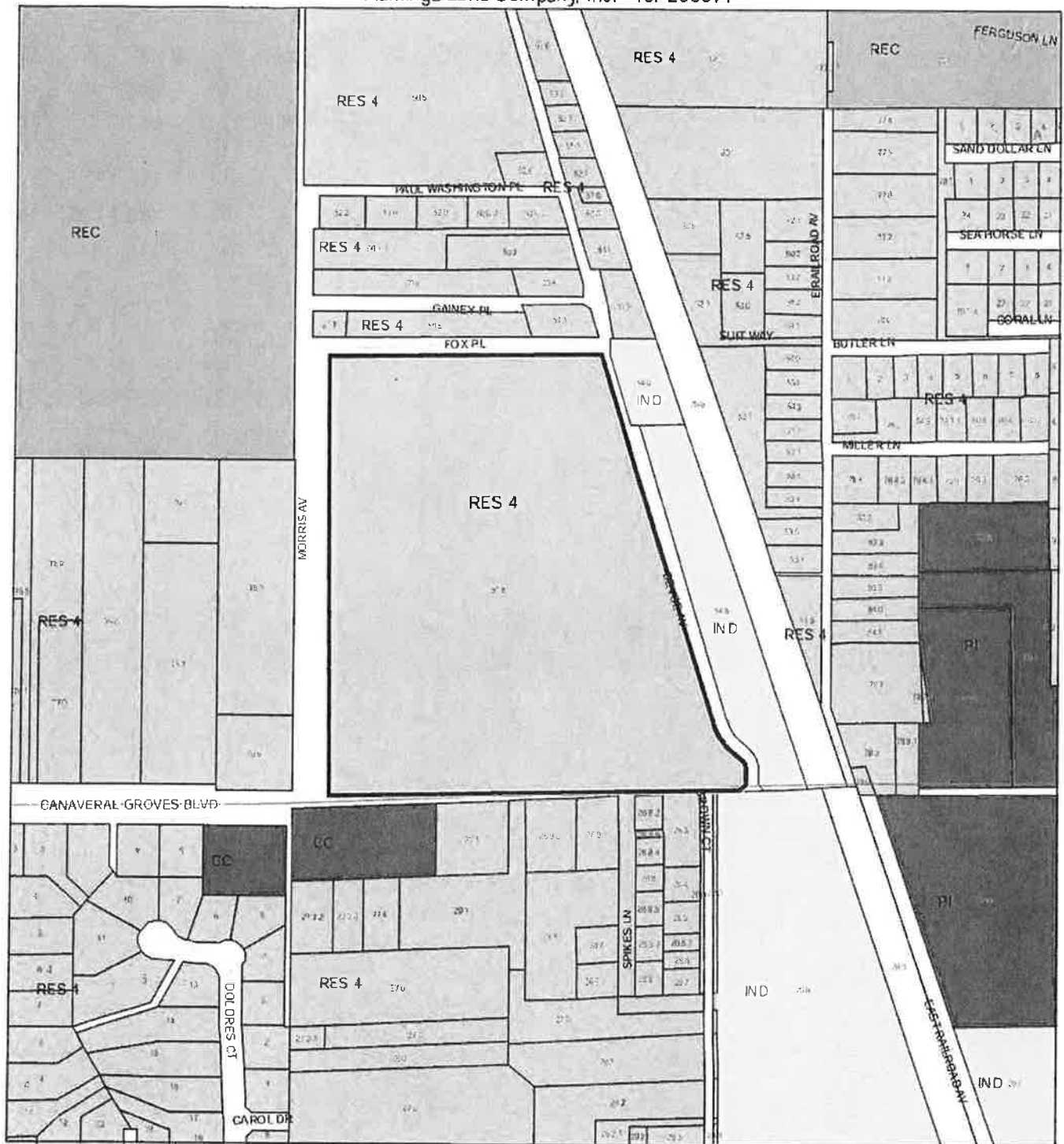
Subject Property
Parcels

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

Produced by BoCC - GIS Date: 6/8/2018

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
Flamingo Land Company, Inc. 18P200071



1:4,800 or 1 inch = 400 feet

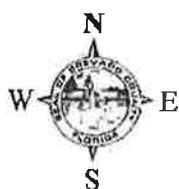
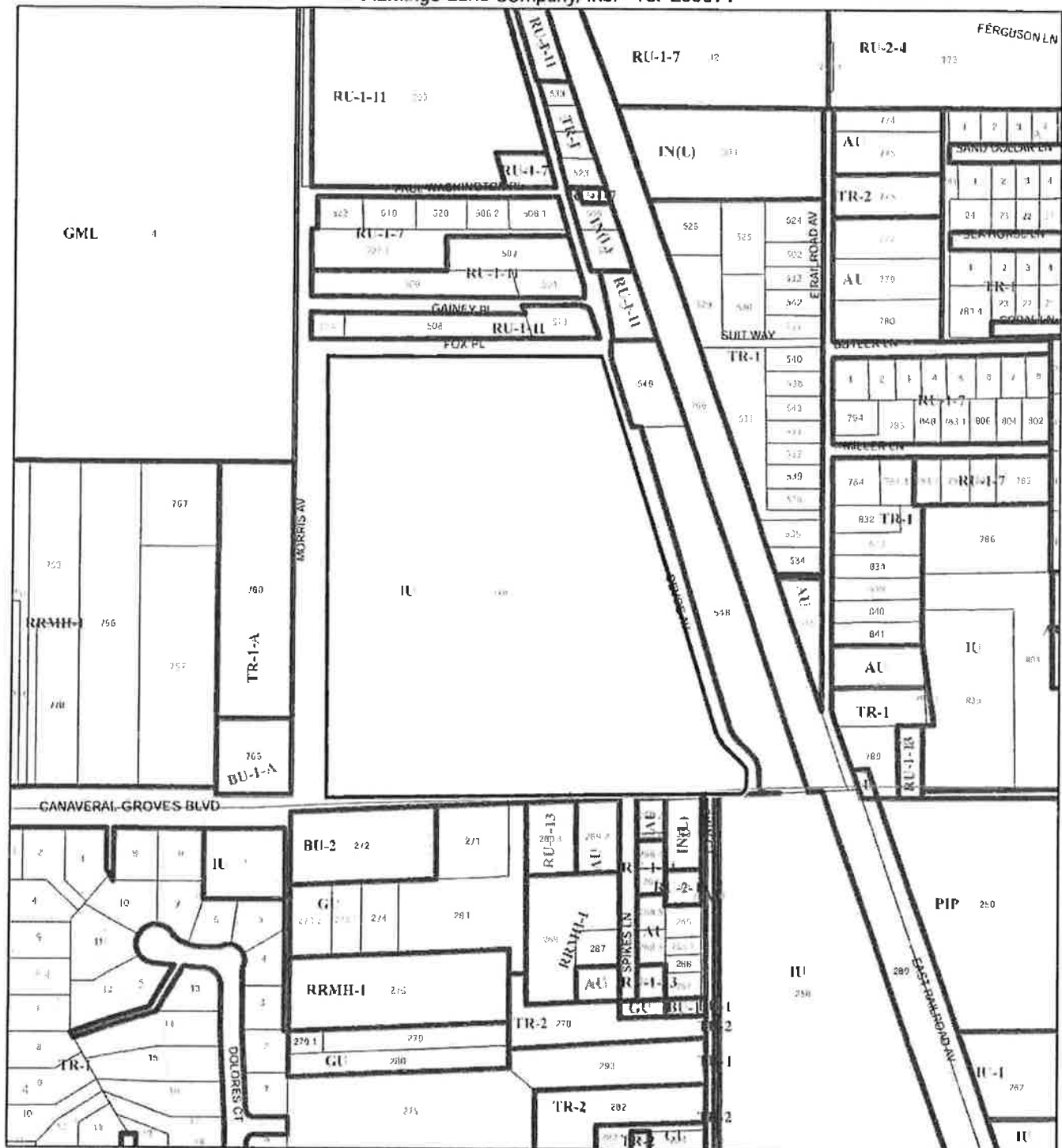
— Subject Property
— Parcels

