



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.1.

8/6/2020

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### Subject:

Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment from Planned Industrial to Residential 2. (20PZ00024) (Tax Account 2105262 - part of) (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 Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2).

### Summary Explanation and Background:

The applicant is seeking to change the FLU (Future Land Use) designation from PI (Planned Industrial) to RES 2 (Residential 2) on 4.85 acres of a larger 31.43-acre parcel for the purpose of developing a single-family subdivision. The subject property is located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. The applicant has submitted a companion rezoning application to change the zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential).

To the north of the subject property are single-family residences with a FLU designation of PI. To the east and south is undeveloped land with a FLU designation of PI. To the west (across Hammock Road) is agricultural land with a FLU designation of RES 2.

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within the Future Land Use element.

The Board may wish to consider whether the proposed RES 2 FLU is consistent with the surrounding area which primarily retains a FLU designation of PI that was adopted with the Comprehensive Plan in September 1988. The applicant has submitted a draft BDP (Binding Development Plan) that states the project will connect to Titusville Water and Sewer which are currently provided approximately 900 feet and 2,800 feet south of the property, respectively.

On June 15, 2020, the Local Planning Agency heard the request and recommended approval by an 8:1 vote.

On July 9, 2020, the Board of County Commissioners tabled the request to the August 6, 2020, meeting at the request of the applicant.

**Clerk to the Board Instructions:**

Upon receipt of ordinance, please file with the State and return an executed copy to Planning and Development.

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

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

### **Administrative Policy 1**

The Brevard County zoning official, planners and the director of the Planning and Development 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 20S.02 (20PZ00024)*  
**Township 21, Range 35, Section 21**

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**Property Information**

Owner / Applicant: **Theodore Goodenow**

Adopted Future Land Use Map Designation: Planned Industrial (PI)

Requested Future Land Use Map Designation: Residential 2 (RES 2)

Acreage: 4.85 acres Tax Account #: 2105262

Site Location: East side of Hammock Road, approximately 650 feet south of Parrish Road

Current Zoning: Agricultural Residential (AU)

Requested Zoning: Single-Family Residential (RU-1-9) (19PZ00158)

**Background & Purpose**

The applicant is seeking to amend the Future Land Use (FLU) designation from Planned Industrial (PI) to Residential 2 (RES 2) on a 4.85 acre parcel located east of Hammock Road, approximately 650 feet south of Parrish Road. The subject property is currently vacant with an existing Future Land Use designation of PI that was adopted with the Comprehensive Plan in September of 1988. The subject parcel is a smaller portion of the overall 31.43 acre parcel which is located on both sides of Hammock Road. The western portion of the overall parcel retains a Future Land Use designation of RES 2.

A companion rezoning application (19PZ00158) was submitted accompanying this FLU amendment request to change the Zoning classification of the 31.43 acre overall parcel from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) with a Binding Development Plan (BDP) limiting the density to two (2) dwelling units per acre. The current AU zoning allows one single-family residence on two and a half (2.5) acres of land, and the proposed RU-1-9 zoning with a BDP will limit the density to two (2) dwelling units per acre for a total of sixty-two (62) single-family units.

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject parcel is not currently serviced by County or municipal potable water or sanitary sewer;

however, the City of Titusville Utilities provides potable water and sanitary sewer approximately 900 feet and 2,800 feet south of the property, respectively. The applicant's BDP states that the project will use City of Titusville water and sewer. The School Impact Analysis indicates that there is projected capacity for the total of projected and potential students from the proposed development.

### Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	One (1) Single-Family manufactured home and One (1) Single-Family modular home	TR-2	PI
<b>South</b>	Vacant	IU	PI
<b>East</b>	Vacant	PIP	PI
<b>West</b>	Across Hammock Road - Vacant	AU	RES 2

To the north of the subject property are single-family residences with a Future Land Use designation of PI. To the east and south is undeveloped land with Future Land Use designation of PI. To the west (across Hammock Road) is agricultural land with a Future Land Use designation of RES 2.

According to Policy 3.5 of the Future Land Use Element of the Brevard County Comprehensive Plan, Planned Industrial (PI) land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation.

### Environmental Resources

*Preliminary review of mapped resources indicates four (4) noteworthy land use issues:*

- *Wetlands/Hydric soils*
- *Indian River Lagoon Septic Overlay*
- *Floodplain*
- *Protected Species*

*Please refer to the attached comments provided by the Natural Resources Management Department.*

## **Historic Resources**

*There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.*

## **Comprehensive Plan Policies/Comprehensive Plan Analysis**

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

**Notice:** The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

## **Residential Land Use Designations**

### **Policy 1.1**

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

#### **Criteria:**

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines;

*Wetlands/Hydric soils are mapped on the subject site. Please refer to attached comments provided by the Natural Resources Management Department.*

- B. Land use compatibility pursuant to Administrative Policy 3;

*Administrative Policy 3 states that 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.*

*Analysis of historical future land use indicates that the subject parcel and adjacent parcels have retained a FLU designation of PI since the adoption of the FLU map in 1988. PI land use designation was originally adopted on these parcels due to their proximity to the Florida East Coast Railroad, which would provide easy access for future industrial uses and its*



*imports/exports. The proposed amendment to the Future Land Use Map will place RES 2 into an area of Planned Industrial.*

- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element; Character of the general area, pursuant to Administrative Policy 4;

*The subject parcel is not currently serviced by County or municipal potable water or sanitary sewer; however, the City of Titusville Utilities provides potable water and sanitary sewer approximately 900 feet and 2,800 feet south of the property, respectively.*

*Policy 1.2.E of the Future Land Use Element states that where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.*

*Policy 1.2.F of the Future Land Use Element states that the County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.*

**Residential 2 (maximum of 2 dwelling units per acre)  
Policy 1.8**

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 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 2 land use designation; or

*The subject parcel is surrounded on three sides by PI land use while Res 2 is on the west side, separated by Hammock Road which serves as a dividing line, separating the industrial land use from the residential land use. The proposed amendment to the Future Land Use Map will result in residential encroachment into a designated industrial area.*

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

*The subject parcel does not serve as a transition between land uses with a density greater than two (2) units per acre and areas with lesser density. The subject parcel is surrounded by PI land use.*

*Immediately north of the subject parcel is TR-3 zoning with modular and mobile home residences on approximately one-half (1/2) acre and one (1) acre lots, respectively. TR-3 zoning was established in 1987 prior to the adoption of the Future Land Use Map in 1988.*

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

*The subject parcel is not located adjacent to an incorporated area that would be considered a logical transition for RES 2. The City of Titusville boundary is located approximately 200 feet to the south of the subject property where a developed parcel with Heavy Industrial Zoning and Industrial Future Land Use currently exists.*

*The western portion of the 31.43 acre overall parcel (not part of this request) is located across Hammock Road and is adjacent to a 71.76 acre incorporated area within the City of Titusville with a Residential Two (RES 2) Future Land Use designation and Planned Development (PD) zoning allowing a minimum lot size of 6,000 square feet.*

### **For Board Consideration**

The Board may wish to consider whether the proposed RES 2 Future Land Use is consistent with the surrounding area which primarily retains a Future Land Use designation of PI that was adopted with the Comprehensive Plan in September of 1988.

The Board should note that the applicant has provided a binding development plan proposing to connect to City of Titusville potable water and sanitary sewer for consideration with the companion rezoning request.

The Board may also wish to consider the comments provided by the Natural Resources Management Department which indicate four (4) noteworthy land use issues associated with the subject parcel:

- Wetlands/Hydric soils
- Indian River Lagoon Septic Overlay
- Floodplain
- Protected Species

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Future Land Use Review & Summary  
Item # 20PZ00024**

**Applicant:** Theodore Goodenow, Chad Genoni

**Future Land Use Request:** PI to Res 2

**P&Z Hearing Date:** 04/06/20; **BCC Hearing date:** 05/07/20

**Tax ID No:** 2105262

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management (NRM) Department 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.**
- If the owner/applicant has questions regarding any potential limitations, s/he is encouraged to contact NRM at 321-633-2016 prior to design of any plans.

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands/Hydric soils
- Indian River Lagoon Septic Overlay
- Floodplain
- Protected Species

The parcel contains 100% hydric soils and SJRWMD wetlands, indicators that wetlands may be present on the property. A ground-truthed wetland determination and delineation will be required prior to any site plan submittal.

Portions of the property are mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the project will require septic systems that provide at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

**Land Use Comments:**

**Wetlands/Hydric Soils**

The subject parcel contains 100% hydric soils (Copeland-Bradenton-Wabasso complex, and Riviera sand), and a small area of mapped SJRWMD wetlands as shown on the USDA SCSSs soils, and SJRWMD FLUCCS Wetlands maps, respectively; indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland

impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

#### **Indian River Lagoon Septic Overlay**

Portions of the property are mapped within the Indian River Lagoon Septic Overlay. If sewer is not available, the project will require septic systems that provide at least 65% total nitrogen reduction through multi-stage treatment processes per Chapter 46, Article II, Division IV-Nitrogen Reduction Overlay.

#### **Floodplain**

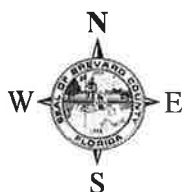
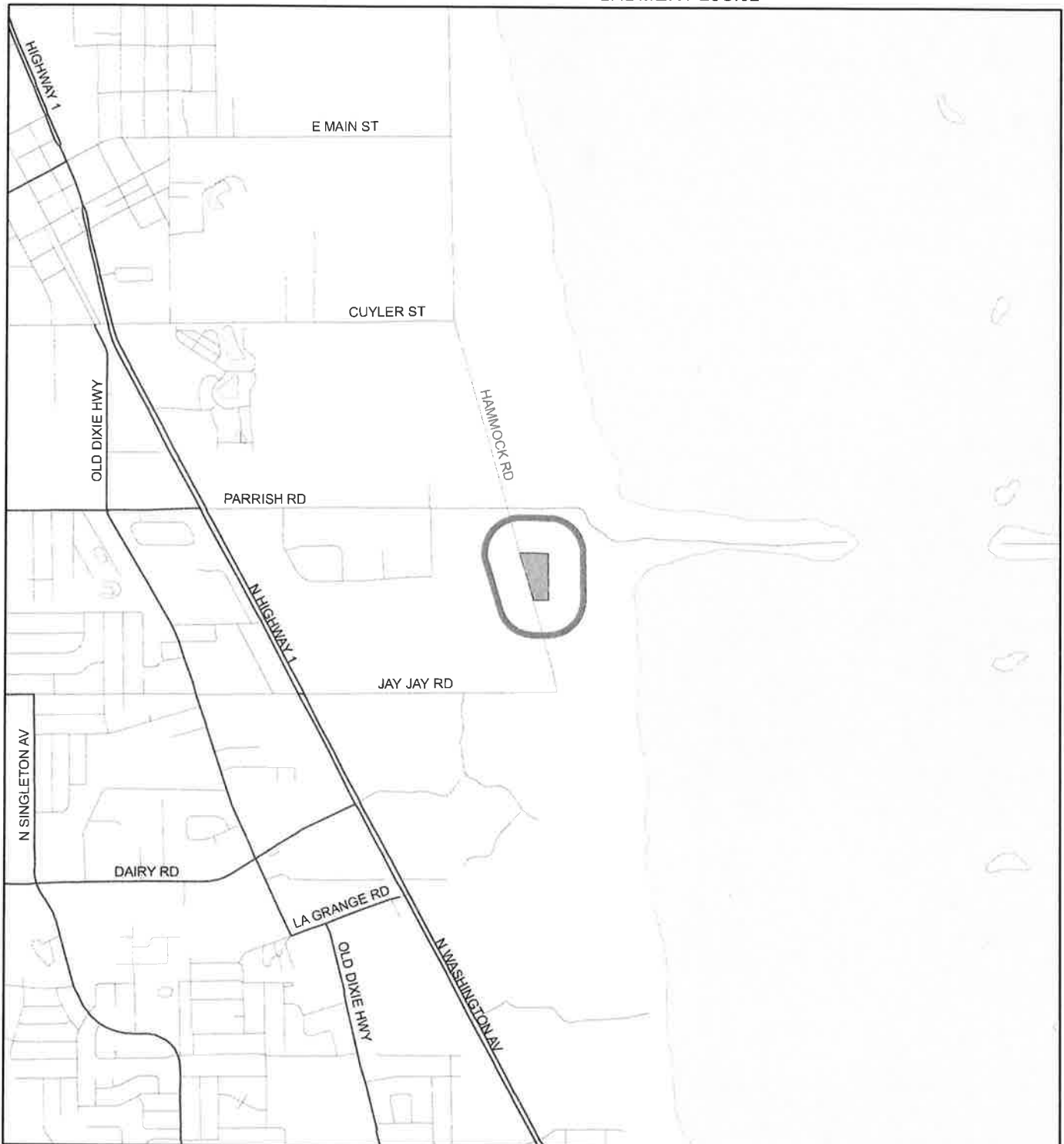
A majority of the property is mapped as being within AE and X floodplains as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

#### **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

GOODENOW, THEODORE C.  
20PZ00024 SMALL SCALE AMENDMENT 20S.02



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.

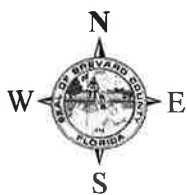
Produced by BoCC - GIS Date: 2/10/2020

— Buffer  
■ Subject Property

# ZONING MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

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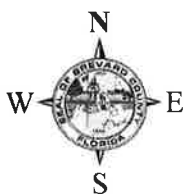
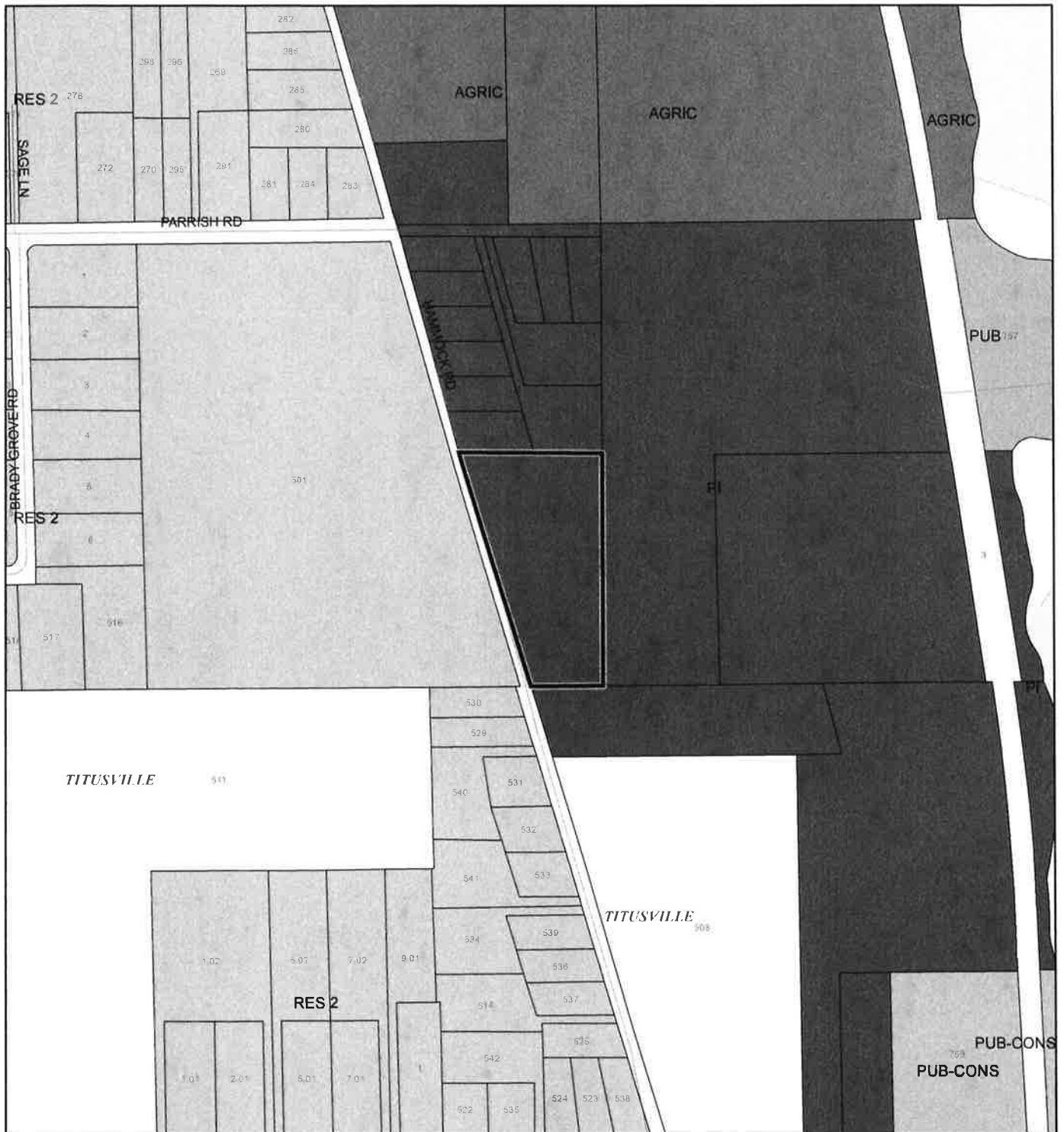
Produced by BoCC - GIS Date: 2/10/2020

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

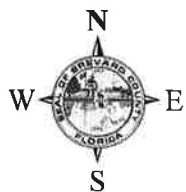
— Subject Property  
 □ Parcels

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: 2/10/2020

# PROPOSED FUTURE LAND USE MAP

GOODENOW, THEODORE C.  
20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

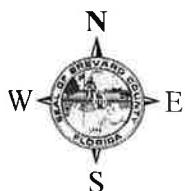
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/10/2020



# AERIAL MAP

GOODENOW, THEODORE C.  
20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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.

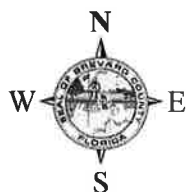
Produced by BoCC - GIS Date: 2/10/2020

— Subject Property

▭ Parcels

# NWI WETLANDS MAP

GOODENOW, THEODORE C.  
20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

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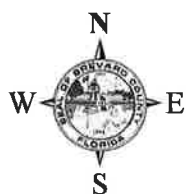
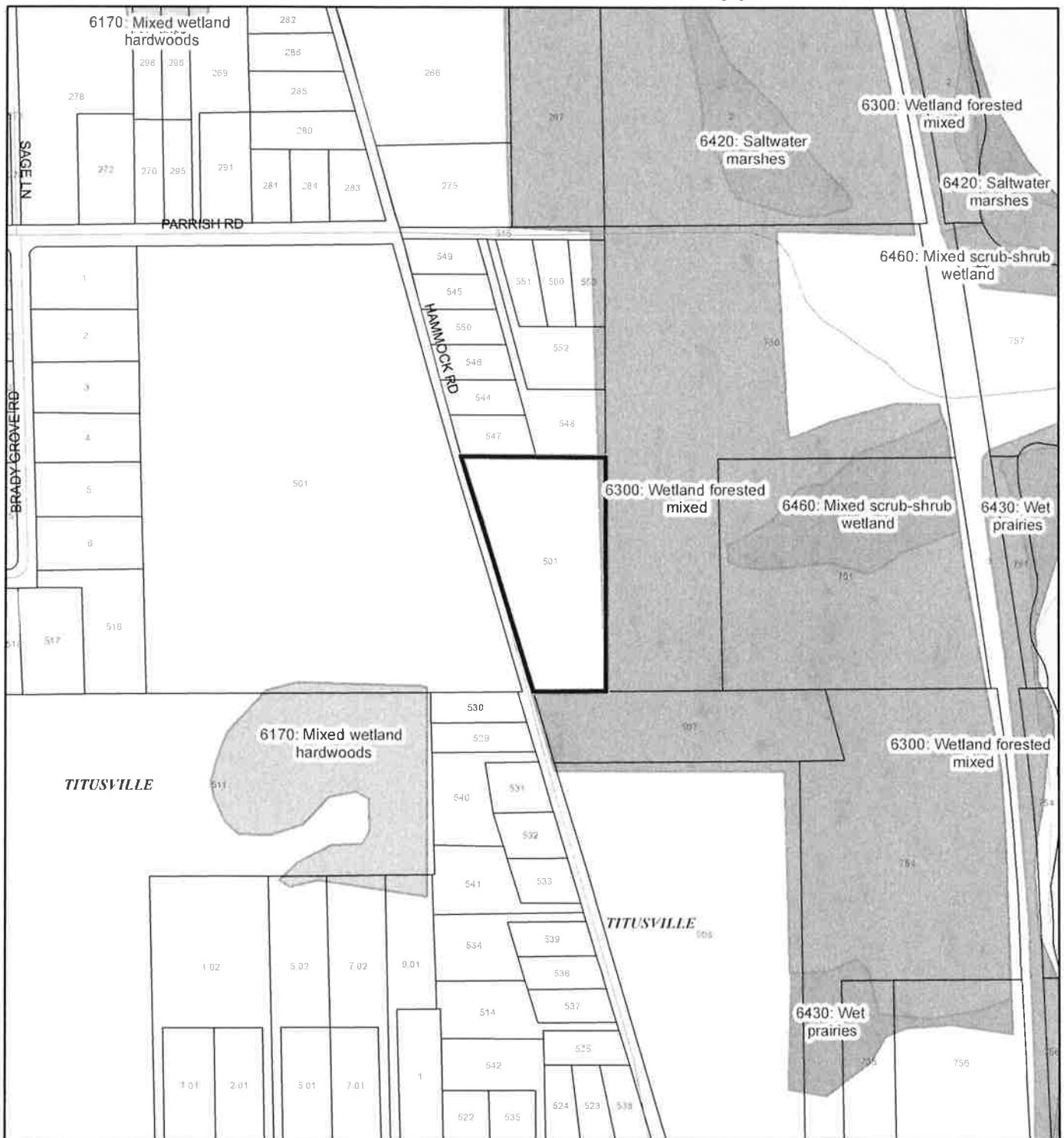
Produced by BoCC - GIS Date: 2/10/2020

## 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

GOODENOW, THEODORE C.  
20PZ00024 SMALL SCALE AMENDMENT 20S.02



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: 2/10/2020

## 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

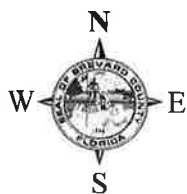
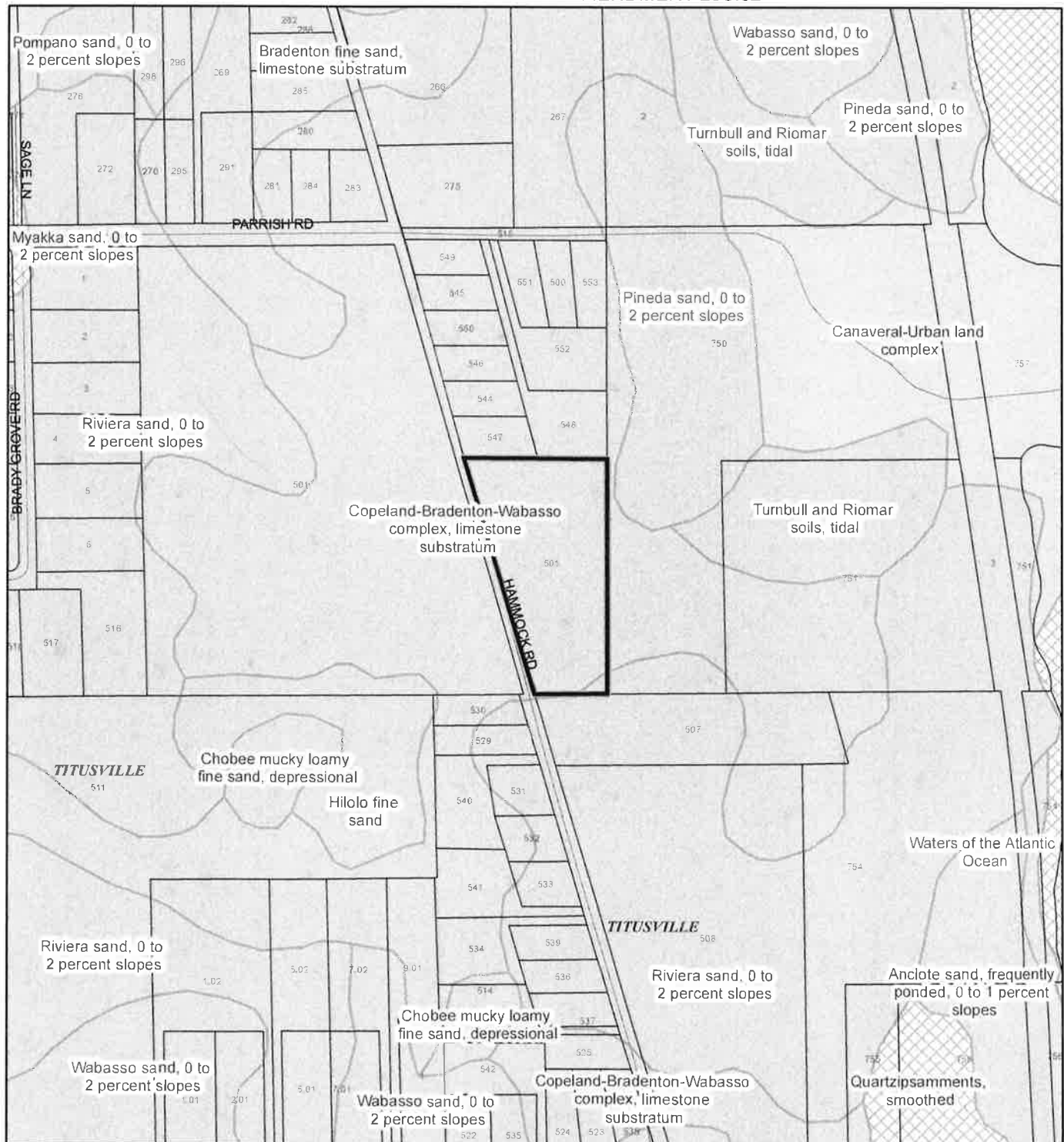
Subject Property

Parcels

# USDA SCSSS SOILS MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02



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: 2/10/2020

## USDA SCSSS Soils

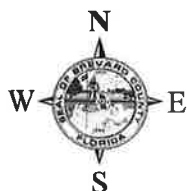
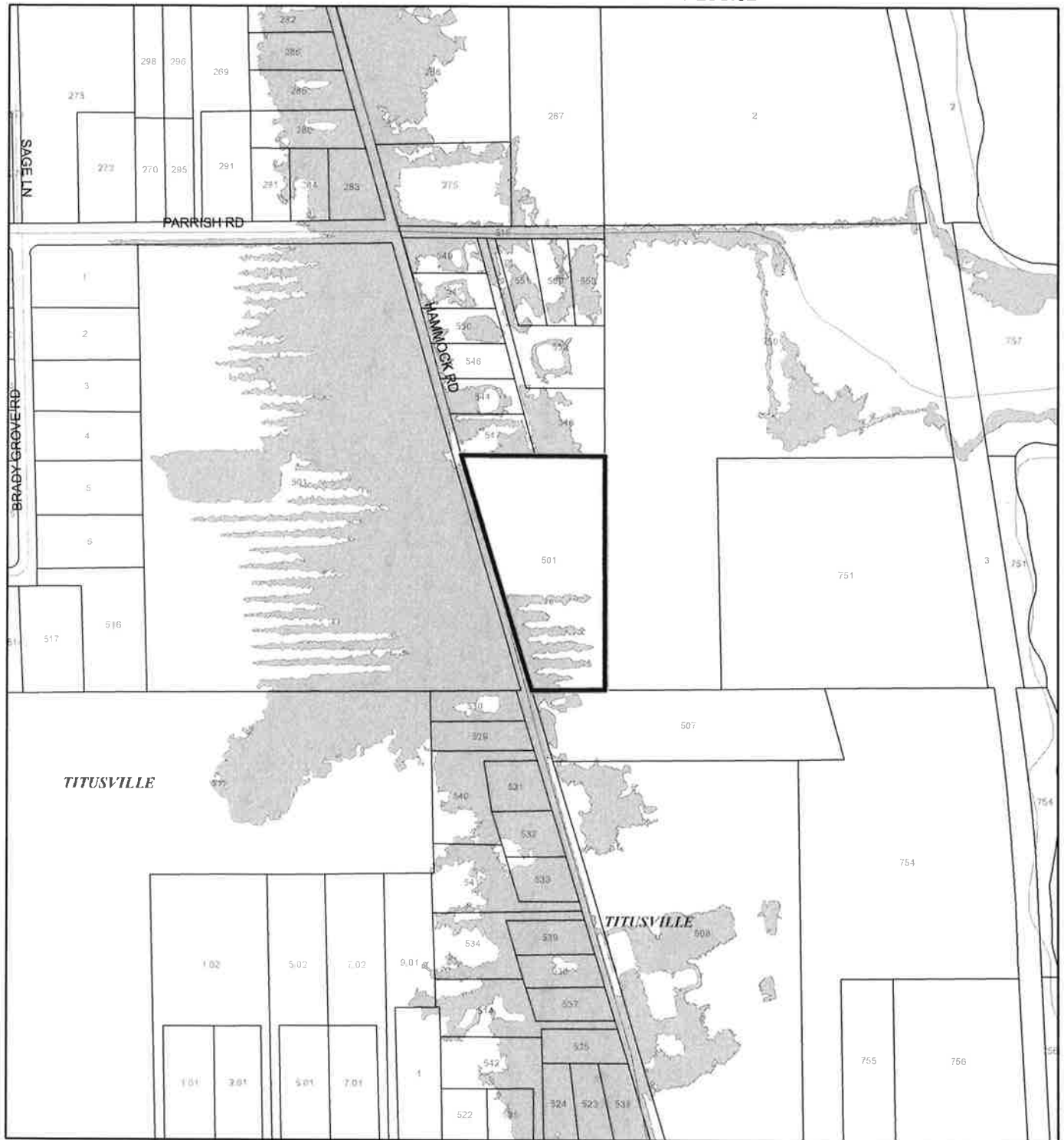
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/10/2020

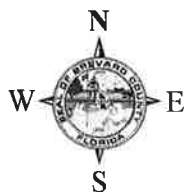
## FEMA Flood Zones

- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |                      |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel |            |                      |
| Subject Property  |            | Parcels              |

# COASTAL HIGH HAZARD AREA MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/10/2020

Subject Property

Parcels

**Coastal High Hazard Area**

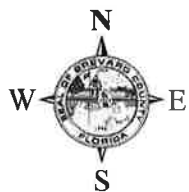
SurgeZoneCat1





# EAGLE NESTS MAP

GOODENOW, THEODORE C.  
20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/10/2020

Subject Property

Parcels

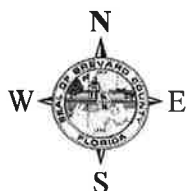
Eagle Nests  
FWS 2010



# SCRUB JAY OCCUPANCY MAP

GOODENOW, THEODORE C.




