



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

G.11.

7/13/2023

### Subject:

Afficap Cocoa, LLC (Javier Fernandez) requests a Small Scale Comprehensive Plan Amendment (23S.03), to change the Future Land Use designation from RES 4 and NC to RES 15. (23SS00003) (Tax Accounts 2424005 & 2441241) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (23S.03), to change the Future Land Use designation from RES 4 (Residential 4) and NC (Neighborhood Commercial), to RES 15 (Residential 15).

### Summary Explanation and Background:

The applicant is seeking to amend the Future Land Use Map (FLUM) designation from RES 4 and NC to RES 15 for the purposes of a unified FLUM and zoning across the entire project area which includes the 2 parcels to the east which are not included in this request. The proposed project is an approximate 300-unit townhome development directly east of the subject property. The need for additional land came about during the site plan process when it was determined that a larger stormwater retention facility would be required. A companion rezoning application (23Z00028) for a zoning change from AU (Agricultural Residential) to RU-2-10 (Medium-Density Multi-Family Residential) has been submitted accompanying this request.

Land use patterns area includes RES 15, RES 4, NC (Neighborhood Commercial) and CC (Community Commercial). The character of the area is residential to the east and transitions from 15 units per acre to 4 units per acre along the north side of Pluckebaum Road. North of the subject property is the NC designation which transitions to 15 units per acre. The predominant FLU designation of RES 15 is more concentrated in the area east of I-95, developed as single-family.

The Board to consider if the request is consistent and compatible with the surrounding area.

On June 12, 2023, the Local Planning Agency heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

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



July 14, 2023

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

TO: Tad Calkins, Planning and Development Director

RE: Item G.11., Small Scale Comprehensive Plan Amendment (23S.03)

The Board of County Commissioners, in regular session on July 13, 2023, conducted the public hearing and adopted Ordinance No. 23-15, setting forth the third Small Scale Comprehensive Plan Amendment (23S.03) to change the Future Land Use designation from RES 4 and NC to RES 15. (23SS00003). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

Encl. (1)



## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 14, 2023

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

Attention: Helen Seaman

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 23-15, which was filed in this office on July 14, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh

ORDINANCE NO. 23-15

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE THIRD SMALL SCALE PLAN AMENDMENT OF 2023, 23S.03, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2023 as Plan Amendment 23S.03; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 23S.03; and

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

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and  
OFFICIALLY FILED WITH THE SECRETARY OF THE STATE ON JULY 14, 2023.

WHEREAS, on June 12, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.03, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on July 13, 2023, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 23S.03; and

WHEREAS, Plan Amendment 23S.03 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.03 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 23S.03 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 23S.03, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

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

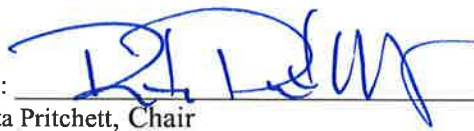
Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the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

DONE AND ADOPTED in regular session, this 13<sup>th</sup> day of July, 2023.

ATTEST:

  
\_\_\_\_\_  
Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on July 13, 2023.



**EXHIBIT A**  
**23S.03 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

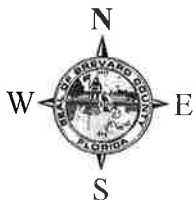
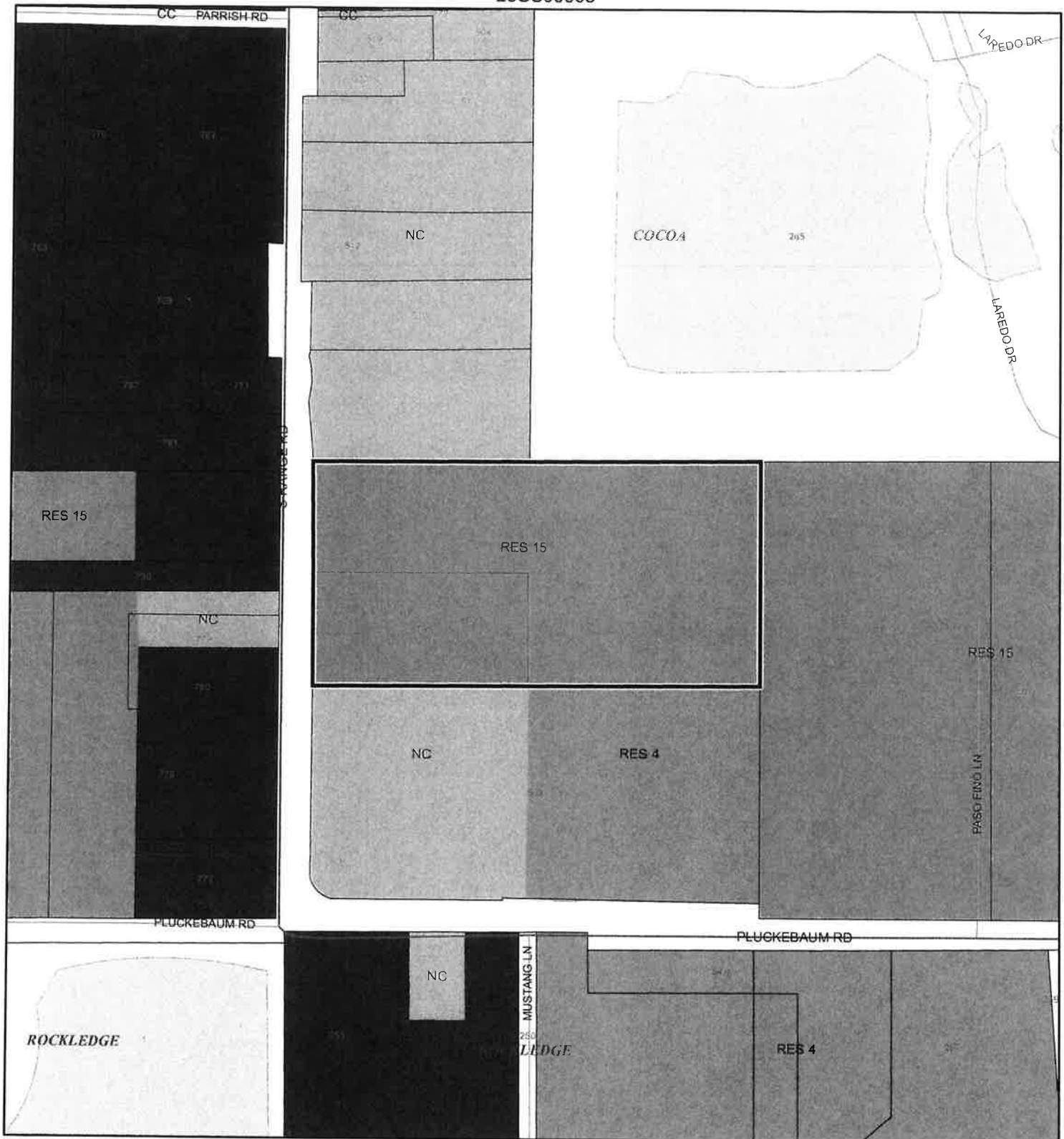
**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

LONG, DANIEL CLIFFORD

23SS00003



1:4,800 or 1 inch = 400 feet

— Subject Property  
 — Parcels

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

Produced by BoCC - GIS Date: 4/11/2023



## **EXHIBIT B**

### **Contents**

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

## Public Notice

Published in Brevard County on May 25, 2023

### DISTRICT 1

**9. ( 23SS00003) Afficap Cocoa, LLC** (Javier Fernandez) requested a Small Scale Comprehensive Plan Amendment (23S.03), to change the Future Land Use designation from RES 4 (Residential 4) and NC (Neighborhood Commercial), to RES 15 (Residential 15), on property described as Tax Parcels 505 & 515, as recorded in ORB 9757, Page 850, of the Public Records of Brevard County, Florida. **Section 31, Township 24, Range 36** . (19.48 +/- acres) Located on the east side of Range Rd., approx. 700 ft. north of Pluckebaum Rd. (Tax Parcel 515 = No assigned address. In the Cocoa area. Tax Parcel 505 = 450 S. Range Rd., Cocoa) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S. 03: An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled The Comprehensive Plan , amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

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

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

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

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

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

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

(c) General Standards of Review.

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

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



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

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 23S.03 (23SS00003)*  
Township 24, Range 36, Section 31

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**Property Information**

**Owner / Applicant:** Afficap Cocoa, LLC

**Adopted Future Land Use Map Designation:** Residential 4 (RES 4) and Neighborhood Commercial (NC)

**Requested Future Land Use Map Designation:** Residential 15 (RES 15)

**Acreage:** 19.48+/- acres

**Tax Account #:** 2441241 & 2424005

**Site Location:** East side of Range Road approximately 700 feet north of Pluckebaum Rd.

**Commission District:** 1

**Current Zoning:** Agricultural Residential (AU)

**Requested Zoning:** Medium-Density Multi-Family Residential (RU-2-10)  
(application 23Z00028)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use Map (FLUM) designation on 19.48+/- acres of land from Residential 4 (RES 4) and Neighborhood Commercial (NC) to Residential 15 (RES 15) on 2 parcels totaling 19.48 acres for the purposes of a unified FLUM and zoning across the entire project area which includes the 2 parcels to the east which are not included in this request. The excluded 2 parcels FLUM and zoning were approved in December 2021, under **21PZ00062** and **21Z00032**. This request will provide a unified FLU and Zoning for the development.

The proposed project is an 300-unit townhome development located directly east of the subject property, as permitted by Section 62-1372 (1)a. The need for additional land came about during the site plan process when it was determined that a larger stormwater retention facility would be needed. The entirety of the 19.48 acres will not be used for stormwater retention so there is potential for the remaining site to be developed as multi-family under the RU-2-10 zoning (Ten units per gross acre).

A companion rezoning application (**23Z00028**) was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) to Medium-Density Multiple-Family Residential (RU-2-10).

There are no previous FLUM amendments associated with the subject parcels.

At this time, there are no active Code Enforcement associated with the subject parcels.

### **Surrounding Land Use Analysis**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Multi-Family Apartment Complex	City of Cocoa RU-2-15	City of Cocoa Medium Density Residential (15 units/acre)
<b>South</b>	Single-family residential	AU	RES 4 and NC
<b>East</b>	Lake	RU-2-10	RES 15
<b>West</b>	Junk yard	BU-1, BU-2, RU-2-8 and AU	RES 15, NC and CC

The subject property is in surrounded by Medium-Density Residential, Neighborhood Commercial, RES 4 and RES 15 FLU.

The City of Cocoa abuts the easternmost part of the subject property to the north with a property containing 130.66-acre and a FLUM designation of (RES 15). Also abutting to the north is NC land use designation which is a transitional designation between the higher intensity of lower intensity uses. This designation is intended to be low-impact in nature and serve the needs of the immediate residential area and requires direct access to collector or higher roadways.

West of the subject property, across Range Rd, land uses include RES 15, Community Commercial (CC) and NC designation. RES 15 land use designation affords the second highest density allowance, permitting a maximum density of up to 15-units/acre. Community Commercial (CC) designation focus is on development activities which are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

Neighborhood Commercial and RES 4 designation are to the immediate south of the subject project. RES 4 land use permits a maximum density of up to 4-units/acre and serves as a transition between areas of higher and lower density.

## Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; 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 to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

### 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:**

- 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.

**The subject property is served with potable water by the City of Cocoa.**

- 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.

**This Future Land Use Amendment request to change from RES 4 to RES 15 will require a connection to a centralized sewer system. The nearest potential connection is approximately one (1) mile north along State Road 520 (SR 520).**

### Residential 15 (maximum of 15 units per acre)

#### Policy 1.4

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher

density allowance; and

**The subject site is located east of Interstate-95 (I-95). It is located adjacent to an equal density Future Land Use (FLU) designation to the north with a City of Cocoa, Medium Density Residential FLU (15 units/acre) designation with a 268 unit apartment complex. To the east are 2 parcels (companion parcels to the 2 parcels in this request) with RES 15 (15 units/acre). Vacant parcels located west of S Range Rd Residential 15 (RES 15) FLU designation are also located west of S Range Rd and continuing west toward I-95.**

B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;

**The subject site is located directly adjacent to the north by an incorporated area which also allows up to fifteen (15) dwelling units per acre.**

C. Areas adjacent to an existing Residential 15 land use designation; and

**The subject site is located directly adjacent to an existing City of Cocoa FLU of Medium Density Residential which allows up to 15 dwelling units per acre.**

D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**The subject site has direct access to S Range Road, an urban major collector roadway to the west.**

E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

**The applicant is not proposing a Planned Unit Development and the subject property is not located within the CHHA.**

### **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:**

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

1. historical land use patterns;

**Land use patterns area includes RES 15, RES 4, NC and CC. The character of the area is residential to the east and transitions from 15 units per acre to 4 units per acre along the north side of Pluckebaum Rd. North of the subject property is NC designation which transitions to 15 units per acre. The predominant FLU designation of RES 15 is more concentrated in the area east of I-95 Highway developed as single-family.**

**There has been an emerging pattern of multi-family development to the north and east of the subject site. Proposed to the east is a 300-unit townhome development.**

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

**Over the preceding three years, the Cocoa Grand apartments (City of Cocoa) and Boniface Chrysler Dodge dealership was constructed. Harvest Landing subdivision is in the beginning phases of construction (City of Rockledge). These developments are within ½ mile of the subject property.**

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

**To the southeast, Harvest Landing subdivision with single-family lots is in the beginning phases of construction.**

### **Concurrency**

The closest concurrency management segment to the subject property is Pluckebaum Rd, between Clearlake Rd and Fiske Blvd, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 38.67% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 7.08%. The corridor is anticipated to operate at 45.74% of capacity daily. The proposal would not create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The subject site is within the City of Cocoa's service area for potable water. The closest Brevard County sewer line is approximately 0.80 miles northwest on Parrish Road. The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development. There is sufficient capacity at

Saturn Elementary School, McNair Middle School, and Rockledge High School for the total of projected and potential students from this development.

