



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

12/2/2021

Subject:

Perrone Properties, Inc.; and Curtis R. & Sharon E. Davis (Javier Fernandez) request a Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 to RES 15. (21PZ00062) (Tax Accounts 2424006 & 2424007) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15).

Summary Explanation and Background:

The applicant is seeking to change the Future Land Use designation from RES 4 to RES 15 to develop single-family attached dwellings on 40 acres. Res 15 allows up to 15 dwelling units per acre. A companion rezoning application was submitted accompanying this request for a zoning change from AU (Agricultural Residential) to RU-2-10 (Medium-Density Multiple-Family Residential). A RES 10 Future Land Use designation which would provide up to 10 dwelling units per acre versus the 15 dwelling units per acre being requested would be consistent with RU-2-10.

On the north side of the subject site there is a multi-family apartment complex under construction located within the City of Cocoa, with a Future Land Use Designation of Medium Density Residential with a zoning classification allowing up to fifteen (15) dwelling units per acre. On the east side of the subject site is vacant single-family land located within the City of Cocoa with a Very Low Residential Future Land Use designation allowing four (4) dwelling units per acre.

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

On November 15, 2021, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Please execute Ordinance and file with the State. Please return a copy of the filed Ordinance to Planning and Development.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

December 3, 2021

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Jeffrey Ball

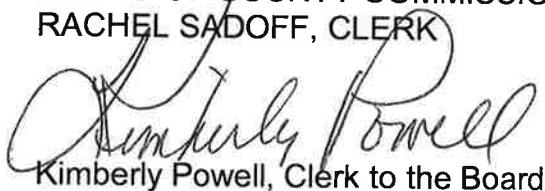
RE: Item H.7., Perrone Properties, Inc and Curtis R. and Sharon E. Davis (Javier Fernandez) Request for a Small Scale Comprehensive Plan Amendment (21S.06), to Change Future Land Use Designation from RES 4 to RES 15

The Board of County Commissioners, in regular session on December 2, 2021, conducted the public hearing and adopted Ordinance No. 21-27, setting forth Plan Amendment 21S.06 of the Small Scale Comprehensive Plan to change Future Land Use designation from Residential 4 (RES 4) to Residential 15 (RES 15) for Perrone Properties, Inc. and Curtis R. and Sharon E. Davis. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encl. (1)



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 6, 2021

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

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 21-27, which was filed in this office on December 3, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

ORDINANCE NO. 21-27

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SIXTH SMALL SCALE PLAN AMENDMENT OF 2021, 21S.06, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2021 as Plan Amendment 21S.06; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 21S.06; and

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

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

OFFICIAALLY FILED WITH SECRETARY OF STATE DECEMBER 3, 2021

WHEREAS, on November 15, 2021, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.06, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 2, 2021, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 21S.06; and

WHEREAS, Plan Amendment 21S.06 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.06 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

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

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

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 21S.06 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 21S.06, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

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

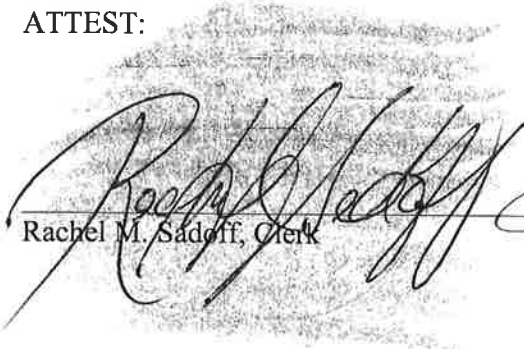
Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the

Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 2 day of December, 2021.

ATTEST:

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



Rachel M. Sadoff, Clerk

By: 

Kristine Zonka, Chair

As approved by the Board on Dec . 2, 2021.

EXHIBIT A

**21S.06 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT**

Contents

1. Proposed Future Land Use Map

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



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.

Subject Property

☐ **Parcels**

EXHIBIT B

Contents

1. Legal Description

A PUBLIC HEARING NOTICE

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, NOVEMBER 15, 2021, and THURSDAY, DECEMBER 2, 2021.

DISTRICT 1 (21200025) SCOTT MINNICK requests a change of zoning classification from AU (Agricultural Residential) to AR-1 (Rural Residential) on property described as Tax Parcel 26, as recorded in ORB 9241, Pages 324-327, of the Public Records of Brevard County, Florida, Section 07, Township 21, Range 35, (1.15 acres) Located on the northwest corner of U.S. Highway 1 and Glenn Rd. (3510 Glenn Rd., Mims) **DISTRICT 2 (21200059) DEROSA HOLDINGS, LLC** (Bruce Moia) requests an amendment to an existing BDP, in a RU-2-12 (Medium Density Multi-Family Residential) zoning classification, on property described as Lot 2.01, Block H, Bruners Re-Subdivision of Burchfield & Bruners Addition to Crescent Beach, as recorded in ORB 9166, Pages 1239 - 1240, of the Public Records of Brevard County, Florida, Section 26, Township 25, Range 37, (0.24 acres) Located on the west side of S. Atlantic Ave. approx. 83 ft. south of 20th St. (2050 S. Atlantic Ave., Cocoa Beach) **DISTRICT 1 (21200029) DONALD WHITE AND TREVANTAY RAYMOND CURRY** request a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential) on property described as Tax Parcel 770, as recorded in ORB 8976, Pages 349 - 350, of the Public Records of Brevard County, Florida, Section 17, Township 21, Range 35, (0.55 acres) Located on the south side of Warren St., approx. 200 ft. east of Harry T. Moore Ave. (No assigned address. In the Mims area.) **(21200030) THE HEATHER CALLIGAN TRUST** (Chad Genoni) requests a change of zoning classification from RU-1-11 (Single-Family Residential) with an existing BDP (Binding Development Plan) to RU-1-7 (Single-Family Residential), with an amendment to the existing BDP, on property described as Tax Parcel 506, as recorded in ORB 7986, Pages 2895 - 2900, as recorded in the Public Records of Brevard County, Florida, Section 13, Township 21, Range 34, (79.16 acres) Located on the south side of State Road 44, approx. 635 ft. east of Turpentine Road. (No assigned address. In the Mims area.) **(21200031) BURNETT PARRISH, LLC** (Javier Fernandez) requests a change of zoning classification from RU-1-9 (Single-Family Residential) and RU-2-10 (Medium Density Multi-Family Residential) to all RU-2-10, on property described as Tax Parcel 265, as recorded in ORB 5837, Page 4411, as recorded in the Public Records of Brevard County, Florida, Section 36, Township 24, Range 35, (27.06 acres) Located on the northwest corner of Burnett Rd. and Parrish Rd. (No assigned address. In the Cocoa area.) **(21200062) PERRONE PROPERTIES, INC. AND CURTIS R. AND SHARON E. DAVIS** (Javier Fernandez) request a Small Scale Comprehensive Plan Amendment (215.06), to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15), on property described as Tax Parcel 506, as recorded in ORB 5451, Page 8265, of the Public Records of Brevard County, Florida, and Tax Parcel 507, as recorded in ORB 2744, Page 1131, of the Public Records of Brevard County, Florida, Section 31, Township 24, Range 36, (40 acres) Located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.06: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan, specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. **(21200032) PERRONE PROPERTIES, INC. AND CURTIS R. AND SHARON E. DAVIS** (Javier Fernandez) request a change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential), on property described as Tax Parcel 506, as recorded in ORB 5451, Page 8265, of the Public Records of Brevard County, Florida, and Tax Parcel 507, as recorded in ORB 2744, Page 1131, of the Public Records of Brevard County, Florida, Section 31, Township 24, Range 36, (40 acres) Located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) **DISTRICT 3**

(21200033) JAMES ERIC PREECE, TRUSTEE (Kim Rezanka) requests a change of zoning classification from RU-1-11 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential), on property described as the west 75 ft. of the east ½ of Lot 6, Block F, Map of Replat of North Indianalantic By The Sea, according to the map or plat thereof, as recorded in Plat Book 9, Page 70, of the Public Records of Brevard County, Florida, Section 31, Township 27, Range 38, (0.26 acres) Located on the on the south side of Franklyn Ave., approx. 320 ft. east of Palm Ave. (117 Franklyn Ave., Indianalantic) **DISTRICT 1 (21200034) EH COCOA, LLC** (Bryan Potts) requests a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial), on property described as Tax Parcels 32 & 33, as recorded in ORB 8038, Pages 1653 - 1657, of the Public Records of Brevard County, Florida, Section 07, Township 24, Range 36, (3.8 acres) Located on the west side of U.S. Highway 1, approx. 13 mile north of Cicco Rd. (3633 & 3635 N. U.S. Highway 1, Cocoa) Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, NOVEMBER 15, 2021, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, DECEMBER 2, 2021, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board, agency or commission (as appropriate) with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such other less intense zoning or land use classification as may be deemed appropriate. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director, By: Jennifer Jones, Special Projects Coordinator.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

Criteria:

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

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 21S.06 (21PZ00062)
Township 24, Range 36, Section 31*

Property Information

Owner / Applicant: **Perone Properties, Inc. and Curtis R. and Sharon E. Davis**

Adopted Future Land Use Map Designation: Residential 4 (RES 4)

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

Acreage: 40 acres

Tax Account #: 2424006 & 2424007

Site Location: Approximately one quarter mile east of Srange Road on the north side of Pluckebaum Road.

Commission District: 1

Current Zoning: Agricultural Residential (AU)

Requested Zoning: Medium-Density Multi-Family Residential (RU-2-10)
(application 21Z00032)

Background & Purpose

The applicant is seeking to amend the Future Land Use designation on 40 acres of land from Residential 4 (RES 4) to Residential 15 (RES 15). The subject property currently has a Future Land Use designation of RES 4.

On June 29, 2021, Governor DeSantis signed into law HB 487, which increases the maximum acreage of a small-scale comprehensive plan amendment from 10 acres to 50 acres.

On the north side of the subject site there is a multi-family apartment complex under construction located within the City of Cocoa, with a Future Land Use Designation of Medium Density Residential with a zoning classification allowing up to fifteen (15) dwelling units per acre. On the east side of the subject site is vacant single-family land located within the City of Cocoa with a Very Low Residential Future Land Use designation. The Future Land Use designation of the subject site has remained RES 4 since the adoption of the Comprehensive Plan in September of 1988.

The applicant is seeking to change the Future Land Use designation from RES 4 to RES 15 to develop the property with single-family attached dwellings on 40 acres of land. A companion rezoning application was submitted accompanying this request for a Zoning change from Agricultural Residential (AU) to Medium-Density Multiple-Family Residential (RU-2-10). RU-2-10 would be compatible with a Residential 10 (RES 10) Future Land Use designation which would provide up to 10 dwelling units per acre versus the 15 dwelling units per acre being requested.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Multi-Family Apartment Complex (under construction)	City of Cocoa RU-2-15	City of Cocoa Medium Density Residential
South	Across Pluckebaum Road, Horse Stables	AU	RES 4
East	Vacant Single-Family	City of Cocoa RU-1-7	City of Cocoa Very Low Residential
West	Grazing Land	AU	RES 4

To the north of the subject property there is an approved apartment complex under construction to yield 268 units, to the east is vacant single-family land, to the south across Pluckebaum Road there are horse stables and to the west is grazing land.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in *italics*

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

Policy 1.2

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

Criteria:

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

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

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

This Future Land Use Amendment request to change from RES 4 to RES 15 will require a connection to a centralized sewer system. The nearest potential connection is approximately one (1) mile north along State Road 520 (SR 520). The City of Cocoa verified that as of this date, there is sufficient sanitary sewer capacity for the proposed development of 330 townhomes to be developed on the subject site.