20PZ00024 SMALL SCALE AMENDMENT 20S.02



1:4,800 or 1 inch = 400 feet

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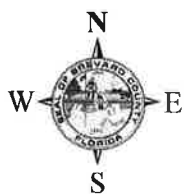
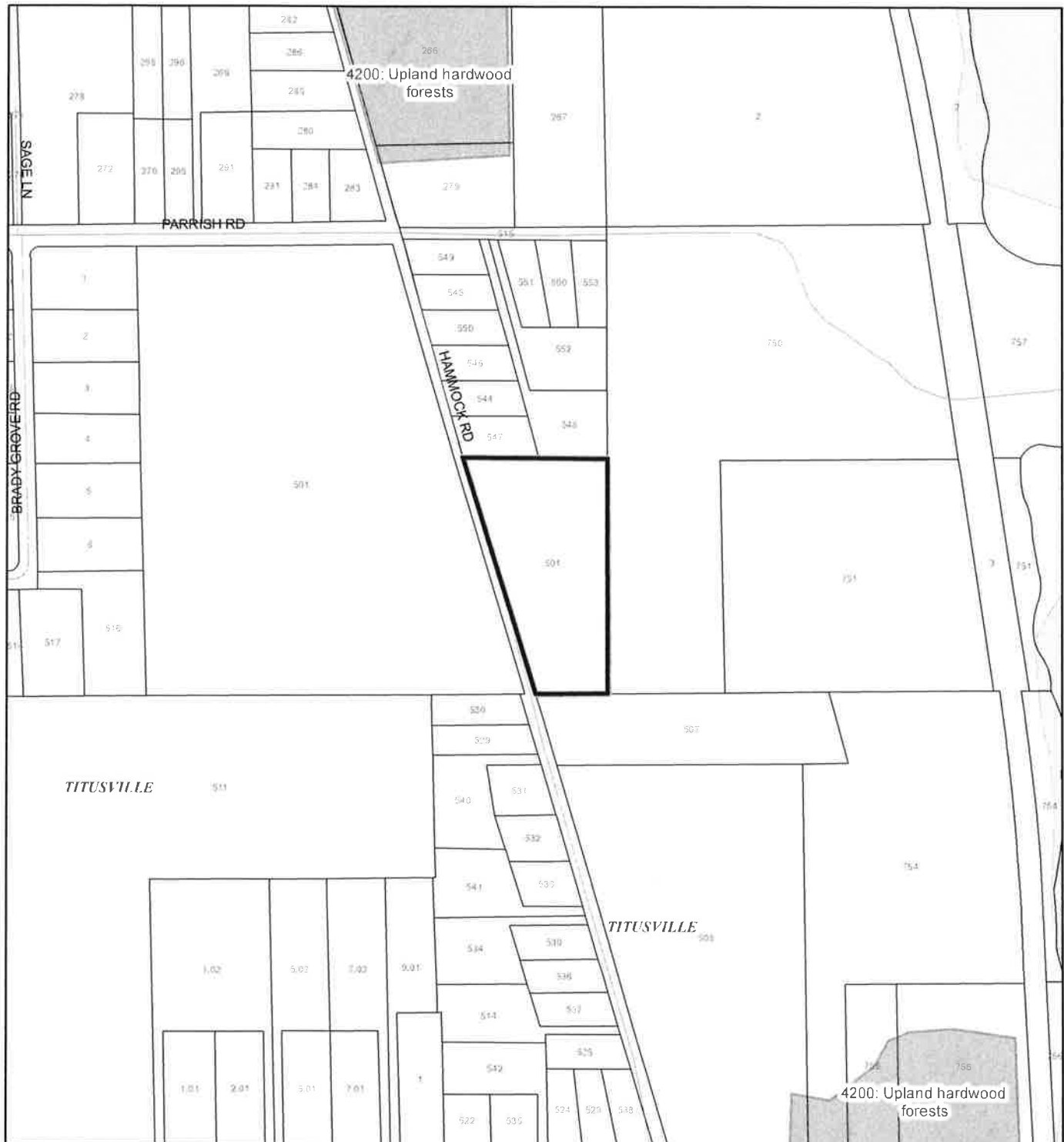
Produced by BoCC - GIS Date: 2/10/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02



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: 2/10/2020

## 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

School Concurrency  
20PZ00024  
Goodenow

Public  
Schools



November 20, 2019

Mr. Gabriel Quintas  
Community Development Department  
City of Titusville  
555 South Washington Avenue  
Post Office Box 2806  
City of Titusville, Florida 32781-2806

**RE: Proposed Brooks Landing Phase 2 Development  
School Impact Analysis - Capacity Determination CD-2019-18**

Dear Mr. Quintas,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property includes Tax Account 2105262 (Parcel ID: 21-35-21-00-501) containing approximately 31.43 acres in the City of Titusville, Brevard County, Florida. The proposed single-family development includes 62 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 2018-19 to 2023-24 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2018-19 to 2023-24* which is attached for reference.

Single Family Homes			
Students Generated	Q		
	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	17.36	17
Middle	0.08	4.96	5
High	0.16	9.92	10
Total	0.52		32

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

J/4

An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the  
Financially Feasible Plan Data and Analysis for School Years 2018-19 to 2023-24**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mims	725	725	725	725	725
Madison	743	743	743	743	743
Astronaut	1,446	1,446	1,446	1,446	1,446

**Projected Student Membership**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mims	472	450	458	485	478
Madison	496	491	465	455	475
Astronaut	1,081	1,101	1,144	1,176	1,189

**Students Generated by Previously Issued SCADL Reservations**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mims	6	6	6	6	6
Madison	21	24	24	24	24
Astronaut	132	137	137	137	137

**Cumulative Students Generated by  
Proposed Development**

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mims	-	3	7	11	17
Madison	-	1	2	3	5
Astronaut	-	2	4	6	10

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

School	2019-20	2020-21	2021-22	2022-23	2023-24
Mims	478	459	471	502	501
Madison	517	516	491	482	504
Astronaut	1,213	1,240	1,285	1,319	1,336

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 Brooks Landing Phase 2 development.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Lindemann', written over a horizontal line.

David G. Lindemann, AICP  
Director - Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2018-19 to 2023-24*

Copy: Susan Hann, Assistant Superintendent of Facilities Services  
File CD-2019-18

**Brevard County Public Schools**  
**Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service**  
**Data and Analysis for School Years 2018-19 to 2023-24**



Summary				2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Highest Utilization Elementary Schools				107%	105%	99%	95%	100%	96%
Highest Utilization Middle Schools				81%	82%	82%	100%	96%	88%
Highest Utilization Jr / Sr High Schools				88%	89%	86%	86%	92%	84%
Highest Utilization High Schools				95%	99%	97%	102%	102%	90%

School	Type	Grades	Utilization Factor	School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24		
				Future FISH Capacity	10/13/18 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
New Central Elementary	Elementary	K-6	100%	-	711	0%	751	717	95%	870	815	93%	870	858	98%	870	766	88%	870	768	88%
Allen	Elementary	Pk-6	100%	751	711	95%	751	717	95%	751	720	97%	751	725	97%	751	718	96%	751	703	94%
Anderson	Elementary	K-6	100%	884	720	81%	884	706	80%	884	698	79%	884	698	79%	884	698	79%	884	706	80%
Apollonia	Elementary	K-6	100%	902	847	94%	902	851	94%	902	874	97%	902	895	99%	902	901	100%	902	895	98%
Atlanta	Elementary	Pk-6	100%	739	713	96%	739	693	94%	739	678	92%	739	658	89%	739	658	89%	739	641	87%
Audubon	Elementary	Pk-6	100%	761	536	70%	761	508	67%	761	495	64%	761	485	64%	761	418	55%	761	482	63%
Cambridge	Elementary	Pk-6	100%	785	861	89%	785	859	89%	785	841	94%	785	824	92%	785	816	81%	785	823	81%
Cape View	Elementary	Pk-6	100%	548	381	70%	548	355	65%	548	348	63%	548	328	60%	548	320	58%	548	327	60%
Carroll	Elementary	K-6	100%	781	664	85%	781	681	87%	781	633	81%	781	597	76%	781	565	72%	781	581	75%
Chandler 7	Elementary	Pk-6	100%	573	571	100%	585	577	99%	585	541	93%	585	520	89%	585	513	87%	585	502	86%
Columbia	Elementary	Pk-6	100%	751	478	64%	751	449	60%	751	438	58%	751	448	60%	751	447	60%	751	437	58%
Columbia	Elementary	K-6	100%	711	515	72%	711	482	68%	711	422	59%	711	404	57%	711	374	53%	711	357	50%
Croft	Elementary	Pk-6	100%	1,154	845	73%	1,154	852	74%	1,154	855	74%	1,154	816	70%	1,154	810	69%	1,154	832	81%
Crofton	Elementary	Pk-6	100%	795	552	69%	795	538	68%	795	560	70%	795	621	78%	795	626	79%	795	621	78%
Discovery	Elementary	Pk-6	100%	980	844	86%	980	826	84%	980	867	89%	980	877	89%	980	842	86%	980	862	88%
Endeavour	Elementary	Pk-6	100%	990	992	100%	990	949	96%	990	900	91%	990	890	90%	990	869	87%	990	874	88%
Enterprise	Elementary	K-6	100%	729	509	69%	729	620	85%	729	608	83%	729	515	70%	729	453	62%	729	463	63%
Faeglen	Elementary	Pk-6	100%	789	691	88%	789	675	86%	789	680	86%	789	705	89%	789	732	93%	789	749	96%
Guthrie	Elementary	K-6	100%	711	408	58%	711	407	58%	711	431	61%	711	430	61%	711	417	59%	711	415	59%
Gulfview	Elementary	Pk-6	100%	777	505	65%	777	517	67%	777	523	67%	777	510	66%	777	512	66%	777	523	67%
Harbor City	Elementary	Pk-6	100%	629	371	59%	629	311	50%	629	347	55%	629	345	55%	629	306	50%	629	362	58%
Hudson	Elementary	Pk-6	100%	605	497	82%	605	510	84%	605	510	84%	605	507	84%	605	509	84%	605	511	84%
Imperial Estates	Elementary	K-6	100%	729	639	88%	729	630	86%	729	636	87%	729	636	87%	729	629	86%	729	611	84%
Islandic	Elementary	K-6	100%	798	740	93%	798	737	92%	798	741	93%	798	740	93%	798	730	91%	798	765	96%
Alphie	Elementary	Pk-6	100%	930	728	78%	930	686	74%	930	743	80%	930	755	82%	930	820	88%	930	836	90%
Lockhart	Elementary	Pk-6	100%	962	990	103%	962	974	101%	962	988	103%	962	955	100%	962	984	102%	962	977	102%
Longleaf	Elementary	Pk-6	100%	790	647	82%	790	646	82%	790	615	78%	790	605	77%	790	591	75%	790	688	87%
Manatee	Elementary	K-6	100%	954	949	99%	954	950	100%	954	955	100%	954	951	99%	954	953	100%	954	954	100%
McAuliffe	Elementary	Pk-6	100%	918	777	85%	918	783	85%	918	881	96%	918	855	93%	918	854	93%	918	850	93%
Macdowell Intermediate	Elementary	3-6	100%	1,114	868	78%	1,114	847	76%	1,114	881	79%	1,114	886	80%	1,114	943	85%	1,114	878	79%
Macdowell Primary	Elementary	K-6	100%	824	628	76%	824	637	77%	824	660	80%	824	662	80%	824	702	85%	824	704	85%
Mile	Elementary	Pk-6	100%	707	485	69%	707	448	64%	707	442	62%	707	447	63%	707	447	63%	707	481	68%
Mims	Elementary	Pk-6	100%	725	476	66%	725	472	65%	725	450	62%	725	456	63%	725	465	64%	725	478	66%
Oak Park	Elementary	Pk-6	100%	968	723	75%	968	675	70%	968	658	68%	968	637	66%	968	629	65%	968	623	65%
Ocean Breeze	Elementary	Pk-6	100%	554	532	96%	554	524	94%	554	511	92%	554	497	90%	554	490	88%	554	492	89%
Palm Bay	Elementary	Pk-6	100%	1,005	615	61%	1,005	607	60%	1,005	622	62%	1,005	588	59%	1,005	649	65%	1,005	683	68%
Pinewood	Elementary	Pk-6	100%	569	517	91%	569	506	89%	569	508	89%	569	512	90%	569	518	91%	569	520	91%
Pool Malabar	Elementary	Pk-6	100%	852	688	81%	852	662	78%	852	632	74%	852	607	71%	852	613	72%	852	604	71%
Quail	Elementary	Pk-6	100%	1,022	1,088	107%	1,022	1,144	109%	1,022	1,150	113%	1,022	1,167	115%	1,022	1,188	117%	1,022	1,188	117%
Rivers	Elementary	Pk-6	100%	777	692	89%	777	687	89%	777	771	100%	777	805	104%	777	805	104%	777	805	104%
Rosewell	Elementary	K-6	100%	599	580	97%	599	580	97%	599	580	97%	599	580	97%	599	580	97%	599	580	97%
Sabal	Elementary	Pk-6	100%	785	538	69%	785	533	68%	785	515	66%	785	507	65%	785	494	63%	785	485	62%
Sakum	Elementary	Pk-6	100%	876	653	75%	876	677	77%	876	684	78%	876	683	78%	876	687	79%	876	687	79%
Sea Park	Elementary	Pk-6	100%	481	321	67%	481	333	70%	481	351	73%	481	352	73%	481	352	73%	481	352	73%
Shenwood	Elementary	Pk-6	100%	609	456	75%	609	443	73%	609	428	70%	609	410	67%	609	407	67%	609	421	69%
South Lake	Elementary	K-6	100%	481	311	65%	481	348	72%	481	348	72%	481	348	72%	481	348	72%	481	348	72%
Sunrise	Elementary	Pk-6	100%	913	820	90%	913	800	87%	913	800	87%	913	844	92%	913	883	97%	913	914	100%
Sunrise	Elementary	K-6	100%	755	675	90%	755	665	88%	755	686	91%	755	686	91%	755	686	91%	755	686	91%
Sunrise	Elementary	K-6	100%	541	460	85%	541	456	84%	541	442	82%	541	421	78%	541	420	78%	541	392	73%
Tropicale	Elementary	K-6	100%	910	825	91%	910	821	90%	910	825	91%	910	829	91%	910	813	89%	910	822	90%
Turner	Elementary	Pk-6	100%	874	562	64%	874	519	59%	874	521	60%	874	505	58%	874	502	57%	874	515	59%
Turner Park	Elementary	Pk-6	100%	811	473	58%	811	489	60%	811	488	60%	811	472	58%	811	521	64%	811	502	62%
Weekside	Elementary	K-6	100%	857	709	83%	857	724	84%	857	725	85%	857	727	85%	857	729	85%	857	729	85%
Williams	Elementary	Pk-6	100%	715	562	79%	715	569	79%	715	534	75%	715	500	70%	715	521	73%	715	505	71%
Elementary Totals				41,810	33,159		41,854	32,732		41,854	32,817		42,051	32,693		42,044	33,155		42,284	33,392	

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**Notes**

1. FISH Capacity is the sum of the faceted permanent capacity and the faceted relocatable capacity. Permanent and relocatable capacities for 2018-19 are reported from the FISH database as of October 10, 2018.
2. Student Membership is reported from the Fall First Membership Count (F101819).
3. Davis Demographics (School) is the Enrollment Forecasting Estimation for AECIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrence Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrence service areas
  - Student Mobility Rates - Census Survival Rates
  - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current From-To attendance patterns are assumed to remain constant
  - Merged/closed 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. Relocatable Classrooms are assumed to add future student stations as listed below:
  - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
  - Intermediate relocatable classrooms are proposed to be added at Apollo Elementary, Chandler Elementary, Coconut Creek Elementary, Imperial Elementary, Pinewood Elementary, Quest Elementary, Saturn Elementary, Sunrise Elementary, Delaware Middle School, Jackson Middle School and Kennedy Middle (Total of 42 Classrooms)
  - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms)
7. Redistricting was approved for the 2019-20 school year and the projected enrollment for 2019-20 is adjusted for those areas. Future redistricting is planned for a new central area elementary school in 2020-21.
8. The following proposals for additional permanent capacity are included in the analysis:
  - A 12 classroom addition at Coon Creek High School is assumed to add 550 student stations starting in 2019-20
  - A new central area elementary is assumed to add 970 student stations starting in 2019-20. Student enrollment projections were adjusted for the 2020-21 school year.

H.1, H.2,  
H.6, H.9.

## **District 2 Disclosures**

### **08/06/2020 BOCC Planning & Zoning Meeting**

#### **H.1/H.2 Theodore Goodenow (Chad Genoni) proposal**

##### **Emails:**

- 08/06/2020 – David Monty Montgomery, Palm Bay resident, opposes the project
- 08/06/2020 – Kay St. Onge of Titusville, opposes the project
- 08/06/2020 – Matt Heyden opposes the project
- 08/06/2020 – Lew Kontnik of Melbourne opposes the project
- 08/06/2020 – Michael Mulleavey of Merritt Island opposes the project
- 08/06/2020 – Spence Guerin of Melbourne opposes the project
- 08/06/2020 – Lora Losi of North Brevard opposes the project
- 08/06/2020 – Mary Hillberg of Merritt Island opposes the project
- 08/06/2020 – Douglas and Mary Sphar of Cocoa oppose the project
- 08/06/2020 – David Botto, Chair Intergovernmental Committee Marine Resources Council opposes the project
- 08/06/2020 – R. T. "Bo" Platt of Melbourne, opposes the project
- 08/06/2020 – William Klein, on the Advisory Board of North Brevard Commission on Parks & Recreation, opposes the project
- 08/06/2020 – Joanie Regan of Cocoa Beach opposes the project

#### **H.6 Canaveral Landing LLC proposal**

##### **E-mails:**

- 07/05/2020 – Danielle Hunter, resident, opposes the project & collected a petition of 180 signatures of concerned citizens also opposed
- 07/06/2020 – JoAnn Clark of Cocoa, opposes the project
- 07/09/2020 – Michelo Dirondio (SP?) resident of Canaveral Groves, opposes the project
- 07/19/2020 – Angelos Kokosoulis & Elizabeth Kanelli of Cocoa, oppose the project
- 07/27/2020 – Dan Hunter, resident of Canaveral Groves, opposes the project due to flooding concerns
- 08/03/2020 – Caren East & Matt Glander of Cocoa, oppose the project
- 08/05/2020 – David C. Botto, opposes accelerated development
- 08/06/2020 – Kim Rezanka, on behalf of applicant, forwarded photos of the site area

#### **H.9 Marker 24 Marina proposal**

##### **Phone:**

- 08/05/2020 – Commissioner Lober spoke with applicant Peter Black





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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

August 7, 2020

**M E M O R A N D U M**

TO: Tad Calkins, Planning and Development Director      Attn: Cheryl Campbell

RE: Item H.1., 20S.02 Small Scale Comprehensive Plan Amendment

The Board of County Commissioners, in regular session on August 6, 2020, conducted the public hearing and adopted Ordinance No. 20-12, setting forth Plan Amendment 20S.02 of the Small Scale Comprehensive Plan to change the Future Land Use designation from Planned Industrial to Residentail 2 for Theodore Goodenow. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

Encl. (1)



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

August 10, 2020

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 20-12, which was filed in this office on August 10, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 20- 12

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SECOND SMALL SCALE PLAN AMENDMENT OF 2020, 20S.02, 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 2020 as Plan Amendment 20S.02; 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 20S.02; 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 STATE ON AUGUST 10, 2020

WHEREAS, on July 6, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 20S.02, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on August 6, 2020, 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 20S.02; and

WHEREAS, Plan Amendment 20S.02 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 20S.02 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 20S.02 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 20S.02, 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 6 day of August, 2020.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_  
Bryan Lober, Chair

As approved by the Board on August 6, 2020.

**EXHIBIT A**  
**20S.02 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

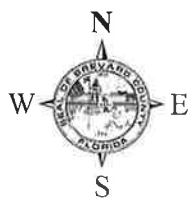
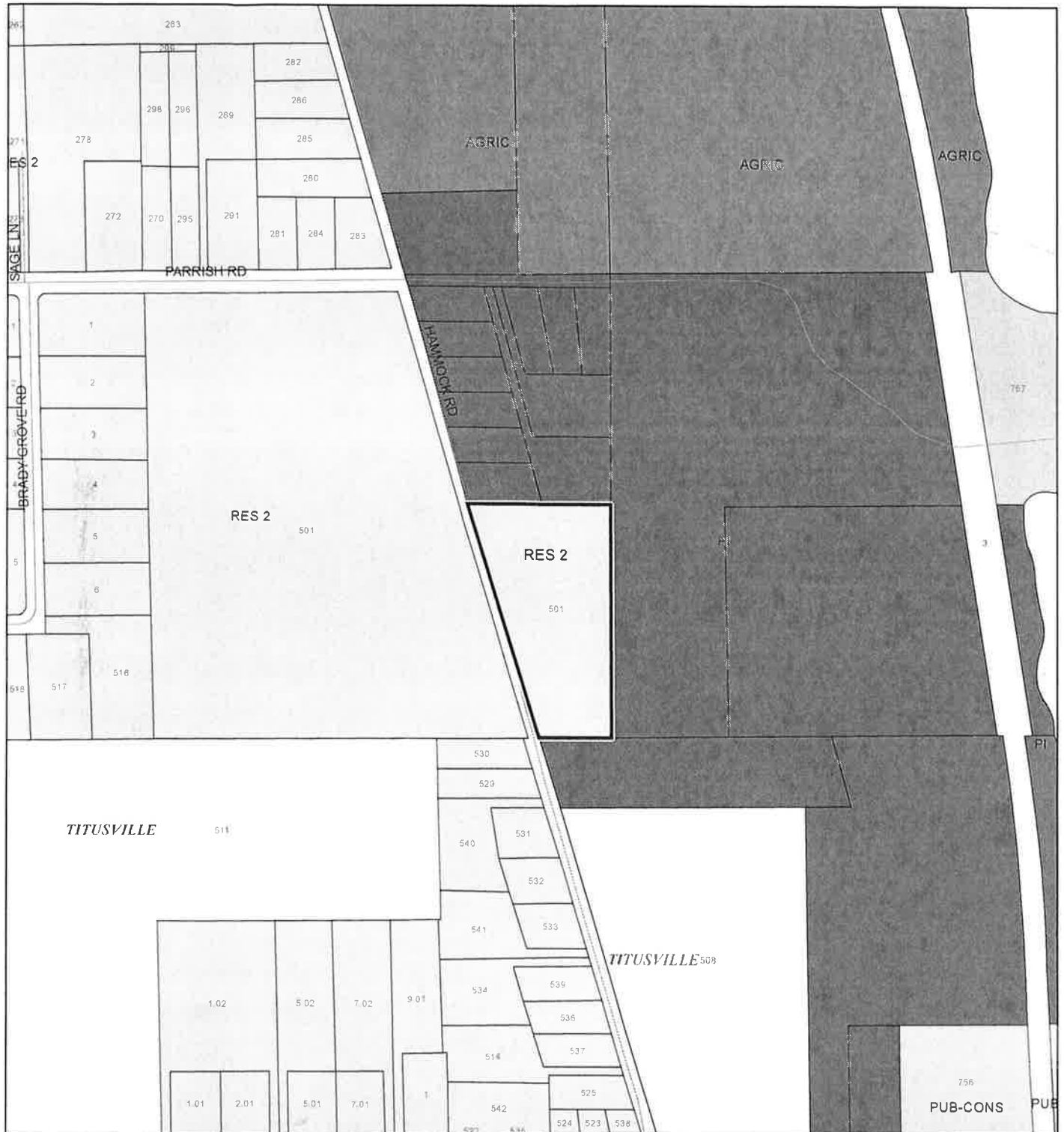
**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02



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: 2/10/2020

## **EXHIBIT B**

### **Contents**

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



AD#4121749 3/23/2020

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, APRIL 6, 2020, and THURSDAY, MAY 7, 2020. DISTRICT 1 1. (20PZ00024) THEODORE GOODENOW (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2), on property described as the south ½ of the NE ¼ of the SW ¼ of Section 21, Township 21S, Range 35E, Brevard County, Florida, lying east of Hammock Rd. (4.85 acres) Located on the east side of Hammock Rd., approx. 650 ft. south of Parrish Rd. (1930 Hammock Rd., Titusville). The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 205.02: 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. 2. (19PZ00158) THEODORE C. GOODENOW (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single Family Residential), with a BDP (Binding Development Plan) limited to 62 units, on property described as Tax Parcel 501, as recorded in ORB 2422, Page 803, of the Public Records of Brevard County, Florida, Section 21, Township 21, Range 35E, (31.43 acres) Located at 1930 Hammock Rd., Titusville, Florida. (Tax Account 2105262) DISTRICT 2 3. (20PZ00015) JAMES AND MARY MURRAY (Dan Quattrocchi) request a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential), on property described as Tax Parcel 31.1, as recorded in ORB 7082, Pages 1972 - 1976, of the Public Records of Brevard County, Florida, Section 24, Township 25, Range 36, (0.57 +/- acres) Located on the east side of S. Tropical Trail, approx. 850 ft. north of Old Settlement Road. (3720 S. Tropical Trail, Merritt Island) (Tax Account 2511451) 4. (20PZ00019) RIVER FLY-IN CONDOMINIUM, INC. (Kim Rezanka) requests an amendment to an existing BDP (Binding Development Plan) in a PUD (Planned Unit Development) zoning classification, on property described as Tax Parcel 254, as recorded in ORB 8631, Pages 1087 - 1088, of the Public Records of Brevard County, Florida, Section 01, Township 25, Range 36, (13.03 acres) Located on the south side of Cone Rd., approx. 150 ft. east of Kemp St.; and on the east side of Kemp St., approx. 145 ft. south of Cone Rd. (735 and 741 Pilot Lane, Merritt Island) (Tax Account 2501008) DISTRICT 1 5. (20PZ00020) TROY YATES requests a Small Scale Comprehensive Plan Amendment (205.01) to change the Future Land Use from RES 4 (Residential 4) to CC (Community Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7898, Pages 1517 - 1518, of the Public Records of Brevard County, Florida, Section 01, Township 24, Range 35, (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) (Tax Account 2400600) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 205.01: 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. 6. (20PZ00021) TROY YATES requests a change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7898, Pages 1517 - 1518, of the Public Records of Brevard County, Florida, Section 01, Township 24, Range 35, (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) 7. (20PZ00022) MICHAEL RICHARD AND CARINA EMMA HUGOBORG request a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity), on property described as the east 145 ft. of the west 805 ft. of the north ½ of the north ½ of the south ½ of the north ½ of Section 11, Township 24S, Range 35E, less the south 30 ft. for road, as recorded in ORB 8596, Page 194, of the Public Records of Brevard County, Florida. (1 acre) Located on the north side of Oneida St., approx. 304 ft. east of Dakota Ave. (3656 Oneida St., Cocoa) (Tax Account 2404041) 8. (20PZ00026) BREVARD COUNTY (Euri Rodriguez) requests the following: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands - High-Intensity); 2.) CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of 400-ft. setbacks; 5.) request to limit building height to 55 feet, on property described as Lots 97, 98, 99, and 100, less and except the I-95 right-of-way, as recorded in ORB 3274, Pages 2407 - 2408, of the Public Records of Brevard County, Florida, Section 18, Township 22, Range 35, (17.5 acres) Located on the west side of South St., due west of S. Park Ave. (3600 South St., Titusville) (Tax Account 2209623) 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, APRIL 6, 2020, at 3:00 p.m. The final 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, MAY 7, 2020, 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 this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: Tod Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator 4121749

## **EXHIBIT B**

### **Contents**

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

AD#4121749 3/23/2020

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(20PZ00020) TROY YATES requests a Small Scale Comprehensive Plan Amendment (20S.01) to change the Future Land Use from RES 4 (Residential 4) to CC (Community Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7896, Pages 1517 - 1518, of the Public Records of Brevard County, Florida, Section 01, Township 24, Range 35, (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) (Tax Account 2400600) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 20S.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. 6. (20PZ00021) TROY YATES requests a change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7896, Pages 1517 - 1518, of the Public Records of Brevard County, Florida, Section 01, Township 24, Range 35, (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) 7. 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Waiver of 400-ft. setbacks; 5.) request to limit building height to 35 feet, on property described as Lots 97, 98, 99, and 100, less and except the 1-95 right-of-way, as recorded in ORB 3274, Pages 2407 - 2408, of the Public Records of Brevard County, Florida, Section 18, Township 22, Range 35, (17.5 acres) Located on the west side of South St., due west of S. Park Ave. (3600 South St., Titusville) (Tax Account 2209623) 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, APRIL 6, 2020, at 3:00 p.m. The final 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, MAY 7, 2020, at 3:00 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 this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.4121749

# AERIAL MAP

GOODENOW, THEODORE C.

