



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

12/5/2019

Subject:

Ray L. Colgin (Chad Genoni) requests Adoption of the 2019-2.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 2. (19PZ00075) (Tax Account 2441237) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider adoption of the 2019-2.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 2.

Summary Explanation and Background:

The Brevard County Code Section 62-502 (b)(3) establishes a twice a year application deadline for Large Scale Comprehensive Plan Amendments, for changes of use on one or more than 10 acres. Large scale amendments entail a two-step public hearing process, as outlined in Chapter 163, F.S.

The applicant has submitted a companion rezoning application proposing a change from AU (Agricultural Residential) to RU-1-7 (Single Family Residential). The current zoning of AU is consistent with the proposed Future Land Use designation of RES 2. If the applicant seeks to change the zoning of the property to RU-1-7, the applicant will need to prepare a Binding Development Plan that allows only up to two (2) dwelling units per acre in order to remain consistent with the proposed Future Land Use designation of RES 2.

The first public hearing cycle, with the August 19, 2019 Local Planning Agency Meeting and September 15, 2019 Board of County Commissioners meeting completed the necessary public hearings for Transmittal of this amendment to the Florida Department of Economic Opportunity, along with other local, regional, and state reviewing agencies.

The County has received Technical Assistance comments from the Florida Department of Agriculture and Consumer Services as well as the St. John's River Water Management District, as part of the Expedited State Review, which have been included in the Board's package.

Specific to this request, the applicant is seeking a Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2) on a 52.53-acre property for 273

the purpose of developing up to 105 single-family residences. The subject property is located at 6500 S.R. 524.

The surrounding area is largely characterized by a mixture of low density residential, public facilities, and public conservation land uses. To the north, east, and west the Future Land Use designation is RES 1 which limits density to one (1) dwelling unit per acre. Also, adjacent on the south west portion of this parcel is a cluster of approximately 38 acres of commercial land uses along the north side of State Road 520 and Canaveral Groves.

The subject property is not served with potable water or sanitary sewer. According to Policy 1.2 of the Future Land Use Element of the Comprehensive Plan, developments of less than four (4) dwelling units per acre are not required to connect to potable water or sanitary sewer.

At this time, Fairglen Elementary School is not projected to have enough capacity for the total of projected and potential students from the 52.53 acre Development. Because there is a shortfall of available capacity in the concurrency service area of this 52.53 acre development, the capacity of adjacent concurrency service areas must be considered. Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the 52.53 acre development.

The Board may wish to consider whether the proposed density of two units per acre is consistent with the surrounding Future Land Use designations and the existing development patterns within the area.

On November 18, 2019, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Letter to DEO to be signed by the Board Chair and two copies of the Ordinance to be signed by Board Chair and Clerk of Court.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 11, 2019

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

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your corrected electronic copy of Brevard County Ordinance No. 19-25, which was filed in this office on December 11, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



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

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

December 6, 2019

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Cheryl Campbell

RE: Item H.5., 2019-2.1 Fall Comprehensive Plan Amendment

The Board of County Commissioners, in regular session on December 5, 2019, conducted the public hearing and executed the Letter for 2019-2.1 Fall Comprehensive Plan Amendment; and adopted Ordinance No. 19-25, setting forth Plan Amendment 2019-2.1 of the Small Scale Comprehensive Plan to change the Future Land Use designation from Residential 1 to Residential 2 for Ray L. Colgin (19PZ00075). Enclosed are fully-executed Letter and fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encls. (2)



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

BOARD OF COUNTY COMMISSIONERS

December 5, 2019

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

Re: 2019-2.1 Fall Comprehensive Plan Amendment Adoption Package

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment submittal package for the 2019-2 Fall Comprehensive Plan Amendment cycle – Brevard County Amendment No. 19-02ESR. There is one private application for amendment being considered for adoption in this cycle more fully described in the attached staff report.

The Local Planning Agency held a public hearing regarding the adoption of the 2019-2. Plan Amendment package on November 18, 2019, recommending approval of Comprehensive Plan Amendment, 2019-2.1.

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

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

The proposed amendment package was adopted by Brevard County on December 5, 2019.

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

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

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

The contact person for the 2019-2.1 Plan Amendment package is:

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

A local newspaper of general circulation is:

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

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

Sincerely,



Bryan Lober, Chair
Brevard County Board of County Commissioners

Enclosures

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

ORDINANCE NO. 19-25

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2019-2.1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART XI, ENTITLED FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2019, for adoption as the Fall Cycle Large Scale Comprehensive Plan Amendment 2019-2.1; and

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

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

WHEREAS, on November 18, 2019, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2019-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 5, 2019, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved the adoption of Plan Amendment 2019-2.1; and

WHEREAS, Plan Amendment 2019-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2019-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2019-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2019-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

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

DONE AND ADOPTED in regular session, this 5 day of Dec., 2019.

ATTEST

A blue ink signature of Scott Ellis, consisting of stylized initials 'SE' followed by a horizontal line.

Scott Ellis, Clerk

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

By: A blue ink signature of Bryan Lober, written in a cursive style.

Bryan Lober, Chair

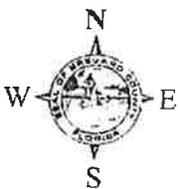
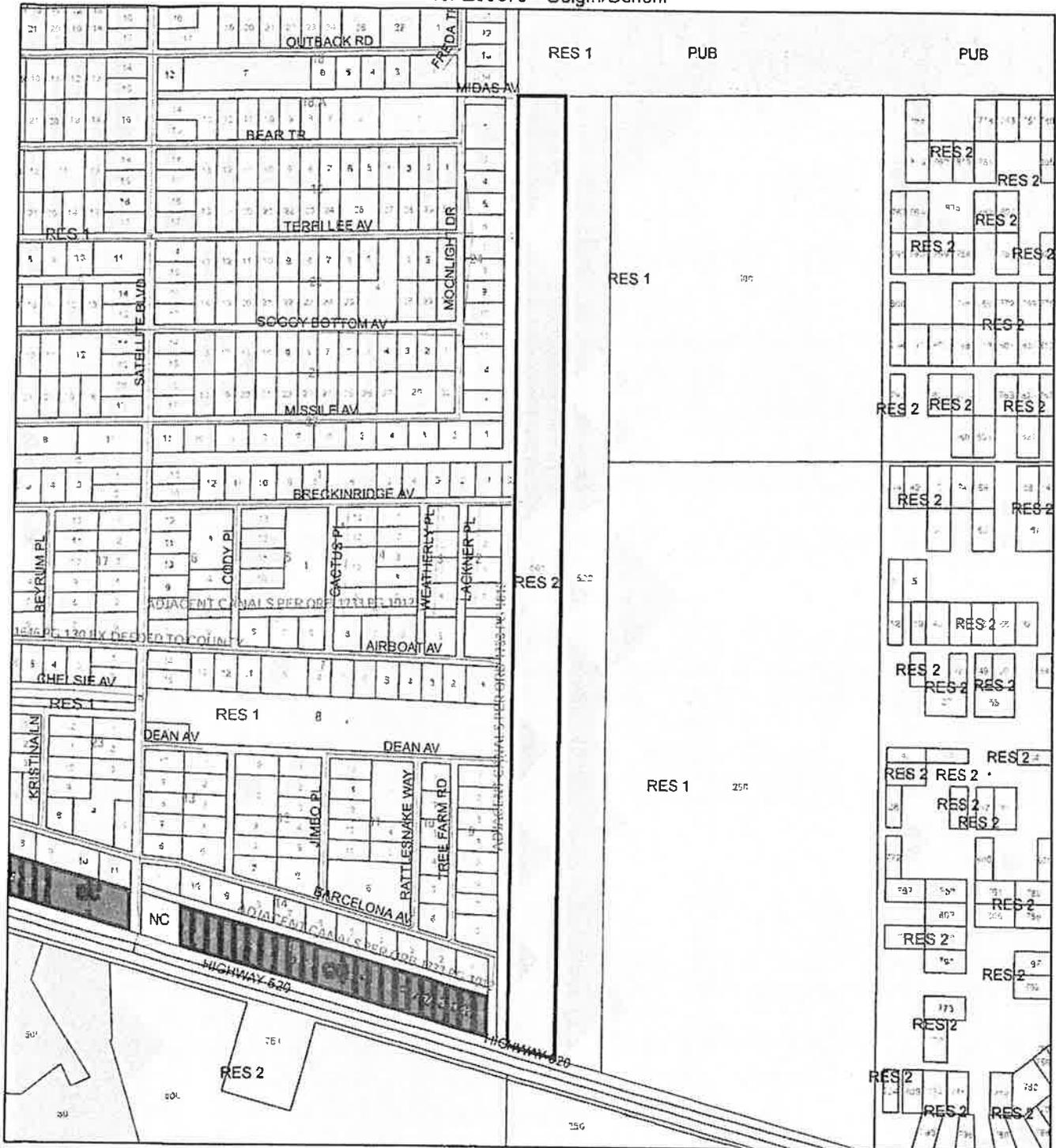
Approved by the Board on Dec. 5, 2019.

**LSCPA
Ray L. Colgin
Fall Cycle 2019-2.1
Exhibit A**

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 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: 7/2/2019

**LSCPA
Ray L. Colgin
Adoption 2019-2.1
State Agency Comments**

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

September 19, 2019

The Honorable Kristine Isnardi, Chair
Brevard County BOCC
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Dear Commissioner Isnardi:

Thank you for submitting Brevard County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Brevard County 19-02ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **October 20, 2019**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Kelly Corvin, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8503.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Ray Eubanks', is written over a light blue horizontal line.

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

October 18, 2019

The Honorable Kristine Isnardi
Chair, Brevard County
Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chair Isnardi:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Brevard County (Amendment No. 19-02ESR) received on September 20, 2019. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

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

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

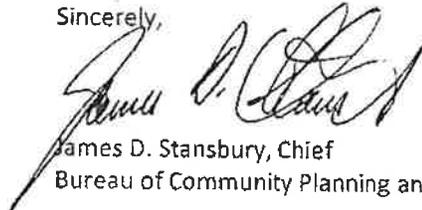
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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The Honorable Kristine Isnardi, Chair
October 18, 2019
Page 2 of 2

If you have any questions concerning this review, please contact Dan Pennington, Planning Analyst, by telephone at (850) 717-8524 or by email at Dan.Pennington@deo.myflorida.com.

Sincerely,



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

JDS/dp

Enclosure(s): Procedures for Adoption

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

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Florida Department of Environmental Protection
Florida Department of Education
Florida Department of State
Florida Department of Transportation District 5
East Central Florida Regional Planning Council
St Johns River Water Management
Florida Fish and Wildlife Conservation Commission
Florida Department of Agriculture and Consumer Services

DATE: September 20, 2019

SUBJECT: COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: BREVARD CO 19-02ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Kelly Corvin/(850)717-8503

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Suite A-114
Viera, FL 32940
Phone: (321)633-2070

August 19, 2019

SEP 20 2019

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

Re: 2019-2 Fall Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Mr. Eubanks,

Enclosed please find the Transmittal package for the 2019-2 Fall Cycle Large Scale Comprehensive Plan Amendment. There is one private application for amendment being considered for Transmittal: 2019-2.1 submitted by Ray L. Colgin, LLC, more fully described in the attached staff comments for 19PZ00075.

The Local Planning Agency held a public hearing regarding the Transmittal of the 2019-2.1 Comprehensive Plan Amendment on August 19, 2019. The Brevard County Board of County Commissioners approved the Transmittal of the 2019-2.1 Comprehensive Plan Amendment package during a public hearing on September 5, 2019.

Copies of the proposed amendment Transmittal package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, the Florida Department of Agriculture and Consumer Services, and the Patrick Air Force Base Military Installation.

The plan amendment's "content and effect" is included in this mailing. Brevard County is submitting the proposed LSCPA's under the expedited state review process.

The proposed amendment package is anticipated to be adopted by Brevard County on December 5, 2019.

The proposed amendment package is not within an area of critical state concern. The proposed amendment packages is not within the Wekiva River Protection Area.

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

The contact person for the 2019-2 Plan Amendment package is:

Cheryl Campbell, Planner III
Cheryl.Campbell@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940
PHONE (321) 633-2070 - FAX (321) 633-2074

A local newspaper of general circulation is:

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

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

Sincerely,


Kristine Ishardi, Chair

cc:
Brevard County Board of County Commissioners
Frank Abbate, County Manager
Eden Bentley, County Attorney
Tad Calkins, Director, Planning and Development Department
East Central Florida Regional Planning Council
St. Johns River Water Management District
FDOT District Five Florida Department of Environmental Protection
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission Florida Division of Agriculture and
Consumer Services Florida Department of Education
Patrick Air Force Base Military Installation



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

October 22, 2019

VIA EMAIL Cheryl.Campbell@brevardfl.gov

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

Re: DACS Docket # -- 20190924-129
Brevard County 2019-2 Fall Cycle Large Scale CPA
Submission dated August 19, 2019

Dear Ms. Campbell:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment, 19PZ00075, dated August 19, 2019, and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. We note the plan amendment has not received final approval from the Brevard County Commission. However, based on our review of the amendment(s) submitted by your county, the Department has the following comments regarding the proposed changes:

The Florida Forest Service would like the County planning and permitting staff to consider Wildfire Mitigation Plans in its countywide development planning and permitting. Access points to allow equipment into areas to suppress wildfires can be incorporated as safety, natural resource and habitat preservation policy elements in comprehensive plans. Areas in and proximate to the subject site should be encouraged to address issues of Fire-Wise Communities prior to construction. Please contact Ronda Sutphen at FFS for additional information regarding the FireWise program at 850.681.5929.

The Department requests that the County's planning process provide adequate review of the special flood plain hazard areas in area presently classified agricultural.

More generally, the Department encourages agricultural areas in all counties as they are valuable state resources which provide valuable crops, open spaces, preservation of natural resources (trees, water, wetlands, wildlife), economic diversification, and other important public benefits.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2289.

Sincerely,



Thomas Poucher
Budget Director
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Brevard County 19-2 ESR)

Campbell, Cheryl

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Friday, October 18, 2019 4:30 PM
To: Campbell, Cheryl; DCPexternalagencycomments@deo.myflorida.com
Cc: Plan_Review
Subject: Brevard County 19-2ESR Proposed

To: Cheryl Campbell, Planner III

Re: Brevard County 19-2ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

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

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

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

Lindsay Weaver



Campbell, Cheryl

From: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Sent: Friday, October 18, 2019 2:39 PM
To: Campbell, Cheryl
Cc: DCPexternalagencycomments@deo.myflorida.com
Subject: Brevard County proposed comprehensive plan amendment 19-2ESR

Dear Ms. Campbell,

St. Johns River Water Management District (District) staff have reviewed Brevard County proposed comprehensive plan amendment 19-2ESR in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

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

Sincerely,
Steve

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



www.sjrwmd.com/epermitting

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

Notices

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



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720

KEVIN J. THIBAUT, P.E.
SECRETARY

October 2, 2019

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

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW
LOCAL GOVERNMENT: BREVARD COUNTY
DEO #: 19-02ESR

Dear Ms. Campbell,

The Department of Transportation has completed its review of the above Proposed Comprehensive Plan Amendment, as requested in the County's transmittal letter dated August 19th, and received by the Department on September 18, 2019.

We appreciate the opportunity to participate in this review process. The proposed amendment is not anticipated to result in significant adverse impacts to the State Highway System and/or the Strategic Intermodal System; therefore, The Department does not have technical assistance comments regarding the proposed amendment.

If you have any questions, you may contact me at 386-943-5150 or by e-mail at Tina.Williamson@dot.state.fl.us.

Sincerely,

Tina Williamson, AICP
Growth Management Coordinator

C: Fred Milch, ECFRPC
Kellie Smith, FDOT
Jennifer Carver, FDOT

D. Ray Eubanks, FDEO
Kelly Corvin, FDEO

PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

Local Government: Brevard County
DEO Amendment #: 19-02ESR
Date Amendment Received FDOT: 09/18/2019
Review Comments Deadline: 10/18/2019
Today's Date: 10/02/2019

GENERAL BACKGROUND INFORMATION

Brevard County has submitted the proposed Brevard County 19-02ESR Large Scale comprehensive plan amendment package pertaining to a 52.53± acre subject property, generally located on the north side of S.R. 520, approximately one-half (1/2) mile west of the intersection of S.R. 520 and S.R. 524. The proposed amendment would change the future land use (FLU) of the subject property from Residential 1 to Residential 2. An associated rezoning request from Agriculture Residential (AU) to Single Family Residential (RU 1-11) has been proposed.

The pertinent adopted and proposed FLUM designations and descriptions for the future land use amendment are:

- **BREVARD COUNTY – RESIDENTIAL 1**

The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.
- D. Up to a 25% density bonus to permit up to 1.25 dwelling 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 interconnectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

Maximum allowed density: Residential – Not to exceed one (1) dwelling unit per acre.

<p>FDOT Contact: Tina Williamson, AICP Growth Management Coordinator FDOT District Five, PLEMO</p> <p>Telephone: 386-943-5150</p> <p>Fax: 386-943-5713</p> <p>E-mail: Tina.Williamson@dot.state.fl.us</p> <p>File: H:\Deland\Development\PLEMO\Planning\Growth Management\CPA\CPA Project Files\Brevard County\Review\2019\19-02ESR\Proposed\Brevard_County_Proposed_19_02ESR_FDOT_100219-CPA_Review.docx</p>	<p>Reviewed by: Tyler K. Johnson, AICP</p> <p>VHB 407-839-4006 407-839-4008 tjohnson@vhb.com</p>
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PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

Local Government: Brevard County
DEO Amendment #: 19-02ESR
Date Amendment Received FDOT: 09/18/2019
Review Comments Deadline: 10/18/2019
Today's Date: 10/02/2019

• **BREVARD COUNTY – RESIDENTIAL 2**

The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

- A. Areas adjacent to existing Residential 2 land use designation; or
- A. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.
- C. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

Maximum allowed density: Residential – Not to exceed two (2) dwelling unit per acre.

