



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.9.

3/3/2022

Subject:

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka) request a change of zoning classification from AU, GU, BU-1, and BU-2, to RU-1-7 with a BDP. (21Z00043) (Tax Account 2100183) (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 classification from AU (Agricultural Residential), GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial), to RU-1-7 (Single-Family Residential) with a BDP (Binding Development Plan)

Summary Explanation and Background:

The applicants are seeking a change of zoning classification from GU, AU, BU-1, and BU-2 to RU-1-7 with a BDP limiting development to 199 single-family homes. This request is for a 73.59-acre portion of a 118.3-acre parcel. The proposed RU-1-7 classification permits single family residences on minimum 5,000 square-foot lots with minimum width of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

A companion application for a Future Land Use change from RES 2 to RES 4 on a 49.72-acre portion of this 73.59-acre rezoning request. If the companion application is approved, the subject 73.59-acre site would have the development potential of 341 units. However, the proposed BDP limits the site development to 199 units which essentially results in a reduction of 142 units.

The developed character of the surrounding area is a mix of commercial and residential development. Continuing west from I-95, the area transitions to entirely residential zoning classifications. Residential lot sizes range from a quarter acre to one acre in size. The homes in these residential neighborhoods are mostly manufactured homes located in platted subdivisions.

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

On February 14, 2022, the Planning & Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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

February 25, 2022

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

Ms. Jones,

In regards to the upcoming agenda items H.2, H.6, H.7, H.8, and H.9, for the Brevard County Zoning meeting on March 3rd, 2022, please be advised in advance that I spoke with the following party via telephone on February 25th, 2022.

Kim Rezanka, Esq.

The phone call lasted approximately twenty minutes, during which the above individual provided information regarding the above-referenced items.

Sincerely,



John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

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Titusville, FL 32780

(321) 607-6901

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Planning and Development

Commission Meeting March 3, 2022

Tax Account 2100183 Jackson Family Trust

(21PZ00081; 21Z00044; 21PZ00089; 21Z00043)

Commissioner Pritchett met with Ms. Kim Rezanka and Mr. Clark Sprinkel in the District 1 Commission office regarding the above item on January 10, 2022. The Commissioner listened to their plans for this project.

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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00043

Jackson Family Trust; and C.B. Davis Family Trust

GU (General Use), AU (Agricultural Residential), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial) to RU-1-7 (Single-Family Residential) with a Binding Development Plan (BDP) for 199 dwelling units

Tax Account Number: 2100183
Parcel I.D.: 21-34-12-00-502
Location: North side of Highway 46, approx. 0.25 miles west of Interstate 95 (I-95) (District 1)
Acreage: 73.59 acres of 118.3 total site acreage

Planning & Zoning Board: 2/14/2022

Board of County Commissioners: 3/03/2022

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	GU, AU, BU-1, and BU-2	RU-1-7 w/ BDP limited to 199 single-family homes
Potential*	23 single-family homes	199 single-family homes
Can be Considered under the Future Land Use Map	YES; NC, CC, and RES 2	NO; NC, CC, and RES 2 Requires RES 4 on RES 2 portion**

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

** A companion application, **21PZ00089**, if approved would change the Future Land Use designation on 49.72 acres from RES 2 (Residential 2) to RES 4 (Residential 4).

Background and Purpose of Request

The applicants are seeking a change of zoning classification from GU (General Use), AU (Agricultural Residential), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial) to RU-1-7 (Single-Family Residential) with a Binding Development Plan (BDP) limiting development to 199 single-family homes. This request is for a 73.59-acre portion of a 118.3-acre

parcel. The applicant has also applied to rezone a 4-acre portion of this parcel adjacent to Highway 46 from GU to BU-1 as zoning action **21Z00044**.

The applicant submitted a BDP restricting the number of units to 199, even though they provided a concept plan showing 193 lots. Please note, this concept plan has not been reviewed for consistency with Land Development Regulations, nor is it binding, as it is not included within the BDP.

A companion FLU change application (**21PZ00089**) was submitted accompanying this request for a FLU change from RES 2 to RES 4 on a 49.72-acre portion of this 73.59-acre rezoning request. The RES 4 will allow up to 198 units. The remaining 23.87 acres of the lot having a FLU designation of NC or CC would allow for a density of six units per acre, resulting in 143 potential units, which would allow for 341 units on 73.59 acres without the BDP imposing a reduction of 142 units.

If the Board were not to approve the FLU change and RES 2 remains, the 49.72 acres of RES 2 has the potential for 99 units. The remaining 23.87 acres of the lot have a FLU designation of NC or CC, which would allow for a density of four units per acre, resulting in 95 potential units. In total, the subject 73.59-acre site would be limited to 194 units if the companion FLU change is not approved. Essentially, the proposal nets 5 units.

If the companion application from RES 2 to RES 4 is approved, 49.72 acres of RES 4 would have the potential for 198 units. In total, the subject 73.59-acre site would be permitted 341 units if the BDP is not memorialized. In this case, the BDP limiting the site to 199 units results in a reduction of 142 units.

GU is the original zoning of the entire parcel. Zoning action **Z-4059** rezoned 90 acres in the rear of the property from GU to AU on April 26, 1976. Zoning action **Z-3219** rezoned 18 acres from GU to BU-1 (within 150 feet of I-95) and BU-2 (on the balance) on March 26, 1973.

Land Use

The subject property retains a FLU designation of Neighborhood Commercial (NC), Community Commercial (CC), and Residential 2 (RES 2). The proposed RU-1-7 zoning classification is consistent with the NC and CC FLU, but not with the RES 2. A companion application, **21PZ00089**, if approved, would change the Future Land Use designation on the RES 2 portion of the parcel to RES 4, while the NC and CC portions will remain the same. RU-1-7 is not consistent with RES 4, necessitating a BDP to limit the density to four units an acre or fewer in the RES 4 portion of the lot.

Applicable Future Land Use Policies

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 nearest potential potable water and sanitary sewer connections are located approximately 800 feet to the south of the subject property south along State Road 46.

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 not immediately adjacent to RES 4 land use designation. In the general vicinity is a manufactured housing subdivision with one-quarter (1/4) acre lots platted prior to the adoption of the 1988 Comprehensive Plan.

The closest RES 4 is located approximately 290 feet to the west (within Cambridge Park Phase 2 manufactured housing subdivision).

- 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.

Policy 2.13 – Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

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

Criteria:

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

1. historical land use patterns;

There has been a historical pattern of residential development along State Road 46 to the west the subject site.

The subject property is located within the boundaries of the 2007 Mims Small Area Study. Recommendations of the Study note 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 area's agricultural landscapes when possible. There was no change to the Future Land Use of the subject property as a result of the 2007 Mims Small Area Study.

The proposed residential use appears consistent with the historical and existing pattern of surrounding development that transitions from more intense commercial uses near the I-95 interchange to residential uses west of the subject site.

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. However, southeast of the subject property (along State Road 46), two commercial parcels have been developed: a truck stop (Love's Travel Stops and Country Stores, Inc.) and a retail store (Dollar General).

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

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

However, in January 2022, a binding development plan for a 198 unit single-family subdivision was approved on a 79.16-acre parcel southwest of the subject property (across State Road 46).

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

The subject property is located in an area west of I-95 and north of SR 46. The developed character of the surrounding area is a mix of commercial and residential development. Continuing west from I-95, the area transitions to entirely residential zoning classifications. Residential lot sizes range from a quarter acre to one acre in size. The homes in these residential neighborhoods are mostly manufactured homes located in platted subdivisions.

Residential zoning classifications in the area include: TR-1, RRMH-1, RU-1-11, and GU.

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

The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

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

The RRMH-1 classification permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

Surrounding Area

The abutting parcel to the north is owned by St. Johns River Water Management District (SJRWMD) and has a zoning classification of GU and a FLU designation of Public – Conservation. The abutting parcels to the east include a vacant 12.24-acre parcel with GU zoning and a RES 4 FLU designation and a 14.08-acre parcel zoned BU-2 with a CC FLU designation that is a Love's Travel Stop (a large convenience store with gas pumps). Abutting the property to the south is Highway 46. To the west of the subject property is a 75-foot wide strip of land that is owned by SJRWMD. Beyond this is a subdivision with TR-1 zoning and FLU designations of RES 2 and RES 4.

There has been one rezoning application in the surrounding area in the past 5 years. On June 6, 2019, **18PZ00161** changed the zoning classification of the 16.4-acre parcel abutting the subject property from BU-1, BU-2, and GU to all BU-2 with a BDP limiting the use to a fast food restaurant, convenience store, tire care center, and hotel with no more than 120 rooms.

Environmental Constraints

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

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

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 46, between Fawn Lake Blvd. and Interstate I-95, which has a Maximum Acceptable Volume of 14,160 trips per day, a Level of Service (LOS) of D, and currently operates at 66.24% of capacity daily. The maximum development potential from the proposed rezoning does increase the level of MAV utilization by 6.69%. The corridor is anticipated to operate at 72.93% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

There is a school concurrency letter dated December 1, 2021, confirming there is sufficient capacity at Mims Elementary School, Madison Middle School, and Astronaut High School for the total of projected and potential students from this development. At the time this letter was drafted, only 180 units were proposed. An email from the School Board on January 10, 2022, confirmed that the additional increase of 19 units is acceptable without the need for a new school concurrency.

There is both a sewer line and water line running along Highway 46.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 21Z00043

Applicant: Rezanka for Jackson Family Trust

Zoning Request: AU, GU, BU-1 & BU-2 to RU-1-7 with BDP

Notes: Applicant wants subdivision with 180 single-family residential units.

P&Z Hearing Date: 01/10/22; **BCC Hearing Date:** 02/03/22

Tax ID No: 2100183

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

The subject parcel contains mapped wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities or building permit application 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 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Historical aerials indicate that unpermitted land clearing activities may have occurred. The discovery of unpermitted wetland impacts or land clearing activities may result in code enforcement action.