20PZ00024 SMALL SCALE AMENDMENT 20S.02

FYI

20PZ00024 and 19PZ00158

Goodenow

(Submitted by applicant

06/15/20)



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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: 2/10/2020

— Subject Property

□ Parcels



**ORDINANCE NO. 24-2019**

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING ORDINANCE NO. 5-1993, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY REPLACING THE PRESENT PLANNED UNIT DEVELOPMENT ZONING (PUDZ) AND OPEN SPACE AND RECREATION (OR) ZONING TO PLANNED DEVELOPMENT (PD) ZONING FOR CERTAIN PROPERTY APPROXIMATELY 71.76 ACRES IN SIZE, HAVING TAX ID NUMBERS 2104776, 2104775, 2104780, 2105271, 2105270, LOCATED APPROXIMATELY 1,500 FEET EAST OF U.S. HIGHWAY 1 ON THE NORTH SIDE OF JAY JAY ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA as follows:**

**Section 1.** Ordinance No. 5-1993 is hereby amended by amending the Zoning Map of the City of Titusville, Florida, made a part of said Ordinance by reference, by designating the following property described in Exhibit A with conditions and associated Master Plan in Exhibit B to be rezoned from Planned Unit Development Zoning (PUDZ)) and Open Space and Recreation (OR) to Planned Development (PD) zoning classification.

**Section 2.** This ordinance shall take effect simultaneously with the effective date of Comprehensive Plan Amendment (CPA) No. 1-2018 contained in Ordinance No. 23-2019.

**PASSED AND ADOPTED this 11 day of June, 2019.**

  
Walt Johnson, Mayor

**ATTEST:**

  
Assistant City Clerk  
Wanda P. Wells, City Clerk



## Exhibit A – Planned Development Ordinance

### **Brooks Landing Subdivision**

#### **1.1 DESCRIPTION:**

The Brooks Landing Subdivision has a total project area of approximately 71.76 Acres and consists of single-family homes, common open space, and associated infrastructure.

#### **1.2 LEGAL DESCRIPTION:**

Parcels - 2,3,4,5 on map

Commencing at the Southeast corner of Section 20, Township 21, Range 35 East; Thence N. 00°42'27" W. along the East line of said Section 20 a distance of 20 feet to the point of beginning; Thence S. 89°45'46" W. a distance of 653.78 feet to a point; Thence N. 00°42'27" W., A distance of 437.50 feet; Thence S. 89°45'47" W. a distance of 47.32 feet to an intersection with the West line of that certain parcel described in Deed Book 901, page 172, Public Records of Brevard County, FL; Thence N. 00°42'27" W. along said West line, a distance of 472.50 feet to the North line of said certain parcel; Thence N. 89°45'47" E. along said North line, a distance of 236.09 feet; Thence N. 00°42'27" W. a distance of 402.70 feet to the South line of Brady Grove Park Subdivision, first and second addition, as recorded in Plat Book 28, Page 58 Public Records of Brevard County, FL.; Thence N. 89°44'53" E. along said South line, a distance of 465 feet to an intersection with the said East line of section 20; Thence continue along said South line and along the South line of Brady Grove Park Subdivision as recorded in Plat Book 25, page 43 of the Public Records of Brevard County, FL N. 89°57'03" E., a distance of 1,339.88 feet; Thence N. 89°57'24" E. along the North line of the South ½ of the Southwest ¼ of Section 21, Township 21, Range 35 East, a distance of 806.97 feet to the East line of that certain parcel as described in Deed Book 66, page 418 Public Records of Brevard County, FL; Thence S. 00°33'55" E. along said East line, a distance of 525.70 feet to a intersection with the South line of said certain parcel described in Deed Book 66, Page 418; Thence S. 89°56'01" W. along said South line, a distance of 808.81 feet to an intersection with the East line of that certain parcel described in Deed Book 44, page 418 of the public records of Brevard County, FL; Thence S. 00°28'53" E. along said East line a distance of 787.90 feet to a point said point being 20 feet North of as measured perpendicular to the South line of said Section 21; Thence West and parallel with the said South Line of Section 21 a distance of 1,333.68 feet to the point of Beginning. Containing 2,984,515.14 Sq. Ft. or 68.5150 acres More or less.

Parcel – 1 on map

Commencing at the Southwest corner of Section 20, Township 21, Range 35 East; Thence N. 00°42'27" W. along the East line of said Section 20 a distance of 20 feet; Thence S. 89°45'46", a distance of 653.78 feet to a point; Thence N. 00°42'27" W., a distance of 437.50 feet; Thence S. 89°45'47" W. a distance of 47.32 feet to an intersection with the West line of that certain parcel described in Deed Book 90, Page 172, Public Records of Brevard County, FL.; Thence N. 00°42'27" along said West line, a distance of 472.50 feet to the North line of said parcel and the point of beginning; Thence continue N. 00°42'27" W. a distance of 12.70 feet; Thence S. 89°45'47" W. a distance of 144.36 feet to a West line of that certain parcel described in Deed Book UU, Page 193, Paragraph 786, Township 21 South, Range 35 East, Section 20, Brevard County, FL. Thence N. 00°42'27" along said West line a distance of 389.93 feet to an intersection with the South line of Brady Grove Park Subdivision, First and Second addition, as recorded in Plat Book 28, Page 58, Public Records of Brevard County, FL.; Thence N. 89°44'53" E. along said South line a distance of 380.46 feet to an intersection with the West line of that

certain parcel described in Deed Book 90, Page 172, Public Records of Brevard County, FL; Thence South along said West line a distance of 402.70 feet; Thence S. 89°45'47" W. a distance of 236.09 feet to a point of beginning.  
Containing 141,570 Sq. Ft. or 3.25 Acres, More or Less

**1.3 REFERENCE TO GENERAL DEVELOPMENT PLAN:**

The Brooks Landing Subdivision shall be implemented in accordance with the approved Master Plan.

**1.4 PERMITTED USES:**

Single-Family Detached Dwellings  
Parks and common recreational areas

**1.4.1 PERMITTED ACCESSORY USES:**

Private swimming pools including screen enclosures  
Detached accessory structures  
Home based businesses as permitted by the City of Titusville

**1.4.2 PROHIBITED USES:**

Accessory Dwelling Units

**1.5 DENSITY/INTENSITY MINIMUMS AND MAXIMUMS:**

Maximum of one-hundred forty-three (143) single-family residential units.

**1.6 CRITICAL DESIGN FEATURES:**

Critical features of this project are the preservation of existing wetlands; preservation of the 100-year floodplain; and the provision of common recreational facilities in the form of ADA accessible, improved walking trails in Tracts B, and G, and a pavilion and fountain in Tract E. Additionally, a playground and/or 30x30 foot pavilion will be included within Tract I across the street from the pavilion in Tract E.

Due to the extended response time for emergency services and narrow side yard setbacks allowed by this PD, a fire suppression system acceptable to the Fire Marshal shall be installed in each home.

**LAND USE ALLOCATION TABLE: (Based on associated master plan)**

(Values are approximate and may be adjusted to meet engineering requirements through the site plan review process, consistent with Section 1.12 of this Ordinance)

Total project	71.97 AC
Residential	21.18 AC
Open Space	26.09 AC
Stormwater, road and perimeter buffers	24.70 AC

**1.7 AREA, HEIGHT, BULK & OPEN SPACE REQUIREMENTS:**

Min. Lot Area	6,000 Sq. Ft.
Min. Lot Width	50 Ft. (Lot width shall be defined as the distance between the side lot lines at the front yard setback as shown on the Recorded Plat)
Min. Floor Area	1200 Sq. Ft.
Max. Building Height	35 Ft., Except homes on lots 97-103 as shown on the Master Plan shall be limited to one (1) story



Max. Building Coverage	45% per lot
Maximum Impervious Coverage	65% per lot

**Principal Structure Setbacks**

Front	20 Ft.
Rear	20 Ft.
Side	5 Ft.
Side Corner	10 Ft. (Lots 107, 131, and 143 as illustrated on the master plan)

**Accessory Structure Setbacks**

Rear	5 Ft.
Side	5 Ft.
Side corner	20 Ft.

No accessory structure shall be placed in the front yard

**1.8 ROADWAY DESIGN / TRAFFIC CIRCULATION**

Roadway layout and traffic circulation internal to the site is illustrated on the Master Plan. The project will be provided with public road meeting the minimum standards for a local road right-of-way with pavement, curb, and sidewalks meeting the standards of the City of Titusville as depicted in the Master Plan. The roadway will provide sufficient space for emergency vehicles.

Internal streets shall be built to the standards specified in the City's Transportation Infrastructure Technical Manual, unless a waiver is granted by the Development Review Committee (DRC). The length of the cul-de-sac in the northeast corner of the property shall be reduced from the length depicted on the master plan to be adjacent to lots 107 and 108.

The 10-foot wide right-of-way dedication located on the north side of Jay Jay Road that is illustrated on the master plan may be in the form of an easement to the City.

**1.9 UTILITIES:**

Potable water and sanitary sewer service to be provided by the City of Titusville. The water main lines shall be extended to create a loop from the terminus of the existing water main on U.S. 1 and extending north to the intersection with Jay Jay Road, and then east of Jay Jay Road connecting to the existing water main that extends through the Chain of Lakes Park.

**1.10 NATURAL RESOURCES:**

Conservation areas to be owned and maintained by the Homeowners Association with a maintenance plan based on best management practices. Open Space Areas, including buffers and publicly accessible recreation areas, to be owned and maintained by the Homeowners Association in accordance with the requirements of the City of Titusville. The declarations and covenants governing the Homeowners Association shall be in a form and provide detail acceptable to the City.

All wetland areas to be preserved on site, as depicted by the Master Plan and described as wetlands # 1, 2, 3, 4, 5, and 9 on the survey dated 8/1/2018, shall be protected by a conservation easement.

**1.11 BUFFERING /SCREENING:**

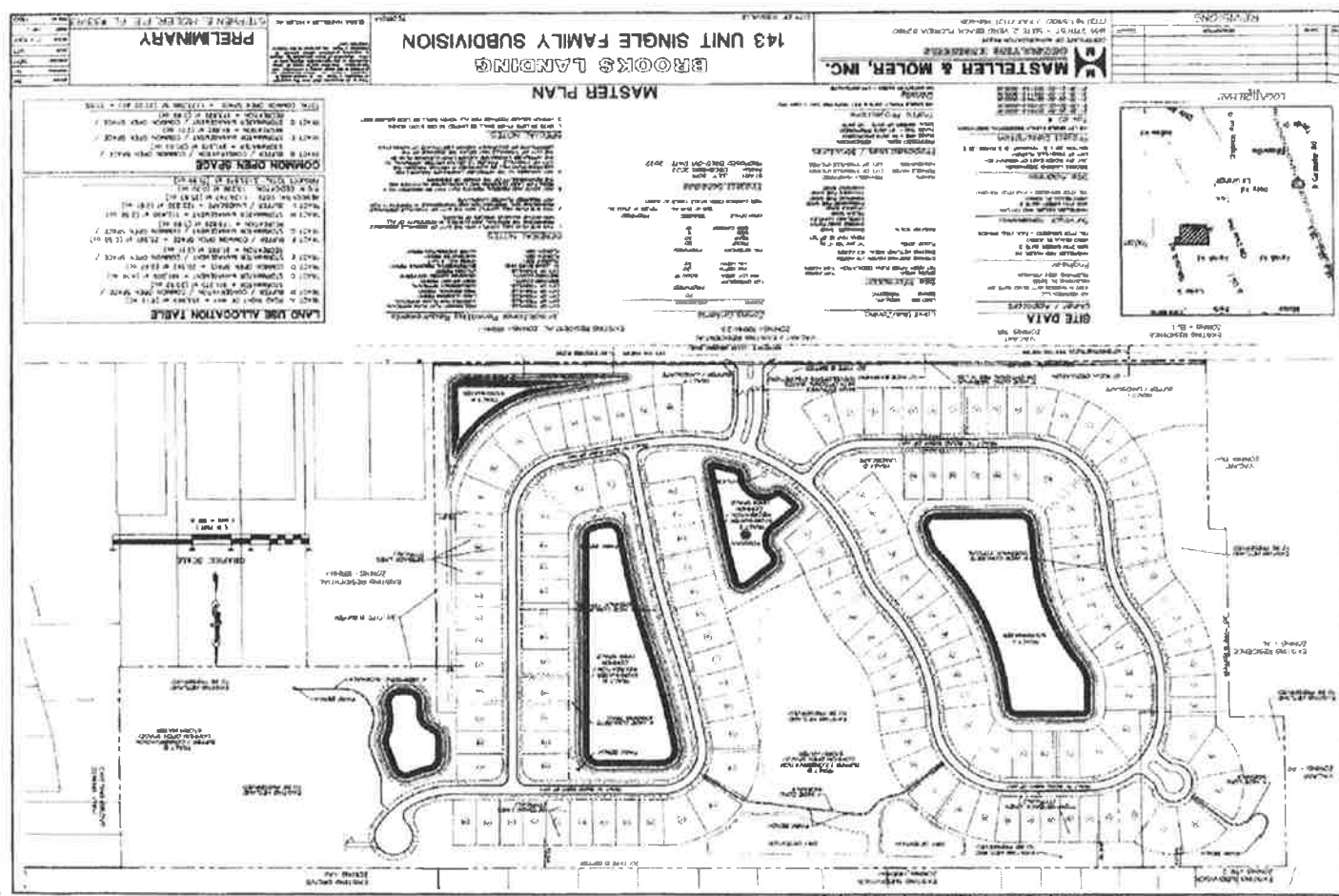
A twenty (20) foot perimeter landscaped buffer will be established consistent with City of Titusville Land Development Regulations as illustrated on the master plan. A minimum seventy (70) foot buffer, which includes the twenty (20) foot required perimeter landscape buffer and the twenty

(20) foot rear lot setback, to the property line along the north and east property boundaries, with the exception of lots 30 and 31. Pools and screen enclosures shall be permitted within the rear yard setback provided they meet the accessory structure setbacks setback in Section 1.7, Area, Height, Bulk & Open Space Requirements.

**1.12 PROCEDURES:**

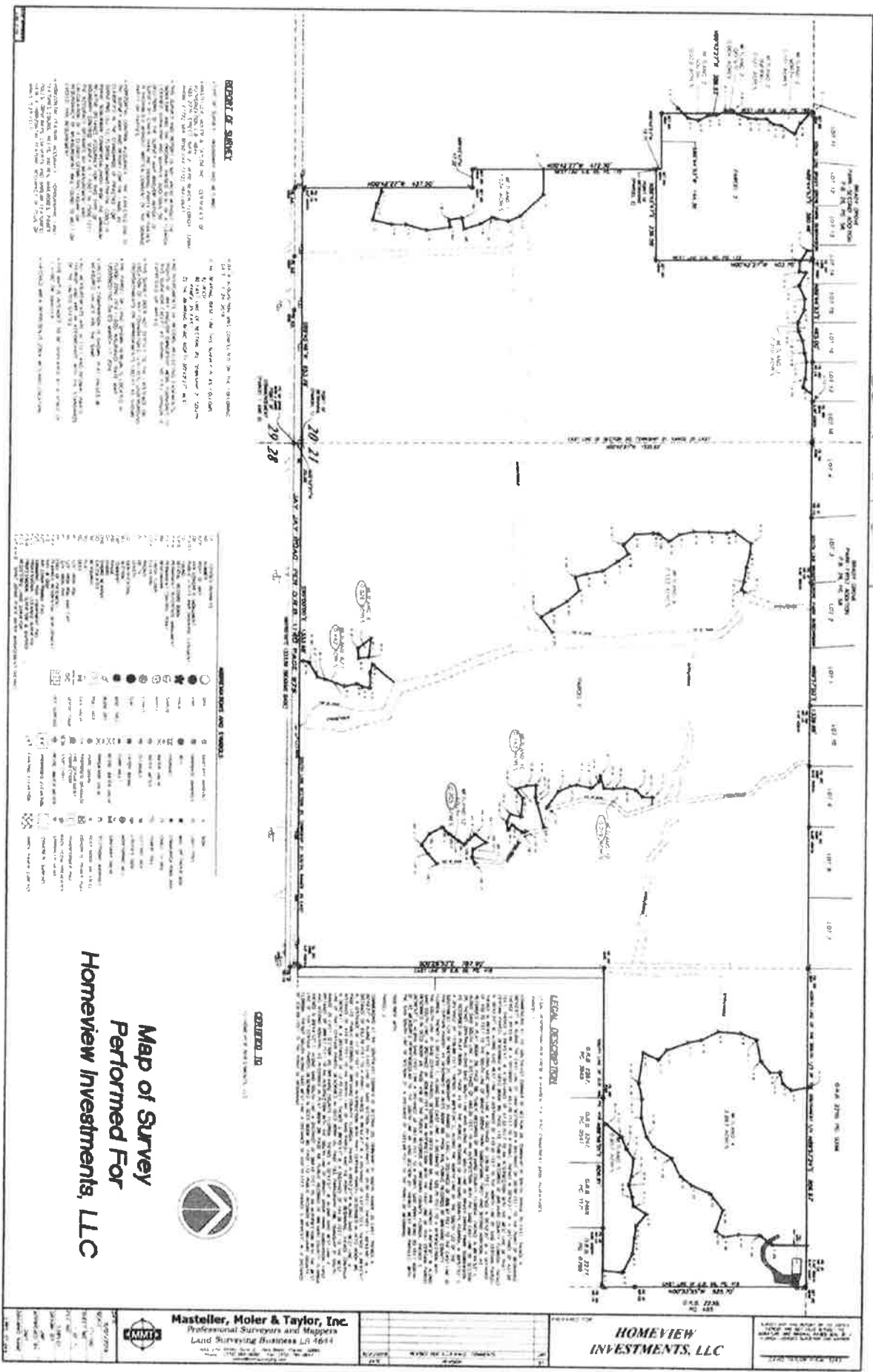
The sketch plat for this development shall be in conformance with the attached master plan to the greatest extent possible.

Amendments will follow the procedures set forth in Chapter 34, Article II, Division 3 Master Plans of the Code.



Attachment A Ordinance No. 24-2019

Attachment B-Ordinance No. 24-2019



Ordinance No. 24-2019

CA: Planning Dept. (P. Busacca)

6.25.19 Legal (K. Broom)



## Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

### PROPERTY DETAILS

Account 2105305  
 Owners Mills, G Ernest Jr; Mills, Mary C  
 Mailing Address 1945 Hammock Rd Titusville FL 32796  
 Site Address 1945 Hammock Rd Titusville FL 32796  
 Parcel ID 21-35-21-00-547  
 Property Use 0113 - Single Family - Modular  
 Exemptions HEX1 - Homestead First  
 HEX2 - Homestead Additional  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 0.59  
 Subdivision --  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0000/0000  
 Land Description Part Of NE 1/4 Of NE 1/4 Of SW 1/4 E Of Hammock Rd  
 As Desc IN Orb 2906 Pg 1580



### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$61,560	\$50,010	\$45,530
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$42,620	\$41,830	\$40,970
Assessed Value School	\$42,620	\$41,830	\$40,970
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$17,620	\$16,830	\$15,970
Taxable Value School	\$17,620	\$16,830	\$15,970

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
04/16/2013	\$16,000	WD	Improved	6897/0436
03/28/2006	\$85,000	WD	Improved	5624/1655
02/28/1995	\$50,000	WD	Improved	3454/2535
04/01/1994	\$3,500	QC	Improved	3409/2089
03/15/1988	\$5,000	WD	—	2906/1580

### BUILDINGS

#### PROPERTY DATA CARD #1

**Building Use:** 0113 - Single Family - Modular

Materials	Details	
Exterior Wall:	Brd/Lap Siding	Year Built 1988
Frame:	Wood Frame	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units 0

Sub-Areas	Extra Features	
Base Area (1st)	1,012 Patio - Concrete	288
Total Base Area	1,012 Outbuilding	504
Total Sub Area	1,012 Covered Patio	240



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### PROPERTY DETAILS

Account 2105306  
 Owners Salter, Robert T  
 Mailing Address 3060 Dairy Rd Titusville FL 32796  
 Site Address 2095 Parrish Rd Titusville FL 32796  
 Parcel ID 21-35-21-00-548  
 Property Use 0212 - Manufactured Housing - Single Wide  
 Exemptions None  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 1.26  
 Subdivision --  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0000/0000  
 Land Description Part Of NE 1/4 Of NE 1/4 Of SW 1/4 E Of Hammock Rd  
 As Desc IN Orb 2931 Pg 2072



### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$35,670	\$35,020	\$32,950
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$35,670	\$35,020	\$32,950
Assessed Value School	\$35,670	\$35,020	\$32,950
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$35,670	\$35,020	\$32,950
Taxable Value School	\$35,670	\$35,020	\$32,950

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/02/1988	\$13,800	WD	--	2931/2072

### BUILDINGS

#### PROPERTY DATA CARD #1

**Building Use:** 0212 - Manufactured Housing - Single Wide

#### Materials

	Details	
Exterior Wall:	Vinyl/Aluminum	Year Built 1987
Frame:	Wood Frame	Story Height 8
Roof:	Bu-Tg/Mmbrn	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units 0

#### Sub-Areas

	Extra Features	
Base Area (1st)	1,064 Wood Deck	160
Total Base Area	1,064 Skirting - Metal/Vinyl	180
Total Sub Area	1,064 Outbuilding	704
	Wood Deck	64



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### PROPERTY DETAILS

Account 2105332  
 Owners Flenner, Janice; Webster, Nancy L  
 Mailing Address 1991 Brady Grove Rd Titusville FL 32796  
 Site Address 1991 Brady Grove Rd Titusville FL 32796  
 Parcel ID 21-35-21-51-2-1  
 Property Use 0110 - Single Family Residence  
 Exemptions HEX1 - Homestead First  
 HEX2 - Homestead Additional  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 1.25  
 Subdivision Brady Grove Park  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0025/0043  
 Land Description Brady Grove Park Lot 1 & N 2 Ft Of Lot 2 Blk 2



### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$205,760	\$198,370	\$177,260
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$167,160	\$198,370	\$177,260
Assessed Value School	\$167,160	\$198,370	\$177,260
Homestead Exemption	\$25,000	\$0	\$0
Additional Homestead	\$25,000	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$117,160	\$198,370	\$177,260
Taxable Value School	\$142,160	\$198,370	\$177,260

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/31/2017	\$126,000	WD	Improved	7956/2178
07/31/2017	--	QC	Improved	7956/2170
07/31/2017	--	QC	Improved	7956/2163
09/08/2016	--	CT	Improved	7705/2706
12/07/2015	--	CT	Improved	7507/0791
10/03/2006	\$50,000	QC	Improved	5705/6512
01/17/2001	--	WD	Improved	4661/3501
10/01/1998	\$50,000	PT	Improved	3918/2635
12/01/1994	--	PT	Improved	3445/2673
07/30/1982	--	QC	--	2399/0627
06/01/1979	\$17,800	--	--	2062/0811
02/01/1979	\$1,000	--	--	2005/0178

### BUILDINGS

#### PROPERTY DATA CARD #1

**Building Use:** 0110 - Single Family Residence

#### Materials

Exterior Wall:

Brick

1979

Frame:

Wood Frame

8

Roof:

Asph/Asb Shngl

1

Roof Structure:

Hip/Gable

1



	Commercial Units	0
<b>Sub-Areas</b>	<b>Extra Features</b>	
Base Area (1st)	2,678 Pole Barn	576
Total Base Area	2,678 Garage Detached	552
Total Sub Area	2,678 Pool Deck	1,321
	Covered Patio	254
	Enclosed Room	400
	Enclosed Room	168
	All Screen - 1 Story	1,771
	Fireplace	2
	Pool - Residential	1



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### PROPERTY DETAILS

Account 2105333  
 Owners Burford, Kristopher M  
 Mailing Address 1981 Brady Grove Rd Titusville FL 32796  
 Site Address 1981 Brady Grove Rd Titusville FL 32796  
 Parcel ID 21-35-21-51-2-2  
 Property Use 0213 - Manufactured Housing - Double Wide  
 Exemptions HEX1 - Homestead First  
 HEX2 - Homestead Additional  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 1.03  
 Subdivision Brady Grove Park  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0025/0043  
 Land Description Brady Grove Park Lot 2 Exc N 2 Ft Blk 2



### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$90,710	\$87,050	\$79,060
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$80,160	\$78,670	\$77,060
Assessed Value School	\$80,160	\$78,670	\$77,060
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$30,160	\$28,670	\$27,060
Taxable Value School	\$55,160	\$53,670	\$52,060

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
12/29/2014	\$93,000	WD	Improved	7275/1811
03/22/2013	\$46,000	WD	Improved	6834/0146
01/17/2001	\$62,600	WD	Improved	4277/2153
01/17/2001	\$20,000	WD	Vacant	4277/2151
10/01/1998	\$50,000	PT	Improved	3918/2635
12/01/1994	--	PT	Improved	3445/2673
10/25/1984	--	WD	--	2551/2417
09/30/1983	\$27,000	WD	--	2459/1081
05/27/1981	\$30,200	WD	--	2303/1102

### BUILDINGS

#### PROPERTY DATA CARD #1

**Building Use:** 0213 - Manufactured Housing - Double Wide

Materials	Details	
Exterior Wall:	Vinyl/Aluminum	Year Built 1995
Frame:	Wood Frame	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units 0

#### Sub-Areas

#### Extra Features

Base Area (1st)	1,890	Outbuilding	192
Open Porch	144	Screen Enclosure	288
Total Base Area	1,890	Outbuilding	779
Total Sub Area	2,034	Skirting - Metal/Vinyl	194