FDOT Contact:	Tina Williamson, AICP Growth Management Coordinator FDOT District Five, PLEMO	Reviewed by:	Tyler K. Johnson, AICP VHB 407-839-4006 407-839-4008 tjohnson@vhb.com
Telephone:	386-943-5150		
Fax:	386-943-5713		
E-mail:	Tina.Williamson@dot.state.fl.us		
File:	H:\Deland\Development\PLEMO\Planning\Growth Management\CPA\CPA Project Files\Brevard County\Review\2019\19-02ESR\Proposed\Brevard_County_Proposed_19_02ESR_FDOT_100219-CPA Review.docx		

PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

Local Government: Brevard County
DEO Amendment #: 19-02ESR
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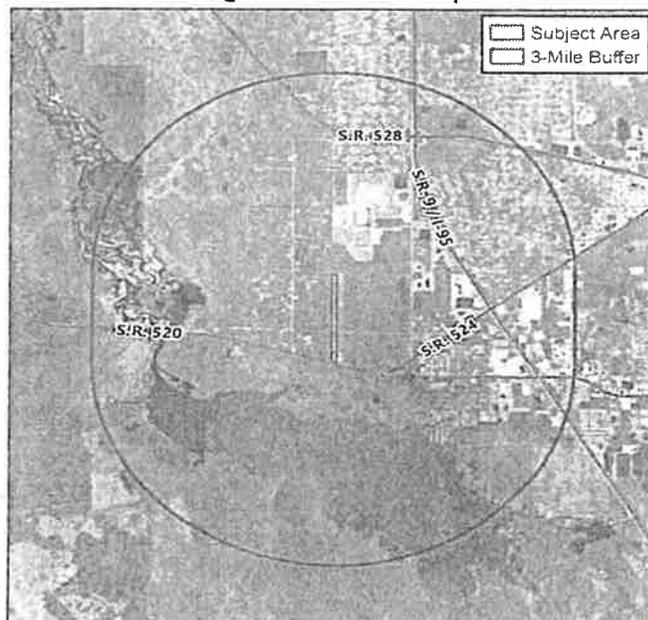
MAP AMENDMENT

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

Background:

Brevard County has submitted the proposed Brevard County 19-02ESR Large Scale comprehensive plan amendment package pertaining to a 52.53± acre subject property, generally located on the north side of S.R. 520, approximately one-half (1/2) mile west of the intersection of S.R. 520 and S.R. 524. The proposed amendment would change the future land use (FLU) of the subject property from Residential 1 to Residential 2. An associated rezoning request from Agriculture Residential (AU) to Single Family Residential (RU 1-11) has been proposed. The subject area is depicted in Figure 1.

Figure 1: Location Map



FDOT Contact: Tina Williamson, AICP
Growth Management Coordinator
FDOT District Five, PLEMO
Telephone: 386-943-5150
Fax: 386-943-5713
E-mail: Tina.Williamson@dot.state.fl.us
File: H:\Deland\Development\PLEMO\Planning\Growth Management\CPA\CPA Project Files\Brevard County\Review2019\19-02ESR\Proposed\Brevard_County_Proposed_19_02ESR_FDOT_100219-CPA Review.docx

Reviewed by: Tyler K. Johnson, AICP
VHB
407-839-4006
407-839-4008
tjohnson@vhb.com

PROPOSED COMPREHENSIVE PLAN AMENDMENT REVIEW

Local Government: Brevard County
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The Residential 2 FLU determines maximum density based on gross acres. Based on information provided in the transmittal package, there are 52.53± gross acres estimated on the subject property.

The proposed development program is for 105 single family dwelling units, as indicated in the transmittal package, and is the maximum allowable based on the proposed FLU designation. This development program is not included in the proposed FLUM Ordinance. Table 1 below shows the trip generation potential for the currently adopted and proposed land use densities and/or intensities, and the change in trips as a result of the proposed FLU amendment.

Table 1: Trip Generation Potential of the Subject Property

Scenario	Land Use Designation	ITE Land Use Code	Allowed Development		Daily Trips	P.M. Peak Hour Trips
Adopted	Residential 1	210	52	d.u.	575	54
Proposed	Residential 2	210	105	d.u.	1,098	106
Change in Trips					+523	+52

Source: ITE Trip Generation Manual 10th Edition, d.u. = dwelling units

The analysis shows that the proposed amendment increases the trip generation potential of the subject property by 523 daily trips and 52 P.M. peak hour trips.

The State roadway segments within three miles of the site that could be impacted by the amendment are shown in the Table 2 with year 2019, 2029, and 2040 projected volumes.

FDOT Contact: Tina Williamson, AICP Growth Management Coordinator FDOT District Five, PLEMO Telephone: 386-943-5150 Fax: 386-943-5713 E-mail: Tina.Williamson@dot.state.fl.us File: H:\Deland\Development\PLEMO\Planning\Growth Management\CPA\CPA Project Files\Brevard County\Review2019\19-02ESR\Proposed\Brevard_County_Proposed_19_02ESR_FDOT_100219-CPA_Review.docx	Reviewed by: Tyler K. Johnson, AICP VHB 407-839-4008 407-839-4008 tjohnson@vhb.com
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Local Government: Brevard County
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Table 2: State Roadway Segments Affected by FLUM Amendment

Roadway(s)	Segment(s)	SHS / SIS ?	LOS Standard	2019			2029			2040		
				Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?	Service Volume at LOS Standard	AADT	Acceptable?
S.R. 520	S.R. 528/Beachline Expressway to Brevard County Line	Y	C	38,290	22,100	Y	38,290	31,400	Y	38,290	43,600	N
	Orange County Line to S.R. 524	Y	C	40,300	22,100	Y	40,300	31,400	Y	40,300	43,600	N
	S.R. 524 to S.R. 9/I-95	Y	D	41,790	26,800	Y	41,790	35,200	Y	41,790	47,800	N
	S.R. 9/I-95 to Clear Lake Rd	Y	D	41,790	24,700	Y	41,790	28,400	Y	41,790	33,000	Y
S.R. 524	S.R. 520 to S.R. 9/I-95	Y	D	24,200	5,900	Y	24,200	7,800	Y	24,200	11,700	Y
	S.R. 9/I-95 to Cox Rd	Y	D	18,590	11,900	Y	39,800	14,900	Y	39,800	20,800	Y
	Cox Rd to S.R. 501	Y	D	19,470	17,500	Y	41,790	21,000	Y	41,790	27,500	Y
S.R. 528	W. of S.R. 407 to Urban Boundary	Y	C	43,000	21,300	Y	64,000	27,600	Y	64,000	29,400	Y
	Urban Boundary to I-95	Y	D	74,400	21,300	Y	111,800	27,600	Y	111,800	29,400	Y
	I-95 to S.R. 524/Industry Rd	Y	D	74,400	33,700	Y	111,800	37,000	Y	111,800	40,600	Y
S.R. 9/I-95	Urban Area to S.R. 520	Y	D	111,800	95,700	Y	111,800	123,800	N	111,800	132,100	N
	S.R. 520 to S.R. 524	Y	D	111,800	45,900	Y	111,800	51,700	Y	111,800	60,000	Y
	S.R. 524 to S.R. 528	Y	D	111,800	59,400	Y	111,800	66,800	Y	111,800	75,700	Y
	S.R. 528 to Port St John Pkwy	Y	D	111,800	94,800	Y	111,800	112,100	N	111,800	119,600	N

Source: FDOT District Five 2016 LOS_ALL Report Update

Technical Assistance:

Two segments of S.R. 9/I-95 located within three miles of the proposed amendment site projected to exceed LOS standards in the Year 2029 scenario. In addition, three segments of S.R. 520 located within three miles of the proposed amendment site projected to exceed segments in the Year 2040 scenario. The

FDOT Contact:	Tina Williamson, AICP Growth Management Coordinator FDOT, District Five, PLEMO	Reviewed by:	Tyler K. Johnson, AICP VHB 407-839-4006 407-839-4008 tjohnson@vhb.com
Telephone:	386-943-5150		
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proposed land use amendment results in an increase in the trip generation potential of the subject site; however, this increase is nominal. Therefore, no significant adverse impacts to the State Highway System (SHS) or Strategic Intermodal System (SIS) are anticipated based on the proposed amendment. Based on this, the Department does not have technical assistance comments regarding the proposed amendment.

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

FDOT Contact:	Tina Williamson, AICP Growth Management Coordinator FDOT District Five, PLEMO	Reviewed by:	Tyler K. Johnson, AICP
Telephone:	386-943-5150		VHB
Fax:	386-943-5713		407-839-4006
E-mail:	Tina.Williamson@dot.state.fl.us		tjohnson@vhb.com
File:	H:\Deland\Development\PLEMO\Planning\Growth Management\CPA\CPA Project Files\Brevard County\Review\2019\19-02ESR\Proposed\Brevard_County_Proposed_19_02ESR_FDOT_100219-CPA Review.docx		

**LSCPA
Ray L. Colgin
Fall Cycle 2019-2.1
Adoption Public Comments**

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

Comprehensive Plan Amendment Citizen Courtesy Information List

Local Government: Board of County Commissioners

Hearing Date: December 5, 2019

Type Hearing: Adoption RE: 2019-2.1 Fall Adoption

DEO Amendment No: 19-02ESR (DEO Official Use)

Please Print Clearly

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

Citizen Name	Address, City, State, Zip Code	Check Appropriate Response(s)	Identify Amendment which is of Interest
		Written Comment	Spoken Comment

Comprehensive Plan Citizen Courtesy Information List

Local Government: Local Planning Agency

Hearing Date: November 18, 2019

Type Hearing: Adoption RE: 2019-2.1 Fall Adoption

DCA Amendment Number: 19-02ESR (DEO Official Use)

Please Print Clearly

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

Check

Citizen Name	Address, City, State, Zip Code	Appropriate Response(s)	Identify Amendment which is of Interest
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Written Comment

Spoken Comment

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LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, November 18, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ian Golden; Ron Bartcher; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; Darcie McGee, Assistant Director, Natural Resources Management; and Mary Taylor, Land Development Specialist.

Excerpt of Complete Agenda

1. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, Florida, entitled The Comprehensive Plan, setting forth the adoption of Large Scale Plan Amendment 2019-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

Plan Amendment 2019-2.1

A proposal initiated by Ray L. Colgin, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from RES 1 (Residential 1) to RES 2 (Residential 2). The property is 52.53 acres, located on the north side of State Road 520, approximately 0.64 mile west of the intersection of State Road 524 and State Road 520. (6500 State Road 520, Cocoa) (19PZ00075) (District 1)

2. Ray L. Colgin (Chad Genoni/Kim Rezanka)

A request for a change of zoning classification from AU (Agricultural Residential) to RU-1-7 (Single-Family Residential), with a BDP (Binding Development Plan) limited to two units per acre, on 52.53 acres, located on the north side of State Road 520, approximately 0.63 miles west of the intersection of State Road 520 and State Road 524. (6500 State Road 524, Cocoa) (Tax Account 2441237) (19PZ00118) (District 1)

(All documents submitted to the board can be found in file 19PZ00118, located in the Planning and Development Department)

Kim Rezanka, Cantwell & Goldman, P.A., 96 Willard Street, Cocoa, distributed a map to the board and staff. She explained that the purpose of the Comprehensive Plan amendment and rezoning is to allow flexibility, as the property is long and narrow, and at approximately 322 feet in width, there are some challenges in developing it, along with some environmental constraints. She said the request for RU-1-7 is to allow for smaller lots. The aerial map she gave the board shows where the property is located, and also indicates recent development in nearby City of Cocoa, which are all plats of 50-foot lots. She stated the property to the immediate east of the subject property is Sterling Stables, which is a wedding venue and ranch, and the owner, Gary Dana, spoke to the board at the August 19th meeting. She said a lot of the undeveloped property in the area is unplatted subdivisions of one or two acres and easements, but now there is a four-lane road and sewer availability. She said all of the issues of sewer, water, access, and drainage will be done at site plan. She stated as to the Comprehensive Plan amendment, to the south of State Road 520 is Residential 2. She said the

comments from Natural Resources talks about environmental issues, and those will be dealt with during site plan. The transmittal comments for the Comprehensive Plan amendment resulted in no comments; the Department of Economic Opportunity had no comments; St. Johns River Water Management District had no comments; the Department of Environmental Protection found nothing that resulted in adverse impacts to important State resources; and Florida Department of Transportation stated the Comprehensive Plan amendment is not anticipated to result in significant adverse impacts to the State highway system or strategic intermodal system. She said as to the rezoning, RU-1-7 is made compatible by the BDP and will only be developed to the number of units that the Future Land Use allows, so if the board does not approve the Residential 2, it would stay Residential 1 and the maximum would be 52 lots. If Residential 2 is approved, the maximum would be 105 lots. She noted most of the parcels to the west are 2.5 acres, but there are few residential lots that are developed; they are modular homes for the most part and most are not developed because there are no roads to them.

Mark Wadsworth asked if there is a percentage of wetlands on the property. Ms. Rezanka replied the applicant has not done a topographical survey on the property, as he has not yet purchased the property, but she knows wetlands cannot be impacted more than 1.8 percent.

Mr. Wadsworth asked for comment from Natural Resources Management. Darcie McGee, Assistant Director, Natural Resources Management, stated St. Johns has identified there has been unpermitted wetland impacts on the property, and she let the applicant know that at the time of permitting they may be looking at some restoration. She said the applicant would get 1.8 percent of the project area, but any unpermitted wetland impacts would count against the 1.8 percent, and anything else would have to be restored. She explained that for many years the owner had bonafide agriculture and was regulated by the State for biosolids, so the things done under that permit that the State does not say is a violation, then that would not count against the 1.8 percent, but it could be challenging because it's a narrow lot.

Mark Wadsworth called for public comment, and seeing none, he brought the item back to the board.

Motion by Ben Glover, seconded by Peter Filiberto, to approve the Large Scale Comprehensive Plan amendment initiated by Ray L. Colgin to change the Future Land Use designation from Residential 1 to Residential 2. The motion passed unanimously.

Motion by Ben Glover, seconded by Peter Filiberto, to approve the change of zoning classification from AU to RU-1-7, with a BDP limited to two units per acre. The motion passed unanimously.

Adjournment:

Upon consensus of the board, the meeting adjourned at 3:12 p.m.

HS

19PZ00118
Colgin

From: [Ball, Jeffrey](#)
To: [Jones, Jennifer](#)
Subject: FW: NEW INFO Fwd: RE: Septage Disposal Questions - Thank you
Date: Thursday, December 5, 2019 10:42:50 AM
Attachments: [image002.png](#)

Fyi

From: Douglas and Mary Sphar <canoe2@digital.net>
Sent: Thursday, December 5, 2019 10:34 AM
To: Mcgee, Darcie A <Darcie.Mcgee@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: NEW INFO Fwd: RE: Septage Disposal Questions - Thank you

Hi Darcie, Commissioner Pritchett, and Mr. Ball,

Below is an email from DEP we received this morning from DEP. It contains some new info relating to items D.5 and D.6 on tonight's agenda. As you know, we like to double and triple check. Best to be very careful.

1. Mr. Colgin did get a permit extension that carried him through the end of 2017, even though septage spreading on land was forbidden by state law beginning on January 1, 2016. This means he was spreading septage legally on Dec. 9, the date of the Mr. Dana's email complaint to D1 Commissioner, Code Enforcement and the County Manager. This complaint is documented in the agenda packet for H.6 as Correspondence.

2. Mr. Colgin had multiple challenges to fixing up his operation, as he stated in his email to DEP dated Dec. 2, 2017. This email is at the end of the paperwork supplied by DEP that you can reference with the link Ashley Gardner provided. (Obviously Mr. Colgin did not get along too well with Mr. Dana.)

From: Mel Colgin
To: Parker, Wanda; LeGros, Charles; john@dillard-eng.com
Subject: DEP Permit RAI
Date: Saturday, December 02, 2017 12:47:20 AM

I am working on three problems:

1. The phosphates were too high in field #1, but the hurricane put me under two feet of water,

the USDA Rep Joe Walter is going to test all of our fields within the next ten days.

2. The D.E.P. calls for me to move my plant. I cannot move my plant it is too big and has pipes

running under ground as overflow pipes. I have an 8,000 gallon in-ground water tank and

three phase power I cannot move.

3. I cannot get into my #1 field because my neighbor has dug huge canals to drain his wetlands

into our pastures and so far no one has stopped him, so I must build a berm to stop his

Thank you,



Ashley Gardner
Ombudsman/Media & External Affairs
Florida Department of Environmental Protection
Central District
ashley.gardner@dep.state.fl.us
Office: 407-897-2914

Looking to file a Notice, Registration, or Self-certification? Need a permit determination fast? You can even submit a permit application and make a payment! Try DEP's Business Portal. It's easy and quick. Just click the button below.



Commissioner, D1

From: Douglas and Mary Sphar <canoe2@digital.net>
Sent: Wednesday, December 4, 2019 9:31 PM
To: Commissioner, D1; Newell, Marcia
Subject: District 1 item on Thursday's agenda

Categories: MARCIA

Dear Commissioner Pritchett,

Tomorrow you will be considering a Comprehensive Plan Amendment and a rezoning for a 52+ acre property on SR 520, owned by Ray Colgin. This is the property where septage (septic tank pumpout) was processed and spread for at least 25 years.

Before any density changes are granted, we would like the damage resulting from the unpermitted wetland impacts to be fixed. We would also like the property to be evaluated for health concerns and cleaned up as appropriate.

The adoption decision does not need to be made on December 5th. The State of Florida requires that the adoption hearing take place within 180 days of receipt of agency comments. That would put the deadline around the middle of April. This means there is time for the wetlands to be repaired and the property to be assessed for health risks and cleaned up as necessary.

We would like to highlight some information in your agenda packet. According to Natural Resources Management Department comments in your packet:

The current site owner has been processing septic tank waste with lime, and spreading the resulting biosolids on the property for approximately 20-30 years. Biosolids have been deposited in on-site wetlands. SJRWMD determined that impacts to two of the wetlands were unpermitted, and will require restoration or mitigation for the loss of wetland function. Please note that the wetland impacts are not consistent with Brevard County Chapter 62, Article X, Division 4, entitled Wetlands Protection. Impacted wetlands are required to be restored.

