



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.12.

4/7/2022

### Subject:

The Heather Calligan Trust requests a Small Scale Comprehensive Plan Amendment (22S.01) to change the Future Land Use designation from RES 1 to RES 4. (22PZ00001) (Tax Account 2112413) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4).

### Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation from RES 1 to RES 4 on 8.25 acres of undeveloped land within a larger parcel (79.16 acres) proposed for a single-family subdivision. The RES 4 land use designation affords an additional step down in density from more highly urbanized areas. Res 4 requires the connection to central sewer, which is available. This land use designation permits a maximum density of up to four (4) units per acre.

There is no companion rezoning application accompanying this request as the current RU-1-7 (Single-Family Residential) zoning was adopted in January 2022, with an amended BDP on the larger 79.16 acre parcel. The stipulations of BDP will apply to the property subject.

There is an existing pattern of residential land use along this segment of Turpentine Road from SR 46 to Wherry Road. Developed lots range from 0.18 acre to 2.13 acres and include a mix of manufactured housing and single-family residences. The proposed residential use appears consistent with the historical and existing pattern of residential development along Turpentine Road.

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

On March 14, 2022, the Local Planning Agency heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

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

## Donna Scott

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**From:** Donna Scott  
**Sent:** Monday, April 11, 2022 11:12 AM  
**To:** 'CountyOrdinances@dos.myflorida.com'  
**Subject:** Two Ordinances to File with the Secretary of State  
**Attachments:** BRE20220407\_Ordinance2022\_09.pdf; BRE20220407\_Ordinance2021\_08.pdf  
**Importance:** High

Good morning,

Attached are Ordinance No. 2022-08 and 2022-09, to be filed with the State of the State, please.

Thank you,  
Donna Scott  
Assistant Clerk to the Board  
321-637-2001

4/7/22 4/7/22



Brevard County, Florida

**Clerk of the Court**

Rachel M. Sadoff



April 8, 2022

**MEMORANDUM**

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

**RE:** Item H.12., Small Scale Comprehensive Plan Amendment (22S.01)

The Board of County Commissioners, in regular session on April 7, 2022, conducted the public hearing and adopted Ordinance No. 22-08, setting forth the sixth Small Scale Comprehensive Plan Amendment (22S.01) to change the Future Land Use designation from RES 1 to RES 4. (22PZ00001). Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

*for Denna Scott*  
Kimberly Powell, Clerk to the Board

/ns

Encl. (1)



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

April 11 2022

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

Attention: Donna Scott

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-08, which was filed in this office on April 11, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb

ORDINANCE NO. 22-08

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SIXTH SMALL SCALE PLAN AMENDMENT OF 2022, 22S.01, 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.01; 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.01; 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 THE STATE ON APRIL 11, 2022

WHEREAS, on March 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 22S.01, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on April 7, 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.01; and

WHEREAS, Plan Amendment 22S.01 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 22S.01 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.01 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.01, 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 7 day of April, 2022.

ATTEST:

  
Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
By: Kristine Zonka, Chair

As approved by the Board on April 7, 2022.

**EXHIBIT A**  
**22S.01 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

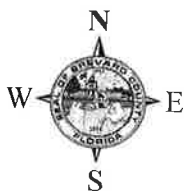
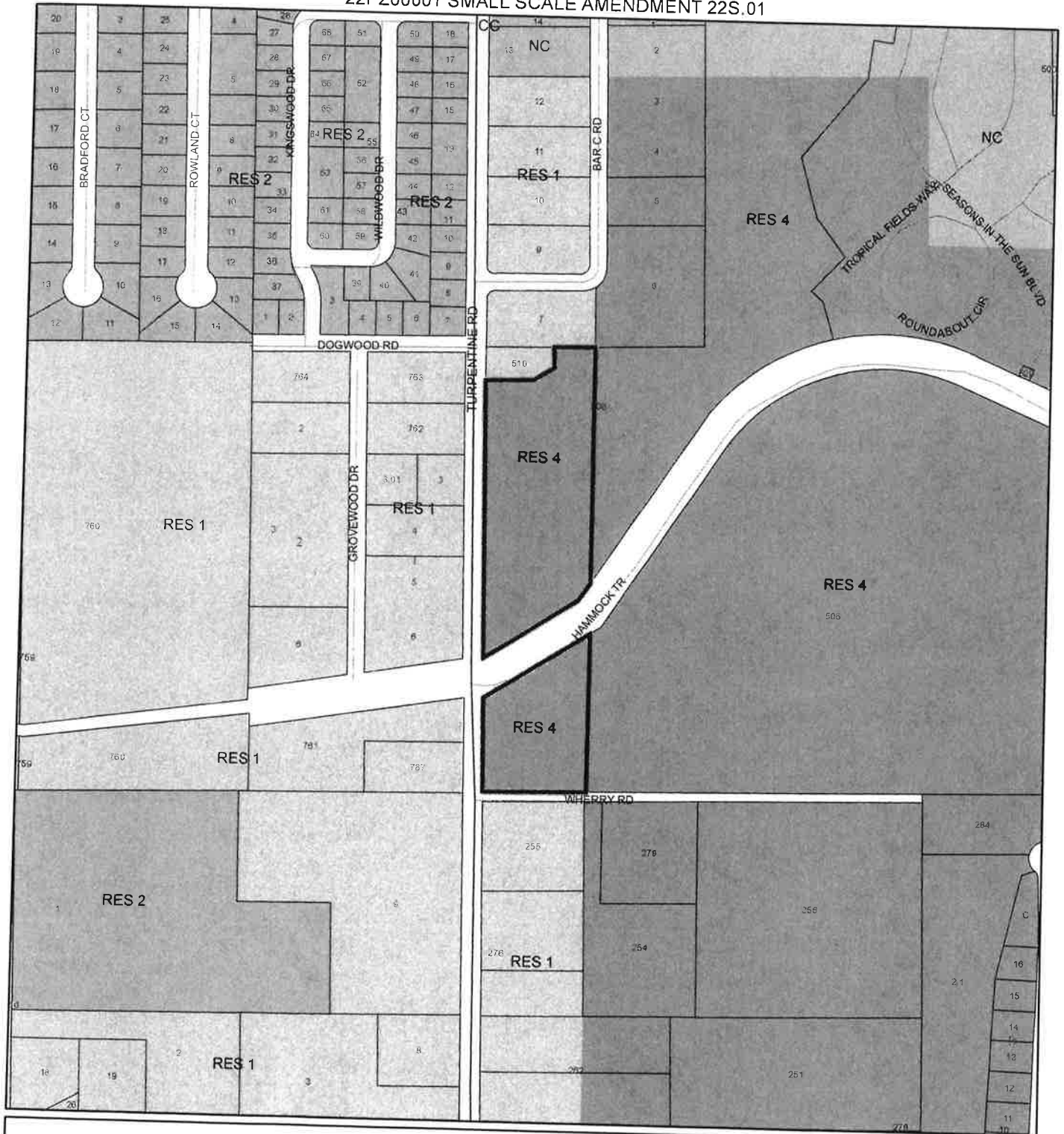
**Contents**

- 1. Proposed Future Land Use Map**



# PROPOSED FUTURE LAND USE MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



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: 1/10/2022

## **EXHIBIT B**

### **Contents**

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

**DISTRICT 1 7. (22200005) BRIAN G. & DEBRA S. LAWSON** (Kim Rezanka) request a change of zoning classification from GU (General Use) to R-1 (Rural Residential) with a BOP (Binding Development Plan) on property described as follows: Lot 4, Block 14, Canaveral Groves Subdivision, as recorded in ORB 8090, Pages 2064 - 2067, of the Public Records of Brevard County, Florida; and Lots 2, 3, 5, 23, 24, 25, and 26, Block 16, Canaveral Groves Subdivision, as recorded in ORB 8090, Pages 2064 - 2067, of the Public Records of Brevard County, Florida. Section 35, Township 23, Range 35, (11.80 +/- acres) Located on the west side of Grissom Pkwy., approx. 620 ft. south of Pertouka Lane. (Lot 23 = 4680 Grissom Pkwy., Cocoa; Lot 25 = 4700 Grissom Pkwy., Cocoa; Remaining Lots = No assigned address. In the Cocoa area.)

**DISTRICT 2 8. (22200002) JOHN JOHANSON** requests a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-Family Residential), on property described as follows: 7 and 8, Block 2, River Cliff, according to the map or plat thereof, as recorded in Plat Book 3, Page 56, of the Public Records of Brevard County, Florida. Section 02, Township 25, Range 36, (0.65 acres) Located on the northwest corner of S. Tropical Trail and Victoria Street, (887 S. Tropical Trail, Merritt Island)

**9. (21200050) SOUTH BEACH COVE DEVELOPMENT CORP. & ROBERT A. BAUGHER, TRUSTEE** (David Menzel) request a change of zoning classification from RU-2-15 (Medium Density Multi-Family Residential) to BU-1 (General Retail Commercial), on property described as follows: A parcel of land located in Government Lot 1 of Section 26, Township 25S, Range 37E, being a part of the lands described in ORB 3419, Page 1288, Public Records of Brevard County, Florida, being more particularly described as follows: Beginning at the point of intersection of the westerly right-of-way line of S.R. A1A with the south line of the subdivision known as the Plat of Burchfield's and Bruner's Addition to Crescent Beach, as shown by the plat recorded in Deed Book V, Page 694, and transcribed to Plat Book 1, Page 38, Public Records of Brevard County, Florida, which point is 1,825.80 ft. south of the north line of Section 26; thence, along said westerly right-of-way line and along the arc of a radial circular curve concave to the west having a radius of 1,860 ft. and a central angle of 01deg36'11" for an arc distance of 52.04 ft. (Chord bearing: S15deg24'28"E, chord distance: 52.04 ft.) to the point of beginning; thence N89deg18'49"W, a distance of 144.73 ft.; thence S00deg41'11"W, a distance of 176.78 ft. to the south line of the lands described in aforesaid ORB 3419, Page 1288; thence S89deg18'49"E, along said south line, a distance of 183.93 ft. to said westerly right-of-way line of S.R. A1A; thence along said westerly right-of-way along the arc of a radial circular curve concave to the west having a radius of 1,860.08 ft. and a central angle of 05deg34'47" for an arc distance of 181.14 ft. (Chord bearing: N11deg48'59"W, chord distance: 181.07 ft.) to the point of beginning. (0.67 acres) Located on the west side of S. Orlando Ave., approx. 185 ft. north of Crescent Beach Dr. (2206 & 2210 S. Atlantic Ave., Cocoa Beach) **DISTRICT 4**

**10. (21200095) MURRELL PROPERTIES OF BREVARD, LLC AND HARMONY VILLAS PROPERTIES, INC.** (Vaheed Teimouri) requests a Small Scale Comprehensive Plan Amendment (215.11), to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 262, as recorded in ORB 7306, Page 1108, of the Public Records of Brevard County, Florida; and Tax Parcel 269, as recorded in ORB 9213, Page 982 - 983, of the Public Records of Brevard County, Florida. Section 22, Township 25, Range 36, (2 acres) Located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.11: 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. (21200049) MURRELL PROPERTIES OF BREVARD, LLC AND HARMONY VILLAS PROPERTIES, INC.** (Vaheed Teimouri) requests a change of zoning classification from BU-1-A (Restricted Neighborhood Commercial) to BU-1 (General Retail Commercial), on property described as Tax Parcel 262, as recorded in ORB 7306, Page 1108, of the Public Records of Brevard County, Florida; and Tax Parcel 269, as recorded in ORB 9213, Page 982 - 983, of the Public Records of Brevard County, Florida. Section 22, Township 25, Range 36, (2 acres) Located on the east side of Murrell Rd., approx. 700 ft. south of Roy Wall Blvd. (3545 & 3525 Murrell Rd., Rockledge)

**DISTRICT 1 12. (229200001) THE HEATHER CALLIGAN TRUST** (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (225.01) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4), on property described as a portion of land lying in Section 13, Township 21S, Range 34E, Brevard County, Florida, being more particularly described as follows: Parcel R-1: Commencing at the SW corner of said Section 13; thence N89deg27'18"E along the south line of said Section 13, a distance of 33 ft. to an intersection with the east right-of-way line of Turpentine Rd. and the point of beginning; thence N00deg00'00"E and parallel with the said west line of Section 13 and along said east right-of-way line a distance of 275.48 ft. to an intersection with the south right-of-way line of Hammock Trail as described in ORB

## Notice of Meetings

1212, Page 917 of the Public Records of Brevard County, Florida; thence N57deg09'30"E along said south right-of-way line a distance of 372.95 ft.; thence S00deg00'00"E a distance of 474.76 ft. to an intersection with the said south line of Section 13; thence S89deg27'18"W along said south line a distance of 313.35 ft. to the point of beginning. Containing 117,539.22 square feet, or 2.6983 acres, more or less. Together with Parcel R-2: Commencing at the SW corner of said Section 13; thence N00deg00'00"E along the west line of said Section 13 a distance of 394.82 ft.; thence N90deg00'00"E a distance of 33 ft. to an intersection with the east right-of-way line of Turpentine Rd. and the point of beginning; thence N00deg00'00"E and parallel with the said west line of Section 13 and along said east right-of-way line a distance of 834.74 ft. to an intersection with that certain property described in ORB 2674, Page 2777, of the Public Records of Brevard County, Florida; thence N89deg20'20"E along said property a distance of 133 ft.; thence N58deg49'19"E along said property a distance of 89.61 ft.; thence N00deg00'00"E along said property a distance of 82.85 ft. to an intersection with the south line of Bar "C" Ranches Subdivision as recorded in Plat Book 24, Page 58 of the Public Records of Brevard County, Florida; thence N89deg20'20"E along said south line a distance of 120.80 ft.; thence S00deg00'00"E a distance of 687.98 ft. to an intersection with the north right-of-way line of Hammock Trail as described in ORB 1212, Page 917, of the Public Records of Brevard County, Florida; thence S34deg59'40"W along said north right-of-way line a distance of 102.71 ft.; thence S57deg09'30"W along said north right-of-way line a distance of 302.84 ft. to the point of beginning. Containing 241,968.16 square feet, or 5.55 acres, more or less. (8.25 acres total) Located on the northeast corner of Turpentine Rd. and Wherry Rd., on the north and south sides of Hammock Trail. (No assigned address. In the Mims area) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 225.01: 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.