## Brevard County Property Appraiser

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### PROPERTY DETAILS

Account 2105334  
 Owners Humple, Elizabeth; Hollifield, Margaret Peggy; Fauls, David; Fauls, Joan  
 Mailing Address 5120 SW 13Th CT Plantation FL 33317  
 Site Address 1975 Brady Grove Rd Titusville FL 32796  
 Parcel ID 21-35-21-51-2-3  
 Property Use 0212 - Manufactured Housing - Single Wide  
 DIML - Disability - Military  
 HEX1 - Homestead First  
 HEX2 - Homestead Additional  
 SNCO - Senior - County  
 WDWL - Widower's Exemption For Husband  
 Exemptions  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 1.05  
 Subdivision Brady Grove Park  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0025/0043  
 Land Description Brady Grove Park Lot 3 Blk 2



### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$58,240	\$57,080	\$57,560
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$58,160	\$57,080	\$56,480
Assessed Value School	\$58,160	\$57,080	\$56,480
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$8,160	\$7,080	\$6,480
Other Exemptions	\$25,000	\$5,500	\$5,500
Taxable Value Non-School	\$19,500	\$19,500	\$19,500
Taxable Value School	\$27,660	\$26,580	\$25,980

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
04/08/2019	--	WD	Improved	8412/1695
03/23/2019	--	DC	Improved	8412/1694
07/22/2005	--	WD	Improved	5504/3154
01/26/2005	\$100,000	WD	Improved	5415/2152
03/05/2001	\$55,000	WD	Improved	4303/3403
07/01/1996	--	QC	Improved	3591/3577
05/01/1996	--	CT	Improved	3566/3217
11/26/1984	\$35,000	WD	--	2557/2763
05/17/1979	\$8,000	WD	--	2052/0521

### BUILDINGS

#### PROPERTY DATA CARD #1

Building Use: 0212 - Manufactured Housing - Single Wide

Materials	Details	
Exterior Wall:	Brd/Lap Siding	Year Built 1980
Frame:	Wood Frame	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1

**Sub-Areas**

Base Area (1st)

Total Base Area

Total Sub Area

**Commercial Units**

0

**Extra Features**

840 Screen Enclosure 220

840 Garage Detached 488

840 Pole Barn 378

Enclosed Room 960

Pool Deck 1,339

Skirting - Metal/Vinyl 195

Outbuilding 368

Screen Enclosure 25

Wood Deck 30

Wood Deck 470

Pool - Residential 1



## Brevard County Property Appraiser

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### PROPERTY DETAILS

Account 2105336  
 Owners Rumsey, Frank E; Rumsey, Marian L  
 Mailing Address 1951 Brady Grove Rd Titusville FL 32796  
 Site Address 1951 Brady Grove Rd Titusville FL 32796  
 Parcel ID 21-35-21-51-2-5  
 Property Use 0213 - Manufactured Housing - Double Wide  
 Exemptions TPQD - Total & Permanent - Quadriplegic  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 1.10  
 Subdivision Brady Grove Park  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0025/0043  
 Land Description Brady Grove Park Lot 5 Blk 2



### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$53,560	\$52,180	\$47,690
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$46,090	\$45,240	\$44,310
Assessed Value School	\$46,090	\$45,240	\$44,310
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$46,090	\$45,240	\$44,310
Taxable Value Non-School	\$0	\$0	\$0
Taxable Value School	\$0	\$0	\$0

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/30/1991	\$37,000	WD	Improved	3135/1671
02/01/1979	\$7,400	--	--	2004/0134

### BUILDINGS

#### PROPERTY DATA CARD #1

**Building Use:** 0213 - Manufactured Housing - Double Wide

Materials	Details	
Exterior Wall:	Plywd/T111	Year Built 1994
Frame:	Wood Frame	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units 0

Sub-Areas	Extra Features	
Base Area (1st)	1,152	Covered Patio 528
Total Base Area	1,152	Skirting - Wood 144
Total Sub Area	1,152	Screen Enclosure 200
		Screen Enclosure 336
		Skirting - Metal/Vinyl 52



## Brevard County Property Appraiser

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### PROPERTY DETAILS

Account 2105337  
 Owners Leed, Paul L  
 Mailing Address 1945 Brady Grove Rd Titusville FL 32796  
 Site Address 1945 Brady Grove Rd Titusville FL 32796  
 Parcel ID 21-35-21-51-2-6  
 Property Use 0213 - Manufactured Housing - Double Wide  
 Exemptions DICV - Disability - Civilian  
 HEX1 - Homestead First  
 HEX2 - Homestead Additional  
 Taxing District 1300 - Unincorp District 1  
 Total Acres 1.09  
 Subdivision Brady Grove Park  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0025/0043  
 Land Description Brady Grove Park Lot 6 Blk 2



### VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$140,010	\$132,820	\$122,940
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$114,710	\$112,580	\$110,270
Assessed Value School	\$114,710	\$112,580	\$110,270
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$500	\$500	\$500
Taxable Value Non-School	\$64,210	\$62,080	\$59,770
Taxable Value School	\$89,210	\$87,080	\$84,770

### SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/19/2008	\$160,000	WD	Improved	5852/4016
12/01/1978	\$7,000	--	--	1981/0435

### BUILDINGS

#### PROPERTY DATA CARD #1

**Building Use:** 0213 - Manufactured Housing - Double Wide

Materials	Details	
Exterior Wall:	Vinyl/Aluminum	Year Built 2005
Frame:	Wood Frame	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units 0
Sub-Areas	Extra Features	
Base Area (1st)	1,920 Wood Deck	84
Total Base Area	1,920 Skirting - Metal/Vinyl	188
Total Sub Area	1,920 Skirting - Metal/Vinyl	64
	Outbuilding	144
	Screen Enclosure	260
	Garage Detached	1,370
	Garage Detached	727

Fireplace  
Covered Patio

1  
384



## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board/Local Planning Agency met in regular session on **Monday, June 15, 2020, 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: Ron Bartcher; Brian Hodgers; Harry Carswell; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; Bruce Moia; Joe Buchanan; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Theodore Goodenow (Chad Genoni / Kim Rezanka)**

A Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)

#### **Theodore Goodenow (Chad Genoni / Kim Rezanka)**

A change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

Kim Rezanka, Cantwell & Goldman, Cocoa Village, representing Beachland Managers and Theodore Goodenow, stated the requests are two matters to encompass all 31.43 acres of the entire property. The Comprehensive Plan amendment is the 4.845 acres on the east side of Hammock Road. (Ms. Rezanka presented handouts to the board. The handouts can be found in files 19PZ00158 and 20PZ00024, located in the Planning and Development Department). She said the aerial map shows the different zoning in the immediate area. The Future Land Use (FLU) is RES 2 (Residential 2) on the west side of Hammock Road, and then PI (Planned Industrial) on the right side. There's not much in the way of Planned Industrial on the east side of Hammock Road; there is single-family residential to the north of the proposal; then PIP (Planned Industrial Park) to the east. She continued, there is City of Titusville property belonging to SE Power, which is aptly developed; there is the East Central Florida Railroad that has a substation in the far northeast corner; and there is a vacant parcel, which is also owned by SE Power. The SE Power land in the City of Titusville is where they keep their trucks and business offices. SE Power is in the construction and maintenance of power lines and fiberoptic installation, so it's not a heavy industrial use, even if it is zoned that way.

She stated there are 11 single-family home directly across from SE Power; there are a number of single-family homes to the north, even though they are zoned PI; and PIP allows single-family homes at one unit per acre. There is TR-2 zoning to the north of the comprehensive plan parcel allowing two units per acre, but half-acre lots are required. To the west of the complete parcel, including that on the other side of Hammock Road, there is one unit per acre, and below that there is 72 acres of property within the City limits that is PUD (Planned Unit Development), at a density of two units per acre. She noted at the bottom of the larger site plan she provided there is a location map depicting the area before the board today; and the area below it is the 71.99 acres of PUD also owned by Beachland Managers, that was approved by Titusville in 2019, allowing two units per acre, with a maximum of 143 units, and with houses anywhere from 6,000 square feet and higher. She stated

Page 2 of the staff comments for the comprehensive plan amendment talks about Policy 3.5 of the FLU element that Planned Industrial is intended to have light industrial and business uses; however, that's really not applicable here because there is no industrial uses in the area. Housing has existed in the area since the 1980's before PI was even assigned to it, and it's only industrial because of the SE Power Corporation property to the south. Future Land Use designation 1.1, Criteria B, states this land has had a PI land designation since 1988, but houses have been in the PI land use designation since before that designation. Page 4, under RES 2, Policy 1.18, Criteria A, it says the subject parcel is not immediately adjacent to RES 2. She said they disagree with staff because Hammock Road is the only dividing line, and Hammock Road, in theory, would allow that property to be annexed over a road, so they believe it is immediately adjacent. She asked that the board adopt the comprehensive plan amendment of 4.845 acres from PI to RES 2 and believe that it is adjacent to RES 2.

Ms. Rezanka addressed the rezoning request for the entire 31.43 acres, and stated the property to the west of Hammock Road is RES 2, so RU-1-9 with a BDP is consistent, but if the board does not adopt the comprehensive plan amendment it would not be consistent with the parcel on the east side of Hammock Road. She stated the TR-1 zoning to the south of the subject parcel on the west side of Hammock Road requires 7,500 square-foot lots, and there are two that were built in 2003 and 2004; they could be smaller lots, and they are small houses. To the west of the parcel is RRMH-1, which are one-acre lots and there's a wide variety of types of homes of approximately 840 square feet, such as single-family, and manufactured, some of which are single and some are double. The property immediately to the south is the PUD from 2019 that was adopted by the City of Titusville, and the entire ordinance has been provided to staff for the record. There are half-acre lots, and 7,500 square-foot lots all around both subject parcels, the whole 31-acre parcel. She stated RU-1-9 requires 6,600 square-foot lots with a minimum floor area of 900 square feet. The property to the south that was rezoned in 2019 has 143 units, and 2 units to the acre. Page 3 of the rezoning staff comments, under Primary Concurrence, it states there is no anticipated decrease in maximum acceptable volume to U.S. 1, there is also no school concurrency issue, and although the property does not have water and sewer, the BDP states that the property will connect to City water and sewer. She said her client attempted to annex the property into the City for their services, but the City said it is not appropriate to annex, which is why they are in front of the County for this zoning change.

Mark Wadsworth asked why Titusville said it was not appropriate to annex. Ms. Rezanka replied she believes they thought it was too far from the hook-ups, but the PUD to the south will bring the water and sewer, so they will be able to connect.

Ron Bartcher advised a Planning Official from Titusville told him the City felt it would create an enclave, and State Statutes say you can't do that.

Ms. Rezanka stated the proposed BDP limits the density to two units per acre and asks for the RU-1-9 zoning to allow flexibility and design. She noted there's already a very large retention pond on the parcel they will have to work around. The intent of doing both parcels is to have the drainage structures and amenities on the east side of the property. If the board feels it necessary to put that in the BDP, or to limit the number of houses on the east side of Hammock Road, Mr. Genoni is willing to do that. This property has been owned by Mr. Goodenow since 1983; there's been no development on this property; it's not been feasible to develop because of the water and sewer, but bringing the water and sewer will improve what could be there with septic tanks. She asked the board to approve the comprehensive plan amendment on the 4.8-acre parcel on the east side of Hammock Road and the entire rezoning to RU-1-9 on the 31.43 acres, with the BDP. She noted she has put in to the

public record the parcel detail records from the PAO website of all the property around the subject property, just so it's in the record that they are one-half acre or 7,500 square-foot lots. She further noted that none of the objection letters are from the adjacent neighbors.

Bruce Moia asked what the lot sizes will be. Ms. Rezanka replied they only have to be 7,500 square feet. She said Mr. Genoni believes they are going to be bigger than that, but he hasn't done any engineering on the property yet, so he hasn't done a site plan.

Harry Carswell asked if the elevation of this subdivision been determined. Ms. Rezanka replied no, and there are some issues on the west side of Hammock Road, but her client has not done the elevations.

#### Public Comment:

Laurilee Thompson, 3550 Irwin Avenue, Mims, stated she is opposed to the change in land use. The proposed amendment to the FLU map will place RES 2 into an area of Planned Industrial, resulting in residential encroachment into a designated industrial area. The subject parcel does not serve as a transition between land uses with a density greater than two units per acre, and areas with lesser density. It's surrounded by PI land use; immediately north of the subject parcel is TR-3 zoning, which are modular and mobile home residences on approximately half-acre and one-acre lots. The subject parcel is not located adjacent to an incorporated area that would be considered a logical transition for RES 2. The City of Titusville boundary is located approximately 200 feet south of the subject property where a developed parcel with heavy industrial zoning and an industrial Future Land Use currently exists. Additionally, the subject parcel contains 100% hydric soils and a small area of mapped St. Johns River Water Management District wetlands. The potential exists for listed species, and a majority of the property is mapped as being within AE and X floodplains as shown on the FEMA flood zone map. The AE designation indicates areas that are at high risk for flooding. Flood zone X is an area that's designated by FEMA as having a moderate or minimal risk of flooding. She stated she has seen Hammock Road flood so badly, driving on it isn't possible; the ditches are full, running over into the properties. She noted there's not a lot of PI zoning in northern Brevard and who's to say that with the activities increasing at the space center that the proximity of this property to the Titusville railroad bridge, which connects the Florida East Coast Railway to the space center, may be used for industrial on this piece of property. She addressed the rezoning request for RU-1-9, and stated she is not opposed to growth. She noted she sat on the Planning and Zoning Board 13 years ago and supported projects for the developer that had four houses per acre in Mims. She stated those developments were within the core area of Mims, where there is water and sewer service; they were appropriate for those areas. Although the area between Jay Jay Road and Parrish Road doesn't fall within the boundaries of the Mims Small Area Study, it should be considered a transition zone to move from the higher densities of Titusville to the lower densities proposed in the Mims Small Area Study, which suggests that higher densities shall take place along and near U.S. 1, with the densities moving from four houses per acre, to two house per acre, and one house per acre, and as you get closer to Hammock Road, the densities go from one house per 2.5 acres, to one house per 5 acres, and one house per 10 acres. The bigger lots are closest to the Lagoon. She stated diminishing densities as you approach the Lagoon was what the Mims community wanted. The subject property is 650 feet from where the Mims small area boundary begins at Parrish Road. The Mims community felt so strongly about keeping densities low in order to protect the Lagoon, they created a shoreline preservation overlay zone along the Lagoon shoreline and the near-shoreline area. Any type of development within this zone, except what occurs on multi-acre lots should be discouraged. The

shoreline preservation overlay zone was the expressed wish of the community in order to keep the Lagoon area in Mims from being developed as other shorelines have been. If the shoreline preservation zone overlay was extended south from Parrish Road, the east side of the this proposed property would be adjacent to the shoreline overlay. A lot of relatively undisturbed hammock land exists along the waterfront here. This is a feature the Mims community views as positive and wishes to preserve. Another factor is that this area coincides with the State-defined Coastal High Hazard Area. Comprehensive Plan Amendments are expected to reduce development intensities in this high-risk zone. For the proposed development, the shoreline of the Indian River Lagoon will only be 850 feet away. There's a salt marsh only 200 feet from the property that is connected to the Lagoon through a culvert that goes underneath the railroad track. The eastern side of the subject property is the same distance from the river as are the lakes in the Chain of Lakes Park. Allowing this change in land use and zoning will set a precedent along both sides of Hammock Road for others who wish to develop in the future. In the Mims small area plan nothing less than one home per 2.5 acres was suggested for either side of Hammock Road unless it is a pre-existing zoning. The developer is asking for the same density as Brooks Landing Phase I, which is further to the west and closer to U.S. 1. The homes that already exist are mostly on one acre or larger lots and they've been there for decades. Aside from Brooks Landing Phase 1 to the west, there is no pattern of higher density development. She stated there are other properties in North Brevard where this kind of density is acceptable. She said Hammock Road, from where it starts at the north end of the Chain of Lakes Park, all the way to where it ends north of the County line, does not have any existing housing close to the river that is similar to what the developer is proposing. She concluded by saying there's no precedent of any changes to existing land use or zoning along Hammock Road and this stretch of the Lagoon; therefore, there is no reason to start the process of allowing changes.

Terri LaPlante, 4052 Friar Tuck Lane, Melbourne, stated she is against the rezoning of property for Phase II of Brooks Landing as it lies too close to the Indian River Lagoon. The voice of the residents of Brevard County made clear that they want the Lagoon restored, and taxed themselves to restore the Lagoon. She stated despite everything being done to restore the Lagoon, it is not enough and the growth must be managed of any nearby development. The prosperity of the state and local community depends upon cleaning up the waterways and protecting what is left of the drinking water supplies. She noted the Florida Department of Environmental Protection Basin Management Plan mandates that since the North Indian River Lagoon is an impaired water that currently does not meet State water quality standards, new development in the basin cannot increase nutrient loads to the Lagoon. Also, to ensure the future growth does not add to the degradation of the North Indian River Lagoon, local governments must be proactive in controlling loads from future growth. The FEP recommends low-impact development to minimize the impact of new developments. She urged the board to enforce compliance with the comprehensive plans that are in place to ensure the economic prosperity of the majority rather than a single business interest.

Kim Rezanka stated residential is seen as less intense than industrial. Single-family homes are allowed in PIP zoning, and they are there now to the east side of Hammock Road. She said she doesn't believe this is introducing RES 2 to industrial, she believes it is an extension across Hammock Road and an existing RES 2. There's mostly wetlands on the property to the east of this Future Land Use application, so it's likely nothing will be built there and that's what the residents want, they don't want anything to be built there because it's been that way for so long. The soils, floodplains, and wetlands are all site plan issues. Currently, even though the land use is industrial, the zoning is AU, so it's still going to have to be rezoned to something allowed in Planned Industrial, and that could be a junkyard, a hotel, or overnight commercial parking, versus several homes, a drainage

pond, or amenities that are planned for the east side of Hammock Road. She noted Brooks Landing Phase I will not be interconnected to the subject property. The residents did not want that and Mr. Genoni agreed not to combine Phase I with Phase II because of the traffic concerns on the road to the south. The Brooks Landing Phase I to the south of the property at issue is a trend because all of this other land has been developed long ago. As to other development along the Indian River, at least to the south there are several mobile home parks along the river, so there is development next to the river. As to Ms. LaPlante's concerns, this development will be connected to sewer as part of the binding development plan; if it's not connected to sewer then it cannot be built. She asked the board to approve the comprehensive plan amendment and rezoning.

Mr. Wadsworth asked if the BDP states the project will also be connected to water. Ms. Rezanka replied yes, and the developer will have to bring that, which will be beneficial to both developments if this is approved.

Peter Filiberto stated he agrees PI is more impactful than residential; however, it does seem to be a high-impact development project with 32 acres and the developer wants 62 lots. He noted that usually as a rule of thumb 25% is subtracted for roads, utilities, et cetera, so he sees it more as 47 houses and that's an impact in itself. He asked if the developer was stuck on RU-1-9. Ms. Rezanka replied RU-1-9 is the 6,600 square foot lots, and noted she doesn't have the authority from the developer to do anything lesser, but if the board wanted to limit it to larger lots, such as 7,500 square foot lots, which is what the properties to the south are, she doesn't think that would be a problem.

Mr. Filiberto noted the staff comments state there is no deficiency in transportation, the developer is willing to hook up to water and sewer, and there is the capacity for schools in the area.

Joe Buchanan asked if the developer plans to put a landscape or buffer wall around the property. Ms. Rezanka replied he will have to comply with the landscape code and buffering code, and next to the industrial it will probably be mandated, but she is not sure about the existing residential. Mr. Buchanan stated the Natural Resources Management report states there are some wetlands to be concerned with, and asked if it is a small percentage. Ms. Rezanka replied there are some wetlands on the east side of Hammock road and also some elevation problems the developer will likely be limited by with compensatory storage.

Mr. Wadsworth asked for the representative from Natural Resources to comment.

Jeanne Allen, Natural Resources Management Department, stated the noteworthy land use issues were wetlands and hydric soils, but she didn't see that mapped on the east side, although she did see a portion of it on the west side, to the south. She said that until she gets a full wetland report she won't know exactly know where the wetlands are, but it does look like there could be some spots of it. She noted the Indian River Lagoon Septic Overlay will not be an issue because they are going to connect to sewer through the BDP.

Ron Bartcher stated the small area study stopped at Parrish Road because it was expected that the City of Titusville would annex all the property up to Parrish Road. He said had it been included in the study, everything on the other side of Hammock Road would be Residential 1:25 or less, just like it is the rest of the way north. He stated he personally thinks residential is better than industrial; however, RES 2 is not the right number, it should be Residential 1:2.5. He said it should be low-density, as it is

too close to the Lagoon, and too much money has been spent trying to repair it. He said the density should be kept as low as possible, and no development at all would be even better.

Motion by Ron Bartcher, to deny the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2).

Jeffrey Ball stated the board could recommend a lower intensity land use it feels is more appropriate, such as RES 1 (Residential 1).

Ron Bartcher modified his motion to recommend Residential 1:2.5.

Joe Buchanan seconded the modified motion.

Mr. Moia stated the board can make restrictions on the development in the BDP. He said the reason for the request for Residential 2 is for the density on the overall piece, and by getting Residential 2 on the 4.8 acres, they get nine units; at one unit per acre they get four units. He said he is not in favor of the motion but he would be in favor of more restrictions on the BDP during the zoning part of the discussion because there are things the board can do and still give the developer the ability to develop the project.

Mr. Bartcher pointed out that the larger piece of property is already Residential 2, so there is no need for a Future Land Use change on that, and by separating them, they are creating two separate issues. He said the board can focus on the issue of the 4.85 acres and keep it separate from the other.

Mr. Moia stated if the developer is looking for a number of lots he has to get the Residential 2, but the board can limit development on that side of the road and he can still have his density count on the overall project.

Mr. Hodgers asked Ms. Rezanka if she said the 4 acres on the east side would largely be for drainage. Ms. Rezanka replied it will be for drainage, stormwater, and possibly amenities. She noted Mr. Genoni is not sure he's going to put homes on the east side, but currently, in PIP, he could build one unit per acre.

Mr. Hodgers stated if Residential 2 is on the larger parcel, the board could add to the BDP that the east side would be for drainage or amenities. He said he'd be in favor of that rather than try to combine them together and denying the whole request because of the east side.

Mr. Bartcher said he would be willing to put that into the BDP, that development be severely restricted, and he'd like to see the development restricted on that property to less than one unit per two and a half acres.

Mr. Ball clarified that right now, the board is only talking about the land use request, which is Residential 2, so there needs to be a recommendation for that, and then the board can move onto the zoning action and BDP.

Motion by Ron Bartcher, seconded by Joe Buchanan, to recommend approval of Residential 1:2.5.

Mr. Hodggers asked staff if the developer can do what he is proposing at Residential 1:2.5 on the east side with drainage or amenities and not build houses on that side at all.

Mr. Ritchie stated Code Section 62-2116 states when a property divided by a public road right-of-way and the lot is big enough to meet the zoning criteria, you're looked at as the owner of two different lots. The board can look at the comprehensive plan issue and leave it as PIP and change the land use to a different designation. He said for the zoning, RU-1-9 is what is requested, and there could be multiple lots on that 4-acre piece of property, so it's big enough to stand on its own. The applicant has not requested a transfer of development rights to take the development rights the site could generate, which right now is zero residential, to move it to the other side of the roadway. He stated those units would be captured in this piece of property unless they came in for that type of request. If they want to transfer units, they would have to make a new request to transfer units off of that tract to the other piece of property. How the subdivision gets platted and developed later on, how they share or don't share the retention and stormwater, that would be a different issue that would be addressed during that platting process.

Mr. Moia asked if the developer could not do a unity of title to have it considered one piece of property. Mr. Ritchie stated Section 62-2116 states, where a property meets the requirements on both sides of the road you're considered the owner of two different lots. Mr. Moia stated the land use is already Residential 2. Mr. Ritchie stated if the developer wanted Residential 4, they would need to amend both of them and it would be considered two separate applications because each side of the roadway would be considered a separate lot. Mr. Moia asked if the zoning could be considered under one lot. Mr. Ritchie replied it would be the binding development plan that would limit development on the total property. He stated if it was kept it as Residential 2 and the developer wanted to transfer units, there would still need to be a development rights application, but if they want to keep the units that the east side could develop on the east side, and units on the west side that they could develop on the west side, that would just be part of the zoning application.

Mr. Moia asked if they could have asked for that as part of this process if they wanted to. Mr. Ritchie replied the PUD zoning would allow for some transfer of development rights within the project, but this is a single-family residential zoning request, so that would be a separate action.

Mr. Moia asked how many units per acre could they get under PI on the east side. Mr. Ritchie replied if the use for single-family residence is a permitted with conditions use, it is not a permitted right. The code says if the property was recorded before 2004, that property owner could build one house on the entire.

Ms. Rezanka stated PIP is one unit per acre. Mr. Ritchie stated the zoning would be inconsistent with the comprehensive plan; the zoning has a vacant property, so the current zoning doesn't have a standing on the property. The comprehensive plan has to be looked at first, and when the comprehensive plan says PIP, there is a minimum lot size and there is a minimum Planned Industrial Park tract size. The zonings that would fit in PIP would be a PIP zoning or a GML zoning. The compatible PIP zoning is where there could be one single-family residence on the property to be vested for one residential unit. There is another provision in the permitted with conditions note for PIP that says either the property be owned before 2004, or deed restrictions in place on the property before 2004 to be able to allow residential use.

Ms. Rezanka stated Mr. Goodenow purchased the property in 1983, so it existed prior to 2004. Under 62-1542, it's a conditional use that allows one unit per acre which she believes would be sufficient and it would be hard for the County to deny a conditional use when there is a single-family home of a half-acre to the north of it. She said she is unfamiliar with the transfer of density, but her client doesn't have that density to transfer right now, so it wouldn't have made sense for Mr. Genoni to have applied for that.

Mark Wadsworth called for a vote on the motion as stated and it failed 8:1, with Moia, Glover, Hodggers, Wadsworth, Carswell, Buchanan, and Theodore voting nay.

Motion by Bruce Moia, seconded by Ben Glover, to approve the request for a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The vote passed 8:1, with Ron Bartcher voting nay.

Mr. Moia said for the rezoning request his only concern is the lot size, because it would be very unusual to have a 6,600 square-foot lots in this area. He said there is residential development in the area, but for the most part they are half-acre lots, so 6,600 square feet would be inconsistent. He stated at 31 acres, even if every lot was a half-acre, the developer could probably not get full capacity because of the other infrastructure. The board would need a realistic lot size for the west side and a separate one for the east side, because the east side should be more restrictive. Right now, it's an agricultural grove, and that's one of the worst land use categories for polluting the river because it's untreated, direct discharge.

Ms. Rezanka stated without the engineering, there is no way to know how big the lots can be. She said she doesn't have a problem with one-acre lots on the east side, but she doesn't have the authority to make decisions on the west side, but the board can table the request and Mr. Genoni could be present at the next meeting.

Motion by Bruce Moia, seconded by Peter Filiberto, to table the request for a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units to the July 6, 2020, Planning and Zoning Board meeting. The vote was unanimous.



Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Calkins, Tad](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Today's P&Z agenda  
**Date:** Monday, June 15, 2020 9:11:05 AM

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FYI

**From:** Marlys Breckle <marlysjrb@gmail.com>  
**Sent:** Monday, June 15, 2020 9:05 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** Today's P&Z agenda

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

Dear Mr. Calkins,

I am very concerned about the request to increase density for the Brooks Landing property in Mims adjacent to Titusville. More importantly, this property is close to the Indian River Lagoon. As you are aware, the lagoon is fragile and a lot of work is being done to save it. More density will inevitably increase the amount of pollution emptying directly into this precious body of water. Please don't be convinced to risk more damage by allowing this.

Thank you.

