



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

9/1/2022

Subject:

Paul J. Marion, Kimberly Ann LaMattina, Kayla Marie Losat, and Jessica Lynn Ripper; and Robert Clay Kirk and Ethylmay Kirk (Chad Genoni) request a change of zoning classification from AU, SR, RU-1-11, and GML, with an existing BDP on SR and RU-1-11 portions, to RU-1-7, removing the existing BDP, and adding a new BDP. (22Z00029) (Tax Accounts 2102878, 2102918, 2102919, 2102882, 3018268, & 2113544) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential), SR (Suburban Residential), RU-1-11 (Single-Family Residential), and GML (Government Managed Lands), with an existing BDP (Binding Development Plan) on SR and RU-1-11 portions, to RU-1-7, removing existing BDP and adding a new BDP.

Summary Explanation and Background:

The applicants are requesting to change the zoning of 76.52± acres of properties from AU, SR, RU-1-11, and GML, with an existing BDP to RU-1-7, removing the existing BDP and adding a new BDP in order to develop a 197-unit single-family subdivision. The proposed RU-1-7 zoning classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet, and a minimum house size of 700 square feet.

Two companion applications have been submitted by the applicant to change the Future Land Use designation to RES 4 on two parcels within the entire subject property. If approved, application 22SS00007 would change the Future Land Use designation on 2.12 acres from REC (Recreation) to RES 4 (Residential 4). Application 22SS00008 would change the Future Land Use designation on 35.36 acres from RES 2 (Residential 2) to RES 4 (Residential 4).

The applicant has submitted a BDP proposing to limit development to 197 units.

School concurrency based on 197 units indicates that Pinewood Elementary is not projected to have enough capacity for the total of potential students from the proposed development; however, Mims Elementary School could accommodate the impacts of the proposed development. Madison Middle School and Astronaut High School are both projected to have enough capacity for the total of potential students.

The Board may wish to consider whether the request for RU-1-7 and the proposed BDP limitation without provisions for connection to centralized water and sewer are consistent and compatible with the surrounding area.

On August 15, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00029

**Paul J. Marion, Kimberly Ann Lamattina, Kayla Marie Losat, Jessica Lynn Ripper,
Robert Clay Kirk and Ethyl May Kirk**

**AU (Agricultural Residential), SR (Suburban Residential), RU-1-11 (Single-family Residential)
and GML (Government Managed Lands) with Existing BDP to
RU-1-7 (Single-family Residential) with Removal of Existing BDP and Addition of a New BDP**

Tax Account Numbers: 2102878, 2102918, 2102882, 2102319, 3018268, 2113544
Parcel I.D.s: 21-35-08-00-12, 21-35-08-00-265, 21-35-08-00-266, 21-35-08-00-17, 21-35-08-00-270, 21-35-07-00-109
Location: On the south side of Brockett Road approximately 3,115 feet east of US Highway 1 (District 1)
Acreage: 76.52± acres

Planning & Zoning Board: 8/15/2022
Board of County Commissioners: 9/01/2022

Consistency with Land Use Regulations

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C).

	CURRENT	PROPOSED
Zoning	AU, GML, SR, and RU-1-11 with BDP	RU-1-7 with BDP
Potential*	<ul style="list-style-type: none"> • 0 SFR unit in AU • 0 SFR units in GML • 61 SFR units in SR • 128 SFR units in RU-1-11 	306 single-family units**
Can be Considered under the Future Land Use Map	NO RES 2, RES 4, and REC	YES; RES 4***

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** A BDP proposing to limit development to 4 units per acre has been submitted by the applicant. ***Two companion applications have been submitted by the applicant: **22SS00007**, if approved would change the Future Land Use designation on 2.12 acres from Recreation (REC) to Residential 4 (RES 4) and **22SS00008**, if approved would change the Future Land Use designation on 35.36 acres Residential 2 (RES 2) to Residential 4 (RES 4). Section 62-1255 Exhibit A requires RU-1-7 consistency with RES 6.

Background and Purpose of Request

The applicants are requesting to change the zoning of a 76.52± acre property from AU (Agricultural Residential), SR (Suburban Residential), RU-1-11 (Single-family Residential) and GML (Government Managed Lands) with Existing BDP to RU-1-7 (Single-family Residential) with Removal of Existing BDP and Addition of a New BDP in order to develop a single-family subdivision.

The proposed development includes 197 single-family homes according to the School Impact Analysis Report provided by the applicant; however, the maximum potential of 306 units based on density stated in the proposed BDP was analyzed for preliminary concurrency purposes. Per Section 62-2957, subdivisions with 201-350 dwelling units are required to provide two (2) entrances to provide for traffic flow and emergency ingress and egress. The subject property has frontage on Brockett Road to the north and Old Dixie Highway to the west.

The subject property consists of six parcels that are undeveloped. The AU portion of the property (0.01-acre) retains the original zoning (note: this parcel may not be visible on the official zoning map due to its small size). The GML portion (2.12 acres) was administratively rezoned from AU to GML on August 28, 1989 as zoning action Z-8467. The SR and RU-1-11 portions of the property were rezoned from AU to SR and RU-1-11 with BDP on February 22, 2007 as zoning action Z-11321. That BDP, recorded in ORB 5751, Pages 9334-9347, limits the RU-1-11 portion to a total of 128 units and limits the SR portion to a total of 61 units. The BDP also stipulates that not less than 20% of homes built shall be priced as affordable housing and initially sold to households who can qualify only for affordable housing; onsite wet detention ponds be utilized for irrigation; and landscaping shall be Florida grade 1 or Florida Fancy and irrigated by automatic sprinkler systems.

Land Use

The subject property is currently designated as Residential 2 (RES 2), Residential 4 (RES 4), and Recreation (REC). The proposed RU-1-7 zoning cannot be considered consistent with the existing RES 4, RES 2, and REC FLU designations.

Two companion applications have been submitted by the applicant to change the Future Land Use designation to RES 4 on two parcels within the 76.52± acre subject property. **22SS00007**, if approved, would change the Future Land Use designation on 2.12 acres from Recreation (REC) to Residential 4 (RES 4). **22SS00008**, if approved, would change the Future Land Use designation on 35.36 acres Residential 2 (RES 2) to Residential 4 (RES 4).

The applicant has submitted a BDP proposing to limit development to 4 units per acre. The proposed RU-1-7 zoning can be considered consistent with the proposed RES 4 FLU designation with a BDP limiting development to 4 units per acre.

Applicable Land Use Policies

FLUE Policy 1.2 - Public Facilities and Services Requirements

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.
- 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.

As the project's density is 4 units per acre, connection to centralized sewer and potable water could be required under Criterion C, above. Site is currently unimproved and not connected to utilities.

FLUE Policy 1.7 - The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

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;

The applicant proposes to rezone the 76.52± acre subject property to develop a single-family residential subdivision. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

- 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;

The character of the area is residential and transitions from 4 units per acre to 2 units per acre along Brockett Road heading east from US Highway 1. This request could be considered an encroachment into the RES 2 area which is primarily still vacant land but does contain established manufactured homes on large lots along Brockett Road. These lots range in size from 0.71 acres to 11.25 acres.

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

There has not been any actual development within this area in the preceding three (3) years.

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

There have not been any development approvals immediately adjacent to the subject parcel within the past three (3) years that have not been constructed.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

In general, the character of the area is residential and transitions from 4 units per acre to 2 units per acre along Brockett Road heading east from US Highway 1. Three (3) FLU designations are located within 500 feet of the subject property: RES 2, RES 4, and REC.

The applicants are proposing a 306-unit single-family residential subdivision. The closest established residential neighborhood is located immediately west of the subject property with a range of lot sizes from 0.2-acre to 1-acre lots. To the north of the subject property is vacant land and single-family residences. To the south is vacant residential zoning (approximately 40 acres zoned RU-1-7). To the east are single-family residences, manufactured/mobile homes and vacant land.

The proposed RU-1-7 zoning classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-Family Residences; Vacant	AU, TR-2, GML	RES 4, RES 2, REC
South	Vacant	RU-1-7, RR-1	RES 4, RES 2
East	Single-Family Residences and Manufactured/Mobile Homes	SR, AU, TR-2	RES 2
West	Vacant; Single-Family Residences and Manufactured/Mobile Homes	TR-1	RES 4

The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

RR-1 classification permits single-family residential land uses on a minimum one acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

TR-2 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on one-half acre lots.

There have been four (4) zoning actions within a half-mile radius of the subject property within the last three years. **21Z00025**, approved by the Board on March 3, 2022, was a request to change AU (Agricultural Residential) to RR-1 (Rural Residential) on a 1.15 acre parcel located 1,540 feet west of the subject property on the west side of US Highway 1. **21Z00026**, approved by the Board on November 4, 2021, was a request to change AU (Agricultural Residential) to SR (Suburban Residential) on a 0.5 acre parcel located 1,940 feet west of the subject property on the west side of US Highway 1. **20PZ00101**, approved by the Board on March 25, 2021, was a request for BDP limiting to 4 units per acre on a 110 acre parcel located south and adjacent to the subject property. **19PZ00010**, approved by the Board on May 2, 2019, was a request to change RRMH-2.5 (Rural Residential Mobile Home) to AGR (Agricultural) on a parcel located 390 feet northeast of the subject property on the west side of Hammock Road.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, from SR 46 to Lionel, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 24.88% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 2.67%. The corridor is anticipated to operate at 27.54% of capacity daily. The proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review.

The school concurrency indicates that Pinewood Elementary is not projected to have enough capacity for the total of projected and potential students from the proposed development; however, the adjacent elementary school service area (Mims Elementary) could accommodate the impacts of the proposed development. Madison Middle and Astronaut High are both projected to have enough capacity for the total of projected and potential students from the proposed development.

The nearest potable water connection is approximately 400 feet north of the subject site and serves the Oakwood Village subdivision. There is also another County potable water line approximately

one-half mile south of the subject site. Presently, the nearest sanitary sewer force main connections are approximately one mile south of the subject site.