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

Produced by BoCC - GIS Date: 6/8/2018

ZONING MAP

Comprehensive Plan Amendment
Flamingo Land Company, Inc. 18PZ00071



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: 6/5/2018

- Subject Property
- Parcels
- Zoning

**Legal Advertisements,
Citizen Courtesy Sheets, Misc.**

Comprehensive Plan Citizen Courtesy Information List

Local Government: Local Planning Agency

Hearing Date: January 28, 2019

Type Hearing: Adoption RE: 2018-2.1 Fall Adoption

DCA Amendment Number: 18-01ESR (DCA Official Use)

Please Print Clearly

By providing your name and address you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

[illegible]

Comprehensive Plan Amendment Citizen Courtesy Information List

Local Government: Board of County Commissioners

Hearing Date: February 7, 2019

Type Hearing: Adoption RE: 2018-2.1 Fall Adoption

DEO Amendment No: 18-01ESR (DEO Official Use)

Please Print Clearly

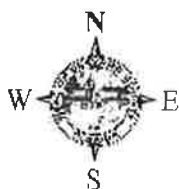
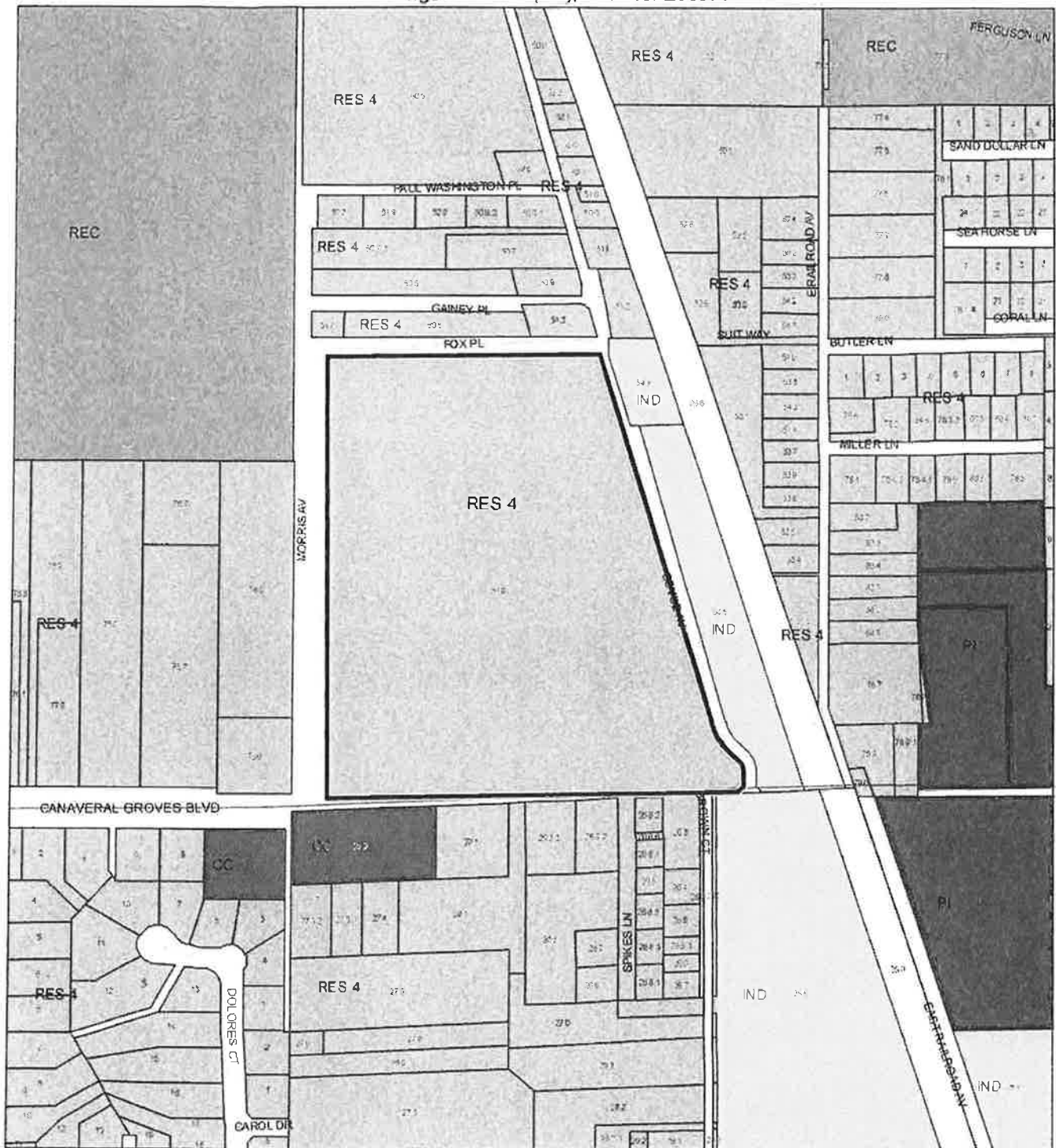
By providing your name and address you will receive information concerning the date of publication of the Notice of Intent by the Department of Economic Opportunity.

