



# Agenda Report

## Public Hearing

22-24

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

H.12.

8/4/2022

### Subject:

Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment from NC and CC to RES 15. (22SS00006) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (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 Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial) to RES 15 (Residential 15).

### Summary Explanation and Background:

The applicant is seeking to amend the Future Land Use designation on 20.88 acres of land from CC and NC to RES 15 in order to develop a 313-unit apartment complex. A companion rezoning application (22Z00027) for a change from GU (General Use), BU-1 (General Retail Commercial) and TU-2 (Transient Tourist Commercial), to RU-2-15 (Medium-Density Multi-Family Residential) accompanies this request.

This segment of Port St. John Parkway from Highway I-95 east to Grissom Parkway is a commercial corridor where the majority of Future Land Use designations are CC. To the north of the subject property are undeveloped single-family and State-owned vacant parcels of land with a Future Land Use designation of RES 4 and PUB-CONS, to the east are vacant residential and commercial parcels of land, to the south, across Port St. John Parkway there are vacant residential and commercial parcels of land and a professional office, and to the west is County-owned land that serves as stormwater retention.

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

On July 18, 2022, the Local Planning Agency heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

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



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

August 8, 2022

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

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-24, which was filed in this office on August 5, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh



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

August 5, 2022

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item H.12., Thirteenth Small Scale Comprehensive Plan Amendment to change the Future Land Use Designation (22S.09) from Neighborhood Commercial (NC) and Community Commercial (CC) to Residential (RES) 15 (22SS00006)

The Board of County Commissioners, in regular session on August 4, 2022, conducted the public hearing and adopted Ordinance No. 22-24, setting forth the thirteenth Small Scale Comprehensive Plan Amendment of 2022, (22S.09), changing the Future Land Use designation from NC and CC to RES 15. Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, appearing to read "Kimberly Powell", is written over the typed name.

Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

ORDINANCE NO. 22- 24

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE THIRTEENTH SMALL SCALE PLAN AMENDMENT OF 2022, 22S.09, 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 2022 as Plan Amendment 22S.09; 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 22S.09; and

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

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and  
OFFICIALLY FILED WITH THE SECRETARY OF STATE AUGUST 5, 2022

WHEREAS, on July 18, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 22S.09, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on August 4, 2022, 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 22S.09; and

WHEREAS, Plan Amendment 22S.09 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 22S.09 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 22S.09 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 22S.09, 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 4 day of August, 2022.

ATTEST:

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

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
By: \_\_\_\_\_  
Kristine Zonka, Chair

As approved by the Board on August 4, 2022.

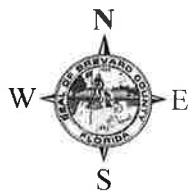
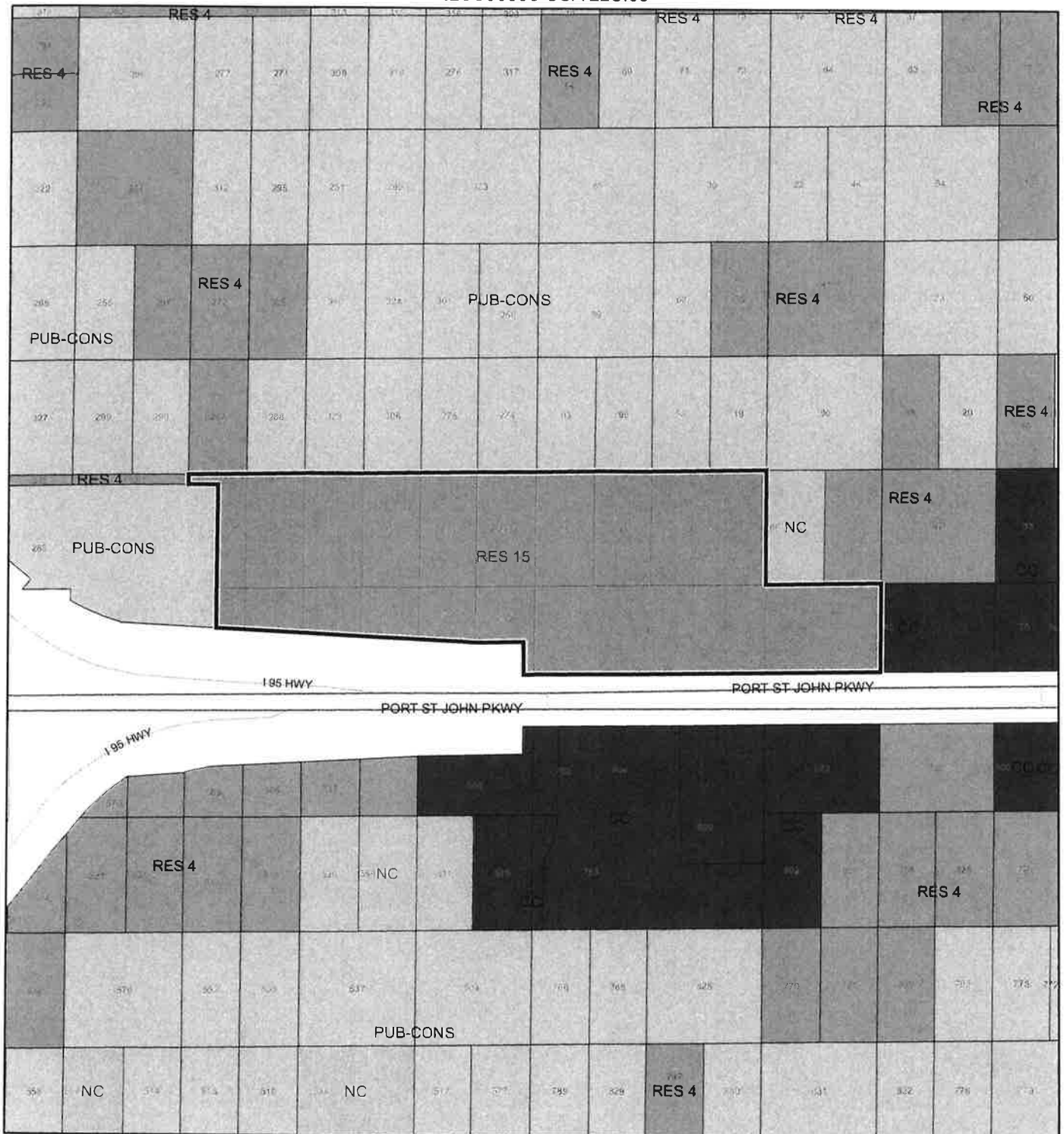
**EXHIBIT A**  
**22S.09 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER  
22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

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

Produced by BoCC - GIS Date: 6/10/2022



## **EXHIBIT B**

### **Contents**

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

# florida today

## Public Notice

Originally published at floridatoday.com on 06/30/2022

Ad#5316864 06/30/2022 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, JULY 18, 2022, and THURSDAY, AUGUST 4, 2022. DISTRICT 1 1. (22Z00017) DANIEL P. AND AMBER N. ALLEN request a CUP (Conditional Use Permit) for Farm Animals and Fowl (2 pot-bellied pigs) for Medical Hardship, in a RR-1 (Rural Residential) zoning classification, on property described as Lot 19, The Ranch Unit 3, according to the map or plat thereof, as recorded in Plat Book 24, Page(s) 50, of the Public Records of Brevard County, Florida. Section 15, Township 24, Range 35. (1.03 acres) Located on the west side of Wagon Rd., approx. 360 ft. north of Ranchwood Dr. (2625 Wagon Rd., Cocoa) DISTRICT 2 2. (22Z00024) EVAN BALES AND KELSEY GODFREY (Charlene Morgan) request a CUP (Conditional Use Permit) for a Guesthouse in an RU-1-11 (Single-Family Residential) zoning classification, on property described as Lot 7.15, Block CX, Banana River Drive Subdivision, as recorded in ORB 9338, Pages 911 - 913, of the Public Records of Brevard County, Florida. Section 06, Township 25, Range 37. (0.69 acres) Located on the north side of Mili Ave., approx. 150 ft. east of Newfound Harbor Dr. (1770 Mili Ave., Merritt Island) DISTRICT 1 3. (22Z00018) WILLIAM AND JEANETTE GONEDRIDGE request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcel 519, as recorded in ORB 9382, Pages 2057 - 2058, of the Public Records of Brevard County, Florida. Section 31, Township 20, Range 35. (3.33 acres) Located on the north side of Lionel Rd., approx. 0.1 mile east of U.S. Highway 1. (3660 Lionel Rd., Mims) DISTRICT 2 4. (22SS00004) ANDREA BEDARD AND NICHOLAS BOARDMAN (Ronald Treharne) request a Small Scale Comprehensive Plan Amendment (22S.07), to change the Future Land Use designation from RES 4 (Residential 4) and NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 506, as recorded in ORB 8745, Page 2243, of the Public Records of Brevard County, Florida. Section 23, Township 25, Range 36. (1.02 acres) Located on the north side of Coquina Rd., approx. 214 ft. east of U.S. Highway 1. (23 Coquina Rd., Rockledge) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.07: 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

a severability clause; and providing an effective date. 5. (22Z00015) ANDREA BEDARD AND NICHOLAS BOARDMAN (Ronald Treharne) request a change of zoning classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial), on property described as Tax Parcel 506, as recorded in ORB 8745, Page 2243, of the Public Records of Brevard County, Florida. Section 23, Township 25, Range 36. (1.02 acres) Located on the north side of Coquina Rd., approx. 214 ft. east of U.S. Highway 1. (23 Coquina Rd., Rockledge) DISTRICT 1 6. (22SS00005) JAMES A. AND VIKKI P. DEAN request a Small Scale Comprehensive Plan Amendment (22S.08), to change the Future Land Use designation from RES 1:2.5 (Residential 1:2.5) to RES 1 (Residential 1), on property described as Tax Parcel 250.2, as recorded in ORB 3310, Pages 60 - 61, of the Public Records of Brevard County, Florida. Section 02, Township 24, Range 35. (2.50 acres) Located on the southwest corner of Canton St. and Alan Shepard Ave., Cocoa. (3525 Canton St., Cocoa) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.08: 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. 7. (22Z00019) JAMES A. AND VIKKI P. DEAN request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcel 250.2, as recorded in ORB 3310, Pages 60 - 61, of the Public Records of Brevard County, Florida. Section 02, Township 24, Range 35. (2.50 acres) Located on the southwest corner of Canton St. and Alan Shepard Ave., Cocoa. (3525 Canton St., Cocoa) DISTRICT 2 8. (22Z00022) DEROSA HOLDINGS, LLC (Kim Rezanka) requests an amendment to an existing BDP (Binding Development Plan), 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) 9. (22Z00023) ISLAND BLUFF, LLC (Kim Rezanka) requests a change of zoning classification from BU-1 (General Retail Commercial) and IN(L) (Institutional Use, Low-Intensity), with an existing BDP (Binding Development Plan), to SR (Suburban Residential), removing the existing BDP, and adding a new BDP, property described as Lot 10, Sunnyside Terrace, as recorded in ORB 5869, Pages 9307 - 9309, of the public records of Brevard County, Florida, together with Lots 11, 12, 13, & 14, as recorded in ORB 7957, Pages 2228 - 2229, of the Public Records of Brevard County, Florida, LESS AND EXCEPT land described in ORB 7957, Pages 2230 - 2231, of the Public Records of Brevard County, Florida. Section 35, Township 24, Range 36. (2.12 acres) Located on the west side of N. Tropical Trail, approx. 362 ft. south of Merritt Ave. (495 W. Merritt Ave., Merritt Island) DISTRICT 1 10. (22SS00003) SUNSHINE PETRO, INC.; JACOB