Residential 15 (maximum of 15 units per acre)

Policy 1.4

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

Criteria:

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

The subject site is located east of Interstate-95 (I-95). It is located adjacent to an equal density Future Land Use (FLU) designation to the north with a City of Cocoa, Medium Density Residential FLU designation with a 268 unit apartment complex that is currently under construction. The apartment complex is centered in the middle of a 130.66 acre site on approximately 31 acres of land. In addition, there is an approximately 28.46 acre portion with a Future Land Use designation of City of Cocoa Commercial with access to the north onto SR-520. To the east is a City of Cocoa FLU designation of Very Low Residential with Single-Family Residential (RU-1-7) Zoning. To the west is

land with a Residential 4 (RES 4) FLU designation and Agricultural Residential (AU) Zoning and to the south, across Pluckebaum Road, are lands with a RES4 FLU designation and AU Zoning.

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

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

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

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

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

The subject site has direct access to Pluckebaum Road, an urban major collector roadway to the south.

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

The applicant is not seeking a Planned Unit Development.

Administrative Policy 3

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

Criteria:

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

There has been an emerging pattern of multi-family development surrounding the subject site. To the north, in the City of Cocoa, a

Large-Scale Site Plan was approved and recorded by the City of Cocoa on December 14, 2020. To the east, south and west are horse stables, vacant single-family land and grazing land.

This area is in transition with the existing uses and FLU of the property being a small pocket of agricultural residential properties in an area increasingly transitioning within suburban/urban infill.

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

Construction is in progress for the approved Large-Scale Site Plan for an Apartment Complex to the north of the subject site.

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

To the north, adjacent to the subject parcel, is an approved Apartment Complex with 268 dwelling units that was approved by the City of Cocoa in December, 2020.

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water. The subject parcel will be required to connect to a centralized sewer system. The City of Cocoa has evaluated the capacity for sanitary sewer as sufficient at this time. The school concurrency indicates there is enough capacity for the total of projected and potential students from the Pluckebaum development.

Environmental Resources

Mapped resources include Hydric Soils/Wetlands, Floodplain, Land Clearing and Landscape Requirements and Protected Species.

- Wetlands/Hydric Soils
- Floodplain
- Land Clearing and Landscape Requirements
- Protected Species

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

Historic Resources

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

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Future Land Use Review & Summary
Item # 21PZ00062

Applicant: Fernandez for Perrone Properties, Inc.

Future Land Use Request: RES 4 to RES 15

Notes: Applicant wants to develop 330 townhome units.

P&Z Hearing Date: 11/15/21; **BCC Hearing Date:** 12/02/21

Tax ID Nos: 2424006 & 2424007

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Floodplain
- Land Clearing and Landscape Requirements
- Protected Species

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

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt.

The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification. The discovery of unpermitted wetland impacts, that may have occurred during periods of time when Bona Fide Agricultural land classification was not established, may result in enforcement action.

A majority of the parcels is located within an area mapped as FEMA Special Flood Hazard Area AE (Riverine Floodplain); and is thus subject to development criteria in Conservation Element Objective 4, its subsequent policies, and Section 62-3724 of the Floodplain Protection ordinance, including compensatory storage and residential land use density restrictions. Per Section 62-3724, there shall be no net change in the rate and volume of floodwater from the pre-development 100-year, 25-year, 10-year or mean annual riverine floodplain to be determined using the best available data. Development shall not adversely impact the drainage of adjoining properties.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

Land Use Comments:

Wetlands/Hydric Soils

The subject parcel contains mapped SJRWMD wetlands (Mixed scrub and shrub wetlands), and hydric soils (Holopaw sand and Anclote sand) as shown on the SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or site plan application. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

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Floodplain

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Land Clearing and Landscape Requirements

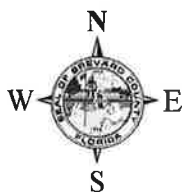
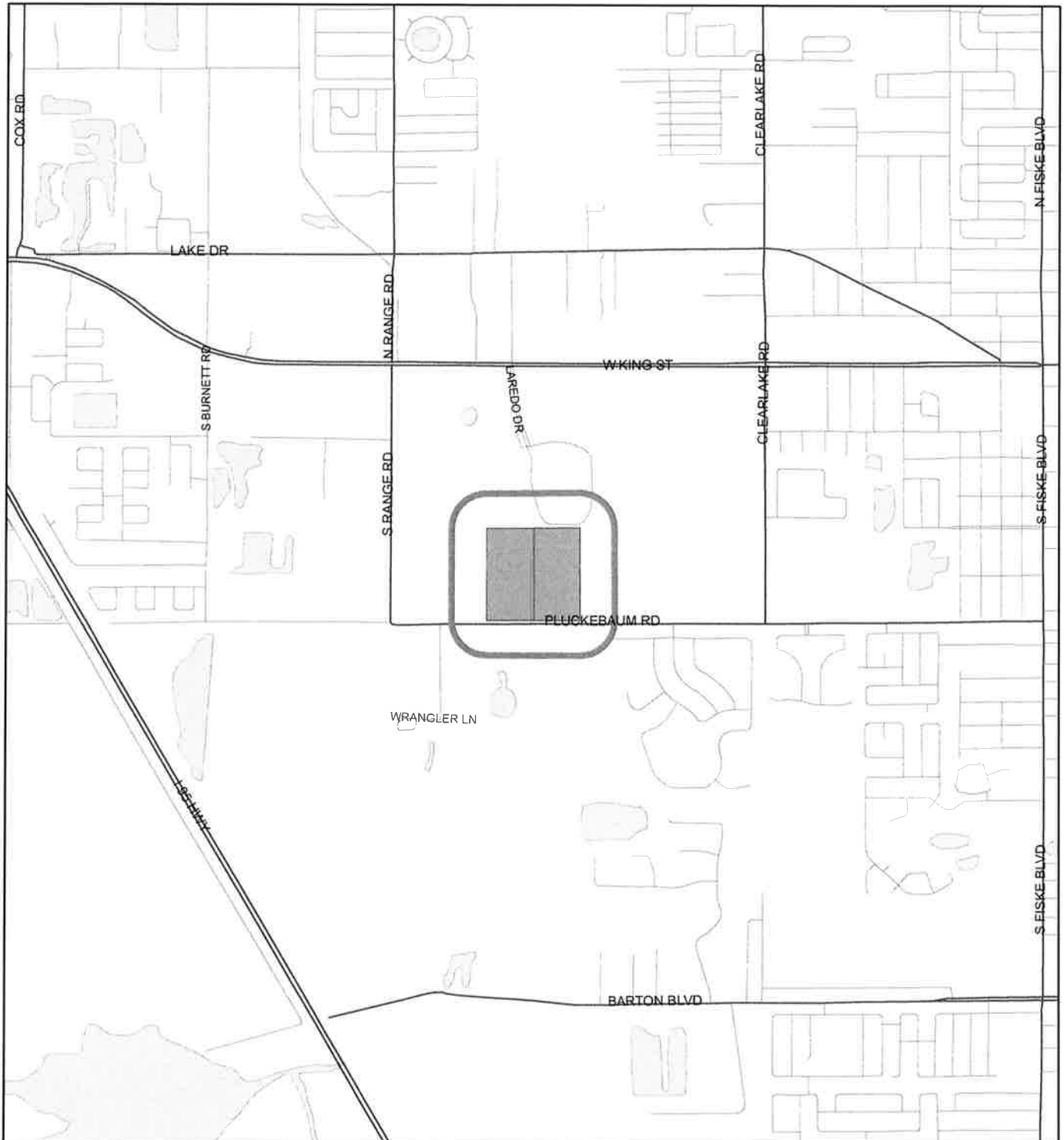
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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.

LOCATION MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



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

Buffer Distance: 500 feet

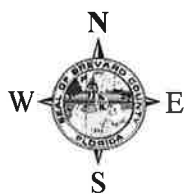
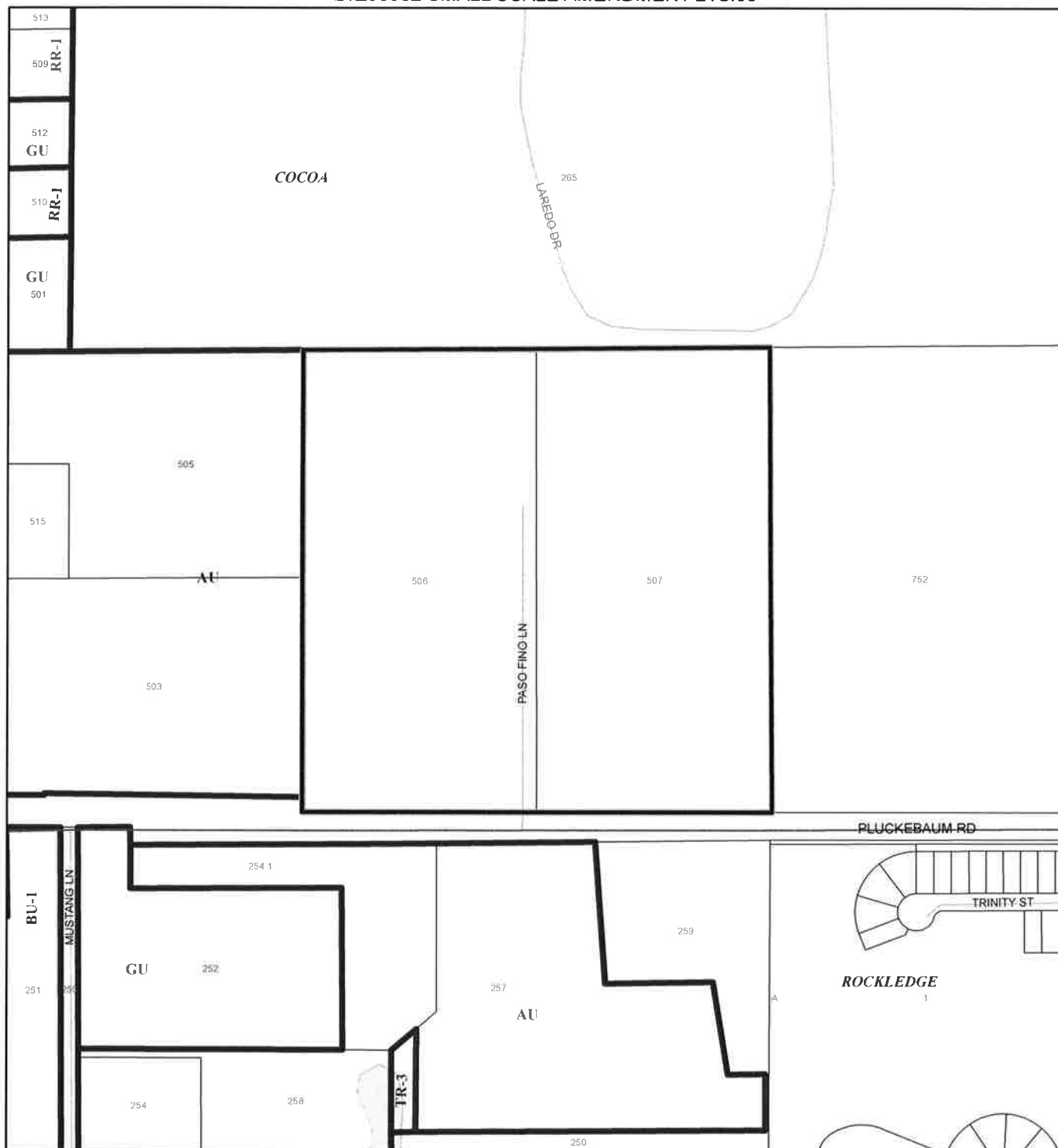
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/13/2021

— Buffer
■ Subject Property

ZONING MAP




PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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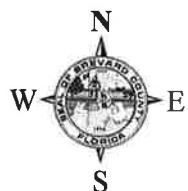
Produced by BoCC - GIS Date: 9/13/2021

-  Subject Property
-  Parcels
-  Zoning

PROPOSED FUTURE LAND USE MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID

21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

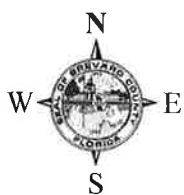
Subject Property
Parcels

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AERIAL MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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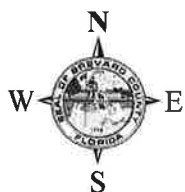
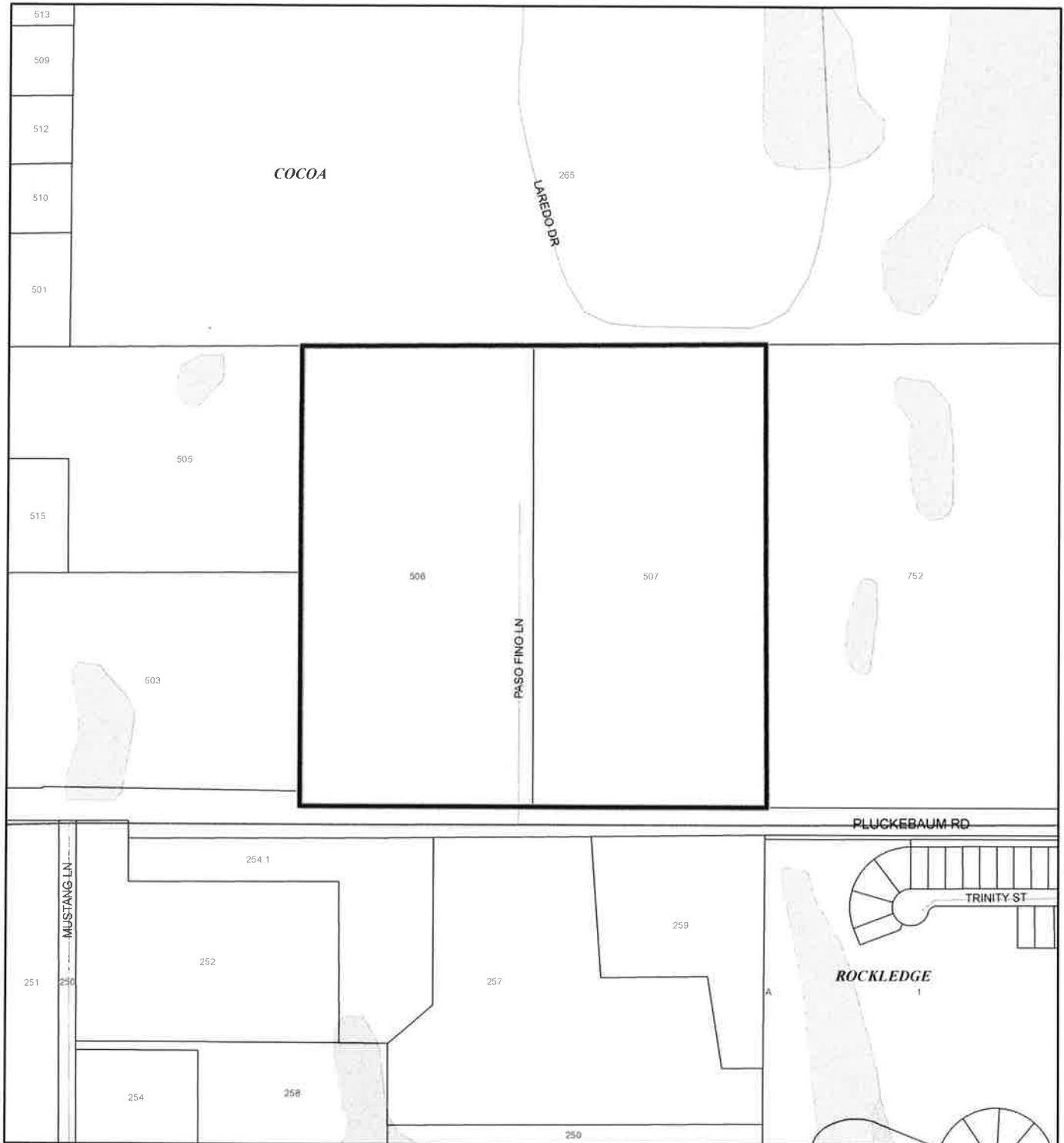
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 Subject Property

 Parcels

NWI WETLANDS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



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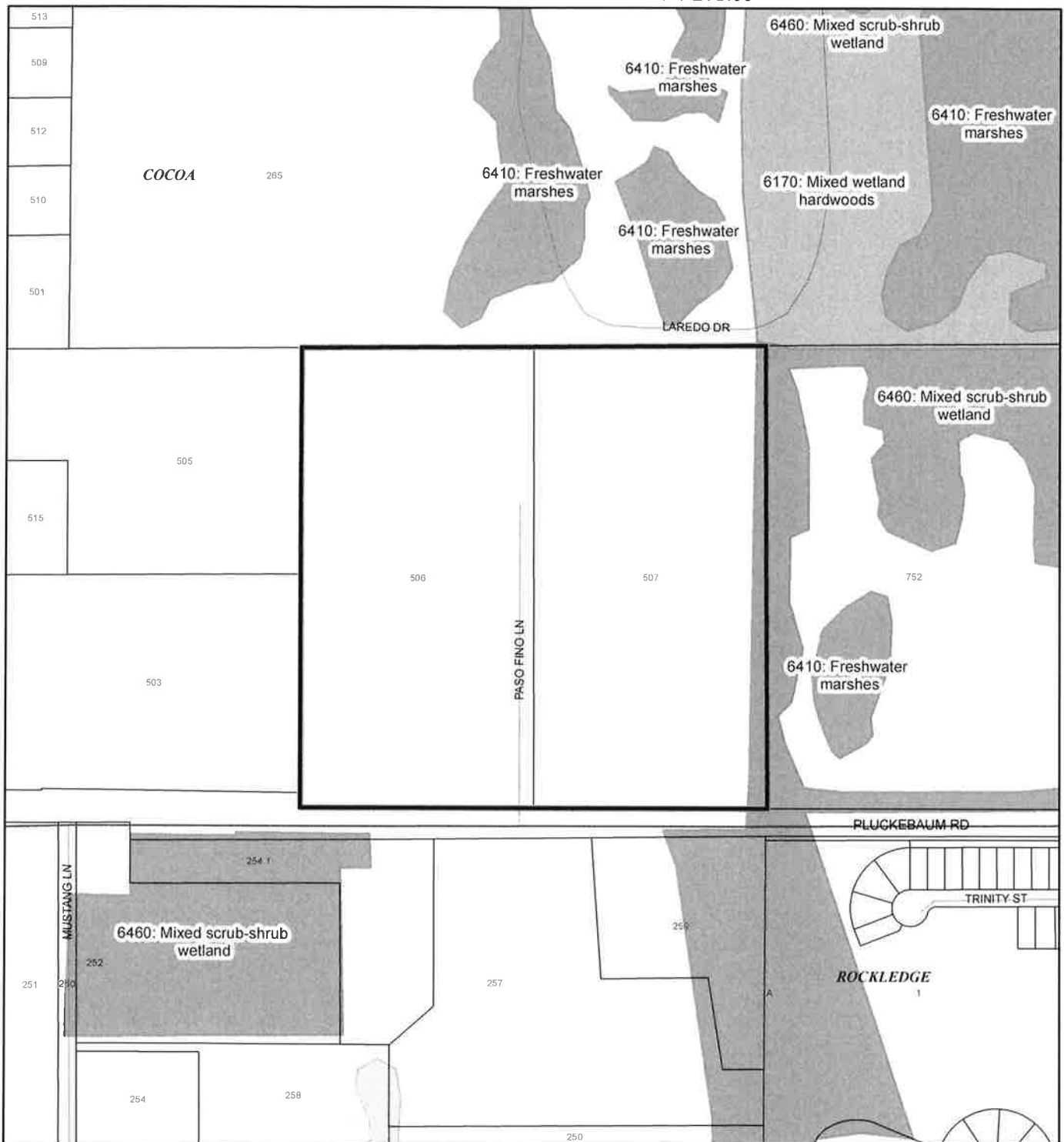
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID

21Z00062 SMALL SCALE AMENDMENT 21S.06



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SJRWMD FLUCCS WETLANDS

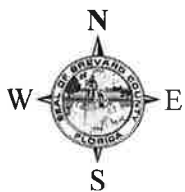
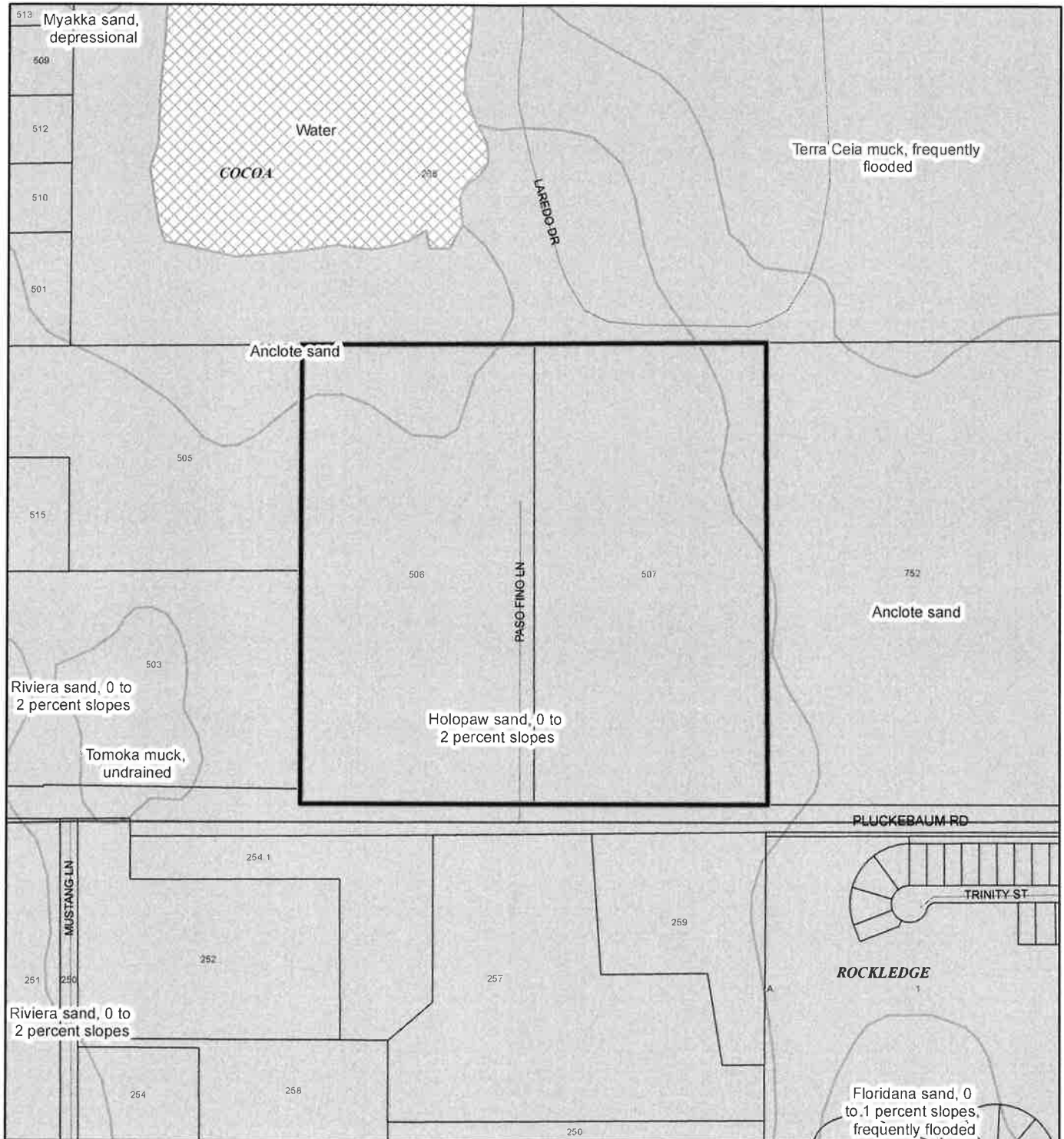
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property

