



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.6.

9/1/2022

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### Subject:

Paul J. Marion, Kimberly Ann LaMattina, Kayla Marie Losat, and Jessica Lynn Ripper; and Robert Clay Kirk and Ethylmay Kirk (Chad Genoni) request a Small Scale Comprehensive Plan Amendment (22S.11), to change the Future Land Use designation from RES 2 to RES 4. (22SS00008) (Tax Accounts 2102878 & 2102882) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning & Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (22S11), to change the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4).

### Summary Explanation and Background:

The applicant is seeking to amend the Future Land Use Map designation on 35.36 acres of land from RES 2 to RES 4 to combine the subject property with 5 adjacent parcels to create a 76.52-acre parcel in order to develop a single-family residential subdivision. The combined properties with RES 4 would yield up to 306 single family lots, although available school capacity may limit the development to 197 single-family lots.

A separate small scale amendment application was submitted for the proposed development requesting a Future Land Use Map designation change from REC (Recreation) to RES 4 (22SS00007) in order to provide a second access point to US Highway 1 via Old Dixie Highway. A companion rezoning application was submitted accompanying this request for a Zoning change from RU-1-11, SR, GML, and AU to RU-1-7 (22Z00029), with a BDP proposing to limit development to 197 units. The proposed RU-1-7 zoning can be considered consistent with the proposed RES 4 FLU designation with a BDP limiting development to 4 units per acre.

To the north of the subject property are existing manufactured homes on unplatted lots which range in size from 0.71 acres to 11.25 acres, to the east is vacant residential land, to the south is vacant residential land and to the west is vacant residential land which will be developed as a single family residential subdivision as a part of this overall project.

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

On August 15, 2022, the Local Planning Agency heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

Once Ordinance is filed with the State, please return an executed copy to Planning and Development.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

September 6, 2022

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

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-27, which was filed in this office on September 6, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh



September 2, 2022

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

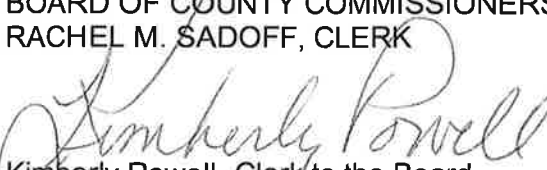
**RE:** Item H.6., Small Scale Comprehensive Plan Amendment (22S.11)

The Board of County Commissioners, in regular session on September 1, 2022, conducted the public hearing and adopted Ordinance No. 22-27, setting forth the fifteenth Small Scale Comprehensive Plan Amendment (22S.11) to change the Future Land Use designation from RES 2 to RES 4. (22SS00008). Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

  
Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

ORDINANCE NO. 22- 27

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIFTEENTH SMALL SCALE PLAN AMENDMENT OF 2022, 22S.11, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, Sections 163.34 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 small scale amendments to the Comprehensive Plan for adoption in calendar year 2022 as Plan Amendment 22S.11; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 22S.11; 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

WHEREAS, on August 15, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 22S.11, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on September 1, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 22S.11; and

WHEREAS, Plan Amendment 22S.11 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 22S.11 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, 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 22S.11 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 22S.11, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 1 day of September, 2022.

ATTEST:

  
Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
By: Kristine Zonka, Chair

As approved by the Board on Sept., 1, 2022.

**EXHIBIT A**  
**22S.11 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

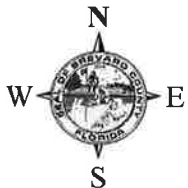
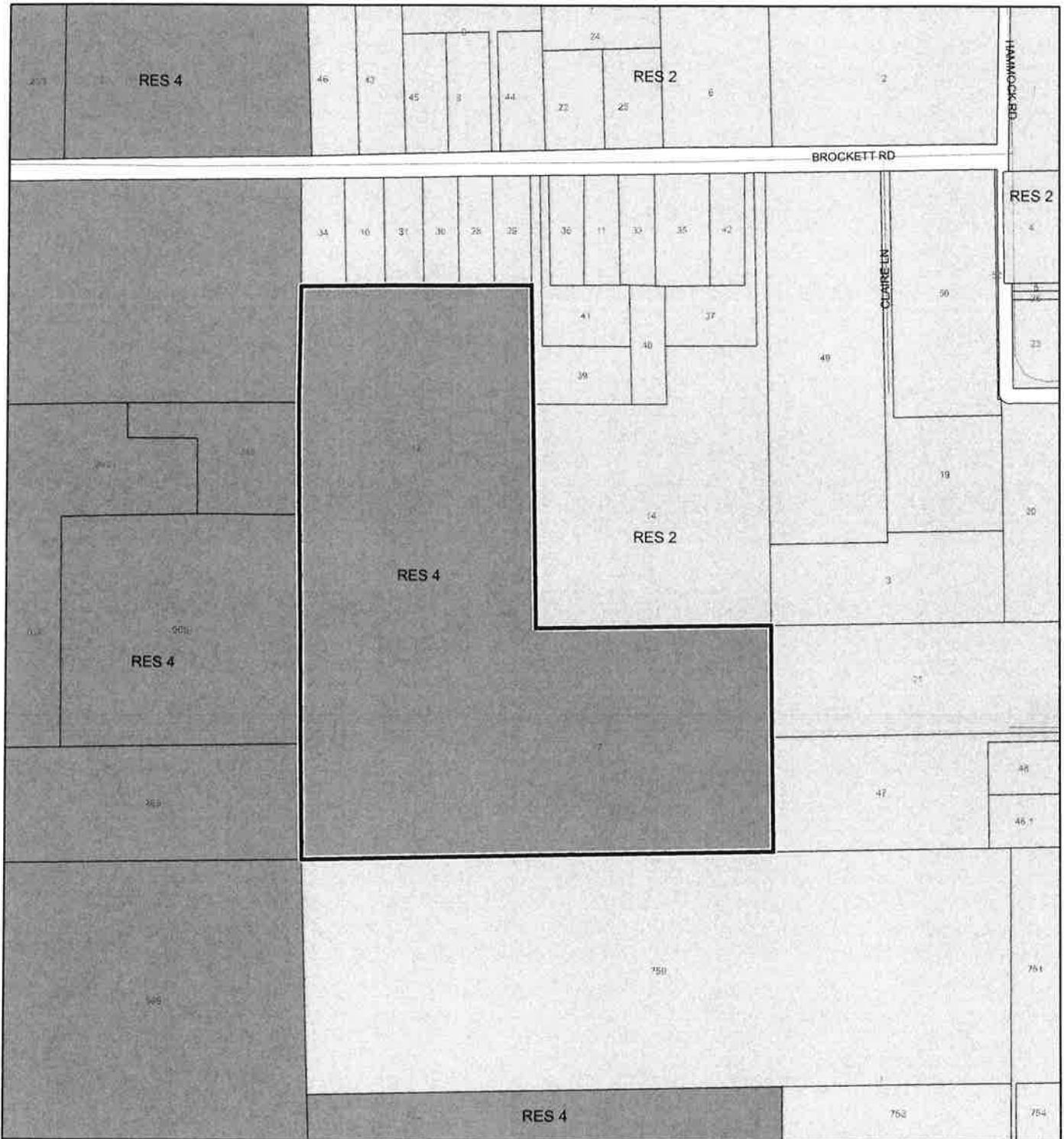
**Contents**

**1. Proposed Future Land Use Map**



# PROPOSED FUTURE LAND USE MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



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: 6/13/2022

— Subject Property

□ Parcels

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

# florida today

## Public Notice

Originally published at floridatoday.com on 07/28/2022

AD#5353656 7/28/2022 APUBLIC HEARING NOTICE NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, AUGUST 15, 2022, and THURSDAY, SEPTEMBER 1, 2022. DISTRICT 1 1. (22Z00028) 2354 TALMADGE DRIVE, LLC (Aldon Bookhardt) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential), on property described as Tax Parcel 5, as recorded in ORB 9500, Pages 2859 - 2860, of the Public Records of Brevard County, Florida. Section 17, Township 21, Range 35. (7.68 acres) Located on the north side of E. Main St., approx. 0.32 mile east of Harry T. Moore Ave. (No assigned address. In the Mims area.) 2. (22Z00032) CARLA THEADORA REECE requests a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as Tax Parcel 757, as recorded in ORB 6028, Pages 1817 - 1819, of the Public Records of Brevard County, Florida. Section 11, Township 24, Range 35. (7.21 acres) Located on the north side of James Rd., approx. 0.4 mile west of Cox Road. (4050 James Rd., Cocoa) DISTRICT 2 3. (22Z00033) DAREN T. AND REGINA M. DEMPSEY request a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential), on property described as Tax Parcel 8, as recorded in ORB 9453, Pages 917 - 919, of the Public Records of Brevard County, Florida. Section 34, Township 23, Range 36. (1.41 acres) Located on the east side of N. Tropical Trail, approx. 120 ft. north of Citrus Club Dr. (4850 N. Tropical Trail, Merritt Island) DISTRICT 1 4. (22SS00007) ROBERT CLAY AND ETHYL MAY KIRK (Chad Genoni) request a Small Scale Comprehensive Plan Amendment (22S.10), to change the Future Land Use designation from REC (Recreation) to RES 4 (Residential 4), on property described as Tax Parcel 270, as recorded in ORB 8232, Pages 2256 - 2261, of the Public Records of Brevard County, Florida. Section 08, Township 21, Range 35. (2.12 acres) Located approx. 0.18 mile west of U.S. Highway 1, and approx. 0.37 mile south of Brockett Rd. (No assigned address. In the Mims area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.10: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", 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; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status, providing a severability clause, and providing an effective date. 5. (22SS00000)

LYNN RIPPER; AND ROBERT CLAY KIRK AND ETHYLMAY KIRK (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (22S.11), to change the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4), on property described as follows: Being a part of the NE 1/4 of Section 8, Township 21S Range 35E, Brevard County, Florida, being more particularly described as follows: beginning at the center of said Section 8, thence north 89deg21'19"E along the south line of the NE 1/4 of said Section 8, a distance of 1,345.23 ft.; thence departing said south line N01deg25'55"W along the east line of the SW 1/4 of the NE 1/4 of said Section 8, a distance of 647.91 ft. to an intersection with the north line of the south 1/2 of the SW 1/4 of the NE 1/4 of said Section 8; thence S89deg21'19"W along said north line, a distance of 674.19 ft. to an intersection with the east line of the NW 1/4 of the SW 1/4 of the NW 1/4 of said Section 8; thence N01deg03'27"W along said east line, a distance of 647.90 ft. to an intersection with the SE corner of the south 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 8; thence N01deg25'55"W along the east line of the south 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 8, a distance of 349.91 ft. to an intersection with the north line of the south 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 8; thence south 89deg06'25"W along said north line, a distance of 672.11 ft. to an intersection with the west line of the NE 1/4 of said Section 8; thence S01deg19'21"E along said west line, a distance of 1,642.81 ft. to an intersection with the south line of the NE 1/4 of said Section 8 and the point of beginning. (35.36 acres +/-) Located approx. 385 ft. south of Brockett Rd., and approx. .72 mile east of U.S. Highway 1. (No assigned address. In the Mims area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.11: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", 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; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. 6. (22Z00029) PAUL J. MARION, KIMBERLY ANN LAMATTINA, KAYLA MARIE LOSAT, AND JESSICA LYNN RIPPER; AND ROBERT CLAY KIRK AND ETHYLMAY KIRK (Chad Genoni) request a change of zoning classification from AU (Agricultural Residential), SR (Suburban Residential), RU-1-11 (Single-Family Residential), and GML (Government Managed Lands), with an existing BDP (Binding Development Plan) on SR and RU-1-11 portions, to RU-1-7 with removal of existing BDP and adding a new BDP, on property described as Tax Parcels 12 & 265, as recorded in ORB 8804, Pages 1941 - 1943, of the Public Records of Brevard County, Florida; Tax Parcel 266, as recorded in ORB 5356, Page 1441, of the Public Records of Brevard County, Florida; Tax Parcel 17, as recorded in ORB 5379, Pages 3457 - 3459, of the Public Records of Brevard County, Florida; Tax Parcel 270, as recorded in ORB 8232, Pages 2256 - 2261, of the Public Records of Brevard County, Florida; Tax Parcel 109, as recorded in ORB 7325, Pages 1959 - 1960, of the Public Records of Brevard County, Florida. Section 08, Township 21, Range 35. (76.52 acres) Located on the south side of

