



AGENDA REPORT
August 1, 2019

Blue Star Shoreview, LLC (Bruce Moia) requests an amendment to an existing BDP to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units. (19PZ00060) (District 4)

SUBJECT:

Blue Star Shoreview, LLC (Bruce Moia) requests an amendment to an existing BDP to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units. The property is 8.49 acres, located on the southwest corner of Berkeley Street and Highway A1A. (50 Berkeley Street, Satellite Beach. (19PZ00060) (District 4)

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider an amendment to an existing BDP in an RU-2-30 zoning classification.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking an amendment to an existing BDP (Binding Development Plan) in an RU-2-30 (High-Density Multiple-Family Residential) zoning classification for the purpose of increasing the density allowance to 23 units per acre and adding 33 additional multi-family units to a site known as Shoreview Apartments. The 8.49-acre site is already permitted for 19 units per acre and developed with 155 units. According to the Property Appraiser's website, Shoreview Apartments were constructed in 1964. Previous zoning action 12PZ-00037 approved the current RU-2-30 zoning classification and increased the development rights from 10 units per acre to 19 units per acre, allowing the previously nonconforming site to be deemed conforming.

The Board should consider whether the increased development potential is appropriate in an area characterized by mixed single-family and multi-family development, as well as commercial development.

If the zoning request is approved, the owner/applicant will need to apply for and obtain approval for a site plan through Land Development before a building permit can be processed for the proposed expansion. The applicant will need to demonstrate there is adequate infrastructure (parking, stormwater, etc.) to support the additional units.

On July 8, 2019, the Planning and Zoning Board heard the request and recommended approval by a 6:1 vote.

ATTACHMENTS:

Description

- ▣ **Administrative Policies**
- ▣ **Staff Comments**
- ▣ **GIS Maps**
- ▣ **School Concurrency**
- ▣ **Existing Development**
- ▣ **Existing BDP**
- ▣ **Draft BDP**
- ▣ **P&Z Minutes**

From: [Woodard, Patrick](#)
To: [Jones, Jennifer](#)
Cc: [Bellak, Christine](#); [Schmadeke, Adrienne](#)
Subject: Ex parte communication disclosure for Item H.5. on the August 1st zoning agenda
Date: Thursday, August 1, 2019 8:36:42 AM

Planning and Development
Zoning Meeting August 1, 2019
Sunshine State Wildlife Conservation LLC (19PZ00061)

Commissioner Smith met with Attorney Scott Knox, who represents Sunshine State Wildlife Conservation on July 11, 2019 at 11:30 in the District 4 Office.

Regards,

Pat Woodard



Pat Woodard
Chief Legislative Aide to Commissioner
Smith
Brevard County, District 4
[321.633.2044](tel:321.633.2044) | Patrick.Woodard@brevardfl.gov
2725 Judge Fran Jamieson Way, Bldg. C - Suite
214,
Viera, FL 32940

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.

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

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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

19PZ00060

Blue Star Shoreview, LLC

Amendment to Existing BDP (Binding Development Plan) in an RU-2-30 (High Density Multi-Family Residential) Zoning Classification

Tax Account Number: 2608316
Parcel I.D.: 26-37-26-00-6
Location: 50 Berkeley Street, Satellite Beach (District 4)
Acreage: 8.49 acres

Planning and Zoning Board: 07/08/19
Board of County Commissioners: 08/01/19

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-2-30 with BDP limited to 155 units	RU-2-30 with BDP limited to 188 units
Potential*	155 multi-family units	188 multi-family units
Can be Considered under the Future Land Use Map	Yes, Neighborhood Commercial	Yes, Neighborhood Commercial

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is seeking an amendment to an existing BDP within the RU-2-30 zoning classification for the purpose of increasing the density allowance to 23 units per acre and adding 33 additional multi-family units to a site known as Shoreview Apartments that is already permitted for 19 units per acre and developed with 155 units. According to the Property Appraiser's website, Shoreview Apartments were constructed in 1964.

Previous zoning action 12PZ-00037 states the apartment complex was developed in 1960 with 155 units. As the use was considered to be nonconforming due to development under the RU-2-10 (Medium Density Multi-Family Residential) zoning classification which limited development to 10 units per acre, this prior zoning change allowed the structure to become conforming and

allowed it to be rebuilt, should it ever be destroyed beyond the 50% repair limit, per Section 62-1182(b)(3) of Brevard County Code. This previous zoning action increased the development rights from 10 units per acre to 19 units per acre on the 8.49 acre Shoreview Apartments site.

Land Use Compatibility

The subject property retains the NC (Neighborhood Commercial) FLU (Future Land Use) designation. The owner's request to amend the BDP (Binding Development Plan) does not affect the RU-2-30 (High-Density Multi-family Residential) zoning. Both the current and proposed BDP's are consistent with the current NC FLU. The following policies note the allowable uses within the NC designation as well as allowing the residential development potential to reach up to 30 units per acre. The applicants wish to bind themselves to 23 units per acre, or 188 units.

Future Land Use Element Policy 2.13 allows residential development within the NC commercial land use designation at a density of up to one category higher than the closest residentially designated area on the Future Land Use Map on the same side of the street. The closest Residential FLU designation to this site is located to the west. The FLU is Residential 15, allowing for the development of up to 30 units per acre on the subject property.

Activities Permitted in the Neighborhood Commercial Future Land Use Designation Policy 2.5

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A (Restricted Neighborhood Commercial) uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within the NC Future Land Use designation, provided that listed criteria are met, include the following:

1. Professional Offices (no drive through lanes permitted)
2. Personal Services (no drive through lanes permitted)
3. Convenience Stores (no drive through lanes permitted)
4. Residential uses
5. Institutional uses
6. Recreational uses
7. Public Facilities
8. Transitional uses pursuant to Policy 2.12

Future Land Use Element Policy 1.3 addresses the Residential 30 Directive land use designation and affords the highest density allowance, permitting a maximum density of up to 30 units per acre, except as otherwise may be provided within this element. Parameters for this FLU designation include:

Criteria:

The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by the Comprehensive Plan.

1. Areas located east of I-95; and

2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or
3. Areas adjacent to existing Residential 30 land use designations; and
4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element, outlined in the Administrative Policies.

Environmental Constraints

No notable natural resource land use issues were identified. The Natural Resources Management Department reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Please refer to comments provided by the Natural Resources Management Department for additional information.

Preliminary Transportation Concurrency

The subject property is located within the concurrency management segment of State Road A1A, between Shearwater Parkway and Berkeley Street, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of C, and currently operates at 57.85% of capacity daily. The maximum development potential from the proposed rezoning increases the proposed trip generation and could result in an increase of 219 trips per day and 21 trips during the PM peak hour. The corridor is anticipated to then operate at 58.37% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

Preliminary School Board Concurrency

A preliminary school concurrency analysis indicates that Sea Park Elementary School, DeLaura Middle School, and Satellite High School are projected to have enough capacity for the total projected and potential students from the Shoreview Apartment expansion. Accommodation for predicting development and potential redistricting of students is done in coordination between Brevard County Government and Brevard County Schools, through intergovernmental coordination.