[illegible]

LSCPA
Flamingo Land Company, Inc.
Fall Cycle 2018-2.1
Exhibit A

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
Flamingo Land Company, Inc. 18PZ00071



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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

Produced by BoCC - GIS Date: 6/8/2018

State Agency Comment Letters

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

November 21, 2018

The Honorable Rita Pritchett
Chair, Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Dear Chair Pritchett:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Brevard County (Amendment No. 18-01ESR) received on October 22, 2018. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), Florida Statutes (F.S.), authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

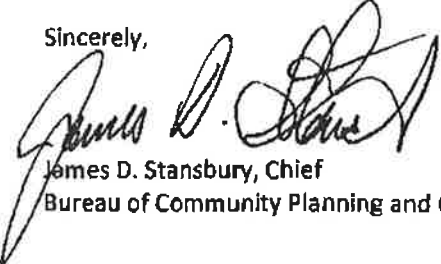
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

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Chair, Rita Pritchett
November 21, 2018
Page 2 of 2

If you have any questions concerning this review, please contact Jennie Leigh Copps, Planning Analyst, by telephone at (850)717-8534 or by email at jennie.copps@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jlc

Enclosure(s): Procedures for Adoption

cc: Cheryl Campbell, Planner III, Brevard County Planning and Development Department
Hugh Harling, Jr. P.E., East Central Florida Regional Planning Council



Florida Fish and Wildlife Conservation Commission

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Chairman
Panama City

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Eric Sutton
Executive Director

Thomas H. Eason, Ph.D.
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

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MyFWC.com

November 21, 2018

Cheryl Campbell, Planner III
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940
Cheryl.Campbell@brevardfl.gov

RE: Brevard County Comprehensive Plan Amendment 18-1ESR, (2018-2.1)

Dear Ms. Campbell,

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced comprehensive plan amendment package and provides the following recommendations for your consideration in accordance with Chapter 163.3184, Florida Statutes. While we have no objections to the amendments, we offer the following information as technical assistance during your review.

Project Description

The applicant, Flamingo Land Company Inc., requests a change of the Future Land Use Map from Light Industrial (IND) to Residential 4 (RES 4) on a 27.99-acre property, and proposes to develop up to 111 single-family residences. The site is located on the north side of Canaveral Groves Boulevard, approximately 3 miles east of Interstate 95. The current land cover is primarily xeric oak (17.15 acres), temperate hardwoods (4.49 acres), and hydric pine savanna (4.27 acres).

Potentially Affected Resources

The plan amendment package indicated that an *Environmental Assessment Report* confirmed existence of gopher tortoise (*Gopherus polyphemus*, State Threatened [ST]) burrows on the property. Additionally, the *Environmental Assessment Report* described the consultant's investigation of the small areas of potential habitat for Florida scrub-jays (*Aphelocoma coerulescens*, Federally Threatened [FT]) onsite. No Florida scrub-jays were observed, and the habitat was found to be low-quality.

FWC staff conducted a geographic information system (GIS) analysis of the project area. Our analysis confirmed the information included in the application materials and found that the project area is also located near, within, or adjacent to potential habitat for the Florida pine snake (*Pituophis melanoleucus mugitus*, ST) and least tern (*Sternula antillarum*, ST.)

Comments and Recommendations

Gopher Tortoise

Due to the documented presence of gopher tortoises on site, and the consultant's assessment of suitable habitat, we recommend that the applicant refer to the FWC's Gopher Tortoise Permitting Guidelines (Revised January 2017) (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>) for survey methodology and permitting guidance. Survey methodologies require a burrow survey covering a minimum of 15 percent of potential gopher tortoise habitat to be

impacted by development activities including staging areas (refer to Appendix 4 in the Gopher Tortoise Permitting Guidelines for additional information). Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavation should be handled in accordance to Appendix 9 of the Gopher Tortoise Permitting Guidelines.

Florida Pine Snakes

Suitable habitat for Florida pine snakes may occur onsite. Florida pine snakes are naturally secretive in nature and can spend up to 80 percent of their time in underground refuges like stump holes, gopher tortoise burrows, and the burrows of nine-banded armadillos and mice. This species is often associated with southeastern pocket gophers (*Geomys pinetis*), however, they can persist and thrive in areas without this species. Florida pine snakes are active from March through October but show the greatest activity in May, June, July, and October when they move more frequently and travel farther distances. Florida pine snakes are sensitive to habitat fragmentation and often negatively impacted by roadways. Additional information can be found on the FWC website in the Florida pine snake Species Action Plan (<http://www.myfwc.com/wildlifehabitats/imperiled/species-action-plans/>) or in the Florida Pine Snake Guidelines (<http://myfwc.com/media/4381191/FloridaPineSnakeGuidelines-2018.pdf>). If a Florida pine snake is observed during construction, FWC staff recommend that work activities cease, and the snake be allowed to leave on its own accord. It would also contribute to FWC's research efforts if sightings could be reported to the staff member at the close of this letter, preferably with a photograph and GPS coordinates.

Least Tern

While the existing habitat conditions on the property of the proposed amendment likely do not support least tern nesting activity, clearing associated with construction may create conditions conducive for beach-nesting bird nesting. Cleared sites such as areas that have undergone surface scraping may attract ground nesting species such as least terns or other imperiled beach-nesting birds (IBNB) during nesting season. IBNB nests have been documented on a variety of disturbed sites, including construction sites. Least terns deposit their eggs in shallow depressions or scrapes in the substrate, possibly lined with pebbles, grasses, or coquina shells. Egg-laying usually begins in late April or early May and colonies may range in size from a few breeding pairs to many hundreds. FWC staff recommends the following measures to reduce nesting potential during construction:

- Conduct construction activities outside of the breeding season (generally April through August) if feasible, or,
- If the site is cleared during breeding season, clear the site only when ready to build, and
- Avoid leaving cleared areas with little to no activity for an extended amount of time.