**DISTRICT 5 13. (22200006) NORFOLK PARKWAY, LLC** (Bruce Mola) requests a change of zoning classification from GU (General Use) with CUP (Conditional Use Permit) for Tower & Antenna to BU-2 (Retail, Warehousing, and Wholesale Commercial) and removal of CUP for Tower & Antenna, on property described as follows: A portion of the lands described in ORB 3277, Page 924, of the Public Records of Brevard County, Florida, said lands lying in Section 13, Township 28S, Range 36E, and being more particularly described as follows: Beginning at the SW corner of Tract ST-1, Sawgrass Lakes Phase One, according to the plat thereof, as recorded in Plat Book 60, Pages 52 - 63 of the said public records, said point being the Point of Beginning; thence S89deg32'31"W, along the north right-of-way line of Norfolk Parkway, per said Sawgrass Lakes Phase One, a distance of 662.33 ft. to the easterly line of said Sawgrass Lakes Phase One; thence N01deg30'06"E, along said east line, a distance of 1,151.77 ft.; thence leaving said line, N89deg32'54"E, a distance of 662.19 ft. to the east line of Parcel 1 of said ORB 3277, Page 924; thence S01deg29'41"W, along the east line of said Parcel 1 and the east line of Parcel 2 of ORB 3277, Page 924, a distance of 1,151.69 ft. to the Point of Beginning. (17.5 acres) Located on the north side of Norfolk Pkwy., approx. 1,200 ft. west of Minton Road. (Parcel 756 = 3545 Carriage Gate Dr. Unit Tower, Melbourne; Parcel 758 (part) = No assigned address. In the Melbourne 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, MARCH 14, 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, APRIL 7, 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 with respect to any matter considered at these meetings or hearings, 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. 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 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 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Ted Calkins, Planning and Development Director, By: Jennifer Jones, Special Projects Coordinator.

## **ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT**

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

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

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

#### **Administrative Policy 4**

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

**Criteria:**

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

#### **Administrative Policy 5**

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

**Criteria:**

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

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

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

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

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

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

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

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

- (c) General Standards of Review.

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

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

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
- b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
- c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

(2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.



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

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

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

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

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

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

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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

**FUTURE LAND USE MAP SERIES  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Small Scale Plan Amendment 22S.01 (22PZ00001)*  
**Township 21, Range 34, Section 13**

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**Property Information**

Owner / Applicant: **Heather Calligan Trust**

Adopted Future Land Use Map Designation: Residential 1 (RES 1)

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

Acreage: 8.25 acres

Tax Account #: 2112413

Site Location: Northeast corner of Turpentine Road and Wherry Road, on north and south sides of Hammock Trail

Commission District: 1

Current Zoning: Single-family Residential (RU-1-7)  
(21Z00030 - adopted 12/02/2021)

**Background & Purpose**

The applicant is requesting to amend the Future Land Use designation from Residential 1 (RES 1) to Residential 4 (RES 4) on 8.25 acres of undeveloped land within a larger parcel (79.16 acres) proposed for a single-family subdivision.

There is no companion rezoning application accompanying this request as the current Single-Family Residential (RU-1-7) zoning was recently adopted in January 2022, with an amended binding development plan (BDP) on the larger 79.16 acre parcel of which the 8.25 acre subject property is included (21Z00030). The RU-1-7 zoning with BDP limits the proposed project to be consistent with the Residential 4 FLU designations and includes a development limitation of 2.5 dwelling units per acre or 198 SFR units across the entire 79.16 acre parcel.

The 8.25-acre subject property has retained the FLU designation of RES 1 since 2008 when the comprehensive plan amendment implementing recommendations of the Mims Small Area Study was adopted (Amendment 2008-A.4) resulting in a reduction of residential density. The subject parcel originally retained a future land use designation of Residential with maximum density of 4 dwelling units per acre at the adoption of the FLU map in 1988.

## Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	One (1) Single-Family Residence and One (1) Manufactured Home	GU and RRMH-1	RES 1
<b>South</b>	One (1) Single-Family Residence	AU	RES 1
<b>East</b>	Vacant, Undeveloped Land	RU-1-7 (adopted 12/02/21)	RES 4
<b>West</b>	Seven (7) Single-Family Residences and Vacant, Undeveloped Land (across Turpentine Road)	AU and RU-1-11	RES 1

To the north of the subject property is one (1) single-family residence and one (1) manufactured home. South of the subject property is one (1) single-family residence. East of the subject property is vacant, undeveloped land. West of the subject property, across Turpentine Road, are seven (7) single-family homes and 2.43-acres of vacant, undeveloped land.

## Comprehensive Plan Policies/Comprehensive Plan Analysis

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

**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.

**Connection to centralized potable water and wastewater treatment is required. The subject site is within Brevard County Utilities service area for potable water. The closest Brevard County centralized sewer line is located approximately 1,230 feet to the east of the subject site on Hammock Trail.**

**Residential 4 (maximum of 4 units per acre)**

**Policy 1.7**

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or

**The subject site is immediately adjacent to RES 4 land use designation to the east.**

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

**The subject site does not serve as a transition between densities greater than four (4) units per acre and areas with density of less than four (4) units per acre.**

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

**The subject site is not adjacent to an incorporated area.**

- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development 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 CHHA.

**The applicant is not proposing 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 is an existing pattern of residential land use along this segment of Turpentine Road from SR 46 to Wherry Road. Developed lots range from 0.18 acre to 2.13 acres and include a mix of manufactured housing and single-family residences.**

**The subject property is located within the boundaries of the 2007 Mims Small Area Study. Recommendations of the Study resulted in the reduction of residential densities, including the subject property (Amendment 2008-A.4). The subject parcel originally retained a future land use designation of Residential with maximum density of 4 dwelling units per acre at the adoption of the FLU map in 1988.**

**The Study also noted that development in residential areas with density of two units per acre and higher should be encouraged to cluster development and to leave portions of each site open, with particular attention to reducing environmental impacts, to maintaining recreation space, and to preserving the Mims area's agricultural landscapes when possible.**

**The proposed residential use appears to be consistent with the historical and existing pattern of residential development along Turpentine Road.**

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

**There has not been any development immediately adjacent to the subject parcel in the preceding three (3) years.**

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

**In January 2022, a binding development plan for a 198 unit single-family subdivision was approved on the 79.16-acre parent parcel which includes the 8.25 acre subject property.**

#### **Administrative Policy 4**

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

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**There is an existing pattern of residential land use along this segment of Turpentine Road from SR 46 to Wherry Road.**

#### **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 Brevard County Utilities service area for potable water. The closest Brevard County centralized sewer line is located approximately 1,230 feet to the east of the subject site on Hammock Trail.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

#### **Environmental Resources**

Preliminary review of mapped resources indicates the following land use issues:

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

### **Historic Resources**

According to the Florida Master Site File (FMSF) from the Florida Division of Historic Resources, one (1) cultural resource (#8BR2084 - Irvine Holder Farm) is located on the subject property. Information provided by the FMSF describes the Irvine Holder Farm as "a canal and road constructed by Irvine Holder in the 1920s that provided drainage, irrigation, and access to his truck farm, and two pump houses he constructed in the late 1940s that were needed to run sprinklers used when freezing temperatures threatened to destroy his citrus groves."

### **For Board Consideration**

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



**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use (FLU) Review & Summary  
Item # 22PZ00001**

**Applicant:** Genoni for Calligan

**FLU Request:** RES 1 to RES 4

**Note:** Applicant wants a 198-unit subdivision

**P&Z Hearing Date:** 03/14/22; **BCC Hearing Date:** 04/07/22

**Tax ID No:** 2112413 (portion of)

- 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:**

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

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

## **Land Use Comments:**

### **Hydric Soils/Wetlands**

The subject parcel contains mapped hydric soils (Ancloze sand frequently ponded and Basinger sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 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 design or permit submittal.

### **Aquifer Recharge Soils**

Basinger 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 and Specimen Trees**

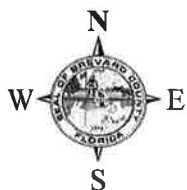
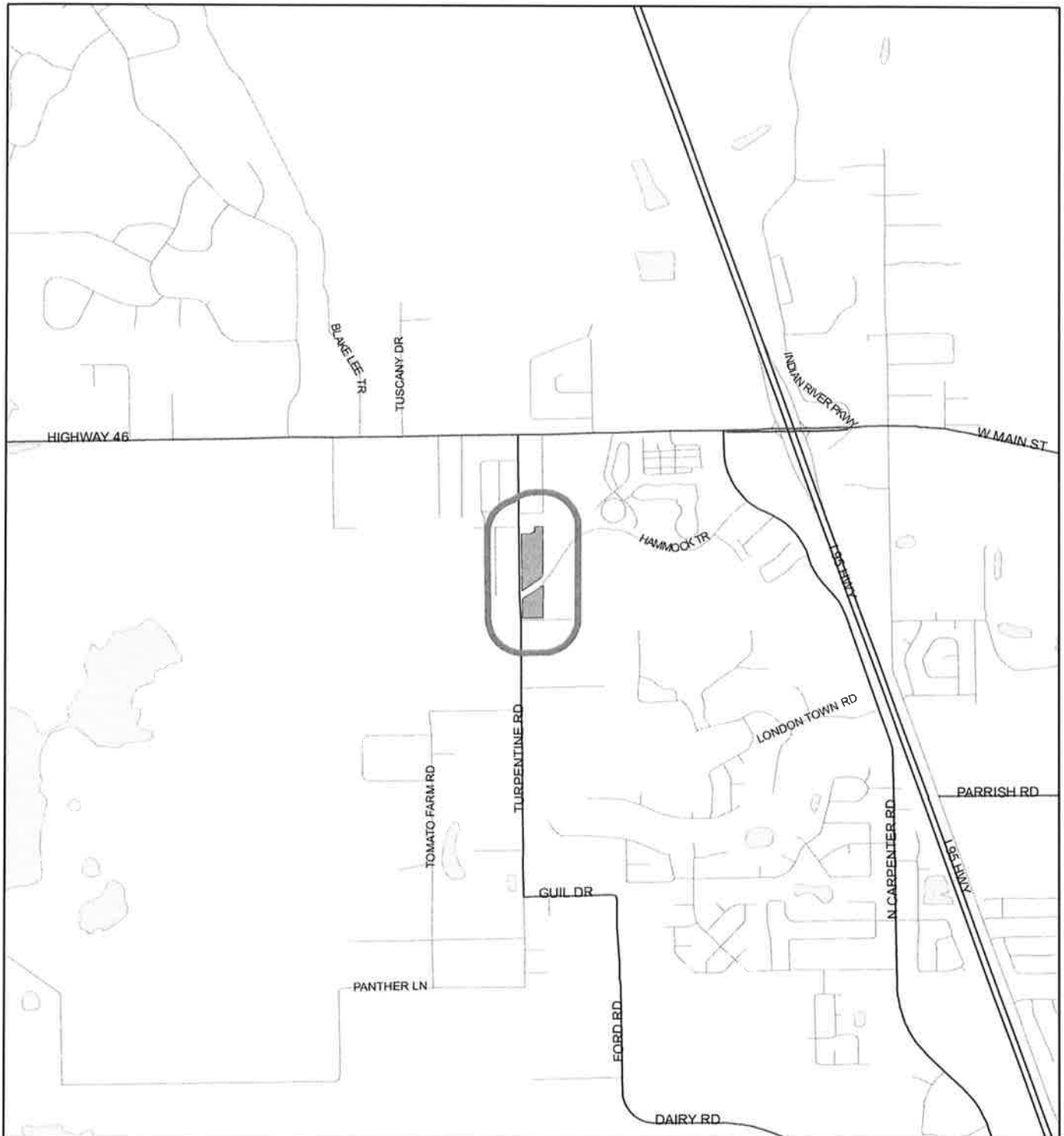
Aerials indicate that project site is forested. Protected (greater than or equal to 14 inches in diameter for pines) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is encouraged to perform a tree survey prior to site plan design in order to incorporate valuable vegetative communities or robust trees into the design. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