 Parcels

USDA SCSSS SOILS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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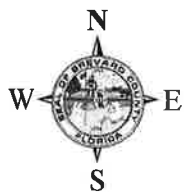
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



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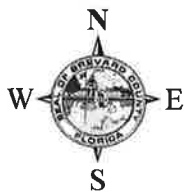
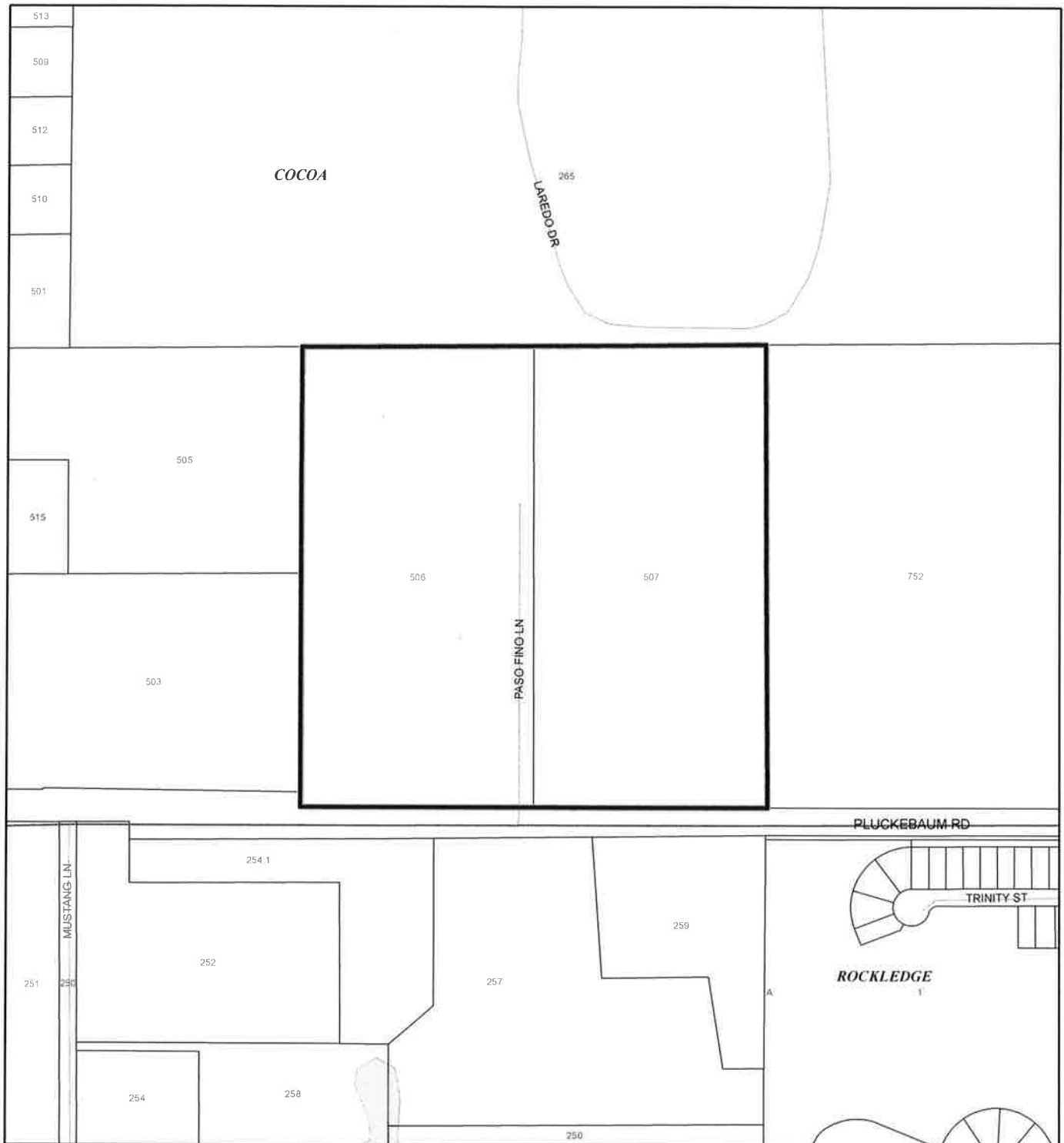
Produced by BoCC - GIS Date: 9/13/2021

FEMA Flood Zones

	A		AO		X
	AE		Open Water		VE
	AH		VE		Subject Property
	Subject Property		Parcels		

COASTAL HIGH HAZARD AREA MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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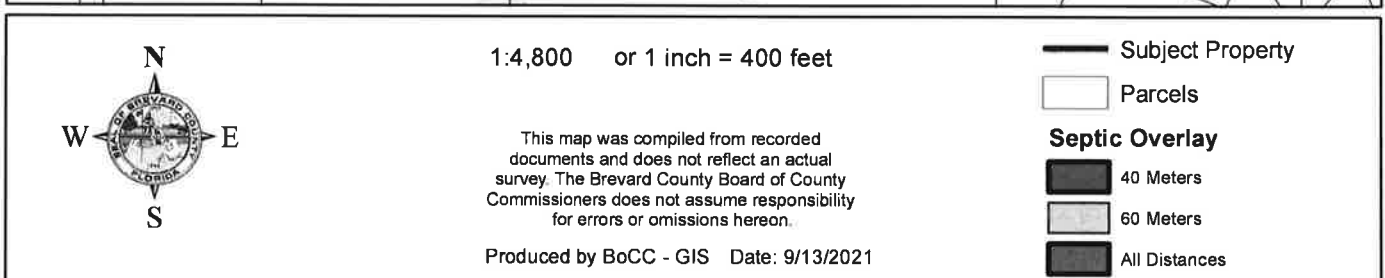
 Subject Property

 Parcels

Coastal High Hazard Area

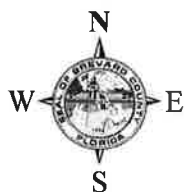
 SurgeZoneCat1

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



EAGLE NESTS MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

 Subject Property

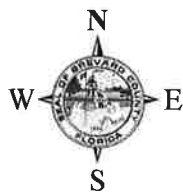
 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP




PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06



1:4,800 or 1 inch = 400 feet

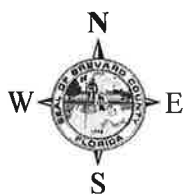
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Produced by BoCC - GIS Date: 9/13/2021

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

PERRONE PROPERTIES, INC., AND CURTIS R. & SHARON E. DAVID
21Z00062 SMALL SCALE AMENDMENT 21S.06






1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/13/2021

SJRWMD FLUCCS Upland Forests

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

 Subject Property  Parcels



Applicant Request
21PZ00062
Perrone and Davis

September 3, 2021

Via Hand-Delivery

Planning & Development Department
Brevard County
2725 Judge Fran Jamieson Way
Viera, FL 32940

**Re: Parcel ID #24-36-31-00-506 & #24-36-31-00-507 / Tax Account #2424006 & #2424007 –
2100 & 2250 Pluckebaum Road, Cocoa, FL 32926 - Request for a Small Scale
Comprehensive Plan Amendment (SSCPA) from Residential 4 to Residential 15**

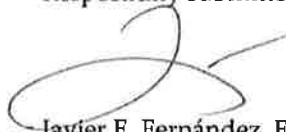
To whom it may concern:

Our firm represents Affinity Capital, LLC (hereinafter, "Applicant" or "Contract Purchaser"). Applicant has placed under contract to purchase two properties -Tax Account #2424006 and #2424007 – totaling approximately 40 acres (+/-) for the purpose of developing a 330-unit townhome community. Presently, the assemblage has a zoning designation of Agricultural Residential (AU) (the "Subject Property"). The Contract Purchaser seeks approval from Brevard County ("County") of a SSCPA to change the Subject Property's designation from Residential 4 to Residential 15.

Applicant's request is consistent with and advances multiple goals, objectives and policies of the County's Comprehensive Plan as further outlined in the enclosed Supplement to Comprehensive Plan Amendment Application. Approval of the requested SSCPA will not authorize any proposed use that will: (i) 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; (ii) materially reduce the value of existing abutting land or approved development; (iii) prove inconsistent with an emerging or existing pattern of surrounding development; or (iv) result in a material violation of relevant policies in any elements of the Comprehensive Plan.

We look forward to the department's favorable recommendation of the Applicant's requested SSCPA for the Subject Property.

Respectfully submitted,



Javier E. Fernández, Esq.
For the Firm



BOARD OF COUNTY COMMISSIONERS

Supplement to Application
21PZ00062
Perrone and Davis

Planning & Development Department
2725 Judge Fran Jamieson Way, Bldg A, Suite 114
Viera, FL 32940
Phone: (321) 633-2070, Fax: (321) 633-2074
www.BrevardFL.gov/PlanningDev

Supplement to Comprehensive Plan Amendment Application

1. **Type of Application:**

- ☒ Small-scale Comprehensive Plan Future Land Use Map Amendment
☐ Large-scale Future Land Use Map Amendment
☐ Comprehensive Plan Text Amendment
Plan Element(s) of Text Amendment request: _____

2. **Applicant:** Affinity Capital, LLC **Staff Planner:** _____

3. **Comprehensive Plan Amendment Information:**

Adopted Future Land Use Designation: Residential 4

Requested Future Land Use Designation: Residential 15

Existing Zoning: AU

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike- thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. **Description of Request/Justification: Must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.**

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

See enclosed narrative.

(Use additional sheets if necessary)

BREVARD COUNTY

SUPPLEMENT TO COMPREHENSIVE PLAN AMENDMENT APPLICATION

4. **Description of Request/Justification:** Must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

The subject property is situated east of Interstate 95 (I-95) within the Brevard County (the "County") in West Cocoa proximate to the King Street corridor. Applicant, Affinity Capital, LLC, is requesting a Small Scale Comprehensive Plan Amendment (SSCPA) that would change the Future Land Use Map designation of the subject property from Residential 4 to Residential 15. Applicant believes the requested SSCPA is consistent with the County's comprehensive plan as it serves to advance the following plan goals, objectives and policies:

LAND USE ELEMENT

Goal: Manage growth in Brevard County in a manner that enhances natural and man-made systems and meets the public's social and economic needs.

Objective 1

County shall facilitate the development of residential neighborhoods that offer the highest quality of life to citizenry through implementation of policies that accomplish the following:

Criteria:

- A. *Ensure the compatibility of new development with its surroundings;*
- E. *Produce neighborhoods that complement adjacent land uses;*
- G. *Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.*

Policy 1.2

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

Criteria:

- A. *Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.*
- C. *In Residential...15...land use designations, centralized potable water and wastewater treatment shall be available current with the impact of the development.*

Applicant's request meets the public's social and economic needs through the development of residential neighborhoods that offer the highest quality of life to the citizenry. The County is experiencing incredible growth that substantially increased demand for housing resulting in significant price escalations and inventory shortages. A normal or balanced housing market typically has an inventory supply of 6 months.¹ Recent reports from May 2021 indicate that the available inventory for townhomes and condos have

¹ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

decreased 71.4% over the prior year from 3.5 months of available supply to 1.0 month of available supply.² The current inventory levels represent a historic low and the continuation of a three-year trend.³ Similarly, median and average sales prices increased by 36.9% and 33.9%, respectively, over the prior year.⁴

Given the state of the County's job market, it is likely that demand for housing of all types will likely continue to increase. In March of 2021, the County's total nonagricultural employment increased to 230,000 representing a gain of 2,400 jobs above the prior month. The 1.1% job gain in Brevard was the seventh-highest percentage increase of the state's 25 metropolitan areas.⁵ Employee recruitment has remained challenging across all sectors, including aerospace, health care, manufacturing, and retail.⁶ The lack of available housing may negatively impact employer recruitment efforts in the County. Approval of the requested SSCPA will facilitate the development of needed housing.

