

ADD ON

Meeting Date
2/3/15



AGENDA	
Section	Public Hearing
Item No.	IV B

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: TRANSMITTAL OF COMPREHENSIVE PLAN PACKAGE 2015 – 1 PLAN AMENDMENTS (DISTRICTS 1 – 5)
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:

It is requested that the Board conduct a public hearing and consider transmittal of the 2015 - 1 Comprehensive Plan Amendments including two private applications for Matthew Development LLC (2015-1.1) and George & Barbara Ogle Trustees (2015-1.2).

Summary Explanation & Background:

The Brevard County Zoning Code Chapter 62-502 (b)(3) establishes a twice a year application deadline. The 2015-1 Comprehensive Plan amendment Spring cycle is the year's first amendment package. There are two private applications for amendments being considered for transmittal in this cycle: 2015 – 1.1 submitted by Matthew Development LLC and 2015-1.2 submitted by George and Barbara Ogle, Trustees. The Local Planning Agency held a public hearing on January 26, 2015, unanimously recommending both amendments for approval.

Plan Amendment 2015-1.1 - a proposal initiated by Matthew Development LLC, to amend Part IX, the Transportation Element, to amend Policy 3.8, Map 2A, to permit a limited access driveway on the Pineda Causeway to a parcel of land located on the north east corner of the Pineda Causeway and Wickham Road.

Plan Amendment 2015-1.2 - a proposal initiated by George & Barbara Ogle, Trustees, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1:2.5 to Residential 1 for approximately 20.63 acres on the north side of Church Street west of the intersection of N. Courtenay Parkway.

Staff Contact: Stuart Buchanan, Planner III/Grants Administrator Planning & Development Dept
 Tel: 633-2069 e-mail: stuart.buchanan@brevardcounty.us

Clerk to the Board instruction: Ordinances are drafts for transmittal – Do not execute

Exhibits Attached: 2015 – 1 Transmittal Package

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager
 Stockton Whitten

Assistant County Manager
 Mel Scott, AICP

Department Director / Extension
 Robin M. Sobrino, AICP
 Director, Planning & Development Department

**Comprehensive Plan Amendment
Spring Transmittal 2015-1**



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

February 4, 2015

M E M O R A N D U M

TO: Robin Sobrino, Planning and Development Director

RE: Item IV.B., Legislative Intent to Amend Ordinance Allowing North Merritt Island Dependent Special District to Review Comprehensive Plan Changes in the Future

The Board of County Commissioners, in regular session on February 3, 2015, directed staff to come back to the Board with legislative intent to amend the current Ordinance allowing North Merritt Island Dependent Special District the ability to review Comprehensive Plan changes in the future before it comes to the Board for its consideration.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

cc: County Manager
Commissioner Barfield



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

February 4, 2015

M E M O R A N D U M

TO: Robin Sobrino, Planning and Development Director Attn: Stuart Buchanan
RE: Item IV.B., Transmittal of Comprehensive Plan Package 2015-1 Plan Amendments

The Board of County Commissioners, in regular session on February 3, 2015, conducted a public hearing and approved transmittal of the 2015-1 Comprehensive Plan Amendment, as follows:

Plan Amendment 2015-1.1 – a proposal initiated by Matthew Development LLC, to amend Part IX, the Transportation Element, to amend Policy 3.8, Map 2A, to permit a limited access driveway on the Pineda Causeway to a parcel of land located on the north east corner of the Pineda Causeway and Wickham Road.

Plan Amendment 2015-1.2 – a proposal initiated by George and Barbara Ogle, Trustees, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1:2.5 to Residential 1 for approximately 20.63 acres on the north side of Church Street west of the intersection of N. Courtenay Parkway.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

**Comprehensive Plan Amendment
Matthew Development LLC 2015-1.1**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2015-1.1
TRANSPORTATION ELEMENT - TEXT AMENDMENT**

Request: A text amendment to the Transportation Element addressing Policy 3.8 and Map 2A

Owner / Applicant: Matthew Development LLC

Location: Pineda Causeway

Acreage: N/A

Existing Land Use Designation: N/A

Proposed Land Use Designation: N/A

PROPOSED TEXT AMENDMENT

Background:

The Pineda Causeway (sometimes referred to as the Pineda Extension), is an urban arterial roadway that provides east west connectivity between Interstate 95, Wickham Road, and US 1, all north south arterial roadways. The Transportation Element included specific policies and supporting map exhibits to maintain the Pineda Causeway as a limited access roadway. A limited access roadway is a roadway that allows entrance and exit points only under certain conditions or in specific locations. The purpose of limiting the number of driveways and entrances is to maintain traffic flow at a certain speed and reduce conflicts of vehicles entering and exiting the roadway.

The adoption of the regulation as a policy in the Comprehensive Plan, rather than the Land Development Regulations, ensures that a higher standard of review and approval would be necessary to amend the regulation and add new access points to the Pineda Causeway.

Description:

The proposed amendment will amend Map 2A to allow for an additional limited access driveway within a new dedicated turn lane to be constructed by the applicant. The proposed amendment is based upon the data and analysis

provided by the applicant in the form of a Technical Memorandum (attached) and reviewed by the Public Works - Traffic Operations Manager.

The traffic study found that during pm peak hour conditions the proposed dedicated turn lane associated with the limited access driveway would reduce Pineda Causeway west bound traffic wait times by 40 seconds at the Wickham Road signalized intersection. The east bound traffic wait times at the Wickham Road intersection would increase by 1/8 of a second.

Proposed Text Amendment

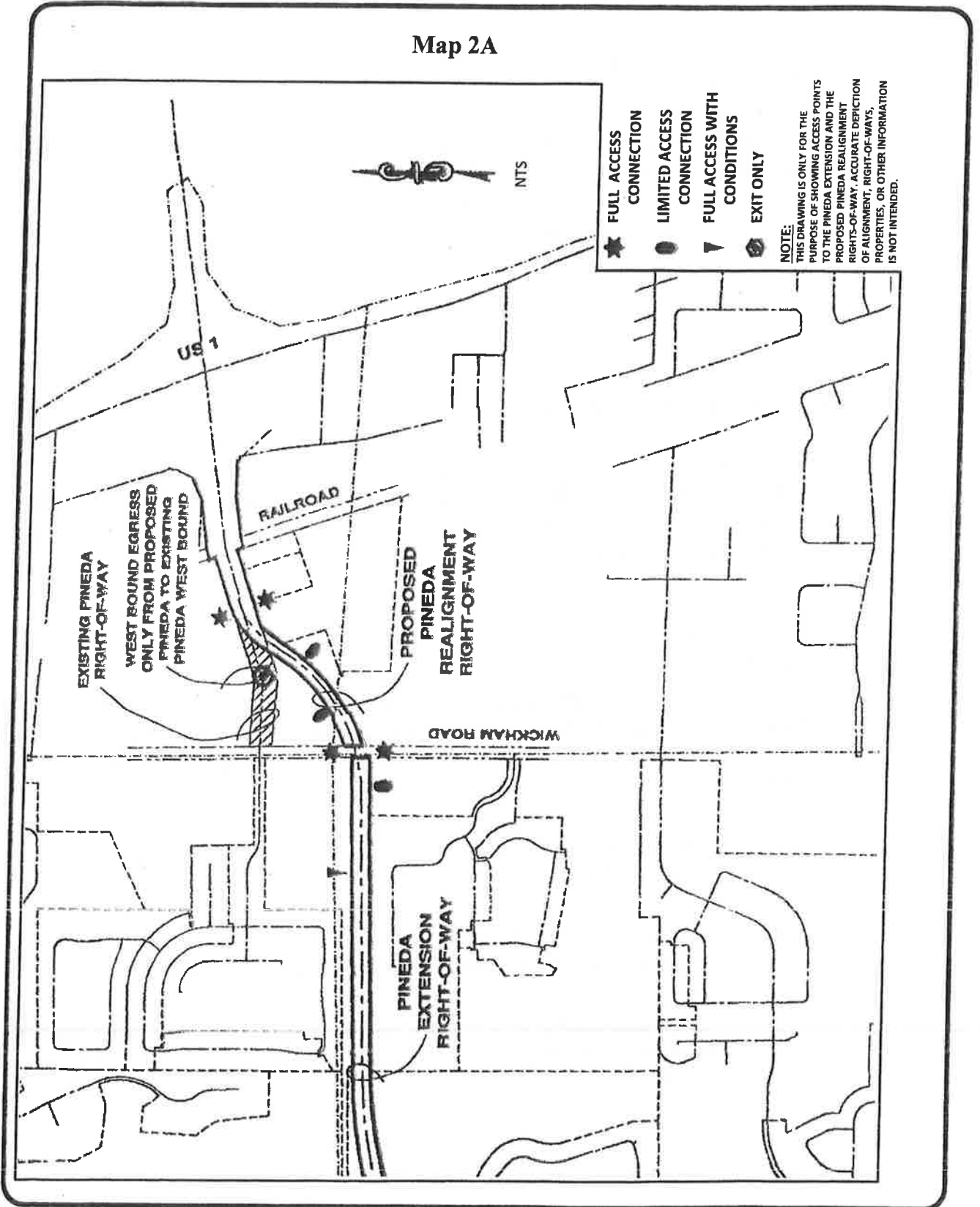
The proposed amendment would be adopted as a replacement of Map 2A. (attached). Additions to the Objectives are shown as underlined and deletions are shown as ~~struck through~~. The Policy 3.8, shown below for ease of reference, would remain unchanged.

Policy 3.8

The following transportation routes are classified as limited access roadways: SR 407, SR 528, I-95, and SR 404 (Pineda Causeway and Extension). The portion of the Pineda Extension controlled by Brevard County (Map 2A and Map 2B) shall be classified as a limited access roadway and is subject to the following conditions:

- A. The access points for the Pineda Extension are shown on Map 2A and Map 2B.
- B. Access to this roadway should be limited to maximize its function as a hurricane evacuation route and as a primary traffic route.
- C. The classification of this route as a limited access roadway shall not prohibit pedestrian or bicycle usage in the right of way (ROW) or on the roadway.
- D. The above criteria shall not apply to those limited access facilities controlled by the Florida Department of Transportation.

Map 2A



- ★ FULL ACCESS CONNECTION
- LIMITED ACCESS CONNECTION
- ▼ FULL ACCESS WITH CONDITIONS
- ⊙ EXIT ONLY

NOTE:
THIS DRAWING IS ONLY FOR THE PURPOSE OF SHOWING ACCESS POINTS TO THE PINEDA EXTENSION AND THE PROPOSED PINEDA REALIGNMENT RIGHTS-OF-WAY. ACCURATE DEPICTION OF ALIGNMENT, RIGHT-OF-WAYS, PROPERTIES, OR OTHER INFORMATION IS NOT INTENDED.

**Matthew Development LLC
LSCPA Plan Amendment
Spring 2015-1.1
Supporting Data & Analysis**

Via E-Mail: (matt.williams@matthewdevelopment.com)

Ref: 4003.02

TECHNICAL MEMORANDUM

To: Matt Williams, Matthew Development LLC

From: Gil A. Ramirez, P.E., Project Manager

Subject: Matthew Development Gas Station
NE Wickham Road and Pineda Causeway – Comprehensive Plan Amendment
Brevard County, FL

Date: December 21, 2014



Digitally signed by Gil A. Ramirez, P.E.

Reason: I agree to the terms defined by the placement of my signature on this document
Location: 4003.02 - Matthew Development CPA Tech Memo
Date: 2014.12.22 15:29:49 -05'00'

Introduction

Lassiter Transportation Group (LTG) has been asked to provide an analysis of the traffic impact of a proposed text amendment to the Brevard County comprehensive plan. The text amendment would allow construction of a right-in/right-out driveway onto Pineda Causeway serving the parcel on the northeast corner of the intersection of Wickham Road at Pineda Causeway. A site location map is attached as Figure 1. This analysis evaluated the operational efficiency and safety of the requested amendment.

The analysis considered projected 2015 conditions along Pineda Causeway between Wickham Road and Holy Trinity Drive as the baseline for comparison. The analysis then compared this baseline condition to providing access through the driveway onto Pineda Causeway through a right-in/right-out driveway with an exclusive westbound right-turn lane, and construction of an exclusive westbound right-turn lane for the intersection of Wickham Road at Pineda Causeway. The analysis included an evaluation of projected traffic for the study area based on background growth and anticipated trip generation.

Trip Generation

The process of projecting the number of trips generated by a proposed development is called trip generation. The Trip Generation Manual, 9th Edition, published by the Institute of Transportation Engineers (ITE) provides trip generation and pass-by trip attraction information for various land uses. ITE defines pass-by trips as those attracted from background traffic passing the site on an adjacent roadway. The gross trip generation characteristics for the proposed commercial site are provided in Table 1, and the net trip generation is shown in Table 2.

The land use associated with the proposed commercial site was provided by the developer and is based on the preliminary site plan, attached. This site plan indicates the proposed access via the driveway onto Pineda Causeway as well as via Wickham Road.

TECHNICAL MEMORANDUM

Matt Williams
 December 21, 2014
 Page 2

**Table 1: Gross Trip Generation
 Matthew Development Gas Station**

Time Period	Generator	ITE Land Use Code	Trip Rate Equation	Units (X) Number of Vehicle fueling Positions	Total Trips (T)	Percent Enter	Percent Exit	Trips Entering	Trips Exiting
Weekday	Gasoline Station w/ Convenience Market	945	$T = 162.78 (X)$	16	2,604	50%	50%	1,302	1,302
A.M. Peak-Hour		945	$T = 10.16 (X)$	16	163	50%	50%	81	82
P.M. Peak-Hour		945	$T = 13.51(X)$	16	216	50%	50%	108	108

Source: ITE, Trip Generation 9th Edition

**Table 2: Net Trip Generation
 Matthew Development Gas Station**

Time Period	Land Use	Total A.M. Trips			Pass-By Trips			Net External Trips		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
A.M. Peak-Hour	Gasoline Station w/ Convenience Market	81	81	162	50	50	100	31	31	62
P.M. Peak-Hour		108	108	216	60	60	120	48	48	96

Background Traffic

The analysis is based on turning movement counts collected in December of 2014 for the study area intersections. Traffic growth rates from historic Average Annual Daily Traffic counts (from years 20011 to 2013) were determined for the study area roadway segments using FDOT's *Traffic Trends* software. The attached Traffic Trends analysis indicates that traffic has been increasing at approximately 0.72% per year since 2011.

Trip Distribution and Assignment

The process of determining the directional flow of traffic associated with a new development is called trip distribution. An evaluation of the surrounding land uses, proposed land uses, and current volumes indicates that a balanced trip distribution is reasonable for primary trips. As such 30% of the trips are anticipated to approach from and return to the east along the studied segment of Pineda Causeway Boulevard. The primary trip distribution is attached as Figure 2, and the trip assignment for the a.m. and p.m. peak-hours are included as figures 3 and 4, respectively.

Operational Analysis and Modeling

Pineda Causeway was modeled between Wickham Road and Holy Trinity Drive using the Synchro© and SimTraffic software, by Trafficware, Inc. The models use methods established by the Transportation Research Board of the National Academies of Science in the Highway Capacity Manual, the document adopted by the Federal and State regulatory agencies for evaluation of existing and proposed transportation infrastructure.

Two Synchro models were developed; a 2015 baseline model, and a 2015 build-out model with a westbound right-turn lane at the intersection of Pineda Causeway at Wickham Road and the proposed driveway connection with an exclusive westbound right-turn lane. Both models were optimized to reflect the adaptive signal control system in place at the intersection of Pineda Causeway at Wickham Road. All other data and settings were consistent between the two alternatives. The results of the analysis are attached, and summarized in Table 3.

TECHNICAL MEMORANDUM

Matt Williams

December 21, 2014

Page 3

**Table 3: Net Trip Generation
Matthew Development Gas Station**

Scenario	Direction	Peak-Hour					
		AM			PM		
		Delay (sec.)	Travel Time (sec.)	Speed (Avg)	Delay (sec.)	Travel Time (sec.)	Speed (Avg)
2015 Baseline	EB	163.7	222.1	11	132.7	190.1	13.0
2015 Build-Out	EB	145.3	204.4	12	134.5	191.0	13.0
2015 Baseline	WB	63.8	109.4	18	132.2	195.7	11.0
2015 Build-Out	WB	62.8	108.6	19	91.9	155.3	15.0

The analysis indicates that the addition of the westbound right-turn lane at the intersection of Pineda Causeway at Wickham Road will improve operational conditions along Pineda Causeway by increasing the capacity of the westbound approach at the signal, reducing the delay for westbound traffic. In the a.m. peak-hour the operational analysis indicates that the segment will benefit from reduced travel times in both directions. In the p.m. peak-hour the delay to eastbound traffic increases by 1.8 seconds, but the increase is offset by a 40 second reduction in delay for westbound traffic. It is possible to adjust the traffic adaptive control settings at the intersection to balance the p.m. peak-hour flows to provide a more balanced bi-directional allocation of green-time.

The simulations comparing the 2015 build-out traffic with the project trips show a modest improvement in operations. However, closure of the westbound Pineda Causeway to Pineda Plaza ramp due to maintenance or a collision will place an additional 513 p.m. westbound right-turn trips at the intersection of Pineda Causeway at Wickham Road during the peak-hour when the signal is already over capacity. As currently configured those trips would share the outside through lane, significantly degrading operations at the intersection. The addition of a westbound right-turn lane will significantly improve operations during those events. The operational analysis indicates that in order to maximize the benefits of the proposed westbound right-turn lane at the intersection of Pineda Causeway at Wickham Road the right turn lane should extend as far east as possible, while still allowing for adequate separation from the proposed driveway connection.

Safety Assessment

A safety assessment was conducted to evaluate the impact of the proposed driveway connection on traffic along Pineda Causeway. Included in this assessment was an evaluation of sight distance, driveway spacing, and driver expectation.

Sight Distance

The proposed driveway onto Pineda Causeway is located on a simple curve concave north and a posted speed limit of 40 mph. The required stopping sight distance for a vehicle travelling at a speed of 40 mph is 445 feet. A line-of-sight evaluation between a point approximately 14.5 feet north of the edge of the travel lane at the driveway, to a point 445 feet east along the westbound outside lane of Pineda Causeway indicates that there is currently vegetation within the sight distance triangle. A review of the site plan indicates that some of this area will need to be cleared to provide the required right-turn lane, roadway shoulder, and on-site storm-water treatment. The remainder of the sight distance triangle falls within the Pineda Causeway right-of-way. Therefore it is anticipated that the required sight-distance will be met once the required improvements are in place and the remaining vegetation within 10 feet of the existing north edge of the shoulder is trimmed. It is recommended that a W2-2 (intersection ahead) advanced warning sign be installed 775 feet in advance of the driveway. A sketch showing the sight distance triangle is included as Figure 5.

TECHNICAL MEMORANDUM

Matt Williams
December 21, 2014
Page 4

Driveway Spacing

The proposed driveway spacing is 322 feet, exceeding the minimum driveway spacing required by an Access Class 5 facility with a posted speed limit less than or equal to 45 mph.

Driver Expectation

The proposed driveway is located on the westbound approach lanes to the intersection of Pineda Causeway at Wickham Road. Allowing traffic to exit onto the approach lanes to an intersection is preferable because drivers traveling on approach to a signalized intersection are prepared to decelerate or stop due to the potential for turning traffic, weaves, and changes in signal indication. In addition, the current lane configuration for the westbound approach includes dual exclusive left-turn lanes, one through lane, and one shared through/right-turn lane. The shared outside lane currently experiences an increased occurrence of stops due to westbound right-turns. Therefore, drivers familiar with the area anticipate a stop ahead while driving in the outside lane.

Vehicles entering the proposed development should have only a minor impact on through-traffic. The potential impacts are mitigated due to the proposed construction of the exclusive right-turn lane into the development. Properly designed right-turn lanes have been proven to reduce the incidence of rear-end crashes by allowing vehicles to decelerate safely outside of the flow of traffic.

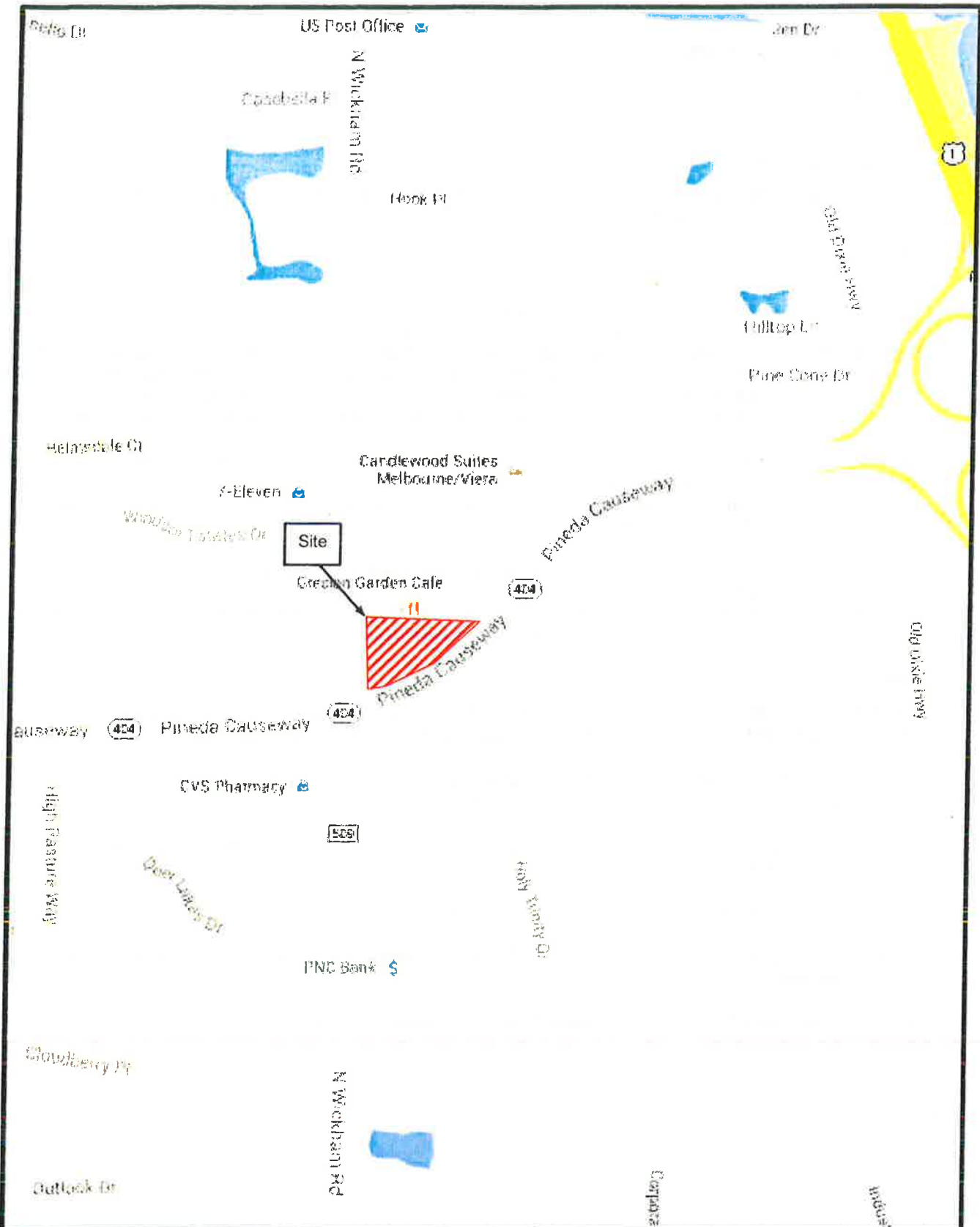
The east and west departure lanes have been established as limited access areas to allow vehicles departing the intersection to achieve and maintain the free-flow speed and exit the intersection influence area as efficiently as possible. Placing driveways on the departure lanes would introduce additional conflict points without the benefit of the factors listed above, therefore it is not recommended that such connections be allowed in the future.

