

Meeting Date
10/5/17



AGENDA	
Section	Public Hearing
Item No.	IV M

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: TRANSMITTAL OF COMPREHENSIVE PLAN PACKAGE 2017- 2 PLAN AMENDMENTS (DISTRICTS 1 – 5)
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:

It is requested that the Board conduct a public hearing and consider transmittal of the 2017-2.1 Comprehensive Plan Amendment for Imperial South Inc. (2017-2.1).

Summary Explanation & Background:

The Brevard County Zoning Code Chapter 62-502 (b) (3) establishes a twice a year application deadline. However, this request was submitted as an out-of-cycle Comprehensive Plan Amendment. The 2011 Legislation removed all twice per calendar year exemption from Chapter 163, Florida Statutes. There is one private application for amendment being considered for transmittal in this cycle: 2017 – 2.1 submitted by Imperial South Inc. listed below and more fully described in the attached staff report. The Local Planning Agency held a public hearing on September 25, 2017, recommending approval.

Plan Amendment 2017-2.1 - a proposal initiated by Imperial South Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial (PLNIP) to Residential 15 (RES 15) on a 30.70 acres property. The subject property is located on the eastside of N. Wickham Road and is approximately 380' south of Jordan Blass Drive.

Staff Contact: George Ritchie, Planner III, Planning & Development Department
 Tel: 633-2070, Ext: 52657 e-mail: george.ritchie@brevardfl.gov

Clerk to the Board instruction: Ordinance is draft for transmittal – Do not execute

Exhibits Attached: 2017 – 2.1 Transmittal Package

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Interim Assistant County Manager Jim Liesenfelt	Department Director / Extension
Frank Abbate	Assistant County Manager John Denninghoff	 Tad Calkins, Director Planning & Development Department



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

October 6, 2017

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: George Ritchie

RE: Item IV.M., Transmittal of Comprehensive Plan Package 2017-2 Plan Amendment

The Board of County Commissioners, in regular session on October 5, 2017, conducted a public hearing to consider transmittal of the 2017-2.1 Comprehensive Plan Amendment 2017-2.1, a proposal initiated by Imperial South, Inc. to amend Part XI, the Future Land Use Map Series designation from Planned Industrial (PLNIP) to residential 15 (RES15) on 30.70 acres of property located on the east side of North Wickham Road, south of Jordan Blass Drive. Enclosed for your action is the fully-executed Letter.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

October 9, 2017

Mr. Ray Eubanks
Plan Processing Administrator
Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2017-2.1 Comprehensive Plan Amendment Transmittal Package

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment submittal package for the 2017-2.1 Comprehensive Plan Amendment. There is one private application for amendment being considered for transmittal: 2017-2.1 submitted by Imperial South Inc., more fully described in the attached staff report.

The Local Planning Agency held a public hearing regarding the transmittal of the 2017-2.1 Plan Amendment on September 25, 2017. The Brevard County Board of Commissioners approved the transmittal of the 2017-2.1 Plan Amendment package during a public hearing on October 5, 2017.

Copies of the proposed amendment package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, and the Florida Department of Agriculture and Consumer Services.

The plan amendment's "content and effect" is included in this mailing. Brevard County does not request that the Department of Community Affairs review the proposed amendment package and reply with an Objections, Recommendations, and Comments Report.

The proposed amendment package is anticipated to be adopted by Brevard County on February 1, 2018.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2017-2.1 Plan Amendment package is:

George Ritchie, Planner III
George.Ritchie@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940
(321) 633-2069 - FAX (321) 633-2074

A local newspaper of general circulation is:

Florida Today
1 Gannett Plaza
Melbourne, FL 32940
(321)259-5555

In accordance with Florida Statutes, one paper copy and two copies in Portable Document Format (PDF) on the enclosed CD-ROM of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact George Ritchie at the above address.

Sincerely,



Rita Pritchett, Vice-Chairwoman
Brevard County Board of County Commissioners

Enclosures

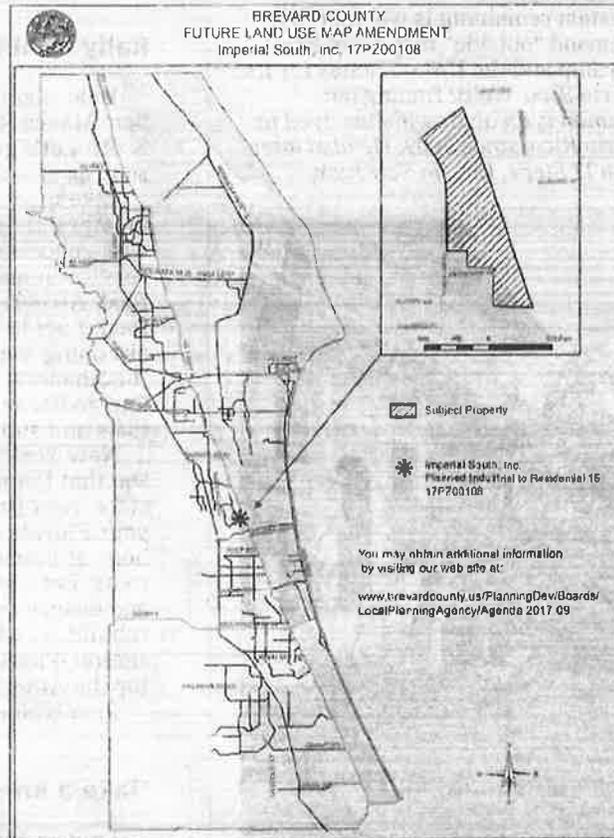
cc: Board of County Commissioners (w/out encl.)
Frank Abbate, County Manager (w/out encl.)
Scott Knox, County Attorney (w/out encl.)
Tad Calkins, Director, Planning and Development Department (w/out encl.)
Exec. Director, East Central Florida Regional Planning Council
Director of Planning and Public Transportation Operations, FDOT District Five
St. Johns River Water Management District
Florida Department of Environmental Protection
Florida Division of Agriculture and Consumer Services
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Department of Education

PUBLIC HEARING NOTICE

The Brevard County Board of County Commissioners will consider an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the transmittal of Plan Amendment Cycle 2017-2.1; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

At a public hearing on Thursday, October 5, 2017, at 5:00 p.m., the Brevard County Board of County Commissioners will consider the transmittal of the 2017-2.1 Comprehensive Plan Amendments. This meeting will be held in the Commission Room, First Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. Said Plan Amendment 2017-2.1 consists of the proposal as follows:

a. Plan Amendment 2017-2.1 – a proposal initiated by Imperial South, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial (PLNIP) to Residential 15 (RES 15) on 30.70 acres, located on the east side of N. Wickham Rd., approx. 380 ft. south of Jordan Blass Dr.



All persons for or against said items can be heard at said time and place. If a person decides to appeal any decision made by the Board 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 this proceeding is made, at his/her expense, which record includes testimony and evidence upon which any appeal is to be based. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than five (5) days prior to the meeting at 633-2069 for assistance. Planning & Development Department – By Jennifer Jones, Special Projects Coordinator.

**Comprehensive Plan Amendment
Out-of-Cycle Transmittal 2017-2.1**

**Comprehensive Plan Amendment
Imperial South Inc. 2017-2.1**

PROPOSED COMPREHENSIVE PLAN AMENDMENT 2017-2.1 (17PZ00108)
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT

Request: 2017-2.1 (17PZ00108)
Large Scale Comprehensive Plan Amendment (LSCPA) Future
Land Use (FLU) Map Amendment

Owner / Applicant: Imperial South, Inc.

Location: Legal Description On file
Tax Acct Parcels
#2606093/2606092/2606089/2605036/2606105/2602755

Acreage: ± 30.7 acres

**Existing Zoning
Classification:** Planned Industrial Park (PIP)

**Proposed Zoning
Classification:** (Rezoning to be filed for review at future Adoption Hearing)
Medium Density Multiple-Family Residential (RU-2-15)

**Existing Land
Use Designation:** Planned Industrial (PLNIP)

**Proposed Land
Use Designation:** Residential 15 (RES 15)

FUTURE LAND USE MAP AMENDMENT

Description:

This request is for an amendment to the Future Land Use designation from Planned Industrial (PLNIP) to Residential 15 (RES 15) on a 30.7 acres property. The subject property is located on the eastside of N. Wickham Road and is approximately 380' south of Jordan Blass Drive. The existing Planned Industrial (PLNIP) Future Land Use designation was adopted with the initial Comprehensive Plan in 1988 due to its proximity to the Florida East Coast (FEC) railway and major transportation corridors. The requested RES 15 Future Land Use designation may permit up to 15 residential units per acre.

The applicant has indicated that the proposed use will be comprised of a 450 unit multifamily apartment complex. The proposed number of residential units is 10 units less than the maximum density permissible, 460 units. The applicant has provided a conceptual plan that depicts the layout (see attached). A companion rezoning application to Medium Density Multiple-Family Residential (RU-2-15) will be heard at the future

adoption hearing of this amendment request, February 1, 2018, after transmittal and State review.

A previous request for Residential 15 (Res 15) Future Land Use designation on the subject property was denied on April 19, 2016 (**2015-2.1/Resolution 16-049**). Concerns regarding the potential incompatibility between the proposed 425 unit apartment complex and nearby Industrial land uses were at issue. The subject site is nearby to an existing asphalt plant that is located on the eastside of the FEC railway. The FEC right-of-way is approximately 100' wide. More recently, the aforementioned plant was granted a Conditional Use Permit (CUP) for the purpose of manufacturing cement, concrete and concrete building products on August 3, 2017 (**17PZ00068**).

The conceptual plan that was submitted with the previous request for 425 units, in 2015, proposed buildings in a location that were closer to the asphalt plant (see attached). In an effort to mitigate the impacts of the industrial uses, the project design of the newly proposed conceptual plan for 450 units has been revised to provide a buffer from the railroad right-of-way. The residential buildings have been repositioned so that at least four of the seventeen (17) structures are further away, than the previous design, to the industrial land uses west of the FEC right-of-way.

The subject site abuts Planned Industrial (PLNIP) and Community Commercial (CC) to the north, Public Facilities (PUB), Planned Industrial (PLNIP) and Community Commercial (CC) to the south, Neighborhood Commercial (NC) and Community Commercial (CC) to the west (across N. Wickham Rd.), and Planned Industrial (PLNIP) and Industrial (IND) to the east (across FEC railway).

Surrounding Uses	Current Use	Zoning	Future Land Use
North	Fresh Market Grocery Store Four Vacant Future Restaurant or Retail Outparcels	BU-1, BU-2	PLNIP, CC
East	Industrial (Across FEC RR)	IU, IU-2, GU, BU-2	PLNIP, IND
South	U.S. Post Office Mini-Storage Warehouse	PIP, IU, BU-2	PUB, PLNIP, CC
West	Petty's Market (Below: Across Wickham Rd) Shopping Plaza Vacant Commercial Property	BU-1, BU-1-A	NC, CC

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Cocoa Service Area. The applicant has submitted a potable water Capacity Availability Certificate that depicts a non-deficiency (see attached).

Sanitary Sewer: The subject property is located within Brevard County's sanitary sewer service area. The applicant has submitted a sanitary sewer Capacity Availability Certificate that depicts a non-deficiency (see attached).

Solid Waste: Brevard County provides solid waste collection and disposal for this area. The applicant has submitted a solid waste Capacity Reservation Certificate that depicts a non-deficiency (see attached).

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the Central Mainland Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The proposed amendment is located on N. Wickham Rd. (segment 403- from Pineda Causeway to Jordan Blass). The segment was identified as a critical segment at or nearing maximum capacity. The Maximum Allowable Volume (MAV) is 39,800 with an Average Daily Trips (ADT) of 29,657 (12% increase from 2015 counts). The segment has a current operating volume of 75%. The proposed 450 unit multifamily apartment complex would generate approximately 2,993 ADT and 279 PM Peak trips. Therefore, if the proposed project were to be approved the ADT would increase to 32,650; as a result, the operating volume would also increase to 82%. The potential trips from the existing Planned Industrial land use is 3,080 (ADT) and 406 (PM Peak), based on ITE Code 130 (Industrial Park). The proposed RES 15 Future Land Use designation would result in a reduction of the ADT and PM Peak trips.

	ADT	PM PEAK		
Trips from Existing Zoning	3,080	406	Segment Number	370F
Trips from Proposed Zoning	2,993	279	Segment Name	N.Wickham
Maximum Acceptable Volume (MAV)	39,800	3,582	Acceptable LOS	D
Current Volume	29,657	2,669	Directional Split	0.52
Volume With Proposed Development	32,650	2,939	ITE CODE	
Current Volume / MAV	74.52%	74.52%	220	
Volume / MAV with Proposal	82.04%	82.04%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

The Public Works Traffic Operations Department was notified of the proposed development for purpose of requiring a Traffic Impact Study to review required roadway improvements at site plan review.

The applicant has submitted a Technical Memorandum that shows a comparison between the trip generations for the existing land use versus proposed land use (see attached). According to the technical memorandum, "the change from PLNIP to RES-15 should result in the reduction of potential truck traffic."

Public Schools: The applicant has submitted a School Impact Analysis-Capacity Determination letter from the School Board of Brevard County that depicts a non-deficiency (see attached).

Conclusion: The preliminary concurrency analysis at the first level of review did not indicate that the proposed development would cause a deficiency of adopted levels of service. Further review will be completed at adoption and site plan review.

Environmental Resources:

The Natural Resource Management Department will provide staff comments on the proposed development during the adoption phase.

Coastal High Hazard Zone:

The subject property is not located within the Coastal High Hazard Zone.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

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 with 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.

Future Land Use Element Policies

The following policies pertain to this future land use planning activity.

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 approximately 3 miles to the east of I-95. The subject property is entirely surrounded by a mixture of Commercial, Industrial and Public Facilities land uses. A residential node with Residential 15 (RES 15) Future Land Use designation is located approximately 0.2 miles to the west of the subject property (directly west of Promenade Dr.-across N. Wickham Rd.).