## **Environmental Resources**

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

- Wetlands Protection/Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

The subject parcel contains mapped wetlands and hydric soils, indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

The property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. **The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions.** 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."

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

## **Historic Resources**

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

## **For Board Consideration**

The Board to consider if the request is consistent and compatible with the surrounding area.



**NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT**  
**Zoning Review & Summary**  
**Item #23SS00003**

**Applicant:** Javier Fernandez

**Land Use Request:** Res-4 & NC to Res-15

**Note:** Wants to develop a 300-unit townhome community

**LPA Hearing Date:** 06/12/2023; **BCC Hearing Date:** 07/13/2023

**Tax ID Nos:** 2424005 & 2441241

- 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.**

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

- Wetlands Protection/Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

The subject parcel contains mapped wetlands and hydric soils, indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

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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."

### **Land Use Comments:**

#### **Wetlands Protection/Hydric Soils**

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils (Holopaw sand, 0 to 2 percent slopes, and Anclote sand), indicators that wetlands may be present on the property. A wetland delineation is required prior to any land clearing or alteration activities. The wetland delineation shall be verified at time of site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal, or performing any land clearing activities.

#### **Floodplain Protection**

The property is mapped as being within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. **The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and density restrictions.** Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). 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 applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal, or performing any land clearing activities.

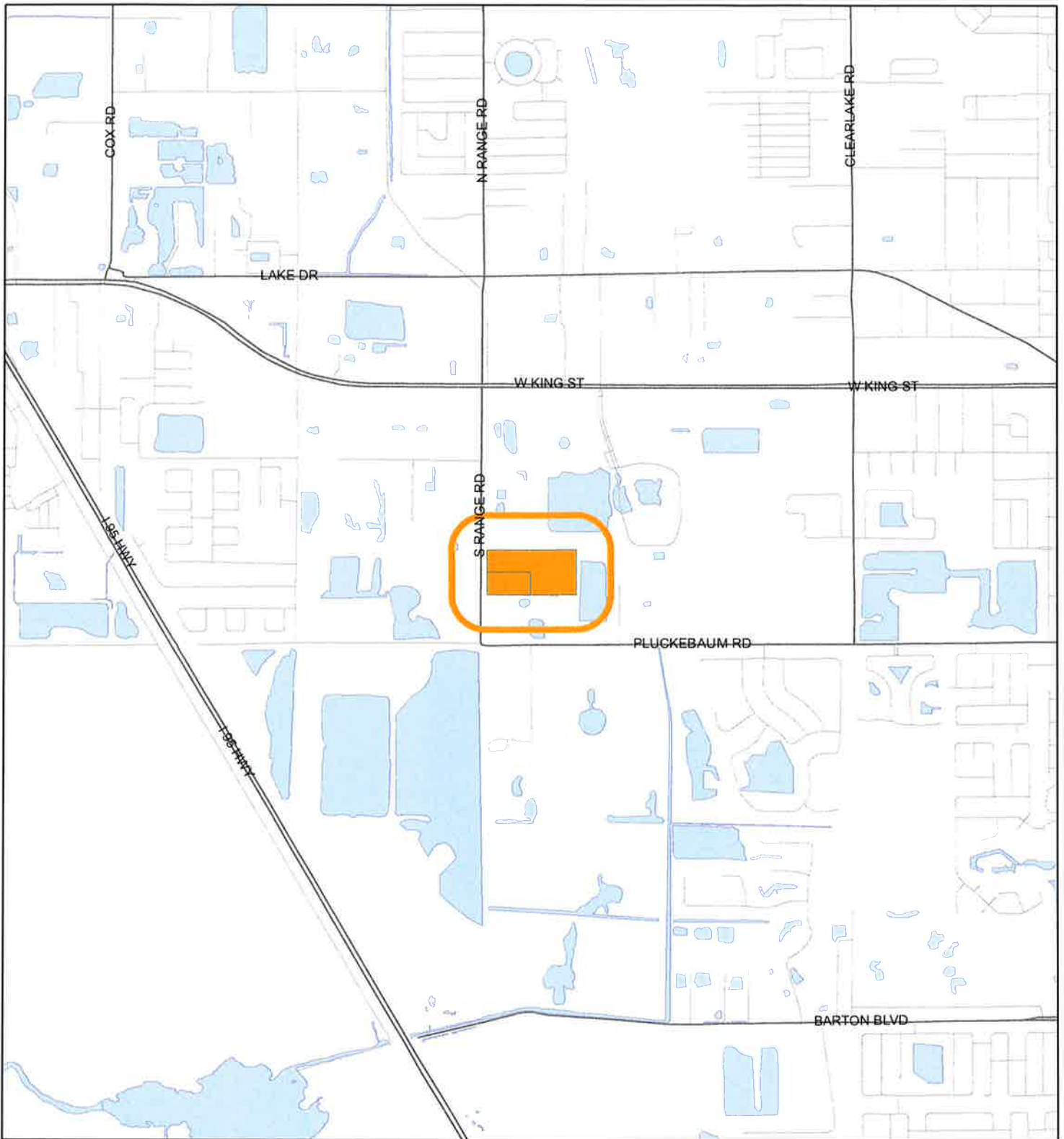
#### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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.

# LOCATION MAP

AFFICAP COCOA, LLC

23SS00003



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.

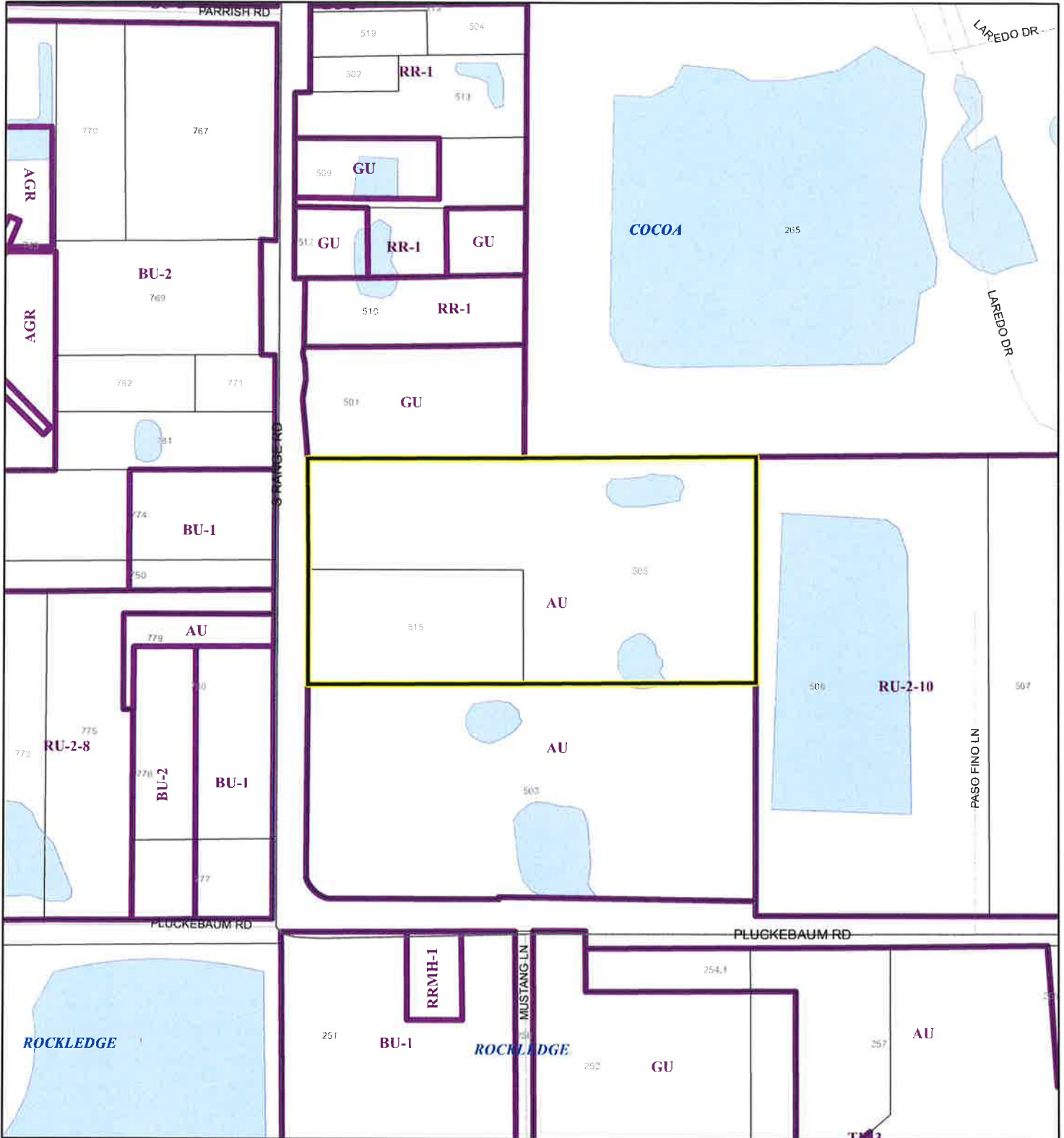
Produced by BoCC - GIS Date: 4/11/2023

- Buffer
- Subject Property

# ZONING MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/19/2023

 Subject Property

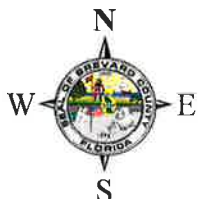
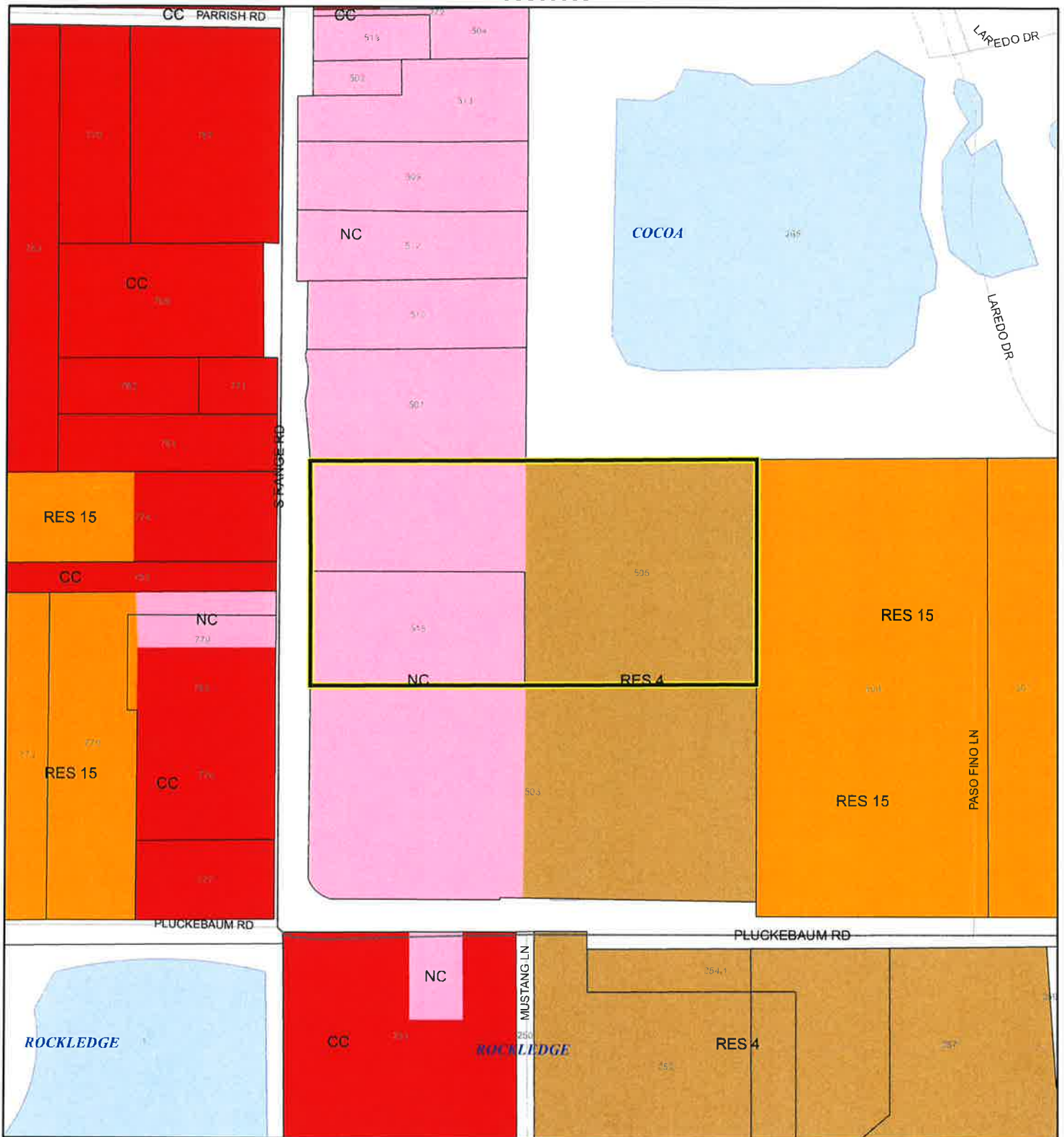
 Parcels