Environmental Constraints

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected Species
- Protected and Specimen Trees

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

For Board Consideration

The Board may wish to consider whether the request for RU-1-7 and the proposed BDP limitation without provisions for connection to centralized water and sewer are consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item #22Z00029

Applicant: Genoni

Zoning Request: RU-1-11, SR, GML & AU w/ BDPs to RU-1-7 w/ BDP

Note: Applicant wants to develop 197 lots

P&Z Hearing Date: 08/15/22; **BCC Hearing Date:** 09/01/22

Tax ID Nos: 2102878, 2102918, 2102882, 2102919, 3018268 & 2113544

- 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.
- A rezoning zoning or Future Land Use approval by the Board of County Commissioners does not vest the property from meeting the current wetland ordinance. A formal review of current proposed wetland impacts at time of building permit or site plan review is required, regardless of any previously approved wetland impacts from any Federal, State or local agency. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any site plan design

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands/Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected Species
- Protected and Specimen Trees

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

Portions of the project area are mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

A large portion of the subject property is mapped within an Upland Hardwood Forest. A tree survey is required prior to any land clearing activities, site plan design or site plan submittal. The applicant is encouraged incorporate valuable vegetative communities or robust trees into the site plan design.

The subject parcel contains mapped aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 2 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

There is a large area of mapped Florida Scrub Jay occupancy on the project site, and there is potential for existence of Gopher Tortoises on site. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. If applicable, the applicant is advised to call the FWC at 561-882-5714 (O) or 561-365-5696 (C) with to obtain any necessary permits or clearance letters for Gopher Tortoises.

Land Use Comments:

Wetlands

A large portion of the project area is mapped with NWI wetlands (freshwater forested/shrub wetland), SJRWMD wetlands (mixed wetland hardwoods & mixed scrub/shrub wetland), and hydric soils (Basinger sand depressional, Copeland-Bradenton-Wabasso complex, Hilolo fine sand & Anclothe sand); indicators that wetlands may be present on the property. A wetland determination will be required prior to any land clearing activities, site plan design or site plan submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand & Paola sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 2 Aquifer Recharge soils that have impervious area restrictions. The

applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

Portions of the project area are mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If sewer is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected Species

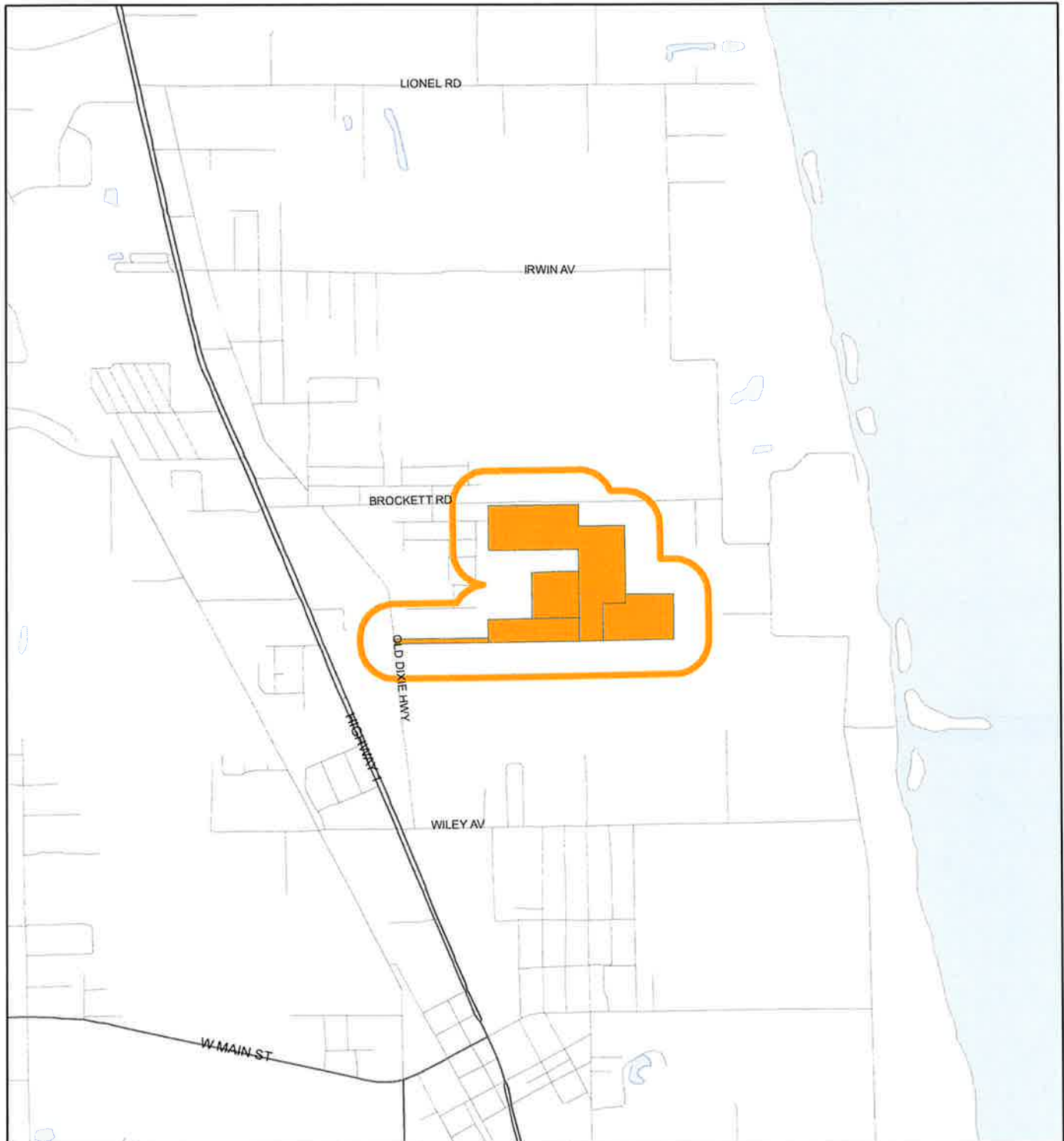
Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy on the project site, and there is potential for existence of Gopher Tortoises on site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. If applicable, the applicant is advised to call the FWC at 561-882-5714 (O) or 561-365-5696 (C) with to obtain any necessary permits or clearance letters for Gopher Tortoises.

Protected and Specimen Trees

A large portion of the subject property is mapped with SJRWMD FLUCCS code 4200-Upland Hardwood Forest. Protected Trees (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) are included in this FLUCCS code and are likely found on the project area. A tree survey is required prior to any land clearing activities, site plan design or site plan submittal. The applicant is encouraged incorporate valuable vegetative communities or robust trees into the site plan design. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

LOCATION MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029





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.