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

The subject property is surrounded by unincorporated parcels. However, the subject site is located within the boundaries of Palm Shores Joint Planning Agreement (JPA).

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

The predominant Residential Future Land Use designation located in this area of Suntree is a blend of Residential 4 (RES 4) and Residential 6 (RES 6), with a single node of RES 15.

- 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 N. Wickham Rd., an arterial 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 has submitted a companion rezoning application for the purpose of changing the zoning classification from Planned Industrial Park (PIP) to Medium Density Multiple-Family Residential (RU-2-15). The maximum density permitted under the RU-2-15 zoning classification is 15 units per acre. The rezoning application will be heard by the Board at the time of adoption.

Summary

This request is for an amendment to the Future Land Use designation from Planned Industrial (PLNIP) to Residential 15 (RES 15) on a 30.7 acres property for purpose of developing a 450 unit multifamily apartment complex in the Suntree area. This area of Suntree is largely characterized by mixture of low density residential, commercial and industrial land uses. Pursuant to **Policy 1.4**, the requested RES 15 Future Land Use designation affords the second highest density allowance, permitting a maximum of up to 15 units per acre.

A previous request for Res 15 Future Land Use designation on the subject property was denied on April 19, 2016 (**2015-2.1/Resolution 16-049**). Concerns regarding the potential incompatibility between the proposed 425 unit apartment complex and nearby Industrial land uses were at issue. The project has been redesigned, and the conceptual plan of 450

units locates four of the 17 residential structures further away from the industrial land uses to the west across FEC right-of-way.

The preliminary concurrency analysis at the first level of review did not indicate that the proposed development would cause a deficiency of adopted levels of service. The conceptual plan depicts cross access between the subject site and the developed commercial parcels to the north and south, with one proposed access on N. Wickham Rd. The existing sidewalk and transit stops along N. Wickham Rd. will promote multi-modal accessibility. There are developed schools, medical offices, grocery stores, and restaurants within a one mile radius of the subject site.

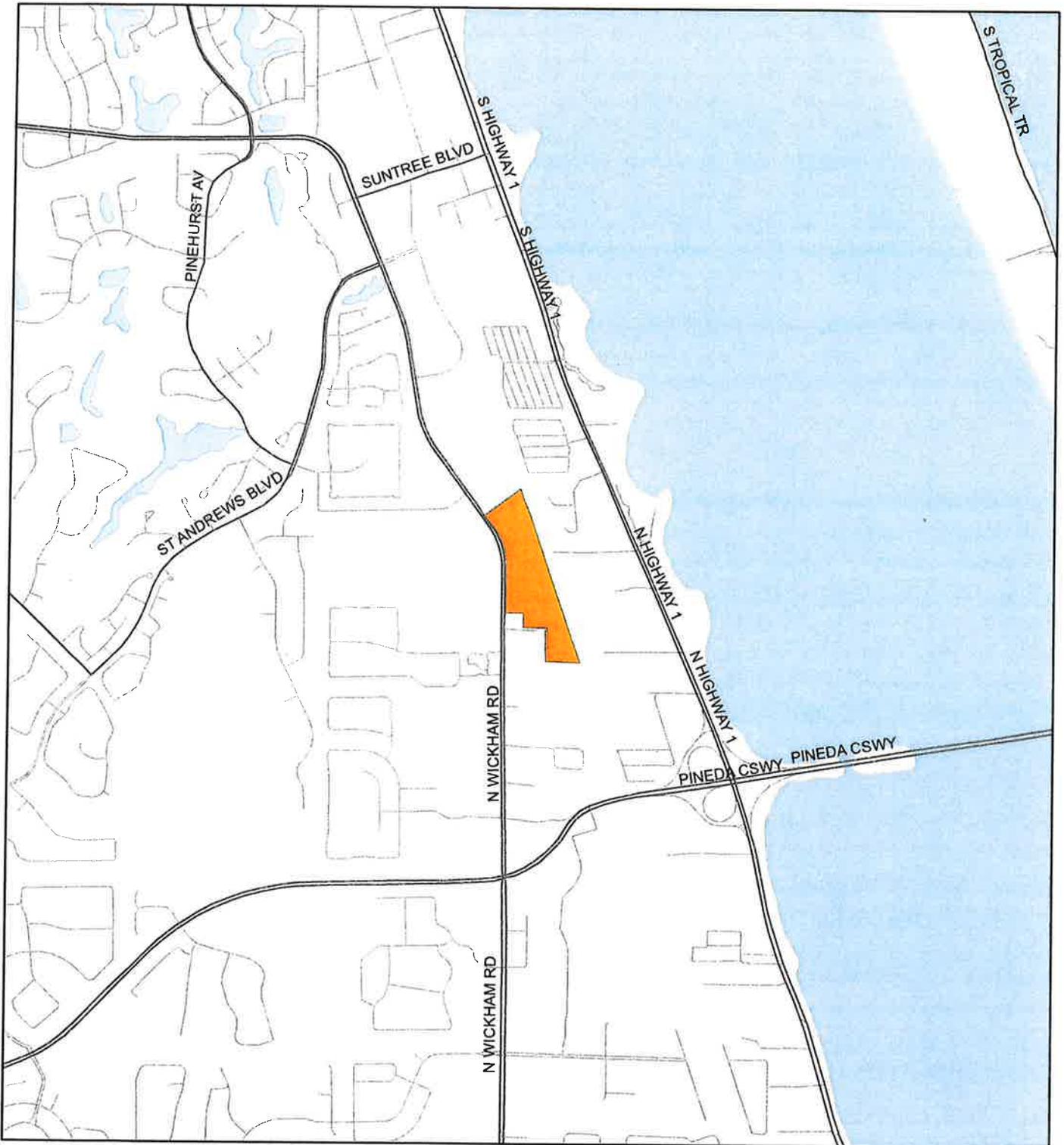
A companion rezoning application to Medium Density Multiple-Family Residential (RU-2-15) will be heard at the future adoption hearing of this amendment request on February 1, 2018, after transmittal and State review.

If you have any questions, please contact George Ritchie of the Planning & Development Department at (321) 633-2070 ext. 52657 or via email to George.Ritchie@brevardfl.gov

**LSCPA
Imperial South Inc.
2017-2.1
Supporting Maps**

LOCATION MAP

Comprehensive Plan Amendment 2017-2.1
Imperial South, Inc. 17PZ00108



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

Buffer Distance: 500 feet

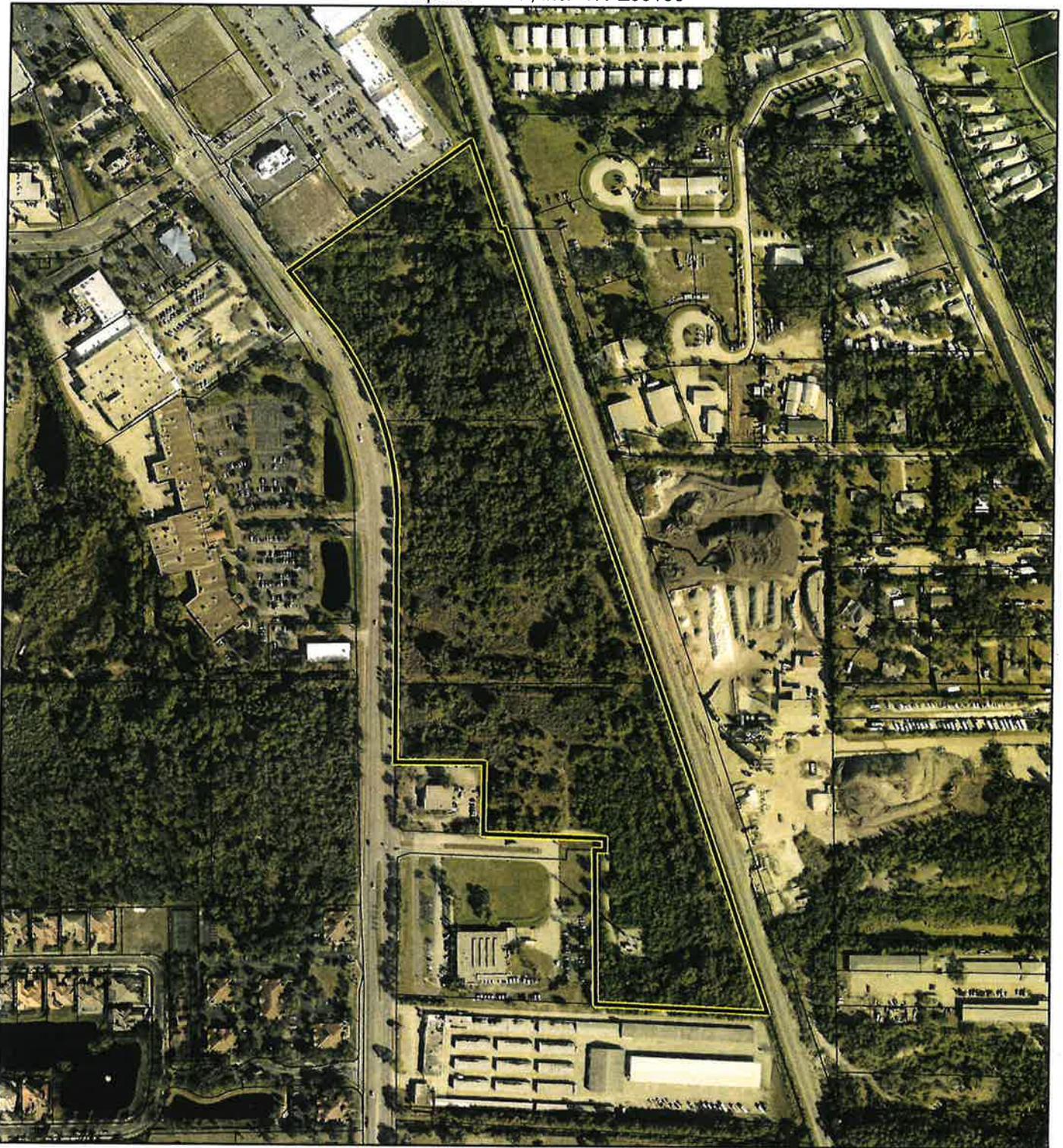
 Subject Property

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/18/2017

AERIAL MAP

Comprehensive Plan Amendment 2017-2.1
Imperial South, Inc. 17PZ00108



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2017

 Subject Property

 Parcels

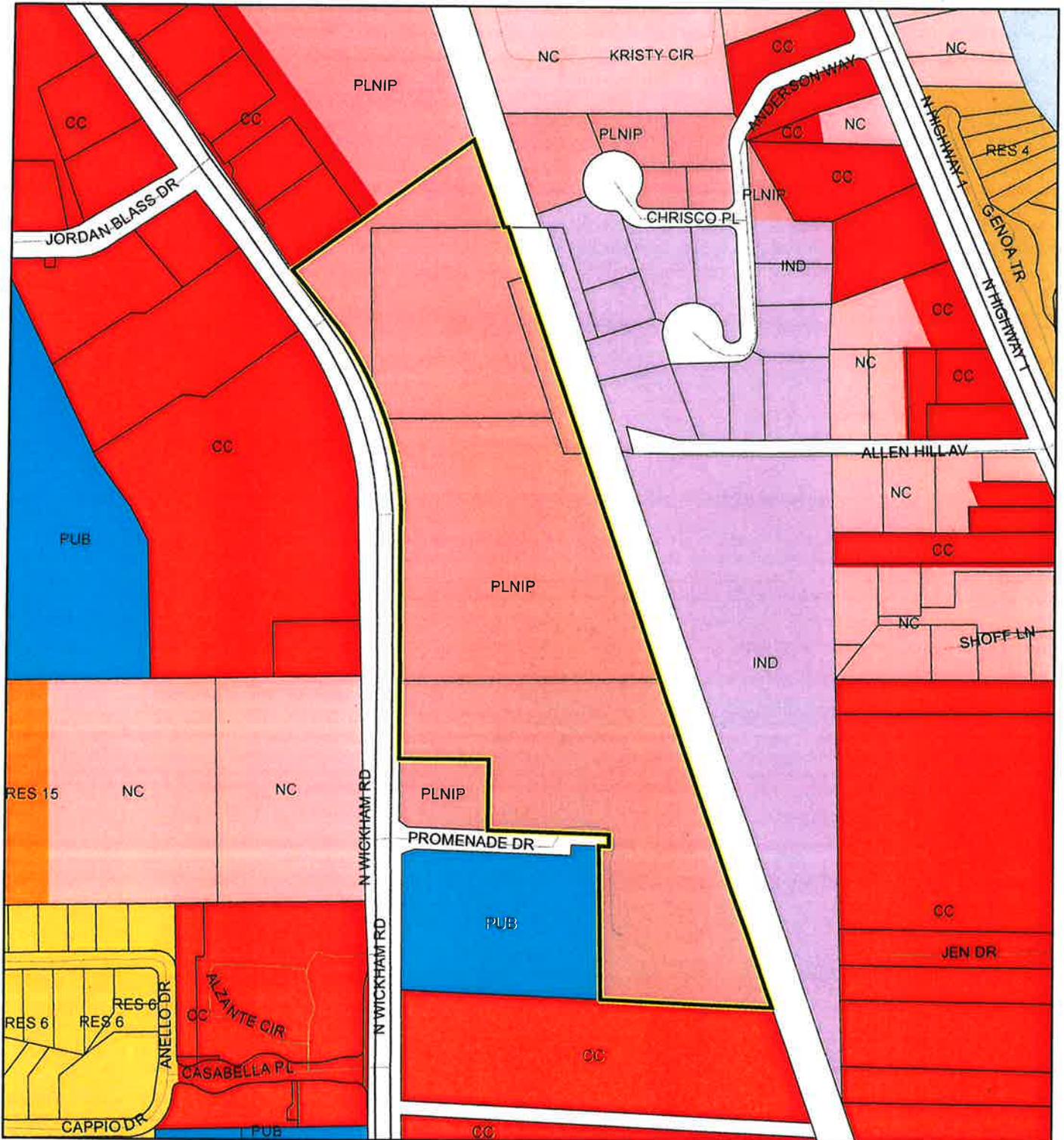
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2017