Applicable Land Use Policies

The property is currently improved with a 155-unit apartment complex constructed in the 1960's and is known as Shoreview Apartments. The applicant would like to add 33 additional multi-family units to this site. In order to achieve this, the applicant wishes to replace the existing BDP (Binding Development Plan, which limits development to 155 units, with a new BDP, allowing the project to add another 33 multi-family units, for a total of 188 multi-family units.

The properties to the north across from Berkeley Street are zoned RU-2-10 (Medium-Density Multi-Family Residential) and BU-1 (General Retail Commercial). They are developed as attached residential units. There is a convenience store with gas pumps at the northwest corner of Berkeley Street and Highway A1A. The property to the east, across from Highway A1A, is zoned RU-2-15 (Medium-Density Multi-Family Residential). It is also developed as attached residential units. The zoning to the south is RU-2-10 and BU-1. The properties are developed as attached residential units and a small shopping center (Sea Park Plaza) with multiple

commercial tenants. The zoning to the west is RU-1-11 (Single-Family Residential), and developed with seven single-family lots.

There has been one zoning action within the last three years within a half-mile radius of this property. A Conditional Use Permit (18PZ00082) was approved on October 4, 2018, was for alcoholic beverage use for a restaurant (Nikki's Rainbow Restaurant) within the abutting Sea Park Plaza (Unit # 568) (adjacent site to the south).

For Board Consideration

The applicant is seeking an amendment to an existing BDP (Binding Development Plan) in an RU-2-30 (High-Density Multiple-Family Residential) zoning classification for the purpose of increasing the density allowance to 23 units per acre and adding 33 additional multi-family units to a site known as Shoreview Apartments. The 8.49-acre site is already permitted for 19 units per acre and developed with 155 units. According to the Property Appraiser's website, Shoreview Apartments were constructed in 1964. Previous zoning action 12PZ-00037 approved the current RU-2-30 zoning classification and increased the development rights from 10 units per acre to 19 units per acre, allowing the previously nonconforming site to be deemed conforming.

The Board should consider whether the increased development potential is appropriate in an area characterized by mixed single-family and multi-family development, as well as commercial development.

Thirty-three new units could generate a potential requirement for 58 additional parking spaces (1.75 spaces per unit). It appears from the submitted site plan the site designates only 203 parking spaces inclusive of ADA spaces for the existing 155 unit complex. The Board may wish to consider whether the applicant can reasonably accommodate the increase in 58 parking spaces and associated stormwater improvements necessary for the additional units.

If the zoning request is approved, the owner/applicant will need to apply for and obtain approval for a site plan through Land Development before a building permit can be processed for the proposed expansion.

Natural Resources Management Department Zoning Review and Summary

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 zoning 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.

If the owner/applicant has any questions regarding any potential limitations she/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

Substantial Natural Resources Land Use Issues

No substantial natural resource land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Summary of Mapped Natural Resources Present on the Subject Property

Aquifer Recharge Soils

Land Use Comments

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand and St. Lucie fine sand 0 to 5% slopes) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected Species

Federally and/or state protected species may be present on properties with aquifer recharge soils. However, this site has been developed since 1964. 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

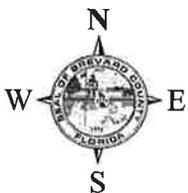
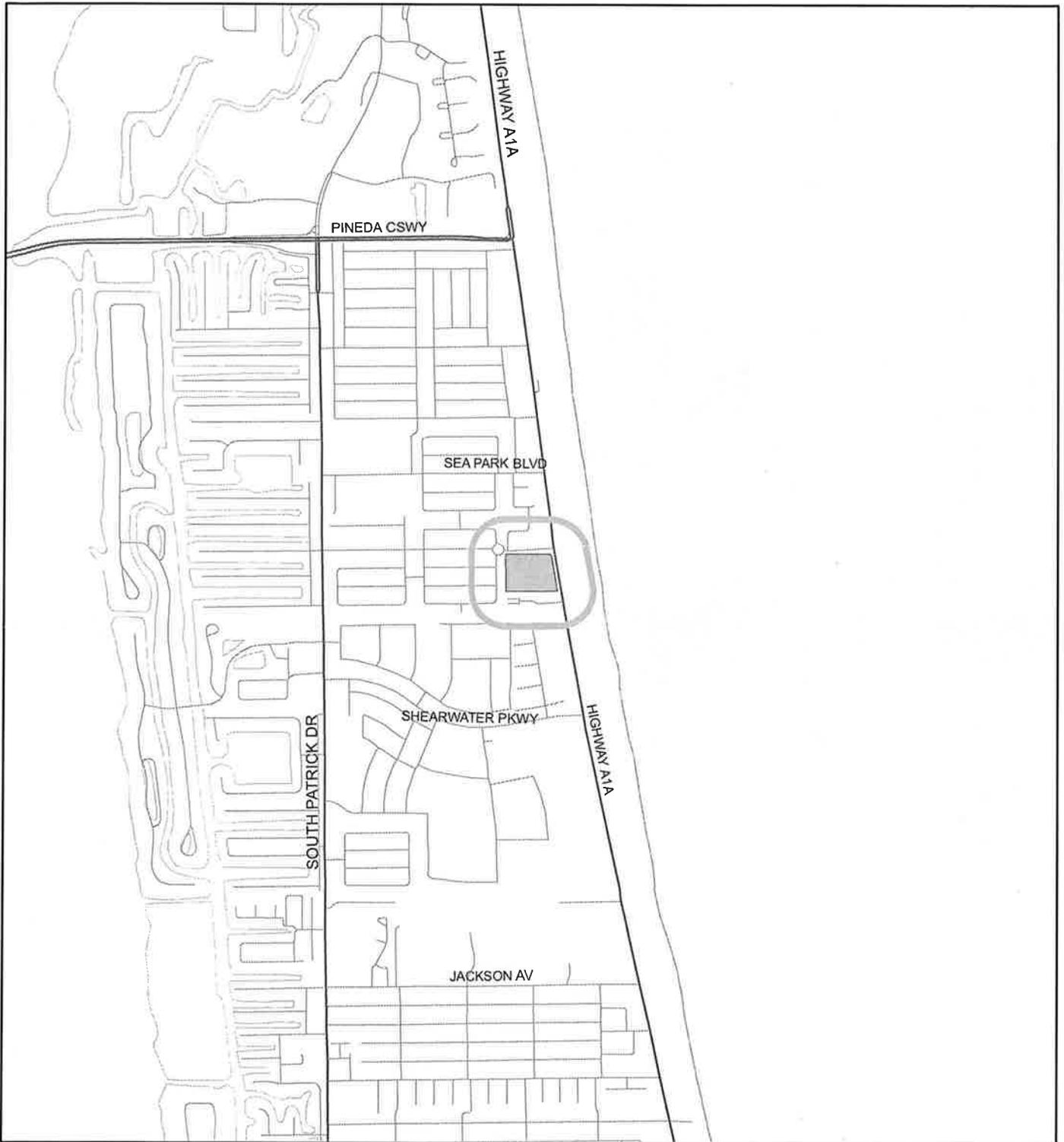
Landscape Requirements

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. Land clearing is not permitted without prior authorization by Natural Resources Management.

LOCATION MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



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: 5/9/2019

 Buffer

 Subject Property

ZONING MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



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: 5/9/2019

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



1:4,800 or 1 inch = 400 feet

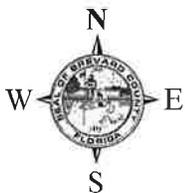
 Subject Property

 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: 5/9/2019

AERIAL MAP
BLUE STAR SHOREVIEW, LLC
19PZ00060



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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: 5/9/2019

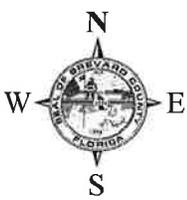
— Subject Property

▭ Parcels

NWI WETLANDS MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



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.

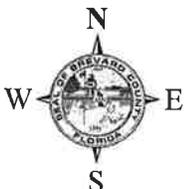
Produced by BoCC - GIS Date: 5/9/2019

- National Wetlands Inventory (NWI)**
-  Estuarine and Marine Deepwater
 -  Estuarine and Marine Wetland
 -  Freshwater Emergent Wetland
 -  Freshwater Forested/Shrub Wetland
 -  Freshwater Pond
 -  Lake
 -  Other
 -  Riverine
 - Subject Property
 - Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



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: 5/9/2019

SJRWMD FLUCCS WETLANDS

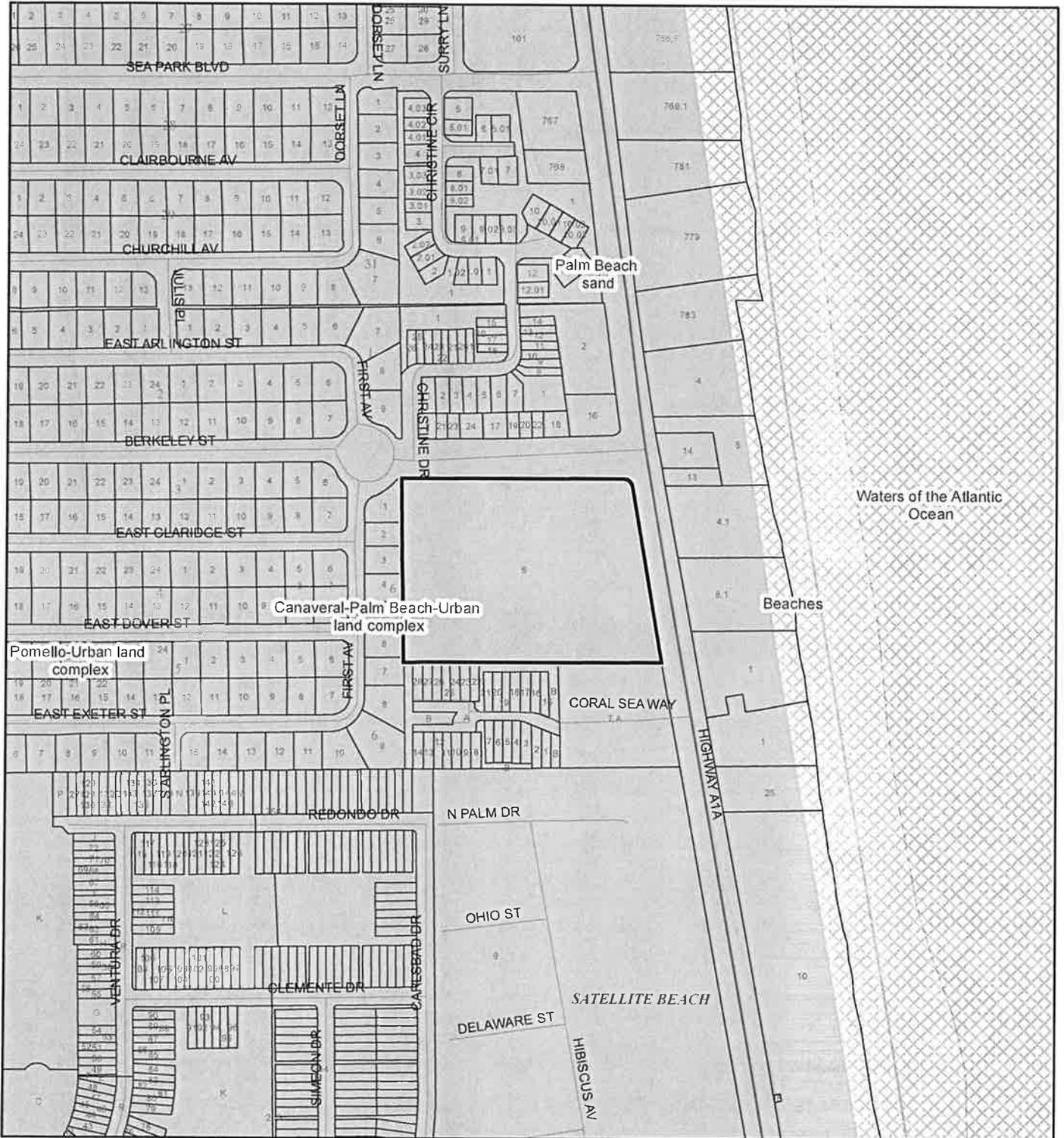
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

USDA SCSSS SOILS MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

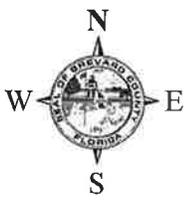
- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

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: 5/9/2019

FEMA FLOOD ZONES MAP

BLUE STAR SHOREVIEW, LLC
19PZ00060



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: 5/9/2019

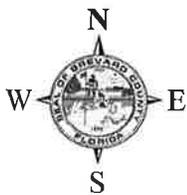
FEMA Flood Zones

AO	Open Water	X
AH	VE	X Protected By Levee
0.2 Percent Annual Chance Flood Hazard	0.2 Percent Annual Chance Flood Hazard Contained in Channel	
Subject Property	Parcels	

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



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: 5/9/2019

— Subject Property

▭ Parcels

Septic Overlay

▭ 40 Meters

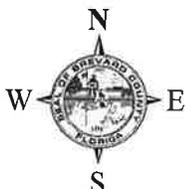
▭ 60 Meters

▭ All Distances

EAGLE NESTS MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



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.

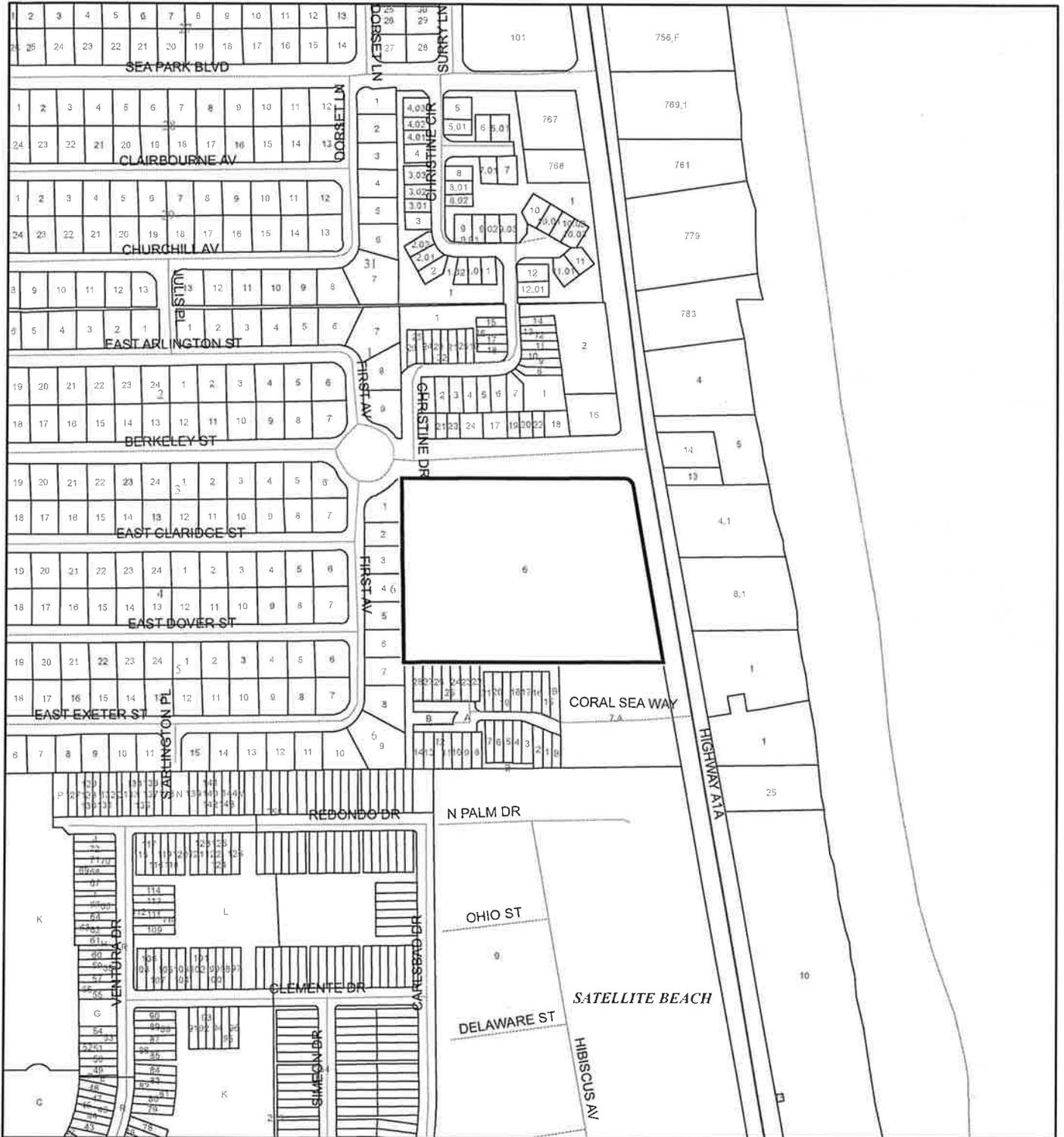
Produced by BoCC - GIS Date: 5/9/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

SCRUB JAY OCCUPANCY MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

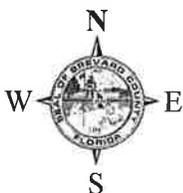
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by BoCC - GIS Date: 5/9/2019

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BLUE STAR SHOREVIEW, LLC

19PZ00060



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: 5/9/2019

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



School Board of Brevard County

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

Mark W. Mullins, Ed.D., Superintendent

May 6, 2019

Mr. George Ritchie
 Planning & Development Department
 Brevard County Board of County Commissioners
 2726 Judge Fran Jamieson Way
 Viera, Florida 32940

**RE: Proposed Shoreview Apartment Expansion Development
 School Capacity Availability Determination Letter CD-2019-05**

Dear Mr. Ritchie,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property includes Tax Account 2608316 (Parcel ID: 26-37-26-00-6) containing approximately 8.49 acres in Brevard County, Florida. The proposed multi-family development includes an expansion of 33 residential units. 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 2019-20 to 2023-24 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2018-19 to 2023-24* which is attached for reference.

Multi-Family Homes		33	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.27	8.91	9
Middle	0.06	1.98	2
High	0.1	3.3	3
Total	0.43		14

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



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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Sea Park	461	461	461	461	461
DeLaura	939	939	939	939	939
Satellite	1,516	1,516	1,516	1,516	1,516

Projected Student Membership

School	2019-20	2020-21	2021-22	2022-23	2023-24
Sea Park	333	301	302	335	350
DeLaura	828	833	860	874	832
Satellite	1,345	1,371	1,383	1,387	1,392

Students Generated by Previously Issued SCADL Reservations

School	2019-20	2020-21	2021-22	2022-23	2023-24
Sea Park	34	50	50	50	50
DeLaura	37	46	51	51	51
Satellite	35	42	43	43	43

**Cumulative Students Generated by
Proposed Development**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Sea Park	-	9	9	9	9
DeLaura	-	2	2	2	2
Satellite	-	3	3	3	3

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Sea Park	367	360	361	394	409
DeLaura	865	881	913	927	885
Satellite	1,380	1,416	1,429	1,433	1,438

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Sea Park	94	101	100	67	52
DeLaura	74	58	26	12	54
Satellite	136	100	87	83	78

At this time, Sea Park Elementary School, DeLaura Middle School and Satellite High School are projected to have enough capacity for the total of projected and potential students from the Shoreview Apartment Expansion 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,

A handwritten signature in black ink, appearing to read "David G. Lindemann". The signature is fluid and cursive, with a long horizontal stroke at the end.

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 2018-19 to 2022-24*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2019-05

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



Summary				2018-19	2019-20	2020-21	2021-22	2022-23	2023-24															
Highest Utilization Elementary Schools:			107%	105%	100%	99%	100%	100%	99%															
Highest Utilization Middle Schools:			87%	92%	92%	90%	92%	94%	94%															
Highest Utilization Jr / Sr High Schools:			58%	80%	80%	80%	92%	94%	94%															
Highest Utilization High Schools:			95%	95%	95%	100%	100%	99%	99%															
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			
Elementary School Concurrency Service Areas																								
New Central Elementary	Elementary	K-6	100%	-	0%	-	-	970	313	33%	970	639	66%	970	788	81%	970	788	81%	970	788	81%		
Ailes	Elementary	PK-6	100%	751	711	95%	751	717	95%	751	703	94%	751	725	97%	751	718	95%	751	703	94%	751	703	94%
Andersen	Elementary	K-6	100%	884	720	81%	884	706	80%	884	696	79%	884	659	75%	884	669	76%	884	706	80%	884	706	80%
Apollo	Elementary	K-6	100%	902	847	94%	902	851	95%	902	872	97%	902	895	99%	902	901	100%	902	901	100%	902	901	100%
Allantia	Elementary	PK-6	100%	739	713	96%	739	693	94%	739	668	91%	739	659	91%	739	658	89%	739	641	87%	739	641	87%
Audubon	Elementary	PK-6	100%	781	536	70%	781	538	71%	781	400	51%	781	485	64%	781	476	63%	781	463	63%	781	463	63%
Cambridge	Elementary	PK-6	100%	765	591	78%	765	659	86%	765	641	84%	765	624	82%	765	616	81%	765	623	81%	765	623	81%
Cape View	Elementary	PK-6	100%	548	381	70%	548	369	67%	548	348	64%	548	328	60%	548	320	58%	548	320	58%	548	320	58%
Carroll	Elementary	K-6	100%	751	664	89%	751	661	88%	751	637	85%	751	607	81%	751	595	79%	751	581	77%	751	581	77%
Challenger 7	Elementary	PK-6	100%	573	571	100%	573	577	101%	573	545	95%	573	528	92%	573	516	87%	573	502	84%	573	502	84%
Columbia	Elementary	PK-6	100%	751	478	64%	751	449	60%	751	438	58%	751	448	60%	751	447	60%	751	437	58%	751	437	58%
Coquina	Elementary	K-6	100%	711	615	87%	711	602	85%	711	427	60%	711	404	57%	711	374	53%	711	357	50%	711	357	50%
Cresl	Elementary	PK-6	100%	1,154	845	73%	1,154	853	74%	1,154	856	75%	1,154	878	76%	1,154	819	71%	1,154	802	70%	1,154	802	70%
Crotan	Elementary	PK-6	100%	795	552	70%	795	538	68%	795	506	64%	795	521	66%	795	526	66%	795	526	66%	795	526	66%
Discovery	Elementary	PK-6	100%	980	644	66%	980	600	61%	980	567	58%	980	577	59%	980	592	60%	980	592	60%	980	592	60%
Endeavour	Elementary	PK-6	100%	990	682	69%	990	649	66%	990	619	63%	990	600	61%	990	589	59%	990	573	58%	990	573	58%
Enterprise	Elementary	K-6	100%	729	599	82%	729	620	85%	729	608	83%	729	615	84%	729	632	87%	729	643	88%	729	643	88%
Fairglen	Elementary	PK-6	100%	789	681	88%	789	675	86%	789	660	84%	789	705	89%	789	732	93%	789	748	94%	789	748	94%
Gemini	Elementary	K-6	100%	711	468	66%	711	467	66%	711	451	64%	711	430	61%	711	417	59%	711	418	59%	711	418	59%
GoView	Elementary	PK-6	100%	777	555	71%	777	517	67%	777	521	67%	777	510	66%	777	512	66%	777	503	65%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	371	59%	629	365	58%	629	347	55%	629	345	55%	629	360	58%	629	362	58%	629	362	58%
Holland	Elementary	PK-6	100%	695	497	72%	695	510	73%	695	510	73%	695	507	73%	695	509	73%	695	511	74%	695	511	74%
Imperial Estates	Elementary	K-6	100%	729	636	88%	729	630	86%	729	606	83%	729	638	87%	729	629	86%	729	611	83%	729	611	83%
Islandic	Elementary	K-6	100%	799	740	93%	799	737	92%	799	741	93%	799	740	93%	799	759	95%	799	765	96%	799	765	96%
Jupiter	Elementary	PK-6	100%	830	728	88%	830	688	83%	830	740	89%	830	795	96%	830	828	99%	830	856	103%	830	856	103%
Lockmar	Elementary	PK-6	100%	862	699	81%	862	674	78%	862	659	77%	862	655	76%	862	664	77%	862	677	79%	862	677	79%
Longleaf	Elementary	PK-6	100%	790	647	82%	790	640	82%	790	618	78%	790	605	77%	790	591	75%	790	588	74%	790	588	74%
Manatee	Elementary	K-6	100%	954	649	68%	954	630	66%	954	605	64%	954	601	64%	954	603	64%	954	582	62%	954	582	62%
McAuliffe	Elementary	PK-6	100%	918	777	85%	918	763	83%	918	698	76%	918	655	71%	918	604	66%	918	598	65%	918	598	65%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	668	60%	1,114	647	58%	1,114	651	59%	1,114	668	60%	1,114	643	58%	1,114	624	56%	1,114	624	56%
Meadowlane Primary	Elementary	K-6	100%	824	628	76%	824	637	77%	824	608	74%	824	602	73%	824	602	73%	824	604	73%	824	604	73%
Mila	Elementary	PK-6	100%	707	465	66%	707	449	64%	707	442	63%	707	447	63%	707	447	63%	707	437	62%	707	437	62%
Mims	Elementary	PK-6	100%	725	479	66%	725	472	65%	725	450	62%	725	458	63%	725	485	67%	725	478	66%	725	478	66%
Oak Park	Elementary	PK-6	100%	668	723	108%	668	675	101%	668	658	99%	668	637	95%	668	629	94%	668	620	91%	668	620	91%
Ocean Breeze	Elementary	PK-6	100%	654	532	81%	654	524	80%	654	511	78%	654	497	76%	654	490	75%	654	490	75%	654	490	75%
Palm Bay	Elementary	PK-6	100%	1,005	615	61%	1,005	607	60%	1,005	622	62%	1,005	668	67%	1,005	649	65%	1,005	663	66%	1,005	663	66%
Pinewood	Elementary	PK-6	100%	569	517	91%	569	506	89%	569	506	89%	569	512	90%	569	518	92%	569	520	92%	569	520	92%
Port Malabar	Elementary	PK-6	100%	852	688	81%	852	682	80%	852	632	74%	852	607	71%	852	613	72%	852	604	71%	852	604	71%
Quest	Elementary	PK-6	100%	1,022	1,080	107%	1,022	1,144	112%	1,022	1,088	107%	1,022	1,088	107%	1,022	1,088	107%	1,022	1,088	107%	1,022	1,088	107%
Riviera	Elementary	PK-6	100%	777	692	89%	777	687	89%	777	771	100%	777	865	111%	777	865	111%	777	865	111%	777	865	111%
Roosevelt	Elementary	K-6	100%	599	380	63%	599	360	60%	599	338	56%	599	331	55%	599	324	54%	599	322	54%	599	322	54%
Sabal	Elementary	PK-6	100%	785	538	69%	785	533	68%	785	516	66%	785	507	65%	785	494	63%	785	485	62%	785	485	62%
Saturn	Elementary	PK-6	100%	976	853	87%	976	877	90%	976	864	89%	976	833	86%	976	827	85%	976	827	85%	976	827	85%
Sea Park	Elementary	PK-6	100%	461	321	70%	461	333	72%	461	301	65%	461	302	66%	461	335	73%	461	350	76%	461	350	76%
Sharwood	Elementary	PK-6	100%	699	456	65%	699	442	63%	699	426	61%	699	410	59%	699	407	58%	699	407	58%	699	407	58%
South Lake	Elementary	K-6	100%	481	311	65%	481	348	72%	481	348	72%	481	348	72%	481	348	72%	481	348	72%	481	348	72%
Sunrise	Elementary	PK-6	100%	913	820	90%	913	805	88%	913	803	88%	913	844	92%	913	883	97%	913	914	100%	913	914	100%
Suntee	Elementary	K-6	100%	755	675	90%	755	655	87%	755	556	74%	755	515	68%	755	498	66%	755	517	68%	755	517	68%
Surfside	Elementary	K-6	100%	841	490	58%	841	456	54%	841	442	53%	841	421	50%	841	420	50%	841	392	47%	841	392	47%
Tropical	Elementary	K-6	100%	910	825	91%	910	821	90%	910	820	90%	910	829	91%	910	813	89%	910	812	89%	910	812	89%
Turner	Elementary	PK-6	100%	874	562	64%	874	510	58%	874	521	60%	874	500	58%	874	502							

Middle School Concurrency Service Areas															
Central	Middle	7-8	90%	1,525	1,193	78%	1,525	1,195	78%	1,525	1,200	79%	1,525	1,207	79%
DeLauria	Middle	7-8	90%	939	810	87%	939	828	89%	939	833	89%	939	832	89%
Hoover	Middle	7-8	90%	659	606	77%	659	500	76%	659	512	78%	659	494	75%
Jackson	Middle	7-8	90%	554	548	99%	554	548	99%	554	548	99%	554	548	99%
Jefferson	Middle	7-8	90%	854	850	77%	854	862	78%	854	831	74%	854	804	80%
Johnson	Middle	7-8	90%	1,000	736	74%	1,000	746	75%	1,000	818	82%	1,000	797	80%
Kennedy	Middle	7-8	90%	813	611	75%	813	621	76%	813	675	83%	813	688	85%
Mastron	Middle	7-8	90%	743	492	66%	743	496	67%	743	491	66%	743	455	61%
McNair	Middle	7-8	90%	811	480	59%	811	565	69%	811	529	65%	811	552	68%
Southwest	Middle	7-8	90%	1,177	833	71%	1,177	838	71%	1,177	644	55%	1,177	890	76%
Stone	Middle	7-8	90%	1,024	791	77%	1,024	824	80%	1,024	691	68%	1,024	845	83%
Middle Totals				9,999	7,669		9,999	7,872		10,019	8,275		10,019	8,310	
Junior / Senior High School Concurrency Service Areas															
Cocoa	Jr / Sr High	PK, 7-12	90%	1,782	1,577	88%	1,782	1,582	88%	2,052	1,870	91%	2,052	1,782	87%
Cocoa Beach	Jr / Sr High	7-12	90%	1,466	1,013	69%	1,466	1,007	69%	1,466	877	60%	1,466	975	67%
Space Coast	Jr / Sr High	7-12	90%	1,857	1,556	84%	1,857	1,590	86%	1,897	1,558	82%	1,857	1,513	81%
Jr / Sr High Totals				5,105	4,176		5,105	4,179		6,375	4,293		6,375	4,345	
Senior High School Concurrency Service Areas															
Astronaut	High	D-12	95%	1,446	1,076	74%	1,446	1,081	75%	1,446	1,101	76%	1,446	1,144	79%
Bayside	High	9-12	95%	2,235	1,708	77%	2,235	1,850	83%	2,235	1,891	85%	2,235	1,901	85%
Eau Gallie	High	PK, 9-12	95%	2,232	1,870	84%	2,232	1,887	85%	2,232	1,890	85%	2,232	1,889	85%
Heritage	High	9-12	95%	2,314	1,831	79%	2,314	1,897	82%	2,314	1,898	82%	2,314	1,906	83%
Melbourne	High	9-12	95%	2,356	2,113	90%	2,356	2,134	91%	2,356	2,198	93%	2,356	2,303	98%
Merritt Island	High	PK, 9-12	95%	1,915	1,542	81%	1,915	1,555	81%	1,915	1,571	82%	1,915	1,577	82%
Palm Bay	High	PK, 9-12	95%	2,013	1,543	77%	2,013	1,583	79%	2,013	1,705	85%	2,013	1,796	89%
Rockledge	High	9-12	95%	1,701	1,516	89%	1,701	1,520	89%	1,701	1,541	90%	1,701	1,563	91%
Satellite	High	PK, 9-12	95%	1,518	1,328	88%	1,518	1,345	89%	1,518	1,371	91%	1,518	1,387	91%
Titusville	High	9-12	95%	1,872	1,381	74%	1,872	1,343	72%	1,872	1,411	75%	1,872	1,458	78%
Viera	High	PK, 9-12	95%	2,277	2,157	95%	2,277	2,195	96%	2,277	2,261	99%	2,277	2,445	108%
High Totals				22,477	17,669		22,477	17,900		22,477	18,402		22,607	19,263	
Schools of Choice (Not Concurrency Service Areas)															
Freedom 7	Elementary	K-6	100%	475	367	77%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	508	89%	569	509	89%	569	509	89%	569	509	89%
West Melbourne	Elementary	K-6	100%	618	553	90%	618	552	89%	618	553	90%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,072	940	88%	1,072	950	89%	1,072	950	89%	1,072	950	89%
West Shore	Jr / Sr High	7-12	90%	1,264	953	75%	1,264	956	76%	1,264	956	76%	1,264	956	76%
Schools of Choice				3,988	3,347		3,988	3,381		3,988	3,381		3,988	3,381	
Brevard Totals				83,385	66,230		83,433	66,015		84,993	68,776		85,015	67,940	

- 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 (10/1/2018).
 - Davis Demographics School Site Enrollment Forecasting Extension for ArcGIS 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)
 - Full 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
 - Nonrecoded 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 D-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, Quess Elementary, Saturn Elementary, Sunrise Elementary, Delaura Middle School, Jackson Middle School and Kennedy Middle (Total of 42 Classrooms)
 - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms)
 - Redistricting was approved for the 2019-20 school year and the projected enrollment for 2019-20 is adjusted for 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.

Shoreview Apartment Expansion Location Map

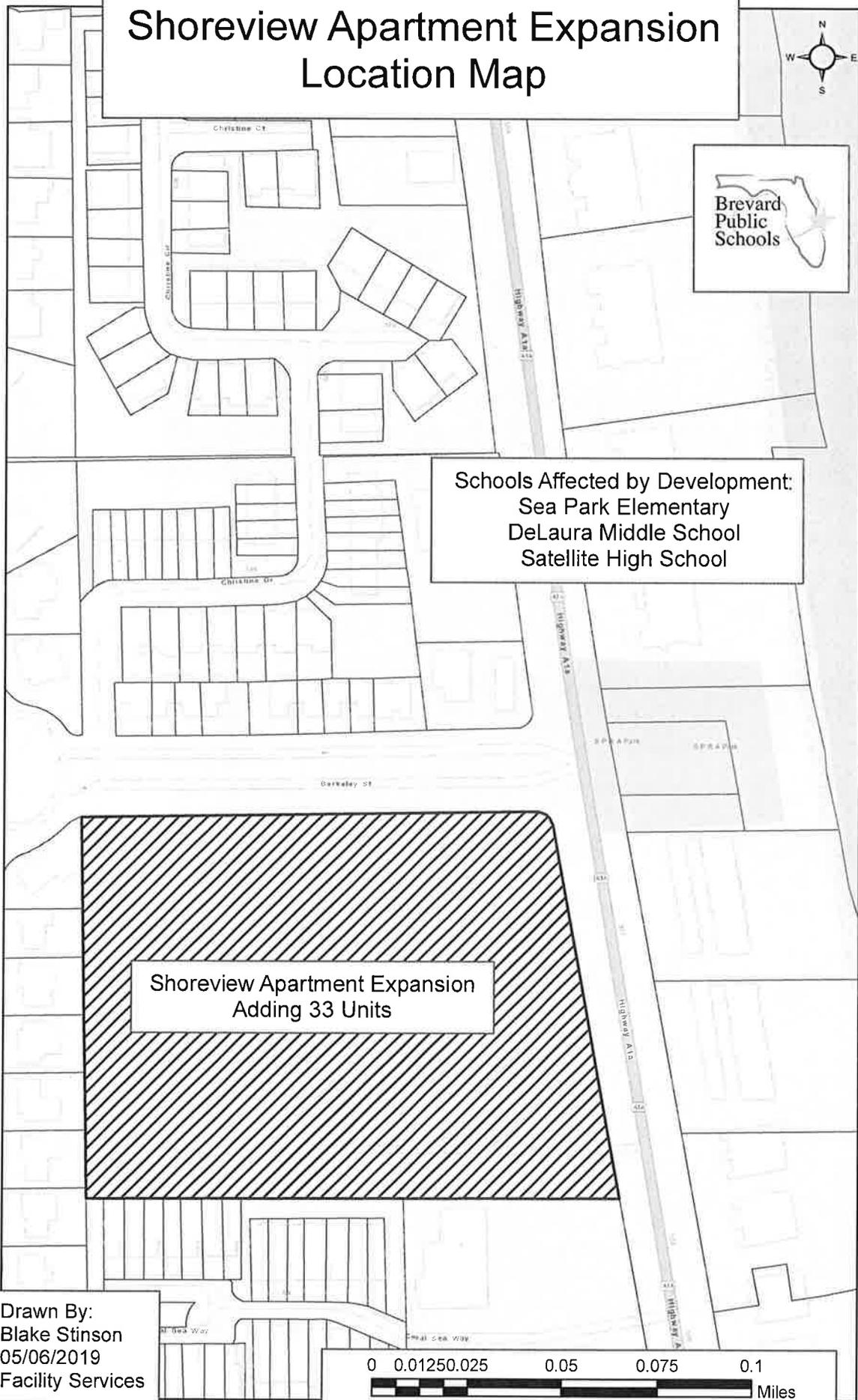
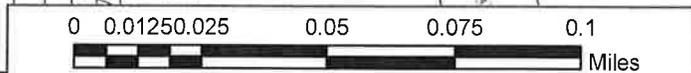


Schools Affected by Development:
Sea Park Elementary
DeLaura Middle School
Satellite High School

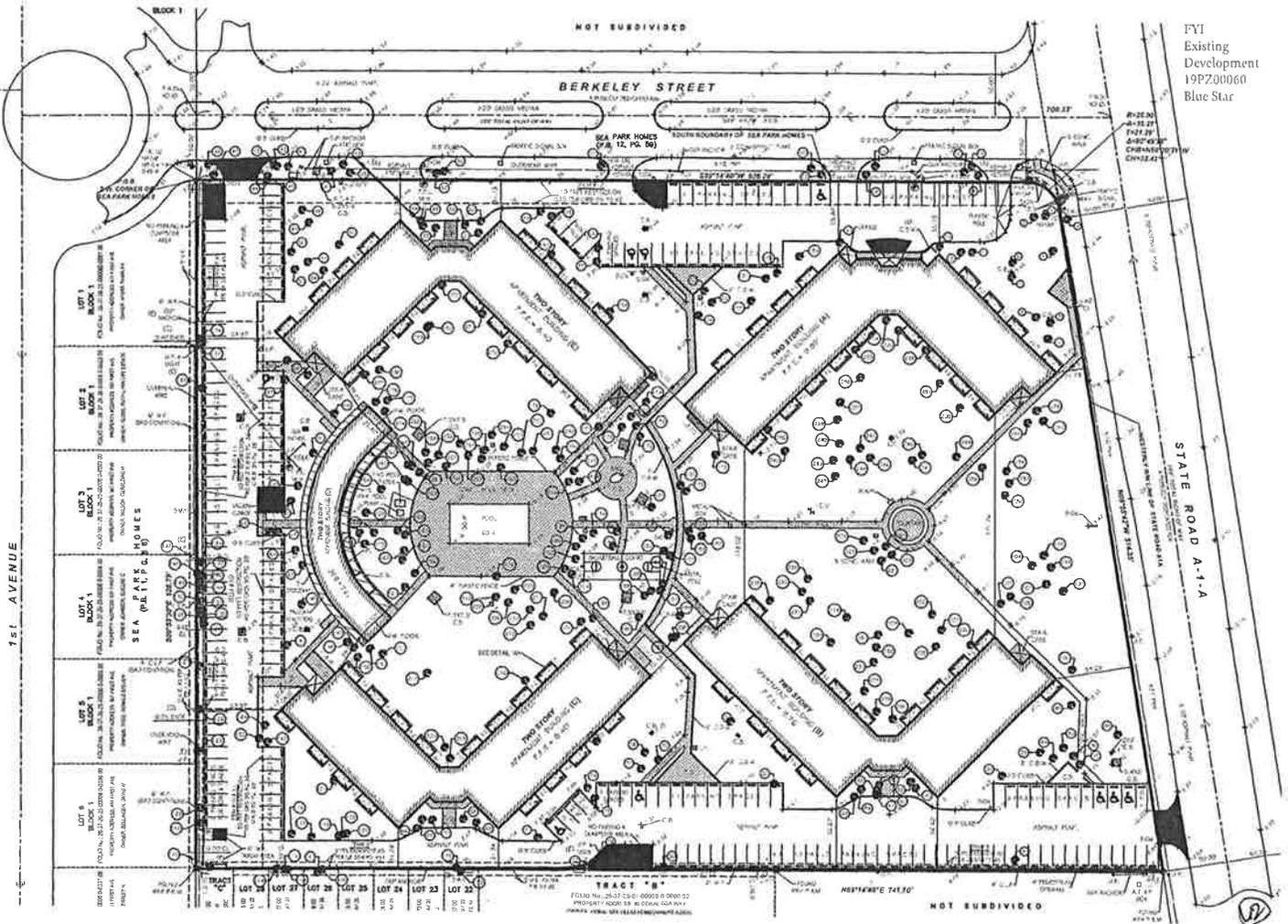


Shoreview Apartment Expansion
Adding 33 Units

Drawn By:
Blake Stinson
05/06/2019
Facility Services



FYI
 Existing
 Development
 19PZ00060
 Blue Star



LOT	AREA								
27	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100
26	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100
25	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100
24	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100
23	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100
22	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100	11,100

TRACT 'B'
 FOLIO 190-263-190-00000-00000-00
 PROPERTY: 1902158 19 00000 000 000
 1902158 19 00000 000 000 000

NOT SUBDIVIDED

Existing BDP
19PZ00060
Blue Star

RETURN: Clerk to the Board #27

Prepared by: PHILIP F. NOHRR, ESQ.
Address: P.O. Box 1870
Melbourne, FL 32902-1870

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 13 day of November, 2012 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and , SHOREVIEW LIMITED PARTNERSHIP, a partnership (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner has requested the RU-2-30 zoning classification in order for the existing development on the Property to be in conformity for density purposes and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

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

NOW, THEREFORE, the parties agree as follows:

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

RETURN: Clerk to the Board #27

2. The Developer/Owner shall limit density to nineteen (19) units residential per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. This agreement provides no vested rights against changes to the Comprehensive Plan or Land Development Regulations as they may apply to this Property.

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

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on August 2, 2012. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

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

RETURN: Clerk to the Board #27

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

ATTEST:

Laurley S. Rice
Laurley S. Rice, Chief Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940
Chuck Nelson
Chuck Nelson, Chairman
As approved by the Board on Nov. 13, 2012

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 13 day November of 2012, by Chuck Nelson, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires September 16, 2014
SEAL
Commissioner

Tammy Lynn Etheridge
Notary Public
Tammy Lynn Etheridge
(Name typed, printed or stamped)

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

Amanda LaVicka
Amanda LaVicka
(Witness Name typed or printed)

DEVELOPER/OWNER
SHOREVIEW LIMITED PARTNERSHIP
By Clark Enterprises, Inc., General Partner
Lawrence C. Nussdorf
(President)
Lawrence C. Nussdorf
(Name typed, printed or stamped)

STATE OF Maryland §
COUNTY OF Montgomery §

The foregoing instrument was acknowledged before me this 4th day of Sept. 2012, by Lawrence C. Nussdorf President of CLARK ENTERPRISES, INC. who is personally known to me or who has produced as identification.

My commission expires 11/17/2015
SEAL
Commissioner

Connie B. Pumphrey
Notary Public
11-17-2015
ANNE ARUNDEL COUNTY, MD

Connie B. Pumphrey
Notary Public
Connie B. Pumphrey
(Name typed, printed or stamped)

16

RETURN: Clerk to the Board #27

EXHIBIT "A"

Commencing at the Northwest corner of Government Lot 1, Section 26, Township 26 South, Range 17 East, Brevard County, Florida, run thence S 0 degrees, 53'30" E along the West line of Said Government Lot 1 a distance of 484.70 feet to the Point of Beginning, said point being also the Southwest corner of SEA PARK HOMES, FIRST ADDITION, according to the Plat thereof recorded in Plat Book 12, Page 59, of the Public Records of Brevard County, Florida; thence continue S 0 degrees 53'30" E along said West line of Government Lot 1 a distance of 528.79 feet to a point; thence N 89 degrees 14'40" E, parallel to the North line of said Government Lot 1, a distance of 741.70 feet to a point on the Westerly right of way line of State Road 11A; thence N 9 degrees 55'42" W along said right of way line of State Road 11A a distance of 514.35 feet to the point of curvature of a circular curve concave southwesterly, having a radius of 25 feet; thence Northwesterly along the arc of said curve, and along the southerly boundary line of said SEA PARK HOMES, FIRST ADDITION, through a central angle of 80 degrees 49'38" a distance of 35.27 feet; thence S 89 degrees 14'40" W along the south boundary of said SEA PARK HOMES, FIRST ADDITION, said line also being the south right of way line of BERKELEY STREET, a distance of 636.28 feet to the Point of Beginning

New

Prepared by: MBV Engineering, Inc.
Address: 1250 W. Eau Gallie Blvd., Melbourne, FL 32935

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 20____ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Blue Star Shoreview, LLC., a Florida Limited Liability Company (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner has requested the RU-2-30 zoning classification in order for the existing development on the Property to be in conformity for density purposes and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

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

THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements at the Property.

BS

2. The Developer/Owner shall limit density to twenty-three (23) units residential per acre, for a total of 188 units, and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. This agreement provides no vested rights against changes to the Comprehensive Plan or Land Development Regulations as they may apply to this Property.

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

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on August 2, 2012. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

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

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 8, 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 the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales; Brian Hodgers, Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Assistant Director, Planning and Development; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, May 30, 2019, at 5:00 p.m.

Excerpt from Complete Agenda

Blue Star Shoreview, LLC (Bruce Moia)

An amendment to an existing BDP (Binding Development Plan) to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units. The property is 8.49 acres, located on the southwest corner of Berkeley Street and Highway A1A. (50 Berkeley Street, Satellite Beach) (19PZ00060) (District 4)

Bruce Moia, MBV Engineering, stated Shoreview Apartments have been in existence since 1964, and it was bought five years ago by someone who would like to add another building. The owner needs to add some units to make it profitable, so he's asking to modify the existing BDP. He added that the request is not inconsistent with the area.

Rochelle Lawandales asked if the owner has any plans for the area designated Neighborhood Commercial. Mr. Moia replied no.

Brian Hodgers asked where the new building will be located, and if it will be two stories. Mr. Moia replied it will front Highway A1A, and it will be three stories.

Peter Filiberto asked if will be attached to the existing building, or if it would be separate. Mr. Moia replied it will be a separate building.

Dane Theodore stated the staff comments mentioned a lack of parking, and also stormwater retention, and asked if he will be adding additional spaces. Mr. Moia replied yes, they will have to go through site planning with the County to ensure retention, parking, landscaping, and other required improvements.

Rochelle Lawandales asked if the apartments will have gated access in order to avoid people parking there to go to the beach. Mr. Moia stated he doesn't think there are enough spaces there for people to park to go to the beach, and also, there is a parking lot across the street for the beach. Ms. Lawandales asked if the owner will be putting in sidewalks, or if there will be any improvements to the crosswalk. Mr. Moia noted it is a signaled intersection with a crosswalk, and there will be an internal sidewalk that will connect to it.

No public comment.

Motion by Peter Filiberto, seconded by Rochelle Lawandales, to approve the amendment to an existing BDP (Binding Development Plan) to increase the number of units from 19 units per acre to 23 units per acre, limited to a total of 188 units.

Erin Sterk stated that as Mr. Moia mentioned, they will come to the County for a site plan, but it will be for the area modulation only. As far as a sidewalk along A1A, there may be internal sidewalks built with the project, but the only way the County could necessitate improvements is just within the area proposed for the site plan.

Rochelle Lawandales stated she would like to amend her second to include a sidewalk along A1A for safety. Peter Filiberto stated he would amend his motion to include Rochelle's stipulation of a sidewalk.

Mr. Moia stated he is involved in improvements at another intersection on A1A just to the south of this site, and the State did not want a sidewalk there, so he doesn't know if they will want one at this intersection. He stated there will be internal access within the apartments to get to the sidewalk that goes to the crosswalk.

Mr. Minneboo suggested adding language to the motion that if the Florida Department of Transportation will allow a sidewalk the applicant will build a sidewalk.

Rochelle Lawandales clarified the intent of the motion was to amend the BDP to increase the density, with the stipulation that if they provide a sidewalk for safety reasons.

Mr. Moia stated on an aerial photo, it is clear that there are no sidewalks on the west side of A1A for several miles in either direction, so this would be the only sidewalk on the west side of A1A.

Peter Filiberto amended his amended motion to accept the request as-is, disregarding the sidewalk.

Brian Rodgers seconded the motion.

Henry Minneboo called for a vote on the motion and it passed 6:1, with Rochelle Lawandales voting nay.

Rochelle Lawandales stated for the record that she supports the project, but she would like a sidewalk for safety reasons.