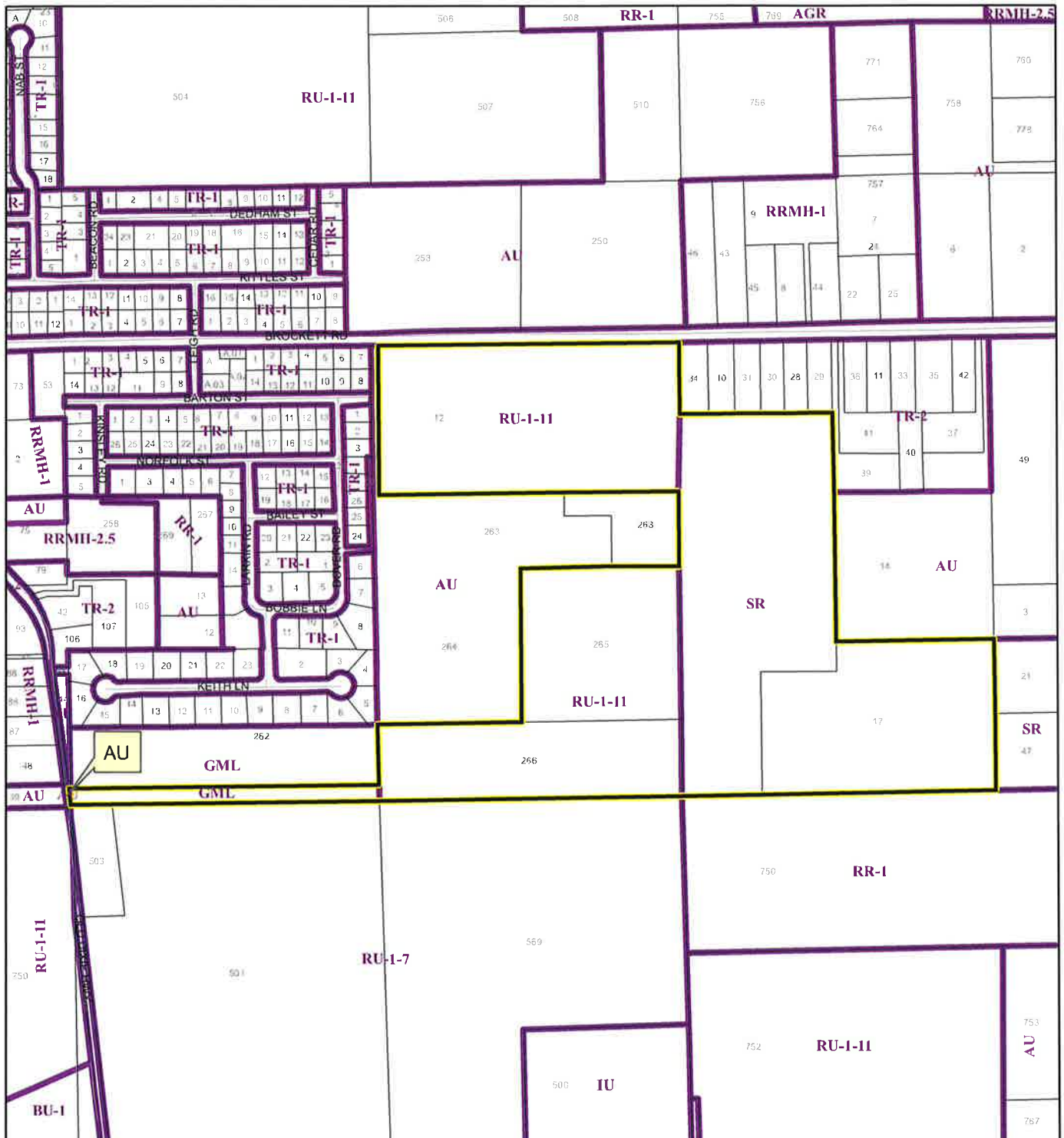
Produced by BoCC - GIS Date: 6/13/2022

-  Buffer
-  Subject Property

ZONING MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert

22Z00029



1:7,200 or 1 inch = 600 feet

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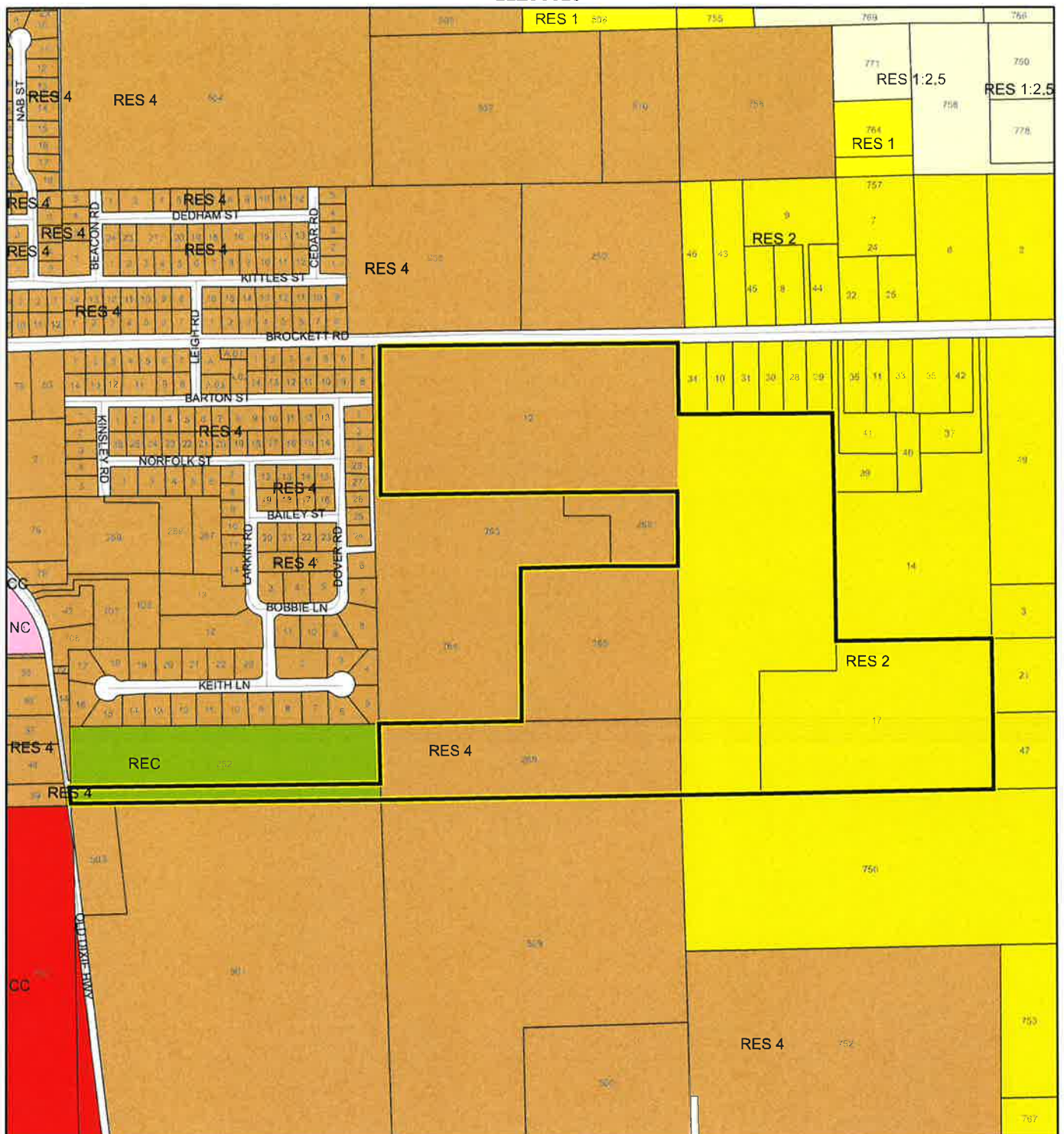
Produced by BoCC - GIS Date: 6/13/2022

— Subject Property

□ Parcels

□ Zoning

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029



1:7,200 or 1 inch = 600 feet

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Produced by BoCC - GIS Date: 6/13/2022

Subject Property

☐ Parcels

AERIAL MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029



1:7,200 or 1 inch = 600 feet

PHOTO YEAR: 2021

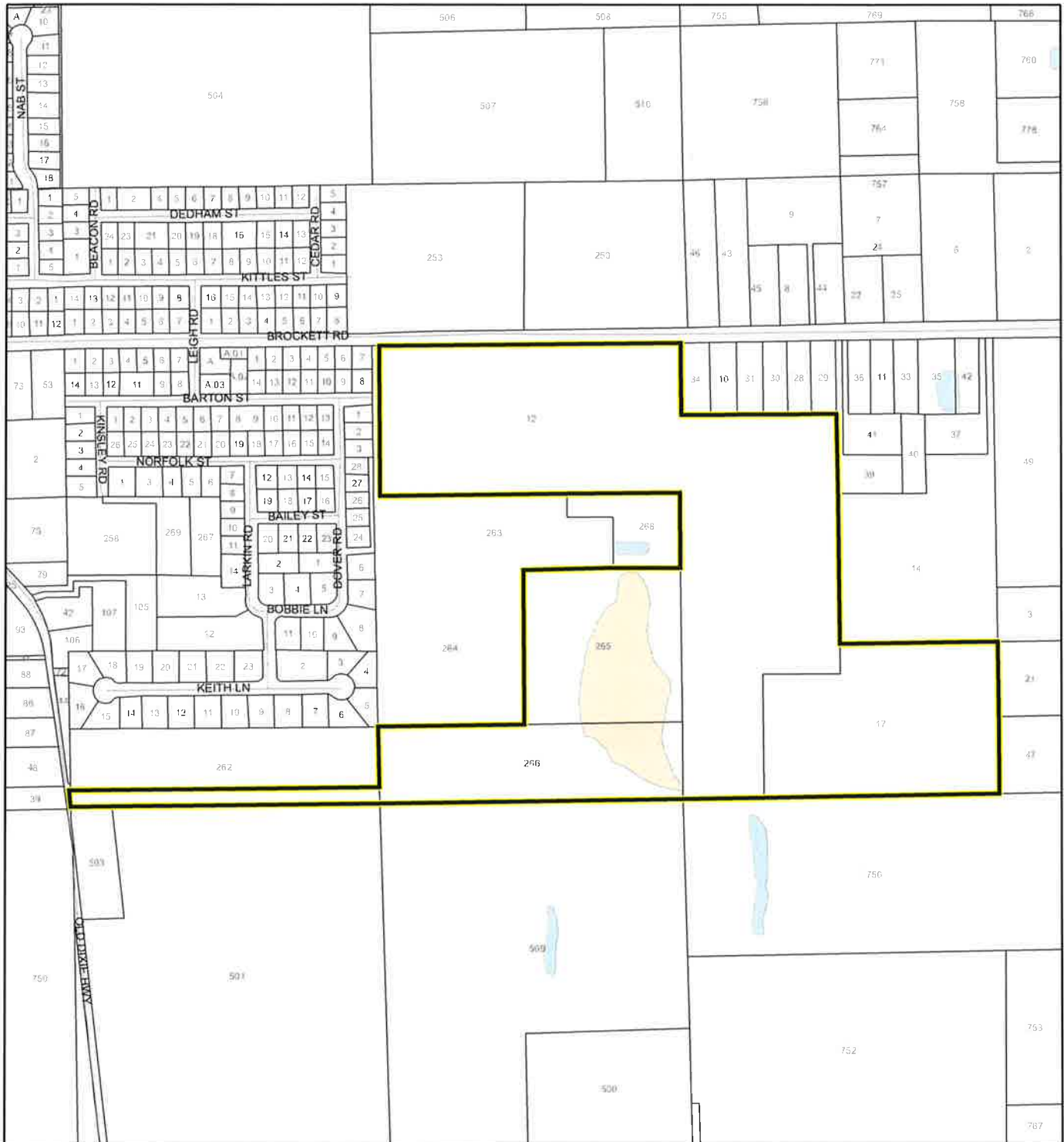
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/13/2022

— Subject Property
□ Parcels

NWI WETLANDS MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029



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Produced by BoCC - GIS Date: 6/13/2022

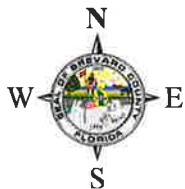
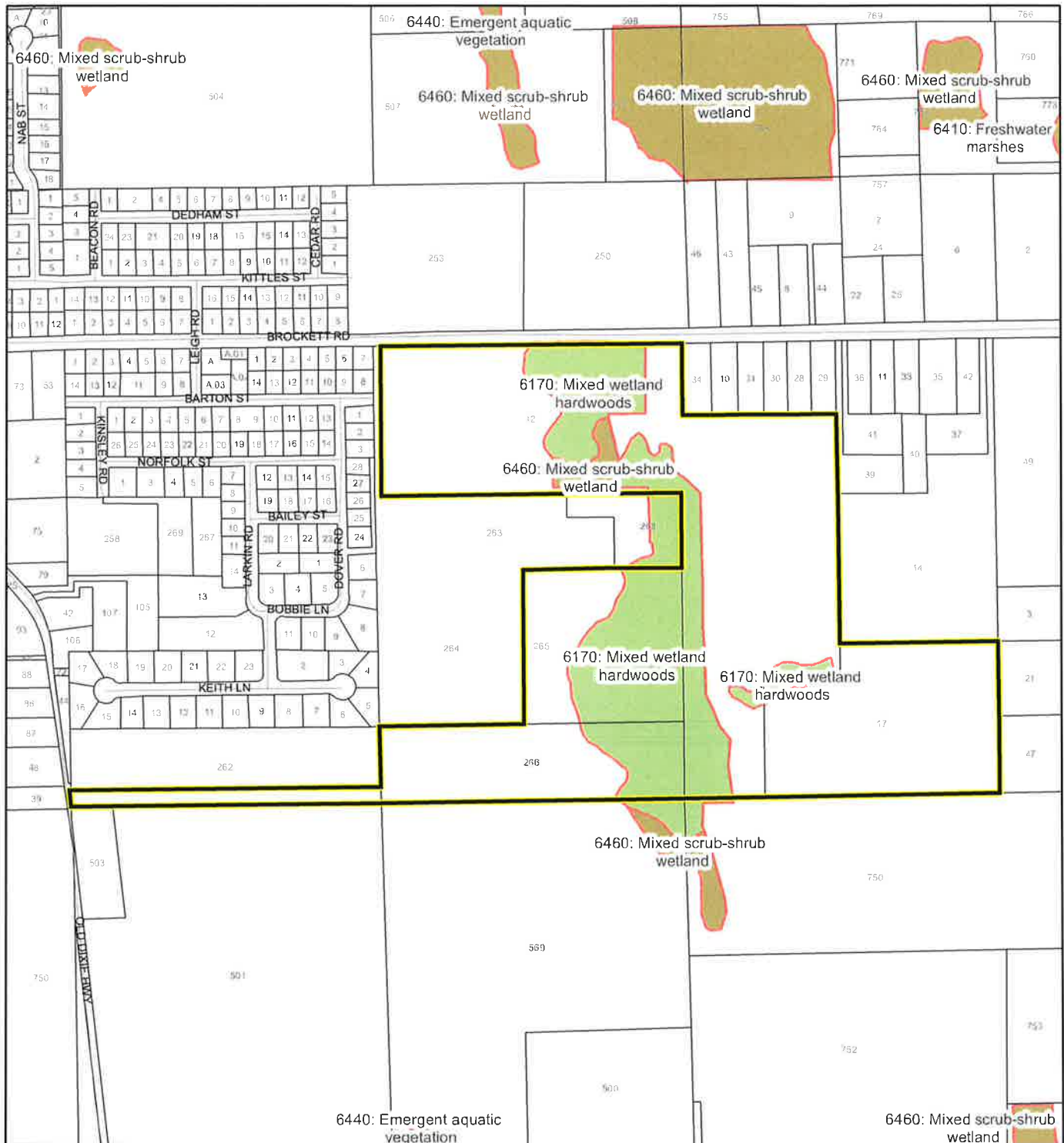
National Wetlands Inventory (NWI)