FUTURE LAND USE MAP

Comprehensive Plan Amendment 2017-2.1

Imperial South, Inc. 17PZ00108



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

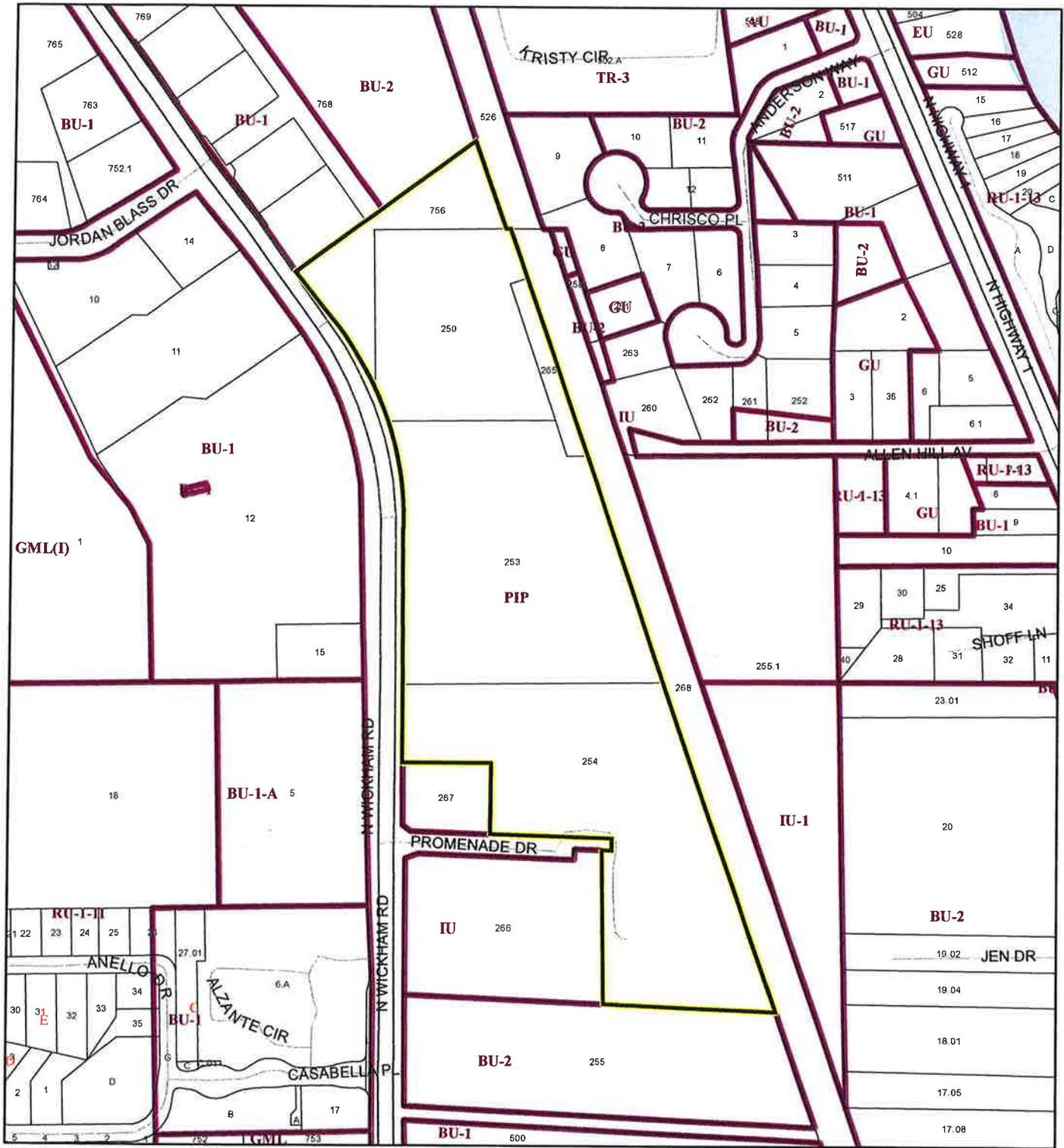
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2017

ZONING MAP

Comprehensive Plan Amendment 2017-2.1

Imperial South, Inc. 17PZ00108



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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.

**LSCPA
Imperial South Inc.
2017-2.1
Applicant Submittals**



1. Type of Application:

Small-scale Comprehensive Plan Future Land Use Map Amendment

Large-scale Future Land Use Map Amendment

Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: William D. Bishop

Staff Planner : Conroy Jacobs

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: PLNIP

Requested Future Land Use Designation: RES 2-15

Existing Zoning: PIP

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

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

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

Since the existing land use was put in place, the entire character of the area has changed. Most of the property in the area is developed as commercial, office professional, and residential. Developing this property as industrial would actually be an incompatible use for the area. A proposed high-density residential project, as proposed, makes more sense in order to support the existing commercial development in the area. See attachment next page.

(use additional sheets if necessary)

Supplement to Comprehensive Plan Amendment
Description of Request/Justification– Attachment 1

Since the existing land use was put in place, the entire character of the area has changed. Most of the property in the area is developed as commercial, office professional, and residential. Developing this property as industrial would actually be an incompatible use for the area. A proposed high-density residential project, as proposed, makes more sense in order to support the existing commercial development in the area.

The property currently sits vacant due to the existing land use and zoning. It is located in an area that is no longer conducive to an industrial park. It is immediately bordered by general retail commercial. East of the railroad tracks is the only remaining industrial location in the vicinity. Currently and for the immediate future (2-3 years) there is a very low need for industrial within the vicinity of the proposed project. The property has good connectivity, existing infrastructure, and is in close proximity to existing recreational activities (beach, park, library) lending itself well to the proposed land use (RES-15) and zoning (RU-1-15). The applicant intends to keep several of the very large oak trees to enhance the multi-family apartment development. The existing land use (PLNIP) and zoning (PIP) do not provide for allowances for the proposed multi-family residential apartments.

The proposed use results in the need for a combination comprehensive land use plan amendment and rezoning. An added benefit of the proposed projects' land use and zoning change is that it will provide for a logical transition, evolution, and infill between the general retail commercial as it is a poor location for single family residential and the area is currently saturated with commercial.

The proposed RES-15 land use requires that centralized potable water and wastewater be available. Potable water and wastewater collection are existing along Wickham Road. As the proposed project is already within the existing service area of the City of Melbourne, and extension of public utilities will not be required.

School Board of Brevard County

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

Desmond K. Blackburn, Ph.D., Superintendent



August 21, 2017

Mr. Conroy Jacobs, Planner I
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Wickham Park Apartments
School Impact Analysis – Capacity Determination CD-2017-10**

Dear Mr. Jacobs,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on August 13, 2017. The subject property consists of Parcel ID 26-37-19-00-00250.0-0000.00 (Tax ID 2606089), Parcel ID 26-37-19-00-00253.0-0000.00 (Tax ID 2606092), Parcel ID 26-37-19-00-00254.0-0000.00 (Tax ID 2606093), Parcel ID 26-37-19-00-00265.0-0000.00 (Tax ID 2606105), and Parcel ID 26-36-13-00-756 (Tax ID 2601755) containing approximately 30.7 acres in Unincorporated, District 4, Brevard County, Florida. Four Hundred Fifty (450) multi-family dwelling units are planned for completion in 2020. The School Concurrency Determination of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2016-17 to 2021-22 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2016-17 to 2021-22* which is attached for reference.

Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.27	121.5	122
Middle	0.06	27	27
High	0.10	45	45
Total	0.43		194



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

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Suntree	755	755	755	755	755
DeLaura	941	941	941	941	941
Viera	2,253	2,253	2,253	2,253	2,348

Projected Student Membership

School	2017-18	2018-19	2019-20	2020-21	2021-22
Suntree	654	619	572	548	519
DeLaura	728	740	774	769	757
Viera	2,150	2,188	2,233	2,235	2,337

Students Generated by Previously Issued SCADL Reservations

School	2017-18	2018-19	2019-20	2020-21	2021-22
Suntree	6	6	6	6	6
DeLaura	2	8	12	14	14
Viera	24	24	24	24	24

**Cumulative Students Generated by
Proposed Development**

School	2017-18	2018-19	2019-20	2020-21	2021-22
Suntree	-	12	69	122	122
DeLaura	-	3	15	27	27
Viera	-	4	25	45	45

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Suntree	660	637	647	676	647
DeLaura	730	751	801	810	798
Viera	2,174	2,216	2,282	2,304	2,406

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Suntree	95	118	108	80	109
DeLaura	211	190	140	131	143
Viera	79	37	(29)	(51)	(58)

At this time, there is projected to be sufficient capacity at the elementary and middle school level for the proposed Wickham Apartments, but there is insufficient capacity at the high school level.

Because there is a shortfall of available capacity in the high school concurrency service areas of the Wickham Apartments proposal, the capacity of adjacent concurrency service areas must be considered, per Interlocal Agreement Section 13.2(e). The adjacent high school concurrency service areas are those of Rockledge High School and Eau Gallie High School. A table of capacities of the *Adjacent School Concurrency Service Areas* and the impact of the Wickham Apartments proposal are shown below.

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Rockledge	1,689	1,689	1,689	1,689	1,689
Eau Gallie	2,186	2,186	2,186	2,186	2,186

Projected Student Membership

School	2017-18	2018-19	2019-20	2020-21	2021-22
Rockledge	1,470	1,515	1,522	1,485	1,458
Eau Gallie	1,639	1,693	1,784	1,834	1,900

Students Generated by Previously Issued SCADL Reservations

School	2017-18	2018-19	2019-20	2020-21	2021-22
Rockledge	46	80	100	108	108
Eau Gallie	55	56	58	58	58

**Cumulative Students Generated by
Proposed Development**

School	2017-18	2018-19	2019-20	2020-21	2021-22
Rockledge	-	4	25	45	45
Eau Gallie	-	-	-	-	-

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Rockledge and Eau Gallie	3,210	3,348	3,489	3,530	3,569

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

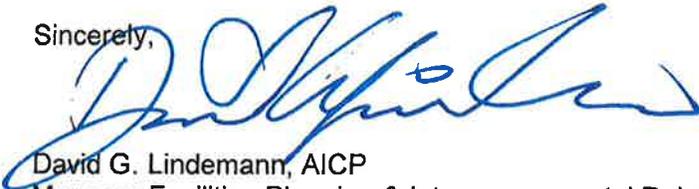
School	2017-18	2018-19	2019-20	2020-21	2021-22
Rockledge and Eau Gallie	665	527	386	345	306

Considering the adjacent high school concurrency service areas, there is sufficient capacity for the maximum projected student membership to accommodate the Wickham Apartments proposal. By looking at the projected available capacity for Eau Gallie and Rockledge High Schools, the projected need for capacity at Viera High School can be accommodated.

This is a **non-binding** review. A ***Concurrency Determination*** must be performed by the School District prior to the issuance of a final development approval and 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,



David G. Lindemann, AICP
Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2014-15 to 2019-20*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2017-10

SANITARY SEWER SERVICE CAPACITY AVAILABILITY CERTIFICATE

This certificate is issued for the purpose of verifying that sanitary sewer service is available pursuant to Section 163.3202 (2) (g), Florida Statutes. However, this certificate in no way reserves capacity for the project or property described below and is issued for conditional Site Plan, Subdivision, or building permit approval only.

I. Unit of Government or Entity Issuing Certificate: Brevard County

II. Applicant/Owner Information

Owner: <u>Imperial South Inc</u>	Applicant: <u>William D. Bishop</u>
Address: <u>6767 N WICKHAM RD, SUITE 400</u>	Address: <u>250 N. Orange Ave. Suite 1500</u>
<u>MELBOURNE, FL 32940</u>	<u>Orlando, FL 32801</u>
Phone No. (home) _____	Phone No. (home) _____
(work) _____	(work) <u>407-734-7195</u>

III. Legal Description and Development Proposal

<u>26S</u>	<u>37E</u>	<u>19</u>			
Township	Range	Section	Subdivision	Block/Parcel	Lot
Subdivision Name _____					
Site Acreage	<u>30.7</u>	Zoning Classification	<u>Estat: PIP, Proposed: RU-2-15</u>		
If Residential	Type of Residential	<u>multi-family apartments</u>			
	Maximum Number of Dwelling Units	<u>460</u>			
If Non-residential	Specific Uses	_____			
	Square Footage	_____			

IV. Availability of Sanitary Sewer Service

The following sanitary sewer capacities are available as of the date of this application.

460 # of units or equivalent non-residential units
92,000 gallons/day @ ³⁰⁰ ~~200~~ gallons/residential unit/day
 Affected Facility: SOUTH CENTRAL REGIONAL WWTP

- As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.
- As of the date of this application sanitary sewer capacities are not available.

	<u>Utility Services</u>	<u>8/8/17</u>
Signature and Title	Jurisdiction	Date

V. The subject property is in an area not served by a public sewer supply system and will be utilizing an on-site sewage disposal/septic tank.

- This site is or can be made suitable for the use of an on-site sewage disposal system.
- This site is currently serviced by an on-site sewage disposal system, which is adequate to handle the proposed new development described above.

Signature and Title	Jurisdiction	Date

SOLID WASTE CAPACITY RESERVATION CERTIFICATE

This certificate is issued for the purpose of verifying that adequate solid waste capacity is available pursuant to Section 163.3202(2)(g), Florida Statutes, and the solid waste capacity is reserved for a specific time for the development of the property as described in Section III of this certificate.