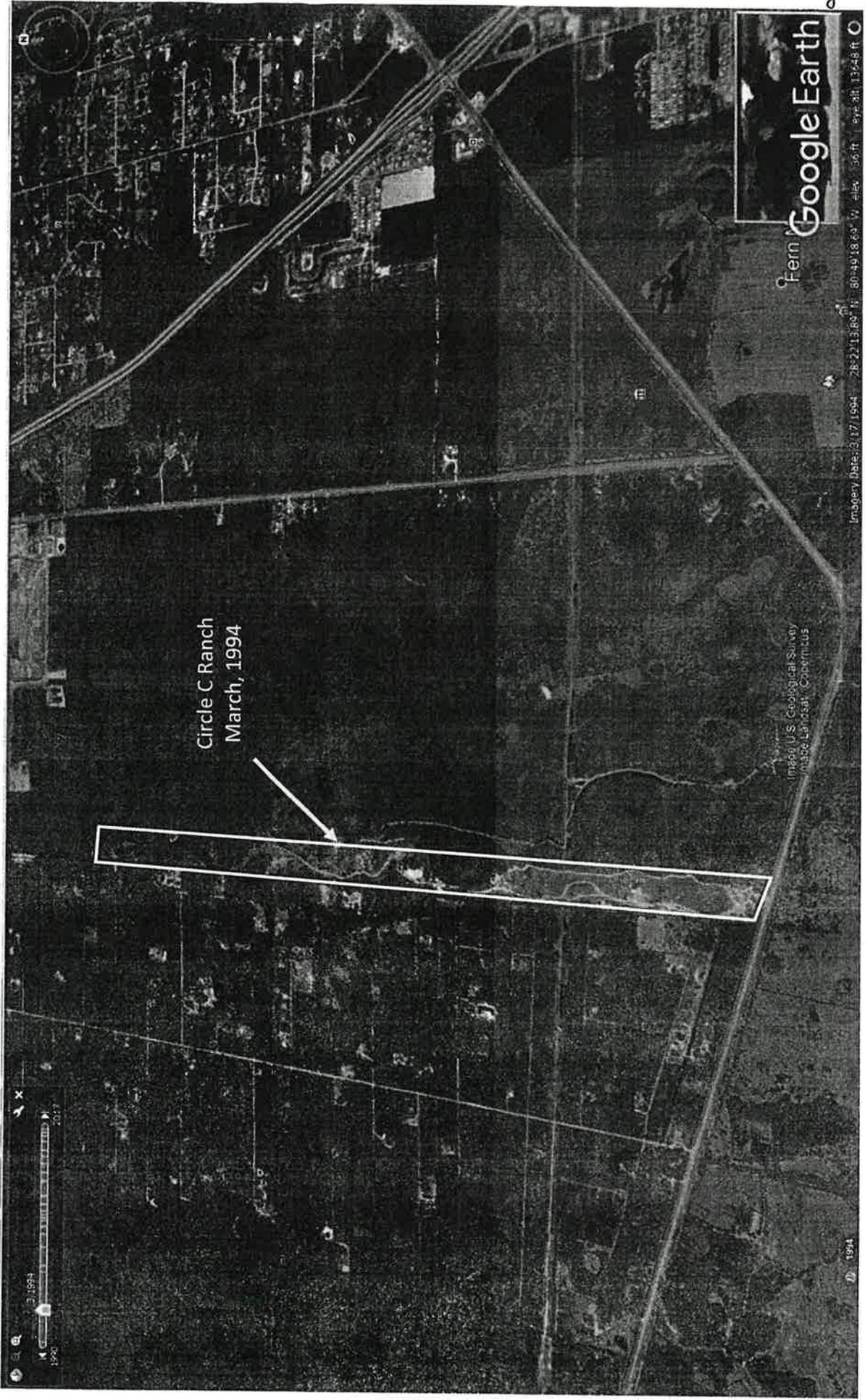
The extent to which the residual effects from biosolids processing and spreading might be harmful to the health of any new occupants of the property needs to be determined. The 2019 aerial photo of the property in your agenda packet appears to show piles of lime, which is required for septage processing. In addition, your agenda packet's Correspondence section contains an email chain that began with an email addressed to you, as one of three recipients. Considering these two pieces of information from the agenda packet, we believe that to ensure the health and safety of future residents, the property should be evaluated for health risks before any density changes are granted.

Thank you for considering our opinion.

Sincerely,

Doug and Mary Sphar

H(5) and (6) GOLGIN (Chad Genoni) Comp Plan Amendment and rezoning 12/5/19



Circle C Ranch
March, 1994

Fern Google Earth

Imagery Date: 3/17/1994 28°2'13.69"N 80°49'18.63"W elev. 36 ft. Eye alt. 13648 ft

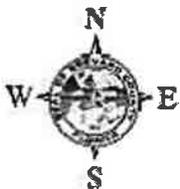
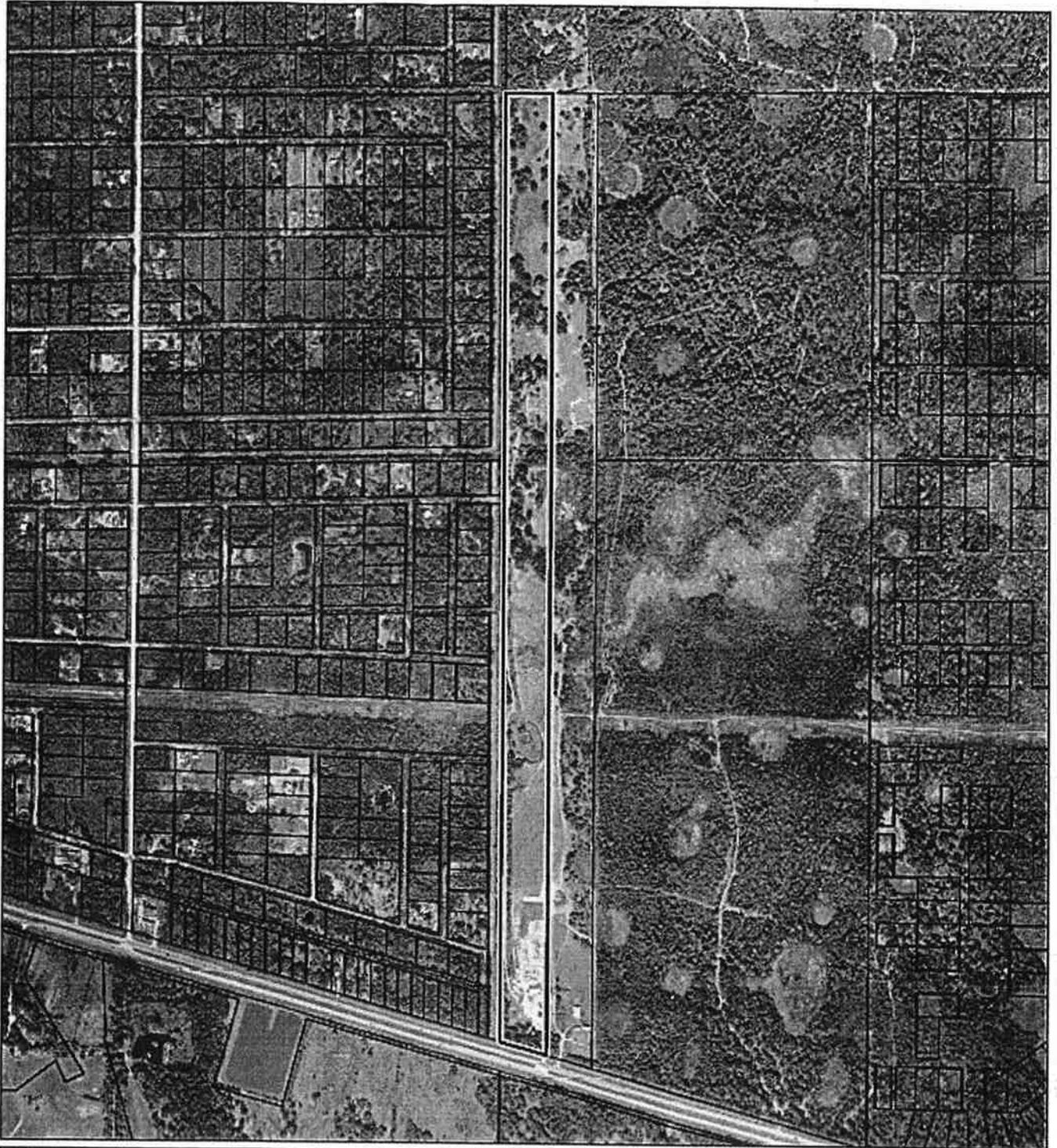
Image © U.S. Geological Survey
Map Data © Landsat, Copernicus

3,169 ft
1994

1994

AERIAL MAP

COLGIN, RAY L.
19PZ00118



1:12,000 or 1 inch = 1,000 feet

PHOTO YEAR: 2019

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 herein.

Produced by BoCC - GIS Date: 9/20/2019

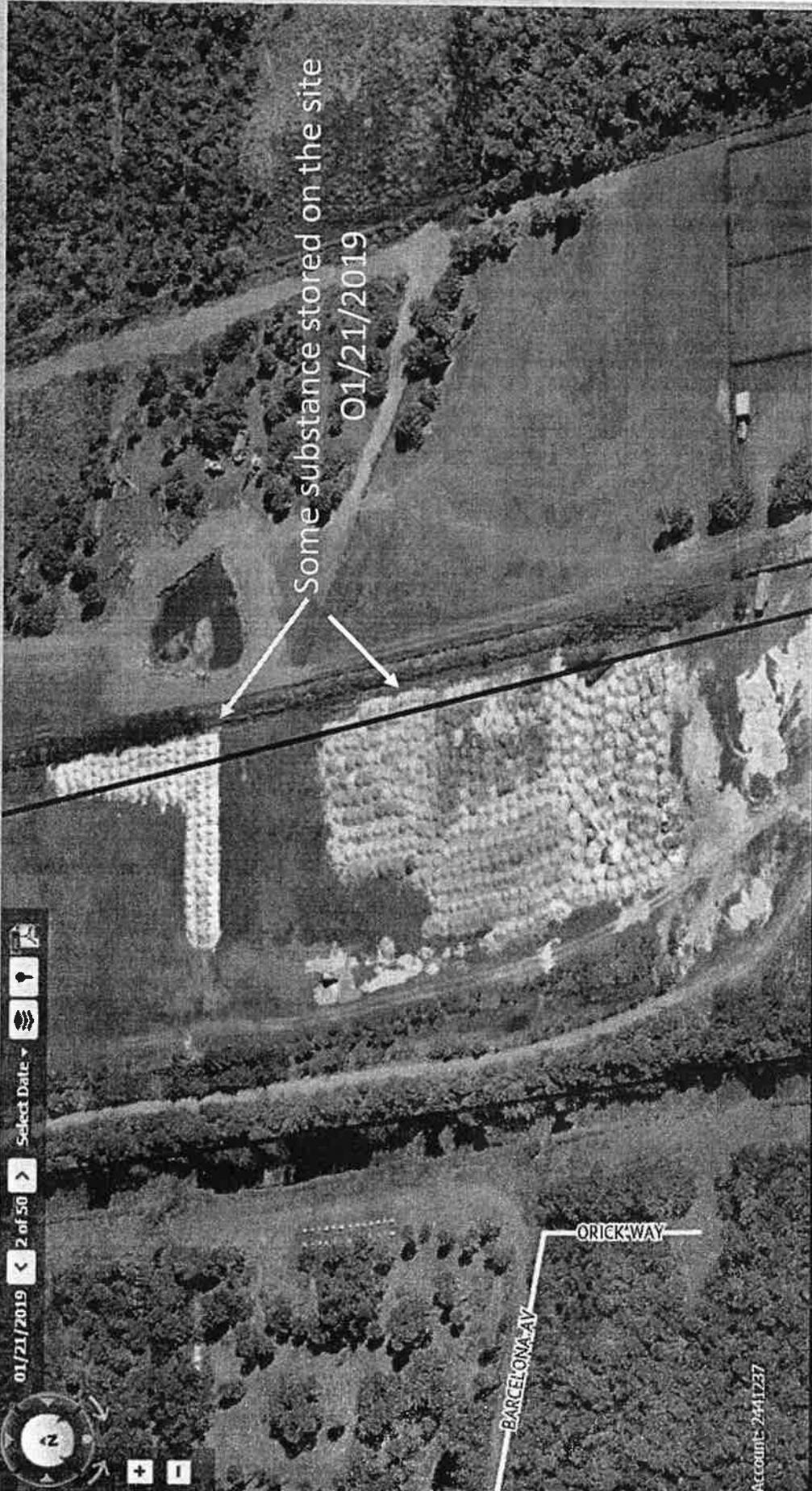
 Subject Property

 Parcels

MapView

EagleView

01/21/2019 2 of 50 Select Date



Instructions Disclaimer

Account: 2441237

BCPAO

OFFICE OF THE COMMISSIONER
(850) 617-7700



THE CAPITOL
400 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32399-0800

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

November 8, 2019

VIA EMAIL (Cheryl.Campbell@brevardfl.gov)

Ms. Cheryl Campbell
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way, Suite A-114
Viera, Florida 32940

Re: DACS Docket # -- 20191015-141
Brevard County LSCP 2019-2.2
Submission dated October 3, 2019

Dear Ms. Campbell:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on October 15, 2019 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2282.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Poucher".

Thomas Poucher
Budget Director
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Brevard County 19-03 ESR)

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 staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five 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: 275

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:

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.



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

BOARD OF COUNTY COMMISSIONERS

TO: LOCAL PLANNING AGENCY MEMBERS

FROM: Jeffrey Ball 
Planning & Zoning Manager, Planning & Development Department

DATE: November 18, 2019

SUBJECT: Adoption of the 2019 Fall Cycle Comprehensive Plan Amendment Packet

Please find attached the 2019 Fall Cycle Large Scale Comprehensive Plan Amendment Packet. The Brevard County Zoning Code Chapter 62-502 (b)(3) establishes a twice a year application deadline. The 2019-2 Comprehensive Plan amendment is the County's second Large Scale Comprehensive Plan Amendment package of 2019.

There is one private application being considered for Adoption in this cycle, listed below and more fully described in the attached staff comments:

- 2019 – 2.1 submitted by Beachland Managers, LLC for Ray L. Colgin, amending the Future Land Use Element

For additional information or questions please contact Cheryl Campbell, Planner III, Planning & Development Department Phone: 633-2070, Ext: 58271 E-mail: Cheryl.Campbell@BrevardFL.gov



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

BOARD OF COUNTY COMMISSIONERS

December 5, 2019

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

Re: 2019-2.1 Fall Comprehensive Plan Amendment Adoption Package

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment submittal package for the 2019-2 Fall Comprehensive Plan Amendment cycle – Brevard County Amendment No. 19-02ESR. There is one private application for amendment being considered for adoption in this cycle more fully described in the attached staff report.

The Local Planning Agency held a public hearing regarding the adoption of the 2019-2. Plan Amendment package on November 18, 2019, recommending approval of Comprehensive Plan Amendment, 2019-2.1.

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

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

The proposed amendment package was adopted by Brevard County on December 5, 2019.

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

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

**Comprehensive Plan Amendment
Fall Cycle Adoption 2019-2
DEO Brevard County Amendment
No. 19-02ESR**

**Comprehensive Plan Amendment
Ray L. Colgin 2019-2.1**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2019-2.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT**

Request: 2019-2.1
Large Scale Comprehensive Plan Amendment (LSCPA) Future
Land Use (FLU) Map Amendment (19PZ00075)

Owner / Applicant: Ray L. Colgin

Location: Legal Description On file
Tax Acct Parcel #2441237

Acreage: ± 52.53 acres

**Existing Land
Use Designation:** Residential 1 (RES 1)

**Proposed Land
Use Designation:** Residential 2 (RES 2)

**Existing Zoning
Classification:** Agricultural (AU)

**Proposed Zoning
Classification:** Single Family Residential (RU-1-447)

FUTURE LAND USE MAP AMENDMENT

Description:

The applicant is seeking a Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 (RES 1) to Residential 2 (RES 2) on a 52.53 acre parcel of land for the purpose of developing up to 105 single-family residences. The subject property is located on the north side of State Road 520 approximately one-half mile west of the intersection of State Road 520 and State Road 524. The property currently is developed with one manufactured home with a Future Land Use designation of Residential 1 (RES 1) limiting development to one dwelling unit per acre since the original Comprehensive Plan's adoption in 1988. The requested Residential 2 (RES 2) Future Land Use designation would permit the development of up to two (2) dwelling units per acre.

The proposed Residential 2 (RES 2) is being sought in an area where parcels on the south side of State Road 520 retain a Residential 2 (RES 2) Future Land Use designation. This area to the south is currently undeveloped. To the east of the subject

parcel is a modular office building with a Future Land Use designation of Residential 1 (RES 1). To the north of the subject parcel is Brevard County owned land with a Residential 1 (RES 1) Future Land Use designation. This parcel is adjacent to an approximately 957 acre County Land Fill Facility with a Future Land Use designation of Public Facilities (PUB). To the west of the subject site across a 90 foot right-of-way are vacant parcels of land with a Future Land Use designation of Residential 1 (RES 1).

Surrounding Uses	Current Use	Zoning	Future Land Use
North	Vacant	RR-1, AU	RES 1
East	Manufactured Building	RR-1	RES 1
South	Vacant	GU	RES 2
West	Vacant	BU-1, AU, GU, ARR, AGR and RRMH-1	RES 1

Availability of Public Facilities and Services:

Potable Water: The subject property is located within a water utility service area.

Sanitary Sewer: The subject property is located within Brevard County’s sanitary sewer service area.

Solid Waste: Brevard County provides solid waste collection and disposal for this area.