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

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert

22Z00029



1:7,200 or 1 inch = 600 feet

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Produced by BoCC - GIS Date: 6/13/2022

SJRWMD FLUCCS WETLANDS

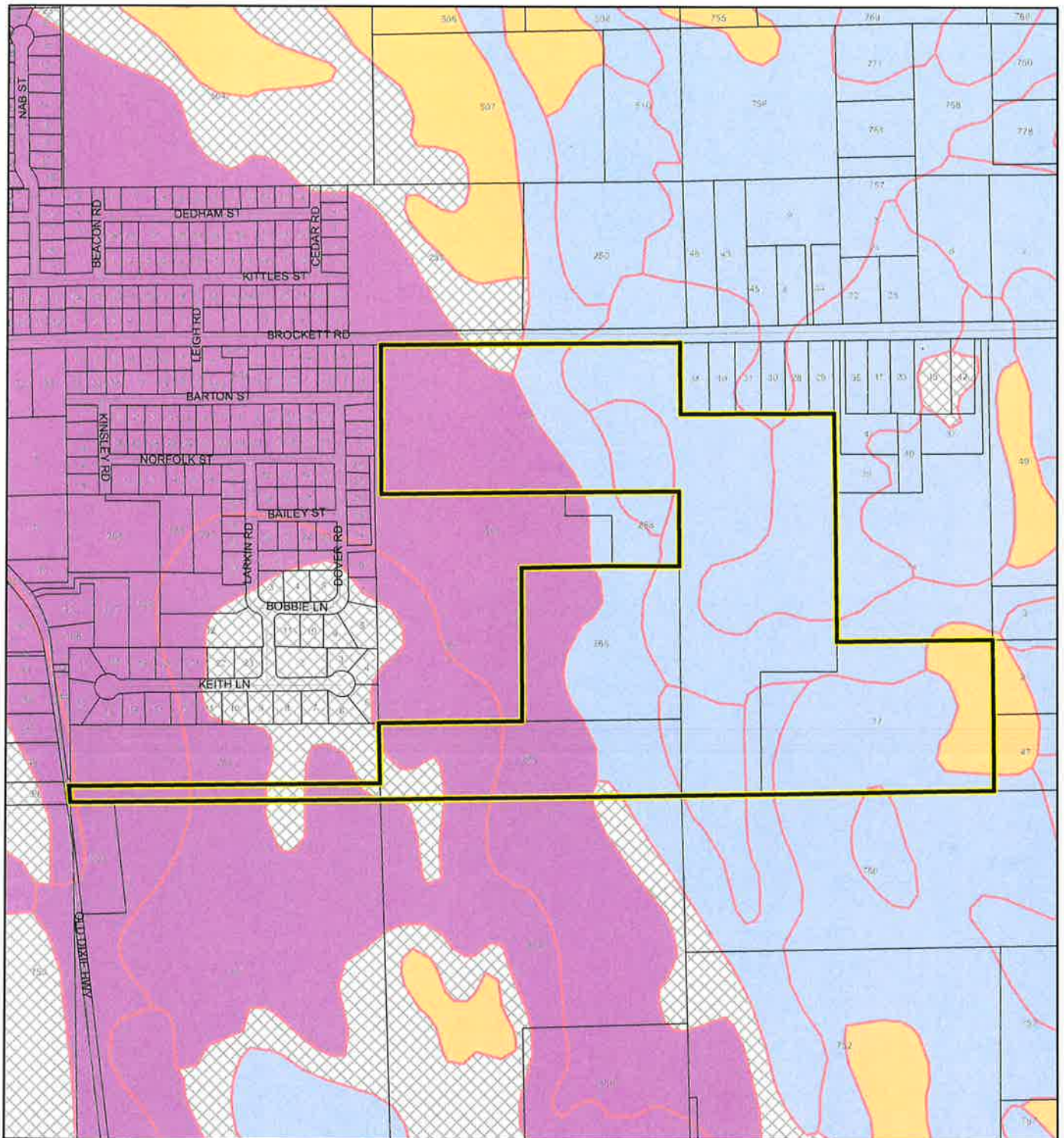
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029



1:7,200 or 1 inch = 600 feet

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Produced by BoCC - GIS Date: 6/13/2022

USDA SCSSS Soils








- Aquifer and Hydric
- Aquifer
- Hydric
- None


- Subject Property
- Parcels


MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029

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.

FEMA Flood Zones

 A	 AO	 X
 AE	 Open Water	
 AH	 VE	

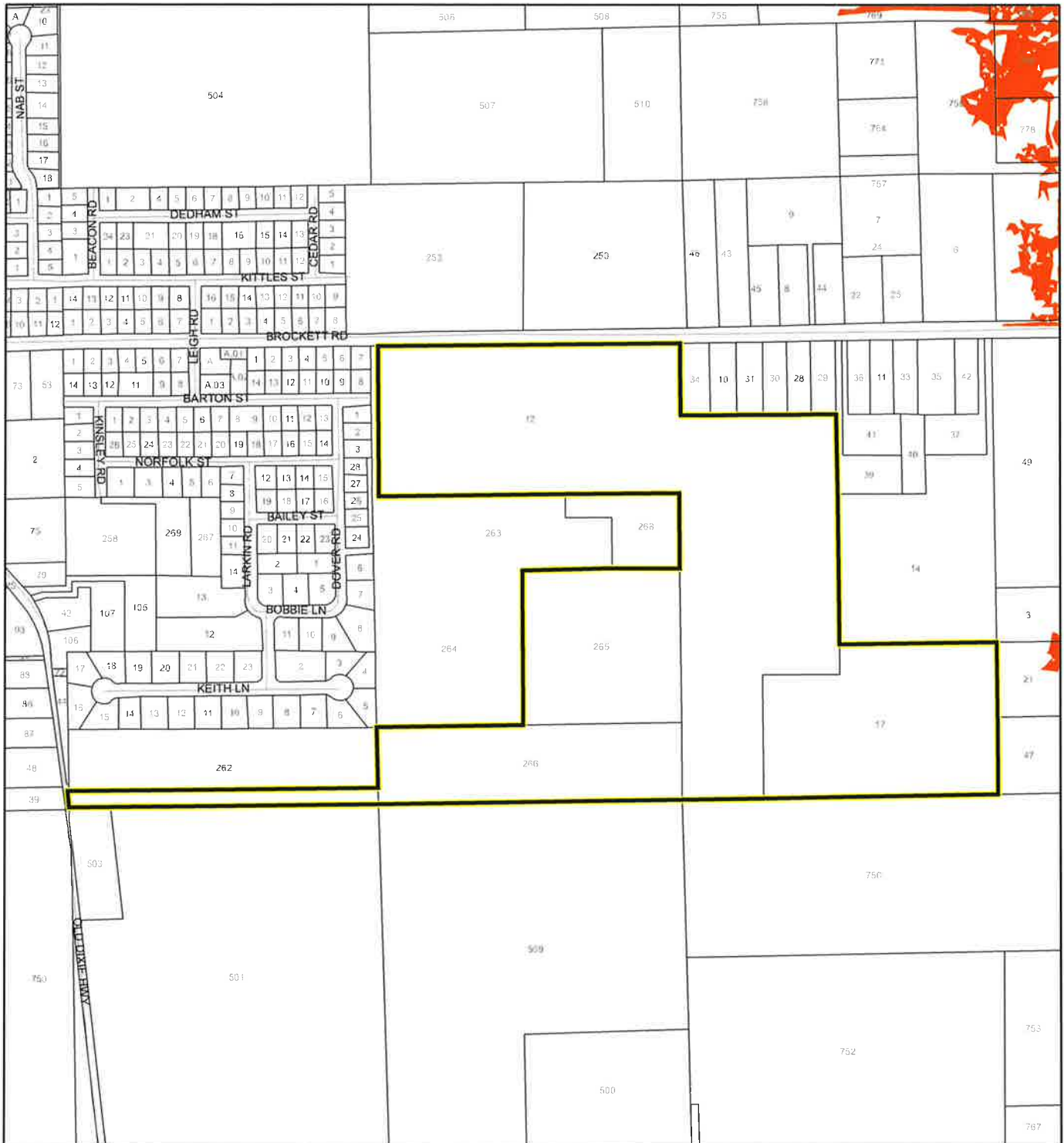
 Subject Property

 Parcels

COASTAL HIGH HAZARD AREA MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert

22Z00029



1:7,200 or 1 inch = 600 feet

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Produced by BoCC - GIS Date: 6/13/2022