designation from RES 4 (Residential 4), NC (Neighborhood Commercial) and CC (Community Commercial) to all CC, on property described as follows: Tax Parcel 31, as recorded in ORB 5963, Pages 2896 - 2897, of the Public Records of Brevard County, Florida; Tax Parcel 91, as recorded in ORB 3116, Pages 4917 - 4923, of the Public Records of Brevard County, Florida; Tax Parcels 33 & 43, as recorded in ORB 3450, Pages 4286 - 4289, of the Public Records of Brevard County, Florida; Tax Parcel 47, as recorded in ORB 5484, Pages 2372, of the Public Records of Brevard County, Florida; Tax Parcel 45, as recorded in ORB 3043, Page 425, of the Public Records of Brevard County, Florida; Tax Parcel 75, as recorded in ORB 3025, Page 29, of the Public Records of Brevard County, Florida; Tax Parcel 76, as recorded in ORB 3025, Page 32, of the Public Records of Brevard County, Florida; Tax Parcels 55 & 56, as recorded in ORB 3116, Pages 4915 - 4916, of the Public Records of Brevard County, Florida. Section 27, Township 23, Range 35. (17.70 +/- acres) Located on the north side of Port St. John Parkway, approx. 570 ft. west of Grissom Parkway. (No assigned address. In the Cocoa area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.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. 11. (22Z00020) SUNSHINE PETRO, INC.; JACOB AARON CORPORATION; AND ALICE ELAINE TISTHAMMER (John Rosenthal) requests a change of zoning classification from GU (General Use), BU-1-A (Restricted Neighborhood Commercial), and BU-1 (General Retail Commercial), with existing BDPs (Binding Development Plan) to BU-2 (Retail, Warehousing, and Wholesale Commercial), and removal of existing BDP's (Binding Development Plan), on property described as follows: Tax Parcel 31, as recorded in ORB 5963, Pages 2896 - 2897, of the Public Records of Brevard County, Florida; Tax Parcel 91, as recorded in ORB 3116, Pages 4917 - 4923, of the Public Records of Brevard County, Florida; Tax Parcels 33 & 43, as recorded in ORB 3450, Pages 4286 - 4289, of the Public Records of Brevard County, Florida; Tax Parcel 47, as recorded in ORB 5484, Pages 2372, of the Public Records of Brevard County, Florida; Tax Parcel 45, as recorded in ORB 3043, Page 425, of the Public Records of Brevard County, Florida; Tax Parcel 75, as recorded in ORB 3025, Page 29, of the Public Records of Brevard County, Florida; Tax Parcel 76, as recorded in ORB 3025, Page 32, of the Public Records of Brevard County, Florida; Tax Parcels 55 & 56, as recorded in ORB 3116, Pages 4915 - 4916, of the Public Records of Brevard County, Florida. Section 27, Township 23, Range 35. (17.70 +/- acres) Located on the north side of Port St. John Parkway, approx. 570 ft. west of Grissom Parkway. (No assigned address. In the Cocoa area.) 12. (22SS00006) JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER (Kim Rezanka) requests a Small Scale Comprehensive Plan Amendment (22S.09) to change the Future Land Use designation from NC (Neighborhood

the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida, except ORB 4013, Page 1957; Parcel 2: Tract 97E: The east 1/2 of the following described tract: The NE 1/4 of the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 3: Tract 96W: The west 1/2 of the NW 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 4: Tract 96E: The east 1/2 of the following described tract: The NW 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 5: Tract 95W: The west 1/2 of the following described tract: The NE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 6: Tract 110E: The east 1/2 of SE 1/4 of SE 1/4 of SE 1/4 of NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 7: Tract 95E: The east 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 8: Tract 110W: The west 1/2 of the following tract of land, to wit: The SE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 9: Tract 109W: The west 1/2 of the SW 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 10: Tract 108E: The east 1/2 of the following described tract: The SE 1/4 of SW 1/4 of SE 1/4 of NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 11: Tract 109E: The east 1/2 of the following described tract: The SW 1/4 of SE 1/4 of SE 1/4 of NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 12: Tract 108W: The west 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida, except ORB 4013, Page 1957; Parcel 13: Tract 94W: The west 1/2 of the following described tract: The NW 1/4 of SW 1/4 of SW 1/4 of NE 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 14: Tract 94E: The east 1/2 of the following described tract: The NW 1/4 of the SW 1/4 of the SW 1/4 of NE 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 15: Tract 93: The NE 1/4 of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 16: Tract 111: A parcel of land lying in Section 27, Township 23S, Range 35E, Brevard County, Florida, being more fully described as follows: The SW 1/4 of the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 27; together with Tract 112: The SE 1/4 of the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 27; less and except therefrom: the south 75 ft., as measured by right angle measurement; Parcel 17: Tract 113: The SW 1/4 of the SE 1/4 of the SW 1/4 of the NE 1/4, Section 27, Township 23S, Range 35E, Brevard County, Florida. (20.88 acres) Located on the north side of Port St. John Parkway, approx. .30 mile west of Grissom Parkway. (No assigned address. In the Port St. John area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.09: 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

a severability clause; and providing an effective date. 13. (22Z00027) JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER (Kim Rezanka) request change of zoning classification from GU (General Use), BU-1 (General Retail Commercial), and TU-2 (Transient Tourist Commercial), with an existing BDP (Binding Development Plan), to RU-2-15 (Medium Density Multi-Family Residential), and removal of the existing BDP, on property described as follows: Parcel 1: Tract 97W: The west 1/2 of the NE 1/4 of the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida, except ORB 4013, Page 1957; Parcel 2: Tract 97E: The east 1/2 of the following described tract: The NE 1/4 of the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 3: Tract 96W: The west 1/2 of the NW 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 4: Tract 96E: The east 1/2 of the following described tract: The NW 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 5: Tract 95W: The west 1/2 of the following described tract: The NE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 6: Tract 110E: The east 1/2 of SE 1/4 of SE 1/4 of SE 1/4 of NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 7: Tract 95E: The east 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 8: Tract 110W: The west 1/2 of the following tract of land, to wit: The SE 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 9: Tract 109W: The west 1/2 of the SW 1/4 of the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 10: Tract 108E: The east 1/2 of the following described tract: The SE 1/4 of SW 1/4 of SE 1/4 of NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 11: Tract 109E: The east 1/2 of the following described tract: The SW 1/4 of SE 1/4 of SE 1/4 of NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 12: Tract 108W: The west 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida, except ORB 4013, Page 1957; Parcel 13: Tract 94W: The west 1/2 of the following described tract: The NW 1/4 of SW 1/4 of SW 1/4 of NE 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 14: Tract 94E: The east 1/2 of the following described tract: The NW 1/4 of the SW 1/4 of the SW 1/4 of NE 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 15: Tract 93: The NE 1/4 of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 27, Township 23S, Range 35E, Brevard County, Florida; Parcel 16: Tract 111: A parcel of land lying in Section 27, Township 23S, Range 35E, Brevard County, Florida, being more fully described as follows: The SW 1/4 of the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 27; together with Tract 112: The SE 1/4 of the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 27; less and except therefrom: the south 75 ft., as measured by right angle measurement; Parcel 17: Tract 113: The SW 1/4 of the SE 1/4

west of Grissom Parkway. (No assigned address. In the Port St. John area.) 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, JULY 18, 2022, 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, AUGUST 4, 2022, 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.

1. INFORMATION NOT CONTAINED BY THE NATIONAL SECURITY AGENCY SHOULD BE  
2. DELETED FROM THIS REPORT IF IT IS DETERMINED THAT THE INFORMATION IS  
3. UNNECESSARY FOR THE NATIONAL SECURITY AGENCY TO KNOW.

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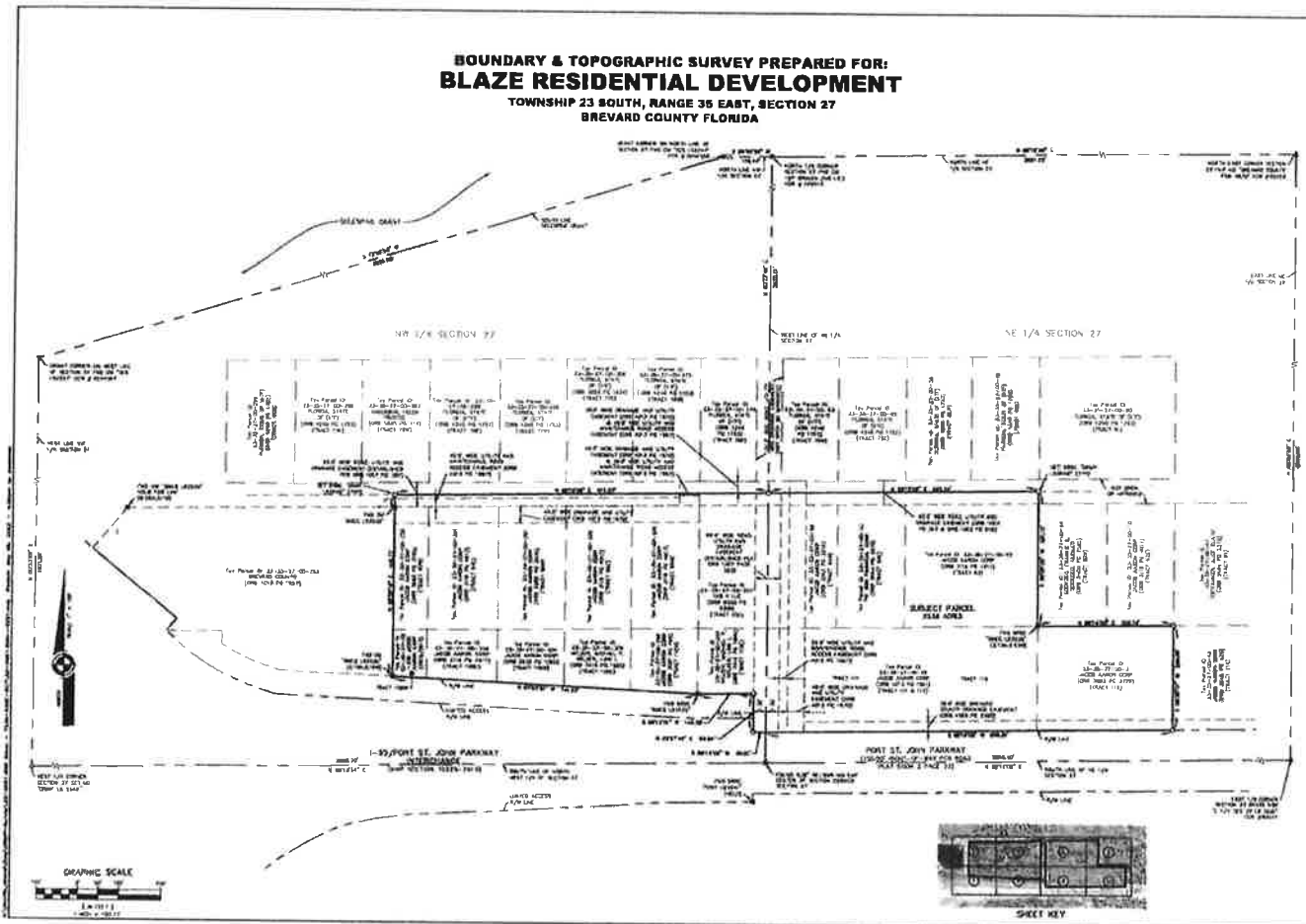
NOTE:  
SEE SHEETS 2-10 FOR BOUNDARY  
AND TOPOGRAPHIC SURVEY