 Zoning

# FUTURE LAND USE MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

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

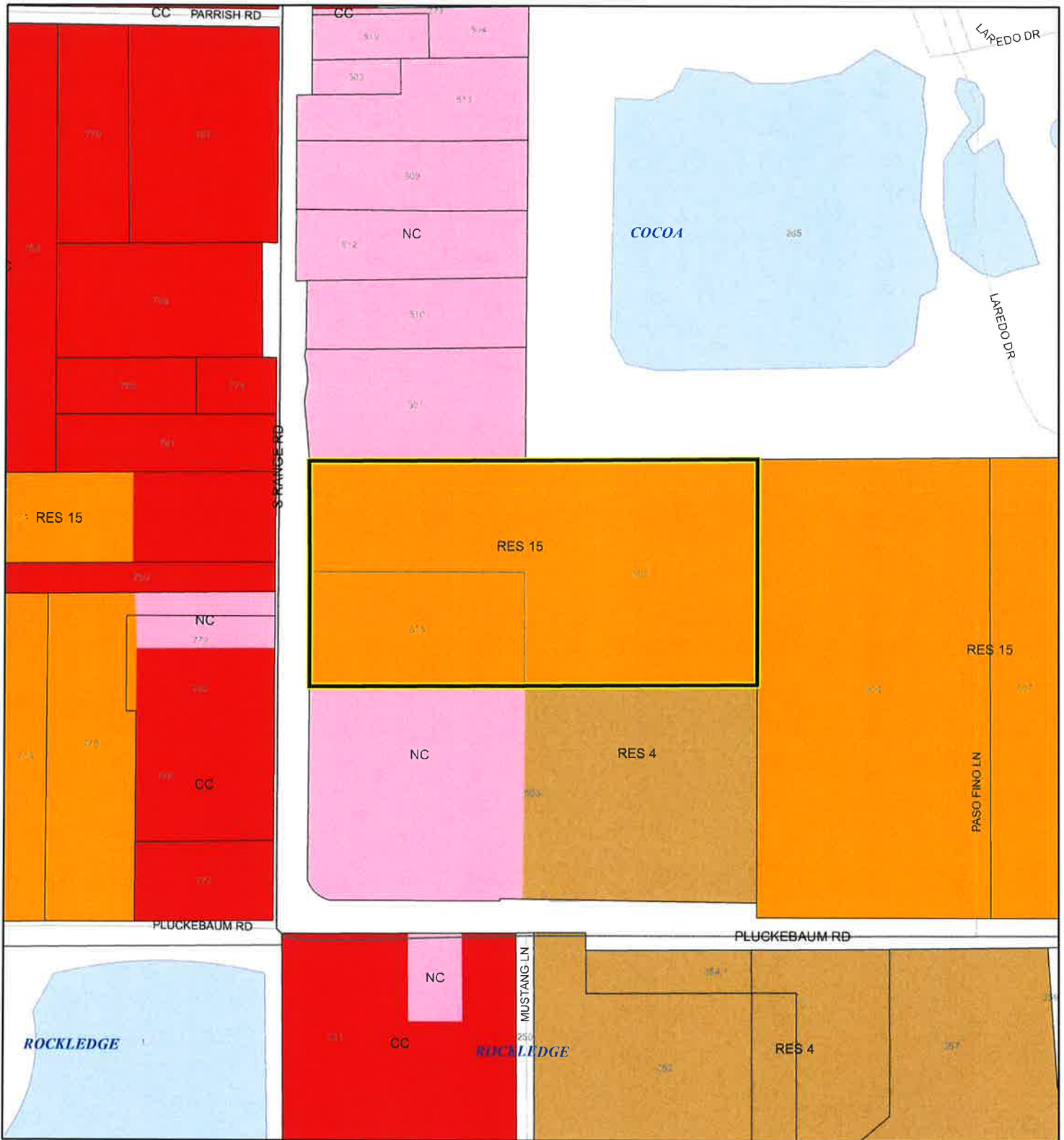
Produced by BoCC - GIS Date: 4/11/2023



# PROPOSED FUTURE LAND USE MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

Subject Property  
Parcels

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# AERIAL MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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 Subject Property

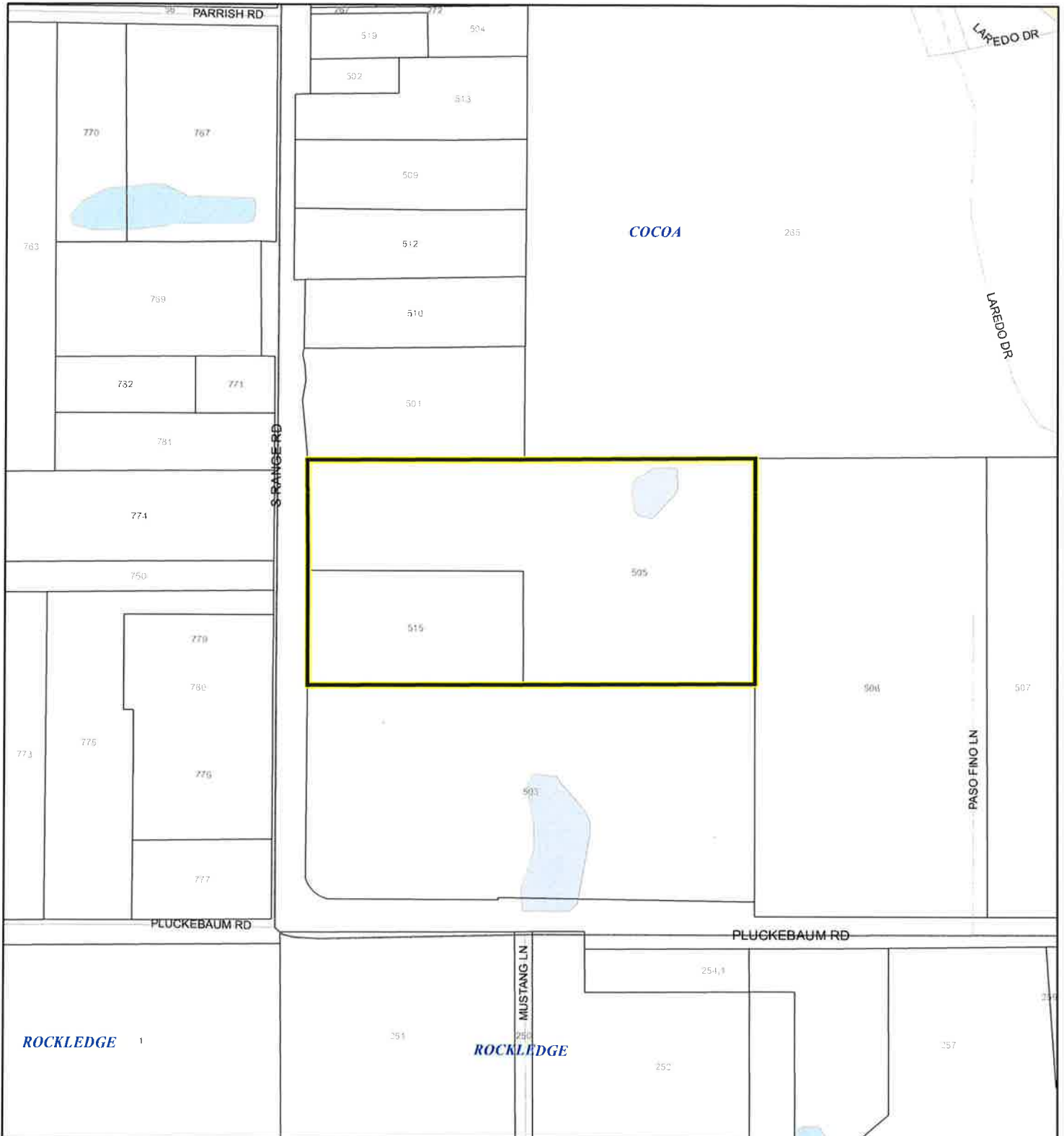
 Parcels



# NWI WETLANDS MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/11/2023

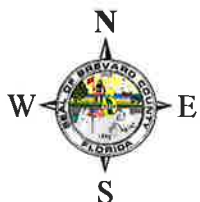
## National Wetlands Inventory (NWI)