— Subject Property

□ Parcels

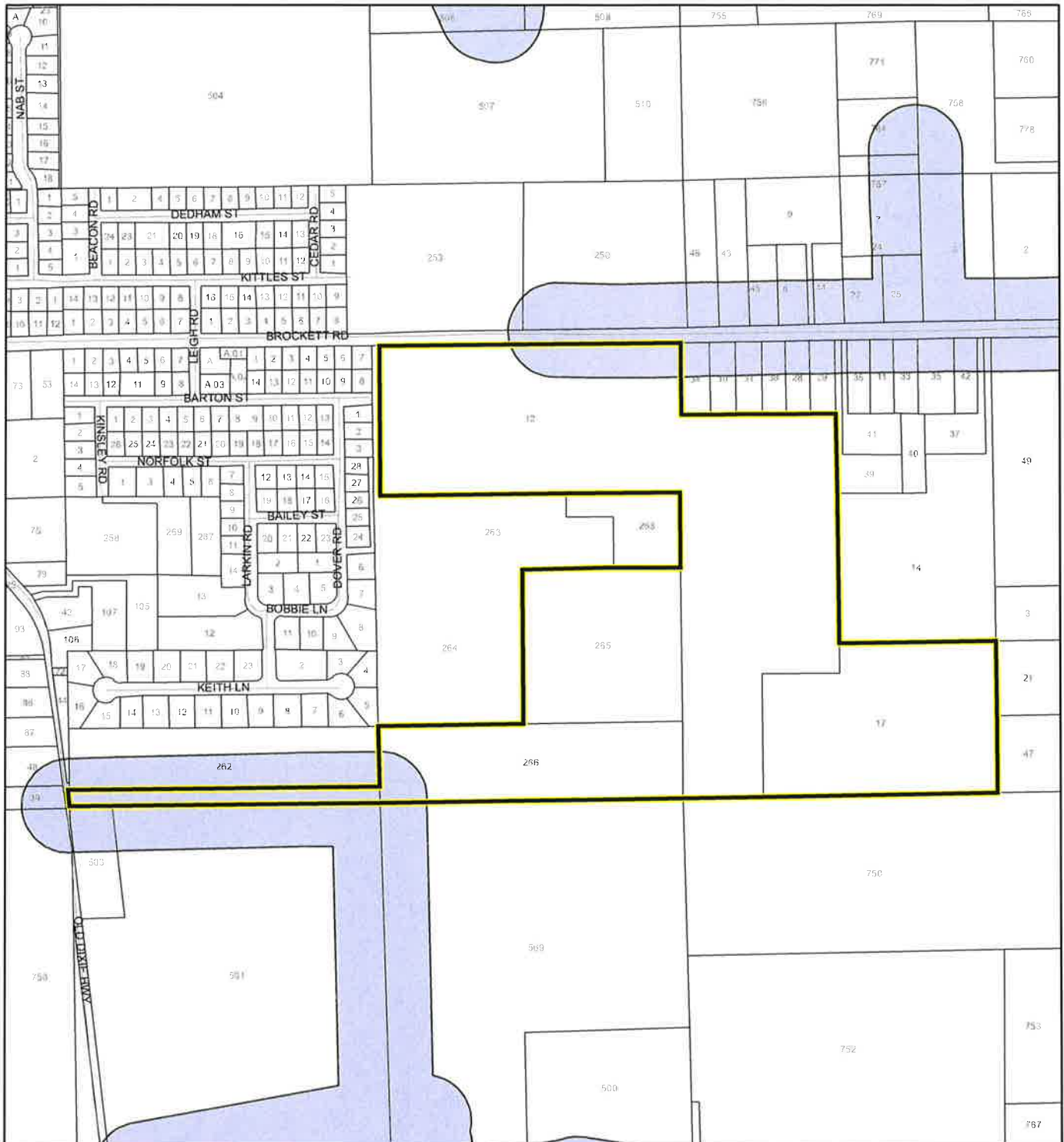
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert

22Z00029



1:7,200 or 1 inch = 600 feet

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Produced by BoCC - GIS Date: 6/13/2022

— Subject Property

□ Parcels

Septic Overlay

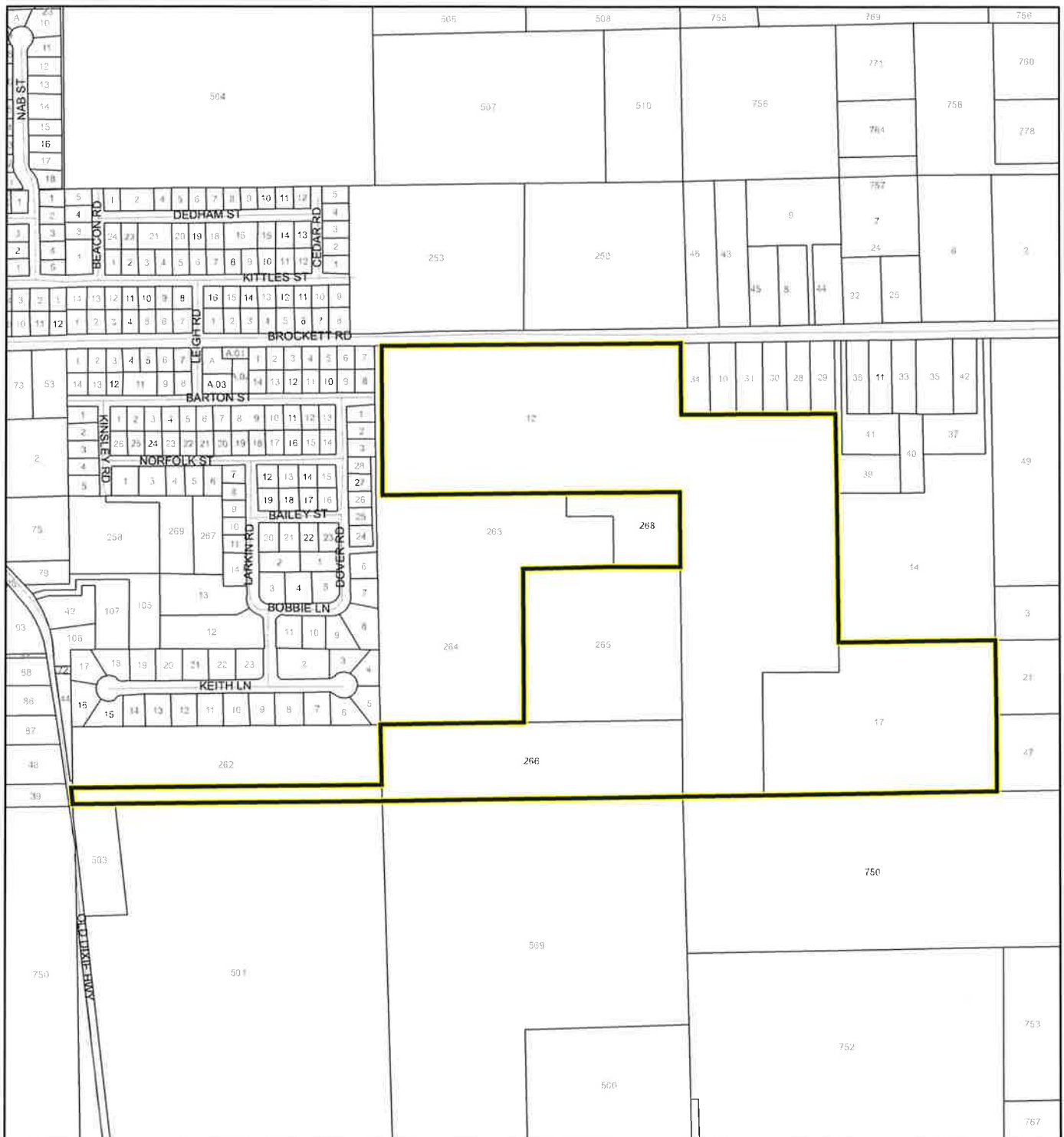
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029



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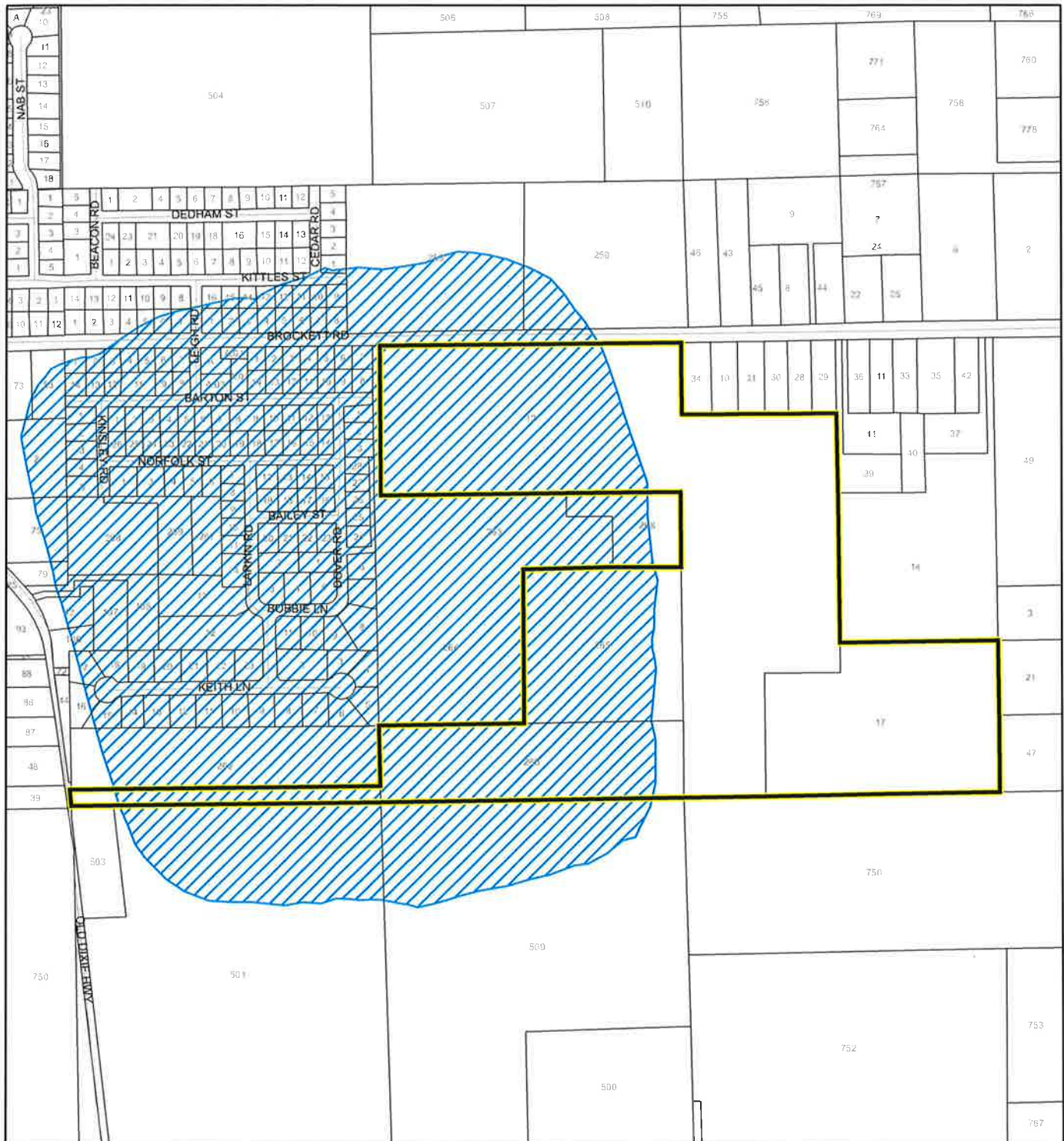
 Subject Property