an existing BDP (Binding Development Plan), in an AU (Agricultural Residential) zoning classification, on property described as follows: From the intersection of the centerline of Fleming Grant Rd. and the westerly boundary line of Sebastian River Estates, as recorded in Plat Book 11, Page 23, of the Public Records of Brevard County, Florida, and located in Section 20, Township 30S, Range 38E, run N.02deg15'54"W, along said westerly line, a distance of 1,388.70 ft.; thence run S89deg58'43"W, a distance of 2,678.00 ft. to a 5" x 5" concrete monument No. "Cramer 4094", said point being the point of beginning of the herein described parcel of land; thence run N.89deg58'43"E, a distance of 977.70 ft.; thence run S.02deg15'34"E, parallel with said westerly line, a distance of 398.47 ft.; thence run S.89deg58'42"W, parallel with the north line of said described parcel, a distance of 2,178.81 ft. to the easterly right-of-way line of Fleming Grant Rd.; thence N.12deg39'38"W, along said easterly right-of-way line, a distance of 408.05 ft. to a 1/2 " Rebar No. 3863 "Mott" at the SW corner of Lot 1, Kinney's Unrecorded Subdivision of Fleming Grant; run thence, departing said right-of-way line, S.89deg58'42"E, a distance of 1,274.88 ft., more or less, to the point of beginning of the herein described parcel of real property. Recorded in ORB 5855, Pages 1341 - 1342, of the Public Records of Brevard County, Florida. Section 20, Township 30G, Range 38. (20.25 acres) Located on the northeast corner of Fleming Grant Rd. and Hitchin Post Lane (9385 Fleming Grant Rd., Micco) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, AUGUST 15, 2022, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, SEPTEMBER 1, 2022, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board, agency or commission (as appropriate) with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such other less intense zoning or land use classification as may be deemed appropriate. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

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

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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



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

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

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

#### **CONDITIONAL USE PERMITS (CUPs)**

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

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

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

(c) General Standards of Review.

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

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

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

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 22S.11 (22SS00008)  
Township 21, Range 35, Section 08*

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**Property Information**

**Owner / Applicant:** Paul Marion, Kimberly Lamattina, Kayla Losat, Jessica Ripper, Ethylmay Kirk and Robert Kirk

**Adopted Future Land Use Map Designation:** Residential 2 (RES 2)

**Requested Future Land Use Map Designation:** Residential 4 (RES 4)

**Acreage:** 35.36 acres

**Tax Account #:** 2102882 and part of 2102878

**Site Location:** South side of Brockett Road approximately 0.6 miles east of U.S. Highway 1

**Commission District:** 1

**Current Zoning:** Suburban Residential 1 (SR)

**Requested Zoning:** Single-family Residential (RU-1-7)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use Map designation on 35.36 acres of land from Residential 2 (RES 2) to Residential 4 (RES 4) to establish a consistent Future Land Use Map designation on five (5) adjacent parcels in order to develop a single-family residential subdivision with up to three hundred six (306) single family lots, although available school capacity may limit the development to one hundred ninety-seven (197) single-family lots on approximately 76.52 acres. The proposed development will be limited to a density of four (4) units per acre. Currently, two (2) ten-acre parcels and a 19.03 acre portion of a third parcel already have the necessary Residential 4 (RES 4) Future Land Use Map designation. The larger parcel has approximately 1,300 linear feet of frontage on Brockett Road which can provide primary access to the development from US Highway 1 via Brockett Road.

A separate small scale amendment application was submitted for the proposed development requesting a Future Land Use Map designation change from Recreation (REC) to Residential 4 (RES 4) (22SS00007) in order to provide a second access point to US Highway 1 via Old Dixie Highway. A companion rezoning application was

submitted accompanying this request for a Zoning change from RU-1-11, SR, GML, and AU to RU-1-7 (22Z00029), with a BDP proposing to limit development to 4 units per acre. The proposed RU-1-7 zoning can be considered consistent with the proposed RES 4 FLU designation with a BDP limiting development to 4 units per acre.

### Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
<b>North</b>	Manufactured Housing	TR-2 & AU	RES 2
<b>South</b>	Vacant	AU, TR-2 & SR	RES 2
<b>East</b>	Vacant	RU-1-7	RES 2
<b>West</b>	Vacant	RU-1-11	RES 4

To the north of the subject property are existing manufactured homes on unplatted lots which range in size from 0.71 acres to 11.25 acres, to the east is vacant residential land, to the south is vacant residential land and to the west is vacant residential land which will be developed as a single family residential subdivision as a part of this overall project..

### Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

### FLUE Policy 1.2 - Public Facilities and Services Requirements

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

Criteria:

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

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

***As the project's density is 4 units per acre, connection to centralized sewer and potable water could be required under Criterion C, above. Site is currently unimproved and not connected to utilities.***

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

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

Criteria:

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

***The subject site is immediately adjacent to RES 4 land use designation to the west.***

- 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 site is not located within a transitional area of land use densities greater than 4 dwelling units per acre and areas of land use densities less than 4 dwelling units per acre.***

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

***The subject site is not adjacent to incorporated areas.***

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

***The applicant is not proposing a Planned Unit Development.***



**FLUE Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.**

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

Criteria:

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

***The applicant proposes to develop the subject property as a single-family residential subdivision. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.***

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

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

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

1. historical land use patterns;

***The character of the area is residential and transitions from 4 units per acre to 2 units per acre along Brockett Road heading east from US Highway 1. This request could be considered an encroachment into the RES 2 area which is primarily still vacant land but does contain established manufactured homes on large lots along Brockett Road. These lots range in size from 0.71 acres to 11.25 acres.***

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

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

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

***There have not been any development approvals immediately adjacent to the subject parcel within the past three (3) years that have not been constructed.***

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

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

Criteria:

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

***In general, the character of the area is residential and transitions from 4 units per acre to 2 units per acre along Brockett Road heading east from US Highway 1. Three (3) FLU designations are located within 500 feet of the subject property: RES 2, RES 4, and REC.***

***The applicants are proposing a 306-unit single-family residential subdivision. The closest established residential neighborhood is located immediately west of the subject property with a range of lot sizes from 0.2-acre to 1-acre lots. To the north of the subject property is vacant land and single-family residences. To the south is vacant residential zoning (approximately 40 acres zoned RU-1-7). To the east are single-family residences, manufactured/mobile homes and vacant land.***

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

***The proposed residential subdivision will have two access points, on the north via Brockett Road to US Highway 1 and on the west via Old Dixie Highway to US Highway 1. The relatively low density of existing development and the extent of vacant property in the surrounding area suggest that existing neighborhoods will not be materially and adversely impacted by the proposed development.***

- 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.

***The Oakwood and Oakwood Village Subdivisions, platted at 4 units per acre, are an established residential neighborhood. These subdivisions are located west and northwest of the proposed development.***

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

***There are no non-residential uses in the immediate vicinity of the proposed development.***

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US Highway 1, from SR 46 to Lionel, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 24.88% of capacity daily. The maximum development potential from the proposed rezoning at 306 single family units increases the percentage of MAV utilization by 2.67%. The corridor is anticipated to operate at 27.54% of capacity daily. The proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review.

The school concurrency analysis is based on development of 197 single family lots and indicates that Pinewood Elementary is not projected to have sufficient capacity for the total of projected and potential students from the proposed development; however, the adjacent elementary school service area (Mims Elementary) could accommodate the impacts of the proposed development. Madison Middle and Astronaut High are both projected to have enough capacity for the total of projected and potential students from the proposed development.

The nearest potable water connection is approximately 400 feet north of the subject site and serves the Oakwood Village subdivision. There is also another County potable water line approximately one-half mile south of the subject site. Presently, the nearest sanitary sewer force main connections are approximately one mile south of the subject site.

### **Environmental Resources**

Mapped resources include Wetlands/Hydric Soils, Aquifer Recharge Soils, Protected Species and Protected and Specimen Trees.

National Wetlands Inventory (NWI) wetlands have been mapped on the adjacent property on the west side that will developed along with the subject site in a common

development plan, SJRWMD wetlands have been mapped on the subject site, and hydric soils encompass the entire site with a small proportion of the site that also serves as aquifer recharge.

Scrub jay habitat has been mapped on the adjacent property on the west side that will developed along with the subject site in a common development plan and there is potential for existence of Gopher Tortoises on site.

SJRWMD upland forest has been mapped on the adjacent property on the west side that will developed along with the subject site in a common development plan.

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

### **Historic Resources**

The Florida Master Site File does not contain any record of historical or cultural resources on this site.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use (FLU) Review & Summary  
Item #22SS00008**

**Applicant:** Genoni

**FLU Request:** RES-2 to RES-4

**Note:** Applicant wants to develop 197 lots

**P&Z Hearing Date:** 08/15/22; **BCC Hearing Date:** 09/01/22

**Tax ID Nos:** 2102882 & portion of 212878

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.
- A rezoning or Future Land Use approval by the Board of County Commissioners does not vest the property from meeting the current wetland ordinance. A formal review of current proposed wetland impacts at time of building permit or site plan review is required, regardless of any previously approved wetland impacts from any Federal, State or local agency. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design.

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

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

A majority of the parcels are mapped with National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils; indicators that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For 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 Section 62-3694(e) including avoidance of

impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

There is a large area of mapped Florida Scrub Jay occupancy on the project site, and there is potential for existence of Gopher Tortoises on site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. If applicable, the applicant is advised to call the FWC at 561-882-5714 (O) or 561-365-5696 (C) with to obtain any necessary permits or clearance letters for Gopher Tortoises.

A majority of the parcels is forested. A tree survey is required prior to any land clearing activities, site plan design or site plan submittal. The applicant is encouraged incorporate valuable vegetative communities or robust trees into the site plan design.

### **Land Use Comments:**

#### **Wetlands**

A majority of the parcels are mapped with NWI wetlands (freshwater forested/shrub wetland), SJRWMD wetlands (mixed wetland hardwoods), and hydric soils (Basinger sand depressional, Copeland-Bradenton-Wabasso complex, Hilolo fine sand, Pompano sand, Riviera sand & Ancloste sand); indicators that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For 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 Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

#### **Aquifer Recharge Soils**

The subject parcel contains mapped aquifer recharge soils (Pompano 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.

#### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay

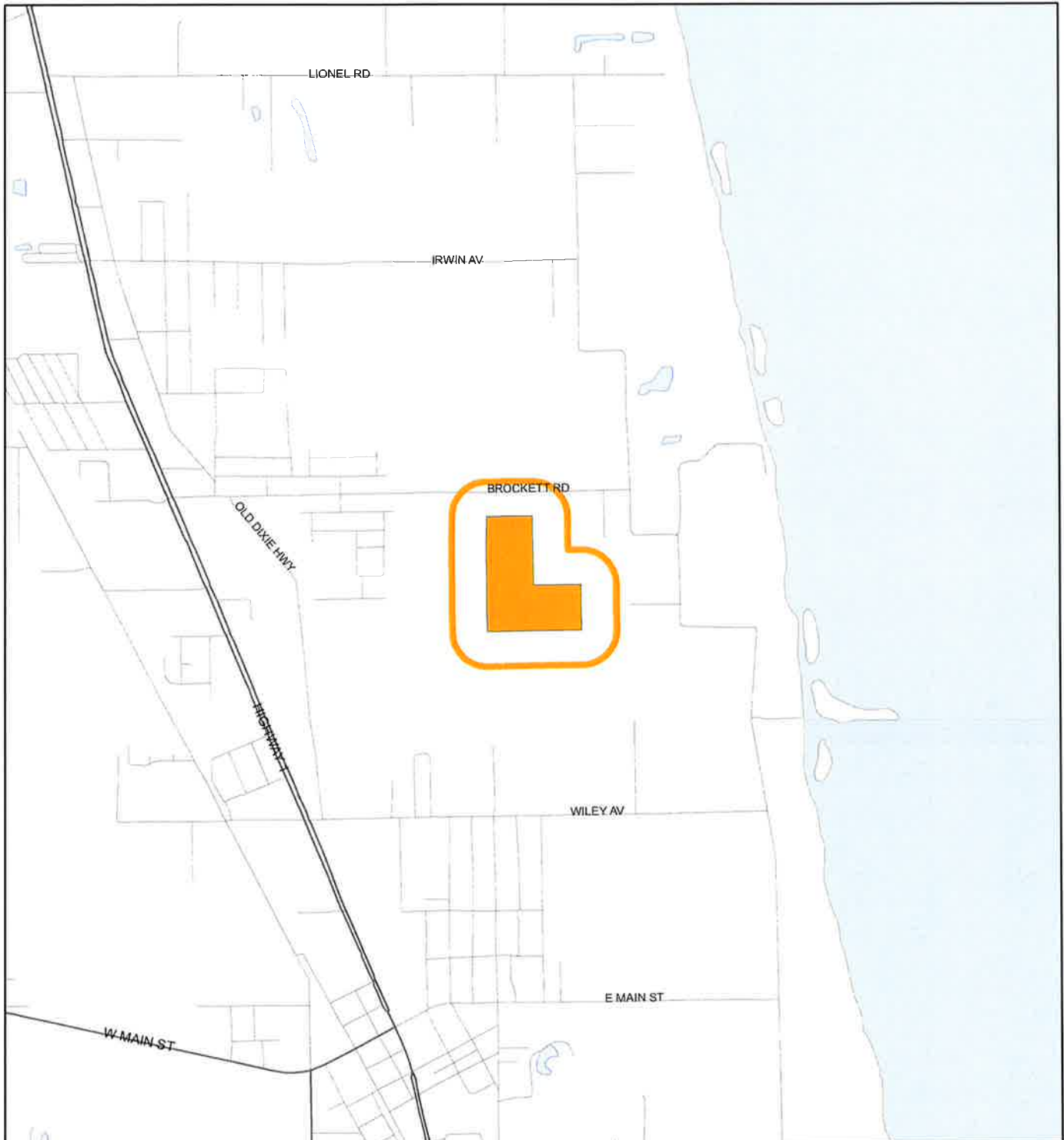
occupancy on the project site, and there is potential for existence of Gopher Tortoises on site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. If applicable, the applicant is advised to call the FWC at 561-882-5714 (O) or 561-365-5696 (C) with to obtain any necessary permits or clearance letters for Gopher Tortoises.

### **Protected and Specimen Trees**

A large portion of the parcels are forested. Protected Trees ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) are included in this FLUCCS code and are likely found on the project area. A tree survey is required prior to any land clearing activities, site plan design or site plan submittal. The applicant is encouraged incorporate valuable vegetative communities or robust trees into the site plan design. 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 Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, 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. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

# LOCATION MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



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.