Conclusions

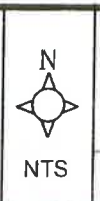
The results of the operational analysis and safety assessment indicate that the proposed improvements will provide a net benefit to the motoring public when accompanied by the following improvements:

- Installation of a westbound right-turn lane at the intersection of Pineda Causeway at Wickham Road. The right-turn lane should extend as far east as possible.
- Installation of a westbound right-turn lane at the project driveway. The right-turn lane should have a minimum total length of 185 feet.
- Trimming or removal of the existing vegetation within the sight-distance triangle shown in Figure 5.
- Installation of a W2-2 (intersection ahead) advanced warning sign 775 feet in advance of the proposed driveway.

cc: R. Sans Lassiter, P.E., LTG (rlassiter@lassitertransportation.com)



Matthew Development Gas Station

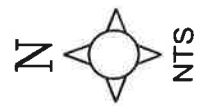
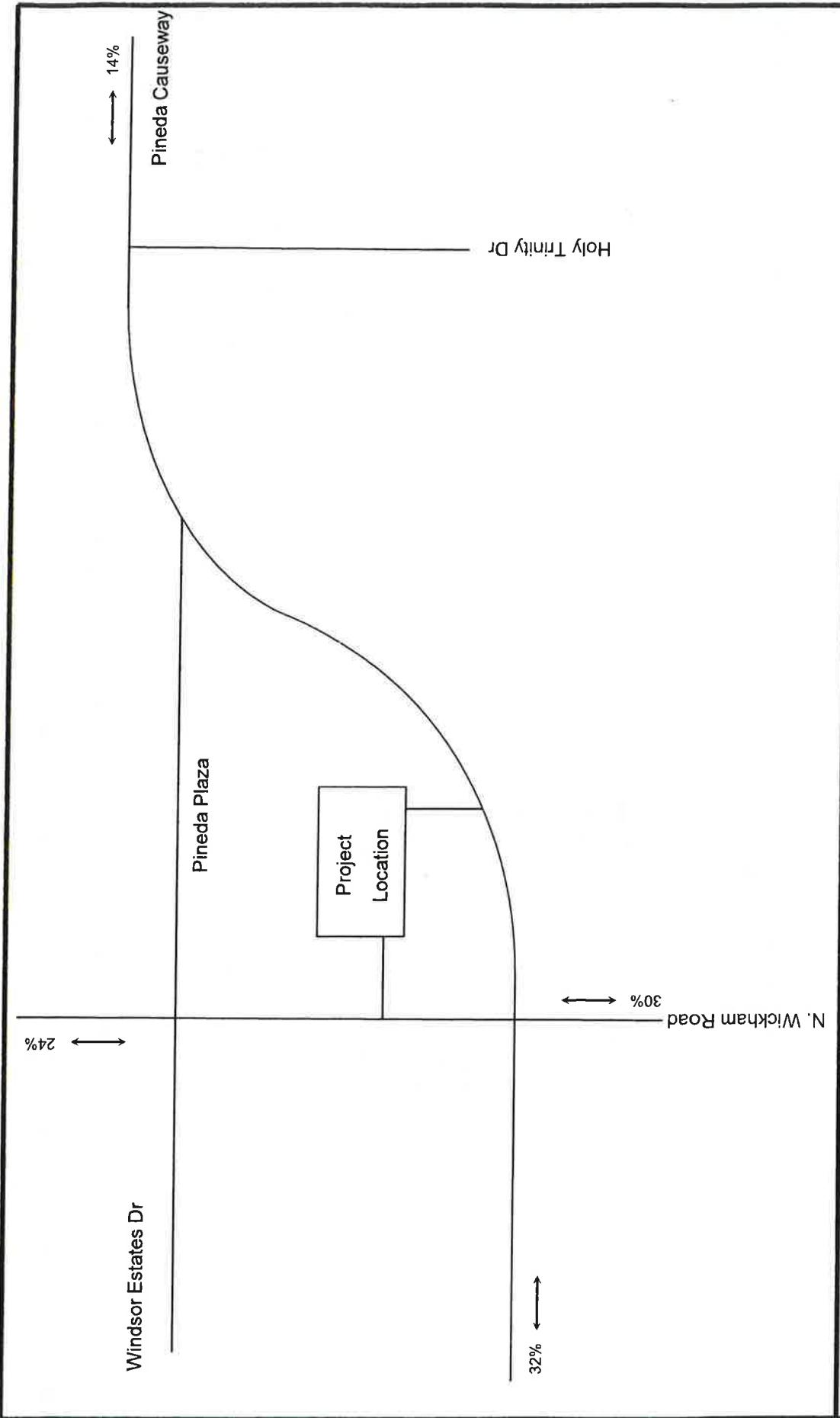


Location Map

Project No.: 4003.01 Figure: 1

Lassiter Transportation Group, Inc.
Engineering and Planning

1103 W. Hibiscus Blvd, Suite 310- Melbourne, Florida 32901
 Telephone: 321.499.4679 Fax: 321.499.4680 EB# 0009227



**Mathew Development
Gas Station**

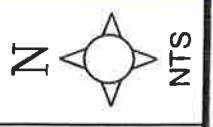
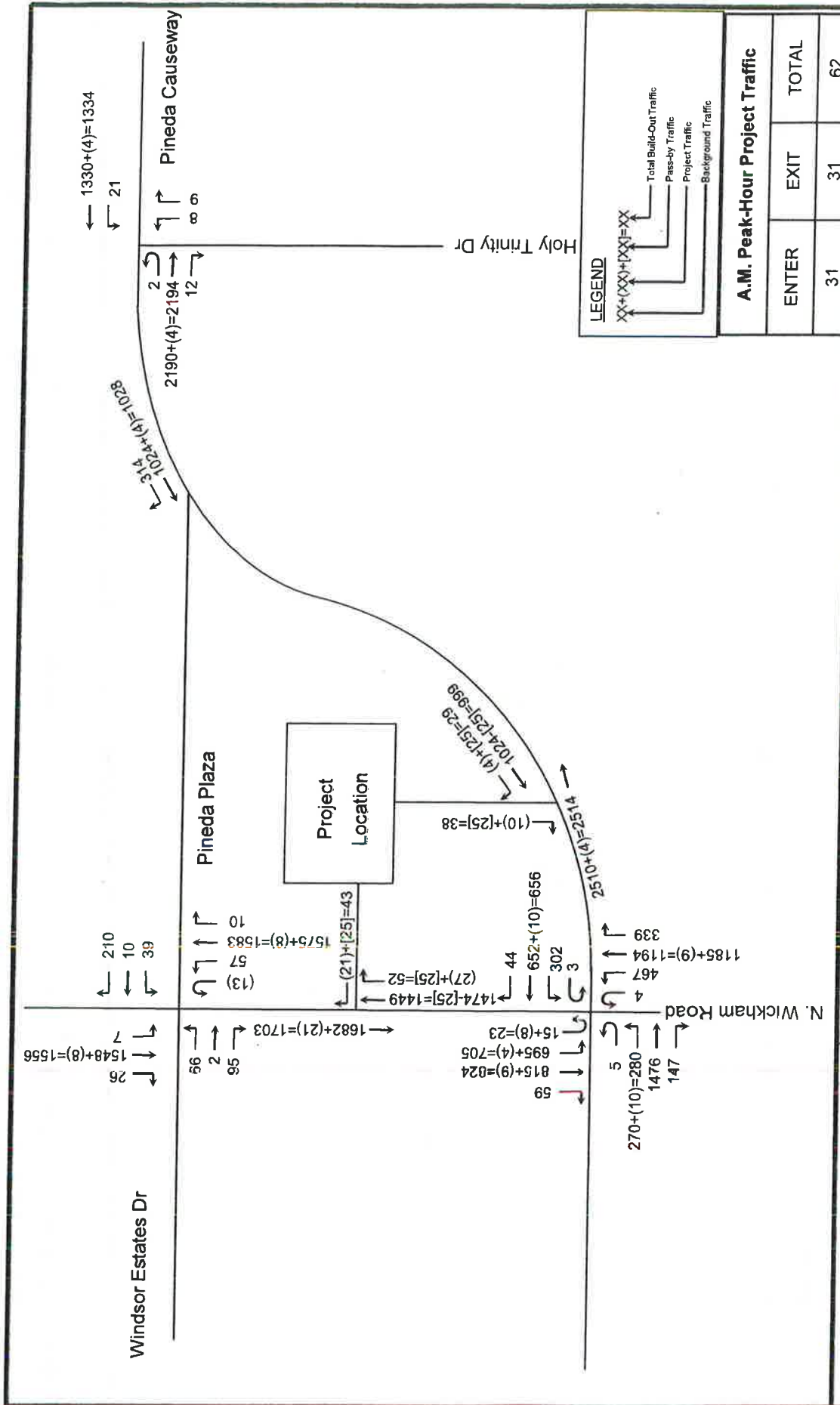
Trip Distribution

Project Number: 4003.02

Figure 4



1103 W. Hibiscus Blvd, Suite 310 Melbourne, Florida 32901
 Telephone: 321.499.4679 Fax: 321.499.4680 EB# 0009227



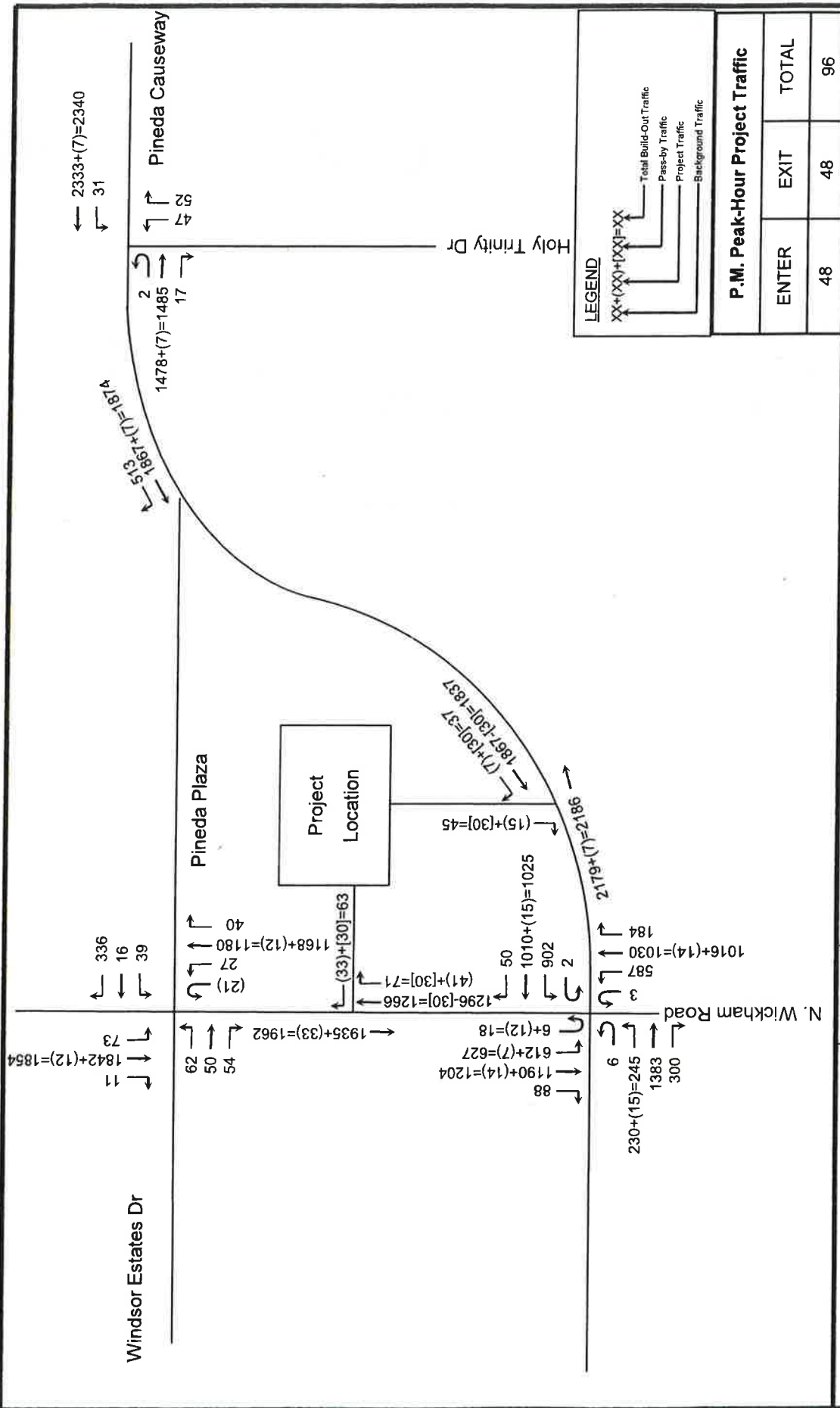
**Mathew Development
Gas Station**

2014 Build-Out Traffic A.M. Peak-Hour



Project Number: 4003.02 Figure 5

1103 W. Hibiscus Blvd, Suite 310 Melbourne, Florida 32901
 Telephone: 321.499.4679 Fax: 321.499.4680 EB# 0009227



P.M. Peak-Hour Project Traffic		
ENTER	EXIT	TOTAL
48	48	96

Mathew Development Gas Station

2014 Build-Out Traffic P.M. Peak-Hour

Figure 6

Project Number: 4003.02

NTS

Lassiter Transportation Group, Inc.
Engineering and Planning

1103 W. Hibiscus Blvd, Suite 310 Melbourne, Florida 32901
Telephone: 321.499.4679 Fax: 321.499.4680 EB# 0009227

Arterial Level of Service: EB Pineda Causeway

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Wickham Road	2	155.9	179.5	0.4	8
Drive	15	3.5	14.9	0.1	22
	13	1.8	20.1	0.2	31
Holy Trinity Drive	9	2.5	7.6	0.1	25
Total		163.7	222.1	0.7	11

Arterial Level of Service: WB Pineda Causeway

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Holy Trinity Drive	9	1.9	20.4	0.2	43
	13	0.2	7.0	0.1	28
Drive	15	1.0	15.7	0.2	40
Wickham Road	2	60.7	66.3	0.1	5
Total		63.8	109.4	0.6	18

Arterial Level of Service: EB Pineda Causeway

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Wickham Road	2	139.9	163.5	0.4	9
Drive	15	2.8	14.4	0.1	23
	13	1.4	20.0	0.2	31
Holy Trinity Drive	9	1.1	6.4	0.1	30
Total		145.3	204.4	0.7	12

Arterial Level of Service: WB Pineda Causeway

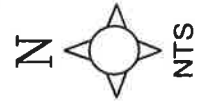
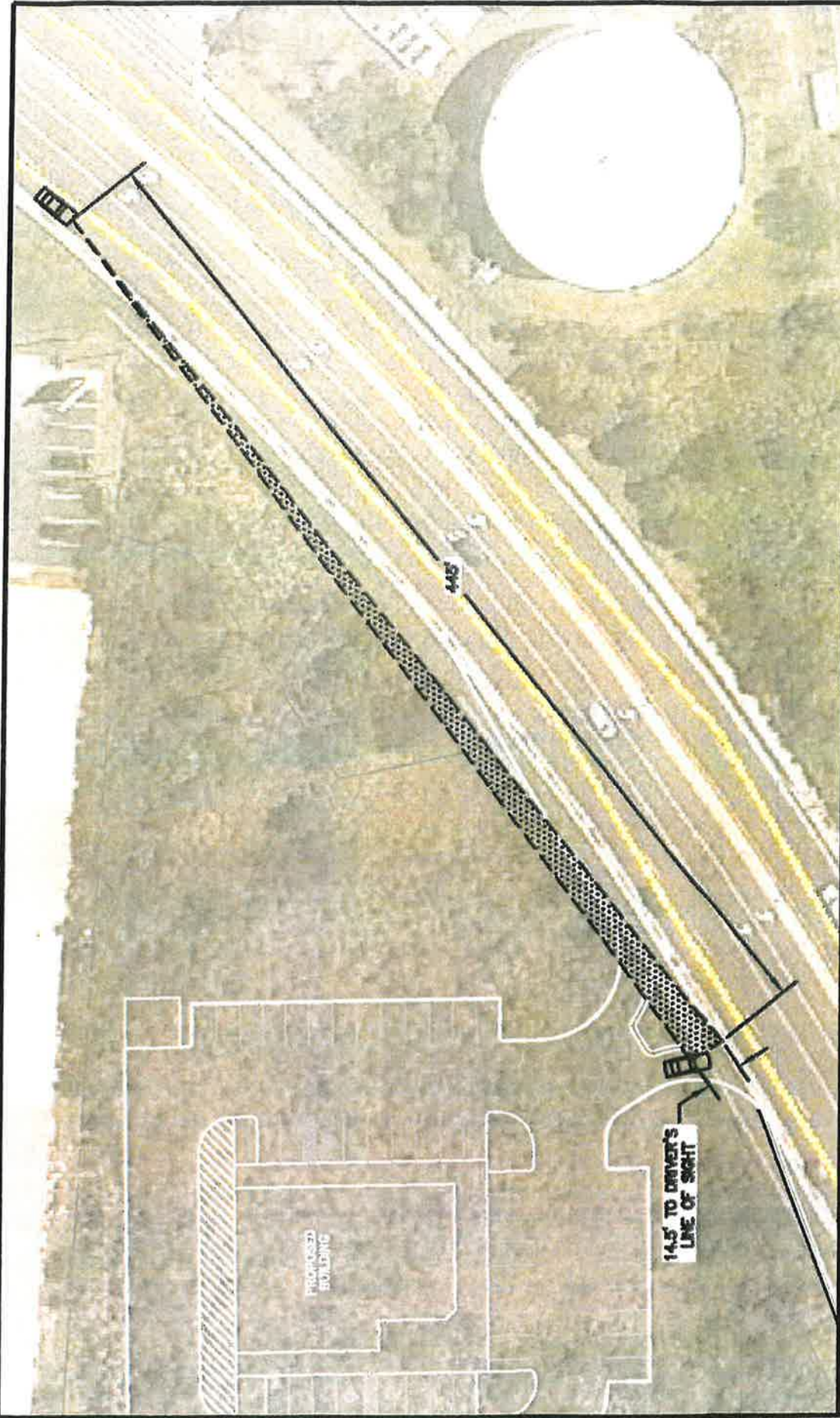
Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Holy Trinity Drive	9	2.1	20.5	0.2	43
	13	0.3	7.0	0.1	28
Drive	15	1.6	16.4	0.2	38
Wickham Road	2	58.8	64.7	0.1	5
Total		62.8	108.6	0.6	19

Arterial Level of Service: EB Pineda Causeway

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Wickham Road	2	129.1	149.9	0.4	9
Drive	15	2.7	15.1	0.1	22
	13	1.6	19.6	0.2	32
Holy Trinity Drive	9	1.1	6.5	0.1	30
Total		134.5	191.0	0.7	13

Arterial Level of Service: WB Pineda Causeway

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Holy Trinity Drive	9	6.4	25.4	0.2	35
	13	0.7	7.3	0.1	26
Drive	15	28.6	42.4	0.2	15
Wickham Road	2	56.2	80.1	0.1	5
Total		91.9	155.3	0.6	15



**Mathew Development
Gas Station**

Sight Distance Triangle

Project Number: 4003.02

Figure 5

Lassiter Transportation Group, Inc.
Engineering and Planning

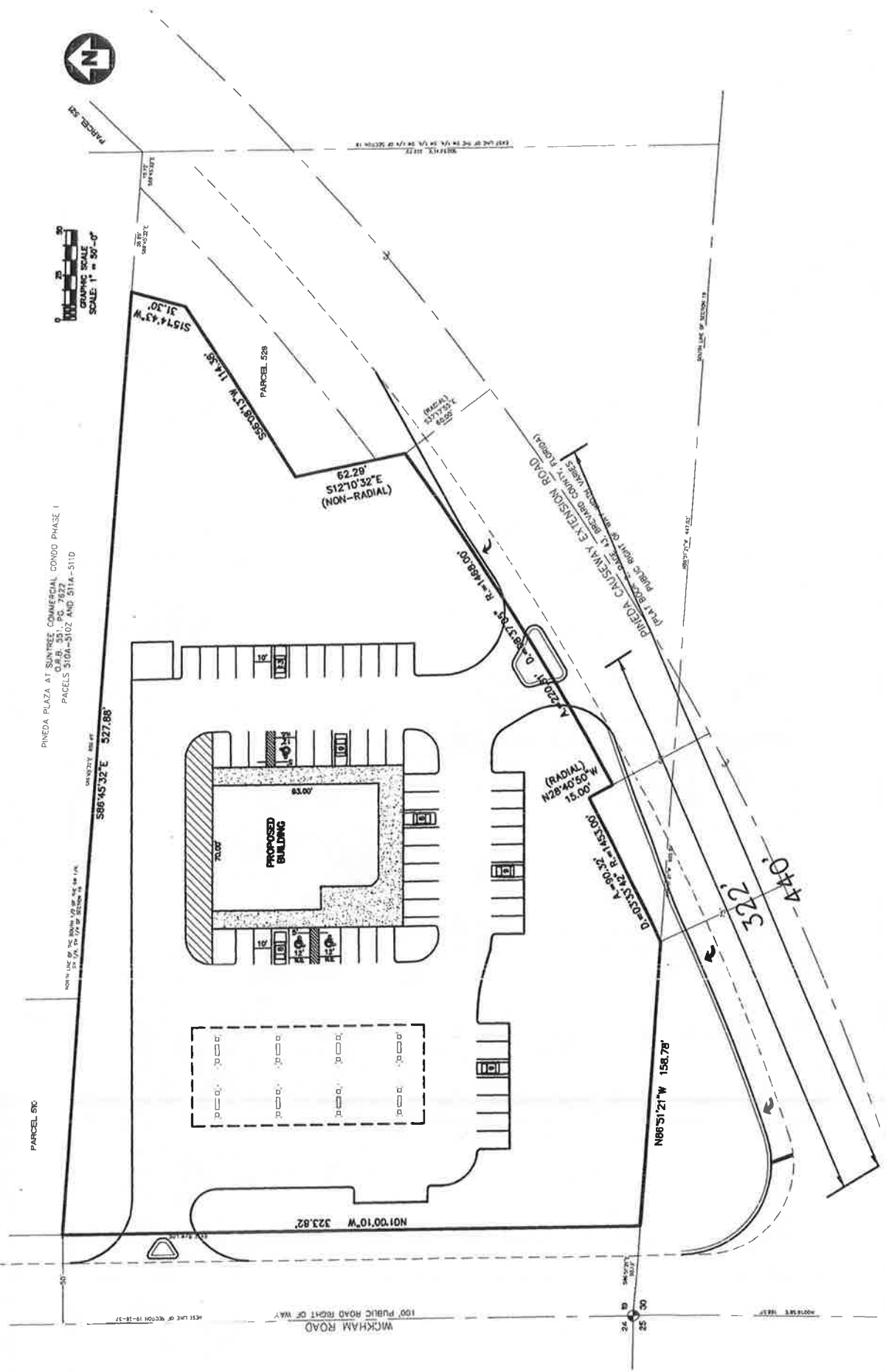
1103 W. Hibiscus Blvd, Suite 310 Melbourne, Florida 32901
Telephone: 321.499.4679 Fax: 321.499.4680 EB# 0009227



GRAPHIC SCALE
SCALE: 1" = 50'-0"

PINEDA PLAZA AT SUNTREE COMMERCIAL CONDO PHASE I
PARCELS 510A-510Z AND 511A-511D
O.A.B. 531, P.C. 57420

PARCEL 51C



WICKHAM ROAD
100' PUBLIC ROAD RIGHT OF WAY

PINEDA CAUSEWAY EXTENSION ROAD
PUBLIC RIGHT OF WAY (BRAYARD COUNTY, LOUISIANA)

PARCEL 52B
S89°17'W 114.88'
S157°43'W 31.30'

62.29'
S127°10'32\"E
(NON-RADIAL)

(RADIAL)
N28°40'50\"W
15.00'

D=203.55' R=1453.19'
N86°51'21\"W
158.78'

327.21'

474.0'

S86°45'32\"E 527.88'

N01°00'10\"W 323.82'

R=1468.00'

N=220.51'

24
25

20251847 1437

NORTH LINE OF THE BOUNDARY OF THE PIA
PARCELS 510A-510Z AND 511A-511D

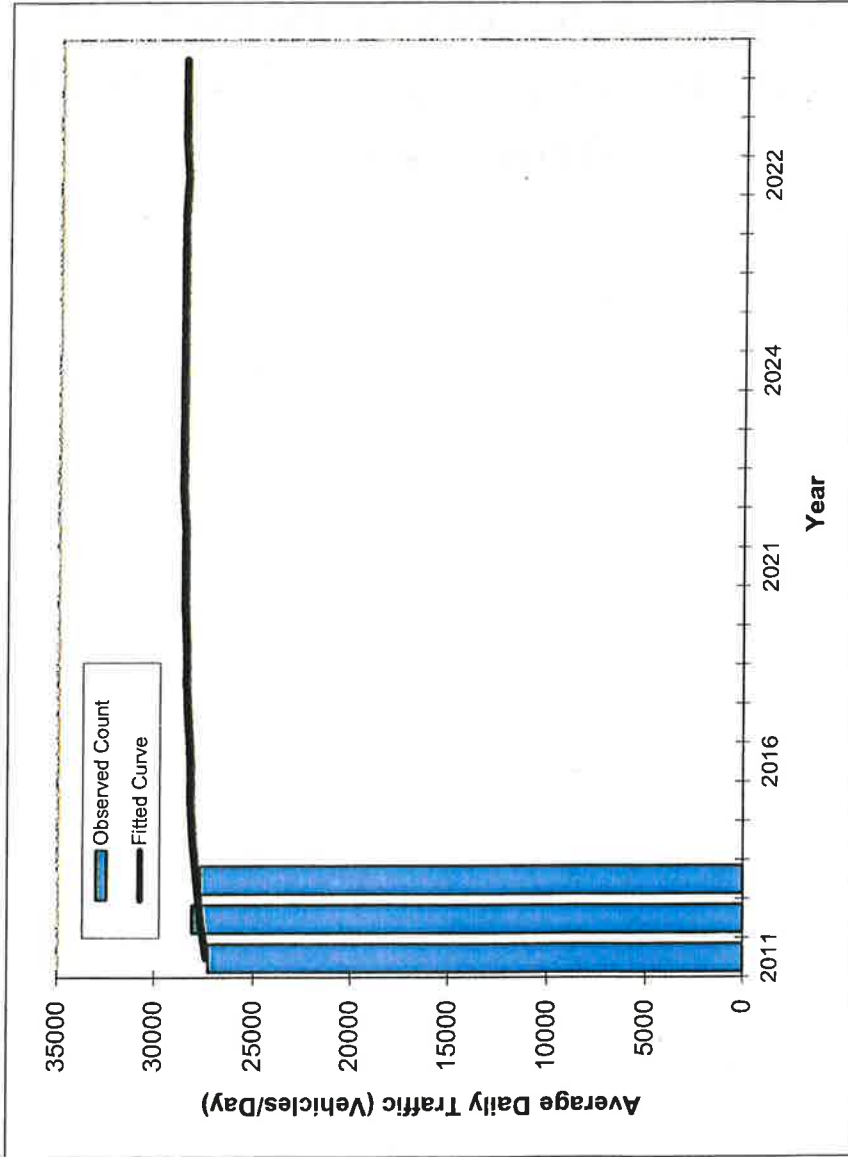
WEST LINE OF SECTION 13

WEST LINE OF SECTION 13

TRAFFIC TRENDS

Pineda Causeway -- Wickham Rd to US1

County:	Brevard
Station #:	327
Highway:	Pineda Causeway



Trend R-squared:	38.9%
Compounded Annual Historic Growth Rate:	0.72%
Compounded Growth Rate (2013 to Design Year):	0.36%
Printed:	18-Dec-14
Decaying Exponential Growth Option	

Year	Traffic (ADT/AADT)	
	Count*	Trend**
2011	27300	27400
2012	28100	27700
2013	27700	27900
2014 Opening Year Trend		
2014	N/A	28100
2015 Mid-Year Trend		
2015	N/A	28200
2016 Design Year Trend		
2016	N/A	28200
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

**Comprehensive Plan Amendment
Matthew Development LLC 2015-1.1
Ordinance**

ORDINANCE NO. 15-__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2015-1.1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART IX, ENTITLED TRANSPORTATION ELEMENT; 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 December 31, 2014, for adoption as the Plan Amendment Cycle 2015-1; 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

WHEREAS, on _____, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2015-1.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on _____, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for the adoption of Plan Amendment 2015-1.1; and

WHEREAS, Plan Amendment 2015-1.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2015-1.1 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 2015-1.1 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 2015-1.1, 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 State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this __th day of _____, 2015.