# LOCATION MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



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

Buffer Distance: 500 feet

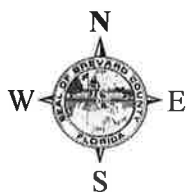
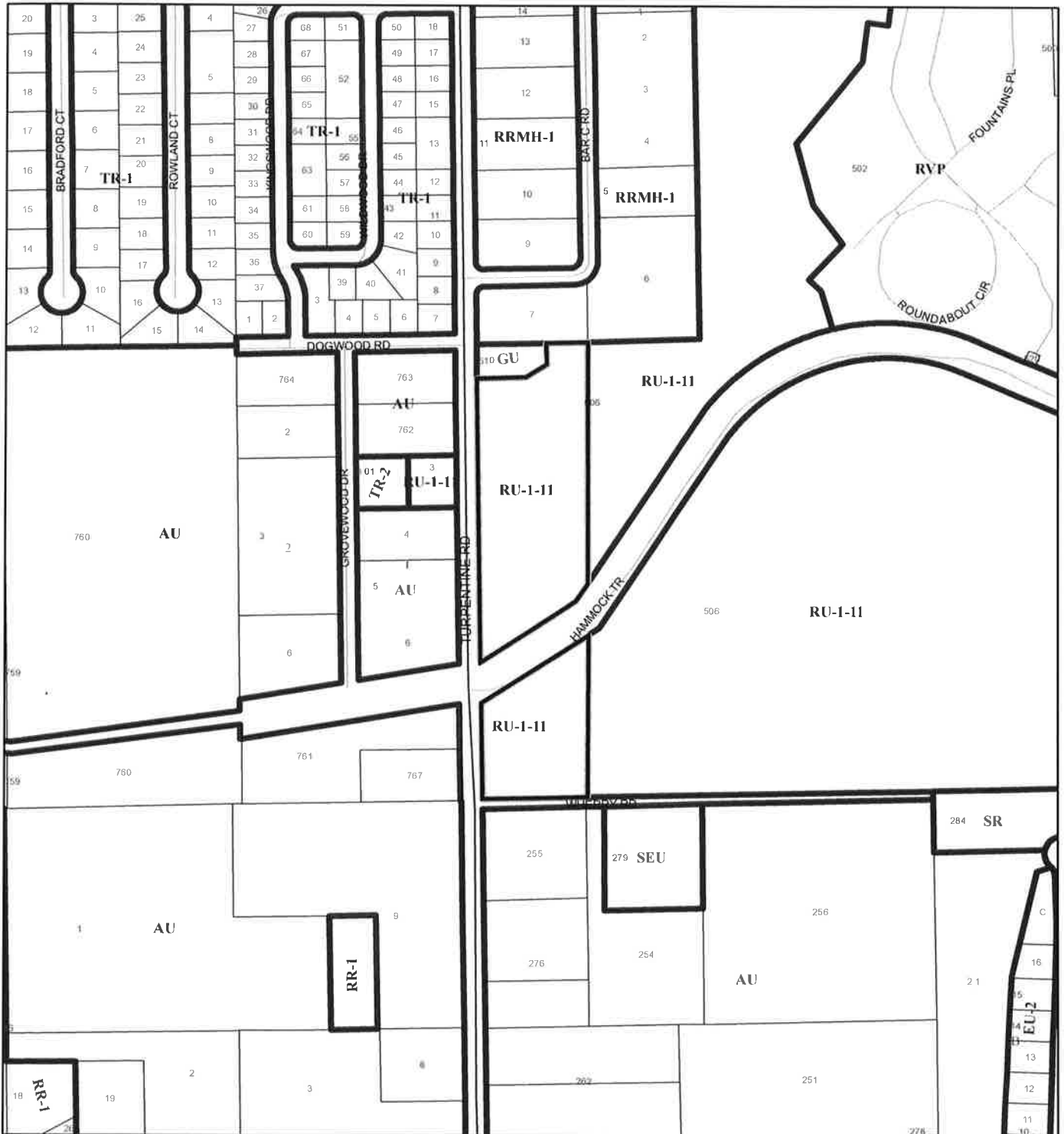
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/10/2022

— Buffer  
■ Subject Property

# ZONING MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

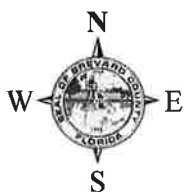
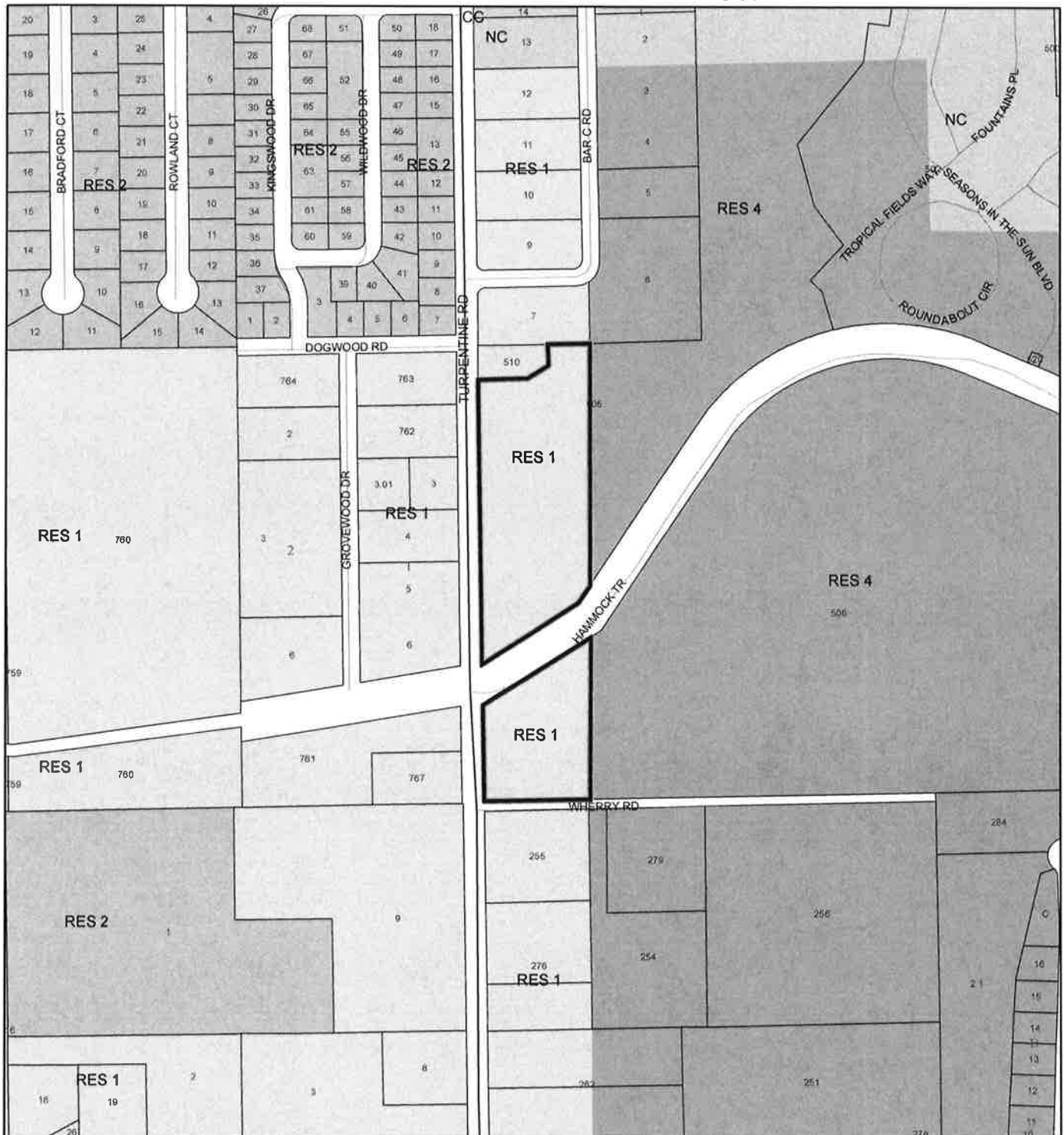
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Produced by BoCC - GIS Date: 1/10/2022

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

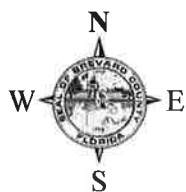
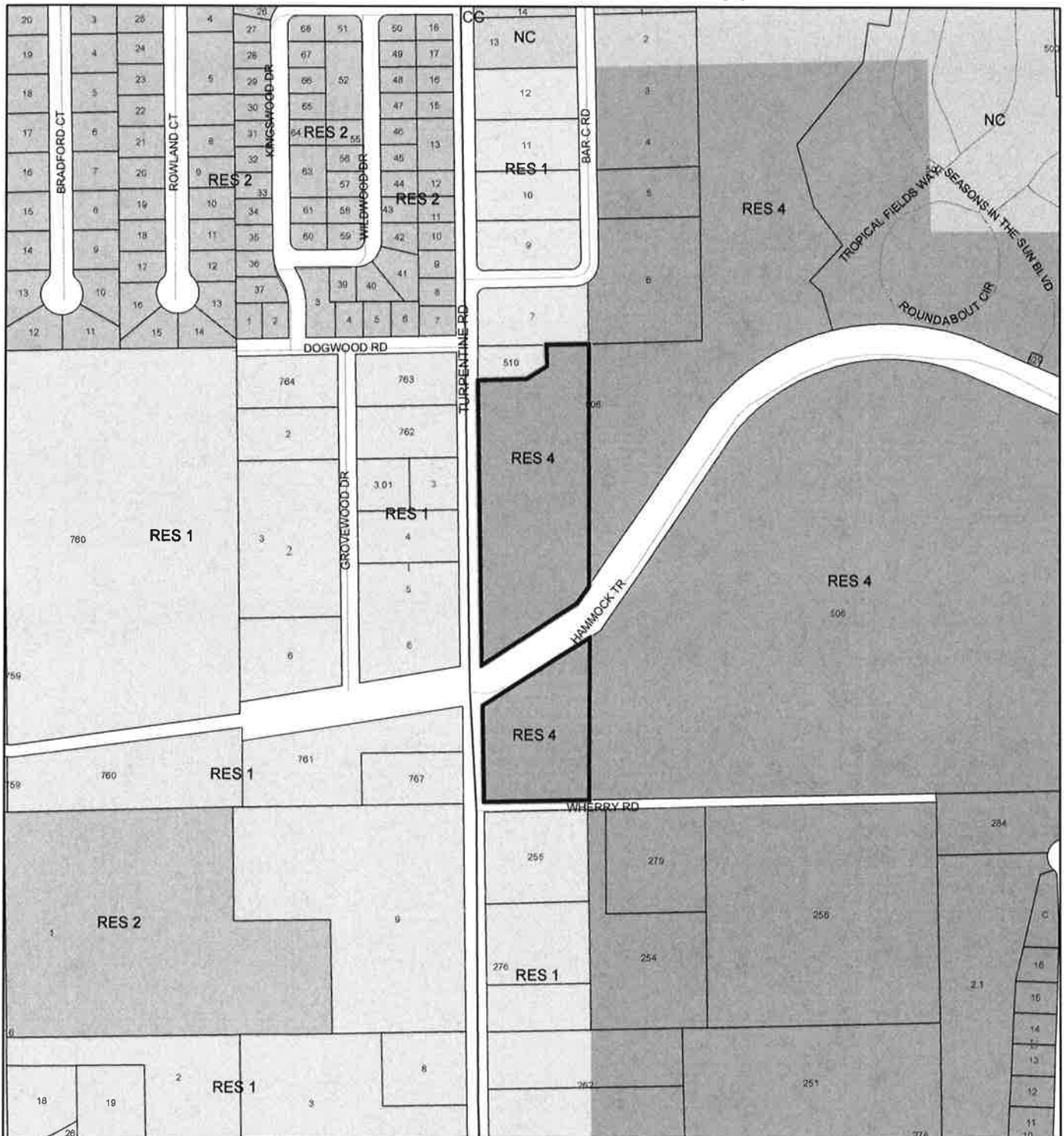
— Subject Property  
□ Parcels

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Produced by BoCC - GIS Date: 1/7/2022

# PROPOSED FUTURE LAND USE MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

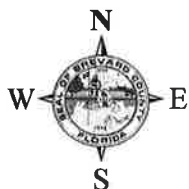
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# AERIAL MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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