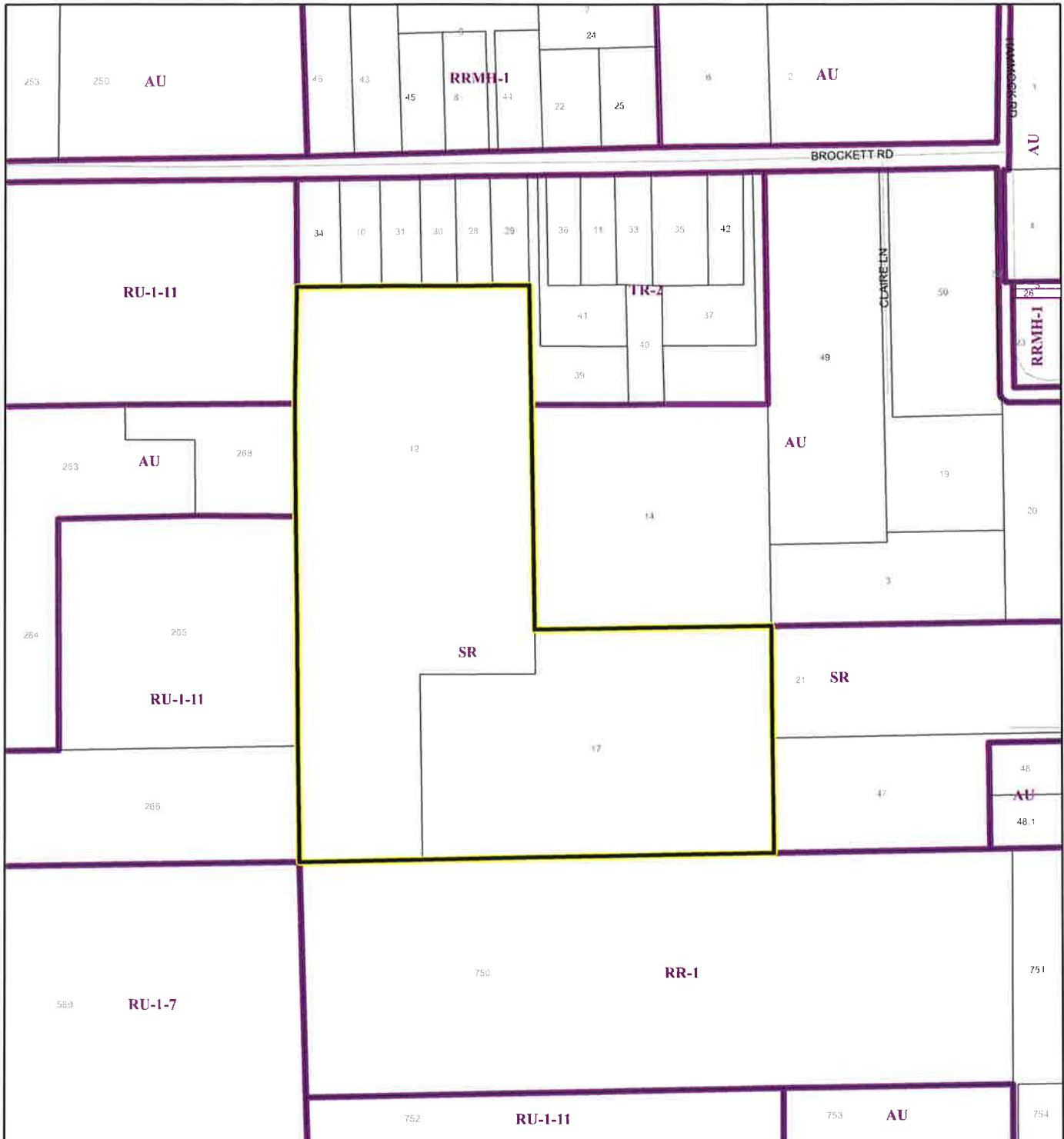
Produced by BoCC - GIS Date: 6/13/2022

Buffer  
Subject Property



# ZONING MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2022

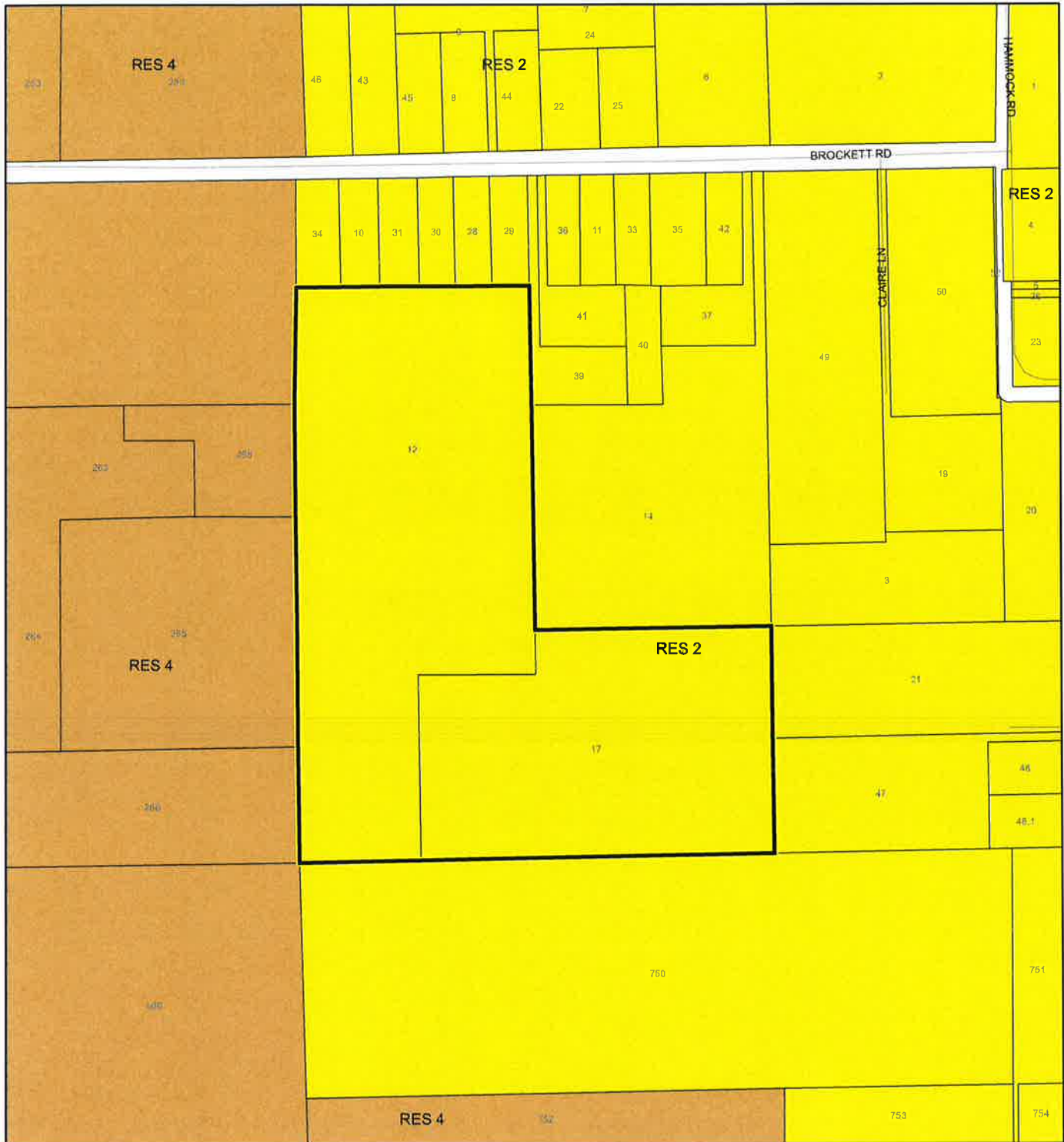
Subject Property

Parcels



Zoning

# FUTURE LAND USE MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

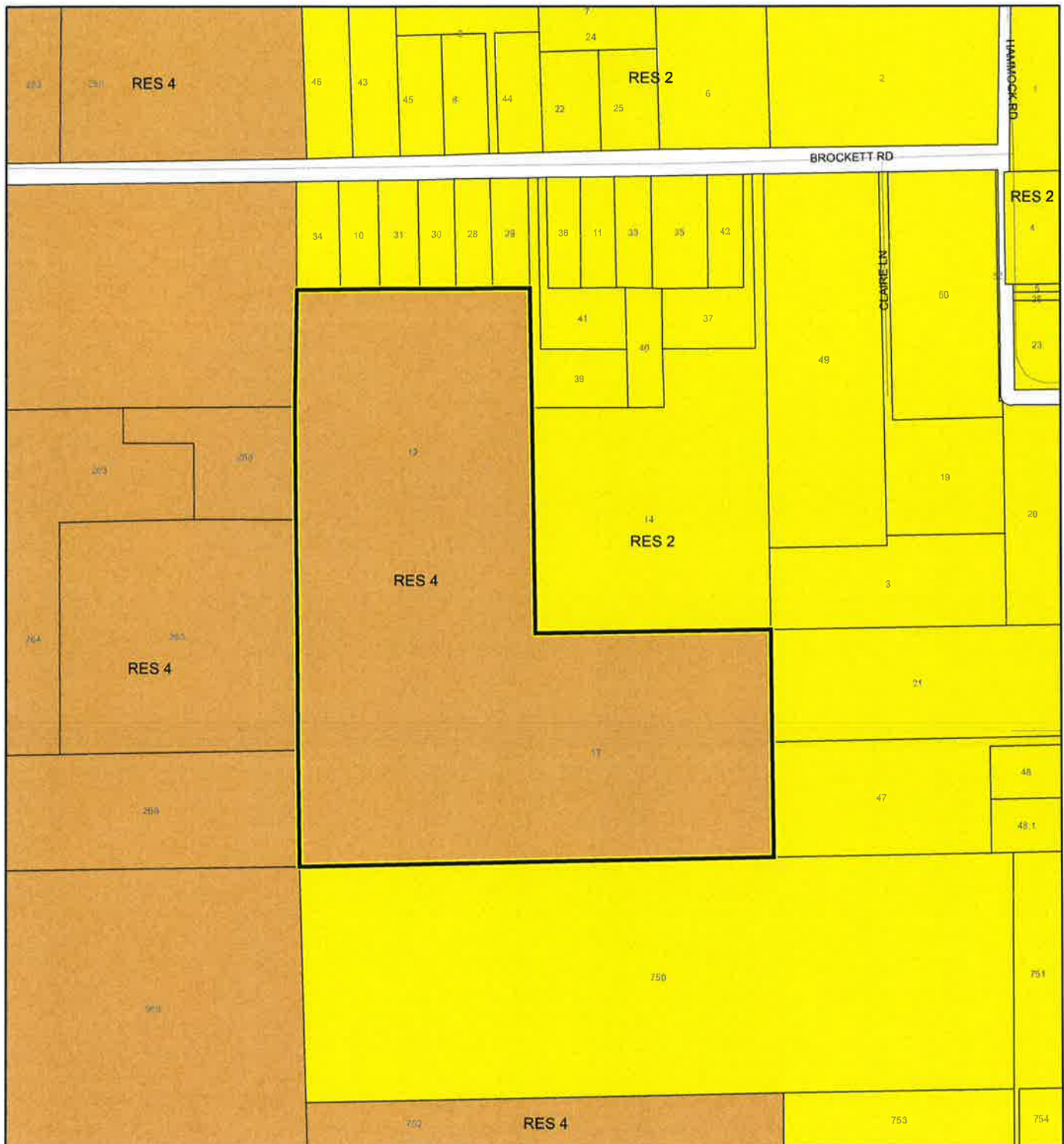
 Subject Property  
 Parcels

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: 6/13/2022

# PROPOSED FUTURE LAND USE MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

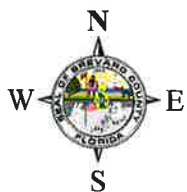
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Produced by BoCC - GIS Date: 6/13/2022



# AERIAL MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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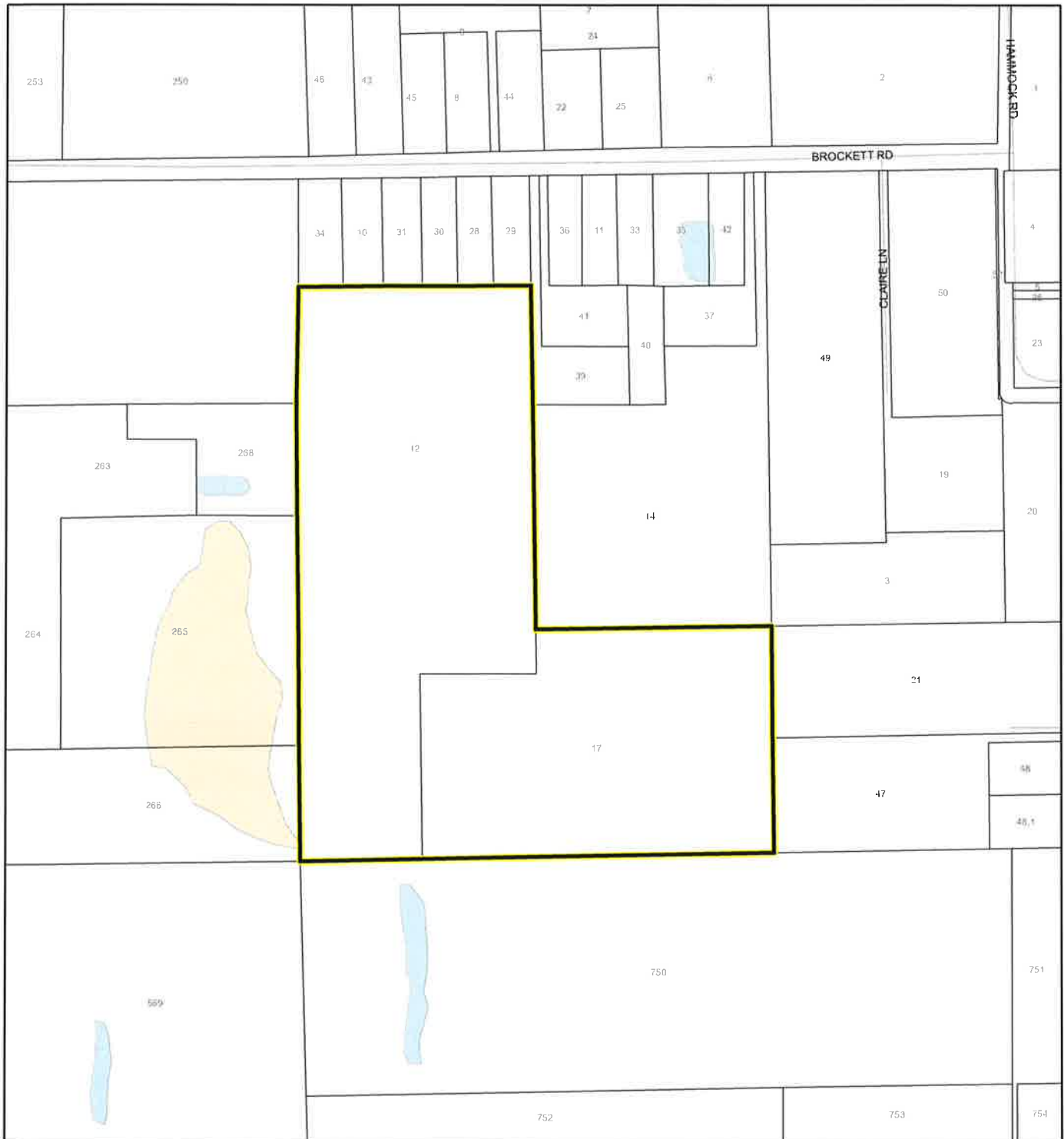
Produced by BoCC - GIS Date: 6/13/2022

 Subject Property  
 Parcels



# NWI WETLANDS MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

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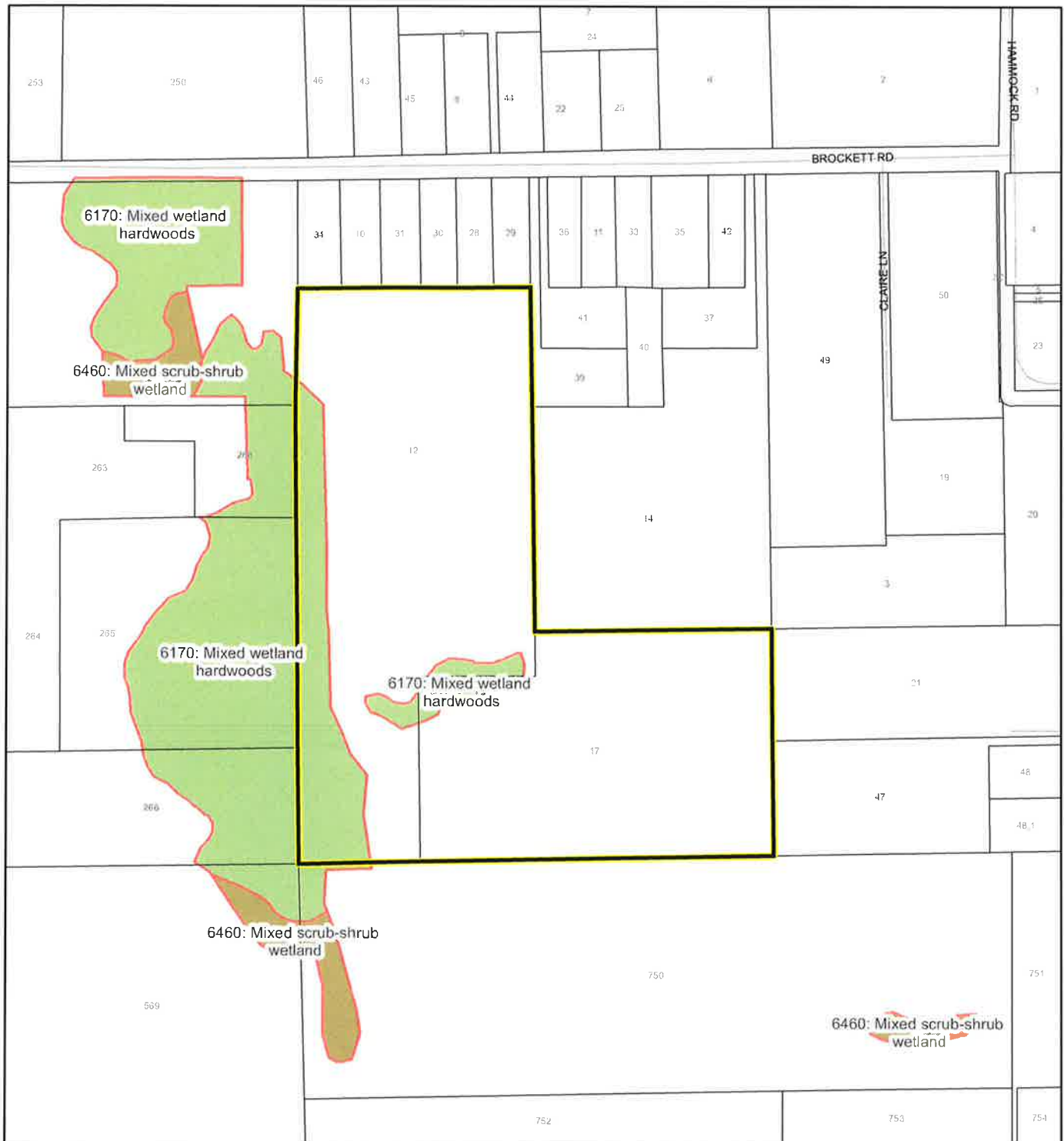
Produced by BoCC - GIS Date: 6/13/2022