 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029




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Produced by BoCC - GIS Date: 6/13/2022

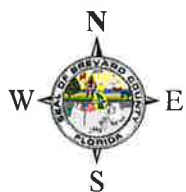
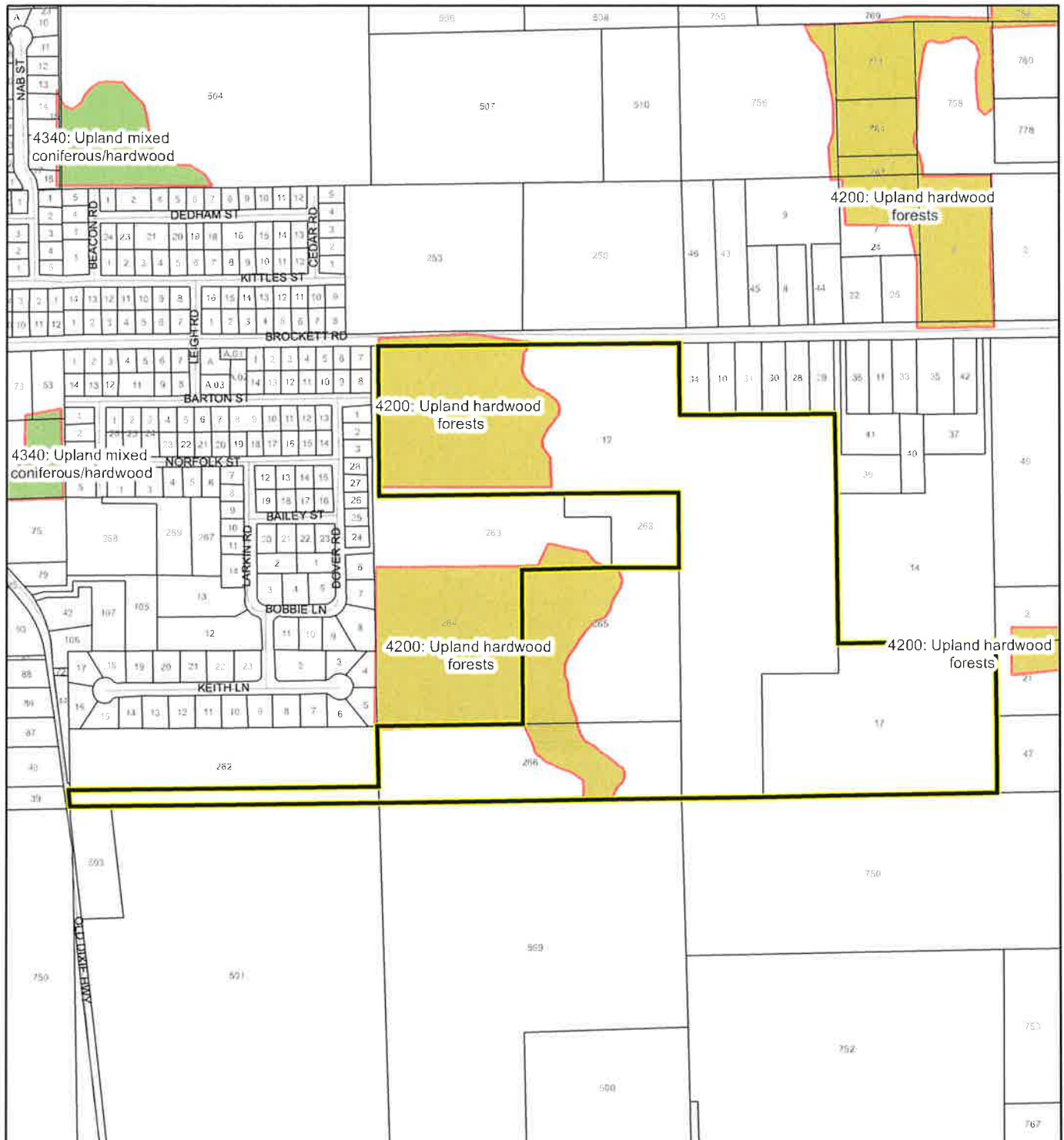
 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029



1:7,200 or 1 inch = 600 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: 6/13/2022

SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels

School Board of Brevard County

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



May 2, 2022

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

**RE: Proposed Hamlin Ridge Development
School Impact Analysis – Capacity Determination CD-2022-25**

Dear Mr. Craven,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2102919 (Parcel ID number: 21-35-08-00-266), Tax Account number 2102882 (Parcel ID number 21-35-08-0-17), Tax Account number 3018268 (Parcel ID number 21-35-08-00-270), Tax Account number 2102878 (Parcel ID number 21-35-08-00-12), and Tax Account number 2102918 (Parcel ID number 21-35-08-00-265) containing a total of approximately 76.51 acres in District 1, Brevard County, Florida. The proposed development includes 197 single-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

Single-Family Homes		197	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	47.28	47
Middle	0.07	13.79	14
High	0.12	23.64	24
Total	0.43		85

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



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	569	569	569	569	569
Madison	781	781	781	781	781
Astronaut	1,451	1,451	1,451	1,451	1,451

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	500	517	524	526	532
Madison	480	471	480	457	446
Astronaut	1,076	1,094	1,086	1,078	1,086

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	-	-	-	-	-
Madison	-	-	-	-	-
Astronaut	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	-	-	16	31	47
Madison	-	-	5	9	14
Astronaut	-	-	8	16	24

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	500	517	540	557	579
Madison	480	471	485	466	460
Astronaut	1,076	1,094	1,094	1,094	1,110

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Pinewood	69	52	29	12	(10)
Madison	301	310	296	315	321
Astronaut	375	357	357	357	341

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

The adjacent elementary school service area is Mims Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Area* that could accommodate the impacts of the Hamlin Ridge development is shown:

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	725	725	725	725	725

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	442	433	441	452	446

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	-	-	16	31	47

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	442	433	457	483	493

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mims	283	292	268	242	232

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

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

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

Sincerely,



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

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-25

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2022-25

Brevard County Public Schools Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of ServiceData and Analysis for School Years 2021-22 to 2026-27



Summary		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:		88%	89%	95%	98%	97%	99%
Highest Utilization Middle Schools:		88%	89%	90%	90%	92%	96%
Highest Utilization Jr / Sr High Schools:		84%	84%	82%	78%	76%	97%
Highest Utilization High Schools:		101%	100%	99%	95%	94%	97%

School	Type	Grades	Utilization Factor	School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
				FISH Capacity	10/15/21 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																					
Aden	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	684	92%	751	739	98%	751	752	97%	773	738	95%
Akers	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Acosta	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	729	81%
Altamonte	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	578	78%
Audubon	Elementary	PK-6	100%	761	664	87%	761	664	87%	761	658	86%	761	643	85%	761	627	83%	761	616	82%
Cambridge	Elementary	PK-6	100%	765	508	66%	765	508	66%	765	513	67%	765	510	67%	765	485	63%	765	470	61%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	619	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	482	64%	751	484	64%	751	546	73%	751	547	73%	751	569	76%	751	572	76%
Coquina	Elementary	K-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	872	78%	1,114	877	79%	1,114	922	83%
Crest	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	559	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	634	65%	980	639	65%	980	646	66%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	688	71%	968	641	66%	968	627	65%	968	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	581	79%	729	579	79%	729	573	78%
Faust	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Genie	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	430	59%	711	409	58%
Godfrey	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	487	63%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	386	61%	629	386	61%	629	389	62%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	805	444	55%	805	465	58%	805	471	58%	805	473	58%	805	472	58%	805	477	59%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	628	86%	729	619	85%	729	620	85%	729	643	88%
Islandia	Elementary	K-6	100%	786	671	86%	786	672	86%	786	688	88%	786	646	83%	786	620	78%	786	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	852	92%
Leisure	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	578	65%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	583	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	815	82%	998	793	79%	998	765	77%	998	750	75%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	633	69%	918	624	68%	918	583	64%	918	576	63%	918	565	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	678	82%	824	731	89%	824	725	89%	824	734	89%	824	731	89%
Mia	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	418	59%
Mrs. Park	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	591	61%	968	593	61%	968	634	66%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	508	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	495	87%	569	500	88%	569	517	91%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	638	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Port Manatee	Elementary	PK-6	100%	1,152	673	59%	1,152	673	59%	1,152	684	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Rivera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	631	81%	777	709	91%	777	722	93%	777	750	97%
Roseville	Elementary	K-6	100%	599	283	47%	599	281	47%	599	241	40%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	507	65%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	70%	976	678	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	298	65%	461	317	69%	461	324	70%	461	324	70%	461	330	71%	461	331	72%
Shorewood	Elementary	PK-6	100%	609	409	67%	609	429	70%	609	434	71%	609	441	72%	609	442	73%	609	441	72%
St. Ann	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	913	824	90%	913	829	91%	913	831	91%
Sunrise	Elementary	PK-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Sunrise	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	68%	541	345	64%	541	336	62%	541	329	61%
Sunrise	Elementary	K-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	65%	910	608	64%
Tropical	Elementary	PK-6	100%	874	578	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	684	79%
Turner	Elementary	PK-6	100%	811	488	60%	811	484	59%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	PK-6	100%	857	729	85%	857	761	89%	857	815	95%	857	855	97%	857	872	97%	857	893	97%
Williams	Elementary	PK-6	100%	715	494	69%	715	493	69%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	29,830		42,471	30,184		42,471	30,745		42,515	31,024		42,825	31,190		42,735	31,547	