VICINITY MAP

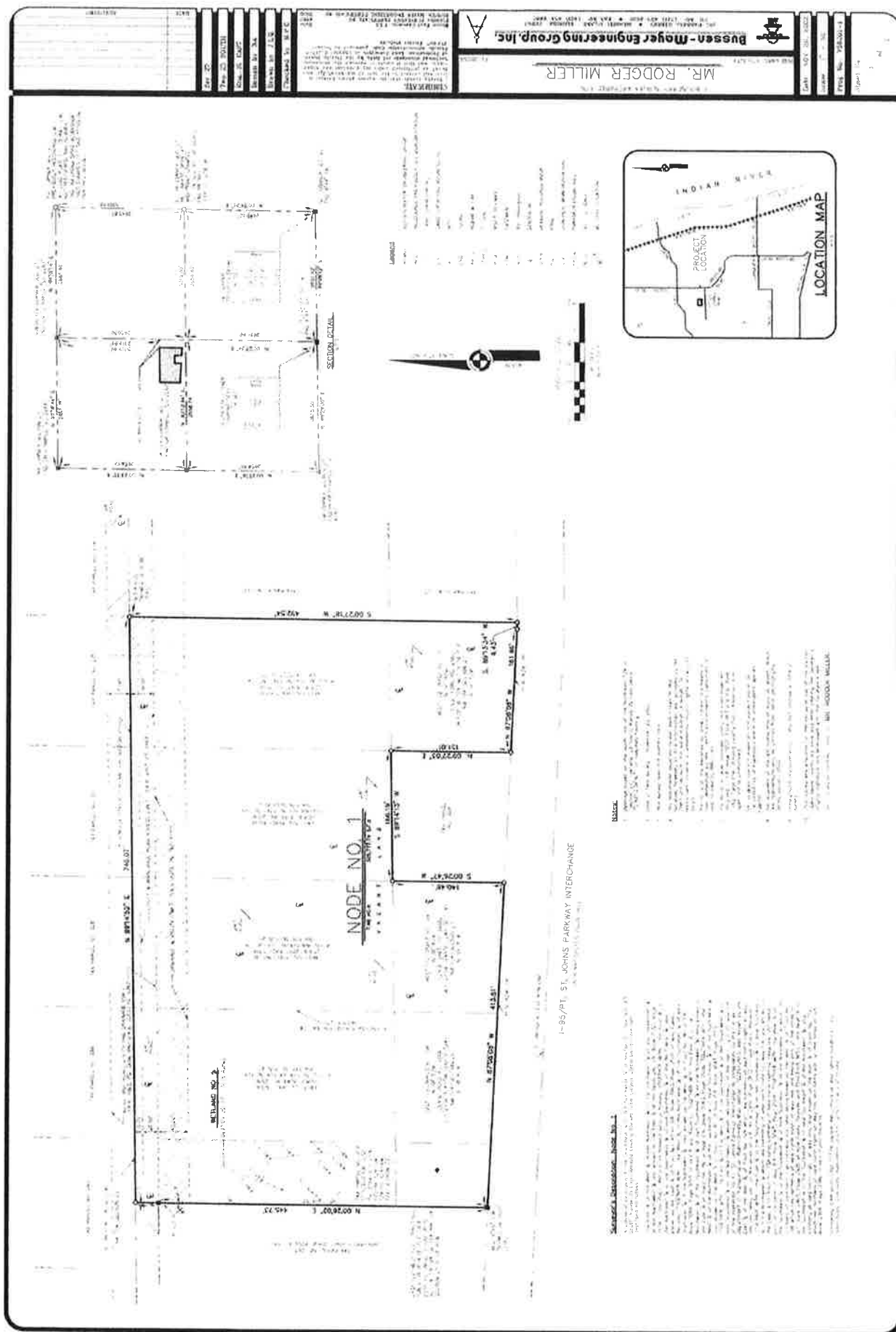
 <b>DRMP</b> <small>Division of Real Estate Management, Inc. 10000 Old Branch Road, Suite 100, Dallas, Texas 75243-1000          1-800-368-6273 • Fax 214-343-8200 • E-Mail: drmp@drmp.com</small>		<b>BLAZE CAPITAL I, LLC</b> <b>BOUNDARY &amp; TOPOGRAPHIC SURVEY</b>	
JOB NO. <b>2006-001</b>		SHEET NO. <b>1</b> OF <b>1</b>	
DATE <b>01/10/06</b>		SCALE <b>AS SHOWN</b>	
PROJECT <b>BLAZE CAPITAL I, LLC</b>		CLIENT <b>BLAZE CAPITAL I, LLC</b>	
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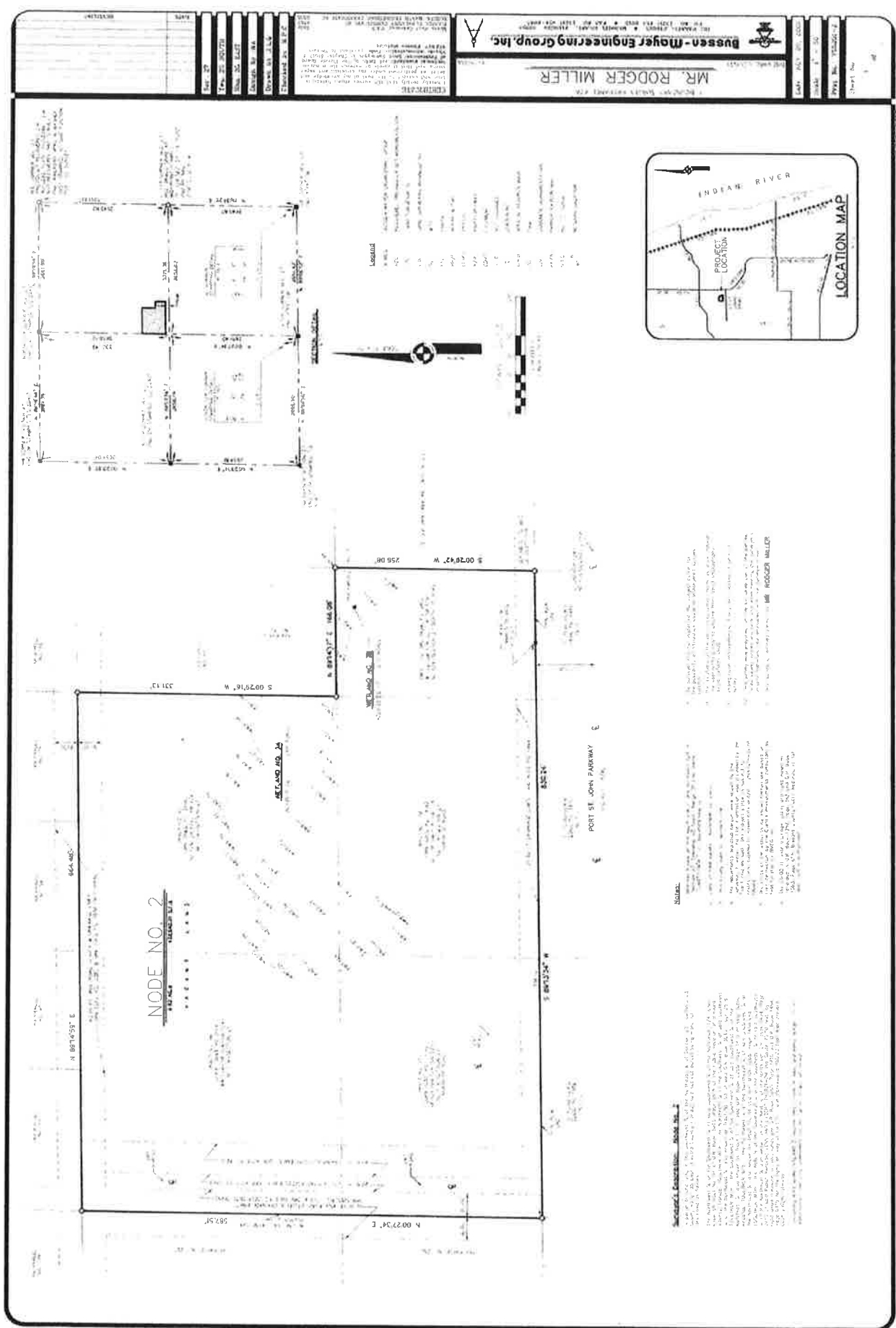


**BOUNDARY & TOPOGRAPHIC SURVEY PREPARED FOR:  
BLAZE RESIDENTIAL DEVELOPMENT  
TOWNSHIP 23 SOUTH, RANGE 35 EAST, SECTION 27  
BREVARD COUNTY FLORIDA**



<b>BOUNDARY &amp; TOPOGRAPHIC SURVEY</b> <b>BLAZE CAPITAL I, LLC</b> <b>DRMP</b> DRMP, Inc. 1100 S. US HWY 1, SUITE 200 WEST PALM BEACH, FL 33411 TEL: 561.833.1100 FAX: 561.833.1101 WWW.DRMPINC.COM		DATE: 04/18/2022 SHEET: 52.10
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**Notes:**

1. The boundary lines shown on this plan are based on the survey data provided by the client.
2. The building footprint is shown in solid black lines.
3. The parking area is shown in dashed lines.
4. The road shown is Post St. John Parkway.
5. The Indian River is shown in the upper right corner of the plan.
6. The project location is shown in the upper left corner of the plan.
7. The drawing is based on the survey data provided by the client.
8. The drawing is not to be used for any other purpose without the written consent of the engineer.
9. The drawing is the property of the engineer and shall not be reproduced without the written consent of the engineer.
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## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

##### **Criteria:**

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

#### **Administrative Policy 5**

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

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

**Criteria:**

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

**Administrative Policy 6**

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

**Administrative Policy 7**

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

**Administrative Policy 8**

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

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

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

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

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

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

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

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

(c) General Standards of Review.