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

Land Use Comments:

Wetlands

The subject parcel contains mapped National Wetland Inventory (NWI), SJRWMD wetlands, and hydric soils (Samsula muck, Tomoka muck, Ancloste sand, and Basinger sand), as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities or building permit application submittal. Per Section 62-3694(c)(2), 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. 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 property. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e), including avoidance of impacts, and will require mitigation in accordance with 62-3696.

Historical aeriels indicate that unpermitted land clearing and filling activities may have occurred. The discovery of unpermitted wetland impacts may result in code enforcement action.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Pomello sand, Paola fine sand and Basinger sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Floodplain

Portions of the property are mapped as being within the floodplain, potentially isolated, as identified by FEMA, and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within an isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 5, Section 62_3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected and Specimen Trees

A portion of the subject property is overlaid with mapped polygon SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and are likely found on the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing,

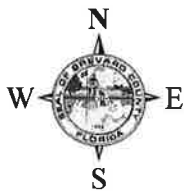
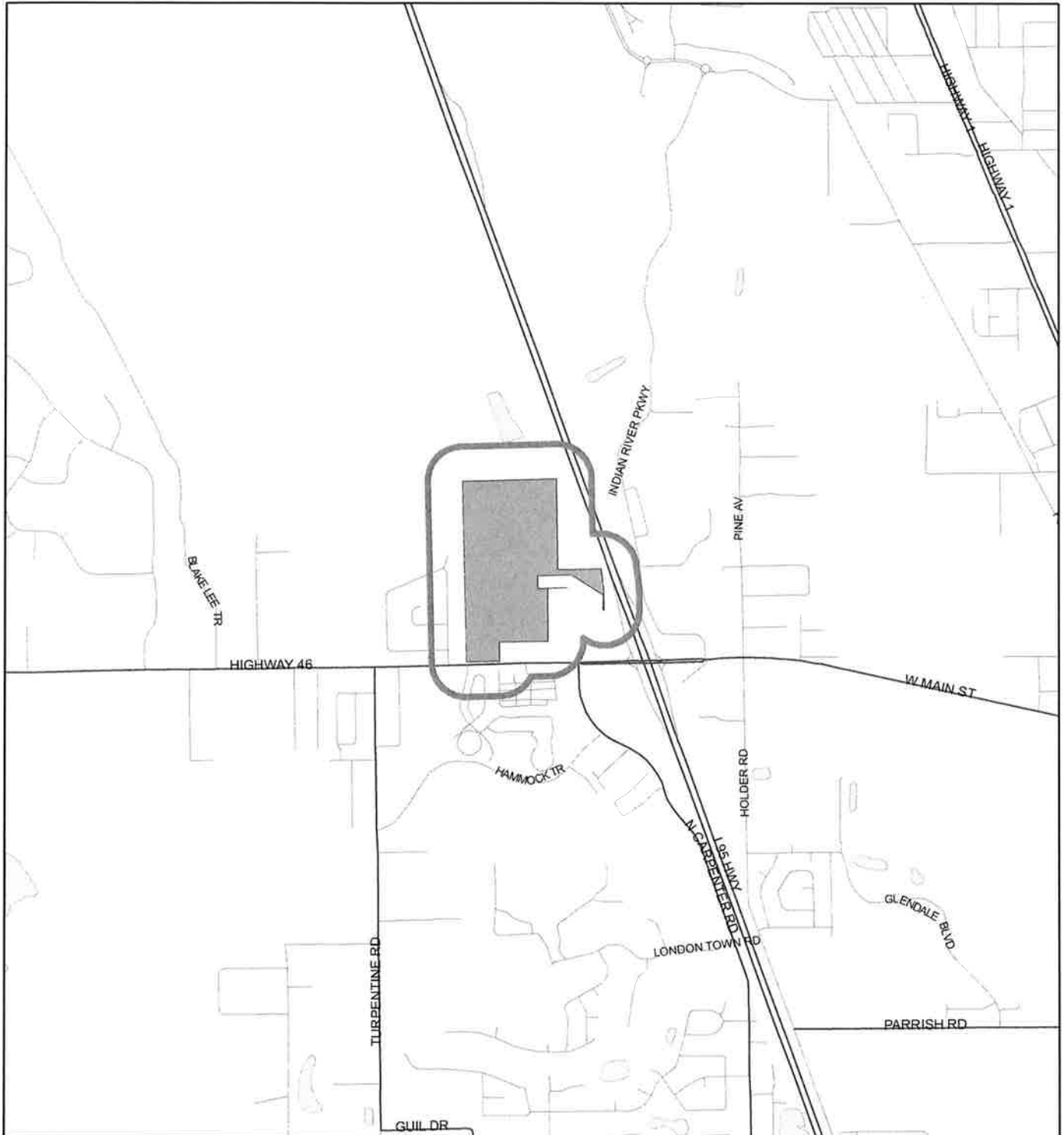
Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortises can be found in areas of aquifer recharge soils. 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

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



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

Buffer Distance: 500 feet

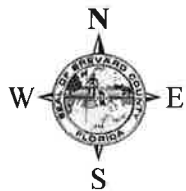
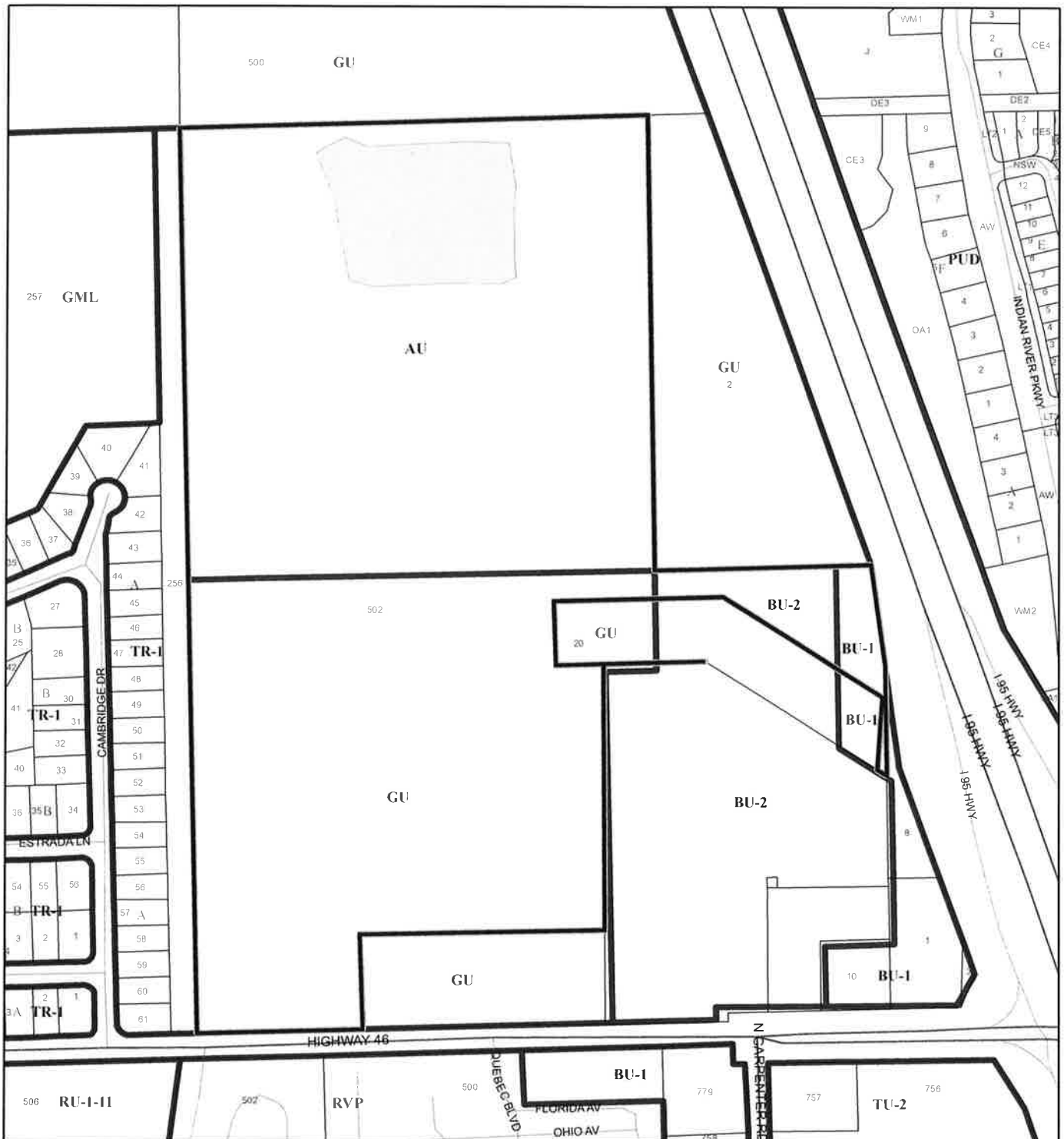
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/9/2021

