



**AGENDA REPORT
August 2, 2018**

Public Hearing, Re: Ronald E. Dimenna (Malcom Kirschenbaum/Jack Kirschenbaum) requests a change of Zoning classification from AU to EU, with a BDP. (18PZ00054) (District 2)

SUBJECT:

Public Hearing, Re: Ronald E. Dimenna (Malcom Kirschenbaum/Jack Kirschenbaum) requests a change of Zoning classification from Agricultural Residential (AU) to Estate Use Residential (EU), with a Binding Development Plan (BDP). The property is 163.33 acres, located on the north side of N. Tropical Trail, approx. 0.11 mile west of N. Courtenay Pkwy. (No assigned address. In the North Merritt Island area.) (18PZ00054) (District 2)

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 the request for a change of Zoning classification from AU to EU, with a BDP.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of Zoning classification from AU to EU for the purpose of subdividing the property and the creation of 163 single-family residential lots. The applicant has submitted a BDP limiting density to one unit per acre, limiting ingress and egress to one access to N. Tropical Trail, agreeing to extending a force main and reuse line in order to provide public sewer connection for the property and dedicating the utility extension to Brevard County at no cost to County and agreeing that no septic and drain field systems will be permitted for the subject parcel.

By limiting the residential development within a Binding Development Plan (BDP) to 163 lots on 163.33 acres, the proposed EU Zoning classification is consistent with the Residential 1 (Res 1) Future Land Use (FLU) designation, pursuant to Section 62-1255 (b) (2). If the Board wishes to approve this rezoning request, it must limit development use via the BDP to 163 single-family lots or less in order for the proposed density to be consistent with the Res 1 Future Land Use designation.

On July 12, 2018, the North Merritt Island Dependent Special District Board heard the

request and unanimously recommended denial.

On July 23, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval with a BDP as submitted, and adding a stipulation that the owner will work with the County and all permitting agencies prior to the final subdivision approval, including right-of-entry, to enhance and improve the historical drainage outfall and grant a maintenance easement to the County for the purpose of maintenance of the drainage facility.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **Maps**
- ▢ **FYI School Concurency**
- ▢ **FYI Draft BDP**
- ▢ **Revised BDP 07-30-18**
- ▢ **FYI Concept Plan**
- ▢ **FYI Revised Concept Plan**
- ▢ **FYI Drainage Outfall Sketch**
- ▢ **Public Comment**

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 and 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 zoning, conditional uses, comprehensive plan appeals, 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 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), 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 service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.

REZONING REVIEW WORKSHEET

18PZ00054

Commission District # 2

Hearing Dates: NMI 07/12/18 P&Z 07/23/18 BCC 08/02/18

Owner Name: RONALD E. DIMENNA

Request: AU to EU

Subject Property:

Parcel ID# 23-36-15&22, Parcels 2, 3, 18 (portion only), 28, 251, 501, 752, 752.1
Tax Acct.# 2316236; 2316237; 2316253 (portion only); 2316263; 2316269; 2315503; 2315512; 2315513
Location: North side of N. Tropical Trail, approx. 0.11 mile west of N. Courtenay Pkwy.
Address: No assigned address. In the Merritt Island area.
Acreage: 163.33

Consistency with Land Use Regulations

YES	Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
YES**	Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
YES	Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	EU with BDP
Potential*	53 SF units	163 SF units
Can be Considered under FLU MAP	Yes Residential 1	YES** Residential 1

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.** BDP submitted 5/30/18 limiting density to one unit per acre.

	ADT	PM PEAK		
Trips from Existing Zoning	505	53	Segment Number	349C
Trips from Proposed Zoning	1,552	163	Segment Name	N. Tropical Trail CRISA FULL-N COURTENAY
Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	E
Current Volume	1,836	165	Directional Split	0.51
Volume With Proposed Development	3,388	305	ITE CODE 210	
Current Volume / MAV	11.77%	11.77%		
Volume / MAV with Proposal	21.72%	21.72%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Agricultural Residential (AU) to Estate Use Residential (EU) for the purpose of subdividing the property and the creation of 163 single-family residential lots.

The applicant has submitted a BDP as a part of the zoning proposed BDP contains four conditions:

1. Limit density to one unit per acre;
2. Limit ingress and egress to one access to North Tropical Trail;
3. Developer/owner agrees to extend a force main and reuse line from their existing terminus along North Courtenay Parkway at approximately Church Road in order to provide public sewer connection for the property and dedicates said utility extension to the Brevard County Utility Services Department at no cost to Brevard County; and
4. Developer/owner agrees that no new septic and drain field systems will be permitted for the subject parcel.

The second condition in the list above would necessitate vacating right of way which could provide secondary access to the site from North Tropical Trail. According to the applicant's survey, this right of way provided for the old SR 3 alignment. According to Sec. 62-2957 of the Land Development Regulations, only one access is required for up to 200 dwelling units. The subject property also touches two other rights of way from the subdivision to the north and east. The BDP condition above does not restrict or eliminate any opportunity for access to this development.

As identified by the Brevard County Property Appraiser's parcel data layer, this 163.33 acre site is contained under eight (8) tax account numbers and has five (5) existing single family home sites established. Prior zoning actions for tenant dwelling mobile homes under **Z-8163** and duplex modular coaches under **Z-6211** have been removed from the property by these previous zoning actions: **Z-10860(3)** and **Z-10793(7)**.

Land Use Compatibility

The subject property retains the Residential 1 (Res 1) Future Land Use (FLU) designation.

FLUE Policy 1.9 addresses Res 1, which permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within the Future Land Use Element. The current AU zoning classification is consistent with the Residential 1 FLUM. The proposed EU Zoning classification limited by a BDP to one unit per acre or less is consistent with the Residential 1 FLUM.

This site is also within North Merritt Island, where there is a history of density reductions, especially at the north end. A previous North Merritt Island Small Area Study drafted June 1, 1992 proposed the reduction of residential densities from two (2) units to one (1) unit per acre, which applied to 65% of the NMI study area, including the subject property. Future Land Use Map Amendment 92B.5.13 changed the Residential Density designation from Suburban 2 to Suburban 1 on 6500 +/- acres. After the first EAR Amendment to the Comprehensive Plan in 2001, the Residential Density and Future Land Use maps were combined, and the Future Land Use designation was renamed from Suburban 1 to Residential 1 (Res1). This Res 1 FLU designation remains today.

A new North Merritt Island Small Area Study is currently underway, which includes a draft recommendation proposed by the Citizen's Committee, proposing to reduce densities even further. The draft recommendation asks the Board to consider changing the Future Land Use designation of all properties with an existing Residential 1 Future Land Use designation and with an Agricultural Residential (AU) Zoning classification from Residential 1 (up to 1 dwelling unit per acre) to Residential 1:2.5 (up to 1 dwelling unit per 2.5 acres).

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

Applicable Land Use Policies

This site lies on the north side of N. Tropical Trail just west of N. Courtenay Parkway. Adjacent Zonings to the north of this lot are: Government Managed Lands (GML), AU, and Single-Family Mobile Home zoning (TR-1). The Zoning to the east of this site are: Rural Residential Mobile Home (RRMH-1) and TR-1. Zonings to the west and south of this lot are: GML(P) and AU. The immediate area around this site appears to be residential or agricultural in nature.

The Brevard County Property Appraiser's Use codes for this site are:

- 6100 - Grazing Land - Soil Capability Class II- Vacant;
- 0009 - Vacant Residential Land Single Family, Unplatted; and
- 6680 - Combination - Part Orchard Groves and Part Pasture.

The following zoning actions have occurred within the area during the last three years. Those actions are:

- **15PZ00058** - BU-1 to BU-2 for wine retail/wholesale and warehouse. Located on the west side of N. Courtenay Pkwy (about 850 feet south of the SE property corner) and about 1,000 feet south of N. Tropical Trail intersection. Board approved on 12/3/2015.
- **16PZ00082** – Removal of BDP-11176 was approved as recommended by the North Merritt Island Dependent Special District Board with a BDP recorded in ORB 7846, Pages 2775 through 2779, dated 3/22/2017. Located on the west side of N. Courtenay Pkwy (about 1350 feet south of the SE property corner) and about 560 feet north of Crisafulli Road. Board approved on 3/22/2017.
- **17PZ00024** – AU to SR and with small scale comprehensive plan amendment from RES 1:2.5 to RES 2. Located on the south side of N. Tropical Trail (about 500 feet west of SW property corner) as roadway turns from a westerly to southerly direction. Board approved on 5/4/2017.

School Concurrency Analysis

At this time, Lewis Carroll Elementary is not projected to have enough capacity for the total projected and potential students from the Dimenna Subdivision. Because there is a shortfall of available capacity in the concurrency service area of the Dimenna Subdivision, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Mila Elementary School and Audubon Elementary School. Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Dimenna Subdivision. This accommodation for predicting development and potential redistricting of students is done in coordination between Brevard County Government and Brevard County Schools, through intergovernmental coordination.

For Board Consideration

By limiting the residential development request to 163 lots on 163.33 acres, the proposed EU Zoning classification is consistent with the Res 1 FLU designation. By limiting the density to be consistent with the FLUM by defining a maximum number of dwelling units within a Binding Development Plan, the request can be heard pursuant to Section 62-1255 (b) (2). If the Board wishes to approve this rezoning request, it must limit development use via the Binding Development Plan to 163 single-family lots or less in order for the proposed density to be consistent with the Res 1 Future Land Use designation.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
 Rezoning Review**

SUMMARY

Item #: 18PZ00054	Applicant: Dimenna-Kirshenbaum
Zoning Request: AU to EU w/BDP	
NMI Hearing: 07/12/18; P&Z Hearing: 07/23/18;	BCC Hearing: 08/02/18

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, County or Local Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydic Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp 23, Rng. 36, Sec. 15 & 22;
 Tax ID Nos. 2316236, 2316263, 2316237, 2316269, 2315513, 2315512, 2315503, & 2316253**

The subject parcel contains mapped SJRWMD wetlands, and NWI wetlands as shown on the National Wetlands Inventory Map, and hydric soils (Chobee mucky loamy fine sand-depressional, Copeland-Bradenton-Wabasso complex-limestone substratum, Riviera sand, St. Johns sand-depressional, Anclote sand, Anclote sand-frequently flooded, Floridana sand-frequently flooded) as shown on the United States Department of Agriculture (USDA) Soils Conservation Service Soils Survey (SCSSS) Map; indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

St. Johns sand-depressional, Pomello sand, Tavares fine sand-0 to 5 percent slopes, and Candler fine sand may also function as aquifer recharge soils. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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

Staff Comments: Page 5

(18PZ00054)

07/12/18 NMI // 07/23/18 PZ // 08/02/18 BCC

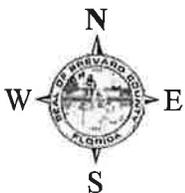
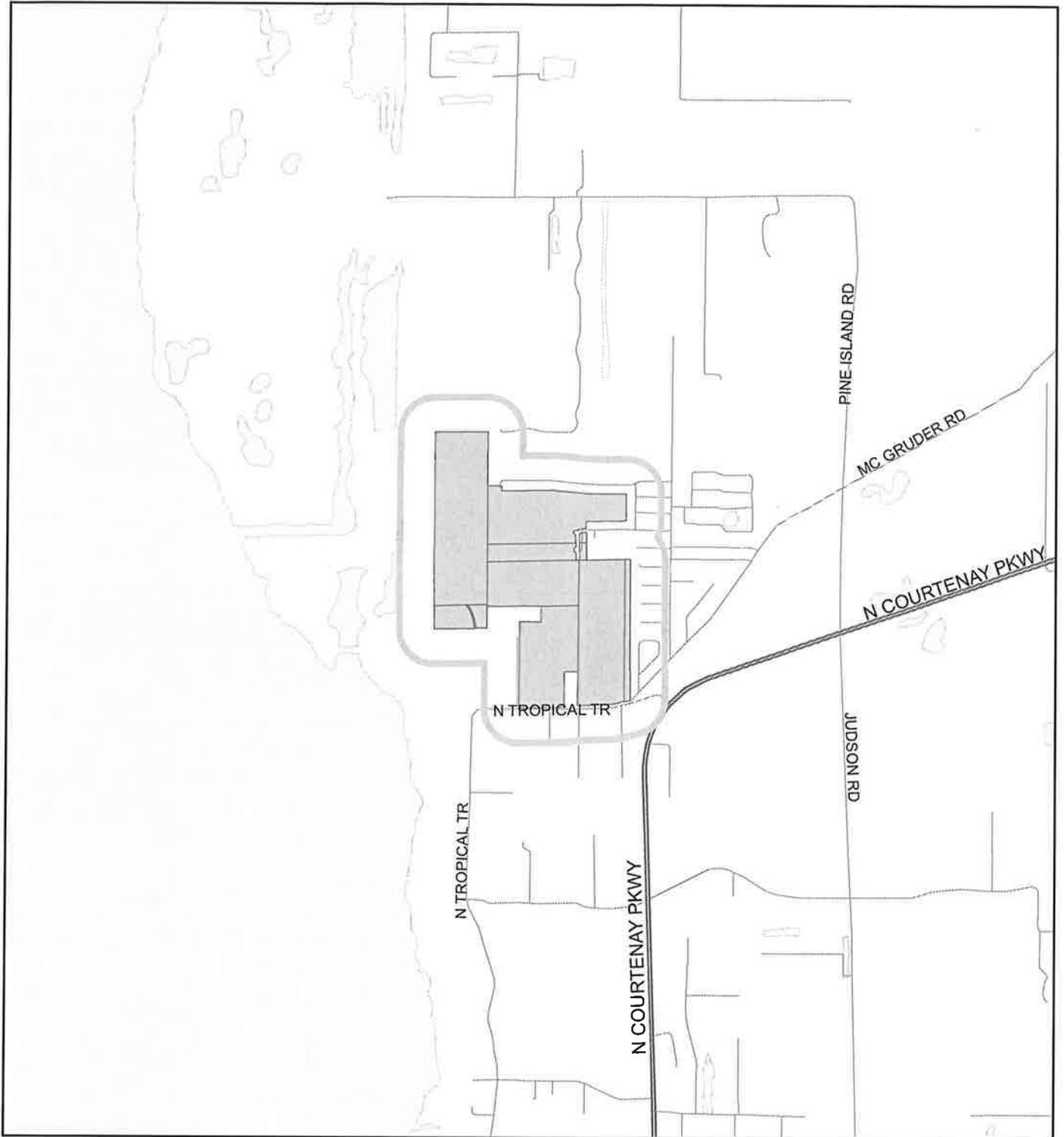
Information available to NRM indicates that federally and/or state protected species may be present on the property. The subject property has a large mapped Florida Scrub Jay polygon over the site as shown on the Scrub Jay Occupancy Map. Prior to any plan, permit submittal, or development activity, including land clearing, 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, as applicable.

The project contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) codes: 4340 – Upland Mixed Coniferous/Hardwood trees, and 4110 – Pine Flatwoods. Heritage Specimen Trees (greater than 24 inches in diameter) may reside within these mapped FLUCCS polygons. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP

DIMENNA, RONALD E.

18PZ00054



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.

