



AGENDA REPORT
September 5, 2019

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

SUBJECT:

Ray L. Colgin requests Transmittal of the 2019-2.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 2. The property is 52.53 acres, located on the north side of State Road 520, approximately 0.64 mile west of the intersection of State Road 524 and State Road 520. (19PZ00075) (District 1)

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

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

SUMMARY EXPLANATION and BACKGROUND:

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

The subject property is proposed to be served with both potable water and sanitary sewer, and is located with access from an urban major collector roadway, which intersects with State Road 524 approximately one half mile to the east. The preliminary concurrency analysis of the proposed development indicated no deficiency of adopted levels of service (LOS).

The applicant will submit a companion rezoning application proposing a change from Agricultural Residential (AU) to Single Family Residential (RU-1-11). Both the current and

the proposed zoning of Agricultural Residential (AU) and Single Family Residential (RU-1-11) are consistent with the proposed Future Land Use designation of Residential 2 (RES 2).

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

On August 19, 2019, the Local Planning Agency heard the request and unanimously recommended approval.

ATTACHMENTS:

- | | Description |
|---|--------------------------------|
| ▣ | Administrative Policies |
| ▣ | LPA Transmittal Packet |
| ▣ | LPA Transmittal Minutes |
| ▣ | Staff Report |
| ▣ | Public Comment |



BOARD OF COUNTY COMMISSIONERS

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

August 19, 2019

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

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

Dear Mr. Eubanks,

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

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

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

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

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

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

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

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

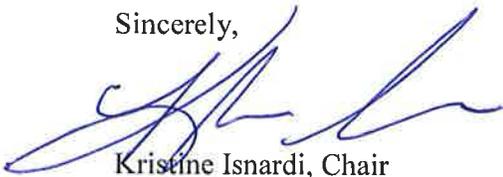
Cheryl Campbell, Planner III
Cheryl.Campbell@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940
PHONE (321) 633-2070 - FAX (321) 633-2074

A local newspaper of general circulation is:

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

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

Sincerely,



Kristine Isnardi, Chair

cc:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

CONDITIONAL USE PERMITS (CUPs)

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.
- (c) General Standards of Review.
 - (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



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

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

September 6, 2019

MEMORANDUM

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

RE: Item H.8., Ray L. Colgin for Transmittal of 2019-2.1 Large Scale Comprehensive Plan Amendment

The Board of County Commissioners, in regular session on September 5, 2019, conducted the public hearing and approved the transmittal of the 2019-2.1 Large Scale Comprehensive Plan amendment for Ray L. Colgin, to change the Future Land Use designation from Residential 1 to Residential 2. Enclosed is a fully-executed Letter.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Donna Scott
for Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

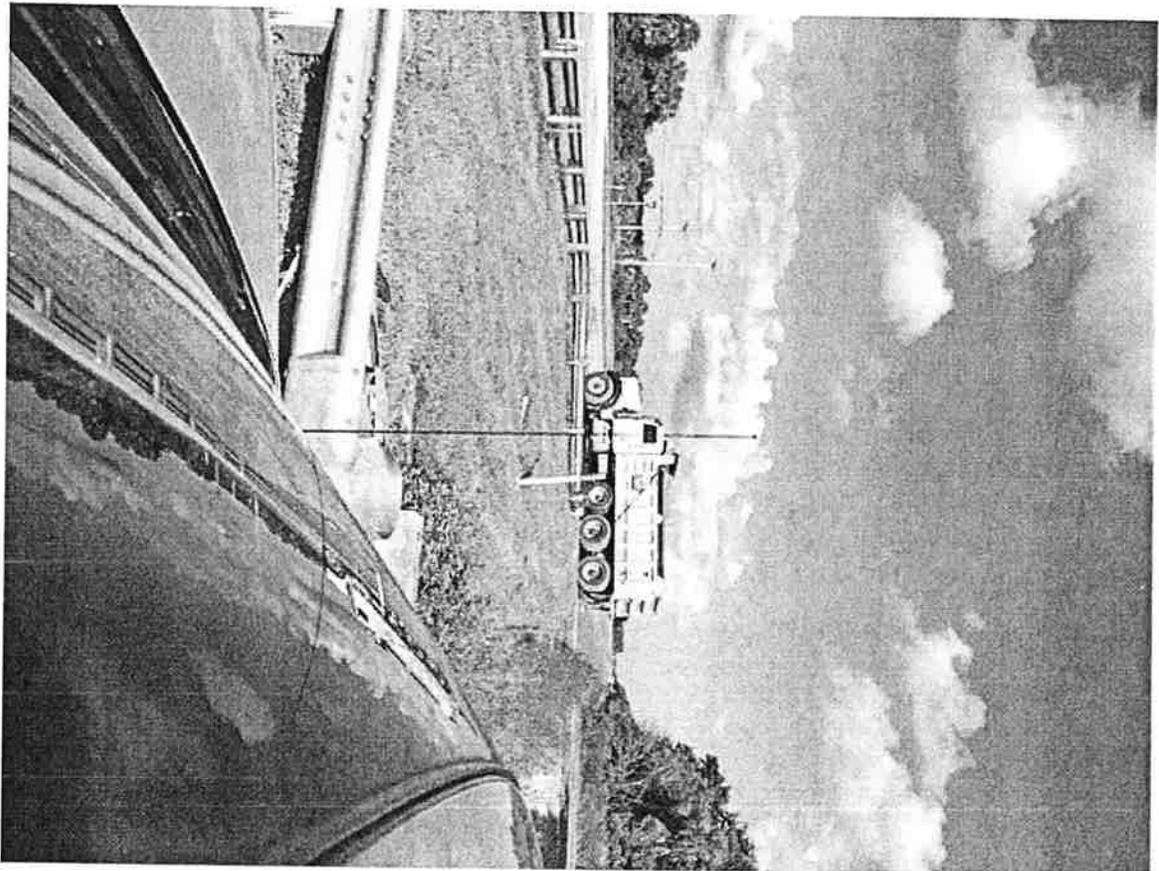
Access Road at City of
Cocoa Water Treatment
Plant - Osceola County -
Highway 520



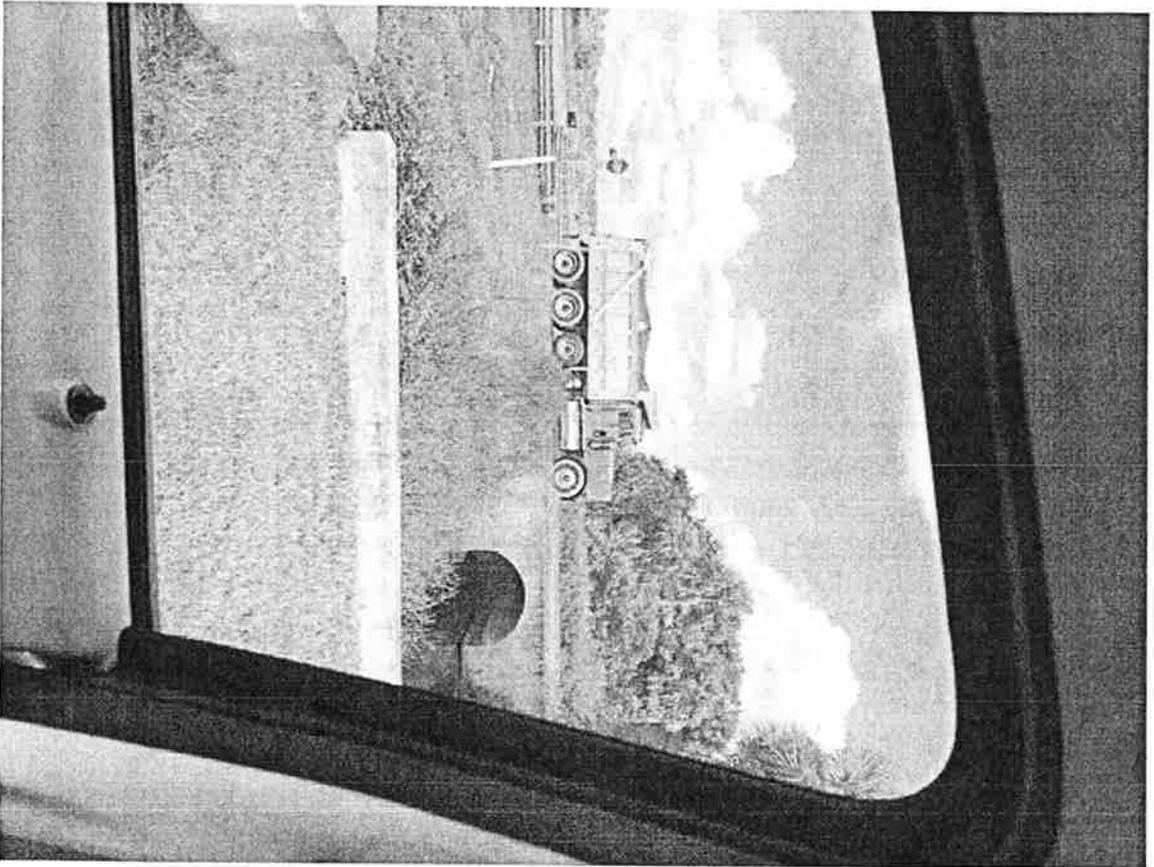
a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

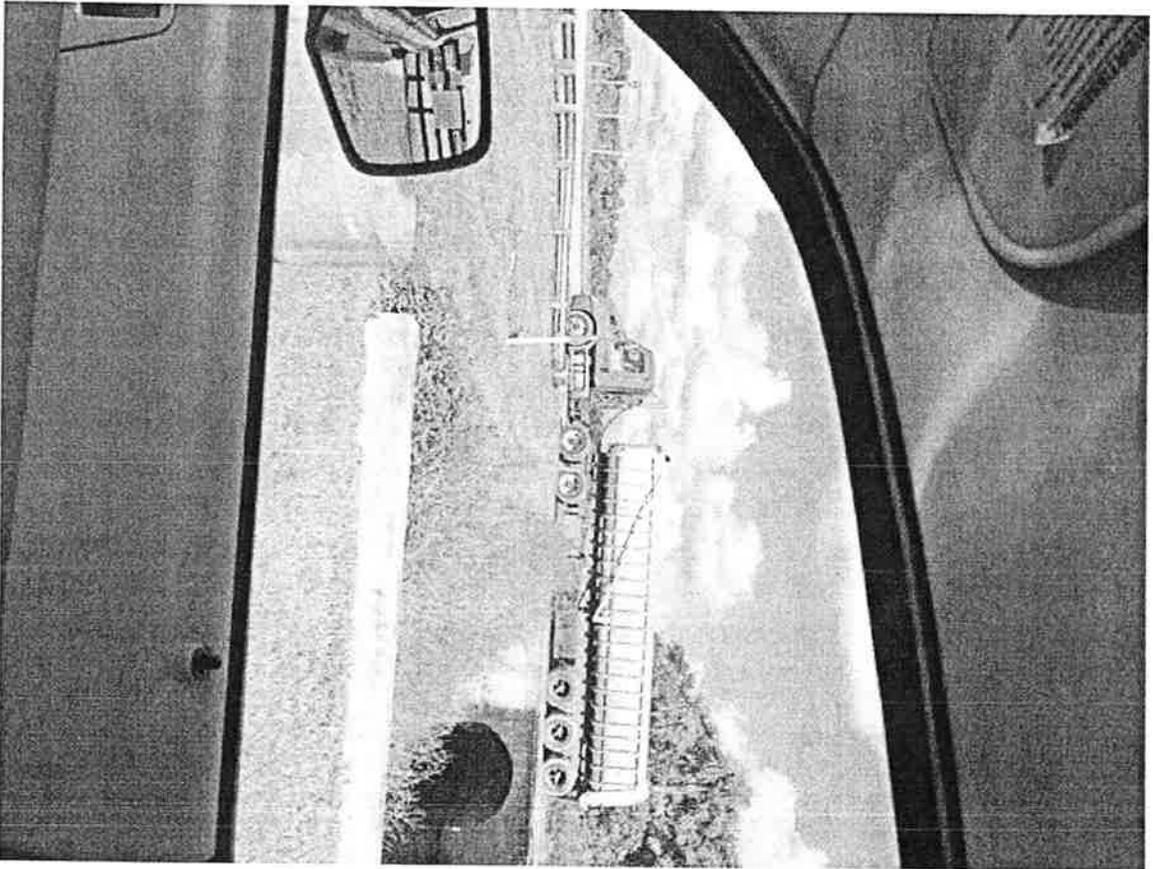
Colgin Property - 6500
Highway 520 Cocoa -
Brevard County



Colgin Property -
6500 Highway 520
Cocoa - Brevard
County



Colgin Property - 6500
Highway 520 Cocoa -
Brevard County



2018	2017	2016	2015	...	2005
PAID	PAID	PAID	PAID		PAID

PAID 2018-11-17 \$3,357.45
 Receipt #000-19-00007606
 Click to print receipt

Owner: NEW ALBANY LLC
 265 S ATLANTIC AVE
 COCOA BCH, FL 32931-0000
 6450 HIGHWAY 520
 COCOA

Account number: 2441298
 Alternate Key: 2441299
 Millage code: 1800
 Millage rate: 14.4287
 Assessed value: 216,410
 School assessed value: 216,410



2018 Annual bill View

Ad valorem: \$3,122.32
 Non-ad valorem: \$374.82
 Total Discountable: 3497.34
 No Discount NAWA: 0.00
 Total Tax: \$3,497.34

Legal description
 E 1/2 OF N 1/2 OF N 1/2 OF SW 1/4
 6 TRACT PART OF E 1/2 OF N 1/2 OF
 R 1/2 OF N 1/2 OF SEC 28 T28N R
 OF ST RD 520 PART S 251, 503 1st
 SEC 28

Location

GIS - Property Appraiser

Geo number: 24 3521-
 Property class: 00-502
 Township: 24
 Range: 35
 Section: 21
 Block: 502
 Value code: 20
 Use code: 6120
 Total acres: 52.530



BOARD OF COUNTY COMMISSIONERS

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

Large Scale Comprehensive Plan Amendment Transmittal Package 2019-2

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

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

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

Owner / Applicant: Ray L. Colgin

Location: Legal Description On file
Tax Acct Parcel #2441237

Acreage: ± 52.53 acres

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

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

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

**Proposed Zoning
Classification:** Single Family Residential (RU-1-11)

FUTURE LAND USE MAP AMENDMENT

Description:

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

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

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

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

Availability of Public Facilities and Services:

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

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

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

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

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

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

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

Findings
 Non-Deficiency
 Deficiency

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

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

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

Environmental Resources:

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

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

Historic Resources:

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

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

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

Residential 2 (maximum of 2 units per acre)

Policy 1.8

The Residential 2 (RES 2) land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 (RES 2) land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 2 (RES 2) land use designation; or

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

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

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

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

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

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

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

Public Facilities and Services Requirements

Policy 1.2

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

Criteria:

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

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

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

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

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

Not applicable.