If nesting is observed, we recommend contacting FWC staff to discuss necessary nest buffers and potential permitting alternatives. For additional information, please refer to FWC's Breeding Bird Protocol for Florida's Seabirds and Shorebirds located at the following web address: <https://public.myfwc.com/crossdoi/shorebirds/PDF-files/BreedingBirdProtocolForFloridasSeabirdsAndShorebirds.pdf>.

Federal Species

This site may also contain habitat suitable for the federally listed species identified above. We recommend the applicant coordinate with U.S. Fish and Wildlife Service (USFWS) North Florida

Cheryl Campbell
Page 3
November 21, 2018

Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species. The USFWS North Florida ESO can be contacted at (904) 731-3336.

We appreciate the opportunity to review the proposed project and look forward to working with the applicant throughout the permitting process. If you need any further assistance, please do not hesitate to contact our office by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Daniel Penniman at (386) 754-6246 or by email at Daniel.Penniman@MyFWC.com.

Sincerely,



Fritz Wettstein
Land Use Planning Program Administrator
Office of Conservation Planning Services

ENV 1
Brevard County 18-11SR_37499

cc: Ray Eubanks, DEO, DCPexternalagency@DEO.myFlorida.com



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 South Woodland Boulevard
DeLand, Florida 32720

MIKE DEW
SECRETARY

November 13, 2018

Cheryl Campbell
Planner III
Brevard County
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: BREVARD COUNTY
DEO #: 18-1ESR

Dear Ms. Campbell,

The Department of Transportation has completed its review of the subject Proposed Comprehensive Plan Amendment as requested in the County's transmittal letter dated September 6, 2018.

We appreciate the opportunity to participate in this review process. The proposed amendment is not expected to have significant adverse impacts to the State Highway System (SHS) and the Strategic Intermodal System (SIS). Therefore, the Department has no technical assistance comments.

If you have any questions, you may contact Steve Shams at 386-943-5421 or by e-mail at Steve.Shams@dot.state.fl.us.

Sincerely,

Jean Parlow
Growth Management Coordinator

Attachment

C: Erin Sterk, Brevard County
Fred Milch, ECFRPC
Kellie Smith, FDOT

Jennifer Carver, FDOT
Kelly Corvin, DEO
D. Ray Eubanks, DEO

PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

Local Government: Brevard County
DEO Amendment #: 18-1ESR
Date Amendment Received FDOT: 10/18/2018
Review Comments Deadline: 11/17/2018
Today's Date: 11/13/2018

GENERAL BACKGROUND INFORMATION

Brevard County has submitted the proposed Brevard County 18-1ESR large scale Comprehensive Plan amendment pertaining to a 27.99± subject area, located on the north side of Canaveral Groves Boulevard, south of Fox Place, west of Devoe Avenue, and east of Morris Avenue. The amendment proposes to change the Future Land Use (FLU) designation of the subject area from Light Industrial to Residential 4.

The pertinent Future Land Use Map (FLUM) designations and descriptions for the FLU amendment provided by the County include the following:

- **BREVARD COUNTY – LIGHT INDUSTRIAL**

This land use designation is intended to allow for an array of industrial activities ranging from those which involve indoor manufacturing to those which utilize prepared materials in the outdoor production of goods. Light industrial land uses involve manufacturing, assembling, fabricating and warehousing activities which are generally conducted indoors.

Maximum allowed intensity: Industrial – Not to exceed a floor area ratio (FAR) of 2.48.

- **BREVARD COUNTY – RESIDENTIAL 4**

This land use designation is intended to allow for an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre.

Maximum allowed density: Residential – Not to exceed four (4) dwelling units per acre.

FDOT Contact:	Steve Shams, MURP In-house Consultant FDOT District 5	Reviewed by:	Tyler K. Johnson, AICP
Telephone:	386-943-5421		Vanasse Hangen Brustlin, Inc.
Fax:	386-943-5713		407-839-4006
E-mail:	Steve.Shams@dot.state.fl.us		407-839-4008
File:	tjohnson@vhb.com		
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PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

Local Government: Brevard County
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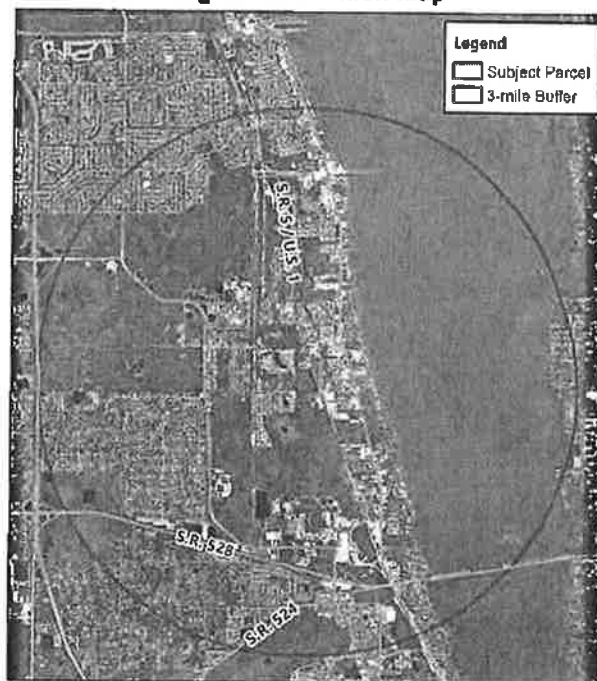
FUTURE LAND USE MAP AMMENDMENT

Elements: Future Land Use Map
Rule Reference: Chapter 163, Florida Statutes

Background:

Brevard County has submitted the proposed Brevard County 18-1ESR large scale Comprehensive Plan amendment pertaining to a 27.99± subject area, located on the north side of Canaveral Groves Boulevard, south of Fox Place, west of Devoe Avenue, and east of Morris Avenue. The amendment proposes to change the FLU designation of the subject area from Light Industrial to Residential 4. The subject area is depicted in Figure 1.

Figure 1: Location Map



FDOT Contact: Steve Shams, MURP
In-house Consultant
FDOT District 5

Telephone: 386-943-5421

Fax: 386-943-5713

E-mail: Steve.Shams@dot.state.fl.us

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Reviewed by: Tyler K. Johnson, AICP

Vanasse Hangen Brustlin, Inc.