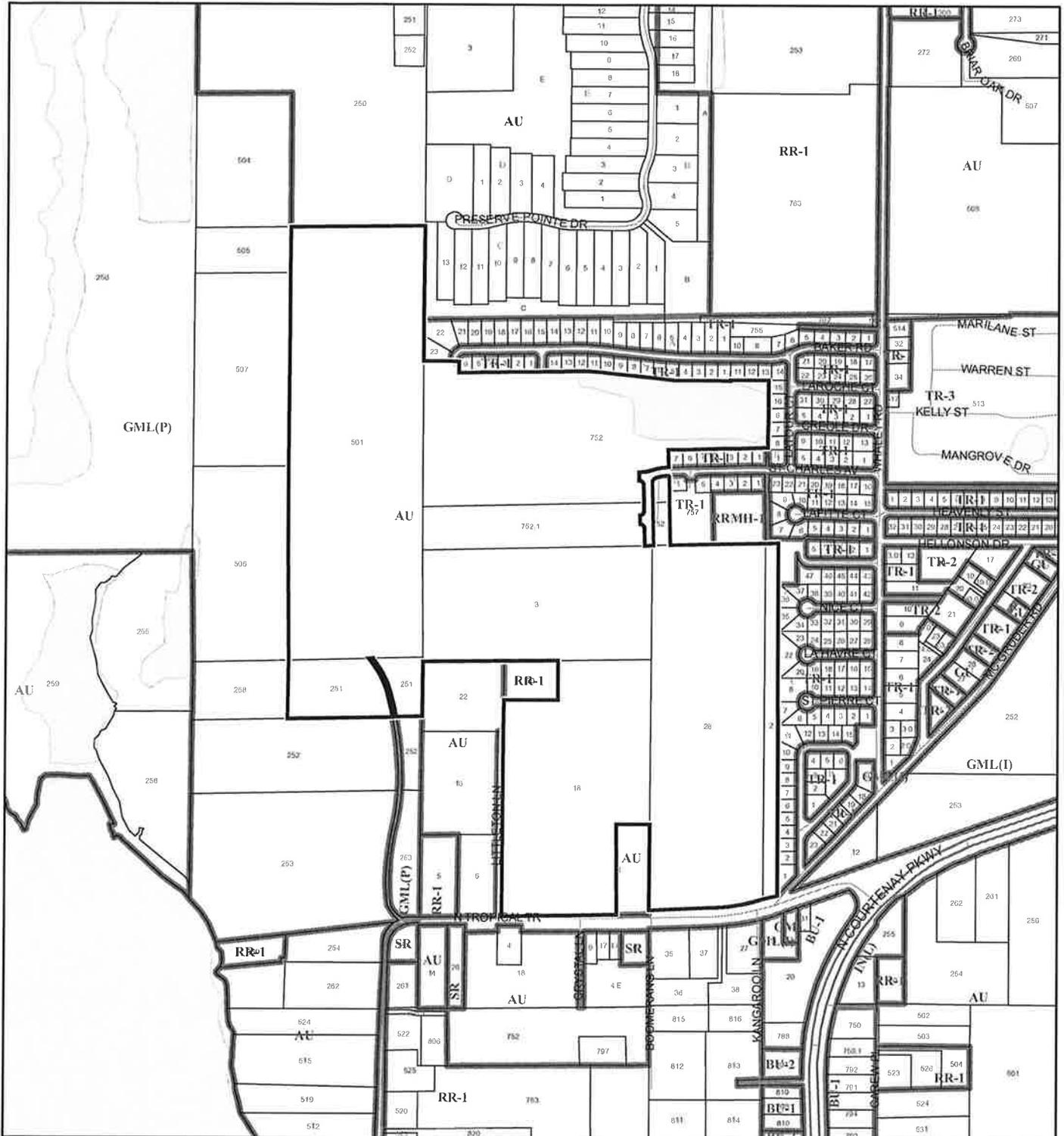
Produced by BoCC - GIS Date: 5/17/2018

-  Buffer
-  Subject Property

ZONING MAP

DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

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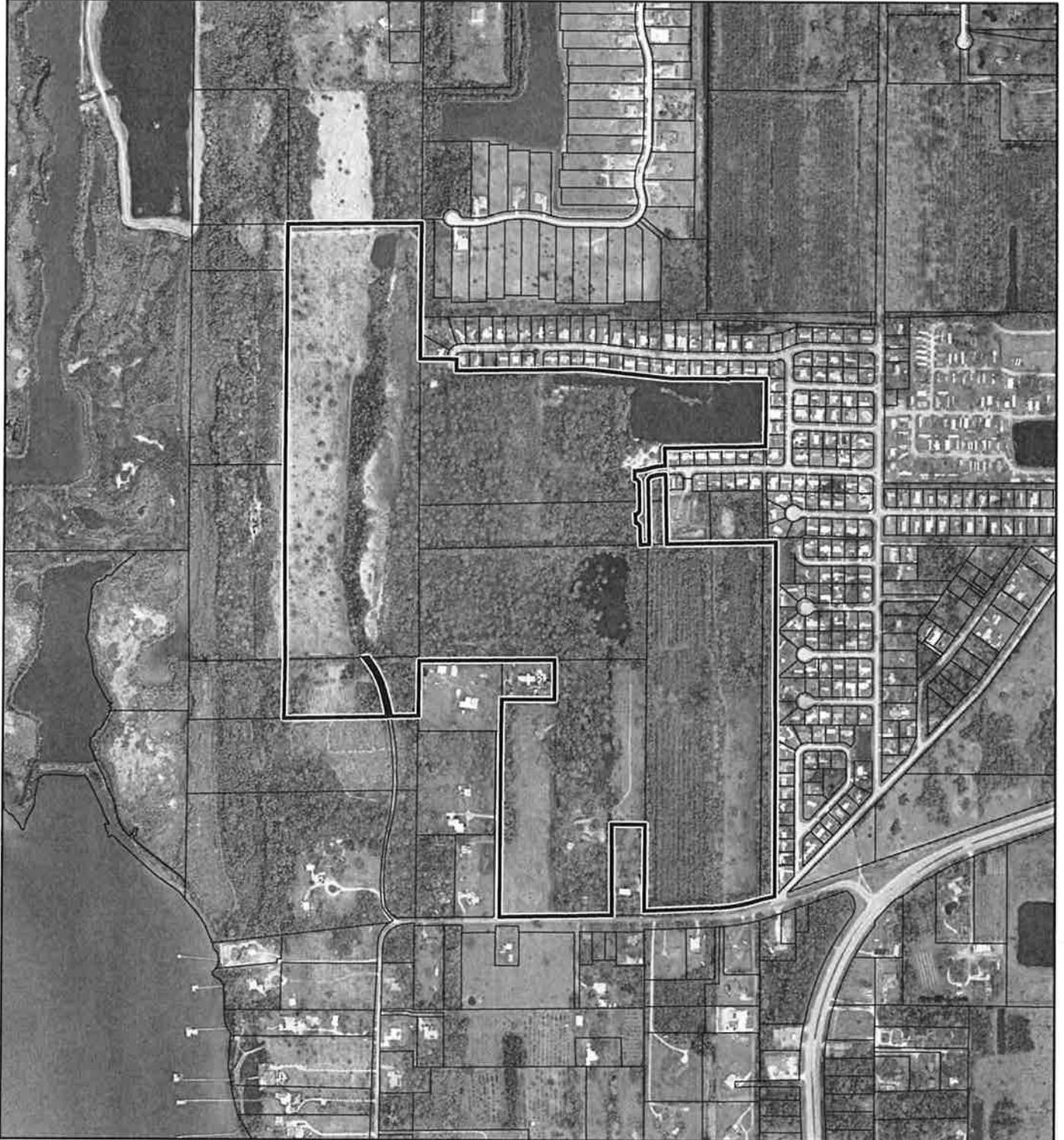
Produced by BoCC - GIS Date: 5/17/2018

-  Subject Property
-  Parcels
-  Zoning

AERIAL MAP

DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

PHOTO YEAR: 2018

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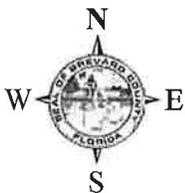
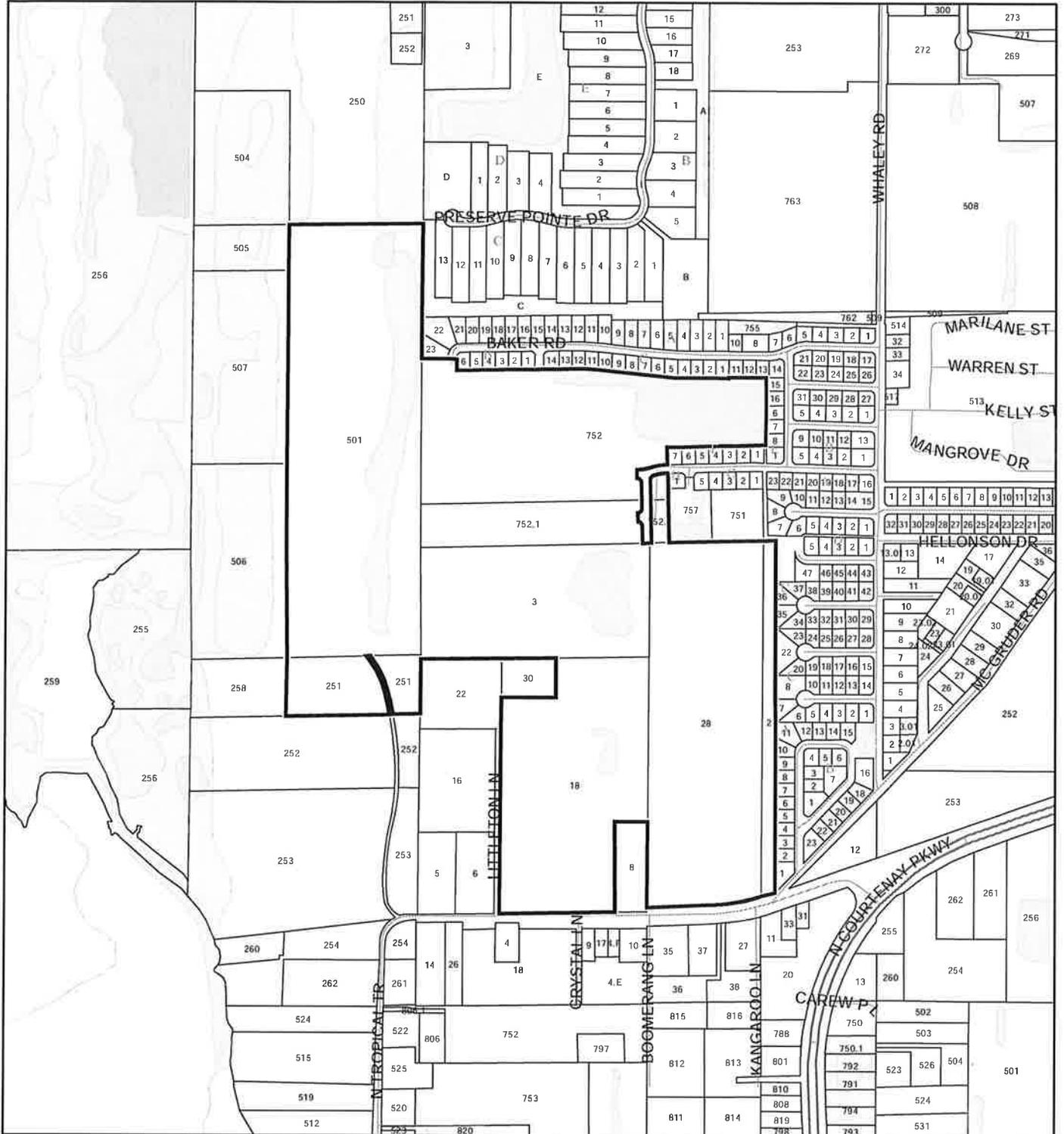
Produced by BoCC - GIS Date: 5/17/2018

-  Subject Property
-  Parcels

NWI WETLANDS MAP

DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

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Produced by BoCC - GIS Date: 5/17/2018

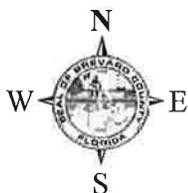
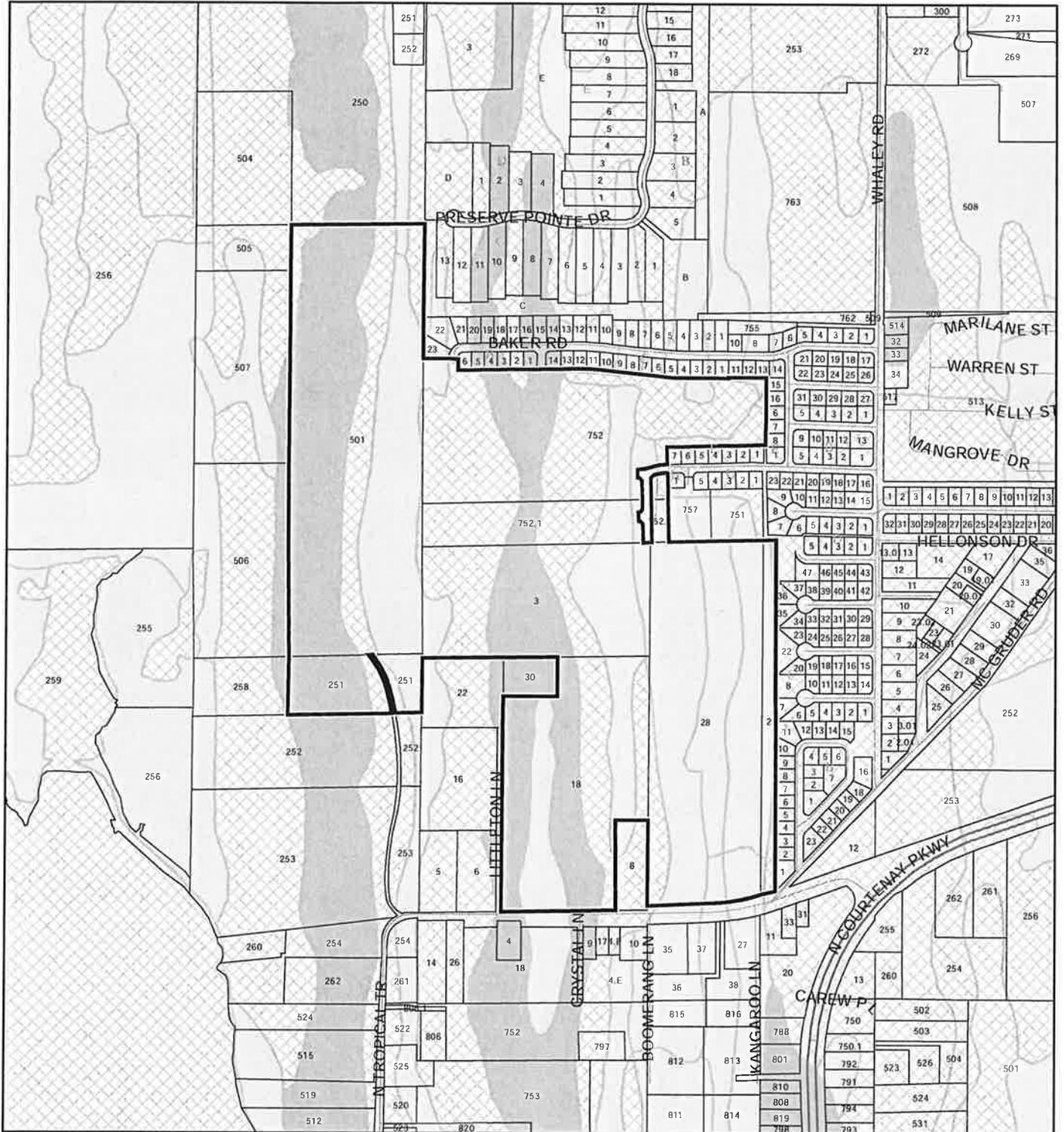
National Wetlands Inventory (NWI)

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

USDA SCSSS SOILS MAP

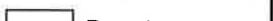
DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

USDA SCSSS Soils

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

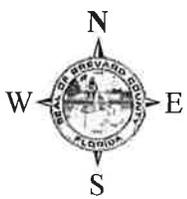
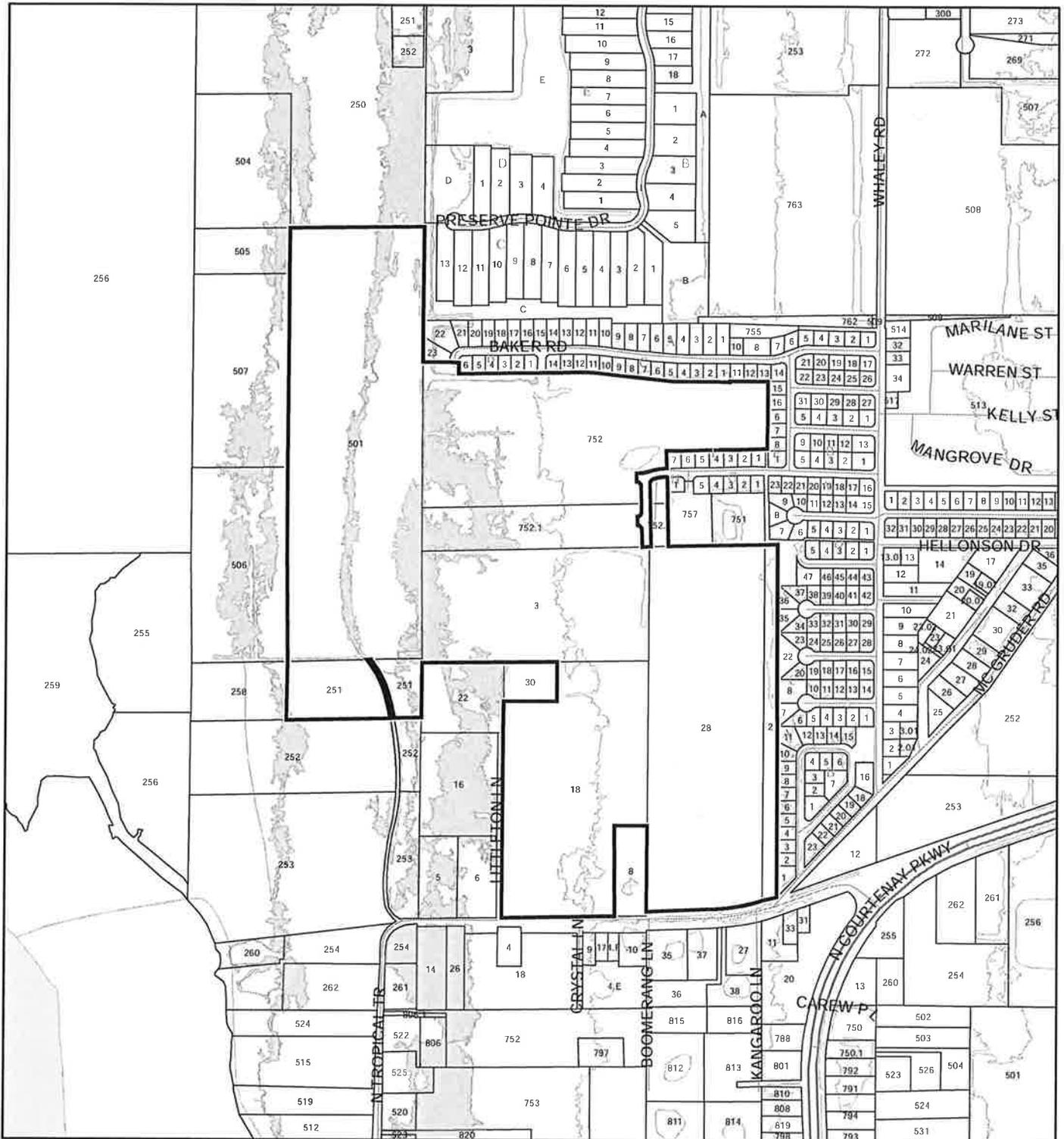
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/17/2018

FEMA FLOOD ZONES MAP

DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

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Produced by BoCC - GIS Date: 5/17/2018