## National Wetlands Inventory (NWI)

- |                                   |                  |
|-----------------------------------|------------------|
| Estuarine and Marine Deepwater    | Freshwater Pond  |
| Estuarine and Marine Wetland      | Lake             |
| Freshwater Emergent Wetland       | Other            |
| Freshwater Forested/Shrub Wetland | Riverine         |
|                                   | Subject Property |
|                                   | Parcels          |

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



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: 6/13/2022

## SJRWMD FLUCCS WETLANDS

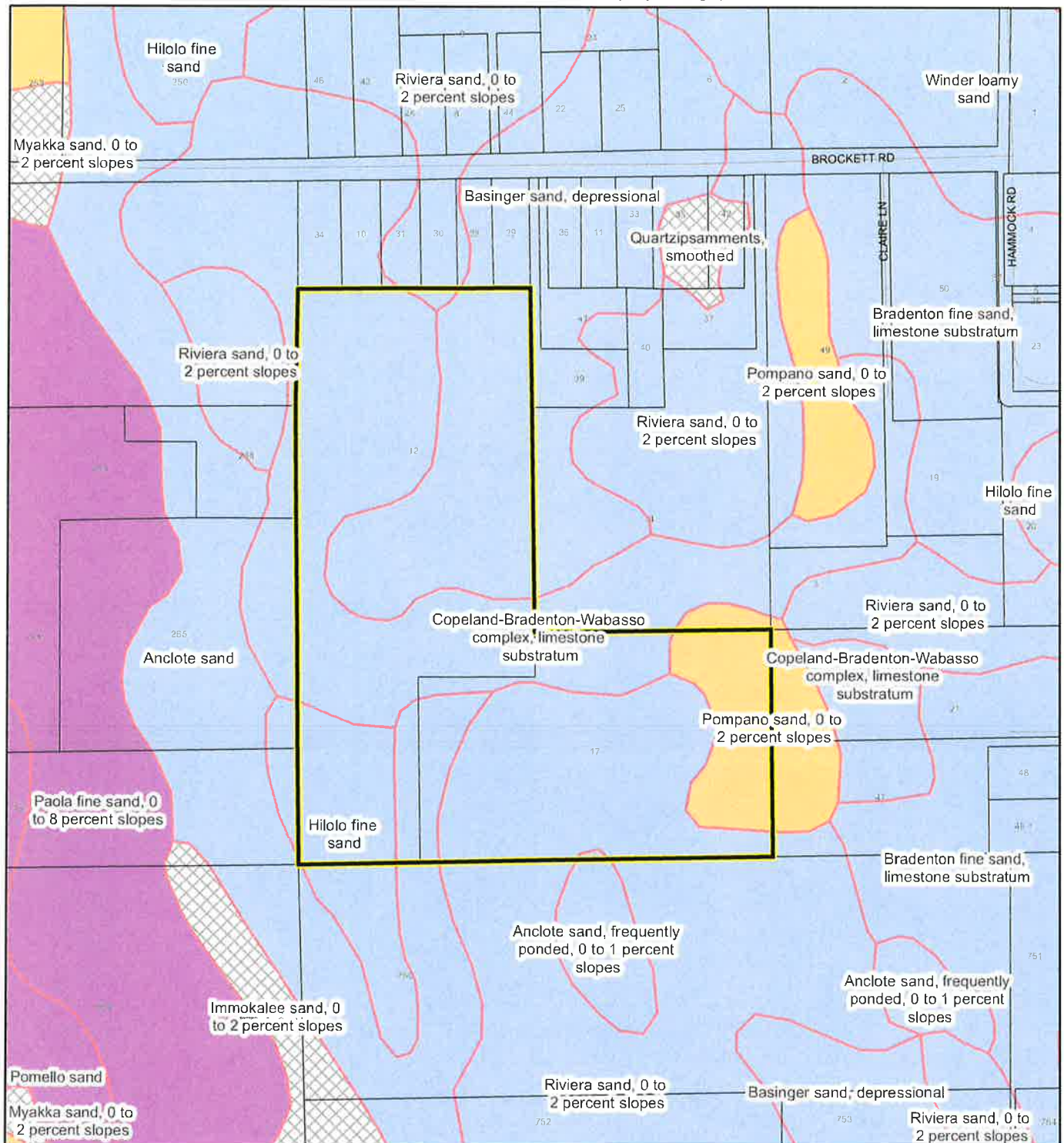
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

# USDA SCSSS SOILS MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2022

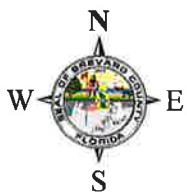
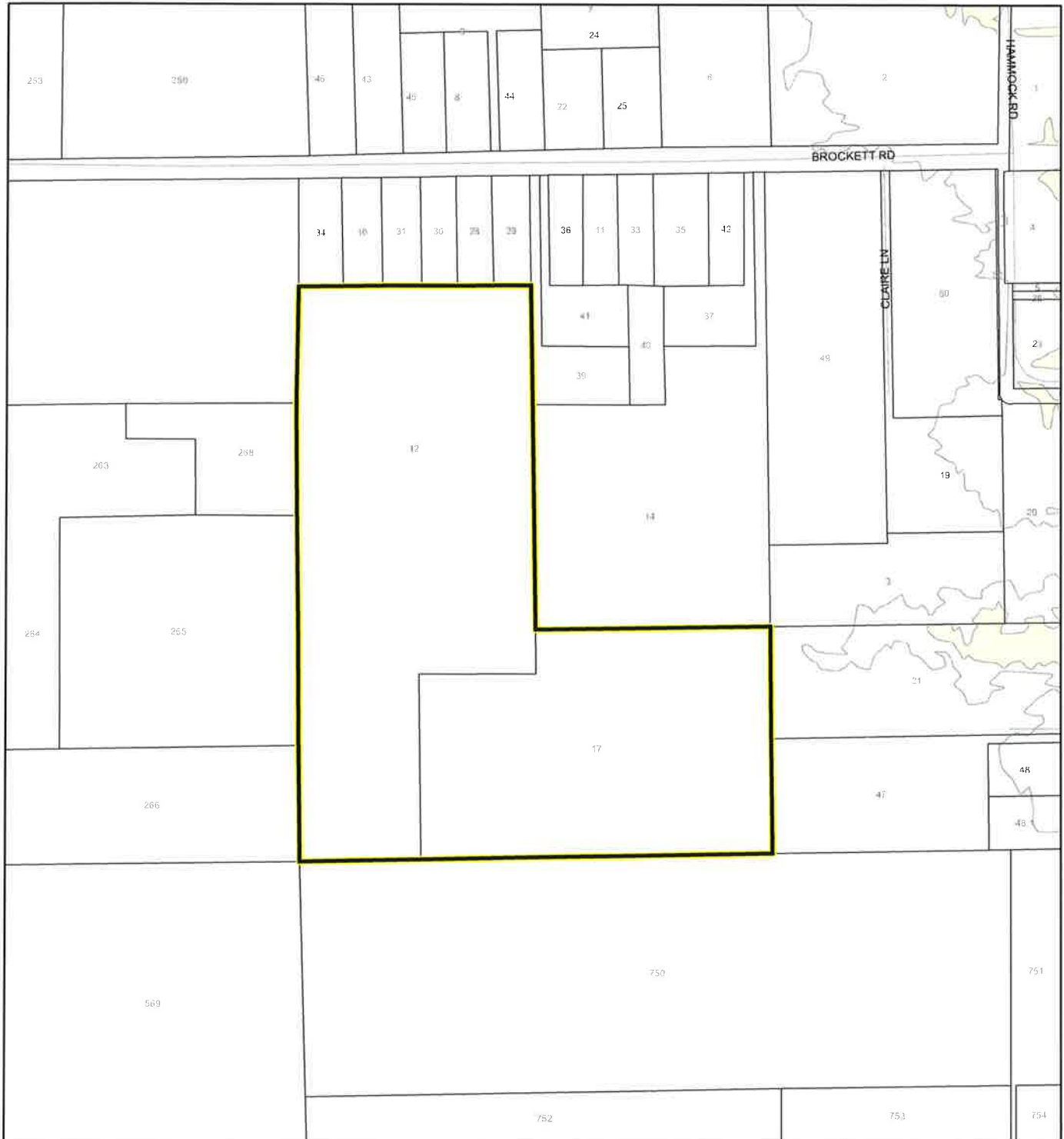
## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