ATTEST:

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

Scott Ellis, Clerk

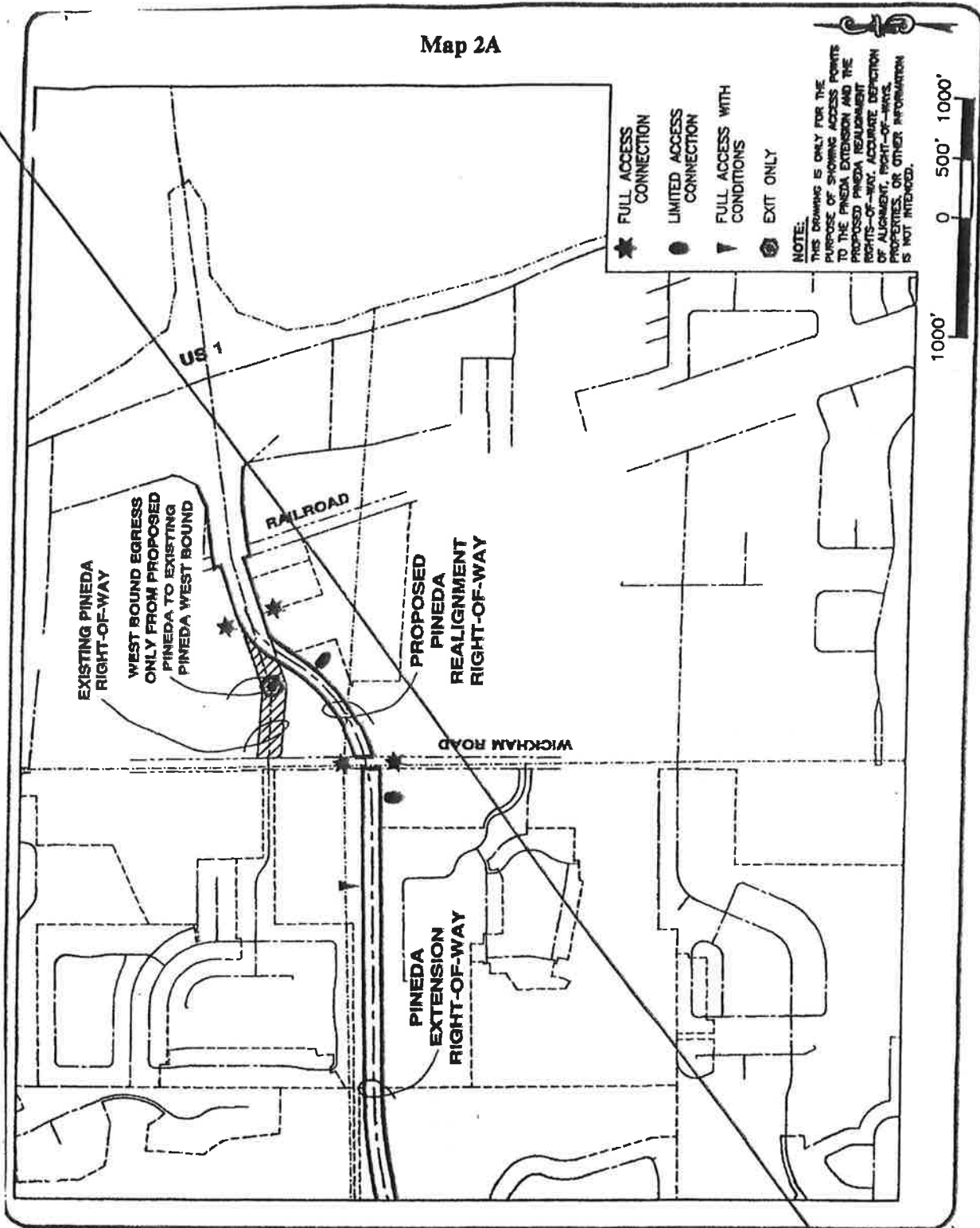
By: _____
Robin Fisher, Chairman

Approved by the Board on _____, 2015.

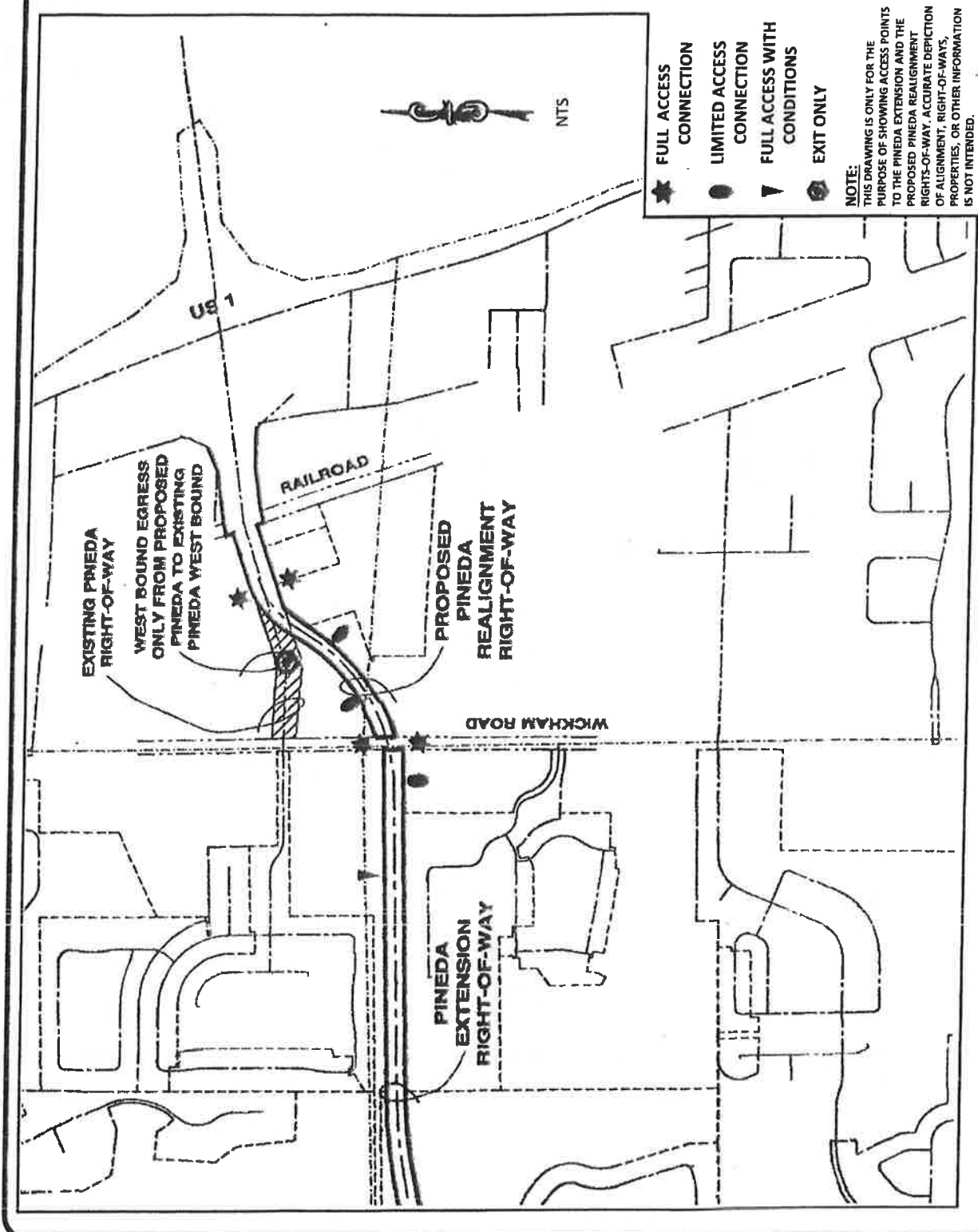
EXHIBIT A

2015-1.1 COMPREHENSIVE PLAN AMENDMENT

Map 2A



Map 2A



**Comprehensive Plan Amendment
George & Barbara Ogle Trustees 2015-1.2**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2015-1.2
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT**

Request: 2015-1.2
LSCPA FLU Map Amendment

Owner / Applicant: George & Barbara Ogle Trustees

Location: Tax Acct Parcel #'s 2317042 & 2317031

Acreeage: ± 20.63 acres

**Existing Zoning
Classification:** RR-1 - Rural Residential

**Proposed Zoning
Classification:** No Change

**Existing Land
Use Designation:** Residential 1:2.5

**Proposed Land
Use Designation:** Residential 1

FUTURE LAND USE MAP AMENDMENT

Description:

The subject property consists of 20.63 acres on the north side of Church Road at the NE intersection of N. tropical Trail and Church Road. The subject parcel has an existing zoning of Rural Residential 1 (RR-1), allowing 1 dwelling unit per acre, which is inconsistent with the adopted Future Land Use of Residential 1:2.5 (RES-1:2.5), which limits development to 1 dwelling unit per 2.5 acres.

The property was formerly farmed as an orchard but is currently assessed as unplanted orchard. The subject property is surrounded on three sides by single family homes along with vacant agriculture land and single family homes to the east.

The applicant has provided justification for the amendment as a part of their application, please see attached Supplement to application form.

Background:

Prior to the 2005 North-North Tropical Trail Small Area Study (SAS) the subject property had a Future Land Use of Residential 2 (RES-2) and a zoning of Agricultural (AU). The property owner subsequently applied for two zoning actions to rezone to Rural Residential – 1 (RR-1) and enter into a Binding Development Plan to limit the number of dwelling units to 14 single family homes. The SAS initiated Future Land Use amendments of 2009 amended the Future Land Use Map to Residential 1:2.5 limiting the potential density to 8 dwelling units.

Chronological Order of previous SAS and Ogle rezoning Application

- 2005 - SAS started, recommendations took zoning into consideration.
- 2006 – Ogle rezoning occurred
- 2007 – SAS adopted
- 2009 – Comprehensive Plan Amendments related to SAS adopted

Staff notes that on August 7, 2014 the Board directed staff to consider an updated study on the North Merritt Island area, including this property. A kick-off meeting for the study is scheduled for January 20, 2015.

The applicant has submitted additional background information for the amendment as a part of their application, please see attached Supplement to application form.

Surrounding Uses	Current Use	Zoning	Future Land Use	Density Designation
North	Single Family Residential Dwellings	AU	RES – 1:2.5 & RES-1	1 du per 2.5 acre & 1 du per acre
East	Agricultural & Single Family Residential Dwellings	AU & SR & GU	RES 1:2.5 & RES-2	1 du per 2.5 acres & 2 du per acre
South	Single Family Residential Dwellings	SR	RES 1 & RES 2	1 du per acre & 2 du per acre
West	Single Family Residential Dwellings	AU	RES-1:2.5	1 du per 2.5 acres

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Cocoa Service Area. Potable water is available to the property.

Sanitary Sewer: The subject property is located outside the Brevard County's sanitary sewer service area. Sanitary sewer is not available in this area.

Solid Waste: Brevard County provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

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.

Transportation: The proposed amendment is located on a segment of Church Road at the intersection of North Tropical Trail, Road Segment 142 Crisafulli - N Courtenay with a current 2013 traffic count of 1,360 Average Daily Trips (ADT) and a Maximum Allowable Volume (MAV) of 11,900. The roadway has a current operating volume 11.42%. The proposed project if approved would increase the Average Daily Trip Count by 191.4 trips to an estimated 1,551.14 ADT and increase the operating volume to 13.03% with excess capacity remaining.

Public Schools: The Brevard County School Board capacity analysis associated with this project is attached. The proposed amendment is considered de minimus under the School Board Interlocal Agreement with Brevard County and a School Capacity Determination Letter has been issued for up to 20 dwelling units.

Environmental Resources:

The subject parcel was previously farmed as an Orchard Grove. It is currently assessed as an unplanted Orchard Grove. Any future use will require review and compliance with all relevant County regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the Coastal High Hazard Zone. The property is designated as both Flood Zone X and Flood Zone AE by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Map (FIRM).

Historic Resources:

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

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

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

Residential 1 (maximum of 1 unit per acre)

Policy 1.9

The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 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 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 inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

Policy Comments:

The Board should consider the locational requirements set forth in Policy 1.9. There is Residential - 1:2.5 and Residential - 1 to the north; Residential 1:2.5 and Residential 2 to the east; Residential 1:2.5 to the west; and Residential – 1 and Residential - 2 to the south. The subject property is not adjacent to any incorporated areas. The subject property is not located in the CHHA.

Summary:

The proposed land use amendment request from Residential 1:2.5 to Residential 1 would increase the maximum allowable density from 8 dwelling units to 20 dwelling units. The existing Rural Residential-1 zoning would not need to be rezoned as a part of this amendment. There is not sanitary sewer service available to the subject parcel. A Small Area Study for the North Merritt Island area, including this property, has been directed by the Board. A kickoff meeting for the study is scheduled for January 20, 2015. The applicant has submitted justification for the requested amendment, please see attached.

If you have any questions, please contact Stuart Buchanan of the Planning & Development Department at (321) 633-2069 or via email to stuart.buchanan@brevardcounty.us

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Brian T. Binggeli, Ed.D., Superintendent



January 6, 2015

Stuart Buchanan
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

**RE: Proposed Comprehensive Plan Amendment and BDP – Ogle Property
School Capacity Availability Determination Letter, SCADL-2015-01**

Dear Mr. Buchanan,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on December 31, 2014. The subject property consists of Parcel 23-36-27-00-00033.0-0000.00 (Tax Account# 2317031) and Parcel 23-36-27-00-00046.0-0000.00 (Tax Account# 2317042), containing approximately 20.63 acres, in Unincorporated District 2, Brevard County, Florida. The proposed Comprehensive Plan Amendment and a Binding Development Plan would not exceed a maximum of 20 residential units. The School Concurrency Determination for 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 2015-16 of the *Brevard County Public Schools Financially Feasible Plan for 2014-15 to 2019-20* which is attached for reference.

Single Family Homes	20		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.28	5.6	6
Middle	0.08	1.6	2
High	0.16	3.2	3
Total	0.52		11

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

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2015-16 to 2019-20**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Carroll Elementary	751	751	751	751	751
Jefferson Middle School	848	848	848	848	848
Merritt Island High School	1,914	1,914	1,914	1,914	1,914

Projected Student Membership

School	2015-16	2016-17	2017-18	2018-19	2019-20
Carroll Elementary	620	618	623	620	610
Jefferson Middle School	610	577	560	610	667
Merritt Island High School	1,613	1,624	1,627	1,562	1,515

Students Generated by Previously Issued SCADL Reservations

School	2015-16	2016-17	2017-18	2018-19	2019-20
Carroll Elementary	4	4	4	4	4
Jefferson Middle School	1	1	1	1	1
Merritt Island High School	2	2	2	2	2

Cumulative Students Generated by the Ogle Comprehensive Plan Amendment

School	2015-16	2016-17	2017-18	2018-19	2019-20
Carroll Elementary	6	6	6	6	6
Jefferson Middle School	2	2	2	2	2
Merritt Island High School	3	3	3	3	3

**Total Projected Student Membership (includes
Cumulative Impact of the Ogle Comprehensive Plan Amendment)**

School	2015-16	2016-17	2017-18	2018-19	2019-20
Carroll Elementary	630	628	633	630	620
Jefferson Middle School	613	580	563	613	670
Merritt Island High School	1,618	1,629	1,632	1,567	1,520

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

School	2015-16	2016-17	2017-18	2018-19	2019-20
Carroll Elementary	121	123	118	121	131
Jefferson Middle School	235	268	285	235	178
Merritt Island High School	296	285	282	347	394

January 6, 2015
Page 3 of 3

At this time, **there is projected to be sufficient capacity at every school level for the proposed Ogle Property Comprehensive Plan Amendment and Binding Development Plan.** This letter is the official *School Concurrency Availability Determination Letter (SCADL)* for the Ogle Property in accordance with Section 13.2(e) of the *Interlocal Agreement for Public School Facility Planning and School Concurrency (ILA)*. Capacity has been reserved at the above schools for the Projected Membership Impact of this development.

The School Capacity Reservation at the above schools is valid for 24 months from the date of this letter. At that time, if the project has not completed a Binding Development Plan, a Time Extension application can be submitted to the School Board through Brevard County. A maximum of 2 additional years can be requested. If the Binding Development Plan has not been completed after the 2 year Time Extension is granted, a new application for School Concurrency must be submitted.

Also in accordance with Section 13.2(f) of the ILA, so that the school district can track capacity reservations, please provide notification:

1. When this residential development has received a Concurrency Evaluation Finding of Nondeficiency or functional equivalent.
2. The date the development order expires, is extended or is revoked
3. When the concurrency reservations become vested
4. When the school impact fees have been paid.

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

Sincerely,



David G. Lindemann, AICP
Facilities Planner
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Utilization 2014-15 to 2019-20*

Copy: D. Theodore, Assistant Superintendent, Facilities Services, Brevard Public Schools
File SCADL-2015-01



Brevard County Public Schools Financially Feasible Plan to Achieve 100% Level of Service Data and Analysis for School Years 2014-15 to 2019-20

School	Type	Grades	Utilization Factor	School Year 2014-15			School Year 2015-16			School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20			
				FSK Capacity	10/11/12 Membership	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				
Summary Maximum Utilization Elementary Schools: 95% Maximum Utilization Middle Schools: 93% Maximum Utilization Jr / Sr High Schools: 83% Maximum Utilization High Schools: 54%																						
Elementary School Concurrency Service Areas																						
Allen	Elementary	K-6	100%	729	621	85%	729	632	87%	729	623	85%	729	633	87%	729	633	87%	729	630	85%	
Andersen	Elementary	K-6	100%	884	690	78%	884	712	81%	884	714	81%	884	714	81%	884	714	81%	884	714	81%	884
Apollo	Elementary	K-6	100%	902	768	85%	902	771	85%	902	767	85%	902	767	85%	902	770	85%	902	774	86%	
Atlanta	Elementary	K-6	100%	703	613	87%	703	598	85%	703	574	82%	703	574	82%	703	581	80%	703	526	75%	
Auridon	Elementary	K-6	100%	765	650	85%	765	632	83%	765	621	81%	765	621	81%	765	637	84%	765	622	82%	
Cambria	Elementary	K-6	100%	548	380	69%	548	404	74%	548	441	80%	548	441	80%	548	479	87%	548	488	89%	
Cape View	Elementary	K-6	100%	751	620	83%	751	618	82%	751	623	83%	751	620	83%	751	620	83%	751	610	81%	
Carroll	Elementary	K-6	100%	551	477	87%	551	474	86%	551	469	85%	551	469	85%	551	457	83%	551	446	81%	
Challenger 7	Elementary	K-6	100%	751	570	76%	751	554	74%	751	548	73%	751	548	73%	751	518	69%	751	505	67%	
Columbia	Elementary	K-6	100%	693	572	83%	693	569	82%	693	569	82%	693	569	82%	693	575	83%	693	565	82%	
Coquina	Elementary	K-6	100%	1,154	978	85%	1,154	978	85%	1,154	978	85%	1,154	978	85%	1,154	1,006	87%	1,154	1,002	87%	
Crest	Elementary	K-6	100%	785	653	83%	785	639	81%	785	635	80%	785	635	80%	785	646	81%	785	621	78%	
Discovery	Elementary	K-6	100%	980	708	72%	980	710	72%	980	701	72%	980	701	72%	980	675	69%	980	656	67%	
Endeavour	Elementary	K-6	100%	980	818	83%	980	808	83%	980	804	83%	980	804	83%	980	815	84%	980	801	81%	
Enterprise	Elementary	K-6	100%	729	529	73%	729	509	69%	729	476	65%	729	476	65%	729	439	60%	729	407	54%	
Faughan	Elementary	K-6	100%	753	686	91%	753	679	90%	753	669	89%	753	669	89%	753	680	91%	753	659	89%	
Genito	Elementary	K-6	100%	711	478	67%	711	459	65%	711	420	59%	711	432	61%	711	428	60%	711	428	60%	
GoView	Elementary	K-6	100%	777	635	82%	777	710	91%	777	704	91%	777	704	91%	777	701	90%	777	717	92%	
Harbor City	Elementary	K-6	100%	629	490	78%	629	393	62%	629	379	60%	629	383	61%	629	369	59%	629	369	59%	
Holland	Elementary	K-6	100%	895	427	48%	895	411	46%	895	405	45%	895	405	45%	895	405	45%	895	405	45%	
Imperial Estates	Elementary	K-6	100%	729	598	82%	729	559	77%	729	549	75%	729	549	75%	729	531	73%	729	506	69%	
Indianatic	Elementary	K-6	100%	788	768	97%	788	759	96%	788	731	93%	788	731	93%	788	729	92%	788	686	88%	
Jupiter	Elementary	K-6	100%	930	844	91%	930	849	91%	930	815	88%	930	815	88%	930	822	89%	930	807	86%	
Lockmar	Elementary	K-6	100%	892	773	87%	892	777	87%	892	777	87%	892	777	87%	892	769	86%	892	757	85%	
Longleaf	Elementary	K-6	100%	760	596	78%	760	557	71%	760	531	67%	760	531	67%	760	533	67%	760	508	64%	
Manatee	Elementary	K-6	100%	950	838	88%	950	855	90%	950	843	89%	950	843	89%	950	848	89%	950	837	88%	
McAuliffe	Elementary	K-6	100%	910	741	81%	910	719	78%	910	725	79%	910	725	79%	910	735	80%	910	733	79%	
Meadowdale Intermediate	Elementary	3-6	100%	1,114	977	88%	1,114	1,030	92%	1,114	1,044	94%	1,114	1,048	94%	1,114	1,048	94%	1,114	1,020	92%	
Meadowdale Primary	Elementary	K-2	100%	824	692	84%	824	684	83%	824	677	82%	824	668	81%	824	668	81%	824	661	80%	
Mila	Elementary	K-2	100%	707	487	69%	707	503	71%	707	501	71%	707	501	71%	707	497	70%	707	485	68%	
Mims	Elementary	K-6	100%	725	600	83%	725	589	81%	725	559	77%	725	522	72%	725	475	65%	725	475	65%	
Oak Park	Elementary	K-6	100%	888	652	73%	888	637	71%	888	621	70%	888	621	70%	888	621	70%	888	621	70%	
Ocean Breeze	Elementary	K-6	100%	654	513	78%	654	525	80%	654	525	80%	654	525	80%	654	522	79%	654	516	78%	
Palm Bay Elem.	Elementary	K-6	100%	1,005	854	85%	1,005	871	87%	1,005	876	87%	1,005	889	89%	1,005	889	89%	1,005	887	89%	
Pinewood	Elementary	K-6	100%	503	452	90%	503	455	90%	503	443	89%	503	436	87%	503	436	87%	503	437	87%	
Port Malabar	Elementary	K-6	100%	852	770	90%	852	788	92%	852	787	92%	852	787	92%	852	787	92%	852	787	92%	
Quest	Elementary	K-6	100%	928	783	84%	928	838	90%	928	828	89%	928	828	89%	928	828	89%	928	828	89%	
Rivera	Elementary	K-6	100%	777	717	92%	777	783	100%	777	783	100%	777	783	100%	777	783	100%	777	783	100%	
Roosevelt	Elementary	K-6	100%	589	375	64%	589	378	64%	589	370	63%	589	370	63%	589	371	63%	589	371	63%	
Sabal	Elementary	K-6	100%	785	582	74%	785	579	74%	785	577	74%	785	575	73%	785	579	74%	785	579	74%	
Saturn	Elementary	K-6	100%	858	740	86%	858	748	87%	858	754	88%	858	754	88%	858	741	87%	858	748	87%	
Sea Park	Elementary	K-6	100%	439	356	81%	439	351	80%	439	357	81%	439	365	83%	439	365	83%	439	359	82%	
Shenwood	Elementary	K-6	100%	609	544	90%	609	564	91%	609	571	94%	609	588	96%	609	588	96%	609	587	95%	
Stuntee	Elementary	K-6	100%	895	848	95%	895	872	97%	895	863	96%	895	872	97%	895	872	97%	895	866	95%	
Sunrise	Elementary	K-6	100%	755	629	83%	755	602	80%	755	590	78%	755	590	78%	755	584	77%	755	573	75%	
Surfside	Elementary	K-6	100%	479	439	91%	479	445	93%	479	435	91%	479	427	89%	479	427	89%	479	408	85%	
Tropical	Elementary	K-6	100%	910	750	82%	910	771	85%	910	759	83%	910	759	83%	910	755	83%	910	744	82%	
Turner	Elementary	K-6	100%	874	754	86%	874	768	88%	874	768	88%	874	768	88%	874	768	88%	874	768	88%	
University Park	Elementary	K-6	100%	811	652	80%	811	653	81%	811	653	81%	811	653	81%	811	666	82%	811	628	77%	
Westside	Elementary	K-6	100%	857	779	91%	857	818	95%	857	836	98%	857	836	98%	857	843	98%	857	832	97%	
Williams	Elementary	K-6	100%	715	519	73%	715	508	71%	715	495	69%	715	495	69%	715	485	68%	715	487	68%	
Elementary Totals				40,831	33,879	83%	40,831	34,123	84%	40,831	34,123	84%	40,831	34,122	84%	40,831	34,122	84%	40,831	33,413	82%	