Middle School Concurrency Service Areas														
Central	7-8	90%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%
DeLaure	Middle	7-8	90%	843	88%	960	851	88%	960	854	89%	960	816	85%
Hoover	Middle	7-8	90%	680	510	75%	680	510	75%	680	510	75%	680	510
Jackson	Middle	7-8	90%	660	574	87%	660	574	87%	660	556	84%	660	531
Jefferson	Middle	7-8	90%	873	622	71%	873	622	71%	873	580	66%	873	535
Johnson	Middle	7-8	90%	1,084	690	65%	1,084	690	65%	1,084	752	71%	1,084	735
Kennedy	Middle	7-8	90%	869	682	78%	869	682	78%	869	617	71%	869	656
Marion	Middle	7-8	90%	781	480	61%	781	480	61%	781	480	61%	781	480
McNair	Middle	7-8	90%	611	338	55%	611	338	55%	611	353	58%	611	362
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	1,000	83%	1,211	927
Stone	Middle	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	745	73%	1,024	772
Middle Totals			10,247	7,595	73%	10,247	7,514	75%	10,247	7,581	75%	10,247	7,941	78%
Junior / Senior High School Concurrency Service Areas														
Cocoa	Jr / Sr High	7-12	90%	2,084	1,516	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,626
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	917	63%	1,445	880	62%	1,445	821
Spice Coast	Jr / Sr High	7-12	90%	1,852	1,556	84%	1,852	1,557	84%	1,852	1,511	82%	1,852	1,458
Jr / Sr High Totals			5,381	4,015	84%	5,381	4,021	82%	5,381	4,028	82%	5,381	3,923	78%
Senior High School Concurrency Service Areas														
Astronaut	High	9-12	55%	1,451	1,077	74%	1,451	1,094	75%	1,451	1,066	75%	1,451	1,086
Bayside	High	9-12	55%	2,263	1,653	73%	2,263	1,650	73%	2,263	1,642	73%	2,263	1,642
East Gallie	High	9-12	55%	2,221	1,610	72%	2,221	1,634	74%	2,221	1,655	75%	2,221	1,680
Hennage	High	9-12	55%	2,314	1,991	86%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,248
Melbourne	High	9-12	55%	2,370	2,210	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151
Meritt Island	High	9-12	55%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401
Palm Bay	High	9-12	55%	2,631	1,296	49%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,389
Rockledge	High	9-12	55%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,630
Satellite	High	9-12	55%	1,327	1,513	93%	1,327	1,550	100%	1,327	1,470	95%	1,327	1,387
Trusville	High	9-12	55%	1,649	1,231	75%	1,649	1,285	78%	1,649	1,313	71%	1,649	1,270
Viera	High	9-12	55%	2,203	2,216	101%	2,203	2,232	102%	2,203	2,286	104%	2,203	2,469
High Totals			22,627	17,678	101%	22,627	18,630	102%	22,627	18,930	103%	22,627	19,066	104%
Schools of Choice (Not Concurrency Service Areas)														
Freedom 7	Elementary	K-5	100%	475	414	87%	475	414	87%	475	414	87%	475	414
South Lake	Elementary	K-5	100%	481	417	87%	481	417	87%	481	417	87%	481	417
Stevenson	Elementary	K-5	100%	569	508	89%	569	508	89%	569	508	89%	569	508
West Melbourne	Elementary	K-5	100%	618	552	89%	618	552	89%	618	552	89%	618	552
Edgewood	Jr / Sr High	7-12	90%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946
Schools of Choice			4,484	3,711	75%	4,484	3,787	75%	4,484	3,787	75%	4,484	3,787	75%
School Totals			85,210	63,089	75%	85,210	64,697	75%	85,210	65,450	75%	85,210	65,794	75%

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- 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
- 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.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Immediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

Return to
RK Engineering
385 Pineda Court #200
Melbourne, FL 32940

BINDING DEVELOPMENT PLAN

THIS BINDING DEVELOPMENT PLAN (the "Agreement") is entered into this 20 day of February, 2007, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the COUNTY) and The Paul J. Marion and Dale K. Marion Trust, Robert C. Kirk and Ethylmay Kirk, Raymond F. Marion, and Margaret Ruth Marion ("DEVELOPER").

Witnesseth:

WHEREAS, DEVELOPER owns property (the "Property") located in Brevard County, Florida, as more particularly described Parcel ID Numbers 21-35-08-00-00265.0-0000.0, 21-35-08-00-00266.0-0000.00, 21-35-08-00-00012.0-000.00, 21-35-08-00-00017.0000.00.

WHEREAS, DEVELOPER desires to develop the Property as single family residential subdivision with RU-1-11 zoning and SR zoning.

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

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

NOW, THEREFORE, the parties agree as follows:

1. County shall not be required or obligated in any way to construct any of the improvements COUNTY shall only be obligated to maintain roads and drainage located in public right-of-way or public drainage easements. It is the intent of the parties that DEVELOPER, its grantees, successors or assigns in interest, or some other association and/or assigns satisfactory to COUNTY, shall be responsible for the maintenance of all improvements except those improvements accepted for maintenance by COUNTY or any other governmental body.

2. The Property as described in Exhibit "A", attached hereto and made a part hereof, is rezoned to RU-1-11. The land rezoned to RU-1-11 shall be limited to a total of 128 units. Not less

than 20% of the homes actually built on the land rezoned to RU-1-11 shall be priced as affordable housing, and shall initially be sold to individuals/households who can qualify only for affordable housing. Affordable housing is defined as follows: Affordable housing means a single family owner occupied, or multi-family owner occupied, or rental unit that has a mortgage or rental payment, including utilities, not exceeding 30% of the gross income of households at or below 120% of the Area Median Income as adjusted for family size. Developer/Owner shall provide assurance of the financial ability and qualifications of the purchasers of the affordable housing units to the Brevard County Housing and Human Services Department for verification.

3. The Property as described in Exhibit "B", attached hereto and made a part hereof, is rezoned to SR zoning with a minimum of 0.50 acre lot size. The land rezoned to SR shall be limited to a total of 61 units. Not less than 20% of the homes actually built on the land rezoned to SR shall be priced as affordable housing, and shall initially be sold to individuals/households who can qualify only for affordable housing, as defined in paragraph 2 of this agreement. Developer/Owner shall provide assurance of the financial ability and qualifications of the purchasers of the affordable housing units to the Brevard County Housing and Human Services Department for verification.

4. The Developer, to the extent possible, practical and within government regulations, shall utilize the onsite wet detention ponds for irrigation purposes.

5. Residential landscaping shall be Florida grade 1 or Florida Fancy and shall be irrigated by the use of automatic sprinkler systems.

6. Developer shall comply with all regulations and ordinances of Brevard County Florida. This Agreement constitutes Developer agreement to meet additional standards or restrictions in developing the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

7. This agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property and be binding upon any persons, firm or corporation who may become the successor in interest, directly or indirectly, to the subject Property. In the event that the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

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



ATTEST:



Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

2725 Judge Fran Jamieson Way

Viera, FL 32940



Jackie Colon, Chairperson

As approved by the Board 02/20/07.

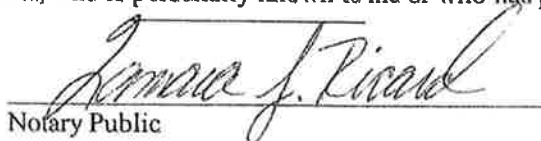
STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 20 day of February, 2007, by Jackie Colon, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

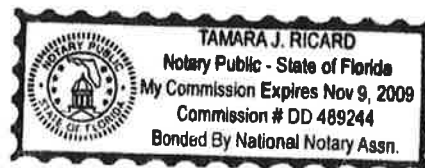
SEAL

Commission No.:


Notary Public

Tamara Ricard

(Name typed, printed or stamped)



WITNESSES:

Sonya Warnick

Sonya Warnick
(Witness Name typed or printed)

Maria Erdman

Maria Erdman
(Witness Name typed or printed)

DEVELOPER

Paul J. Marion and Dale K. Marion Trust

Paul J. Marion Trustee
Paul J. Marion, trustee

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov. 2006, by Paul J. Marion, trustee, who is personally known to me or who has produced _____ as identification.

My commission expires

SEAL

Commission No.:

Audrey Ruth Rowe
Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

WITNESSES:

Sonya Warrick
Sonya Warrick
(Witness Name typed or printed)

Maria Erdman
Maria Erdman
(Witness Name typed or printed)

DEVELOPER

Paul J. Marion and Dale K. Marion Trust

Dale K. Marion
Dale K. Marion, trustee

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov, 2006, by Dale K. Marion, trustee, who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Audrey Ruth Rowe
Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

WITNESSES:

Paul J. Marion

Paul J. Marion

(Witness Name typed or printed)

Sonya Warnick

Sonya Warnick

(Witness Name typed or printed)

DEVELOPER

Ethylmay Kirk

Ethylmay Kirk

WITNESSES:

Paul J. Marion

Paul J. Marion

(Witness Name typed or printed)

Sonya Warnick

Sonya Warnick

(Witness Name typed or printed)

DEVELOPER

Robert C. Kirk

Robert C. Kirk

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov, 2006, by Ethylmay Kirk and Robert C. Kirk, who is personally known to me or who has produced as identification.

My commission expires

SEAL

Commission No.:

Audrey Ruth Rowe

Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIR INSURANCE, INC.

WITNESSES:

Sonya Warnick

Sonya Warnick

(Witness Name typed or printed)

Maria Erdman

Maria Erdman

(Witness Name typed or printed)

DEVELOPER

Raymond F. Marion

Raymond F. Marion

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 20 day of Nov. 2006, by
Raymond F Marion, who is personally known to me or who has produced _____ as
identification.

My commission expires

SEAL

Commission No.:

Audrey R. Rowe
Notary Public

(Name typed, printed or stamped)



Audrey Ruth Rowe
MY COMMISSION # DD172583 EXPIRES
January 26, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

WITNESSES:

DEVELOPER

Patricia Denmark

PATRICIA DENMARK

(Witness Name typed or printed)

Margaret Ruth Marion

Margaret Ruth Marion

Nita Ferguson

Nita Ferguson

(Witness Name typed or printed)

STATE OF FLORIDA §

COUNTY OF PASCO §

The foregoing instrument was acknowledged before me this 22nd day of Nov 2006, by Margaret Ruth Marion, who is personally known to me or who has produced Ida. Drivers License as identification.