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

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

Not applicable.

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

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

Not applicable, as public water is available.

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

Not applicable.

Summary

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

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

The applicant has stated that he will be submitting a companion rezoning application proposing a change from Agricultural Residential (AU) to Single Family Residential (RU-1-11). The current zoning of Agricultural Residential (AU) is consistent with the proposed Future Land Use designation of Residential 2 (RES 2). If the applicant seeks to change the Zoning of the property to Single Family Residential (RU-1-11), the applicant will need to prepare a Binding Development Plan that allows only up to two (2) dwelling units per acre in order to remain consistent with the proposed Future Land Use designation of Residential 2 (RES 2).

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

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

Applicant: Ray Colgin; Chad Genoni

Future Land Use Request: Res 1 to Res 2

Note: Applicant wants to increase density for single family subdivision

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

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

Tax ID No: 2441237

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Substantial Natural Resources Land Use Issues:

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

Summary of Mapped Natural Resources Present on the Subject Property:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Floodplain

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped areas of NWI and SJRWMD wetlands, and hydric soils (Anclote sand – frequently ponded, Malabar sand, and Holopaw sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that hydric soils and wetlands may be present. Per Section 62-3694(c)(1), residential land uses within

wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. A wetland determination/delineation will be required prior to any land clearing activities, plan or permit submittal, and applicant is encouraged to contact NRM at (321) 633-2016.

Floodplain

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

Per Section 62-3724(1), There shall be no net change in the rate and volume of floodwater discharged from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain. Residential density within the riverine floodplain is based on whether floodplain is designated 100-year, 25-year, 10-year or mean annual riverine floodplain. Depending on riverine floodplain designation, compensatory storage may be required. Additional detailed flood modeling has been performed for the West Cocoa area by Brevard County and shall also be used for floodplain, compensatory storage, and density determinations. The modeling and/or elevation information as well as topographic LiDAR are available upon request. Applicant is encouraged to contact Natural Resources Stormwater Department at 321-633-2016 for floodplain modeling information available for this area.

Landscape requirements

Aerials indicate Heritage/Specimen Trees and/or Protected trees may reside on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

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

LSCPA
Ray L. Colgin
Transmittal 2019-2.1
Supporting Maps

LOCATION MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



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

Buffer Distance: 500 feet

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

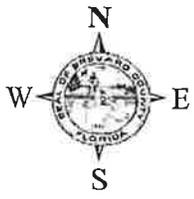
Produced by BoCC - GIS Date: 7/2/2019

-  Buffer
-  Subject Property

ZONING MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



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

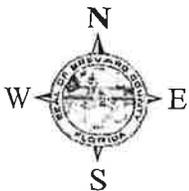
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

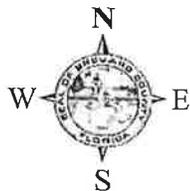
-  Subject Property
-  Parcels

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

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PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

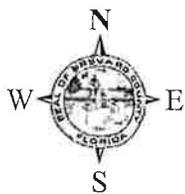
— Subject Property
□ Parcels

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

AERIAL MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

PHOTO YEAR: 2019

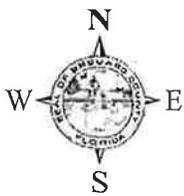
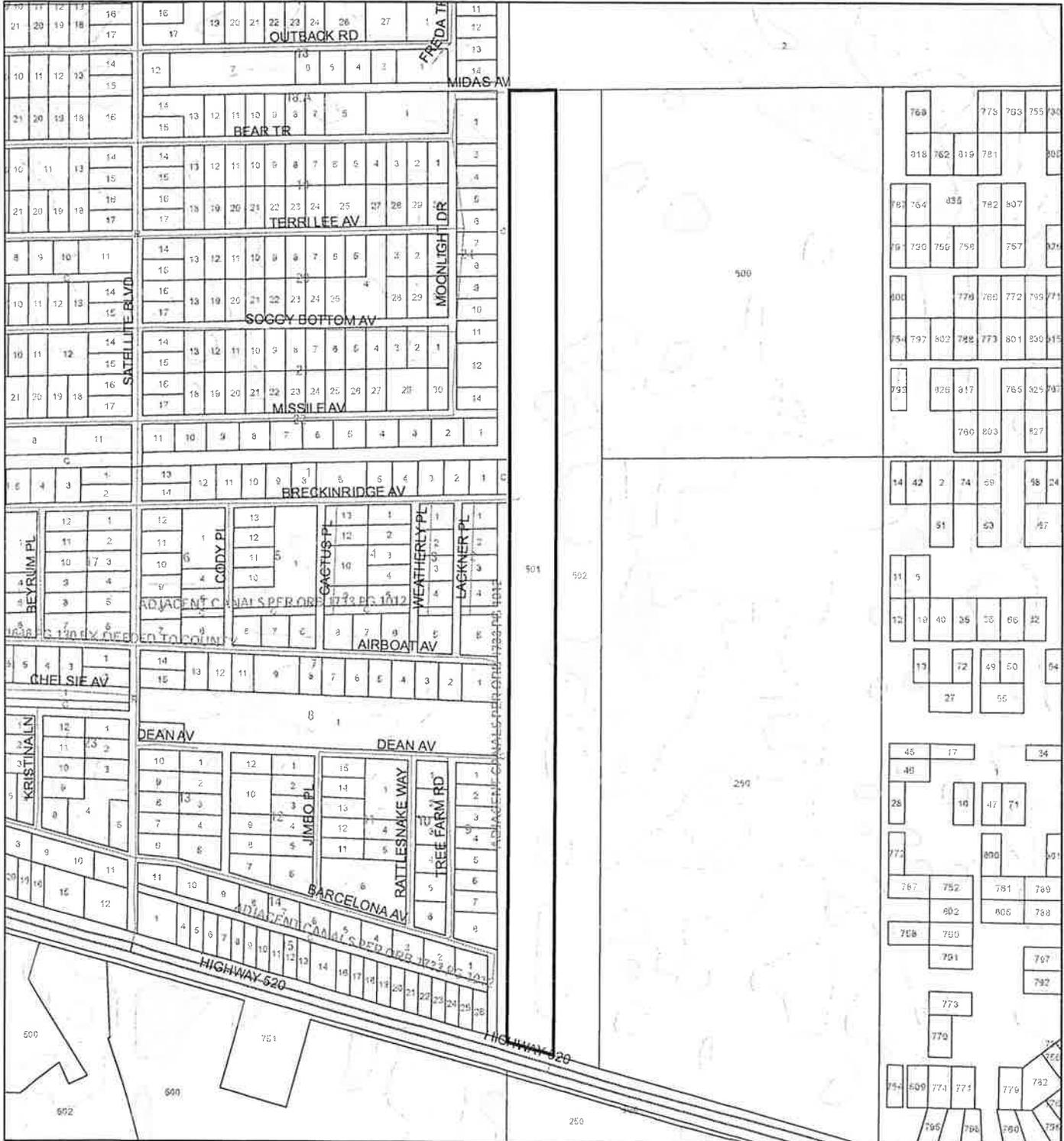
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

-  Subject Property
-  Parcels

NWI WETLANDS MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

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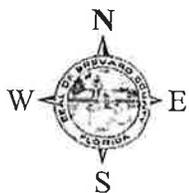
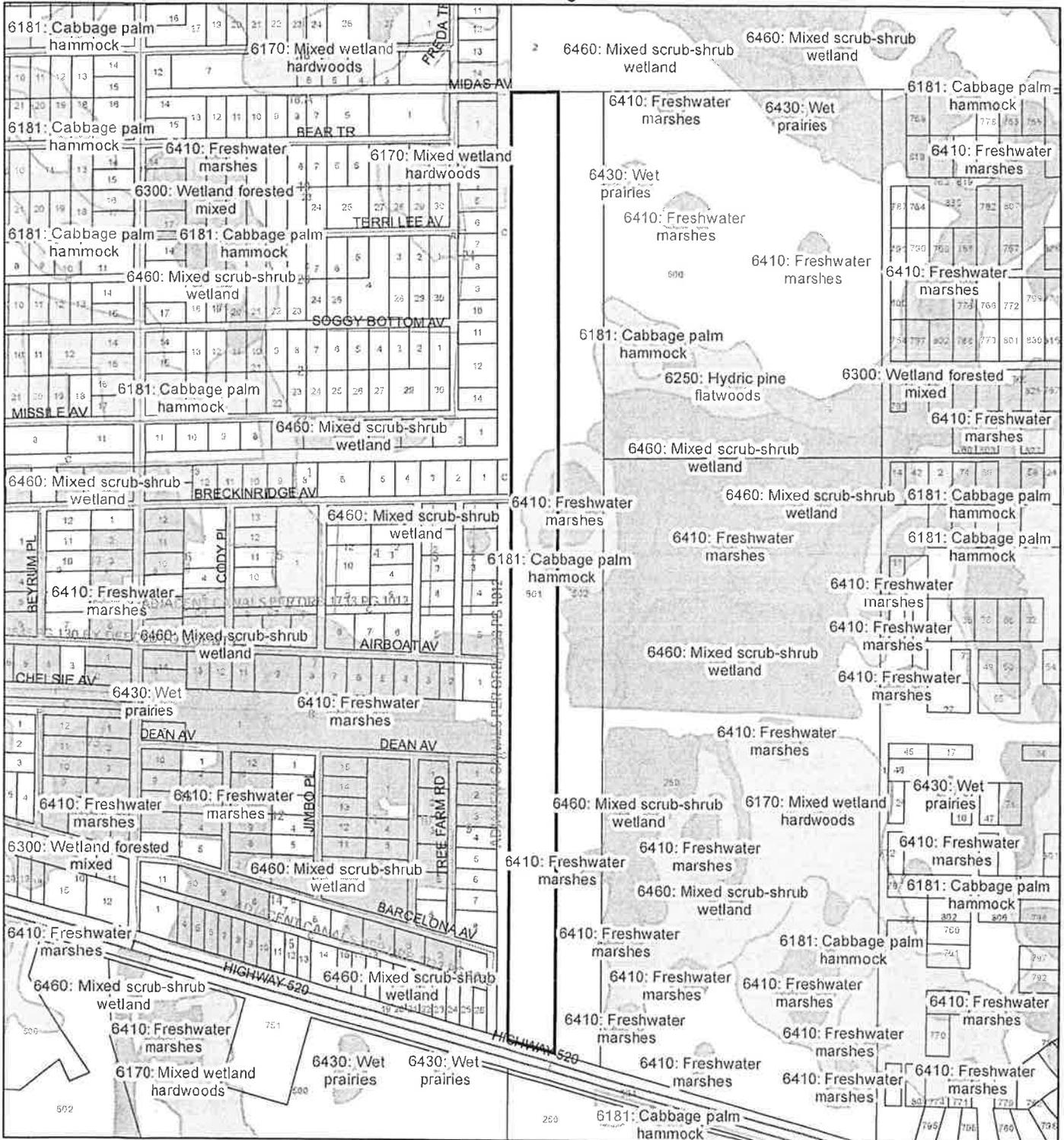
Produced by BoCC - GIS Date: 7/2/2019

National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

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SJRWMD FLUCCS WETLANDS

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

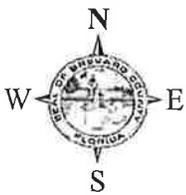
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



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

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USDA SCSSS Soils

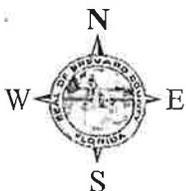
-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None

-  Subject Property
-  Parcels

FEMA FLOOD ZONES MAP

Comprehensive Plan Amendment

19PZ00075 - Colgin/Genoni



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

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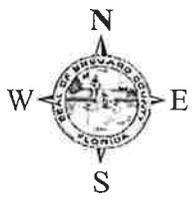
Produced by BoCC - GIS Date: 7/2/2019

FEMA Flood Zones

- | | | |
|--|--|--|
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| | | |