I. Unit of Government Issuing Certificate: BREVARD COUNTY SOLID WASTE MANAGEMENT

II. Applicant/Owner Information:

Owner Imperial South Inc
Address 6767 N WICKHAM RD, SUITE 400
MELBOURNE, FL 32940
Phone No. (Home) _____
(Work) _____

Applicant William D. Bishop
Address 250 N. Orange Ave. Suite 1500
Orlando, FL 32801
Phone No. (Home) _____
(Work) 407-734-7195

III. Legal Description and Development Proposal:

Section 26S Township 37E Range 13, 18, 19 & 24
Subdivision _____ Block _____ Lot _____

Site Acreage 30.7 Zoning Classification Exist: PIP, Proposed: RU-2-15

If Residential: Type of Residential multi-family apartments
Maximum Number of Dwelling Units 460

If Non-Residential: Specific Uses _____
Square Footage _____

IV. Capacity Reservation for Solid Waste

The following solid waste capacity reserved for the period of time specified herein or until capacity consumption begins. Failure to utilize the reserved capacity within the specified time frame shall require a new concurrency evaluation.

690 tons/year

DEVELOPMENT ORDER Site Plan

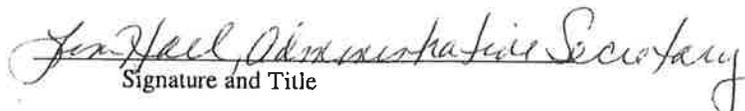
Reservation Period:

Beginning 8/8/17
Ending 2/7/19

Affected Facility: BREVARD COUNTY LANDFILL

Governmental Jurisdiction: **Brevard County Solid Waste Management Department**
2725 Judge Fran Jamieson Way
Viera, FL 32940 (321) 633.2042 FAX: (321) 633.2038

Capacity reservations for solid waste facilities are hereby, certified for use by the applicant for the specified reservation period by:


Signature and Title

Date 8/8/17

Via E-Mail: (narrconstructionservices@gmail.com)

Ref: 4077.11

TECHNICAL MEMORANDUM

To: Will Reynolds, NARR Construction Services, Inc.
From: Matthew West, AICP
Subject: Wickham Road 30-acre Parcel Trip Generation Analysis
Date: April 29, 2015

Lassiter Transportation Group, Inc. (LTG) was asked to determine the trip generation associated with the development known as Wickham Road 30-acre Parcel, located at the southeast corner of Wickham Road and Jordan Blass Drive in unincorporated Brevard County. The proposed development is an apartment complex.

Lassiter Transportation Group, Inc. (LTG) has been retained by NARR Construction Services, Inc., to prepare a trip generation analysis in support of an Expedited State Review Comprehensive Plan Amendment which amends the Future Land Use Map (FLUM) designation for 30.7 acres from Planned Industrial Park (PLNIP) to Residential 15 (Res-15).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLUM DESIGNATION

The trip generation for the maximum development scenarios for both the existing FLUM designation and the proposed FLUM designation were calculated using the nationally accepted trip generation publication, the *Trip Generation Manual, 9th Edition*, prepared by the Institute of Transportation Engineers (ITE).

The existing analysis is based on the existing FLUM designation of PLNIP as outlined in the Future Land Use Element (FLUE) of the County's Comprehensive Plan. PLNIP does not have a maximum floor area ratio (FAR) according to the Comprehensive Plan, but assuming a reasonable FAR for single story industrial development of 0.4, the property could yield 534,920 square feet of building area.

Based on this assumption and as indicated in Table 1, the potential development of the property under the existing land use would generate 448 gross p.m. peak-hour trips.

Table 1
Gross Trip Generation – Existing FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA

Time Period	Land Use	ITE Land Use Code	Acreage	Floor Area Ratio	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Industrial Park	130	30.70	0.40	534.92	KSF	$T = 0.78(X) + 30.48$	448	21%	79%	94	354

Source: ITE Trip Generation Manual, 9th Edition

The proposed analysis is based on the requested FLUM designation of Residential 15 as outlined in the FLUE of the County's Comprehensive Plan. The maximum density of the proposed future land use (Residential 15) would

123 Live Oak Ave. ▪ Daytona Beach, FL 32114 ▪ Phone 386.257.2571 ▪ Fax 386.257.6996

be 15 dwelling units per acre. Applying this maximum density would permit 460 apartment units. As indicated in Table 2, maximum development of the property under the proposed land use would generate 334 p.m. peak-hour trips.

**Table 2
Gross Trip Generation for Proposed FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA**

Time Period	Land Use	ITE Land Use Code	Acres	Density	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Apartment	220	30.7	15	461	Dwelling Units	$T=0.55(X)+17.65$	271	65%	35%	176	95

In addition, the change from PLNIP to Res-15 should result in the reduction of potential truck traffic. In a recent vehicle count by a different client for an existing 600,000 square foot distribution, truck traffic comprised more than 40 percent of the total vehicle count. Truck traffic should be significantly less than 40 percent for a multi-family development's vehicle count.

CONCLUSION

The study was conducted to evaluate the impact the proposed Comprehensive Plan Amendment would have on area roadways based on trip generation of the reasonable development potential of the existing land use designation as compared to the maximum development potential of the proposed land use designation. There will not be an increase in P.M. peak-hour traffic over what is currently allowed. Therefore, this Comprehensive Plan Amendment is recommended for adoption. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

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

Name: Gil Ramirez, P.E.

Signature: _____

Date: August 28, 2017

April 23, 2015

Natural Resource Assessment
Technical Memorandum

Wickham Road 30-Acre Property

*Section 19, Township 26 South, Range 37 East,
Brevard County, Florida*

Prepared for:

BBGL LAND LLC

250 N. Orange Ave. Suite 1500
Orlando, FL 32801

Prepared by:



Connecting the pieces

F · R · A · Z · I · E · R

CONSULTING SERVICES LLC

Mobility Community Environment Funding Development

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- Figure 2 – USGS Topographic Map
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- Appendix A – Site Photographs
- Appendix B – Wetland Assessment Score Sheets

NATURAL RESOURCE ASSESSMENT

Technical Memorandum

WICKHAM ROAD 30-ACRE PROPERTY

*Section 19, Township 26 South, Range 37 East,
Brevard County, Florida*

INTRODUCTION

The following technical memorandum summarizes the results of field reconnaissance conducted on the above referenced site on April 2, 2015. The purpose of the field reconnaissance was to identify potential development constraints relative to an assessment of the vegetative communities, wildlife, wetlands and potential listed species or listed species habitat onsite. Formal listed species surveys were not included as part of the scope of work for this project. However, observations of listed species or listed species habitat were documented and recommendations for additional surveys, if required, are made in the report. Delineation of wetland and surface waters located on the subject parcel were conducted as part of this report.

SITE CHARACTERISTICS

The project site consists of approximately 29.8 acres located just south of the intersection of Wickham Road and Jordon Blass Boulevard (Pinehurst Avenue), Melbourne, Florida. The site is bordered on the south by commercial development, on the west by Wickham Road and adjacent commercial development; on the east by the Florida East Coast Railroad Right of Way; and on the north by new commercial development. A location map is attached as *Figure 1*. Site topography and average elevation was identified using the United States Geological Survey (USGS) *Eau Gallie, FL 7.5* minute series topographic map. The USGS Topographic Map indicates that a portion of the parcel lies between the 25' and 30' National Geodetic Vertical Datum (NGVD) elevation contour. Natural drainage appears to flow to the southeast into a natural tributary that passes under the Florida East Coast Rail Road and continues east. The USGS topography is depicted in *Figure 2*. To further evaluate the elevations onsite, Brevard County LIDAR data (2 foot contours) were overlaid on the aerial. The North American Vertical Datum (NAVD) elevations are approximately 1.4' below NGVD calibrated data therefore, elevations are shown to range from 20' to 32' NAVD. Wetland areas appeared to occur in elevations less than 24' NAVD. The LIDAR data is shown in *Figure 3*.

FLOODPLAIN INFORMATION

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), indicates that the site is entirely located within Zone X (outside the 500- year flood zone). The flood zones are depicted on *Figure 4*.

SOILS

The 2001 U.S. Department of Agriculture (USDA) / Natural Resource Conservation Service (NRCS) *Soil Survey of Brevard County, Florida* indicates that there are four (4) soil types found within the parcel identified as (49) Pomello Sand, (51) Pompano Sand, (56) St. Lucie Fine Sand, and (63) Tavares Fine Sand. A copy of the USDA/SCS Soils map of the site is attached as *Figure 5*. The following is a general description of the soils, as described within the SCS survey.

49 - Pomello Sand

This soil is generally made up of sandy marine deposits and found on pinewood flats or rises on marine terraces. Typical natural communities consist of sandy soils on rises and knolls of mesic uplands (Pine Flatwoods) or Sand Pine Scrub. The soil is moderately well drained with an average depth to water table about 24 to 42 inches. This soil is non-hydric.

51 - Pompano sand

This soil is generally made up of sandy marine deposits and found on pinewood flats on marine terraces. Typical natural communities consist of sandy soils on flats of mesic or hydric lowlands or wetland sloughs. Natural drainage is classified as poorly drained with high runoff potential. The depth to water table is about 0 to 12 inches. This soil is hydric.

56 - St. Lucie fine sand, 0 to 5 percent slopes

This soil is generally made up of sandy marine deposits and found on knolls and ridges on marine terraces. Typical natural communities consist of sandy soils on ridges and dunes of xeric uplands and Sand Pine Scrub. Natural drainage is excessively drained with a depth to water table more than 80 inches. This soil is non-hydric.

63 - Tavares fine sand, 0 to 5 percent slopes

This soil is generally made up of sandy marine deposits and found on pinewood flats or ridges on marine terraces. Typical natural communities consist of sandy soils on rises, knolls, and ridges of mesic uplands (Pine Flatwoods) or Sand Pine Scrub. Natural drainage is moderately well drained with a depth to water table about 42 to 72 inches. This soil is non-hydric.

According to the *Hydric Soils of Florida Handbook, 4th Edition* (Florida Association of Environmental Soil Scientists, 2007), **Pompano sand** is considered hydric. The occurrence of hydric soil is one indicator of wetland areas. Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic (wetland) vegetation.

VEGETATION and COMMUNITY TYPES

Natural vegetation grows in particular associations that can be classified into ecological units known as "communities". Similarly, various land uses can be categorized into descriptive classifications. The communities and land uses incorporated into the surveyed area were designated using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999) as a guideline. It should be noted that variations between the published FLUCFCS descriptions and the actual onsite land use/communities may exist. Consequently, the classifications which come closest to the observed onsite land uses/communities were chosen, but may not match precisely. The acreages calculated are determined by Geographic Information Systems (GIS) analysis and are approximate.

The Land Use map is based on the dominant vegetation or characteristics observed in the field. The location of these land use/communities are depicted on **Figure 6**. It is apparent that much of the site has undergone extensive disturbance from its natural state and exhibits considerable secondary growth of exotic and nuisance species. **Attachment A** provides Site Photographs from the field reconnaissance.

Dry Prairie (3100) – 10.4 acres

This land area has previously been manipulated and partially cleared but contains remnants of a scrub community which represents a wide variety of species. The area is now dominated by exotic grasses and ruderal species, including Bahia (*Paspalum notatum*), Cogon grass (*Imperata cylindrica*), Brazilian pepper (*Schinus terebinthifolius*), and grape vine (*Vitis* spp.). Remnant scrub species include: Myrtle oak (*Quercus myrtifolia*), Sand live oak (*Quercus geminate*), Prickly pear (*Opuntia* spp.), Sawpalmetto (*Serenoa repens*), Greenbriar vine (*Smilax glauca*), Gopher apple (*Chrysobalanus oblongifolius*), Winged Sumac (*Rhus copallina*), Hercules-club (*Zanthoxylum clava-herculis*), Cabbage Palm (*Sabal palmetto*), Blackberry (*Rubus* spp.) and Broomsedge (*Andropogon* spp.). This community contained listed species habitat for the Gopher Tortoise (*Gopherus polyphemus*).

Brushland and Shrubs (3200) – 4.5 acres

This land area has previously been manipulated resulting in a community which includes dense brush and shrubs. The area is now dominated by species which include Brazilian pepper and wax myrtle (*Myrica cerifera*), Winged Sumac, Hercules-club, Cabbage Palm, and Broomsedge.

Brazilian Pepper-Mesic Hammock (4220) – 2.3 acres

This land area has previously been disturbed and is dominated by Brazilian pepper. Other vegetation present includes cabbage palm, grape vine, live oak (*Quercus virginiana*), laurel oak (*Q. laurifolia*), and slash pine (*Pinus elliottii*). Many areas are complete Brazilian pepper monocultures and are nearly impenetrable.

Temperate Hardwoods (4250) – 6.8 acres

This upland forest has been altered and partially cleared. However, it still contains remnant canopy trees consisting mainly of Live Oak with smaller associations of Laurel Oak, Cabbage palm, Hercules-club, and Slash pine. Understory vegetation was dominated by a mix of exotic and native species including: Brazillian pepper, Cogon grass, Blackberry, Sawpalmetto, Broomsedge, and ruderal species. This community contained several large oak trees that may require additional preservation measures. These measures will be determined by the property zoning and site plan.

Disturbed, Stormwater Utilities (7410) – 1.8 acres

This category of landuse contains a linear area cleared to install stormwater utilities. The disturbance has occurred since the aerial photograph was taken. The location and acreage has been estimated.

Communications (8200) – 0.3 acres

This category of landuse contains communication facilities, structure, and maintenance road.

WETLANDS AND OTHER SURFACE WATERS

Wetlands are determined based on the Florida unified wetland delineation methodologies in accordance with Chapter 62-340, Florida Administrative Code (FAC) and the U.S. Army Corps of Engineers (USACE) 1987 *Wetland Delineation Manual*. These methods take into account prevalence of wetland vegetation, hydric soil indicators, and wetland hydrology. Surface waters include both natural and manmade bodies of water, such as streams, lakes, ponds, canals, and ditches. Based on an assessment of site conditions, which included a combination of aerial interpretation, ground truthing, and soils information, wetlands and surface waters were identified on the subject site. A wetland delineation was performed in April 2015 which consisted of flagging the edge of jurisdictional wetlands within the subject property. Results of the delineation indicated approximately 3.2 acres of jurisdictional wetlands located within the project area as depicted on *Figure 6*.