Marlys Breckle

Titusville

**From:** Calkins, Tad  
**To:** Jones, Jennifer  
**Subject:** FW: Theodore Goodenow Small Scale Plan Amendment and rezoning request. Items 1&2  
**Date:** Monday, June 15, 2020 9:18:34 AM

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Objection  
19PZ00158  
20PZ00024  
Goodenow

FYI

**From:** Dwight Severs <dws1128@yahoo.com>  
**Sent:** Monday, June 15, 2020 8:21 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** Theodore Goodenow Small Scale Plan Amendment and rezoning request. Items 1&2

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

Please convey to the Planning and Zoning Board my opposition to the proposed amendment to the Comprehensive Plan and request for zoning changed mentioned above. Please uphold and maintain the Mims SAP and denie this request. Please do not allow additional discharging into the Indian River Lagoon. Past approvals continue to damage or destroy, with the storm water run off, the lagoon. Dwight Severs Titusville Florida

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Calkins, Tad](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Opposition to Zoning Change for Two Parcels  
**Date:** Monday, June 15, 2020 9:19:27 AM

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FYI

**From:** Lew Kontnik <lewkontnik@gmail.com>  
**Sent:** Monday, June 15, 2020 6:57 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** Opposition to Zoning Change for Two Parcels

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

Dear Mr Calkins:

I am writing as a resident of Brevard and supporter of the restoration and preservation of our balance with nature to oppose the high-density rezoning of the following two parcels at this afternoon's Zoning meeting:

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)
2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

Allowing this change in land use and zoning will allow increased density in an area which does not currently support this type of development. Additionally, it will set a precedent for others who wish to develop in the future along both sides of Hammock Road. In the Mims SAP, nothing less than one home per 2.5 acres is suggested for either side of Hammock Road, unless it was a pre-existing zoning. The proposal asks for the same density he got in Brooks Landing Phase I, which is located further to the west by US 1. The homes that exist here are for the most part on one-acre or larger lots. They have been here for decades. Aside from Brooks Landing Phase 1 to the west, there is no pattern of high-density development here.

Approval of this rezoning request will set a bad precedent. We are spending millions of dollars and many people are doing hard physical work to clean up the lagoon. What sense does it make to allow additional high-density development to occur near its waters, especially in an area that has no history of such dense development?

Lew Kontnik

[LewKontnik@gmail.com](mailto:LewKontnik@gmail.com)

H/O 321 775 3327

C 805 558 2295

[www.HelpTheLagoon.org](http://www.HelpTheLagoon.org) : Work has begun on the Save Our Lagoon Project Plan funded by the half-cent sales tax. After more than 50 years of neglect, restoring our Lagoon will not happen quickly and we've started the process of healing.

Our Vision: The Brevard Indian River Lagoon, with clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where our families can play

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Calkins, Tad](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Comments to Phase 2 of Brooks Landing that the Planning and Zoning Board will be hearing on Monday June 15.  
**Date:** Monday, June 15, 2020 9:20:36 AM  
**Attachments:** [Brooks Landing Wetlands and Waterways.pdf](#)

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FYI

**From:** William Klein <klein\_william\_r@hotmail.com>  
**Sent:** Monday, June 15, 2020 1:03 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Cc:** Pritchett, Rita <Rita.Pritchett@brevardfl.gov>  
**Subject:** Comments to Phase 2 of Brooks Landing that the Planning and Zoning Board will be hearing on Monday June 15.

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

Mr. Tad Calkins,

I cannot attend the Planning and Zoning Board hearing on Monday June 15, because I have lung problems from many years of asthma and Bronchitis. I am at high risk from COVID-19. Therefore, I am submitting my comments about Brooks Landing.

**Comments to Phase 2 of Brooks Landing that the Planning and Zoning Board will be hearing on Monday June 15.**

May 1996 SJRWMD published "Indian River Lagoon Our Heritage At Risk - Indian River Lagoon Comprehensive Plan". It stated the critically poor conditions of the IRL and the loss of marine life caused by inadequate development Regulations and Enforcement Rules. The pollution comes from the polluted runoff from the land. The IRL Comprehensive Plan defined many projects and actions required to restore the IRL. The same ones that the IRL Council states today. It stated that that Regulations and Enforcement Rules are needed to protect surface water quality and aquatic habitats. In the 23 years since then our legislators have failed to adequately regulate and protect the IRL from High Impact Development (HID).

The IRL was clean, clear, and full of marine life before HID was allowed around the IRL. The IRL had the second most prolific oyster and clam harvests in Florida after Apalachicola Bay. The various habitats of forests, scrub lands, wetlands, natural living shorelines, streams ponds, sea grass beds, marine nurseries, and oyster beds slowed down stormwater flow, cleaned, purified, and absorbed the water into the aquifer or returned it to the IRL. The county started allowing HID with its clear cutting, filling in wetlands, regrading the land, replacing the natural areas with buildings, lawns, roads, and concrete. They required the Developers and Cities to install stormwater systems to quickly drain and transport the stormwater with the fertilizers, pesticides, insecticides, and other pollutants to the IRL without filtering, cleaning, or returning the water to the aquifer. This has been the main cause of exterminating local wildlife species in their respective habitats, oysters and clams in most of the IRL, fish kills, increasing the heat island affect, and loss of adequate fresh drinkable water supplies without drilling new wells.

These are my comments to Titusville City Council for Phase 1 of the Brooks Landing. They also pertain to Phase 2 with the additional comment that **NO SEPTIC TANKS SHOULD EVER BE APPROVED FOR PHASE 2.** Phase 2 is much closer to the IRL and will be more devastating to the IRL

1. The 6 wetlands shown in green on the attached Pdf file are connected by the streams and waterways as shown in blue (on the aerial view in Atlantic Environmental of Florida's "Environmental Assessment on Brooks Landing" Figure 5 Land Use Map) must remain in the final development. They cannot be destroyed or filled in with dirt. Bridges and culverts should be used to allow traffic to cross over the streams and waterways.
2. The tree canopy should be maintained and no clear cutting of trees allowed. House lots should maintain the maximum number of trees as possible.
3. All trees cut down need to be inventoried and documented. The benefits and values of trees should be calculated and quantified by the use i-Tree. This calculated cost will be the Tree Mitigation Cost that must be paid to a Titusville Urban Forestry Account or else an equal value of trees planted on Titusville City property. The benefits of one Live Oak 2 ft in diameter over 20 years is \$2292 and the storm water it would absorb is 491,000 gallons.

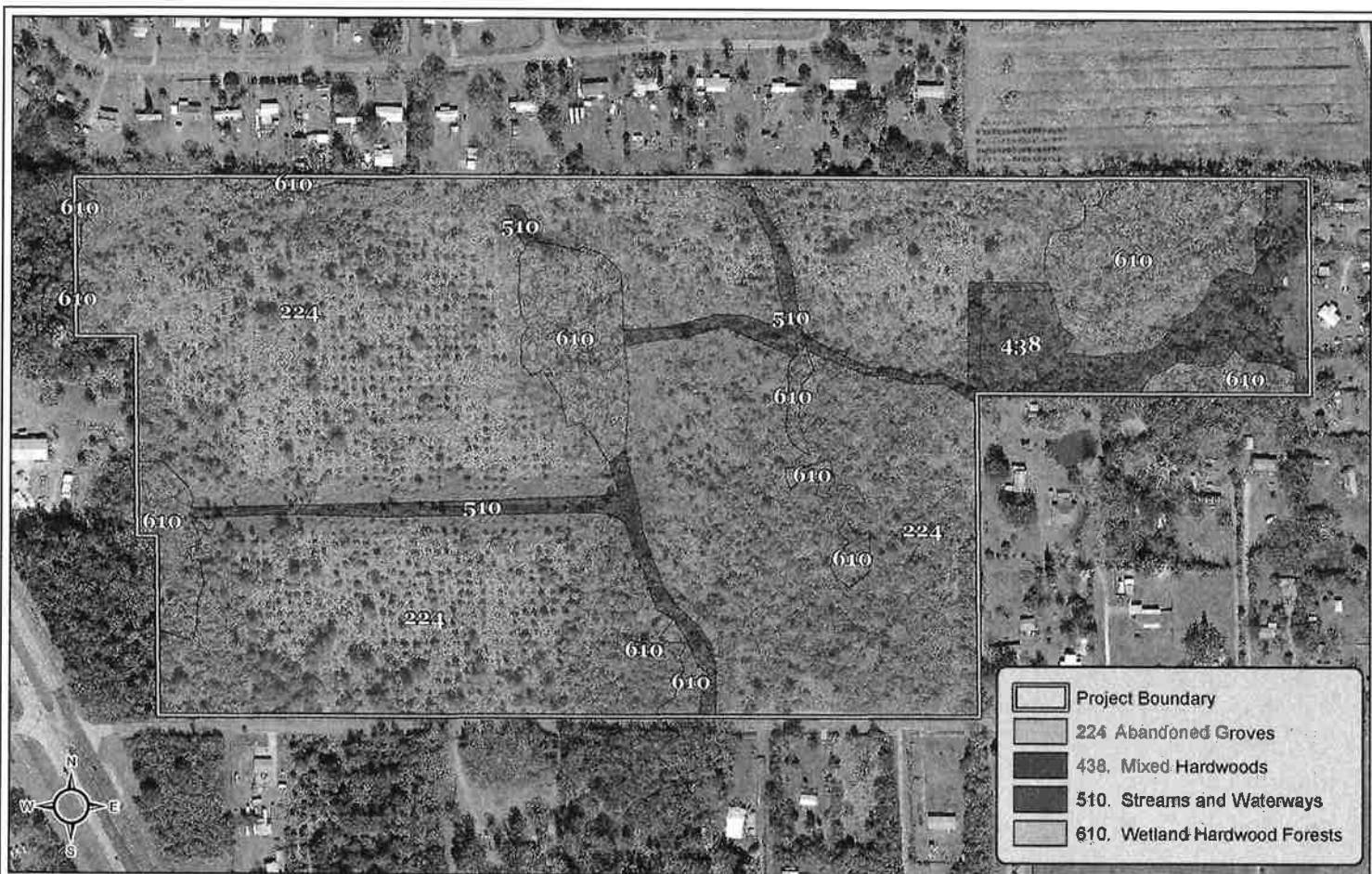
4. The retention ponds and storm drain protection must be designed to the Brevard County 08/24/2017 Flood Map not the April 3, 1989 Flood Map.
5. The retention ponds should be designed for the latest rain fall prediction for a 24 hr period of the 100-year storm or 38.7 inches which was the maximum 24 hr. rainfall in Florida. Brooks Landing was only designed for 3 inches. There will be 81 Million gallons of rain water for 38.7 inches of rain instead of the 6 Million that the project is designed for. Therefore, there will be 13 times more storm water that the retention ponds and drainage is designed for.
6. The project plans to clear cut 46 acres for home lots. One acre of land with 35 mature trees can absorb about 335,000 gallons of polluted storm water per year. Therefore converting 46 acres of forests could create 15 Million gallons of polluted storm water per year that can contaminate the IRL.

#### Description of the proposed development.

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)

2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

There are two parcels for a proposed development -- Phase 2 of Brooks Landing in north Titusville. Phase one has already been approved by the City of Titusville. Hammock Road passes through the Phase 2 property, creating two parcels. The bigger portion is on the west side of Hammock Road (Parcel #2 in the attached image) and a smaller 4.85-acre piece (Parcel #1 in the attached image) is on the east side of Hammock Road. The developer is seeking a land use change from PI to Res 2 for the 4.85-acre eastern portion of this split development. The developer is then seeking to change the zoning for the entire 31.43-acre development (both parcels) from AU to RU-1-9.



**Project: Brooks Landing**

**Figure 5: Land Use (FLUCFCS) Map**

0 200 400 800 Feet

18 Aerial, Brevard County, Florida

**ATLANTIC**  
ENVIRONMENTAL  
ENVIRONMENTAL PERMITTING & MITIGATION

AES Proj #: 18100



Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Nayra Atiya](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Comments, Brooks Landing Phase 2  
**Date:** Monday, June 15, 2020 10:47:48 AM

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

Dear Ms. Jones,

As a resident of Titusville, I am deeply concerned about the health of our Indian River Lagoon. Surely you must be as well. We have seen this magnificent gift of God fail under our tutelage. Increasing density east of US 1 goes against all our efforts to restore the IRL. I am imploring you to kindly vote against the Brooks Landing Phase 2 zoning change for this reason. It is a glaring example of high impact development in a most environmentally sensitive area. We cannot afford to cause further harm without digging our own graves. With your help, perhaps there can be hope. Please deny the zoning change for Brooks Landing Phase 2.

Gratefully yours,

Mrs. Nayra Atiya  
Titusville, Florida

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Calkins, Tad](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Request to DENY and NOT approve  
**Date:** Monday, June 15, 2020 11:08:49 AM

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FYI

**From:** Ruthie Cook <ruthiecook4@gmail.com>  
**Sent:** Monday, June 15, 2020 10:57 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** Request to DENY and NOT approve

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

To the County Commissioners when this re-zoning request comes before you. RE: Theodore Goodenow (Chad Genoni)  
(1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1) AND (19PZ00158) (Tax Account 2105262) (District 1).

i hope the right questions have been asked Before Approval.

approval of this rezoning request will set a bad precedent and is almost foolish to approve.

**While We are spending millions of dollars! And many people are working really hard, doing physical work, to clean up the lagoon. And It Is Working!**

What sense does it make to allow additional high-density development to occur near its waters, especially in an area that has no history of such?

Yet, in one fell swoop, one approval - one is allowed to take much from so many. for money!

Can we not build just about anywhere? What are lessons learned?  
Can we go to the Indian River just anywhere?  
We need to care, it means money for many, the tricks are not free.

I may need a champion fighter! Anyone? Do Not Approve.

RE:

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)

2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62

units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

--  
Best regards,  
Ruthie

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Calkins, Tad](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: P & Z Agenda Items 1 & 2 No Please  
**Date:** Monday, June 15, 2020 11:09:32 AM

---

FYI

**From:** Stephen E. Chalmers <pitmedden1@gmail.com>  
**Sent:** Monday, June 15, 2020 9:14 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** P & Z Agenda Items 1 & 2 No Please

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

Director Calkins,

Our county future is bright and beautiful with all inclusive longer term planning.

Much good work and treasure has been and is being invested toward sensible development goals. We need to deliver at moments such as this afternoon's meeting in order to achieve them.

Please vote down items 1 and 2.

Respectfully,

Stephen E Chalmers  
2160 Windbrook Dr, Palm Bay, FL 32909  
[schalmers@cfl.rr.com](mailto:schalmers@cfl.rr.com)  
321 795 9008 mobile

**From:** [Michael Myjak](#)  
**To:** [Calkins, Tad](#); [Jones, Jennifer](#)  
**Cc:** [Pritchett, Rita](#)  
**Subject:** Comments to Phase 2 of Brooks Landing P&Z hearing on Monday June 15.  
**Date:** Monday, June 15, 2020 11:09:53 AM

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

Dear Mr. Tad Calkins,

I regret that my health prevents me from attending the P&Z meeting this afternoon. Please bring my comments forward to the P&Z board.

I have been a volunteer and advocate for the Indian River Lagoon (IRL) since well before we didn't have clams to harvest. (Oysters, too!) That's why I joined the Titusville Environmental Commission so many years ago.

There is no disagreement that in recent years we have learned so much about how to take care of the IRL. Our knowledge and understanding of what to do and what **not to do** are, however, moving much faster than our county or municipal code can be amended.

So in this case, I think the Mims Small Area Plan (SAP) said it best by affixing zoning in this area to the existing land use, thus directing lower density development toward the water's edge.

The Mims Small Area Plan thus stands in stark contrast to the Brooks Landing Phase 2 proposal. This Brooks Landing Phase 2' effort is all about business as usual - increasing the density of development to maximize the profits of one, at the expense of the IRL and everyone else.

The loss of sea grass beds to algal blooms, fish kills, and the loss of hundreds of dolphins, manatees and brown pelicans over the years are all symptoms of the suffering we have brought to the IRL.

Now is the time to stand on the Mims SAP and deny the zoning change. To do otherwise, would set a very bad precedent. Its also what the local folks in Mims have already said what they want.

May you be Happy & Well,

Michael Myjak  
Titusville Environmental Commission

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** Calkins, Tad  
**To:** Jones, Jennifer  
**Subject:** FW: Brooks Landing Phase 2  
**Date:** Monday, June 15, 2020 11:10:02 AM  
**Attachments:** BMAPexcerpt.docx

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FYI

**From:** dbotto1 <dbotto1@cfl.rr.com>  
**Sent:** Monday, June 15, 2020 9:54 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** Brooks Landing Phase 2

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

Dear Mr. Calkins,

It is imperative that the subject request for changes to the Comprehensive Plan and Zoning Law be denied. We are 3 years in to a 10 year, high cost effort to restore one of the most valued habitats in North America, the Indian River Lagoon. It is an unimpeachable fact that the current dire condition of our lagoon is the result of bad management of development. We're working to repair and correct the result of that fifty years of neglect. The will of the people is clear, we voted to tax ourselves to pay for this attempt. At this point in time, the lagoon has shown little improvement in water quality and even less in the all important measure of sea grass coverage. This proposed development contradicts the objectives of the Save The Lagoon Program. Brooks Landing Phase 1 was granted a density change that was less than proposed but still will increase run-off harm to the lagoon. Now Phase 2 is much worse. This property may not meet the strict qualification of a wetland but for all practical purposes that is exactly what it is. The proposal indicates hedges that will ensure lagoon damage. Septic use guaranteeing 65% pollution removal in case sewer is not timely available is not possible. That level of effectiveness is highly dependent on the ambient soil condition and this soil is not conducive. Your staff comments indicate hydrologic soil characteristics throughout. This property, only 850 ft from the lagoon shore line and adjacent to a salt marsh, is a textbook candidate for designation by our EELS as part of the Florida Forever Lagoon Blueway program. Mr. Genoni should offer it as such in thanks for getting positive allowance for Phase 1.

We must not continue to make the same development mistakes that got us where we are today. WE MUST LOOK TO THE FUTURE!

Deny this change.

David C. Botto  
275 Poinciana Drive  
Indian Harbour Beach, FL 3293  
TEL 321 773 2327

Section 1.5 of the adopted Banana River Lagoon BMAP addresses loadings from future growth and redevelopment. The BMAP does not include a specific allocation for new development or redevelopment because of ERP Program requirements. The ERP Program requires that new discharges into the basin cannot increase existing loads. This is called "Net improvement" and means that the post-development pollutant loading for TN and TP can't exceed the pre-development pollutant loading. All ERP applications must include documentation demonstrating compliance with state water quality standards, as well as showing that the project does not adversely affect the quality of receiving waters, resulting in water quality standards violations. Since the Banana River Lagoon (BRL) is an impaired water that does not currently meet state water quality standards, new development and redevelopment within the BMAP area or watersheds cannot increase nutrient loads to the BRL. Unfortunately, the "Net Improvement" requirements in BMAPs are not included in Florida's ERP program requirements which need extensive revising.

The BMAP also states "Although future development may meet state stormwater standards, the development may still add a nutrient load to the lagoon. To ensure that future growth does not add to the degradation of the BRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations." LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. However, allowing LID techniques typically requires changes in local government Comprehensive Plans and Land Development Codes.

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** Calkins, Tad  
**To:** Jones, Jennifer  
**Subject:** FW: I object to Agenda Items 1 & 2  
**Date:** Monday, June 15, 2020 11:59:11 AM

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FYI

**From:** Toni <tonibizness@aol.com>  
**Sent:** Monday, June 15, 2020 11:25 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** Fwd: I object to Agenda Items 1 & 2

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

sorry forgot to ID myself:

Toni Shifalo  
715 Tropic Street  
Titusville, 32796

321-512-9900

-----Original Message-----

**From:** Toni <tonibizness@aol.com>  
**To:** tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>  
**Sent:** Mon, Jun 15, 2020 11:23 am  
**Subject:** I object to Agenda Items 1 & 2

To the Planning and Zoning Board:

Concerning the Planning & Zoning Board meeting scheduled today, June 15, 2020:

I oppose both agenda items 1 & 2 concerning the request by Theodore Goodenow, Chad Genoni to change the Future Land Use designation from PI to RES 2 on the 4.85 acre property east of Hammock Road, and to change the zoning classification from AU to RU-1-9 on both this property and the 31.43 acres located on the west side of Hammock Road.

I especially oppose the change of the smaller parcel from PI to Res 2 as it is clearly against the recommendations of both Staff and the Natural Resources Management Dept. FLU & Summary Item #20PZ00024. This small acreage consists of hydric soil and possibly a wetland. It's location near the Indian River Lagoon makes it a particularly sensitive environment and probably should NOT even carry the PI classification.



Changing the zoning on the larger parcel west of Hammock Road is a bad idea also. The proposed development does not meet the criteria set forth in the Administrative Policies set by the county. In Criteria C, Administrative Policy 2, it states a proposed development should be consistent with emerging or existing patterns of surrounding development. It does NOT. And it violates relevant policies in any elements of the Comprehensive Plan.

Please vote NO on these agenda items.

Toni Shifalo

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** Calkins, Tad  
**To:** Jones, Jennifer  
**Subject:** FW: Comments re this afternoon's re-zoning request  
**Date:** Monday, June 15, 2020 11:59:52 AM

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FYI

**From:** lisa.ruckman@yahoo.com <lisa.ruckman@yahoo.com>  
**Sent:** Monday, June 15, 2020 11:23 AM  
**To:** Calkins, Tad <tad.calkins@brevardfl.gov>  
**Subject:** Comments re this afternoon's re-zoning request

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

Re: Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment from Planned Industrial to Residential 2. (20PZ00024) (Tax Account 2105262 - part of) (District 1)

Mr. Calkins:

I am writing to ask that this high- density re-zoning request be denied. Based on what the Mim's neighborhood has set up to be a lower density to match the area and the concerns for the Lagoon, it seems that this amendment would not be prudent.

As a volunteer with the Brevard Indian River Lagoon Coalition, I know that there are limited areas where the rain water can naturally filter to the Lagoon. Higher Density development is best left out of these few lower density areas we have left.

Sincerely, Lisa Ruckman

**From:** [kay.st.onge](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Rezoning for Phase 2 Brooks Landing  
**Date:** Monday, June 15, 2020 12:07:43 PM

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

Public comment for June 15 Brevard County Planning and Zoning Commission meeting:

1. Theodore Goodenow (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment (20S.02) to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2). The property is 4.85 acres, located on the east side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (20PZ00024) (Tax Account 2105262 – partial) (District 1)

2. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1)

These rezoning requests are detrimental to the Indian River Lagoon. The Florida Department of Environmental Protection's Basin Management Plan mandates that "Since the North IRL is an impaired water that does not currently meet state water quality standards, new development in the basin cannot increase nutrient loads to the lagoon. " Also, "To ensure that future growth does not add to the degradation of the North IRL, local governments must be proactive in controlling loads from future growth. " The FDEP recommends Low Impact Developments to minimize the impact of new developments.

The property to the east side of Hammock Road is too close to the Indian River Lagoon for development and would inevitably impact the Indian River Lagoon. No change in zoning should be approved. Septic tanks should be prohibited.

Retain the agricultural residential zoning of the 31.43 acre parcel to the west of Hammock Road. Any development should mimic the existing density of nearby houses, and utilize low impact development strategies, preserving trees to reduce stormwater runoff and to reduce heat buildup. Hookup to the Titusville sewage is essential. Septic tanks should be prohibited.

Many nearby residents and citizens of Titusville objected to Phase 1 of Brooks Landing before the Titusville City Council. Now we urge the Brevard County Commissioners to reject requests to rezone this land adjacent to the Indian River Lagoon for development purposes.

Thank you for considering the viewpoints stated above.

Kay St. Onge  
Titusville Tree Team

Dear Commissioner Pritchett,

I would like to bring to your attention a few issues related to zoning changes being considered for Theodore Goodenow. These include the arsenic and other chemical contaminants on the parcel west of Hammock Road-it used to be an orange grove. The proximity of the East parcel to the Lagoon and the LNG railway putting homeowners and the Lagoon in harms way. The need for the county to offer incentives to developers to provide our community with LID neighborhoods. To my knowledge we do not one and I am only one of many who would like to buy a new home in a "green" "lagoon friendly" community.

I would like to give you further details and suggestions of additions to the BDP and answer any questions you have.

I look forward to talking to you.

Blessings,

Terry LaPlante  
(321) 543-2156

**Commissioner, D1**

---

**From:** Marlys Breckle <marlysirb@gmail.com>  
**Sent:** Wednesday, August 5, 2020 5:31 PM  
**To:** Commissioner, D1  
**Subject:** Parrish Landing Zoning Request 19PZ-00158

**Categories:** EMAIL CAMPAIGNS

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

Dear Ms. Pritchett,

Please think about how important it is to protect the Indian River Lagoon from further deterioration before approving this land use and zoning request. The whole community is trying everything we can and taxing ourselves to improve the Lagoon. It is crazy and counterproductive to even consider allowing more stormwater to enter the lagoon. Any pesticides and herbicides and drips from automobiles can only go downhill. This property is very close to the lagoon. Sooner or later it will end up in our precious lagoon.

Do what is right for the whole County. Thank you.

Sincerely,  
Marlys Breckle  
3 Indian River Ave, Titusville, FL 32796  
[marlysirb@gmail.com](mailto:marlysirb@gmail.com)

**Commissioner, D1**

---

**From:** kathieb6@yahoo.com  
**Sent:** Wednesday, August 5, 2020 6:09 PM  
**To:** Commissioner, D1  
**Subject:** RE agenda item #1 August 6th Zoning change requests of concern  
**Attachments:** Recommended Action for BOCC.docx; Picture clipping.pictClipping; Parrish Re-Zone Request 6Aug2020-A.pdf  
  
**Categories:** EMAIL CAMPAIGNS

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

Dear Commisioner Pritchett,  
Tomorrow evening you will be discussing zoning change requests below.  
**Parrish Road (1930 Hammock Road) Re Zoning Request #19PZ 00158**  
and  
**Hammock Road Re-Zoning Request #20PZ-00024**

Kindly table approval of these zoning changes until more information and planning are received regarding run off water managemen in these areas. The locations in question have very high water tables. The exisitng drainage ditches are already insufficient. Additionally, draining surplus water into the Chain of Lakes property would likely overload that system, detracting from our beatiful facility there. We need to prevent very expensive damages before they occur rather than after. Titusville needs intelligent development, not mud on our faces.

Please see attached. Thank you.

Respectfully,  
Kathleen J Benson  
Titusville resident

Sent from my iPhone

**Commissioner, D1**

---

**From:** Jo Shim <shimjo2001@yahoo.com>  
**Sent:** Wednesday, August 5, 2020 10:05 PM  
**To:** Pritchett, Rita; Commissioner, D1  
**Subject:** Concerns About Parrish Landing  
**Attachments:** Recommended Action for BOCC.docx

**Categories:** EMAIL CAMPAIGNS

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

Dear Commissioner Pritchett,

I am writing to express my concerns about the Parrish Landing development project, the potential for flooding from that project and the damage that would eventually be caused to the Indian River Lagoon. Details are covered in the attached document.

At this time I am asking that BOCC delays approving the requested zoning change and development approval until the public can be assured that this development will not cause increased flooding.

Thank you,

Jo Shim

4010 Dakota Ave.  
Cocoa, FL 32926  
(Pronouns - She/her/hers)  
shimjo2001@yahoo.com  
321-431-9932



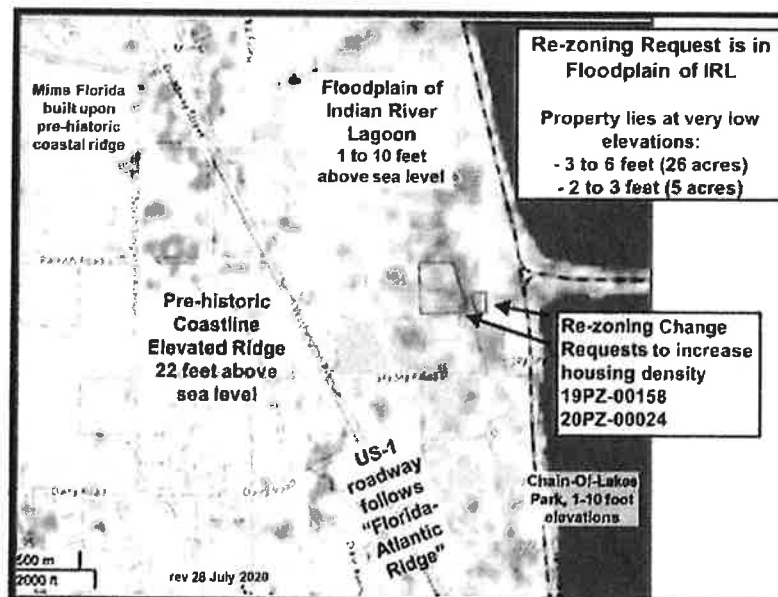
## Parrish Landing Proposed Development Require Stormwater Plan before Approval of Zoning Change and Development Plan

Agenda Item #1 of the August 6, 2020 Brevard County Commissioners meeting requests the rezoning of 31 acres for a proposed development called Parrish Landing. This low land is located east of US-1 in the Mims community within the floodplain of the Indian River Lagoon. Elevations appear to be between two and six feet above the Lagoon water level. Neighbors reported significant flooding after hard rains and during most tropical storms. We strongly recommend that rezoning and development plan approval should be withheld until the developer can show that an effective stormwater plan can be provided and that flooding will not be a problem.