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

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

Transportation: The subject property is located on the north side of State Road 520 (SR 520) (segment 320B from SR 524 to Friday Road). The segment was identified with a non-deficiency and is not nearing maximum capacity. The Maximum Acceptable Volume (MAV) is 41,790 with an Average Daily Trips (ADT) of 14,884. The segment has a current operating volume of 35.62%.

	ADT	PM PEAK		
Trips from Existing Zoning	495	52	Segment Number	320B
Trips from Proposed Zoning	990	104	Segment Name	SR 520 From SR 524 to Friday Road
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	14,884	1,340	Directional Split	0.5
Volume With Proposed Development	29,971	2,700	ITE CODE	
Current Volume / MAV	35.62%	35.62%	210	
Volume / MAV with Proposal	71.72%	71.79%		
Current LOS	C	C		
LOS With Proposal	C	C		

Findings
 Non-Deficiency
 Deficiency

Public Schools: At this time, Fairglen Elementary School is not projected to have enough capacity for the total of projected and potential students from the 52.53 acre Development. Because there is a shortfall of available capacity in the concurrency service area of this 52.53 acre development, the capacity of adjacent concurrency service areas must be considered.

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the 52.53 acre development.

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

Environmental Resources:

The subject site has areas of mapped SJRWMD and NWI wetlands. Per SJRWMD, there have been unpermitted wetland impacts at the site; resulting from the spreading of biosolids. Development of the property may afford the applicant an opportunity to mitigate wetlands. However, it is unknown at this time the amount of wetlands that may be mitigated, and the amount that will be required to be restored.

In addition, portions of the parcel are also located within a mapped Special Flood Hazard Area (SFHA) within the riverine floodplain. NRM recommends that applicant delineate potential wetlands and determine riverine floodplain profile prior to any planning as these features may affect site plan design. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. Applicant is encouraged to contact NRM at 321-633-2016.

Historic Resources:

There are no previously recorded cultural or historic resources on this property according to the Florida Master Site File.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

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

Residential 2 (maximum of 2 units per acre)

Policy 1.8

The Residential 2 (RES 2) land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 (RES 2) 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 2 (RES 2) land use designation; or

The subject parcel to the south across State Road 520 is adjacent to a cluster of approximately 721 acres of undeveloped land with a Future Land Use designation of Residential 2 (RES 2).

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

The subject parcel does not serve as a transition between higher and lower densities of greater than and less than two dwelling units per acre.

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

The subject parcel is not located adjacent to an incorporated area that may be considered a logical transition to Residential 2 (RES 2).

- D. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development (PUD) concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the Planned Unit Development (PUD) tract, away from perimeters, to enhance blending with adjacent Future Land Use Element areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

The subject parcel is not within the Coastal High Hazard Area (CHHA) and would be able to be considered for a Planned Unit Development (PUD) and has met the minimum infrastructure requirements set forth in Policy 1.2 as described below.

Public Facilities and Services Requirements

Policy 1.2

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

Criteria:

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

The preliminary transportation concurrency analysis did not indicate that the proposed development would cause a deficiency of adopted levels of service. This portion of State Road 520 from State Road 524 to Friday Road is at 35.62% of the maximum acceptable volume (MAV) and would increase to 71.72% if the Future Land Use and subsequent Rezoning were to be approved.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth 'section of this Future Land Use Element.

Based upon a first review for Concurrency, the subject site with a Future Land Use change to Residential 2 (RES 2) would not have a deficiency in service delivery by the Fire Department.

- 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.

Not applicable.

The subject parcel proposes Residential 2 (RES 2) Future Land Use designation. However, the City of Cocoa has water availability and Brevard County has Sewer Service availability located approximately one half mile east at the intersection of State Road 520 and State Road 524.

- 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.

Not applicable.

The proposed density is two units per acre. However, there is sewer service to this parcel.

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

Not applicable, as public water is available.

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

Not applicable.

Summary

This request is for an amendment to the Future Land Use designation from Residential 1 (RES 1) to Residential 2 (RES 2) on a 52.53 acre property for the purpose of developing up to 105 single-family residences. The surrounding area is largely characterized by a mixture of low density residential, public facilities and public conservation land uses. To the north, east and west the Future Land Use designation is Residential 1 (RES 1) which limits density to one (1) dwelling unit per acre. Also, adjacent on the south west portion of this parcel is a cluster of approximately 38 acres of commercial land uses along the north side of State Road 520 (SR 520) and Canaveral Groves.

The subject property is proposed to be served with both potable water and is located with access from an urban major collector roadway, which intersects with State Road 524 approximately one half mile to the east. The preliminary concurrency analysis at the first level of review did not indicate that the proposed development would cause a deficiency of adopted levels of service.

The applicant has ~~stated that he will be submitting~~ a companion rezoning application proposing a change from Agricultural Residential (AU) to Single Family Residential (RU-1-447). The current zoning of Agricultural Residential (AU) is consistent with the proposed Future Land Use designation of Residential 2 (RES 2). If the applicant seeks to change the Zoning of the property to Single Family Residential (RU-1-447), the applicant will need to prepare a Binding Development Plan that allows only up to two (2) dwelling units per acre in order to remain consistent with the proposed Future Land Use designation of Residential 2 (RES 2).

If you have any questions, please contact Cheryl W. Campbell, Planner III, of the Planning & Development Department at (321) 633-2070 ext. 58271 or via email to Cheryl.Campbell@brevardfl.gov

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item # 19PZ00075

Applicant: Ray Colgin; Chad Genoni

Future Land Use Request: Res 1 to Res 2

Note: Applicant wants to increase density for single family subdivision

LPA Hearing Date: 08/19/19; **BCC Hearing Date:** 09/05/19

LPA Hearing Date: 11/18/19; **BCC Hearing Date:** 12/05/19

Tax ID No: 2441237

- 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.**

Substantial Natural Resources Land Use Issues:

As detailed below, the subject site has areas of mapped SJRWMD and NWI wetlands. Per SJRWMD, there have been unpermitted wetland impacts at the site; resulting from the spreading of biosolids. Development of the property may afford the applicant an opportunity to mitigate wetland. However, it is unknown at this time the amount of wetlands that may be mitigated, and the amount that will be required to be restored.

In addition, portions of the parcel are also located within a mapped Special Flood Hazard Area (SFHA) within the riverine floodplain. NRM recommends that applicant delineate potential wetlands and determine riverine floodplain profile prior to any planning as these features may affect site plan design. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development. Applicant is encouraged to contact NRM at 321-633-2016.

Summary of Mapped Natural Resources Present on the Subject Property:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Floodplain

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped areas of NWI and SJRWMD wetlands, and hydric soils (Anclote sand – frequently ponded, Malabar sand, and Holopaw sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that hydric soils and wetlands may be present. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. A wetland determination/delineation will be required prior to any land clearing activities, plan or permit submittal, and applicant is encouraged to contact NRM at (321) 633-2016.

The current site owner has been processing septic tank waste with lime, and spreading the resulting biosolids on the property for approximately 20-30 years. Biosolids have been deposited in on-site wetlands. SJRWMD determined that impacts to two of the wetlands were unpermitted, and will require restoration or mitigation for the loss of wetland function. Please note that the wetland impacts are not consistent with Brevard County Chapter 62, Article X, Division 4, entitled Wetlands Protection. Impacted wetlands are required to be restored. Development of the property may afford the applicant an opportunity to mitigate wetlands. However, it is unknown at this time the amount of wetlands that may be mitigated, and the amount that will be required to be restored. Please see the **Land Alteration** section of this report for additional information.

Floodplain

Portions of the western and southern areas of the parcel are mapped as being within a Special Flood Hazard Area (riverine floodplain) as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Per Section 62-3724(1), There shall be no net change in the rate and volume of floodwater discharged from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain. Residential density within the riverine floodplain is based on whether floodplain is designated 100-year, 25-year, 10-year or mean annual riverine floodplain. Depending on riverine floodplain designation, compensatory storage may be required. Additional detailed flood modeling has been performed for the West Cocoa area by Brevard County and shall also be used for floodplain, compensatory storage, and density determinations. The modeling and/or elevation information as well as topographic LiDAR are available upon request. Applicant is encouraged to contact

Natural Resources Stormwater Department at 321-633-2016 for floodplain modeling information available for this area.

Landscape requirements

Aerials indicate Heritage/Specimen Trees and/or Protected trees may reside on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, 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. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Land Alteration

The current site owner has been processing septic tank waste with lime for approximately 20-30 years. The resulting biosolids were spread on the property. The activity was permitted under a Florida Department of Environmental Protection (FDEP) permit. However, FDEP denied additional permits in 2018, as the property could no longer support the activity.

Biosolids were deposited in on-site wetlands. SJRWMD determined that impacts to two of the wetlands were unpermitted, and will require restoration or mitigation for the loss of wetland function. Please note that the wetland impacts are not consistent with Brevard County Chapter 62, Article X, Division 4, entitled Wetlands Protection. Impacted wetlands are required to be restored. Development of the property may afford the applicant an opportunity to mitigate wetlands. However, it is unknown at this time the amount of wetlands that may be mitigated, and the amount that will be required to be restored.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils. Should any protected species be present, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

Wildfire Mitigation Plan

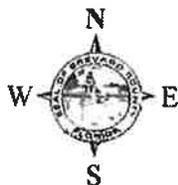
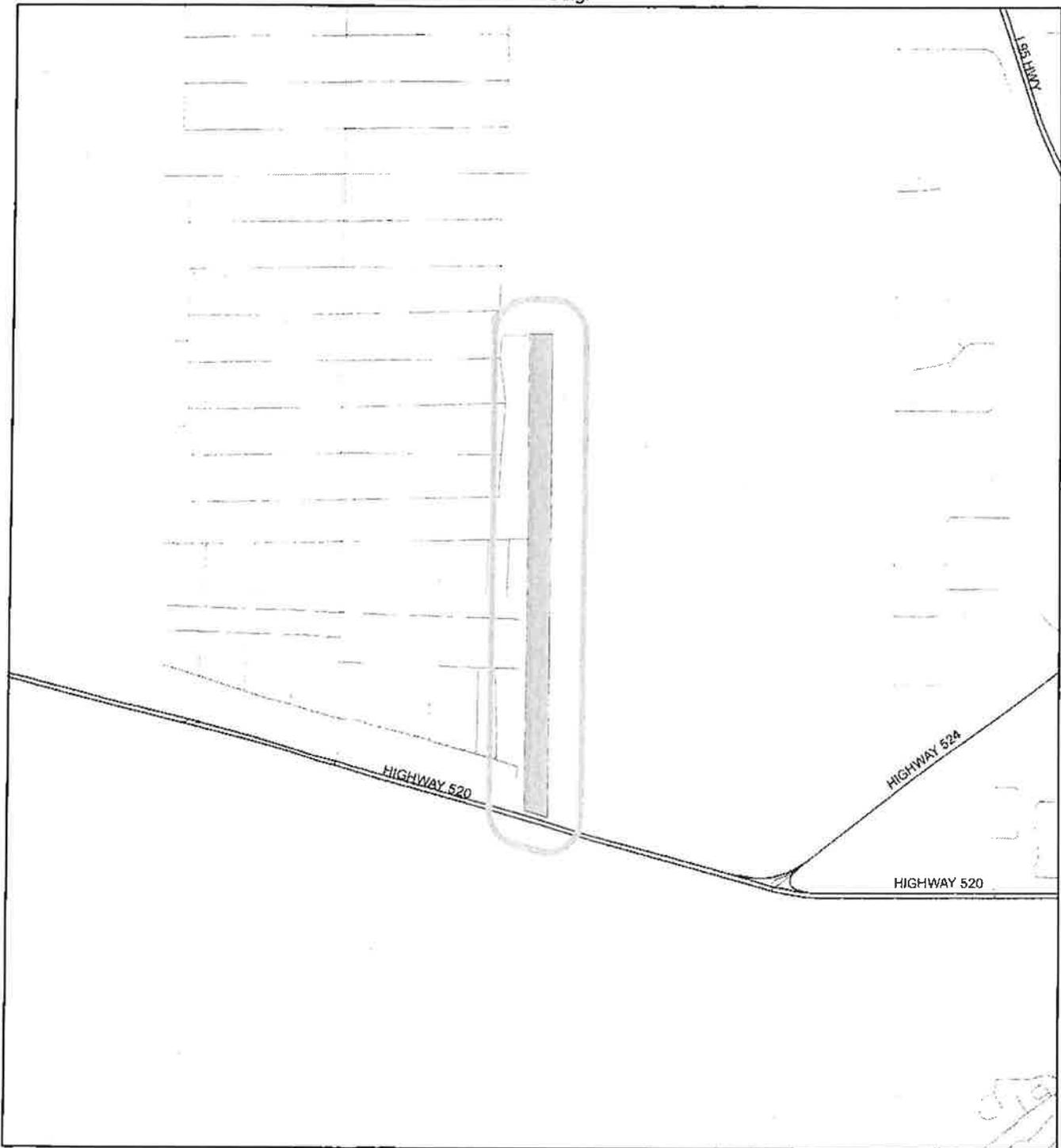
NRM does not regulate wildfire planning, but applicant should consider the comment provided by the Florida Department of Agriculture and Consumer Services in their letter dated October 22, 2019 to the Brevard County Planning and Development Department regarding the Large-Scale Comprehensive Plan Amendment as follows: Areas in and proximate to the subject site should be encouraged to address issues of Fire-wise Communities prior to construction. Access points to allow equipment into areas to suppress wildfires can be incorporated as safety, natural resource and habitat preservation. Please contact Ronda Sutphen at FFS for additional information regarding the Fire Wise program at 850-681-5929.

**LSCPA
Ray L. Colgin
Fall Cycle 2019-2.1
Supporting Maps**

LOCATION MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



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: 7/2/2019

- Buffer
- Subject Property

ZONING MAP

Comprehensive Plan Amendment

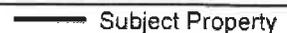
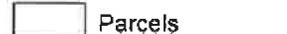
19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

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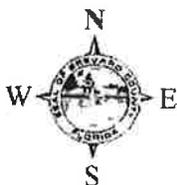
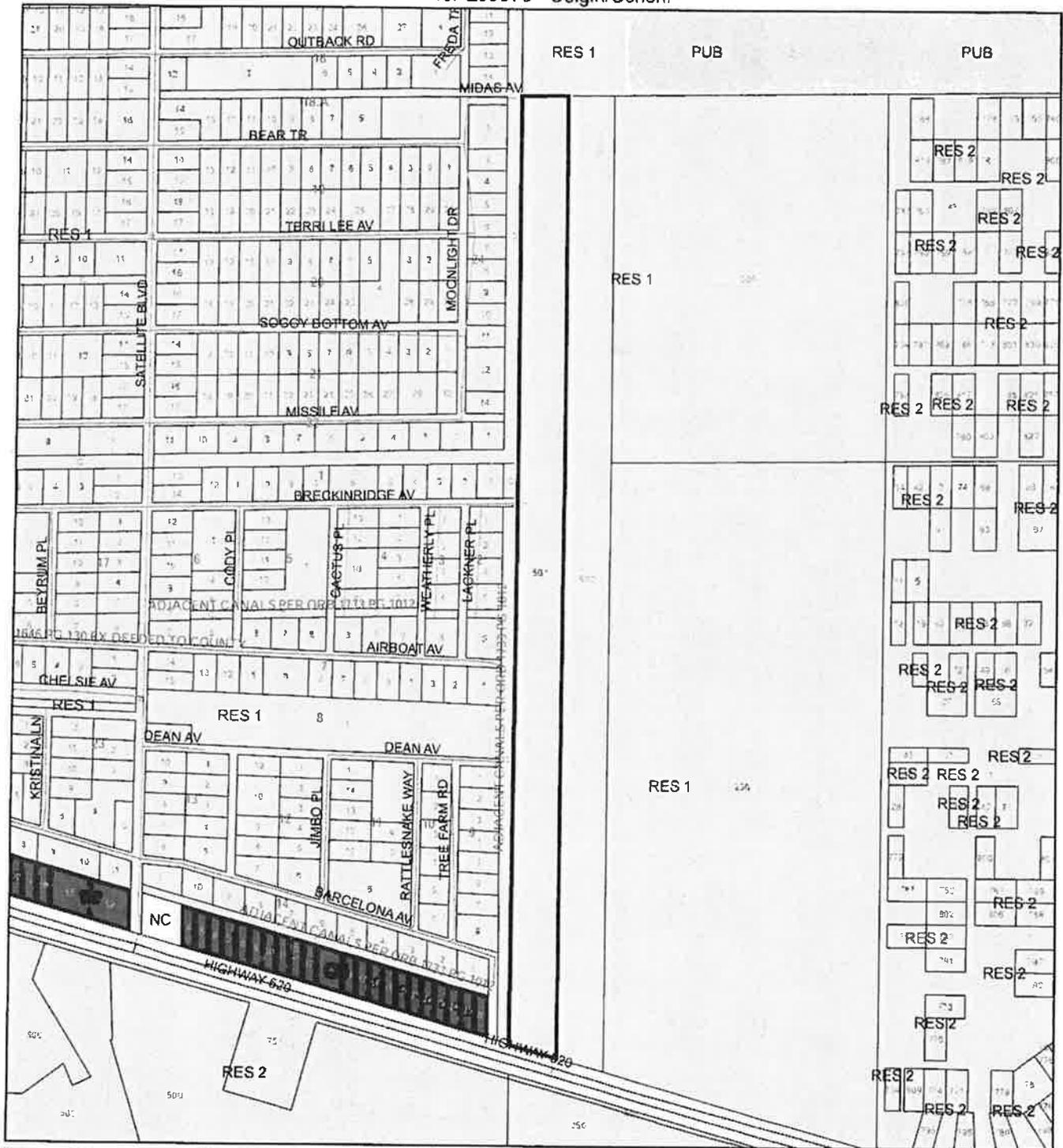
Produced by BoCC - GIS Date: 7/2/2019