— Buffer
■ Subject Property

ZONING MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



1:4,800 or 1 inch = 400 feet

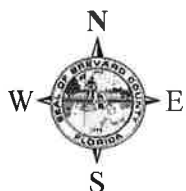
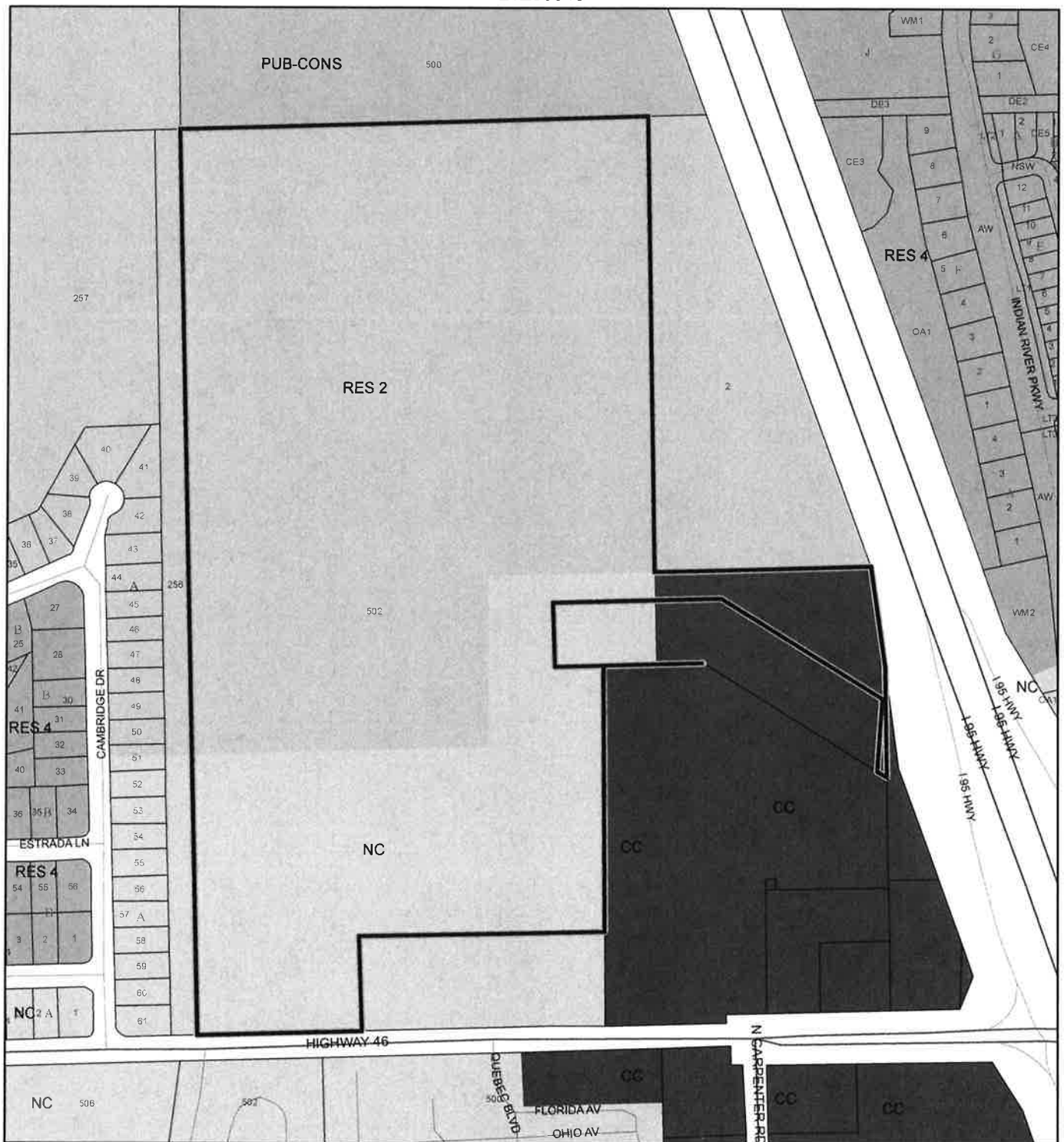
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/9/2021

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



1:4,800 or 1 inch = 400 feet

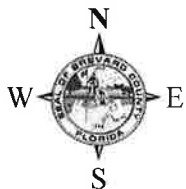
— Subject Property
□ Parcels

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: 12/9/2021

AERIAL MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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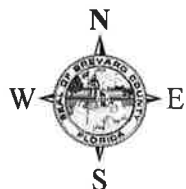
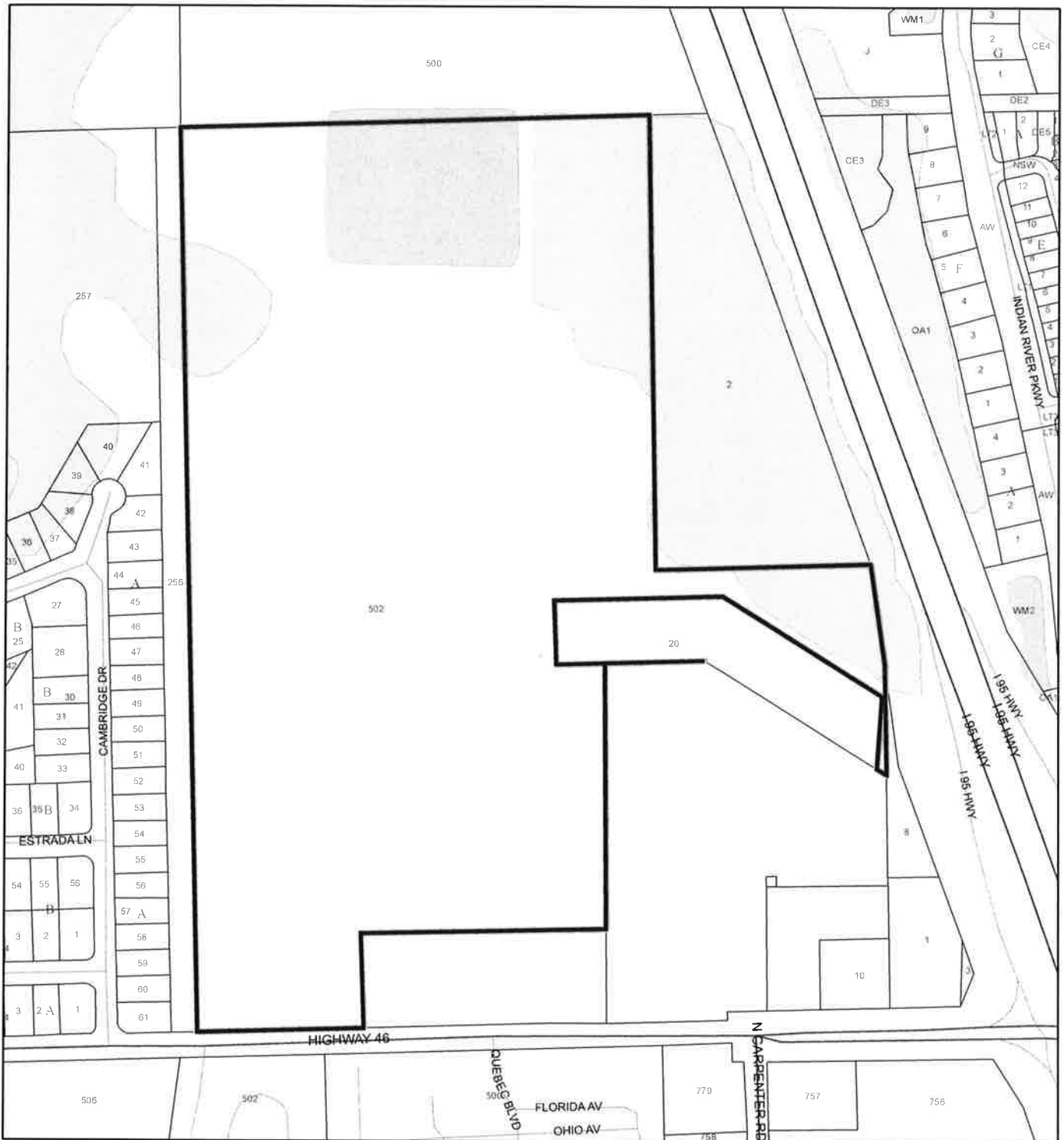
Produced by BoCC - GIS Date: 12/9/2021

— Subject Property

□ Parcels

NWI WETLANDS MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



1:4,800 or 1 inch = 400 feet

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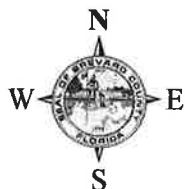
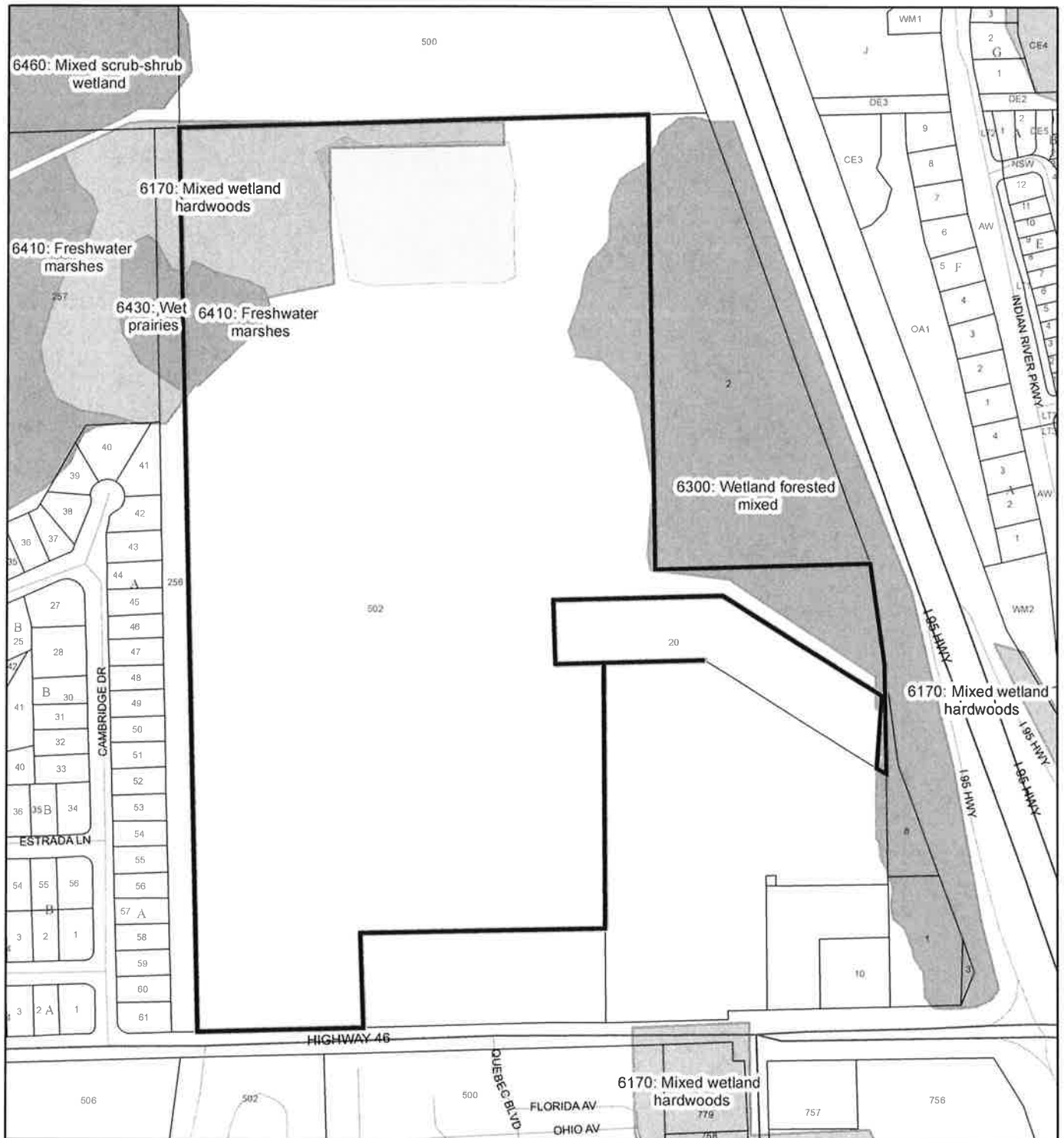
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST

21Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/9/2021

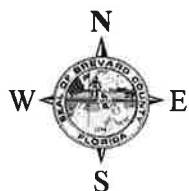
SJRWMD FLUCCS WETLANDS

- 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

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



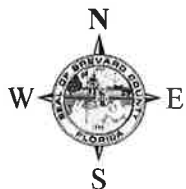
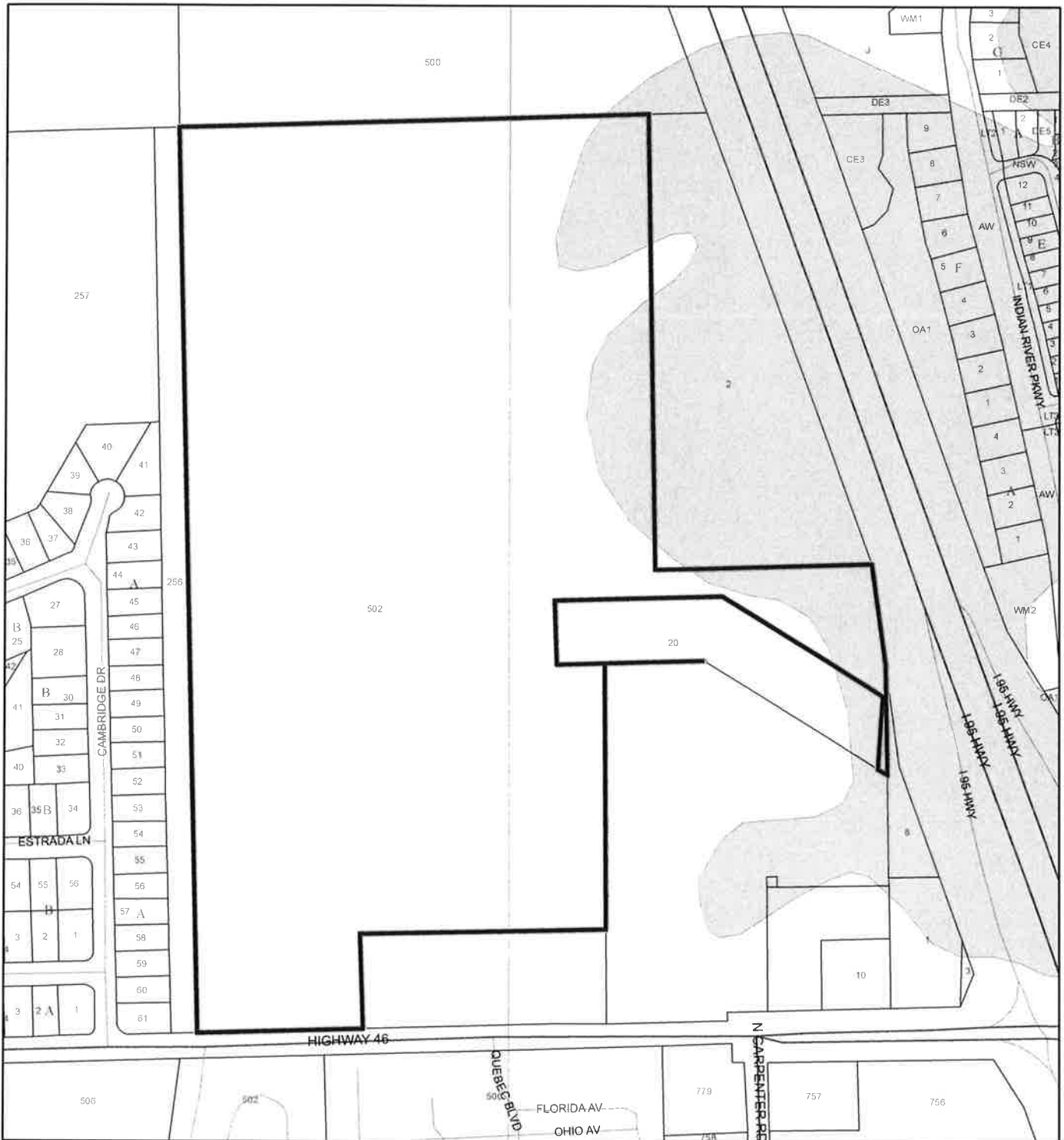
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

 Aquifer and Hydric
 Aquifer
 Hydric
 None

☐ Parcels

FEMA FLOOD ZONES MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



1:4,800 or 1 inch = 400 feet

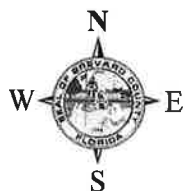
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/9/2021

FEMA Flood Zones

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

21Z00043



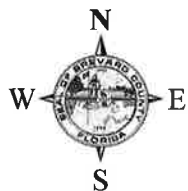
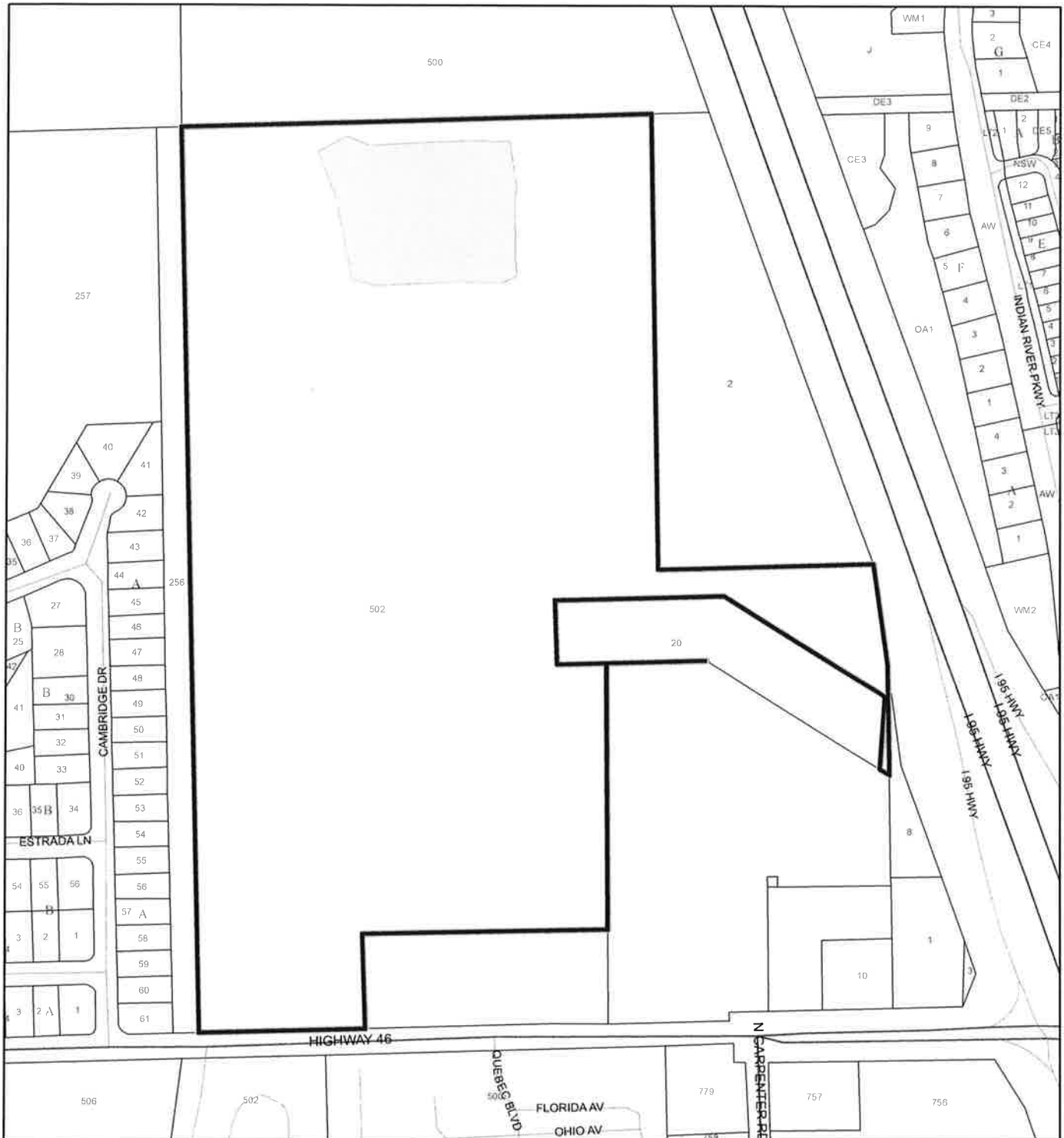
Produced by BoCC - GIS Date: 12/9/2021