School	Type	Grades	Utilization Factor	School Year 2014-15			School Year 2015-16			School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20		
				FISH Capacity	10/18/14 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,525	1,237	81%	1,525	1,154	76%	1,525	1,158	76%	1,525	1,227	80%	1,525	1,302	85%	1,525	1,403	92%
DeLaur	Middle	7-8	90%	923	699	76%	923	700	76%	923	727	79%	923	715	77%	923	779	84%	923	834	90%
Hoover	Middle	7-8	90%	659	564	86%	659	542	82%	659	546	83%	659	612	93%	659	584	89%	659	600	91%
Jackson	Middle	7-8	90%	654	555	85%	654	585	90%	654	605	93%	654	604	92%	654	625	96%	654	649	99%
Jefferson	Middle	7-8	90%	848	845	99%	848	848	100%	848	848	100%	848	848	100%	848	848	100%	848	848	100%
Johnson	Middle	7-8	90%	1,020	787	77%	1,020	785	77%	1,020	847	83%	1,020	883	86%	1,020	844	83%	1,020	876	86%
Kennedy	Middle	7-8	90%	819	808	98%	819	682	83%	819	682	83%	819	723	87%	819	714	87%	819	819	100%
Madison	Middle	7-8	90%	743	470	63%	743	479	64%	743	479	64%	743	500	67%	743	520	70%	743	551	74%
McNair	Middle	7-8	90%	604	473	78%	604	501	83%	604	501	83%	604	533	88%	604	551	91%	604	604	100%
Southwest	Middle	7-8	90%	1,177	851	72%	1,177	851	72%	1,177	851	72%	1,177	984	84%	1,177	981	83%	1,177	1,051	89%
Stone	Middle	7-8	90%	1,013	784	78%	1,013	789	78%	1,013	853	84%	1,013	853	84%	1,013	900	89%	1,013	1,013	100%
Middle Totals				9,985	7,157	71%	9,985	7,617	76%	9,985	7,859	79%	9,985	8,214	82%	9,985	8,410	84%	9,985	9,085	91%
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr/Sr High	7-12	90%	1,737	1,531	88%	1,737	1,634	94%	1,737	1,618	93%	1,737	1,646	95%	1,737	1,680	97%	1,737	1,721	99%
Cocoa Beach	Jr/Sr High	7-12	90%	1,443	1,327	92%	1,443	1,120	78%	1,443	1,120	78%	1,443	1,120	78%	1,443	1,120	78%	1,443	1,120	78%
Space Coast	Jr/Sr High	7-12	90%	1,812	1,528	85%	1,812	1,595	88%	1,812	1,616	90%	1,812	1,668	92%	1,812	1,712	95%	1,812	1,795	99%
Jr/Sr High Totals				4,992	4,186	84%	4,992	4,259	85%	4,992	4,355	87%	4,992	4,434	89%	4,992	4,622	93%	4,992	4,936	99%
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,446	1,137	79%	1,446	1,120	77%	1,446	1,086	74%	1,446	997	69%	1,446	938	65%	1,446	934	65%
Bayside	High	9-12	95%	2,235	1,643	73%	2,235	1,646	74%	2,235	1,530	68%	2,235	1,412	63%	2,235	1,345	60%	2,235	1,374	61%
Eau Gallie	High	9-12	95%	2,185	1,714	78%	2,185	1,711	78%	2,185	1,735	80%	2,185	1,779	81%	2,185	1,854	85%	2,185	1,925	88%
Henriette	High	9-12	95%	2,314	1,825	79%	2,314	1,858	80%	2,314	1,858	80%	2,314	1,750	76%	2,314	1,659	72%	2,314	1,637	71%
Melbourne	High	9-12	95%	2,317	1,831	79%	2,317	1,831	79%	2,317	1,831	79%	2,317	1,831	79%	2,317	1,831	79%	2,317	1,831	79%
Meritt Island	High	9-12	95%	1,914	1,594	83%	1,914	1,614	84%	1,914	1,624	85%	1,914	1,624	85%	1,914	1,562	82%	1,914	1,515	79%
Palm Bay High	High	9-12	95%	2,613	2,062	79%	2,613	2,062	79%	2,613	2,062	79%	2,613	2,062	79%	2,613	2,062	79%	2,613	2,062	79%
Rockledge	High	9-12	95%	1,678	1,374	82%	1,678	1,374	82%	1,678	1,374	82%	1,678	1,374	82%	1,678	1,374	82%	1,678	1,374	82%
Satellite	High	9-12	95%	1,825	1,380	76%	1,825	1,380	76%	1,825	1,380	76%	1,825	1,287	70%	1,825	1,305	72%	1,825	1,339	73%
Thrusville	High	9-12	95%	1,872	1,331	71%	1,872	1,331	71%	1,872	1,331	71%	1,872	1,287	69%	1,872	1,491	80%	1,872	1,497	80%
Viera	High	9-12	95%	2,276	2,032	89%	2,276	2,016	89%	2,276	1,979	87%	2,276	1,984	87%	2,276	2,023	89%	2,276	2,135	94%
High Totals				22,375	17,894	80%	22,375	17,865	80%	22,375	17,952	80%	22,375	17,711	79%	22,375	17,680	79%	22,375	17,992	80%
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	407	86%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stovall	Elementary	3-6	100%	589	483	82%	589	490	83%	589	480	81%	589	480	81%	589	480	81%	589	480	81%
West Melbourne	Elementary	K-6	100%	618	547	89%	618	552	91%	618	552	91%	618	552	91%	618	552	91%	618	552	91%
Edgewood	Jr/Sr High	7-12	90%	1,078	941	87%	1,078	950	88%	1,078	950	88%	1,078	950	88%	1,078	950	88%	1,078	950	88%
West Shore	Jr/Sr High	7-12	90%	1,284	957	74%	1,284	962	76%	1,284	962	76%	1,284	962	76%	1,284	962	76%	1,284	962	76%
Schools of Choice				4,004	3,333	83%	4,004	3,368	84%	4,004	3,368	84%	4,004	3,368	84%	4,004	3,368	84%	4,004	3,368	84%
Brevard Totals				82,187	65,928	80%	82,187	65,998	80%	82,187	67,682	81%	82,187	67,850	81%	82,187	68,092	82%	82,187	68,278	83%

Notes

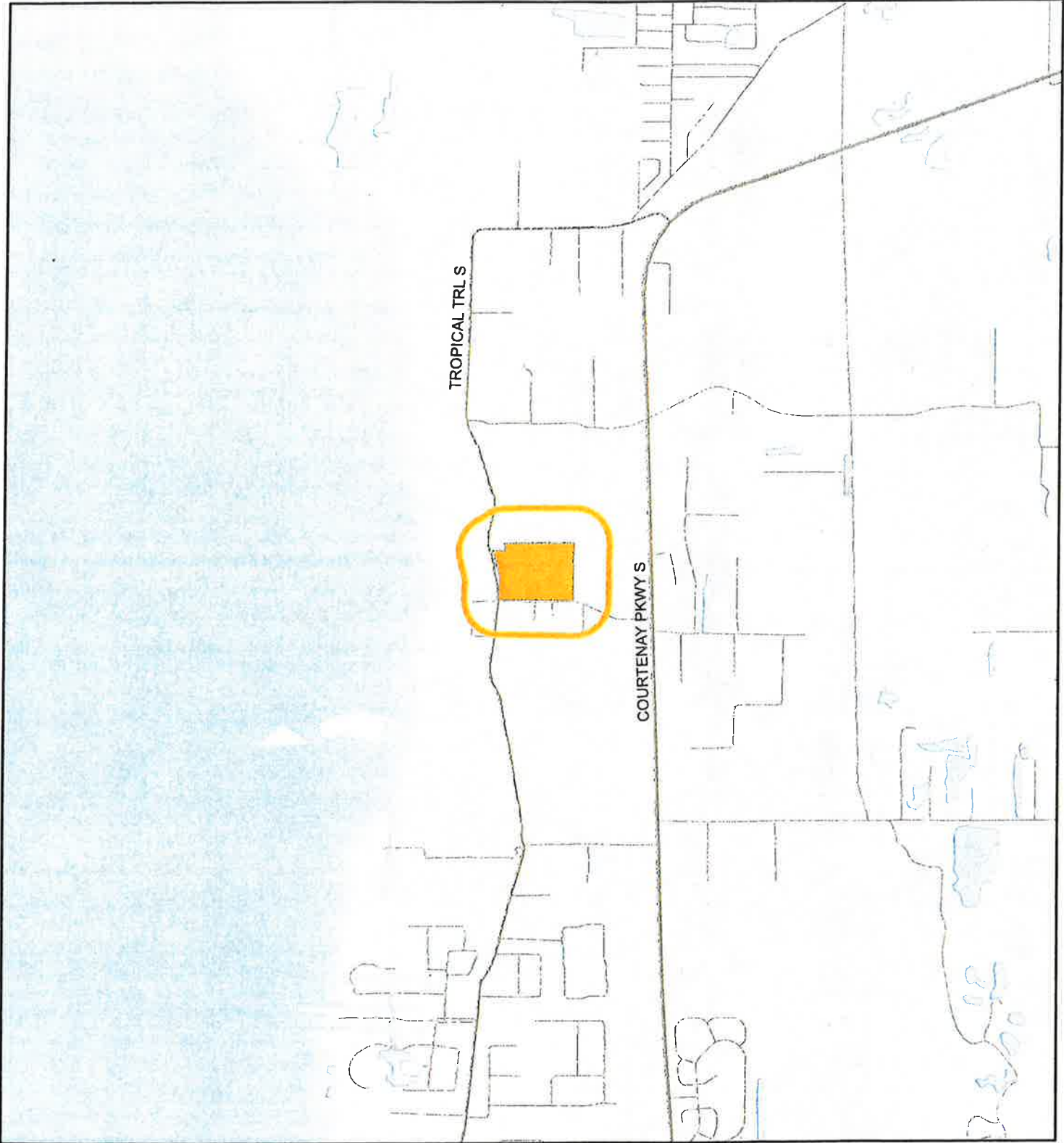
- Permanent and relocatable FISH Capacity are based on the FISH database as of October 23, 2014.
- Student Membership for 2014-15 is based on actual enrollment as of the Fall FTE Count on October 18, 2014.
- Student Projections for 2015-16 to 2019-20 are calculated with the following inputs:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generalization Multipliers (SGM)
 - Fall FTE student addresses and corresponding geographic locations
 - Student Mobility Rates / Cohort Survival
 - Brevard County Birth rates
 - The Adjusted Student Projections are then further modified for the following special circumstances:
 - New schools or new grades added to a school, attendance boundary changes, and program boundary changes
 - Grandfathered students: These are current students of a school reclassified to another school but allowed to remain at their current school; this is typically allowed for rising 6th, 8th, 11th and 12th grade students
 - In order to achieve a 100% Level of Service, Relocatable Classrooms are assumed to add future student stations as necessary.
 - Relocatable classrooms = 18 student stations, Middle School relocatable classrooms = 22 student stations, and High School relocatable classrooms = 25 student stations
 - Relocatable classrooms were added at Riviera Elementary, Turner Elementary, Melbourne High, and Rockledge High
 - In order to achieve a 100% Level of Service, a plan for reclassifying in 2016-17 is assumed.
 - The reclassifying plan involved 387 students from Cocoa Jr/Sr High School are transferred to Space Coast Jr/Sr High School with rising 10th, 11th, and 12th grades grandfathered
 - Other factors:
 - No additional permanent capacity is included
 - PK and AH enrollment was assumed to be constant
 - Current out-of-area attendance patterns are assumed to be constant

**George & Barbara Ogle Trustees
LSCPA Plan Amendment
Spring 2015-1.2
Supporting Maps**

LOCATION MAP



Comprehensive Plan Amendment
George & Barbara Ogle, Trustees

2015-1.2 14PZ-00123



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

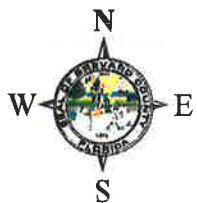
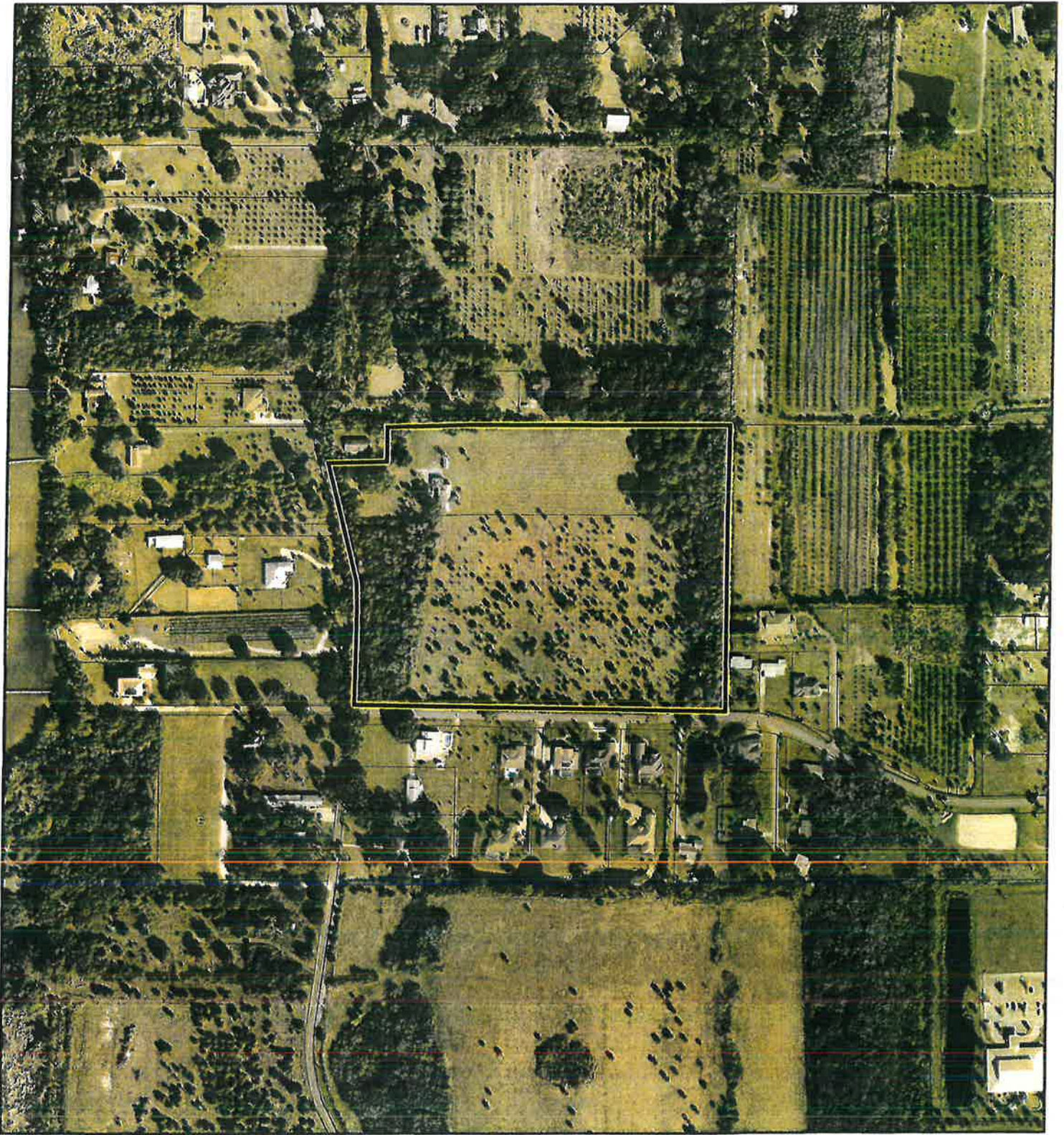
Buffer Distance: 500 feet

-  Buffer
-  Subject Property

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.

AERIAL MAP

Comprehensive Plan Amendment
George & Barbara Ogle, Trustees
2015-1.2 14PZ-00123



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2014

 Subject Property

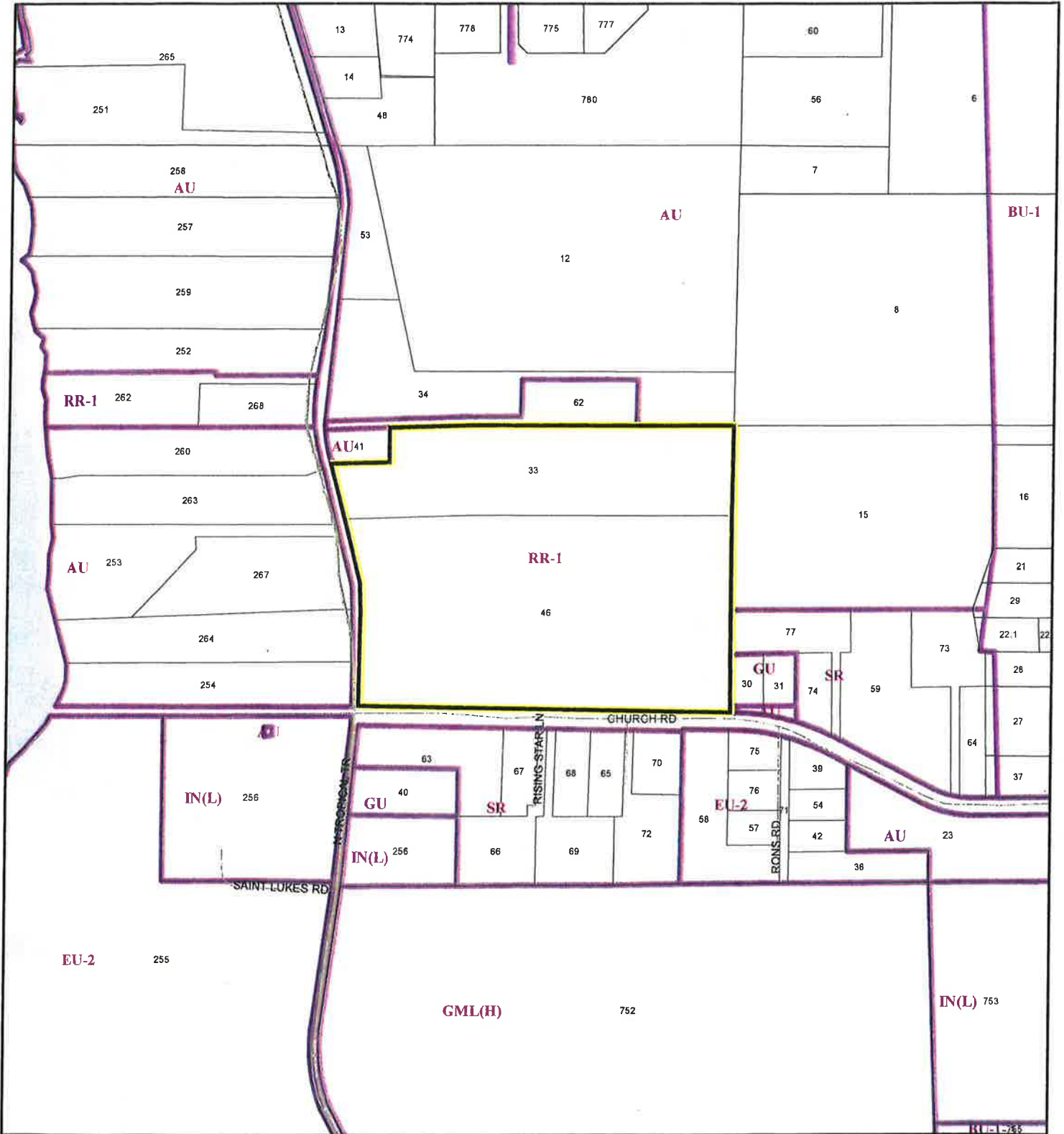
 Parcels

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 the Brevard County Planning and Zoning Office - GIS Section Date: 1/6/2015

ZONING MAP

Comprehensive Plan Amendment
George & Barbara Ogle, Trustees
2015-1.2 14PZ-00123



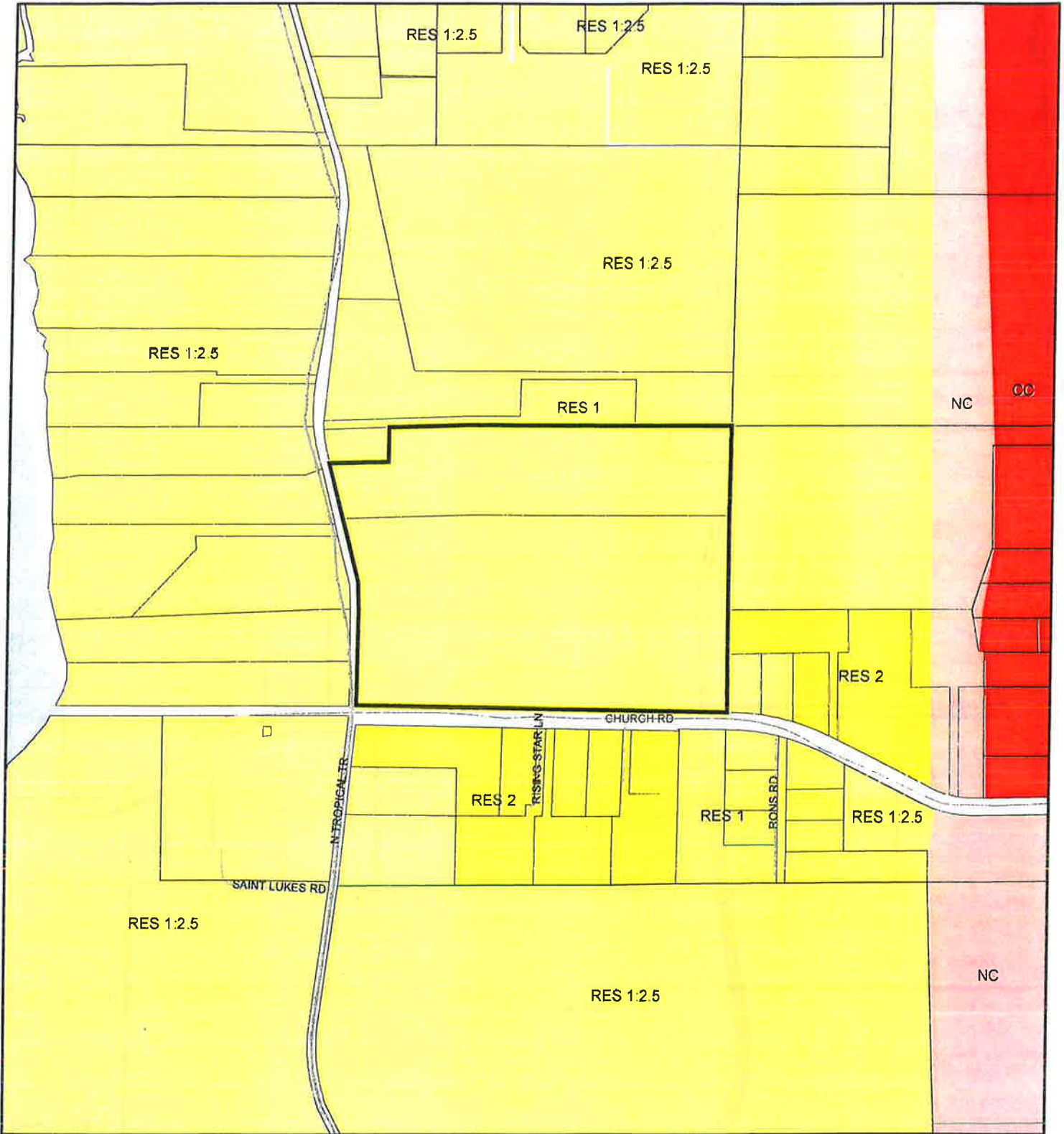
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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.

FUTURE LAND USE MAP

Comprehensive Plan Amendment
George & Barbara Ogle, Trustees
2015-1.2 14PZ-00123



1:4,800 or 1 inch = 400 feet

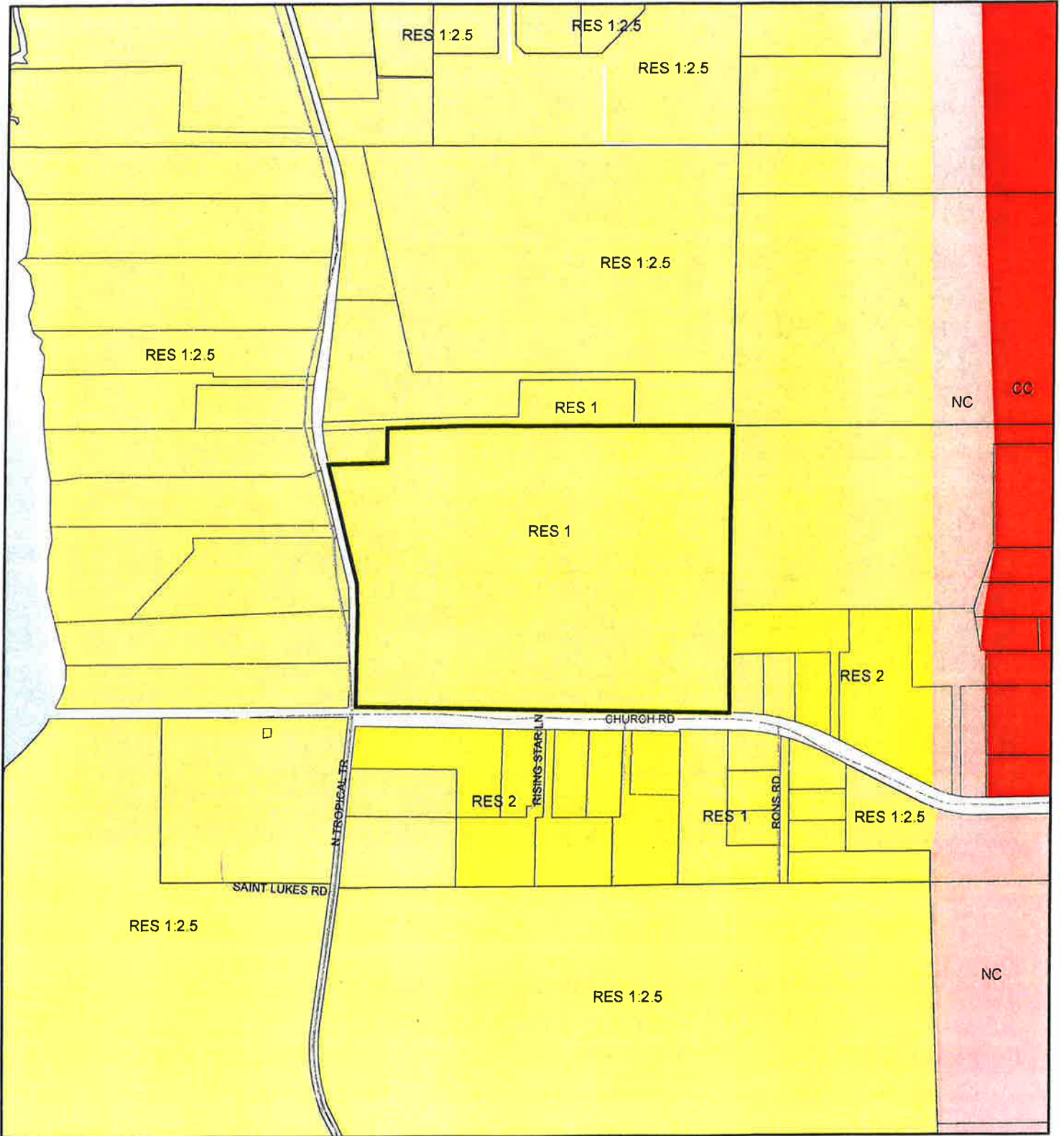
— Subject Property
□ Parcels

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



Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/6/2015

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
George & Barbara Ogle, Trustees
2015-1.2 14PZ-00123



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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



SOURCE: Federal Emergency Management Agency
2014 Flood Insurance Rate Map (FIRM)

Flood Zone X – Unshaded
Flood Zone AE - Shaded

**George & Barbara Ogle Trustees
LSCPA Plan Amendment
Spring 2015-1.2
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: Kimberly B. Rezanka **Staff Planner :** Stuart Buchanan

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: Res 1:2.5

Requested Future Land Use Designation: Res 1

Existing Zoning: RR-1

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 test.

 See attached narrative and documents

(use additional sheets if necessary)

Current Request:

George and Barbara Ogle, Trustees of the George A. and Barbara H. Ogle Trust (“Owners”) seek a change to the Comprehensive Plan FLUM from Res. 1:2.5 to Res 1 on two parcels, totaling 20.63 acres (the “Property”). This Amendment will provide consistency with the RR-1 zoning and the Binding Development Plan allowing 14 units. Because of the 2009 County-initiated Comprehensive Plan Amendment, the zoning and BDP are now inconsistent with the FLUM.

2006 Prior Rezoning:

The Owners obtained a Rezoning and BDP for the Property on August 3, 2006, which allowed a maximum of 14 dwelling units on the Property. ***Copies of the Rezoning Resolution No. Z-11285 and BDP are included in this Application.*** At the time rezoning, the FLUM designation was Res 2. The zoning change was from AU to RR-1.

2009 Administrative Comprehensive Plan Amendment:

The FLUM was changed on July 21, 2009 from Res 2 to the current Res 1:2.5. The Amendment was based upon the North-North Tropical Trail Small Area Study (SAS) adopted by the Board of County Commissioners on September 27, 2007.