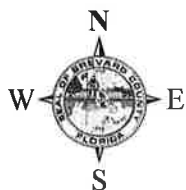
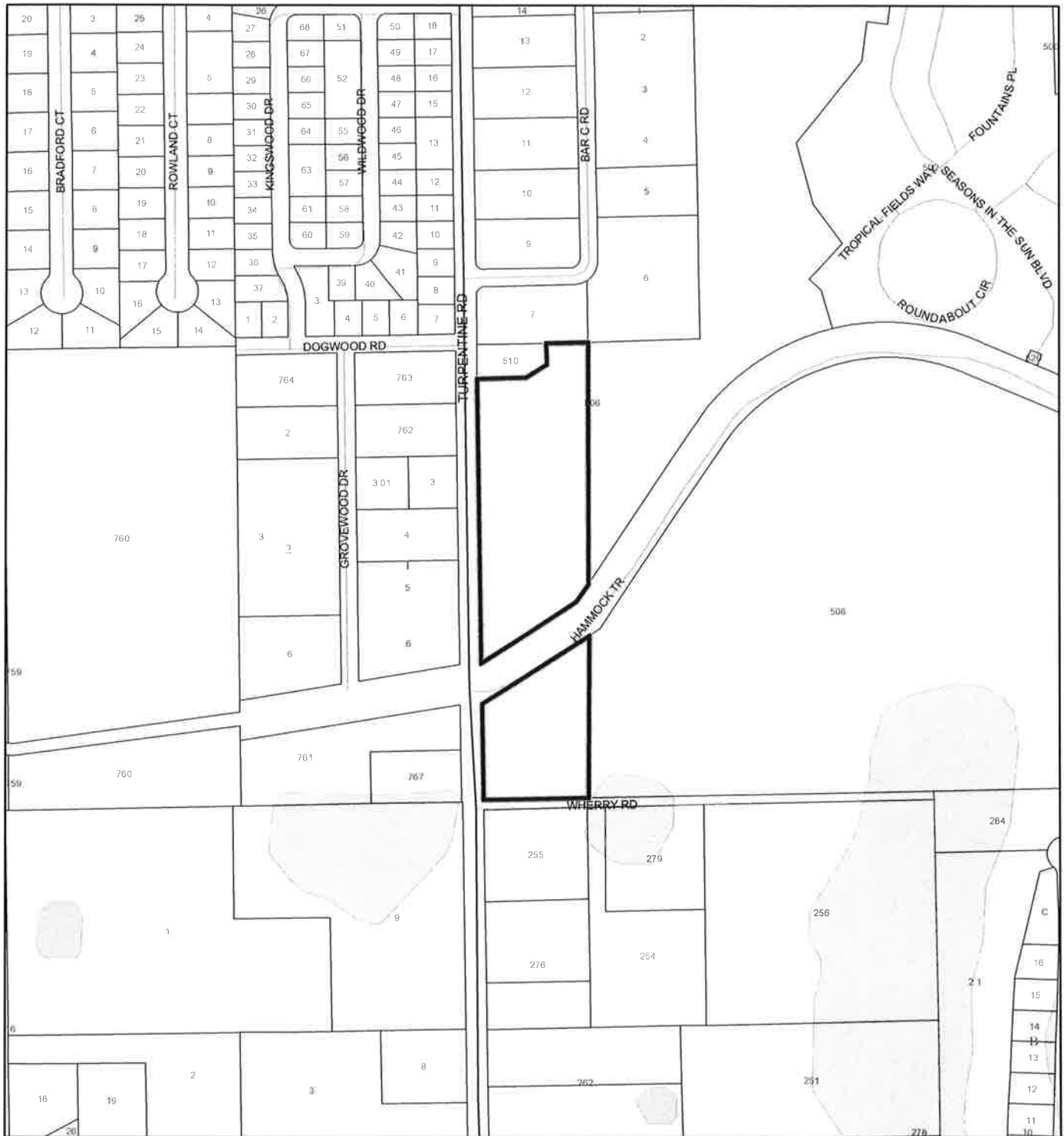
Produced by BoCC - GIS Date: 1/7/2022

 Subject Property

 Parcels

# NWI WETLANDS MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



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: 1/7/2022

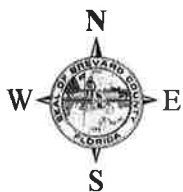
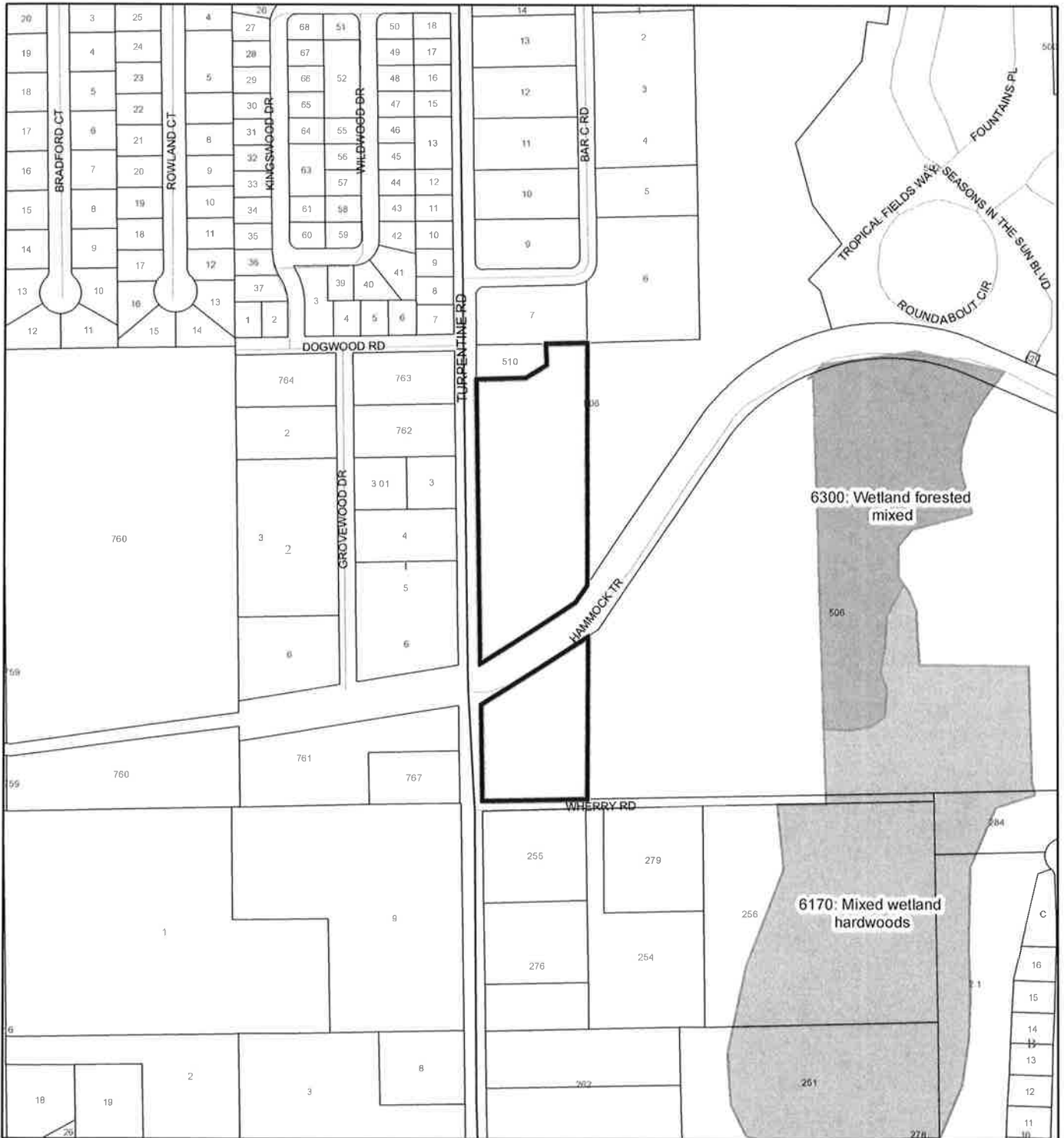
## National Wetlands Inventory (NWI)

	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

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/7/2022

## SJRWMD FLUCCS WETLANDS

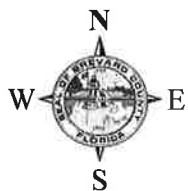
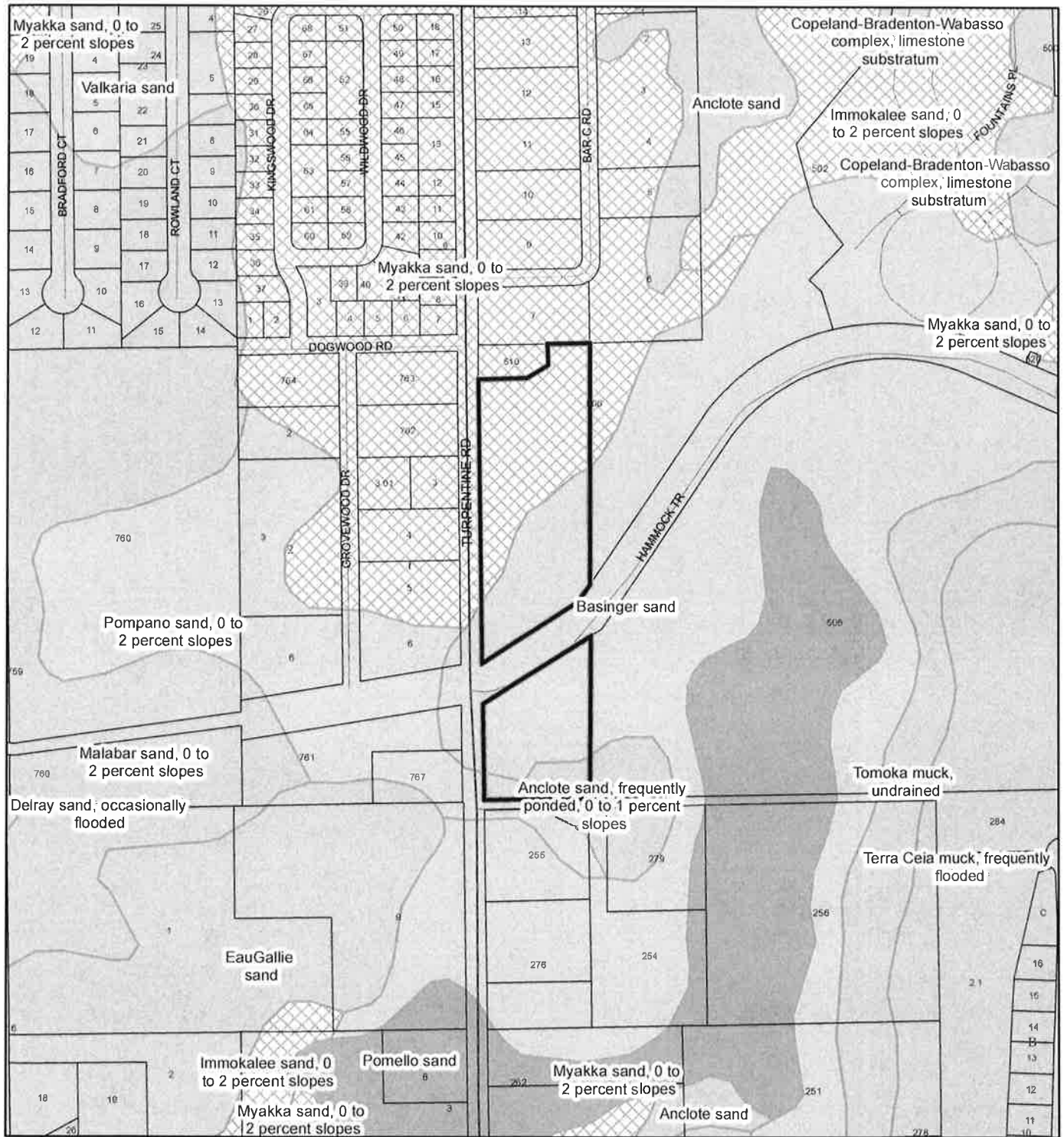
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

# USDA SCSSS SOILS MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



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: 1/7/2022

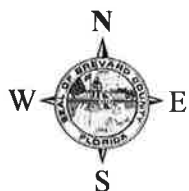
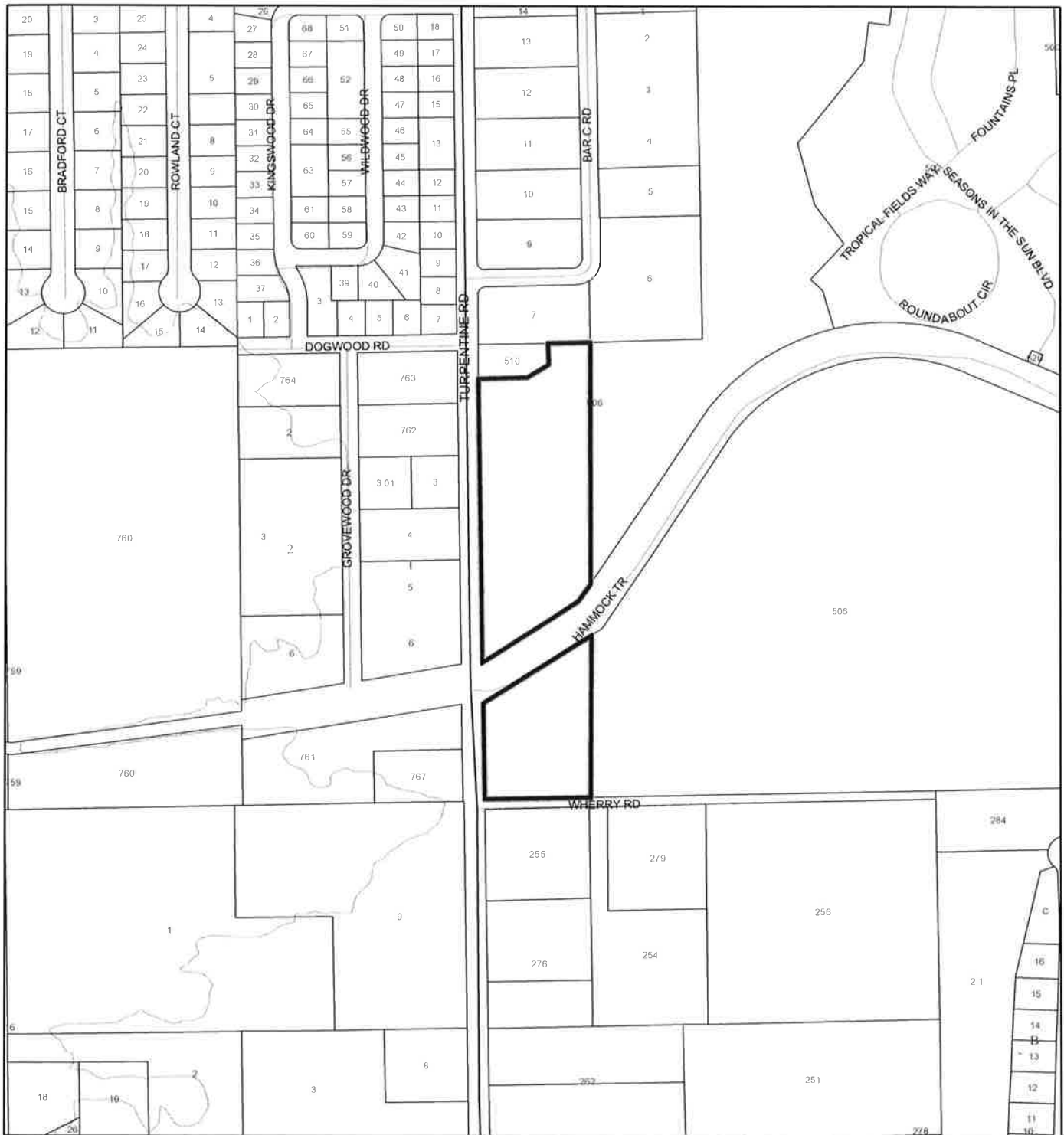
## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