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

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

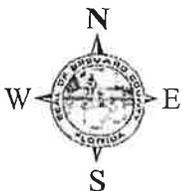
-  Subject Property
-  Parcels
- Septic Overlay**
-  40 Meters
-  60 Meters
-  All Distances

EAGLE NESTS MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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



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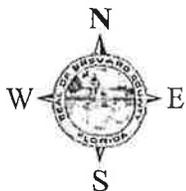
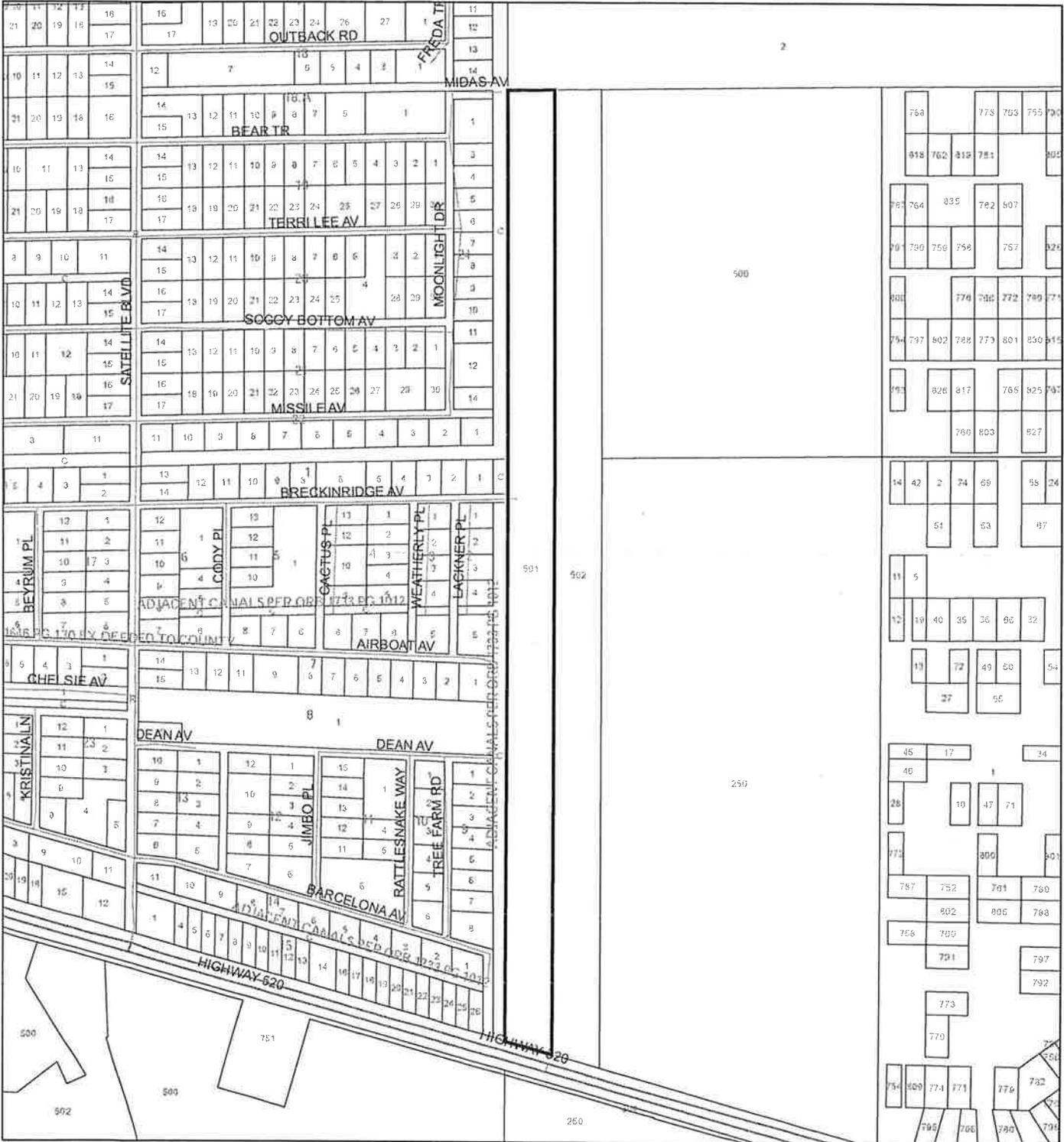
 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

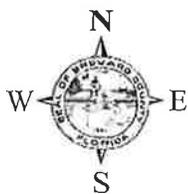
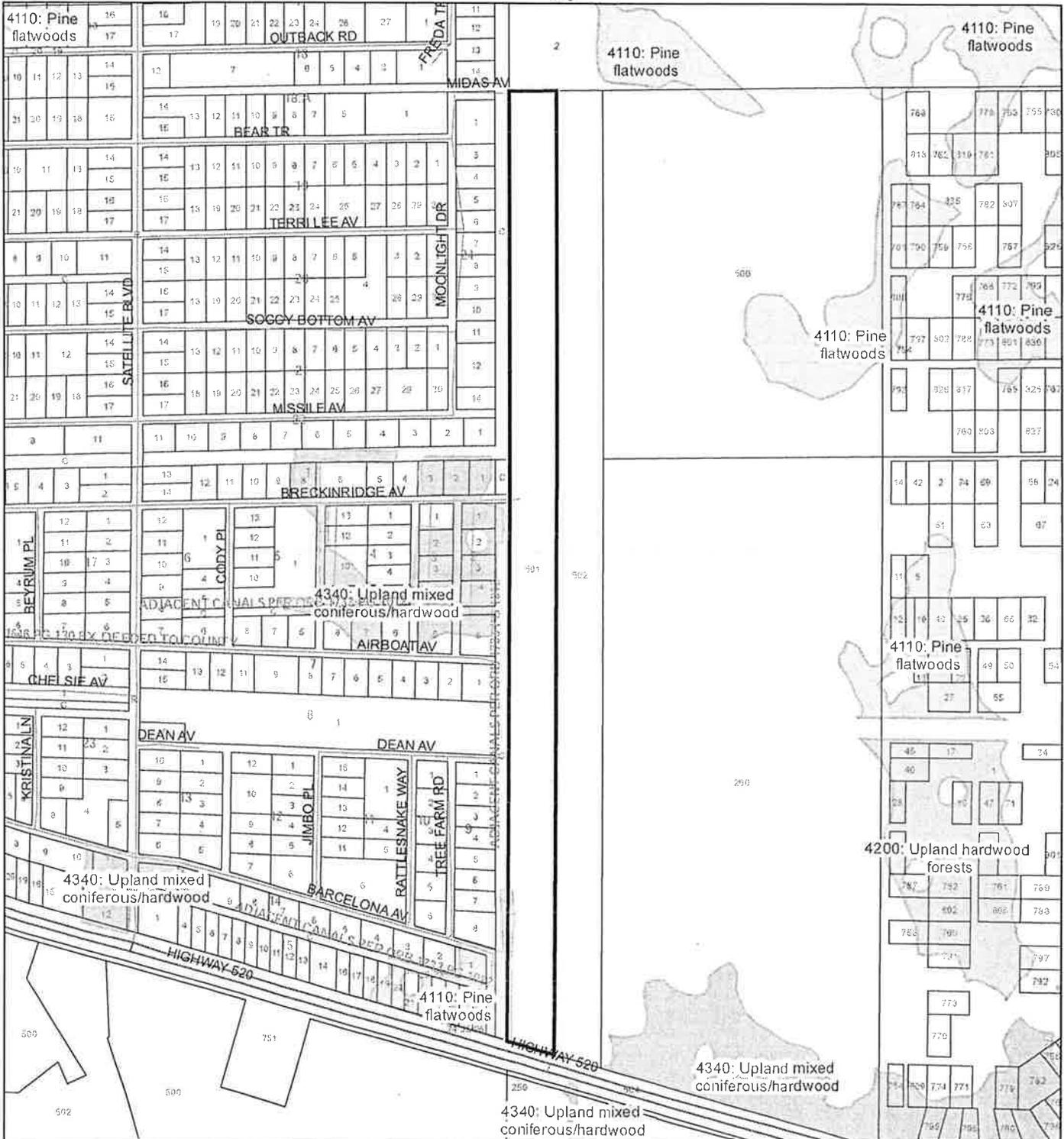
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

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

SJRWMD FLUCCS Upland Forests

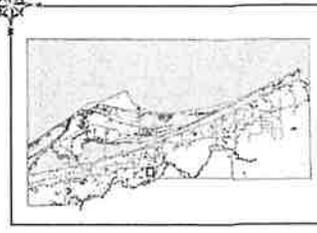
-  Upland Coniferous Forest - 4100 Series
-  Upland Hardwood Forest - 4200 Series
-  Upland Mixed Forest - 4300 Series
-  Tree Plantations - 4400 Series

 Subject Property  Parcels

Brevard Adopted Future Land Use

- COMMERCIAL
- NEIGHBORHOOD COMMERCIAL
- COMMUNITY COMMERCIAL
- PUBLIC
- RECREATION
- RESIDENTIAL
- RESIDENTIAL 1
- RESIDENTIAL 2
- Subject Line 19220079
- Section Line
- Parcels
- Tax Parcel
- Water
- Lakes, Rivers & Streams

24 3521 & 28

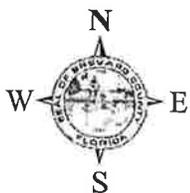


7/18/2019



RADIUS MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



1:28,543 or 1 inch = 2,379 feet

Buffer Distance: 500 feet

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

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

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

**LSCPA
Ray L. Colgin
Transmittal 2019-2.1
Applicant Submittals**

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



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

203

4/2

Space Above This Line For Recording Data

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

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

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

PARCEL 1

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

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

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

PARCEL 2

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

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

THIS CORRECTIVE WARRANTY DEED IS BEING RECORDED FOR THE FOLLOWING

Scott Ellis
Clerk Of Courts, Brevard County
#Pages: 2
#Names: 4
Trst: 1.50
Rec: 17.00
Mfg: 0.00
Srv: 0.00
Excise: 0.00
nt Tax: 0.00



PURPOSE, AND FOR NO OTHER:

1. ON OCTOBER 17, 1990, JEFFREY COLGIN, A SINGLE MAN, AND D. E. BEBOUT, INDIVIDUALLY AND AS TRUSTEE OF THE D.E. BEBOUT, M.D., DEFINED BENEFIT PENSION PLAN AND TRUST CONVEYED THE PROPERTY BY DEED TO RACHEL COLGIN AND JEFFREY COLGIN, AS TRUSTEES OF THE 1990 COLGIN REVOCABLE TRUST ("COLGIN TRUST"), RECORDED IN OFFICIAL RECORDS BOOK 3093, PAGE 2554, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. ON DECEMBER 7, 1992, D. E. BEBOUT, MD, DEFINED BENEFIT PENSION PLAN AND TRUST ("PENSION TRUST") CONVEYED THE PROPERTY BY DEED TO THE BANK OF NEWPORT AS CUSTODIAN FBO: D. E. BEBOUT/BPS#1204218-01 ("CUSTODIAN"), RECORDED IN OFFICIAL RECORDS BOOK 3260, PAGE 3273, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. AT THE TIME OF THE SECOND CONVEYANCE, THE PENSION TRUST HAD NO INTEREST IN THE PROPERTY, AS ALL INTEREST HAD PREVIOUSLY BEEN CONVEYED TO THE COLGIN TRUST AND ACKNOWLEDGES THAT THE WRONG LEGAL DESCRIPTION WAS ATTACHED TO THE DEED.
4. THE LAND THAT SHOULD HAVE BEEN CONVEYED BY DEED TO THE "CUSTODIAN" IS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5481, AT PAGE 1876, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

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

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

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

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

Signed, sealed and delivered in the presence of:

Glenn Greco
Witness #1 Signature

JOANN GRECO
Witness #1 Printed Name

Debra S. Jenkins
Witness #2 Signature

Debra S. Jenkins
Witness #2 Printed Name

D. E. Bebout

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



CFN 2005391383
OR Book/Page: 5558 / 4794

STATE OF FLORIDA

COUNTY OF Palm Beach

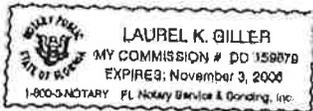
The foregoing instrument was acknowledged before me this 21 day of October, 2005 by D.E. Bebout, who is personally known to me or Y produced Florida Drivers License as identification and did not take an oath.

My commission expires:

Laurel K. Giller
Notary Public

Seal

Laurel K. Giller
Print Notary Name



Laurel K. Giller

6



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

AUTHORIZATION TO ACT AS AGENT

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

Roy L. Colgin P.O.A.