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST

21Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/9/2021

— Subject Property

□ Parcels

Septic Overlay

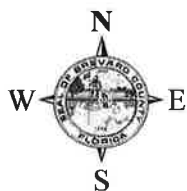
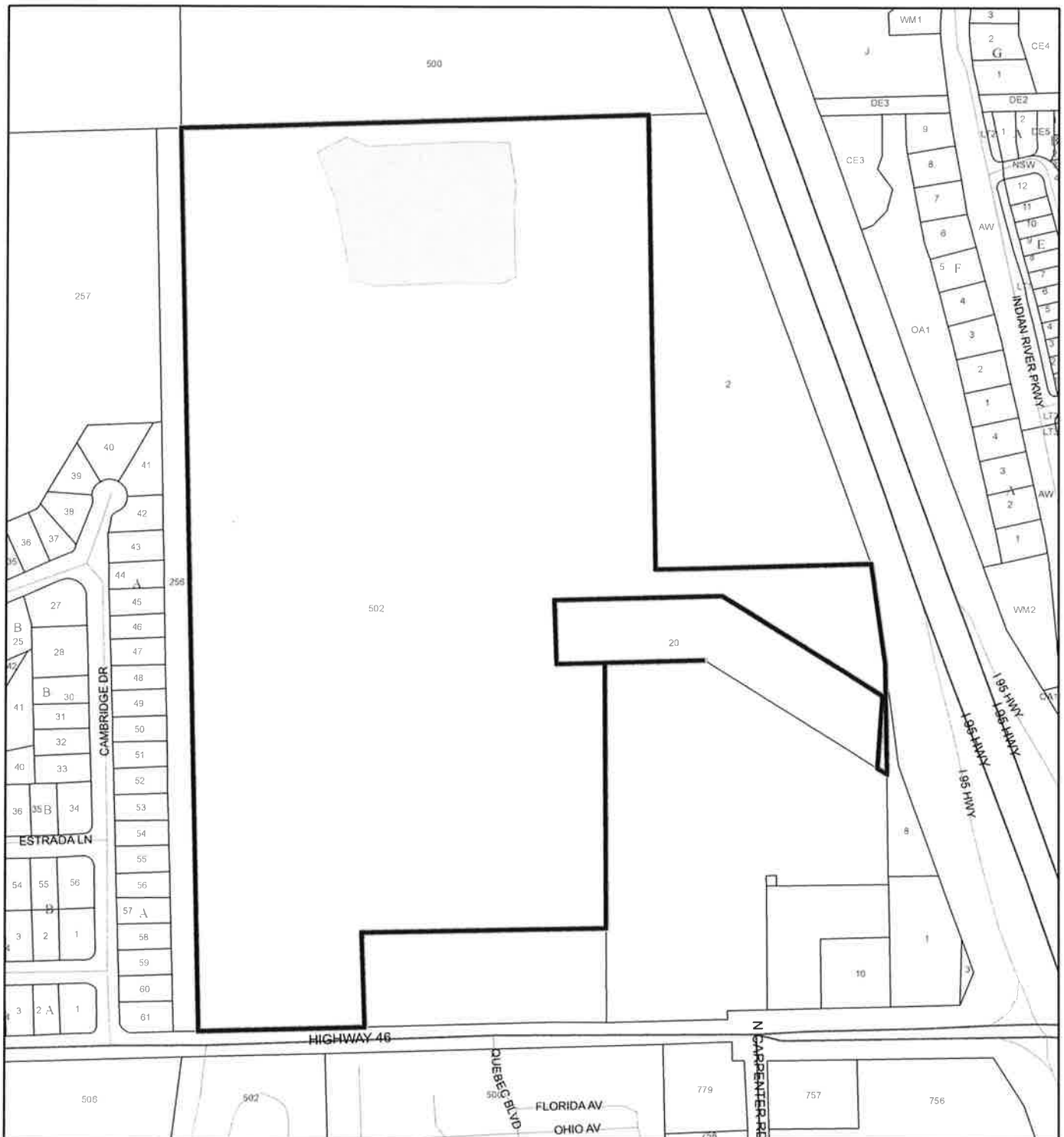
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/9/2021

 Subject Property

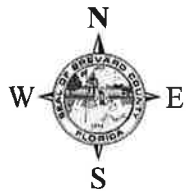
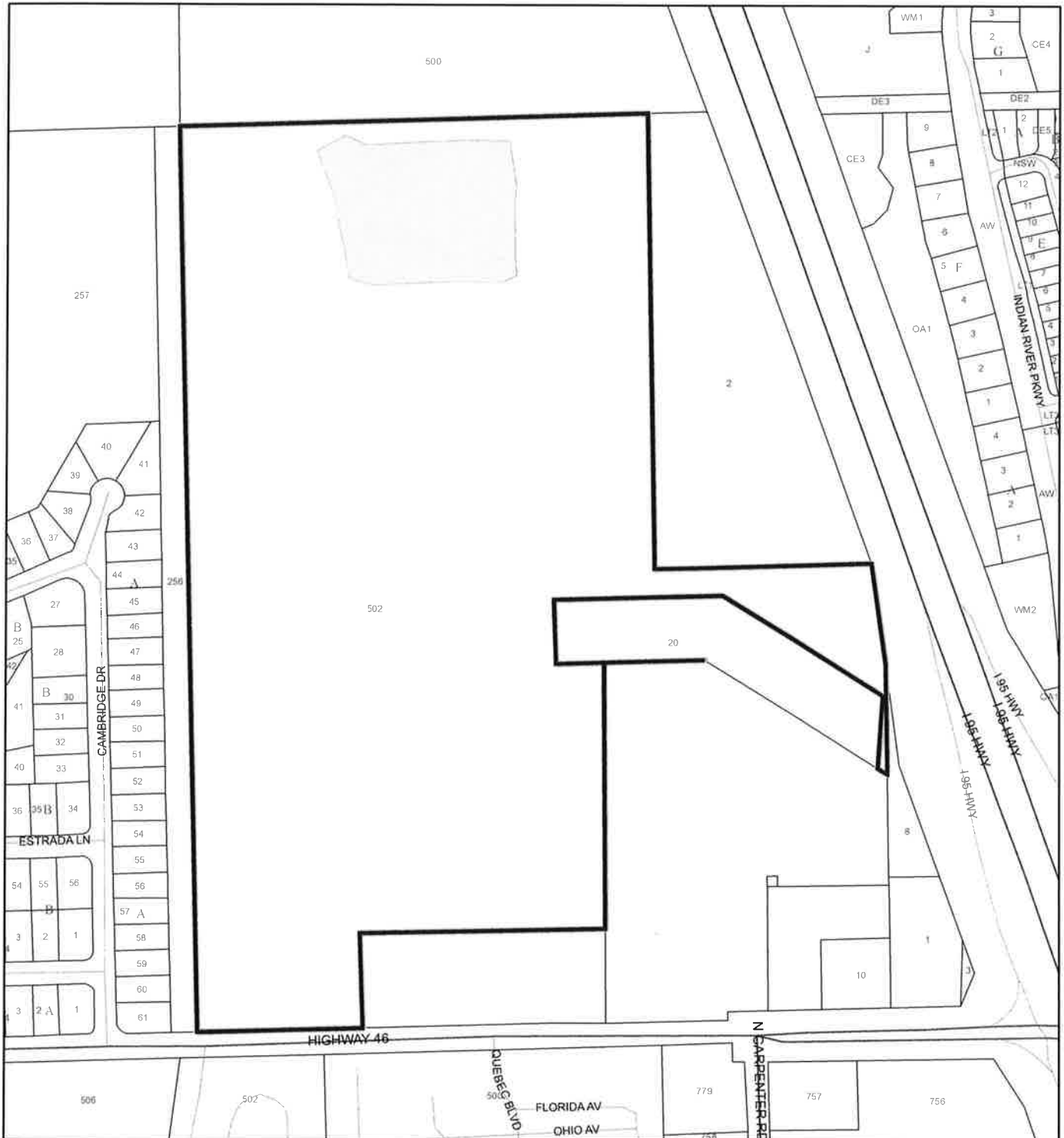
 Parcels



Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST
21Z00043



1:4,800 or 1 inch = 400 feet

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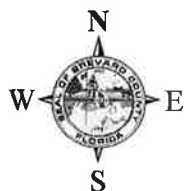
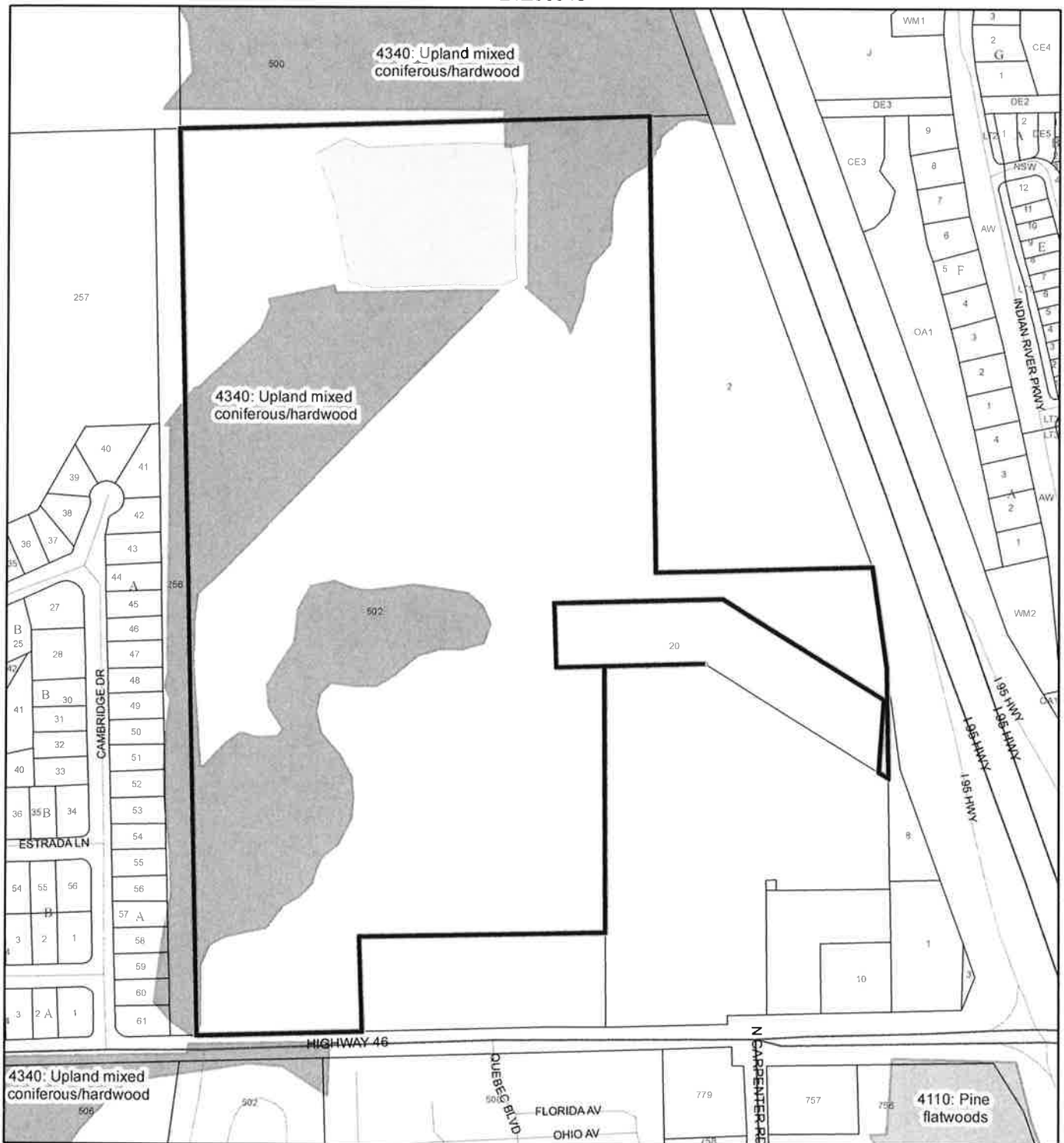
Produced by BoCC - GIS Date: 12/9/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST

21Z00043



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 12/9/2021

SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels



School Board of Brevard County

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

December 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 Surrey Homes (Mims) Development
School Impact Analysis – Capacity Determination CD-2021-31**

Dear Mr. Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is a portion of Tax Account 2100183 (Parcel ID: 21-34-12-00-502) containing approximately 73.59 acres in District 1, Brevard County, Florida. The proposed single-family development includes 180 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2021-22 to 2025-26 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2020-2021 to 2025-26* which is attached for reference.

Single-Family Homes 180			
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	50.4	50
Middle	0.08	14.4	14
High	0.16	28.8	29
Total	0.52		93

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

**FISH Capacity (including relocatable classrooms) 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	-	12	24	24	24
Astronaut	-	20	41	41	41

**Cumulative Students Generated by
Proposed Development**

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	-	13	25	38	50
Madison	-	4	7	11	14
Astronaut	-	7	14	22	29

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	422	463	628	656	669
Madison	475	461	499	500	464
Astronaut	1,141	1,108	1,147	1,128	1,122

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

School	2021-22	2022-23	2023-24	2024-25	2025-26
Mims	303	262	97	69	56
Madison	306	320	282	281	317
Astronaut	305	338	299	318	324

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 Surrey Homes (Mims) development.

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

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

Sincerely,



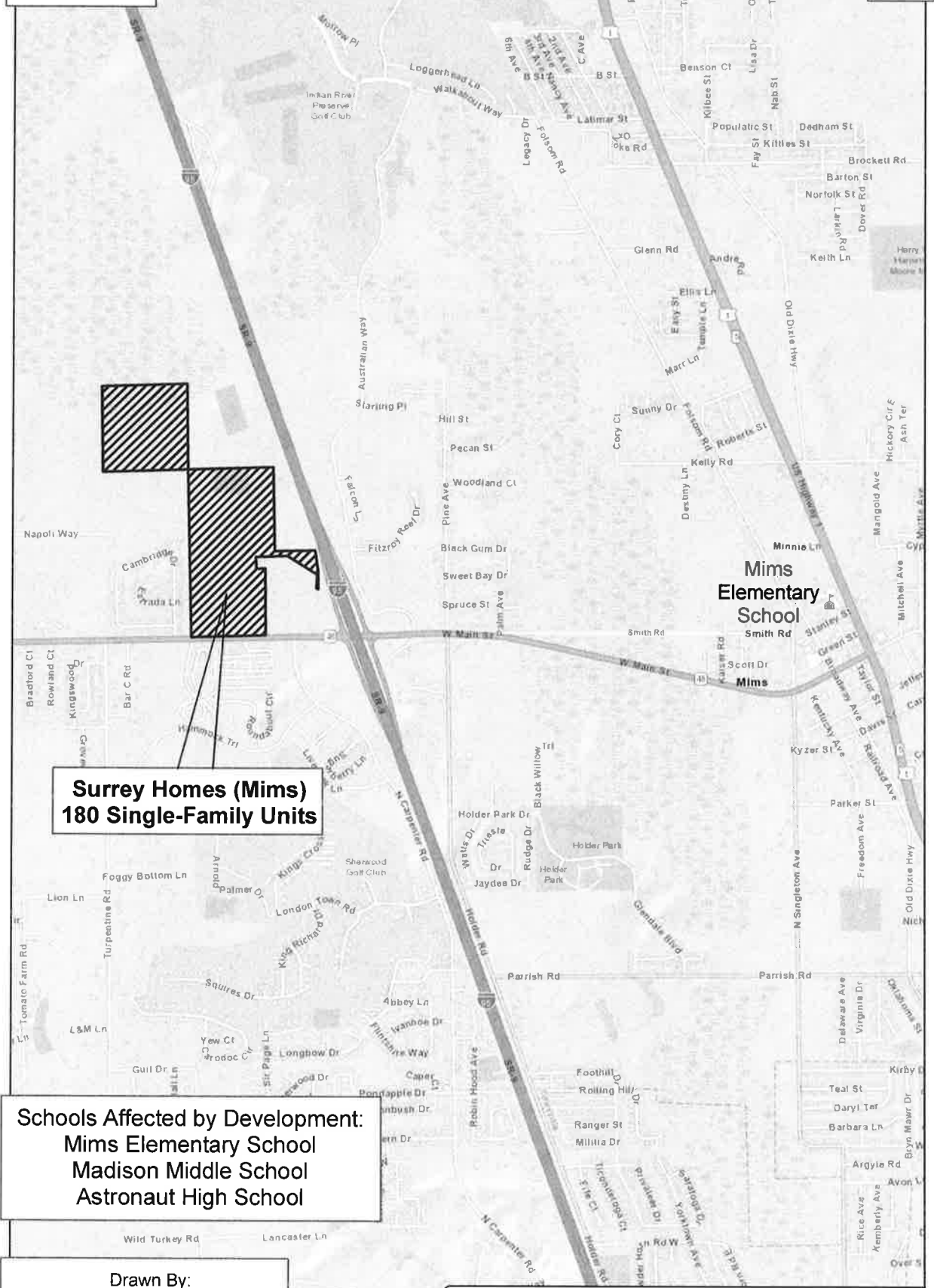
Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

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

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2021-31

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2021-31

Surrey Homes (Mims) Location Map



**Surrey Homes (Mims)
180 Single-Family Units**

Schools Affected by Development:
Mims Elementary School
Madison Middle School
Astronaut High School

Drawn By:
Planning & Project Management
Blake Stinson
12/01/2021

2,800 1,400 0 2,800 Feet



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%	98%	98%	98%
Highest Utilization Jr / Sr High Schools:		81%	81%	81%	86%	86%	86%
Highest Utilization High Schools:		93%	95%	95%	95%	95%	95%