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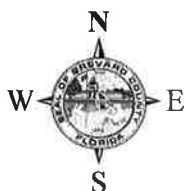
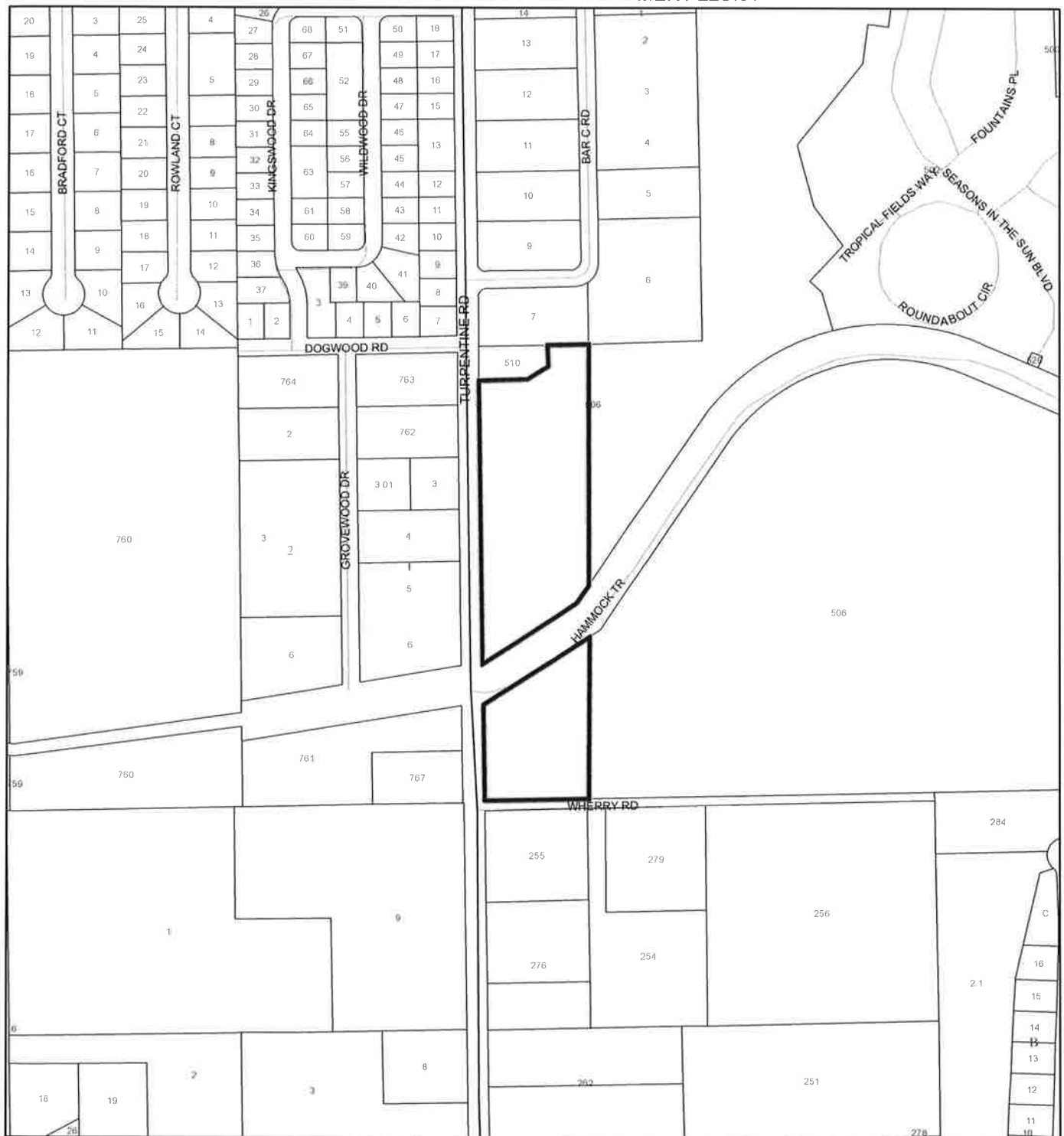
Produced by BoCC - GIS Date: 1/7/2022

## FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

# COASTAL HIGH HAZARD AREA MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/7/2022

 Subject Property

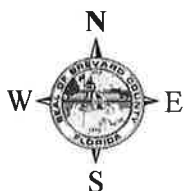
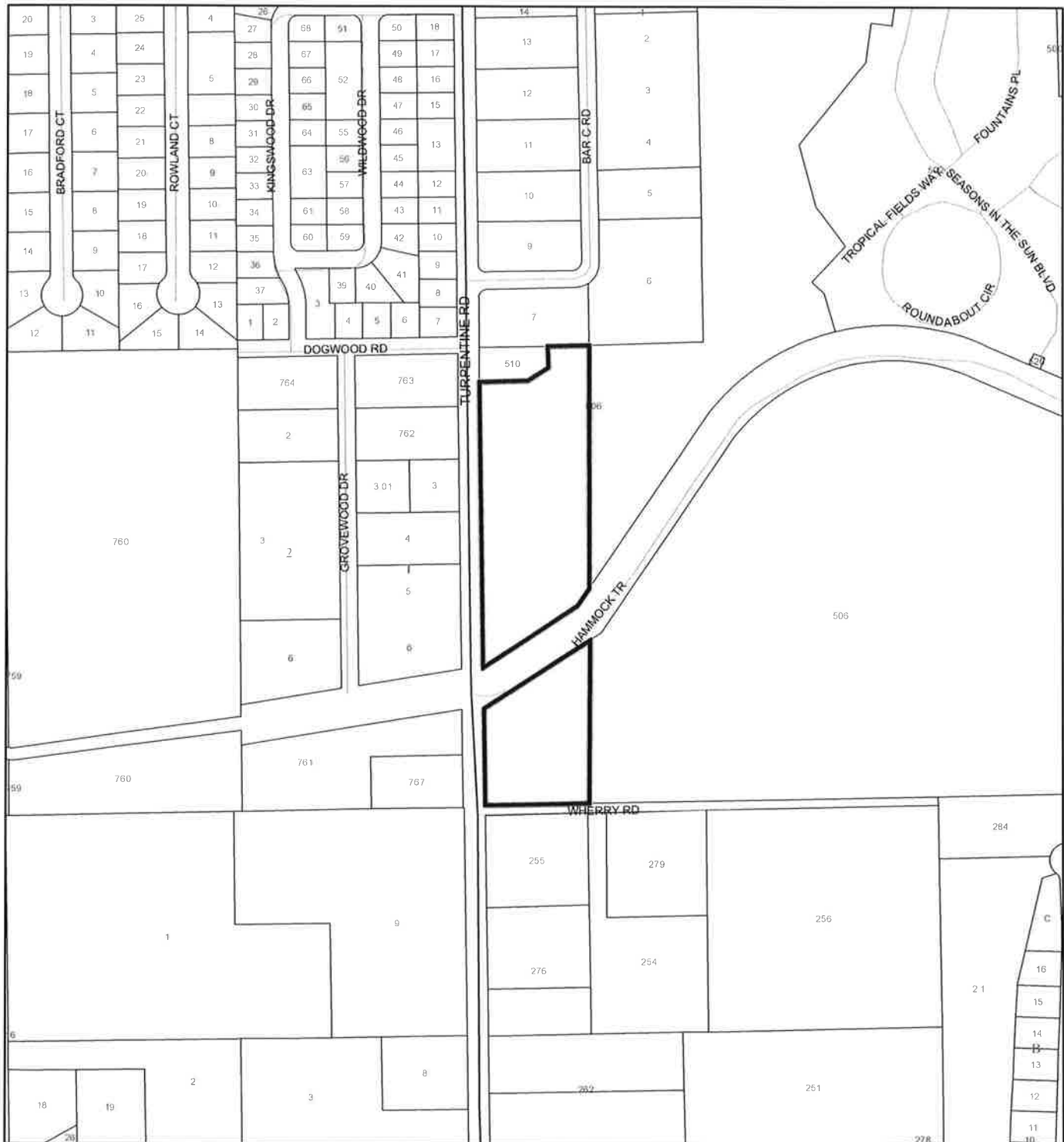
 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



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: 1/7/2022

— Subject Property

□ Parcels

**Septic Overlay**

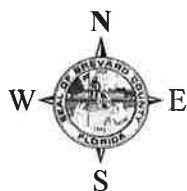
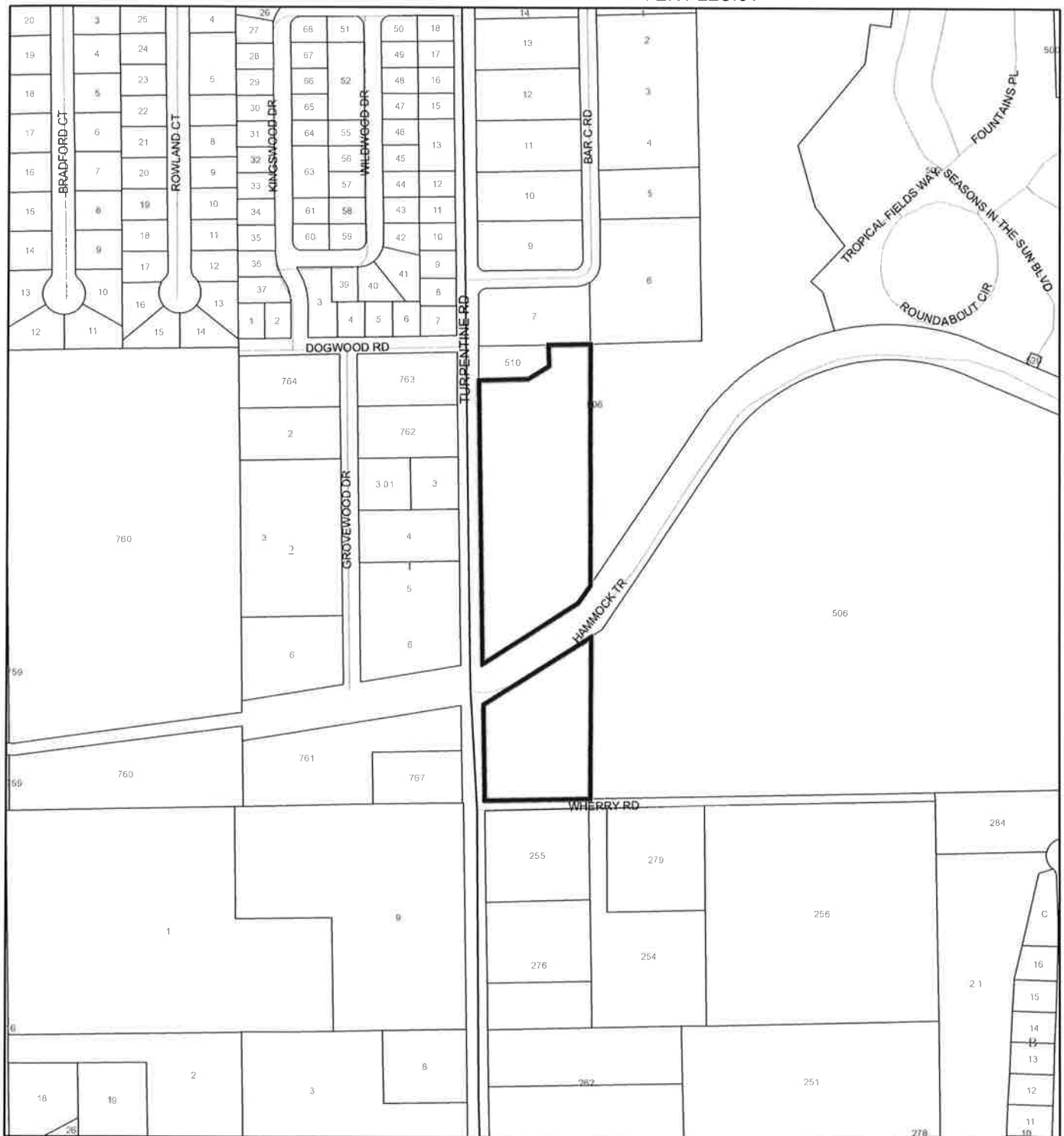
■ 40 Meters