Further, the Applicant's request will provide for the development of housing inventory that is increasingly compatible with its surroundings and not in conflict with any of the surrounding land uses. Applicant's proposal will provide a type of housing product which is less intense than new multi-family, garden style apartments proposed near King Street and Range Road North of the property and denser and more affordable than the single-family residences located immediately South and to the property's East and West.

Finally, adequate roadways, solid waste disposal, drainage and recreation facilities necessary to serve the needs of the Applicant's future project are either in-place or shall be delivered concurrently with the townhome development consistent with the requirements of Policy 1.2.

SURFACE WATER MANAGEMENT ELEMENT

Objective 2

Require stormwater management facilities to meet future development requirements, consistent with the County's Master Stormwater Management Plan and this Comprehensive Plan.

Policy 2.3

Brevard County requires that new stormwater management facilities or techniques shall not negatively impact adjacent properties.

Objective 3

Require new development to adequately manage stormwater generated by the development.

Applicant's development proposal will incorporate new stormwater management facilities that will ensure that the project's stormwater facilities will not negatively impact adjacent properties.

² <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.

³ <https://spacecoastdaily.com/2021/02/brevard-county-real-estate-market-watch-3-reasons-were-definitely-not-in-a-housing-bubble/> Last viewed: September 1, 2021.

⁴ Ibid.

⁵ <https://www.floridatoday.com/story/money/business/2021/04/20/economy-improving-brevard-employers-having-tough-time-filling-jobs/7276130002/> Last viewed: September 1, 2021.

⁶ Ibid.

HOUSING ELEMENT

Objective 3

Brevard County shall seek to achieve a housing market with mechanisms to ensure that the market is fair and balanced, and provides equal housing opportunity for all residents of the County.

Objective 4

Brevard County shall continue to provide for adequate lands for residential land uses in a wide variety of housing types, housing pricing levels and broad geographic choices to meet the needs of all existing and anticipated residents in the County.

Policy 4.1

The zoning ordinance of the Land Development Regulations shall continue to designate adequate lands for residential development which allows for a variety of housing types, while providing residents with choices in location...

As noted above, presently the County's housing market is presently unbalanced due to historic lows in available housing inventory. Approval of the Applicant's requested change will result in the production of needed units that will help correct the current inventory imbalance, expand geographic choices for quality housing, and further diversify the variety of housing types available within the County. Townhome style units are not presently available in the immediate housing market and Applicant's proposal will fill said niche and complement both the existing single-family housing units that have traditionally represented the bulk of housing supply in the immediate market and emerging low-scale apartment complexes that have been proposed or are under construction in the immediate sub-market.

Further, approval of the request will also expand housing affordability as the median and average sales prices for townhome and condominium units within the County are substantially lower than for single-family residential units.⁷

⁷ <https://spacecoastdaily.com/2021/06/real-estate-report-space-coast-housing-market-sales-up-median-sales-price-up-16-percent-over-last-year/> Last viewed: September 1, 2021.



School Board of Brevard County

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

September 21, 2021

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

**RE: Proposed Affinity Capital Pluckebaum Road Development
School Impact Analysis – Capacity Determination CD-2021-23**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2424006 (Parcel ID: 24-36-31-00-506) and Tax Account 2424007 (Parcel ID: 24-36-31-00-507) containing approximately 40 acres in District 1, Brevard County, Florida. The proposed single-family development includes 330 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 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 2021-22 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes	330		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	92.4	92
Middle	0.08	26.4	26
High	0.16	52.8	53
Total	0.52		171

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

**FISH Capacity (including relocatables) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to
2025-26**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		976	976	1,042	1,042	1,042
McNair		611	611	611	611	611
Rockledge		1,701	1,701	1,701	1,701	1,701

Projected Student Membership

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	825	1,039	1,020	997
McNair		390	438	448	440	455
Rockledge		1,570	1,624	1,664	1,676	1,663

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	-	-	-	-
McNair		-	15	29	29	29
Rockledge		-	29	58	58	58

**Cumulative Students Generated by
Proposed Development**

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		-	46	92	92	92
McNair		-	13	26	26	26
Rockledge		-	26	53	53	53

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

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		841	871	1,131	1,112	1,089
McNair		390	466	503	495	510
Rockledge		1,570	1,679	1,775	1,787	1,774

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

School		2021-22	2022-23	2023-24	2024-25	2025-26
Saturn		135	105	(89)	(70)	(47)
McNair		221	145	108	116	101
Rockledge		131	22	(74)	(86)	(73)

At this time, Saturn Elementary School and Rockledge High School are not projected to have enough capacity for the total of projected and potential students from Affinity Capital Pluckebaum Road development. Because there is a shortfall of available capacity in the concurrency service areas of the Affinity Capital Pluckebaum Road development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Golfview Elementary School, Manatee Elementary School, Endeavour Elementary School, Cambridge Elementary School and Fairglen Elementary School. The adjacent high school concurrency service area is Cocoa Jr. Sr. High School and Viera High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of Affinity Capital Pluckebaum Road development is shown:

FISH Capacity (including relocatables) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2020-21 to 2025-26						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		777	777	777	777	777
Cocoa		2,084	2,084	2,084	2,084	2,084
Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	528	522	537	545
Cocoa		1,578	1,668	1,857	1,966	2,005
Students Generated by Newly Issued SCADL Reservations Since FFP						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	-	-	-	-
Cocoa		-	13	13	13	13
Cumulative Students Generated by Proposed Development						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		-	46	92	92	92
Cocoa		-	26	53	53	53
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		450	574	614	629	637
Cocoa		1,578	1,707	1,923	2,032	2,071
Projected Available Capacity = FISH Capacity - Total Projected Student Membership						
School		2021-22	2022-23	2023-24	2024-25	2025-26
Golfview		327	203	163	148	140
Cocoa		506	377	161	52	13

Considering the adjacent elementary school and high school concurrency service areas, there currently is sufficient capacity for the total projected student membership to accommodate the Affinity Capital Pluckebaum Road development.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Black", with a long horizontal flourish extending to the right.

Karen M. Black, AICP Candidate
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26*

Copy: Susan Hann, Assistant Superintendent of Facility Services
File CD-2021-23

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2021-23

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2020-21 to 2025-26



Summary		2020-21		2021-22		2022-23		2023-24		2024-25		2025-26									
Highest Utilization Elementary Schools:		87%		90%		100%		100%		100%		100%									
Highest Utilization Middle Schools:		81%		89%		90%		93%		98%		98%									
Highest Utilization Jr / Sr High Schools:		81%		81%		80%		93%		94%		94%									
Highest Utilization High Schools:		93%		99%		95%		95%		94%		94%									
School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FISH Capacity	100%/19 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-5	100%	751	556	75%	751	679	90%	751	852	87%	751	681	91%	751	758	93%	751	785	93%
Anderson	Elementary	K-5	100%	884	618	70%	884	617	70%	884	687	78%	884	684	78%	884	702	79%	884	785	79%
Apelo	Elementary	PK-5	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	737	82%	902	737	82%
Atlanta	Elementary	PK-5	100%	739	633	86%	739	660	89%	739	655	88%	739	655	88%	739	616	83%	739	616	83%
Audubon	Elementary	PK-5	100%	751	469	63%	751	475	63%	751	471	62%	751	471	62%	751	471	62%	751	471	62%
Cambridge	Elementary	PK-5	100%	765	519	68%	765	525	69%	765	503	66%	765	494	65%	765	469	61%	765	469	61%
Cape View	Elementary	PK-5	100%	570	302	53%	570	283	50%	570	277	48%	570	268	47%	570	253	44%	570	254	45%
Carroll	Elementary	K-5	100%	751	583	78%	751	593	79%	751	530	71%	751	533	71%	751	559	74%	751	540	72%
Challenger 7	Elementary	PK-5	100%	573	477	83%	573	493	86%	573	443	77%	573	423	74%	573	406	71%	573	398	69%
Columbia	Elementary	PK-5	100%	751	405	54%	751	400	53%	751	432	58%	751	434	58%	751	433	58%	751	437	73%
Coral	Elementary	PK-5	100%	711	489	70%	711	532	75%	711	475	67%	711	475	67%	711	396	56%	711	376	53%
Croft	Elementary	PK-5	100%	1,154	703	61%	1,154	746	65%	1,154	743	64%	1,154	743	64%	1,154	741	64%	1,154	741	64%
Discovery	Elementary	PK-5	100%	765	480	63%	765	530	69%	765	615	80%	765	622	81%	765	635	83%	765	635	83%
Endeavour	Elementary	PK-5	100%	980	550	57%	980	550	56%	980	584	59%	980	584	59%	980	580	59%	980	503	51%
Everglades	Elementary	PK-5	100%	990	608	61%	990	646	65%	990	589	59%	990	581	58%	990	572	57%	990	527	53%
Feigen	Elementary	K-5	100%	728	539	74%	728	564	77%	728	523	72%	728	523	72%	728	512	70%	728	492	67%
Florida	Elementary	PK-5	100%	789	577	73%	789	580	75%	789	538	68%	789	538	68%	789	516	66%	789	700	93%
Genns	Elementary	K-5	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	383	54%	711	383	54%
Gilkey	Elementary	PK-5	100%	777	439	56%	777	450	58%	777	439	56%	777	439	56%	777	439	56%	777	345	45%
Harbor City	Elementary	PK-5	100%	829	345	42%	829	378	46%	829	379	46%	829	416	50%	829	412	50%	829	412	50%
Holland	Elementary	PK-5	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	69%	605	416	69%
Imperial Estates	Elementary	K-5	100%	729	605	83%	729	608	83%	729	615	84%	729	675	92%	729	668	92%	729	649	91%
Indalistic	Elementary	PK-5	100%	798	662	83%	798	694	87%	798	683	86%	798	675	85%	798	668	85%	798	649	81%
Jupiter	Elementary	PK-5	100%	930	679	73%	930	694	76%	930	705	77%	930	705	77%	930	687	75%	930	626	67%
Lockhart	Elementary	PK-5	100%	892	532	60%	892	609	68%	892	582	65%	892	582	65%	892	541	61%	892	518	58%
Longleaf	Elementary	PK-5	100%	790	568	72%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	75%
Manatee	Elementary	K-5	100%	998	658	66%	998	658	66%	998	688	69%	998	788	79%	998	748	75%	998	714	72%
McAuliffe	Elementary	PK-5	100%	918	669	73%	918	657	72%	918	651	71%	918	651	71%	918	618	67%	918	570	63%
Meadowline Intermediate	Elementary	3-5	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	968	87%	1,114	998	90%
Meadowline Primary	Elementary	K-5	100%	824	651	80%	824	724	88%	824	687	83%	824	687	83%	824	627	76%	824	699	85%
Mila	Elementary	PK-5	100%	707	428	61%	707	442	63%	707	432	61%	707	426	61%	707	418	59%	707	408	58%
Mims	Elementary	PK-5	100%	725	389	54%	725	422	58%	725	398	55%	725	398	55%	725	354	49%	725	315	43%
Oak Park	Elementary	PK-5	100%	968	603	63%	968	560	58%	968	545	57%	968	545	57%	968	484	50%	968	482	50%
Ocean Breeze	Elementary	PK-5	100%	654	508	78%	654	545	83%	654	465	71%	654	465	71%	654	455	70%	654	429	65%
Palm Bay Elm	Elementary	PK-5	100%	993	573	58%	993	596	61%	993	653	66%	993	663	67%	993	770	78%	993	793	79%
Pinewood	Elementary	PK-5	100%	589	470	80%	589	486	83%	589	493	84%	589	504	85%	589	510	86%	589	516	87%
Port Malabar	Elementary	PK-5	100%	832	648	78%	832	631	76%	832	616	74%	832	616	74%	832	567	68%	832	565	68%
Quest	Elementary	PK-5	100%	1,152	795	69%	1,152	882	77%	1,152	878	76%	1,152	878	76%	1,152	847	74%	1,152	825	72%
Riviera	Elementary	PK-5	100%	777	561	72%	777	578	74%	777	578	74%	777	565	73%	777	562	73%	777	562	73%
Rosewell	Elementary	K-5	100%	589	263	45%	589	247	42%	589	242	42%	589	230	39%	589	207	35%	589	193	32%
Sabal	Elementary	PK-5	100%	785	549	70%	785	564	72%	785	584	75%	785	584	75%	785	580	74%	785	581	74%
Seabreeze	Elementary	PK-5	100%	976	794	81%	976	841	86%	976	825	84%	976	825	84%	976	825	84%	976	825	84%
Salem	Elementary	PK-5	100%	461	272	59%	461	298	65%	461	287	63%	461	288	63%	461	294	64%	461	285	62%
Sea Park	Elementary	PK-5	100%	609	393	65%	609	416	68%	609	379	62%	609	386	63%	609	386	63%	609	386	63%
Sherwood	Elementary	K-5	100%	481	367	76%	481	397	83%	481	367	76%	481	367	76%	481	367	76%	481	367	76%
South Lake	Elementary	PK-5	100%	913	700	77%	913	693	76%	913	791	87%	913	791	87%	913	791	87%	913	791	87%
Sunrise	Elementary	K-5	100%	765	534	70%	765	516	68%	765	531	70%	765	525	69%	765	525	69%	765	525	69%
Surfside	Elementary	K-5	100%	541	438	81%	541	457	85%	541	440	82%	541	440	82%	541	438	81%	541	438	81%
Surfside	Elementary	K-5	100%	910	682	75%	910	725	80%	910	623	68%	910	603	66%	910	565	62%	910	547	60%
Tropical	Elementary	K-5	100%	874	529	61%	874	525	60%	874	502	58%	874	473	55%	874	473	55%	874	473	55%
Turner	Elementary	PK-5	100%	811	432	53%	811	471	58%	811	468	58%	811	468	58%	811	428	53%	811	428	53%
University Park	Elementary	PK-5	100%	1,012	384	38%	1,012	643	64%	1,012	613	61%	1,012	613	61%	1,012	613	61%	1,012	613	61%
Vera Elm	Elementary	K-5	100%	857	671	78%	857	594	69%	857	617	72%	857	641	75%	857	663	77%	857	663	77%
Westside	Elementary	K-5	100%	715	462	65%	715	484	68%	715	463	65%	715	463	65%	715	425	59%	715	395	55%
Williams	Elementary	PK-5	100%	715	462	65%	715	484	68%	715	463	65%	715	463	65%	715	425	59%	715	395	55%
Elementary Totals				42,956	29,621		42,956	30,337		42,956	31,454		42,956	31,487		42,956	31,487		42,956	31,487	