The North-North Tropical Trail SAS was undertaken by Citizen Resource Group (CRG) beginning in October of 2005. Unfortunately, the CRG **never updated** the information initially provided to it for the SAS. Clearly, the rezoning and the BDP information were never provided to the CRG or to the County Commissioners prior to the adoption of the 2009 Amendment. Page 7 of the adopted SAS identified properties to which BDPs attached, and this Property at North Tropical Trail and Church Road was not so identified. Additionally, the AU zoning that is shown on that page for the Property was incorrect as the zoning had changed to RR-1. ***Portions of the adopted SAS are included with this Application.***

Conditions Before and After SAS:

The North-North Tropical Trail SAS stated that the reasons for the decrease in density in this area, through the Comprehensive Plan Amendment, were flooding, stormwater management and level of service on roadways. The Comprehensive Plan Amendment that impacted the Property was adopted on July 21, 2009, in Ordinance 09-21, as Plan Amendment 2009-1.9. The Ordinance itself states that the data and analysis for the 2009-1.9 Amendment “is contained within the SAS”. ***A copy of the relevant portions of Ordinance 09-21 are included with this Application.***

However, conditions have changed since the SAS and the adoption of the 2009 Comprehensive Plan Amendment. The Brevard County NRMO and Transportation Department have addressed the flooding and stormwater management issues in this area by improvements at Hall Road and

Courtenay Parkway, Crisafulli Road, and at Pine Island Road. ***A portion of NRMO's North Merritt Island Post-TS Faye Drainage Evaluation is included in this Application.***

As to traffic, the Annual Average Daily Traffic counts for the section on N. Courtenay Pkwy, from Hall Road to North Tropical (TPO ID# 157) (per *Spacecoasttpo.com*) have decreased substantially since the study commenced in 2005. ***See below graph and chart included with this Application.***

2013	13,570
2012	13,040
2011	16,550
2010	17,820
2009	18,160
2008	17,330
2007	16,970
2006	16,730
2005	16,810
2004	18,480

Res 1 Compatibility:

Res 1 is appropriate for this Property because it is adjacent to properties designated either Res 1 or Res 2 on the south side of the Property, and to Res 2 property on the east. Res 1 is compatible to the adjacent land uses. See Future Land Use Element Policy 1.9.

Notice to Owners of 2009 Comprehensive Plan Amendment:

The Owners were unaware of this 2009 Amendment until recently when they determined it was time to sell the Property as part of their retirement plan. The Owners sought a verification letter from Brevard County, which advised that "no development can be approved on the subject properties because the RR-1 zoning and maximum density in the Binding Development Plan are not consistent with the current Comprehensive Plan density." ***A copy of the November 17, 2014 letter from Planner Paul Body is included in this Application.***

The Owners do not recall receiving any notice or mailings from the CRG regarding the SAS, nor do they recall receiving the Courtesy Notices regarding the Comprehensive Plan Amendment transmittal or adoption hearings. From the records of Brevard County, it appears that Courtesy Notices were sent to the Ogles. ***See February 5, 2009 and July 3, 2009 Courtesy Notices included with this Application.***

The Owners have recently reviewed the Notices and still do not recall receiving them. They believe that if they did receive either of them, they would have contacted the County or sought advice from an attorney as it took many, many months and thousands of dollars in attorney's fees

to obtain the rezoning and BDP. Regardless, neither the maps sent with the Notices nor the Notices themselves were sufficient to explain the impact of the change to the Future Land Use Map to a layperson that had recently obtained a rezoning and BDP to allow 14 units to the acre on the subject 20+ acre Property.

Summary and Conclusion:

The Owners obtained a rezoning and BDP in 2006. In 2007, the CRG recommended changing the Res 2 classification of the Property to Res 1:2.5. The Owners were not sufficiently noticed about this recommendation. More importantly, the CRG relied upon faulty data, as it was given the prior, incorrect zoning for the Property and was not notified of the BDP allowing 14 units. In 2009, the County adopted a new FLUM, also without proper information regarding this Property's zoning and BDP. The conditions upon which the SAS were adopted no longer exist – flooding, stormwater and traffic problems have subsided or decreased.

The stated reasons and justifications in the SAS are no longer applicable under current conditions. Therefore, this Property's FLUM designation should be amended to Res 1. This requested information is a decrease from the future land use allowed prior to the 2009 Comprehensive Plan Amendment.

RESOLUTION NO. Z-11285

On motion by Commissioner Pritchard, seconded by Commissioner Colon, the following resolution was adopted by a 3:2 vote, with Commissioners Scarborough & Carlson voting nay:

WHEREAS, GEORGE A. & BARBARA H. OGLE

has/have applied for a change of classification from AU (Agricultural Residential) to RR-1 (Rural Residential) on property described as Tax Parcel 46 as described in ORB 1956, PG 170, and Tax Parcel 33 as described in ORB 1619, Pages 546 through 549, Public Records of Brevard County, Florida, Section 27, Township 23, Range 36, (21 acres) Located on the northeast corner of N. Tropical Trail and Church Road.

Section 27, Township 23 S, Range 36 E, and,

WHEREAS, a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Special District Board recommended that the application be denied and,

WHEREAS, the Board, after considering said application and the North Merritt Island Special District Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be Approved, with a Binding Development Plan, limited to 14 units, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from AU (Agricultural Residential) to RR-1 (Rural Residential) be APPROVED, with a Binding Development Plan, recorded in ORB 5709, Pages 2064 through 2068, dated October 11, 2006, limited to 14 units, and that the zoning classification relating to the above described property be changed to RR-1 (Rural Residential), and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of October 11, 2006.

**BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida
As Approved by the Board on August 3, 2006**

ATTEST:

by

**HELEN VOLTZ
Chairman**

SCOTT ELLIS, CLERK

(SEAL)

(NMI Hearing - September 15, 2005)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

(8)

PREPARED BY AND RETURN TO:
John H. Evans, Esquire
John H. Evans, P.A.
1702 S. Washington Ave
Titusville, FL 32780

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 5 #Names: 3
Trust: 3.00 Rec: 41.00 Serv: 0.00
Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

BINDING DEVELOPMENT PLAN

RETURN: Clerk to the Board #27
↑

THIS AGREEMENT, entered into this 3rd day of August, 2006, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and GEORGE OGLE and BARBARA OGLE, his wife, (hereinafter referred to as "Owner").

RECITALS

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

WHEREAS, Owner desires to develop the Property in a residential configuration (the Project); and

WHEREAS, the County has agreed to rezone the Property based upon the Owners' representation at the County Commission meeting that it will limit the maximum number of lots on the Property to 14; and

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

NOW, THEREFORE, the parties agree as follows:

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

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iation and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Owner agrees that the Property shall not be subdivided into more than 14 residential lots which would support 14 residences. This shall not include common area tracts used for retention, preservation, entryways or other common tracts.

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

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

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced condition as approved by the Board of County Commissioners on August 3, 2006. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Section 1.7 and 62-5, Code or Ordinances of Brevard County, Florida, as it may be amended.

(10)

RETURN: Clerk to the Board #27

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

ATTEST:

Scott Ellis
Scott Ellis, Clerk
(SEAL)

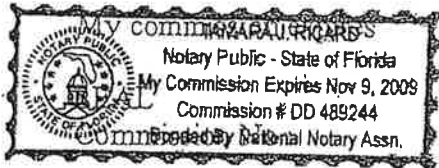
BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Helen Voltz
Helen Voltz, Chair

As approved by the Board on October 10, 2006

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 10 day of October, 2006 by Helen Voltz, Chair of the Board of County Commissioners of Brevard County, Florida who is personally known to me or who has produced as identification.



Tamara J. Ricard
Notary Public
STATE OF FLORIDA
Tamara J. Ricard
COUNTY OF BREVARD
(Name typed, printed or stamped)

This is to certify that the foregoing is a true and current copy of Business Development Agreement witness my hand and official seal this 13 day of October, 2006

WITNESSES:

Tammi Munsey

Tammi Munsey
Witness Name typed or printed

Suzanne Morton

Suzanne Morton
Witness Name typed or printed

OWNER

George Ogle
George Ogle

GEORGE OGLE
(Name typed, printed or stamped)

Barbara Ogle
Barbara Ogle

BARBARA OGLE
(Name typed, printed or stamped)

755 RIVER OAKS LANE
Address MERRITT ISLAND, FL 32953

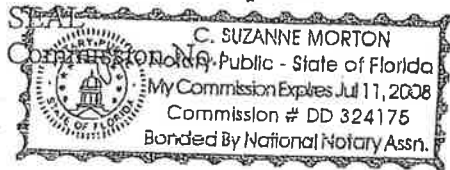
(11)

RETURN: Clerk to the Board #27

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 14 day of August, 2006 by George Ogle and Barbara Ogle, who are personally known to me or who have produced FL Drivers License as identification.

My commission expires:



C. Suzanne Morton
Notary Public

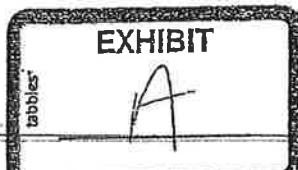
C. Suzanne Morton
(Name typed, printed or stamped)

Staciedocs/Ogle/8931 - Binding Develop Plan/8-7-06-km

(12)

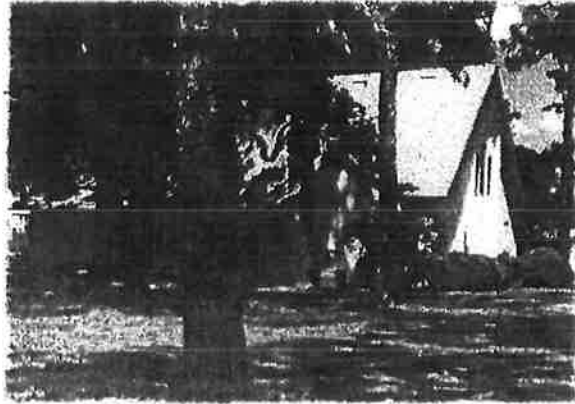
RETURN: Clerk to the Board #27

That portion of the following described property lying East of North Tropical Trail as presently located: Land bounded on the North by R. B. LaRoche land, on the East by East boundary of the West $\frac{1}{4}$ of the NE $\frac{1}{4}$, and on the South by L. P. Allen's land and road, and on the West by Indian River, except property described in Deed Book 102, Page 99, and Deed Book 89, page 130, 208 and 285 of the Public Records of Brevard County, Florida, said property all lying and being in Section 27, Township 23 South, Range 36 East.



13

North-North Tropical Trail Small Area Study



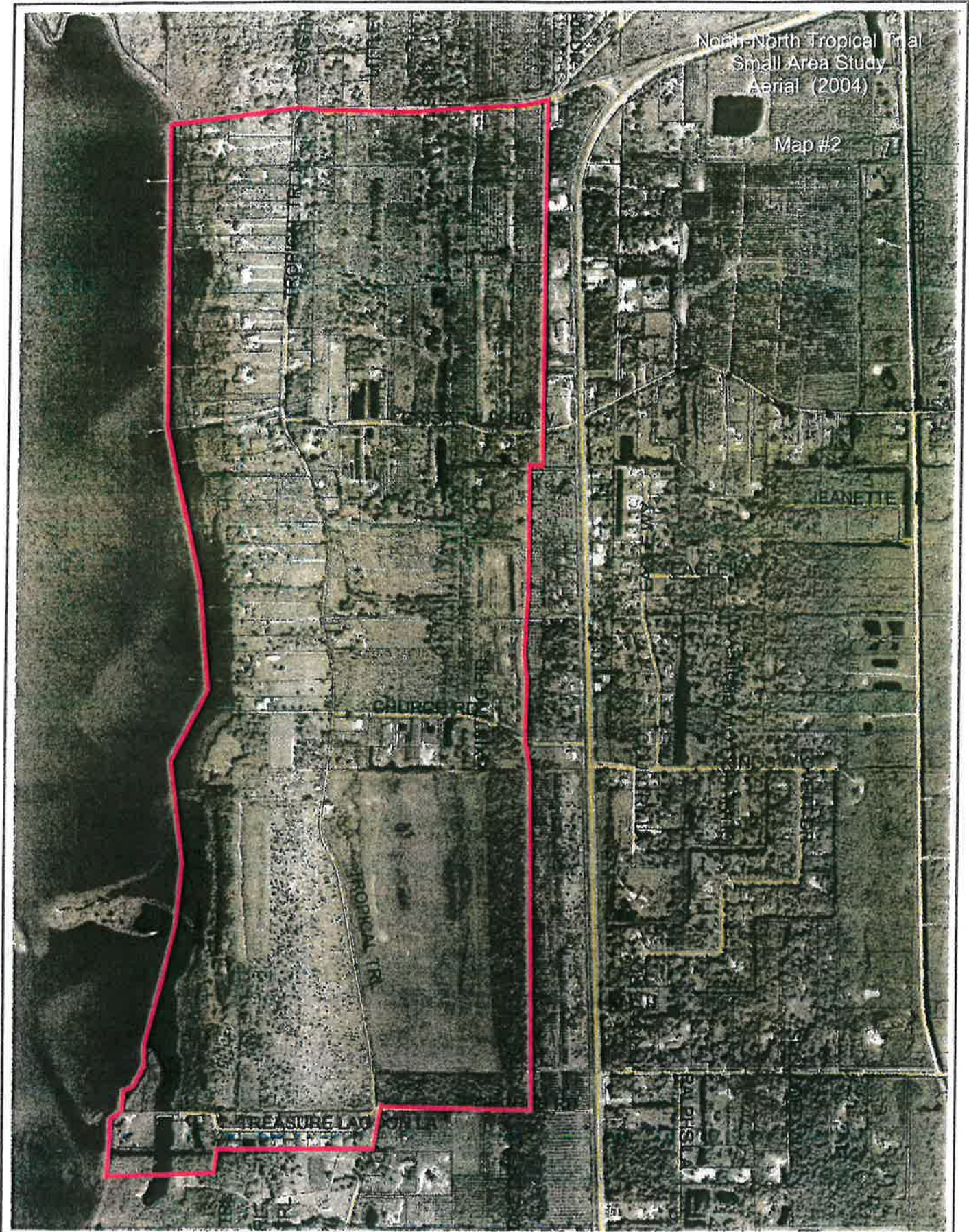
*Historic St. Luke's
Episcopal Church*

**Recommendations of
The North-North Tropical Trail
Citizen Resource Group
Facilitated by
Brevard County Planning and Zoning Office**

**Approved by the Brevard County
Board of County Commissioners
September 25, 2007**

North-North Tropical Trail
Small Area Study
Aerial (2004)







Map #2



Map #4

North - North Tropical Trail
Small Area Study

Legend
Future Land Use

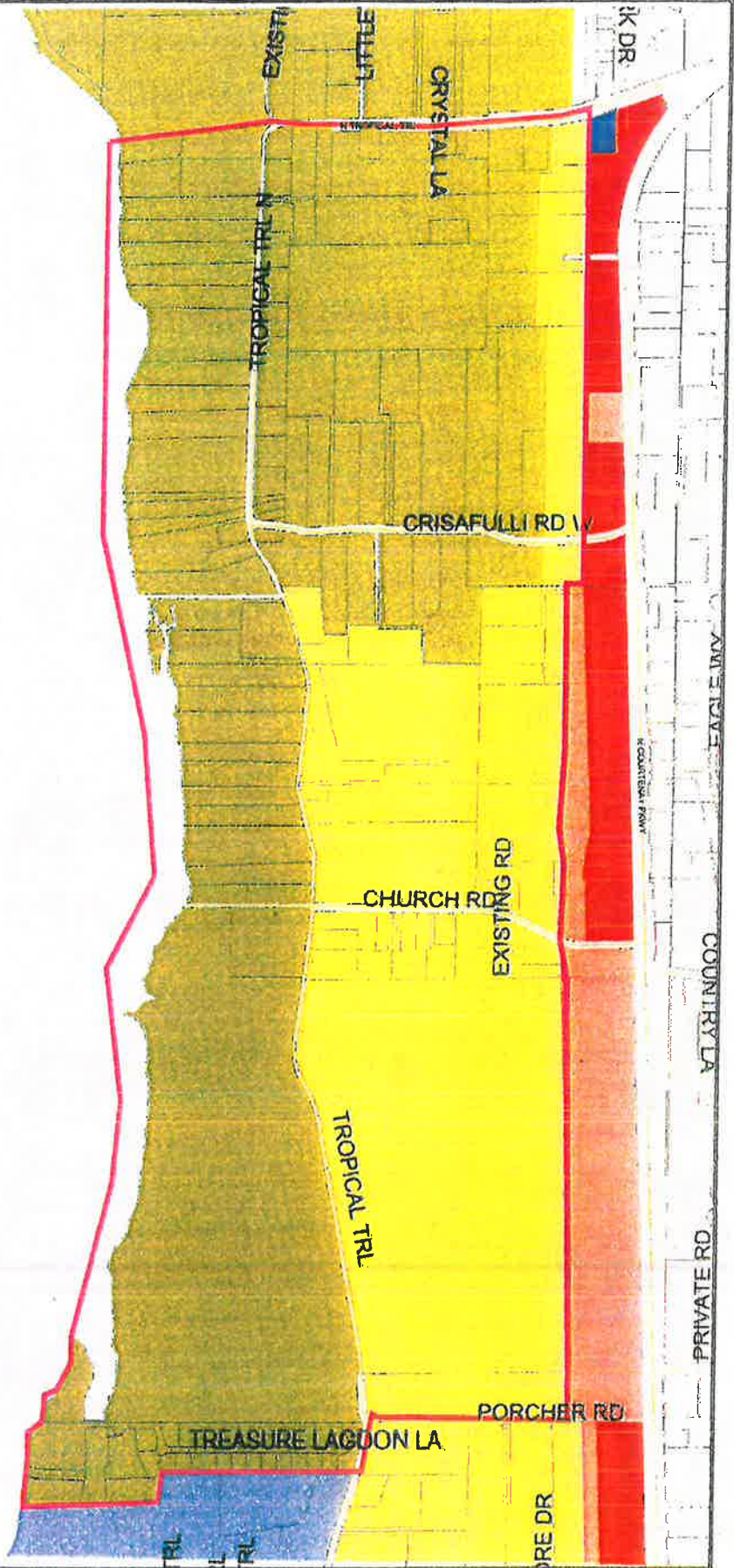
-  Community Commercial
-  Neighborhood Commercial
-  Public
-  Recreation
-  Residential 1
-  Residential 2



Scale: 1" = 1000'

Indian River Lagoon

DRAFT
For Comprehensive Planning Purpose
Site specific information should be
obtained from the Brevard County
Planning & Zoning Office. 321-633-2000



 16

Map #5

North - North Tropical Trail Small Area Study

Legend
Zoning Categories

-  AU
-  BU-1
-  EU
-  EU-2
-  GML
-  GU
-  RR-1
-  SR

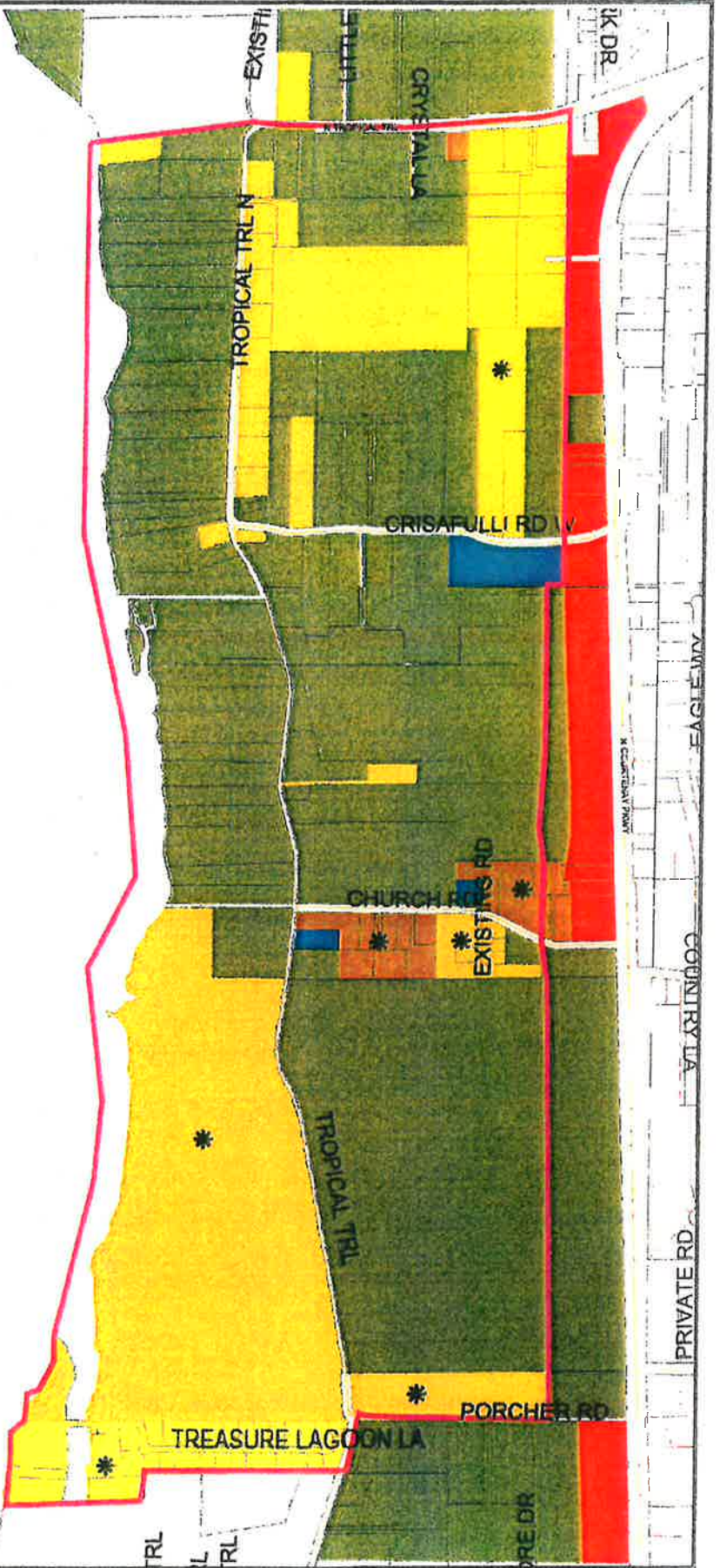


Scale: 1" = 1000'

 Binding Development Plan

DRAFT
For Comprehensive Planning Purposes
Site specific information should be
obtained from the Brevard County
Planning & Zoning Office: 324-433-2006

April 22, 2003



17

THE CITIZEN RESOURCE GROUP FUTURE LAND USE MAP REVISION

During their November 2005 meeting, the CRG had a workshop meeting and created a proposed Future Land Use Map for the study area. Because the area contains a wide mix of existing lot sizes and densities, the CRG divided the study area into sections and used several different Future Land Use Map designations (see Map # 6). The breakdown is as shown in table 2.a :

Table 2.a Existing and Proposed Future Land Use Comparison

Existing FLU	Proposed FLU
Residential 1.....461 acres	Residential 1.....95 acres
Residential 2.....219 acres	Residential 2.....14 acres
	Residential 1:2.5....548 acres

As can be seen from the above chart and Map #6, the results reinforce the desire by the CRG to maintain a rural, large lot residential community.

THE CITIZEN RESOURCE GROUP OPTIONS AND RECOMMENDATIONS

At their monthly meeting in October 2005, the CRG began their workshop for developing recommendations for the Small Area Study report. The group used the 13 categories as listed in the County's Comprehensive Plan and formulated the following recommendations:

1. The County shall take permanent action to alleviate flooding in the study area. This includes, but is not limited to:
 - Implementing a FUNDED stormwater management plan for study area
 - The outfalls under State Route 3, at Chase Hammock and W. Crisafulli; expand, upgrade and maintain vegetation.
 - The area along W. Crisafulli Road & Church Road.
 - Area in and around intersection of Porcher Road and N. Tropical Trail

2. Any new installation of sewer lines shall be accompanied by simultaneous installation of reclaimed water lines.

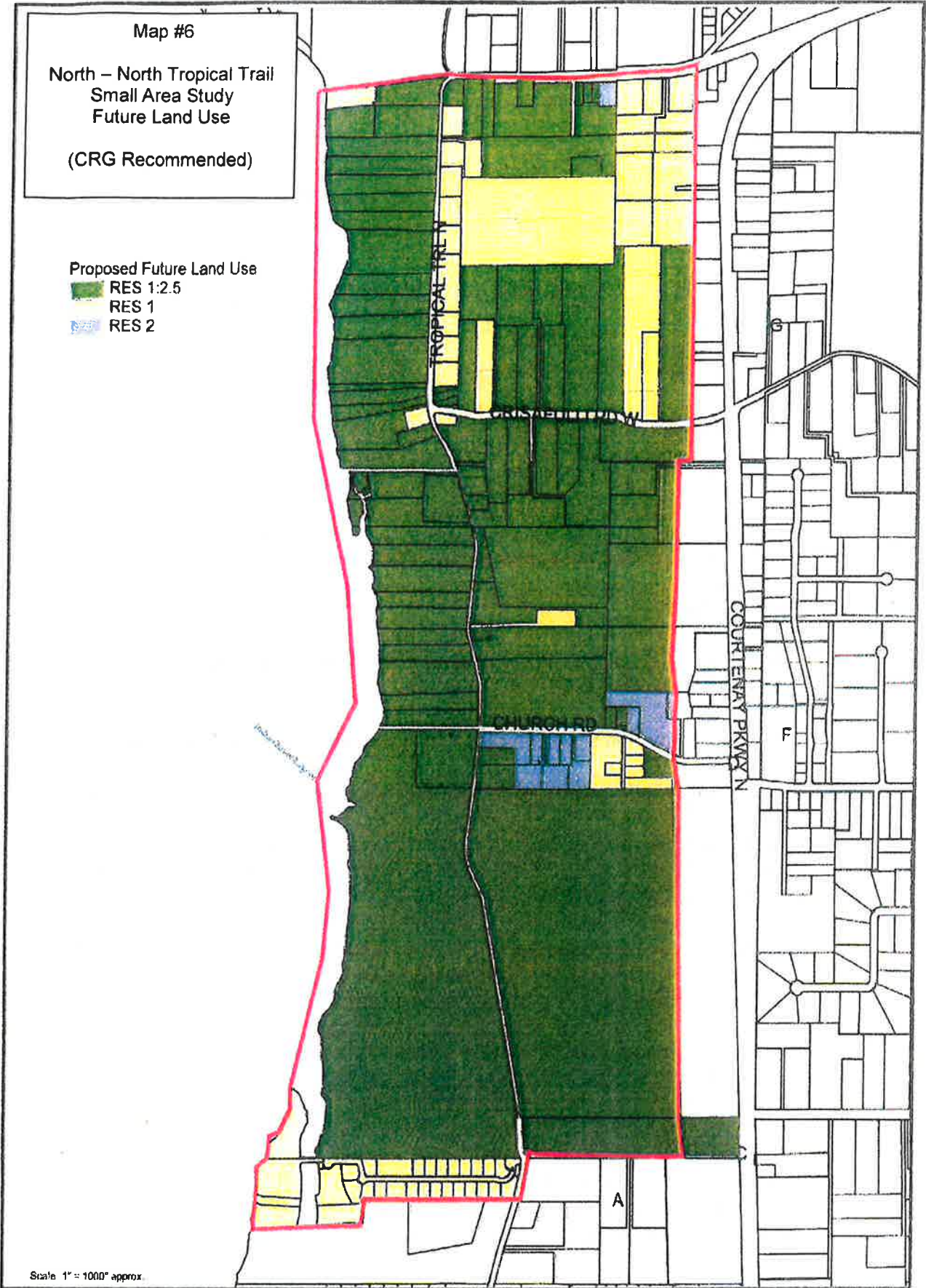
Map #6

North – North Tropical Trail
Small Area Study
Future Land Use

(CRG Recommended)

Proposed Future Land Use

-  RES 1:2.5
-  RES 1
-  RES 2



Staff Comment (Dick Martens): The area north of the barge canal has been designated a mandatory reuse area, which means that reclaimed water lines get installed in subdivisions and site plans that install sewers.