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

— Subject Property
 □ Parcels

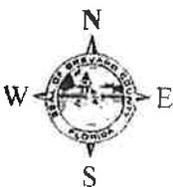
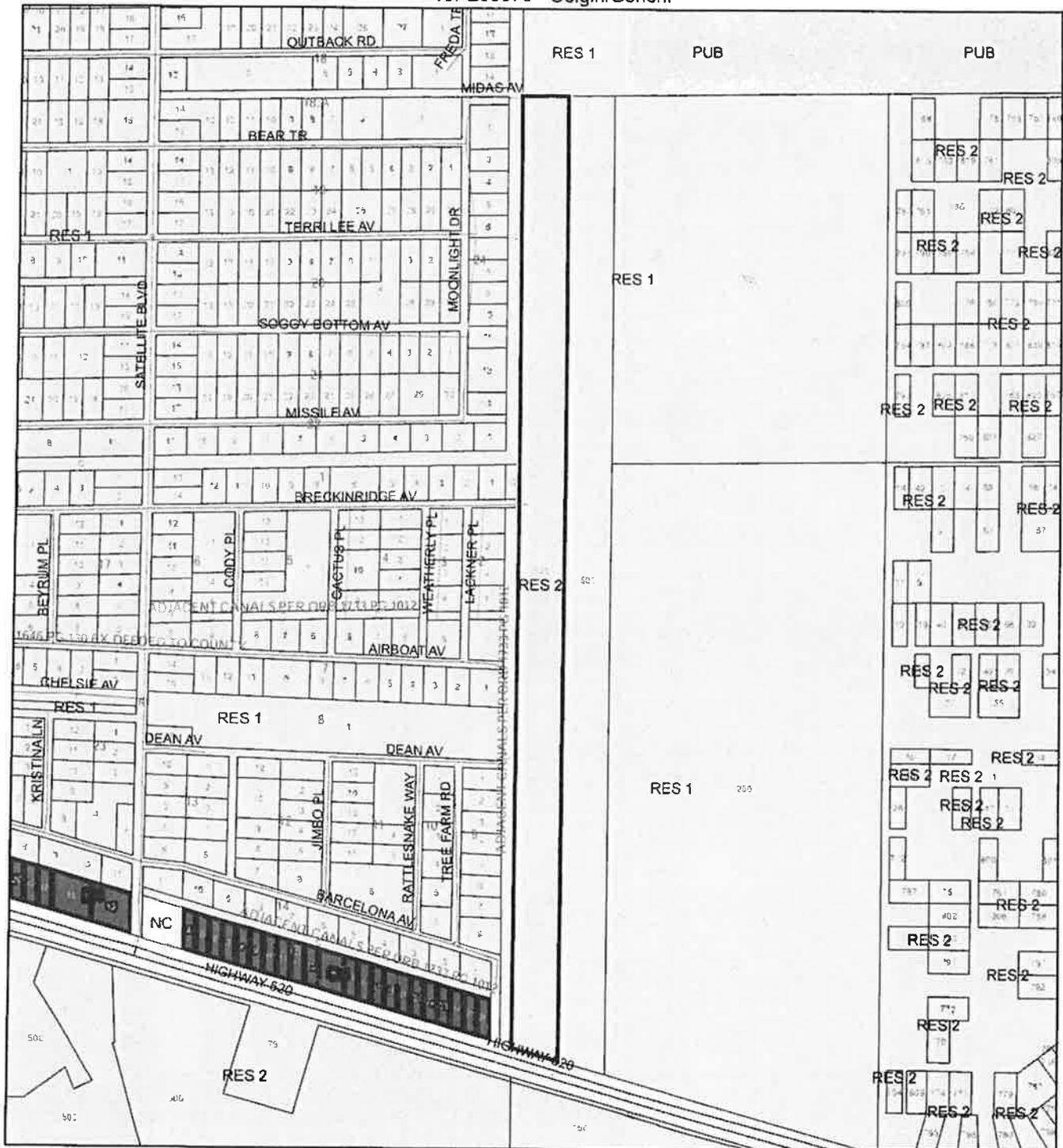
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

-  Subject Property
-  Parcels

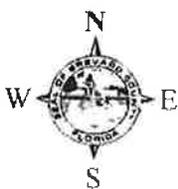
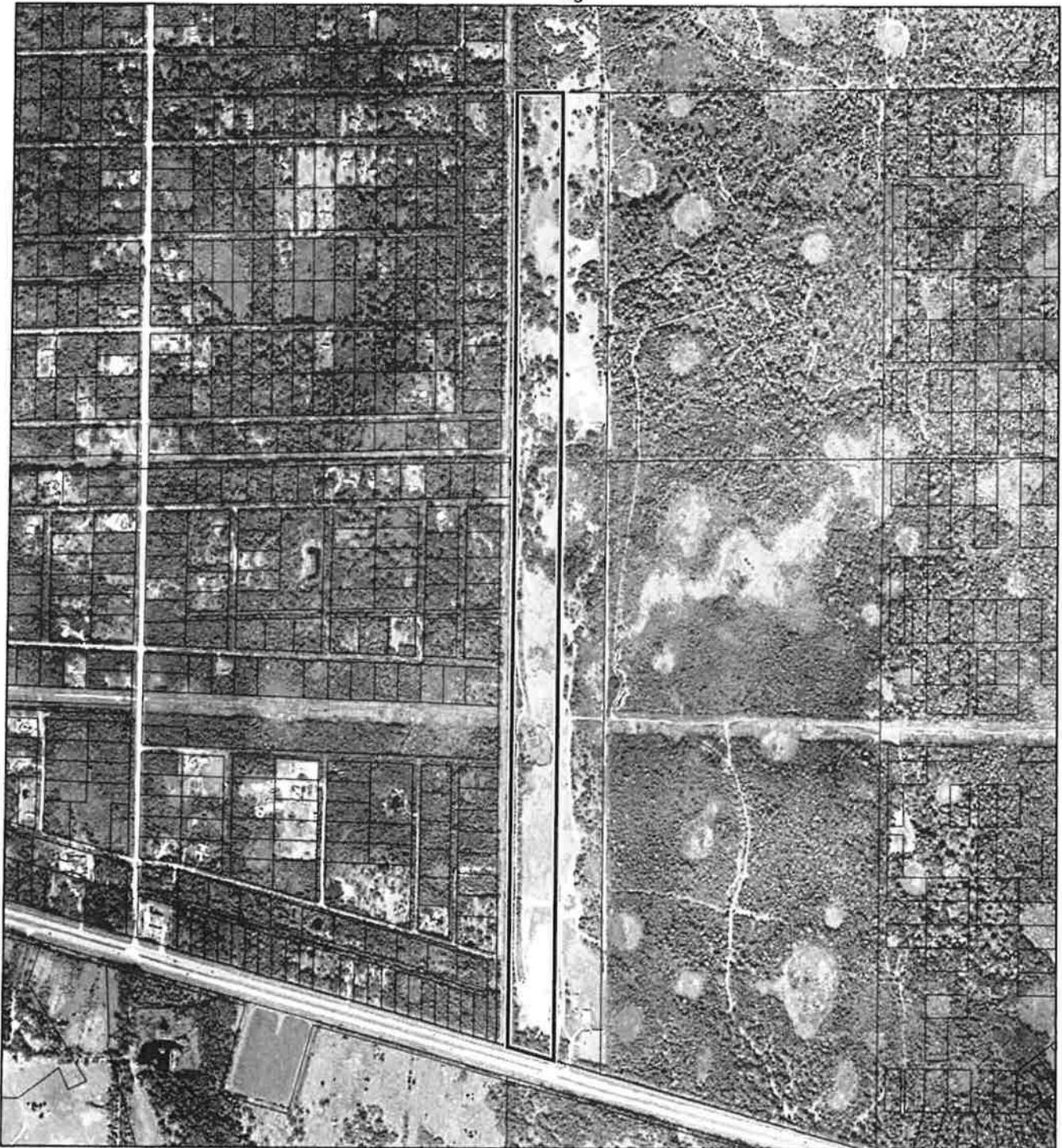
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/2/2019

AERIAL MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

PHOTO YEAR: 2019

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: 7/2/2019

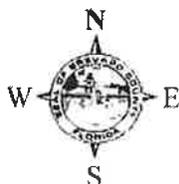
— Subject Property

▭ Parcels

NWI WETLANDS MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

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Produced by BoCC - GIS Date: 7/2/2019

National Wetlands Inventory (NWI)

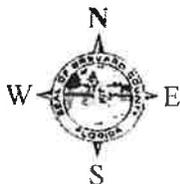
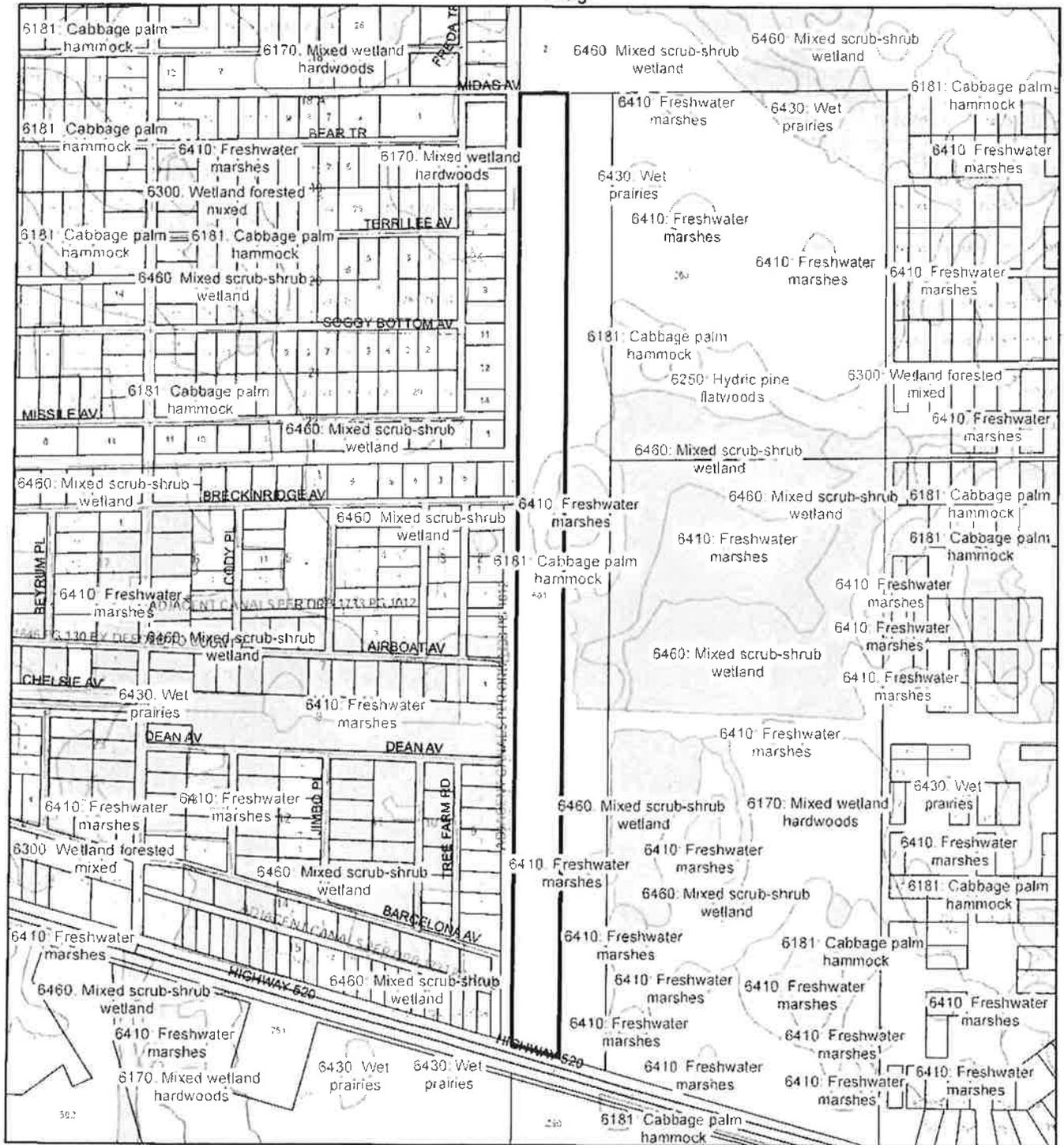
- | | |
|-----------------------------------|-----------------|
| Estuarine and Marine Deepwater | Freshwater Pond |
| Estuarine and Marine Wetland | Lake |
| Freshwater Emergent Wetland | Other |
| Freshwater Forested/Shrub Wetland | Riverine |

- | | |
|---|------------------|
|  | Subject Property |
|  | Parcels |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

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SJRWMD FLUCCS WETLANDS

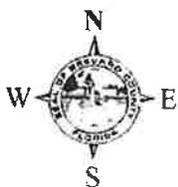
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

USDA SCSSS SOILS MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

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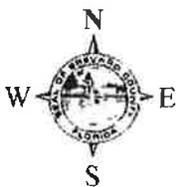
Produced by BoCC - GIS Date: 7/2/2019

USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

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Produced by BoCC - GIS Date: 7/2/2019

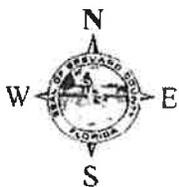
FEMA Flood Zones

- | | | |
|--|--|--|
| | | |
| | | |
| | | |
- 0.2 Percent Annual Chance Flood Hazard
0.2 Percent Annual Chance Flood Hazard Contained in Channel
- Subject Property Parcels

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

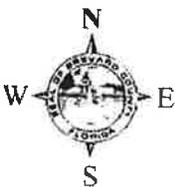
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/2/2019

-  Subject Property
-  Parcels
- Septic Overlay**
-  40 Meters
-  60 Meters
-  All Distances

EAGLE NESTS MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 feet

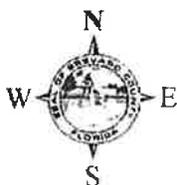
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/2/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



1:12,000 or 1 inch = 1,000 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: 7/2/2019

 Subject Property

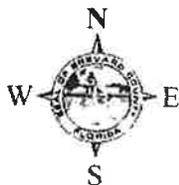
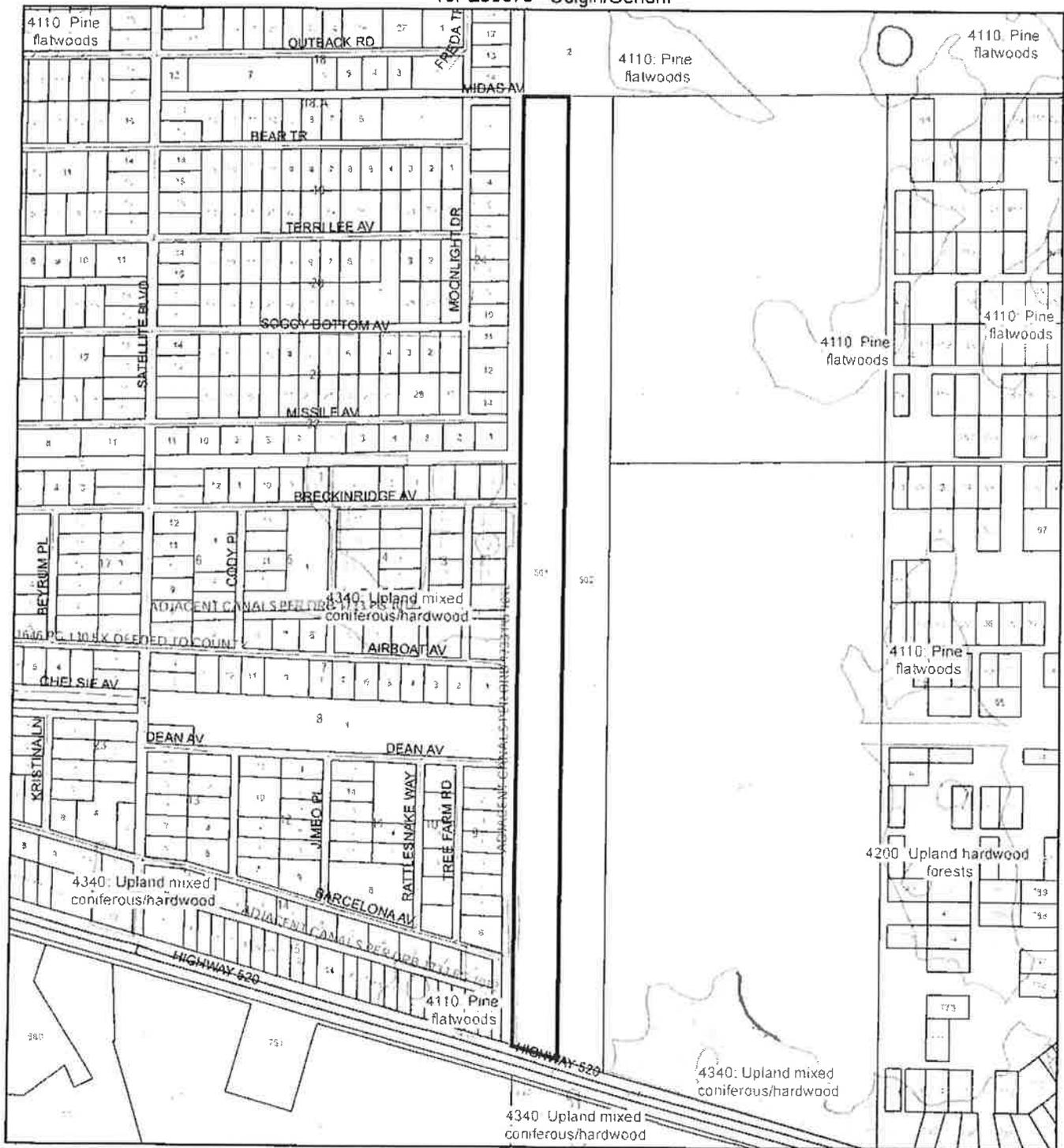
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