■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



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: 1/7/2022

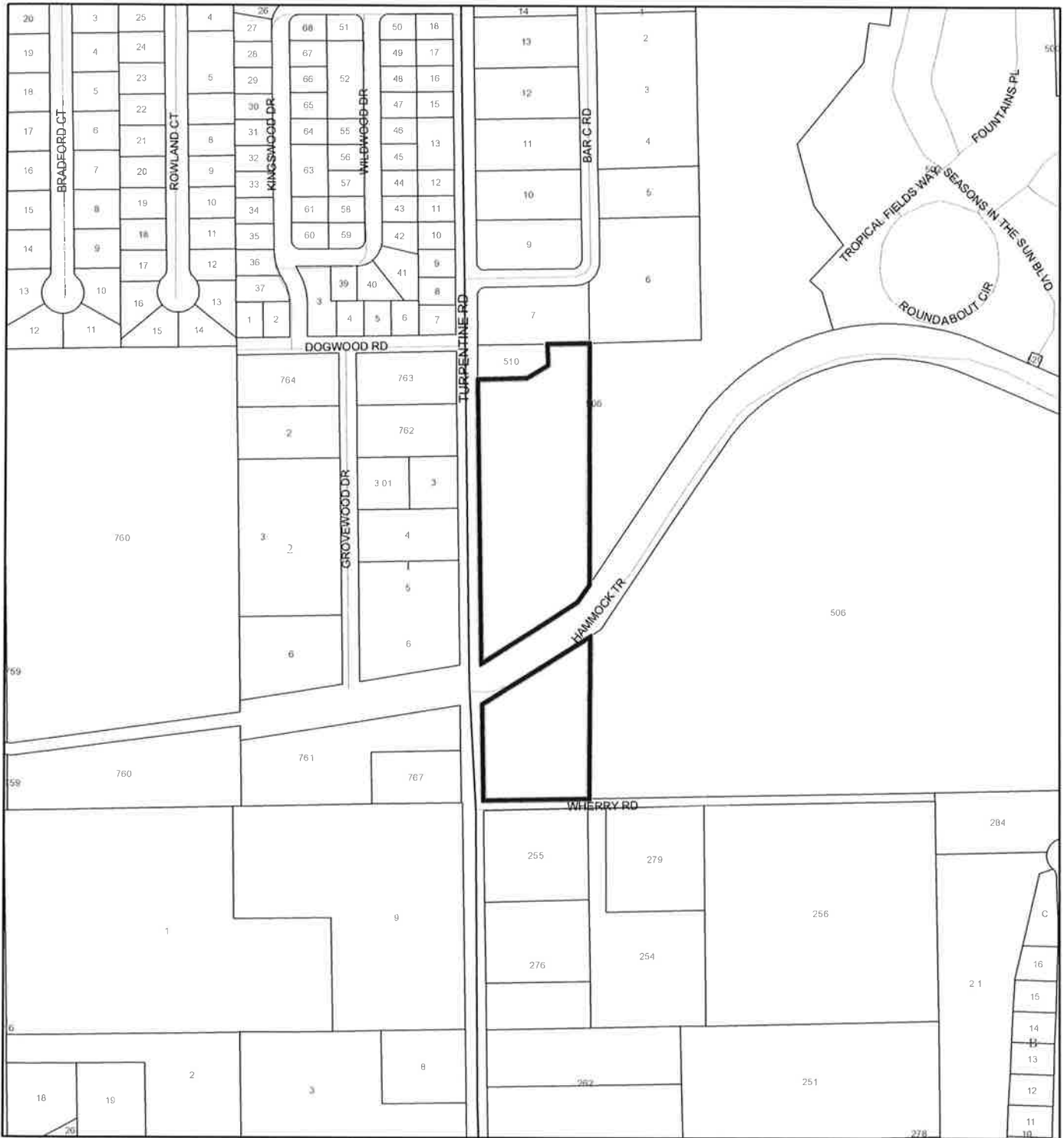
 Subject Property

 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

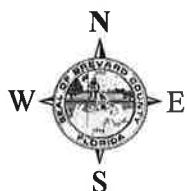
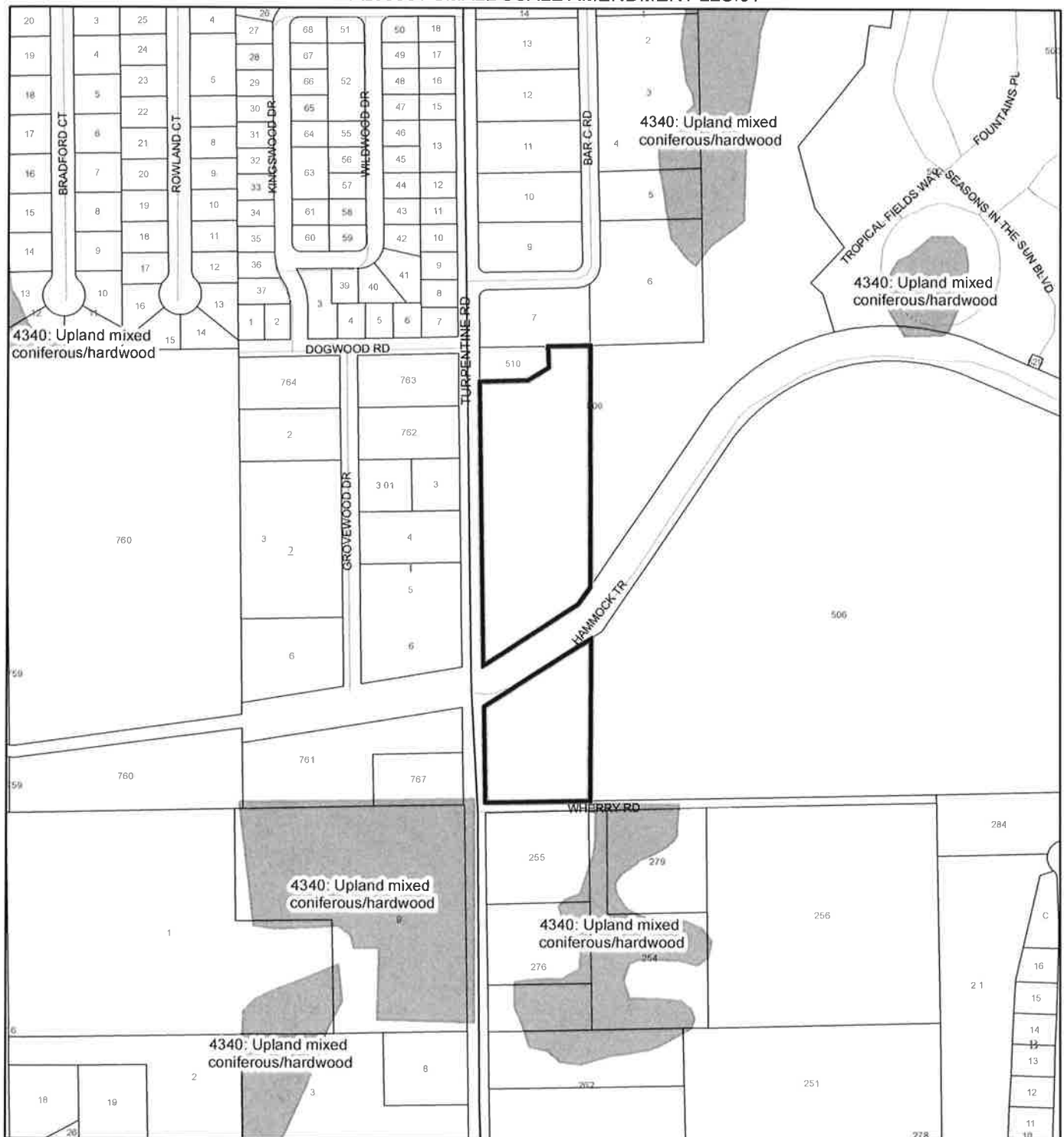
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/7/2022

- Subject Property
- Parcels
- Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

THE HEATHER CALLIGAN TRUST  
22PZ00001 SMALL SCALE AMENDMENT 22S.01



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/7/2022

## 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





BOARD OF COUNTY COMMISSIONERS

Reason for Request  
22PZ00001  
Calligan

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

## Supplement to Comprehensive Plan Amendment Application

1. **Type of Application:**

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

2. **Applicant:** Flordevco **Staff Planner:** Cheryl Campbell

3. **Comprehensive Plan Amendment Information:**

Adopted Future Land Use Designation: RES1

Requested Future Land Use Designation: RES4

Existing Zoning: RU-1-11 zoning app to change to RU-1-7 is 21Z00030

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

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

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

The purpose of the Comp Plan Amendment is to Allow the property to be developed as a Single Family Subdivision with the Recently approved RU-1-7 Zoning. The increase in Density on the 8 acres from Res1 to Res4 will not have a net impact on the project Density because the overall project has been capped at 198 units.

(Use additional sheets if necessary)



## School Board of Brevard County

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

September 1, 2021

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

**RE: Proposed Summerfields Development  
School Impact Analysis – Capacity Determination CD-2021-21**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2112413 (Parcel ID: 21-34-13-00-506) containing approximately 79.16 acres in District 1, Brevard County, Florida. The proposed single-family development includes 198 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2020-21 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes	198		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	55.44	55
Middle	0.08	15.84	16
High	0.16	31.68	32
Total	0.52		103

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

An Equal Opportunity Employer

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	725	725	725	725	725
Madison	781	781	781	781	781
Astronaut	1,446	1,446	1,446	1,446	1,446

**Projected Student Membership**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	422	398	499	514	515
Madison	475	445	468	465	426
Astronaut	1,141	1,081	1,092	1,065	1,052

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	-	52	104	104	104
Madison	-	13	24	24	24
Astronaut	1	22	41	41	41

**Cumulative Students Generated by  
Proposed Development**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	-	14	28	42	55
Madison	-	4	8	12	16
Astronaut	-	8	16	24	32

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	422	464	631	660	674
Madison	475	462	500	501	466
Astronaut	1,142	1,111	1,149	1,130	1,125

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	303	261	94	65	51
Madison	306	319	281	280	315
Astronaut	304	335	297	316	321

At this time, Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the Summerfields development.

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

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

Sincerely,



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

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

Copy: Susan Hann, Assistant Superintendent of Facility Services  
File CD-2021-21

David G. Lindemann, AICP, Director of Planning & Project Management,  
Facilities Services  
File CD-2021-21

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



Summary		2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Highest Utilization Elementary Schools:		87%	90%	100%	100%	100%	100%
Highest Utilization Middle Schools:		87%	89%	90%	93%	96%	99%
Highest Utilization Jr / Sr High Schools:		81%	81%	80%	88%	94%	98%
Highest Utilization High Schools:		93%	95%	95%	95%	95%	100%