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



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

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

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 21S.09 (22SS00006)  
Township 23, Range 35 Section 27*

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**Property Information**

**Owner / Applicant:** Michael & Lori Melzer, Jacob Aaron Corp., BDM Financial Corp. and GiGi II, LLC

**Adopted Future Land Use Map Designation:** Community Commercial (CC) and Neighborhood Commercial (NC)

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

**Acreage:** 20.88 acres

**Tax Account #:** 2312160, 2312187, 2312250, 2312251, 2312255, 2312260, 2312262, 2312264, 2312276, 2312301, 2312307, 2312312, 2312332, 2312333, 2312334, 2312339, 2319284

**Site Location:** On the north side of Port St. John Parkway approximately one thousand six hundred (1,600) feet west of Grissom Parkway

**Commission District:** 1

**Current Zoning:** Transient Tourist Commercial (TU-2), General Use (GU) and General Retail Commercial (BU-1)

**Requested Zoning:** Medium-Density Multi-Family Residential (RU-2-15)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use designation on 20.88 acres of land from Community Commercial (CC) and Neighborhood Commercial (NC) to Residential 15 (RES 15) in order to develop a three hundred thirteen (313) unit apartment complex. The subject properties currently are vacant with a Future Land Use designation of CC and NC.

This segment of Port St. John Parkway from Highway I-95 east to Grissom Parkway is a commercial corridor where the majority of Future Land Use designations are CC. Along this corridor there is one property with a Future Land Use designation of RES 4.

In 2001, the Future Land Use designations were changed from Mixed Use (MIX) to NC and CC along this segment of Port St. John Parkway when Brevard County updated the Comprehensive Plan and the Future Land Use Map. Currently, the subject parcel has CC, NC and RES 4 Future Land Use designations.

The applicant is seeking to change the Future Land Use designation from CC and NC to RES 15 to develop an apartment complex. There is a companion Zoning change request to change the zoning from General Use (GU), Transient Tourist Commercial (TU-2) and General Retail Commercial (BU-1) to Medium-density Multiple-Family Residential (RU-2-15) (22Z00027).

### Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
<b>North</b>	Vacant	GU & RU-1-11	RES 4 & PUB-CONS
<b>South</b>	Vacant and a Professional Office	GU, RU-1-11 & TU-2	RES 4 & CC
<b>East</b>	Vacant	GU & BU-1	NC & CC
<b>West</b>	Vacant	RU-1-11	PUB-CONS & CC

To the north of the subject property are undeveloped single-family and State owned vacant parcels of land with a Future Land Use designation of RES 4 and PUB-CONS, to the east are vacant residential and commercial parcels of land, to the south, across Port St. John Parkway there are vacant residential and commercial parcels of land and a professional office and to the west is County owned land that serves as stormwater retention.

### 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.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will be required to have centralized potable and wastewater treatment 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.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will require a connection to a centralized sewer system.***

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will require a connection to a centralized sewer system.***

- F. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.

***This Future Land Use Amendment request to change from CC and NC to RES 15 will require a connection to a centralized sewer system.***

## **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 vacant single-family lands with a RES 4 Future Land Use designation and vacant State lands with Future Land Use designations of PUB-CONS to the north. To the east, the subject site is located adjacent to vacant, single-family land with a Future Land Use designation of RES 4 and vacant commercial land with a Future Land Use designation of CC. To the south, across Port St. John Parkway, there are vacant single-family parcels, vacant commercial parcels and an office building with a Future Land Use designation of RES 4 and CC. To the west, the subject site is located next to County land, used for stormwater retention with a Future Land Use designation of PUB-CONS and CC.***

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

***The subject site is not located adjacent to incorporated areas.***

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

***The subject site is not adjacent to an existing RES 15 land use designation.***

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 Port St. John Parkway to the south which is an Urban Minor Arterial Collector roadway.***

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 have been two professional office buildings built in 2007 and 2014 along this segment of Port St. John Parkway. In 2007 a multi-tenant office was built which is Parrish Medical Center located on the southwest corner of Port St. John Parkway and Grissom Parkway. There is a single tenant office building located adjacent to the subject site south, across Port St. John Parkway.***

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 is an application for a change of Future Land Use from RES 4 and NC to CC on 17.70 acres (22SS00003) with a companion Zoning change from General Use (GU), Restricted Neighborhood Retail Commercial (BU-1-A) and General Retail Commercial (BU-1) to Retail, Warehousing & Wholesale Commercial (BU-2) (22Z00020). The applicant seeks to propose a hardened Florida Power and Light Service Station located adjacent to the subject site on the east side along Port St. John Parkway.***



**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 school concurrency indicates there is enough capacity for the total of projected and potential students from the Blaze Capital Apartment development.*

**Environmental Resources**

*Mapped resources include Wetlands/Hydric Soils, Aquifer Recharge Soils, Floodplain, Protected Species, Protected and Specimen Trees.*

*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 and with the transitioning nature of the area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use (FLU) Review & Summary  
Item #22SS00006**

**Applicant:** Rezanka for Miller

**FLU Request:** CC & NC to RES-15

**Note:** Applicant wants to develop a 313-unit apartment complex.

**P&Z Hearing Date:** 07/18/22; **BCC Hearing Date:** 08/04/22

**Tax ID Nos:** 2312160, 2312187, 2312250, 2312251, 2312255, 2312260, 2312262, 2312264, 2312276, 2312301, 2312307, 2312312, 2312332, 2312333, 2312334, 2312339, & 2319284

- 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
- Aquifer Recharge Soils
- Floodplain
- Protected Species
- Protected and Specimen Trees

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

A majority of the project area is mapped as being within the isolated floodplain. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size.

#### **Land Use Comments:**

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

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

##### **Floodplain**

A majority of the project area is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

##### **Aquifer Recharge Soils**

St. Johns sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

**Protected Species**

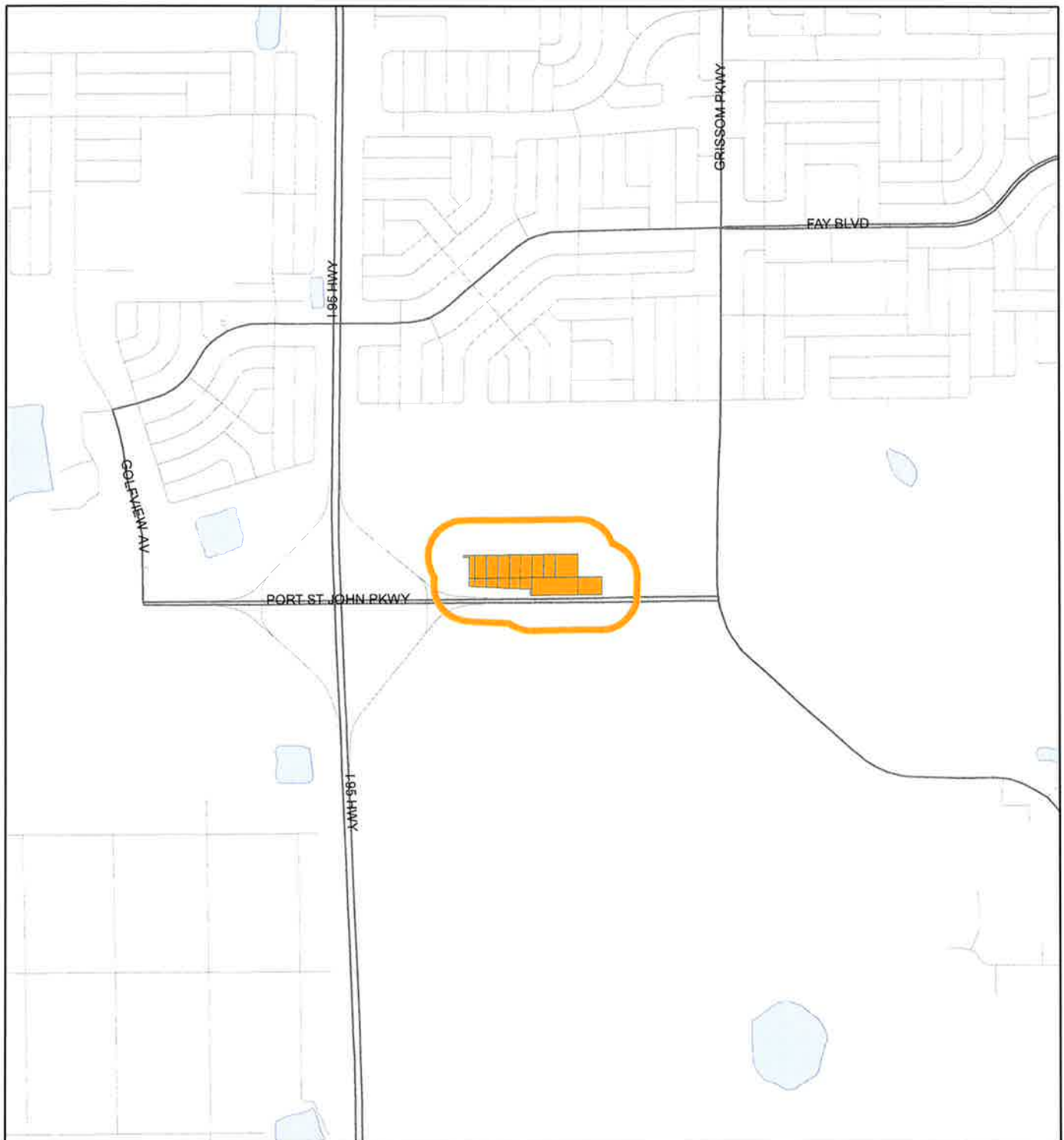
Information available to NRM indicates that federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy in the vicinity of the property, and there is potential that Gopher Tortoises inhabit the site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

**Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) trees may exist on the parcel. A tree survey will be required at time of a site plan submittal. The applicant is encouraged to perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. During site plan design, the applicant is encouraged to use a low-water use plant palette such as xeriscape plants and trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

# LOCATION MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER  
22SS00006 SSA 22S.09



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

Buffer Distance: 500 feet

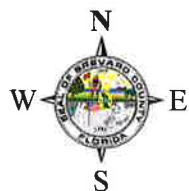
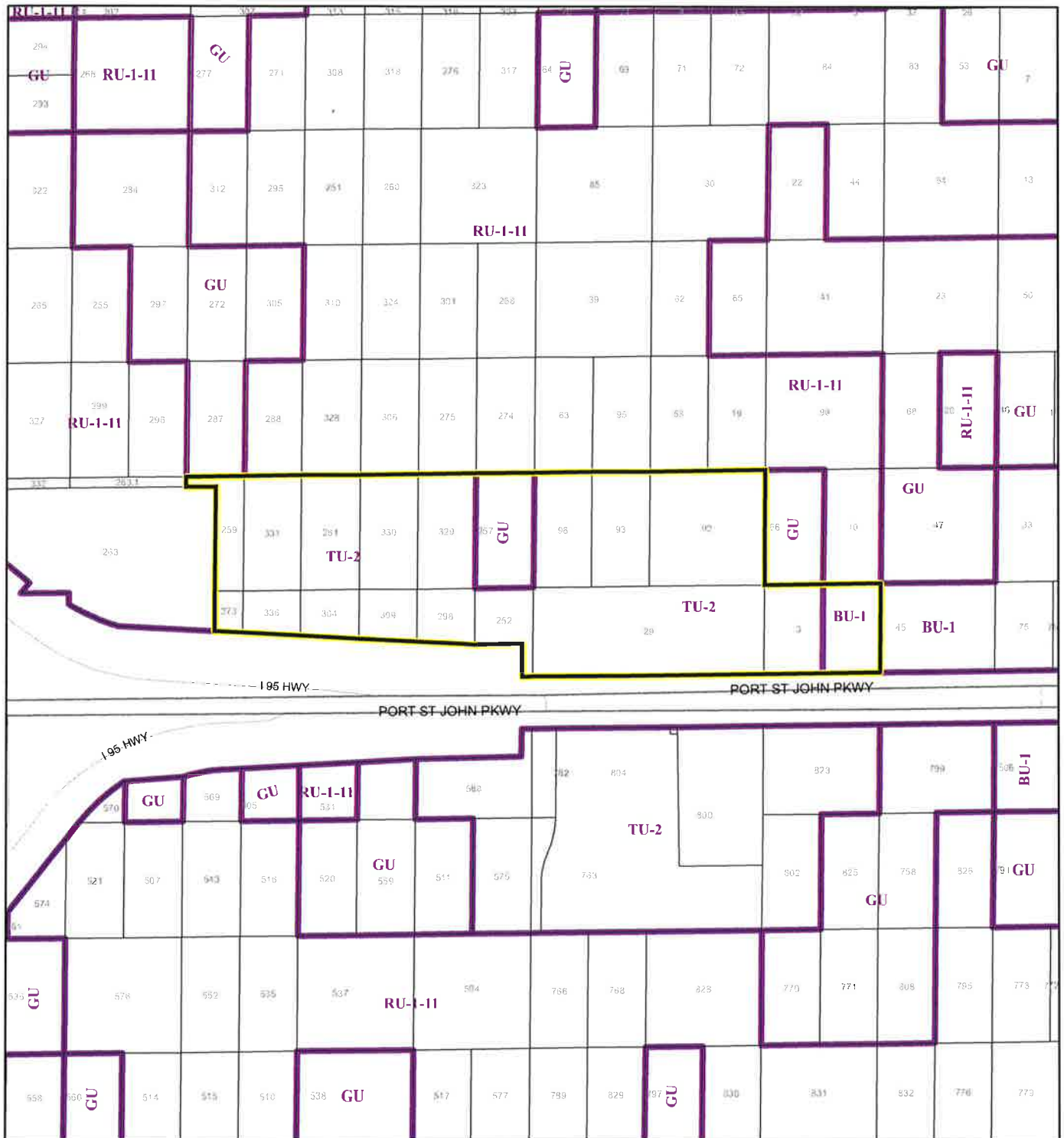
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/10/2022

Buffer  
Subject Property

# ZONING MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER  
22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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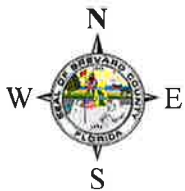
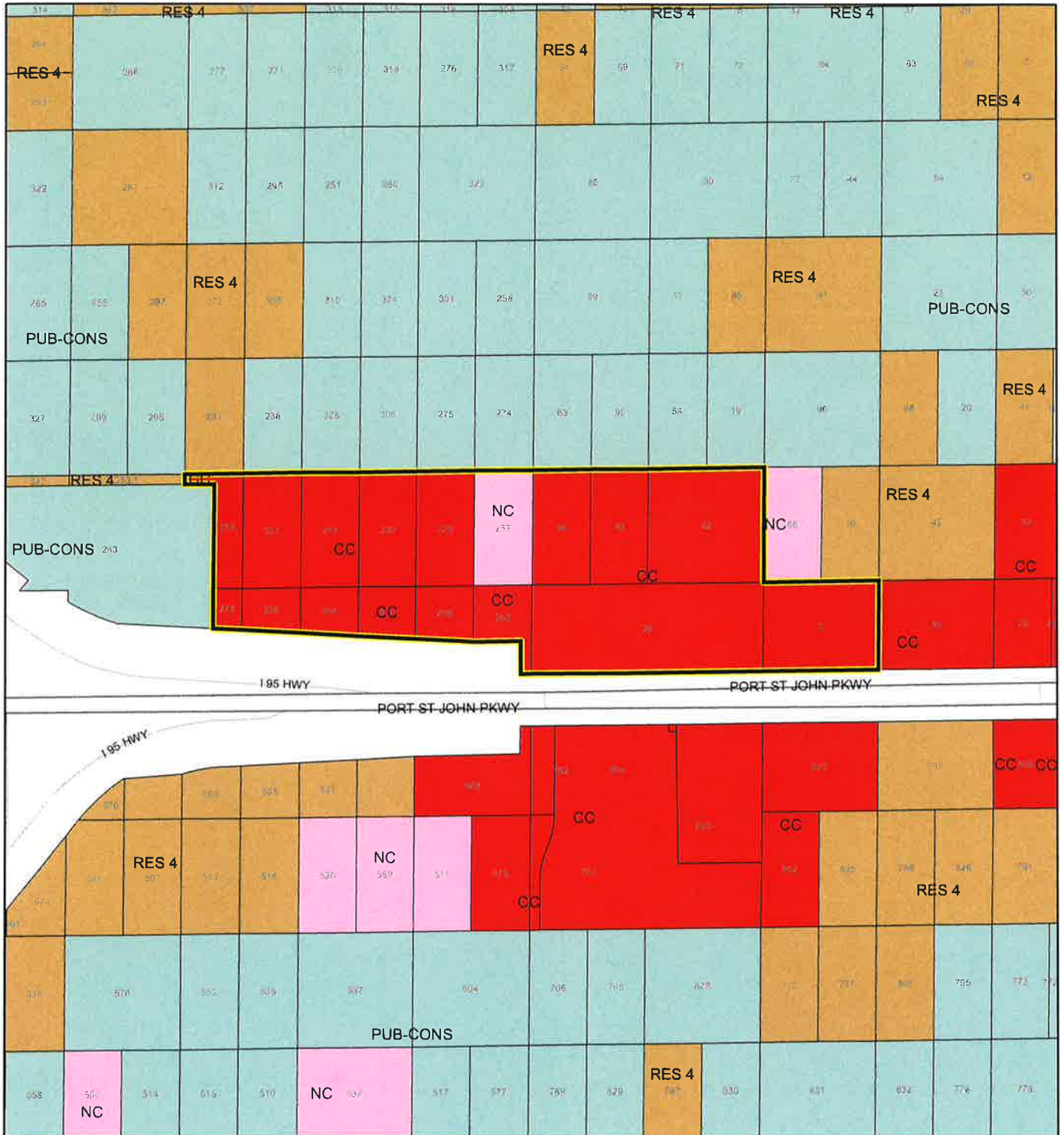
Produced by BoCC - GIS Date: 6/10/2022

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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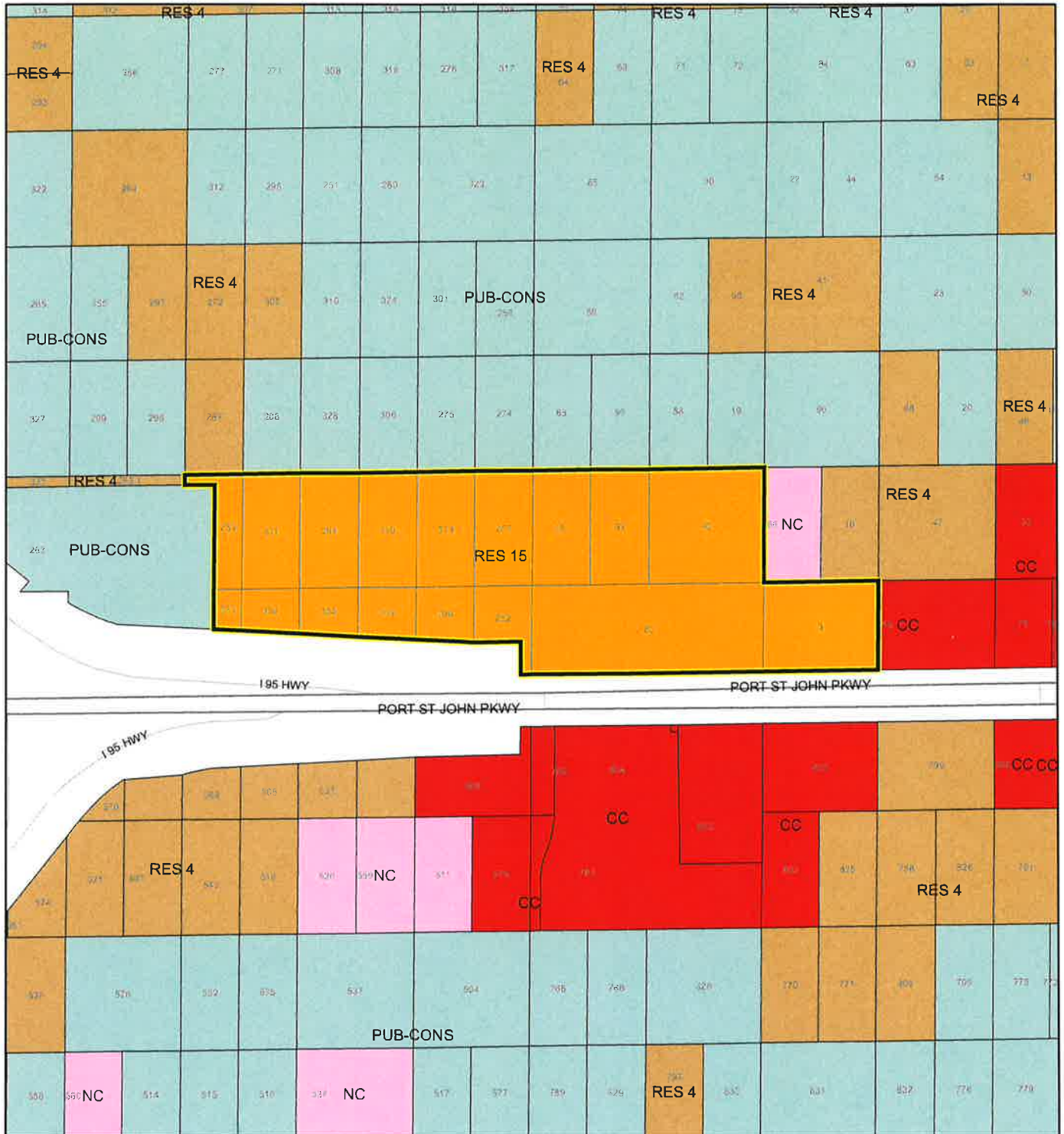
Produced by BoCC - GIS Date: 6/10/2022