	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

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/11/2023

## 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

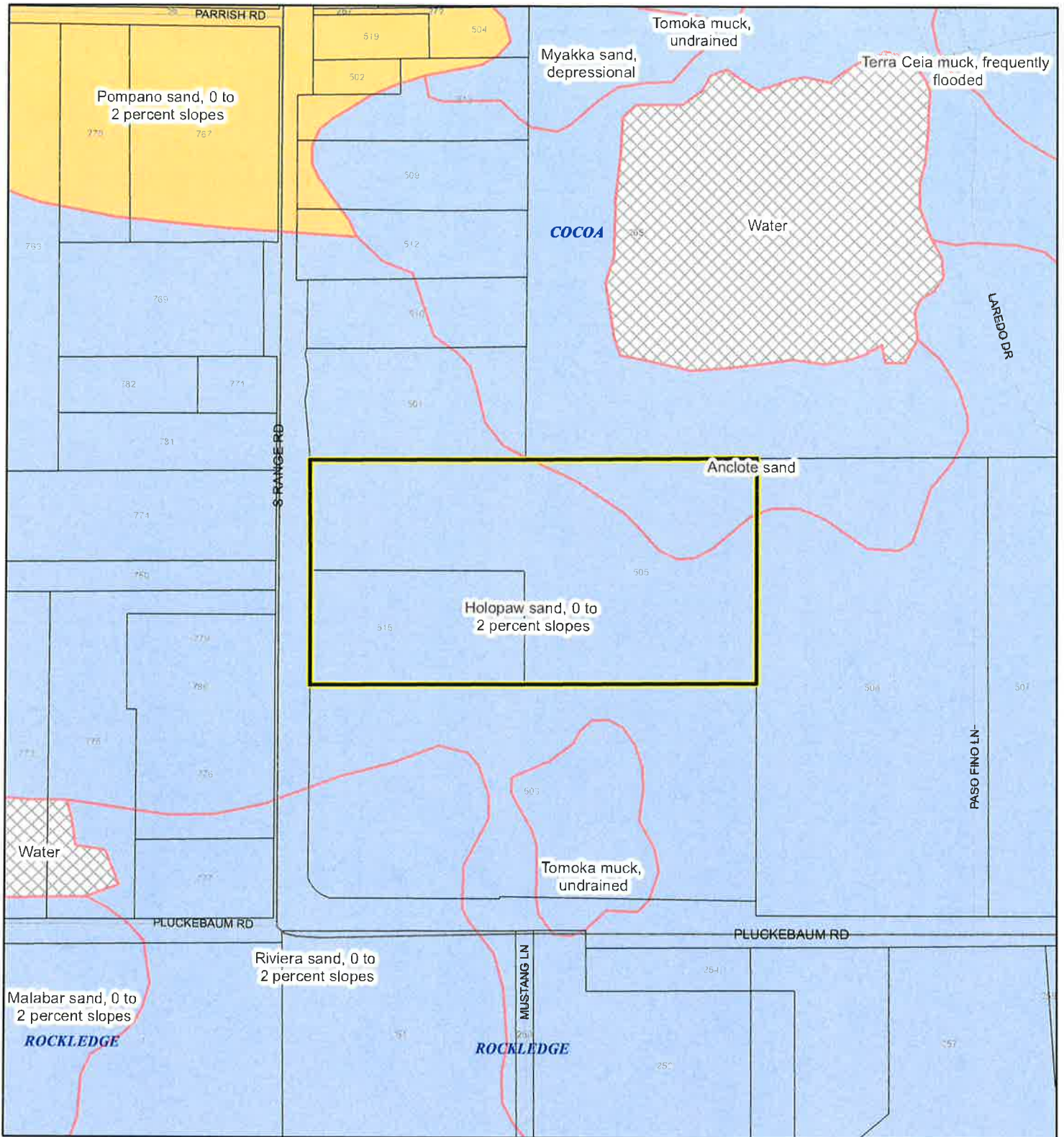
Subject Property

Parcels

# USDA SCSSS SOILS MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 4/11/2023

## USDA SCSSS Soils

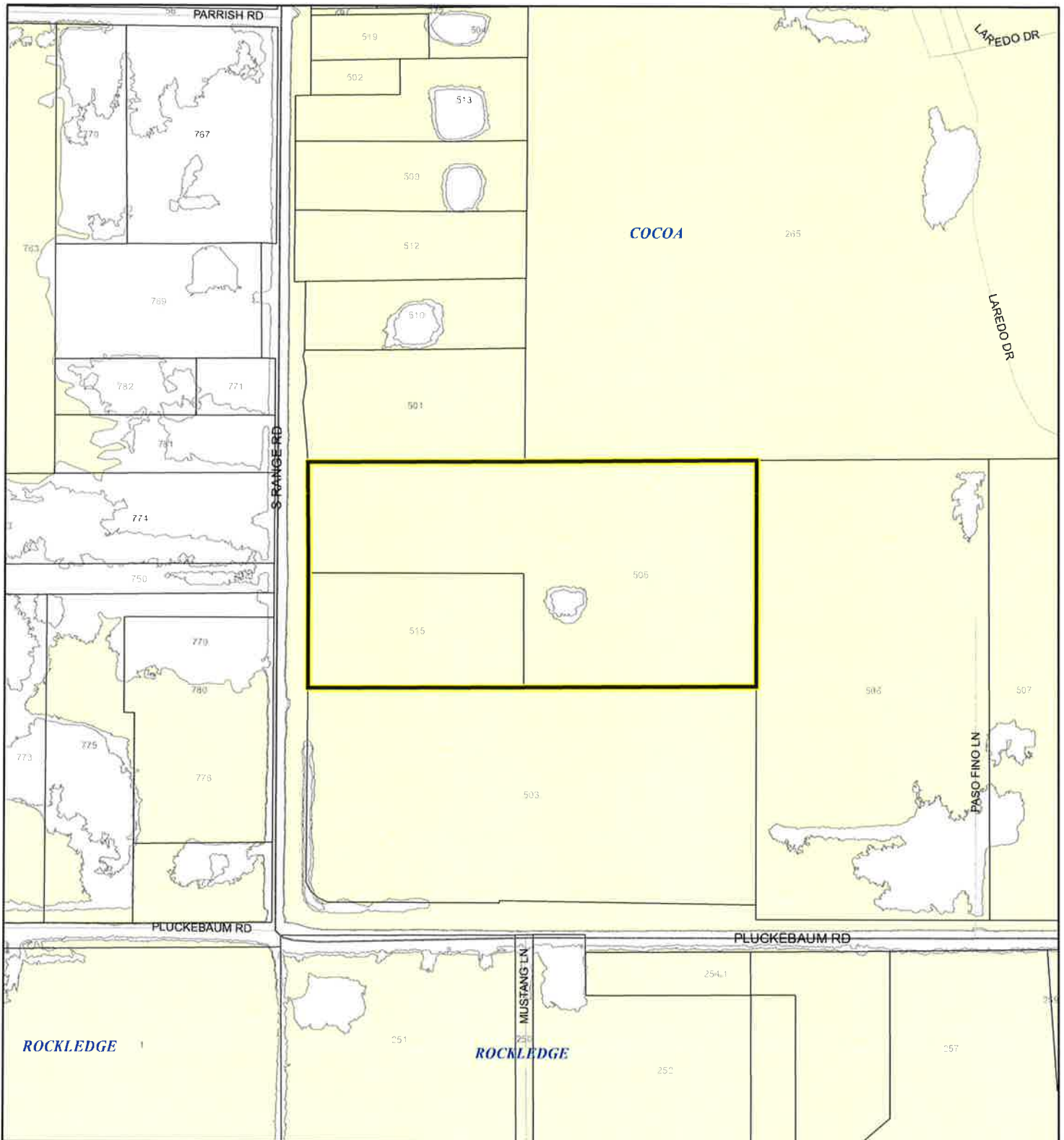
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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## FEMA Flood Zones

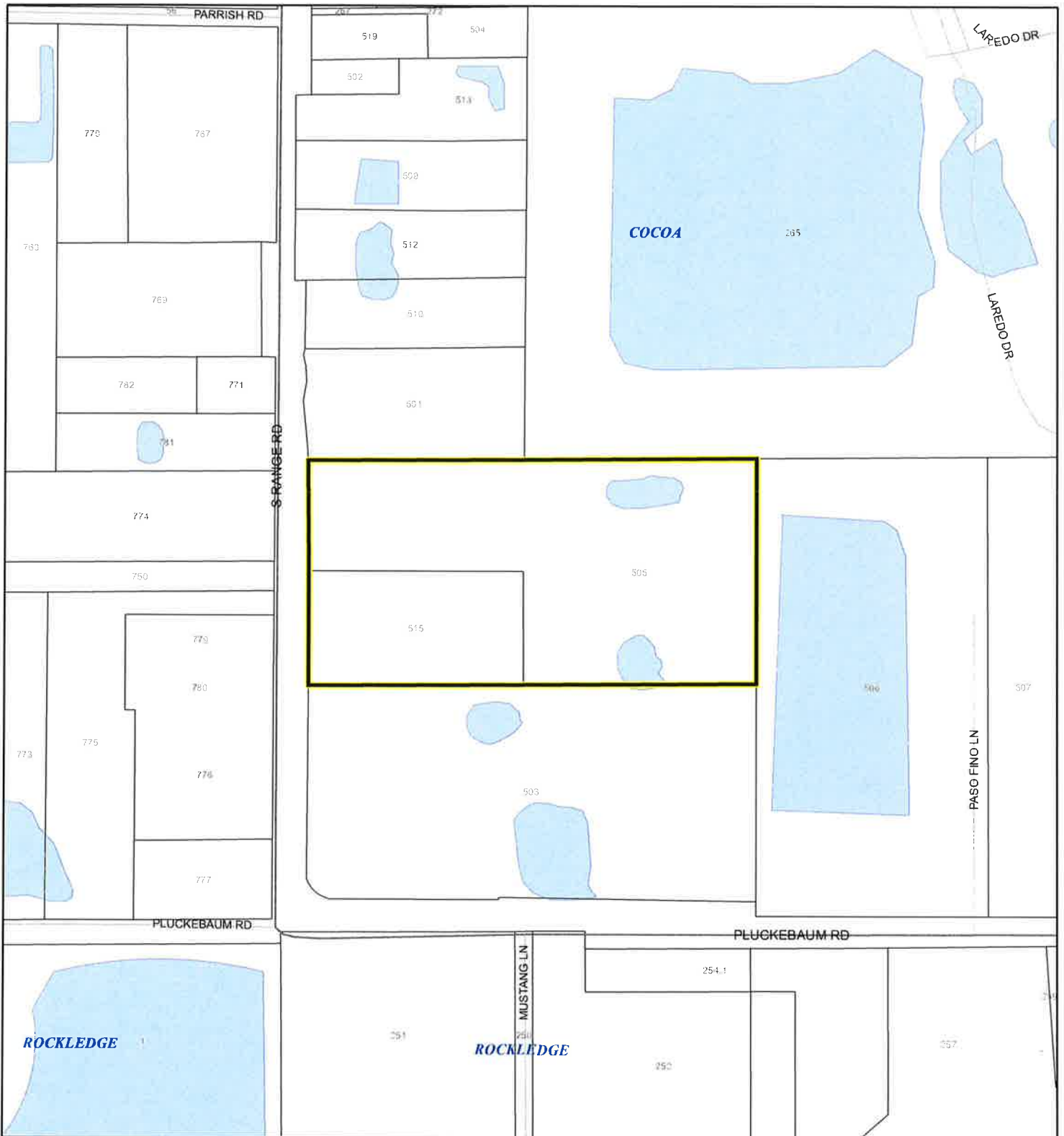
A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	



# COASTAL HIGH HAZARD AREA MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/11/2023

— Subject Property

□ Parcels

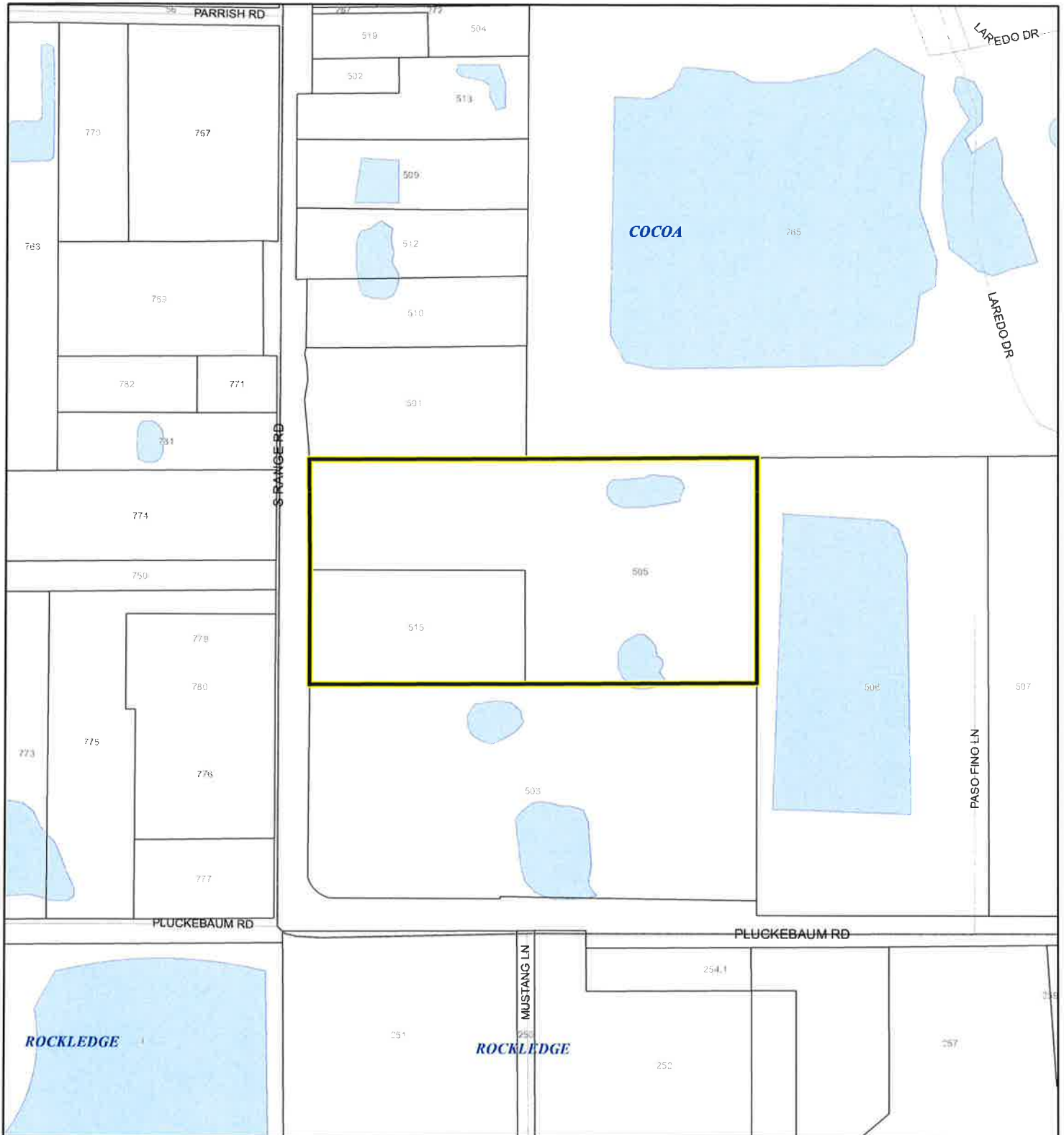
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/11/2023