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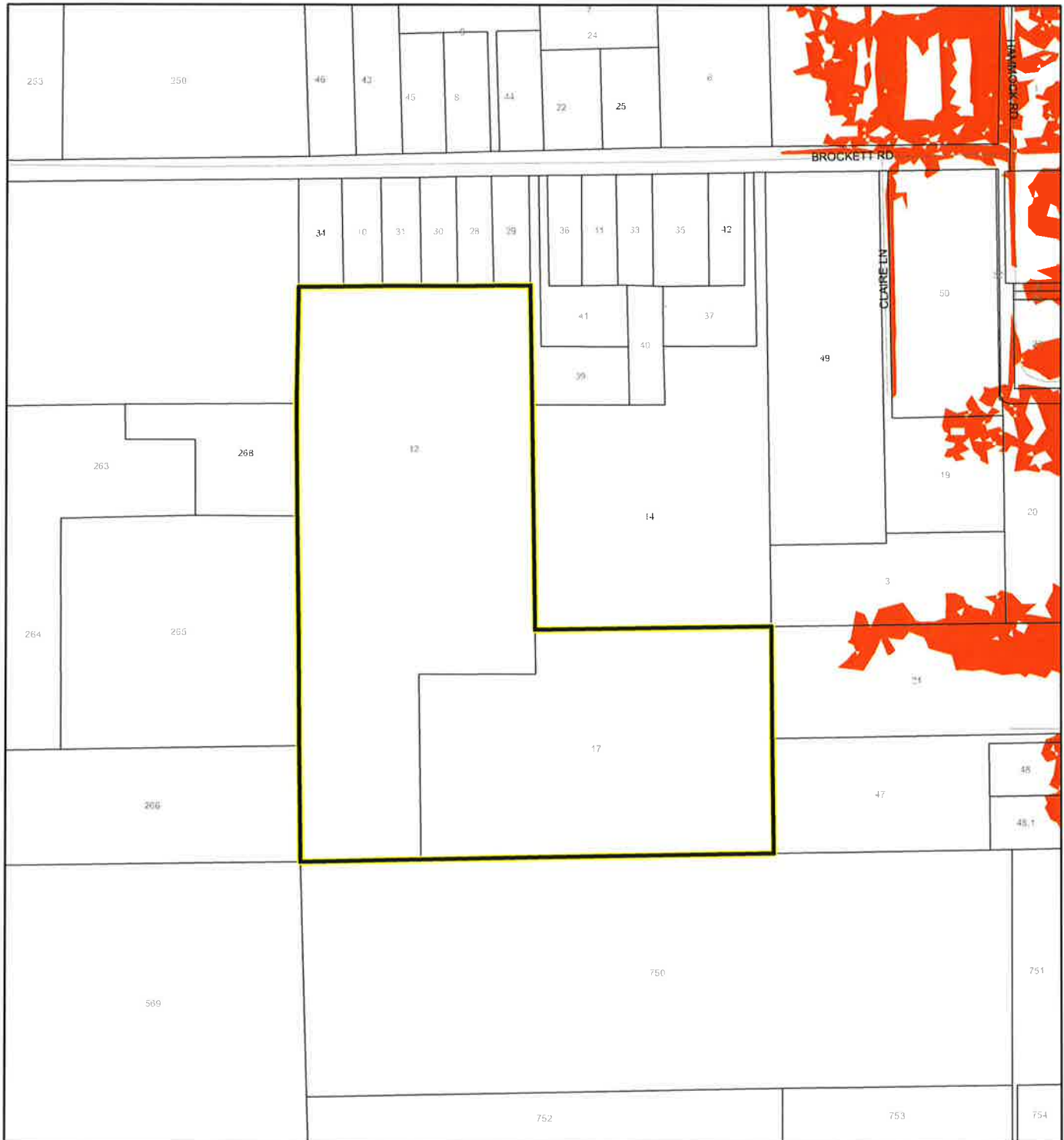
**FEMA Flood Zones**

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	



# COASTAL HIGH HAZARD AREA MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2022

Subject Property

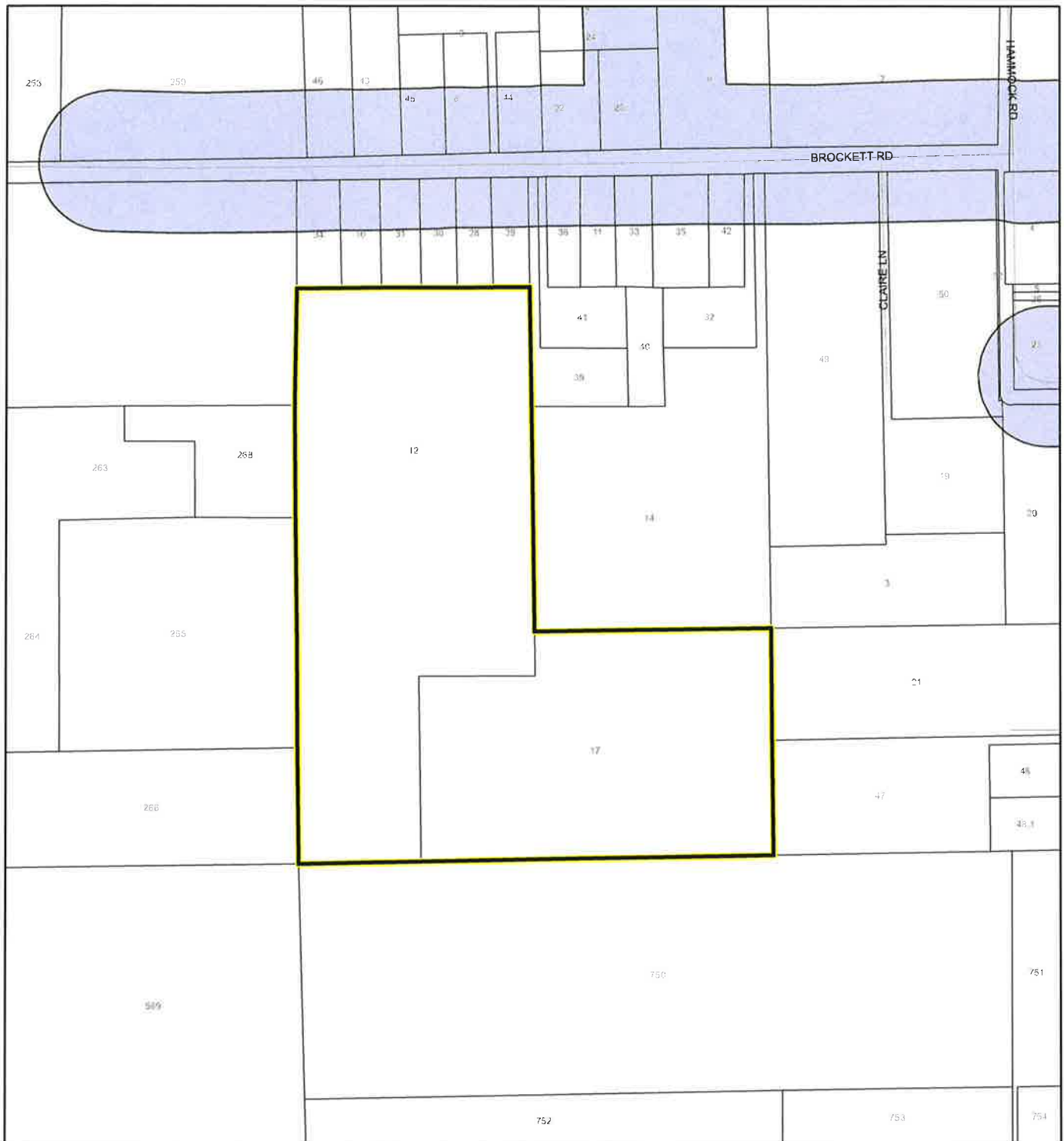
Parcels

**Coastal High Hazard Area**

SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2022

— Subject Property

□ Parcels

**Septic Overlay**

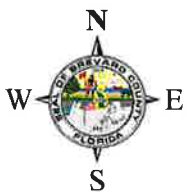
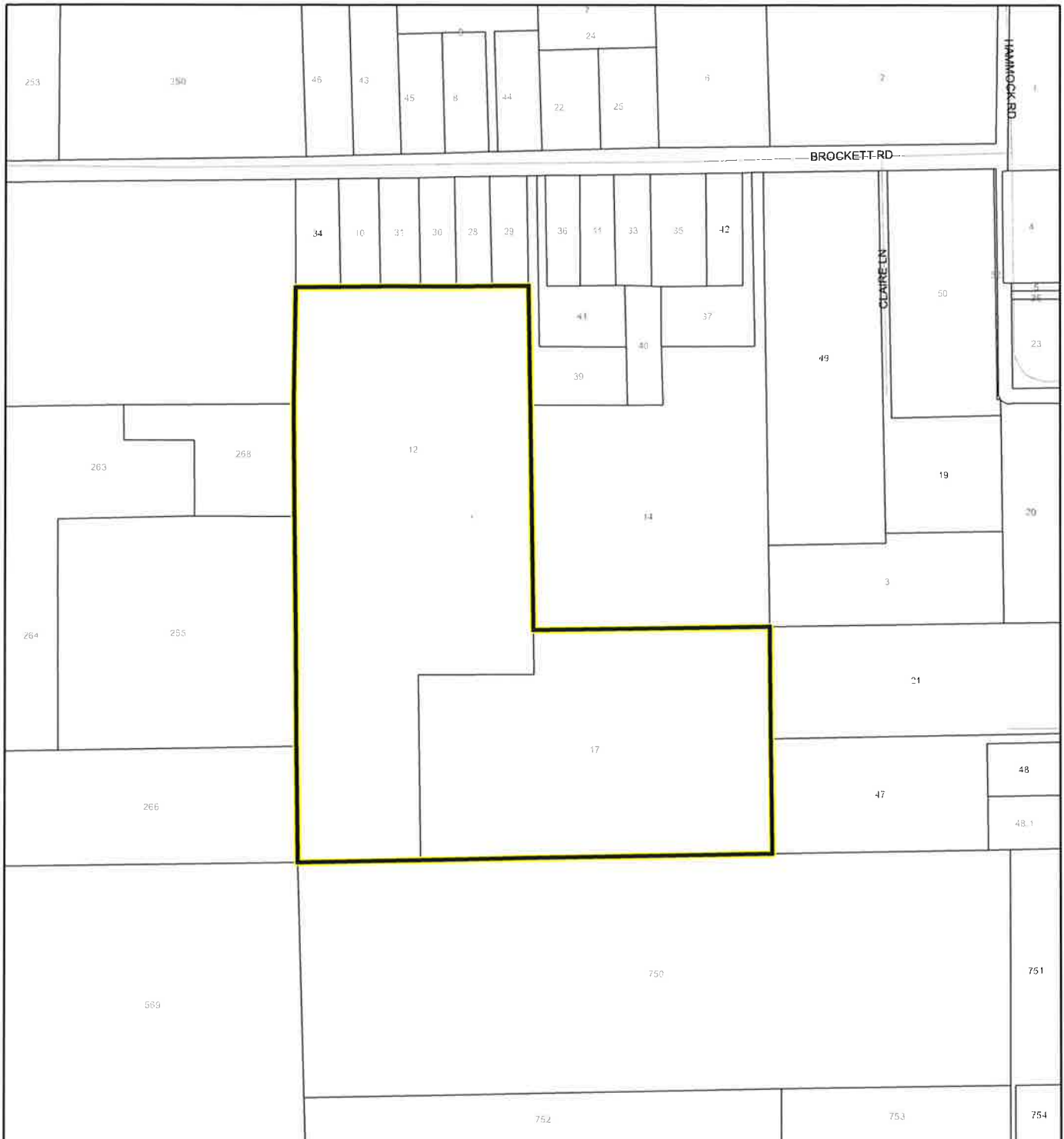
■ 40 Meters

■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/13/2022

 Subject Property

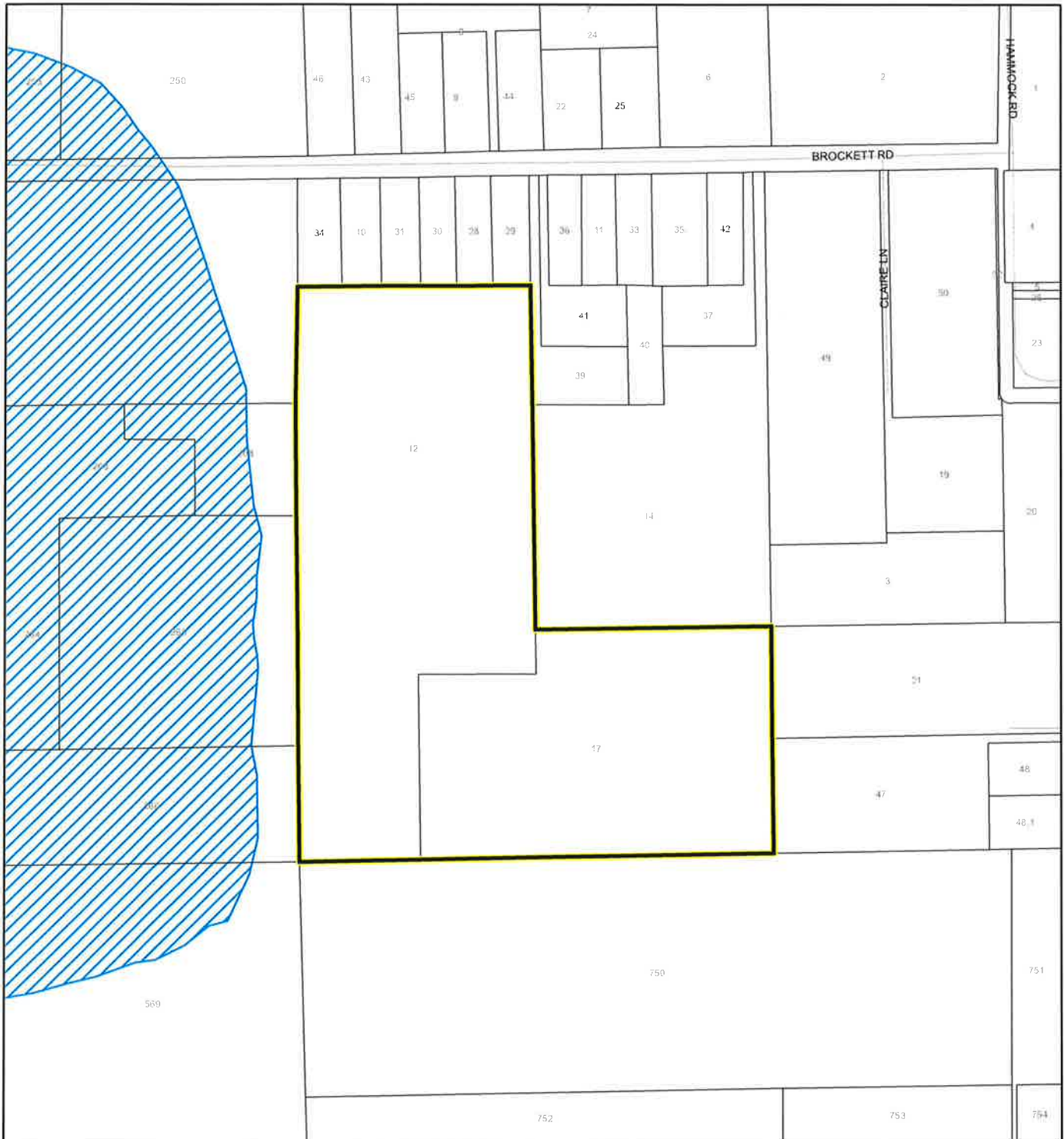
 Parcels



Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP




MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



1:4,800 or 1 inch = 400 feet

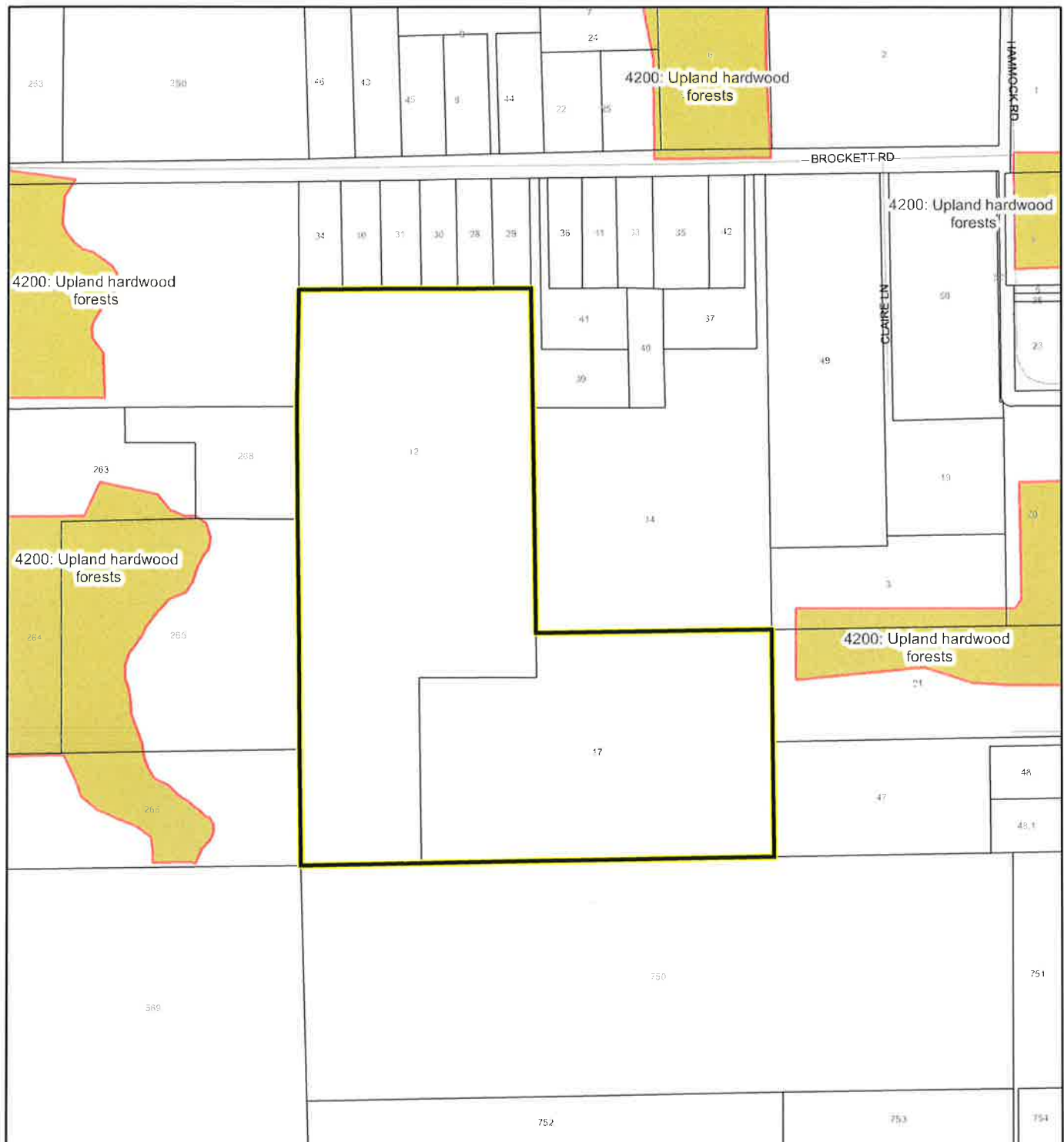
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/13/2022

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert  
22SS00008 Small Scale Amendment 22S.11



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: 6/13/2022

## SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

## School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Dr. Mark W. Mullins, Ed.D., Superintendent



May 2, 2022

Mr. Timothy Craven, Planner II  
Land Development Section  
Planning & Development Department  
Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

**RE: Proposed Hamlin Ridge Development  
School Impact Analysis – Capacity Determination CD-2022-25**

Dear Mr. Craven,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2102919 (Parcel ID number: 21-35-08-00-266), Tax Account number 2102882 (Parcel ID number 21-35-08-0-17), Tax Account number 3018268 (Parcel ID number 21-35-08-00-270), Tax Account number 2102878 (Parcel ID number 21-35-08-00-12), and Tax Account number 2102918 (Parcel ID number 21-35-08-00-265) containing a total of approximately 76.51 acres in District 1, Brevard County, Florida. The proposed development includes 197 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

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

Single-Family Homes		197	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	47.28	47
Middle	0.07	13.79	14
High	0.12	23.64	24
<b>Total</b>	<b>0.43</b>		<b>85</b>

Planning & Project Management

Facilities Services

Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer



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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	569	569	569	569	569
Madison	781	781	781	781	781
Astronaut	1,451	1,451	1,451	1,451	1,451

**Projected Student Membership**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	500	517	524	526	532
Madison	480	471	480	457	446
Astronaut	1,076	1,094	1,086	1,078	1,086

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	-	-	-	-	-
Madison	-	-	-	-	-
Astronaut	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	-	-	16	31	47
Madison	-	-	5	9	14
Astronaut	-	-	8	16	24

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	500	517	540	557	579
Madison	480	471	485	466	460
Astronaut	1,076	1,094	1,094	1,094	1,110

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	69	52	29	12	(10)
Madison	301	310	296	315	321
Astronaut	375	357	357	357	341

At this time, Pinewood Elementary School is not projected to have enough capacity for the total of projected and potential students from the Hamlin Ridge development. Because there is a shortfall of available capacity in the concurrency service area of the Hamlin Ridge development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school service area is Mims Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Area* that could accommodate the impacts of the Hamlin Ridge development is shown:

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	725	725	725	725	725

**Projected Student Membership**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	442	433	441	452	446

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	-	-	16	31	47

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	442	433	457	483	493

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	283	292	268	242	232

Considering the adjacent elementary school service areas, there is sufficient capacity for the total projected student membership to accommodate the Hamlin Ridge development.



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

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

Sincerely,



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

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

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services  
File CD-2022-25

David G. Lindemann, AICP, Director of Planning & Project  
Management, Facilities Services  
File CD-2022-25



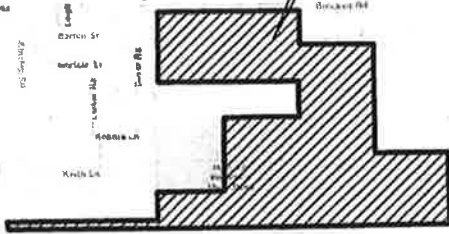
# Hamlin Ridge Development Location Map



Indian  
River

PINEWOOD ELEMENTARY  
Pinewood  
Elementary  
School

Hamlin Ridge  
197 Single-Family Units



Mims  
Elementary  
School  
MIMS ELEMENTARY

Schools Affected by Development:  
Pinewood Elementary School  
James Madison Middle School  
Astronaut High School

Drawn By:  
Planning & Project Management  
Karen M Black  
05/02/2022



23

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



Summary		2021-22		2022-23		2023-24		2024-25		2025-26		2026-27			
Highest Utilization Elementary Schools:		88%		89%		90%		91%		92%		93%			
Highest Utilization Middle Schools:		88%		89%		90%		91%		92%		93%			
Highest Utilization Jr / Sr High Schools:		84%		84%		85%		86%		87%		88%			
Highest Utilization High Schools:		101%		100%		99%		98%		97%		96%			
School	Type	Grades	Utilization Factor	FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas															
Alan	Elementary	PK-6	100%	751	630	84%	751	694	92%	751	739	98%	773	752	97%
Andersen	Elementary	K-5	100%	884	982	67%	884	589	67%	884	589	87%	884	565	64%
Apelo	Elementary	K-6	100%	902	782	87%	902	761	84%	902	739	82%	902	739	82%
Altman	Elementary	PK-6	100%	739	629	85%	739	616	83%	739	600	81%	739	592	80%
Audubon	Elementary	PK-6	100%	761	484	61%	761	458	60%	761	438	56%	761	427	56%
Cambridge	Elementary	PK-6	100%	765	506	59%	765	513	67%	765	510	67%	765	465	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	267	50%	570	261	48%	570	266	50%
Canoll	Elementary	K-6	100%	751	614	82%	751	605	81%	751	613	87%	751	600	80%
Challenger 7	Elementary	PK-6	100%	573	506	86%	573	476	83%	573	449	76%	573	437	76%
Columbia	Elementary	PK-6	100%	751	482	62%	751	484	64%	751	486	76%	751	589	76%
Coquina	Elementary	K-6	100%	711	534	76%	711	557	75%	711	572	80%	711	596	84%
Croft	Elementary	PK-6	100%	1,114	717	64%	1,114	812	73%	1,114	847	76%	1,114	877	79%
Discovery	Elementary	PK-6	100%	795	487	61%	795	530	67%	795	550	71%	795	586	74%
Endeavour	Elementary	PK-6	100%	980	615	83%	980	633	66%	980	608	63%	980	628	65%
Enterprise	Elementary	PK-6	100%	968	657	80%	968	668	69%	968	641	66%	968	627	65%
Fairplay	Elementary	K-5	100%	729	605	83%	729	587	81%	729	561	77%	729	529	73%
Genetti	Elementary	PK-6	100%	789	581	74%	789	597	76%	789	620	79%	789	639	81%
Golfview	Elementary	PK-6	100%	711	427	60%	711	440	62%	711	424	60%	711	420	59%
Harbor City	Elementary	PK-6	100%	777	454	56%	777	467	60%	777	503	65%	777	513	66%
Holland	Elementary	PK-6	100%	629	357	57%	629	386	61%	629	388	63%	629	400	64%
Imperial Estates	Elementary	K-6	100%	805	465	71%	805	471	74%	805	473	74%	805	472	73%
Indianapolis	Elementary	PK-6	100%	729	624	86%	729	626	86%	729	619	85%	729	620	86%
Jupiter	Elementary	PK-6	100%	798	671	84%	798	658	82%	798	646	81%	798	620	76%
Lookmar	Elementary	PK-6	100%	930	724	78%	930	817	86%	930	807	82%	930	854	92%
Longleaf	Elementary	PK-6	100%	892	632	71%	892	594	67%	892	578	65%	892	559	63%
Manatee	Elementary	PK-6	100%	790	594	75%	790	587	74%	790	583	74%	790	565	72%
McAuliffe	Elementary	K-6	100%	998	643	64%	998	615	62%	998	793	79%	998	765	77%
Meadowdale Intermediate	Elementary	PK-6	100%	918	634	69%	918	624	68%	918	583	64%	918	578	63%
Meadowdale Primary	Elementary	3-6	100%	1,114	832	75%	1,114	902	83%	1,114	920	83%	1,114	950	85%
Mila	Elementary	PK-6	100%	824	678	82%	824	731	89%	824	725	88%	824	734	89%
Mims	Elementary	PK-6	100%	707	435	62%	707	430	61%	707	444	63%	707	417	59%
Oak Park	Elementary	PK-6	100%	725	432	61%	725	433	60%	725	441	61%	725	452	62%
Ocean Breeze	Elementary	PK-6	100%	968	561	58%	968	554	57%	968	510	53%	968	526	54%
Palm Bay Elem	Elementary	PK-6	100%	854	538	83%	854	524	80%	854	506	77%	854	484	74%
Pinewood	Elementary	PK-6	100%	983	547	56%	983	571	58%	983	570	58%	983	602	61%
Port Malabar	Elementary	PK-6	100%	569	496	87%	569	524	92%	569	526	92%	569	532	93%
Quest	Elementary	PK-6	100%	852	639	75%	852	630	74%	852	656	75%	852	645	76%
Rivera	Elementary	PK-6	100%	1,152	673	59%	1,152	694	60%	1,152	722	63%	1,152	734	64%
Rosewell	Elementary	PK-6	100%	777	624	86%	777	681	89%	777	709	91%	777	722	93%
Sabal	Elementary	K-6	100%	599	263	44%	599	241	40%	599	221	37%	599	202	34%
Salton	Elementary	PK-6	100%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Sia Park	Elementary	PK-6	100%	976	676	69%	976	717	75%	976	712	74%	976	822	84%
Shenwood	Elementary	PK-6	100%	461	298	65%	461	324	70%	461	324	70%	461	330	72%
Sunrise	Elementary	PK-6	100%	609	428	70%	609	434	71%	609	442	73%	609	441	72%
Surfside	Elementary	PK-6	100%	913	691	76%	913	738	81%	913	929	93%	1,001	929	93%
Turner	Elementary	K-6	100%	755	595	79%	755	584	77%	755	555	74%	755	546	72%
University Park	Elementary	K-6	100%	541	408	75%	541	345	64%	541	336	62%	541	329	61%
Viera Elem	Elementary	K-6	100%	910	841	70%	910	814	67%	910	814	67%	910	807	66%
Westside	Elementary	PK-6	100%	874	579	66%	874	621	71%	874	659	75%	874	684	78%
Williams	Elementary	PK-6	100%	811	466	57%	811	496	61%	811	564	68%	811	622	77%
Elementary Totals				1,030	585	57%	1,030	742	72%	1,030	826	80%	1,030	902	88%
				857	728	85%	857	815	95%	857	855	97%	857	923	99%
				715	484	68%	715	483	68%	715	471	65%	715	452	63%
				42,471	29,890		42,471	30,743		42,471	31,024		42,471	31,547	

Middle School Concurrency Service Areas														
Central	7-8	90%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%
DeLaure	7-8	90%	960	851	88%	960	829	86%	960	854	89%	960	816	85%
Hoover	7-8	90%	680	510	75%	680	485	71%	680	508	74%	680	550	81%
Jackson	7-8	90%	680	510	75%	680	594	87%	680	555	81%	680	540	79%
Jefferson	7-8	90%	873	622	71%	873	583	67%	873	593	68%	873	535	61%
Johnson	7-8	90%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%
Kennedy	7-8	90%	868	632	73%	868	641	74%	868	617	71%	868	628	72%
Middle	7-8	90%	781	480	61%	781	471	60%	781	490	61%	781	437	56%
McNair	7-8	90%	811	336	55%	811	358	56%	811	385	58%	811	362	59%
Southwest	7-8	90%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%
Stone	7-8	90%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%
<b>Middle Totals</b>			<b>10,247</b>	<b>7,514</b>	<b>75%</b>	<b>10,247</b>	<b>7,514</b>	<b>75%</b>	<b>10,247</b>	<b>7,514</b>	<b>75%</b>	<b>10,247</b>	<b>7,514</b>	<b>75%</b>
Junior / Senior High School Concurrency Service Areas														
Cocoa Beach	Jr / Sr High	90%	2,004	1,516	75%	2,004	1,578	76%	2,004	1,627	78%	2,004	1,637	79%
Cocoa Coast	Jr / Sr High	90%	1,445	943	65%	1,445	917	63%	1,445	890	62%	1,445	821	57%
<b>Jr / Sr High Totals</b>			<b>5,381</b>	<b>4,015</b>	<b>70%</b>	<b>5,381</b>	<b>4,021</b>	<b>75%</b>	<b>5,381</b>	<b>4,028</b>	<b>75%</b>	<b>5,381</b>	<b>4,028</b>	<b>75%</b>
Senior High School Concurrency Service Areas														
Astronaut	9-12	95%	1,451	1,077	74%	1,451	1,094	75%	1,451	1,088	75%	1,451	1,078	74%
Bayside	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,842	81%	2,263	2,002	88%
Eau Gallie	9-12	95%	2,221	1,610	72%	2,221	1,634	74%	2,221	1,855	84%	2,221	1,880	85%
Heritage	9-12	95%	2,314	1,991	86%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%
Melbourne	9-12	95%	2,370	2,210	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%
Merritt Island	9-12	95%	1,982	1,523	77%	1,982	1,494	76%	1,982	1,454	74%	1,982	1,401	71%
Palm Bay	9-12	95%	2,631	1,288	49%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,545	59%
Rockledge	9-12	95%	1,836	1,563	85%	1,836	1,641	89%	1,836	1,558	84%	1,836	1,538	83%
Satellite	9-12	95%	1,927	1,313	68%	1,927	1,353	70%	1,927	1,470	77%	1,927	1,438	74%
Titusville	9-12	95%	1,849	1,231	67%	1,849	1,295	70%	1,849	1,373	74%	1,849	1,330	72%
Viera	9-12	95%	2,203	2,216	101%	2,203	2,272	103%	2,203	2,388	108%	2,203	2,411	110%
<b>High Totals</b>			<b>22,827</b>	<b>17,876</b>	<b>78%</b>	<b>22,827</b>	<b>18,430</b>	<b>81%</b>	<b>22,827</b>	<b>18,430</b>	<b>81%</b>	<b>22,827</b>	<b>18,430</b>	<b>81%</b>
Schools of Choice (Not Concurrency Service Areas)														
Freedom 7	K-6	100%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	K-6	100%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	K-6	100%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	K-6	100%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	90%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
<b>Schools of Choice</b>			<b>4,484</b>	<b>3,787</b>	<b>84%</b>	<b>4,484</b>	<b>3,787</b>	<b>84%</b>	<b>4,484</b>	<b>3,787</b>	<b>84%</b>	<b>4,484</b>	<b>3,787</b>	<b>84%</b>
<b>Schools Totals</b>			<b>85,210</b>	<b>63,089</b>	<b>74%</b>	<b>85,210</b>	<b>64,597</b>	<b>76%</b>	<b>85,210</b>	<b>65,450</b>	<b>77%</b>	<b>85,210</b>	<b>65,794</b>	<b>77%</b>

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

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Objection  
22SS0007  
22SS00008  
22Z00029

**From:** [katelynsjohnson@gmail.com](mailto:katelynsjohnson@gmail.com)  
**To:** [Jones, Jennifer](#)  
**Subject:** ID 22SS0007, 22SS0008, 22Z00029  
**Date:** Monday, August 8, 2022 12:07:33 PM

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

Good Day Ms. Jones,

I am writing to share my opposition with you to the subject referenced proposed zoning changes. As a Mims property owner, adding more high density properties would negatively affect the charm of the small city. People move to Mims to spread out and enjoy nature, not to be on top of each other and stuck in traffic. Brevard County has been expanding very rapidly, let's keep some spaces green and quaint.

Thank you,  
Katelyn Walker

Sent from my iPhone

## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 15, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo (D1); Brian Hodgers (D2); Robert Sullivan (D2); Lorraine Koss (Alt. D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (Alt. D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Jane Hart, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### Excerpt of Complete Agenda

**Paul J. Marion, Kimberly Ann LaMattina, Kayla Marie Losat, and Jessica Lynn Ripper; and Robert Clay Kirk and Ethylmay Kirk (Chad Genoni/Kim Rezanka)**

*A Small Scale Comprehensive Plan Amendment (22S.11), to change the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4). The property is 35.36 acres, located approx. 385 ft. south of Brockett Rd., and approx. 0.72 mile east of U.S. Highway 1. (No assigned address. In the Mims area.) (22SS00008) (Tax Accounts 2102878 & 2102882) (District 1)*

Kim Rezanka, Lacey Lyons Rezanka, 1290 U.S. Highway 1, Rockledge, stated the request meets the comp plan requirement of being adjacent to RES 4, and allows for the property to be developed with flexible lot sizes to avoid the wetlands and Scrub Jays, if necessary. She said the requested land use does not have an impact of levels of services, traffic, or school concurrency, and development will be limited to 197 units on 76.52 acres.

No public comment.

Peter Filiberto stated there is the ability to build 306 single-family lots, although the school capacity limits it to 197 units, and asked if it could be phased later to 306 units if more schools are built in the area. Ms. Rezanka replied no, the BDP would limit it to 197 units. She noted there also will be connection to sewer and water.

Motion by Peter Filiberto, seconded by Bruce Moia, to recommend approval of the Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from RES 2 to RES 4. The motion passed unanimously.