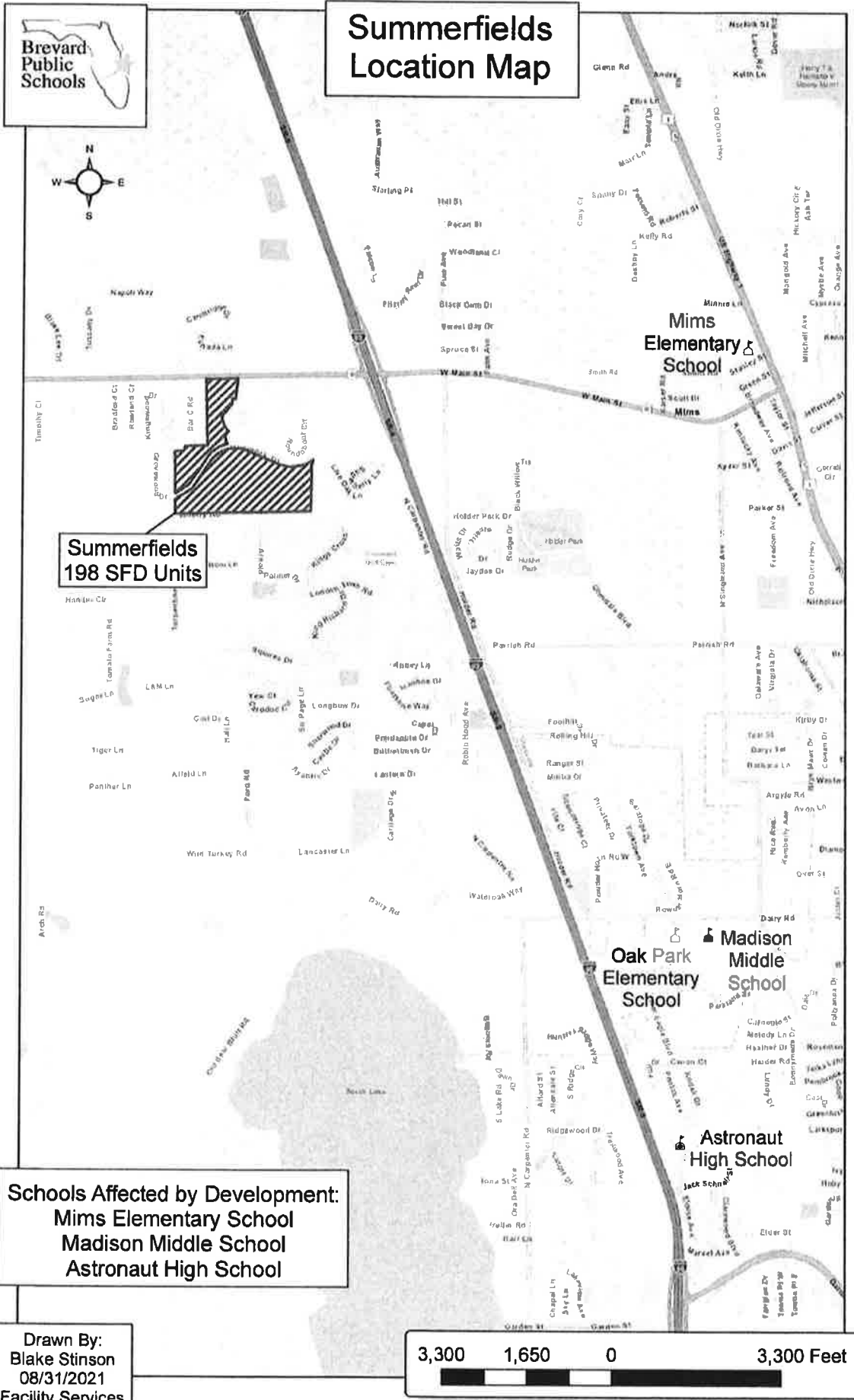
  

School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FBSH Capacity	100M/19 Member-ship	Total Capacity Utilization	Future FBSH Capacity	Student Projection	Total Capacity Utilization	Future FBSH Capacity	Student Projection	Total Capacity Utilization	Future FBSH Capacity	Student Projection	Total Capacity Utilization	Future FBSH Capacity	Student Projection	Total Capacity Utilization	Future FBSH Capacity	Student Projection	Total Capacity Utilization
Allen	Elementary	PK-6	100%	751	566	75%	751	619	80%	751	632	84%	751	681	91%	751	758	98%	751	785	99%
Anderson	Elementary	K-6	100%	884	884	100%	884	884	100%	884	884	100%	884	884	100%	884	884	100%	884	884	100%
Apollonia	Elementary	PK-6	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	757	84%	902	744	82%
Atlanta	Elementary	PK-6	100%	739	633	86%	739	660	89%	739	625	85%	739	624	84%	739	616	83%	739	610	83%
Audubon	Elementary	PK-6	100%	781	489	63%	781	475	62%	781	471	61%	781	478	62%	781	475	62%	781	464	60%
Cambridge	Elementary	PK-6	100%	765	516	68%	765	525	69%	765	503	66%	765	494	65%	765	469	61%	765	458	60%
Cape View	Elementary	PK-6	100%	570	302	53%	570	283	50%	570	277	49%	570	269	47%	570	253	44%	570	254	45%
Carroll	Elementary	K-6	100%	751	583	78%	751	593	79%	751	530	71%	751	553	74%	751	558	74%	751	540	72%
Challenger 7	Elementary	PK-6	100%	573	477	83%	573	483	84%	573	443	77%	573	423	74%	573	406	71%	573	388	68%
Columbia	Elementary	PK-6	100%	751	405	54%	751	400	53%	751	435	58%	751	514	68%	751	533	71%	751	547	73%
Coral	Elementary	PK-6	100%	711	488	70%	711	532	75%	711	475	67%	711	436	61%	711	396	56%	711	378	53%
Crest	Elementary	PK-6	100%	1,154	703	61%	1,154	746	65%	1,154	743	64%	1,154	737	64%	1,154	740	64%	1,154	741	64%
Crofton	Elementary	PK-6	100%	785	480	61%	785	530	67%	785	615	77%	785	627	79%	785	627	79%	785	633	80%
Discovery	Elementary	PK-6	100%	980	500	51%	980	500	51%	980	484	50%	980	500	51%	980	507	52%	980	503	51%
Encour	Elementary	PK-6	100%	980	608	62%	980	645	66%	980	589	60%	980	581	59%	980	528	53%	980	527	53%
Enterprise	Elementary	PK-6	100%	729	536	73%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	482	67%
Farpointe	Elementary	PK-6	100%	789	577	73%	789	580	73%	789	568	72%	789	630	80%	789	676	86%	789	700	89%
Genius	Elementary	PK-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	383	54%
Goodview	Elementary	PK-6	100%	777	439	56%	777	430	56%	777	528	68%	777	522	67%	777	537	69%	777	545	70%
Harbor City	Elementary	PK-6	100%	628	345	55%	628	378	60%	628	379	60%	628	418	66%	628	412	66%	628	407	65%
Holland	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	69%	605	412	68%
Imperial Estates	Elementary	PK-6	100%	729	605	83%	729	803	109%	729	615	84%	729	627	85%	729	644	88%	729	648	89%
Indalantic	Elementary	PK-6	100%	798	662	83%	798	894	112%	798	883	111%	798	875	110%	798	868	109%	798	848	106%
Jupiter	Elementary	PK-6	100%	930	679	73%	930	656	71%	930	705	76%	930	806	87%	930	876	94%	930	926	100%
Lookout	Elementary	PK-6	100%	882	632	72%	882	609	69%	882	592	67%	882	555	63%	882	541	61%	882	518	58%
Longleaf	Elementary	PK-6	100%	790	586	74%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	76%
Manatee	Elementary	PK-6	100%	988	668	68%	988	856	87%	988	808	82%	988	785	79%	988	748	75%	988	714	72%
McAuliffe	Elementary	PK-6	100%	1,114	668	60%	1,114	657	59%	1,114	853	77%	1,114	815	73%	1,114	868	77%	1,114	888	80%
Meadowdale Intermediate	Elementary	3-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	815	73%	1,114	868	77%	1,114	888	80%
Meadowdale Primary	Elementary	PK-6	100%	824	661	80%	824	724	88%	824	654	79%	824	687	83%	824	687	83%	824	689	85%
Mesa	Elementary	PK-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	418	59%	707	408	58%
Mesa	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	499	69%	725	514	71%	725	515	71%
Oak Park	Elementary	PK-6	100%	988	803	81%	988	980	100%	988	942	96%	988	954	97%	988	948	96%	988	942	96%
Ocean Breeze	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	465	71%	654	462	71%	654	455	70%	654	429	65%
Palm Bay Elem	Elementary	PK-6	100%	983	573	58%	983	596	61%	983	653	66%	983	738	75%	983	770	78%	983	773	78%
Pinewood	Elementary	PK-6	100%	569	470	83%	569	480	84%	569	493	87%	569	504	89%	569	510	90%	569	516	91%
Port Malabar	Elementary	PK-6	100%	852	648	76%	852	831	97%	852	618	72%	852	612	72%	852	617	72%	852	625	73%
Quest	Elementary	PK-6	100%	1,152	795	69%	1,152	862	75%	1,152	676	59%	1,152	681	59%	1,152	647	56%	1,152	675	59%
Rivera	Elementary	PK-6	100%	777	591	76%	777	578	74%	777	618	79%	777	605	78%	777	598	77%	777	585	76%
Roosevelt	Elementary	PK-6	100%	569	263	46%	569	247	43%	569	242	42%	569	230	40%	569	227	39%	569	213	37%
Sabal	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	74%	785	594	76%	785	580	74%	785	581	74%
Salem	Elementary	PK-6	100%	978	794	81%	978	841	86%	978	825	85%	978	1,039	106%	978	1,042	106%	978	997	102%
Sea Park	Elementary	PK-6	100%	481	272	57%	481	256	53%	481	287	60%	481	288	60%	481	294	61%	481	288	60%
Shenwood	Elementary	PK-6	100%	608	393	65%	608	409	67%	608	379	62%	608	381	63%	608	386	63%	608	379	62%
South Lake	Elementary	PK-6	100%	481	367	76%	481	397	83%	481	387	80%	481	387	80%	481	387	80%	481	377	78%
Surfside	Elementary	PK-6	100%	913	700	77%	913	863	94%	913	751	82%	913	941	103%	913	1,021	112%	913	1,088	119%
Surfside	Elementary	PK-6	100%	755	594	79%	755	616	82%	755	579	77%	755	579	77%	755	548	73%	755	535	71%
Surfside	Elementary	PK-6	100%	910	682	75%	910	725	80%	910	623	69%	910	603	66%	910	585	64%	910	547	60%
Tropical	Elementary	PK-6	100%	541	438	81%	541	457	85%	541	430	79%	541	412	76%	541	398	74%	541	400	74%
Turner	Elementary	PK-6	100%	874	529	61%	874	574	66%	874	602	69%	874	675	77%	874	720	82%	874	733	84%
University Park	Elementary	PK-6	100%	811	432	53%	811	471	58%	811	438	54%	811	438	54%	811	438	54%	811	438	54%
Viera Elem	Elementary	PK-6	100%	1,012	384	38%	1,012	443	44%	1,012	613	61%	1,012	687	68%	1,012	748	74%	1,012	747	74%
Westside	Elementary	PK-6	100%	857	671	78%	857	594	69%	857	617	72%	857	657	77%	857	683	79%	857	663	77%
Williams	Elementary	PK-6	100%	715	482	67%	715	484	68%	715	483	68%	715	444	62%	715	425	59%	715	398	56%
Elementary Totals				42,966	23,621		42,966	30,667		42,966	30,387		42,966	31,344		42,966	31,483		42,966	31,487	

Middle School Concurrency Service Areas																				
Central	7-8	90%	1,505	1,136	75%	1,505	1,038	73%	1,505	1,078	71%	1,505	1,167	76%	1,505	1,173	76%	1,505	1,250	53%
DeLaure	7-8	90%	839	787	93%	839	787	93%	839	846	97%	839	873	93%	839	924	96%	839	899	56%
Hoover	7-8	90%	860	800	93%	860	483	56%	860	480	56%	860	468	54%	860	488	57%	860	529	78%
Jackson	7-8	90%	854	566	66%	854	566	66%	854	523	61%	854	558	65%	854	565	66%	854	534	62%
Jefferson	7-8	90%	854	647	76%	854	640	75%	854	632	74%	854	609	71%	854	654	76%	854	593	69%
Johnson	7-8	90%	897	731	79%	897	710	78%	897	694	76%	897	727	79%	897	773	86%	897	805	81%
Kennedy	7-8	90%	813	666	82%	813	638	78%	813	619	76%	813	606	75%	813	618	76%	813	633	78%
Madison	7-8	90%	781	470	60%	781	470	60%	781	445	57%	781	468	60%	781	485	62%	781	426	55%
McNair	7-8	90%	811	407	50%	811	390	48%	811	438	72%	811	448	73%	811	440	72%	811	455	74%
Southwest	7-8	90%	1,177	904	77%	1,177	986	84%	1,177	882	75%	1,177	879	75%	1,177	949	81%	1,177	1,025	87%
Stone	7-8	90%	1,024	775	76%	1,024	754	74%	1,024	856	84%	1,024	827	81%	1,024	1,021	86%	1,024	1,031	95%
Middle Totals			10,035	7,570		10,035	7,492		10,035	7,500		10,035	7,730		10,035	8,015		10,035	8,182	
Junior / Senior High School Concurrency Service Areas																				
Cocoa	Jr / Sr High	80%	2,084	1,572	75%	2,084	1,578	76%	2,084	1,689	81%	2,084	1,857	89%	2,084	1,958	94%	2,084	2,005	96%
Cocoa Beach	Jr / Sr High	80%	1,466	964	66%	1,466	948	65%	1,466	948	65%	1,466	914	62%	1,466	984	66%	1,466	818	56%
Space Coast	Jr / Sr High	80%	1,857	1,501	81%	1,857	1,505	81%	1,857	1,482	80%	1,857	1,455	78%	1,857	1,460	78%	1,857	1,437	77%
Jr / Sr High Totals			5,407	4,037		5,407	4,083		5,407	4,108		5,407	4,226		5,407	4,316		5,407	4,268	
Senior High School Concurrency Service Areas																				
Astronaut	9-12	95%	1,446	1,141	79%	1,446	1,141	79%	1,446	1,081	75%	1,446	1,092	76%	1,446	1,065	74%	1,446	1,052	73%
Bayland	9-12	95%	2,257	1,588	69%	2,257	1,625	72%	2,257	1,869	83%	2,257	2,010	89%	2,257	2,048	91%	2,257	2,034	90%
Elmo Galle	9-12	95%	2,221	1,805	81%	2,221	1,642	74%	2,221	1,726	78%	2,221	1,741	79%	2,221	1,758	79%	2,221	1,783	80%
Heritage	9-12	95%	2,314	1,869	81%	2,314	1,853	80%	2,314	1,980	86%	2,314	2,081	90%	2,314	2,181	94%	2,314	2,179	94%
Mebourne	9-12	95%	2,370	2,112	89%	2,370	2,148	91%	2,370	2,338	99%	2,370	2,354	99%	2,370	2,373	99%	2,370	2,382	100%
Meritt Island	PK, 9-12	95%	1,891	1,489	79%	1,891	1,587	84%	1,891	1,494	79%	1,891	1,517	80%	1,891	1,491	79%	1,891	1,428	76%
Palm Bay	PK, 9-12	95%	2,602	1,336	51%	2,602	1,298	50%	2,602	1,629	63%	2,602	1,843	70%	2,602	2,041	78%	2,602	2,041	78%
Rockledge	9-12	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,684	99%	1,701	1,684	99%	1,701	1,678	99%	1,701	1,683	99%
Saunders	PK, 9-12	95%	1,518	1,412	93%	1,518	1,456	96%	1,518	1,411	93%	1,518	1,393	92%	1,518	1,345	89%	1,518	1,334	88%
Titusville	9-12	95%	1,848	1,220	67%	1,848	1,220	67%	1,848	1,391	75%	1,848	1,428	77%	1,848	1,460	79%	1,848	1,490	81%
Viera	PK, 9-12	95%	2,275	2,066	92%	2,275	2,165	95%	2,275	2,266	99%	2,275	2,377	104%	2,275	2,483	108%	2,275	2,495	109%
High Totals			22,441	17,352		22,441	17,645		22,441	18,809		22,441	19,484		22,701	19,899		22,701	19,891	
Schools of Choice (Not Concurrency Service Areas)																				
Freedom 7	K-6	100%	475	395	83%	475	414	87%	475	395	83%	475	395	83%	475	395	83%	475	395	83%
Stevenson	K-6	100%	568	487	86%	568	505	89%	568	488	86%	568	488	86%	568	488	86%	568	488	86%
West Melbourne	Elementary	100%	618	531	86%	618	552	89%	618	531	86%	618	531	86%	618	531	86%	618	531	86%
Edgewood	Jr / Sr High	90%	1,072	937	87%	1,072	950	89%	1,072	942	88%	1,072	942	88%	1,072	942	88%	1,072	942	88%
West Shore	Jr / Sr High	90%	1,264	957	76%	1,264	956	76%	1,264	957	77%	1,264	957	77%	1,264	957	77%	1,264	957	77%
Schools of Choice			3,968	3,317		3,968	3,377		3,968	3,323		3,968	3,323		3,968	3,323		3,968	3,323	
Brevard Totals			84,877	61,387		84,877	63,484		84,877	64,127		85,183	66,147		85,443	66,940		85,553	67,143	

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2020-21 are reported from the FISH database as of August 6, 2020.
2. Student Membership is reported from the Fall Final Membership Count (10/09/20).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current FrannyTo 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 30 Relocatable Classrooms are assumed to add future student stations as listed below:
  - Primary relocatable classrooms (Grades K-3) = 10 student stations, Intermediate (Grades 4-5) 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, Riviera Elementary, Saturn Elementary, Sunrise Elementary, and Stone Middle School (Total of 11 Classrooms)
  - High school relocatable classrooms are proposed to be added at Melbourne High and Vero High (Total of 11 Classrooms)
7. Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.