— Subject Property

□ Parcels

## Septic Overlay

■ 40 Meters

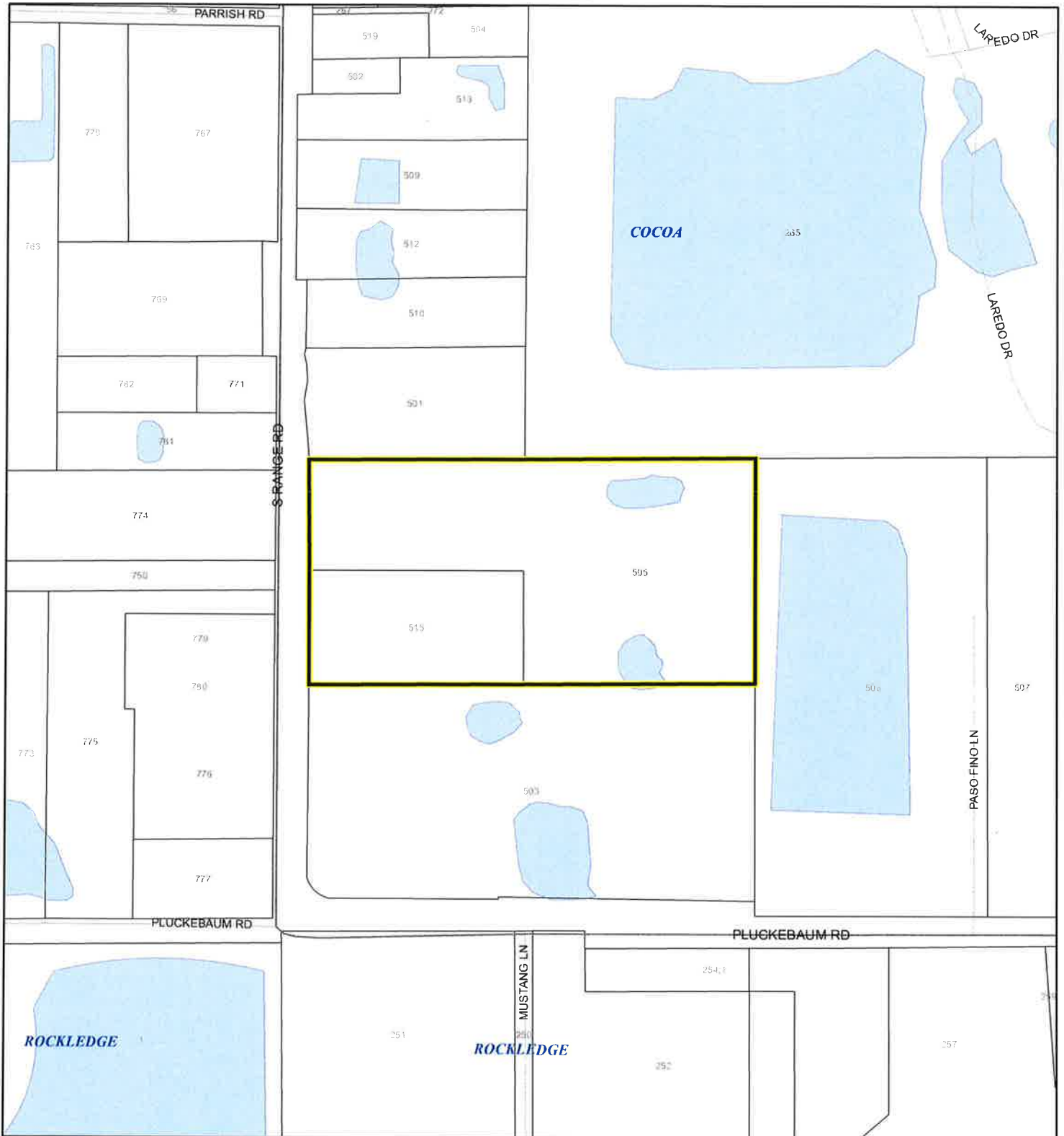
■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/11/2023

 Subject Property

 Parcels

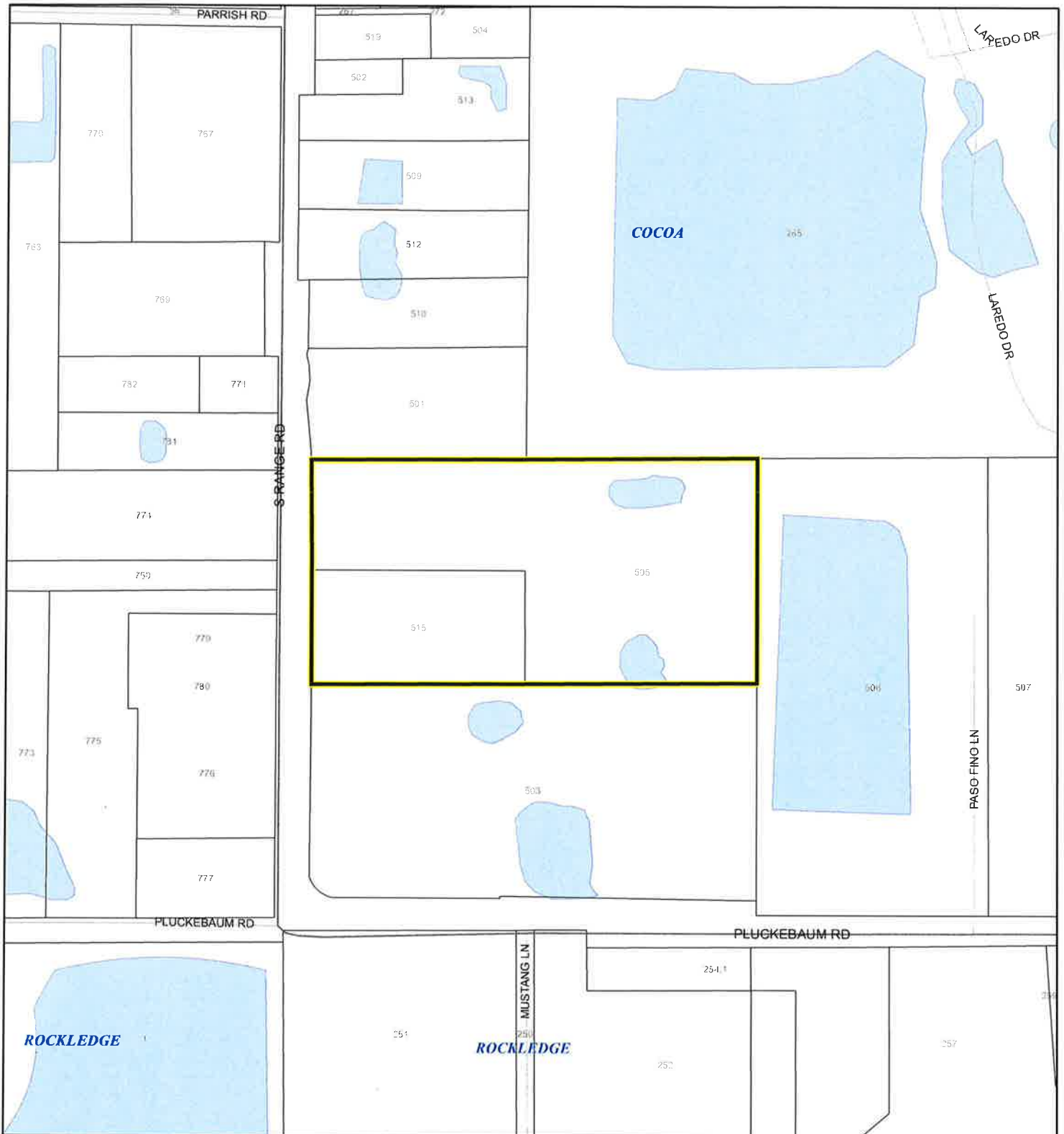


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/11/2023

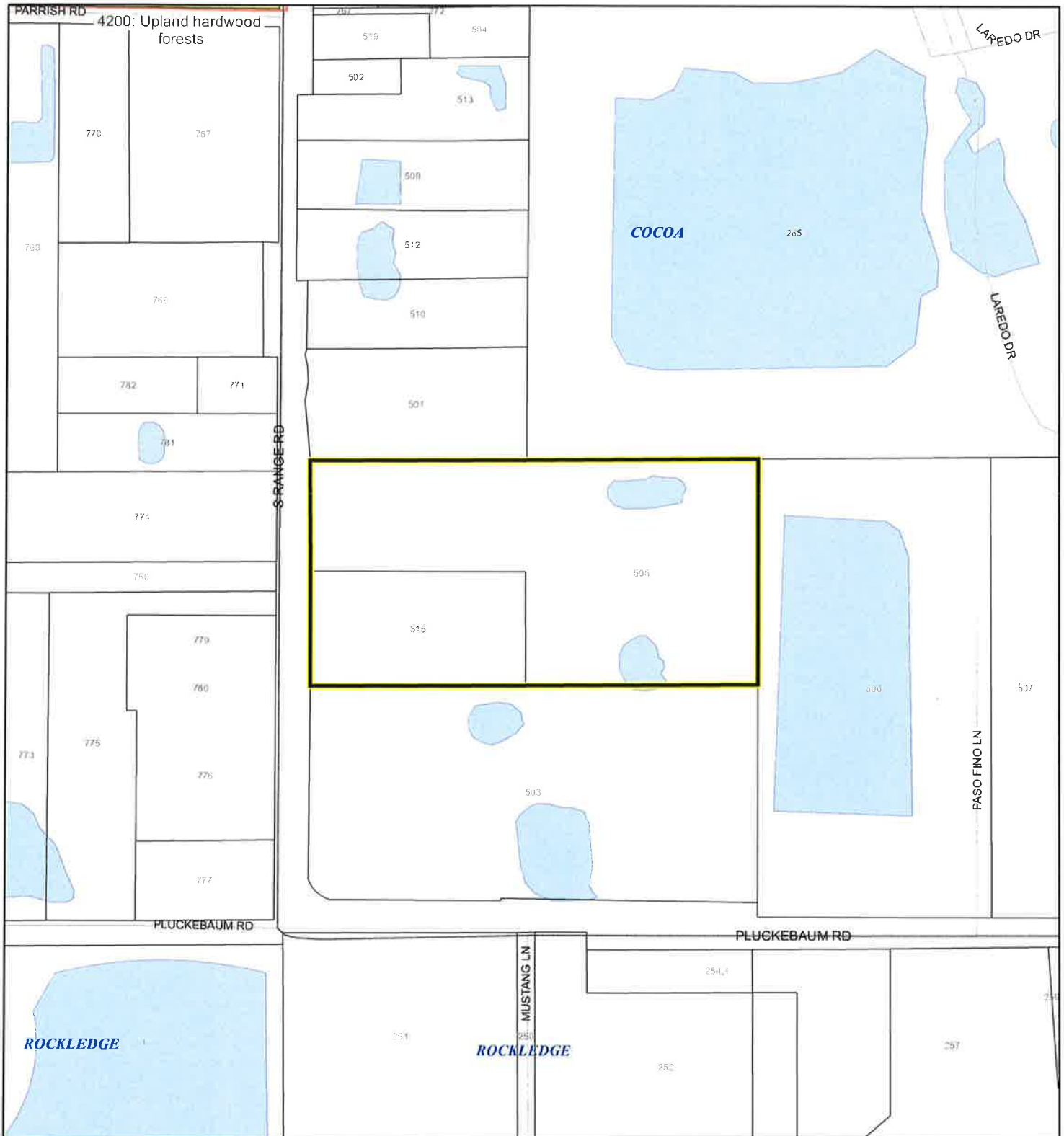
- Subject Property
- Parcels
- Scrub Jay Occupancy



# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

AFFICAP COCOA, LLC

23SS00003



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/11/2023

## SJRWMD FLUCCS Upland Forests

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

Subject Property  Parcels

# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699  
Dr. Robert E. Schiller, Ed.D., Interim Superintendent



March 27, 2023

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

**RE: Proposed Range Road Development  
School Impact Analysis – Capacity Determination CD-2023-10**

Dear Mr. Tim Craven,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2441241 (Parcel ID number: 24-36-31-00-515) and Tax Account number 2424005 (Parcel ID number: 24-36-31-00-505) containing a total of approximately 20 acres in District 1, Brevard County, Florida. The proposed development includes 100 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2023-24 to 2027-28 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28* which is attached for reference.