Owner Signature

Roy L. Colgin

State of Florida, County of Brevard

Sworn and subscribed to before me

This 28 day of May 2019

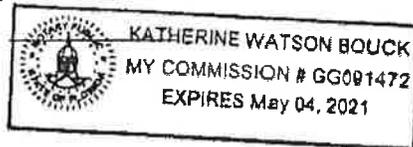
Florida Drivers License

(Form of Identification)

Katherine Watson Bouck

Notary Public

My Commission Expires:



SCHOOL BOARD USE ONLY
Date / Time Stamp: _____

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT

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

Roy L. Colgin W.P.A.
Signature

Roy L. Colgin

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

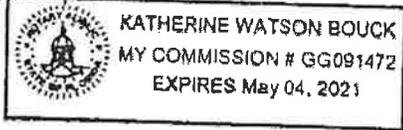
This 28 day of May 2019

Katherine Watson Bouck
Notary Public

Florida Drivers License
Form of Identification

My Commission Expires:

Rev. 5/27/99



5

RAMCO FORM 45

Power of Attorney

From
RAY COLVIN
To
Melvin Colvin

Date Sept 20, 1997

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

Name:

Address:

Property Appraiser Parcel Identification

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

Grantor(s) S.S. # (s)

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

Power of Attorney

Know All Men By These Presents:

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

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

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

Signed, sealed and delivered in the presence of:
Lorraine E. Hoffman
Witness Signature
LORRAINE E. HOFFMAN
Printed Name

X RAY COLGIN
Signature
RAY COLGIN
Printed Name

Witness Signature

Post Office Address





Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

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



VALUE SUMMARY

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

SALES/TRANSFERS

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

BUILDINGS

PROPERTY DATA CARD #1

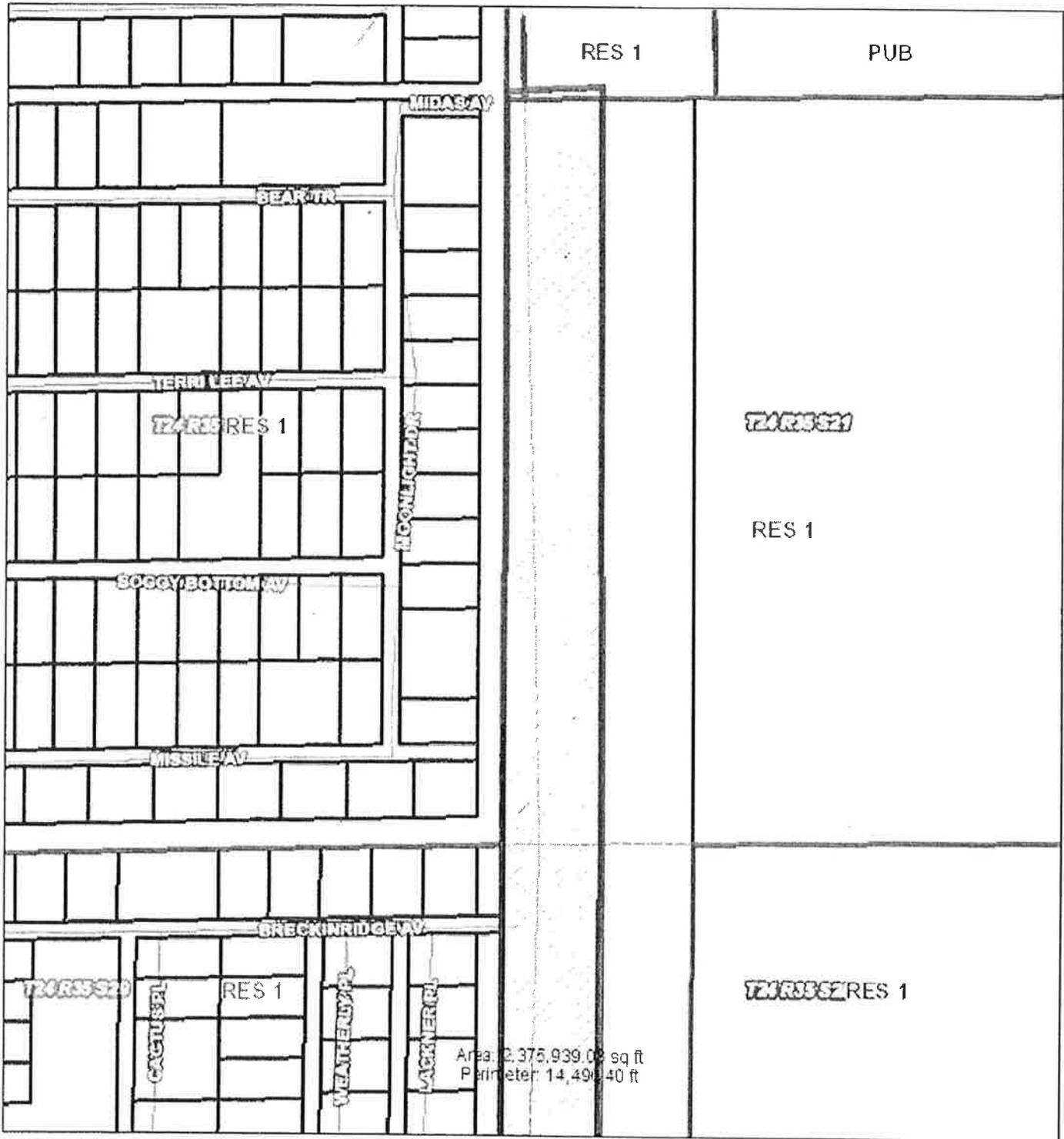
Building Use: 0264 - Manufactured Home Not Suitable For Occupancy

Materials

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

Sub-Areas

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



Future Landuse

Section

City (Large Scale)

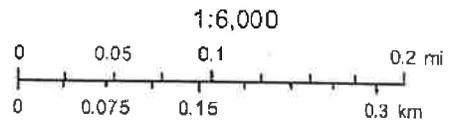
CAPE CANAVERAL

COCOA

COCOA BEACH

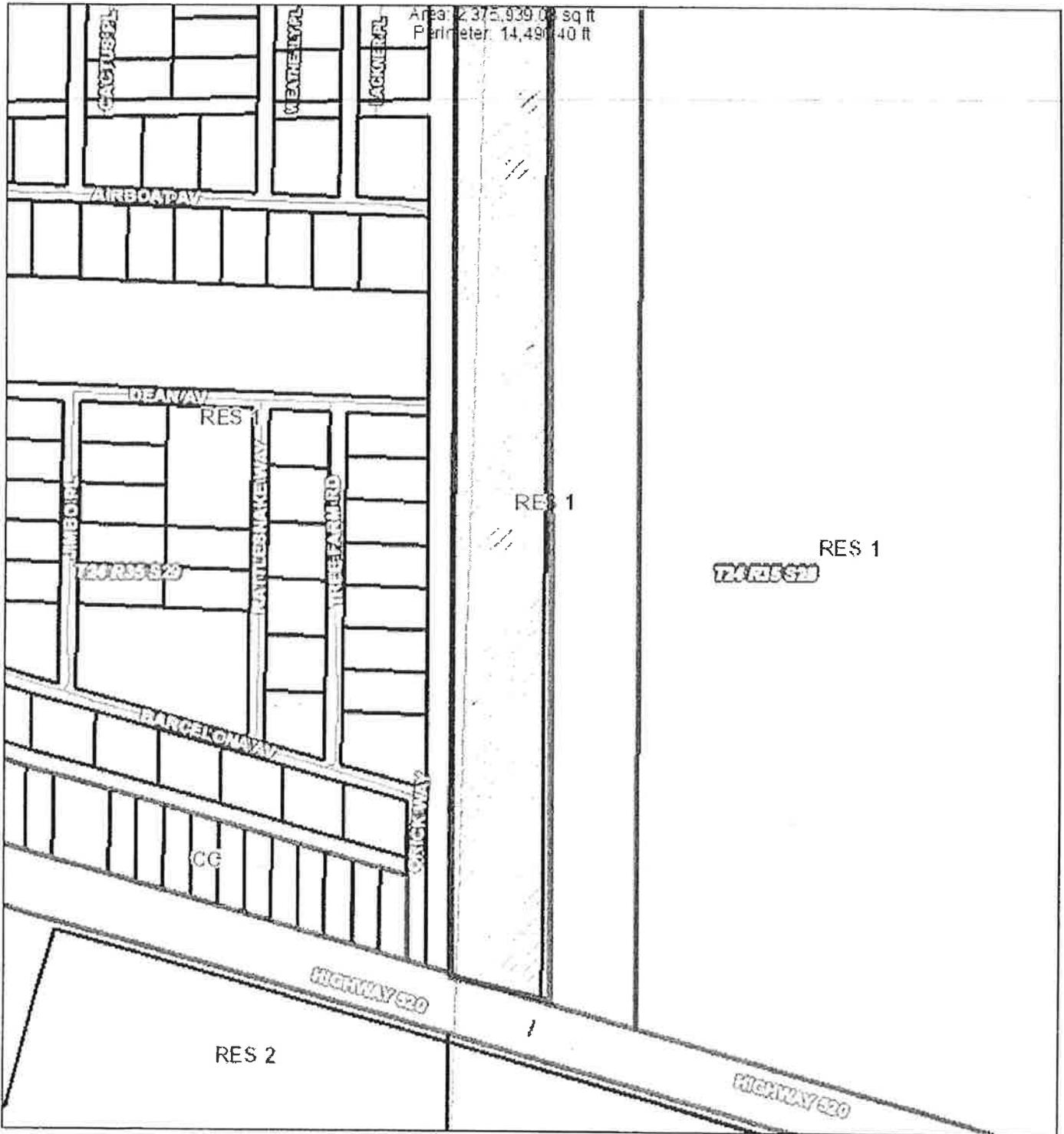
GRANT VALKARIA

June 11 2019



(15)

19PZ00075 Tax Acct. 2441237



Future Landuse

Section

City (Large Scale)

CAPE CANAVERAL

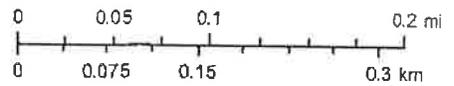
COCOA

COCOA BEACH

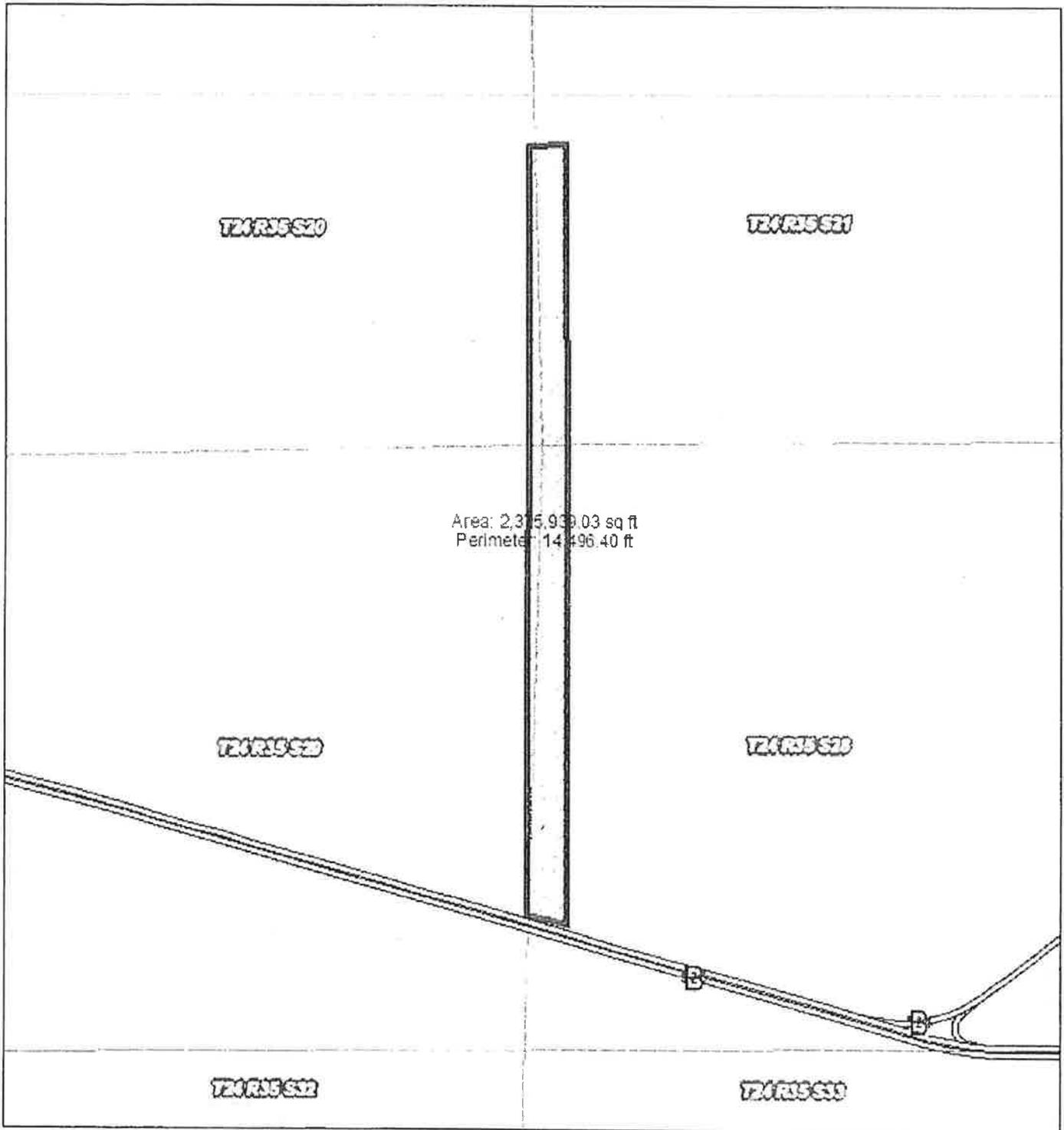
GRANT VALKARIA

June 11 2019

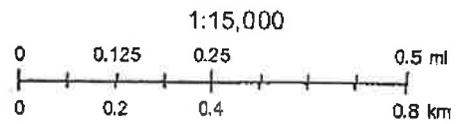
1:6,000



19PZ00075 Tax Acct. 2441237



- Section
- County Boundary



LSCPA
Ray L. Colgin
Transmittal 2019-2.1
School Concurrency

School Board of Brevard County

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



June 11, 2019

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

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

Dear Ms. Campbell,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2441237 (Parcel ID: 24-35-21-00-501) containing approximately 52.53 acres in Unincorporated District 1, Brevard County, Florida. The proposed single-family development includes 105 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2017-18 to 2022-23 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2017-2018 to 2022-23* which is attached for reference.