# PROPOSED FUTURE LAND USE MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

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# AERIAL MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER  
22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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Produced by BoCC - GIS Date: 6/10/2022

— Subject Property

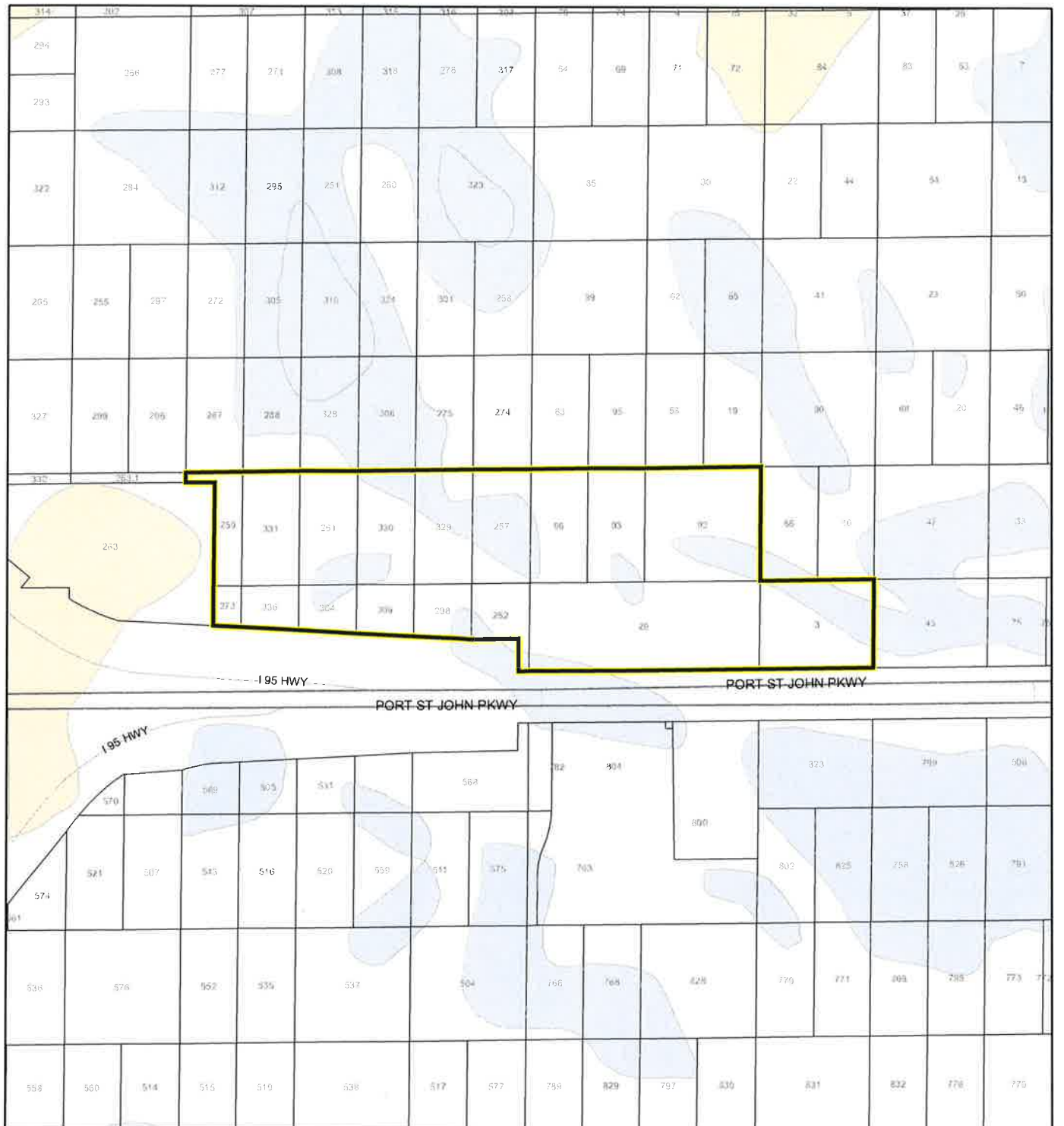
□ Parcels



# NWI WETLANDS MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/10/2022

## 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

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/10/2022

## 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



JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

Tomoka muck, undrained

Myakka sand, 0 to 2 percent slopes

Anclote sand

Myakka sand, 0 to 2 percent slopes

Immokalee sand, 0 to 2 percent slopes

St. Johns sand, 0 to 2 percent slopes

Anclote sand, frequently ponded, 0 to 1 percent slopes

195 HWY

PORT ST. JOHN PKWY

St. Johns sand, depressionnal

Myakka sand, 0 to 2 percent slopes

St. Johns sand, depressionnal

Myakka sand, 0 to 2 percent slopes

St. Johns sand, 0 to 2 percent slopes



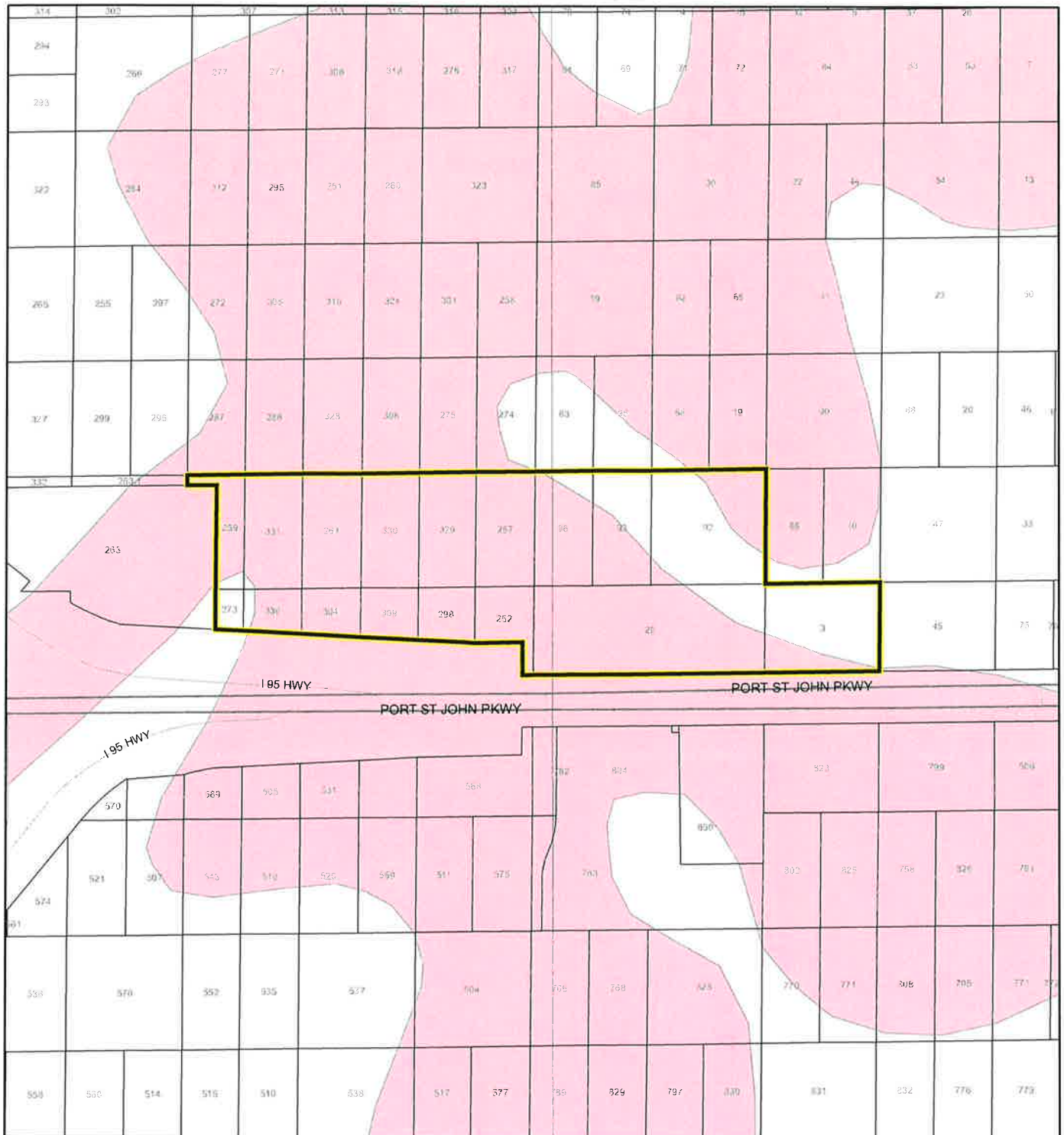
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

☐ Parcels

# FEMA FLOOD ZONES MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2022

## FEMA Flood Zones

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



# COASTAL HIGH HAZARD AREA MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 6/10/2022

 Subject Property

 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2022

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER  
22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2022

 Subject Property

 Parcels



Eagle Nests  
FWS 2010



# SCRUB JAY OCCUPANCY MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER




22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/10/2022

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JACOB AARON CORPORATION; GIGI II, LLC; THE BDM FINANCIAL CORPORATION; AND MICHAEL P. AND LORI L. MELZER

22SS00006 SSA 22S.09



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 6/10/2022

## 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 31, 2022

Ms. Jane Hart, Planner  
Land Development Section  
Planning & Development Department  
Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