In the normal course of business for Brevard County, zoning changes are approved without regards for stormwater systems and flooding. After development plans have been approved, the stormwater system elements will be reviewed by county staff and approval is required for the development to proceed. While this process is well intended, many new developments create flooding problems, both for the new homes and the neighbors. Many examples exist of Brevard County undertaking stormwater projects at taxpayer expense to correct flooding caused by recent developments.

Developing a proper stormwater system for this proposed development may not be possible. The property is low and bordered by higher land to the west. A railroad track sits on a berm to the east, essentially a dike. The St Johns River Water Management District will not allow new stormwater outfalls into the Lagoon.

We strongly encourage the BOCC to delay approving the requested zoning change and development approval until the public can be assured that this development will not cause increased flooding.



**Commissioner, D1**

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**From:** Lora Losi <losi.loral@gmail.com>  
**Sent:** Thursday, August 6, 2020 10:46 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Parrish Landing project

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

I am writing with great concern about development so close to the IRL.

It seems very counterproductive to be even proposing such a change to land that is so prone to many problems.

Even the slight possibility of further polluting the IRL when the people of the county have taken it upon themselves to pay for a clean up is mind numbing. Developers must not understand the grave importance economically of a clean, healthy lagoon for our needed ,now more than ever, tourism industry, mental health and quality of life.

As we enter hurricane season, Houston area's lack of foresight on development placement in low lying areas shouldn't be overlooked. Does Brevard county need reporters here videoing submerged subdivisions?

Let us make Brevard county a shining example of forethought .

Thank you for your time and service.

Lora Losi  
Windover Farms  
North Brevard

**Commissioner, D1**

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**From:** Spence Guerin <spenceguerin@earthlink.net>  
**Sent:** Thursday, August 6, 2020 10:08 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Parrish Landing Zoning Request 19PZ-00158

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

Dear Commissioners Pritchett, Lober, Tobia, Smith and Isnardi:

**Re: Parrish Landing Zoning Request 19PZ-00158**

**DENY rezoning request** until proof of protections for the Lagoon are put in place up front.

===

Frequently I wonder if Brevard County has -- or will ever have -- the political will to restore the Indian River Lagoon. I am not the only one to doubt the commitment of the Brevard County Commissioners.

The Lagoon is said to provide upwards of \$7 BILLION in benefits to the region bordering the Lagoon — most of which is in Brevard County. Such benefits are derived from a **HEALTHY** Lagoon, not a sick and dying Lagoon. Recovery, as you know, is in progress and will continue for years and years.

Meanwhile, additional development, known as **Parrish Landing project**, along the Lagoon north of Titusville is being considered and a request for rezoning is to be determined later TODAY. The land there is known to be low and subject to flooding.

**First question to ask:** Will the development be harmful to the Lagoon?

The developer(s) will always respond saying: 'no problem.' But you must require proof, up front.

**Any and all proposed development** — ESPECIALLY if it's close to the Lagoon — should be **REQUIRED** to show proof of safeguards for protection of the Lagoon — **BEFORE** being allowed to do ANYthing affecting the property, including any rezoning.

Along with thousands of Brevard citizens, I hope you will **INSIST** on Lagoon protections **FIRST**, before rezoning or any development whatsoever.

Only then will YOU, personally, begin to demonstrate that YOUR support for Lagoon recovery is paramount and resolute and meaningful.

It is your task to implement protections for the ongoing restorations of the Indian River Lagoon.

Failure to do so will mean whatever else you may say or do concerning the Lagoon is simply B.S.

Objection  
19PZ00158  
20PZ00024  
Goodenow

**Commissioner, D1**

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**From:** mheyden716@aol.com  
**Sent:** Thursday, August 6, 2020 10:30 AM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** zoning request 19pz-00158

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

Dear commissioners: I am asking that the zoning change be denied. Ten years from now when the lagoon is restored....examine it again. But absolutely not during an environmental crisis. To approve this....makes no sense. Thank you, Matt Heyden

**Commissioner, D1**

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**From:** Randall Scragg <RandallScragg@msn.com>  
**Sent:** Thursday, August 6, 2020 10:38 AM  
**To:** Commissioner, D1  
**Subject:** Phase 2 Brooks Landing ( Parrish Landing)

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

Good morning,

My name is Randall Scragg and my resident is 2160 E Jay Jay Rd. I am opposed to the building of the 143 homes in phase 1 of Brooks Landing. I have been going to meetings since 2004. Now they want to add more homes to this project on Hammock Rd. Our ditches and waterways are over taxed now with flooding occurring during afternoon rains. One of the reason the lagoon is in trouble is because of run off water going in the river. Can will please fix this problem before we add more water going in the river from new housing projects. These projects don't fit in with the density of the surrounding areas. If approved or not we need help getting the water out of our yards. The building of the chain of lakes park hurt our water draining also. Thank you for your time and have a great day.

Sent from Mail for Windows 10

A.1

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** Commissioner, D3  
**To:** Jones, Jennifer  
**Subject:** FW: 19PZ-000158 and 20PZ-00024 August 6, 2020 Agenda Item 1  
**Date:** Wednesday, August 5, 2020 4:50:00 PM

---

Ms. Jones,

Please include this email in the packet.

Thanks,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

**From:** kay st. onge <stongekay@yahoo.com>  
**Sent:** Wednesday, August 5, 2020 3:16 PM  
**To:** Commissioner, D3 <d3.commissioner@brevardfl.gov>  
**Subject:** 19PZ-000158 and 20PZ-00024 August 6, 2020 Agenda Item 1

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

Commissioner:

Please accept this email as a public comment for August 6, 2020 Agenda item 1, the rezoning of 19PZ-000158 and 20PZ-00024 (Parrish Landing). This proposed subdivision's close proximity to the Indian River Lagoon requires careful scrutiny as Florida Department of Environmental Protection's Basin Management Action Plan mandates that,

"Since the North IRL is an impaired water that does not currently meet state water quality standards, new development in the basin cannot increase nutrient loads to the lagoon."

"To ensure that future growth does not add to the degradation of the North IRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact

development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations. LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. These activities could offset loads from future growth and, therefore, may reduce the reductions needed from the entities in future BMAP iterations.

It is apparent local governments have the authority to require detailed stormwater management plans that include numerical details as to pre-development and post-development estimated runoff production with a detailed plan designed by a registered engineer to meet the net improvement requirement."

Brevard Commissioners should take note that the Titusville City Council tabled the approval of Jay Jay Road Brooks Landing Phase 1 Sketch Plat on July 28 due to their concerns about the stormwater management system in that proposed development. This 72 acre 143 home proposed subdivision is adjacent to the Parrish Landing development and is being developed by the same firm. Brooks Landing proposes a legal positive outfall to the Indian River Lagoon.

Please follow suit and either table or deny approval of 19PZ-000148 and 20PZ-00024.

The City of Titusville has not yet agreed to provide sewer hookups for this development. Sewage systems are absolutely unacceptable for any houses proposed so close to the Indian River Lagoon. No houses should be built east of Hammond Road, with or without sewer hookup, as this would particularly jeopardize the Lagoon.

Children from our community swim in the Indian River Lagoon. It is time that County Commissioners, our elected representatives, take action to prevent further pollutants from developments flowing into the Lagoon.

Kay St. Onge  
2360 Maryland Avenue  
Titusville, FL 32796

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [kay.st.onge](#)  
**To:** [Commissioner, D4](#)  
**Subject:** August 6, 2020 Agenda Item 1, 19PZ-000158 and 20PZ-00024  
**Date:** Wednesday, August 5, 2020 3:17:39 PM

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

Commissioner:

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Kay St. Onge  
2360 Maryland Avenue  
Titusville, FL 32796



Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** Douglas and Mary Sphar  
**To:** Commissioner, D4  
**Cc:** Woodard, Patrick  
**Subject:** Development near Parrish Rd -- first 2 items on BOCC agenda  
**Date:** Wednesday, August 5, 2020 7:48:05 PM

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

Dear Commissioner Smith,

On August 6, you will be considering Small Scale Comprehensive Plan Amendment 20S.02 to change the Future Land Use for 4.85 acres east of Hammock Rd from Planned Industrial to Residential 2 (20PZ00024). In addition you will be considering a zoning change on 31.43 acres comprised of this property and a parcel west of Hammock Rd (19PZ00158).

**FUTURE LAND USE CHANGE (20PZ00024)**

Please deny the Future Land Use change.

While this is a small parcel, 4.85 acres in size, a change to the Future Land Use designation is still very important because of the proximity of the parcel to the Indian River Lagoon. Changing this land use would encourage further residential development in other properties very close to the Lagoon that are not prepared to handle the stormwater properly.

Your staff report, Natural Resources Management Department Comments, states: "The parcel contains 100% hydric soils and SJRWMD wetlands." A GIS map indicates that most of the property is in the AE flood zone. The comments and map together lead to the conclusion that this property is wet a lot of the time and is prone to flooding.

The property is approximately 0.3 miles from the Indian River Lagoon. You have no assurances that the applicant is prepared to properly handle the stormwater to avoid detrimental effects to the Lagoon.

In spite of the fact that the applicant plans to connect to Titusville water and sewer, I believe that it would be wise to get written confirmation from the City of Titusville that they are actually agreeable to this, if you do not already have such written confirmation. Otherwise, under County Code, septic is permitted, though part of the property would need advance septic systems.

State agencies *process* small-scale future land use amendments for parcels 10 acres or less, but they don't really *review* them. The amendments become effective unless they are successfully challenged legally. This means that your decision is basically final. Please vote no.

**REZONING (19PZ00158)**

Please deny the rezoning on the two parcels in this application.

Right now you have no assurances that sufficient measures will be taken to avoid adverse effects to the precarious health of the Indian River Lagoon. You have no assurances that flooding will not be exacerbated on these two parcels, both of which contain 100% hydric soils, or on nearby properties. You have no guarantee that an inappropriate number of houses will not be built on the parcel east of Hammock Rd. Finally, I have not seen written confirmation from the City of Titusville that they are willing to provide water and sewer service, and if you don't have this, please request it.

Alternatively, for the rezoning only (not the Small Scale Amendment), you may wish to table the request so that the applicant can work on his conceptual site design and stormwater plan to avoid or reduce harmful effects to the Indian River Lagoon.

### CONCLUSION

Please deny Small Scale Comprehensive Plan Amendment 20S.02 on 4.85 acres. Also please deny or table rezoning 19PZ00158 for the two parcels bordering Hammock Rd and near Parrish Rd.

Thank you for considering my opinion.

Sincerely,

Mary Sphar  
825 Cliftons Cove Ct.  
Cocoa, FL 32926

**From:** [William Klein](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Brevard Re-Zoning Request 19PZ-00158 Resident and Citizen Comments for Brevard County Commissioners Meeting on 6 August 2020, 5PM  
**Date:** Thursday, August 6, 2020 1:58:45 AM

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

**Commissioner Curt Smith,**

Brevard Re-Zoning Request 19PZ-00158 Resident and Citizen Comments for Brevard County Commissioners Meeting on 6 August 2020, 5PM

- Parrish Road (1930 Hammock Road) Re-Zoning Request #19PZ-00158 change zoning for 26 acres from Agricultural (AU) to RU-1-9 Increase Ten Homes to 62 Homes
- Hammock Road Re-Zoning Request #20PZ-00024 change zoning for 5 acres from PI to RU-1-9 One home to (unspecified) home quantity

This Developer's developments will produce about 48 million gallons of polluted stormwater to flow to the Chain of Lakes and into the IRL.

I think that the above two sections of Parrish Landing were formally called Phase 2 of Brooks Landing. They will produce about 15 Million gallons of Polluted Stormwater annually that will flow into the Chain of Lakes and into the IRL. These 2 sections will have septic tanks that will cause human sewage to contaminate this stormwater.

Phase 1 of Brooks Landing consists of 72 acres and they will add another 34 Million gallons of polluted stormwater to flow into the Chain of Lakes.

The St. Johns River Water Management District (SJRWMD) and the Florida Environmental Protection Administration (FL EPA) have reported that the IRL has been so extremely contaminated with nutrients, pesticides, human and animal wastes, and other chemical wastes from past developments that there have been severe algae blooms causing many massive fish kills. The SJRWMD and FL EPA are developing new development regulations because of the critical conditions of the IRL from past developments.

This is not the time to add another 48 million gallons of polluted water annually to the IRL.

I am on the Advisory Board of North Brevard Commission on Parks & Recreation. I received an email Aug. 5, 2020 that there is a Brevard Re-Zoning Request 19PZ-00158 Meeting on Aug. 6, 2020.

North Brevard Parks & Recreation has assigned me to monitor Chain of Lakes and report on problems that need to be fixed. I would like to see and review the environmental impact report and the stormwater calculations that the Developer has performed. I am very concerned that these developments will be greatly detrimental to the wildlife at Chain of Lakes and the IRL.

I have calculated that a typical housing development in Brevard County produces 474,000 gallons of polluted stormwater per acre based on Florida's 54 inches of annual rainfall. The runoff from one acre of paved parking generates the same amount of annual runoff as: 36 acres of forest; 20 acres of grassland; a 14 acre subdivision (2 acre lots); or a 10 acre subdivision (0.5 acre lots). One inch of rainfall on an acre of parking produces 27,000 gallons of stormwater. Experimental data.

I have included some of my background to convince you that I have the skills to make these calculations based on the data that I have collected. I have a Master of Science in Nuclear Engineering. I worked on the design, construction, and operation of Nuclear Power Plants. I wrote Safety Analysis Reports, Environmental Impact Reports and Environmental Annual Operational Reports. I designed radiation monitoring and meteorological monitoring systems. I worked on repairing hurricane damaged field monitoring and alarm systems at Turkey Point Nuclear Power Plant after Hurricane Andrew. I have worked in the West Palm Beach Waste Treatment Plant that reprocessed sewage into reclaimed water and waste solids.

**From:** Mary Hillberg  
**To:** Commissioner, D2; Commissioner, D4; Commissioner, D3; Commissioner, D5; Commissioner, D1  
**Subject:** Parrish Landing (Item #1 on BoCC August 6, 2020 Agenda)  
**Date:** Thursday, August 6, 2020 12:32:44 AM  
**Importance:** High

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

Dear Commissioners:

Regarding the request to rezone 31 acres east of US 1 in Mims that is within the floodplain of the Indian River Lagoon for a proposed development called Parrish Landing. This land is burdened with elevations from two to six feet above lagoon water level. Significant flooding has been experienced during heavy rains and most Tropical Storms. There is great concern that without a competent Stormwater System approved prior to rezoning and development approval, flooding may be the result for surrounding properties.

Brevard County has approved new development in the past without regards to competent and approved stormwater systems plan in place. Later retrofitting stormwater corrections at taxpayer expense has been the frequent outcome, with varied results.

North Merritt Island has examples of low elevations including wetlands where rezoning and new developments have been approved by the BoCC without prior competent stormwater systems required resulting in flooding for the current property owners. Brevard County has spent substantial manpower and taxpayer money trying to mediate these situations with variable results. Due to the low elevation of the property and that of surrounding properties and structures, a competent system may be difficult or impossible in this Mims area, as well.

We request and strongly recommend rezoning and development

approval be withheld until the developer can generate an effective stormwater system plan that will be approved by the St Johns River Water Management District, as well as the Brevard County Stormwater Department so flooding will not be a problem. We also suggest this approach be continued throughout the county in order to conserve stormwater department resources, improve lagoon water quality, property values and quality of life for Brevard residents.

Thank you,  
William J. & Mary E. Hillberg  
3780 Sierra Drive  
Merritt Island, FL

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Lew Kontnik](#)  
**To:** [Commissioner, D1](#)  
**Cc:** [Commissioner, D3](#); [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D4](#); [Lewis Kontnik](#)  
**Subject:** Request to Require Flood Management Plan PRIOR to Action on Proposed Parrish Landing Development Action  
**Date:** Wednesday, August 5, 2020 8:38:14 PM

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

Dear Commissioner Pritchett, Tobia, Isnardi, Lober, Smith:

I am writing to oppose the Commission the zoning density increase for the Proposed Parrish Landing development UNTIL AFTER stormwater plans are available and reviewed demonstrating adequate flood controls.

As outlined below, there are risks that due to the low lying nature of this parcel, development will cause flooding which may become the responsibility of the public if it is not adequately provided for in advance by the developer. Additionally, being located so close to the Lagoon, there is every reason to be concerned about the additional burden this development will impose on the very waters we are paying hundreds of millions of dollars in taxes to restore.

Thank you for taking a responsible and appropriately careful approach to increasing the extent of development and density here in our community.

Lew Kontnik  
[LewKontnik@gmail.com](mailto:LewKontnik@gmail.com)  
3208 Bird Song Court  
Melbourne, FL 32934  
H/O 321 775 3327  
C 805 558 2295

Agenda Item #1 of the August 6, 2020 Brevard County Commissioners meeting requests the rezoning of 31 acres for a proposed development called Parrish Landing. This low land is located east of US-1 in the Mims community within the floodplain of the Indian River Lagoon. Elevations appear to be between three and seven feet above the Lagoon water level. Neighbors reported significant flooding after hard rains and during most tropical storms. We strongly recommend that rezoning and development plan approval should be withheld until the developer can show that an effective stormwater plan can be provided and that flooding will not be a problem.

In the normal course of business for Brevard County, zoning changes are approved without regards for stormwater systems and flooding. After development plans have been approved, the stormwater system elements will be reviewed by county staff and approval is required for the development to proceed. While this process is well intended, many new developments create flooding problems, both for the new homes and the neighbors. Many examples exist of Brevard County undertaking stormwater projects at taxpayer expense to

correct flooding caused by recent developments.

Developing a proper stormwater system for this proposed development may not be possible. The property is low and bordered by higher land to the west. A railroad track sits on a berm to the east, essentially a dike. The St. Johns River Water Management District will not allow new stormwater outfalls into the Lagoon.

We strongly encourage the BOCC to delay approving the requested zoning change and development approval until the public can be assured that this development will not cause increased flooding.

<!--[if !vml]--><!--[endif]-->

Graphic provided by David Monty Montgomery



Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** R. T. "Bo" Platt  
**To:** [Commissioner, D1](#)  
**Cc:** [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Brevard re-zoning request 19-PZ-00158  
**Date:** Wednesday, August 5, 2020 8:26:28 PM

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

Dear Commissioner Pritchett -

I'm writing to respectfully request that you vote against Brevard re-zoning request 19-PZ-00158 that will be addressed in Thursday's commission meeting. The location of this land in proximity to the lagoon combined with the low elevation of the property make this a poor candidate for this rezoning. We're spending millions of dollars each month to restore our lagoon. It makes no sense to increase residential density in a location such as this with no connection to sanitary sewer.

Thank you for your consideration.

Commissioners Lober, Smith, Tobia, and Isnardi - thank you as well for your consideration on this matter.

***R. T. "Bo" Platt***  
***844 W Whitmire Dr.***  
***Melbourne, FL 32935***

[www.HelpTheLagoon.org](http://www.HelpTheLagoon.org) : Work has begun on the Save Our Lagoon Project Plan funded by the half-cent sales tax. After more than 50 years of neglect, restoring our Lagoon will not happen quickly and we've started the process of healing.

Our Vision: The Brevard Indian River Lagoon, with clear waters, alive with lush sea grass beds, thriving fish, birds, manatees and dolphins – a healthy place where our families can play

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** Monty  
**To:** Commissioner, D4  
**Subject:** Hammock Road Zoning Change, Recommend Denial of Request  
**Date:** Wednesday, August 5, 2020 4:52:32 PM  
**Attachments:** Parrish Re-Zone Request 6Aug2020-A.pdf

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

Commissioner Smith, I'm a District 3 resident, hoping to help your efforts.

For the **proposed zoning change 19PZ-00158**, I've been working with District One residents and Brevard citizens to understand issues.

I request you **deny, or delay approval pending concept info on stormwater management**.

Although not required by Brevard process, sensitive nature of this development (to local stormwater and to Lagoon health) makes it appropriate for Developer to provide information before allowing such a dramatic change to housing density.

**Impacts to Brevard stormwater maintenance costs**, flooding of nearby homes, and future homeowner flooding problems warrant this.

Brevard County is already facing **Titusville "Brooks Landing" stormwater overflow in this immediate area, making existing flooding worse**.

The attached slide package captures discussions and site visits, with inputs from multiple folks.

Thanks for your efforts,  
David Monty Montgomery, PE  
Brevard (District 3) Environmental Scientist

## Brevard Re-Zoning Request 19PZ-00158

### Resident and Citizen Comments

for

**Brevard County Commissioners Meeting on 6 August 2020, 5PM**

#### Two Items For Commissioners:

Parrish Road (1930 Hammock Road) Re-Zoning Request #19PZ-00158  
change zoning for 26 acres from Agricultural (AU) to RU-1-9  
Increase Ten Homes to 62 Homes

Hammock Road Re-Zoning Request #20PZ-00024  
change zoning for 5 acres from PI to RU-1-9  
One home to (unspecified) home quantity



Parrish Re-Zone Request 6Aug2020-A, slide 1



# Zoning Change Request 19PZ-00158 and 20PZ-00024

REFERENCE

Property located in District One, Brevard County

Vote on Thursday 6 August to Approve/Deny/Postpone  
Request-to- Increase-Housing-Density from 10 homes to  
62 homes on 26 acres.

Issues include development very close to Lagoon,  
extreme low elevation of homes, and local area flooding.

Brevard County Commissioner:

**Rita Pritchett** Commissioner, District One

email: [D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)

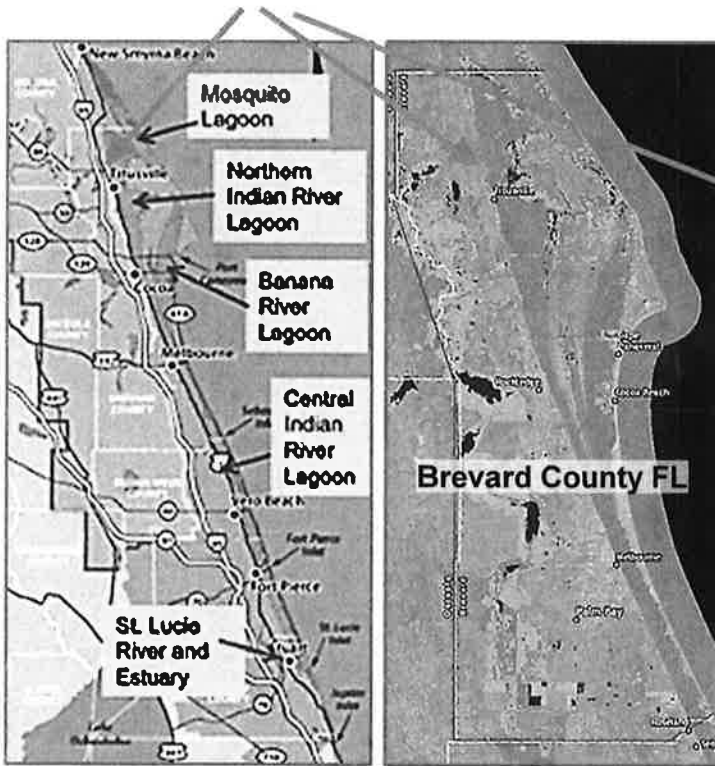
Additional Voting Commissioners:

**Brian Lober** D2.Commissioner@brevardfl.gov

**John Tobia** D3.Commissioner@brevardfl.gov

**Curt Smith** D4.Commissioner@brevardfl.gov

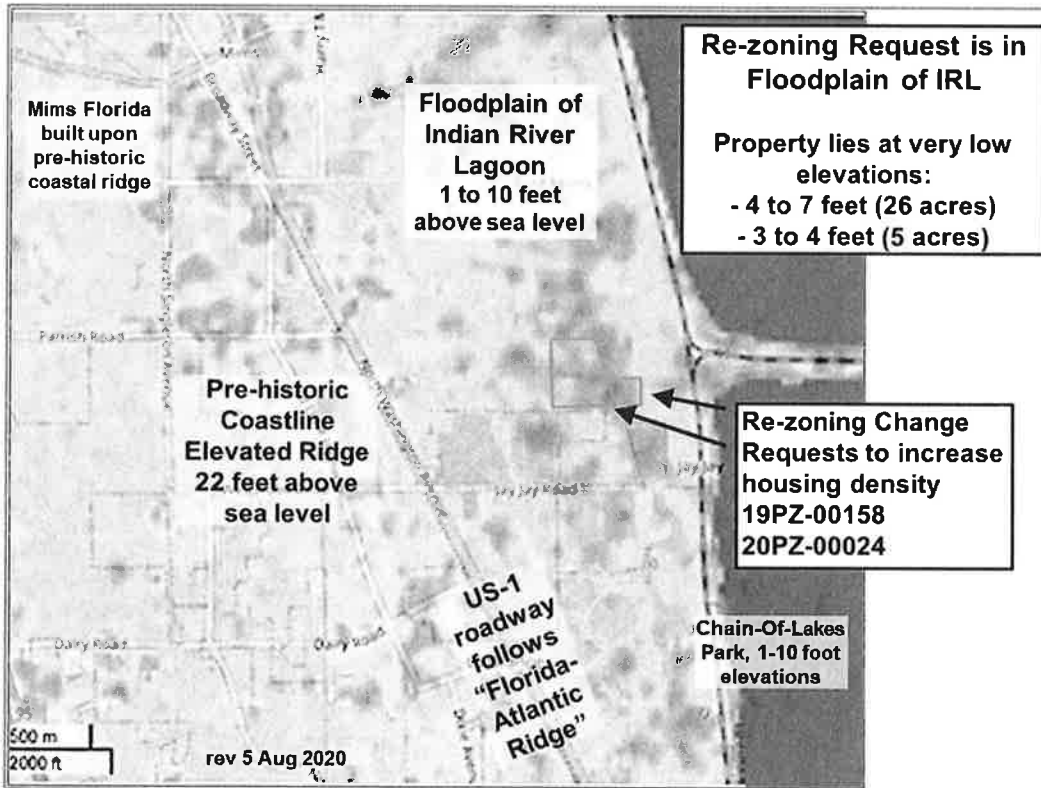
**Kristine Isnardi** D5.Commissioner@brevardfl.gov



**Vote is Thursday 6 August  
for zoning request to  
increase density of housing:**

- approve
- deny
- table for further details

## Concern: Re-zoning Request is in Floodplain of IRL



**Topographic view shows unusual low elevation of these properties.**

**Stormwater flows to these areas.**

**There is nowhere for accumulated stormwater to go.**

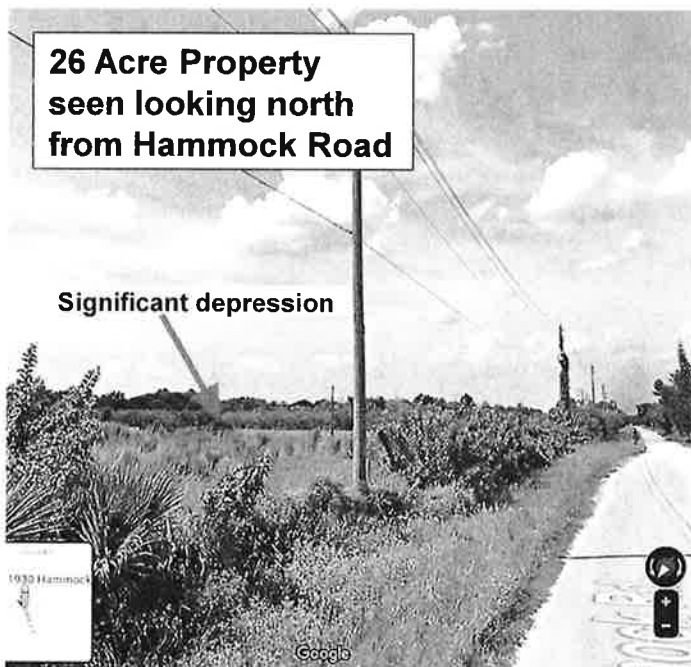
**Properties in floodplain at very low elevations.**

**No concept of stormwater mgmt provided. Risk of flooding remains high for future homeowners and area residents.**

## Views of Property

Properties sit in depressions alongside Hammock Road

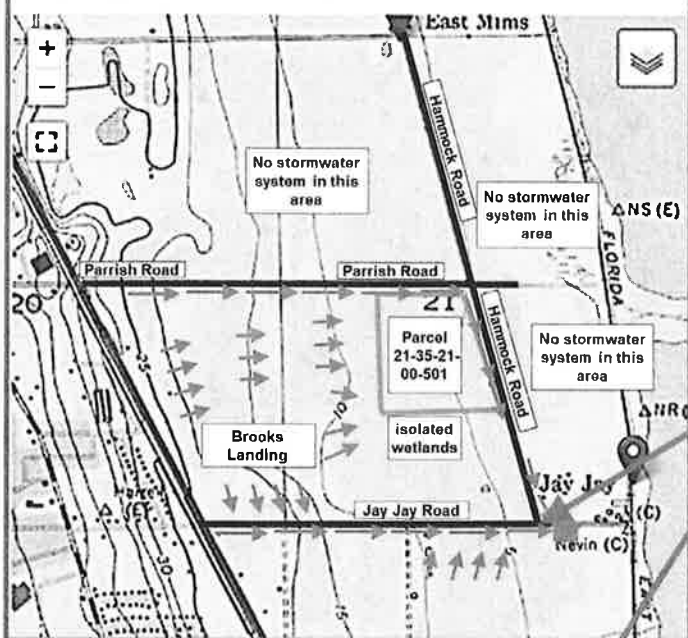
- 26 acres property lies between 4 and 6 feet above sea level
- 5 acres sits at between 3 and 4 feet above sea level



**Both properties sit at low elevations, very prone to  
flooding for short and long periods.  
No outlet for flood waters.**

## Concern: Current Stormwater Deadlock at Jay Jay Road

### Brevard County Florida Topographic Maps



No coordinated stormwater system exists north of Jay Jay Road. Residents deal with flooded roadways during/after significant rainfall events.