My commission expires

SEAL

Commission No.:

Patricia Denmark

Notary Public

(Name typed, printed or stamped)



EXHIBIT A

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE N.W. 1/4 OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

TRACT 1

BEGIN AT THE S.E. CORNER OF THE N.W. 1/4 OF SAID SECTION 8. THENCE S.89°32'58"W. ALONG THE SOUTH BOUNDARY OF SAID N.W. 1/4 A DISTANCE OF 1361.68 FEET; THENCE N.00°01'20"W. 320.54 FEET; THENCE N.00°13'17"W. 9.47 FEET; THENCE N.89°32'58"E. 676.40 FEET; THENCE N.00°07'47"W. 638.74 FEET; THENCE N.89°30'44"E. 680.05 FEET TO A POINT ON THE EAST BOUNDARY OF THE AFORESAID N.W. 1/4 OF SECTION 8; THENCE S.00°24'16"E. ALONG SAID EAST BOUNDARY 969.17 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

COMMENCE AT THE S.E. CORNER OF THE N.W. 1/4 OF SAID SECTION 8. THENCE N.00°24'16"W. ALONG THE EAST BOUNDARY OF SAID N.W. 1/4 A DISTANCE OF 283.51 FEET TO THE S.E. CORNER OF THE S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SAID SECTION 8 AND THE POINT OF BEGINNING. THENCE N.89°08'55"W. ALONG THE SOUTH BOUNDARY OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8 A DISTANCE OF 1356.79 FEET TO THE S.W. CORNER OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8; THENCE N.00°01'33"E. ALONG THE WEST BOUNDARY OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8 A DISTANCE OF 640.50 FEET TO THE N.W. CORNER OF SAID S. 1/2 OF THE N.E. 1/4 OF SECTION 8; THENCE S.89°53'02"E. ALONG THE NORTH BOUNDARY OF SAID S. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 8 A DISTANCE OF 1350.03 FEET TO A POINT ON THE AFORESAID EAST BOUNDARY OF N.W. 1/4; THENCE S.00°24'16"E. 657.93 FEET TO THE POINT OF BEGINNING.

TRACTS 1 AND 2 CONTAINING A TOTAL ACREAGE OF 40.47 ACRES, MORE OR LESS.



EXHIBIT B

LEGAL DESCRIPTION:

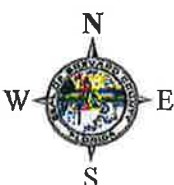
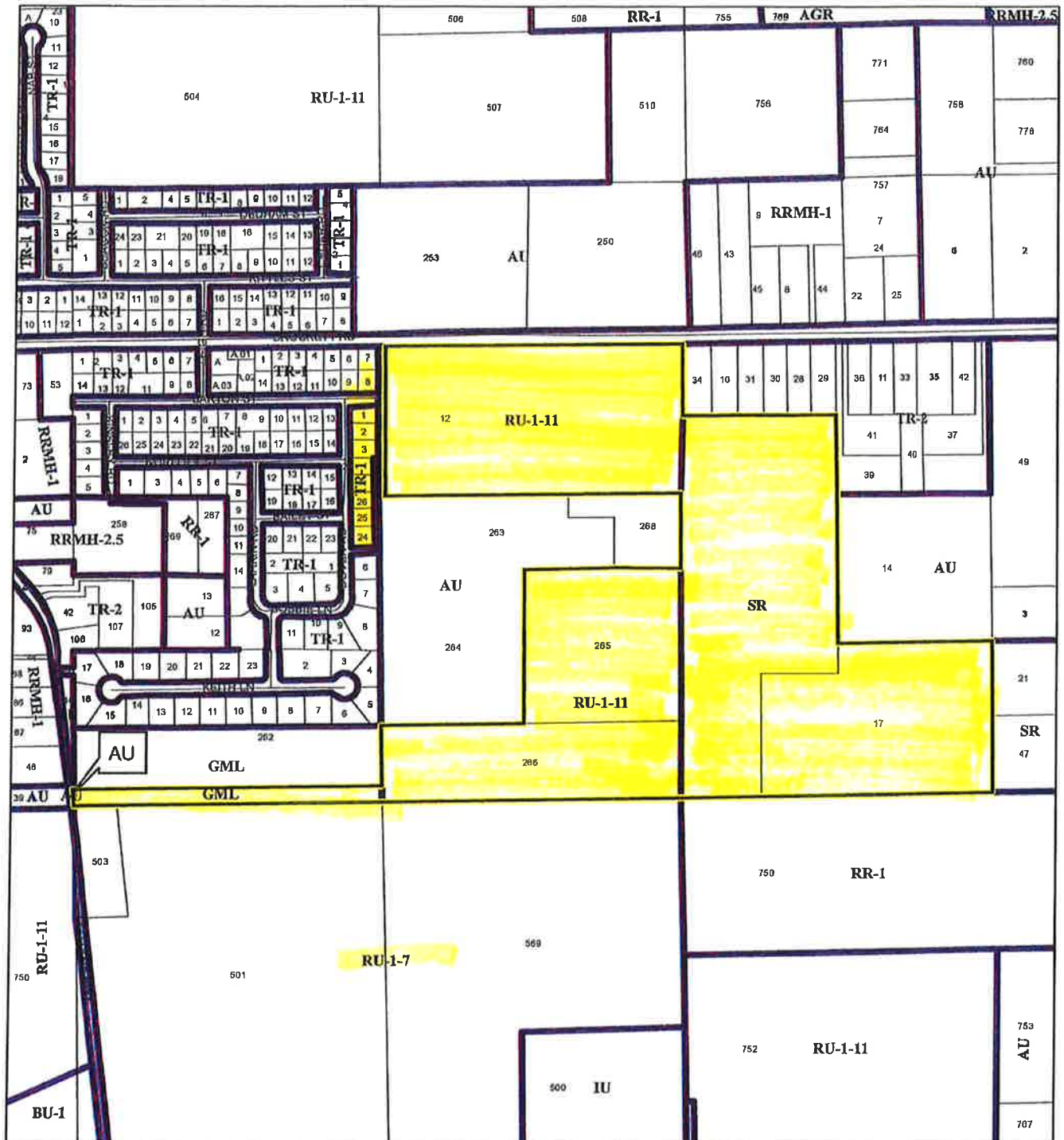
A TRACT OF LAND LYING IN THE N.E. 1/4 OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGIN AT THE S.W. CORNER OF SAID N.E. 1/4 OF SECTION 8. THENCE N.00°24'16"W. ALONG THE WEST BOUNDARY OF SAID N.E. 1/4 A DISTANCE OF 1642.81 FEET; THENCE S.89°58'03"E. ALONG THE NORTH BOUNDARY OF THE SOUTH 1/2 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID N.E. 1/4 A DISTANCE OD 672.33 FEET; THENCE S.00°15'35"E. ALONG THE EAST BOUNDARY OF THE WEST 1/4 OF SAID N.E. 1/4 A DISTANCE OF 987.38 FEET; THENCE S.89°49'50"E. ALONG THE NORTH BOUNDARY OF THE S.E. 1/4 OF THE S.W. 1/4 OF SAID N.E. 1/4 A DISTANCE OF 668.09 FEET; THENCE S.00°01'21"E. ALONG THE EAST BOUNDARY OF THE S.W. 1/4 OF SAID N.E. 1/4 A DISTANCE OF 659.41 FEET; THENCE N.89°43'36"W. ALONG THE SOUTH BOUNDARY OF SAID N.E. 1/4 A DISTANCE OF 1000.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 35.38 ACRES, MORE OR LESS.

ZONING MAP

MARION, Paul; LAMATTINA, Kimberly; LOSAT, Kayla; RIPPER, Jessica; KIRK, Ethylmay and Robert
22Z00029



1:7,200 or 1 inch = 600 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: 6/13/2022

— Subject Property

□ Parcels

□ Zoning

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 15, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo (D1); Brian Hodgers (D2); Robert Sullivan (D2); Lorraine Koss (Alt. D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (Alt. D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

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

Excerpt of Complete Agenda

Paul J. Marion, Kimberly Ann LaMattina, Kayla Marie Losat, and Jessica Lynn Ripper; and Robert Clay Kirk and Ethylmay Kirk (Chad Genoni/Kim Rezanka)

A change of zoning classification from AU (Agricultural Residential), SR (Suburban Residential), RU-1-11 (Single-Family Residential), and GML (Government Managed Lands), with an existing BDP (Binding Development Plan) on SR and RU-1-11 portions, to RU-1-7 with removal of existing BDP and adding a new BDP. The property is 76.52 acres, located on the south side of Brockett Rd., approx. 0.60 mile east of U.S. Highway 1. (No assigned address. In the Mims area.) (22Z00029) (Tax Accounts 2102878, 2102918, 2102919, 2102882, 3018268, & 2113544) (District 1)

Kim Rezanka, Lacey Lyons Rezanka, 1290 U.S. Highway 1, Rockledge, representing the applicant, Chad Genoni. [Ms. Rezanka submitted a handout to the board. The handout can be found in file 22Z00029, located in the Planning and Development Department] She stated the rezoning request is for 76.52 acres limited to 197 units, or 2.57 units per acre, and the new BDP will reflect that. The request includes the removal of an existing BDP, which was on the 40.47 acres to the east, which is SR, and it limited development to 128 units, so the current request will only add an additional 69 units, but on 36 acres, and it will actually be less dense. The approval of the request will allow flexibility in design because of the wetland and possible Scrub Jays. She stated there is no concept plan yet for the subdivision other than access from the west and access from the north on Brockett Road. She said Mr. Genoni doesn't intend to have all 5,000 square-foot lots, but because of the difficulty in developing the project, he is asking for that flexibility with RU-1-7. There are no concurrency issues, no level of service issues, and the development will connect to sewer and water.

Henry Minneboo asked when the existing BDP was approved. Ms. Rezanka replied it was approved in February 2007.

No public comment.

Mr. Moia noted that on the handout provided by Ms. Rezanka, there is an area of TR-1 highlighted in error, it is not part of the request.

Peter Filiberto thanked Ms. Rezanka for bringing water and sewer to the property, and being environmentally conscience of the property.

Motion by Peter Filiberto, seconded by Robert Sullivan, to recommend approval of the change of zoning classification from AU, SR, RU-1-11, and GML, with an existing BDP on SR and RU-1-11

portions, to RU-1-7 with removal of existing BDP and adding a new BDP limiting development to 197 units. The motion passed unanimously.

Objection
22SS0007
22SS00008
22Z00029

From: katelynsjohnson@gmail.com
To: [Jones, Jennifer](#)
Subject: ID 22SS0007, 22SS0008, 22Z00029
Date: Monday, August 8, 2022 12:07:33 PM

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

Good Day Ms. Jones,

I am writing to share my opposition with you to the subject referenced proposed zoning changes. As a Mims property owner, adding more high density properties would negatively affect the charm of the small city. People move to Mims to spread out and enjoy nature, not to be on top of each other and stuck in traffic. Brevard County has been expanding very rapidly, let's keep some spaces green and quaint.

Thank you,
Katelyn Walker

Sent from my iPhone