School	Type	Grades	Utilization Factor	School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26		
				FISH Capacity	10/09/19 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Allen	Elementary	PK-6	100%	751	596	76%	751	679	90%	751	652	87%	751	681	91%	751	758	100%	751	791	100%
Andersen	Elementary	PK-6	100%	884	618	70%	884	687	78%	884	687	78%	884	696	79%	884	702	79%	884	713	81%
Apollo	Elementary	PK-6	100%	902	785	87%	902	801	89%	902	777	86%	902	755	84%	902	757	84%	902	744	82%
Altamis	Elementary	PK-6	100%	739	633	85%	739	660	89%	739	625	85%	739	624	84%	739	616	83%	739	610	83%
Audubon	Elementary	PK-6	100%	761	469	62%	761	475	62%	761	471	62%	761	476	63%	761	475	62%	761	484	64%
Cumbridge	Elementary	PK-6	100%	765	519	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	PK-6	100%	751	593	79%	751	593	79%	751	530	71%	751	559	74%	751	559	74%	751	540	72%
Challenger 7	Elementary	PK-6	100%	573	477	83%	573	443	77%	573	443	77%	573	423	74%	573	406	71%	573	398	69%
Columbia	Elementary	PK-6	100%	751	405	54%	751	400	53%	751	455	61%	751	514	68%	751	533	71%	751	547	73%
Coquina	Elementary	PK-6	100%	1,154	703	61%	1,154	745	65%	1,154	745	65%	1,154	737	64%	1,154	740	64%	1,154	741	64%
Creel	Elementary	PK-6	100%	795	480	60%	795	530	67%	795	615	77%	795	622	78%	795	627	78%	795	635	80%
Groton	Elementary	PK-6	100%	980	560	57%	980	550	56%	980	494	50%	980	500	51%	980	507	52%	980	503	51%
Discovery	Elementary	PK-6	100%	990	648	65%	990	648	65%	990	589	59%	990	581	58%	990	528	53%	990	527	53%
Endeavour	Elementary	PK-6	100%	729	536	74%	729	584	80%	729	525	72%	729	520	71%	729	512	70%	729	482	67%
Enterprise	Elementary	PK-6	100%	789	590	75%	789	590	75%	789	591	75%	789	630	80%	789	676	86%	789	700	89%
Faiglen	Elementary	PK-6	100%	711	426	60%	711	457	64%	711	401	56%	711	384	54%	711	379	53%	711	383	54%
Goffview	Elementary	PK-6	100%	777	439	56%	777	450	58%	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	416	66%	628	416	66%	628	417	66%
Holland	Elementary	PK-6	100%	605	410	68%	605	485	80%	605	429	71%	605	430	71%	605	416	68%	605	407	67%
Imperial Estates	Elementary	PK-6	100%	729	605	83%	729	608	83%	729	615	84%	729	627	86%	729	644	88%	729	648	89%
Indalantic	Elementary	PK-6	100%	798	662	83%	798	694	87%	798	683	86%	798	675	85%	798	664	84%	798	648	81%
Jupiter	Elementary	PK-6	100%	930	679	73%	930	655	71%	930	705	76%	930	806	87%	930	876	94%	930	926	100%
Lockner	Elementary	PK-6	100%	892	632	71%	892	609	68%	892	592	66%	892	555	62%	892	541	61%	892	518	58%
Longleaf	Elementary	PK-6	100%	790	588	74%	790	577	73%	790	585	74%	790	595	75%	790	603	76%	790	602	76%
Manatee	Elementary	PK-6	100%	998	669	67%	998	677	68%	998	608	61%	998	594	60%	998	561	56%	998	514	51%
Vanalee	Elementary	PK-6	100%	918	669	73%	918	657	72%	918	591	64%	918	594	65%	918	561	61%	918	570	62%
McAuliffe	Elementary	PK-6	100%	1,114	772	69%	1,114	839	75%	1,114	853	77%	1,114	915	82%	1,114	968	87%	1,114	968	90%
Meadowlane Intermediate	Elementary	3-6	100%	824	661	80%	824	724	88%	824	634	77%	824	687	83%	824	687	83%	824	689	85%
Meadowlane Primary	Elementary	PK-6	100%	707	428	61%	707	442	63%	707	432	61%	707	428	61%	707	418	59%	707	408	58%
Mila	Elementary	PK-6	100%	725	389	54%	725	422	58%	725	398	55%	725	499	69%	725	514	71%	725	515	71%
Mims	Elementary	PK-6	100%	968	603	62%	968	580	60%	968	514	53%	968	514	53%	968	484	50%	968	482	50%
Oak Park	Elementary	PK-6	100%	654	508	78%	654	545	83%	654	465	71%	654	482	73%	654	455	70%	654	429	66%
Ocean Breeze	Elementary	PK-6	100%	983	573	58%	983	596	61%	983	653	66%	983	736	75%	983	770	78%	983	773	79%
Palm Bay Elem	Elementary	PK-6	100%	569	470	83%	569	486	85%	569	493	87%	569	504	89%	569	510	90%	569	516	91%
Pinewood	Elementary	PK-6	100%	852	648	76%	852	631	74%	852	616	72%	852	612	72%	852	617	72%	852	626	73%
Port Malabar	Elementary	PK-6	100%	1,152	795	69%	1,152	882	77%	1,152	876	76%	1,152	852	74%	1,152	847	74%	1,152	826	72%
Quest	Elementary	PK-6	100%	777	561	72%	777	578	74%	777	618	79%	777	665	86%	777	685	89%	777	697	91%
Riviera	Elementary	PK-6	100%	598	253	42%	598	247	41%	598	242	40%	598	230	38%	598	207	35%	598	193	32%
Roosevelt	Elementary	PK-6	100%	785	549	70%	785	564	72%	785	584	75%	785	584	75%	785	580	74%	785	581	74%
Sabal	Elementary	PK-6	100%	976	794	81%	976	841	86%	976	825	85%	976	858	88%	976	820	84%	976	807	83%
Saturn	Elementary	PK-6	100%	461	272	59%	461	298	65%	461	287	62%	461	281	61%	461	294	64%	461	288	62%
Sea Park	Elementary	PK-6	100%	609	383	63%	609	416	68%	609	379	62%	609	381	63%	609	396	65%	609	379	62%
Sherwood	Elementary	PK-6	100%	481	367	76%	481	397	83%	481	367	76%	481	367	76%	481	367	76%	481	367	76%
South Lake	Elementary	PK-6	100%	913	700	77%	913	693	76%	913	791	87%	913	957	105%	913	1,021	112%	913	1,096	120%
Sunrise	Elementary	PK-6	100%	755	594	79%	755	616	82%	755	571	76%	755	579	77%	755	546	73%	755	535	71%
Surfside	Elementary	PK-6	100%	541	438	81%	541	457	84%	541	430	79%	541	412	76%	541	398	74%	541	400	74%
Tropical	Elementary	PK-6	100%	910	622	68%	910	725	80%	910	623	68%	910	603	66%	910	565	62%	910	547	60%
Turner	Elementary	PK-6	100%	874	529	61%	874	525	60%	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	638	79%	811	738	91%	811	748	92%	811	747	92%
Vera Elem	Elementary	PK-6	100%	1,012	384	38%	1,012	643	64%	1,012	613	61%	1,012	697	69%	1,012	738	73%	1,012	741	73%
Westside	Elementary	PK-6	100%	857	671	78%	857	594	69%	857	617	72%	857	641	75%	857	663	77%	857	663	77%
Williams	Elementary	PK-6	100%	715	482	67%	715	484	68%	715	463	65%	715	444	62%	715	425	59%	715	396	55%
Elementary Totals				42,996	29,621	42,996	43,040	30,387	43,194	43,282	31,483	43,392	31,487								

Middle School Concurrency Service Areas														
	7-8	90%	1,505	1,135	75%	1,505	1,136	75%	1,505	1,076	71%	1,505	1,173	75%
Central	Middle	90%	939	600	85%	939	787	84%	939	846	90%	939	924	98%
DeLaure	Middle	90%	680	469	69%	680	493	73%	680	480	71%	680	486	71%
Hoover	Middle	90%	654	566	87%	654	563	86%	654	523	80%	654	565	86%
Jackson	Middle	90%	854	647	76%	854	640	75%	854	632	74%	854	601	70%
Jefferson	Middle	90%	997	731	73%	997	710	71%	997	664	67%	997	727	73%
Johnson	Middle	90%	813	660	82%	813	638	78%	813	618	75%	813	607	74%
Kennedy	Middle	90%	781	470	60%	781	475	61%	781	445	57%	781	465	60%
Madison	Middle	90%	611	407	67%	611	390	64%	611	438	72%	611	440	72%
McNair	Middle	90%	1,177	904	77%	1,177	886	75%	1,177	892	76%	1,177	949	81%
Southwest	Middle	90%	1,024	775	76%	1,024	754	74%	1,024	856	84%	1,024	1,021	99%
Stone	Middle	90%	10,035	7,570	75%	10,035	7,492	74%	10,035	7,500	75%	10,035	8,015	79%
Middle Totals			10,035	7,570		10,035	7,492		10,035	7,500		10,035	8,015	
Junior / Senior High School Concurrency Service Areas														
	Jr / Sr High	PK, 7-12	90%	2,084	1,572	75%	2,084	1,578	75%	2,084	1,663	80%	2,084	1,966
Cocoa	Jr / Sr High	90%	1,466	964	66%	1,466	1,000	68%	1,466	948	65%	1,466	884	60%
Cocoa Beach	Jr / Sr High	90%	1,857	1,501	81%	1,857	1,505	81%	1,857	1,492	80%	1,857	1,460	79%
Space Coast	Jr / Sr High	90%	5,407	4,037		5,407	4,083		5,407	4,108		5,407	4,310	
Jr / Sr High Totals			5,407	4,037		5,407	4,083		5,407	4,108		5,407	4,310	
Senior High School Concurrency Service Areas														
	9-12	95%	1,446	1,067	75%	1,446	1,081	75%	1,446	1,081	75%	1,446	1,065	74%
Astronaut	High	95%	2,257	1,805	80%	2,257	1,858	83%	2,257	1,858	83%	2,257	2,046	91%
Bayside	High	95%	2,221	1,805	82%	2,221	1,842	84%	2,221	1,741	78%	2,221	1,768	79%
Edgewater	High	95%	2,314	1,805	78%	2,314	1,858	81%	2,314	2,081	90%	2,314	2,161	93%
Highgate	High	95%	2,370	2,112	89%	2,370	2,146	91%	2,370	2,358	99%	2,370	2,373	100%
Marine	High	95%	1,891	1,469	78%	1,891	1,484	79%	1,891	1,517	80%	1,891	1,491	79%
Marina Island	High	95%	2,602	1,336	51%	2,602	1,288	50%	2,602	1,829	63%	2,602	1,943	75%
Palm Bay	High	95%	1,701	1,518	89%	1,701	1,570	92%	1,701	1,654	97%	1,701	1,676	98%
Rockledge	High	95%	1,516	1,412	93%	1,516	1,498	99%	1,516	1,516	100%	1,516	1,343	89%
Satellite	High	95%	1,848	1,230	67%	1,848	1,230	67%	1,848	1,428	77%	1,848	1,460	79%
Treasure	High	95%	2,275	2,096	92%	2,275	2,165	95%	2,275	2,266	99%	2,275	2,493	109%
Viera	High	95%	22,441	17,352		22,441	17,845		22,441	18,809		22,441	19,809	
High Totals			22,441	17,352		22,441	17,845		22,441	18,809		22,441	19,809	
Schools of Choice (Not Concurrency Service Areas)														
	Elementary	100%	475	395	83%	475	414	87%	475	385	81%	475	395	83%
Freedom 7	Elementary	100%	569	487	86%	569	505	89%	569	488	86%	569	488	86%
Stevenson	Elementary	100%	618	531	86%	618	552	89%	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%
West Shore	Jr / Sr High	90%	1,264	967	77%	1,264	955	76%	1,264	967	77%	1,264	967	77%
Schools of Choice			3,998	3,317		3,998	3,377		3,998	3,323		3,998	3,323	
Brevard Totals			84,877	61,897		84,877	63,464		84,877	64,127		84,877	66,940	
Brevard Totals			84,877	61,897		84,877	63,464		84,877	64,127		84,877	66,940	

Notes

- 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.
- Student Membership is reported from the Fall Final Membership Count (10/09/20).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ACoSIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongraded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 30 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms (Grades 9-12) = 18 student stations, High School (Grades 9-12) relocatable classrooms = 25 student stations
 - High school relocatable classrooms are proposed to be added at Melbourne High and Viera High (Total of 11 Classrooms)
- Redistricting was approved for the 2021-22 school year and the projected enrollment for 2021-22 is adjusted for those areas.