Homes on Parcel 21-35-21-00-501 (26 acres) will be subjected to stormwater from higher elevation properties, and in-turn impact flooding to adjacent parcels.

Stormwater impact assessment has not been addressed in zoning change evaluations.

Two ditches exist for all stormwater between Parrish Road and Jay Jay Road. They both dead-end at east end of Jay Jay Road.

Chain-Of-Lakes-North meets there with 36" pipe, constrained at 2 feet above sea level, not capable of significant inflow from northwest properties.

Note: Chain-of-Lakes parkland contributes to current periodic flooding of Jay Jay Road.

Future spillover from Brooks Landing will connect with Jay Jay Road south-side ditch. This will make current flood problems worse. There is no ditch on northside. Jay Jay Road southside ditch currently floods over into northside properties.

**Area currently floods during storms  
(both roads and properties).  
Additional development has negative  
impact, given no stormwater system.**

## Concern: No Area Stormwater Mgmt, similar to Pine Island Problems

**Zoning Change Request has similar issues as expensive Merritt Island drainage repair projects: lack of area-wide stormwater management. Brevard County is responsible for costs of fixing current and future stormwater issues in Mims Florida area, including outflow from Titusville (Brooks Landing).**

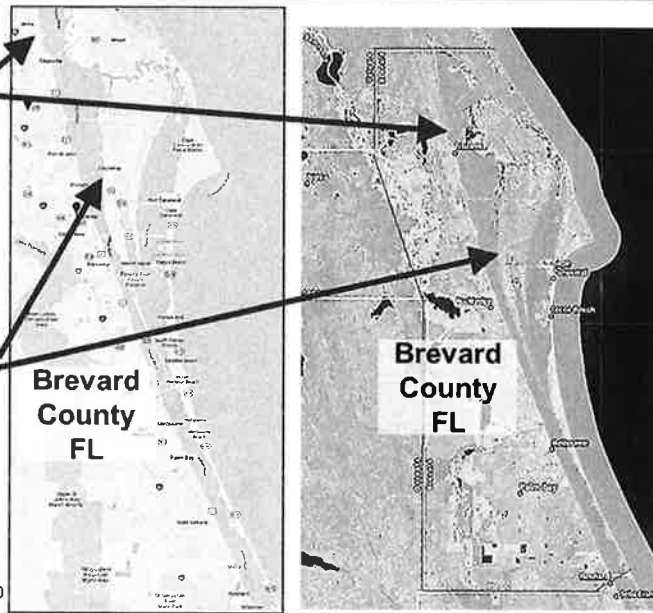
Location of North Brevard 26 and 5 acre parcels with requests for zoning change to build several dozen homes.

No significant Stormwater Drainage structures in this area (no Stormwater System)

"Pine Island Conservation Area" "Stormwater Mgmt System"

Brevard County (et.al.) spent millions of dollars to fix random-and-direct drainage into Indian River Lagoon

rev 27 July 2020

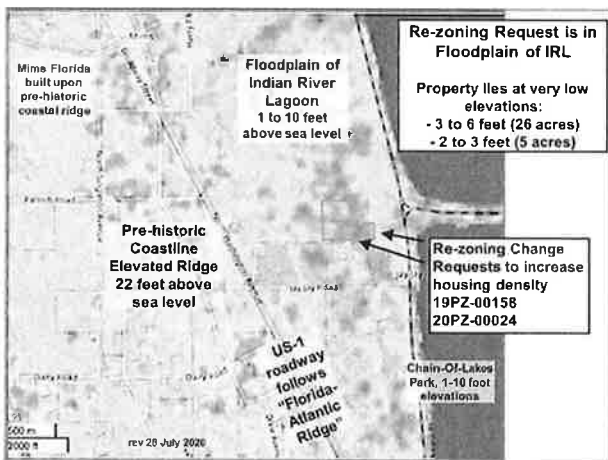


**Re-zoning approval will increase problems similar to forced expenditures for "Pine Island", a multi-million-dollar stormwater system.**



## Summary: Info is Missing to Add Homes in Lagoon Floodplain

- BDP focuses on maximizing number of homes. BDP needs to address protecting homes from obvious flooding risks.
- Focus should be on “How Homes will be built in a Floodplain”
- Commission must address development and external stormwater. After this gate review, there is no further public forum for review of important issues.
- Increasing home density may contribute to millions of dollars of Brevard County costs in near future for reactive flood and stormwater management projects.



**It is not appropriate or safe to approve adding dozens of homes at low elevations without concept for:**

- development layout
- min. home and road elevations
- retention ponds
- swales
- overall stormwater design

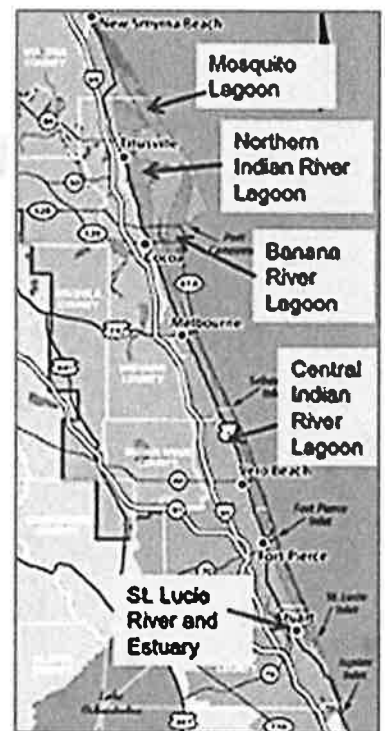
## Backup and Reference Slides

## Basing Management Action Plan (BMAP) Note

---

*from the North Indian River Lagoon Basin Management Action Plan:*

“It is apparent local governments have the authority to require detailed stormwater management plans that include numerical details as to pre-development and post development estimated run-off production with a detailed plan designed by a registered engineer to meet the net improvement requirement.”





**REFERENCE SLIDE**

**Satellite View  
from ESRI  
imaging**

**Re-zoning  
Change Requests  
to increase  
housing density**

**Brevard  
19PZ-00158  
20PZ-00024**

## Current BDP “rev2”, July 2020 third revision

file: "GDB - Goodenow RU 1-9 rev2clean.pdf"

**Binding Development Plan (BDP) explains how 26 acres combines with the 5 acres.**

**Result: Home total gets increased to 62 homes given a larger 31 acre total.**

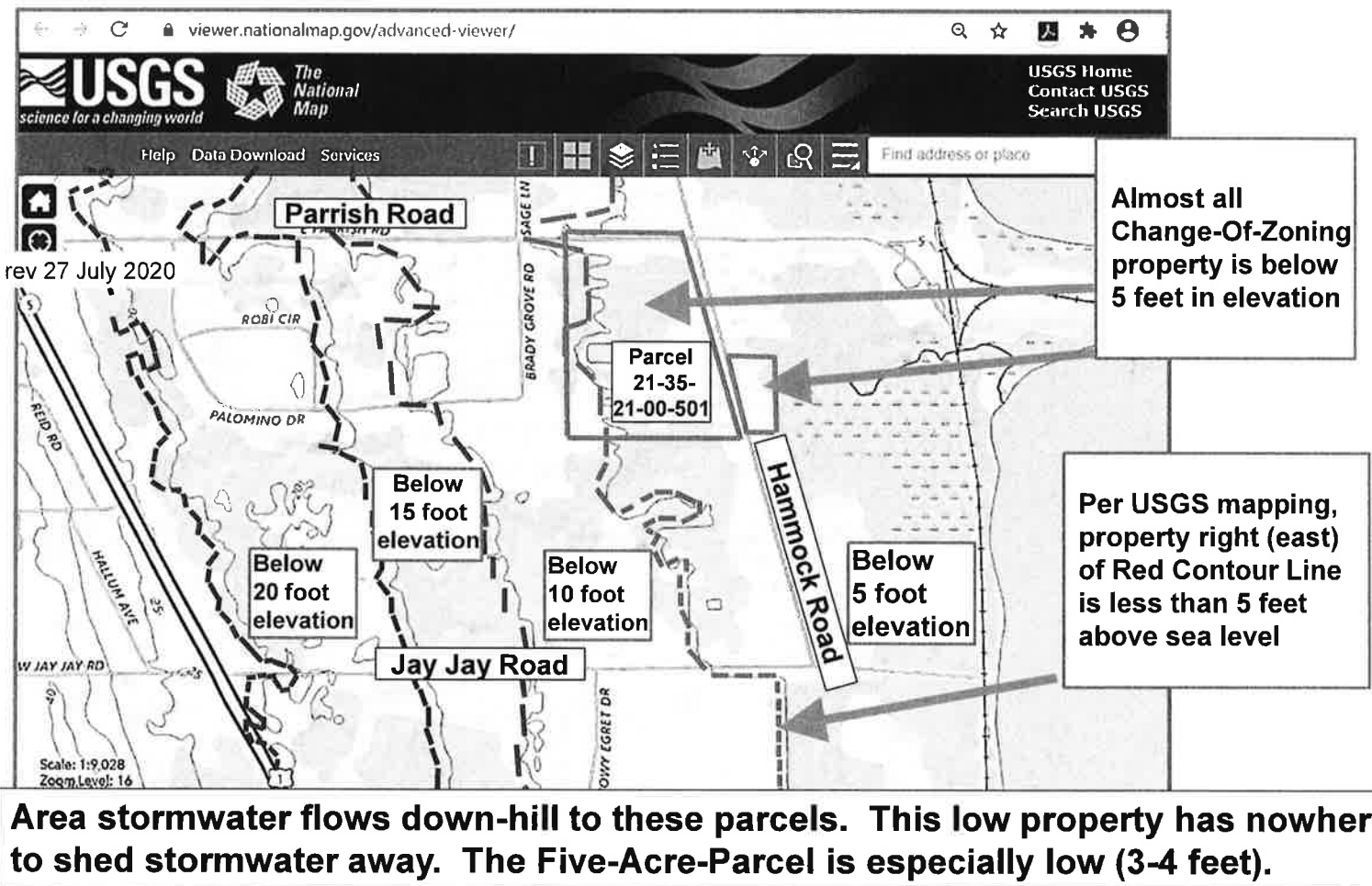
**Home total increases to 62 (instead of increase to 52 homes).**

- The 26 acres is currently zoned for up to 10 homes.
- The 5 acres (east of roadway) is zoned for 1 residence (with the PI zoning).

[illegible]

## Extreme Low-Level Elevation Concerns

Given elevations below 5 feet, normal stormwater flow and design may not work. Properties at high risk of flooding from on-site stormwater, stormwater from higher elevations, storm surge from Lagoon, and sea level rise (inundation) over decades



## Zoning Change Request 19PZ-00158 and 20PZ-00024

### Staff Comments, Brevard County:

- ... change of zoning classification from Agricultural Residential (AU) to Single Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single family lots.
- This rezoning request is accompanied by a companion SSCPA from PI to RES 2 20S.02 (20PZ-00024) that would need to be approved by the Board in order for this rezoning to be considered.

5 acre parcel is now included with, *and in addition to*, the 26 acres. However, they are not physically connected.

Recent Legal Description, combines two parcels (non-contiguous) into one property.

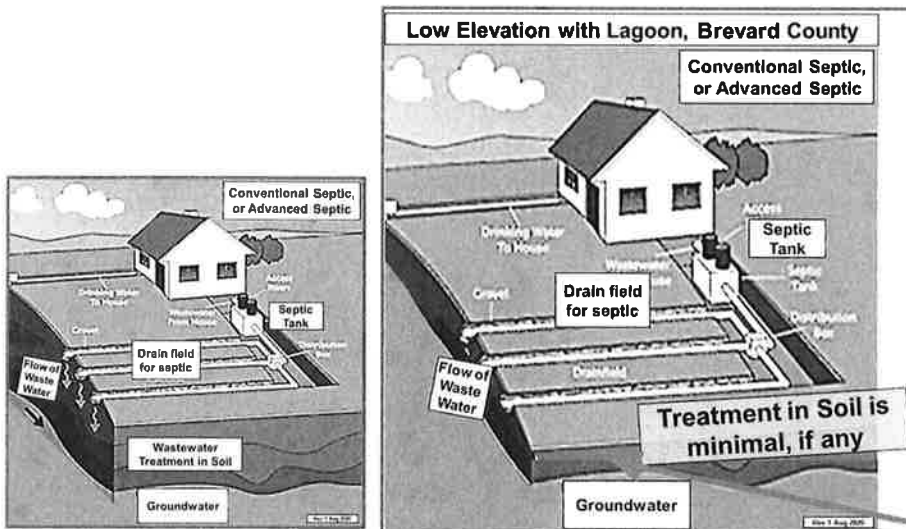


**Mixing of 26 acre and 5 acre parcels creates complex and unusual documents (BDP and rezoning requests).**

**Big Picture Question: is it appropriate and safe to approve dozens of homes at low elevations along Lagoon without concept for home layouts, home elevations, road elevations, retention ponds, swales, overall stormwater design?**

## Sewer or Septic: Major Concern Area

To date, no agreements for connection to Titusville sewer.



With septic, Hammock Road properties would have drain fields directly on top of groundwater connected to Lagoon

**Approval of Re-zoning does guarantee connection to Titusville sewer. Multiple homesites with Septic would pollute directly to Lagoon, regardless of type of septic.**



Reference from Zoning Mtg 6 July 2020,  
19PZ-00158 is Zoning Ref #

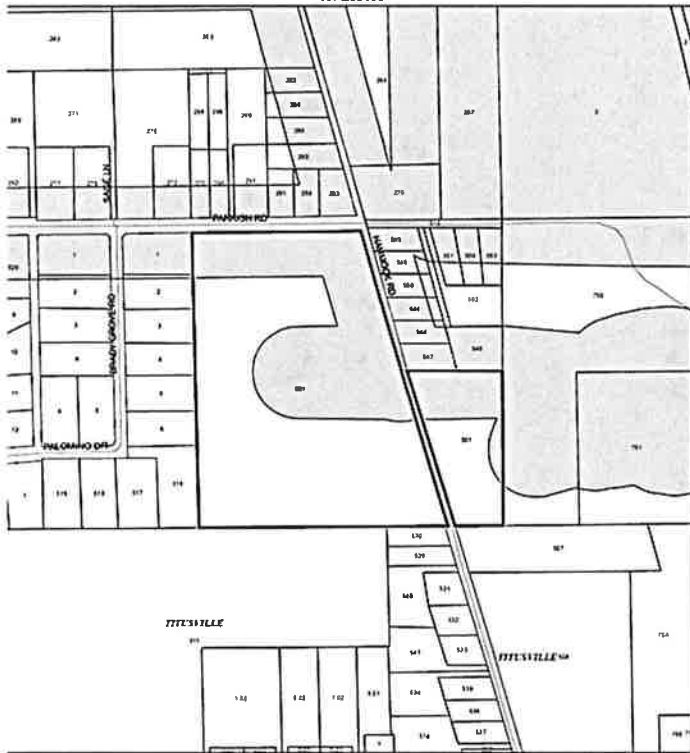
# FEMA FLOOD ZONES MAP

GOODENOW, THEODORE C  
19PZ00158

REFERENCE SLIDE

## INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

GOODENOW, THEODORE C.  
19PZ00158



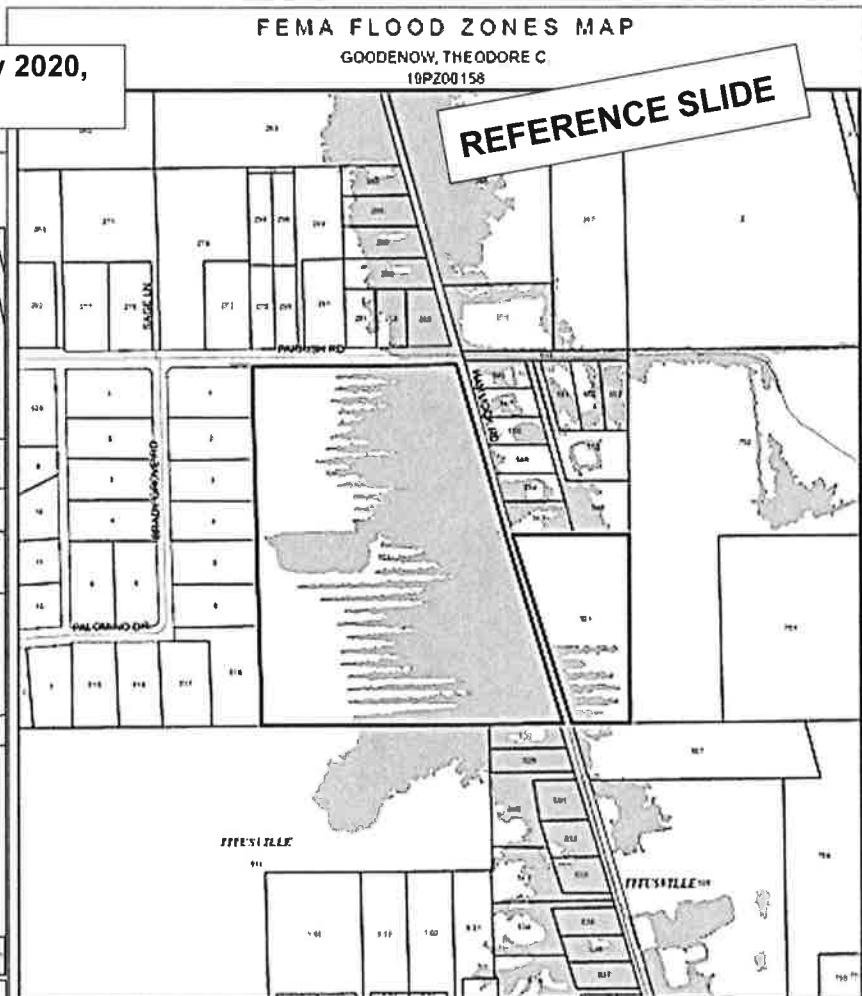
1:4,800 or 1 inch = 400 feet

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 herein.

Produced by BoCC - GIS Date: 1/6/2020

- Subject Property
- Parcels
- Septic Overlay
  - 40 Meters
  - 60 Meters
  - All Distances

Parrish Re-Zone Request 6Aug2020-A, slide 15



Reference from Zoning Mtg 6 July 2020,  
19PZ-00158 is Zoning Ref #



Planning and Zoning Board / Local Planning Agency

Brevard County Government Center

2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

Agenda

Monday, July 6, 2020

The Board of County Commissioners may approve or deny the requested classification, or may approve a classification of lesser intensity than that requested.

Call To Order

Approval of Minutes - June 15, 2020

H. Public Hearings

19PZ 00158

- H.1. Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)
- H.2. Richard R. Jr., and Gina M. Wrubel, Trust, request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. (20P200051) Tax Account 2000354) (District 1)
- H.3. Richard R. Jr., and Gina M. Wrubel, Trust, request a change of zoning classification from AU to BU-1. (20Z00003) (Tax Account 2000354) (District 1)
- H.4. McD Family Trust, LLC, requests an amendment to an existing BDP in a BU-2 zoning classification. (20Z00004) (Tax Account 2323791) (District 1)
- H.5. Canaveral Landing, LLC, requests a change of zoning classification from TR-1 to TRC-1 with a CUP for the Cluster Development of Mobile Homes and a BDP limiting residential development to 100 units. (20Z00006) (Tax Account 2314846) (District 1)
- H.6. 3101 Gannett Plaza, LLC (Kevin Saltman) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption In Conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 Zoning Classifications. (20Z00007) (Tax Accounts 2602422 & 2602423)

Public Comment

Adjournment

Agenda Report

2725 Judge Fran Jamieson Way  
Viera, FL 32940

Public Hearing

REFERENCE SLIDE

H.1.

7/6/2020

Subject:

Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential).

Summary Explanation and Background:

The applicant is seeking a change of zoning classification from AU to RU-1-9 in order to develop a 62-lot single-family subdivision, with a BDP (Binding Development Plan) limiting density to two units per acre and connection to City of Titusville central water and sewer. The property is located at 1930 Hammock Road, Titusville. The RU-1-9 zoning classification permits single-family residences on minimum 6,600 square-foot lots with minimum width of 66 feet and depth of 100 feet, and 900 square feet minimum living area.

The property retains split FLU (Future Land Use) designations of RES 2 (Residential 2) and PI (Planned Industrial). A companion application for a Small-Scale Comprehensive Plan Amendment accompanies this rezoning request to amend the FLU designation on the 4.85 acre portion of the property located east of Hammock Road from PI to RES 2.

The surrounding parcels are a mixture of single-family residential, single-family mobile home, and planned industrial. The abutting property to the south is a 71.76 acre undeveloped parcel in the City of Titusville that retains the Planned Unit Development Zone classification.

The Board may wish to consider if introducing RU-1-9 zoning is consistent and compatible with the surrounding RRMH-1 (Rural Residential Mobile Home) and TR-2 (Single-Family Mobile Home) zoning classifications.

On June 15, 2020, the Planning and Zoning Board heard the request and tabled this item to the July 6, 2020, Planning and Zoning Board meeting.

The final public hearing will be held by the Board of County Commissioners on THURSDAY, AUGUST 6, 2020 at

Brevard County Board of County Commissioners

Page 1 of 2

Printed on 6/29/2020  
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H.1.

7/6/2020

5:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Building C, Viera, Florida.

**STAFF COMMENTS**

19PZ00158

Theodore C. Goodenow

**REFERENCE SLIDE**

AU (Agricultural Residential) to RU-1-9 (Single-Family Residential) with a Binding Development Plan) limited to 62 single-family units (binding)

Tax Account Number: 2105262  
Parcel I.D.: 21-35-21-00-501  
Location: 1930 Hammock Road, Titusville (District 1)  
Acreage: 31.43 acres

Planning and Zoning Board: 07/06/20  
Board of County Commissioners: 08/06/20

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RU-1-9 with BDP
Potential*	12 Single-Family Units	62 Single-Family Units
Can be Considered under the Future Land Use Map	NO RES 2 and PI	YES** RES 2***

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. \*\* A BDP limiting the density of the property to Residential 2 (RES 2) is required for this action to establish consistency with the Future Land Use Map. \*\*\* A small scale comprehensive plan amendment application from Planned Industrial (PI) to RES 2 is being reviewed concurrently with this application for the portion of the site designated PI east of Hammock Road.

**Background and Purpose of Request**

The applicant is seeking a change of zoning classification from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single-family lots. The request is accompanied by a Binding Development Plan (BDP) limiting the project density to two units per acre and committing to connection to City of Titusville central water and sewer.

The subject property is located at the intersection of Parrish Road and Hammock Road between North U.S. Highway 1 and the Indian River. It is split by Hammock Road with the majority of the property being located between Hammock Road and US 1. At the closest point, the property is

The 26 acre and 5 acre parcels are not considered separately

Reference from Zoning Meeting on 6 July 2020:

"19PZ 00158" is the Zoning Ref #

**From:** [dbotto1](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Brooks Landing Phase 2  
**Date:** Wednesday, August 5, 2020 10:47:36 AM  
**Attachments:** [BMAPexcerpt.docx](#)

---

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

Dear Chairman Lober and Distinguished Members of the Brevard County Commission;

The Marine Resources Council (MRC) is dedicated to the preservation and restoration of the Indian River Lagoon (IRL) and we are pro-actively supporting the Save Our Lagoon Project Plan which seeks, at great cost, to correct and repair past mistakes that caused great harm to the lagoon. We are concerned that much of the accelerated development now occurring in Brevard County poses danger to the future health of the Indian River Lagoon. Such development, even though meeting current requirements, will add to the pollution entering the lagoon in violation of "net improvement" federal and state mandates (please see attached). In the long term, it contradicts the objectives of the Save Our Lagoon Project Plan.

To counter this, we have strongly encouraged the adoption of Low Impact Design (LID) that will cost effectively minimize the impact on the IRL of much needed development. Its objective is to control storm water at its source through site design and Best Management Practices actions that result in post development run-off that mimics the original. The concept is founded on the critical need to increase pervious water storing land, reduce the destructive run-off loss of water and reduce pollutant loads entering the lagoon. It is important to note that, to a saline ecology such as the lagoon, excess clean fresh water is itself a pollutant.

The changes in density proposed for the subject development to accommodate 62 units of 9000 square feet will dramatically increase pollutant loads to the lagoon. An approximate calculation of the planned impervious surface additional run off is 10 million gallons per year. The owner has shown, in his recent sketch plat for Brooks Landing Phase 1, that he intends to apply standard storm water infrastructure into a wet retention pond. This is the development approach that got us where we are today. Wet retention has proven to, at best, achieve no more than 35% removal of nitrogen even with rare proper maintenance (UCF Stormwater Academy). The density approval for Phase 1 was unfortunate. We respectfully urge you to refuse to change existing law and maintain the current low density development plan for this proximate property that is so critical to the long term health of our lagoon.

We must look to the future.

Respectfully,  
David C. Botto, Chair  
Intergovernmental Committee  
Marine Resources Council

Section 1.5 of the adopted Banana River Lagoon BMAP addresses loadings from future growth and redevelopment. The BMAP does not include a specific allocation for new development or redevelopment because of ERP Program requirements. The ERP Program requires that new discharges into the basin cannot increase existing loads. This is called "Net improvement" and means that the post-development pollutant loading for TN and TP can't exceed the pre-development pollutant loading. All ERP applications must include documentation demonstrating compliance with state water quality standards, as well as showing that the project does not adversely affect the quality of receiving waters, resulting in water quality standards violations. Since the Banana River Lagoon (BRL) is an impaired water that does not currently meet state water quality standards, new development and redevelopment within the BMAP area or watersheds cannot increase nutrient loads to the BRL. Unfortunately, the "Net Improvement" requirements in BMAPs are not included in Florida's ERP program requirements which need extensive revising.

The BMAP also states "Although future development may meet state stormwater standards, the development may still add a nutrient load to the lagoon. To ensure that future growth does not add to the degradation of the BRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations." LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. However, allowing LID techniques typically requires changes in local government Comprehensive Plans and Land Development Codes.

H.1/H.2.

**Brevard County Board of County Commissioners**

August 6, 2020

- PRESENTED ON BEHALF OF -

**THOEDORE GOODENOW (CHAD GENONI)**

**Item # H.1. Request for a Small Scale Comprehensive Plan  
Amendment from Planned Industrial to Residential 2.  
(20PZ00024) (Tax Account 2105262) (District 1)**

**&**

**Item # H.2. Request for a change of zoning classification from  
AU to RU-1-9. (19PZ000158) (Tax Account 2105262) (District 1)**

**KIMBERLY BONDER REZANKA, ESQ.**

**Cantwell & Goldman, P.A.**

96 Willard Street, Suite 302

Cocoa, FL 32922

## Sec. 62-3202. - General.

- (a) A site development plan shall be required for the construction or expansion of a building, structure, infrastructure, or complex of buildings or structures, unless exempted by this section. A building permit shall not be issued, unless the construction plans are accompanied by an approved site development plan

\*\*\*\*\*

- (c) A site development plan submitted for any development defined in this Article shall comply with the requirements of article VII, division 4, engineering design standards for subdivision and site plan review.
- (d) Site development plans, drainage plans, drainage calculations, and all other engineering studies shall be signed and sealed by a professional engineer licensed in the state. The county manager or their designee may waive the engineering requirement for minor site plans or minor alteration plans.

\*\*\*\*\*

- (h) The site development plan shall include all of the necessary information and engineering for construction, including but not limited to, the following and other specific requirements and standards of this article:
- (1) A site development plan shall provide that the proposed lot sizes, lot coverage, density, setback provisions, and other factors are in conformity with the requirements of this article and other applicable ordinances, articles and statutes.
  - (2) The site shall be designed and constructed to ensure use of the property is in harmony with adjacent and surrounding land use; has adequate light and air; and is safe and convenient for those persons utilizing such property.
  - (3) The ingress and egress to the property and proposed structures, both pedestrian and vehicular, shall be controlled so as to provide safe traffic control and flow within the property and between adjoining property and existing public roads and rights-of-way.
  - (4) The site shall have direct access to a paved road, whether public or private.
  - (5) Access drives that function as a minor street, minor arterial, collector street or higher functional classification shall be constructed in accordance with applicable sections of the article VII.
  - (6) **The drainage of the property shall not alter the established drainage so as to adversely affect the adjoining property. The plan shall depict the stormwater treatment method as required by federal, state, and local governing agencies.**
  - (7) The plan shall demonstrate water and sewer service are available. In areas where public sewer service is not available, the site development plan shall depict department of health approved alternative means of treatment.
  - (8) Site development plans shall take reasonable measures to preserve all natural, scenic vistas/roadways, archaeological, and historic features.
  - (9) Any boundary and/or easement overlaps and gaps must be resolved prior to final approval.
  - (10) Site plans within BU-1, BU-2, or industrial zoning classifications shall construct a minimum of a six-foot high masonry or solid wall, including, but not limited to, concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish, when the subject property abuts a residential zoning classification.

**Sec. 62-3694. - Permitted uses.**

- (a) The following uses shall be permitted provided they do not adversely affect the functions of wetlands within the county:
- (1) Non-bona fide agricultural and forestry operations utilizing best management practices, which do not result in permanent degradation or destruction of wetlands;
  - (2) Recreation;
  - (3) Fish and wildlife management; and
  - (4) Open space.

Pursuant to the Florida Agricultural Lands and Practices Act (F.S. ch. 163.3162(4)), any activity of a bona fide agricultural use on land classified as agricultural land pursuant to F.S. § 193.461 is exempt.

- (b) As an alternative to filling, functional isolated wetlands may be utilized within the surface water management system of a project as approved by the county.
- (c) The following land use and density restrictions are established as a maximum density or most intense land use within wetlands that may be considered only if other criteria established in Conservation Element Policy 5.2 of the county comprehensive plan are met:
- (1) Residential land uses within wetlands that are a part of a formal subdivision or site plan, on properties containing wetlands shall be limited to the following:
    - a. Residential land uses within wetlands shall be limited to not more than one dwelling unit per five acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five acres, as unbuildable. The preceding limitation of one dwelling unit per five acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than one and eight-tenths percent of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in section 65-3694(c)(6), for subdivisions and multi-family parcels greater than five acres in area, new town overlays, PUDs, and if applicable, mixed-use land development activities as specified in section 65-3694(c)(5).
    - b. For development activities on property greater than five acres, density may be transferred to an upland portion of the site if consistent with all county land development regulations and compatible with adjacent uses.
    - c. Except as allowable in section 65-3694(c)(1)a., subdivided lots and multi-family parcels shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses.

.....

- (6) Impacts to wetlands from residential and mixed-use land development activities, on a cumulative basis, shall not exceed one and eight-tenths percent of the non-commercial and non-industrial acreage of a DFL, PUD, parcel acreage or, if the project is within a new town overlay (as defined in chapter 41 policy 9.2), one and eight-tenths percent of the non-commercial and non-industrial acreage within the applicable new town overlay.



52 So.3d 19

District Court of Appeal of Florida,  
First District.

KATHERINE'S BAY, LLC, Intervenor, Appellant,  
v.  
Ronald J. FAGAN and Citrus County, Appellees.

No. 1D10-939.

Dec. 14, 2010.

\*\*\* Start Section

... and the LDC that would limit the intensity of development on this land even under the RVP designation. The ALJ concluded, however, that "[n]otwithstanding the other provisions within the Plan and LDRs that place limitations on RV park development \*26 in an effort to satisfy environmental constraints, ... the subject property is clearly not 'the most appropriate area, as depicted on the GFLUM' for new development, nor is it an area with 'minimal environmental limitations.' "

The ALJ also concluded that the Amendment was inconsistent with FLUE Policy 17.2.8's requirement that development be accomplished in a "functional and compatible land use framework which reduces incompatible land uses." Because "compatible" is not defined in the Plan, the ALJ relied on the definition of "compatibility" in Florida Administrative Code Rule 9J-5.003(23). That definition is as follows:



"Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

In support of the conclusion that the new designation approved a land use incompatible with the surrounding uses, the ALJ noted Appellee's testimony concerning the characteristics of the area. He also noted Appellee's concerns about noise, lighting, litter, traffic, and property value. The ALJ further noted that there were only six nonconforming

land uses and that each was permitted to exist due to vested rights. The ALJ then stated, "It is fair to infer that the insertion of an RV park in the middle of a large...

\*\*\* Start Section

.... The mere fact that Appellee's property has a different future land use designation than Appellant's re-classified property is insufficient. *See Hillsborough County v. Westshore Realty, Inc.*, 444 So.2d 25, 27 (Fla. 2d DCA 1983) (holding that the mere fact that property is in close proximity to another property with a less restrictive classification does not require reclassification). Additionally, while it may have been noteworthy that Appellant presently fails to maintain its vested one-acre RV park in an attractive manner, the concern that the yet-to-be-developed RV park would be maintained in the same way is speculative and does not establish long-term negative impacts stemming from the reclassification of the subject property.

In sum, based on the applicable definition of "compatibility," Appellant's argument that there was insufficient evidence to support a finding that the RV park was incompatible is well-taken. It appears that, in finding the proposed use incompatible with the surrounding uses, the ALJ gave undue emphasis to Appellee's preference not to have an RV park as a neighbor. However, this preference in itself is insufficient to override Appellant's desire to build an RV park on its land. *See Conetta v. City of Sarasota*, 400 So.2d 1051, 1053 (Fla. 2d DCA 1981) (suggesting that a land-use decision should not be "based primarily on the sentiments of other residents"). As a result, we hold that the ALJ erred in concluding that the Amendment was inconsistent with FLUE Policy 17.2.8.

III. Conclusion

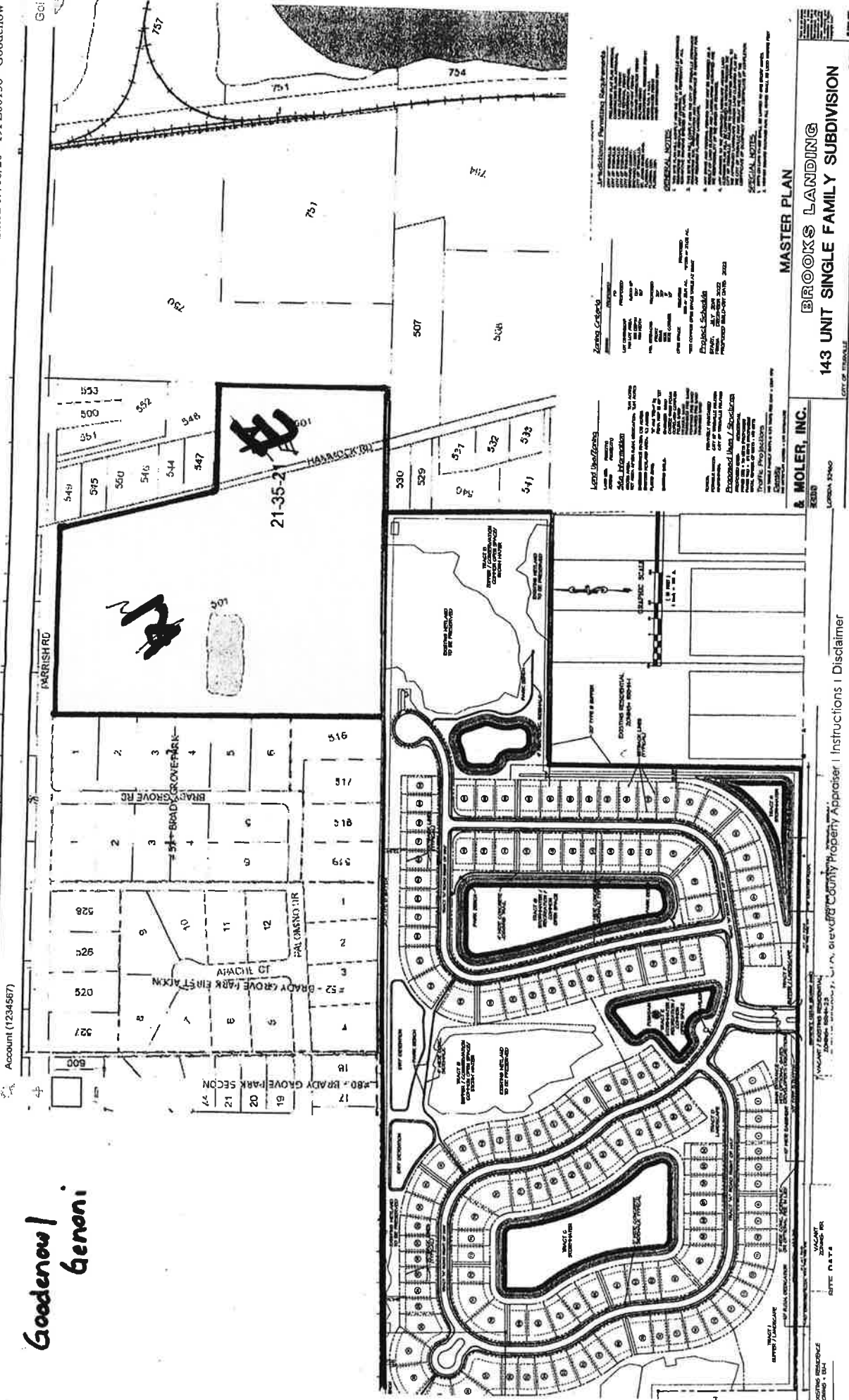
For the reasons explained...

§ 163.3164(9), Fla. Stat.

19PZ-158

Goodenow /  
Genani

Submitted 07/06/20 - 19PZ00158 - Goodenow



**Sec. 62-1542. - Planned industrial park, PIP.**

The PIP planned industrial park zoning classification is intended for locations which are served by major roads but are not feasible for light or heavy industrial developments because of proximity to residential uses. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open spaces, landscaping and parking areas. Consequently, manufacturing activities that can be carried on in a relatively unobtrusive manner, and certain facilities that are necessary to serve the employees of the district, are permitted. All property in this zoning classification shall have a structure located on the property with a minimum of 300 square feet prior to utilizing the property for any of the uses permitted in this section.

(1) *Permitted uses.*

- a. The following uses are permitted providing they are in compliance with the performance standards set forth in division 6, subdivision III, of this article and providing they take place within substantial buildings completely enclosed with walls and a roof.

All uses permitted in the BU-1 and BU-2 classification.

Motels.

- b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Uses "permitted with conditions" will be controlled by section 62-1540 and performance standards.

Boatbuilding facility.

Preexisting use.

Recovered materials processing facility.

Single family residence.

(2) *Accessory uses.*

- a. Customary accessory uses are permitted, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, and machine shops, provided these take place within enclosed buildings.

- b. The following uses are permitted as a convenience to the occupants thereof and their customers and employees:

Convention or exhibit hall.

Dining facilities.

Recreational facilities.

(3) *Conditional uses.* Conditional uses are as follows:

Change of nonconforming agricultural use.

Land alteration (over five acres).

Marinas, commercial or recreational.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Rev. 8/6/20

Prepared by: Charles B. Genoni  
Beachland Managers, LLC  
4760 N. US1 #201  
Melbourne FL 32935

**BINDING  
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Theodore C. Goodenow, (hereinafter referred to as 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 1-9 zoning classification and desire to develop the Property as a Single-Family 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 impact 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. 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.
2. The following conditions shall apply:
  - a. The Developer/Owner shall limit the project density to 62 Units with the current Future Land Use Designation of RES 2.

- b. The Developer/Owner will hook up to Titusville Water and Sewer services.
- c. The total maximum density for the project will include the 4.845 acres of land on the east side of Hammack Rd. and the 26.328 acres of land on the west side of Hammock Rd. and shall be limited to a cumulative 62 units.
- d. The land on East side of Hammock Rd. shall be limited to one ½ acre or larger lot. Any lots allowed by the zoning category on the eastern portion of the Property can be recaptured on western portion of the Property so that the average density of the east side and west side combined is 2 units per acre or 62 units total.
- e. The minimum lot size shall be 9,000 sq. ft. for lots on the west side of Hammock Rd.
- f. There shall be a 25' buffer on the west property line of the west 26.328-acre parcel that will include landscaping (see Exhibit B) or a fence. There shall be a 25' buffer that will include landscaping (see Exhibit B) on the north property line of the east 4.845-acre parcel. The pepper trees along the north property line of the east 4.845-acre parcel shall be cleared at the time of site development, provided they are not in wetlands that would require mitigation.

3. 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 Comprehensive Plan or land development regulations as they may apply to this Property.

4. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

5. This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on \_\_\_\_\_ 20\_\_\_\_. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

7. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 6 above.

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

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
2725 Judge Fran Jamison Way  
Viera, FL 32940

\_\_\_\_\_  
Scott Ellis, Clerk  
(SEAL)

\_\_\_\_\_  
\_\_\_\_\_  
As approved by the Board on \_\_\_\_\_ Chair

\_\_\_\_\_  
(Please note: you must have two witnesses and a notary for each signature required, the notary may serve as one witness.)

WITNESSES:

OWNER

Theodore C. Goodenow

\_\_\_\_\_  
\_\_\_\_\_  
(Witness Name typed or printed)

\_\_\_\_\_  
605 Sugartown St Port St. John FL 32927

\_\_\_\_\_  
(Witness Name typed or Printed)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_,

who is personally known or produced \_\_\_\_\_ as identification.

My commission expires \_\_\_\_\_

Commission no \_\_\_\_\_

SEAL

\_\_\_\_\_  
Notary Public

(Name typed, printed or stamped)

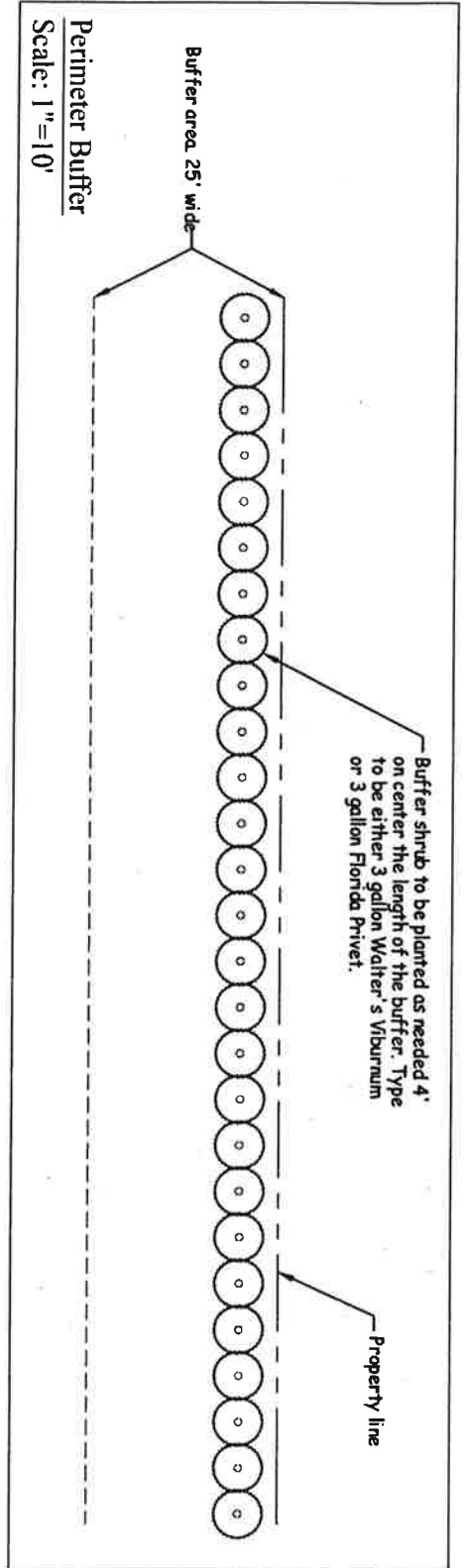
**Exhibit "A"**

Account 2105262

N 1/2 of NE ¼ of SW ¼ lying W of Hammock Rd & S ½ of NE ¼ of SW ¼ Exc RD R/W Pars 502,506 & 543



# Exhibit "B"



Parrish Landing proposed landscaping for 25' buffers for west property line and north property line of parcel east of Hammock Rd.



**FNGLA** **FNGLA Certified**  
Landscape Professional

**Brian K. Alderfer**  
HCO 02184

Florida Landscape Architects 2017-2020

**Environmental Design Services**  
Landscape and Irrigation Design and Construction

141 East Dwyer Blvd.  
Newport Beach, CA 92660  
Phone (949) 266-6141  
Fax (949) 266-6142

## REVISIONS:

No.	Description
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

## Landscape Buffer Plan

L-1

Project No.	DATE
Drawn By	MSA
Checked By	MSA
Design Scale	1"=10'
Sheet	1 of 1

# Brevard Re-Zoning Request 19PZ-00158

## Resident and Citizen Comments

for

Brevard County Commissioners Meeting on 6 August 2020, 5PM

H 1  
H 2  
Goodenow  
Speaker  
Subm-Hall

### Two Items For Commissioners:

**Parrish Road (1930 Hammock Road) Re-Zoning Request #19PZ-00158**  
change zoning for 26 acres from Agricultural (AU) to RU-1-9  
Increase Ten Homes to 62 Homes

**Hammock Road Re-Zoning Request #20PZ-00024**  
change zoning for 5 acres from PI to RU-1-9  
One home to (unspecified) home quantity



Parrish Re-Zone Request 6Aug2020-B, slide 1



## Zoning Change Request 19PZ-00158 and 20PZ-00024

REFERENCE

Property located in District One, Brevard County  
Vote on Thursday 6 August to Approve/Deny/Postpone  
Request-to- Increase-Housing-Density from 10 homes to 62 homes on 26 acres.

Issues include development very close to Lagoon,  
extreme low elevation of homes, and local area flooding.

Brevard County Commissioner:

**Rita Pritchett** Commissioner, District One

email: [D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)

Additional Voting Commissioners:

**Brian Lober** D2.Commissioner@brevardfl.gov

**John Tobia** D3.Commissioner@brevardfl.gov

**Curt Smith** D4.Commissioner@brevardfl.gov

**Kristine Isnardi** D5.Commissioner@brevardfl.gov



Parrish Re-Zone Request 6Aug2020-B, slide 2

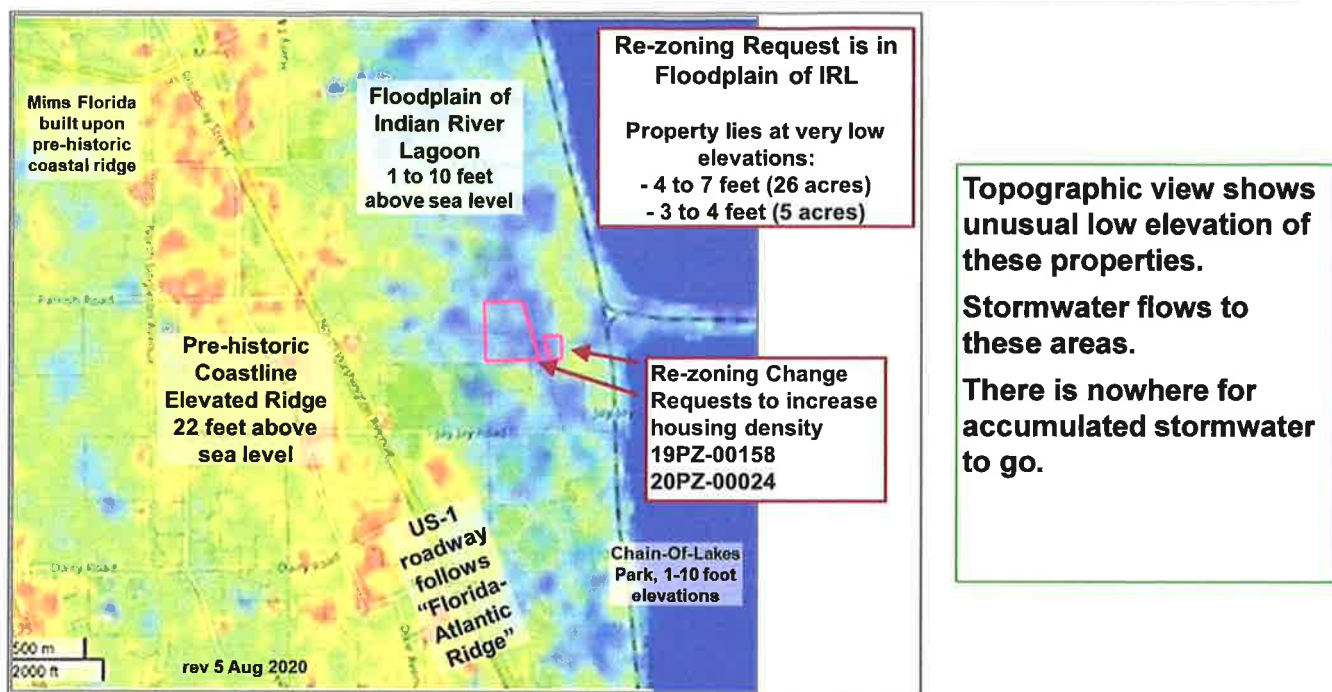


Vote is Thursday 6 August  
for zoning request to  
increase density of housing:

- approve
- deny
- table for further details



## Concern: Re-zoning Request is in Floodplain of IRL



**Properties in floodplain at very low elevations.**

**No concept of stormwater mgmt provided. Risk of flooding remains high for future homeowners and area residents.**

Parrish Re-Zone Request 6Aug2020-B, slide 3

## Views of Property

Properties sit in depressions alongside Hammock Road

- 26 acres property lies between 4 and 6 feet above sea level
- 5 acres sits at between 3 and 4 feet above sea level



**Both properties sit at low elevations, very prone to flooding for short and long periods.**

**No outlet for flood waters.**

Parrish Re-Zone Request 6Aug2020-B, slide 4

## Concern: Current Stormwater Deadlock at Jay Jay Road

### Brevard County Florida Topographic Maps



Parrish Re-Zone Request 6Aug2020-B, slide 5

**No coordinated stormwater system exists north of Jay Jay Road. Residents deal with flooded roadways during/after significant rainfall events.**

Homes on Parcel 21-35-21-00-501 (26 acres) will be subjected to stormwater from higher elevation properties, and in-turn impact flooding to adjacent parcels.

Stormwater impact assessment has not been addressed in zoning change evaluations.

**Two ditches exist for all stormwater between Parrish Road and Jay Jay Road. They both dead-end at east end of Jay Jay Road.**

Chain-Of-Lakes-North meets there with 36" pipe, constrained at 2 feet above sea level, not capable of significant inflow from northwest properties.

Note: Chain-of-Lakes parkland contributes to current periodic flooding of Jay Jay Road.

Future spillover from Brooks Landing will connect with Jay Jay Road south-side ditch. This will make current flood problems worse. There is no ditch on northside. Jay Jay Road southside ditch currently floods over into northside properties.

**Area currently floods during storms (both roads and properties).  
Additional development has negative impact, given no stormwater system.**

## Concern: No Area Stormwater Mgmt, similar to Pine Island Problems

Zoning Change Request has similar issues as expensive Merritt Island drainage repair projects: lack of area-wide stormwater management.  
Brevard County is responsible for costs of fixing current and future stormwater issues in Mims Florida area, including outflow from Titusville (Brooks Landing).

Location of North Brevard 26 and 5 acre parcels with requests for zoning change to build several dozen homes.

No significant Stormwater Drainage structures in this area (no Stormwater System)

"Pine Island Conservation Area"  
"Stormwater Mgmt System"

Brevard County (et.al.) spent millions of dollars to fix random-and-direct drainage into Indian River Lagoon

rev 27 July 2020



**Re-zoning approval will increase problems, similar to forced expenditures for "Pine Island", a multi-million-dollar stormwater system.**



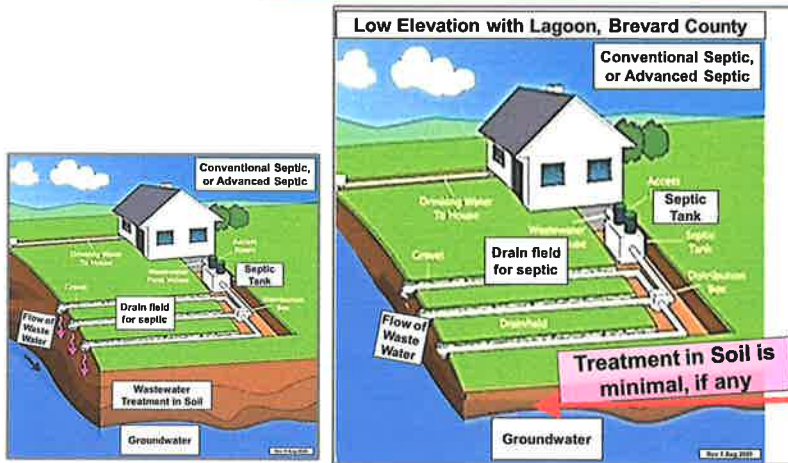
## Sewer or Septic: Major Concern Area

To date, no agreements for connection to Titusville sewer, although BDP states "...will hookup to Titusville water and sewer".

**Approval of Re-zoning does not guarantee connection to Titusville sewer.**

**Multiple homesites with Septic would pollute directly to Lagoon, regardless of type of septic.**

**Zoning change should not be approved, if connection to sewer is not guaranteed (or void if not connected).**

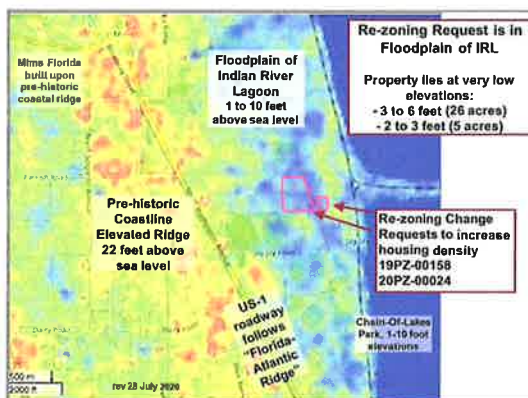


Parrish Re-Zone Request 6Aug2020-B, slide 7

**With septic, drain fields are directly connected to Lagoon groundwater**

## Summary: Info is Missing to Add Homes in Lagoon Floodplain

- BDP focuses on maximizing number of homes. BDP needs to address protecting homes from obvious flooding risks.
- Focus should be on "How Homes will be built in a Floodplain"
- Commission must address development and external stormwater. After this gate review, there is no further public forum for review of important issues.
- Increasing home density may contribute to millions of dollars of Brevard County costs in near future for reactive flood and stormwater management projects.



Parrish Re-Zone Request 6Aug2020-B, slide 8

**It is not appropriate or safe to approve adding dozens of homes at low elevations without concept for:**

- development layout
- min. home and road elevations
- retention ponds
- swales
- overall stormwater design