Single-Family Homes 100			
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.24	24	24
Middle	0.07	7	7
High	0.12	12	12
<b>Total</b>	<b>0.43</b>		<b>43</b>

Planning & Project Management  
Facilities Services  
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



**FISH Capacity (including relocatable classrooms) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to  
2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	998	998	998	998	998
McNair	616	616	616	616	616
Rockledge	1,836	1,836	1,836	1,836	1,836

**Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	649	677	821	794	786
McNair	369	346	354	337	347
Rockledge	1,559	1,640	1,699	1,693	1,620

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	-	-	-	-	-
McNair	-	-	-	-	-
Rockledge	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	-	-	12	24	24
McNair	-	-	4	7	7
Rockledge	-	-	6	12	12

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	649	677	833	818	810
McNair	369	346	358	344	354
Rockledge	1,559	1,640	1,705	1,705	1,632

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

School	2023-24	2024-25	2025-26	2026-27	2027-28
Saturn	349	321	165	180	188
McNair	247	270	259	272	262
Rockledge	277	196	131	131	204

At this time, Saturn Elementary School, Ronald McNair Magnet Middle School, and Rockledge Senior High School are projected to have enough capacity for the total of projected and potential students from the Range Road development.

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

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

Sincerely,



Karen M. Black, AICP

Manager – Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services  
File CD-2023-10

David G. Lindemann, AICP, Director of Planning & Project Management,  
Facilities Services  
File CD-2023-10



# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

### Data and Analysis for School Years 2022-23 to 2027-28



Summary		2022-23		2023-24		2024-25		2025-26		2026-27		2027-28		
		Highest Utilization Elementary Schools:	Highest Utilization Middle Schools:	Highest Utilization Jr / Sr High Schools:	Highest Utilization High Schools:	93%	88%	83%	100%	99%	91%	92%	100%	
		10/14/22	10/14/22	10/14/22	10/14/22	99%	97%	98%	99%	99%	98%	97%	100%	
School	Type	FISH Capacity	School Year 2022-23		School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27		School Year 2027-28	
			Total Capacity Utilization	Member-ship	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
Elementary School Concurrency Service Areas														
Allen	Elementary	751	598	80%	751	635	95%	751	704	751	720	773	766	
Andersen	Elementary	864	568	64%	864	549	64%	864	537	864	530	884	501	
Asolo	Elementary	902	731	81%	902	749	83%	902	753	902	736	902	718	
Atlantis	Elementary	739	620	84%	739	608	82%	739	596	739	585	739	572	
Audubon	Elementary	761	450	59%	761	435	59%	761	426	761	419	761	426	
Cambridge	Elementary	787	495	63%	787	511	65%	787	505	787	510	787	524	
Cape View	Elementary	570	305	54%	570	309	54%	570	314	570	315	570	329	
Carroll	Elementary	751	626	83%	751	643	86%	751	623	751	619	751	628	
Challenger 7	Elementary	573	503	88%	573	474	83%	573	462	573	433	573	413	
Columbia	Elementary	751	506	67%	751	531	71%	751	522	751	538	751	538	
Coccolina	Elementary	711	560	79%	711	565	79%	711	562	711	560	711	585	
Crest	Elementary	1,114	828	75%	1,114	688	60%	1,114	668	1,114	687	1,114	888	
Croft	Elementary	765	488	61%	765	514	65%	765	505	765	542	765	542	
Discovery	Elementary	980	643	66%	980	675	69%	980	671	980	720	980	761	
Enterprise	Elementary	968	719	74%	968	717	74%	968	707	968	674	968	671	
Enterprise	Elementary	728	597	82%	728	578	75%	728	552	728	538	728	529	
Farquhar	Elementary	769	617	78%	769	617	78%	769	632	769	635	769	625	
Gannett	Elementary	711	468	66%	711	465	65%	711	468	711	455	711	457	
Goldview	Elementary	777	441	57%	777	480	59%	777	471	777	489	777	503	
Harbor City	Elementary	629	403	64%	629	457	73%	629	474	629	494	629	509	
Holland	Elementary	605	432	71%	605	451	75%	605	444	605	442	605	431	
Imperial Estates	Elementary	728	659	90%	728	712	96%	728	724	751	742	795	779	
Indalantic	Elementary	798	686	86%	798	685	86%	798	676	798	676	798	651	
Jupiter	Elementary	930	729	78%	930	801	86%	930	822	930	802	1,040	1,030	
Lockhart	Elementary	892	585	66%	892	569	64%	892	552	892	558	892	559	
Longleaf	Elementary	790	631	80%	790	613	78%	790	590	790	583	790	528	
Longleaf	Elementary	998	888	89%	998	889	89%	998	845	998	888	998	881	
McAuliffe	Elementary	838	621	74%	838	580	69%	838	568	838	553	838	528	
Meadowlane Intermediate	Elementary	1,114	825	74%	1,114	779	70%	1,114	773	1,114	805	1,114	843	
Meadowlane Primary	Elementary	824	651	79%	824	660	80%	824	656	824	618	824	613	
Mina	Elementary	707	435	62%	707	439	62%	707	396	707	383	707	362	
Mina	Elementary	725	464	64%	725	481	66%	725	512	725	525	725	513	
Oak Park	Elementary	968	595	62%	968	471	49%	968	478	968	475	968	447	
Ocean Breeze	Elementary	854	554	65%	854	542	63%	854	533	854	534	854	531	
Palm Bay Elem	Elementary	963	596	60%	963	610	62%	963	627	963	630	963	656	
Pineview	Elementary	569	521	91%	569	591	94%	569	572	613	598	613	600	
Port Malabar	Elementary	852	640	75%	852	683	80%	852	746	852	780	852	795	
Quest	Elementary	932	693	74%	932	684	73%	932	681	932	685	932	697	
Riviera	Elementary	777	699	90%	777	718	92%	777	799	777	827	843	886	
Roosevelt	Elementary	569	288	48%	569	289	45%	569	256	569	239	569	220	
Sabal	Elementary	785	500	64%	785	503	64%	785	516	785	534	785	535	
Saturn	Elementary	998	649	65%	998	677	68%	998	621	998	784	998	786	
Sea Park	Elementary	461	337	73%	461	327	71%	461	321	461	326	461	329	
Sherrwood	Elementary	609	459	75%	609	458	75%	609	459	609	441	609	426	
Summit	Elementary	913	759	83%	913	836	92%	913	808	1,023	1,004	1,067	1,067	
Surfside	Elementary	755	600	79%	755	561	74%	755	541	755	516	755	480	
Surfside	Elementary	541	442	82%	541	425	79%	541	418	541	417	541	407	
Tropical	Elementary	910	689	76%	910	614	67%	910	600	910	572	910	545	
Turner	Elementary	874	555	64%	874	589	67%	874	587	874	675	874	691	
University Park	Elementary	811	487	60%	811	545	67%	811	592	811	642	811	658	
Viera Elem	Elementary	1,030	695	67%	1,030	759	74%	1,030	857	1,030	926	1,074	1,061	
Westside	Elementary	857	789	93%	857	922	100%	989	974	1,033	988	1,098	1,100	
Williams	Elementary	715	451	63%	715	443	62%	715	411	715	411	715	415	
Elementary Totals		42,215	30,468	82%	42,237	30,778	82%	42,303	30,996	42,435	31,965	43,007	32,280	



School	Type	Grades	Utilization Factor	School Year 2022-23	School Year 2023-24	School Year 2024-25	School Year 2025-26	School Year 2026-27	School Year 2027-28
				FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection
				Total Capacity Utilization	Total Capacity Utilization	Total Capacity Utilization	Total Capacity Utilization	Total Capacity Utilization	Total Capacity Utilization
<b>Middle School Concurrency Service Areas</b>									
Central	Middle	7-8	90%	1,514	1,129	1,514	1,228	1,514	1,283
Delaura	Middle	7-8	90%	960	844	960	820	960	876
Hoover	Middle	7-8	90%	680	505	680	574	680	588
Jackson	Middle	7-8	90%	680	550	680	534	680	588
Jefferson	Middle	7-8	90%	873	608	873	609	873	563
Johnson	Middle	7-8	90%	1,064	610	1,064	658	1,064	825
Kennedy	Middle	7-8	90%	869	671	869	670	869	669
Madison	Middle	7-8	90%	781	446	781	452	781	478
McNair	Middle	7-8	90%	616	365	616	354	616	397
Southwest	Middle	7-8	90%	1,230	920	1,230	1,127	1,230	1,174
Stone	Middle	7-8	90%	1,076	708	1,076	823	1,076	890
<b>Middle Totals</b>				<b>10,323</b>	<b>7,367</b>	<b>10,323</b>	<b>7,893</b>	<b>10,323</b>	<b>8,631</b>
<b>Junior / Senior High School Concurrency Service Areas</b>									
Cocoa	Jr / Sr High	PK, 7-12	90%	2,097	1,545	2,097	1,525	2,097	1,518
Cocoa Beach	Jr / Sr High	7-12	80%	1,445	983	1,445	941	1,445	928
Space Coast	Jr / Sr High	7-12	90%	1,852	1,534	1,852	1,450	1,852	1,428
<b>Jr / Sr High Totals</b>				<b>5,394</b>	<b>4,062</b>	<b>5,394</b>	<b>3,916</b>	<b>5,394</b>	<b>3,739</b>
<b>Senior High School Concurrency Service Areas</b>									
Astronaut	High	9-12	95%	1,451	1,109	1,451	1,129	1,451	1,164
Bayside	High	9-12	95%	2,263	1,851	2,263	2,099	2,263	2,175
Eau Gallie	High	PK 9-12	95%	2,221	1,582	2,221	1,625	2,221	1,631
Heritage	High	9-12	95%	2,314	2,033	2,314	2,057	2,314	2,099
Melbourne	High	9-12	95%	2,370	2,245	2,370	2,248	2,370	2,284
Meritt Island	High	PK, 9-12	95%	1,962	1,546	1,962	1,457	1,962	1,437
Palm Bay	High	PK, 9-12	95%	2,657	1,483	2,657	1,883	2,657	1,704
Rockledge	High	9-12	95%	1,836	1,559	1,836	1,699	1,836	1,683
Satellite	High	PK 9-12	95%	1,551	1,536	1,551	1,413	1,551	1,359
Titusville	High	9-12	95%	1,813	1,333	1,813	1,351	1,813	1,316
Viera	High	9-12	95%	2,141	2,289	2,141	2,437	2,141	2,579
<b>High Totals</b>				<b>22,912</b>	<b>18,664</b>	<b>22,912</b>	<b>19,178</b>	<b>22,912</b>	<b>19,441</b>
<b>Schools of Choice (Not Concurrency Service Areas)</b>									
Freedom 7	Elementary	K-6	100%	475	414	475	414	475	414
Stovenson	Elementary	K-6	100%	568	508	568	508	568	508
South Lake	Elementary	K-6	100%	481	434	481	434	481	434
West Melbourne	Elementary	K-6	100%	618	552	618	570	618	568
Edgewood	Jr / Sr High	7-12	90%	1,077	950	1,077	950	1,077	950
West Shore	Jr / Sr High	7-12	90%	1,264	950	1,264	950	1,264	950
<b>Schools of Choice Totals</b>				<b>4,484</b>	<b>3,760</b>	<b>4,484</b>	<b>3,899</b>	<b>4,484</b>	<b>3,935</b>
<b>Breard Totals</b>				<b>84,971</b>	<b>64,132</b>	<b>85,526</b>	<b>66,435</b>	<b>85,296</b>	<b>67,227</b>
<b>Breard Totals</b>								<b>86,840</b>	<b>68,118</b>

## Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
  2. Student Membership is reported from the Fall Final Membership Count (10/14/2022).
  3. Development Projections from Breard County Local Government Jurisdictions
    - Development Projections from Breard County Local Government Jurisdictions
    - Breard County School Concurrency Student Generation Multipliers (SGM)
    - Student Mobility Rates / Cohort Survival Rates
    - Breard County Birth rates by zip code
  4. Davis Demographics estimates are then adjusted using the following factors:
    - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
    - Current From/To attendance patterns are assumed to remain constant.
    - Nongraded student addresses are assumed to continue in their attendance schools.
    - Charter School Growth.
  5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
  6. If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
    - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-6) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
- For school year 2023-24, no additional capacity is needed.
- For school year 2024-25, a total of 3 intermediate classrooms are projected for Pinewood (1), Riviera (1), and Westside (3) Elementary Schools.
- For school year 2025-26, a total of 14 intermediate classrooms are projected for Imperial Estates (1), Jupiter (2), Riviera (2), Sunrise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School.
- For school year 2027-28, a total of 15 intermediate classrooms are projected for Royal Palms (1), Imperial Estates (2), Jupiter (3), Riviera (2), Sunrise (2), and Westside (3) Elementary Schools, 9 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High.
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.
8. A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
10. Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.





**AFFICAP COCOA, LLC  
FLUM and Rezone Request  
Application No(s):  
23SS00003 & 23Z00028**

By: Javier E. Fernández, Esq.