Exotic Wetland Hardwoods (6190) – 3.2 acres

This wetland is dominated by Brazilian pepper. Other vegetation present includes Broomsedge, Cabbage palm, Laurel oak, Elderberry (*Sambucus canadensis*), Wax myrtle, Buttonbush (*Cephalanthus occidentalis*), Carolina willow (*Salix caroliniana*), Swamp fern (*Blechnum serrulatum*), Shield fern (*Thelypteris spp.*), Saltbush (*Baccharis halimifolia*), and torpedo grass (*Panicum repens*). Many areas are complete Brazilian pepper monocultures and are nearly impenetrable. This wetland area has been manipulated by past land uses to be utilized as a drainageway as depicted by the graded slopes and abrupt changes in topography. The edges of the wetland area have also been used as garbage dumps.

Waterway and Ditches (5110) – 0.5 acres

This area includes the linear waterbody or drainage ditch which bisects the property west to east, turning to the south along the eastern property boundary. The land area has been previously cleared and filled including a maintenance road. The vegetation growing is comprised of grasses such as bahia, cogon, and torpedo grass. Surface water area is determined from the top of bank on each side of the ditch.

PERMITTING

Typically, projects containing jurisdictional wetlands and surface waters require a joint Environmental Resource Permit (ERP) from the St. Johns River Water Management District (SJRWMD) and the US Army Corp of Engineers (USACE).

In accordance with SJRWMD, impacts greater than one acre to jurisdictional wetlands will require an Individual Permit. This permit process includes a public notice element and may take up 6 to 8 months. Impacts less than one acre to jurisdictional wetlands will require a General Permit. This permit process may be approved within 4 months from submission of a complete application.

The jurisdictional wetlands identified within the project site appear to be hydraulically connected to "Traditionally Navigable Waters" (TNW) by the US Army Corp of Engineers (USACE). Therefore, these areas will be considered part of the USACE jurisdiction. Jurisdictional determination will be made following submission of the ERP. If the on-site wetlands and surface waters are determined to be jurisdictional, impacting greater than 0.5 acres will require an Individual Permit. Based on our experience, these permits can take nine to 12 months to process based on the mitigation proposed. If the proposed project will impact less than 0.5 acres, it may qualify for an USACE Nationwide Permit. The time frame for this type of issuance can be expected to take up to four months.

Protection of wetlands and other surface waters is preferred to destruction and mitigation due to the temporal loss of ecological value and uncertainty regarding the ability to recreate certain functions associated with these features. To receive Agency approval, an activity cannot cause a net adverse impact on wetland functions and other surface water functions that is not offset by mitigation. The following factors are considered in determining whether an application will be approved by the Agencies:

- the degree of impact to wetland and other surface water functions caused by a proposed activity;
- whether the impact to these functions can be mitigated;
- the practicability of design modifications for the site that could eliminate or reduce adverse impacts to these functions,
- adverse impacts remaining after practicable design modifications have been made may be offset by mitigation.

MITIGATION

Although it is difficult to predict mitigation options that the agencies will accept prior to pre-application submittal and onsite meetings, several different mitigation scenarios may exist depending on the site plan that is selected. Unified Mitigation Assessment Method (UMAM) is typically utilized to determine the quality and quantity of mitigation that may be required for impacts to the subject properties jurisdictional wetlands. UMAM is an analysis performed to determine loss and gain of wetland functional value. The amount of mitigation required is directly dependent on UMAM assessment of wetland impacts compared to the UMAM assessment of the selected mitigation.

When selecting the appropriate type of mitigation, several factors are involved including the size and quality of the wetland being impacted as well as local, state, and federal preferences for mitigation. Mitigation for impacts may consist of water quality improvements, habitat enhancement, and wetland creation and/or protection measures. Currently, both the USACE and SJRWMD prefer offsite mitigation at a regionally significant mitigation area.

The Wickham Road 30-Acre Property is located in the St. Johns River Water Management District - Central Indian River Lagoon Surface Water Basin (Basin 21) and the USACE Cape Canaveral Hydrologic Use Code (HUC). Currently there are no offsite mitigation banks within this surface water basin, therefore there are no credits available for purchase that will offset impacts to wetlands. The local preferred option for mitigation in Basin 21 is accomplished by acquiring parcels for conservation and donating them to Brevard County or another local government entity for preservation. Mitigation costs are dependent on prices for purchasing vacant, undeveloped parcels within the surface water basin. It is estimated that 30 acres would have to be purchased and donated. Additionally, the County requires \$2,000 per acre for management of the parcels.

Estimated costs for mitigation in Basin 21 range from \$100,000 to \$150,000 per acre of impact, depending on the quality of the wetland proposed for impact. These costs include: site selection and analysis (UMAM), cost of land, and stewardship fees. It is anticipated that the cost to impact all of the 3.2 acres of wetland located on the subject property could range from \$320,000 to \$480,000.

An alternative design which includes a combination of direct impact, preservation, enhancement, and restoration may be a preferred method for this project.

THREATENED and ENDANGERED SPECIES

A preliminary review of literature pertaining to threatened and endangered species as listed by Freshwater Fish and Wildlife Conservation Commission (FWC) and United States Fish and Wildlife Service (USFWS) was completed in addition to the site visit. During the site visit, the habitats onsite were evaluated for the likelihood that they would support listed species.

Potentially passerine birds may use these habitats for forage and cover during seasonal migrations and small urban mammals may also utilize the parcel. Past modifications to the property have produced a near monoculture of exotic vegetation in most areas which minimizes the utilization of the parcel by wildlife. In addition, the surrounding landscape contains commercial and industrial development which further limits the ability for listed species with specific habitat requirements to utilize the property.

As part of the reconnaissance review performed on the subject property, a 15% Gopher Tortoise (*Gopherus polyphemus*) survey was completed in accordance with FWC management guidelines. The Gopher Tortoise is a listed species of Threatened status and protection measures for the species and its burrow must be followed as part of all development projects. A result of the preliminary survey found eleven (11) active gopher tortoise burrows located within the remnant scrub community (**Figure 6**).

Table 1: Gopher tortoise burrow location.

Name	Position
GT1	N28 12.751 W80 40.254
GT2	N28 12.750 W80 40.253
GT3	N28 12.744 W80 40.280
GT4	N28 12.741 W80 40.267
GT5	N28 12.690 W80 40.226
GT6	N28 12.696 W80 40.227
GT7	N28 12.682 W80 40.230
GT8	N28 12.677 W80 40.234
GT9	N28 12.661 W80 40.225
GT10	N28 12.655 W80 40.220
GT11	N28 12.651 W80 40.223

FWC does not allow construction activities within 25 feet of a burrow. If burrows are to be impacted by construction activities, a permit is required from FWC to relocate the tortoise to a permitted offsite mitigation bank. No permit is necessary if burrows can be avoided and a 25-50 foot buffer between the burrow and proposed development is provided.

A 100% gopher tortoise survey of the appropriate habitat identified on the property may be required prior to clearing and development. Surveys are only current for 90 days therefore, surveys may need to be repeated if

development does not occur within the 90 day window. It is suggested that this task be implemented when construction bidding is being initiated.

Gopher Tortoise Commensal Species

Commensal species include the Eastern indigo snake and Florida pine snake. These species utilize gopher tortoise burrows for cover. Mitigation of gopher tortoise and their habitat provides protection for these commensal species. Standard protection measures should be implemented to minimize impacts during construction. FWC does not require permits for these species at this time.

Relocation costs include fees to be paid to FWC, recipient sites, and relocation efforts. To relocate the eleven burrows the FWC fees would be approximately \$2,300. Recipient site prices are presently approximately \$750 per tortoise resulting in \$8,250 (11 x \$750 = \$8,250). It is estimated that total costs for fees, survey, permitting, and relocation activities would be between \$15,000 and \$20,000.

LOCAL ENVIRONMENTAL ORDINANCES

Brevard County Wetland Assessment Method

In 2011, Brevard County underwent a Comprehensive Plan Policy modification pertaining to Chapter 62, Wetland Protection. The culmination of this modification was to allow wetland impacts to occur in Commercial and Industrial land uses, previously not allowed, if these wetlands were determined to not be "high-functioning." A "Wetland Assessment Method Toolbox" was developed in order to evaluate wetlands based on three criteria that assess the functionality of a wetland system. An overall score is calculated by summing all three criteria and dividing by 30. The anticipated value of high functioning wetlands will be approximately 0.66 or above. This value could also be interpreted that the system is operating at 66% of its functional potential. The rules regulating wetland impacts were finalized in the early fall of 2014.

In addition, the Policy states that "*Landscape Level Wetlands means wetlands that are EITHER 1) five (5) acres or larger; OR 2) located within the Landscape Level Polygon depicted on Map 9 of the Brevard County Comprehensive Plan Conservation Element, AND the U.S. Army Corps of Engineers determines the wetland is hydrologically connected to the St. Johns River or Indian River Lagoon System.*"

The wetland delineated on the subject property has been determined to be less than five acres in size and is not located within the Brevard County landscape level polygon. Therefore, impacts may occur in accordance with the Policy standards. The following section provides a summary of the Wetland Assessment of the wetland system located on the subject property. **Appendix B** provides the applicable assessment score sheets for the onsite wetland.

Location Assessment

The location assessment is accomplished by evaluating the surrounding land uses within a 100m buffer. The land uses are identified from the SJRWMD land use 2009 map. The subject properties onsite wetland lies adjacent to a railroad, an industrial concrete plant, commercial development on three sides. The remainder of the surrounding buffer is composed of wooded and brush covered uplands. The percentage contributions of land uses within the buffer is calculated and the coefficient that corresponds to each land use is multiplied and then summed creating a

location score. The buffer can be seen in *Figure 7*. If the exact land use is not found then the next most similar land use with the same coefficient is entered. The landscape score for the wetland being assessed was 3.820.

Water Environment

Two components are analyzed in order to evaluate the water environment. First the water quality treatment is evaluated. The treatment was scored as 30% natural, 30% treatment with grass swales and dry detention, and 40% no treatment. These findings were based on 40% of the wetland being adjacent to railroad and the storage facility to the south, which discharge directly to the wetland (no treatment), 30% being treated by the stormwater treatment system to the west, and 30% being vegetated and functioning like a natural system. The water treatment score was calculated as 2.49. The hydrologic indicator score was given as 1.7 (adequate to maintain a viable wetland system, external features may affect hydrology). The two values are summed and the overall water environment score was found to be 4.004.

Vegetative Community

The vegetative community is evaluated by estimating the amount of appropriate wetland vegetation and the amount of exotic vegetation present. In the case of this wetland, much of the system consisted of exotics, mainly Brazilian pepper, which created almost a complete monoculture. The values entered were 30% for appropriate vegetation and 70% for exotic vegetation. Since the score of exotic vegetation exceeded the percentage of appropriate vegetation the overall vegetative community score is 0.

Wetland Assessment Score

All three component scores were added together and divided by 30 to calculate the overall score. The score was calculated as 0.326. Since the score is less than the 0.66 value for high-functioning wetlands, impacts to this system should receive approval at Brevard County staff level without having to go to the Board of County Commissioners.

SUMMARY AND RECOMMENDATIONS

- The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), indicates that the **site is entirely located within Zone X (outside the 500- year flood zone)**.
- Wetland delineation was performed in April 2015 which consisted of flagging the edge of jurisdictional wetlands within the subject property. Results of the delineation indicated approximately **3.2 acres of jurisdictional wetlands** located within the project area.
- Typically, projects containing jurisdictional wetlands and surface waters require a joint Environmental Resource Permit (**ERP**) from the St. Johns River Water Management District (**SJRWMD**) and the US Army Corp of Engineers (**USACE**).
- In accordance with **SJRWMD**, impacts greater than one acre to jurisdictional wetlands will require an **Individual Permit**. This permit process includes a public notice element and may take up 6 to 8 months. Impacts less than one acre to jurisdictional wetlands will require a **General Permit**. This permit process may be approved within 4 months from submission of a complete application.

- The jurisdictional wetlands identified within the project site appear to be hydraulically connected to “Traditionally Navigable Waters” (TNW) by the US Army Corp of Engineers (USACE). Therefore, these areas will be considered part of the **USACE jurisdiction**. Jurisdictional determination will be made following submission of the ERP. If the on-site wetlands and surface waters are determined to be jurisdictional, impacting greater than 0.5 acres will require an **Individual Permit**. Based on our experience, these permits can take nine to 12 months to process based on the mitigation proposal. If the proposed project will impact less than 0.5 acres, it may qualify for an **USACE Nationwide Permit**. The time frame for this type of issuance can be expected to take up to four months.
- When selecting the appropriate type of mitigation, several factors are involved including the size and quality of the wetland being impacted as well as local, state, and federal preferences for mitigation. **Mitigation** for impacts may consist of water quality improvements, habitat enhancement, and wetland creation and/or protection measures. Currently, both the **USACE and SJRWMD prefer offsite mitigation** at a regionally significant mitigation area.
- The **Wickham Road 30-Acre Property** is located in the St. Johns River Water Management District - Central Indian River Lagoon Surface Water Basin (Basin 21) and the USACE Cape Canaveral Hydrologic Use Code (HUC). Currently there are **no offsite mitigation banks** within this surface water basin, therefore there are no credits available for purchase that will offset impacts to wetlands.
- The **local preferred option for mitigation in Basin 21** is accomplished by **acquiring parcels** for conservation and donating them to Brevard County or another local government entity for preservation.
- **Mitigation costs** are dependent on prices for purchasing vacant, undeveloped parcels within the surface water basin. It is estimated that 30 acres would have to be purchased and donated. Additionally, the County requires \$2,000 per acre for management of the parcels. It is anticipated that the cost to impact all of the 3.2 acres of wetland located on the subject property could **range from \$320,000 to \$480,000**.
- An **alternative design** which includes a combination of direct impact, preservation, enhancement, and restoration may be a preferred method for this project.
- As part of the reconnaissance site visit performed on the subject property, a 15% Gopher Tortoise (*Gopherus polyphemus*) survey was performed in accordance with FWC management guidelines. A result of the preliminary survey found **eleven (11) active gopher tortoise burrows located within the remnant scrub community**. FWC does not allow construction activities within 25 feet of a burrow. If burrows are to be impacted by construction activities, a permit is required from FWC to relocate the tortoise to a permitted offsite mitigation bank. No permit is necessary if burrows can be avoided and a 25-50 foot buffer between the burrow and proposed development is provided.
- A **100% gopher tortoise survey of the appropriate habitat identified on the property may be required prior to clearing and development**. Surveys are only current for 90 days therefore, surveys may need to be repeated if development does not occur within the 90 day window. It is suggested that this task be

implemented when construction bidding is being initiated. **Survey, permitting, and relocation costs for tortoises onsite is estimated at \$15,000 to \$20,000.**

- **The Temperate Hardwood Community contained several large oak trees that may require additional preservation measures. These measures will be determined by the property zoning and site plan.**
- The wetland delineated on the subject property has been determined to be **less than five acres in size and is not located within the Brevard County landscape level polygon.** Therefore, impacts may occur in accordance with the Wetland Policy standards.
- **Wetland Assessment Score** for all three components was calculated as 0.326. Since the **score is less than the 0.66 value for high-functioning wetlands**, impacts to this system should receive approval at Brevard County staff level without having to go to the Board of County Commissioners.