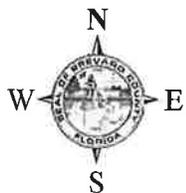
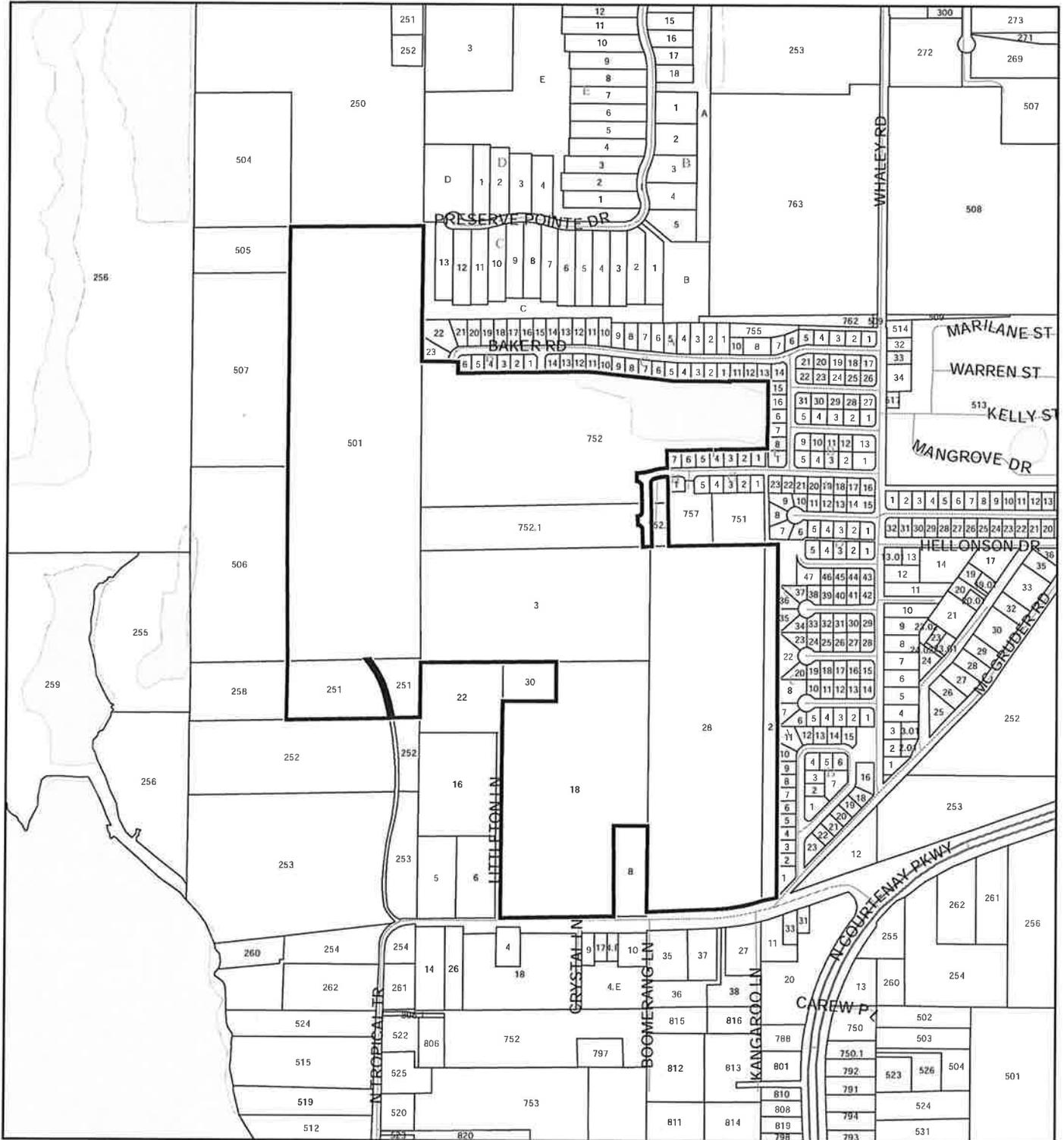
FEMA Flood Zones

- | | | |
|--|--|--|
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EAGLE NESTS MAP

DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

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Produced by BoCC - GIS Date: 5/17/2018

 Subject Property

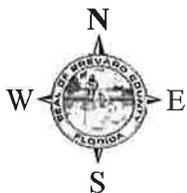
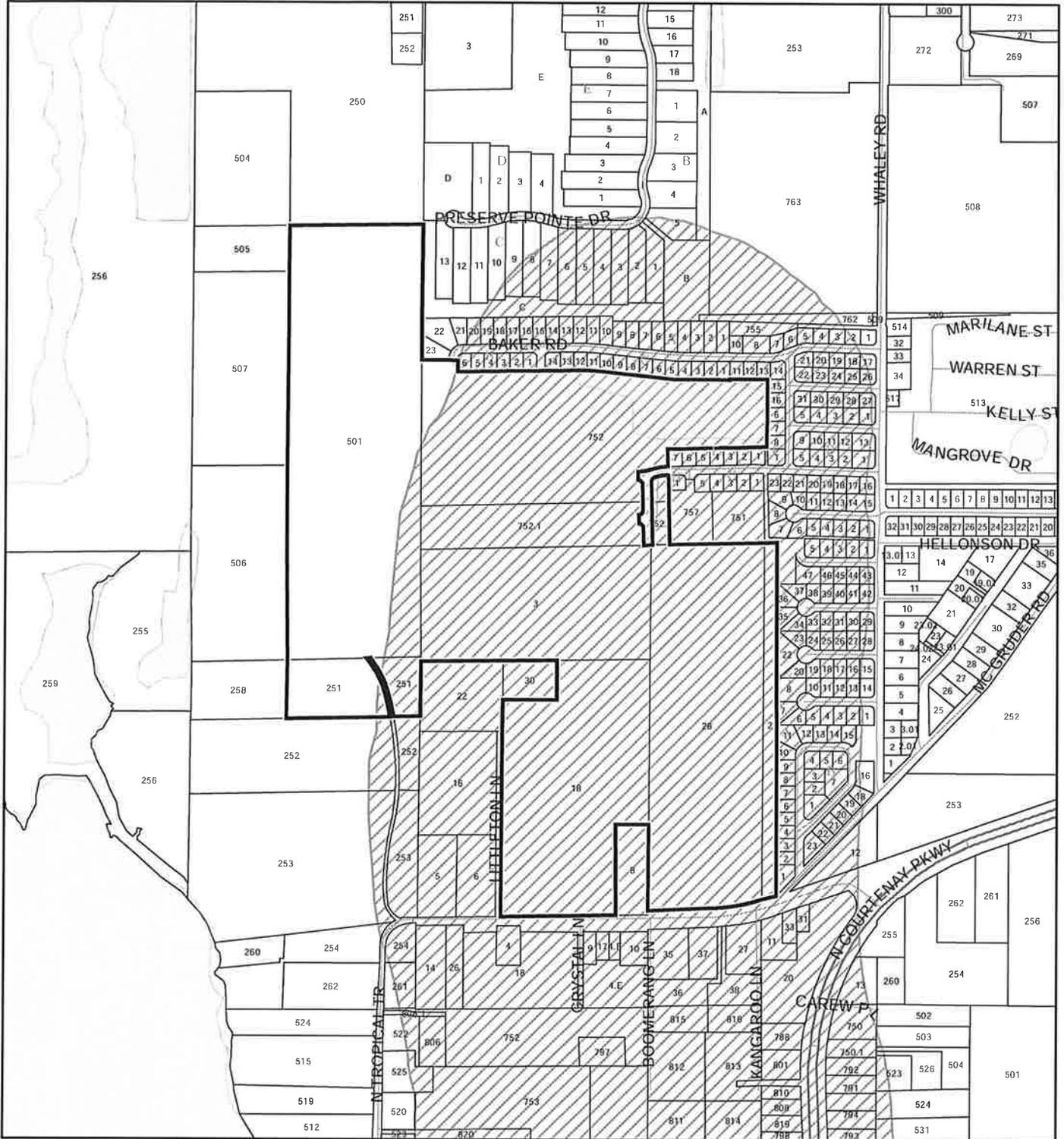
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

DIMENNA, RONALD E.

18PZ00054



1:9,600 or 1 inch = 800 feet

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Produced by BoCC - GIS Date: 5/17/2018

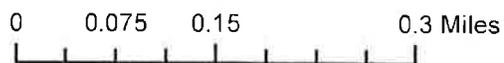
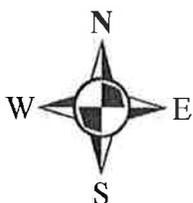
-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS MAP

Code 4340 - Upland Mixed Coniferous/Hardwood Forest

Code 4110 - Pine Flatwoods

18PZ00054



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Legend	
LCCODE	
	4110
	4340



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Desmond K. Blackburn, Ph.D., Superintendent

May 1, 2018

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

**RE: Proposed Dimenna Subdivision
School Impact Analysis – Capacity Determination CD-2018-11**

Dear Mr. Paul Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2316237 (Parcel ID: 23-36-22-00-3), Tax Account 2315513 (Parcel ID: 23-36-15-00-752.1), Tax Account 2315512 (Parcel ID: 23-36-15-00-752), Tax Account 2316269 (Parcel ID: 23-36-22-00-251), Tax Account 2315503 (Parcel ID: 23-36-15-00-501), Tax Account 2316263 (Parcel ID: 23-36-22-00-28) and a portion of Tax Account 2316253 (Parcel ID: 23-36-22-00-18) containing approximately 163.18 acres in Brevard County, Florida. The proposed single family development includes 163 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

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

Single Family Homes		163	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	45.64	46
Middle	0.08	13.04	13
High	0.16	26.08	26
Total	0.52		85

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 2017-18 to 2021-22**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	751	751	751	751	751
Jefferson	854	854	854	854	854
Merritt Island	1,915	1,915	1,915	1,915	1,915

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	662	633	622	572	546
Jefferson	644	652	639	617	589
Merritt Island	1,532	1,537	1,527	1,544	1,550

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	86	94	102	102	102
Jefferson	28	37	45	45	45
Merritt Island	54	72	88	88	88

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	-	17	34	46	46
Jefferson	-	5	10	13	13
Merritt Island	-	10	19	26	26

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	748	744	758	720	694
Jefferson	672	694	694	675	647
Merritt Island	1,586	1,619	1,634	1,658	1,664

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Carroll	3	7	(7)	31	57
Jefferson	182	160	160	179	207
Merritt Island	329	296	281	257	251

At this time, Lewis Carroll Elementary is not projected to have enough capacity for the total of projected and potential students from the Dimenna Subdivision. Because there is a shortfall of available capacity in the concurrency service area of the Dimenna Subdivision, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Mila Elementary School and Audubon Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Dimenna Subdivision is shown:

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2017-18 to 2021-22**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	707	707	707	707	707

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	489	482	474	470	469

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	-	17	34	46	46

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	489	499	508	516	515

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Mila	218	208	199	191	192

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

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", with a long horizontal flourish extending to the right.

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

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years
2017-2018 to 2022-23*
Copy: Susan Hann, Director Planning & Project Management
File CD-2018-11



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2017-18 to 2022-23

Summary	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Highest Utilization Elementary Schools:	97%	97%	98%	99%	100%	100%
Highest Utilization Middle Schools:	85%	92%	100%	99%	99%	99%
Highest Utilization Jr / Sr High Schools:	90%	92%	88%	92%	92%	96%
Highest Utilization High Schools:	94%	96%	97%	98%	99%	99%

School	Type	Grades	Utilization Factor	School Year 2017-18			School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23		
				FISH Capacity	10/13/17 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 Concurrence Service Areas

New Central Elementary	Elementary	K-6	100%	-	-	0%	-	-	0%	-	-	0%	-	-	75%	870	681	78%	870	681	78%
Allen	Elementary	PK-6	100%	751	669	89%	751	685	91%	751	692	92%	751	692	92%	751	692	92%	751	692	92%
Andersen	Elementary	K-6	100%	884	736	83%	884	753	85%	884	773	87%	884	759	86%	884	759	86%	884	759	86%
Apollo	Elementary	K-6	100%	902	877	97%	902	841	93%	902	929	103%	902	955	106%	1,012	1,008	103%	1,012	1,008	103%
Alliantis	Elementary	PK-6	100%	747	675	90%	747	718	96%	747	689	92%	747	707	95%	747	707	95%	747	707	95%
Audubon	Elementary	PK-6	100%	761	566	74%	761	554	73%	761	563	74%	761	545	72%	761	548	72%	761	550	72%
Cape View	Elementary	PK-6	100%	548	380	69%	548	381	70%	548	368	67%	548	374	68%	548	369	67%	548	368	67%
Cape View	Elementary	PK-6	100%	765	680	89%	765	670	88%	765	679	90%	765	687	91%	765	691	90%	765	694	91%
Carroll	Elementary	PK-6	100%	751	652	87%	751	662	88%	751	622	83%	751	622	83%	751	622	83%	751	622	83%
Challenger 7	Elementary	PK-6	100%	573	551	96%	573	578	101%	573	585	102%	573	556	97%	573	556	97%	573	556	97%
Columbia	Elementary	PK-6	100%	751	514	68%	751	467	62%	751	438	58%	751	439	58%	751	456	61%	751	477	64%
Coquina	Elementary	PK-6	100%	693	590	85%	693	543	78%	693	588	85%	693	619	89%	693	653	94%	693	715	102%
Cred	Elementary	PK-6	100%	1,154	888	77%	1,154	906	79%	1,154	944	82%	1,154	972	84%	1,154	972	84%	1,154	990	86%
Croton	Elementary	PK-6	100%	795	578	73%	795	553	70%	795	582	73%	795	618	78%	795	648	82%	795	655	82%
Discovery	Elementary	PK-6	100%	980	572	58%	980	694	71%	980	672	69%	980	668	68%	980	673	69%	980	692	71%
Endicott	Elementary	PK-6	100%	990	817	83%	990	739	75%	990	773	78%	990	789	80%	990	789	80%	990	789	80%
Enterprise	Elementary	PK-6	100%	729	560	77%	729	553	76%	729	563	77%	729	541	74%	729	545	75%	729	552	76%
Fairleigh	Elementary	PK-6	100%	797	686	86%	797	716	90%	797	763	96%	797	780	100%	797	796	100%	797	797	100%
Fairleigh	Elementary	PK-6	100%	711	430	60%	711	438	62%	711	419	59%	711	414	58%	711	388	55%	711	390	55%
Gulview	Elementary	PK-6	100%	777	588	76%	777	570	73%	777	570	73%	777	566	73%	777	568	73%	777	568	73%
Harbor City	Elementary	PK-6	100%	629	391	62%	629	386	61%	629	392	62%	629	386	61%	629	392	62%	629	405	64%
Holland	Elementary	PK-6	100%	605	485	80%	605	485	80%	605	502	83%	605	498	82%	605	498	82%	605	484	80%
Imperial Estates	Elementary	PK-6	100%	728	662	91%	728	638	88%	728	696	95%	728	734	101%	728	734	101%	728	734	101%
Indianleaf	Elementary	PK-6	100%	798	746	93%	798	758	96%	798	767	96%	798	767	96%	798	767	96%	798	770	96%
Imperial Estates	Elementary	PK-6	100%	930	881	95%	930	881	95%	930	930	100%	930	930	100%	930	930	100%	930	930	100%
Lockmar	Elementary	PK-6	100%	892	743	83%	892	699	78%	892	686	77%	892	670	75%	892	671	75%	892	669	74%
Longleaf	Elementary	PK-6	100%	790	613	78%	790	657	83%	790	668	85%	790	625	79%	790	621	79%	790	618	78%
Manatee	Elementary	PK-6	100%	954	914	96%	954	923	97%	954	906	95%	954	907	95%	954	907	95%	954	911	95%
McAuliffe	Elementary	PK-6	100%	918	764	83%	918	753	82%	918	741	81%	918	715	78%	918	743	81%	918	750	82%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	1,002	90%	1,114	853	76%	1,114	827	74%	1,114	796	71%	1,114	794	71%	1,114	806	72%
Meadowlane Primary	Elementary	K-6	100%	824	749	91%	824	658	79%	824	656	80%	824	664	81%	824	661	80%	824	655	79%
Mia	Elementary	PK-6	100%	707	494	70%	707	489	69%	707	482	68%	707	474	67%	707	470	66%	707	469	66%
Mims	Elementary	PK-6	100%	725	510	70%	725	399	55%	725	405	56%	725	405	56%	725	422	58%	725	438	60%
Oak Park	Elementary	PK-6	100%	972	892	92%	972	775	80%	972	785	81%	972	785	81%	972	813	84%	972	817	84%
Ocean Breeze	Elementary	PK-6	100%	654	527	81%	654	513	78%	654	503	77%	654	512	78%	654	503	77%	654	504	77%
Palm Bay	Elementary	PK-6	100%	1,005	632	63%	1,005	604	60%	1,005	574	57%	1,005	558	56%	1,005	547	54%	1,005	553	55%
Pinewood	Elementary	PK-6	100%	573	503	88%	573	496	87%	573	532	93%	573	588	99%	573	631	99%	573	664	97%
Port Malabar	Elementary	PK-6	100%	852	729	86%	852	680	80%	852	621	73%	852	619	73%	852	624	73%	852	624	73%
Quest	Elementary	PK-6	100%	1,038	1,000	96%	1,038	1,075	97%	1,038	1,217	117%	1,038	1,204	116%	1,038	1,236	119%	1,038	1,236	119%
Riviera	Elementary	PK-6	100%	777	681	88%	777	646	83%	777	678	87%	777	682	88%	777	687	89%	777	694	90%
Roosevelt	Elementary	PK-6	100%	599	390	65%	599	393	65%	599	389	65%	599	378	63%	599	378	63%	599	367	61%
Sabal	Elementary	PK-6	100%	785	544	69%	785	535	68%	785	548	70%	785	557	71%	785	573	73%	785	573	73%
Sabal	Elementary	PK-6	100%	976	764	78%	976	869	89%	976	886	92%	976	948	97%	976	988	100%	976	1,005	103%
Sea Park	Elementary	PK-6	100%	461	317	69%	461	340	74%	461	347	75%	461	368	79%	461	368	79%	461	376	82%
Shenwood	Elementary	PK-6	100%	609	442	73%	609	453	74%	609	469	77%	609	493	81%	609	493	81%	609	502	84%
South Lake	Elementary	PK-6	100%	529	460	87%	529	485	92%	529	520	98%	529	500	95%	529	500	95%	529	500	95%
Sunrise	Elementary	PK-6	100%	917	838	91%	917	817	89%	917	847	92%	917	891	97%	917	939	100%	917	1,005	109%
Surfside	Elementary	K-6	100%	755	686	91%	755	686	92%	755	713	94%	755	659	87%	755	659	87%	755	659	87%
Surfside	Elementary	K-6	100%	549	455	83%	549	465	85%	549	474	86%	549	474	86%	549	474	86%	549	486	89%
Tropical	Elementary	K-6	100%	910	797	88%	910	798	88%	910	799	88%	910	828	91%	910	854	94%	910	879	96%
Turner	Elementary	PK-6	100%	874	609	70%	874	563	64%	874	538	62%	874	518	59%	874	518	59%	874	518	59%
University Park	Elementary	PK-6	100%	811	514	63%	811	451	56%	811	493	61%	811	496	61%	811	489	60%	811	491	61%
Westside	Elementary	PK-6	100%	857	733	86%	857	625	73%	857	566	66%	857	572	67%	857	559	65%	857	561	65%
Williams	Elementary	PK-6	100%	715	554	78%	715	545	76%	715	541	76%	715	541	76%	715	541	76%	715	541	76%
Elementary Totals				41,892	33,522		41,936	33,021		42,134	33,402		43,070	33,925		43,224	34,222		43,444	34,688	