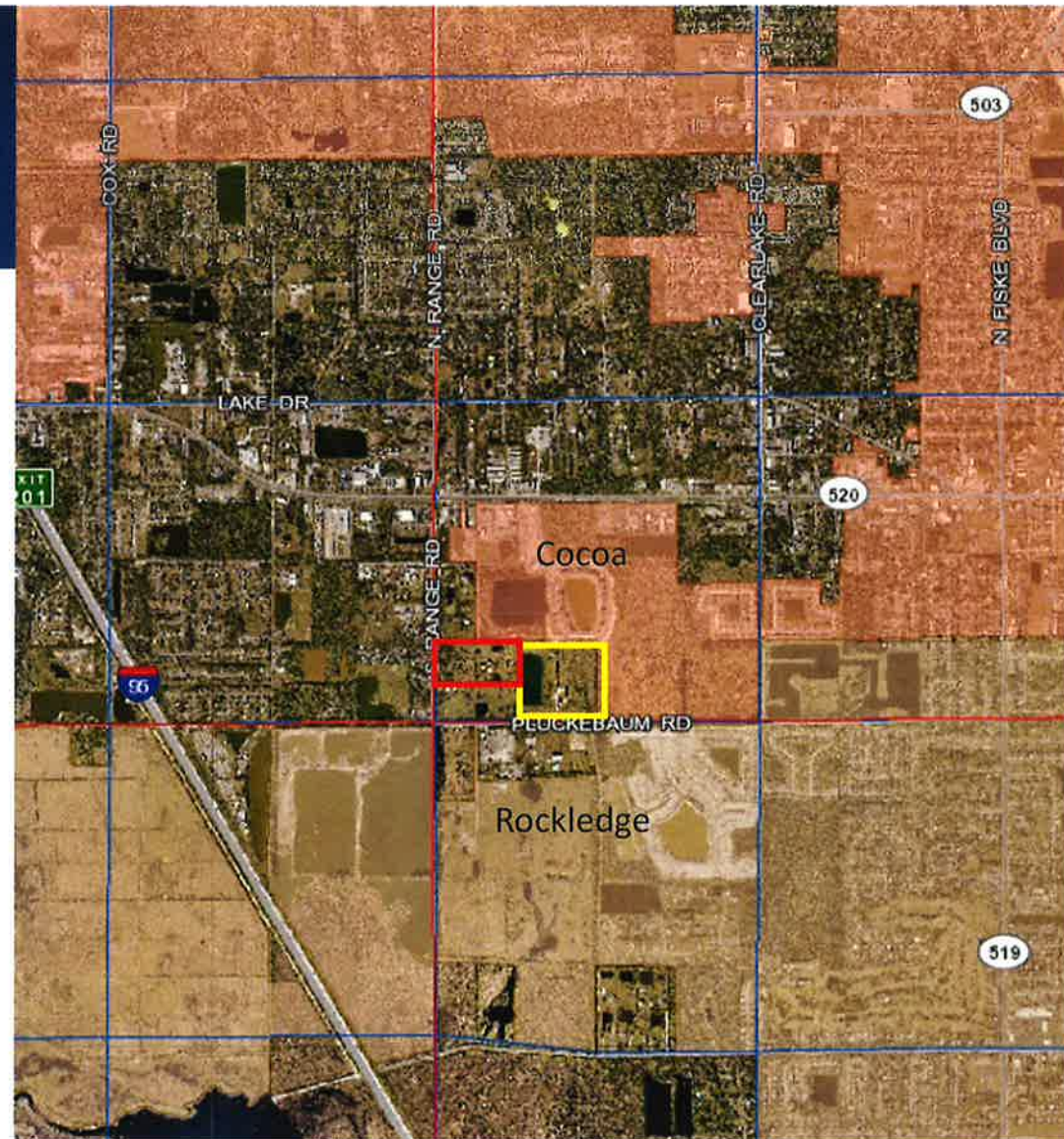


ATTORNEYS | [SMGQLAW.COM](http://SMGQLAW.COM)



# Location

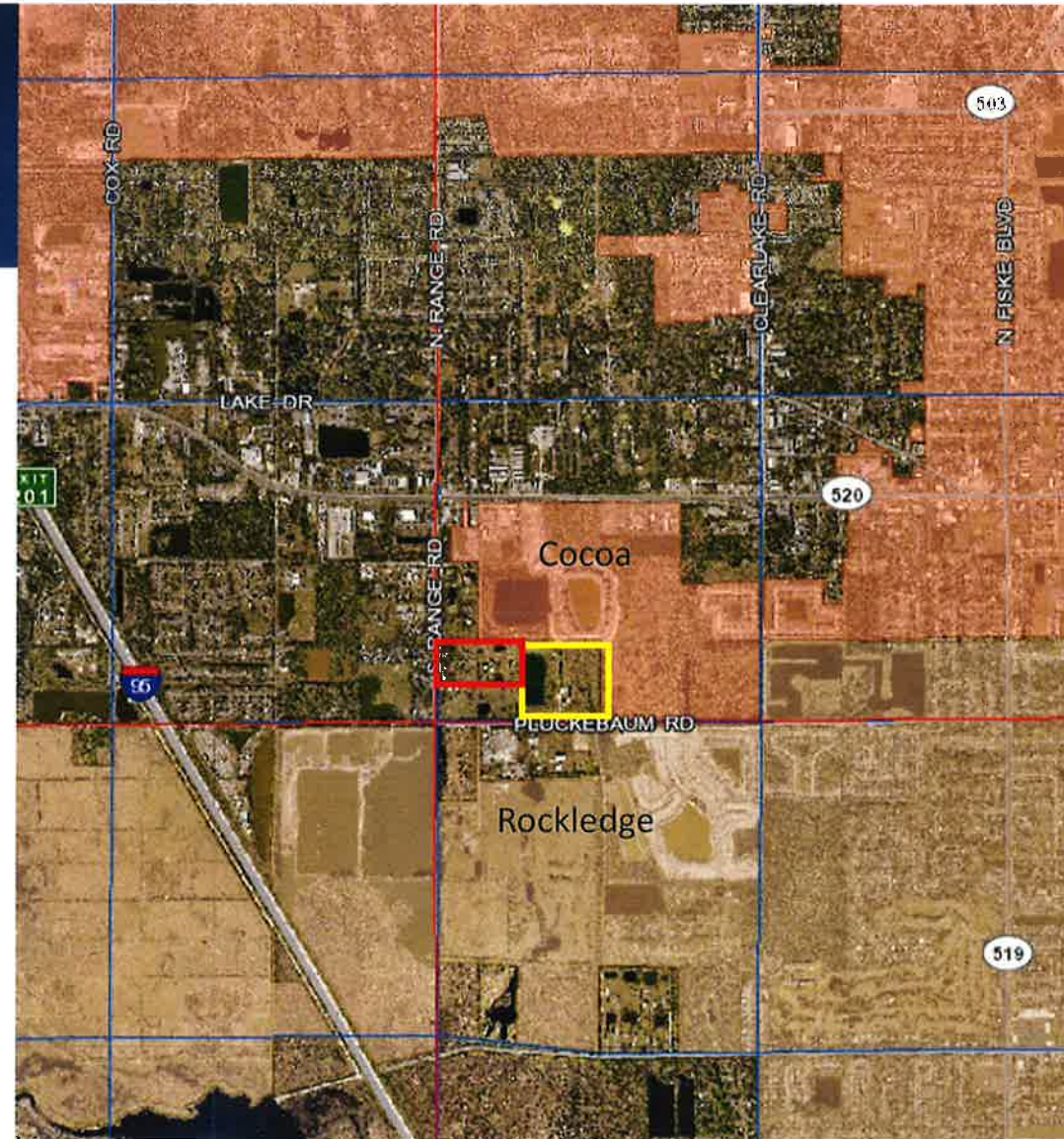
- Subject property located east of Range Road, approximately 700 ft North of Pluckebaum (red outline).
- Unincorporated area between the city limits of Cocoa and Rockledge.





# History

- 2021:
  - Developer purchased yellow property.
  - Changed future land use and zoning to RES 15 / RU-2-10 to build a ~300 unit townhome community with the support of the Brevard County Planning & Zoning Board and County Commission.
- 2022:
  - Developer began site plan approval process.
  - Determined a larger stormwater pond would be needed and more land needed to be acquired.
- Subject property (red) was placed under contract to fulfill stormwater and open space needs.
- Site plan is currently pending approval of these future land use map amendment and rezoning requests.

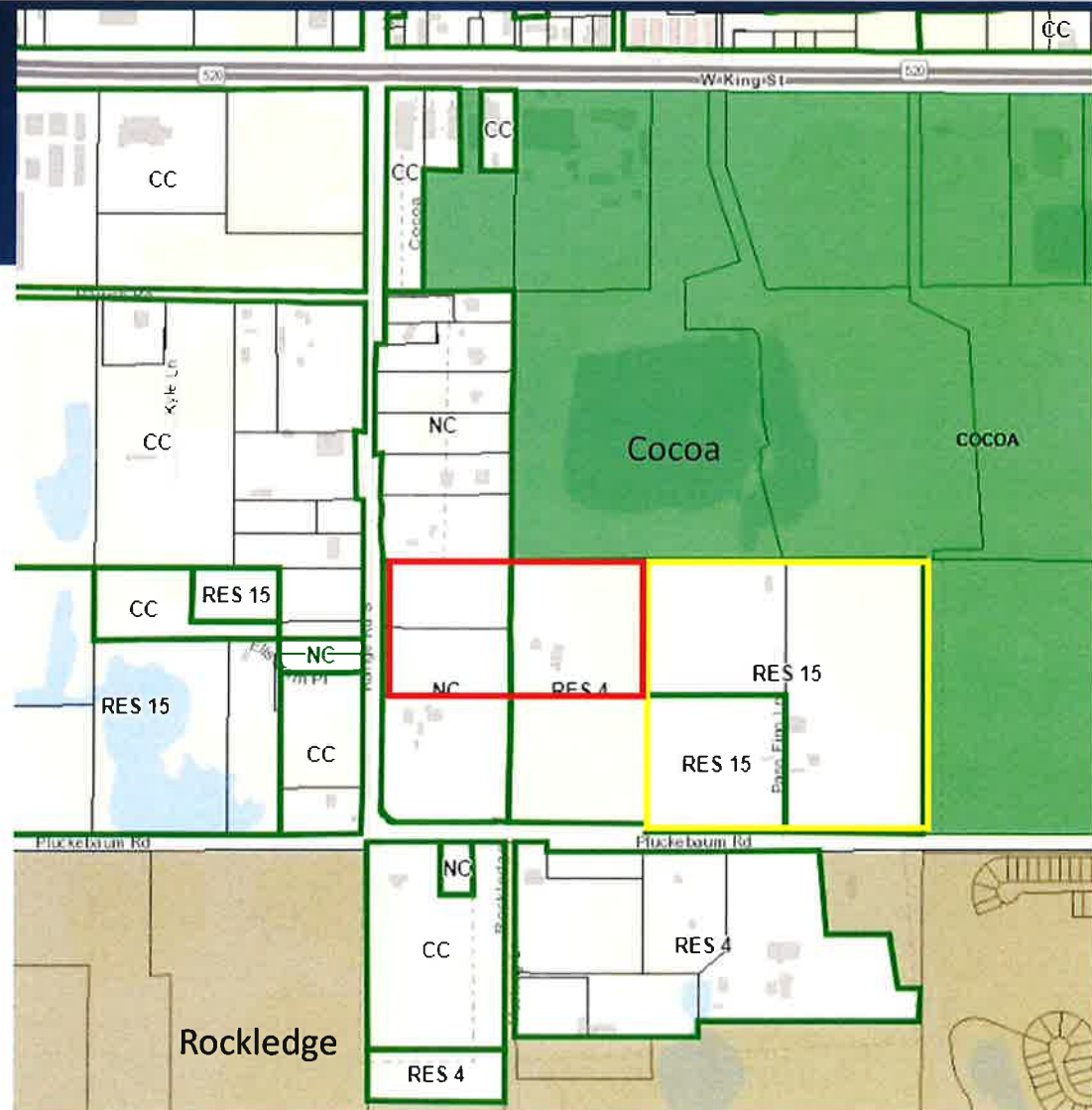






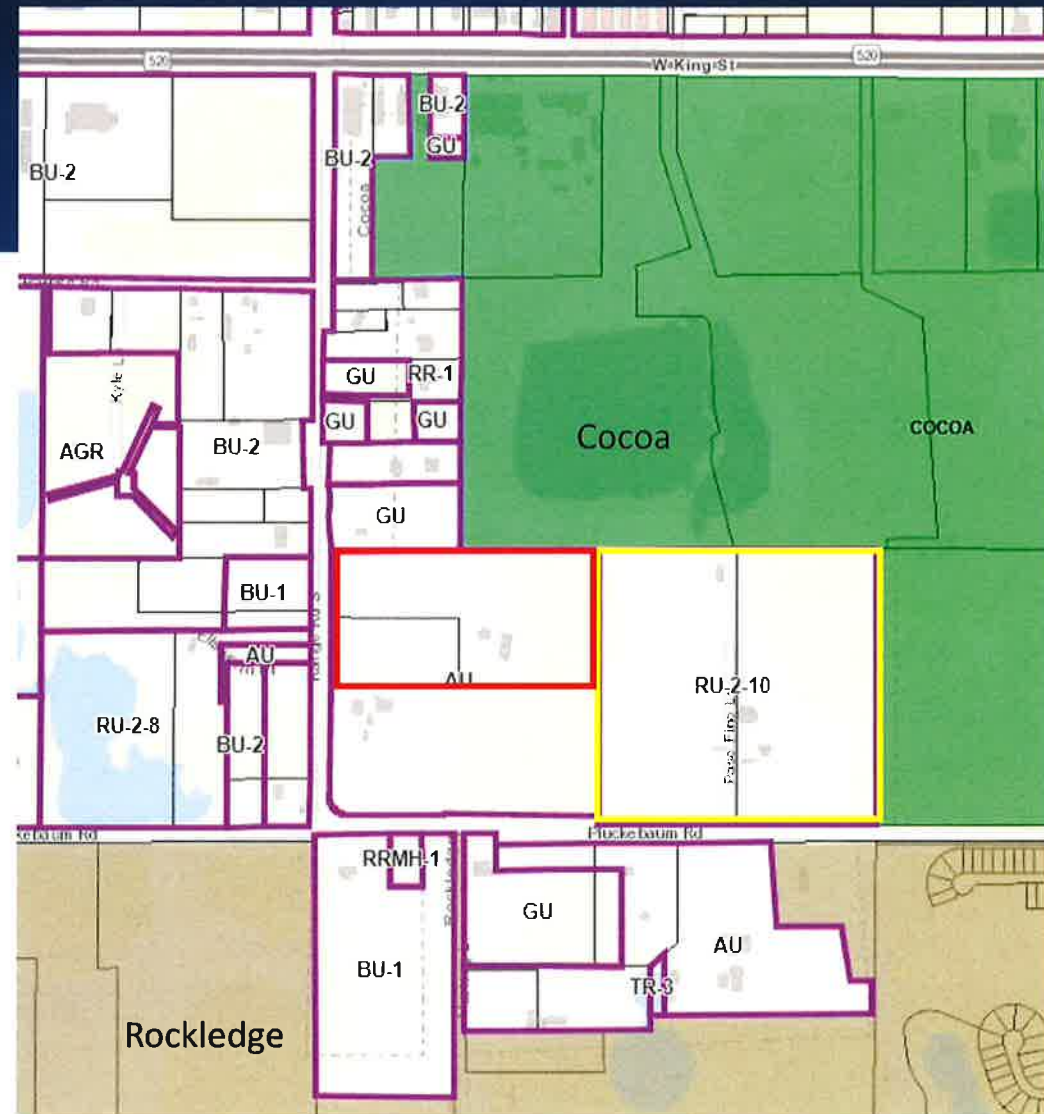
# FLU Request

- Current FLU: NC & RES 4
- Proposed FLU: RES 15



# Zoning Request

- Current Zoning: AU
- Proposed Zoning: RU-2-10
- Proposed FLU and Zoning Amendments will result in unified designations across the entire development site, consistent with Brevard County requirements.





**Consistency with Criteria in  
Section 62-1151(c) –  
Amendments to Official Zoning  
Map**

## Rezoning Criteria – 62-1151(c)

1. Character of land use being considered.
2. Change in conditions of the land use of the subject property and surrounding properties.
3. Impact of rezoning on available & projected traffic, water & sewer systems, other public facilities & utilities, and established character of area.
4. Compatibility of zoning with existing land use plans for area.
5. Appropriateness of proposed zoning based upon consideration of applicable provisions and conditions and other applicable laws, ordinances and regulations, and public health, safety & welfare.

# Character of Land Use Being Considered

- Subject Property and neighboring properties to its immediate south and west can be characterized as a pocket of agriculturally designated parcels which are increasingly surrounded by residential communities, including recently completed multi-family and single-family residential developments on adjacent and close-by properties.
- Area has experienced a substantial transition as most recently evidenced by applicant's successful rezoning of the neighboring property to east to RU-2-10.



## Conditions Surrounding Property Have Substantially Evolved

- Conditions surrounding Subject Property have substantially evolved in recent years.
- Continued development of:
  - Single-family residential units within the immediate submarket.
  - Low-scale and garden-style, multi-family residential development.
- Requested change in future land use and zoning will provide support for the parcel to the east to be developed as a townhome community and expand the diversity of housing types within the submarket.

## Compatibility of Proposed Zoning with Existing Land Use Plans for the Affected Area

- Proposed zoning is compatible with the existing land use plans for the affected area.
- Multi-family residential development continues to the property's east along Range Road and further to the southeast along Pluckebaum Road.
- New multi-family residential development projects - like the Cocoa Grand - located southeast of King Street and Range Road, are becoming increasingly common within the sub-area.

# FLUM Objective I

- *FLUM Objective #1: Facilitate the development of residential neighborhoods that offer highest quality of life to citizenry...produce neighborhoods that complement adjacent land uses...encourage open space within residential districts....*

# Conclusion

- Approval of requested future land use map amendment and rezoning will result in much needed residential units abutting the Subject Property.
- This will help correct the current inventory shortage, expand geographic choices for quality housing, and further diversify the variety of housing types available.
- Townhome-style units are not presently available in the immediate housing market and the proposal will help fill this need and complement both the existing single-family housing units that have traditionally represented the bulk of housing supply in the immediate market and emerging low-scale apartment complexes that have been proposed or are under construction.



Thank You

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 12, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo, (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodggers (D2); Lorraine Koss (D2-Alt.); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); Robert Brothers (D5); and John Hopengarten (BPS).

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

### **Excerpt of Complete Agenda**

#### **Afficap Cocoa, LLC (Javier Fernandez)**

A Small Scale Comprehensive Plan Amendment (23S.03), to change the Future Land Use designation from RES 4 (Residential 4) and NC (Neighborhood Commercial), to RES 15 (Residential 15). The property is 19.48 +/- acres, located on the east side of Range Rd., approx. 700 ft. north of Pluckebaum Rd. (Tax Parcel 515 = No assigned address. In the Cocoa area. Tax Parcel 505 = 450 S. Range Rd., Cocoa) (23SS00003) (Tax Accounts 2424005 & 2441241) (District 1)

#### **Afficap Cocoa, LLC (Javier Fernandez)**

A change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential). The property is 14.82 acres, located on the east side of Range Rd., approx. 700 ft. north of Pluckebaum Rd. (450 S. Range Rd., Cocoa) (23Z00028) (Tax Accounts 2424005 & 2441241) (District 1)

Javier Fernandez, 1200 Brickell Avenue, Miami, Florida, stated in 2021, the property owner was before the board for a similar zoning and land use change on the property to the east, on Pluckebaum Road. The applicant began the site plan process throughout 2022, and during that process it was discovered that the existing lake could not be used for both open space and water retention because the water quality standards could not be met. He stated two of the investors acquired the adjoining property that is the subject today, and they are asking to have the property rezoned so it is consistent with the zoning and land use designation next door. He said the subject property will be used solely for stormwater retention. He noted the developers will be preserving an existing wetland on the eastern half of the property.

Henry Minneboo asked if the property is contiguous to the City of Cocoa. Mr. Fernandez replied yes, it is just to the south of Cocoa and will be utilizing the City's water and sewer facilities.

Mr. Minneboo asked if the property will be annexed into Cocoa. Mr. Fernandez replied that is not the intention at this time, unless it is a condition of water and sewer.

No public comment.

Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the Small Scale Comprehensive Plan Amendment from RES 4 and NC to RES 15. The motion passed unanimously.

Motion by Ron Bartcher, seconded by Debbie Thomas, to recommend approval of the change of zoning classification from AU to RU-2-10. The motion passed unanimously.

**From:** [Chase, Beatrice Mae](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Meeting Request - Friday, July 14th  
**Date:** Tuesday, July 11, 2023 9:59:01 AM  
**Attachments:** [image001.png](#)

---

Please add to the Zoning meeting comments 7/13/23.

*Thank you,*

Beatrice Chase  
Administrative Secretary  
Brevard County/Planning & Development  
321-633-2069 P x58302  
321-633-2074 F



**From:** Schmadeke, Adrienne <Adrienne.Schmadeke@brevardfl.gov>  
**Sent:** Tuesday, July 11, 2023 9:57 AM  
**To:** Chase, Beatrice Mae <Beatrice.Chase@brevardfl.gov>  
**Cc:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Subject:** FW: Meeting Request - Friday, July 14th

Good morning Ms. Chase,

On behalf of Commissioner Pritchett, I am forwarding an email chain which may need disclosed for the July 13 meeting agenda items G.11. (23SS00003) and G.12. (23Z00028). Thank you for your support of her office.

Kind Regards,

*Adrienne Schmadeke*

**Adrienne Schmadeke**  
Legislative Aide  
Brevard County Commission, District 1  
Commissioner Rita Pritchett  
[321.607.6901](tel:321.607.6901) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)





7101 S. US Hwy 1  
Titusville, FL 32780

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.*

**From:** Commissioner, D1

**Sent:** Tuesday, July 11, 2023 9:54 AM

**To:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>

**Cc:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>; Schmadeke, Adrienne <[Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)>

**Subject:** RE: Meeting Request - Friday, July 14th

Good morning Mr. Fernandez,

On behalf of Commissioner Pritchett, thank you for the offer to meet. Due to schedule constraints, she is unavailable for a meeting this Friday.

Kind Regards,

*Adrienne Schmadeke*



**Adrienne Schmadeke**

Legislative Aide

Brevard County Commission, District 1

Commissioner Rita Pritchett

[321.607.6901](tel:321.607.6901) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)

7101 S. US Hwy 1  
Titusville, FL 32780

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**From:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>  
**Sent:** Monday, July 10, 2023 3:54 PM  
**To:** Schmadeke, Adrienne <[Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)>  
**Cc:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>; Alward, Keith A <[Keith.Alward@brevardfl.gov](mailto:Keith.Alward@brevardfl.gov)>; Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>  
**Subject:** RE: Meeting Request - Friday, July 14th

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

Adrienne:

Thank you. We appreciate your timely response and look forward to hearing back from you regarding Commissioner Pritchett's availability.

All the best,

Javier

**JAVIER E. FERNÁNDEZ, ESQ.**



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**From:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>  
**Sent:** Monday, July 10, 2023 3:52 PM  
**To:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>  
**Cc:** Pritchett, Rita <[Rita.Pritchett@brevardfl.gov](mailto:Rita.Pritchett@brevardfl.gov)>; Schmadeke, Adrienne <[Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)>; Alward, Keith A <[Keith.Alward@brevardfl.gov](mailto:Keith.Alward@brevardfl.gov)>  
**Subject:** RE: Meeting Request - Friday, July 14th

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Good afternoon Mr. Fernandez,

On behalf of Commissioner Pritchett, I want to acknowledge receipt of your request for a meeting. Once we have had an opportunity to review the schedule with the Commissioner, we will be in touch.

Kind Regards,

*Adrienne Schmadeke*



**Adrienne Schmadeke**

Legislative Aide

Brevard County Commission, District 1

Commissioner Rita Pritchett

[321.607.6901](tel:321.607.6901) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)

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**From:** Javier Fernandez <[jfernandez@smgqlaw.com](mailto:jfernandez@smgqlaw.com)>

**Sent:** Monday, July 10, 2023 2:20 PM

**To:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>

**Cc:** [jmalabet@afficap.com](mailto:jmalabet@afficap.com); [asherman@AffiCap.com](mailto:asherman@AffiCap.com)

**Subject:** Meeting Request - Friday, July 14th

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

Madame Chairwoman:

Good afternoon. I trust this message finds you well.

Our firm represents Affinity Capital, LLC ("Affinity"). Affinity owns a 60-acre assemblage located on Pluckebaume Road and Range Road. We have a rezoning that this on your agenda on Thursday evening

but will be staying over in Brevard on Thursday evening to attend to other business Friday morning. Therefore, we were hopeful we might be able to arrange a short 45-minute meeting with you Friday, July 14<sup>th</sup> to discuss with you the status of our project. Please let us know what your schedule may accommodate by way of a meeting Friday morning or early afternoon.

We look forward to seeing you again later this week.

Sincerely,

Javier

**JAVIER E. FERNÁNDEZ, ESQ.**



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