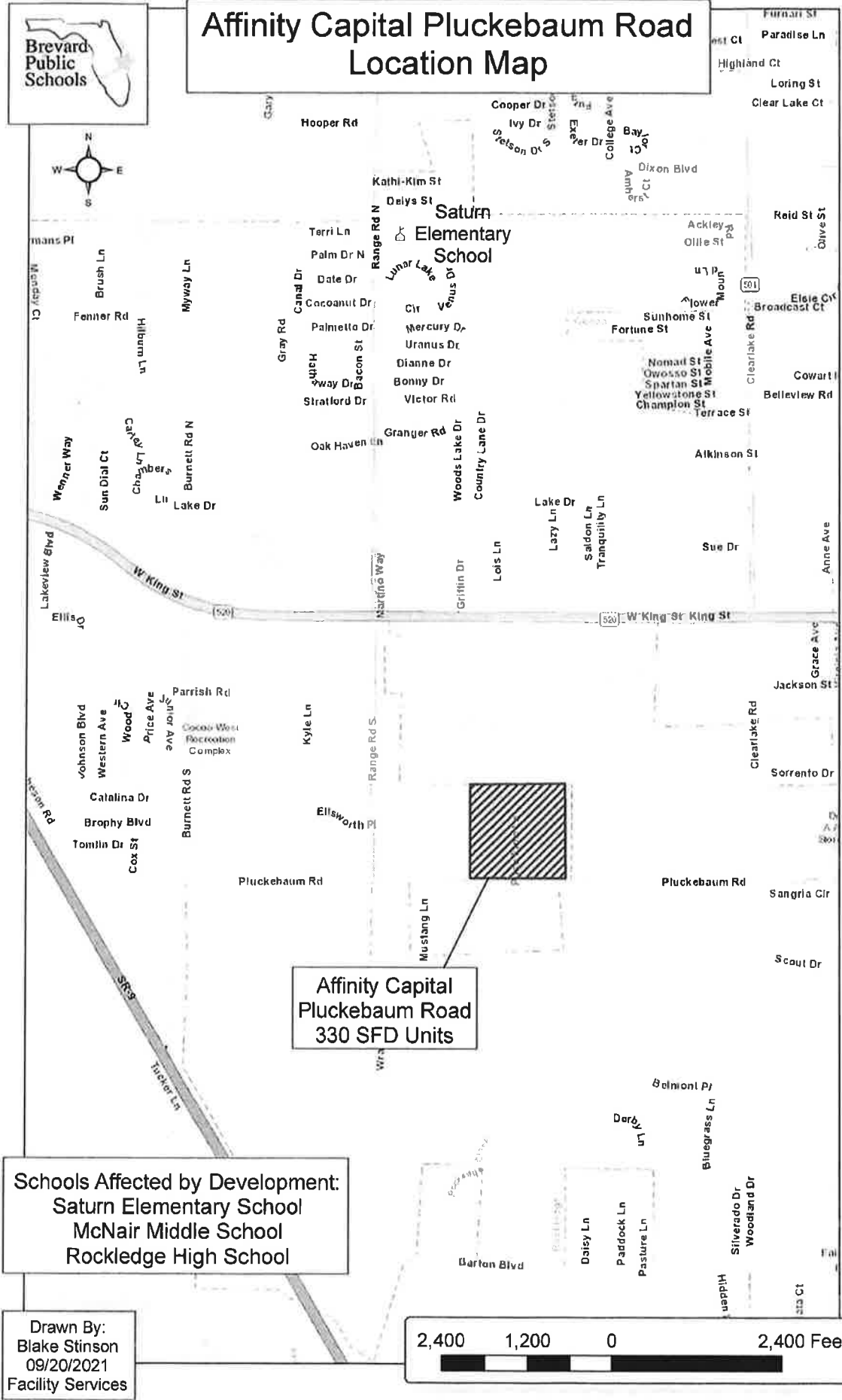
Middle School Concurrency Service Areas															
Central	Madre	7-8	50%	1,505	1,135	75%	1,505	1,076	71%	1,505	1,167	76%	1,505	1,250	83%
DeLaura	Madre	7-8	90%	939	800	85%	939	846	90%	939	873	92%	939	899	96%
Hoover	Madre	7-8	90%	680	469	69%	680	480	71%	680	486	71%	680	529	78%
Jackson	Madre	7-8	90%	654	566	87%	654	523	80%	654	585	90%	654	534	81%
Jefferson	Madre	7-8	90%	854	647	76%	854	632	74%	854	609	71%	854	554	65%
Johnson	Madre	7-8	90%	997	731	73%	997	694	70%	997	727	73%	997	705	71%
Kennedy	Madre	7-8	90%	813	638	78%	813	618	76%	813	608	75%	813	605	74%
Madison	Madre	7-8	90%	781	470	60%	781	445	57%	781	463	60%	781	428	55%
McNair	Madre	7-8	90%	611	407	67%	611	438	72%	611	449	73%	611	455	74%
Southwest	Madre	7-8	90%	1,177	904	77%	1,177	879	75%	1,177	925	79%	1,177	1,025	87%
Score	Madre	7-8	90%	1,024	754	74%	1,024	856	84%	1,024	927	91%	1,044	1,031	99%
Middle Totals				10,035	7,570		10,035	7,500		10,035	7,730		10,055	8,182	
Junior / Senior High School Concurrency Service Areas															
Coosa	Jr / Sr High	PK-7-12	90%	2,084	1,578	75%	2,084	1,668	80%	2,084	1,857	89%	2,084	2,005	96%
Coosa Beach	Jr / Sr High	7-12	90%	1,466	964	66%	1,466	949	65%	1,466	984	68%	1,466	818	56%
Space Coast	Jr / Sr High	7-12	90%	1,857	1,501	81%	1,857	1,492	80%	1,857	1,455	78%	1,857	1,437	77%
Jr / Sr High Totals				5,407	4,037		5,407	4,108		5,407	4,226		5,407	4,260	
Senior High School Concurrency Service Areas															
Autonaut	High	9-12	95%	1,446	1,081	75%	1,446	1,081	75%	1,446	1,092	76%	1,446	1,052	73%
Bayside	High	9-12	95%	2,257	1,625	72%	2,257	1,869	83%	2,257	2,010	89%	2,257	2,034	90%
Eau Gallie	High	9-12	95%	2,221	1,642	74%	2,221	1,726	76%	2,221	2,046	92%	2,221	1,783	80%
Hortage	High	9-12	95%	2,314	1,953	84%	2,314	1,980	85%	2,314	2,081	90%	2,314	2,179	94%
Melbourne	High	9-12	95%	2,370	2,148	91%	2,370	2,336	99%	2,370	2,353	99%	2,370	2,392	100%
Merritt Island	High	PK-9-12	95%	1,891	1,489	79%	1,891	1,494	79%	1,891	1,517	80%	1,891	1,428	76%
Orlando	High	PK-9-12	95%	2,802	1,987	71%	2,802	1,629	58%	2,802	1,891	68%	2,802	2,041	73%
Palm Bay	High	9-12	95%	1,701	1,370	81%	1,701	1,624	96%	1,701	1,654	97%	1,701	1,603	96%
Rockledge	High	9-12	95%	1,516	1,456	96%	1,516	1,411	93%	1,516	1,393	92%	1,516	1,384	90%
Satellite	High	PK-9-12	95%	1,848	1,230	67%	1,848	1,391	75%	1,848	1,428	77%	1,848	1,460	81%
Titusville	High	9-12	95%	2,322	2,165	93%	2,322	2,266	98%	2,322	2,327	100%	2,322	2,495	107%
Viera	High	9-12	95%	2,275	2,056	90%	2,275	2,322	102%	2,275	2,512	111%	2,275	2,495	108%
High Totals				22,441	17,352		22,441	18,903		22,559	19,484		22,701	19,891	
Schools of Choice (Not Concurrency Service Areas)															
Freedom 7	Elementary	K-6	100%	475	414	87%	475	365	77%	475	365	77%	475	365	77%
Stevenson	Elementary	K-6	100%	569	505	89%	569	488	86%	569	488	86%	569	488	86%
West Melbourne	Elementary	K-6	100%	618	552	89%	618	531	86%	618	531	86%	618	531	86%
West Palm Beach	Jr / Sr High	7-12	90%	1,072	950	89%	1,072	942	88%	1,072	942	88%	1,072	942	88%
West Shore	Jr / Sr High	7-12	90%	1,264	956	76%	1,264	967	77%	1,264	967	77%	1,264	967	77%
Schools of Choice				3,998	3,377		3,998	3,323		3,998	3,323		3,998	3,323	
Schools of Choice Totals				84,877	61,464		84,877	63,427		85,193	66,147		85,443	67,143	

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
2. Student Membership is reported from the Fall Final Membership Count (10/09/20).
3. Davis Demographics SchoolSite 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
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongraded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary Relocatable Classrooms (Grades K-3) = 19 student stations, Intermediate, Riverside Elementary, Salum Elementary, and Viera High (Total of 11 Classrooms)
 - Intermediate Relocatable Classrooms are proposed to be added at Roy Allen Elementary, Sunnyside Elementary, and Stone Middle School (Total 19 Classrooms)
7. Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.