Middle School Concurrency Service Areas																		
	7-8	90%	1,121	74%	1,525	1,185	76%	1,525	1,264	83%	1,525	1,329	87%	1,525	82%	1,525	1,170	77%
Central	Middle	90%	1,121	74%	1,525	1,185	76%	1,525	1,264	83%	1,525	1,329	87%	1,525	82%	1,525	1,170	77%
DeLaura	Middle	90%	941	85%	941	870	82%	941	940	90%	1,000	991	90%	1,000	98%	1,000	952	95%
Hoover	Middle	90%	533	81%	659	479	73%	659	487	74%	659	485	74%	659	70%	659	482	73%
Jackson	Middle	90%	548	84%	654	540	83%	654	582	89%	654	651	90%	654	90%	654	684	96%
Jefferson	Middle	90%	629	74%	854	644	75%	854	652	76%	854	639	75%	854	72%	854	589	69%
Johnson	Middle	90%	603	80%	1,000	770	77%	1,000	770	77%	1,000	808	81%	1,000	75%	1,000	762	75%
Kennedy	Middle	90%	813	84%	1,000	651	66%	1,000	722	72%	1,000	797	80%	1,000	80%	1,000	866	86%
Madison	Middle	90%	460	62%	743	472	64%	743	518	70%	743	531	71%	743	67%	743	509	68%
McNair	Middle	90%	386	63%	611	419	69%	611	438	72%	611	441	72%	611	77%	611	468	77%
Southwest	Middle	90%	1,177	84%	1,177	824	70%	1,177	884	75%	1,177	984	84%	1,177	83%	1,177	893	75%
Stone	Middle	90%	822	81%	1,013	827	82%	1,013	830	82%	1,013	959	95%	1,013	97%	1,013	855	85%
Middle Totals			9,990	7,627	9,990	7,700	8,084	9,990	8,084	8,084	10,069	8,622	10,127	8,559	10,167	8,333		

Junior / Senior High School Concurrency Service Areas																			
	JK / Sr High	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599
Cocoa	JK / Sr High	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599	90%	1,782	1,599
Cocoa Beach	JK / Sr High	90%	1,466	1,004	68%	1,466	982	67%	1,466	962	66%	1,466	947	65%	1,466	946	65%	1,466	941
Space Coast	JK / Sr High	90%	1,812	1,597	88%	1,812	1,597	88%	1,812	1,596	88%	1,812	1,695	95%	1,812	1,539	85%	1,812	1,501
Jr / Sr High Totals			5,060	4,200		5,060	4,218		5,330	4,292		5,330	4,365		5,330	4,376		5,330	4,409

Senior High School Concurrency Service Areas																			
	9-12	95%	1,446	1,070	74%	1,446	1,070	74%	1,446	1,070	74%	1,446	1,121	78%	1,446	1,191	82%	1,446	1,235
Astronaut	High	95%	1,446	1,070	74%	1,446	1,070	74%	1,446	1,070	74%	1,446	1,121	78%	1,446	1,191	82%	1,446	1,235
Bayside	High	95%	2,235	1,718	77%	2,235	1,697	75%	2,235	1,697	75%	2,235	1,863	83%	2,235	1,589	71%	2,235	1,681
Eau Gallie	High	95%	2,209	1,657	75%	2,209	1,776	80%	2,209	1,776	80%	2,209	1,805	82%	2,209	1,655	74%	2,209	1,681
Heritage	High	95%	2,314	1,778	77%	2,314	1,673	72%	2,314	1,673	72%	2,314	1,708	74%	2,314	1,757	76%	2,314	1,854
Melbourne	High	95%	2,356	2,217	94%	2,356	2,258	96%	2,356	2,258	96%	2,356	2,206	94%	2,356	2,267	96%	2,356	2,283
Merritt Island	High	95%	1,915	1,569	82%	1,915	1,532	80%	1,915	1,537	80%	1,915	1,527	80%	1,915	1,544	81%	1,915	1,550
Palm Bay	High	95%	2,613	1,957	75%	2,613	1,629	62%	2,613	1,685	64%	2,613	1,645	63%	2,613	1,621	62%	2,613	1,756
Rockledge	High	95%	1,689	1,537	91%	1,689	1,577	93%	1,689	1,577	93%	1,689	1,547	92%	1,689	1,543	91%	1,689	1,552
Sunshine	High	95%	1,516	1,336	88%	1,516	1,329	88%	1,516	1,330	88%	1,516	1,339	88%	1,516	1,375	91%	1,516	1,386
Thrusville	High	95%	1,872	1,412	75%	1,872	1,440	77%	1,872	1,440	77%	1,872	1,427	76%	1,872	1,412	75%	1,872	1,525
Viera	High	95%	2,277	2,109	93%	2,277	2,204	97%	2,277	2,204	97%	2,277	2,237	98%	2,277	2,302	99%	2,277	2,453
High Totals			22,442	17,990		22,442	18,003		22,442	18,160		22,442	18,125		22,442	18,456		22,442	19,116

Schools of Choice (Not Concurrency Service Areas)																			
	K-6	100%	475	408	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414
Freedom 7	Elementary	100%	475	408	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414
Stevenson	Elementary	100%	569	495	87%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508
West Melbourne	Elementary	100%	618	550	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552
Edgewood	Jr / Sr High	90%	1,072	943	88%	1,072	950	89%	1,072	950	89%	1,072	950	89%	1,072	950	89%	1,072	950
West Shore	Jr / Sr High	90%	1,264	955	75%	1,264	956	75%	1,264	956	75%	1,264	956	75%	1,264	956	75%	1,264	956
Schools of Choice			3,998	3,351		3,998	3,380												
Brevard Totals			83,382	66,690		83,426	66,322		83,994	67,318		84,909	68,317		85,168	68,993		85,571	69,906

- Notes**
- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2017-18 are reported from the FISH database as of October 13, 2018.
 - Student Membership is reported from the Fall Final Membership Count (10/13/18).
 - 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)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
 - Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nonenrolled 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) = 19 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Apollo Elementary, Challenger 7 Elementary, Coquina Elementary, Imperial Estates Elementary, Pinewood Elementary, Quest Elementary, Saturn Elementary, 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 2018-19 school year and the projected enrollment for 2018-19 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 12 classroom addition at Cocoa Jr/Sr High School is assumed to add 670 student stations starting in 2020-21. Student enrollment projections were adjusted for the 2020-21 school year.

Prepared by: Jack A. Kirschenbaum
Address: GrayRobinson, P.A., 1795 W. Nasa Blvd., Melbourne, FL 32901

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 Ronald E. Dimenna, (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 EU zoning classification(s) and desires to develop the Property as a single family subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owner's and affected facilities or services.

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.

2. The Developer/Owner shall limit density to 1 unit per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall limit ingress and egress to one access to North Tropical Trail.

4. Developer/Owner agrees to extend a force main and reuse line from their existing terminus along North Courtenay Parkway at approximately Church Road in order to provide public sewer connection for the property and dedicates said utility extension to the Brevard County Utility Services Department at no cost to Brevard County.

5. Developer/Owner agrees that no new septic and drain field systems will be permitted for the subject parcel.

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

7. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.

8. 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 _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

9. 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 may be amended.

10. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.

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

ATTEST:

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

Scott Ellis, Clerk
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

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

WITNESSES:

[Signature]

Mike Kirschenbaum
(Witness Name typed or printed)

[Signature]

RONALD E. DIMENNA, DEVELOPER/OWNER
Malcolm R. Kirschenbaum, Power of Attorney

(Address)

(President)

(Name typed, printed or stamped)

STATE OF Florida §

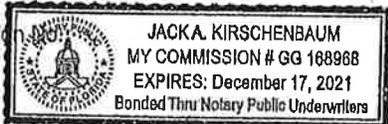
COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 30 day of May, 2018, by _____, President of _____ who is personally known to me or who has produced _____ as identification.

My commission expires

SEAL

Commission



[Signature]

Notary Public

[Signature]

(Name typed, printed or stamped)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____ as mortgagor, in favor of the undersigned, _____, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

EXHIBIT "A"

DIMENNA SUBDIVISION

A parcel of land situated in the Southwest quarter of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, and described as follows:

Beginning at the Northeast corner of lot of land formerly owned by Adelaide E. Black, said corner being 16 chains South of the Northeast corner of the Southwest quarter of Section 15, Township 23 South, Range 36 East, thence North 4 chains, thence West 20 chains, thence South 4 chains, to the Northwest corner of aforesaid Adelaide E. Black's land, thence East 20 chains to Point-of-Beginning, Less the West 550 feet.

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Commence at the Northwest corner of Lot 7, Block F of Colony Park, Section Three, according to the plat thereof, recorded in Plat Book 20, Page 107, Public Records of Brevard County, Florida, thence run South 02°14'15" East along the West line of Lot 7 and its extension Southerly for 300.51 feet to the Point-of-Beginning; thence continue South 02°14'15" East for 250.00 feet to the Southwest corner of that certain parcel of land described in Official Records Book 1474, Page 1008, Public Records of Brevard County, Florida, said Southwest corner lies on the South line of the Southeast 1/4 of said section 15; thence run South 87°44'31" West along the South line of the Southeast 1/4 of said Section 15 for 1423.45 feet to the Southwest corner of the Southeast 1/4 of said Section 15; thence run North 00°44'10" West along the west line of the Southeast 1/4 of said Section 15 for 250.09 feet, thence North 87°44'31" East parallel and 250.00 feet by right angle measure from the South line of the Southeast 1/4 of said Section 15 for 1416.90 feet to the Point-of-Beginning

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Begin at the Southwest corner of the Plat of Colony Park North, Unit 3, as recorded in Plat Book 28, Page 7 of the Public Records of Brevard County, Florida, said point lying on the West line of the, aforesaid South 1/2 of the Southeast 1/4; thence along the South line of said Plat of Colony Park North, Unit 3 for the next seven (7) bearings and distances; N.89°18'29"E., a distance of 205.00 feet; S.00°41'31"E., a distance of 66.18 feet; N.88°09'37"E., distance of 450.09 feet; N.88°09'42"E., a distance of 50.01 feet; N.88°09'37"E., a distance of 242.01 feet; S.84°54'05"E., a distance of 498.64 feet; N.89°20'56"E., a distance of 321.53 feet to the Southeast corner of said Plat of Colony Park North, Unit 3; thence N.00°39'04"W., along the East line of said Plat of Colony Park North, Unit 3, a distance of 5.00 feet to the Southwest corner of Lot 11, Plat of Colony Park North, Unit 2, as recorded in Plat Book 24, Page 74 of said Public Records; thence N.89°20'56"E., along the South line of said Plat of Colony Park North, Unit 2, a distance of 217.35 feet; thence S.00°39'04"E., along the West line of said Plat of Colony Park North, Unit 2, and the West line of the Plat of Colony Park North, Unit 1, as recorded in Plat Book 24, Page 20, of said Public Records, a distance of 389.79 feet to a point

on the North line, of the Plat of Colony Park, Section 3, as recorded in Plat Book 20, Page 107, of said Public Records; thence S.37°45'45"W.; along said North line, a distance 573.48 feet to the Northwest corner of said Plat of Colony Park, Section 3; thence S.00°14'15"E., along the West line of said Plat of Colony Park; Section 3; and its Southerly extension, a distance of 300.51 feet; thence S.87°47'10"W., parallel to the South line of the aforesaid Southeast ¼ of Section 15, a distance of 1417.00 feet to a point on the aforesaid West line of the Southeast 1/4; thence N.00°41'31"W., along said West line, a distance of 840.30 feet, to the Point-of-Beginning of this description.

Containing 30.00 acres, more or less, and being subject to any easements and/or Rights-of-way of record.

Together with the following described parcel:

The North twenty (20) acres of the West one-half (W ½) of the Northeast One Quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, Public Records of Brevard County, Florida.

Together with the following described parcel:

The West ½ of the Northeast ¼ lying North of Tropical Trail of Section 22, Township 23 South, Range 36 East, less and except the North 20 acres of said West ½ of the Northeast ¼; the East 480 feet of said West ½ of the Northeast ¼ and less and except lands as described in O.R. Book 5677, Page 2790; O.R. Book 3372, Page 3841 both of the Public records of Brevard County, Florida.

Together with the following described parcel:

A tract of land lying in Section 22, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of the Southeast ¼ of the Northwest ¼ of said Section 22 and run thence N.00°07'32"E., along the east line of the Northwest ¼ Section 22, a distance of 1670.46 feet to the Point-of-Beginning, thence run N.00°07'32"E., along the East line of the Northwest ¼ of Section 22, a distance of 326.76 feet; thence run S.88°32'14"E., 770.00 feet to a point on the East line of the Northwest ¼ Section 22, said point being the Point-of-Beginning; less and except the right-of-way of North Courtenay Parkway.

Together with the following described parcel:

A parcel of land being the West 1/2 of the East 1/2 of the Northeast 1/4 of Section 22, Township 23 South, Range 36 East, Brevard County, Florida, lying North of North Tropical Trail, said parcel being more particularly described as follows:

Begin at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 22, and run S.00°04'52" W., along the West line of the East 1/2 of the Northeast 1/4, a distance of 2147.34 feet, to a point on the centerline of North Tropical Trail; thence return to the Point-of-Beginning, and run N.88°41'22"E., along the North line of the Northeast 1/4 of said Section 22, a distance of 658.37 feet, to the Northeast corner of the West 1/2 of the East 1/2 of the Northeast 1/4; thence run S.00°02'26"W., along the East line of the West 1/2 of the East 1/2 of the Northeast 1/4, a distance of 2097.94 feet, to a point on the aforesaid centerline of North Tropical Trail; thence run Southwesterly, along said centerline, to an intersection with the first course of this description.

Together with the following described parcel:

The East one-quarter (E ¼) of the Northeast one-quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, lying North of County Road (State Road 3) and West of Colony Park according to the plat thereof as recorded in Plat Book 18, Page 60, Public Records of Brevard County, Florida.

Prepared by: Jack A. Kirschenbaum, Esq.
Address: GrayRobinson, P.A., 1795 W. Nasa Blvd., Melbourne, FL 32901 (321) 727-8100

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 Ronald E. Dimenna, (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 EU zoning classification(s) and desires to develop the Property as a single family subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owner's and affected facilities or services.

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.

2. The Developer/Owner shall limit density to 1 unit per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. The Developer/Owner shall limit ingress and egress to one access to North Tropical Trail plus the existing ingress and egress in the southwest portion of the property which runs north from North Tropical Trail to the home located on the property.

4. Developer/Owner agrees to extend a force main and reuse line from their existing terminus along North Courtenay Parkway at approximately Church Road in order to provide public sewer connection for the property and dedicates said utility extension to the Brevard County Utility Services Department at no cost to Brevard County. Developer/Owner agrees that no new septic and drain field systems will be permitted for the subject parcel.

5. Developer/Owner will work with Brevard County Public Works and all applicable permitting agencies to enhance and improve the historical drainage out fall running through the subject property. This shall include the granting of "Right-of-Entry" or temporary maintenance easements to the County for the purpose of the maintenance of historical drainage to benefit surrounding properties and the public, and the recording of dedicated drainage tracts to the County as part of final platting of the project, for the purpose of historical drainage maintenance. Furthermore, the Developer/Owner will commence work within 30 days of the recording of this BDP to begin topographic investigations, drainage system analysis, and coordination with Brevard County Public Works in order to further assess the potential for timely implementation of maintenance improvements, in cooperation with the County, which could serve to provide flood attenuation benefits to the public and surrounding properties, prior to actual development of the subdivision project.

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

7. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.

8. 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 _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

9. 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 may be amended.

10. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.

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

ATTEST:

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

Scott Ellis, Clerk
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

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

WITNESSES:

RONALD E. DIMENNA, DEVELOPER/OWNER

(Witness Name typed or printed)

Malcolm R. Kirschenbaum, Power of Attorney

(Address)

(President)

STATE OF _____ §

(Name typed, printed or stamped)

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated _____, given by _____ as mortgagor, in favor of the undersigned, _____, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of consenting to the change of property use and development requirements as set forth therein.

WITNESSES:

MORTGAGE NAME/ADDRESS

(Address)

Authorized Agent Signature

(Witness name typed or printed)

(Name/title typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, President of _____, who is personally known to me or who has produced _____ as identification.

My commission expires

SEAL

Commission No.:

Notary Public

(Name typed, printed or stamped)

EXHIBIT "A"

DIMENNA SUBDIVISION

A parcel of land situated in the Southwest quarter of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, and described as follows:

Beginning at the Northeast corner of lot of land formerly owned by Adelaide E. Black, said corner being 16 chains South of the Northeast corner of the Southwest quarter of Section 15, Township 23 South, Range 36 East, thence North 4 chains, thence West 20 chains, thence South 4 chains, to the Northwest corner of aforesaid Adelaide E. Black's land, thence East 20 chains to Point-of-Beginning, Less the West 550 feet.