FIGURES

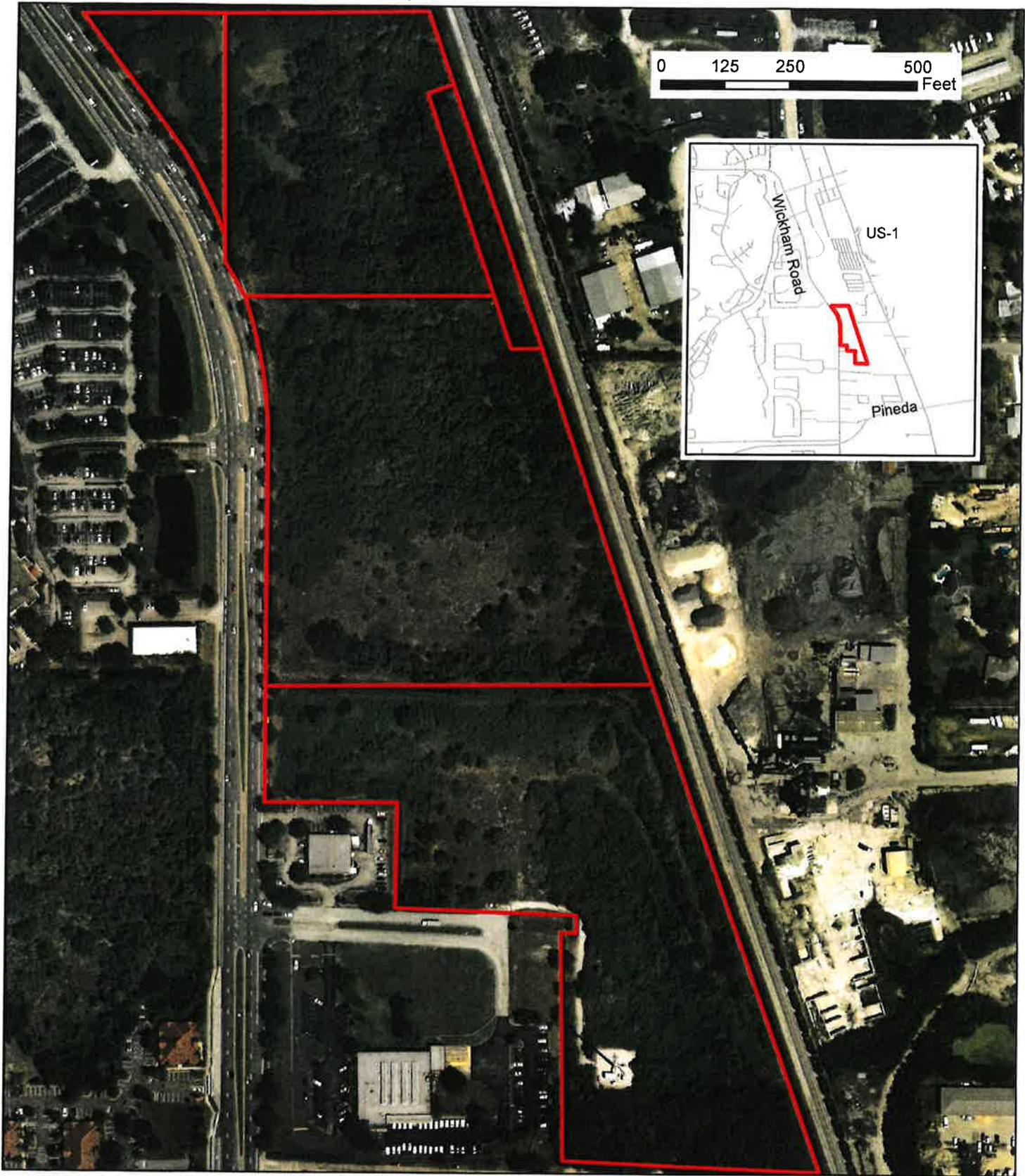


Figure: Location Map
 Project: Wickham Road 30-Acre Property
 Source: LABINS, Brevard County
 Note: Boundaries are approximate

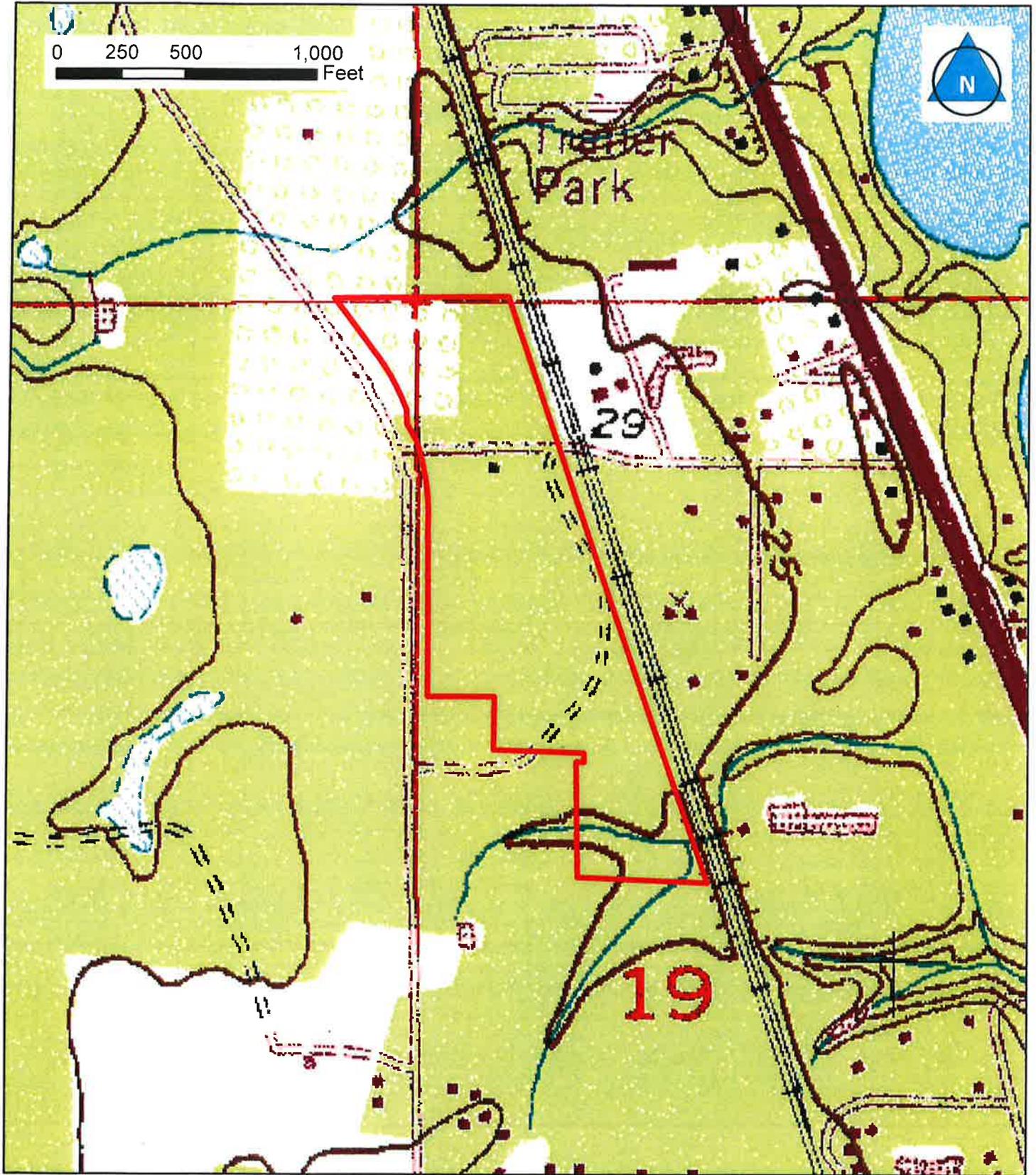


Figure: USGS Topographic Map
 Project: Wickham Road 30-Acre Property
 Source: LABINS, Brevard County
 Note: Eau Gallie Quadrangle,
 Boundaries are approximate

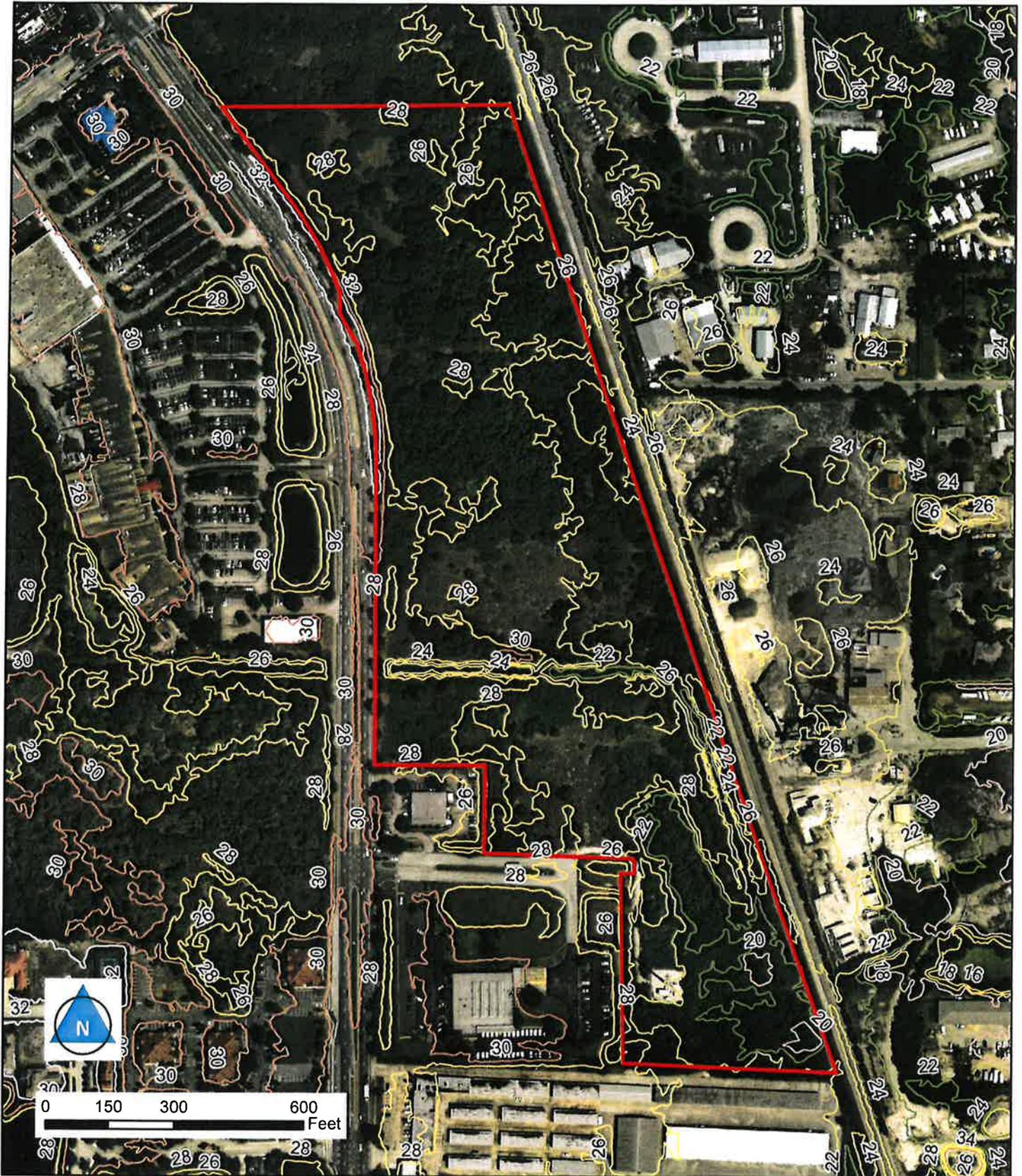


Figure: LIDAR Topographic Map
 Project: Wickham Road 30-Acre Property
 Source: LABINS, Brevard County
 Note: Boundaries are approximate

Figure
 3



Figure: FEMA Floodzone Map
 Project: Wickham Road 30-Acre Property
 Source: LABINS, Brevard County
 Note: Boundaries are approximate