3. Site with Binding Development Plan on N. Tropical Trail (Waters Mark development, Parcel # 23 362700255) shall not be permitted to use septic systems when developed; require sewer use.

Staff Comment (Rick Enos, Randy Hunt): Septic tank approval is a state function and is not the jurisdiction of the County. Concerning sewers, at present the nearest mains are located in Island Lakes Resort, west of North Courtenay Parkway -- about 2/3-mile from Parcel #23's nearest point by air (longer by right-of-way). Florida state law (F.S. 381.0065(2)(a)(3)) requires that service be within 1/4-mile by existing easement or right-of-way before hookup can be mandated for new large developments. However, if existing residents so desire, voluntary extension of public sewer could be considered by the County via creation of a Municipal Service Benefit Unit (MSBU), which would involve financial participation by affected properties.

4. Encourage retention of existing and creation of additional parks and recreational sites within study area.
5. Encourage retention and maintenance of historical sites within study area.
6. The County shall continually monitor the Federal Inland Navigation District site (Parcel # 23 362700752) to ensure that the commitment to maintain water quality in the area is met. The CRG recommends periodic updates to District 2 Commission Office and the North Merritt Island Advisory Board regarding the condition and status of site.
7. Amend the enabling ordinance to require that the North Merritt Island Advisory Board review all future subdivision applications prior to the scheduled "pre-application" meeting.

Staff Comment (Rick Enos): Subdivisions are an administrative function and are not discretionary as are rezonings. This would require an amendment to the enabling ordinance created by the Board of County Commissioners that establishes their duties and responsibilities.

8. The four roadways in the study area have flood drainage, potholes, and deteriorating shoulders. Therefore, these roads require additional repair, maintenance, and improvement. This includes but is not limited to:
 - Addressing flooding and visibility concerns along Porcher and intersection at N. Tropical Trail; stop sign required



- Addressing flooding along W. Crisafulli Road and Church Road
 - Redesigning intersection of Church Road, North Tropical Trail, and State Route 3 for turning access in all directions.
 - Evaluating and revising current study area Level of Service (LOS) of 15,600 trips per day; devise method for determining more accurate LOS for area.
 - Heavy trucks are damaging local roads. Tonnage needs to be limited.
9. The CRG requests that the Open Space Ordinance be excluded from use in the study area regarding any future development, due to concerns about the ordinance's allowable density bonuses and similar incentives.

Staff Comment (Rick Enos): The open space provision provides for the permanent protection of natural resources, which is an objective of the comprehensive plan.

Property owners have the discretion to use this provision which protects the compatibility of adjacent parcels by requiring that lots on the perimeter of the project must match the lot size of adjacent lots.

Despite the CRG's objections to the open space subdivision, it may be preferable to amend the open space subdivision regulations to address any perceived deficiencies than to preclude its use.

This recommendation would require an amendment to Section 62-3000 (Open Space Subdivision).

SUMMARY

The intent of this study is to examine and guide future development in the designated study area through the use of appropriate future land use and zoning designations. In meeting the demands of this future residential growth, these areas must provide the developmental parameters that create a quality environment for area residents, as well as preserve the sensitive nature of the Indian River Lagoon and its surrounding lands. Together with County staff, the North – North Tropical Trail Citizen Resource Group and area citizens created a Future Land Use Map and recommendations for the designated study area in hopes of meeting those future demands.

Ordinance of Adoption

ORDINANCE NO. 09-21

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2009-1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART X, ENTITLED THE "COASTAL MANAGEMENT ELEMENT" TO AMEND POLICY 5.4 REGARDING STANDARDS FOR MARINA SITING; SPECIFICALLY AMENDING SECTION 62-501, PART XVIII G. ENTITLED "FUTURE LAND USE APPENDICES" TO CHANGE LAND USE DESIGNATIONS ON THE FUTURE LAND USE MAP SERIES; SPECIFICALLY AMENDING SECTION 62-501, PART XIV, ENTITLED "GLOSSARY" TO AMEND THE DEFINITION OF MARINA; 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 December 31, 2008, for adoption as a single amendment, Plan Amendment 2009-1; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the amendment which collectively became Plan Amendment 2009-1; 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

WHEREAS, on July 20, 2009, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2009-1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on July 21, 2009, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved the adoption of Plan Amendment 2009-1; and

WHEREAS, Plan Amendment 2009-1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2009-1 adopted by this Ordinance is based upon findings of fact as included in Exhibits A and B.

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 2009-1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2009-1, 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 State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 21st day of July, 2009.


ATTEST:



Scott Ellis, Clerk

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

By: _____


Chuck Nelson, Chairman

Approved by the Board on July 21, 2009.

EXHIBIT A

TABLE OF CONTENTS 2009-1 COMPREHENSIVE PLAN AMENDMENT ADOPTION PACKAGE

Plan Amendment 2009-1.1- a proposal by Brevard County to change the Future Land Use Map from Neighborhood Commercial to Community Commercial for approximately 1.6 acres West of US Hwy 1, east of Turner Rd., approximately 900 feet north of Tkacs Rd. in Section 12, Township 26 South, Range 36 East.

Plan Amendment 2009-1.2- a proposal initiated by Turnbull Farms, Ltd. to change the Future Land Use Map series designation from Residential 1 to Neighborhood Commercial for approximately 2.75 acres south of Flounder Creek Rd., west of US Hwy 1 in Section 2, Township 20G, Range 34 East.

Plan Amendment 2009-1.3- a proposal by Mims Property Joint Venture Partners to amend the Future Land Use Map from Residential 1 to Residential 4 for approximately 84 acres located east of Tracy Ct. and south of Irwin Ave. in Section 5, Township 21 South, Range 35 East.

Plan Amendment 2009-1.4- a proposal by CC Group LLC and Roth II LLC to amend the Future Land Use Map from Residential 15 to Community Commercial and Neighborhood Commercial for approximately 19.2 acres located north of Lucas Rd. and west of Courtenay Pkwy., in Section 23, Township 24 South, Range 36 East.

Plan Amendment 2009-1.5- WITHDRAWN BY APPLICANT

Plan Amendment 2009-1.6- a proposal by Merritt Island Development, LLC to amend the Coastal Management Element and Glossary regarding residential marinas.

Plan Amendment 2009-1.7- a proposal by Brevard County to amend the Future Land Use Map from Neighborhood Commercial and Residential 2 to Residential 4 on approximately 50 acres to reflect the densities permitted by the existing San Sebastian plat, located in Sections 14, 23, and 24, Township 30 South, Range 38 East.

Plan Amendment 2009-1.8- a proposal by Brevard County to amend the Future Land Use Map to implement the remainder of the Mims Small Area Study, on approximately 160 acres in northern Brevard County.

Plan Amendment 2009-1.9- a proposal by Brevard County to amend the Future Land Use Map to implement the recommendations of the North-North Tropical Trail Small Area Study on approximately 617 acres.

Plan Amendment 2009-1.10- a proposal by Brevard County to amend the Future Land Use Map to implement the recommendations of the South-North Tropical Trail Small Area Study on approximately 329 acres.

Plan Amendment 2009-1.11- a proposal by Brevard County to amend the Future Land Use Map to implement the recommendations of the East Merritt Island Small Area Study on approximately 1,070 acres.

EXHIBIT B

2009-1 PROPOSED COMPREHENSIVE PLAN AMENDMENTS

Plan Amendment 2009-1.9- Brevard County (North-North Tropical Trail SAS)

FUTURE LAND USE MAP AMENDMENT

Owner / Applicant: Brevard County

Adopted Future Land Use: See Table Below

Requested Future Land Use: See Table Below

Acreage: 617.3 acres

General Location: West of Courtenay Pkwy, North of Citrus Club Dr., in Sections 22, 27, and 34, Township 23 South, Range 36 East.

Future Land Use Category	Adopted Future Land Use (ac.)	Proposed Future Land Use (ac.)
Neighborhood Commercial	3.5	0.0
Residential 1:2.5	0.0	505.9
Residential 1	366.3	97.9
Residential 2	247.5	13.4
Total	617.3	617.3

General Information

In 2004, Brevard County conducted two Small Area Studies (SAS) for portions of Merritt Island along North Tropical Trail experiencing growth pressures. On September 25, 2007, the Board of County Commissioners accepted this SAS and directed staff to proceed with the comprehensive plan amendments. This amendment will implement the recommended Future Land Use Map revisions from the North-North Tropical Trail Small Area Study.

The study area (see Location Map) is primarily rural residential. Historically, the land in this area was well known for its citrus fields and farming activities. Since the decline of the citrus industry and the increase in housing and development demands in the County, this area has lost a significant portion of its citrus and farming operations. Nonetheless, this area has remained relatively rural by comparison with other areas of Merritt Island south of the Barge Canal (see Aerial Map).

The data and analysis for this amendment is contained within the SAS. A copy of the study is included in the Appendix. Overall, the proposed future land uses result in an 87% decrease in service demand.

Preliminary Service Demand Analysis

Adopted Future Land Use Service Demand

Adopted Future Land Use	Maximum Intensity or Density	Acres	Projected Units/Square Footage	pm Peak Hour Trips	New Class Rooms (25/room)	Potable Water (gpd)	Sewer Demand (gal./day)	Solid Waste Demand (lbs/day)	Deputies	Fire-fighters	Parks Demand (ac.)	Library (books)
Residential 1:2.5	1 DU/2.5 ac.	0	0	0	0	0	0	0	0	0	0	0
Residential 1	1 DU/ac.	366	1,847	1,884	59	461,750	369,400	35,344	8	4	13	9,176
Residential 2	2 DU/ac.	248	495	505	16	123,750	99,000	9,472	2	1	3	2,459
Neighborhood Commercial	FAR 0.75	4	114,345	84,385	0	14,293	11,435	476	0	0	0	0
Total		617	2,342	86,774	75	599,793	479,835	45,292	11	5	16	11,635

Proposed Future Land Use Service Demand

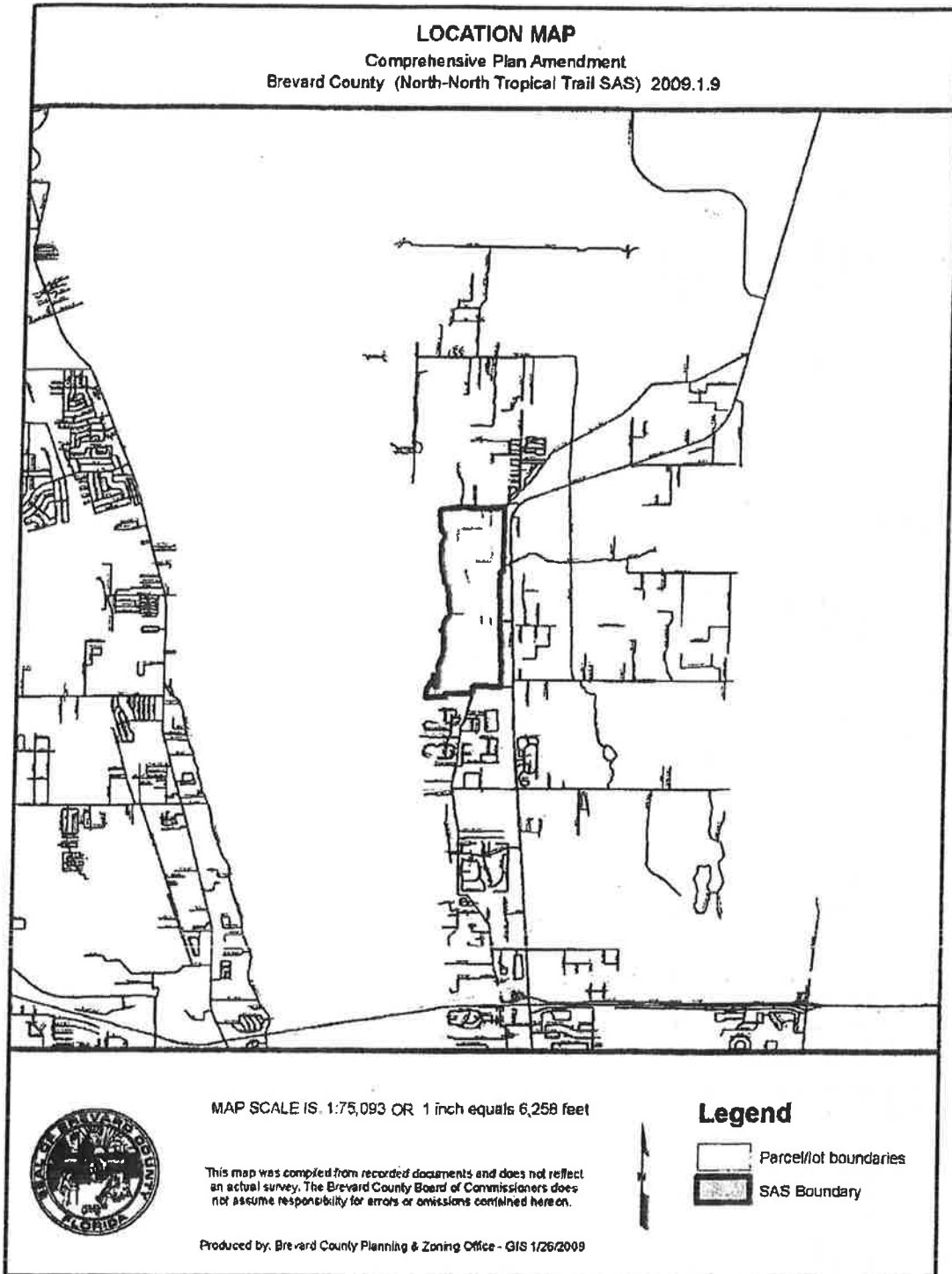
Proposed Future Land Use	Maximum Intensity or Density	Acres	Projected Units/Square Footage	pm Peak Hour Trips	New Class Rooms (25/room)	Potable Water (gpd)	Sewer Demand (gal./day)	Solid Waste Demand (lbs/day)	Deputies	Fire-fighters	Parks Demand (ac.)	Library (books)
Residential 1:2.5	1 DU/2.5 ac.	506	202	206	7	50,590	40,472	3,872	1	0	1	1,005
Residential 1	1 DU/ac.	98	98	100	3	24,475	19,580	1,873	0	0	1	486
Residential 2	2 DU/ac.	13	27	27	1	6,700	5,360	513	0	0	0	133
Neighborhood Commercial	FAR 0.75	0	0	0	0	0	0	0	0	0	0	0
Total		617	327	334	11	81,765	65,412	6,259	2	1	2	1,625

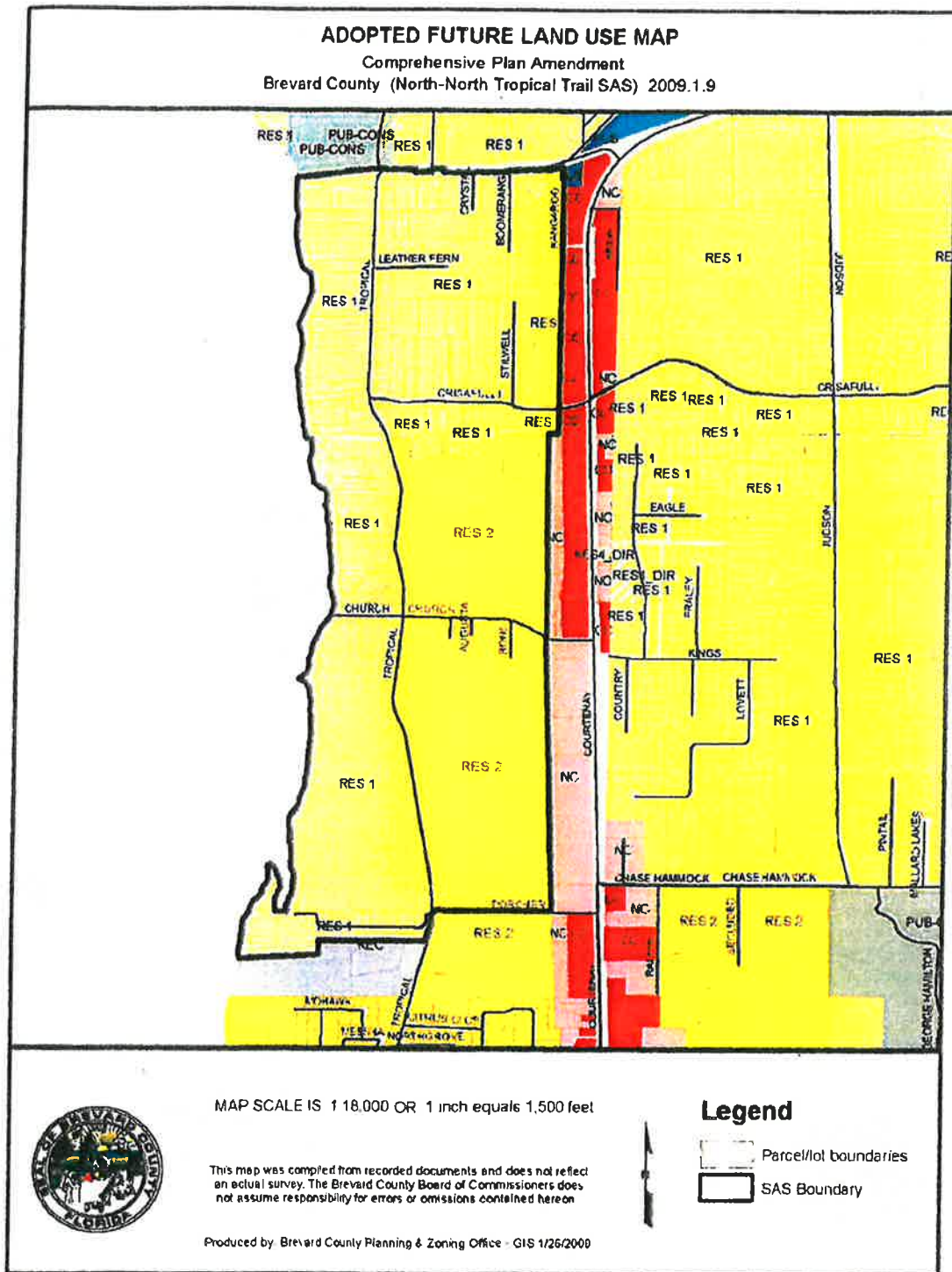


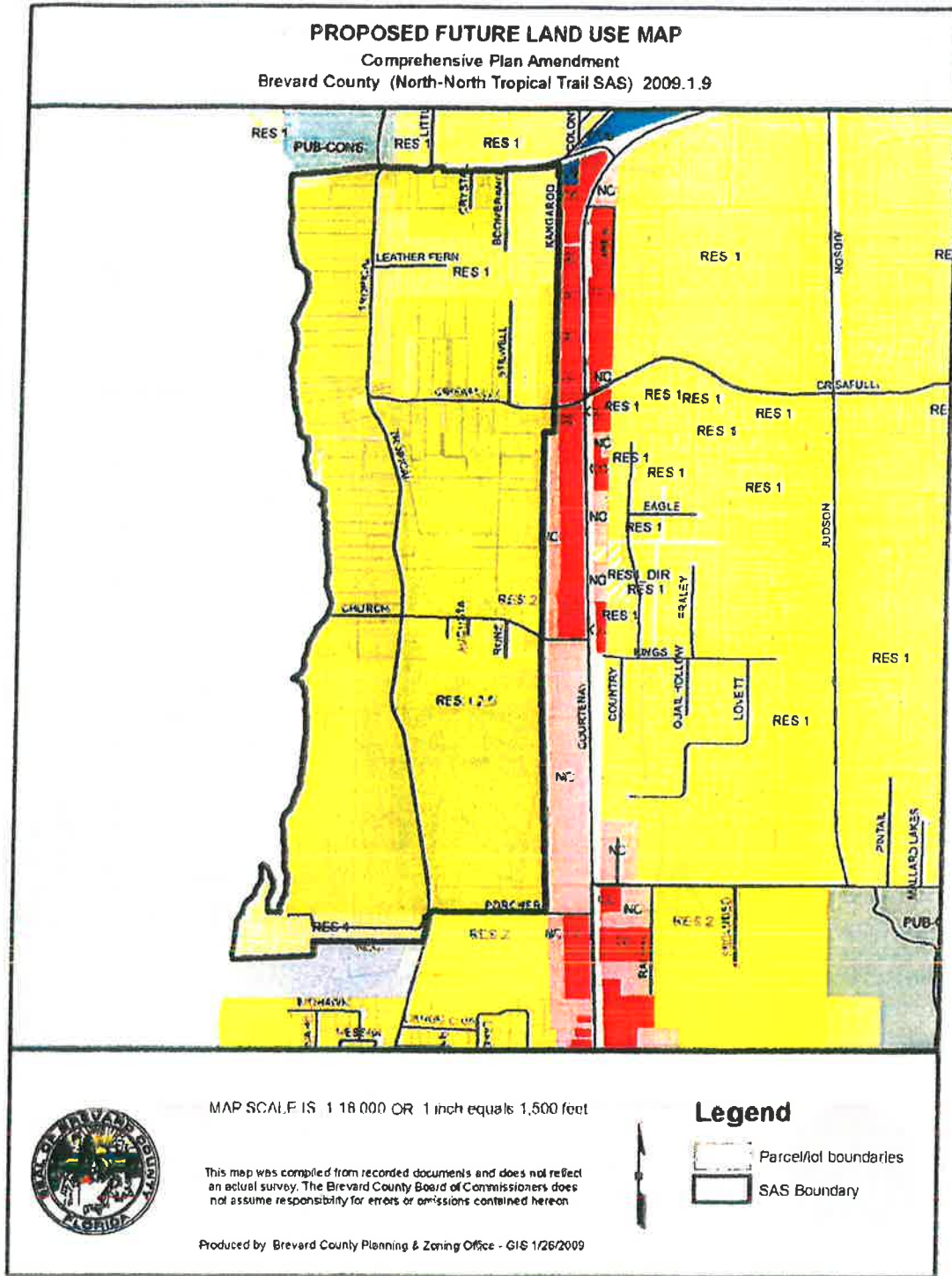
Service Demand Summary

Future Land Use	Projected Units/Square Footage	pm Peak Hour Trips	New Class Rooms (25/room)	Potable Water (gpd)	Sewer Demand (gal./day)	Solid Waste Demand (lbs./day)	Deputies	Fire-fighters	Parks Demand (ac.)	Library (books)
Adopted FLUM	2,342	8,335	75	596,935	479,835	45,292	11	5	16	11,635
Proposed FLUM	327	334	11	81,765	65,412	6,259	2	1	2	1,625
Reduction in Service Demand	-2,015	-8,001	-65	-515,170	-414,423	-39,034	-9	-5	-14	-10,010
% Reduction	-86%	-96%	-86%	-86%	-86%	-86%	-86%	-86%	-86%	-86%