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Commence at the Northwest corner of Lot 7, Block F of Colony Park, Section Three, according to the plat thereof, recorded in Plat Book 20, Page 107, Public Records of Brevard County, Florida, thence run South 02°14'15" East along the West line of Lot 7 and its extension Southerly for 300.51 feet to the Point-of-Beginning; thence continue South 02°14'15" East for 250.00 feet to the Southwest corner of that certain parcel of land described in Official Records Book 1474, Page 1008, Public Records of Brevard County, Florida, said Southwest corner lies on the South line of the Southeast 1/4 of said section 15; thence run South 87°44'31" West along the South line of the Southeast 1/4 of said Section 15 for 1423.45 feet to the Southwest corner of the Southeast 1/4 of said Section 15; thence run North 00°44'10" West along the west line of the Southeast 1/4 of said Section 15 for 250.09 feet, thence North.87°44'31" East parallel and 250.00 feet by right angle measure from the South line of the Southeast 1/4 of said Section 15 for 1416.90 feet to the Point-of-Beginning

Together with the following described parcel:

A parcel of land lying in the South 1/2 of the Southeast 1/4 of Section 15, Township 23 South, Range 36 East, Brevard County, Florida, the same being more particularly described as follows:

Begin at the Southwest corner of the Plat of Colony Park North, Unit 3, as recorded in Plat Book 28, Page 7 of the Public Records of Brevard County, Florida, said point lying on the West line of the, aforesaid South 1/2 of the Southeast 1/4; thence along the South line of said Plat of Colony Park North, Unit 3 for the next seven (7) bearings and distances; N.89°18'29"E., a distance of 205.00 feet; S.00°41'31"E., a distance of 66.18 feet; N.88°09'37"E., distance of 450.09 feet; N.88°09'42"E., a distance of 50.01 feet; N.88°09'37"E., a distance of 242.01 feet; S.84°54'05"E., a distance of 498.64 feet; N.89°20'56"E., a distance of 321.53 feet to the Southeast corner of said Plat of Colony Park North, Unit 3; thence N.00°39'04"W., along the East line of said Plat of Colony Park North, Unit 3, a distance of 5.00 feet to the Southwest corner of Lot 11, Plat of Colony Park North, Unit 2, as recorded in Plat Book 24, Page 74 of said Public Records; thence N.89°20'56"E., along the South line of said Plat of Colony Park North, Unit 2, a distance of 217.35 feet; thence S.00°39'04"E., along the West line of said Plat of Colony Park North, Unit 2, and the West line of the Plat of Colony Park North, Unit 1, as recorded in Plat Book 24, Page 20, of said Public Records, a distance of 389.79 feet to a point

on the North line, of the Plat of Colony Park, Section 3, as recorded in Plat Book 20, Page 107, of said Public Records; thence S.37°45'45"W.; along said North line, a distance 573.48 feet to the Northwest corner of said Plat of Colony Park, Section 3; thence S.00°14'15"E., along the West line of said Plat of Colony Park; Section 3; and It's Southerly extension, a distance of 300.51 feet; thence S.87°47'10"W., parallel to the South line of the aforesaid Southeast ¼ of Section 15, a distance of 1417.00 feet to a point on the aforesaid West line of the Southeast 1/4; thence N.00°41'31"W., along said West line, a distance of 840.30 feet, to the Point-of-Beginning of this description.

Containing 30.00 acres, more or less, and being subject to any easements and/or Rights-of-way of record.

Together with the following described parcel:

The North twenty (20) acres of the West one-half (W ½) of the Northeast One Quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, Public Records of Brevard County, Florida.

Together with the following described parcel:

The West ½ of the Northeast ¼ lying North of Tropical Trall of Section 22, Township 23 South, Range 36 East, less and except the North 20 acres of said West ½ of the Northeast ¼; the East 480 feet of said west ½ of the Northeast ¼ and less and except lands as described in O.R. Book 5677, Page 2790; O.R. Book 3372, Page 3841 both of the Public records of Brevard County, Florida.

Together with the following described parcel:

A tract of land lying in Section 22, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of the Southeast ¼ of the Northwest ¼ of said Section 22 and run thence N.00°07'32"E., along the east line of the Northwest ¼ Section 22, a distance of 1670.46 feet to the Point-of-Beginning, thence run N.00°07'32"E., along the East line of the Northwest ¼ of Section 22, a distance of 326.76 feet; thence run S.88°32'14"E., 770.00 feet to a point on the East line of the Northwest ¼ Section 22, said point being the Point-of-Beginning; less and except the right-of-way of North Courtenay Parkway.

Together with the following described parcel:

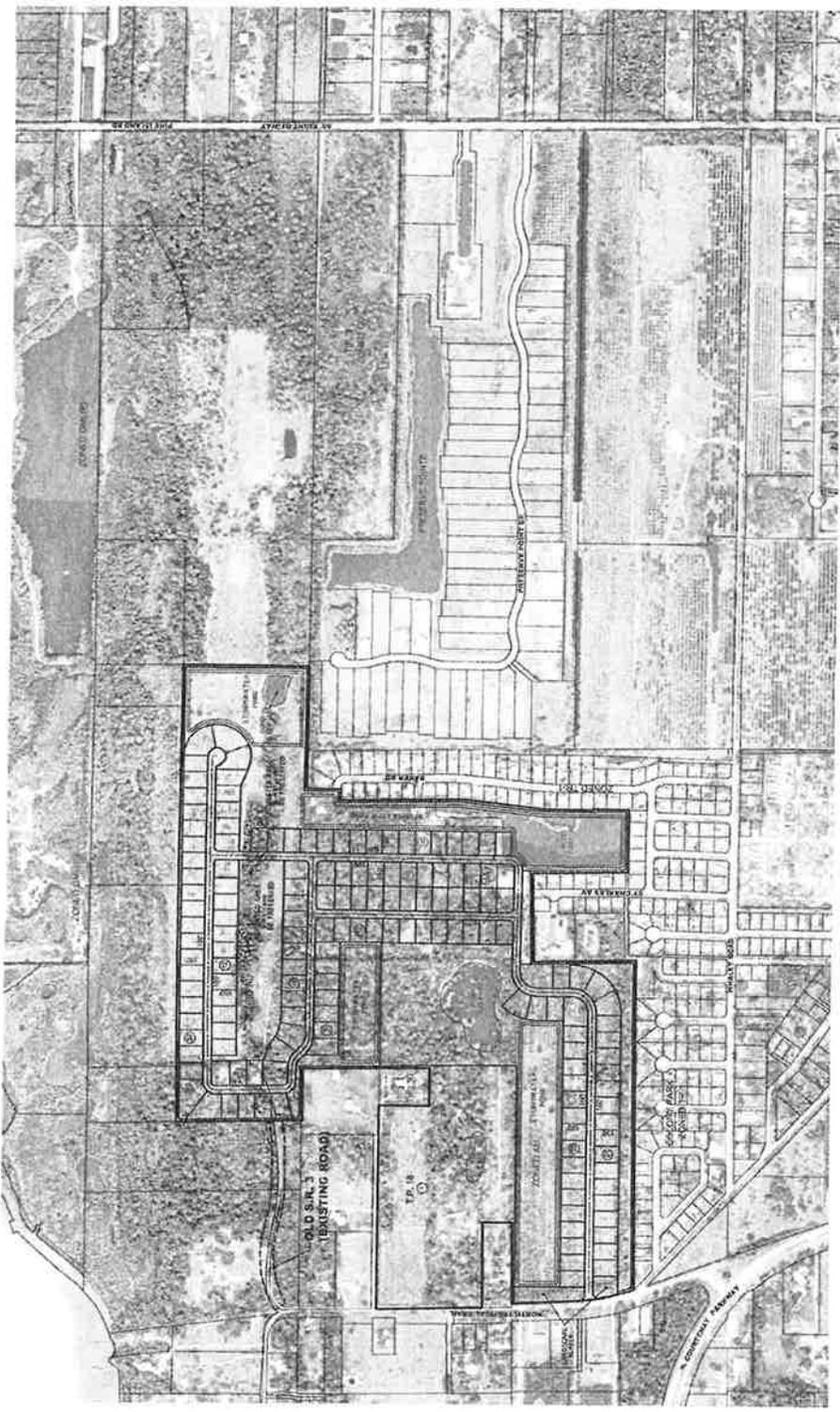
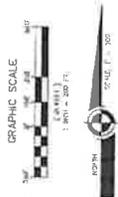
A parcel of land being the West 1/2 of the East 1/2 of the Northeast 1/4 of Section 22, Township 23 South, Range 36 East, Brevard County, Florida, lying North of North Tropical Trall, said parcel being more particularly described as follows:

Begin at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 22, and run S.00°04'52" W., along the West line of the East 1/2 of the Northeast 1/4, a distance of 2147.34 feet, to a point on the centerline of North Tropical Trall; thence return to the Point-of-Beginning, and run N.88°41'22"E., along the North line of the Northeast 1/4 of said Section 22, a distance of 658.37 feet, to the Northeast corner of the West 1/2 of the East 1/2 of the Northeast 1/4; thence run S.00°02'26"W., along the East line of the West 1/2 of the East 1/2 of the Northeast 1/4, a distance of 2097.94 feet, to a point on the aforesaid centerline of North Tropical Trall; thence run Southwesterly, along said centerline, to an intersection with the first course of this description.

Together with the following described parcel:

The East one-quarter (E ¼) of the Northeast one-quarter (NE ¼) of Section 22, Township 23 South, Range 36 East, lying North of County Road (State Road 3) and West of Colony Park according to the plat thereof as recorded in Plat Book 18, Page 60, Public Records of Brevard County, Florida.

FYI Revised Concept Plan
 18PZ00054
 Dimenna
 (Submitted 07/23/18)



NOTES

1. This concept plan is necessary for, and is subject to, city council approval.
2. All other maps and drawings are subject to city council approval.
3. All other maps and drawings are subject to city council approval.
4. All other maps and drawings are subject to city council approval.
5. All other maps and drawings are subject to city council approval.

SITE AREA (0.00 AC)
PAVING ZONING (U ORN LOT SIZE (0.00 AC))
PROPOSED ZONING (U ORN LOT SIZE (0.00 AC))
ALL OTHER MAPS AND DRAWINGS (0.00 AC)
PROPOSED NUMBER OF LOTS (0.00 LOT PER AC.)

Malcolm Kirschbaum, Esq.
 CONCEPT PLAN PREPARED FOR
 Bussen-Moyer Engineering Group, Inc.
 10000 W. 11TH AVENUE, SUITE 200
 DENVER, CO 80231
 PHONE: 303.755.1111
 FAX: 303.755.1112
 WWW: WWW.BUSSENGROUP.COM

NO.	DATE	DESCRIPTION
1	07/23/18	CONCEPT PLAN
2	07/23/18	CONCEPT PLAN
3	07/23/18	CONCEPT PLAN
4	07/23/18	CONCEPT PLAN
5	07/23/18	CONCEPT PLAN
6	07/23/18	CONCEPT PLAN
7	07/23/18	CONCEPT PLAN
8	07/23/18	CONCEPT PLAN
9	07/23/18	CONCEPT PLAN
10	07/23/18	CONCEPT PLAN

From: [darlene hillers](#)
To: [Jones, Jennifer](#)
Subject: Message for Chairman Henry Minneboo
Date: Tuesday, July 10, 2018 12:37:40 PM

Dear Mr. Minneboo,

I am writing in reference to the request to change the zoning from AU to EU with BDP on 163.33 acres located north of N. Tropical Trail and west of N. Courtenay Pkwy by Ronald E. Dimenna and Malcolm Kirshenbaum. It is my understanding they wish to build a total of 163 homes on this piece of land. I believe your board will be addressing this request on Monday, July 23rd.

I have several concerns regarding this proposal.

1. Density - What size would the lots be for the homes in order to also allow for streets, sidewalks and retention ponds ?
2. Stormwater retention - How many stormwater retention ponds will be in this community ? It is my understanding there is a pump located on the property to prevent flooding for agricultural purposes but once this residential community is built the pump will no longer be there. The surrounding neighbors have experienced flooding over the past several years due to hurricanes, tropical depressions and even heavy rains. They are very concerned this new community will add to this problem.
3. Traffic - I have driven by the area where this new community is being proposed. N.Tropical Trail is a narrow two lane road with a double line down the middle indicating no passing allowed due to all the curves. It is my understanding there will only be one entrance in and out of the community. Most households usually have at least two vehicles sometimes more depending on the number of people in the household. Many of these homes will be inhabited by families who will be employed by new businesses on North Merritt Island therefore the amount of traffic will be increased significantly. I don't know if N. Tropical Trail can handle that amount of traffic and I don't believe N. Tropical Trail can be widened. N. Courtenay Pkwy will also be used to access where people will be going on and off the island. N. Courtenay Pkwy is already experiencing an increase of traffic because of new jobs on North Merritt Island and more traffic is coming because of new development and Park & Rides for the cruise ships being built.
4. Will this community be connected to the new sewer lines in which we have invested so much money on North Merritt Island ? This would be advisable to help protect our Indian River Lagoon and rivers.
5. Lastly for the nature lovers of wildlife, I understand this area is also a refuge for the Florida Scrub Jay which is unique only to the state of Florida. The Florida Scrub Jay is protected by the U.S. Migratory Bird Treaty Act and is listed as a threatened species by the Federal Endangered Species Act.

I would like to suggest a more responsible and sustainable number of homes for this community would be perhaps 80 houses or less.

Thank you for listening to my concerns. Have a good day.

Sincerely,

Darlene Hillers
4645 Seminole Trail
Merritt Island, FL 32953

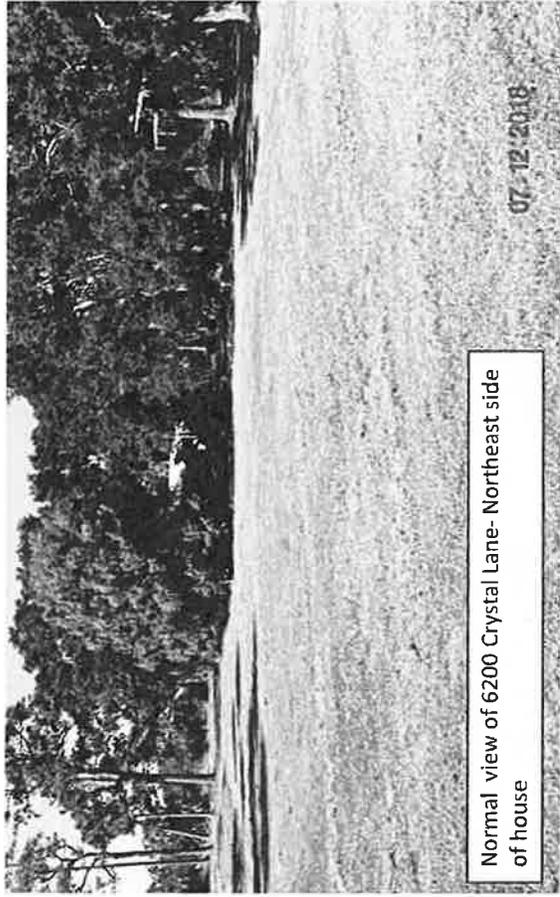
OBJECTION
18PZ00054
Dimenna

(Submitted by A. Dingman 07/12/18)

Our properties in the North Tropical Trail area cannot sustain a development w/ 163 homes, roads etc. Our main concern is the water flooding issues that are currently an issue, and will only get worse if this development is allowed to proceed.

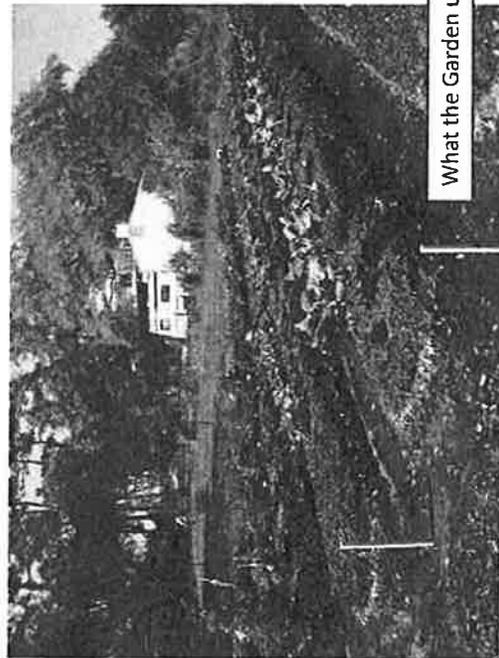


6200 Crystal Lane- Northeast side of house w/ Garden underwater.



Normal view of 6200 Crystal Lane- Northeast side of house

07-12-2018



What the Garden used to look like.



What the Garden looks like w/ typical 3" flooding.



6200 Crystal Lane- Grove, Garden & Front yard underwater. Northeast side of house

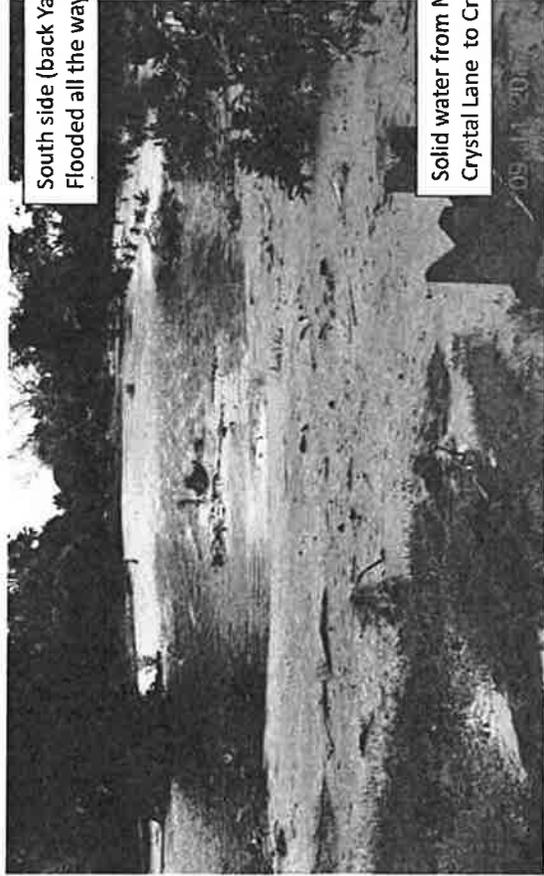
10-02-2018



6200 Crystal Lane -East Side of house, South of development



South side (back Yard)of 6200 Crystal Lane.
Flooded all the way to West Crisafulli Rd.