407-839-4006

407-839-4008

tjohnson@vhb.com

PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

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Table 1 below shows the trip generation potential for the adopted and proposed land use scenarios, and the change in trips as a result of the proposed amendment.

Table 1: Trip Generation Potential of Parcel Affected by FLUM Amendment – Highest and Best Use

Scenario	Land Use	ITE Land Use Code	Allowed Development		Daily Trips	P.M. Peak Hour Trips
Adopted	Light Industrial	110	3,023,726	s.f.	11,518	388
Proposed	Residential 4	210	112	d.u.	1,165	113
Change in Trips					-10,353	-275

Source: ITE Trip Generation Manual 10th Edition; d u = dwelling units; s.f. = square footage

The analysis indicates the proposed amendment would decrease the trip generation potential of the subject property by 10,353 daily trips and 275 P.M. peak hour trips.

The State roadway segments within three miles of the site potentially impacted by the amendment are shown in Table 2, with years 2018, 2028, and 2040 projected volumes.

Table 2: State Roadway Segments Affected by FLUM Amendment

Roadway(s)	Segment(s)	SHS / SIS ?	LOS Standard	2018			2028			2040		
				Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?
S.R. 5 / U.S. 1	Forrest Ave/Cocoa Pl to S.R. 528	Y	D	59,900	27,800	Y	59,900	31,000	Y	59,900	35,300	Y
	S.R. 528 to Fay Blvd	Y	D	62,900	28,300	Y	62,900	31,100	Y	62,900	34,400	Y
	Fay Blvd to S.R. 405	Y	D	41,790	21,600	Y	41,790	23,700	Y	41,790	26,300	Y
S.R. 501	Michigan Ave to Clear Lake Pines/Calvados Dr	Y	D	39,800	22,200	Y	59,900	24,700	Y	59,900	28,100	Y
	Clear Lake Pines/Calvados Dr to S.R. 524	Y	D	41,790	21,700	Y	62,900	24,200	Y	62,900	27,800	Y
S.R. 524	Cox Rd to S.R. 501	Y	D	19,470	15,800	Y	41,790	18,200	Y	41,790	22,200	Y
	S.R. 501 to Begin of Ramp #70007108	Y	D	41,790	25,800	Y	41,790	28,300	Y	41,790	31,400	Y

FDOT Contact: Steve Shams, MURP
In-house Consultant
FDOT District 5

Telephone: 386-943-5421
Fax: 386-943-5713

E-mail: Steve.Shams@dot.state.fl.us

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Reviewed by: Tyler K. Johnson, AICP

Vanasse Hangen Brustlin, Inc.
407-839-4006
407-839-4008
tjohnson@vhb.com

PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

Local Government: Brevard County
DEO Amendment #: 18-1ESR
Date Amendment Received FDOT: 10/18/2018
Review Comments Deadline: 11/17/2018
Today's Date: 11/13/2018

Roadway(s)	Segment(s)	SHS / SIS ?	LOS Standard	2018			2028			2040		
				Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?
S.R. 524	Begin of Ramp #70007108 to S.R. 528	Y	D	14,520	8,300	Y	15,520	9,200	Y	14,520	10,100	Y
Industry Rd / S.R. 524	S.R. 524 to S. of Grissom Pkwy	Y	D	41,790	16,700	Y	41,790	18,300	Y	41,790	20,300	Y
S.R. 528	I-95 to S.R. 524	Y	D	74,400	25,900	Y	74,400	31,700	Y	74,400	43,200	Y
S.R. 524 / S.R. 528	S.R. 528 to U.S. 1/S R 5	Y	D	74,400	41,700	Y	74,400	55,600	Y	74,400	88,000	N
	U.S. 1/S.R. 5 to S.R. 3	Y	D	74,400	46,900	Y	74,400	51,400	Y	74,400	56,900	Y
S.R. 9/I-95	S.R. 528 to Port St. John Pkwy	Y	D	111,800	25,200	Y	111,800	27,700	Y	111,800	30,600	Y

Source: FDOT District Five 2016 LOS_ALL Report Update

Technical Assistance Comments:

S.R. 9/I-95, from S.R. 528 to Port St. John Parkway, is the only State Facility within three miles of the proposed amendment site projected to exceed LOS standards through the year 2040. The proposed land use amendment results in a decrease in the trip generation potential of the subject site. Therefore, there are no expected significant adverse impacts to the State Highway System (SHS) and Strategic Intermodal System (SIS) based on the proposed amendment.

The Department has no technical assistance comments for this proposed amendment.

The Department respectfully requests a copy of the adopted plan. Please provide the adopted plan within 10 working days of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes).

Technical Assistance Disclaimer: We are providing a technical assistance comment consistent with Section 163.3168(3), Florida Statutes. The technical assistance comment will not form the basis of a challenge. The technical assistance comment can strengthen the local government's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.

FDOT Contact:	Steve Shams, MURP In-house Consultant FDOT District 5 386-943-5421 386-943-5713 Steve.Shams@dot.state.fl.us	Reviewed by:	Tyler K. Johnson, AICP Vanasse Hangen Brustlin, Inc. 407-839-4006 407-839-4008 tjohnson@vhb.com
Telephone:			
Fax:			
E-mail:			
File:	H:\DOCP\Planning\Growth Management\ICPA Project Files\Brevard County\Review\2018\18-1ESR\Proposed\Brevard_Proposed_18-1ESR_Review.docx		

Campbell, Cheryl

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Wednesday, November 14, 2018 2:15 PM
To: Campbell, Cheryl; DCPexternalagencycomments@deo.myflorida.com
Cc: Plan_Review
Subject: Brevard County 18-1ESR Proposed

To: Cheryl Campbell, Planner III

Re: Brevard County 18-1ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@floridadep.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



Campbell, Cheryl

From: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Sent: Wednesday, October 31, 2018 11:27 AM
To: Campbell, Cheryl
Cc: DCPexternalagencycomments@deo.myflorida.com
Subject: Brevard County proposed comprehensive plan amendment 18-1ESR

Dear Ms. Campbell,

St. Johns River Water Management District (District) staff have reviewed Brevard County proposed comprehensive plan amendment 18-1ESR in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner
Governmental Affairs Program
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
E-mail: sfitzgibbons@sjrwmd.com
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/epermitting