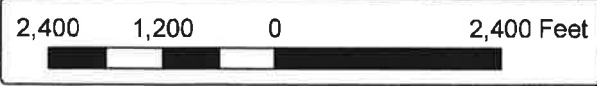
Affinity Capital Pluckebaum Road Location Map



Affinity Capital
Pluckebaum Road
330 SFD Units

Schools Affected by Development:
Saturn Elementary School
McNair Middle School
Rockledge High School

Drawn By:
Blake Stinson
09/20/2021
Facility Services



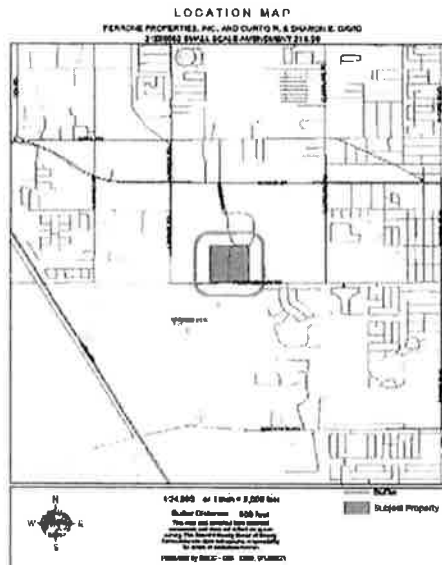
FYI
21PZ00062 & 21Z00032
Perrone Properties & Davis
(submitted by the applicant
11-15-21)

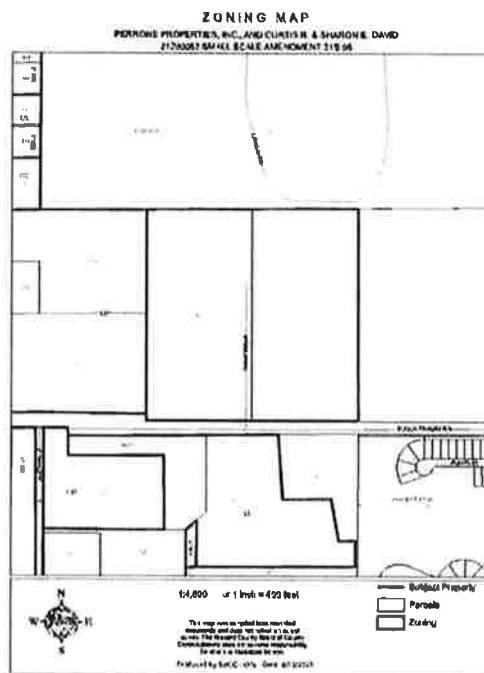
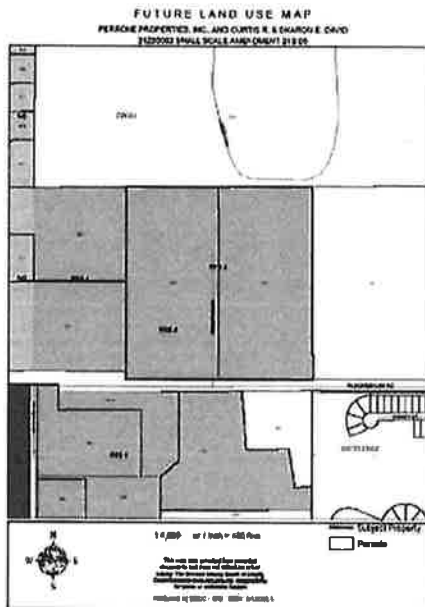
Affinity Capital, LLC
Pluckebaum Road
FLUM & Rezoning Request
Application No. 21PZ00062 & 21Z00032
By: Javier E. Fernández, Esq.



Application Summary

- Applicant, Affinity Capital, is the contract purchaser of the 40-acre assemblage located on Pluckebaum Road east of Range Road.
- The combined assemblage presently has a FLUM designation of RES 4 and a zoning designation of AU.
- Applicant is seeking the County's approval to change the FLUM designation to RES 15 and rezone the property to RU-2-10.







Rezone Criteria – s. 62-1151.(c)

- I. Character of the land use of the property being considered.
- II. Conditions surrounding the property have substantially evolved.
- III. Impact on available & project traffic, water & sewer systems, other public facilities & utilities, and established character of area.
- IV. Appropriateness of proposed zoning classification based upon consideration of applicable provisions and conditions of this article and other applicable laws, ordinances and regulations related to zoning and land use regulations, and public health, safety & welfare.



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 - ❖ To east, property is located in City of Cocoa with designation of RU-1-7 whose standards are similar to the RU-2-10 standards, which designation is being sought for the property.
 - Requested designation of RU-2-10 is consistent the current and emerging character of the property.
 - ◆ As noted on pg. 3 of the staff report, the trend in this area could be classified as urban/suburban infill. Area is located between medium density multifamily residential and high intensity commercial to the north; planned and developing residential to the northeast, east, and southeast; single-family residential to the south; and approximately 600-acre Harvest Landing PUD within City of Rockledge; and commercial and medium density residential properties to the west.

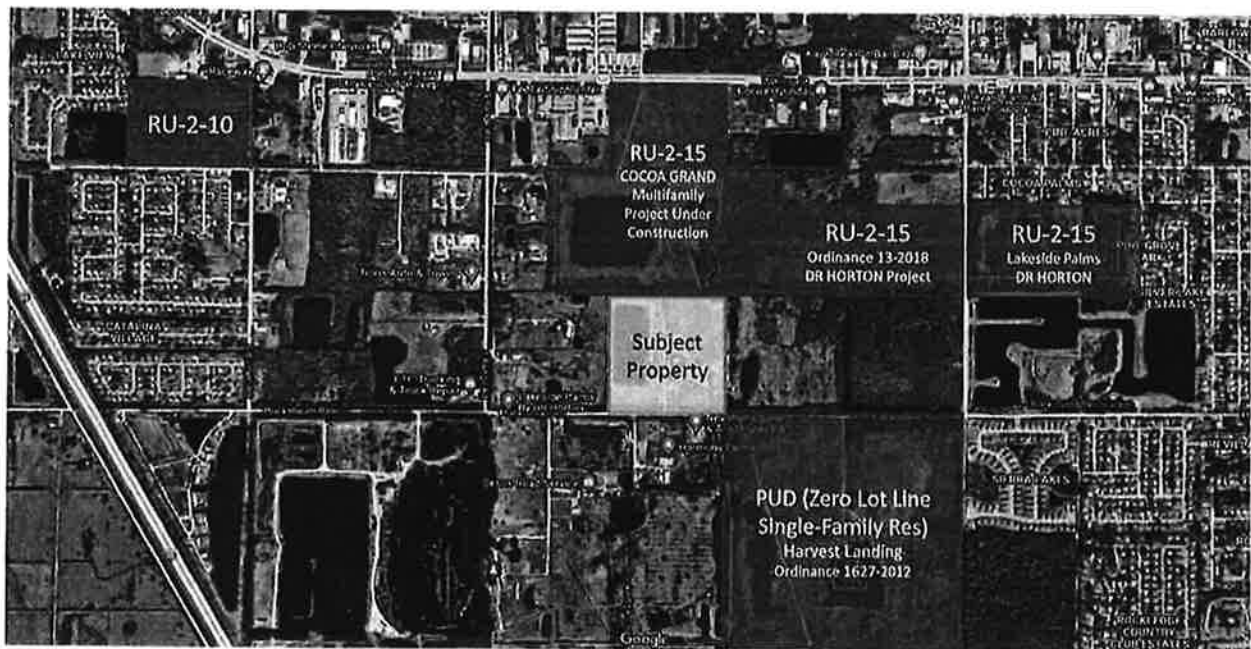
Rezone Criteria – s. 62-1151.(c)

II. Conditions surrounding the property have substantially evolved.

□ With rapid escalation of the housing market, conditions within the sub-area have and continue to evolve.

❖ In the last 3 years, multiple applications have been approved within 0.5 miles of the property:

1. Harvest Landing (City of Rockledge) – On 8/21/2013, Ord. No. 1627-2012 was approved rezoning the property directly across Pluckebaum Road from Single-Family Residential to PUD with zero lot-line-single-family residential lots.
2. Lakeside Palms Condominiums (City of Cocoa) – On 1/23/2019, Ord. No. 13-2018 was approved rezoning a property fronting Clearlake Road (which abuts the east side of the abutting property to the north of the subject property) from RU-1-7 to RU-2-15.
3. Cocoa Grand (City of Cocoa) – On 10/10/2017, Ord. No. 09-2017 was adopted rezoning the southern 1,300 feet to the northern property from RR-1 to RU-2-15.



Rezone Criteria – s. 62-1151.(c)

III. Impact on available & projected traffic patterns, water & sewer systems, other public facilities & utilities, and established character of area.

□ Traffic

- ❖ Staff report (pg. 5) indicates that requested change is not anticipated to create a deficiency in the LOS.

□ Public Schools

- ❖ Brevard County Public Schools has determined that there is sufficient capacity to accommodate the total projected student membership to accommodate the project.

□ Water & Sewer Service

- ❖ Capacity of Availability Certificate for water & sewer service obtained from City of Cocoa Utilities Department.





Rezone Criteria – s. 62-1151.(c)

III. Impact on available & projected traffic patterns, water & sewer systems, other public facilities & utilities, and established character of area.

□ Established Character

- ❖ The proposed request is consistent with the adjacent zoning designation and will provide a transitional residential use from the more intense designations to the north and northeast to the less intense parcels located south and southwest.



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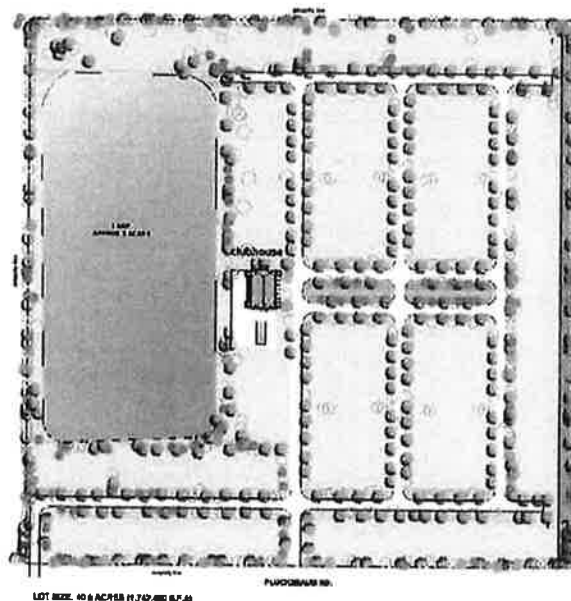
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- ❖ The proposal will expand the range of available housing choices in the marketplace and when available inventory has decreased 71% to less than 1 month of supply. Inventory represents continuing 3-year decline & lowest amount in county's history.
- ❖ Median and average sales price increases in excess of 33% making housing affordability & lack of inventory an impediment to economic growth complicating difficulties in market to recruit employees in aerospace, healthcare & other sectors.

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- Housing Objectives #3 & #4: Housing market that is fair and balanced and provides equal housing opportunities for all residents; provide adequate lands for residential land uses with a wide variety of housing types, housing price levels, and geographic choices to meet the needs of residents.
- ❖ Housing market is substantially unbalanced at present with inventory decreasing by 71% from 2020 to less than 1 month of supply. Approval of the requested rezoning will help deliver more inventory to help right the present imbalance.
 - ❖ Approval will also facilitate greater diversity of housing types via introduction of townhome style units which will also be priced more affordably than single-family homes and provide alternative to existing multifamily & single-family units available in market.