Solid water from North side of house on
Crystal Lane to Crisafulli Rd. 3/8 mile



09 11 2017



6200 Crystal Lane- South of proposed project



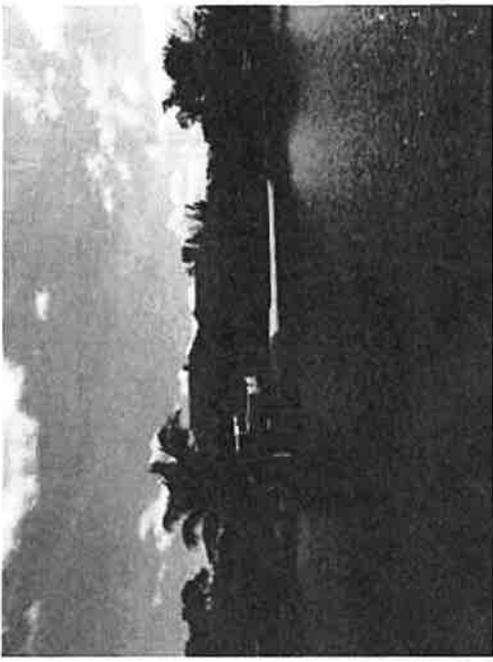
6200 Crystal Lane- Front Yard



Looking South across the street from the proposed new development on North Tropical Trail. This is the last parcel of land sold to developers, and we were told no flooding would occur. This is on the West of the fire station, looking South, standing on North Tropical Trail



Normal 6376 North Tropical Trail & Kangaroo 07.12.2018



Only way in & out of the house was by canoe

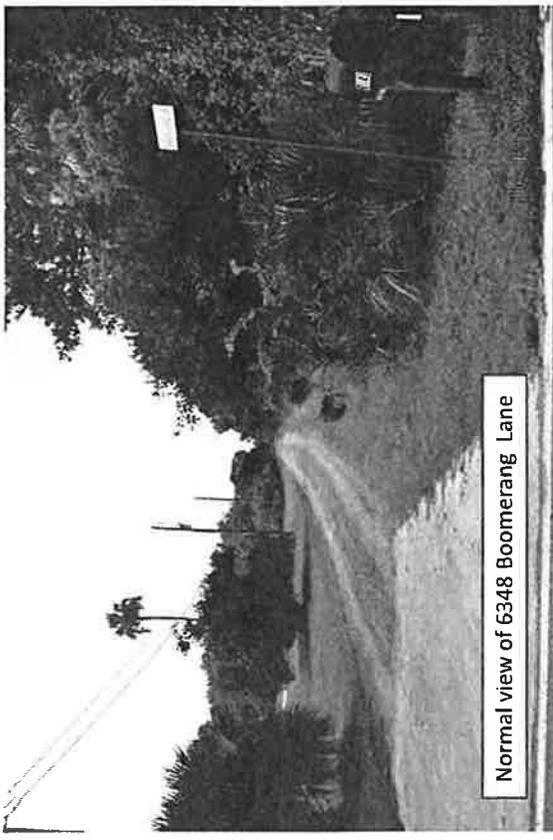


6370 North Tropical Trail & Kangaroo Lane.
Directly South of proposed development
entrance way.





Normal view of 6345 North Tropical Trail



Normal view of 6348 Boomerang Lane



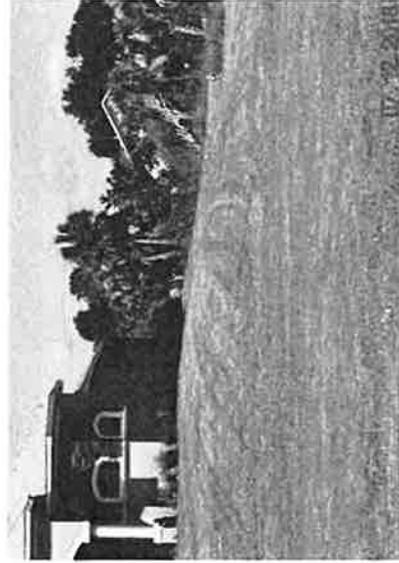
6345 North Tropical Trail. West of the proposed development on the north side of Tropical Trail



6348 Boomerang drive- The South side of North Tropical Trail directly across from the proposed development w/ typical 3" flooding.



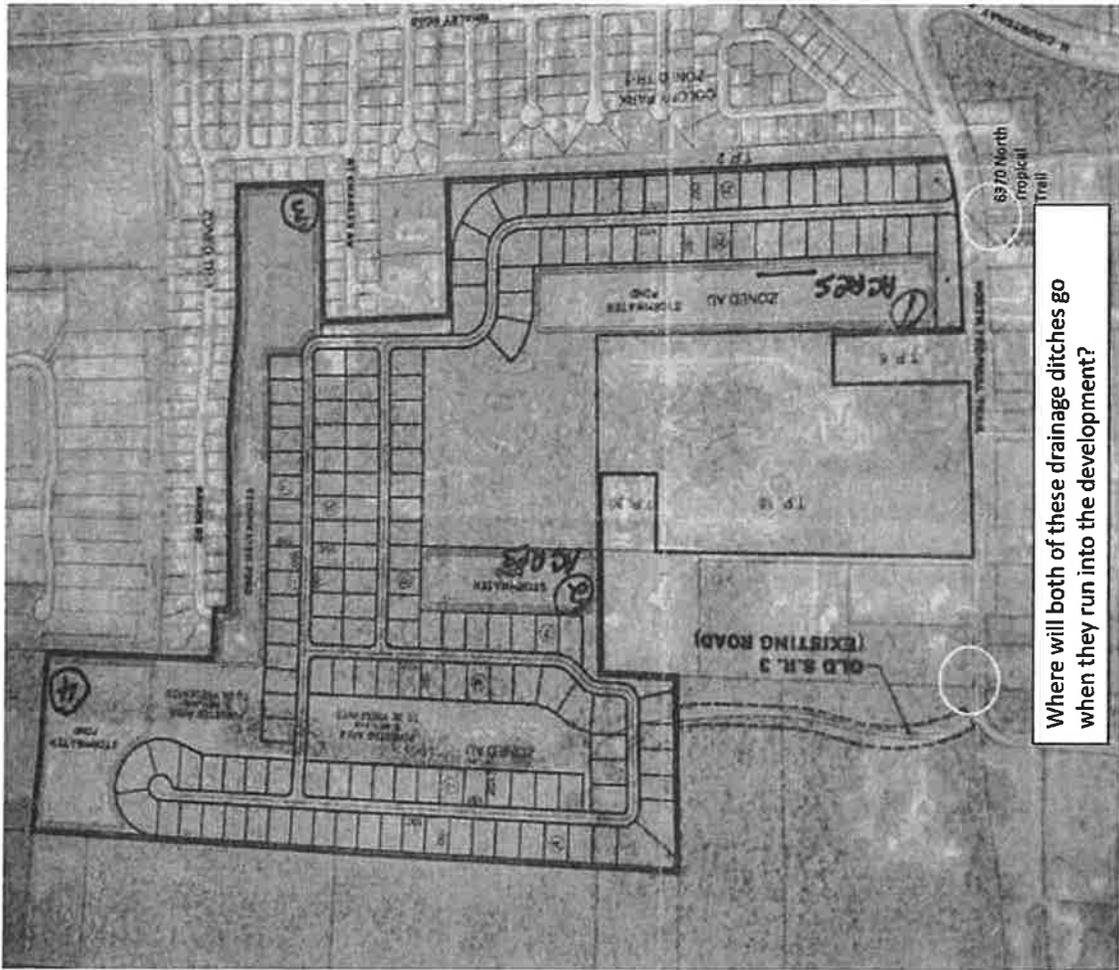
07.12.2018



Normal View of Boomerang

The majority of the flooding is a direct result of the last property developed by the same group proposing the new development. Note that all of the slabs have been raised 2-3' above the crown of the road, as required by the county. All of the water that used to soak into that ground now floods all of the neighbor's properties





Where will both of these drainage ditches go when they run into the development?

Arnold & Terri Dingman
6200 Crystal Lane
Merritt Island, FL
321-591-2530

- Why would anyone approve a 163 acre development across the street, after reviewing the current issues?
- Results of past neighborhood development has put a strain on the local environment, and it is not capable of sustaining much more development.
- Agriculture lost from flooding.
 - 8 Peach trees
 - 11 Avocado trees.
 - 10 Loquat trees.
 - 20 Citrus trees
- My entire garden area is now to wet (all year long) to support a crop.

From: [Woodard, Patrick](#)
To: [Jones, Jennifer](#)
Cc: [Tice, Molly](#); [Valliere, Jennifer](#)
Subject: FW: Brevard County Commissioners Meeting - August 2, 2018
Date: Monday, July 16, 2018 8:17:49 AM

Jennifer,

The D4 office received this as a public comment. Thank you.

Regards,

Pat Woodard



Pat Woodard
Chief Legislative Aide to Commissioner Smith
Brevard County, District 4
[321.633.2044](tel:321.633.2044) | [F:321.633.2121](tel:321.633.2121) 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.

From: darlene hillers [mailto:darzy415@yahoo.com]
Sent: Wednesday, July 11, 2018 3:00 PM
To: Commissioner, D4
Subject: Brevard County Commissioners Meeting - August 2, 2018

Dear Commissioner Smith,

I am writing in reference to the request to change the zoning from AU to EU with BDP on 163.33 acres located north of N. Tropical Trail and west of N. Courtenay Pkwy by Ronald E. Dimenna and Malcolm Kirshenbaum. It is my understanding they wish to build a total of 163 homes on this piece of land. I believe the BCC will be addressing this request on Thursday, August 2, 2018.

I have several concerns regarding this proposal.

1. Density - What size would the lots be for the homes in order to also allow for streets, sidewalks and retention ponds ?
2. Stormwater retention - How many stormwater retention ponds will be in this community ? It is my understanding there is a pump located on the property to prevent flooding for agricultural purposes but once this residential community is built the pump will no longer be there. The surrounding neighbors have experienced flooding over the past several years due to hurricanes, tropical depressions and even heavy rains. They are very concerned this new community will add to this problem.

3. Traffic - I have driven by the area where this new community is being proposed. N.Tropical Trail is a narrow two lane road with a double line down the middle indicating no passing allowed due to all the curves. It is my understanding there will only be one entrance in and out of the community. Most households usually have at least two vehicles sometimes more depending on the number of people in the household. Many of these homes will be inhabited by families who will be employed by new businesses on North Merritt Island therefore the amount of traffic will be increased significantly. I don't know if N. Tropical Trail can handle that amount of traffic and I don't believe N. Tropical Trail can be widened. N. Courtenay Pkwy will also be used to access where people will be going on and off the island. N. Courtenay Pkwy is already experiencing an increase of traffic because of new jobs on North Merritt Island and more traffic is coming because of new development and Park & Rides for the cruise ships being built.

4. Will this community be connected to the new sewer lines in which we have invested so much money on North Merritt Island ? This would be advisable to help protect our Indian River Lagoon and rivers.

5. Lastly for the nature lovers of wildlife, I understand this area is also a refuge for the Florida Scrub Jay which is unique only to the state of Florida. The Florida Scrub Jay is protected by the U.S. Migratory Bird Treaty Act and is listed as a threatened species by the Federal Endangered Species Act.

Thank you for listening to my concerns. Have a good day.

Sincerely,

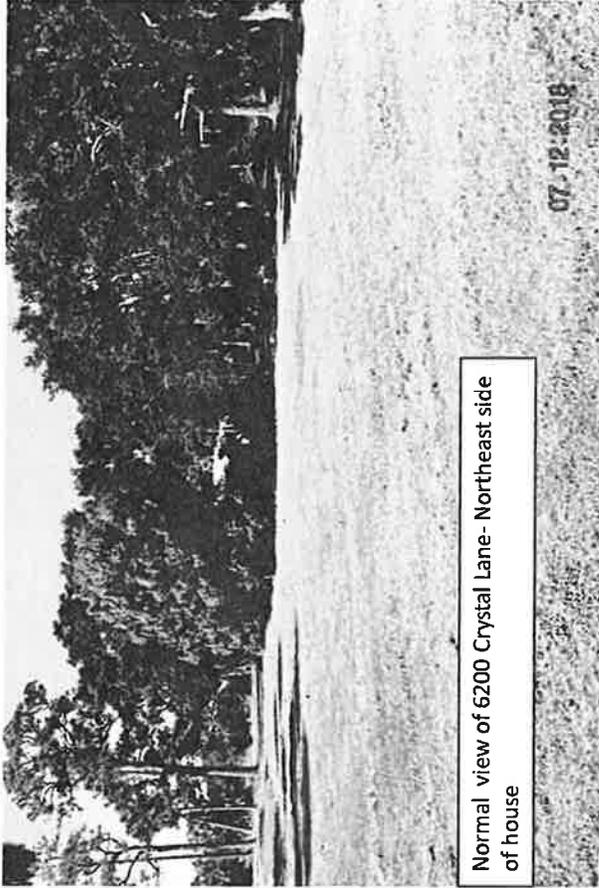
Darlene Hillers
4645 Seminole Trail
Merritt Island, FL 32953

OBJECTION
18PZ00054
Dimenna
(Submitted by Arnold Dingman 07/23/18)

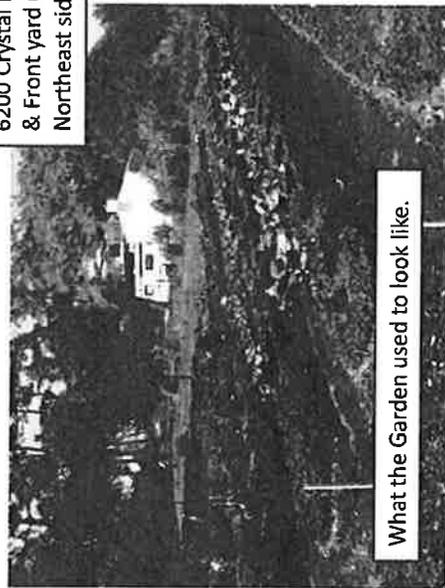
Our properties in the North Tropical Trail area cannot sustain a development w/ 163 homes, roads etc. Our main concern is the existing flooding issues that will only get worse if this development is allowed to proceed.



6200 Crystal Lane- Northeast side of house w/ Garden underwater.



Normal view of 6200 Crystal Lane- Northeast side of house



What the Garden used to look like.

6200 Crystal Lane- Grove, Garden & Front yard underwater. Northeast side of house

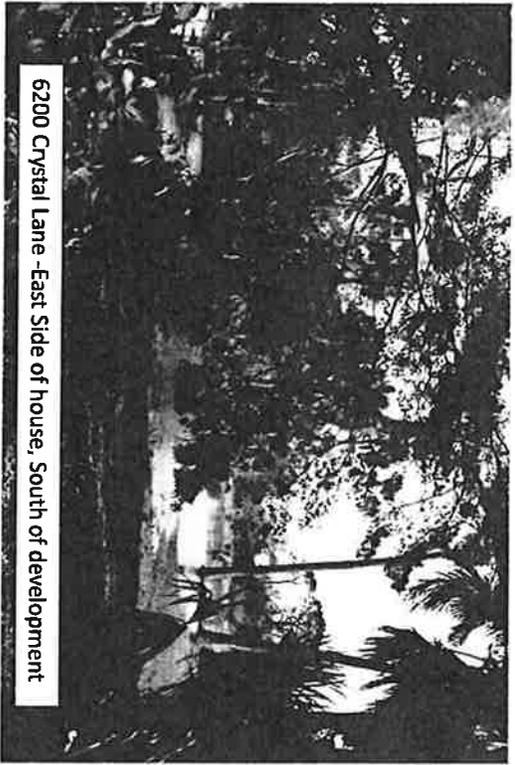


What the Garden looks like w/ typical 3" flooding.



Currently digging out my drainage ditches to help ease the flooding.

Slide-2



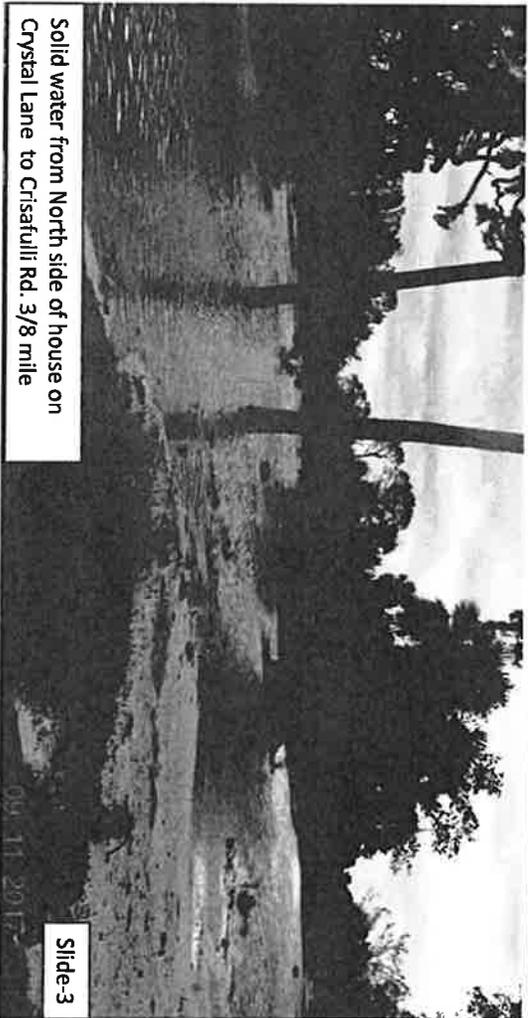
6200 Crystal Lane - East Side of house, South of development



South side (back Yard) of 6200 Crystal Lane.
Flooded all the way to West Crisafulli Rd.



Note the date of the this picture and the one below. 10/2/17 and 9/11/17. 22 days and still flooded.