**RE: Proposed Blaze Capital Apartments Development  
School Impact Analysis – Capacity Determination CD-2022-28**

Dear Ms. Jane Hart,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2312262 (Parcel ID number: 23-35-27-00-259), Tax Account number 2312334 (Parcel ID number: 23-35-27-00-331), Tax Account number 2312264 (Parcel ID number: 23-35-27-00-261), Tax Account number 2312333 (Parcel ID number: 23-35-27-00-330), Tax Account number 2312332 (Parcel ID number: 23-35-27-00-329), Tax Account number 2312255 (Parcel ID number: 23-35-27-00-252), Tax Account number 2312260 (Parcel ID number: 23-35-27-00-257), Tax Account number 2312301 (Parcel ID number: 23-35-27-00-298), Tax Account number 2312307 (Parcel ID number: 23-35-27-00-304), Tax Account number 2312339 (Parcel ID number: 23-35-27-00-336), Tax Account number 2312312 (Parcel ID number: 23-35-27-00-309), Tax Account number 2312276 (Parcel ID number: 23-35-27-00-273), Tax Account number 2319284 (Parcel ID number: 23-35-27-00-96), Tax Account number 2312251 (Parcel ID number: 23-35-27-00-93), Tax Account number 2312250 (Parcel ID number: 23-35-27-00-92), Tax Account number 2312187 (Parcel ID number: 23-35-27-00-29) and Tax Account number 2312160 (Parcel ID number: 23-35-27-00-3) containing a total of approximately 20.88 acres in District 1, Brevard County, Florida. The proposed development includes 313 multi-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.

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



An Equal Opportunity Employer

Multi-Family Homes	313		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.11	34.43	34
Middle	0.02	6.26	6
High	0.05	15.65	16
Total	0.18		56

**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
Fairglen	789	789	789	789	789
Cocoa	2,084	2,084	2,084	2,084	2,084

**Projected Student Membership**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	580	597	620	626	639
Cocoa	1,517	1,578	1,627	1,637	1,626

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	-	-	-	-	-
Cocoa	-	5	5	5	5

**Cumulative Students Generated by  
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	-	34	34	34	34
Cocoa	-	22	22	22	22

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	580	631	654	660	673
Cocoa	1,517	1,605	1,654	1,664	1,653

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

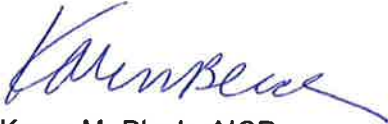
School	2022-23	2023-24	2024-25	2025-26	2026-27
Fairglen	209	158	135	129	116
Cocoa	567	479	430	420	431

At this time, Fairglens Elementary School and Cocoa Jr Sr High School are projected to have enough capacity for the total of projected and potential students from the Blaze Capital Apartments 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 blue ink, appearing to read 'Karen Black', with a stylized flourish at the end.

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-2022-28

David G. Lindemann, AICP, Director of Planning & Project Management,  
Facilities Services  
File CD-2022-28





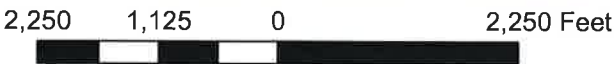
# Blaze Capital Apartments Location Map



**Blaze Capital Apartments  
313 Multi-Family Units**

**Schools Affected by Development:**  
Fairglen Elementary School  
Cocoa Jr Sr High School

Drawn By:  
Planning & Project Management  
Blake Stinson  
05/31/2022





Brevard County Public Schools  
Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service  
Data 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%			88%			95%			98%			97%			99%		
Highest Utilization Middle Schools:		88%			89%			82%			89%			92%			96%		
Highest Utilization Jr / Sr High Schools:		84%			84%			82%			85%			79%			78%		
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																					
Allen	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	694	92%	751	739	95%	773	752	97%	773	738	95%
Andersen	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Apollo	Elementary	K-6	100%	902	762	87%	902	763	87%	902	755	84%	902	761	84%	902	739	82%	902	728	81%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	576	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	56%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
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	583	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	K-6	100%	751	462	62%	751	484	64%	751	546	73%	751	568	76%	751	569	76%	751	572	76%
Coquina	Elementary	PK-6	100%	711	534	75%	711	531	75%	711	557	78%	711	572	80%	711	596	84%	711	602	85%
Croft	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	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	644	66%	980	639	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	988	657	67%	988	670	69%	988	668	68%	988	641	66%	988	627	65%	988	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Fairglen	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	357	57%	629	386	61%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	86%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indiantonic	Elementary	PK-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	920	97%
Locknar	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	88%	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	416	59%
Mims	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%	988	561	58%	988	563	58%	988	554	57%	988	510	53%	988	508	52%	988	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	506	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	496	87%	569	500	88%	569	517	91%	569	524	92%	569	526	93%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	636	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	684	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	180	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	516	66%	785	523	67%	785	516	66%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	289	63%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	434	71%	609	434	71%	609	442	73%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	913	755	83%	913	755	83%	913	755	83%
Sunrise	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	69%	541	345	64%	541	336	62%	541	329	61%
Tropical	Elementary	PK-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	65%	910	609	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	684	79%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	585	57%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	K-6	100%	857	728	85%	857	731	86%	857	815	95%	857	879	101%	857	901	104%	857	923	107%
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	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	



Middle School Concurrency Service Areas													
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,217	80%	1,514
Delaura	Middle	7-8	90%	960	851	89%	960	829	86%	960	854	89%	960
Hoover	Middle	7-8	90%	680	510	75%	680	485	71%	680	506	74%	680
Jackson	Middle	7-8	90%	680	574	87%	680	584	90%	680	556	84%	680
Jefferson	Middle	7-8	90%	873	622	71%	873	583	67%	873	580	66%	873
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064
Kennedy	Middle	7-8	90%	869	682	78%	869	641	74%	869	617	71%	869
Madison	Middle	7-8	90%	781	480	61%	781	471	60%	781	480	61%	781
McKain	Middle	7-8	90%	611	336	55%	611	359	59%	611	363	59%	611
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211
Stone	Middle	7-8	90%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024
<b>Middle Totals</b>				<b>10,247</b>	<b>7,517</b>		<b>10,247</b>	<b>7,514</b>		<b>10,247</b>	<b>7,841</b>		<b>10,247</b>
Junior / Senior High School Concurrency Service Areas													
Cocoa	Jr / Sr High	7-12	90%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,637	78%	2,084
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445
Space Coast	Jr / Sr High	7-12	90%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852
<b>Jr / Sr High Totals</b>				<b>5,381</b>	<b>4,028</b>		<b>5,381</b>	<b>4,021</b>		<b>5,381</b>	<b>3,923</b>		<b>5,381</b>
Senior High School Concurrency Service Areas													
Astoria	High	9-12	95%	1,451	1,077	74%	1,451	1,094	75%	1,451	1,078	74%	1,451
Bayside	High	9-12	95%	2,263	1,728	76%	2,263	1,850	82%	2,263	2,002	88%	2,263
Eau Gallie	High	9-12	95%	2,221	1,610	72%	2,221	1,634	74%	2,221	1,680	76%	2,221
Heritage	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,193	95%	2,314
Heritage	High	9-12	95%	2,370	2,210	93%	2,370	2,201	93%	2,370	2,151	91%	2,370
Marriott Island	High	9-12	95%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962
Palm Bay	High	9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,573	60%	2,631
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,638	89%	1,836
Satellite	High	9-12	95%	1,527	1,513	99%	1,551	1,533	98%	1,551	1,470	95%	1,551
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,295	70%	1,849	1,330	72%	1,849
Viera	High	9-12	95%	2,203	2,216	101%	2,251	2,233	98%	2,583	2,411	93%	2,583
<b>High Totals</b>				<b>22,627</b>	<b>17,878</b>		<b>22,699</b>	<b>18,126</b>		<b>23,031</b>	<b>18,953</b>		<b>23,031</b>
Schools of Choice (Not Concurrency Service Areas)													
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475
South Lake	Elementary	K-6	100%	481	396	82%	481	417	87%	481	417	87%	481
Stevenson	Elementary	K-6	100%	569	498	88%	569	508	89%	569	508	89%	569
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264
<b>Schools of Choice</b>				<b>4,484</b>	<b>3,711</b>		<b>4,484</b>	<b>3,787</b>		<b>4,484</b>	<b>3,787</b>		<b>4,484</b>
<b>Brevard Totals</b>				<b>85,210</b>	<b>63,089</b>		<b>85,282</b>	<b>63,743</b>		<b>85,558</b>	<b>65,450</b>		<b>85,878</b>
											<b>65,794</b>		<b>66,275</b>

#### Notes

1. 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.
2. Student Membership is reported from the Fall Final Membership Count (10/15/2021).
3. Davis Demographics School/Site Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by zip code
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
  - Nongeocoded 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 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
  - Intermediate 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)
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.



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

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 18, 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); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Planner III; Alex Essee, Assistant County Attorney; and Tonya Parker, Administrative Secretary.

### **Excerpt of Complete Agenda**

#### **Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka)**

A Small Scale Comprehensive Plan Amendment (22S.09) to change the Future Land Use designation from NC (Neighborhood Commercial) and CC (Community Commercial) to RES 15 (Residential 15). The property is 20.88 acres, located on the north side of Port St. John Parkway, approx. .30 mile west of Grissom Parkway. (No assigned address. In the Port St. John area.) (22SS00006) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

#### **Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka)**

A change of zoning classification from GU (General Use), BU-1 (General Retail Commercial), and TU-2 (Transient Tourist Commercial), with an existing BDP (Binding Development Plan), to RU-2-15 (Medium Density Multi-Family Residential), and removal of the existing BDP. The property is 20.88 acres, located on the north side of Port St. John Parkway, approx. .30 mile west of Grissom Parkway. (No assigned address. In the Port St. John area.) (22Z00027) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

Kim Rezanka, Law Firm of Lacy Lyons Rezanka, stated she represents the contract purchasers, Blaze Capital Partners, LLC. The property is 20.88 acres and a conglomeration of 17 parcels. She said the developer is looking to develop 3-story multi-family, 288-unit apartment complex, with a maximum of 313 units, there will be a clubhouse and a pool, and there will be some garage parking. The thought in 2009 was to develop a hotel/motel, but there is not a need for in that location at this time. There was also planned to be 330,000 square feet of commercial, but there are not enough homes in the area to support that kind of development. The majority of the surrounding properties are vacant with a few commercial uses, such as Parrish Medical facility, a future gas station, and an FPL service center. She said her clients have been working with FPL and County staff as far as easements, stormwater, and accesses. The change of Future Land Use will allow this multi-family apartment complex; it is a great location for an apartment complex because it is close to I-95. The proposed use will not diminish the safety or quality of life in the existing area; the development will not have a negative impact on transportation, the level of services will not be impacted, and there are no school concurrency issues. The development will be on sewer and water and it will continue to maintain the drainage patterns currently in existence. With the change of Future Land Use to RES 15,

Policy 1.4 criteria indicates it is appropriate for these types of land uses for areas located east of I-95 and areas with access to arterial or collector roadways without impacting existing or designated lower density intensity areas, and this will not do that.