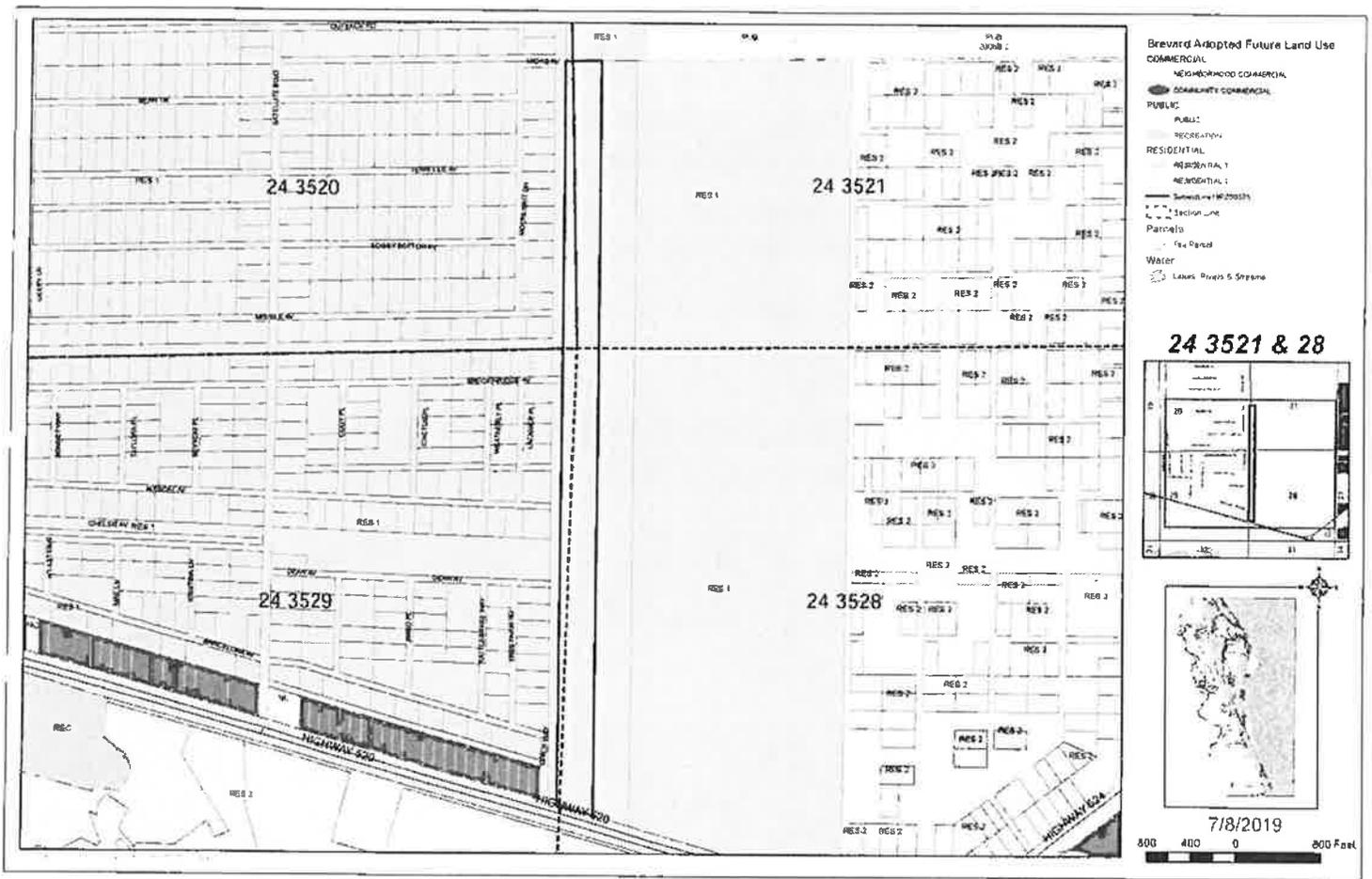
1:12,000 or 1 inch = 1,000 feet

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Produced by BoCC - GIS Date: 7/2/2019

SJRWMD FLUCCS Upland Forests

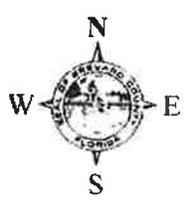
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series
- Subject Property
- Parcels



RADIUS MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



1:28,543 or 1 inch = 2,379 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: 7/2/2019

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

**LSCPA
Ray L. Colgin
Fall Cycle 2019-2.1
Applicant Submittals**

Brevard County
Supplement to Comprehensive Plan Amendment Application
Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



1. Type of Application:

_____ Small-scale Comprehensive Plan Future Land Use Map Amendment

X Large-scale Future Land Use Map Amendment

_____ Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: Chad Genoni for Beachland Managers, LLC Staff Planner : _____

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: RES 1

Requested Future Land Use Designation: Res 4 RES 2

Existing Zoning: AU (Ru 1-11 proposed)

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

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

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

The applicant believes the development of subject site will allow for sustainable development trends to emerge along the West SR 520 corridor entering Brevard County. Development patterns to the West as well as to the East have proven to be unsustainable due to lack of public roadways to support development. The large area to the West of the site is a semi-platted area once a part of Canaveral Groves. Most of these lots are not buildable because of environmental constraints and zoning inconsistencies.
The subject site appears to be free of environmental constraints and has only a small area of land within the flood zone. The lots will be serviced by a paved private road.

(use additional sheets if necessary)



THIS INSTRUMENT PREPARED BY AND RETURN TO:
Penny W. Bell
Glow Title & Escrow
125 East Merritt Island Causeway, Suite 119
Merritt Island, FL 32952
Parcel ID: 24-35-21-00-501



CFN 2005391383 11-01-2005 12 18 pm
OR Book/Page 5558 / 4793

273

4/2

Space Above This Line For Recording Data

THIS CORRECTIVE WARRANTY DEED, made the 27 day of October, 2005 by D. E. Babout, individually and as Trustee of the D. E. Babout, MD, Defined Benefit Pension Plan and Trust, herein called the grantor, to Ray L. Colgin, whose post office address is 6500 Highway 520, Cocoa, FL 32926, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantors, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Brevard County, State of Florida, viz.:

PARCEL 1

The West 1/2 of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 21, Township 24 South, Range 35 East, and a portion of the West 1/2 of the West 1/2 of the West 1/2 of Section 28, Township 24 South, Range 35 East lying North of State Road No. 520, less the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 thereof, all lying in Brevard County, Florida, the same being more particularly described as follows:

Begin at the Northwest corner of said Southwest 1/4 of Section 21; thence N 89° 25' 24" E along the North line of said West 1/2 of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 21, a distance of 332.37 feet to the Northeast corner of said West 1/2 of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 21; thence S 00° 02' 00" W along the East line of said West 1/2 of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 21, a distance of 2646.50 feet to the Southeast corner of said West 1/2 of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 21; thence S 89° 20' 32" W along the South line of said West 1/2 of the West 1/2 of the West 1/2 of the Southwest 1/4 of Section 21, a distance of 331.58 feet to the Southwest corner of said Section 21; thence N 00° 00' 59" E along the West line of said Southwest 1/4 of Section 21, a distance of 2646.10 feet to the Northwest corner of the Southwest 1/4 of Section 21 and the POINT OF BEGINNING, together with the following described parcel of land:

Commence at the Northwest corner of said Section 28; thence S 00° 05' 00" W along the West line of the Northwest 1/4 of said Section 28, a distance of 326.44 feet to the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28 and the POINT OF BEGINNING; thence N 00° 35' 20" E along the South line of said Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, a distance of 331.72 feet to the Southeast corner of said Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28; thence S 00° 03' 27" E, a distance of 3915.28 to the Northerly right of way line of State Road No. 520, a 200 foot wide right of way; thence N 74° 04' 00" W along said Northerly right of way line, a distance of 354.56 feet to the West line of said Southwest 1/4 of Section 28; thence N 00° 03' 26" E along said West line, a distance of 1530.40 feet to the Northwest corner of said Southwest 1/4 of Section 28; thence N 00° 05' 40" E along said West line of the Northwest 1/4 of Section 28, a distance of 2285.09 feet to the Southwest corner of said Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28 and the POINT OF BEGINNING.

PARCEL 2

The Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 24 South, Range 35 East, Brevard County, Florida, the same being more particularly described as follows:

Begin at the Northwest corner of said Section 28; thence N 89° 29' 32" E along the North line of said Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, a distance of 331.58 feet to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28; thence S 00° 04' 11" E along the East line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, a distance of 327.00 feet to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28; thence S 89° 35' 20" W along the South line of said Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, a distance of 331.72 feet to the West line of said Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28; thence N 00° 05' 40" E along said West line, a distance of 326.44 feet to said Northwest corner of Section 28 and the POINT OF BEGINNING ("Property").

THIS CORRECTIVE WARRANTY DEED IS BEING RECORDED FOR THE FOLLOWING:

Scott Ellis

Clerk Of Courts, Brevard County
#Pos 2
Trust 1.50
Mfg 0.70
#Names 4
Rec 17.00
Sew 0.00
Schose 0.00
M Tax 0.00



PURPOSE, AND FOR NO OTHER:

1. ON OCTOBER 17, 1990, JEFFREY COLGIN, A SINGLE MAN, AND D. E. BEBOUT, INDIVIDUALLY AND AS TRUSTEE OF THE D.E. BEBOUT, M.D., DEFINED BENEFIT PENSION PLAN AND TRUST CONVEYED THE PROPERTY BY DEED TO RACHEL COLGIN AND JEFFREY COLGIN, AS TRUSTEES OF THE 1990 COLGIN REVOCABLE TRUST ("COLGIN TRUST"), RECORDED IN OFFICIAL RECORDS BOOK 3093, PAGE 2554, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. ON DECEMBER 7, 1992, D. E. BEBOUT, MD, DEFINED BENEFIT PENSION PLAN AND TRUST ("PENSION TRUST") CONVEYED THE PROPERTY BY DEED TO THE BANK OF NEWPORT AS CUSTODIAN FBO: D. E. BEBOUT/BPS#1204218-01 ("CUSTODIAN"), RECORDED IN OFFICIAL RECORDS BOOK 3260, PAGE 3273, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. AT THE TIME OF THE SECOND CONVEYANCE, THE PENSION TRUST HAD NO INTEREST IN THE PROPERTY, AS ALL INTEREST HAD PREVIOUSLY BEEN CONVEYED TO THE COLGIN TRUST AND ACKNOWLEDGES THAT THE WRONG LEGAL DESCRIPTION WAS ATTACHED TO THE DEED.
4. THE LAND THAT SHOULD HAVE BEEN CONVEYED BY DEED TO THE "CUSTODIAN" IS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 3481, AT PAGE 1876, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantees that the grantors are lawfully seized of said land in fee simple, that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1990.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of

Joann Greco
Witness #1 Signature

JOANN GRECO
Witness #1 Printed Name

Debra S. Jenkins
Witness #2 Signature

Debra S. Jenkins
Witness #2 Printed Name

D. E. Bebout

D. E. Bebout, individually and as Trustee of the
D. E. Bebout, MD, Defined Benefit Pension
Plan and Trust
10336 Prestwick Road, Boynton Beach, FL 33436



CFN 2005391383
OR Book/Page 5558 / 4794

STATE OF FLORIDA

COUNTY OF Palm Beach

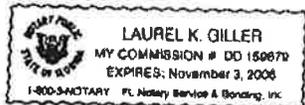
The foregoing instrument was acknowledged before me this 21 day of October, 2005 by D.E. Bebout, who is personally known to me or Y produced Florida Drivers License as identification and did not take an oath.

My commission expires:

Laurel K. Giller
Notary Public

Seal

Laurel K. Giller
Print Notary Name



Laurel K. Giller

(6)



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

AUTHORIZATION TO ACT AS AGENT

I, Roy L. Colgin (Owner) authorize Chad Genoni with Beachland Managers, LLC (Agent) to act as applicant, representing me in Public Hearings before Brevard County (Local Government) pertaining to Preliminary and Final Development Requests, and other matters pertaining to School Concurrency.

Roy L. Colgin P.O.A.

Owner Signature

Roy L. Colgin

State of Florida, County of Brevard

Sworn and subscribed to before me

This 28 day of May 2019

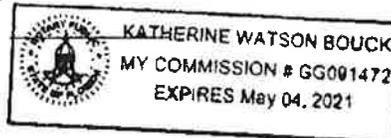
Florida Drivers License

(Form of Identification)

Katherine Watson Bouck

Notary Public

My Commission Expires:



SCHOOL BOARD USE ONLY
Date / Time Stamp: _____

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT

I, Roy L. Colgin authorize Chad Genoni with Beachland Managers, LLC to act as applicant, representing me in Public Hearings before Brevard County pertaining to Land Use.

Roy L. Colgin
Signature

Roy L. Colgin

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

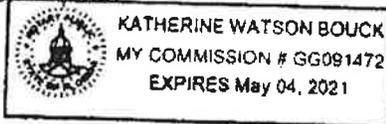
This 28 day of May 2019

Katherine Watson Bouck
Notary Public

Florida Drivers License
Form of Identification

My Commission Expires:

Rev 5/27/99



5

RAMCO FORM 41

Power of Attorney

From
RAY COLGISH
To
Melvin Colgish

Date Sept 20, 1997

Power of Attorney

Know All Men By These Presents:

That RAY COLGIN
he made, constituted and appointed, and by these presents do MELVIN COLGIN hereby make, constitute and appoint
lawful attorney for and in name, place and stead true and

giving and granting unto MELVIN COLGIN said attorney full
power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be
done in and about the premises as fully, to all intents and purposes, as might or could do if personally
present, with full power of substitution and revocation, hereby ratifying and confirming all that said attorney or
substitute shall lawfully do or cause to be done by virtue hereof.

In Witness Whereof, I have hereunto set my hand and seal this 26
day of SEPTEMBER, A.D. 1997

Signed, sealed and delivered in the presence of:

Lorraine E. Hoffman
Witness Signature
LORRAINE E. HOFFMAN
Printed Name

X RAY COLGIN
Signature
RAY COLGIN
Printed Name

LS

Witness Signature

Full Office Address

Printed Name

STATE OF FLORIDA)
COUNTY OF BROWARD)

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

RAY COLGIN
known to me to be the person described to and who executed the foregoing instrument, who acknowledged before me that
executed the same, and an oath was not taken. (Check one:) Said person(s) is/are personally known to me. Said person(s) provided the
following type of identification: EX. DE. LIC.

NOTARY RUBBER STAMP SEAL
FRANCINE GUMORA
MY COMMISSION # CC480478 EXPIRES
October 20, 1999
BONDED THRU TROY FAHM INSURANCE, INC.

Witness my hand and official seal in the County and State last aforesaid
this 20th day of SEPTEMBER, A.D. 1997
Francine Gumora
Notary Signature
FRANCINE GUMORA
Printed Name

10
17
95
©Form Design, San Jose Paper & Printing Co., Inc., 1994

(10)

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

Name:

Address:

Property Appraiser Parcel Identification

Folio Number(s): 24-35-21-00-501

Grantee(s) S.S. # (s)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

Power of Attorney

Know All Men By These Presents:

That RAY COLGIN
has made, constituted and appointed, and by these presents do hereby make, constitute and appoint
MELVIN COLGIN true and
lawful attorney for and in name, place and stead

giving and granting unto MELVIN COLGIN said attorney full
power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be
done in and about the premises as fully, to all intents and purposes, as might or could do if personally
present, with full power of substitution and revocation, hereby ratifying and confirming all that
said attorney or
substitute shall lawfully do or cause to be done by virtue hereof.

In Witness Whereof, I have hereunto set my hand and seal this 20
day of SEPTEMBER, A.D. 1997.

Signed, sealed and delivered in the presence of:

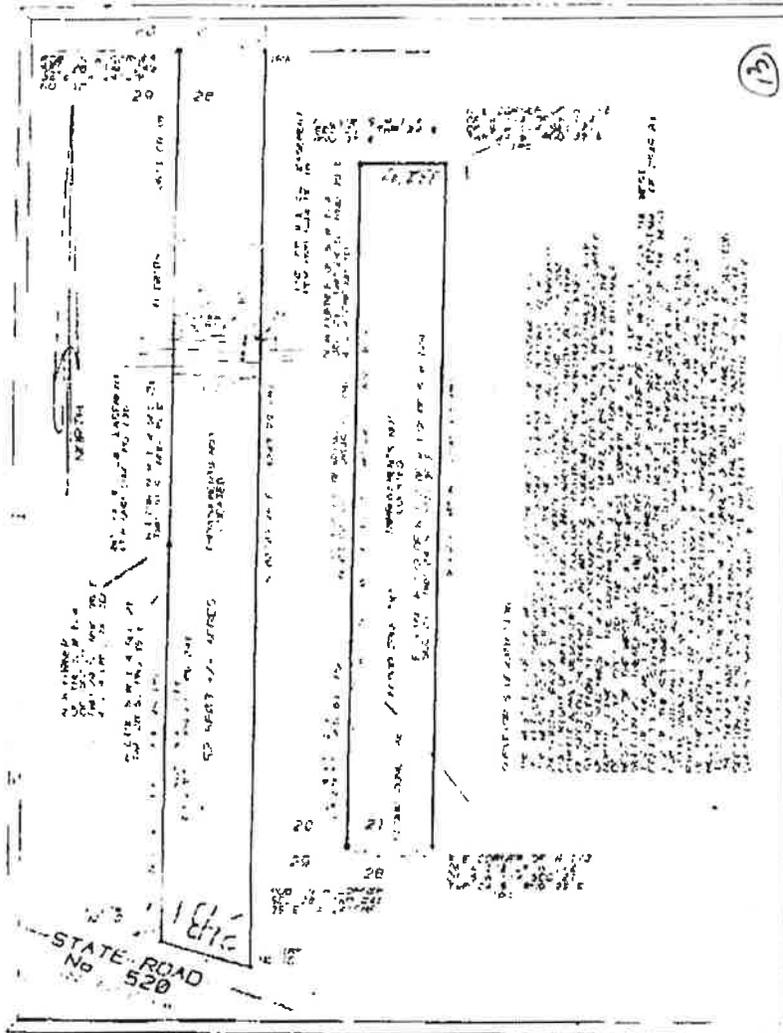
Lorraine E. Hoffman
Witness Signature
LORRAINE E. HOFFMAN
Printed Name

X RAY COLGIN
Signature
RAY COLGIN
Printed Name

Witness Signature

Post Office Address







Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account 2441237
 Owners Colgin, Ray L
 Mailing Address 6500 Highway 520 Cocoa FL 32926
 Site Address 6500 Highway 520 Cocoa FL 32926
 Parcel ID 24-35-21-00-501
 Property Use 6110 - Grazing Land - Soil Capability Class II - With Res
 Exemptions None
 Taxing District 1800 - Unincorp District 1
 Total Acres 52.53
 Subdivision --
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page --
 Land Description W 1/2 Of W 1/2 Of W 1/2 Of SW 1/4 & That Part Of W 1/2 Of W 1/2 Of W 1/2 Of W 1/2 Lying N Of St Rd 520 IN Sec 28 Par's 251 & 501 IN Sec 28



VALUE SUMMARY

Category	2018	2017	2016
Market Value	\$96,520	\$124,410	\$105,510
Agricultural Land Value	\$10,380	\$10,380	\$10,380
Assessed Value Non-School	\$15,530	\$43,420	\$24,520
Assessed Value School	\$15,530	\$43,420	\$24,520
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$15,530	\$43,420	\$24,520
Taxable Value School	\$15,530	\$43,420	\$24,520

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
10/21/2005	--	WD	Improved	5558/4793
12/30/1994	--	WD	Vacant	3440/4259
12/01/1994	\$46,000	01	Vacant	3440/4257
11/30/1990	\$50,000	WD	--	3093/2554

BUILDINGS

PROPERTY DATA CARD #1

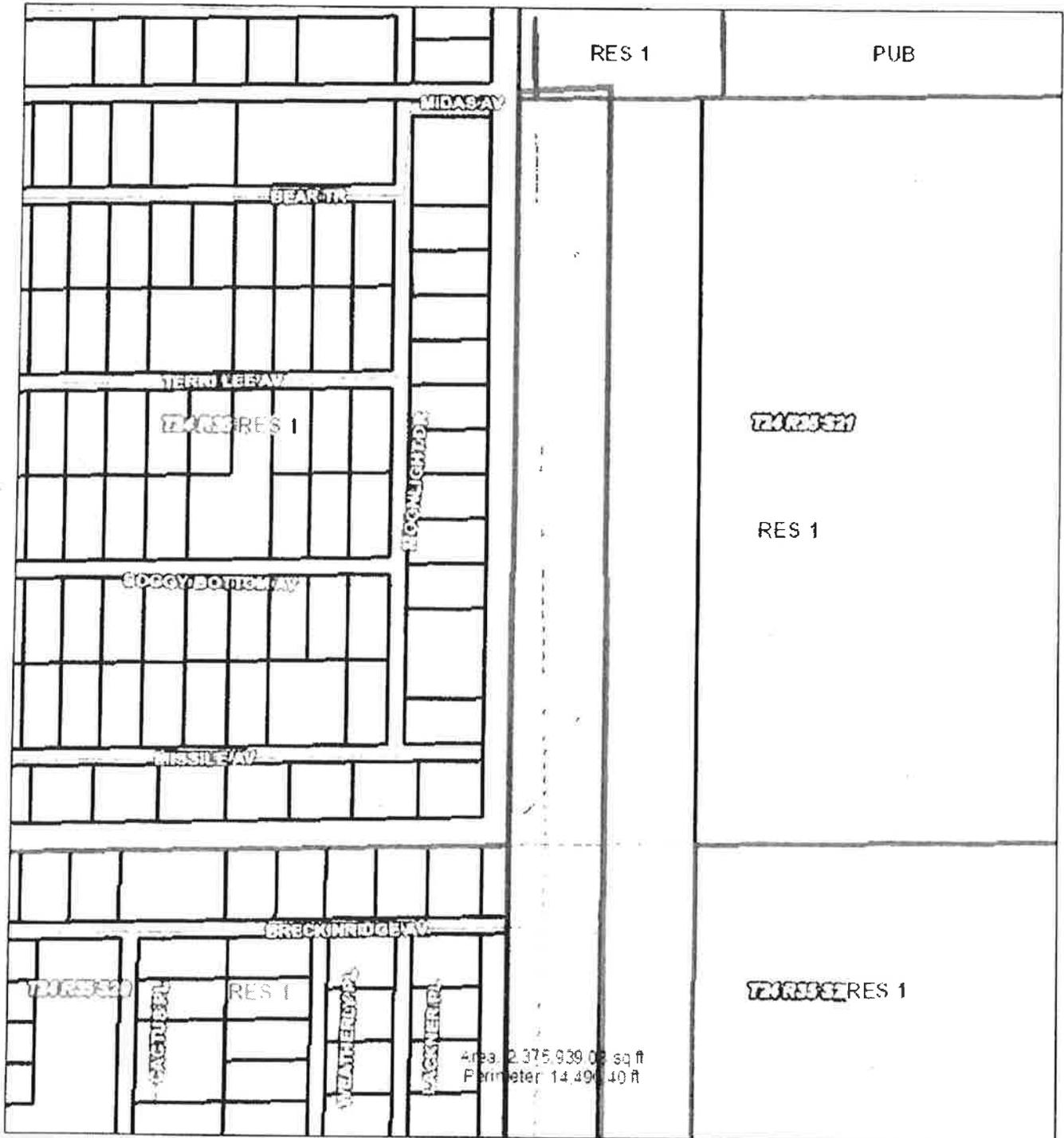
Building Use: 0264 - Manufactured Home Not Suitable For Occupancy

Materials	Details	
Exterior Wall:	Vinyl/Aluminum	Year Built 2008
Frame:	Wood Frame	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units

Sub-Areas

Sub-Areas	Extra Features	
Base Area (1st)	Garage Detached	448
Total Base Area		784
Total Sub Area		784

(14)



Future Landuse

Section

City (Large Scale)

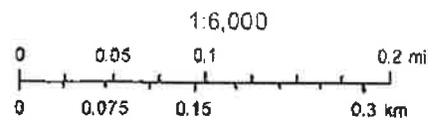
CAPE CANAVERAL

COCOA

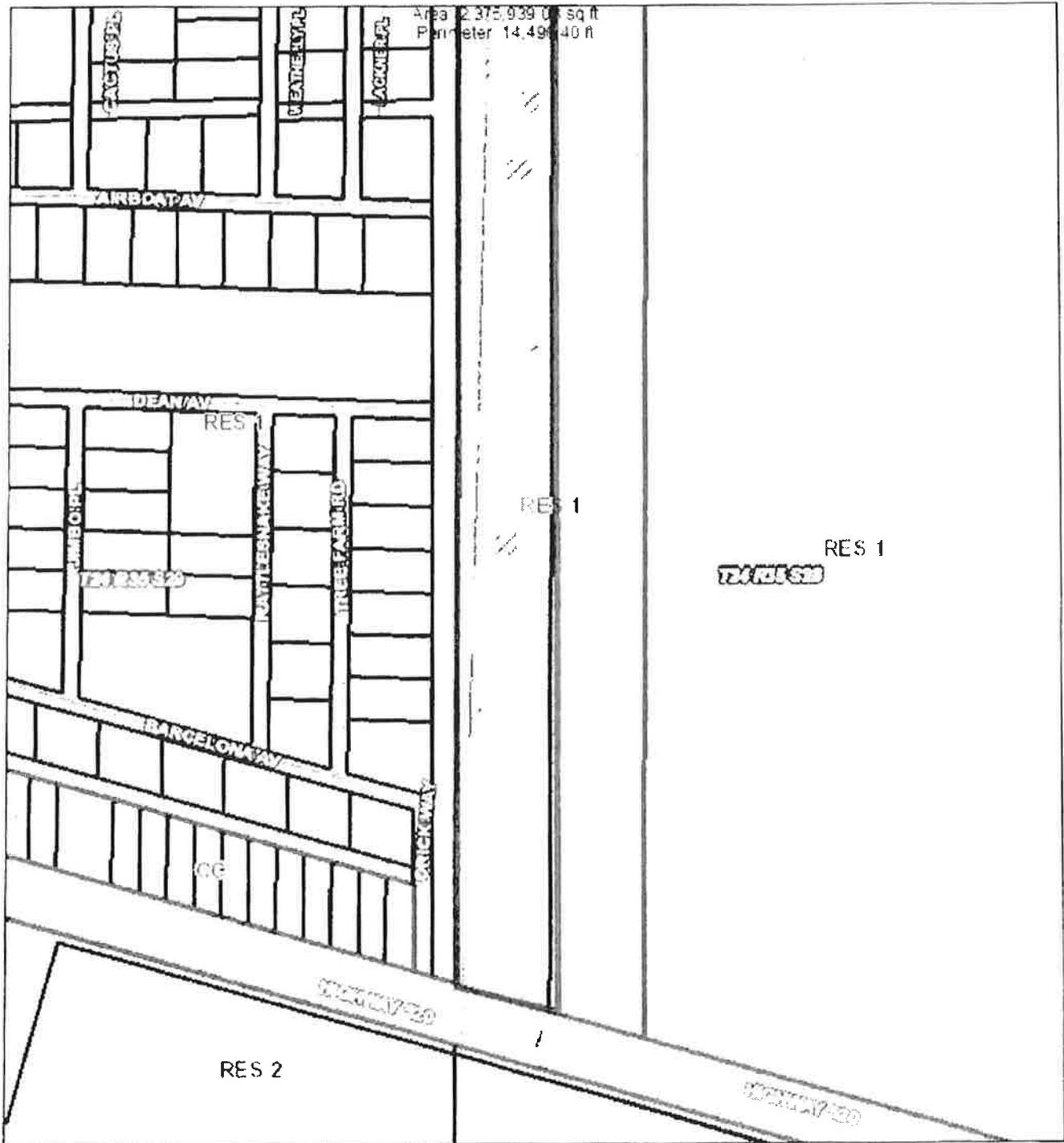
COCO BEACH

GRANT VALKARIA

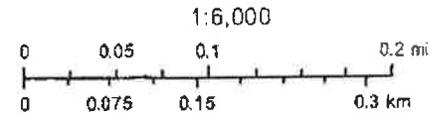
June 11 2019



19PZ00075 Tax Acct. 2441237



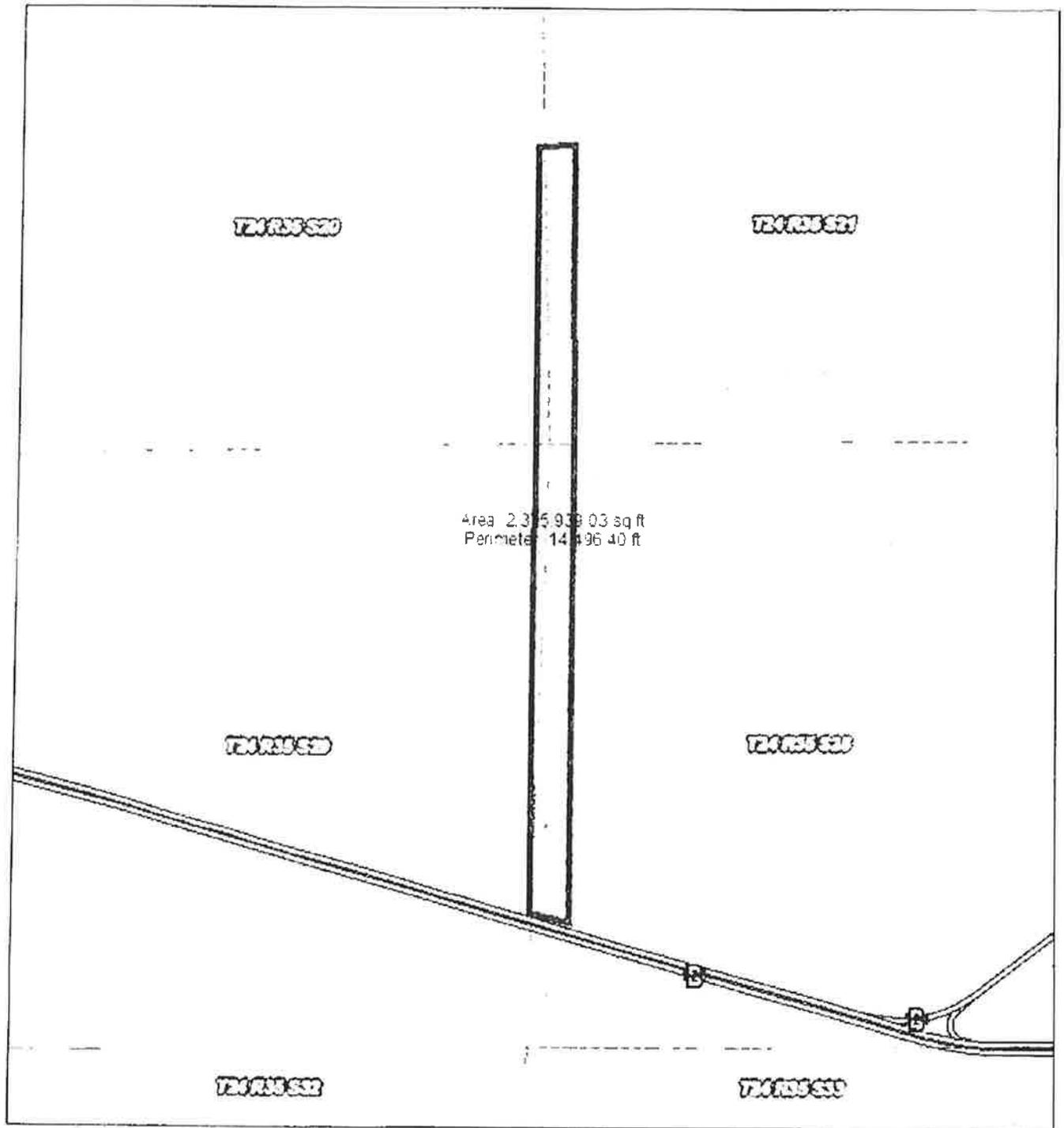
- Future Landuse
- Section
- City (Large Scale)
 - CAPE CANAVERAL
 - COCOA
 - COCOA BEACH
 - GRANT VALKARIA



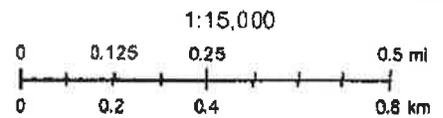
June 11 2019

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

19PZ00075 Tax Acct. 2441237



- Section
- County Boundary



**LSCPA
Ray L. Colgin
Adoption 2019-2.1
School Concurrency**

School Board of Brevard County

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



June 11, 2019

Ms. Cheryl Campbell
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed SR520 52Acres Development
School Impact Analysis – Capacity Determination CD-2019-09**

Dear Ms. Campbell,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2441237 (Parcel ID: 24-35-21-00-501) containing approximately 52.53 acres in Unincorporated District 1, Brevard County, Florida. The proposed single-family development includes 105 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 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 2017-18 to 2022-23 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2017-2018 to 2022-23* which is attached for reference.

Single Family Homes	105		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	29.4	29
Middle	0.08	8.4	8
High	0.16	16.8	17
Total	0.52		54

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x450 • FAX (321) 633-4646


An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2018-19 to 2023-24**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Fairglen	789	789	789	789	789
Cocoa	1,782	2,052	2,052	2,052	2,052

Projected Student Membership

School	2019-20	2020-21	2021-22	2022-23	2023-24
Fairglen	675	680	705	732	745
Cocoa	1,582	1,670	1,762	1,882	1,929

Students Generated by Previously Issued SCADL Reservations

School	2019-20	2020-21	2021-22	2022-23	2023-24
Fairglen	-	26	26	26	26
Cocoa	35	73	73	73	73

**Cumulative Students Generated by
Proposed Development**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Fairglen	4	8	13	18	29
Cocoa	3	7	11	15	25

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Fairglen	679	714	711	776	800
Cocoa	1,620	1,750	1,846	1,970	2,027

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Fairglen	110	75	45	13	(11)
Cocoa	162	302	206	82	25

At this time, Fairglen Elementary School is not projected to have enough capacity for the total of projected and potential students from the SR520 52Acres Development. Because there is a shortfall of available capacity in the concurrency service area of the SR520 52Acres Development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Saturn Elementary School, Cambridge Elementary School, Enterprise Elementary School, Challenger 7 Elementary School and Atlantis Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the SR520 52Acres Development is shown:

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2018-19 to 2023-24**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Cambridge	765	765	765	765	765

Projected Student Membership

School	2019-20	2020-21	2021-22	2022-23	2023-24
Cambridge	659	641	624	616	623

Students Generated by Previously Issued SCADL Reservations

School	2019-20	2020-21	2021-22	2022-23	2023-24
Cambridge	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Cambridge	4	8	13	18	29

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Cambridge	663	649	637	634	652

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Cambridge	102	116	128	131	113

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the SR520 52Acres Development.

This is a **non-binding** review; a *Concurrency Determination* must to 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,



David G. Lindemann, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years
2017-2018 to 2022-23*
Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2019-09

Brevard County Public Schools
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service
Data and Analysis for School Years 2018-19 to 2023-24

Brevard
Public
Schools

Summary			2018-19	2018-19	2018-19	2021-22	2022-23	2023-24
High Utilization Elementary Schools			107%	105%	99%	100%	100%	99%
High Utilization Middle Schools			87%	82%	82%	85%	84%	84%
High Utilization Jr. Sr. High Schools			58%	58%	58%	58%	58%	58%
High Utilization High Schools			95%	96%	95%	100%	100%	98%

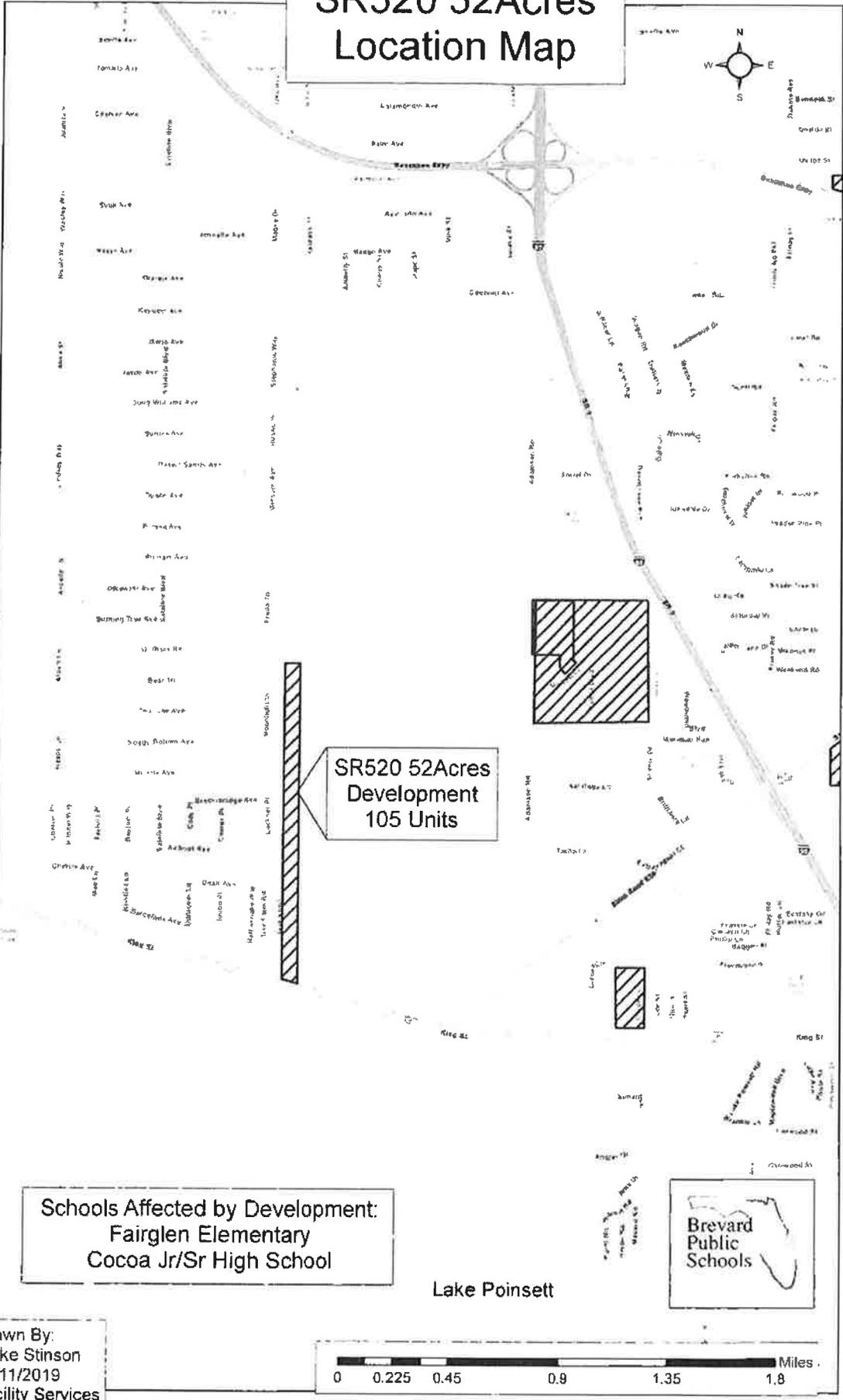
School	Type	Grades	Utilization Factor	School Year 2018-19			School Year 2019-20			School Year 2021-22			School Year 2022-23			School Year 2023-24		
				FISH Capacity	18/19 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Capacity Service Areas																		
New Central Elementary	Elementary	K-6	100%	751	711	95%	751	717	96%	870	838	96%	870	788	91%	870	768	88%
Allen	Elementary	PK-8	100%	884	720	81%	884	706	80%	884	680	77%	884	699	79%	884	706	80%
Anderson	Elementary	K-6	100%	902	847	94%	902	851	94%	902	895	99%	902	901	100%	902	905	100%
Apalachee	Elementary	PK-6	100%	739	713	96%	739	695	94%	739	699	95%	739	658	89%	739	641	87%
Atlanta	Elementary	PK-6	100%	781	713	91%	781	538	69%	781	485	62%	781	476	61%	781	485	62%
Auburn	Elementary	PK-6	100%	785	538	69%	785	559	71%	785	524	67%	785	618	79%	785	623	79%
Cambridge	Elementary	PK-6	100%	548	381	69%	548	368	67%	548	328	60%	548	320	58%	548	327	60%
Cape View	Elementary	K-6	100%	751	684	91%	751	661	88%	751	587	78%	751	595	79%	751	581	77%
Challenger I	Elementary	PK-6	100%	373	374	100%	373	377	101%	373	377	101%	373	377	101%	373	377	101%
Challenger II	Elementary	PK-6	100%	751	478	64%	751	448	60%	751	404	54%	751	374	50%	751	351	47%
Columbia	Elementary	K-6	100%	711	515	73%	711	462	65%	711	404	57%	711	374	53%	711	357	50%
Coquina	Elementary	K-6	100%	1,154	845	73%	1,154	853	74%	1,154	616	53%	1,154	618	53%	1,154	572	50%
Croft	Elementary	PK-6	100%	795	552	69%	795	536	67%	795	521	66%	795	528	66%	795	521	66%
Dunwoody	Elementary	PK-6	100%	980	844	86%	980	806	82%	980	577	59%	980	592	60%	980	592	60%
Endeavour	Elementary	PK-6	100%	990	882	89%	990	848	86%	990	580	59%	990	589	60%	990	589	60%
Enterprise	Elementary	K-6	100%	729	599	82%	729	620	85%	729	615	84%	729	632	87%	729	643	88%
Fairfax	Elementary	PK-6	100%	789	581	74%	789	575	73%	789	568	72%	789	572	73%	789	575	73%
Gaines	Elementary	K-6	100%	711	555	78%	711	517	73%	711	430	60%	711	417	59%	711	418	59%
Gallop	Elementary	PK-6	100%	777	555	71%	777	577	74%	777	510	66%	777	512	66%	777	503	65%
Gallop II	Elementary	PK-6	100%	777	555	71%	777	577	74%	777	510	66%	777	512	66%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	371	59%	629	345	55%	629	345	55%	629	345	55%	629	345	55%
Holland	Elementary	PK-6	100%	605	497	82%	605	510	84%	605	507	84%	605	509	84%	605	511	84%
Imperial Estates	Elementary	K-6	100%	729	538	74%	729	530	73%	729	530	73%	729	530	73%	729	530	73%
Isabella	Elementary	K-6	100%	798	740	93%	798	737	92%	798	740	93%	798	740	93%	798	740	93%
Jupiter	Elementary	PK-6	100%	930	728	78%	930	695	75%	930	636	68%	930	629	68%	930	629	68%
Lockhart	Elementary	PK-6	100%	892	669	75%	892	674	76%	892	655	73%	892	655	73%	892	655	73%
Longleaf	Elementary	PK-6	100%	790	547	69%	790	646	82%	790	605	77%	790	591	75%	790	588	74%
Maple	Elementary	K-6	100%	354	349	99%	354	350	99%	354	350	99%	354	350	99%	354	350	99%
Maple II	Elementary	PK-6	100%	914	777	85%	914	761	83%	914	687	75%	914	687	75%	914	687	75%
Medford Intermediate	Elementary	K-6	100%	1,114	668	60%	1,114	647	58%	1,114	655	59%	1,114	664	60%	1,114	678	61%
Medford Primary	Elementary	K-6	100%	824	626	76%	824	637	77%	824	622	75%	824	622	75%	824	622	75%
Mile	Elementary	PK-6	100%	707	465	66%	707	440	62%	707	447	63%	707	447	63%	707	483	68%
Mims	Elementary	PK-6	100%	725	479	66%	725	472	65%	725	458	63%	725	455	63%	725	478	66%
Oak Park	Elementary	PK-6	100%	968	721	74%	968	675	70%	968	637	66%	968	629	65%	968	622	64%
Ocean Breeze	Elementary	PK-6	100%	854	532	62%	854	448	52%	854	403	47%	854	400	47%	854	400	47%
Palm Bay	Elementary	PK-6	100%	1,005	815	81%	1,005	807	80%	1,005	588	59%	1,005	640	64%	1,005	683	68%
Pinewood	Elementary	PK-6	100%	569	517	91%	569	506	89%	569	512	90%	569	518	91%	569	530	93%
Port Malabar	Elementary	PK-6	100%	852	688	81%	852	682	80%	852	647	76%	852	613	71%	852	604	71%
Quest	Elementary	PK-6	100%	1,022	1,069	105%	1,022	1,144	112%	1,022	1,088	107%	1,022	1,088	107%	1,022	1,088	107%
Riviera	Elementary	PK-6	100%	777	682	88%	777	682	88%	777	665	86%	777	655	84%	777	655	84%
Roadside	Elementary	K-6	100%	599	380	63%	599	300	50%	599	331	55%	599	324	54%	599	322	54%
Sabell	Elementary	PK-6	100%	785	538	69%	785	533	68%	785	507	65%	785	494	63%	785	485	62%
Salmon	Elementary	PK-6	100%	979	853	87%	979	872	89%	979	822	84%	979	822	84%	979	822	84%
Sea Park	Elementary	PK-6	100%	461	321	70%	461	333	72%	461	302	66%	461	335	73%	461	350	76%
Shirley	Elementary	PK-6	100%	809	458	57%	809	442	55%	809	410	51%	809	407	50%	809	423	52%
South Lake	Elementary	K-6	100%	481	311	65%	481	348	72%	481	348	72%	481	348	72%	481	348	72%
Sumner	Elementary	PK-6	100%	913	620	68%	913	600	66%	913	644	70%	913	633	69%	913	633	69%
Sunrise	Elementary	K-6	100%	755	575	76%	755	555	74%	755	515	68%	755	498	66%	755	517	68%
Surfside	Elementary	K-6	100%	541	460	85%	541	456	84%	541	421	78%	541	420	78%	541	382	71%
Topical	Elementary	K-6	100%	810	625	77%	810	621	77%	810	528	65%	810	511	63%	810	512	63%
Turner	Elementary	PK-6	100%	874	562	64%	874	519	59%	874	509	58%	874	502	57%	874	518	59%
University Park	Elementary	PK-6	100%	811	473	58%	811	486	60%	811	472	58%	811	472	58%	811	703	87%
Venue	Elementary	K-6	100%	457	268	59%	457	274	60%	457	255	56%	457	255	56%	457	255	56%
Williams	Elementary	PK-6	100%	715	582	81%	715	568	79%	715	521	73%	715	521	73%	715	508	71%
Elementary Totals				41,810	35,189		41,844	32,732		41,868	32,683		43,044	35,158		43,264	35,282	

Mobile School Concurrency Service Areas																					
Canal	Middle	7-8	90%	1,025	1,183	71%	1,528	1,165	76%	1,319	1,225	93%	1,325	1,230	93%	1,325	1,195	90%	1,325	1,267	96%
Delaura	Middle	7-8	90%	859	919	87%	930	928	99%	900	900	100%	839	866	103%	839	874	104%	839	832	99%
Hoover	Middle	7-8	90%	650	508	78%	850	500	59%	600	613	102%	650	512	79%	650	502	77%	650	484	74%
Jayson	Middle	7-8	90%	354	348	98%	654	548	84%	580	604	104%	654	637	97%	654	664	101%	654	600	92%
Jefferson	Middle	7-8	90%	554	502	91%	654	652	99%	654	618	94%	654	650	99%	654	650	99%	654	613	94%
Johnson	Middle	7-8	90%	1,000	736	74%	1,000	740	74%	1,000	701	70%	1,000	797	80%	1,000	784	78%	1,000	761	76%
Kennedy	Middle	7-8	90%	813	611	75%	813	621	76%	813	628	77%	813	628	77%	813	628	77%	813	613	75%
Mapson	Middle	7-8	90%	743	400	54%	743	406	55%	743	431	58%	743	456	61%	743	456	61%	743	425	57%
McKear	Middle	7-8	90%	611	486	80%	611	505	83%	611	528	86%	611	528	86%	611	522	85%	611	509	83%
Settlement	Middle	7-8	90%	1,177	833	71%	1,177	836	71%	1,177	837	71%	1,177	827	70%	1,177	820	70%	1,177	809	69%
Stone	Middle	7-8	90%	1,324	797	60%	1,324	824	62%	1,324	821	62%	1,324	821	62%	1,324	821	62%	1,324	855	64%
Mobile Totals				8,998	7,669	85%	8,998	7,823	87%	8,998	8,200	91%	8,998	8,312	92%	8,998	8,223	91%	8,998	8,078	90%
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	Pk, 7-12	90%	1,780	1,577	88%	1,782	1,582	89%	2,082	1,970	95%	2,082	1,760	85%	2,082	1,825	88%	2,082	1,629	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	1,013	69%	1,466	1,007	69%	1,466	877	60%	1,466	975	67%	1,466	950	65%	1,466	924	63%
Spice Coast	Jr / Sr High	7-12	90%	1,857	1,366	73%	1,857	1,390	75%	1,857	1,349	73%	1,857	1,350	73%	1,857	1,513	81%	1,857	1,307	71%
Jr / Sr High Totals				5,103	4,074	79%	5,103	4,079	80%	5,103	4,326	85%	5,103	4,383	86%	5,103	4,243	83%	5,103	4,349	85%
Senior High School Concurrency Service Areas																					
Arlmont	High	9-12	95%	1,446	1,078	74%	1,446	1,081	75%	1,446	1,172	81%	1,446	1,144	79%	1,446	1,178	81%	1,446	1,166	81%
Barrow	High	9-12	95%	2,235	1,706	76%	2,235	1,850	83%	2,235	1,847	83%	2,235	1,901	85%	2,235	1,901	85%	2,235	2,008	90%
Eau Gallie	High	Pk, 9-12	95%	2,232	1,876	84%	2,232	1,867	84%	2,232	1,860	83%	2,232	1,970	88%	2,232	1,809	81%	2,232	1,832	82%
Marshall	High	9-12	95%	2,314	1,631	70%	2,314	1,807	78%	2,314	1,820	79%	2,314	1,968	85%	2,314	2,041	88%	2,314	2,058	89%
Melbourne	High	9-12	95%	2,356	2,113	90%	2,356	2,134	91%	2,356	2,134	91%	2,356	2,134	91%	2,356	2,134	91%	2,356	2,134	91%
Mount Island	High	Pk, 9-12	95%	1,915	1,542	80%	1,915	1,555	81%	1,915	1,555	81%	1,915	1,555	81%	1,915	1,555	81%	1,915	1,555	81%
Palm Bay	High	9-12	95%	2,613	1,843	71%	2,613	1,843	71%	2,613	1,908	73%	2,613	1,908	73%	2,613	1,908	73%	2,613	1,843	71%
Tricollage	High	9-12	95%	1,701	1,516	89%	1,701	1,520	89%	1,701	1,520	89%	1,701	1,520	89%	1,701	1,520	89%	1,701	1,520	89%
Vero Beach	High	Pk, 9-12	95%	1,516	1,328	88%	1,516	1,346	89%	1,516	1,346	89%	1,516	1,346	89%	1,516	1,346	89%	1,516	1,346	89%
Tusoville	High	9-12	95%	1,872	1,361	73%	1,872	1,343	72%	1,872	1,343	72%	1,872	1,343	72%	1,872	1,343	72%	1,872	1,343	72%
Viera	High	Pk, 9-12	95%	2,227	2,157	97%	2,227	2,157	97%	2,227	2,157	97%	2,227	2,157	97%	2,227	2,157	97%	2,227	2,157	97%
High Totals				32,477	17,449	54%	32,477	17,900	55%	32,477	18,841	58%	32,477	19,383	59%	32,477	20,172	62%	32,477	18,818	58%
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	387	81%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	508	89%	569	509	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	553	90%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,072	848	79%	1,072	850	79%	1,072	850	79%	1,072	850	79%	1,072	850	79%	1,072	850	79%
West Shore	Jr / Sr High	7-12	90%	1,264	953	75%	1,264	954	75%	1,264	954	75%	1,264	954	75%	1,264	954	75%	1,264	954	75%
Schools of Choice				3,998	3,247	81%	3,998	3,381	85%												
Brevard Totals				83,289	48,236	58%	83,453	48,618	58%	83,453	49,772	59%	83,453	49,240	59%	83,453	49,277	59%	83,453	48,809	58%

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2019-20 are reported from the FISH database as of October 10, 2019.
- Student Membership is reported from the Fall Final Membership Count (10/12/19).
- DeVos Demographics SchoolSite Enrollment Forecasting Extension for AECOS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multiplier (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- DeVos Demographics estimates are then adjusted using the following factors:
 - PK (Pre-K/Kindergarten) and All Daycare for students with infants enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant
 - Nonresidential student addresses are assumed to continue in their attendance schools
 - Charter School Capacity
- 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.
- Relocatable Classrooms are assumed to add future student stations as follows:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-6) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Apollo Elementary, Crabtree 7 Elementary, Cocoa Elementary, Imperial Estates Elementary, Pinewood Elementary, Quail Elementary, Saturn Elementary, Sunrise Elementary, Delaura Middle School, Jackson Middle School and Kennedy Middle (Total of 42 Classrooms)
 - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms)
- Redistricting was approved for the 2019-20 school year and the projected enrollment for 2019-20 is adjusted for these areas. Future redistricting is planned for a new central area elementary school in 2020-21.
- The following proposals for additional permanent capacity are included in this analysis:
 - A 12 classroom addition at Cocoa Jr/Sr High School is assumed to add 300 student stations starting in 2019-20
 - A new central area elementary is assumed to add 970 student stations starting in 2020-21. Student enrollment projections were adjusted for the 2020-21 school year.

SR520 52Acres Location Map



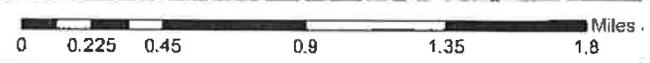
SR520 52Acres
Development
105 Units

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



Lake Poinsett

Drawn By:
Blake Stinson
06/11/2019
Facility Services



**LSCPA
Ray L. Colgin
Fall Cycle 2019-2.1
Ordinance**