Prepared by: Kimberly B. Rezanka, Esq.
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1290 Rockledge Blvd. Ste 201
Rockledge, FL 32955

Draft BDP 12/30/21
21Z00043
Jackson/ Davis

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 2022 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and SURREY HOMES, LLC, a Florida Limited Liability Company (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the RU-1-Z zoning classification(s) and desires to develop the Property as Single-family residential subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

3. The Developer/Owner shall limit density to a maximum of 199 units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer/Owner shall limit ingress and egress to SR46, Mims, Florida.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____, 2022. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.
10. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

EXHIBIT "A" – LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LANDS AS DESCRIBED IN O.R. BOOK 6066 PAGE 844 AND O.R. BOOK 6133 PAGE 2745 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 13, TOWNSHIP 21 SOUTH, RANGE 34 EAST BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 13; THENCE S. 88°21'59" W., ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 13, A DISTANCE OF 2,645.31 FEET TO THE NORTH ¼ CORNER OF SAID SECTION 13 AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S. 00°54'13" E., ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 13, A DISTANCE OF 1326.64 FEET TO A POINT ON THE NORTH LINE OF THE WEST HALF OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 13; THENCE N. 88°31'29" E., ALONG SAID NORTH LINE, A DISTANCE OF 630.18 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE ROAD NO.9), A 300.00 FOOT WIDE RIGHT-OF-WAY AS SHOWN ON F.D.O.T. MAP SECTION NO. 70225; THENCE S. 19°56'26" E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 98.81 FEET TO A POINT ON THE EAST LINE OF THE WEST ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 13; THENCE S. 00°56'52" E., ALONG SAID EAST LINE, A DISTANCE OF 504.03 FEET TO A POINT ON THE SOUTHEASTERLY EXTENSION OF THE SOUTH LINE OF LANDS AS DESCRIBED IN O.R. BOOK 6192 PAGE 2805 OF SAID PUBLIC RECORDS; THENCE N. 58°02'44" W., ALONG SAID SOUTHEASTERLY EXTENSION, A DISTANCE OF 31.02 FEET TO THE SOUTHEAST CORNER OF SAID LANDS AS DESCRIBED IN O.R. BOOK 6192 PAGE 2805; THENCE N. 03°47'58" E., ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 208.69 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE N. 58°02'44" W., ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 543.20 FEET; THENCE S. 88°24'24" W., ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 483.34 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE S. 02°09'41" E., ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 184.01 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE N. 88°24'24" E., ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 138.42 FEET TO A POINT ON THE WEST LINE OF LANDS AS DESCRIBED IN O.R. BOOK 8560 PAGE 227 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S. 00°27'06" E., ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 784.97 FEET; THENCE S. 88°32'28" W. A DISTANCE OF 698.90 FEET; THENCE S. 01°27'32" E. A DISTANCE OF 250.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 46, A 75.00 FOOT WIDE RIGHT-OF-WAY AS SHOWN ON PROJECT NO. F.A.S. 3-A DATED JULY 10, 1939;; THENCE S. 88°32'28" W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 475.49 FEET TO A POINT ON THE WEST LINE OF THE EAST ½ OF THE NORTHWEST ¼ OF SAID SECTION 13; THENCE N. 00°55'45" W., ALONG SAID WEST LINE, A DISTANCE OF 2618.52 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 13; THENCE N. 88°28'59" E., ALONG SAID NORTH LINE, A DISTANCE OF 1322.66 FEET TO THE POINT-OF-BEGINNING

CONTAINING 3,205,603 SQ FT (73.59 ACRES) MORE OR LESS.



COMMENCE AT THE NORTH-EAST CORNER OF SECTION 13; THENCE SOUTH 09°15'00" WEST ALONG THE NORTH LINE OF SAID SECTION 1/4 OF SAID SECTION 13 A DISTANCE 2845.31 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 13 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 09°04'13" EAST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 13 A DISTANCE 13.13 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 13; THENCE NORTHWEST 1/4 OF SAID SECTION 13; THENCE SOUTH 60°31'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 478.20 FEET; THENCE SOUTH 02°03'41" EAST A DISTANCE OF 483.60 FEET; THENCE SOUTH 89°01'15" WEST A DISTANCE OF 478.20 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 13; THENCE NORTHWEST 1/4 OF SAID SECTION 13; THENCE NORTH 60°55'45" WEST ALONG SAID WEST LINE A DISTANCE OF 481.50 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13; THENCE CONTINUE NORTH 60°55'45" WEST ALONG SAID LINE TO THE POINT OF BEGINNING OF THIS DESCRIPTION ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 13; THENCE NORTH 82°05'29" EAST ALONG SAID NORTH LINE A DISTANCE OF 478.20 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

NOTE:

1. SLE SHEET
CERTIFICATION

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 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); Robert Sullivan (D2); Brian Hodgers (D2); Mark Wadsworth, Chair (D4); Liz Alward (D4); Logan Luse (D4-Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Cheryl Campbell, Comprehensive Planner; George Ritchie, Planner III; Kyle Harris, Associate Planner; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka)

A Small Scale Comprehensive Plan Amendment (21S.10) to change the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4). The property is 49.72 +/- acres, located on the north side of S.R. 46, approx. .25 mile west of I-95. (No assigned address. In the Mims area.) (21PZ00089) (Tax Account 2100183) (District 1)

Jackson Family Trust; and C.B. Davis Family Trust (Kim Rezanka)

A change of zoning classification from AU (Agricultural Residential), GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial), to RU-1-7 (Single-Family Residential) with a BDP (Binding Development Plan). The property is 73.59 +/- acres, located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) (21Z00043) (Tax Account 2100183) (District 1).

Kim Rezanka, Attorney representing the applicant, stated the proposed development is for a 118-acre parcel that currently has a mix of land uses, and she is asking to change 49 acres of RES 2 to RES 4 to allow the clustering and preservation of open spaces and wetlands. The NC and CC areas to the east will stay the same because residential can be built in those land use designations. She stated currently, the concept plan has 193 units, but that changes each time there is a survey or study on the property. She said they are asking for the RU-1-7 zoning to clean up the mix of zoning that is currently on the property over the entire 73.59 acres, with a BDP limited to 199 units, and that will allow flexibility to leave a lot of open space. To the west is a 75-acre strip of land owned by St. Johns River Water Management District, and they use that as access to get behind the subject property where they have EELs land and a lot of easements. The wetlands will be preserved for the most part. The property is very high in the area to the north, where the fresh water pond is, and they will be using that for all of the amenities and keeping as many of the hardwood trees as they can.

No public comment.

Ms. Rezanka stated she held a community meeting on January 27th and invited neighbors within 500 feet; 50 people were invited, and five people attended who were excited about the project and wanted to put bids on lots.

Bruce Moia stated the request makes sense and it's good transitional zoning from what is to the west and east.

Brian Hodggers asked why the development is being limited to 199 units in a binding development plan. Ms. Rezanka replied it is to prevent two accesses, development over 200 units requires two access points and the flow wasn't correct.

Ms. Alward asked if the project be connected to water and sewer. Ms. Rezanka replied yes.

Peter Filiberto stated he was concerned about only having one access, as far as emergencies. Ms. Rezanka stated there may be the potential that if there has to be emergency access that St. Johns would allow the use of their property, but she doesn't know at this point.

Robert Sullivan stated in the staff report, one of the concerns is capacities of the north water treatment plant. He asked if staff could you include the capacities of the plants and project what percentage of capacity could be taken up by such a large development.

Jeffrey Ball stated since staff is not the authors of that information and it changes daily, he would be reluctant to do that because they might be at or near capacity today and pull permits tomorrow and not have capacity. It's a number that changes based on applications that come through the door.

Henry Minneboo noted capacity analysis is not easy to come by.

Bruce Moia stated it fluctuates, and that is why it is vetted in the concurrency process.

John Hopengarten stated the School Concurrency projects 93 students, and asked if there are plans for a playground in the development.

Clarke Sprinkle, Surrey Homes, stated yes, there will definitely be something along those lines, they just don't have the specifics at this time.

Mr. Hopengarten asked if the applicant has looked at hardened stops for school buses, so the kids don't have to walk through wet grass. Mr. Sprinkle replied they have not done that yet, but if the buses pull into the community, something will be provided for the children as a bus stop.

Motion by Bruce Moia, seconded by Robert Sullivan, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 2 to RES 4. The motion passed unanimously.

Motion by Bruce Moia, seconded by John Hopengarten, to recommend approval of a change of zoning classification from AU, GU, BU-1, and BU-2, to RU-1-7 with a BDP. The motion passed unanimously.