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

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



An Equal Opportunity Employer

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

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

Projected Student Membership

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

Students Generated by Previously Issued SCADL Reservations

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

**Cumulative Students Generated by
Proposed Development**

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

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Fairglen	679	714	744	776	800
Cocoa	1,620	1,750	1,846	1,970	2,027

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

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

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

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

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

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

Projected Student Membership

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

Students Generated by Previously Issued SCADL Reservations

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

**Cumulative Students Generated by
Proposed Development**

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

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

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

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

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

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

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

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

Sincerely,



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

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



Brevard County Public Schools

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

School	Type	Grades	Utilization Factor	School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24								
				FISH Capacity	10/12/18 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	Future FISH Capacity	Student Projection	Total Capacity Utilization						
Summary Highest Utilization Elementary Schools: 107% Highest Utilization Middle Schools: 87% Highest Utilization Jr / Sr High Schools: 88% Highest Utilization High Schools: 95%																						2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Elementary School Concurrency Service Areas																											
New Central	Elementary	K-6	100%	751	711	0%	751	711	513	52%	970	639	970	788	81%	970	788	81%	970	788	81%						
Allen	Elementary	PK-6	100%	884	720	81%	884	706	703	75%	751	725	751	716	95%	751	703	94%	751	703	94%						
Andersen	Elementary	K-6	100%	902	847	94%	902	861	872	78%	884	696	884	699	79%	884	706	80%	884	706	80%						
Apollo	Elementary	K-6	100%	739	713	96%	739	693	641	86%	739	665	739	658	89%	739	641	87%	739	641	87%						
Atlantis	Elementary	PK-6	100%	761	536	70%	761	536	490	64%	761	485	761	476	63%	761	483	63%	761	483	63%						
Audubon	Elementary	PK-6	100%	548	381	70%	548	368	346	61%	548	328	548	320	58%	548	327	60%	548	327	60%						
Cape View	Elementary	K-6	100%	751	694	92%	751	637	611	80%	751	597	751	585	79%	751	561	77%	751	561	77%						
Challenger 7	Elementary	PK-6	100%	751	571	76%	751	517	471	63%	751	446	751	437	58%	751	437	58%	751	437	58%						
Columbia	Elementary	PK-6	100%	711	515	72%	711	462	427	60%	711	404	711	374	53%	711	357	50%	711	357	50%						
Coquina	Elementary	K-6	100%	1,154	845	73%	1,154	853	74%	1,154	876	76%	1,154	919	80%	1,154	822	71%	1,154	822	71%						
Coral	Elementary	PK-6	100%	795	552	69%	795	538	559	70%	795	521	795	526	66%	795	521	66%	795	521	66%						
Discovery	Elementary	PK-6	100%	980	644	66%	980	606	627	64%	980	577	980	562	57%	980	532	54%	980	532	54%						
Endeavour	Elementary	PK-6	100%	990	662	67%	990	649	69%	990	619	63%	990	590	60%	990	573	58%	990	573	58%						
Enterprise	Elementary	PK-6	100%	729	599	82%	729	620	620	85%	729	615	729	632	87%	729	643	88%	729	643	88%						
Fargien	Elementary	PK-6	100%	789	681	86%	789	675	680	86%	789	705	789	732	93%	789	745	95%	789	745	95%						
Gemini	Elementary	K-6	100%	711	468	66%	711	467	451	63%	711	430	711	417	59%	711	418	59%	711	418	59%						
Golfview	Elementary	PK-6	100%	777	555	71%	777	517	521	67%	777	510	777	512	66%	777	503	65%	777	503	65%						
Harbor City	Elementary	PK-6	100%	629	371	59%	629	365	347	55%	629	345	629	366	58%	629	362	58%	629	362	58%						
Holland	Elementary	PK-6	100%	605	497	82%	605	510	54%	605	507	84%	605	509	84%	605	511	84%	605	511	84%						
Imperial Estates	Elementary	K-6	100%	729	639	88%	729	630	656	87%	729	629	729	629	87%	729	611	83%	729	611	83%						
Indianton	Elementary	K-6	100%	798	740	93%	798	737	741	93%	798	740	798	750	94%	798	765	96%	798	765	96%						
Indianton	Elementary	PK-6	100%	930	728	78%	930	696	749	81%	930	795	930	828	89%	930	800	86%	930	800	86%						
Jupiter	Elementary	PK-6	100%	892	699	78%	892	674	74%	892	655	73%	892	664	74%	892	677	76%	892	677	76%						
Lockmar	Elementary	PK-6	100%	790	647	82%	790	646	618	78%	790	605	790	605	77%	790	586	74%	790	586	74%						
Longleaf	Elementary	PK-6	100%	954	849	89%	954	805	841%	954	801	84%	954	803	84%	954	782	82%	954	782	82%						
Manatee	Elementary	K-6	100%	918	777	85%	918	763	83%	918	665	71%	918	604	66%	918	588	64%	918	588	64%						
McAluffie	Elementary	PK-6	100%	1,114	868	78%	1,114	847	76%	1,114	886	80%	1,114	843	76%	1,114	808	73%	1,114	808	73%						
Meadeville Intermediate	Elementary	3-6	100%	824	626	76%	824	668	81%	824	682	83%	824	702	85%	824	704	85%	824	704	85%						
Meadeville Primary	Elementary	K-6	100%	707	465	66%	707	449	442	63%	707	447	707	447	63%	707	447	63%	707	447	63%						
Mills	Elementary	PK-6	100%	725	479	66%	725	472	460	62%	725	458	725	485	67%	725	478	66%	725	478	66%						
Nimis	Elementary	PK-6	100%	968	723	75%	968	675	70%	968	658	68%	968	629	65%	968	622	64%	968	622	64%						
Oak Park	Elementary	PK-6	100%	654	532	81%	654	524	511	78%	654	497	654	490	75%	654	480	73%	654	480	73%						
Ocean Breeze	Elementary	PK-6	100%	1,005	615	61%	1,005	607	60%	1,005	598	60%	1,005	649	65%	1,005	633	63%	1,005	633	63%						
Palm Bay	Elementary	PK-6	100%	569	517	91%	569	505	506	89%	569	591	512	87%	92%	569	530	93%	569	530	93%						
Pinewood	Elementary	PK-6	100%	852	688	81%	852	682	632	74%	852	607	852	618	72%	852	604	71%	852	604	71%						
Port Malabar	Elementary	PK-6	100%	1,022	1,089	107%	1,022	1,144	1,144	105%	1,022	1,088	1,022	1,088	107%	1,022	1,088	107%	1,022	1,088	107%						
Quest	Elementary	PK-6	100%	777	692	89%	777	667	771	85%	777	647	777	647	84%	777	647	84%	777	647	84%						
Riviera	Elementary	PK-6	100%	599	380	63%	599	360	338	56%	599	331	599	324	54%	599	322	54%	599	322	54%						
Roosevelt	Elementary	K-6	100%	785	538	69%	785	533	516	66%	785	507	785	484	62%	785	485	62%	785	485	62%						
Sabal	Elementary	PK-6	100%	976	853	87%	976	817	894	92%	976	833	976	835	86%	976	835	86%	976	835	86%						
Saturn	Elementary	PK-6	100%	461	321	70%	461	333	301	65%	461	302	461	302	65%	461	300	65%	461	300	65%						
Sea Park	Elementary	PK-6	100%	609	456	75%	609	442	426	70%	609	410	609	407	67%	609	423	69%	609	423	69%						
Shenwood	Elementary	PK-6	100%	481	311	65%	481	348	348	73%	481	348	481	348	73%	481	348	73%	481	348	73%						
South Lake	Elementary	K-6	100%	913	820	90%	913	800	89%	913	844	92%	913	853	93%	913	853	93%	913	853	93%						
Sunrise	Elementary	PK-6	100%	755	675	89%	755	655	656	87%	755	615	755	615	81%	755	615	81%	755	615	81%						
Sunrise	Elementary	K-6	100%	541	460	85%	541	456	442	82%	541	421	541	421	78%	541	421	78%	541	421	78%						
Sunrise	Elementary	PK-6	100%	910	825	91%	910	821	826	91%	910	829	910	813	89%	910	813	89%	910	813	89%						
Tropic	Elementary	K-6	100%	874	562	64%	874	519	519	60%	874	509	874	502	57%	874	516	59%	874	516	59%						
Turner	Elementary	PK-6	100%	811	473	58%	811	469	469	60%	811	472	811	472	58%	811	472	58%	811	472	58%						
University Park	Elementary	PK-6	100%	857	769	90%	857	724	84%	857	737	85%	857	737	85%	857	737	85%	857	737	85%						
Westside	Elementary	K-6	100%	715	562	79%	715	568	524	73%	715	530	715	521	73%	715	521	73%	715	521	73%						
Williams	Elementary	PK-6	100%	41,810	33,169	81%	41,854	32,732	42,824	79%	42,956	32,693	43,044	33,156	77%	43,264	33,392	77%	43,264	33,392	77%						
Elementary Totals																											

Middle School Concurrency Service Areas																	
Central	Middle	7-8	90%	1,525	1,193	76%	1,955	78%	1,525	1,269	81%	1,525	1,195	79%	1,525	1,207	79%
Delaware	Middle	7-8	90%	939	819	87%	828	88%	939	833	89%	939	874	93%	939	832	88%
Hoover	Middle	7-8	90%	659	506	77%	600	76%	659	512	78%	659	502	76%	659	494	75%
Jackson	Middle	7-8	90%	654	548	84%	548	84%	654	612	93%	654	664	99%	654	689	105%
Jefferson	Middle	7-8	90%	854	660	77%	662	78%	854	631	74%	854	573	67%	854	530	62%
Johnson	Middle	7-8	90%	1,000	736	74%	1,000	74%	1,000	816	82%	1,000	764	76%	1,000	761	76%
Kennedy	Middle	7-8	90%	813	621	76%	621	76%	813	675	83%	813	739	91%	813	717	88%
Madison	Middle	7-8	90%	743	492	66%	496	67%	743	491	66%	743	455	61%	743	417	56%
McNair	Middle	7-8	90%	611	480	79%	480	79%	611	539	89%	611	552	91%	611	569	93%
Southwest	Middle	7-8	90%	1,177	833	71%	833	71%	1,177	944	80%	1,177	930	79%	1,177	929	79%
Store	Middle	7-8	90%	1,024	781	77%	781	77%	1,024	961	94%	1,024	975	95%	1,024	985	96%
Middle Totals				9,999	7,669		7,823		10,019	8,275		10,019	8,223		10,078	8,197	

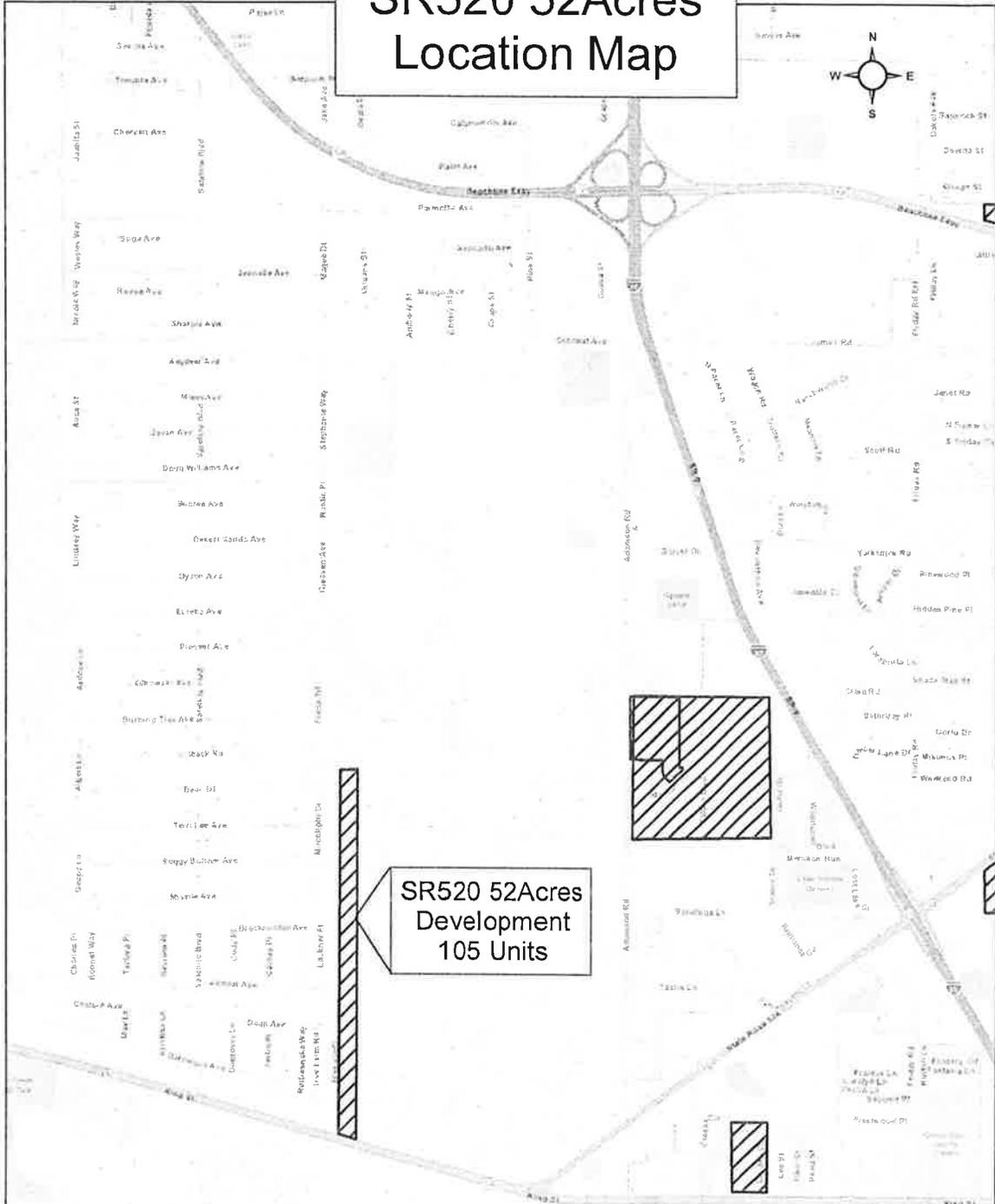
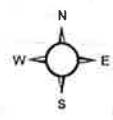
Junior /Senior High School Concurrency Service Areas																	
Cocoa Beach	Jr / Sr High	PK, 7-12	90%	1,782	1,577	88%	1,582	89%	2,052	1,670	81%	2,052	1,682	82%	2,052	1,699	83%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	1,013	69%	1,466	69%	1,466	977	67%	1,466	950	65%	1,466	924	63%
Space Coast	Jr / Sr High	7-12	90%	1,857	1,586	85%	1,586	85%	1,857	1,888	95%	1,857	1,513	81%	1,857	1,507	81%
Jr / Sr High Totals				5,105	4,176		4,179		5,375	4,235		5,375	4,345		5,375	4,360	