29







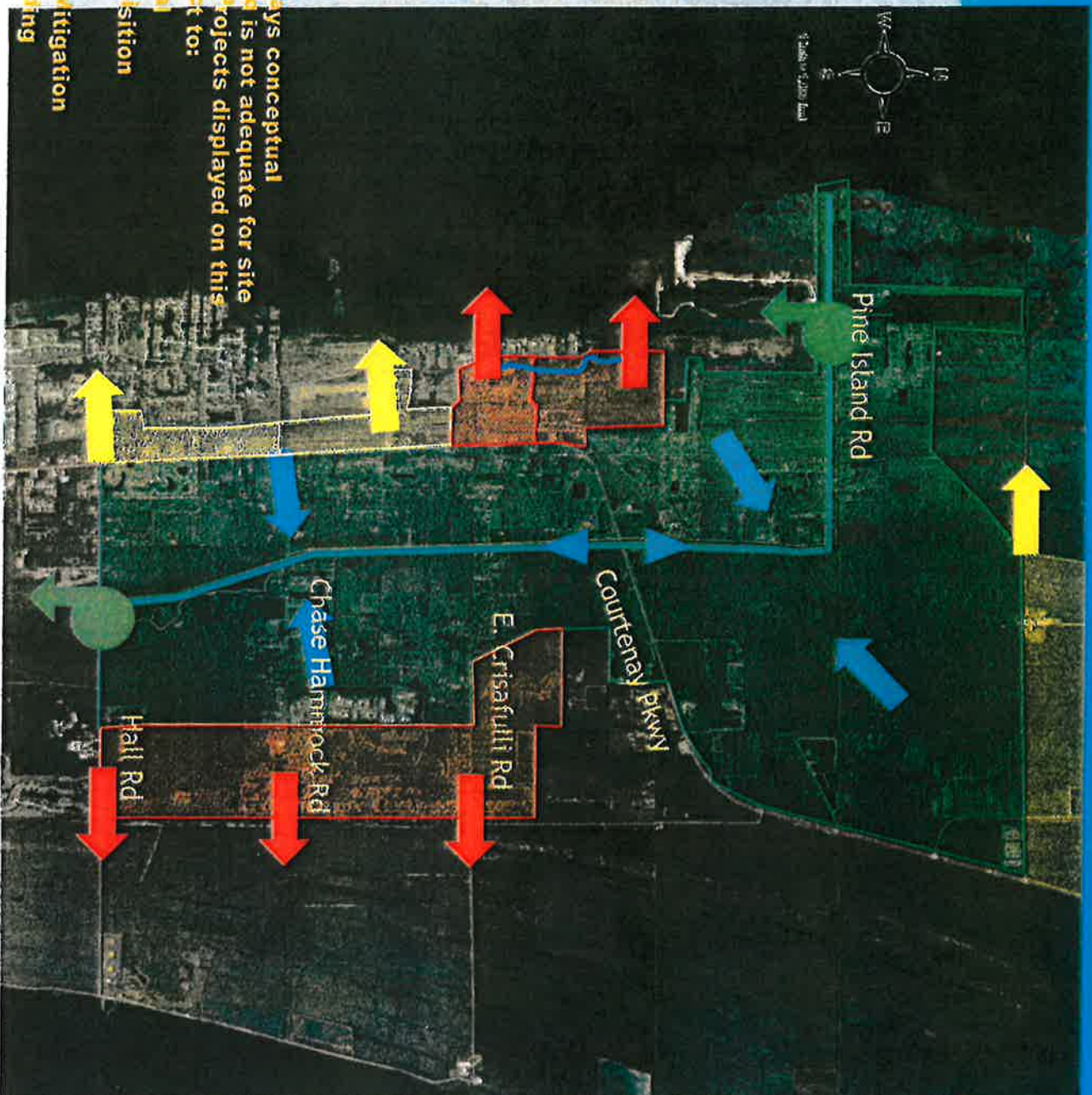
302



North Merritt Island Area

Post-TS Fay Drainage Evaluation

2008 Strategy

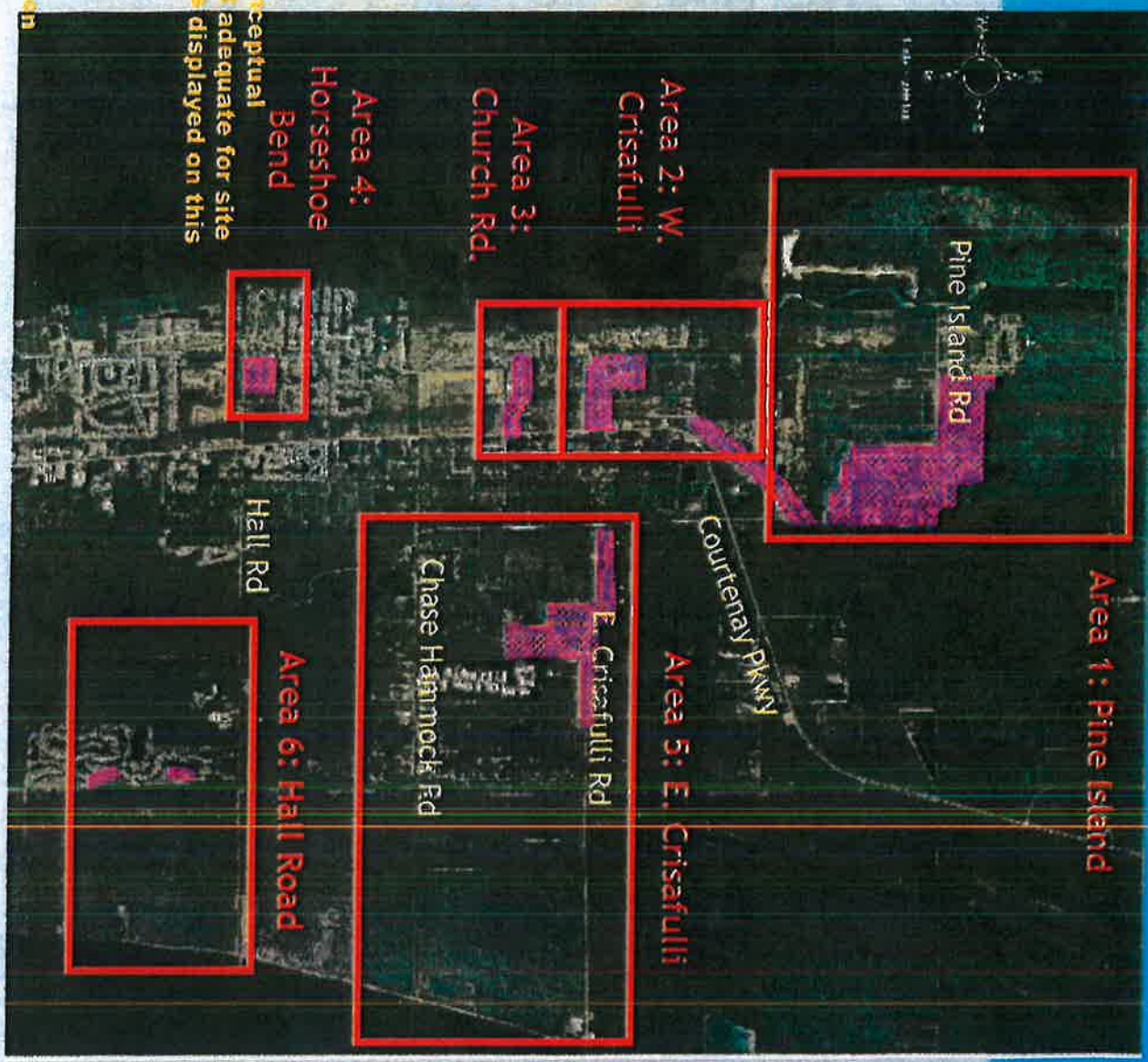


This map displays conceptual information and is not adequate for site specific use. Projects displayed on this map are subject to:

- Board Approval
- Property Acquisition
- Engineering
- Permitting & Mitigation
- Available Funding

Project Areas

26



This map displays conceptual information and is not adequate for site specific use. Projects displayed on this map are subject to:

- Board Approval
- Property Acquisition
- Engineering
- Permitting & Mitigation
- Available Funding

Permitted Projects

(3)

Pine Island Project



Pine Island Rd

Courtenay Parkway

Judson Rd

E. Crisafulli Rd

Lake George Project



Chase Hammock Rd

COURTENAY PKWY

TROPICAL TRL



This map displays conceptual information and is not adequate for site specific use. Projects displayed on this map are subject to:
- Board Approval
- Property Acquisition
- Engineering
- Permitting & Mitigation
- Available Funding

SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TRAFFIC COUNTS: 2004 - 2013

ID	ROAD	SEGMENT (Sections)	2004-05		2005-06		2006		2007		2008		2009		2010		2011		2012		2013		Last Count Taken
			AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	
AREA: MERRITT ISLAND																							
N. COURTENAY																							
130		SR 520-LUCAS	39,990	34,710	34,530	34,940	34,660	32,600	33,840	31,670	31,120	31,160											1/15/13
131		SR 520-Merritt	31,720	25,630	25,510	27,030	27,130	28,390	27,570	27,140	25,360	25,430											1/15/13
133		Merritt-Needle	42,630	37,380	37,180	37,550	37,250	36,090	37,640	36,970	34,780	34,880											1/15/13
		Needle-Lucas	40,860	36,320	36,140	35,850	35,820	35,310	36,320	30,890	33,210	33,180											1/29/13
135		LUCAS-SR 528	37,480	32,780	32,720	32,550	32,650	32,520	32,990	27,750	29,960	30,410											1/15/13
136		Lucas-Crockett	39,570	34,570	34,390	34,390	34,720	34,190	35,550	29,930	32,420	32,670											1/15/13
152		Crockett-Pioneer	36,800	31,530	32,110	32,560	32,180	32,100	32,590	27,390	29,970	30,080											1/15/13
155		Pioneer-S Ramps SR 528	37,500	33,320	32,830	32,470	33,040	32,620	33,250	27,900	30,120	30,850											1/29/13
		S Ramps-N Ramps SR 528	36,040	31,700	31,540	30,740	30,680	30,560	30,590	25,790	27,350	27,850											1/29/13
140		SR 528-KSC	19,200	16,840	16,760	17,200	17,890	18,530	18,480	16,930	14,100	14,220											1/15/13
		N Ramps-Hall	25,960	22,150	22,040	22,610	24,280	25,070	24,530	23,740	20,900	20,420											1/15/13
137		Hall-N Tropical	18,480	16,810	16,730	16,970	17,330	18,160	17,820	16,550	13,040	13,570											1/15/13
141		N. Tropical-KSC	13,150	11,570	11,520	12,030	12,070	13,560	13,080	10,510	8,370	8,650											1/15/13
		SR 520-LUCAS	8,050	7,480	7,510	7,190	6,950	6,960	6,480	6,720	6,400	6,550											1/15/13
147		SR 520-Merritt	8,670	8,180	8,190	7,940	7,760	7,850	7,210	7,510	7,200	7,440											1/15/13
146		Merritt-Lucas	7,430	6,790	6,820	6,440	6,140	6,080	5,740	5,920	5,600	5,680											1/15/13
145		LUCAS-PIONEER	3,840	3,500	3,550	3,500	3,270	3,230	2,990	3,180	2,840	2,780											1/15/13
156		Lucas-Crockett	5,080	4,650	4,720	4,620	4,350	4,310	3,940	4,200	3,790	3,700											1/15/13
		Crockett-Pioneer	2,610	2,360	2,380	2,390	2,200	2,140	2,040	2,160	1,890	1,860											1/15/13
144		GRANT-N COURTENAY	1,620	1,520	1,540	1,520	1,450	1,760	1,330	1,730	1,020	1,510											1/15/13
143		Grant-Hall	700	720	740	720	750	NC	640	NC	580	NC											1/17/12
142		Hall-Crisafulli	2,040	1,810	1,840	1,850	1,900	1,810	1,680	1,870	NC	NC											1/15/13
		Crisafulli N Courtenay	2,100	2,010	2,040	1,990	1,710	1,710	1,650	1,580	1,460	1,360											1/15/13
		PLUMOSA	7,000	6,470	6,560	6,370	5,960	5,950	5,880	5,670	5,610	5,480											1/17/12
116		Cone-Fortenberry	6,850	6,450	6,510	6,410	5,830	NC	5,450	NC	5,650	NC											1/15/13
120		Fortenberry-SR 520	7,130	6,390	6,550	6,470	5,840	5,840	NC	5,430	NC	5,240											1/15/13
106		SR 520-Merritt	7,030	6,560	6,620	6,240	6,210	6,060	6,300	5,890	5,570	5,710											1/29/13
105		END-SR 520	3,090	2,730	2,770	2,470	2,470	2,130	2,200	2,260	1,930	2,230											1/15/13
		S. BANANA DR.	12,390	11,770	11,790	11,820	11,180	11,170	11,470	11,030	10,600	10,520											1/15/13
113		S. TROPICAL-CONE	10,960	10,280	10,310	10,350	9,880	9,530	10,210	9,780	9,370	9,140											1/15/13
114		S. Tropical Tr-Banana	13,820	13,260	13,280	13,310	12,480	12,400	12,730	12,280	11,850	11,910											1/15/13
		Banana-Cone	19,630	18,940	19,040	18,950	18,610	18,120	18,340	16,540	16,380	15,710											1/15/13
118		CONE-SR 520	17,920	17,170	17,200	17,370	16,600	16,340	16,540	16,380	15,500	15,710											1/15/13
122		Cone-Fortenberry	19,470	18,810	18,830	19,190	18,240	17,960	18,050	18,030	16,990	16,600											1/15/13
139		Fortenberry-Magnolia	21,500	20,830	21,080	20,270	20,980	20,070	20,440	20,280	19,410	19,300											1/15/13



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

BOARD OF COUNTY COMMISSIONERS

November 17, 2014

R. Mason Blake
8240 Devereux Drive, Suite 100
Viera, FL 32940

**RE: Parcel ID 23-36-27-00-00033.0-0000.00, 5680 N. Tropical Trail, Merritt Island, FL 32953 and
Parcel ID 23-36-27-00-00046.0-0000.00**

Dear Mr. Blake:

The parcels referenced above are currently zoned RR-1, a rural residential zoning classification found in section 62-1336 of Brevard County's Zoning Regulations. The Future Land Use Map (FLUM) of Brevard County's Comprehensive Plan establishes the density as Res 1:2.5 (Residential 1:2.5). The zoning classification is **not consistent** with the Future Land Use designation of Brevard County's Comprehensive Plan.

When the parcels were rezoned from AU to RR-1 in 2006, the FLUM established the property density as Res 2 (2 residential units per acre) and the new zoning classification was consistent with that designation. The Binding Development Plan approved with the 2006 rezoning capped density at a maximum of 14 units. On July 21, 2009, Ordinance No. 09-21 enacting land use recommendations of the North-North Tropical Trail Small Area Study was adopted and approved by the Board. This ordinance amendment changed the Future Land Use designation of these parcels from Res 2 to Res 1:2.5. The Res 1:2.5 Future Land Use designation limits the density of the two parcels to a maximum density of one unit per 2.5 acres.

At this time no development can be approved on the subject properties because the RR-1 zoning and maximum density in the Binding Development Plan are not consistent with the current Comprehensive Plan density. (Please note Paragraph 3 of the 2006 Binding Development Plan which states that the agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to the property.) Accordingly, future development requires either a rezoning to a classification that is consistent with the Res 1:2.5 FLUM designation or a Comprehensive Plan amendment changing the FLUM designation to Res 1 (Residential 1) to be consistent with the RR-1 zoning.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations.

Sincerely,


Paul Body, Planner I
Planning and Development Department



COURTESY NOTICE

February 5, 2009

Dear Property Owner:

The Brevard County Planning and Zoning Office would like to advise you as the property owner that:

A proposal for a comprehensive plan amendment has been requested for your property that is depicted on the map on the back of this notice. This plan amendment, 2009-1.9, **proposes to change the Future Land Use designation on your property from Residential 2 (maximum density of 2 units per acre) to Residential 1:2.5 (maximum density of 1 unit per 2.5 acres) as recommended by the North-North Tropical Trail Small Area Study.**

Written comments regarding this proposed comprehensive plan amendment should be submitted to the following address: Planning and Zoning Office, Building A, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940. Phone (321) 633-2069 for additional information regarding this matter.

The Local Planning Agency (LPA) will review this item in public hearing beginning at 3:00 p.m. on February 23, 2009. This meeting will be held in the Commission Room, 1st Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. You can obtain additional information by visiting our web site at <http://www.brevardcounty.us/zoning/> and selecting the link to the 2009-1 Comprehensive Plan Amendments.

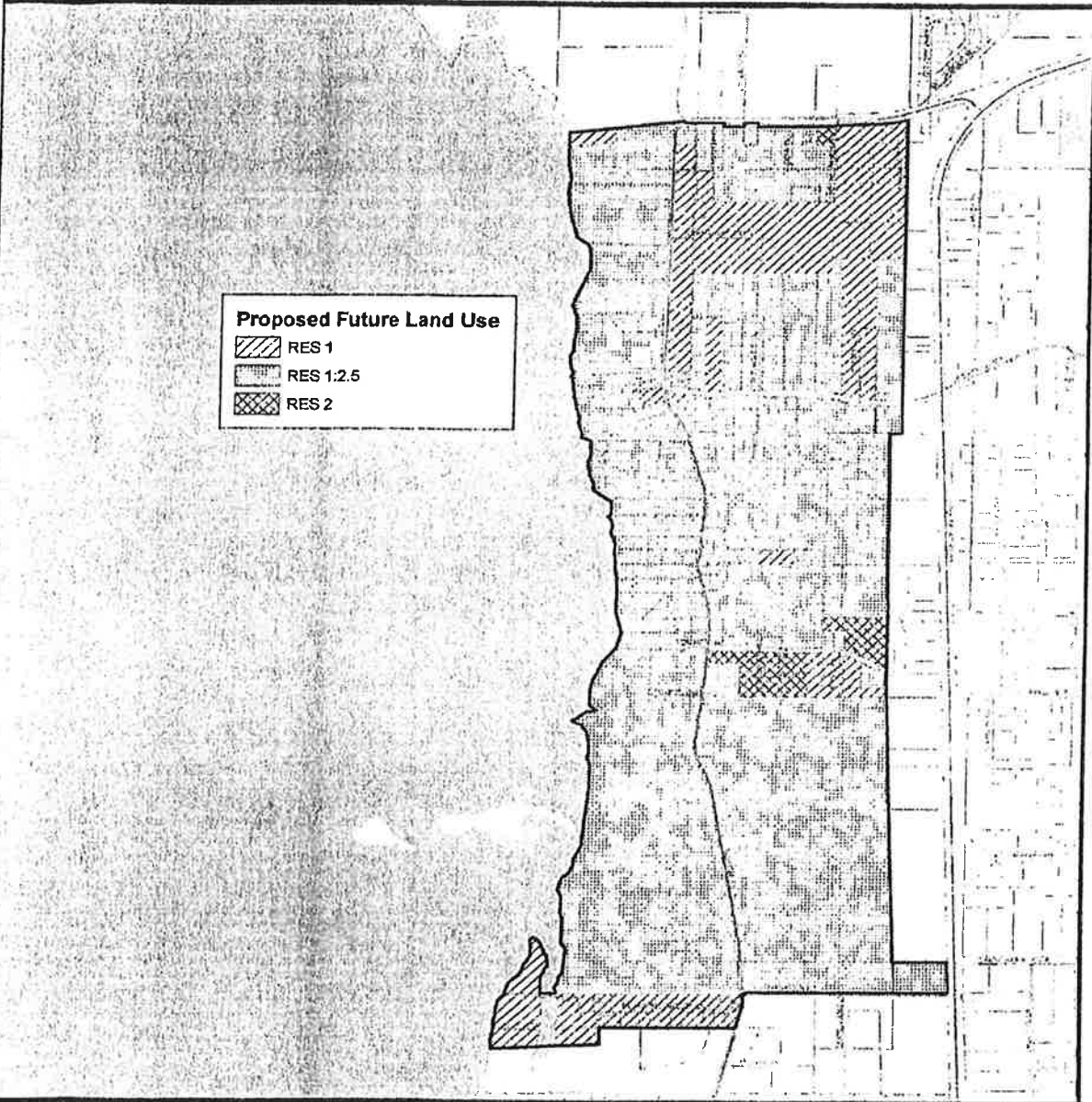
The Brevard County Board of County Commissioners will hold a public hearing on the above-mentioned request beginning at 9:00am on March 10, 2009. The meeting will be held in the Commission Room, 1st Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

If any person desires to appeal any decision made by these Boards with respect to any matter considered at the meetings, such person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which any such appeal is to be based. Arrangements for any verbatim transcript must be made at the expense of the person making those arrangements.

Interested parties may appear at the meetings and be heard with respect to the proposed plan amendment. This matter will not necessarily be dealt with at the beginning of the meetings as there may be a number of items that will be considered. Copies of the information to be discussed are available for review at the Planning and Zoning Office.

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
2009.1.9



Proposed Future Land Use

-  RES 1
-  RES 1.2.5
-  RES 2





MAP SCALE IS 1:18,000 OR 1 inch equals 1,500 feet

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

Produced by: Brevard County Planning & Zoning Office - GIS 1/26/2009

Legend

-  Parcel/lot boundaries
-  SAS Boundary

2009_1_9 NNTT R2 TO R125
Page 1

2009.1.9 RES2 TO RES125 NNTT

CRISAFULLI, MARY R
CRISAFULLI, BUD ET AL
5515 COURTENAY PKWY N
MERRITT ISLAND FL 32953

EARL, WILLIAM II
5850 TROPICAL TRL N
MERRITT ISLAND FL 32953

FLORIDA INLAND NAVIGATION
DISTRICT
1314 MARCINSKI ROAD
JUPITER FL 33477

HOBBS, GARY K
HOBBS, PATRICIA A H/W
5775 TROPICAL TRAIL N
MERRITT ISLAND FL 32953

HUNT, JERRY E
HUNT, DARLEEN A H/W
125 W CRISAFULLI ROAD
MERRITT ISLAND FL 32953

KOLB, CHAMLONG
205 W CRISAFULLI RD
MERRITT ISLAND FL 32953

OGLE, GEORGE A
OGLE, BARBARA H TRUSTEES
755 RIVER OAKS LANE
MERRITT ISLAND FL 32953

PACK, ROBERT J
PACK, PAMELA S H/W
5698 N TROPICAL TRL
MERRITT ISLAND FL 32953

POLICICCHIO, C C TRUSTEE
5780 N COURTENAY PKWY
MERRITT ISLAND FL 32953

POLICICCHIO, CAROLINA
5780 N COURTENAY PKWY
MERRITT ISLAND FL 32953

QUINN, SHIRLEY
PACK, PAMELA S ET AL
5698 N TROPICAL TRAIL
MERRITT ISLAND FL 32953

QUINN, SHIRLEY M
PACK, PAMELA S
5700 TROPICAL TRL N
MERRITT ISLAND FL 32953

RAMSHUR, JOSEPHINE LIFE ESTATE
5875 N COURTENAY PKWY
MERRITT ISLAND FL 32953

RODAMER, ROBERT A TRUSTEE
205 W CRISAFULLI RD
MERRITT ISLAND FL 32953

RONNISVALLE, RUTH
180 CHURCH RD
MERRITT ISLAND FL 32953

SELMAN, JACK M JR
SELMAN, R R
5875 N COURTENAY PKWY
MERRITT ISLAND FL 32953

ST LUKES EPISCOAPL CHURCH OF
COURTENAY FLA INC
P O BOX 541025
MERRITT ISLAND FL 32954

STASIK, ALICE J
STASIK, ANITA D
190 CHURCH ROAD
MERRITT ISLAND FL 32953

WATERS MARK DEVELOPMENT
ENTERPRISES LC
2419 E COMMERCIAL BLVD STE 100
FT LAUDERDALE FL 33308

WHITCOMB, EARL L
WHITCOMB, RACHEL H/W
5550 TROPICAL TRL N
MERRITT ISLAND FL 32953

WILLIS, JOHN P JR
WILLIS, MARY HELEN H/W
5800 TROPICAL TRL N
MERRITT ISLAND FL 32953



COURTESY NOTICE

July 3, 2009

Dear Property Owner:

The Brevard County Planning and Zoning Office would like to advise you as the property owner that:

A proposal for a comprehensive plan amendment has been requested for your property that is depicted on the map on the back of this notice. This plan amendment, 2009-1.9, **proposes to change the Future Land Use designation on your property from Residential 1 (maximum density of 1 unit per acre) to Residential 1:2.5 (maximum density of 1 unit per 2.5 acre) as recommended by the North-North Tropical Trail Small Area Study.**

Written comments regarding this proposed comprehensive plan amendment should be submitted to the following address: Planning and Zoning Office, Building A, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940. Phone (321) 633-2069 for additional information regarding this matter.

The Local Planning Agency (LPA) will review this item in public hearing beginning at 3:00 p.m. on July 20, 2009. This meeting will be held in the Commission Room, 1st Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. You can obtain additional information and view more detailed maps by visiting our web site at <http://www.brevardcounty.us/zoning/> and selecting the link to the 2009-1 Comprehensive Plan Amendments.

The Brevard County Board of County Commissioners will hold a public hearing on the above-mentioned request beginning at 9:00am on July 21, 2009. The meeting will be held in the Commission Room, 1st Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

If any person desires to appeal any decision made by these Boards with respect to any matter considered at the meetings, such person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which any such appeal is to be based. Arrangements for any verbatim transcript must be made at the expense of the person making those arrangements.


Interested parties may appear at the meetings and be heard with respect to the proposed plan amendment. This matter will not necessarily be dealt with at the beginning of the meetings as there may be a number of items that will be considered. Copies of the information to be discussed are available for review at the Planning and Zoning Office.

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2009.1.9

Applicant: Brevard County (North-North Tropical Trail SAS)

Legend


 North_North_SAS_boundary

COMMERCIAL

 Community Commercial

 Neighborhood Commercial

CONSERVATION

 Public Conservation

PUBLIC

 Public

 Recreation

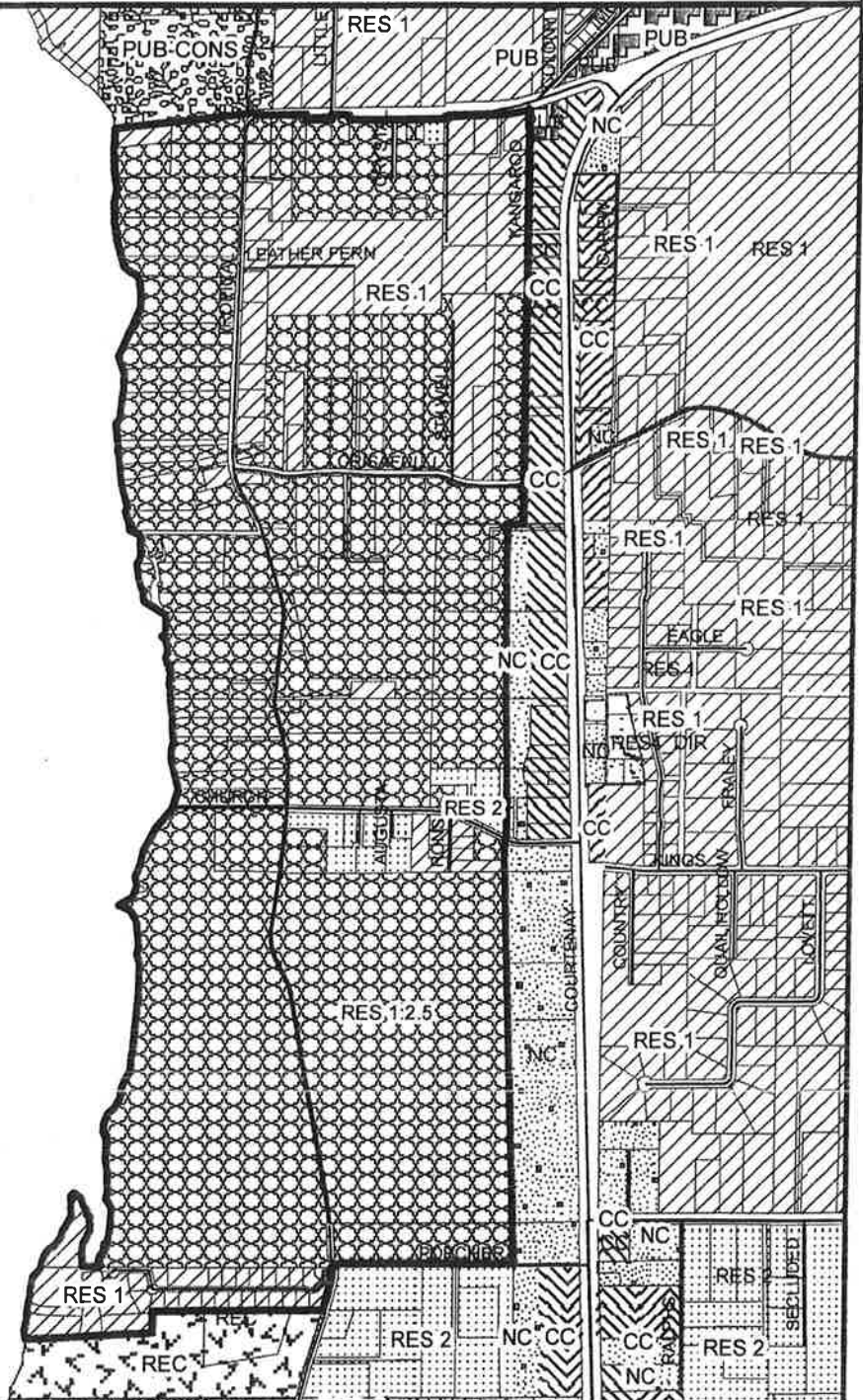
RESIDENTIAL

 Residential 1:2.5

 Residential 1

 Residential 2

 Residential 4 Directive



MAP SCALE IS: 1:16,800 OR 1 inch equals 1,400 feet



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

Produced by: Brevard County Planning & Zoning Office - GIS 6/11/2009



 Parcel/lot boundaries

424

**Comprehensive Plan Amendment
George & Barbara Ogle Trustees 2015-1.2
Ordinance**

ORDINANCE NO. 15-__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2015-1.2; 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 December 31, 2014, for adoption as the Plan Amendment Cycle 2015-1; 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

WHEREAS, on _____, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2015-1.2, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on _____, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for the adoption of Plan Amendment 2015-1.2; and

WHEREAS, Plan Amendment 2015-1.2 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2015-1.2 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 2015-1.2 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 2015-1.2, 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.