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

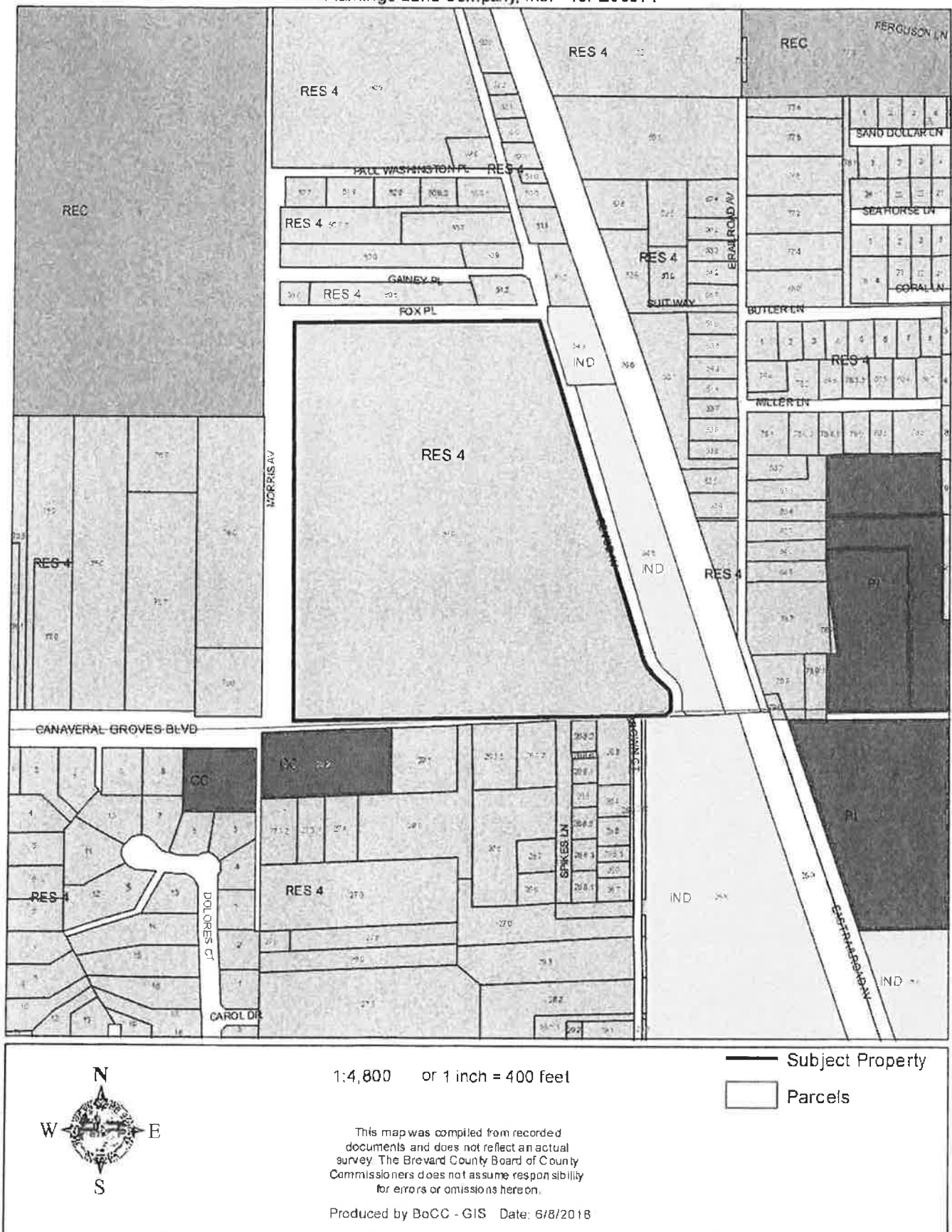
Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

LSCPA
Flamingo Land Company, Inc.
Fall Cycle 2018-2.1
Exhibit A

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
Flamingo Land Company, Inc. 18PZ00071



LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Local Planning Agency/Planning and Zoning Board met in regular session on Monday, January 28, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Ron Bartcher; Ben Glover; Scott Langston; Mark Wadsworth; Bruce Moia; and Peter Filiberto.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Mary Taylor, Customer Service Specialist; and Jennifer Jones, Special Projects Coordinator II.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Excerpt of complete agenda.

Plan Amendment 2018-2.1:

A proposal initiated by Flamingo Land Company to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from IND (Light Industrial) to RES 4 (Residential 4). The property is 27.99 acres, located on the northeast corner of Canaveral Groves Boulevard and Morris Avenue.

Rick Kern – Rick Kern, 5963 Stillwater Avenue, Port Saint John. We're seeking an amendment to Residential 4, and we believe it would be a benefit to the area. If there are any questions, I'd be happy to try to answer them.

No public comment.

Bruce Moia – I'll make a motion to approve.

Peter Filiberto – Second.

Henry Minneboo called for a vote on the motion as stated and it passed unanimously.