Senior High School Concurrency Service Areas																	
Astronaut	High	9-12	95%	1,446	1,076	74%	1,081	75%	1,446	1,101	76%	1,446	1,176	81%	1,446	1,188	82%
Brayside	High	9-12	95%	2,235	1,706	76%	1,650	74%	2,235	1,691	75%	2,235	1,801	81%	2,235	2,009	90%
Eau Gallie	High	PK, 9-12	95%	2,232	1,676	75%	1,687	75%	2,232	1,893	85%	2,232	1,809	81%	2,232	1,832	82%
Heritage	High	9-12	95%	2,314	1,831	79%	1,807	78%	2,314	1,856	80%	2,314	2,041	88%	2,314	2,059	89%
Melbourne	High	9-12	95%	2,356	2,113	90%	2,134	90%	2,356	2,168	92%	2,356	2,455	94%	2,356	2,476	95%
Merritt Island	High	PK, 9-12	95%	1,915	1,542	81%	1,542	81%	1,915	1,915	100%	1,915	1,577	82%	1,915	1,583	83%
Palm Bay	High	PK, 9-12	95%	2,613	1,543	59%	1,543	59%	2,613	1,705	65%	2,613	1,786	68%	2,613	2,134	82%
Rockledge	High	9-12	95%	1,701	1,516	89%	1,520	89%	1,701	1,583	93%	1,701	1,589	93%	1,701	1,657	97%
Satellite	High	PK, 9-12	95%	1,516	1,328	88%	1,345	89%	1,516	1,516	100%	1,516	1,387	91%	1,516	1,392	91%
Tusaville	High	9-12	95%	1,872	1,381	74%	1,381	74%	1,872	1,411	75%	1,872	1,590	85%	1,872	1,677	90%
Viera	High	PK, 9-12	95%	2,277	2,157	95%	2,157	95%	2,277	2,277	100%	2,277	2,445	94%	2,277	2,662	117%
High Totals				22,477	17,859		17,900		22,477	18,402		22,477	20,172		23,141	20,670	

Schools of Choice (Not Concurrency Service Areas)																	
Freedom 7	Elementary	K-6	100%	475	387	81%	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	506	89%	509	89%	569	509	89%	569	509	89%	569	509	89%
West Melbourne	Elementary	K-6	100%	618	553	89%	553	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,072	948	88%	950	88%	1,072	950	88%	1,072	950	88%	1,072	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	953	75%	956	76%	1,264	966	76%	1,264	956	76%	1,264	956	76%
Schools of Choice				3,998	3,347		3,381		3,998	3,381		3,998	3,381		3,998	3,381	
Brevard Totals				83,389	65,230		65,015		84,693	66,770		85,015	67,940		85,656	70,000	

- Notes**
- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2018-19 are reported from the FISH database as of October 10, 2018.
 - Student Membership is reported from the Fall Final Membership Count (10/12/18).
 - Davis Demographics School/Site Enrollment Forecasting Extension for ACGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
 - Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongoodsted student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
 - In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
 - Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Apollo Elementary, Challenger 7 Elementary, Coquina Elementary, Imperial Estates Elementary, Pinewood Elementary, Quest Elementary, Saturn Elementary, Salurn Elementary, DeLaura Middle School, Jacks Middle School and Kennedy Middle (Total of 42 Classrooms).
 - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms)
 - Redistricting was approved for the 2019-20 school year and the projected enrollment for 2019-20 is adjusted for those areas. Future redistricting is planned for a new central area elementary school in 2020-21.
 - The following proposals for additional permanent capacity are included in this analysis:
 - A 12 classroom addition at Cocoa Jr/Sr High School is assumed to add 300 student stations starting in 2019-20
 - A new central area elementary is assumed to add 970 student stations starting in 2020-21. Student enrollment projections were adjusted for the 2020-21 school year.

SR520 52Acre Location Map



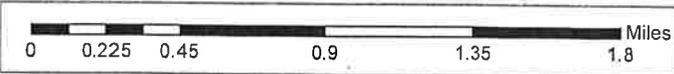
**SR520 52Acre
Development
105 Units**

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



Lake Poinsett

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



**LSCPA
Ray L. Colgin
Transmittal 2019-2.1
Ordinance**

ORDINANCE NO. 19 ___

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

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

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

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

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

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

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

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

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

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

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

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

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

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

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

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

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

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

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

DONE AND ADOPTED in regular session, this ___ day of _____, 2019.

ATTEST

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

By: _____

Scott Ellis, Clerk

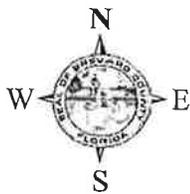
Kristine Isnardi, Chair

Approved by the Board on _____, 2019.

**LSCPA
Ray L. Colgin
Transmittal 2019-2.1
Exhibit A**

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment
19PZ00075 - Colgin/Genoni



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

- Subject Property
- Parcels

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

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

LSCPA
Ray L. Colgin
Transmittal 2019-2.1
Public Comment

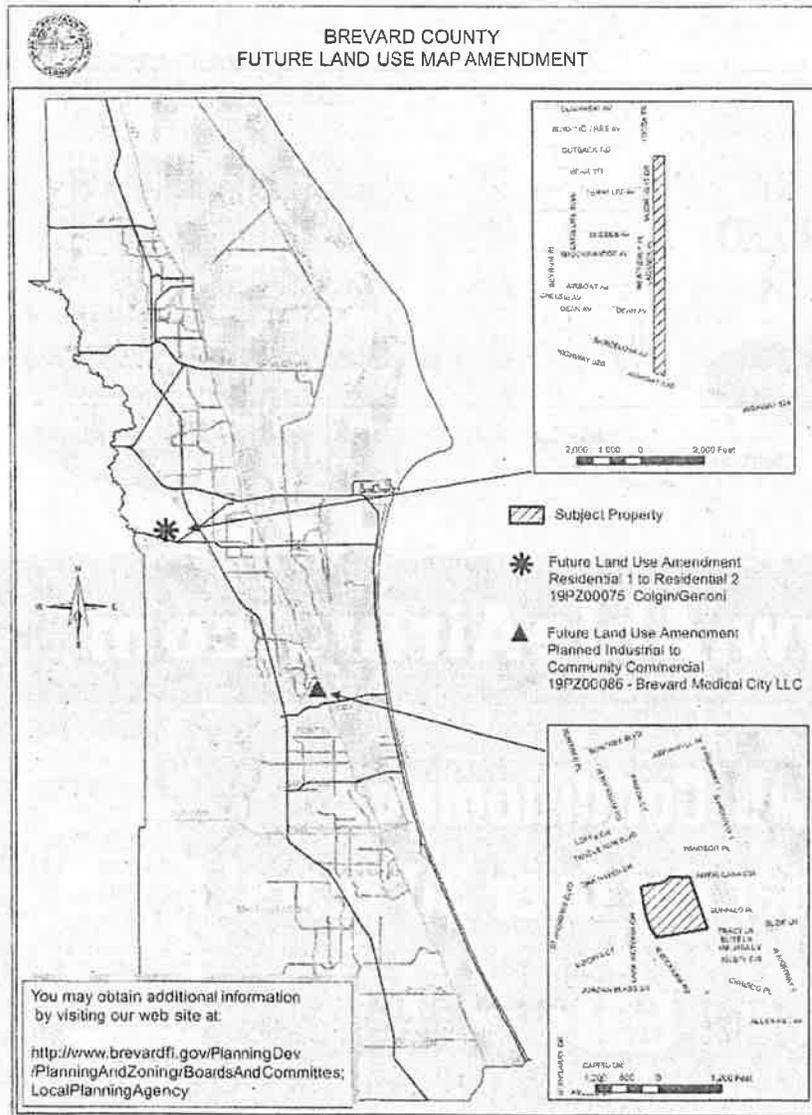
**Legal Advertisements,
Citizen Courtesy Sheets, Misc.**

PUBLIC HEARING NOTICE

The Brevard County Board of County Commissioners will consider two ordinances amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the transmittal of the Plan Amendment Cycle 2019-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

At a public hearing on Thursday, September 5, 2019, at 5:00 p.m., the Brevard County Board of County Commissioners will consider the transmittal of the 2019-2 Comprehensive Plan Amendments. This meeting will be held in the Commission Room, First Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. Said Plan Amendment 2019-2 consists of the following proposals:

- a. Plan Amendment 2019-2.1 – a proposal initiated by Ray L. Colgin, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from RES 1 (Residential 1) to RES 2 (Residential 2). The property is 52.53 acres, located on the north side of State Road 520, approximately 0.64 mile west of the intersection of State Road 524 and State Road 520. (6500 State Road 520, Cocoa).
- b. Plan Amendment 2019-2.2 – a proposal initiated by Brevard Medical City, LLC, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from PI (Planned Industrial) to CC (Community Commercial). The property is 16.33 +/- acres, located at the intersection of North Wickham Road and Hardoon Lane. (No assigned address. In the Melbourne area.)



All persons for or against said items can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of this proceeding is made, at his/her expense, which record includes testimony and evidence upon which any appeal is to be based. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than five (5) days prior to the meeting at 321-633-2069 for assistance. Planning & Development Department – Tad Galkins, Director.

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, August 19, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Vice Chair Peter Filiberto, at 3:00 p.m.

Board members present were: Ian Golden; Ron Bartcher; Rochelle Lawandales; Brian Hodgers; Ben Glover; Ron McLellan; Mark Wadsworth; Peter Filiberto, Vice Chair; and Bruce Moia.

Rochelle Lawandales was present to vote on Item 1 only; and Ron McLellan was present to vote on Items 1 and Plan Amendment 2.1 only.

Staff members present were: Amanda Elmore, Interim Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; Steve Swanke, Program Manager; Darcie McGee, Assistant Director, Natural Resources Management; Cheryl Campbell, Comprehensive Planner; and Jennifer Jones, Special Projects Coordinator III.

Excerpt of Complete Minutes

Plan Amendment 2019-2.1

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

(All documents submitted to the board can be found in file 19PZ00075, located in the Planning and Development Department)

Chad Genoni, Beachland Managers, stated what is being proposed is a comprehensive plan amendment for two units per acre to allow for flexibility in the planning of a single-family subdivision. He noted issues related to sewer, water, access, and drainage, will be site plan issues that will be dealt with in the site plan process. He said the surrounding area to the north is Residential 1; there is an agritourism venue there now operating as a business; and the staff comments indicate it is a modular office building, but it is more than that. He stated that in doing research, it appears the Residential 1 designation was adopted because there weren't many services in the area, but there is now water, and sewer service is a half-mile away, but he is not 100% sure if they will tie into sewer. He said it is concluded in the staff comments that a future land use change would not cause a deficiency in the levels of service, and the comprehensive plan analysis meets Policy 1.8(a) and 1.2.

Ron Bartcher asked if Mr. Genoni said he would or would not connect to sewer. Mr. Genoni replied at this point, he is not 100% sure if they are going to connect to sewer. He said originally, they were planning on septic tanks, but they were hoping to get through to the zoning phase to determine what it would be allowed. Mr. Bartcher asked if he thinks he will have an answer when he comes back for the rezoning request. Mr. Genoni replied yes. Mr. Bartcher asked if there is a plan yet for lot sizes for the proposed development. Mr. Genoni replied no, not at this point.