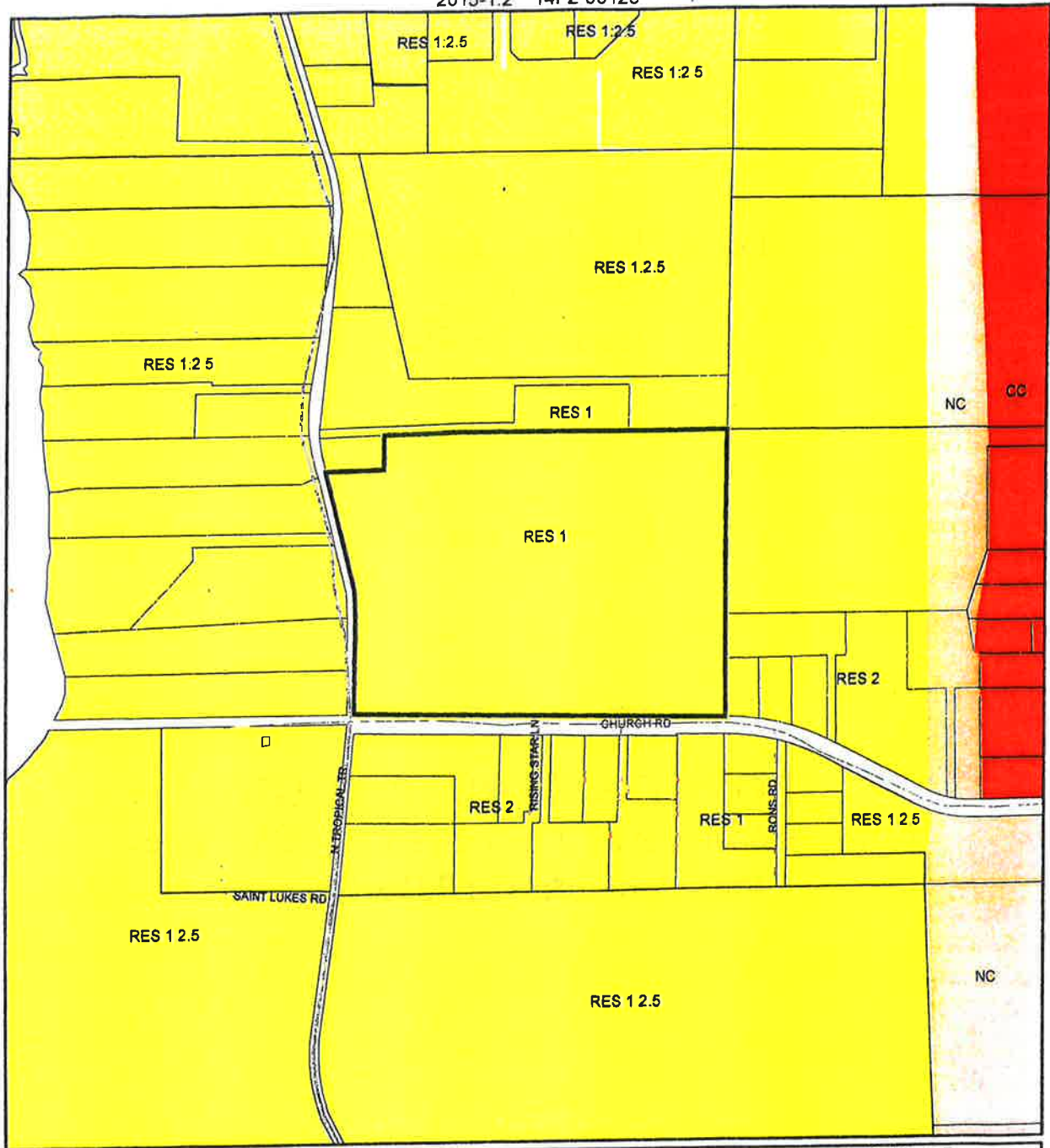
Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof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

EXHIBIT A

2015-1.2 COMPREHENSIVE PLAN AMENDMENT

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
George & Barbara Ogle, Trustees
2015-1.2 14PZ-00123



1:4,800 or 1 inch = 400 feet

— Subject Property

□ Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/6/2015

Submitted by
Kim Rezanka at
1/26/15 LPA mtg

Local Planning Agency Meeting
Brevard County
January 26, 2015

- PRESENTED ON BEHALF OF -

GEORGE & BARBARA OGLE
Comprehensive Plan Amendment on 20.63 acres
Plan Amendment 2015-1.2

KIMBERLY BONDER REZANKA, ESQ.
DEAN MEAD
ATTORNEYS AT LAW
8240 DEVEREUX DRIVE
SUITE 100
VIERA, FL 32940

VIA 3.1
CONCERN

July 14, 2005

To the Members of the
North Merritt Island Special District Advisory Board:

Sean Campbell

Tony Falanga

Heather Harris

William Huminski

Tom McFarland

Aneta Ott

Ronald Penn

Dear Members of the North Merritt Island Special District Advisory Board:

We have been advised that your Board was instrumental in forming our Citizen Resource Group.

The attached memorandum requests the tabling of three North Merritt Island rezoning applications. These items are scheduled for the August 4 Board of Commissioners' meeting. The potential tabling of these items was discussed by the five members and one alternate member of the Citizen Resource Group during our July 11 meeting.

A vote was taken to determine whether this request for tabling should be submitted to the North Merritt Island Special District Advisory Board and to the Brevard County Board of Commissioners. The members voted four in favor and one opposed. The alternate member had expressed his opposition to the proposal during the discussion but abstained from voting since all five members of the Citizen Resource Group were present. The votes are recorded with the signatures at the bottom of the memorandum.

Sincerely,



Simone Spless

Chairperson, Citizen Resource Group
North Tropical Trail Small Area Study

6177 North Tropical Trail
Merritt Island, FL 32953

Attachment.

711285

July 11, 2005

To: Merritt Island Advisory Board – July 14 meeting
Brevard County Board of County Commissioners – August 4 meeting

From: Citizen Resource Group – North Tropical Trail Small Area Study

Subject: request for tabling of three rezoning requests

The Citizen Resource Group for the North Tropical Trail Small Area Study has met three times since April 25 to review the Future Land Use Map in the Comprehensive Plan for the area along North Tropical Trail from Porcher Road north until the bend in North Tropical Trail. It is our objective to study the area, solicit input from property owners and experts, and to summarize our findings in a report that validates or recommends changes to the Future Land Use Map.

The meetings have been well attended (50 attendees on April 25, 63 attendees on May 9, and 26 attendees on June 26). The audience has been almost uniformly vocal in their opposition to increases in density. In contrast, at the June 26 meeting, a single speaker who is not a resident of North Merritt Island, addressed the rights and challenges of developers.

At the July 11 meeting, the Citizen Resource Group discussed the scheduled hearing of three new rezoning requests within the study area. Each one of these requests increases the density by a factor of two or more. We know that density of the surrounding area is not the only consideration that affects an approval or denial of a rezoning request. We believe, however, that hearing these rezoning requests should be delayed until the completion of the study group's work.

The Citizen Resource Group expects to complete the study and submit our recommendation by the end of this year. We request that you table these three rezoning requests until that time.

Sincerely,

Denise Christopher
Denise Christopher
(Approved)

OPPOSED
Bud Crisafulli
Bud Crisafulli

APPROVED
Darleen Hunt
Darleen Hunt

approve
Simone Spiess
Simone Spiess

Jerry Stewart
Jerry Stewart
APPROVED

Jim Ogle
(alternate)

Citizen Resource Group North Tropical Trail Small Area Study

Z11285

MINUTES OF THE MEETING OF THE BOARD OF COUNTY
COMMISSIONERS
BREVARD COUNTY, FLORIDA

August 3, 2006

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 3, 2006, at 5:00 p.m. in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida. Present were: Chair Helen Voltz, Commissioners Truman Scarborough, Ron Pritchard, Susan Carlson, and Jackie Colon, County Manager Peggy Busacca, and Assistant County Attorney Christine Lepore.

The Invocation was given by Pastor LeRoy Eldridge, Temple Baptist Church, Titusville.

Commissioner Carlson led the assembly in the Pledge of Allegiance.

REPORT, RE: MEETING ON CHARTER AMENDMENTS

County Manager Peggy Busacca handed out a list of three potential meeting times to discuss the proposed charter amendments. She stated there has been some concern with having the meeting set before August 15, 2006, when the three-attorney panel will look at it.

Commissioner Colon inquired when is the deadline; with Ms. Busacca replying the last day Mr. Galey can do this would be September 5, but he prefers it to be earlier. Commissioner Colon suggested holding the meeting on August 23, and reserving the 31st for a secondary meeting if necessary.

Chair Voltz recommended starting at 1:00 p.m. on August 23, 2006.

PUBLIC HEARING, RE: TABLED ITEMS (CONTINUED)

Item VI.A.1. (NMI50702) George A. and Barbara H. Ogle's request for change from AU to RR-1 on 21 acres, located on the northeast corner of N. Tropical Trail and Church Road, which was recommended for denial by the North Merritt Island Dependent Special District Board.

John Evans, representing the applicant, submitted a packet to the Board with a map showing the property highlighted in green; and pointed out the many yellow highlights on the map indicating lots that are being used or have zoning for less than two and a half units per acre. He stated the Land Use Designation is two units per acre; looking at the map, there are many lots in the area that allow a half acre and smaller lots; there is a large subdivision down to the southwest which is zoned EU; and the staff report indicates the maximum number of lots on the property would be 16 which is a density of about 1.4 units per acre making it very compatible with surrounding densities. He noted the expert witness' affidavit is included in the information submitted to the Board and it states this is a good example of transitional zoning; there are no level of services issues; and the zoning is consistent with the Brevard County Land Use Plan. He added Tropical Trail has a traffic capacity of 15,000 cars per day but is only getting about 1,500 (10%); there was flooding after the two hurricanes but there was flooding throughout the entire County; and a properly built subdivision would reduce flooding in the area. He stated the County wanted to conduct a small area plan to determine whether or not the land use designation of two units per acre was appropriate; in the last year there has been no change to the Land Use Plan regarding density in this area; and if this has been pending for a year and there has been no application to change the land use density and it is two units per acre and he is seeking 1.4 units per acre that clearly is consistent with the Comprehensive Plan. He pointed out another document included in the packet; and noted it is an affidavit from Mr. Ogle stating the property is burned out from freezes and is no longer operable as an orange grove which is why he is requesting the rezoning.

Simone Spiess, Daan Van Alderwerit, Pam Pack, Shirley Quinn, William Huminski, Michael Wheeler, Shaye Williams, Darlene Hunt, Celia Williams, and Mary Hillberg expressed opposition to the rezoning; and Jim Stone expressed support.

Zoning Manager Rick Enos advised there are a number of zoning classifications surrounding the property; the parcel is a transition parcel; there are higher densities on the south side and lower densities on the north side; and there is a lot of leeway in what can be done because the parcel is in the middle of varying densities. He noted anything between half-acre and

two and a half acre lots may be considered compatible with this; and it is a subjective decision that the Board needs to make on compatibility.

Commissioner Pritchard stated the property that is north of Treasure Lagoon has a Binding Development Plan for two units per acre; the parcel to the east of that is the spoil site for Florida Inland Navigation District (FINN) and at some point needs to be rezoned to GML; and requested the Board move to rezone. Chair Voltz replied it will be put on an agenda.

Commissioner Pritchard noted Treasure Lagoon which is at the base of the acreage with the Binding Development Plan for two units per acre, is EU; and inquired what the build out is on EU. Mr. Enos responded EU is 15,000 square foot lot (1/3 acre); and generally the build out will be between two and three units to the acre.

Commissioner Pritchard advised there has been talk of concurrency but yet this meets concurrency; the flooding issue has already seen improvements; a plan has been developed; and part of it has been implemented such as installing a much larger culvert under Crisafulli Road, discussions with St. Johns River Water Management District to secure a permit so the discharge can go directly into the River, and the two retention ponds on the north side are part of the filtration system. He stated the compatibility is there; it is a reasonable, appropriate use of the property; and he moves the item.

Commissioner Colon inquired exactly what the builders would be doing to retain the water so as to not affect the neighbors. Mr. Evans responded about five or six acres would be put into retention. Commissioner Colon inquired if he would commit to only putting in 14 acres; with Mr. Evans replying he could commit to 15.

Commissioner Carlson noted she has a few concerns; one is that there has been no Citizen Resource Group (CRG) input; she sees a lot of spot zoning of RR-1 but a lot of AU; and she does not believe it is compatible and cannot support the item.

Commissioner Scarborough advised the problem is if there is a mistake the Board cannot go back and correct it; so it must act cautiously when considering a zoning change; there is a sheet of guidelines that the Board is suggested to follow; one shall not cause or substantially aggravate substantial drainage problems on surrounding properties; and she does not think the public is required to hire experts every time the issue comes up, but she does think that either the issues have to be answered or it has to be denied because once an issue is raised she cannot vote in favor of something because of the Bert Harris Act. He stated the Bert Harris Act puts this County at a cost disadvantage in correcting its errors; and he moves to deny the item.

Commissioner Colon stated the only reason she would consider it is because the whole area is mixed; but she will only support 14 units on the 21 acres. Mr. Evans expressed his acceptance.

Commissioner Carlson commented she would have considered this if the applicant, the Commission, and all parties affected would have gathered around the same table to figure out the flooding issues.

Chair Voltz noted as she looks at the area she feels it is good transitional zoning; and supports the maximum units at 14.

Motion by Commissioner Pritchard, seconded by Commissioner Colon, to approve Item VI.A.1. as RR-1 with a Binding Development Plan limited to 14 units.

Commissioner Scarborough advised the word transition means that the whole map transitions. Chair Voltz stated the issue with affordable housing is a major one in Brevard; it is becoming elitist that only those who can afford to buy one, two, or more acres can live here; she feels one unit per acre is a lot of land; and she is in support of the item.

Chair Voltz called for the vote on the motion. Motion carried and ordered; Commissioners Scarborough and Carlson voted nay.

The meeting recessed at 7:14 p.m. and reconvened at 7:29 p.m.

Darleen Hunt, 125 W. Crisafulli Rd., Merritt Island, FL 32953 321 452-8433

1. Announcement of this FLU change was not made public to area residents.

I am Editor of *Courtenay Notes* sponsored by the NMIHOA

Our zoning representative contacts zoning office monthly and receives information on zonings and FLU amendments which are then printed in the newsletter

This was not provided and therefore was not included in the current issue

I received a call from a concerned resident who received the "500 foot notice". She was confused because this had all been decided 9 years ago.

2. Future Land Use amendments have in the past been heard by the NMIDSD, this board, and then the BCC (Note: these were all printed in the above mentioned *Courtenay Notes*)

V.B.5 (13PZ-00077) Gaich/Maun Grove Partnership (Small Scale Plan Amendment)

10/10/2013 - (NMIDSD)

10/21/2013 - (LPA)

11/7/2013 - BCC

V.B.6. (13PZ-00066) Edwin Gonzalez & Kristina M. Gonzales (Small Scale Plan Amendment (13S.09)

9/23/2013 - LPA

10/3/2013 - BCC

V.B.7 (12PZ-00036) Elizabeth R. Powell (Small Scale Plan Amendment)

7/12/2012 - NMIDSD

7/23/2012 - LPA

8/2/2012 - BCC

V.B.1 (NMI 10101) Bryan F. & Robin D. Doubek (Small Scale Plan Amendment)

10/7/2010 - NMIDSD

10/18/2010 - LPA

11/4/2010 - BCC

VI.B.4 (NMI81001) C Fisher, as trustee of the 4805 N. Courtenay Parkway Trust (Small Scale Plan Amendment) (08S.16)

10/16/2008 - NMIDSD

10/20/2008 - LPA

11/6/2008 - BCC

The ordinance creating the North Merritt Island Dependent Special District states:

Sec. 98-145. - Powers, functions and duties.

The governing board of the dependent special district shall have the power and duty to:

(1)

In lieu of the planning and zoning board, review and provide the board of county commissioners with a recommendation upon rezoning applications made for property located within the boundaries of the dependent special district;

(2)

In lieu of the applicable CRG, review and provide recommendations to the board of county commissioners upon-site-specific applications requesting a change in designation on the county future land use map;

(3)

Review and provide recommendations to the board of county commissioners on any issue or subject referred to the governing body of the district by the county commission which matters may include the priority, location, maintenance, and use of public improvements or infrastructure provided within the district of Brevard County.

3. In August 2014, the BCC voted to establish a Citizens Research Group for North Merritt Island. A newly formed NMI CRG held its initial meeting on January 20 as mentioned in your background packet. Five members have been appointed by Commissioner Barfield. I am one of those members and have served on four previous CRGs for NMI.

I officially requested that this FLU proposal and any others that may be pending to be tabled until the CRG has had an opportunity to perform its task of reviewing the Comp Plan and Future Land Use Map for North Merritt Island. Of course all meetings will be announced and open to the public.

I also wrote Commissioner Barfield and Robin Sobrino asking that this issue be pulled from the LPA and BCC agendas.

4. This request is a change to the FLU approved in 2009, after the Ogle zoning, and recommended by the SAS as outlined in your packet.

This property currently has a BDP for 14 units on 20 acres. I believe that by changing the FLU, the BDP will be nullified.

5. I am now respectfully requesting that you table this request until after the CRG has had an opportunity to review and get public input for the Future Land Use Map from the Barge Canal to KSC and from the Indian River to the Banana River.

Submitted by Darlene Hunt
at 1/26/15 LPA mtg

from municode/Brev.Cnty FL-CodeOfOrdinances/Part II CodeOfOrdinances/ArticleV.-NMIDSD/Sec.98-141 to152 -

ARTICLE V. - NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT

Sec. 98-141. - Creation.

There is hereby created a dependent special district to be known and referred to as the "North Merritt Island dependent special district."

(Ord. No. 98-64, § 1, 12-15-98) Sec. 98-142. - Purpose.

The dependent special district is being created for the purpose of providing the citizens of the North Merritt Island unincorporated area as a formal means of establishing an elected board to review and provide the board of county commissioners with recommendations on particular matters which affect the North Merritt Island area of the county.

(Ord. No. 98-64, § 2, 12-15-98) Sec. 98-143. - Establishment and dissolution.

The dependent special district is established by ordinance of the board of county commissioners. The dependent special district may be dissolved by an ordinance repealing the provisions of this article or by resolution of the advisory board of the dependent special district, a copy of which is filed within 30 days of its effective date with (1) the special district information program and (2) the board of county commissioners.

(Ord. No. 98-64, § 3, 12-15-98) Sec. 98-144. - Membership and organization.

The governing board of the dependent special district shall be comprised of seven elected representatives who are registered voters residing within the boundaries of the dependent special district.

(Ord. No. 98-64, § 4, 12-15-98) Sec. 98-145. - Powers, functions and duties.

The governing board of the dependent special district shall have the power and duty to:

- (1) In lieu of the planning and zoning board, review and provide the board of county commissioners with a recommendation upon rezoning applications made for property located within the boundaries of the dependent special district;
- (2) In lieu of the applicable CRG, review and provide recommendations to the board of county commissioners upon-site-specific applications requesting a change in designation on the county future land use map;
- (3) Review and provide recommendations to the board of county commissioners on any issue or subject referred to the governing body of the district by the county commission which matters may include the priority, location, maintenance, and use of public improvements or infrastructure provided within the district of Brevard County.

(Ord. No. 98-64, § 5, 12-15-98; Ord. No. 00-59, § 2, 12-5-00) Sec. 98-146. - Disclosure and open government laws.

The advisory board of the dependent special district shall comply with all financial disclosure, reporting, open government, public records, and public meeting laws set forth in the laws of the state including, but not limited to, F.S. §§ 189.417 through 189.422; F.S. ch. 218, part III, ch. 119, and ch. 286.

(Ord. No. 98-64, § 6, 12-15-98) Sec. 98-147. - Elections.

The seven representatives on the advisory board of the dependent special district shall be elected by plurality vote of the registered electors residing within the boundaries of the dependent special district with the

candidates for open seats being ranked according to votes received, and those receiving the highest number of votes being deemed to be elected to the corresponding number of open seats. Elected representatives shall take office at the same time prescribed for county commissioners, except for the initial election. Each elected representative shall serve a term of four years with the exception of the initial election for advisory board. The four elected candidates receiving the highest number of votes of the initial election for advisory board shall serve terms of four years. The three candidates in the initial election for advisory board seats receiving the fewest votes of the top seven vote-getters shall serve terms of two years. At the conclusion of the two-year terms of these three representatives, a new election shall be held for these three seats and the three candidates receiving the highest number of votes shall be elected for a term of four years. Pursuant to F.S. § 189.405(i), the election shall be conducted by the supervisor of elections of the county in accordance with the Florida Election Code, F.S. chs. 97 through 106. The advisory board shall be known as the "North Merritt Island special district advisory board." Candidates shall qualify in the manner set forth in F.S. ch. 99. Should seven or fewer persons qualify for election, those qualifying shall be deemed members of the advisory board without the need for an election and the county commission shall appoint persons to fill the remaining offices with the advice, consent and recommendation of the District 2 commissioner.

(Ord. No. 98-64, § 7, 12-15-98) Sec. 98-148. - Removal of elected representatives.

Any elected representative on the advisory board of the dependent special district may be removed by the board of county commissioners for malfeasance, nonfeasance or misfeasance as those terms are defined under state law.

(Ord. No. 98-64, § 8, 12-15-98) Sec. 98-149. - Replacement of elected representatives.

In the event a vacancy occurs, the representative shall be the candidate for the advisory board receiving the next highest number of votes during the last election. If there is no candidate, the representative shall be selected by a majority vote of the advisory board to serve until a new member is elected. If two years remain in the term of the vacated seat, at the time of the next regular general election, that seat shall be filled by election for the remaining two years. Any appointment by the advisory board shall be submitted to the board of county commissioners for confirmation.

(Ord. No. 98-64, § 9, 12-15-98) Sec. 98-150. - Financing.

The dependent special district shall have no authority to borrow money or incur debt of any kind.

(Ord. No. 98-64, § 10, 12-15-98) Sec. 98-151. - Budget.

The dependent special district shall have no operating budget.

(Ord. No. 98-64, § 11, 12-15-98) Sec. 98-152. - Area embraced/geographical boundaries.

The geographical boundaries of the dependent special district and the area embraced by this article is that described in Exhibit A [section 98-58] to Ordinance No. 98-64 (on file with the county clerk).

(Ord. No. 98-64, § 12, 12-15-98) Secs. 98-153—98-180. - Reserved.

CONCERN
IV. B.

Jones, Jennifer

From: Sobrino, Robin M
Sent: Monday, January 26, 2015 1:56 PM
To: Jones, Jennifer
Subject: FW: Regarding Ogle FLU change request LPA meeting 1/26/15, Comm. mtg. 2/3/15

From: Alward, Elizabeth M
Sent: Monday, January 26, 2015 8:39 AM
To: Sobrino, Robin M
Cc: Buchanan, Stuart
Subject: FW: Regarding Ogle FLU change request LPA meeting 1/26/15, Comm. mtg. 2/3/15

Liz Alward, Senior Legislative Aide

District 2 Commission Office
2575 N. Courtenay Parkway
Merritt Island, FL 32953
Phone: (321) 454-6601
Fax: (321) 454-6602
liz.alward@brevardcounty.us

From: Barfield, Jim
Sent: Friday, January 23, 2015 11:44 PM
To: Alward, Elizabeth M
Subject: Fwd: Regarding Ogle FLU change request LPA meeting 1/26/15, Comm. mtg. 2/3/15

Sent from my iPhone

Begin forwarded message:

From: S & K <t.square@prodigy.net>
Date: January 23, 2015 at 11:05:52 PM EST
To: "d2.commissioner@brevardcounty.us" <d2.commissioner@brevardcounty.us>
Subject: Regarding Ogle FLU change request LPA meeting 1/26/15, Comm. mtg. 2/3/15
Reply-To: S & K <t.square@prodigy.net>

Dear Commissioner Barfield -

I am writing on behalf of the N. Merritt Is. Home Owners Association. We fielded some phone calls on the weekend of Jan. 17 after a notice of a Future Land Use change request notice was delivered to some owners surrounding George and Barbara Ogle's property, the subject property. One question was if the NMIHOA or the NMI Dependent Special District Board was aware

of the Ogle's request. Apparently neither group had notification of it before neighbors told us.

We thought these requests, small or large scale amendments, would go first before the NMI Dependent Special District Board.

As of 1/22/15 Brevard County Planning and Development is saying that a change in FLU

request does not go to the NMIDSDB prior to the Local Planning Agency board or the County Commissioners.

But it seems they are wrong. I dropped a copy of the ordinance (local statute, law) to you

and your office on Fri 1/23/15 that shows (highlighted) that one of the specific duties of the

NMI DSDB to hear requests for NMI FLU changes. I see that the Pt. St. John DSDB is set

up the same way.

In this case the Ogle's request was submitted before the current CRG was formed, thus requiring it to be submitted to the NMI DSDB as well as the LPA and the Commissioners.

Though these requests come up much less frequently than rezoning requests, they have

been heard in the past by the NMI DSDB (some recent requests - 10/10/13, 9/12/13, 7/12/12, 10/7/10).

As the NMI DSDB has erroneously been skipped this time, the NMIHOA is requesting that

this request be tabled until at least it is brought before the NMI DSDB as designated by law;

we wanted you to be aware of this request.

Respectfully, Kim Smith, zoning rep. NMIHOA