CONCEPTUAL MASTER SITE PLAN



PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 15, 2021, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Ron Barcher (D1); Brian Hodgers (D2); Ben Glover (D3); William Capote (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4 - Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and David Bassford (D5 - Alt).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Peter Martin, Planner II Kyle Harris, Associate Planner; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis (Javier Fernandez)

A Small Scale Comprehensive Plan Amendment (21S.06), to change the Future Land Use designation from RES 4 (Residential 4) to RES 15 (Residential 15). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

Perrone Properties, Inc.; and Curtis R. and Sharon E. Davis (Javier Fernandez)

A change of zoning classification from AU (Agricultural Residential) to RU-2-10 (Medium Density Multi-Family Residential). The property is 40 acres, located on the north side of Pluckebaum Rd., approx. 0.25 mile east of Range Rd. (Tax Parcel 506 = 2250 Pluckebaum Rd., Cocoa; Tax Parcel 507 = 2100 Pluckebaum Rd., Cocoa) (Tax Accounts 2424006 & 2424007) (District 1)

Javier Fernandez, 1200 Brickell Avenue, Miami, Florida, stated the property consists of 40 acres located on Pluckebaum Road, west of Clearlake Road. He noted in the last three years there have been some rezonings in the City of Cocoa, and in the City of Rockledge to the south, and the subject property is situated between the two cities. To the north is RU-2-15 zoning and is currently being developed as a multi-family project. There is also RU-2-15 zoning to the east of that site which is being developed as multi-family. To the south and east is Harvest Landing which is a PUD with zero lot line homes. He stated he believes the request is not only consistent with the Comprehensive Plan. A large portion of the site is a lake, and his clients would also like to have a clubhouse. He said the site will be served with water and sewer by the City of Cocoa.

Jeffrey Ball pointed out that staff has not vetted the concept plans, and the developer will still have to meet Code requirements and go through the permitting process.

Public Comment:

Pam Rogan, representing Harmony Farms, 2205 Pluckebaum Road, stated her only concern is about the road because there have not been any improvements to the road. Pluckebaum Road is two-lane with a canal on one side, and it is not maintained well by the County. She said the additional traffic will present a problem, particularly when it rains. She stated she has no objection to more houses, she is just concerned about the road.

Ron Bartcher asked if the only access will be on Pluckebaum Road. Mr. Fernandez replied yes, the only access will be onto Pluckebaum Road. He said he understands the conditions of the road, and as they move through the permitted process there will be substantial subdivision improvements.

Motion by Peter Filiberto, seconded by William Capote, to approve the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 to RES 15. The motion passed unanimously.

Motion by Peter Filiberto, seconded by Liz Alward, to approve the change of zoning classification from AU to RU-2-10. The motion passed unanimously.

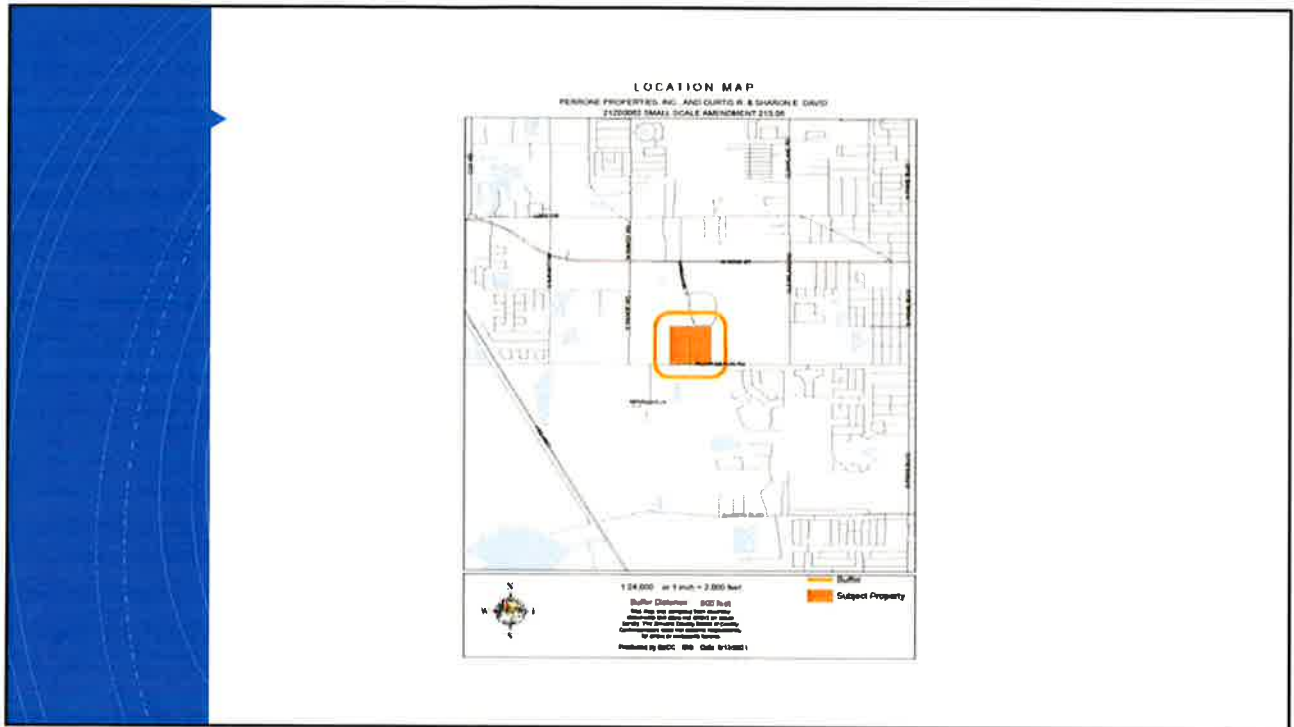
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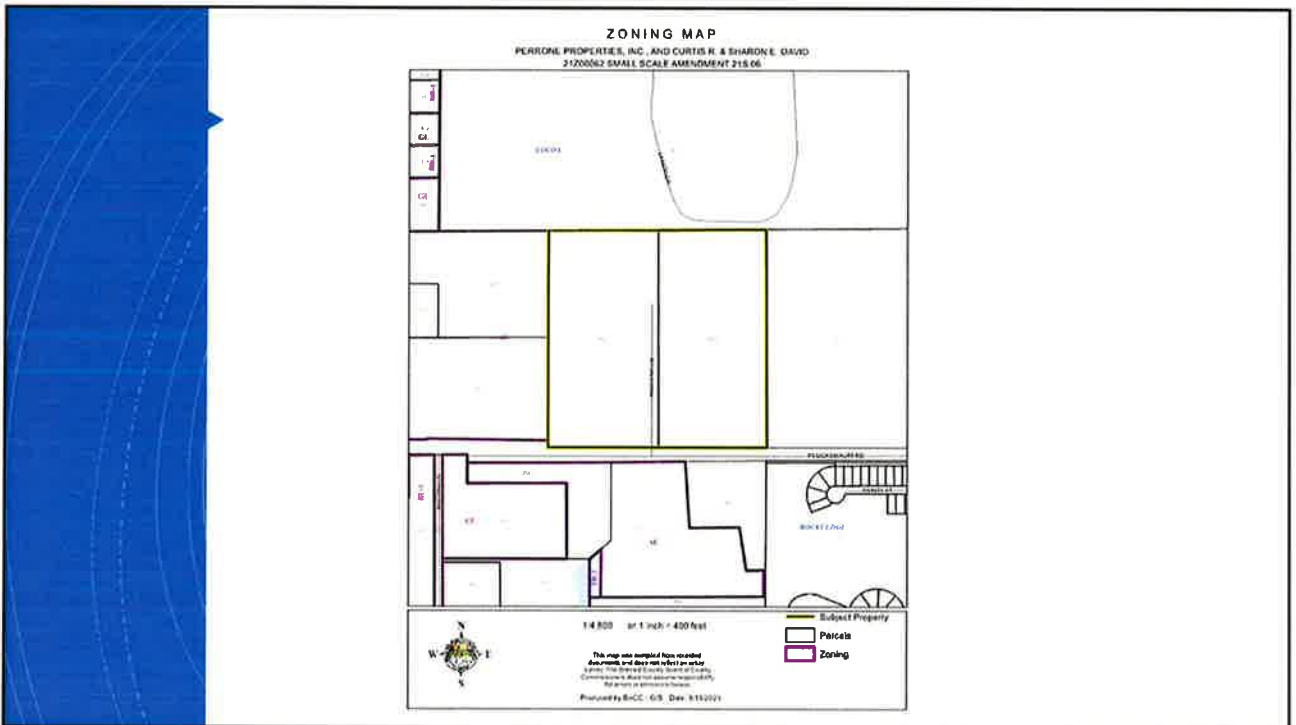
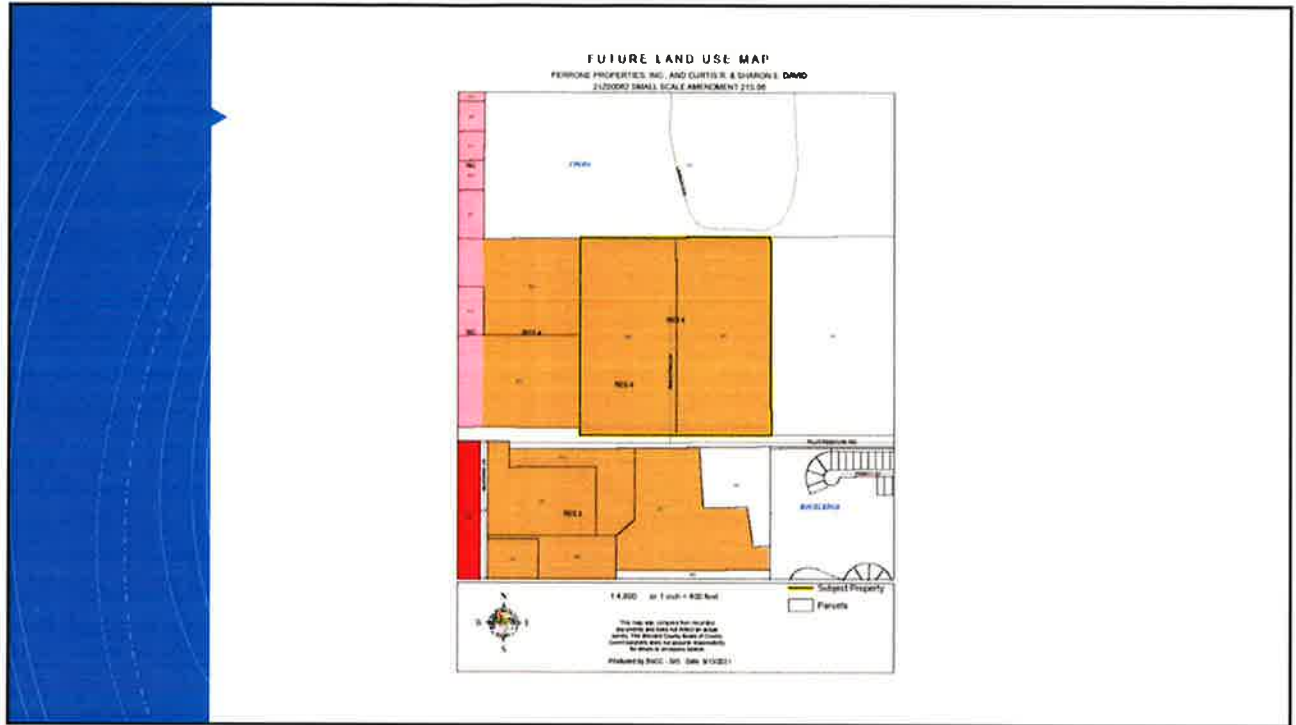
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