She stated for the rezoning portion of the request, they are requesting a change from GU, BU-1, and TU-2, and removal of an existing BDP that limited the property to a 220-room hotel and 335,000 square feet of commercial space. The development will be connected to centralized sewer and potable water, and there are no traffic or school concurrency issues. She said it is a challenging site to develop because there are some wetlands on it, which will be limited impact, and there are drainage easements along the frontage, and a County pond to the west, all of which will be taken into consideration during site planning. She said her client believes housing is needed in Brevard County and new rental property as well.

Henry Minneboo asked if the Scrub Jays are under control on the property.

Scott Nichol, DRMP & Associates, stated they have not completed an environmental assessment yet, but they are in the process. He said he knows there is a potential for them to be on the property.

John Hopengarten asked if Ms. Rezanka's clients have any objection to the proposed FPL service center that will be to the east of the apartment complex. Ms. Rezanka replied she does not believe so, but they know there will be substantial screening, and they are dealing with easement and stormwater issues with them, so the two purchasers have been working together.

Mr. Hopengarten stated the school district has designated Fairglen Elementary School for the area, which is quite a distance, and asked if the developer is planning a playground for the children who live in the apartment complex.

Chris Whitker, Blaze Capital Partners, 3256 NW 60<sup>th</sup> St., Boca Raton, Florida, stated the plan is preliminary, but they anticipate incorporating playgrounds and pocket parks to the extent they can, and it will be family friendly.

Mr. Hopengarten asked if Mr. Whitker has any objections to the FPL facility that will be next door. Mr. Whitker replied no, not with the screening that will be installed as well as the separation between the two developments.

Bruce Moia asked if it is City of Cocoa water and sewer. Mr. Nichol replied yes.

Peter Filiberto stated as far as the ingress and egress, he sees the resident entry and exit, and then the main entry and exit. He asked if the board wants to have two separate exits, or if both of them should be the main entrance.

Mr. Moia stated he believes that because it is over 200 units, they are required to have two means of ingress and egress.

Mr. Minneboo stated one is going to be right-in/right-out, and they are not going to be able to cross the median.

Mr. Moia stated the other one is the limited access of the I-95 corridor. The access cannot be moved any further west.

Liz Alward stated as far as the playground for the kids, the Bernice Jackson Community Center is less than a mile from the property and it has an indoor gym and playground. She said she thinks with having the FPL service center so close, and the hospital, the apartment complex should never lose power.

Motion by Liz Alward, seconded by Peter Filiberto, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC and CC to RES 15. The motion passed unanimously.

Motion by Peter Filiberto, seconded by Liz Alward, to recommend approval of the change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15, and removal of the existing BDP. The motion passed unanimously.

**From:** [Griffin, Lorena](#)  
**To:** [Iiff, Bethany](#)  
**Subject:** FW: Conference call with Commissioner John Tobia to review Service Center presentation  
**Date:** Wednesday, August 3, 2022 4:25:26 PM  
**Attachments:** [image004.png](#)

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Thank you,

Lorena Griffin  
*Director of Community Affairs*  
*County Commissioner John Tobia, District 3*  
PH: (321) 633-2075 \* Fax: (321) 633-2196  
2539 Palm Bay Road NE, Suite 4  
Palm Bay, FL 32905

**From:** Commissioner, D3 <>  
**Sent:** Monday, August 1, 2022 10:39 AM  
**To:** Rosenthal, Jon <[Jon.Rosenthal@fpl.com](mailto:Jon.Rosenthal@fpl.com)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>  
**Cc:** Gaetjens, Bart <[Bart.Gaetjens@fpl.com](mailto:Bart.Gaetjens@fpl.com)>  
**Subject:** RE: Conference call with Commissioner John Tobia to review Service Center presentation

Good Morning,

The Commissioner has prior commitments this week but I will revert back with possible dates at a later time.

Thank you,

Lorena Griffin  
*Director of Community Affairs*  
*County Commissioner John Tobia, District 3*  
PH: (321) 633-2075 \* Fax: (321) 633-2196  
2539 Palm Bay Road NE, Suite 4  
Palm Bay, FL 32905

**From:** Rosenthal, Jon <[Jon.Rosenthal@fpl.com](mailto:Jon.Rosenthal@fpl.com)>  
**Sent:** Friday, July 29, 2022 2:53 PM  
**To:** Griffin, Lorena <[Lorena.Griffin@brevardfl.gov](mailto:Lorena.Griffin@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>  
**Cc:** Gaetjens, Bart <[Bart.Gaetjens@fpl.com](mailto:Bart.Gaetjens@fpl.com)>  
**Subject:** RE: Conference call with Commissioner John Tobia to review Service Center presentation

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

Good Afternoon Commissioner Tobia and Ms. Griffin:

Our deepest apologies on missing the meeting earlier this week. It would be wonderful if we could squeeze in a brief call sometime next week.

The attached document contains an overview of the proposed service center at the northwest corner of Port Saint John Parkway and Grissom Parkway we are pursuing, and the activities anticipated to be brought before the County Commission for approval in the months ahead. This is the material we will be reviewing if we are able to get another call scheduled. On July 18, the P&Z Commission did vote unanimously to recommend to the County Commission to approve the rezoning, comp plan amendment and removal of the two Binding Development Plans (BDP).

Thank you and if you have any questions, please feel free to contact Bart or myself.

Jon

Jon Rosenthal | Project Director, Construction & Project Management  
Florida Power & Light Company  
Telephone: 561-694-4274 | Cellular: 561-310-1165  
Email: [Jon.Rosenthal@FPL.com](mailto:Jon.Rosenthal@FPL.com)

**From:** Griffin, Lorena <[Lorena.Griffin@brevardfl.gov](mailto:Lorena.Griffin@brevardfl.gov)>

**Sent:** Friday, July 15, 2022 3:19 PM

**To:** Gaetjens, Bart <[Bart.Gaetjens@fpl.com](mailto:Bart.Gaetjens@fpl.com)>

**Cc:** Rosenthal, Jon <[Jon.Rosenthal@fpl.com](mailto:Jon.Rosenthal@fpl.com)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Griffin, Lorena <[Lorena.Griffin@brevardfl.gov](mailto:Lorena.Griffin@brevardfl.gov)>

**Subject:** RE: Conference call with Commissioner John Tobia to review Service Center presentation

Bart,

I have scheduled your call with Commissioner Tobia for 10am on Monday July 25th. Please call our office at 321-633-2075. Feel free to send any attachments to my email or the [d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov).

Let me know if you have any questions.

Thank you,

Lorena Griffin  
*Director of Community Affairs*  
County Commissioner John Tobia, District 3

PH: (321) 633-2075 \* Fax: (321) 633-2196  
2539 Palm Bay Road NE, Suite 4  
Palm Bay, FL 32905

**From:** Gaetjens, Bart <[Bart.Gaetjens@fpl.com](mailto:Bart.Gaetjens@fpl.com)>  
**Sent:** Friday, July 15, 2022 2:57 PM  
**To:** Griffin, Lorena <[Lorena.Griffin@brevardfl.gov](mailto:Lorena.Griffin@brevardfl.gov)>  
**Cc:** Rosenthal, Jon <[Jon.Rosenthal@fpl.com](mailto:Jon.Rosenthal@fpl.com)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>  
**Subject:** FW: Conference call with Commissioner John Tobia to review Service Center presentation

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

Hi Lorena- let's schedule for July 25<sup>th</sup> please.

We are both available all day with an exception from 1 to 1:30 so please schedule at your convenience.

Please advise if there is a specific number we should call. Also in advance of the meeting, Jon Rosenthal, our project manager (copied) will be sending Commissioner Tobia a copy of the presentation. Should we send it to the D3 email address?

Thank you for all of your assistance!

Bart Gaetjens | External Affairs Manager  
Florida Power & Light Company | 9001 Ellis Road | West Melbourne, FL | 32904  
**Office:** 321-383-7269 | **E-mail:** [bart.gaetjens@fpl.com](mailto:bart.gaetjens@fpl.com) | **Website:** <http://www.fpl.com>

**Connect with Us:** [Facebook](#) | [Twitter](#) | [YouTube](#)



**From:** Griffin, Lorena <[Lorena.Griffin@brevardfl.gov](mailto:Lorena.Griffin@brevardfl.gov)>  
**Sent:** Wednesday, July 13, 2022 4:40 PM  
**To:** Gaetjens, Bart <[Bart.Gaetjens@fpl.com](mailto:Bart.Gaetjens@fpl.com)>  
**Subject:** Conference call with Commissioner John Tobia to review Service Center presentation

Hi Bart,

As discussed, we can set up a conference call with Commissioner Tobia to discuss the proposed service center prior to the 8/4 meeting. His availability is as follows:

Monday July 18<sup>th</sup> – open

Wed July 20<sup>th</sup> – 9-10am

Thurs July 21<sup>th</sup> 9-12pm

Monday July 25<sup>th</sup> & 26<sup>th</sup> – open

Let me know if any of the above dates work for you. Please email us any documents for his review and let me know who will be attendance.

Please call me with any questions.

Thank you,

**Lorena Griffin**

*Director of Community Affairs*

*County Commissioner John Tobia, District 3*

**PH: (321) 633-2075 \* Fax: (321) 633-2196**

**2539 Palm Bay Road NE, Suite 4**

**Palm Bay, FL 32905**

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."



**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS  
COMMISSIONER JOHN TOBIA, DISTRICT 3**

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2539 Palm Bay Rd NE, Suite 4  
Palm Bay, FL 32905  
[www.Brevardfl.gov](http://www.Brevardfl.gov)

Phone: (321) 633-2075  
Fax: (321) 633-2196  
[John.Tobia@Brevardfl.gov](mailto:John.Tobia@Brevardfl.gov)

August 3, 2022

To: Jennifer Jones  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Phone Disclosure

Ms. Jones,

In regard to the upcoming agenda items H.4, H.5, H.7, H.8, H.12 and H.13, for the Brevard County Zoning meeting on August 4, 2022, please be advised in advance that I spoke twice with the following party via telephone on August 3, 2022.

Kim Rezanka, Esq.

The phone calls lasted approximately ten minutes and five minutes, during which the above individual provided information regarding the aforementioned items.

Sincerely,

John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

**District 3 Includes:**

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco