



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.11.

9/5/2024

Subject:

JEN Florida 48, LLC (Kim Rezanka) requests a change of zoning classification from GU & AU to PUD. (23PUD00005) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

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 GU (General Use) and AU (Agricultural Residential) to all PUD (Planned Unit Development).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from General Use (GU) and Agricultural Residential to Planned Unit Development (PUD) on an undeveloped 1,109.57 acre parcel. The applicant has proposed a project consisting of 3,246 single family units with an overall gross density of 3 dwelling units per acre and 398,000 square feet of commercial development. The subject parcel is currently undeveloped and has access to Babcock St. and is approximately a quarter-mile south of St. Johns Heritage Pkwy SE interchange.

A companion Future Land Use Map (FLUM) amendment application (23LS00001) was submitted accompanying this request to change the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to encompass 1,082.24 acres of Residential 4 (RES 4) and 27.33 acres of Community Commercial.

To the north of the subject property on the southside of Willowbrook St. is a two-mile long, linear strip of property owned by Willowbrook Farms. It varies in width from approximately 40 feet to 140 feet, and it prevents roadway access from the subject property to Willowbrook St. There is also a canal to the north of this strip. The FLUM designation of this strip is Residential 1:2.5 (RES 1:2.5) with AU and GU zoning. To the south and west is the Deer Run single-family subdivision is a large lot development with single-family, site-built homes with AU zoning and a RES 1:2.5 FLUM designation developed with 433 lots. To the east across Babcock St., there is vacant State-owned property with a FLUM designation of PUB-CONS and GU zoning. There is also a privately-owned, borrow pit with FLUM designations of RES 1, NC and CC with RRMH-1, AU, and BU-1 zoning.

The PUD zoning classification permits flexibility in development standards to the extent that the proposed development is in the best interest of the county, public health, safety and welfare. The applicant has indicated the proposed development meets the intent of this by providing for dedications related to land for a

future fire station and land for the expansion of the Babcock Street corridor. The dedication of land for the expansion of Babcock will ultimately serve citizens of the County in the surrounding subdivisions. Continuity and consistency of the master plan community will also provide for a sustainable development that offers a range of housing options, which improves housing access for County citizens. The PUD also proposes approximately 26 acres of supporting commercial development. Moreover, the project will preserve over 93 acres of wetlands, while also featuring over 250 acres of open space and recreation.

The Board should consider if the request is consistent and compatible with the surrounding area. Should the Board approve this request, staff recommends approval be subject to the following conditions, which the applicant shall incorporate into a BDP and provide to County staff:

- 1) The residential density of the development shall be capped at 3 units per acre.
- 2) The approval of Waiver #2 to be exempt from the storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County Code Sec. 62-2117, provided each lot will have a 20' driveway capable of parking recreational vehicles.
- 3) The approval of Waiver #1 on the PDP plan set to allow for lots smaller than 5,000 square feet and less than 50 feet in width (40 feet X 120 feet) is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation.
- 4) The approval of Waiver #3 on the PDP plan set to allow for residential structures of two stories or less, to have a minimum building separation of 10' (rather than 15') is limited to structures that do not abut utility and/or stormwater easements or otherwise affect the intended purpose and use of the easement nor the ability to maintain utility/stormwater infrastructure.
- 5) Approval of the commercial uses as allowed in the BU-1 zoning classification per Brevard County Code Sec. 62-1482.
- 6) The approval of Waiver #4 on the PDP plan subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5.
- 7) The approval of Waiver #6 reducing rear setback for residential principal structures from 20 feet to 15 feet is conditioned upon the development containing a minimum of 474 acres of common recreation and open space as identified on the PDP plan set or as defined by the Brevard County Code. Said common recreation and open space shall consist of no less than 140 acres of active recreation and 334 acres of passive recreation.
- 8) Closure of the borrow pit permit shall be in accordance with SJRWMD requirements.
- 9) Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided.
- 10) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan the Developer shall:
 - a. Execute an agreement, which may include, but is not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement may include, but is not limited to,

provisions requiring the developer to design, permit, and construct the identified improvements at a cost to the developer proportionate to the project's impact. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate.

b. Donate/convey to the County in fee simple three (3) acres of land to be used for a fire station. The County will obligate the Emergency Medical Services Impact Fees and Fire Rescue Impact Fees collected from the development for a fire station on said property.

11) Prior to County approval of a construction plan and/or Preliminary Plat and/or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy.

12) Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals.

13) In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval.

14) If the development is to have designated on-street parking, the developer/owner shall establish a financial mechanism for maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

On August 12, 2024, the Planning and Zoning Board heard the request and recommended approval, with a 4:3 vote, with the understanding that staff and the applicant would revise certain conditions. The agenda report reflects these revisions.

Clerk to the Board Instructions:

None

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
23PUD00005
Jen FLORIDA 48 LLC.**

General Use (GU) to Planned Unit Development (PUD) with Removal of CUP for a Commercial Borrow Pit

Tax Account Number(s): 3000277, 3000368, 3000827, 3000829
Parcel I.D.: 30-37-08-HF-500, 30-37-16-00-1, 30-37-09-00-500, 30-37-17-HF-1
Location: West of Babcock St. and south of Willowbrook St. North and east of Deer Run
Acreage: 1,109.57 acres
Planning & Zoning Board: 8/12/2024
Board of County Commissioners: 9/5/2024

Consistency with Land Use Regulations

- Current zoning cannot 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 will not maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	GU, AU	PUD
Potential*	432 single-family	3,246 single-family, 0.33 FAR
Can be Considered under the Future Land Use Map	YES RES 1:2.5	YES** RES 4

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

**Companion request 23LS00001 which proposes to amend the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to Residential 4 (RES 4) is pending approval.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from General Use (GU) and Agricultural Residential to Planned Unit Development (PUD) on an undeveloped 1,109.57

acre parcel. The applicant has proposed a project consisting of 3,246 single family units with an overall gross density of 3 dwelling units per acre and 398,000 square feet of commercial development. The subject parcel is currently undeveloped and has access to Babcock St. and is approximately a quarter mile south of St. Johns Heritage Pkwy SE interchange. At this time, there are no active code enforcement cases associated with the subject parcel.

The PUD zoning classification permits flexibility in development standards given that the proposed development is in the best interest of the county, public health, safety and welfare. The applicant has indicated the proposed development meets the intent of this by providing for dedications related to land for a future fire station and land for the expansion of the Babcock Street corridor. The dedication of land for the expansion of Babcock will ultimately serve citizens of the County in the surrounding subdivisions. Continuity and consistency of the master plan community will also provide for a sustainable development that offers a range of housing options, which improves housing access for County citizens. The PUD also proposes approximately 26 acres of supporting commercial. Moreover, the project will preserve over 93 acres of wetlands, while also featuring over 250 more acres of open space and recreation.

Under action **Z-7896** approved a Conditional Use Permit for a Commercial Borrow Pit encompassing approximately 150 acres in the GU zoning classification with a binding site plan (BSP) on September 28, 1987. This is the only active CUP on the property. FLUM designation remained RES 1:2.5. Another portion containing 21.70 acres, under action **Z-9314**, approved a change of zoning classification from GU & AU (also having a Conditional Use Permit (CUP) for Solid Waste Disposal) to all AU and a CUP for a Security Trailer on June 27, 1994. Previous action included action **Z-9182** approved GU to AU with a CUP for Solid Waste Disposal Facility; approved for 5 years on 11.248 acres in July 1993. Under **Z-7464** was denied for CUP for a Commercial Borrow Pit in May 1986. FLUM designation remained RES 1:2.5.

A companion Future Land Use Map (FLUM) amendment application (**23LS00001**) was submitted accompanying this request to change the Future Land Use designation from Residential 1:2.5 (RES 1:2.5) to encompass 1,082.24 acres of Residential 4 (RES 4) and 27.33 acres of Community Commercial.

The subject parcel's GU and AU zoning classification (requires lot sizes of 5 and 2.5 acres respectively) is consistent with the RES 1:2.5 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The current density limits the development to 432 residential units.

The requested RES 4 FLU designation permits low density residential development with a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the FLU element. The RES 4 portion of the parcel would allow up to 4,328 residential units with the PUD zoning. As otherwise stated in RES 4 Criteria D of the future land use element with the PUD zoning up to a 25% density bonus to permit up to five (5) units per acre or 5,411 residential units may be considered where deemed compatible by

the County with adjacent development and provided the minimum infrastructure requirements set forth in Policy 1.2 are available. At this time, public facilities and services requirements are not available, therefore a density bonus should not be considered at this time.

A Floor Area Ratio (FAR) of up to 1.00 will be permitted for the Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75. The Preliminary Development Plan (PDP) indicates a FAR of 0.33 for the proposed commercial development.

After the initial approval of the PUD, should a request to make any substantial changes as defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space, the owner or applicant shall be requested to return to the board of county commissioners. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

Surrounding Area Zoning classifications and Land Use designations

	Existing Use	Zoning	Future Land Use
North	Vacant South of Willowbrook St. (owned by Willowbrook Farms)	GU, AU	RES 1:2.5
South	Single-family residential	AU	RES 1:2.5
East	Vacant State-owned Land, Borrow Pit	GU, RRMH-1, AU, BU-1	RES 1, NC, CC, PUB-CONS
West	Single-family subdivision	AU	RES 1:2.5

To the north of the subject property on the southside of Willowbrook St. is a two-mile long, linear strip of property owned by Willowbrook Farms. It varies in width from approximately 40 feet to 140 feet which prevents roadway access from the subject property to Willowbrook St. There is also a canal to the north of this strip. The FLUM designation of this strip is Residential 1:2.5 (RES 1:2.5) with AU and GU zoning.

Per **Resolution 2021-168**, the Rolling Meadows Ranch development was approved at 2 units per acre.

To the south and west is the Deer Run single-family subdivision is a large lot development with single-family, site-built homes with AU zoning and a RES 1:2.5 FLUM designation developed with 433 lots.

To the east across Babcock St., there is vacant State-owned property with a FLUM designation of PUB-CONS and GU zoning. There is also a privately-owned, borrow pit with FLUM designations of RES 1, NC and CC with RRMH-1, AU, and BU-1 zoning. Zoning **Resolution 3529**, approved BU-1 zoning. Zoning resolution **15PZ00016**

approved a small-scale Comprehensive Plan amendment and a conditional use permit for land alteration limiting use of the property to a borrow pit. There is a mixture of residential zoning classifications in the surrounding area and the following provides a brief description:

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

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

Planned Unit Development

The Planned Unit Development (PUD), as provided in Sec. 62-1442, is a concept which encourages and permits variation in development by allowing deviation in development standards such as, but not limited to, lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential zoning classification under this article. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as industrial, commercial and institutional land uses. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subdivision while departing from the strict application of conventional use and dimension requirements of other zoning districts or other land development regulations in articles II, VI, VII, VIII, IX, or XIII of chapter 62 of the Brevard County Code.

In order to accomplish the objectives of this section, the applicant of a PUD may propose, and the county may consider, alternative development standards to any land development regulation in articles VI or VII of chapter 62 of the Brevard County Code.

The applicant shall justify the proposed alternative development standard(s) by describing how it promotes a development form facilitating the goals and objectives of article VI of this chapter and does not violate the purpose of this chapter for the protection of the public health, safety and welfare in the subdivision of land.

Applicant's response:

Alternative development standards have been requested.

The PDP is a mechanism to request such waivers. The applicant shall specifically include the alternative development standard(s) in the preliminary development plan, and shall present its justification to the planning and zoning board and board of county commissioners in public hearing.

Substantial (major) changes to the PDP require Board approval. As provided in sec. 62-1448(c): If, after the initial approval of the PUD preliminary development plan, should the owner or applicant or his successors desire to make any changes to the preliminary development plan, such changes shall first be submitted to the county. If the zoning official deems there is a substantial change or deviation from that which is shown on the preliminary development plan, the owner or applicant shall be requested to return to the Board of County Commissioners where it is determined that the public interest warrants such procedure. For purposes of this subsection, a substantial change shall be defined as any change which increases the density or intensity of the project or decreases the amount of buffer areas from adjacent property or decreases the amount of common open space. The zoning official shall have the authority to approve minor changes not determined by the director to be substantial as defined in this subsection.

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD, which depicts the use and intensity of the project. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Design elements shown as on the Preliminary Development Plan are required to meet code, unless a waiver has been granted by the Board. Substantial changes would require Board approval.

The Preliminary Development Plan (PDP) is a mechanism to request such waivers. The PDP is part of the zoning application for a PUD, which depicts the use and intensity of the project. It is not intended to be specific with respect to engineering details that are normally reviewed at the Final Development Plan (site plan) stage of review. Design elements shown as on the Preliminary Development Plan are required to meet code, unless a waiver has been granted by the Board. Substantial changes would require Board approval.

Specific waivers to land development regulations must be stated on the preliminary development plan and must be verbally requested by the applicant at the public hearing. Unless a waiver is specifically requested by the applicant and specifically approved by the Board, it will not be assumed to have been approved.

The proposed waivers and justification for each waiver is described in the following applicant response and on Sheet C3.00 of the Preliminary Development Plan.

Requested waivers.

The preliminary development plan proposes # (6) waivers:

1. A waiver from LDR Section 62-1446. (d). (1) to permit lots smaller than 5,000 square feet and less than 50 feet in width.

Applicant response:

The Preliminary Development Plan depicts 40' wide lots, with a minimum lot area of 4,400 sq. ft. The Preliminary Development Plan exceeds the required common recreation and open space. While a buffer is not required along the northern, western, and southern

property lines, the Preliminary Development Plan provides an average 15' perimeter lot buffer around the residential area, with the exception of areas where residential lots abut the western and southern PUD perimeter, where a 50' lot buffer will be provided. The smaller lot sizes allow the Preliminary Development Plan to exceed the common recreation and open space and buffer standards. In addition, the minimum floor area required in the PUD zoning is 900 sq. ft. for single-family detached units. The Preliminary Development Plan provides a minimum floor area of 1,100 sq. ft. for single-family detached units.

Staff response:

The minimum lot size requirement may be waived by the Board of County Commissioners if the proposed lot or lots all have substantial relationship to the common open space.

Waiver shall be limited to those lots which have substantial relationship to the common open space reflected in the final development plan. Response to staff comments indicate the 40' wide lots will be placed in a centralized location within the property in close proximity of the active recreation lake, recreational amenities, amenity centers, and walking trails. Furthermore, the smaller lot size allow for the preservation of wetlands and increased provisioning of common open space.

2. A waiver to be exempt from LDR Section 62-1446. (g), requiring the designation of an outdoor parking area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles.

Applicant response:

The Preliminary Development Plan is exceeding the requirements for common recreation and open space standards. Allocating space for the parking of campers, travel trailers, recreation vehicles, boats and boat trailers will decrease the provided amount of open space and recreation. In addition, outdoor parking of such vehicles and trailers is aesthetically unappealing.

Staff response:

The PDP is exceeding the requirements for common recreation and open space and therefore would have the ability to allocate space for the parking of campers, travel trailers, recreation vehicles, boats and boat trailers with minimal impact. An opaque fence would be required which may aid in obscuring the outdoor storage area. The public rights-of-ways cannot be used for boat, rv, etc. storage. Parking recreational vehicles, boats, etc. in the rights-of-way also poses an issue with emergency access.

The designation of an outdoor parking area dependent on all lots having a 20-foot-long parking space providing for vehicles in the driveway that is completely outside of the right-of-way.

3. A waiver is requested from LDR Section 62-1446 (d) (3) (b) to allow residential structures, two stories or less, a minimum building separation of 10', rather than

15', provided that proposed structures do not abut utility easements or otherwise affect the ability to provide and maintain utility service to each lot.

Applicant response:

LDR Section 62-1446 (d) (3) (a) requires single-family lots, with less than 75' lot widths, to have a minimum 5' side setback. Where two lots, without side street setbacks, abut each other, the minimum required distance between the two lots will be 10'. In addition, the required minimum building separation of 10' for structures two stories or less is consistent with the RPUD Zoning District.

Staff response:

Aspects of this PUD zoning request is consistent with RPUD zoning classification, specifically the clustering of significant areas of usable open spaces for recreation and preservation of natural amenities such as the protect of wetland habitats. As well as creation of housing types that gives the home buyer or residents greater choice in selecting types living units. And the integration of continuous and physically linked sidewalks to provide safe alternative modes of transportation internal to the site.

4. A waiver from LDR Section 62-2957 (c) (1) to permit 7 entrances rather than 14. Divided roadways provide and qualify as 2 entrances.

Applicant response:

The north-adjacent parcels, between the subject property and Willowbrook Street, are under separate ownership. The west and south-adjacent land use is, predominately, a canal. The internal subdivision streets provide interconnectivity between phases.

Staff response:

For 350 dwelling units and up, two entrances plus one per 200 additional dwelling units are required. The applicant indicates two spine roads that will stem throughout the central portion of the property from Babcock westward provide for local road access for future subdivisions of this property. The PUD itself is not a subdivision. Each subdivision within this development will either have direct access to one of these two spine roads (which will be Public ROWs) or to Babcock Street. There are 17 full ingresses/egresses to the spine roads from the different phases of the development, providing connectivity throughout the project. Additionally, there are two four-lane segments connecting to Babcock with full access, and another two right-in, right-outs onto Babcock Street.

5. A waiver from LDR Section 62-1102, Open Space, usable common (5) to include the lake acreage, Tract L-1, as active recreation.

Applicant response:

The PDP indicates a dock be provided on the southern boundary of Tract Lake L-1, which is accessible via active recreation tract AR-3. The lake will also be accessible to residents to use non-motorized watercraft, providing various opportunities for active recreation.

Staff response:

Adequate measures shall be provided which guarantee in perpetuity a level of water quality acceptable for recreational purposes.

6. A waiver from LDR Section 62-1446 (d) (3) (a) to reduce the minimum required rear yard setback from 20' to 15'.

Applicant response:

The minimum floor area, per unit, for this PUD is 1,100 sq. ft., exceeding the code requirement of 900 sq. ft. Reduced setbacks permit larger housing products.

Staff response:

The PDP indicates a buildable area of 2,250 square feet. The applicant has not indicated which lot sizes the reduced rear yard setback will be applicable to.

The Waiver shall be limited to those lots which have substantial relationship to the common open space reflected in the final development plan.

Land Use

The proposed PUD zoning classification can be considered consistent with the existing Residential 1:2.5 (RES 1:2.5) FLU designations, as well as the proposed Residential 4 (RES 4) FLU designations.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of the Future Land Use Element.

Policy 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.

The adopted Level of Service (LOS) volume threshold on Babcock Street along the site's frontage is 14,200 vpd (vehicles per day). The existing 2024 Annual Average Daily Traffic (AADT) is 5,494 vpd. The project proposes to add a maximum volume of 18,490 vpd to this roadway segment. This will result in a volume-to-capacity (v/c) ratio of 1.30. The existing v/c ratio is 0.39. Sec. 62- 602 (e) outlines remedies for a deficiency caused by a development permit proposal.

Additionally, in the case of a concurrency evaluation finding of non-deficiency, per Sec. 62-602(f)(6)(b), "...a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility."

The maximum capacity allotment along this segment is 2,177 vpd, and this project proposes adding 16,313 vpd over the allotment. Options for a project or phase requiring services or facility capacity in excess of the maximum capacity allotment are outlined in Sec. 62-602(f)(6)(c).

The applicant provided a revised TIA methodology on August 2, 2024. Staff is in the process of reviewing and additional staff comments may be forthcoming. As of this date, the TIA methodology has not been approved by County staff.

The applicant has acknowledged offsite improvements will be required. The nature of the offsite improvements will be addressed through a forthcoming agreement. The specific improvements are not depicted on this Preliminary Development Plan (PDP). The applicant also notes per the City of Palm Bay, the four-laning of Babcock Street anticipates a 180' right-of-way. Therefore, a right-of-way dedication that is a 90-foot offset from the centerline of Babcock Street is provided. The width of the Babcock Street right-of-way varies; therefore, the width of the dedication varies from 40-feet at the southern end of the property and tapers to a width of 0-feet as it approached the northern end of the property.

The PDP depicts two spine roads that stem throughout the central portion of the property from Babcock westward provide for local road access for future subdivisions of this property. The PUD itself is not a subdivision. Each subdivision within this development will either have direct access to one of these two spine roads (which will be Public ROWs) or to Babcock Street. There are 17 full ingress/egresses to the spine roads from the different phases of the development, providing connectivity throughout the project. Additionally, there are two four-lane segments connecting to Babcock with full access, and another two right-in, right-outs onto Babcock Street.

The St. Johns Heritage Parkway Intersection and Babcock Street Interlocal Agreement between the County and the City of Palm Bay agrees that the County will set aside fifty percent (50%) of the transportation impact fees received for any new development in the south Mainland Benefit District located south of Grant Road and west of the Florida East Coast Railway to be utilized for the Babcock Street future 4-lane widening project.

The City and the County also agreed that coordination regarding future development, as further described in the Interlocal Agreement (ILA) recorded in OR Book 8730, Page 998. It also provides a mechanism for the City to take ownership of Babcock St.

The applicant has submitted a letter from the City of Palm Bay stating it is the intent of the City to serve the subject property in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. At this time, there is not sufficient capacity through City of Palm Bay to serve the subject property.

Grading and drainage improvements will be designed and depicted on the final construction plans and shall demonstrate that the proposed development will not negatively affect adjacent properties. PDP depicts a stormwater outfalls to the Babcock Street roadside swale.

Adequate recreation facilities are proposed to serve the needs of the associated development. Development is proposed to be complete in 11 phases.

- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.**

A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development.

The PDP depicts a 2-acre parcel, located in Phase 1, is proposed to be dedicated to Brevard County. Continued discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.

Two approved access points shall be provided for each cluster of 350 dwelling units, single family lots shall not have individual direct access to a spine read, and the projects internal roadway network shall satisfy Florida Fire Prevention Code including but not limited to 1:18.2, 1:18.45 and 1:18.5.

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.**

Centralized potable water and sanitary sewer are not currently available to the subject property. The applicant has represented that the City of Palm Bay will

provide these services in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed. At this time, there is not sufficient capacity.

Sanitary Sewer Element Policy 3.17, Criteria 4B states, “Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan”.

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

Public water service is not currently available, and the applicant is requesting a density 3 units per acre. The applicant has represented that the City of Palm Bay will provide these services in the future provided necessary wastewater facility improvement, potable water extension and ground storage tanks are completed.

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

Centralized potable water and sanitary sewer are not currently available to the subject property. If public water service is not available in the future, then Pursuit to Florida Statute 373.469(3)(d) would be applicable.

Florida Statute 373.469(3)(d). Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized. The subject property is located within the Central Indian River Lagoon Basin Management Action Plan.

- F. 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.

Not applicable. Brevard Counties utilities and services are not available in this area.

Analysis of 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;

Traffic from the proposed development will have significant impacts on the surrounding area. Capacity of Babcock St. will be exceeded and no planned capacity expansion is anticipated. Based on the existing roadway capacities and vehicle trips that the proposed land use and intensities will generate, the level of service (LOS) will be compromised and anticipated to fall below the Acceptable LOS Standards defined in the Capital Improvement Element Policy 1.1.

The adopted LOS volume threshold on Babcock Street along the site's frontage is 14,200 vpd (vehicles per day). The existing 2024 Annual Average Daily Traffic (AADT) is 5,494 vpd. The project proposes to add a maximum volume of 18,490 vpd to this roadway segment. This will result in a volume-to-capacity (v/c) ratio of 1.30. The existing v/c ratio is 0.39. Additionally, in the case of a concurrency evaluation finding of non-deficiency, per Sec. 62-602(f)(6)(b), "...a site plan or subdivision shall be allotted no more than 25 percent of the remaining capacity of a facility." The maximum capacity allotment along this segment is 2,177 vpd, and this project proposes adding 16,313 vpd over the allotment.

The applicant provided a revised TIA methodology on August 2, 2024. Staff is in the process of reviewing and additional staff comments may be forthcoming. As of this date, the TIA methodology has not been approved by County staff.

The applicant has acknowledged offsite improvements will be required. The nature of the offsite improvements will be addressed through a forthcoming agreement. Specific turn lanes are not depicted on this Preliminary Development Plan (PDP). The applicant also notes per the City of Palm Bay, the four-laning of Babcock Street anticipates a 180' right-of-way. Therefore, a right-of-way dedication that is a 90-foot offset from the centerline of Babcock Street is provided. The width of the Babcock Street right-of-way varies; therefore, the width of the dedication varies from 40-feet at the southern end of the property and tapers to a width of 0-feet as it approached the northern end of the property.

The PDP depicts two spine roads that stem throughout the central portion of the property from Babcock westward provide for local road access for future subdivisions of this property. The PUD itself is not a subdivision. Each subdivision within this development will either have direct access to one of these two spine roads (which will be Public ROWs) or to Babcock Street. There are 17 full ingresses/egresses to the spine roads from the different phases of the development, providing connectivity throughout the project. Additionally, there are two four-lane segments connecting to Babcock with full access, and another two right-in, right-outs onto Babcock Street.

Specific concurrency issues will be addressed during a coordinated review with the City of Palm Bay.

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

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

1. historical land use patterns;

There are seven (7) FLU designations within 500 feet of the subject site: RES 1, RES 2, RES 1:2.5, AGRIC, NC, CC, and PUB-CONS. Please note, this analysis only includes unincorporated areas of Brevard County. The character of this area is mostly undeveloped with some residential development on large lots 2.5 acres or greater.

North of Willowbrook St. are smaller vacant lots platted in 1967 as Plot Plans of Sunshine Grove in Plat Book 21 and Page 78 and Plot Plans of Cape Kennedy Groves in Plat Book 21 and Page 77, agricultural plats restricted to agricultural use only, noting all lots depicted are sub-standard for residential purposes. Developed residential lots range from 2.67 acres to 41.39 acres (7 homesteads). Active agricultural pursuits in this area includes a plant nursery (5.59 acres), honeybee farm (23.81 acres) and a horse ranch (7.61 acres). The applicant has also proposed RES 4 and PUD zoning on 41.39 acres of vacant land to develop 124 single-family units on a minimum of 4,400 square feet lots.

To the northeast is undeveloped Rolling Meadows Lakes, 1,376.23 acres, with a FLUM designation of RES 2 and PUD zoning with entitlements for the development of 1,815 single family lots and 248 townhomes (proposed

density of 1.5 units per acre), and a total of 50.7 acres of commercial/institutional development under PUD Case 16-2014 (City of Palm Bay). Willowbrook Farms, 1,402.99 acres, has a FLUM designation of RES 2 with entitlement to develop 2,805 single family residential units approved under CP-1-2005 (City of Palm Bay) and GU zoning. Both de-annexed from the City of Palm Bay on May 10, 2019.

To the west and south is Deer Run Subdivision, encompassing 1,602 acres, is the only established residential development in the vicinity of the subject property. The subdivision has a FLUM designation of RES 1:2.5 and AU zoning approval for 433 single family residential units. The average lot size is 2.9 acres.

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

Within Brevard County jurisdiction to the south of the subject property, there has been 12 single-family homes constructed in the Deer Run subdivision within the preceding three (3) years.

There has been no approved zoning action within 0.5 miles of the subject property within the preceding three years.

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

There has been any development approved but not yet constructed or land use amendments adjacent to the site in the preceding three (3) years.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

FLUE Administrative Policy #3 Compatibility with existing or proposed land uses; The Board shall make this determination.

FLUE Administrative Policy #4 regarding the character of the area; The Board shall make this determination.

FLUE Administrative Policy #5 regarding roadway infrastructure; The Board shall make this determination.

FLUE Administrative Policy #6 regarding the future land use elements of the comprehensive plan; The Board shall make this determination.

FLUE Policy 1.1, Criteria C regarding roadway, potable water, sanitary sewer, public school facilities and fire protection and emergency medical services infrastructure deficiencies; Shall be provided concurrent with development.

FLUE Policy 1.2 regarding public facilities and services requirements; Shall be provided concurrent with development.

FLUE Policy 1.7 regarding the RES 4 FLUM designation; The Board shall make this determination.

FLUE Policy 2.1, Criteria E, regarding availability of required infrastructure for commercial development; Shall be provided concurrent with development.

FLUE Policy 2.8, Criteria A, regarding locational criteria for CC land uses greater than 10 acres in size; The Board shall make this determination.

CIE Policy 1.3 Criteria D, regarding advisory level of service for fire/protection; Shall be provided concurrent with development.

FLUE Administrative Policy 4

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

Criteria:

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

A potential residential density of four (4) units per acre and community commercial FAR of 1.75 will introduce traffic volumes that exceed the capacity of Babcock St. The concurrency management segment for the subject property is Babcock Street from the Grant Road to Micco Road, which has a Maximum Acceptable Volume (MAV) of 14,200 average daily trips, an Acceptable Level of Service (ALOS) of D, and currently operates at approximately 40% of daily capacity. At the currently adopted FLUM designation of RES 1:2.5, 3,978 average daily trips would be generated which would require approximately 45% of the remaining daily capacity of Babcock St.

Preliminary concurrency analysis indicates at the requested residential density of RES 4 on 1,082.24 acres and CC on 27.33 acres, 44,247 annual average daily trips would be generated which would significantly exceed available capacity on Babcock St.

The applicant has acknowledged offsite improvements will be required. The nature of the offsite improvements will be addressed through a forthcoming agreement. The applicant also notes per the City of Palm Bay, the four-laneing of Babcock Street anticipates a 180' right-of-way. Therefore, a right-of-way dedication that is a 90-foot offset from the centerline of Babcock Street is provided. The width of the Babcock Street right-of-way varies; therefore, the width of the dedication varies from 40-feet at the southern end of the property and tapers to a width of 0-feet as it approached the northern end of the property.

The PDP depicts two spine roads that stem throughout the central portion of the property from Babcock westward provide for local road access for future subdivisions of this property. The PUD itself is not a subdivision. Each subdivision within this development will either have direct access to one of these two spine roads (which will be Public ROWs) or to Babcock Street. There are 17 full ingresses/egresses to the spine roads from the different phases of the development, providing connectivity throughout the project. Additionally, there are two four-lane segments connecting to Babcock with full access, and another two right-in, right-outs onto Babcock Street.

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.

The Deer Run subdivision is the only established residential neighborhood to the south. Platted in 1980, with a FLUM of RES 1:2.5 and AU zoning. This subdivision was approved for 433 single-family lots on 1,602 acres.

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.

There is an existing borrow pit at the northeast corner of Babcock St. and Micco Rd. The applicant is requesting removal of the CUP for a commercial borrow pit with this action. The property encompasses 74.86 acres and has RES 1, NC and CC FLUM designations and RRMH-1, AU and BU-1 zoning. A small-scale Comprehensive Plan amendment and conditional use permit limiting the use to a borrow pit were approved by Zoning Resolution 15PZ00016.

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.

There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years within the County's jurisdiction. Development activity has occurred within the City of Palm Bay approximately half-mile away to the north.

Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

- **The submitted preliminary development plan indicates preservation of 95.34 acres of wetlands and 19.2 acres of wetland will be impacted for infrastructure and residential lots.**
- **Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region.**
- **Portions of this property are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. However, the PDP provided by the applicant indicates that sanitary sewer service will be provided by Palm Bay Utilities.**

Preliminary Development Plan

The Preliminary Development Plan should be evaluated in the context of **Section 62-1448 (b) (5)** of the Zoning code:

Review criteria. The decision of the planning and zoning board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the planning and zoning board shall consider the following facts:

- a. Degree of departure of the proposed planned unit development from surrounding residential areas in terms of character and density.

Applicant response:

The proposed planned unit development provides 3,241 single-family detached units at a density of 3.00 dwelling units per acre. This is compatible with the proposed Future Land Use designation, Residential 4 (maximum of 4 dwelling units per acre) The surrounding areas area is experiencing rapid growth, including the Waterstone and Cypress Bay developments to the north, in the City of Palm Bay. These Palm Bay developments contain the City Future Land Use Designation Low Density Residential (Maximum 5 dwelling units per acre) and High Density Residential (Maximum 20 dwelling units per acre). In addition, the City of Palm

Bay's Commercial Future Land Use is within the vicinity. The proposed Preliminary Development Plan, containing 3.00 dwelling units per acre, serves as a rational transition from the higher densities to the north.

Staff response:

The developed character of the surrounding area is single-family residential, agricultural lands (active and vacant), horse ranch and one (1) partially developed single-family residential subdivision with PUD zoning. Built-out densities of adjoining residential developments range from approximately 0.02 units per acre to 0.09 units per acre.

Surrounding Area Existing and Approved Development

Development	Acreage	Density (units built)	Lot sizes
0.5 miles West	147	9 units – 0.06 units/ac	30.21 to 2.67 ac
0.5 miles East	123	3 units – 0.02 units/ac	7.61 to 6.52 ac
Adjacent North	41.39	1 unit – 0.02 units/ac	41.39 ac
0.25 miles South	76.1	2 units – 0.02 units/ac	14.86 to 3.61 ac
Deer Run Subdivision South 430 SFR approved	1,602	149 units – 0.09 units/ac	5 +/- to 2.5 ac
***Rolling Meadows Ranch 1815 SFR, 248 TH, commercial vested	1,376.23	2 units/ac	
**Grand Total	3,365.72	*164 – 0.05 units/ac	

***164 units build out of 2,508 units approved**

**** Full build out density is 0.76 units per acre**

***** Development is vested for 2 units per acre**

b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.

Applicant response:

The proposed planned unit development, containing detached single-family units and supporting commercial is compatible with the proposed Future Land Use designations, Residential 4 and Community Commercial, and with the surrounding area. The general surrounding area is composed of significantly varying densities and intensities, with those in the County substantially less dense and intense than those in the city. For instance, the south-adjacent subdivision, Deer Run (County), contains the Res 1:2.5 future land use designation. To the north, in the City of Palm Bay, is the Waterstone and Cypress Bay developments. These developments contain the City Future Land Use Designations Low Density Residential (Maximum 4 dwelling units per acre) and High Density Residential (Maximum 20 dwelling units per acre). As such, this property serves as the transition between the incorporated portions of the City to the north and to the south, which is in direct alignment with the proposed Residential 4 Future Land Use designation, as it serves as a rational transition from the higher densities to the north and the lower densities to the

south. Therefore, the proposed development is an ideal location to utilize Residential 4 to logically transition and buffer in between more densely developed and incorporated developments.

Moreover, density is to be capped at 3 dwelling units per acre to more appropriately provide a transitional development in an area where city jurisdictions are present to the north and south, while lower density county land is to the east, necessitating such transition in the area. In addition to the compatibility of the Residential 4 Future Land Use, the Community Commercial Future Land Use request is also consistent and compatible with the general area, as commercial Future Land Use designations and land uses, within both the City of Palm Bay and Brevard County, are found within the surrounding area, as depicted on the approximately 2-mile buffer map provided below. Moreover, the arterial classification of Babcock Street, along with the future developments of the St. Johns Heritage Parkway, and the new interchange off of I-95 (St. Johns Heritage Parkway) has transformed the transportation network and connectivity of the region, which may stimulate economic development in the area. The proposed Community Commercial Future Land Use designation is compatible with the surrounding area and is intended to support existing and proposed developments within the region. Furthermore, while transportation infrastructure is present and increasing in capacity for the area, the increasing density of the region, as shown in the 2-mile buffer map, will require accessibility to goods and services. Therefore, the Community Commercial Future Land Use designation will provide direct commercial access for surrounding residential developments, while minimizing potential trip duration.

Staff response:

TYPE	EXISTING Lots	PROPOSED Lots
<i>Single-family</i>	<i>2.5 – 41.39 ac</i>	<i>0.12 ac</i>

The proposed single-family lot sizes are significantly smaller than the existing lot sizes in the surrounding area under Brevard County jurisdiction within one half mile of the subject property. However, the applicant has indicated no 40' wide lots no 40' wide lot will be placed along the perimeter of the property.

c. Prevention of erosion and degrading of surrounding area.

Applicant response:

The proposed development will prevent further erosion and degrading of surrounding area by: controlling stormwater runoff; incorporating the strategic planning of open space and buffers to allow wetland preservation; and by adhering to the Subdivision Regulations and other applicable sections of the Land Development Codes. The final development plan will provide details for grading and drainage and any required permits for grading and clearing will be obtained from the County.

Staff response:

The PDP indicates the surface water management system for the project will consist of 18 wet detention ponds totaling 120.5 acres. PDP depicts a stormwater outfalls to the Babcock Street roadside swale. Indicated wetland preservation is 95.34 acres and impacting 19.2 acres of wetlands. The primary drainage canal for the proposed subdivision, the Sottile canal on the north, may not have sufficient capacity to allow increased flow rates and volumes of discharge without adverse impacts. When the designs for the stormwater treatment system and grading are submitted, they will be reviewed to confirm no adverse impacts from the effects of grading and discharges on neighboring properties as well as upstream and downstream properties.

- d. Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Applicant response:

Approximately 140.08 acres are dedicated for active recreation, exceeding the 48.69-acre requirement. The proposed development has a series of interconnected parks, open space and recreational facilities, a lake, multi-use trails, and sidewalks. Stormwater management facilities are consistent with Brevard County Stormwater Ordinance and SJRWMD requirements. Impact fees are collected before a certificate of occupancy is issued which support the costs of transportation, education, correctional facilities, water, sewer, library, EMS and Fire Rescue

Staff response:

A non-binding, school capacity determination letter, dated March 25, 2024, was prepared by the School Board staff indicating that with 3,246 residential dwelling units, the project would generate 779 elementary school students, 227 middle school students and 390 high school students. The analysis also found the Sunrise Elementary, Southwest Middle School and Bayside Senior High School would not have enough capacity for projected and potential students. The school capacity determination letter notes that there is sufficient capacity for middle and high school students in the adjacent school concurrency area, but that there is an anticipated shortage of capacity for elementary school students.

The applicant has not indicated provisions for future public education and recreation facilities within the development, however, impact fees for a single-family detached dwelling unit is \$5,096.50. Based on 3,246 with an average of 2.33 persons per unit, 22.69 acres of public recreational facilities will be needed to support this development.

The County may seek provisions for expansion to Babcock through a proportionate share agreement with the developer. Transportation impact fees contributes \$4,353.00 per single-family detached dwelling unit.

Water supply and sewage disposal: The applicant has submitted a letter from the City of Palm Bay stating it is the intent of the City to serve the subject property in the future provided necessary wastewater facility improvement, potable water extension are completed. At this time, there is not sufficient capacity through City of Palm Bay to serve the subject property.

Minimal surface drainage, flood control and soil conservation design are shown on the PDP. The PDP depicts a stormwater outfalls to the Babcock Street roadside swale. The Sottile canal on the north, may not have sufficient capacity to allow increased flow rates and volumes of discharge without adverse impacts. When the designs for the stormwater treatment system and grading are submitted, they will be reviewed to confirm no adverse impacts from the effects of grading and discharges on neighboring properties as well as upstream and downstream properties.

- e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

Applicant response:

The Preliminary Development Plan provides approximately 344.07 acres of Common Recreation and Open Space, exceeding the 108.22 acre requirement. As described previously, approximately 140.07 acres are dedicated for active recreation, exceeding the 48.69 acre requirement. The Recreational facilities will be private, for the use of community residents, and owned and maintained by a Homeowners' Association.

Staff response:

Staff analysis indicates the proposed common open space could be considered compatible. The proposed method for the maintenance and conservation of the common open space is indicated as Homeowners Association (H.O.A.).

- f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

Applicant response:

Each phase of the PUD will stand on its own and be consistent with open space and other subdivision regulations per LDR section 62-1446 (b) (2).

Staff response:

The applicant has indicated phasing of the project on the PDP, however, the applicant has expressed the phasing will be driven by market conditions. Sec. 62-1449(b)(2) requires the final development plan shall contain the proposed development schedule for construction as defined in Sec. 62-1441. The development schedule also assure the

required open space is developed at a rate commensurate with the residential uses it supports, and that non-residential uses, where intended to serve residential uses within the project, are developed at a rate no faster than supporting residential uses. *Phasing can be amended if the phases are recorded separately, however, this will require an engineering review and minor amendment to the PDP.*

- g. The availability and adequacy of water and sewer service to support the proposed planned unit development.

Applicant response:

We have received service availability letters from the City of Palm Bay. Water and sewer utilities are proposed to be extended southward, along Babcock Street to the subject property. Utility details will be provided on the Final Development Plan

Staff response:

City of Palm Bay Will Serve letter states "The City of Palm Bay utilities can provide adequate wastewater capacity and potable water capacity and fire flows for the subject site provided the following improvements are completed, whether by the developer, palm Bay Utilities, or other parties". The improvements include WWTF improvements (currently under construction and anticipated to be completed mid-2025 by Palm Bay Utilities), forcemain extensions, potable water extension and appropriately size ground storage tank.

Pursuant to Policy 1.2 of Future Land Use Element states Public Facilities and Services shall be available concurrent with development in all residential land use designations

- h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

Applicant response:

A Traffic Impact Study has been submitted along with this application and demonstrates that there is adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development

Staff response:

The PDP proposes a loop-oriented street throughout the subdivision to support the traffic generated by the development. The PDP depicts two spine roads that stem throughout the central portion of the property from Babcock westward provide for local road access for future subdivisions of this property. The internal spine network must ensure the individual subdivision meet access management and fire code access. The PUD itself is not a subdivision. Each subdivision within this development will either have direct access to one of these two spine roads (which will be Public ROWs) or to Babcock Street. There are 17 full ingresses/egresses to the spine roads from the

different phases of the development, providing connectivity throughout the project. Additionally, there are two four-lane segments connecting to Babcock with full access, and another two right-in, right-outs onto Babcock Street.

- i. The benefits within the proposed development and to the general public to justify the requested departure from the standard land use requirements inherent in a planned unit development classification.

Applicant response:

Waiver #5 requests to include the lake as part of the active recreation and would provide a unique recreational amenity for the community. In addition, the community will benefit by the preservation of nearly 100 acres of wetlands. The Preliminary Development plan requests 40' wide lots to provide a greater variety of single-family detached housing products. The smaller lot sizes assist the Preliminary Development Plan to exceed the recreation and open space requirements. Furthermore, the Preliminary Development Plan proposes to waive any potential requirement to provide an outdoor storage area for campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles, as described in LDR Section 62-1446 (g). With the intent of providing a scenic community, which exceeds the recreation and open space requirements, this waiver is requested to avoid placing an aesthetically unappealing outdoor storage area in the community.

Staff response:

Sec. 62-1446 (g) Parking requirements. Where the planned unit development consists of single-family detached dwellings on platted lots of less than 6,600 square feet, the developer may be required to provide an approved designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles. The Board may consider the necessity for the development to provide space for the storage of recreational vehicles.

The PDP is exceeding the requirements for common recreation and open space and therefore would have the ability to allocate space for the parking of campers, travel trailers, recreation vehicles, boats and boat trailers with minimal impact. An opaque fence would be required which may aid in obscuring the outdoor storage area. The public rights-of-ways cannot be used for boat, rv, etc. storage. Parking recreational vehicles, boats, etc. in the rights-of-way also poses an issue with emergency access.

The applicant has indicated each lot will have a 20' driveway capable of parking recreational vehicles. The Board may consider the following condition: approval to exempt from LDR Section 62-1446. (g), requiring the designation of an outdoor parking area.

The commercial component is a benefit within the proposed development and to the general public to considering justifying the requested departure from the standard land use requirements. The applicant indicated wider sidewalks on the main road to

accommodate golf carts with interconnectivity to the commercial site. Commercial uses may include self-storage mini-warehouses, bars/cocktail lounges, restaurants, snack bars, eating establishments and a trailer and truck rental facility.

With the exception of the 40 feet width lots, the remainder of the proposed design would be allowed in a RU-1-7 standard zoning classification. Nothing shown on the proposed PDP shows innovation than what is typically seen in a standard residential development.

A two-acre parcel will be set aside for Brevard County Fire Services. This will benefit the residents of Sun Terra Lakes, Deer Run subdivision and the surrounding area.

- j. The conformity and compatibility of the planned unit development with any adopted development plan of the county.

Applicant response:

The proposed PUD is compatible with and conforms to the goals, objectives and policies of the Comprehensive Plan, Chapter 3 Objective 1: Provide a system of parks and open space to meet the recreational needs of the public. 10% of the gross residential area is required to be open space; over 4x of open space is provided. There is an abundance of passive and active recreation throughout the development. Chapter 9, Objective 4 encourages multi-model transportation alternatives; the development has a commercial portion that allows residents to walk and ride their bicycles as well as a plethora of open space. Sidewalks are shown on typical ROW sections.

Staff response:

*The applicant is requesting RES 4 surrounded by RES 1:2.5 FLU designations to the north, south, east and west. See description of surrounding on page 2 of this report under **Surrounding Area Zoning classifications and Land Use designations** section. The proposed single-family residential use conforms with the surrounding area. However, the lot sizes are comparable smaller than the existing lot sizes in the surrounding area under Brevard County jurisdiction within one half mile of the subject property.*

- k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.

Applicant response:

The Preliminary Development Plan exceeds both Common Recreation and Open Space requirement and the Active Recreation requirement. Common open space is integrated throughout the Planned Development providing a linked recreational and open space system. Sidewalks are depicted on typical ROW sections throughout the development. The proposed uses include: single-family detached

dwelling units, group homes (level 1); accessory structures; recreational amenities and accessory structures; and home occupations are conducive for the proposed residential development and the surrounding area.

Staff response:

The PDP illustrates conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses.

Preliminary Concurrency

The concurrency management segment for the subject property is Babcock Street from the Grant Road to Micco Road, which has a Maximum Acceptable Volume (MAV) of 14,200 average daily trips, an Acceptable Level of Service (ALOS) of D, and currently operates at approximately 40% of daily capacity. At the currently adopted FLUM designation of RES 1:2.5, 3,978 average daily trips would be generated which would require approximately 45% of the remaining daily capacity of Babcock St.

At the requested PUD zoning with a residential density of RES 4 on 1,082.24 acres and CC on 27.33 acres, 44,247 annual average daily trips would be generated which would significantly exceed available capacity on Babcock St. There are no publicly funded infrastructure improvements anticipated that could create the additional roadway capacity needed for the proposed development.

Centralized potable water service is not available to this property. The applicant has represented that the City of Palm Bay will provide this service but the City has not yet confirmed its intention to do so. The lack of centralized potable water service also has an impact on the provision of adequate flow rates for fire protection.

A fire department level of service analysis has been conducted. The response times, distances, and water for firefighting do not meet the standards set out in CIE Policy 1.3. Brevard County Fire Rescue (BCFR) has not budgeted for a new fire station, or the fire apparatus needed to support the increased demand for service expected of the proposed development. Early discussions regarding the development's timeline in relation to BCFR's requirements are necessary to ensure timely project completion and its opening at the desired time.

A non-binding, school capacity determination letter, dated March 25, 2024, was prepared by the School Board staff indicating that with 3,246 residential dwelling units, the project would generate 779 elementary school students, 227 middle school students and 390 high school students. The analysis also found the Sunrise Elementary, Southwest Middle School and Bayside Senior High School would not have enough capacity for projected and potential students.

The school capacity determination letter notes that there is sufficient capacity for middle and high school students in the adjacent school concurrency area, but that there is an anticipated shortage of capacity for elementary school students.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

A majority of the subject parcel contains mapped wetlands and the entire site contains mapped hydric soils; indicators that wetlands are likely present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland delineation shall be verified at time of site plan submittal.

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 65-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area. In addition, the applicant will provide a BDP containing the following waivers and conditions:

- 1) The proposed development shall be capped at 3 units per acre.
- 2) Approval of requested waiver from Sec. 62-1446(g). The storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-family lots as allowed by Brevard County code Sec. 62-2217 provided each lot will have a 20' driveway capable of parking recreational vehicles.
- 3) Approval of requested waiver from Sec. 62-1446(d)(1) to permit lots smaller than 5,000 square feet and less than 50 feet in width shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.
- 4) Approval of requested waiver from Sec. 62-1446(d)(3)(b) to allow residential structures of two stories or less, and a minimum building separation of 10' (rather than 15') provided that proposed structures do not abut utility easements or otherwise affect the ability to provide and maintain utility service to each lot.
- 5) Approval of the commercial uses as allowed in the BU-1 zoning classification per 62-1482.
- 6) Approval of waiver to Sec. 62-2957(c) as it relates to the number of project ingress and egress to Babcock Street; the waiver is subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5.
- 7) Approval of the requested waiver to Sec. 62-1446 to reduce the rear setback for residential principle structures from 20 feet to 15 feet shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.
- 8) Closure of the borrow pit permit shall be in accordance with SJRWMD requirements.
- 9) Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided.
- 10) Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan the Developer shall:
 - a. Execute an agreement including, but not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities

addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement shall include provisions requiring the developer to design, permit, and construct the identified improvements. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate.

- b. Execute an agreement with the County addressing infrastructure deficiencies relating to Fire Rescue. Said agreement will account for the developer providing the land, site design, and permitting of the construction of a fire station, in addition to the necessary equipment for operation. Appropriate impact fees credits may be requested as applicable under Brevard County Code of Ordinances and Florida Statute.

- 11) Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy.
- 12) Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals.
- 13) In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval.
- 14) If the development is to have on-street parking, the developer/owner shall establish a financial mechanism for maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 23PUD00005

Applicant: Jesse Anderson (Owner: Jen Florida 48 LLC)

Zoning Request: GU and AU to PUD zoning

Note: Proposing mixed-use development of SFRs (3,246 units on 1,082.24 ac) and Commercial (398,000 sf on 27.33 ac)

Zoning Hearing: TBD; **BCC Hearing:** TBD

Tax ID No.(s): 3000277, 3000827, 3000829, 3000368

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**
- The on-site borrow pit was originally permitted through SJRWMD in 1986 (permit # 4-009-0213) and was exempt from Brevard County NRM Land Alteration permitting because a CUP was obtained prior to the effective date of the Land Alteration Regulation Ordinance 90-07.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Flood Prone Area
- Protected Species

A majority of the subject parcel contains mapped wetlands and the entire site contains mapped hydric soils; indicators that wetlands are likely present on the property. **A**

wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland delineation shall be verified at time of site plan submittal.

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

Land Use Comments:

The existing borrow pit was permitted through St. Johns Water Management District.

Wetlands and Hydric Soils

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Pineda sand, 0 to 2 percent slopes; EauGallie sand; Riviera sand, 0 to 2 percent slopes; Floridana sand,

frequently ponded, 0 to 1 percent slopes; Malabar sand, 0 to 2 percent slopes; and EauGallie, Winder, and Riviera soils, depressional); indicators that wetlands are likely present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The applicant is not currently proposing any wetland impacts for the commercial development. However, please be advised that any wetland impacts for the commercial component of the project must meet the criteria of Section 62-3694(c)(3)b which has allowances for wetland impacts for commercial land development activities along Mitigation Qualified Roadways (MQRs). Only the southernmost 700 feet of the eastern property boundary is located on an MQR (Babcock Street). Brevard County Board of County Commissioners (Board) approval is required to expand the MQR along Babcock Street. Prior to the allowance of any wetland impacts, the applicant shall complete High Function and Landscape Level wetlands assessments. Approval by the Board may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696.

Alternatively, the commercial component of the project must meet the criteria of Section 62-3694(c)(5) which addresses mixed-use land development activities. The applicant is encouraged to review the cited ordinances and contact NRM at (321) 633-2016 prior to any site plan design or permit submittal.

Protected and Specimen Trees

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

Indian River Lagoon Nitrogen Reduction Septic Overlay

Portions of this property are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. **However, the PDP provided by the applicant indicates that sanitary sewer service will be provided by Palm Bay Utilities.**

Flood Prone Areas

Although the site is not mapped within a FEMA special flood hazard area, staff is aware of flooding in this region. Applicant shall demonstrate no adverse impacts to neighboring properties using best available data per Exhibit A to Division VI Section 1.1.

Protected Species

Federally and/or state protected species may be present on the property, as indicated on the provided Environmental Assessment report dated 1/26/2023. Specifically, gopher tortoises have been observed on-site. 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 prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

School Board of Brevard County

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

Dr. Mark J. Rendell, Ed.D., Superintendent



March 25, 2024

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

**RE: Proposed Sun Terra Mixed Use Development
School Impact Analysis – Update to Capacity Determination CD-2023-21 for
increase in number of units.**

Dear Ms. Gilliam,

We processed a *School Facility Planning & Concurrency Application* for the referenced development on August 22, 2023 for the subject property consisting of Tax Account number 3000827 (Parcel ID number: 30-37-16-00-1), Tax Account number 3000277 (Parcel ID number: 30-37-08-HF-500), Tax Account number 3000829 (Parcel ID number: 30-37-17-HF-1), and Tax Account number 3000368 (Parcel ID number: 30-37-09-00-500) containing a total of approximately 1,082.24 acres in District 5, Brevard County, Florida. The number of units proposed in the development has increased from 3,000 single-family homes to 3,246 single-family homes. This update to the School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2024-25 to 2028-29 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2023-24 to 2028-29* which is attached for reference.

Single-Family Homes		3246	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	779.04	779
Middle	0.07	227.22	227
High	0.12	389.52	390
Total	0.43		1396

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



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**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2024-25 to 2028-29**

School	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	957	957	957	957	957
Southwest	1,281	1,281	1,281	1,321	1,380
Bayside	2,263	2,263	2,334	2,406	2,477

Projected Student Membership

School	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	942	917	927	907	909
Southwest	980	1,118	1,176	1,290	1,376
Bayside	2,166	2,241	2,316	2,391	2,466

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	-	-	-	-	-
Southwest	-	-	-	-	-
Bayside	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	84	168	252	336	779
Southwest	25	49	74	98	227
Bayside	42	84	126	168	390

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

School	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	1,026	1,085	1,179	1,243	1,688
Southwest	1,005	1,167	1,250	1,388	1,603
Bayside	2,208	2,325	2,442	2,559	2,856

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

School	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	(69)	(128)	(222)	(286)	(731)
Southwest	277	114	32	(67)	(223)
Bayside	55	(62)	(108)	(153)	(379)

At this time, Sunrise Elementary School, Southwest Middle School, and Bayside Senior High School are not projected to have enough capacity for the total of projected and potential students from the Sun Terra Mixed Use development. Because there is a shortfall of available capacity in the concurrency service area, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Port Malabar Elementary School, Columbia Elementary School, and Westside Elementary School. The adjacent middle school concurrency service area is Stone Magnet Middle. The adjacent high school concurrency service area is Palm Bay Magnet Senior High. A table of capacities of the *adjacent Schools Concurrency Service Areas* that may accommodate the impacts of the Sun Terra Mixed Use development is shown below:

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2024-25 to 2028-29**

School		2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	Elementary	852	852	852	852	852
Columbia	Elementary	751	751	751	751	751
Westside	Elementary	945	1,033	1,121	1,209	1,209
Stone	Middle	1,076	1,076	1,076	1,076	1,076
Palm Bay	High	2,657	2,657	2,657	2,657	2,657

Projected Student Membership

School		2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar		613	654	657	677	713
Columbia		573	560	570	566	561
Westside		950	1,016	1,075	1,170	1,155
Stone		571	640	710	783	822
Palm Bay		1,413	1,442	1,482	1,507	1,605

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar		-	-	-	-	-
Columbia		-	-	-	-	-
Westside		-	-	-	-	-
Stone		2	2	2	2	2
Palm Bay		6	6	6	6	6

**Cumulative Students Generated by
Proposed Development**

School		2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar		84	168	252	336	779
Columbia		84	168	252	336	779
Westside		84	168	252	336	779
Stone		25	49	74	98	227
Palm Bay		42	84	126	168	390

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

School		2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar		697	822	909	1,013	1,492
Columbia		657	728	822	902	1,340
Westside		1,034	1,184	1,327	1,506	1,934
Stone		598	691	786	883	1,051
Palm Bay		1,461	1,532	1,614	1,681	2,001

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

School		2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar		155	30	(57)	(161)	(640)
Columbia		94	23	(71)	(151)	(589)
Westside		(89)	(151)	(206)	(297)	(725)
Stone		479	385	291	193	25
Palm Bay		1196	1125	1043	976	656

The adjacent middle school and high school concurrency areas are projected to have enough capacity for the total of projected and potential students from the Sun Terra Mixed Use development; however, there is a shortfall of available capacity in the concurrency service area and the adjacent concurrency service areas for elementary schools.

The district is closely monitoring rapid development in this area. Before this project is submitted for a final school concurrency determination, please contact our staff to discuss possible mitigation in accordance with the mitigation process as defined in Section 13.5 of the *ILA-2014*.

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

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

Sincerely,



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

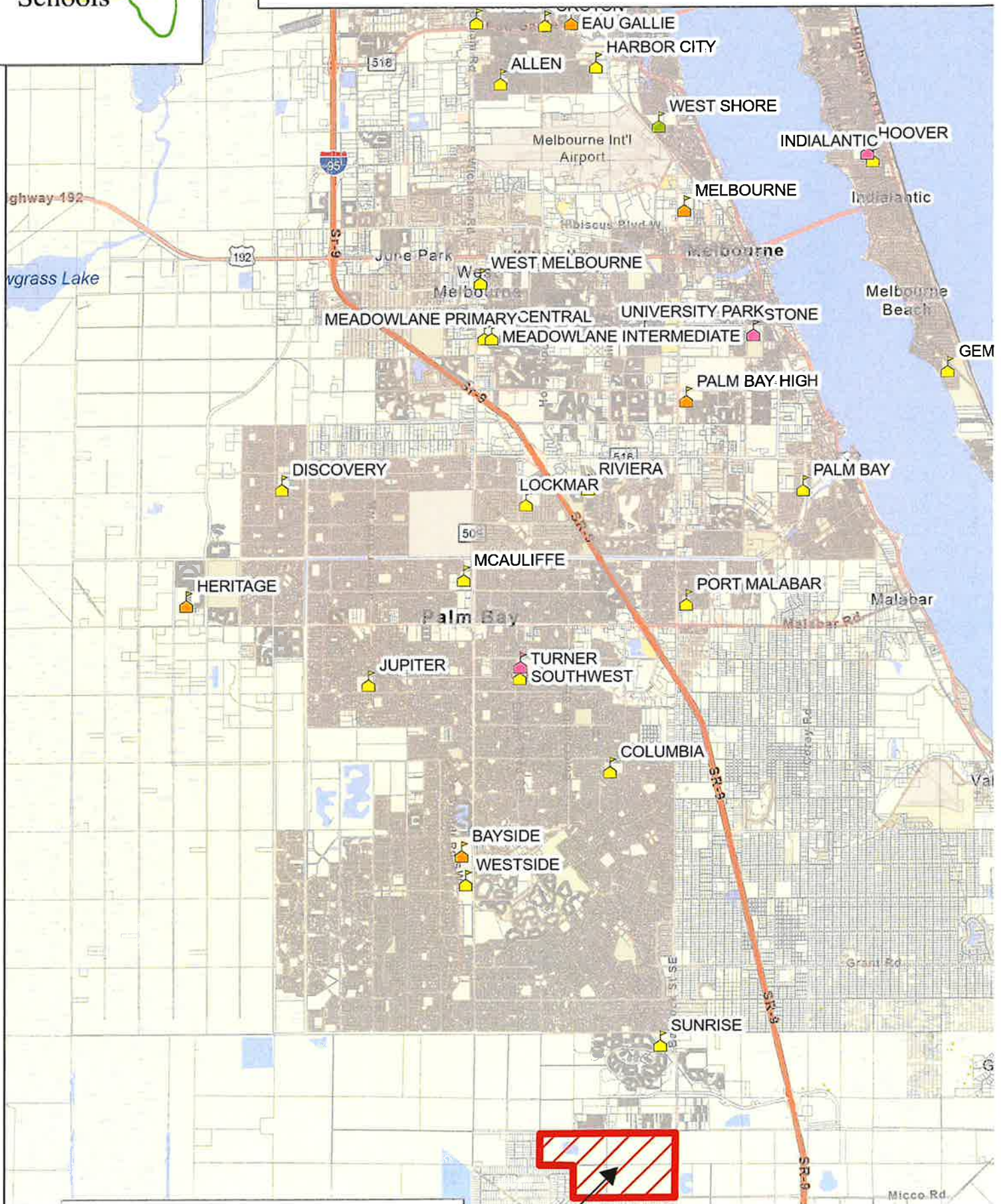
Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28*

Copy: Susan Hann, PE, AICP, Assistant Superintendent of Facility Services
File CD-2023-21

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2023-21



Sun Terra Mixed Use Development Location Map





Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

Data and Analysis for School Years 2023-24 to 2028-29

Summary		2023-24		2024-25		2025-26		2026-27		2027-28		2028-29					
		Highest Utilization Elementary Schools:	Highest Utilization Middle Schools:	Highest Utilization Jr / Sr High Schools:	Highest Utilization High Schools:	Highest Utilization Elementary Schools:	Highest Utilization Middle Schools:	Highest Utilization Jr / Sr High Schools:	Highest Utilization High Schools:	Highest Utilization Elementary Schools:	Highest Utilization Middle Schools:	Highest Utilization Jr / Sr High Schools:	Highest Utilization High Schools:				
School		Type	Grades	Utilization Factor	School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27		School Year 2027-28		School Year 2028-29		
		FISH Capacity	10/13/23 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	
Elementary School Concurrency Service Areas																	
Allen	Elementary	PK-5	100%	751	583	78%	751	559	74%	751	602	80%	751	634	78%	649	84%
Andersen	Elementary	K-6	100%	884	525	59%	884	476	54%	884	478	54%	884	446	50%	884	49%
Apollo	Elementary	K-6	100%	902	643	71%	902	616	68%	902	633	70%	902	642	71%	902	71%
Atlantis	Elementary	PK-6	100%	739	635	86%	739	660	89%	739	667	90%	739	682	92%	739	88%
Audubon	Elementary	PK-6	100%	761	420	55%	761	415	54%	761	415	55%	761	442	58%	761	59%
Cambridge	Elementary	PK-6	100%	787	504	64%	787	505	64%	787	519	66%	787	546	69%	787	72%
Cape View	Elementary	PK-6	100%	570	295	52%	570	291	51%	570	284	50%	570	286	50%	570	285
Carroll	Elementary	K-6	100%	751	628	84%	751	645	86%	751	626	83%	751	606	81%	751	594
Challenger 7	Elementary	PK-6	100%	573	481	84%	573	479	82%	573	457	80%	573	431	75%	573	416
Columbia	Elementary	PK-6	100%	751	558	74%	751	573	76%	751	560	75%	751	566	75%	751	561
Coquina	Elementary	K-6	100%	1,114	488	68%	1,114	472	66%	1,114	481	68%	1,114	476	67%	1,114	470
Creel	Elementary	PK-6	100%	1,114	589	53%	1,114	575	52%	1,114	576	52%	1,114	564	51%	1,114	543
Croton	Elementary	PK-6	100%	795	484	61%	795	491	62%	795	518	65%	795	565	71%	795	589
Discovery	Elementary	PK-6	100%	980	682	70%	980	724	74%	980	738	75%	980	753	77%	980	764
Endeavour	Elementary	PK-6	100%	968	720	74%	968	740	76%	968	750	77%	968	749	77%	968	748
Enterprise	Elementary	K-6	100%	729	610	84%	729	621	85%	729	625	86%	729	622	85%	729	634
Fairglenn	Elementary	PK-6	100%	789	517	65%	789	511	62%	789	511	65%	789	540	68%	789	534
Gemini	Elementary	K-6	100%	711	445	63%	711	437	61%	711	442	62%	711	426	60%	711	433
Golfview	Elementary	PK-6	100%	777	459	59%	777	477	61%	777	500	64%	777	503	65%	777	506
Harbor City	Elementary	PK-6	100%	629	397	63%	629	412	66%	629	425	68%	629	448	71%	629	477
Holland	Elementary	PK-6	100%	605	435	72%	605	436	72%	605	433	72%	605	420	69%	605	425
Imperial Estates	Elementary	K-6	100%	729	671	92%	729	674	94%	729	656	90%	729	640	88%	729	628
Indianland	Elementary	K-6	100%	930	880	85%	930	882	85%	930	871	84%	930	846	81%	930	862
Jupiter	Elementary	PK-6	100%	892	601	67%	892	582	65%	892	570	64%	892	564	63%	892	567
Lockmar	Elementary	PK-6	100%	790	607	77%	790	596	75%	790	581	74%	790	548	69%	790	554
Longleaf	Elementary	K-6	100%	998	876	88%	998	869	87%	998	823	82%	998	800	80%	998	757
Manatee	Elementary	PK-6	100%	838	644	77%	838	644	77%	838	642	77%	838	611	73%	838	601
McAuliffe	Elementary	K-6	100%	1,114	655	59%	1,114	793	71%	1,114	779	70%	1,114	805	72%	1,114	843
Meadowlane Intermediate	Elementary	3-6	100%	824	797	91%	824	821	75%	824	660	80%	824	618	75%	824	613
Meadowlane Primary	Elementary	K-6	100%	707	431	61%	707	439	62%	707	430	61%	707	429	61%	707	416
Mila	Elementary	PK-6	100%	725	416	57%	725	414	57%	725	490	68%	725	466	64%	725	441
Miris	Elementary	PK-6	100%	968	472	49%	968	441	46%	968	449	46%	968	428	44%	968	403
Oak Park	Elementary	PK-6	100%	654	529	81%	654	513	78%	654	477	73%	654	459	70%	654	437
Ocean Breeze	Elementary	PK-6	100%	983	623	63%	983	636	65%	983	660	67%	983	685	70%	983	684
Palm Bay Elem	Elementary	PK-6	100%	613	529	86%	613	532	87%	613	558	91%	613	582	95%	613	570
Pinewood	Elementary	PK-6	100%	852	605	71%	852	613	72%	852	654	77%	852	677	79%	852	713
Port Malabar	Elementary	PK-6	100%	932	712	76%	932	719	77%	932	715	77%	932	701	75%	932	689
Quest	Elementary	PK-6	100%	777	547	83%	777	527	81%	777	568	89%	777	535	85%	777	519
Riviera	Elementary	PK-6	100%	599	266	45%	599	280	47%	599	285	48%	599	285	48%	599	292
Rosevelt	Elementary	K-6	100%	785	514	65%	785	523	67%	785	537	68%	785	532	63%	785	542
Sabal	Elementary	PK-6	100%	998	589	59%	998	614	62%	998	634	64%	998	632	63%	998	644
Salton	Elementary	PK-6	100%	461	327	71%	461	347	75%	461	362	79%	461	365	79%	461	375
Sea Park	Elementary	PK-6	100%	609	468	77%	609	477	78%	609	495	81%	609	493	81%	609	502
Sherwood	Elementary	PK-6	100%	913	867	95%	913	942	98%	913	957	97%	913	907	95%	913	909
Sunrise	Elementary	PK-6	100%	755	601	80%	755	604	80%	755	604	80%	755	584	77%	755	583
Sunrise	Elementary	K-6	100%	541	419	77%	541	410	76%	541	397	73%	541	364	67%	541	353
Surfside	Elementary	K-6	100%	910	619	69%	910	611	67%	910	580	64%	910	547	60%	910	516
Tropical	Elementary	PK-6	100%	874	576	66%	874	623	71%	874	739	85%	874	807	92%	874	854
Turner	Elementary	PK-6	100%	811	495	61%	811	505	62%	811	565	69%	811	577	71%	811	590
University Park	Elementary	K-6	100%	1,030	784	76%	1,030	854	83%	1,030	997	97%	1,030	1,262	94%	1,030	1,359
Viera Elem	Elementary	K-6	100%	857	867	101%	857	950	101%	857	1,016	98%	857	1,209	97%	857	1,209
Westside	Elementary	K-6	100%	715	443	62%	715	427	60%	715	390	55%	715	371	52%	715	359
Williams	Elementary	PK-6	100%	42,259	30,287		42,391	30,545		42,589	31,697		43,029	31,697		43,161	31,795