Public comment:

Gary Dana, 6450 State Road 520, Cocoa, stated he spoke recently to Mr. Genoni, and although he does not have any objections to the rezoning, there are some issues he would like to make known. He said just below the subject property is the St. Johns River; he owns nearby properties that are

zoned agricultural, and he does agritourism on his property with a barn that he rents out for events. He said his concern is the flow of water that comes across the property from east to west. On the subject property are piles of waste lime out of Orange County from the Cocoa water system and being placed in Brevard County; the lime is used as a filter for the water to collect heavy metals; and it's almost an impermeable substance, so it doesn't allow water to pass through, so it's blocking the low area of the property. Initially, Mr. Colgin built a road and a canal to the west side, and a ditch, and that's when some of the water was diverted, and he was doing that in order to not allow sewage. He said Mr. Colgin had a blocked drainage pipe as well, and since the blocking of that drain pipe, which occurred a year and a half ago the problems with drainage have escalated. On the east side of the property is a canal that was developed to protect the Satellite Boulevard area, and there is a canal along the front of the property.

Rochelle Lawandales' absence was noted at 4:09 p.m.

Mark Wadsworth asked Mr. Dana if his major concern is with water. Mr. Dana replied his major concern is with the flow of water and proposed development. If access is blocked from the natural flow, water problems will be created upstream, and that is what is currently happening. He noted that some of the activity has happened prior to today, and asked who will be regulating the property. He said another concern would be a fencing issue because there is a barbed wire fence and residential will be next to it.

Charles Billias, 119 Chipola Road, Cocoa Beach, stated he is the former Utilities Director for Cocoa Beach, and as director, he brought in the reuse process for the east coast of Florida. He stated there is a state statute that says if you can hook up to sewer it's a requirement, because a lot of people don't realize there are waterborne viruses that can survive a septic tank, and the St. Johns River is not too far away from the subject property. He said he is concerned not only for that, but also for the nutrients that are going to be pushed toward the river. He stated the applicant told the board he was not sure if the development will be on sewer, but everyone knows he will install septic tanks because it's a lot cheaper. He said he doesn't have a problem with the permit process, but if it is permitted, then he feels the developer should be required to hook up to sewer. He asked how many units are being proposed for the development. He noted he is also concerned with flooding, which also needs to be addressed.

Mr. Genoni stated the maximum units being proposed is 105. He said he plans to work with Mr. Dana over the next several months to come up with a long-term solution to the drainage concerns.

Motion by Brian Hodgers, seconded by Ben Glover, to approve transmittal of Plan Amendment 2019-2.2, based on the conforming area to the east of the subject property. The motion passed unanimously.

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

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

Owner / Applicant: Ray L. Colgin

Location: Legal Description On file
Tax Acct Parcel #2441237

Acreage: ± 52.53 acres

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

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

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

**Proposed Zoning
Classification:** Single Family Residential (RU-1-11)

FUTURE LAND USE MAP AMENDMENT

Description:

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

The proposed Residential 1 (RES 1) is being sought in an area where parcels on the south side of State Road 520 retain a Residential 2 (RES 2) Future Land Use designation. This area to the south is currently undeveloped. To the east of the subject

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

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

Availability of Public Facilities and Services:

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

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

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

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

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

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

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

Findings
 Non-Deficiency
 Deficiency

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

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

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

Environmental Resources:

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

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

Historic Resources:

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

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

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

Future Land Use Element Policies

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

Residential 2 (maximum of 2 units per acre)

Policy 1.8

The Residential 2 (RES 2) land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 (RES 2) land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 2 (RES 2) land use designation; or

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

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

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

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

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

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

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

Public Facilities and Services Requirements

Policy 1.2

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

Criteria:

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

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

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

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

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

Not applicable.

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

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

Not applicable.

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

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

Not applicable, as public water is available.

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

Not applicable.

Summary

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

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

The applicant has stated that he will be submitting a companion rezoning application proposing a change from Agricultural Residential (AU) to Single Family Residential (RU-1-11). The current zoning of Agricultural Residential (AU) is consistent with the proposed Future Land Use designation of Residential 2 (RES 2). If the applicant seeks to change the Zoning of the property to Single Family Residential (RU-1-11), the applicant will need to prepare a Binding Development Plan that allows only up to two (2) dwelling units per acre in order to remain consistent with the proposed Future Land Use designation of Residential 2 (RES 2).

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

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

Applicant: Ray Colgin; Chad Genoni

Future Land Use Request: Res 1 to Res 2

Note: Applicant wants to increase density for single family subdivision

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

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

Tax ID No: 2441237

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Substantial Natural Resources Land Use Issues:

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

Summary of Mapped Natural Resources Present on the Subject Property:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Floodplain

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped areas of NWI and SJRWMD wetlands, and hydric soils (Anclote sand – frequently ponded, Malabar sand, and Holopaw sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that hydric soils and wetlands may be present. Per Section 62-3694(c)(1), residential land uses within

wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696. A wetland determination/delineation will be required prior to any land clearing activities, plan or permit submittal, and applicant is encouraged to contact NRM at (321) 633-2016.

Floodplain

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

Per Section 62-3724(1), There shall be no net change in the rate and volume of floodwater discharged from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain. Residential density within the riverine floodplain is based on whether floodplain is designated 100-year, 25-year, 10-year or mean annual riverine floodplain. Depending on riverine floodplain designation, compensatory storage may be required. Additional detailed flood modeling has been performed for the West Cocoa area by Brevard County and shall also be used for floodplain, compensatory storage, and density determinations. The modeling and/or elevation information as well as topographic LiDAR are available upon request. Applicant is encouraged to contact Natural Resources Stormwater Department at 321-633-2016 for floodplain modeling information available for this area.

Landscape requirements

Aerials indicate Heritage/Specimen Trees and/or Protected trees may reside on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

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

Surface Water Drainage Concern – Current and Future Development

Complaint for Brevard County Planning and Development/Zoning Dept

Future Land Use Map Amendment Colgin/Genoni – 19PZ00075

Parcel ID 24-35-21-00-501

Complainant:

Parcel ID 24-35-21-00-502

Gary Dana

New Albany LLC/Sterling Stables of Brevard

Barn Venue/Wedding Barn and Pasture for Events -Agritourism

Approximately 30 Head of Cattle and 2 Horses

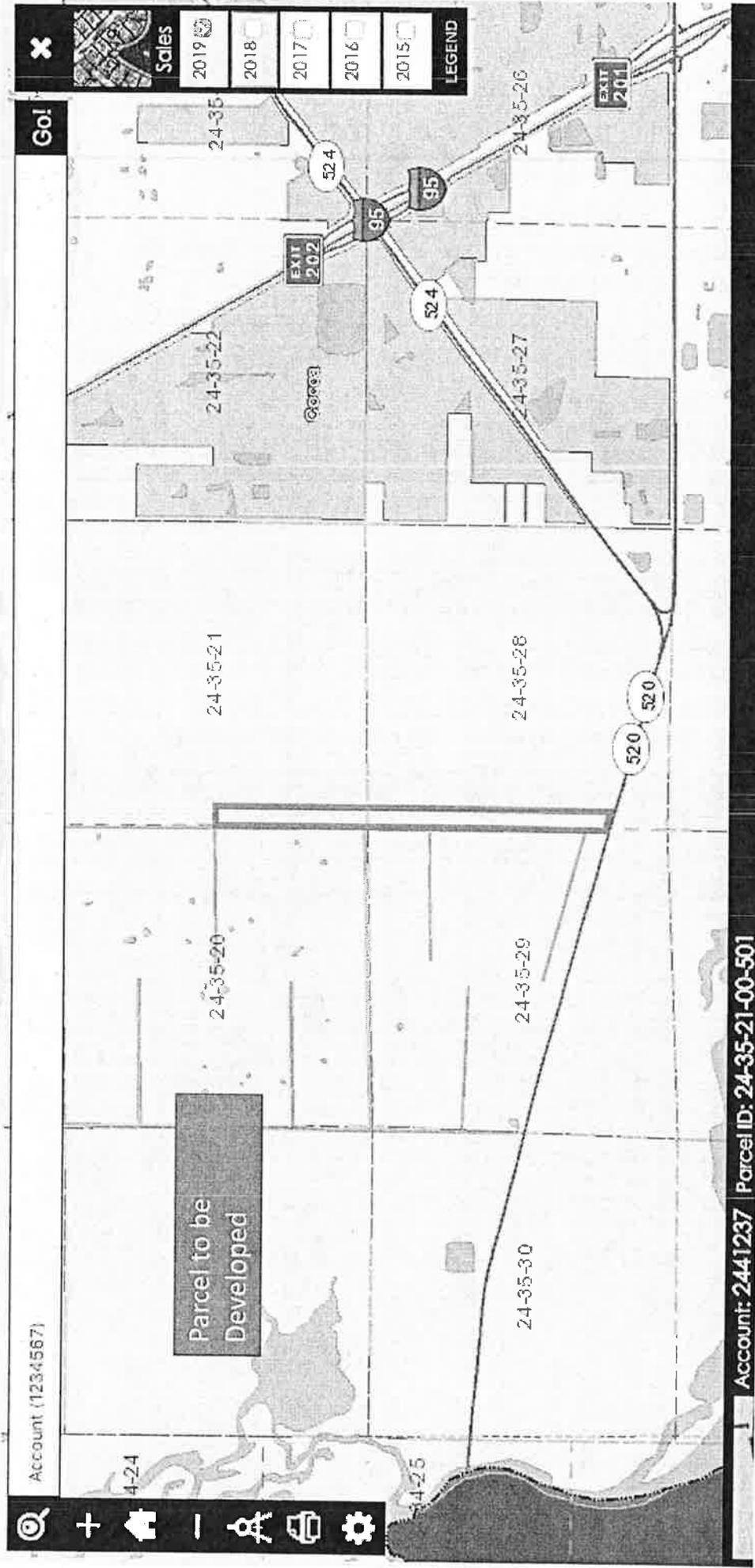
Map Subject Property ?

Open Map in New Window

MapView

EagleView

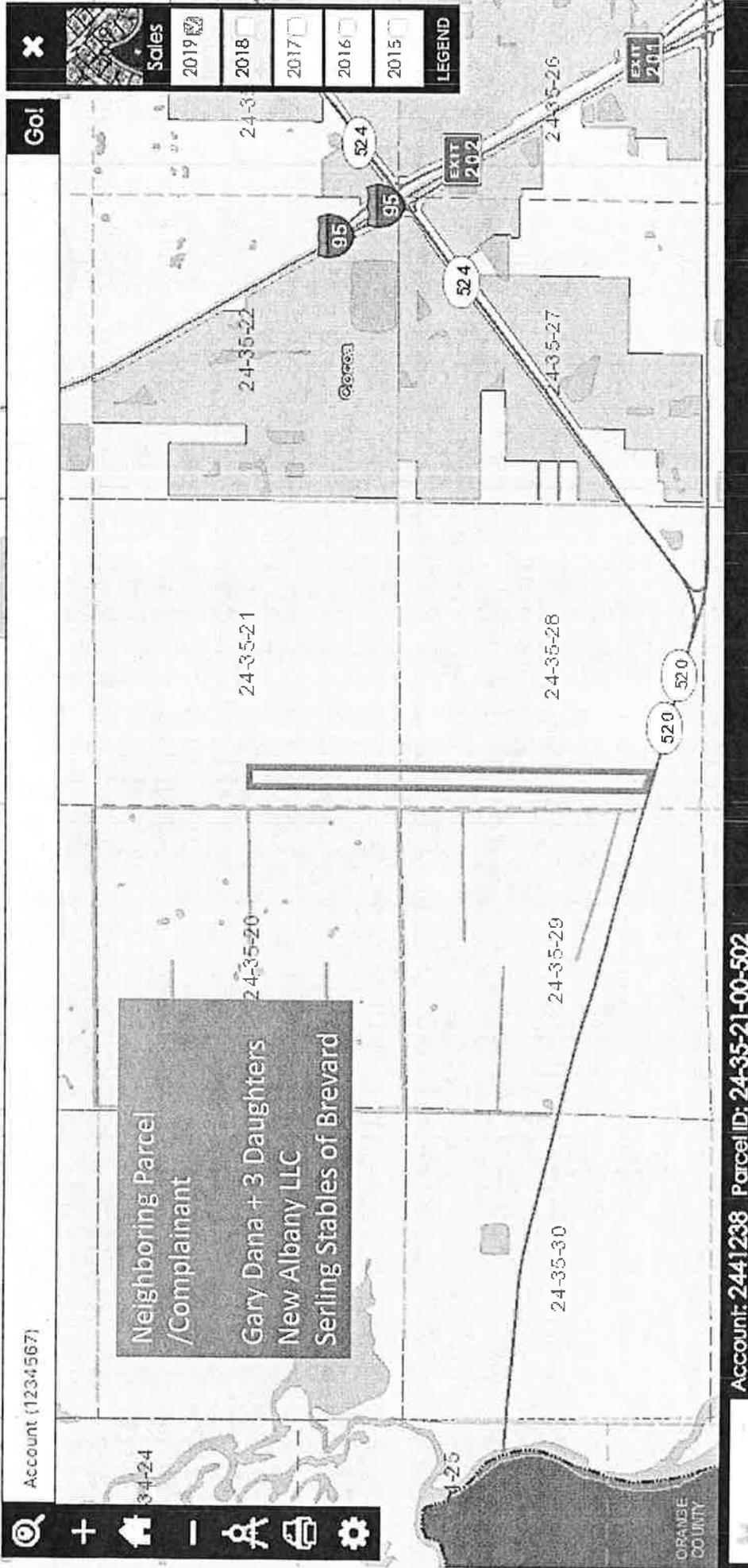
StreetView



MapView

EagleView

StreetView



Account: 2441238 Parcel ID: 24-35-21-00-502

Map Subject Property ?