**School Board of Brevard County  
School Facility Planning and Concurrency Application  
(School Impact Analysis)**

**Instructions:** Submit one copy of completed application, location map, and applicable fee for each project with a residential component requiring a review by the School Board to each affected Local Government.

The School Board requires this information for student generation to be calculated, school capacity evaluated, and potential mitigation addressed. For information regarding this application process, please contact the Planning and Project Management Department of the School Board of Brevard County at 321.633.1000 x463.

Local Government to determine the type of Application:

**FEES:** See Brevard County Public School Concurrency Review Fee Schedule. Make check payable to School Board of Brevard County

**I. Project Information**

Project Name: Summerfields County / Municipality: Brevard County  
Parcel ID / Tax Account #. (attach separate sheet for multiple parcels): 21-34-13-00-508 / 2112413  
Location / Address of subject property: Not Assigned (Attach location map)  
Acreage: 79.16 Type of Request at Local Government Rezoning

**II. Ownership / Agent Information**

Owner/Contract Purchaser Name(s): Contract Purchaser - Flordevco  
Agent / Contact Person: Charles Genoni  
(Please note that if agent or contact information is completed, the District will forward all information to that person.)  
Mailing Address: 4760 N US Hwy 1 #201 Melbourne FL 32935  
Telephone: 321-508-5052 Fax: 321-255-0722

I hereby certify the statements and/or information contained in this application with any attachments submitted herewith are true and correct to the best of my knowledge.

[Signature]  
Owner or Agent Signature

8-26-21  
Date

If applicant is not the owner of record, the "Agent for Owner" form (see page 4 of this application form) must be completed and included with this application at time of application submittal. If owner is a company/corporation, please submit documentation that signatory is an authorized officer of the company/corporation.

State of Florida, County of Brevard  
Sworn and subscribed to before me

This 26<sup>th</sup> day of Aug 2021

Tanya Ludzieski  
Notary Public

Commission Expires: 9/30/21

(Form of Identification)



SCHOOL BOARD USE ONLY

Date / Time Stamp: \_\_\_\_\_

October 2018  
Facilities Services





**School Board of Brevard County  
School Facility Planning and Concurrency Application  
(School Impact Analysis)**

**III. Development Information**

Current Land Use Designation	RES 4/RES 1	Proposed Land Use Designation	RES 4/ RES 1	
Current Zoning	RU-1-11	Proposed Zoning	RU-1-7	
Project Acreage	79.16			
Total Dwelling Units Proposed	198			
Dwelling Unit Breakdown (Qty)	Single Family or Town Homes: 198	Multi-Family or Apartments:	Condo:	Mobile Home / Manufactured:

**Year of Project or Phase Completion: Total Dwelling Units by Type / Year**

Year End 20XX	2023	2024	2025	2026	2027
Unit Type	Year 1	Year 2	Year 3	Year 4	Year 5+
Single Family / Town Homes	50	50	50	48	
Multi-Family / Apartments					
Condominium					
Mobile Home / Manufactured					
<b>Totals by Year</b>					

**NOTE:** This application will not be deemed complete until all required information has been submitted to the School Board of Brevard County. Submittal requirements include completed application, phasing information, review fee(s), agent authorization (if applicable) and location map. Please be advised that additional documentation/information may be requested during the review process.

October 2018  
Facilities Services

SCHOOL BOARD USE ONLY
Date / Time Stamp: _____



**School Board of Brevard County**  
**School Facility Planning and Concurrency Application**  
**(School Impact Analysis)**

**Local Government Agency**

This section is to be completed by the Local Government and submitted to the School Board of Brevard County. The Local Government is responsible for verifying the number of units currently vested under the existing Comprehensive Plan and Zoning or a previously issued School Concurrency Availability Determination Letter.

**Local Government Case #:** \_\_\_\_\_

Please check [✓] type of application request (check only one; as defined by Interlocal Agreement):

☒ School Capacity Determination (Preliminary Development Requests)

☐ Exemption Review

☐ Capacity Determination Conversion to Concurrency Determination

☐ Time Extension

☐ Concurrency Determination (Final Development Requests)

**Preliminary Development Requests (examples: Rezoning and Comp Plan Amendments):**

Number of Units by Type	Maximum Permitted by Proposal	Currently Permitted (Vested)	Difference
Single Family / Town Homes	198	292	-94
Multi-Family / Apartments			
Condominium			
Mobile Home / Manufactured			
Totals:			

**Note:** The Total Difference will determine if this meets the De Minimis Impact per the Interlocal Agreement.

**Final Development Requests requesting a Concurrency Determination:**

Number of Units by Type	Proposed
Single Family / Town Homes	
Multi-Family / Apartments	
Condominium	
Mobile Home / Manufactured	

Paul Body  
Local Government Reviewer's Signature / Title

8-27-2021  
Date

**Other Affected Local Governments:** \_\_\_\_\_

**Comments:** Proposed Rezoning

October 2018  
Facilities Services

SCHOOL BOARD USE ONLY

Date / Time Stamp: \_\_\_\_\_

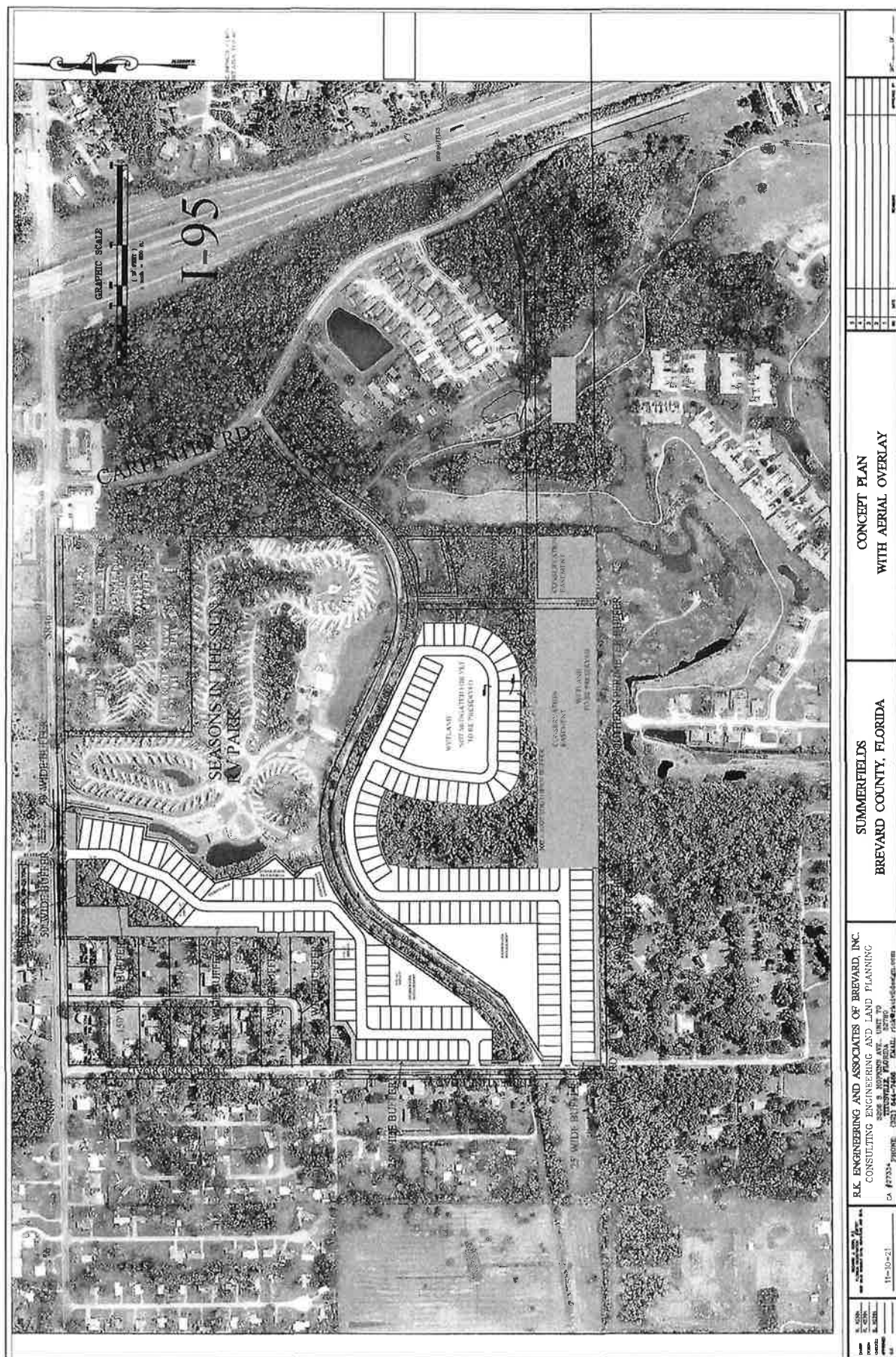
## CONCURRENCY FEE SCHEDULE

CONCURRENCY FEE SCHEDULE		
Review / Negotiation	Type	Cost
School Capacity Determination	Preliminary Development Request (CDL)	\$200
Capacity Determination Conversion to Concurrency Determination	Previously Reviewed in the same School Board Reporting Year	\$200
Concurrency Determination	Final Development Request (SCADL)	\$400
Exemption Letter	See Section 13.1(d)2. of the Interlocal Agreement	\$100
Time Extensions	All	\$100
Proportionate Share Mitigation Agreement	All	\$3000
Appeals	All	\$1000
Capacity Enhancement Agreement	All	\$3000

F.S. 163.31777, 163.3180, 1001.41, 1001.42

August 28, 2014

Updated October 22, 2018



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

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 14, 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: Henry Minneboo (D1); Ron Bartcher (D1); Lorraine Koss (Alt. D2) (present for and voted on H.3. - H. 14.); Ben Glover (D3) (present for and voted on H.1. - H.13.); Mark Wadsworth, Chair (D4); Liz Alward (D4); David Bassford (Alt. D5) (voted on H.1. - H.12, and H.14; abstained on H.13.); and John Hopengarten (BPS).

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

### **Excerpt from Complete Minutes**

#### **The Heather Calligan Trust (Kim Rezanka)**

A Small Scale Comprehensive Plan Amendment (22S.01) to change the Future Land Use designation from RES 1 (Residential 1) to RES 4 (Residential 4). The property is 8.25 acres, located on the northeast corner of Turpentine Rd. and Wherry Rd., on the north and south sides of Hammock Trail. (No assigned address. In the Mims area) (22PZ00001) (Tax Account 2112413) (District 1)

Kim Rezanka, 1290 U.S. Highway 1, Rockledge, stated the subject property was before the board last fall for a rezoning request. [Ms. Rezanka gave the board a concept plan. The concept plan can be found in file 22PZ00001, located in the Planning & Development Department]. She stated it is a 79.16-acre development which has been rezoned to RU-1-7. She said it is environmentally sensitive land, and a conservation easement has already been recorded on the property in favor of the St. Johns River Water Management District. The request is to change 8.25 acres on the west side of the development from RES 1 to RES 4. There is already a BDP over the entire 79.16 acres that limits the number of units to 199. She stated the amendment will allow the development to move forward, it allows the wetlands to be preserved, it allows the open spaces to be preserved, and it allows the clustering of the development, which was requested in the 2007 Mims Small Area Study.

No public comment

Ron Bartcher noted the staff comments mention there is a cultural resource, an Irving Holder Farm, on the property, and asked what impact that has on development?

Jeffrey Ball stated the applicant would have to contact the State to determine what they need to do to rectify that. Ms. Rezanka stated she was not aware of that, but she will make sure the applicant, Mr. Genoni, is aware.

Motion by Ron Bartcher, seconded by Henry Minneboo, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 to RES 4. The motion passed unanimously.