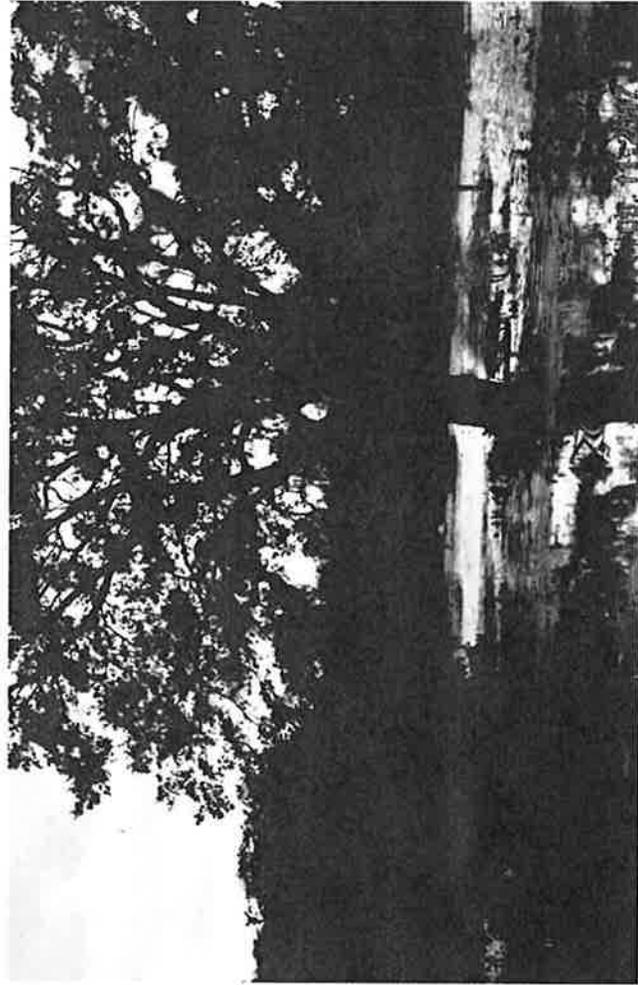


Solid water from North side of house on
Crystal Lane to Crisafulli Rd. 3/8 mile

Slide-3



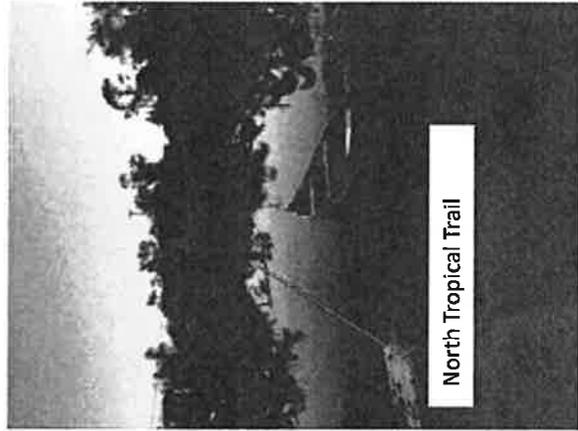
6200 Crystal Lane- South of proposed project



6200 Crystal Lane- Front Yard



6370 North Tropical Trail & Kangaroo Lane.
Directly South of proposed development
entrance way.



North Tropical Trail

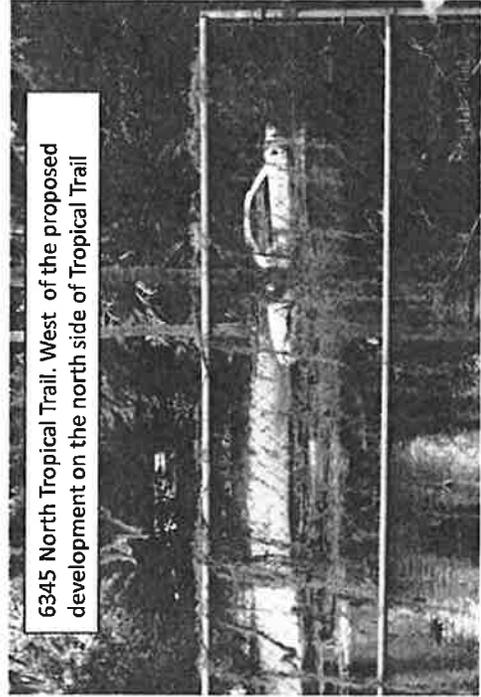


For a month, the
only way in & out
of the house
was by canoe.



Normal view of 6345 North Tropical Trail

07-12-2018



6345 North Tropical Trail. West of the proposed
development on the north side of Tropical Trail



Looking South across the street from the proposed new development on North Tropical Trail. This is the last parcel of land sold to developers, and we were told no flooding would occur. This is on the West of the fire station, looking South, standing on North Tropical Trail

Normal 6370 North Tropical Trail & Kangaroo



Normal 6370 North Tropical Trail & Kangaroo 07.12.2018



Normal view of 6348 Boomerang Lane

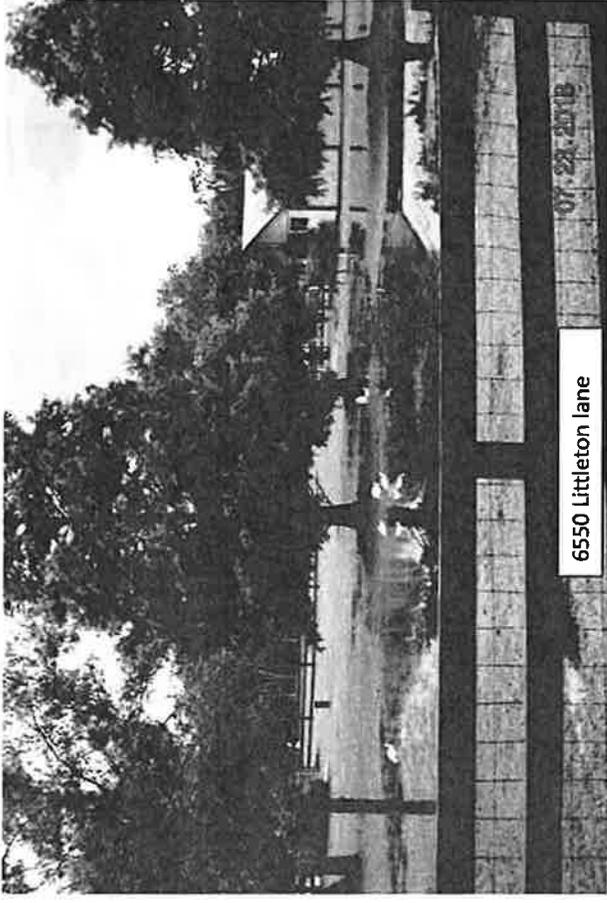
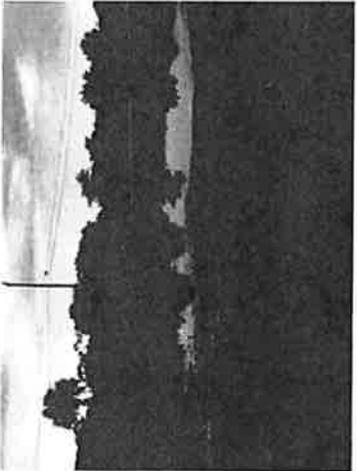


6348 Boomerang drive- The South side of North Tropical Trail directly across from the proposed development w/ typical 3" flooding.

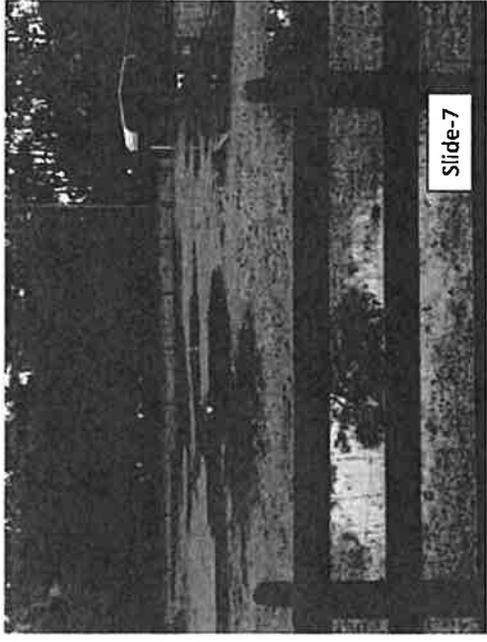
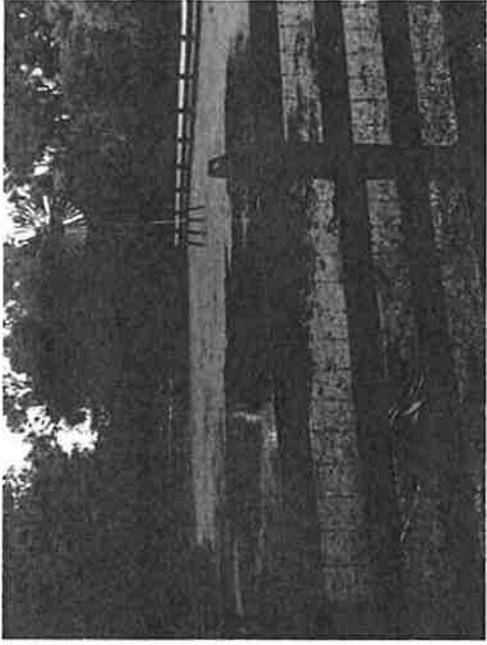
Slide-6



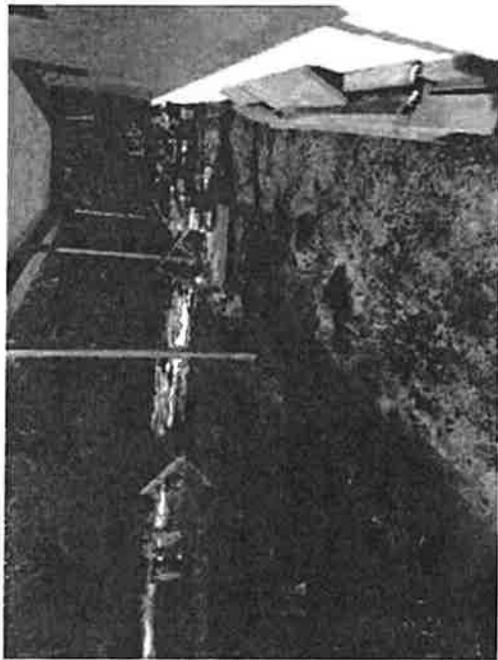
6245 N Tropical Trail



6550 Littleton lane



Slide-7



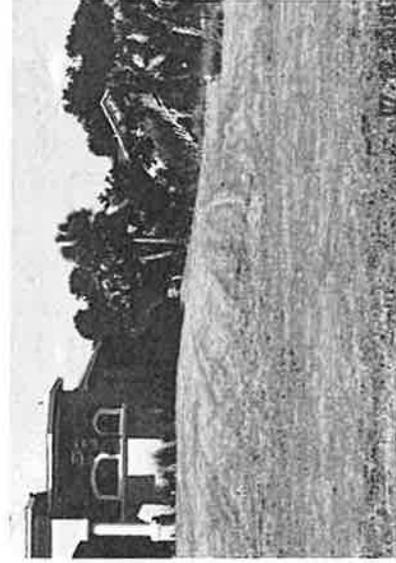
6645 Littleton Lane



Both properties are on the southwest side of the proposed development.

6650 Littleton Lane





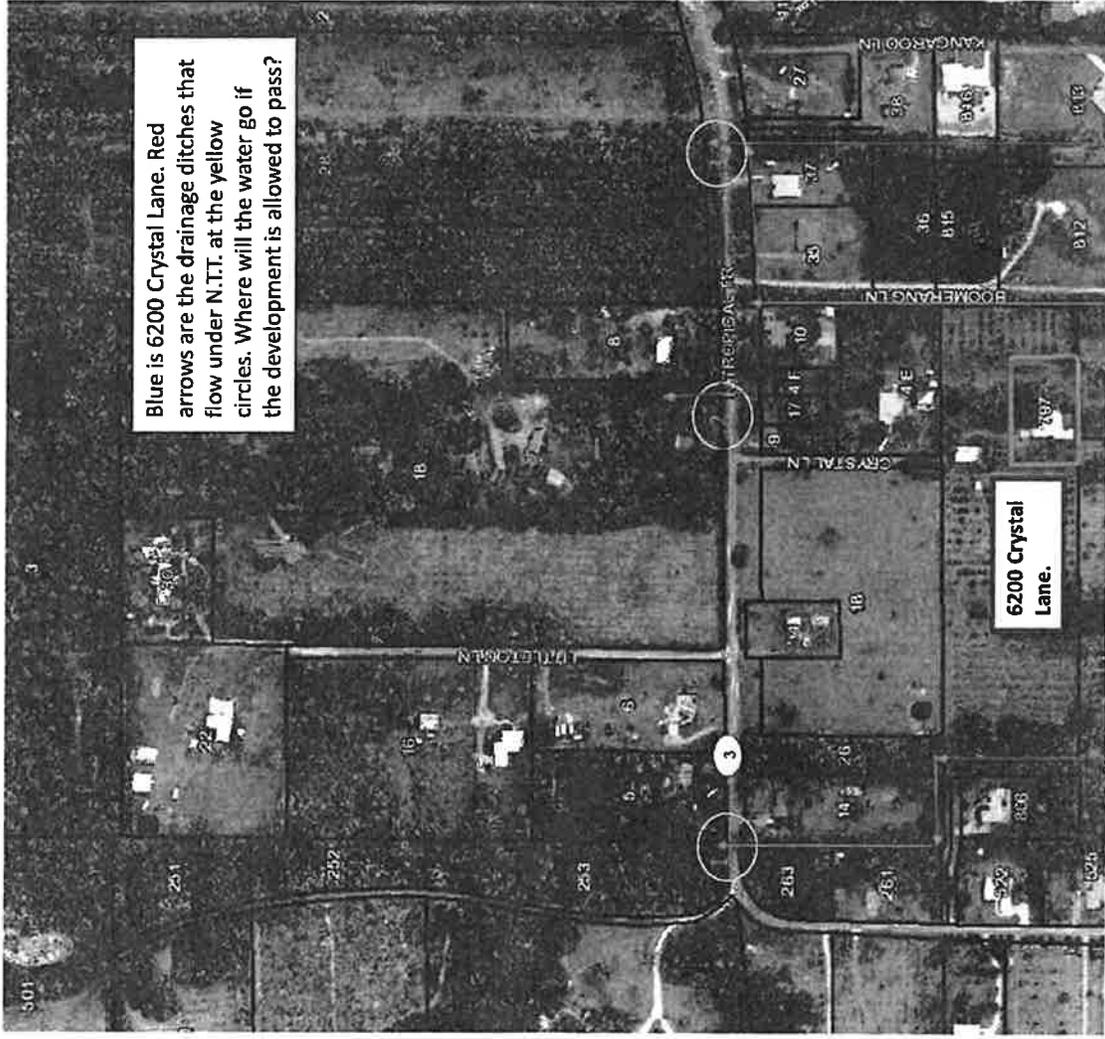
Normal View of Boomerang

The majority of the flooding is a direct result of the last property sold by the the same group proposing the new development. This area only has 7 homesites.
Note that all of the slabs have been raised a minimum of 2' above the crown of the road, as required by the county. All of the water that used to soak into that ground now floods all of the neighbor's properties



Proposed Development Site
in Yellow

- A. Slide 2,3,4 6200 Crystal Lane
- B. Slide-5- 6345 North Tropical Trail & 6370 North Tropical Trail at Kangaroo Lane.
- C. Slide-6- 6348 Boomerang Lane & 6370 N.T.T & Kangaroo Lane
- D. Slide-7- 6245 N Tropical Trail & 6550 Littleton Lane
- E. Slide-8- 6650 Littleton Lane & 6645 Littleton Lane
- F. Slide-9- New development that is causing additional flooding to all of the neighbors.
- G. Slide-10- Guide for locating properties to the pictures.
- H. Slide-11 Current drainage ditch locations and routing.



Blue is 6200 Crystal Lane. Red arrows are the drainage ditches that flow under N.T.T. at the yellow circles. Where will the water go if the development is allowed to pass?

6200 Crystal Lane.

Historical Drainage:
 There are 3 drain pipes under North Tropical Trail, that have been there for 40 plus years. How will this water continue to be drained when they run into the proposed development?

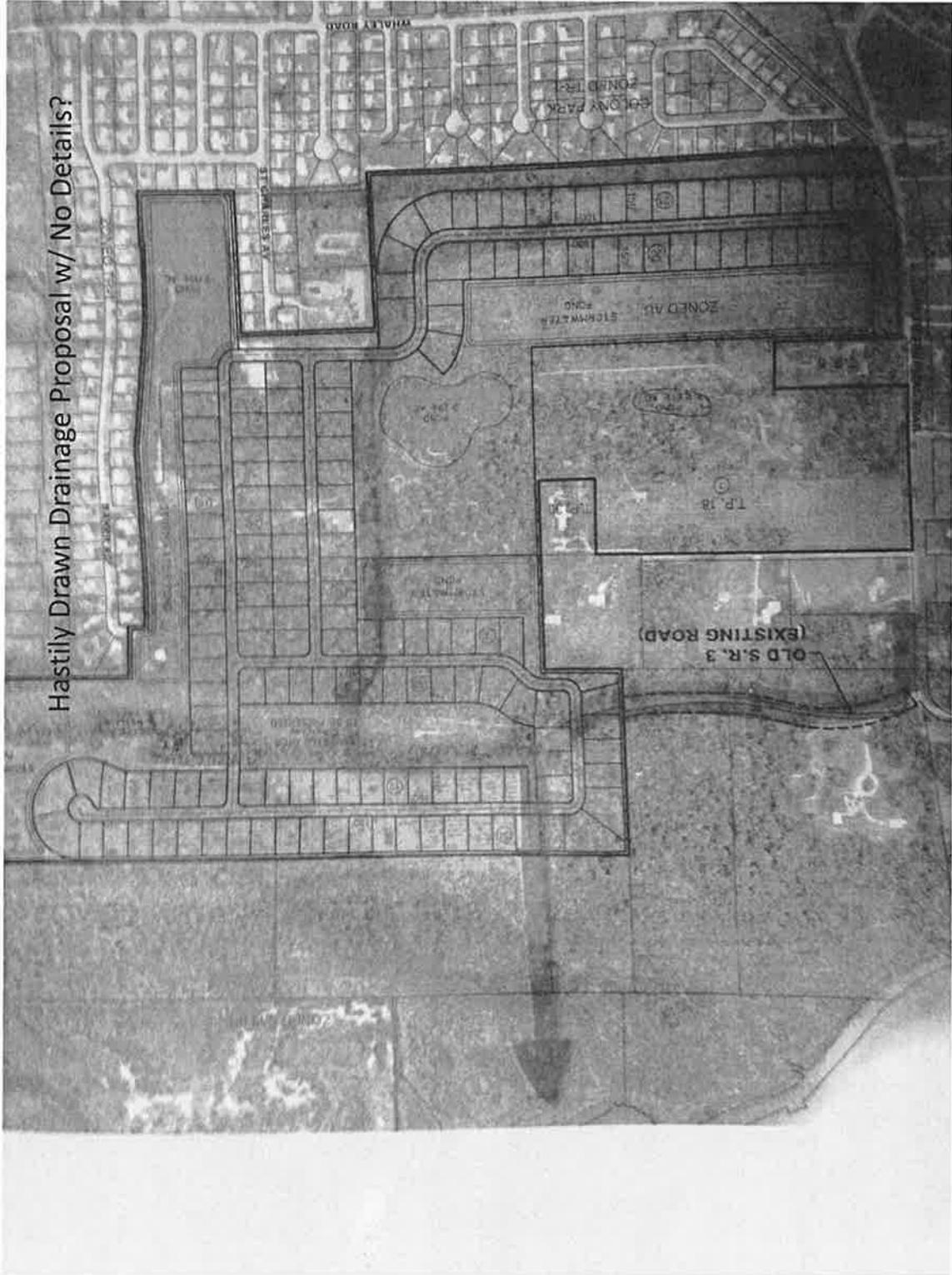




Arnold & Terri Dingman
6200 Crystal Lane
Merritt Island, Fl
321-591-2530
321-452-6392-Hm.