Figure
 4

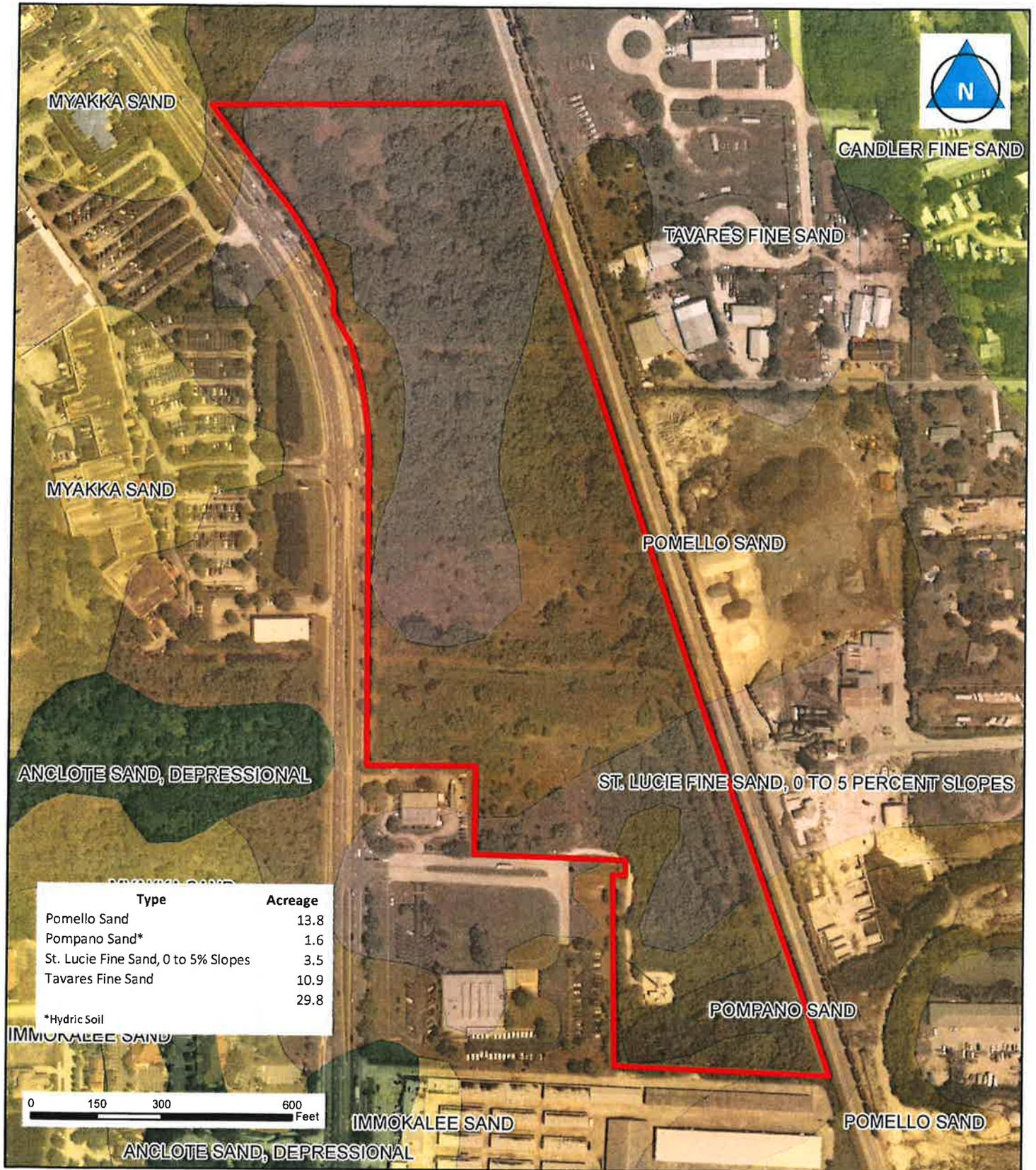





Figure: NRCS Soil Survey Map
 Project: Wickham Road 30-Acre Property
 Source: LABINS, Brevard County
 Note: Boundaries are approximate

Figure
 5

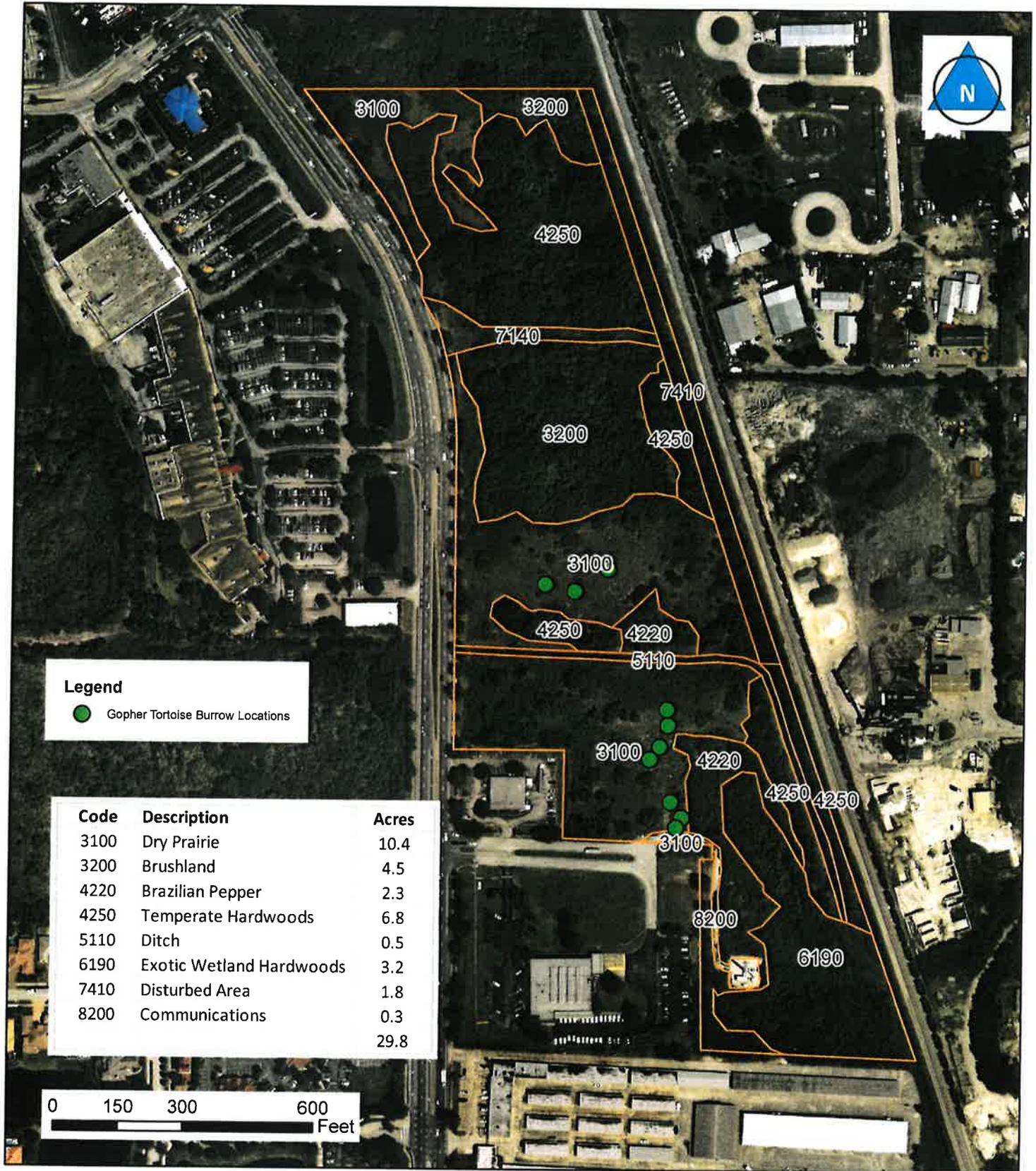
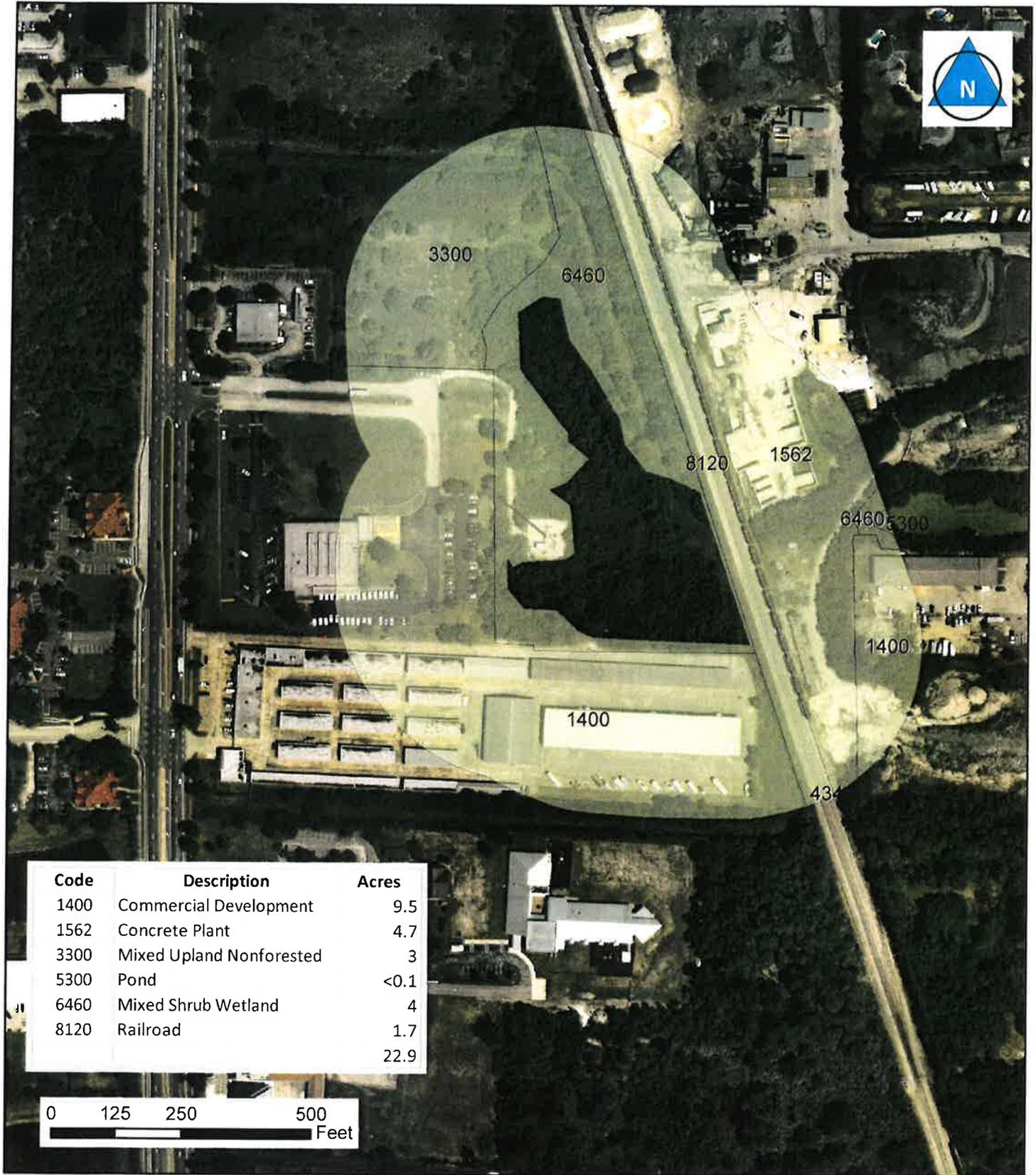


Figure: FLUCFCS Land Use Map
 Project: Wickham Road 30-Acre Property
 Source: LABINS, Brevard County
 Note: Boundaries are approximate



Code	Description	Acres
1400	Commercial Development	9.5
1562	Concrete Plant	4.7
3300	Mixed Upland Nonforested	3
5300	Pond	<0.1
6460	Mixed Shrub Wetland	4
8120	Railroad	1.7
		22.9

0 125 250 500
 Feet

 *Correcting the process*
F · R · A · Z · I · E · R
CONSULTING SERVICES LLC
 Highly Community Oriented. Funding Development.

 **HARNDEN**
 ENVIRONMENTAL

Figure: Wetland Buffer Land Use Map
 Project: Wickham Road 30-Acre Property
 Source: LABINS, Brevard County
 Note: Boundaries are approximate

Figure
 7

APPENDIX A

SITE PHOTOGRAPHS



Wickham Road 30-Acre Property
Photo sheet - April 2015
North end of property and
disturbed area along eastern
Border. FPL easement →

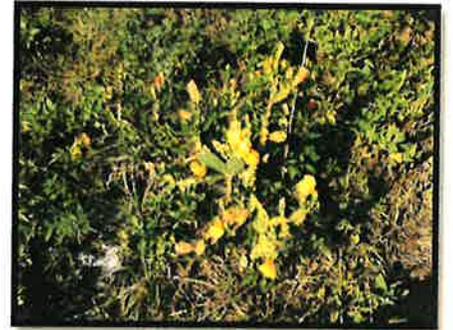


RR R/WL ↓

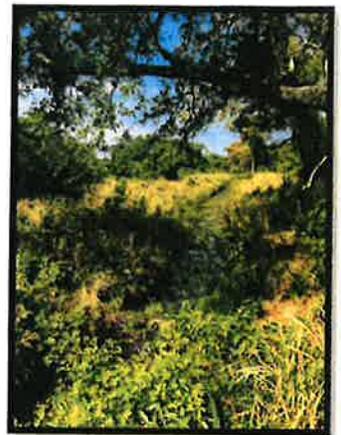
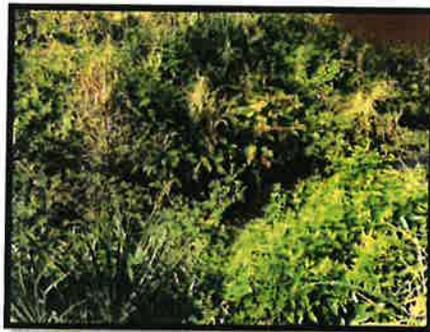


**Wickham Road 30-Acre Property
Photo sheet - April 2015
Dry Prairie and remnant
scrub habitat.**

Gopher burrows



**Wickham Road 30-Acre Property
Photo sheet - April 2015
Wetland and Surface Water**



APPENDIX B

Wetland Assessment Score

<i>Wetland Criteria</i>	<i>Score</i>		<i>Thresholds</i>
Landscape	4.00		a perfect landscape would have a maximum score of 10
Water Environment	5.79		a perfect water environment would have a maximum score of 10
Vegetative Community	0		a perfect vegetative community would have a maximum score of 10
Assessment Score	0.326		a perfect wetland would have a score of 1.0