LSCPA
Flamingo Land Company, Inc.
Fall Cycle 2018-2.1
Applicant Submittals

Brevard County

Supplement to Comprehensive Plan Amendment Application

Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



1. Type of Application:

_____ Small-scale Comprehensive Plan Future Land Use Map Amendment

X Large-scale Future Land Use Map Amendment

_____ Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: FLAMINGO LAND COMPANY INC. Staff Planner: _____

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: IND

Requested Future Land Use Designation: RES-4

Existing Zoning: IU

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

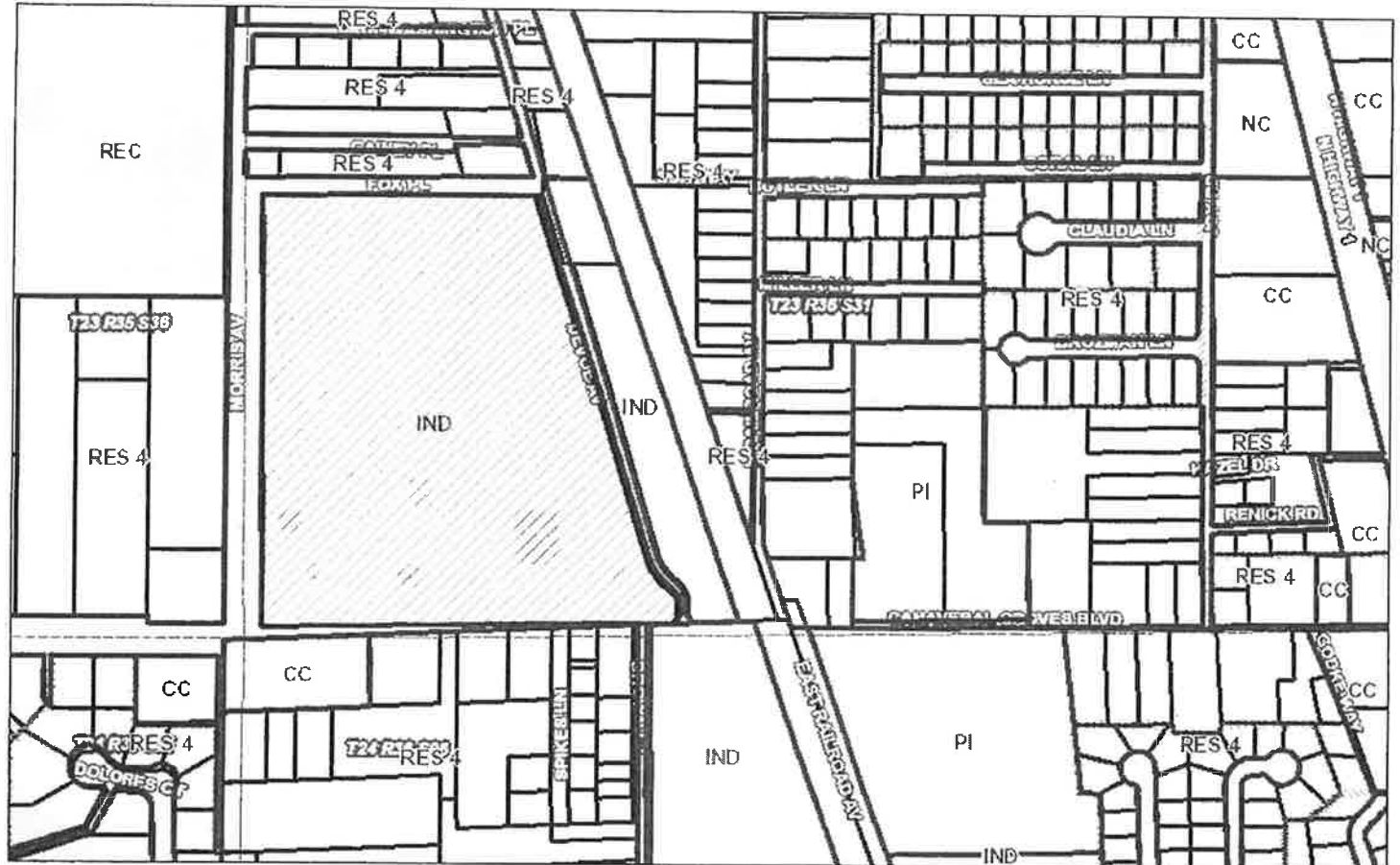
Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

The land use change request is to amend the future land use of 27.99 acres located on Canaveral Groves Blvd. just west of the FEC railroad. The proposed change is from IND to RES-4. The purpose is to allow the land owner to develop the property as a single family home detached subdivision with RU-1-7 zoning. All of the residential land use in the proximity of the subject site has a RES-4 land use. The Space Coast Community Sports Complex is adjacent to the northwest portion of the subject parcel. This sports complex is an excellent benefit to a residential community. The project will be able to have direct access to Canaveral Groves Blvd. which is a major roadway. In the past year a large, 55 acre project on US Hwy 1, Panther Ridge, just north east of the subject site, received a future land change to RES-4 and RU-1-7 rezoning. The proposed land change to RES-4 will be in keeping with the type of residential development already established in this area.

(use additional sheets if necessary)



Tax # 2317712



12A

May 31, 2018

Prepared by: Brevard County BOCC GIS
© Brevard County Board of County Commissioners

**POTABLE WATER SERVICE
CAPACITY AVAILABILITY CERTIFICATE**

This certificate is issued for the purpose of verifying that potable water service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate: CITY OF COCOA

II. Applicant/Owner Information

Owner: PLA MINO LANA CO. INC Applicant: RICHARD KERN

Address: 2185 W KING ST Address: 5963 STILLWATER AVE
COCOA, FL 32926 COCOA FL 32927

Phone No. (home) _____ Phone No. (home) 321 5447466

(work) _____ (work) RICK@RKLVLDESIGN.COM

III. Legal Description and Development Proposal

23 36 31 516
Township Range Section Subdivision Block/Parcel Lot

Subdivision Name NA

Site Acreage 27.99 Zoning Classification IU

If Residential Type of Residential SFH

Maximum Number of Dwelling Units 102

If Non-residential Specific Uses NA

Square Footage _____

IV. Availability of Potable Water Service

The following potable water capacities are available as of the date of this application.

102 # of units or equivalent non-residential units

27,030 gallons/day @ ²⁶⁵/₂₅₀ gallons/residential unit/day

Affected Facility: Dygl WTP

☒ As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.

☐ As of the date of this application potable water capacities are not available.

George R. Jones CITY OF COCOA 7/19/18
Signature and Title Jurisdiction Date
ENG SUPERVISOR

V. The subject property is in an area not served by a public water supply system and will be utilizing a private well. Location of said well(s) must be shown on site plan.

Signature and Title Jurisdiction Date

**SOLID WASTE
CAPACITY RESERVATION CERTIFICATE**

This certificate is issued for the purpose of verifying that adequate solid waste capacity is available pursuant to Section 163.3202(2)(g), Florida Statutes, and the solid waste capacity is reserved for a specific time for the development of the property as described in Section III of this certificate.

TAX PARCEL # 231 7712

I. Unit of Government Issuing Certificate: **BREVARD COUNTY SOLID WASTE MANAGEMENT**

II. Applicant/Owner Information:

Owner FLAMINGO LAND CO.
Address 2185 W KING
LOCOA FL 32926
Phone No. (Home) _____
(Work) _____

Applicant RICK KEEN
Address 5963 STILLWATER
LOCOA, FL 32927
Phone No. (Home) _____
(Work) 321 544 7466

III. Legal Description and Development Proposal:

Section 30³¹ Township 30²³ Range 30³⁶
Subdivision NA Block _____ Lot 516
Site Acreage 27.99 Zoning Classification 1U

RICK@RKCIVILDESIGN.COM

If Residential:

Type of Residential SFH
Maximum Number of Dwelling Units 102

If Non-Residential:

Specific Uses NA
Square Footage _____

IV. Capacity Reservation for Solid Waste

The following solid waste capacity reserved for the period of time specified herein or until capacity consumption begins. Failure to utilize the reserved capacity within the specified time frame shall require a new concurrency evaluation.