- Why would anyone approve a 163 acre development across the street, after reviewing the current issues?
- Results of past neighborhood development has put a strain on the local environment, and it is not capable of sustaining much more development.
- Agriculture lost from flooding.
 - 8 Peach trees
 - 11 Avocado trees.
 - 10 Loquat trees.
 - 20 Citrus trees
 - My entire garden area is flooded all year long and is to wet to support a garden, that we have had for 15 years. now to wet to support a crop. (all year long)

Hastily Drawn Drainage Proposal w/ No Details?



ITEM # (10) 8/2/18 ZONING
RON DIMENNA ALA DEU
W/BBP 1/4/A

NMI Zoning Changes in about 1 year - 633 total New Homes

10/05/17- Item 17PZ-00005 – . NAJJAD (Noel Droor's item **off of Smith Road**) has been Approved by the Brevard BOCC - 40 homes to be built on the 26.11 acres

10/05/17 - 17PZ00072 Crisafulli Enterprises, Inc. 48 units in a Binding Development Plan (BDP) 11 blocks of townhouses on 12.85 AC located on the SE corner of Porcher Rd. and N. Courtenay Pkwy

Feb. 2018

3 cruise parking lots Total 1000 Spaces - 1. 700 space lot off of Smith Road on the barge canal. Plus another 300 spaces in 2 Lots in same vicinity - Grandfathered.

(16PZ00032) – HARVEY'S INDIAN RIVER GROVES, INC. – (Ken Fulmer/Titan Properties) -

41.47 Acre Harvey Grove property just South of Calvary Chapel and behind the business warehouses on the East side of N. Courtney from 28 one acre properties to 56 units

18PZ00018 – Bud Crisafulli & Crisafulli Ent.Inc./Kim Rezanka of Cantwell & Goldman PA request a change of zoning on 62.12 AC - max. 95 homes located north of E. Hall Rd. 2,400' east of N Courtenay Pkwy

18PZ00022 – Grand Lake Estates, LLC/Kim Rezanka of Cantwell & Goldman PA 40.42 AC - 40 houses max. located N side of Chase Hammock Rd., 6000' E of N. Courtenay Pkwy

In about a year - Current Total 279

Tabled to Aug. 2, 2018: to Add - 243 Homes - Plus 111 Homes = 633 total New Homes

(18PZ00009) Horizon Title Company, Inc. (Kim Rezanka) requests a change of classification from AU to PUD. The property is 221.51 acres, located at 890 E. Hall Rd., Merritt Island. (District 2) P&Z Recommendation: Moia/Wadsworth – Approved with the condition that density is **restricted to one unit per two acres (111 Homes)** and that no townhouses be proposed. The vote was 8:1, with Bartcher voting nay.

17PZ00158 – WK&R Groves Inc./Chad Genomi, Beachland Mgrs., LLC - on 110.97 AC - approx. 80 homes located north of E. Crisafulli Rd., 320' west of Broad Acres Rd.

18PZ00054 – Ronald E. Dimenna/Malcolm Kirshenbaum, Esq. 163.33 AC north of N. Trop Trl., west of N. Courtenay [west and south of Colony Park] to build up to 163 houses.

Via email: Jack.Kirschenbaum@gray-robinson.com

Ref: 4648.01

TECHNICAL MEMORANDUM

To: Jack Kirschenbaum
From: Alexandra Duprey
Subject: Dimenna Subdivision NMI- Rezoning Traffic Analysis (RTIA), Brevard County, FL
Date: July 24th, 2018

INTRODUCTION

LTG, Inc. (LTG) has been retained by Gray|Robinson (the CLIENT) to conduct traffic engineering and transportation planning services on behalf of the proposed Dimenna Subdivision NMI (the PROJECT). The rezoning analysis will change the zoning designation for a 163.33-acre property requested by the CLIENT from Agricultural Residential (AU) to Estate Use Residential (EU) with an associated Binding Development Plan. The property is located on North Tropical Trail just west of North Courtenay Parkway in North Merritt Island, in unincorporated Brevard County.

The methodology and procedures used in this analysis are consistent with the guidelines for the COUNTY, and the Space Coast Transportation Planning Organization (TPO).

TRIP GENERATION FOR THE EXISTING VS PROPOSED ZONING DESIGNATION

The trip generation for the maximum development scenarios for both the existing Agricultural Residential (AU) zoning designation and the proposed Estate Use Residential (EU) zoning were calculated using the nationally accepted trip generation software, *TripGen* (10th Edition), prepared by the Institute of Transportation Engineers (ITE).

The analysis is based on the existing COUNTY zoning designation of AU for the 163.33-acre property. This analysis also assumes that both the existing and proposed zoning designations are compatible with the existing COUNTY Future Land Use (FLU) designation of Residential 1 (Res 1). The existing zoning of AU allows for Park and Recreational Facilities and for purposes of this analysis, the maximum trip generating use would be a Soccer Complex (land use code 488) that could accommodate 32 fields on the 163.33-acre property. As indicated in Table 1, the existing maximum development scenario for the property would produce approximately 526 gross p.m. peak-hour trips based on the ITE Land Use Code of Soccer Complex (488). The average daily trips for the Soccer Complex use would amount to 2,283 gross trips.

Next, the maximum development potential of the requested zoning for Estate Use Residential (EU) was calculated. Single Family Residential (210) was selected as the greatest trip generating use for the proposed zoning, after examining other uses and combinations of uses permitted by EU and the associated Binding Development Plan (BDP) limitations. The BDP limits the development of the Estate Use Residential zoning to Single Family Residential use only. For the allowed density of 1 dwelling unit per acre on the 163.33-acre

property, there may be a maximum development program of 163 single family dwelling units. The average daily trips for the Single Family Residential use would amount to 1,630 gross trips. The p.m. peak-hour two-way trips for Single Family Residential would be 162 gross trips. The development scenario comparisons are made in Table 1.

Table 1
Trip Generation Comparison
Dimenna Subdivision NMI- Rezoning Traffic Impact Analysis

	Time Period	Land Use	Land Use Code	Trip Rate Equation	Size	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Existing	Average Daily Trips	Soccer Complex (AU)	488	$T=71.33(X)$	32 Fields	50%	50%	1,141	1,141	2,283
	PM Peak-Hour			$T=16.43(X)$		66%	34%	347	179	526
Proposed Zoning	Average Daily Trips	Single Family Residential (EU)	210	$\ln(T)=0.92L$ $n(X)+2.71$	163 Units	50%	50%	815	815	1,630
	PM Peak-Hour			$\ln(T)=0.96L$ $n(X)+0.20$		63%	37%	102	60	162

As exhibited in Table 2, the net change between the proposed zoning and the existing zoning designation is determined by subtracting trips generated by the existing Agricultural Residential (AU) zoning designation from the trips generated by the proposed Estate Use Residential (EU) zoning designation. The proposed EU development program will decrease the potential average daily trips from AU by 653 gross trips. The EU zoning will potentially decrease the AU P.M. Peak Hour Two-Way trips by 364 gross trips.

Table 2
Existing and Proposed Zoning Trip Generation Net Change
Dimenna Subdivision NMI- Rezoning Traffic Impact Analysis

Average Daily Trips	Land Use	Total Trips
Proposed	Single Family Residential (EU)	1,630
Existing	Soccer Complex (AU)	2,283
	Total:	-653
PM Peak-Hour Two-Way Trips	Land Use	Total Trips
Proposed	Single Family Residential (EU)	162
Existing	Soccer Complex (AU)	526
	Total:	-364

CONCLUSION

The study was conducted to evaluate the impact the proposed rezoning would have on area roadways. Based on this analysis, there will be a significant decrease in potential traffic under what is currently allowed by the current COUNTY's zoning. Therefore, adoption of this rezoning application is recommended. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Alexandra Duprey

Signature: 

Date: July 24th, 2018

Item H(C10) 8/2/18
Dimenna



Via email: Jack.Kirschenbaum@gray-robinson.com

Ref: 4648.01

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To: Jack Kirschenbaum
From: Alexandra Duprey
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CONCLUSION

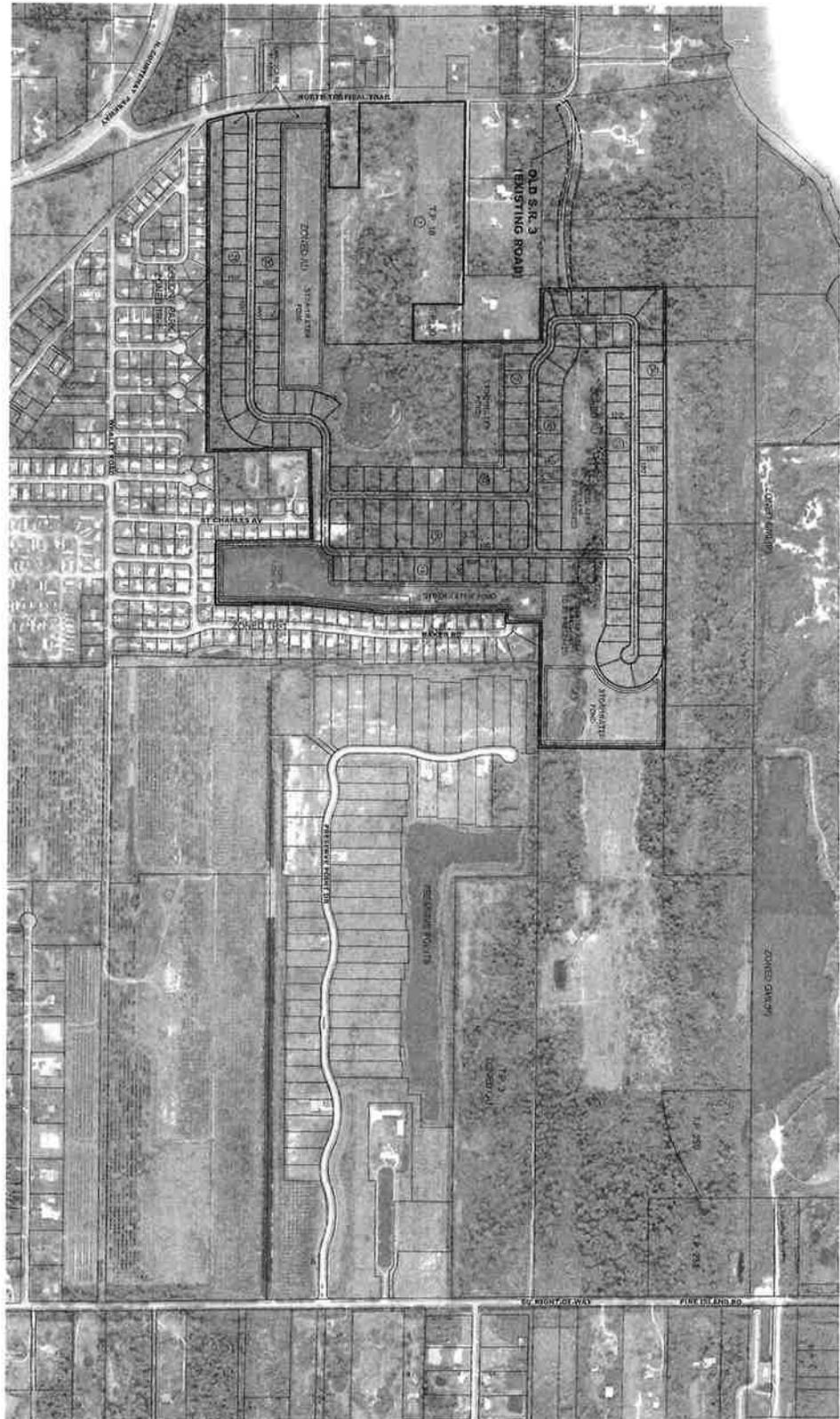
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Name: Alexandra Duprey

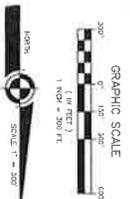
Signature: 

Date: July 24th, 2018



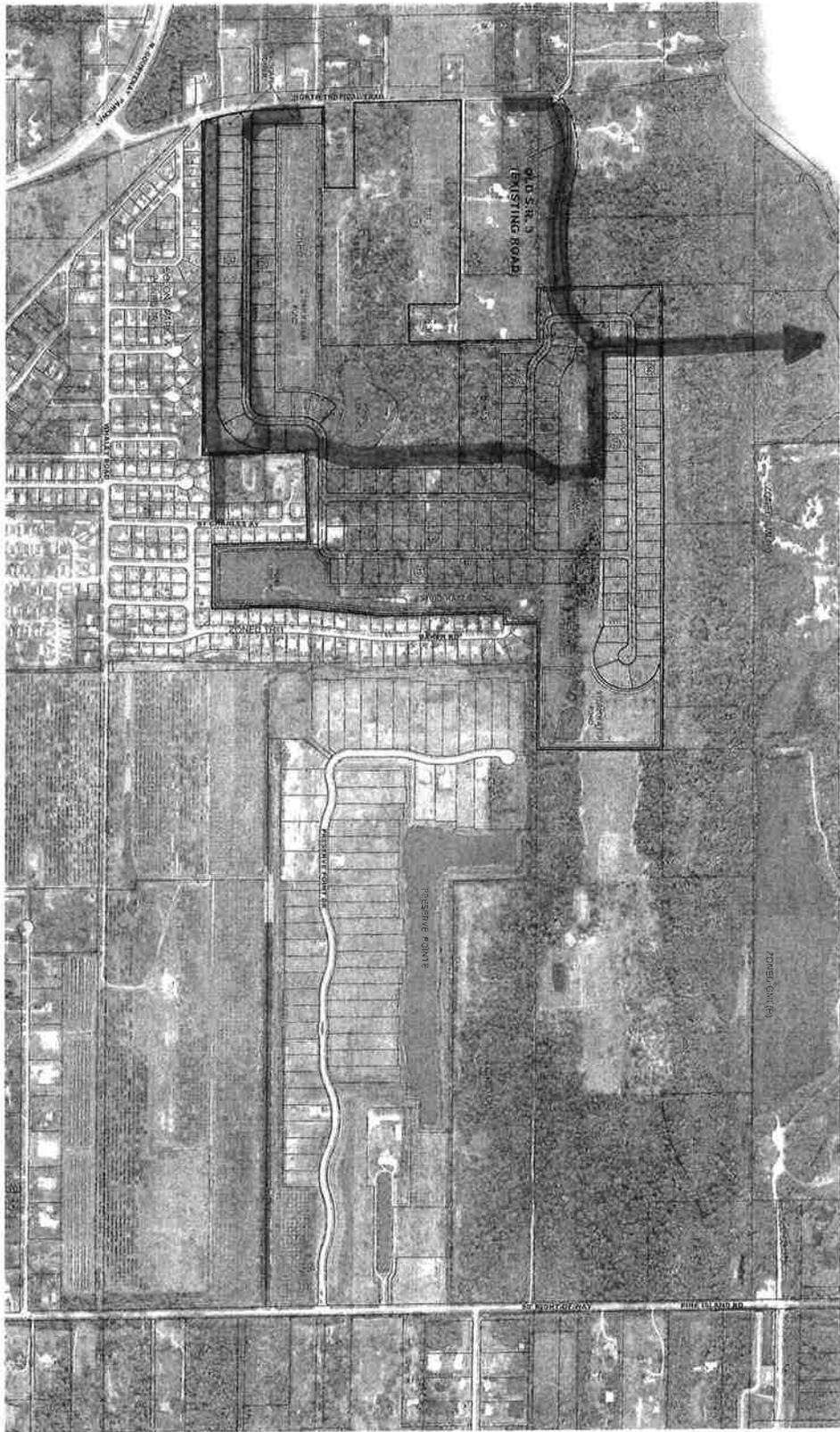
NOTES
 1. This concept plan is preliminary only and is subject to final design & permitting.
 2. Wetlands models will be limited to 1/8% of the total area.
 3. Recording is required for this concept.

SITE AREA: 163.34 AC
EXISTING ZONING: CA-10
PROPOSED ZONING: EU (MIN. LOT SIZE 100 X 150)
PROPOSED 50' WIDE PUBLIC ROAD RIGHT-OF-WAY
ALLOWABLE LOT DENSITY: 1.00 PER ACRE
PROPOSED NUMBER OF LOTS = 163 (1.00 LOT PER A.C.)



01-11-2018
 D:\MERRITT ISLAND TO EQC

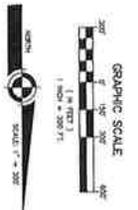
CONCEPT PLAN PREPARED FOR: MALCOLM KIRSCHENBAUM, ESQ.		Brevard County, Florida	
Bussen-Mayer Engineering Group, Inc. 100 PARKWELL STREET • HERRITT ISLAND, FLORIDA 32953 PH. NO.: (321) 483-5516 • FAX NO.: (321) 484-8886			
DATE: 11/19/2018 SCALE: 1" = 300' PROJ. NO.: 031301 SHEET NO.: 06	SHEET NO.: 06 TOTAL SHEETS: 06	CHECKED BY: J.M.A. DRAWN BY: J.M.A. DESIGNED BY: J.M.A. TITLE: CONCEPT PLAN	DATE: _____ REVISIONS: _____



- NOTES**
1. This concept plan is preliminary only and is subject to final design & permitting.
 2. Wetlands impacts will be limited to 1.0% of the total land area.
 3. Rezoning is required for this concept.

SITE AREA REGULATIONS
 EXISTING ZONING: AU (MIN. LOT AREA 100,000 SQ FT)
 PROPOSED ZONING: RESIDENTIAL SINGLE-FAMILY (R-1)
 ALLOWABLE LOT DENSITY: 1.00 PER ACRE
 PROPOSED NUMBER OF LOTS: 143 (1.00 LOT PER ACR)

DRAINAGE OUTFALL SKETCH



<p>CONCEPT PLAN PREPARED FOR: MALCOLM KIRSCHENBAUM, ESQ.</p>		<p>Florida</p>	
<p>Broward County</p>		<p>DATE: JULY 10, 2015</p>	
<p>Scale: 1" = 300'</p>		<p>Sheet No: 533001</p>	
<p>Sheet No: 1</p>		<p>Drawn by: JMC</p>	
<p>Checked by: N/A</p>		<p>DATE</p>	
<p>143</p>		<p>REVISIONS</p>	

Bussen-Mayer Engineering Group, Inc.
 160 PARRELL STREET • MONTE ISLAND, FLORIDA 33553
 PH: 800.806.4543 • FAX: 813.937.4321 • WWW.BMENG.COM