Landscape Location Score

<i>Enter FLUCFCS_legend</i>	<i>Enter Sum of Acres</i>	<i>LSI_Value</i>	<i>Landcover Percent</i>	<i>Landscape Location Score (=LSI_Value* Landcover Percent)</i>
1100-Low Density Urban		2.22	0.000	0.000
1100-Residential, Low Density		3.57	0.000	0.000
1200-Residential, Medium Density		2.81	0.000	0.000
1300-High Density Urban		0.91	0.000	0.000
1300-Residential, High Density		2.72	0.000	0.000
1400-Commercial and Services	9.5	0.91	0.414	0.377
1500-Industrial	4.7	1.87	0.205	0.383
1660-Holding Ponds		9.08	0.000	0.000
1700-Institutional		2.14	0.000	0.000
1820-Golf courses		3.42	0.000	0.000
1850-Parks and Zoos		3.42	0.000	0.000
1900-Open Land		3.42	0.000	0.000
2110-Improved Pasture		6.96	0.000	0.000
2120-Unimproved/Woodland Pasture		8.03	0.000	0.000
2130-Woodland Pastures		8.87	0.000	0.000
2210-Citrus		7.02	0.000	0.000
2240-Abandoned Groves & Orchards		8.87	0.000	0.000
2500-Specialty Farms		3.33	0.000	0.000
3290-Other Shrubs and Brush	3	10	0.131	1.309
4110-Pine Flatwoods		10	0.000	0.000
4120-Longleaf Pine - Xeric Oak		10	0.000	0.000
4200-Upland Hardwood Forest		10	0.000	0.000
4280-Cabbage Palm		10	0.000	0.000
4320-Sand Live Oak		10	0.000	0.000
4340-Hardwood - Coniferous Mixed		10	0.000	0.000
4360-Upland Scrub, Pine and Hardwoods		10	0.000	0.000
4370-Australian Pine		8.87	0.000	0.000
4410-Coniferous Plantations		9.36	0.000	0.000
5100-Streams and Waterways		10	0.000	0.000
5200-Natural Lakes & Ponds		10	0.000	0.000
5300-Reservoirs	0.02	10	0.001	0.009
5420-Estuarine		10	0.000	0.000
5700-Major Bodies of Water		10	0.000	0.000
6110-Bay Swamps		10	0.000	0.000
6120-Mangrove Swamp		10	0.000	0.000
6150-Streams and Lake Swamps (Bottomland)		10	0.000	0.000
6170-Mixed Wetland Hardwoods		10	0.000	0.000
6210-Cypress		10	0.000	0.000
6240-Cypress - Pine - Cabbage Palm		10	0.000	0.000
6250-Hydric Pine Flatwoods		10	0.000	0.000
6270-Slash Pine Swamp Forest		10	0.000	0.000
6280-Wet Coniferous Plantations		10	0.000	0.000
6300-Wetland Forested Mixed		10	0.000	0.000
6310-Wetland Shrub		10	0.000	0.000
6410-Freshwater Marshes	4	10	0.175	1.745
6420-Saltwater Marsh		10	0.000	0.000
6430-Wet Prairie		10	0.000	0.000
6440-Freshwater Marshes		10	0.000	0.000
6500-Non-Vegetated		10	0.000	0.000
6510-Tidal Flats		10	0.000	0.000
6520-Shorelines		10	0.000	0.000
7400-Disturbed Land		9.08	0.000	0.000
7430-Spoil Area		9.08	0.000	0.000
8120-Rails	1.7	2.43	0.074	0.180
8140-Roads		1.91	0.000	0.000
8300-Utilities		2.43	0.000	0.000
TOTAL	22.92	0.91	1.000	4.004

Water Environment	Score		Thresholds
Water Quality Treatment	2.49		a perfect water environment would have a maximum score of 10
Hydrologic Indicator	3.3		
Sum	5.79	Water Environment Score	

Vegetative Score	Percentages (from other tabs)	Score		Thresholds
Wetland Vegetation	30	2		a perfect wetland would have a maximum score of 10
Exotic Vegetation	70	2		
Total Percentage	100	0.0	Vegetative Community Score	The Vegetative Community Score is calculated as the average of the wetland vegetation score and the exotic vegetation score unless; 1) the wetland vegetation is < 30% or 2) if the percent of exotic vegetation is > the percent of wetland vegetation. If either of these two conditions exist the Community Vegetative Score will = 0.

2.0 Average

**LSCPA
Imperial South Inc.
2017-2.1
Ordinance (draft)**

ORDINANCE NO. 18__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2017-2.1; 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; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATVS; 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 Community Affairs; 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 163.3184 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 amendments to the Comprehensive Plan on August 11, 2017, for adoption as the Plan Amendment Cycle 2017-2.1; 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

WHEREAS, on January 8, 2018, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2017-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 1, 2018, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2017-2.1; and

WHEREAS, Plan Amendment 2017-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2017-2.1. adopted by this Ordinance is based upon findings of fact as included in the 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 2016-1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is 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 2017-2.1, 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.

11.11

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). 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 ___ day of _____, 2018.

ATTEST

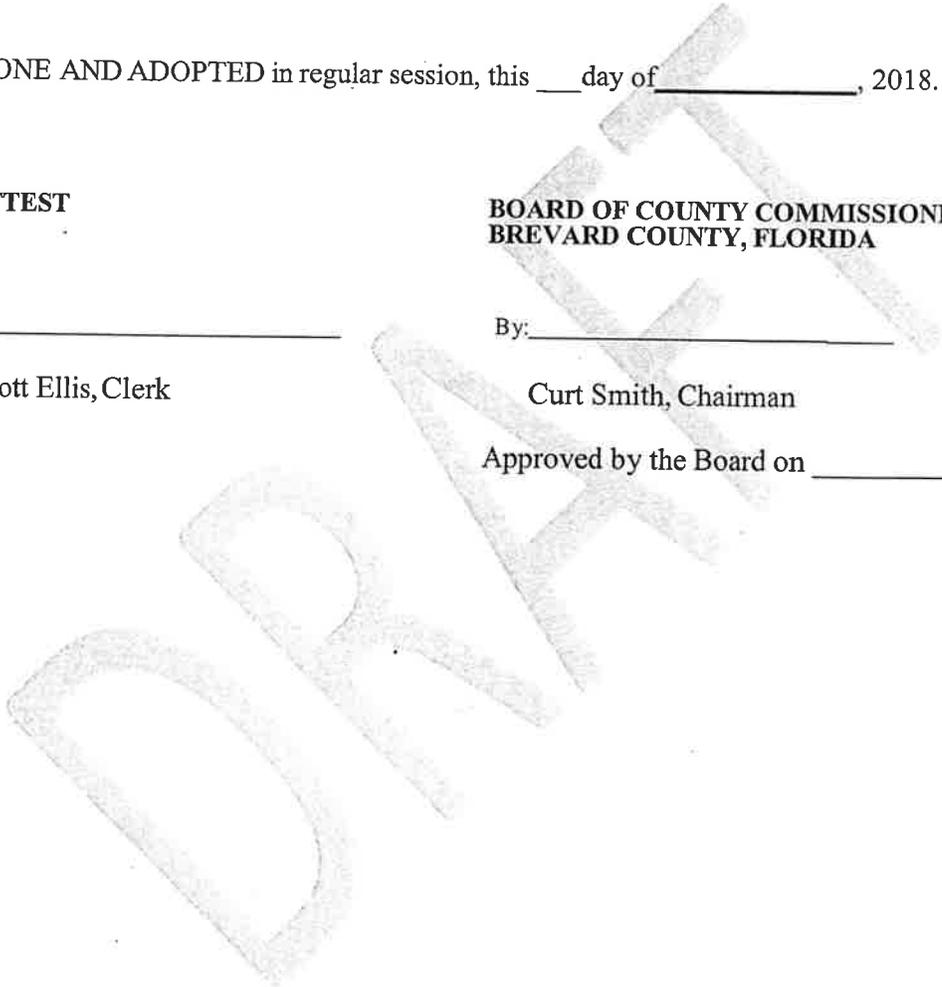
**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

By: _____

Scott Ellis, Clerk

Curt Smith, Chairman

Approved by the Board on _____, 2018.

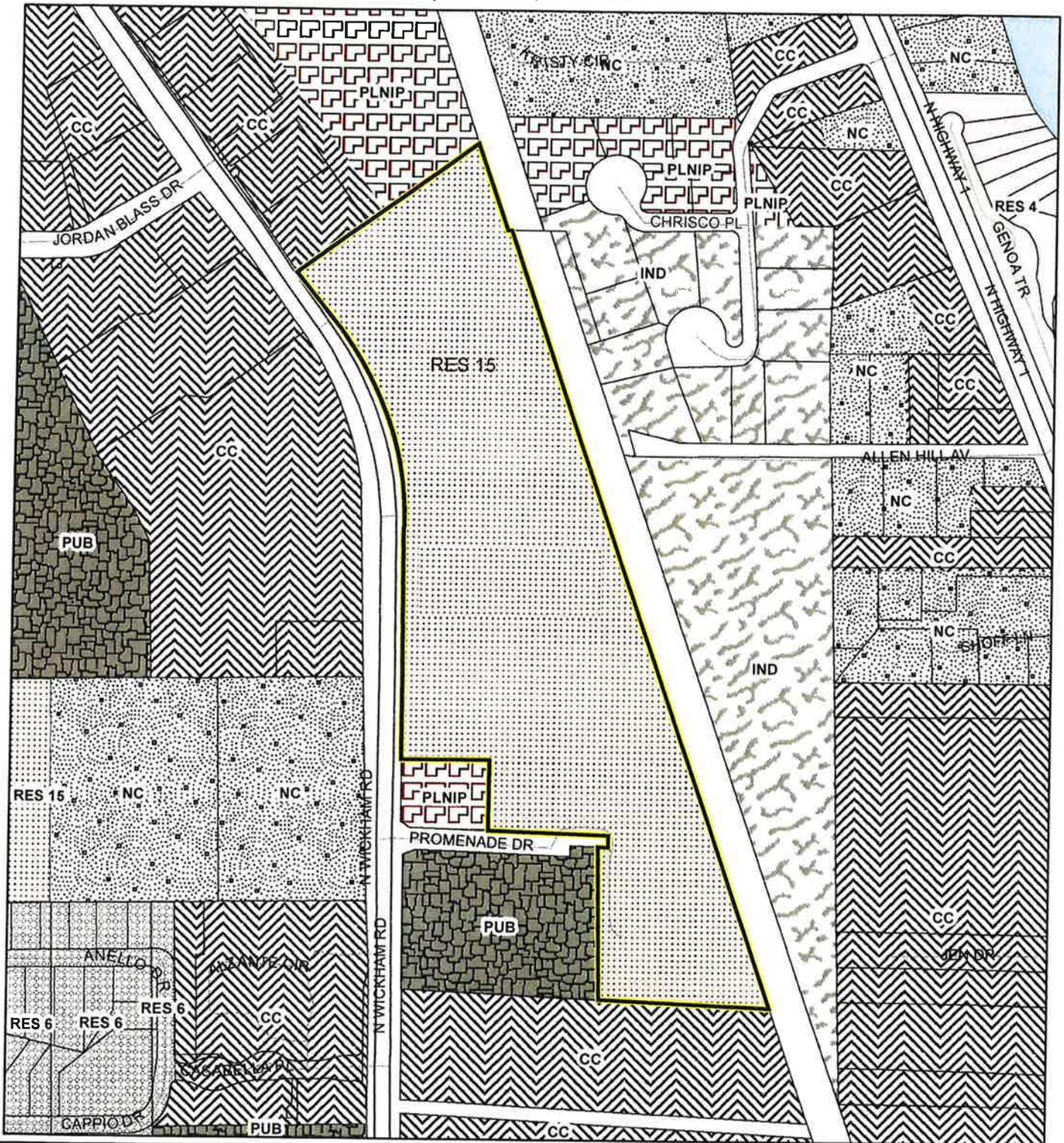


LSCPA
Imperial South Inc.
2017-2.1
Exhibit A

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2017-2.1

Imperial South, Inc. 17PZ00108



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 the Brevard County Planning and Zoning Office - GIS Section Date: 9/15/2017

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Citizen Courtesy Sheets, Misc.**

Ad# 2396489

09/14/2017

PUBLIC HEARING NOTICE

The Brevard County Local Planning Agency (LPA) will meet on Monday, September 25, 2017, at 3:00 p.m., at the Brevard County Government Center, 2725 Judge Frank Jamieson Way, Viera, Florida, Building C, Commission Room, to consider the following items: Item 1. Notice of Proposed Change to the Viera Development of Regional Impact and adoption of Resolution 17- the Amended and Restated Development Order for the Viera Development of Regional Impact pursuant to Chapter 380.06, Florida Statutes. Item 2. An ordinance establishing a Temporary Moratorium within the unincorporated areas of Brevard County, prohibiting any and all Medical Marijuana Dispensing activities during the moratorium period for any property within any unincorporated areas of Brevard County, adopting findings of fact, providing definitions, providing for sunset of moratorium, providing for staff recommendations, providing for area encompassed, providing for conflicting provisions, providing for severability, providing for effective date, and providing for inclusion in the Code. Item 3. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", setting forth the transmittal of an

out-of-cycle Plan Amendment 2017-2-1, amending Section 62-501, entitled Contents of the Plan, specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date. a. Plan Amendment 2017-2-1 - a proposal initiated by Imperial South, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial (PLNIP) to Residential 15 (RES 15) on 30.70 acres, located on the east side of N. Wickham Rd., approx. 380 ft. south of Jordan Blass Dr. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings 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. 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 with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2869 for assistance. Brevard County Planning & Development Department. Per: Erin Sterk, Interim Zoning Manager. By: Jennifer Jones, Special Projects Coordinator II.