Open Map in N



Account: 2441237



ORICK WAY



Search

Results

Details

Maps

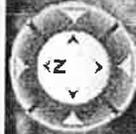
Map Subject Property

Open Map in New Window

MapView

EagleView

StreetView

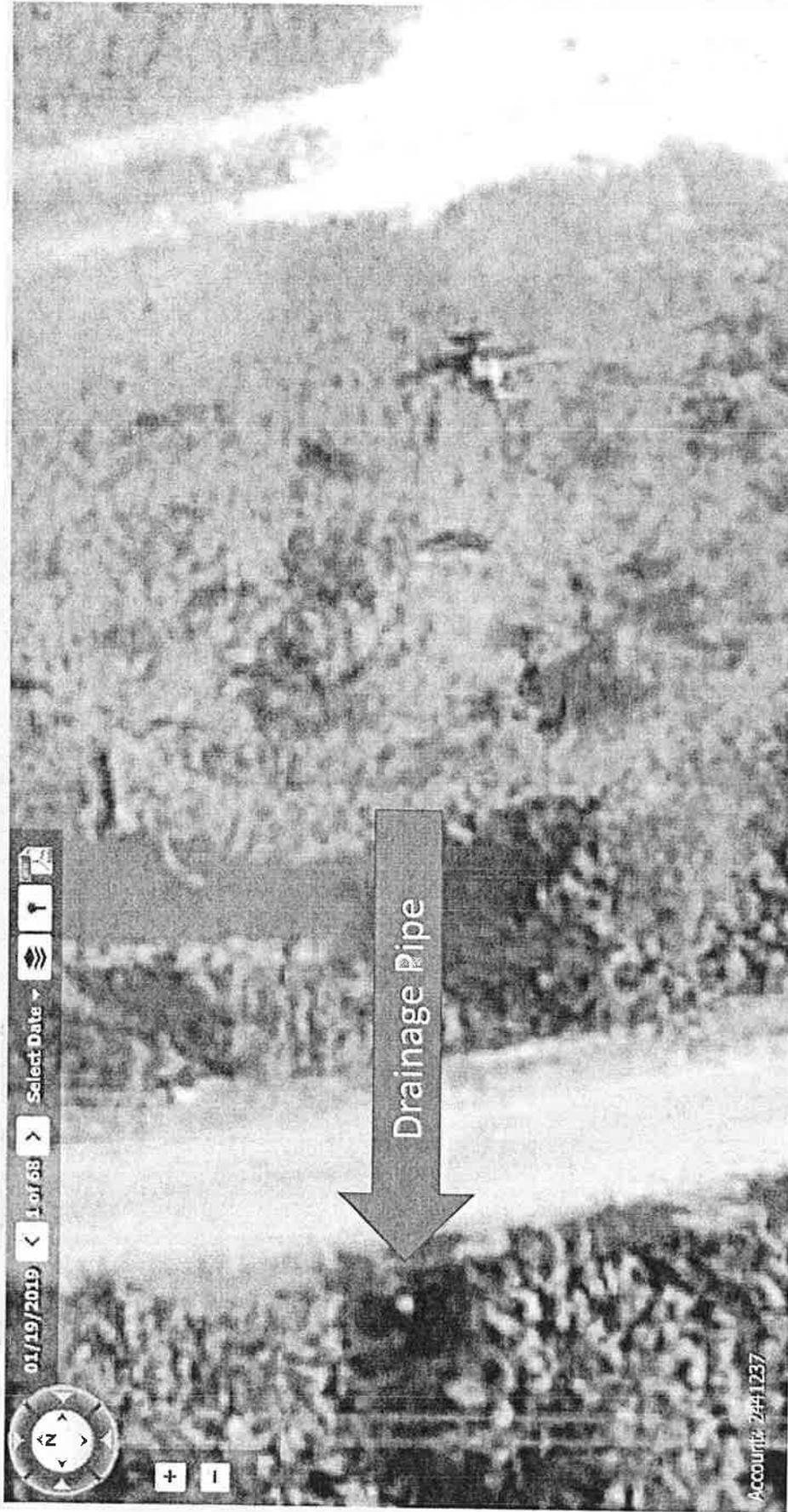


01/19/2019

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Select Data



Drainage Pipe

Account: 2441237

From: Marc Van Heden <mvanheden@sjrwmd.com>
Subject: Stirling stables Inspection Item #1329599
Date: June 7, 2017 at 11:07:02 AM EDT
To: "edocdata@gmail.com" <edocdata@gmail.com>
Cc: Kristian Holmberg <KHolmberq@sjrwmd.com>, "Regulatory Compliance Data Submittal" <ComplianceSupport@sjrwmd.com>



Property Lines Added

Brown = Higher Elevation

Blue = Low Elevation

White = Standing Water

Map Date prior to the Lime
Dirt Piles or Dike/Ditch
system

History:

1. 6450 Highway 520 and 6500 Highway 520 Cocoa, FL were/are both AG zoned lands with 6450 parcel along the Eastern (upland) side of parcel 6500. Western side of 6500 is St John's River side.
2. State of Florida developed a Canal on the on Western side of parcel 6500 many decades ago (allowing runoff, and protecting Satellite Road Residential area from runoff from East side.
3. Mel Colgin/Circle C Ranch filled the front 5+ acres of his land with "lime waste" from the City of Cocoa Water Treatment plant. Blocking natural flow of water. Creating raised "nonpermeable" landfill in very low area.
4. Mel Colgin developed a road and ditch on Western side of parcel 6500, and it included a large drainage pipe maintained by Mel Colgin/Circle C Ranch for run off into a State Canal for decades. Location was approximately 100-200 yards from the Highway 520 and on the Western property line.
5. In 2017, the Circle C Ranch was no longer able to obtain a sewage dumping permit on the property by the State of Florida. They applied to EPA for permit, and could not meet qualifications. Mel was upset with Gary Dana/owner of parcel 6500 because of numerous complaints of violations, as well as, put up a fence – to keep Mel from dumping on property. Mel Colgin was trespassed by the Brevard County Sherriff's Dept for dumping on parcel at 6500.
6. The Circle C Ranch/parcel 6500 then dug a ditch and dike along the Eastern property line blocking the natural flow of water.
7. The Circle C Ranch/parcel 6500 then accepted thousands of yards of "waste lime" to fill the low areas on Parcel 6500 and altering the natural long established flow of water.
8. Water is now unable to naturally drain westward, causing flooded fields on parcel 6450.
9. Parcel 6500 placed for sale and being proposed for development into Residential Neighborhood.

Concerns

1. Current changes already affecting surface water drainage – Brevard County Government advice on how to handle/improve?
2. Future development worsening surface water drainage and flooding fields and rendering all eastern properties with un-natural flooding
3. Wedding Barn Venue/Agritourism on property and affecting long established business
4. Planned future events including outdoor concerts and festivals (how will development affect these?) Concert in field, corn maze, pumpkin patch
5. New unforeseen regulations between Zoning types cause any unforeseen costs – Fencing?

Proposal:

Not opposed to re-zoning or future land/residential development if :

A. No impact on business:

Agriculture – cattle grazing and farming (current barbed wire on border)

Agritourism – Barn Event and Wedding Venue, outdoor events in fields (concerts/corn maze/pumpkin patch/special events/tents)

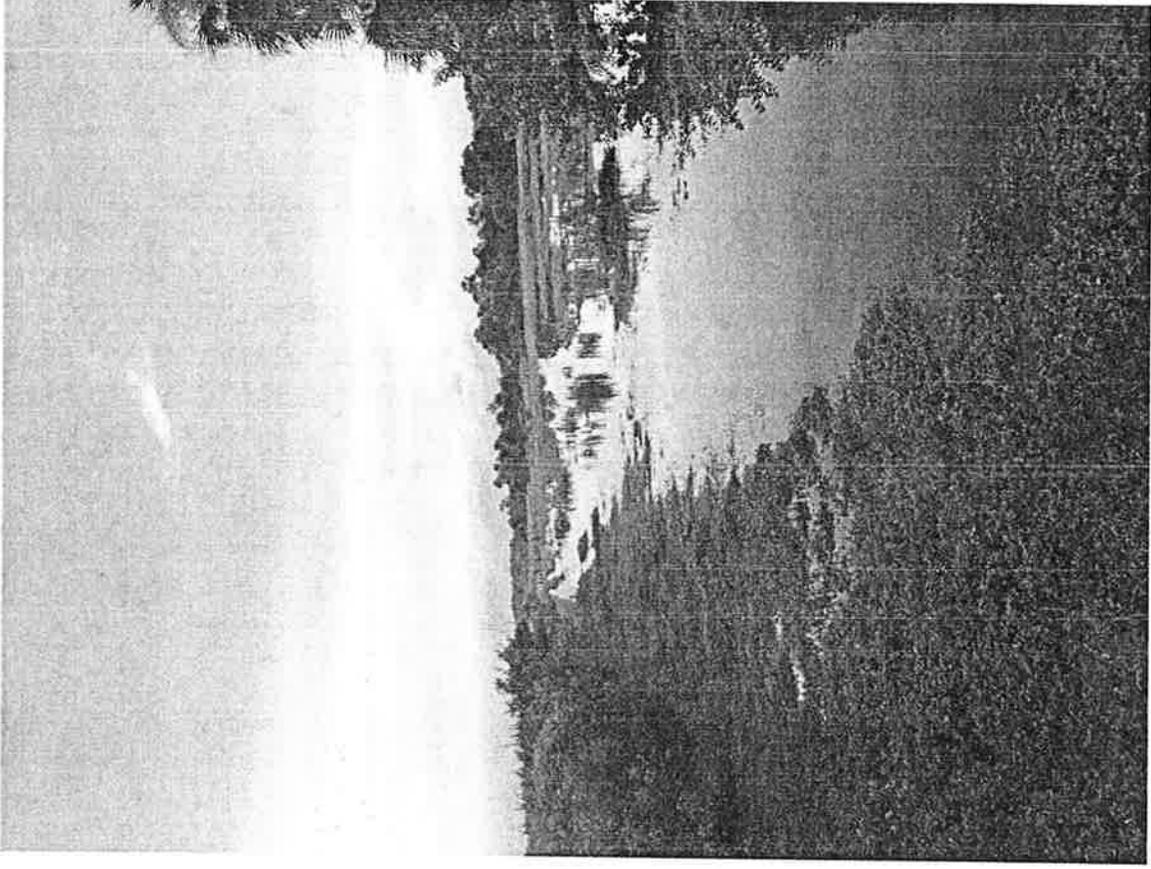
B. Surface water runoff can be corrected (?Engineered Easements/Drainage pipes or ditches?) and that development does not worsen the surface water runoff

1. Insure site plans/plots include water runoff easements to handle current surface water runoff from East to West
2. Or allow special permitting if needed for the affected properties to engineer changes of water flow drainage systems at the cost of the developer
3. If any regulatory fencing to border between AU and Residential land (currently 5 wire Barbed Wire), then the cost be bared by the developer of residential land.
4. Special Notice to the Developer and future Homeowners that AU land with prior Barn Venue Agritourism and outside events. Still following all County codes, but exempt from changes if any specific concern for location of the neighboring residential zoning.

Flooded field , water
trapped at Western
Border by adjacent dike
that is covered by
bushes just over fence-
line



Flooded field , water
trapped at Western
Border by adjacent dike
that is covered by bushes
just over fence-line



Mel Colgin trespass warning

**BREVARD COUNTY SHERIFF'S OFFICE
TRESPASS WARNING**

CR NUMBER: 17-1391 DATE: 5/13/17 TIME: 1115
ADDRESS OF OCCURRENCE: 2450 Hwy 520 Cocoa FL 32926
LOCATION OF OCCURRENCE (Business Name): Harley's Barber
OWNER OR AGENT: Ray Dene PHONE NUMBER () 689-2164
ADDRESS: 2450 Hwy 520 RACE/SEX: W/M Non

SUSPECT:
(Last) Colgin (First) Melvin (M.I.) F
RACE: W SEX: M HEIGHT: 5'10 WEIGHT: 220 EYES: Brown DOB: 10/27/83
ADDRESS: 2450 Hwy 520
CITY: Cocoa STATE: FL ZIP: 32926
OCCUPATION: Barber EMPLOYER: Richard

A WARNING has been given to the suspect named above, pursuant to 810.08 or 810.09 F.S. informing said suspect that they are no longer authorized, licensed, or invited to remain on these premises; that he/she is barred from said premises as an undesirable person; and that should they return to the premises, they will be subject to arrest for the crime of Trespass.

I have read, or had read to me, the above warning, and I understand that if I return to the premises mentioned above, I will be subject to arrest for the crime of Trespass, 810.08 or 810.09 Florida Statutes.

[Signature] (Suspect)

WE HEREBY CERTIFY that the above warning was issued to the above named suspect.

[Signature] (Owner or Agent)
[Signature] 2977 (Officer/ID#)

NOTE TO OWNER OR AGENT: This warning is to be kept accessible and legible by you, so that the suspect can be arrested for Trespass at a later date, should (s)he again come onto your property.

NARRATIVE:

Rev 08/06

Looking over Dike and into
Ditch, evidence of prior Lime
Fill in pastures (thick white) =
nonpermeable to water