204 tons/year

DEVELOPMENT ORDER Site Plan

Reservation Period:

Beginning 7/19/18
Ending 7/18/19

Affected Facility: **BREVARD COUNTY LANDFILL**

Governmental Jurisdiction:

Brevard County Solid Waste Management Department
2725 Judge Fran Jamieson Way
Viera, FL 32940 (321) 633.2042 FAX: (321) 633.2038

Capacity reservations for solid waste facilities are hereby, certified for use by the applicant for the specified reservation period by:

Lisa Hall, Administrative Secretary
Signature and Title

Date 7/19/18

**SANITARY SEWER SERVICE
CAPACITY AVAILABILITY CERTIFICATE**

This certificate is issued for the purpose of verifying that sanitary sewer service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate: CITY OF COCOA

II. Applicant/Owner Information

Owner: FLAMINGO LAND CO. INC Applicant: RICK KERN
Address: 2185 W KING ST Address: 5963 STILLWATER AVE
COCOA, FL 32926 COCOA, FL 32927
Phone No. (home) _____ Phone No. (home) 321 5447466
(work) _____ (work) RICK@RK-CIVILDESIGN.COM

III. Legal Description and Development Proposal

23 36 31 1 516 _____
Township Range Section Subdivision Block/Parcel Lot
Subdivision Name NA
Site Acreage 27.99 Zoning Classification _____
If Residential Type of Residential SPH
Maximum Number of Dwelling Units 102
If Non-residential Specific Uses NA
Square Footage _____

IV. Availability of Sanitary Sewer Service

The following sanitary sewer capacities are available as of the date of this application.

102 # of units or equivalent non-residential units
30,600 gallons/day @ 300 ~~250~~ gallons/residential unit/day

Affected Facility: JERRY SELLER WRF

- ☒ As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.
☐ As of the date of this application sanitary sewer capacities are not available.

George R. Jones
Signature and Title
ENG. SUPERVISOR

CITY OF COCOA
Jurisdiction

7/19/18
Date

V. The subject property is in an area not served by a public sewer supply system and will be utilizing an on-site sewage disposal/septic tank.

- ☐ This site is or can be made suitable for the use of an on-site sewage disposal system.
☐ This site is currently serviced by an on-site sewage disposal system, which is adequate to handle the proposed new development described above.

Signature and Title

Jurisdiction

Date

LSCPA
Flamingo Land Company, Inc.
Fall 2018-2.1
School Impact Analysis: Capacity Determination

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

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

The School Board of Brevard County requires this information for student generation to be calculated, school capacity evaluated, and potential mitigation addressed. Local governments require the information to complete their part of the application.

For information regarding this application process, please contact the Planning and Project Management Department of the School Board of Brevard County at 321.633.1000 x463

Local Government to determine the type of Application:

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

I. Project Information

Project Name: FOX GLEN County / Municipality: COUNTY
Parcel ID / Tax Account #. (attach separate sheet for multiple parcels): 2317712
Location / Address of subject property: 318 CANAVERAL GLEN BLVD (Attach location map)
Acreage: 27.99 Type of Request at Local Government Re-zoning / Land Plan Amend

II. Ownership / Agent Information

Owner/Contract Purchaser Name(s): _____
Agent / Contact Person SUSAN MOORE
(Please note that if agent or contact information is completed, the District will forward all information to that person.)
Mailing Address: 2185 W KING ST, COCOA, FL 32926
Telephone: 321-639-8788 Fax: _____

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

Susan Moore 5/28/18
Owner or Agent Signature Date

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

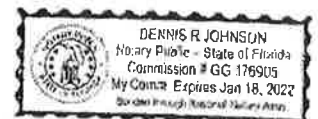
State of Florida, County of Brevard
Sworn and subscribed to before me

This 29 day of MAY 2018
Nikki R. [Signature]
Notary Public

Personally Known
(Form of Identification)

Commission Expires: 01/18/2022

SCHOOL BOARD USE ONLY
Date / Time Stamp _____



Local Government Agency

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

Local Government Case #: _____

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

- ☒ School Capacity Determination (Preliminary Development Requests) ☐ Exemption Review
☐ Capacity Determination Conversion to Concurrency Determination ☐ Time Extension
☐ Concurrency Determination (Final Development Requests)

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

Number of Units by Type	Maximum Permitted by Proposal	Currently Permitted (Vested)	Difference
Single Family / Town Homes	102	0	102
Multi-Family / Apartments			
Condominium			
Mobile Home / Manufactured			
Totals	102		102

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

Final Development Requests requesting a Concurrency Determination:

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

Local Body Planner II
 Local Government Reviewer's Signature / Title

5-30-18
 Date

Other Affected Local Governments: _____

Comments: *Industrial Zoned, Proposed to Rezone to Residential R4-1-B*



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

Local Government Agency

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

Local Government Case #: _____

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

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

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

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

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

Final Development Requests requesting a Concurrency Determination:

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

Local Government Reviewer's Signature / Title

Date

Other Affected Local Governments:

Comments:

August 2014
Facilities Services

SCHOOL BOARD USE ONLY

Date / Time Stamp: _____

(14)



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

AUTHORIZATION TO ACT AS AGENT

I, SUSAN MOORE (Owner) authorize RICHARD KEEN (Agent)
to act as applicant, representing me in Public Hearings before BREVARD COUNTY
(Local Government)
pertaining to Preliminary and Final Development Requests, and other matters pertaining to
School Concurrency.

Susan Moore
Owner Signature

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

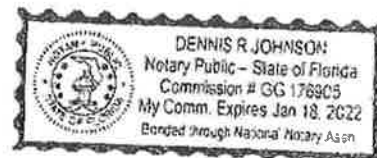
This 29 day of May, 2018

Dennis R. Johnson

Notary Public

My Commission Expires: 01/18/22

personally known
(Form of Identification)



SCHOOL BOARD USE ONLY
Date / Time Stamp: _____