School	Type	Grades	Utilization Factor	School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28			School Year 2028-29		
				FISH Capacity	1013/23 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,061	70%	1,514	1,110	73%	1,514	1,184	78%	1,514	1,213	80%	1,514	1,272	84%	1,514	1,348	89%
DeLaure	Middle	7-8	90%	960	823	86%	960	517	54%	960	432	45%	960	411	43%	960	439	46%	960	429	45%
Hoover	Middle	7-8	90%	680	442	65%	680	442	65%	680	475	70%	680	479	70%	680	479	70%	680	463	68%
Jackson	Middle	7-8	90%	660	561	85%	660	575	87%	660	501	76%	660	482	73%	660	505	77%	660	517	78%
Jefferson	Middle	7-8	90%	873	541	62%	873	521	60%	873	523	60%	873	478	55%	873	478	55%	873	540	62%
Johnson	Middle	7-8	90%	1,064	555	52%	1,064	588	55%	1,064	575	54%	1,064	548	52%	1,064	620	58%	1,064	640	60%
Kennedy	Middle	7-8	90%	869	687	77%	869	436	50%	869	391	45%	869	373	43%	869	412	47%	869	433	50%
Madison	Middle	7-8	90%	781	429	55%	781	431	55%	781	374	48%	781	336	43%	781	426	55%	781	469	60%
McNair	Middle	7-8	90%	616	355	58%	616	290	47%	616	284	46%	616	281	46%	616	299	49%	616	330	54%
Southwest	Middle	7-8	90%	1,281	900	70%	1,281	980	77%	1,281	1,118	87%	1,281	1,176	92%	1,281	1,290	96%	1,281	1,376	100%
Stone	Middle	7-8	90%	1,076	584	54%	1,076	571	53%	1,076	640	59%	1,076	710	66%	1,076	783	73%	1,076	822	76%
Viera Middle	Middle	7-8	90%	-	-	0%	900	656	73%	900	755	84%	900	805	89%	900	830	92%	900	869	97%
Middle Totals				10,374	6,918		11,274	7,150		11,274	7,275		11,274	7,285		11,314	7,834		11,373	8,236	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,085	1,474	71%	2,085	1,480	71%	2,085	1,441	69%	2,085	1,421	68%	2,085	1,444	69%	2,085	1,437	69%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	1,028	71%	1,445	1,025	71%	1,445	967	67%	1,445	938	65%	1,445	973	67%	1,445	831	58%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,488	80%	1,852	1,483	80%	1,852	1,469	79%	1,852	1,503	81%	1,852	1,510	82%	1,852	1,513	82%
Jr / Sr High Totals				5,382	3,990		5,382	3,988		5,382	3,877		5,382	3,862		5,382	3,827		5,382	3,781	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,056	73%	1,451	1,046	72%	1,451	1,008	69%	1,451	1,024	71%	1,451	985	68%	1,451	975	67%
Bayshore	High	9-12	95%	2,263	2,039	90%	2,263	2,166	95%	2,263	2,241	99%	2,263	2,316	103%	2,263	2,406	107%	2,263	2,466	109%
Eau Gallie	High	PK, 9-12	95%	2,211	1,489	67%	2,211	1,470	66%	2,211	1,490	67%	2,211	1,440	65%	2,211	1,395	63%	2,211	1,440	65%
Heritage	High	9-12	95%	2,370	2,178	92%	2,370	2,053	89%	2,370	2,023	87%	2,370	2,118	90%	2,370	2,160	93%	2,370	2,246	97%
Malbourne	High	9-12	95%	1,966	1,481	75%	1,966	1,443	73%	1,966	1,376	70%	1,966	1,352	69%	1,966	1,360	69%	1,966	1,306	66%
Merritt Island	High	PK, 9-12	95%	2,657	1,410	53%	2,657	1,413	53%	2,657	1,442	54%	2,657	1,482	56%	2,657	1,507	57%	2,657	1,605	60%
Palm Bay	High	PK, 9-12	95%	1,836	1,544	84%	1,836	1,601	87%	1,836	1,675	91%	1,836	1,671	91%	1,836	1,660	90%	1,836	1,623	88%
Rockledge	High	9-12	95%	1,551	1,506	97%	1,551	1,497	97%	1,551	1,483	96%	1,551	1,393	90%	1,551	1,287	83%	1,551	1,269	82%
Satellite	High	9-12	95%	1,801	1,309	73%	1,801	1,293	72%	1,801	1,322	73%	1,801	1,330	74%	1,801	1,317	73%	1,801	1,317	73%
Titusville	High	9-12	95%	2,451	2,312	94%	2,451	2,349	95%	2,451	2,364	96%	2,451	2,388	97%	2,451	2,420	98%	2,451	2,441	99%
Viera				2,451	2,312	94%	2,451	2,349	95%	2,451	2,364	96%	2,451	2,388	97%	2,451	2,420	98%	2,451	2,441	99%
High Totals				22,881	19,361		22,881	18,479		22,881	18,569		22,952	18,702		23,024	18,747		23,142	19,083	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	407	86%	475	407	86%	475	407	86%	475	407	86%	475	407	86%	475	407	86%
Stevenson	Elementary	K-6	100%	569	505	89%	569	499	88%	569	489	86%	569	489	86%	569	489	86%	569	489	86%
South Lake	Elementary	K-6	100%	639	446	70%	639	489	77%	639	489	77%	639	489	77%	639	489	77%	639	489	77%
West Melbourne	Elementary	K-6	100%	618	550	89%	618	506	82%	618	482	78%	618	482	78%	618	482	78%	618	482	78%
Edgewood	Jr / Sr High	7-12	90%	1,077	935	87%	1,077	935	87%	1,077	935	87%	1,077	935	87%	1,077	935	87%	1,077	935	87%
West Shore	Jr / Sr High	7-12	90%	1,264	931	74%	1,264	940	74%	1,264	940	74%	1,264	940	74%	1,264	940	74%	1,264	940	74%
Schools of Choice				4,642	3,774		4,642	3,876		4,642	3,982		4,642	3,982		4,818	3,962		4,818	3,962	
Brevard Totals				85,538	63,330		85,570	64,038		86,944	64,758		87,235	65,361		87,567	66,067		87,876	66,857	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2023-24 are reported from the FISH database as of October 11, 2023.
 - Student Membership is reported from the Fall Final Membership Count (10/13/2023).
 - Davis Demographics Site Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County Student Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
 - Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant
 - Nongraded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
 - In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
 - If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established. If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
 - 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
- For school year 2024-25, a total of 6 intermediate classrooms are projected for Westside (4) and Sunrise (2) Elementary Schools.
 For school year 2025-26, a total of 9 intermediate classrooms are projected for Westside (4), Viera (2), and Jupiter (2) Elementary Schools.
 For school year 2026-27, a total of 10 intermediate classrooms are projected for Westside (4), Viera (4), and Jupiter (2) Elementary Schools, Southwest Middle School (2) and 3 High School relocatable classrooms are proposed for Bayshore High School.
 For school year 2027-28, a total of 12 intermediate classrooms are projected for Westside (4), Viera (4), and Jupiter (3) Elementary Schools, Southwest Middle School (3) and 5 High School relocatable classrooms are proposed for Bayshore High School.
 For school year 2028-29, a total of 9 intermediate classrooms are projected for Viera (4), and Jupiter (3) Elementary Schools, Southwest Middle School (3) and 5 High School relocatable classrooms are proposed for Bayshore (3) and Melbourne (2) High Schools.
 9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.

Legal Description:

BEING A PORTION OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST LYING IN BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST ONE-QUARTER CORNER OF SECTION 16, TOWNSHIP 30 SOUTH, RANGE 37 EAST; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 16, TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 16, SOUTH 89°35'24" WEST, 5372.8 FEET TO AN IRON NAIL SETTING ON THE SOUTHWEST CORNER OF THE NEAST QUARTER OF SECTION 17, TOWNSHIP 30 SOUTH, RANGE 37 EAST, SOUTH 89°35'24" WE;

FIRM Panel: 12009C0670G
Effective Date:
3/17/2014

Willowbrook St

PROJECT BOUNDARY

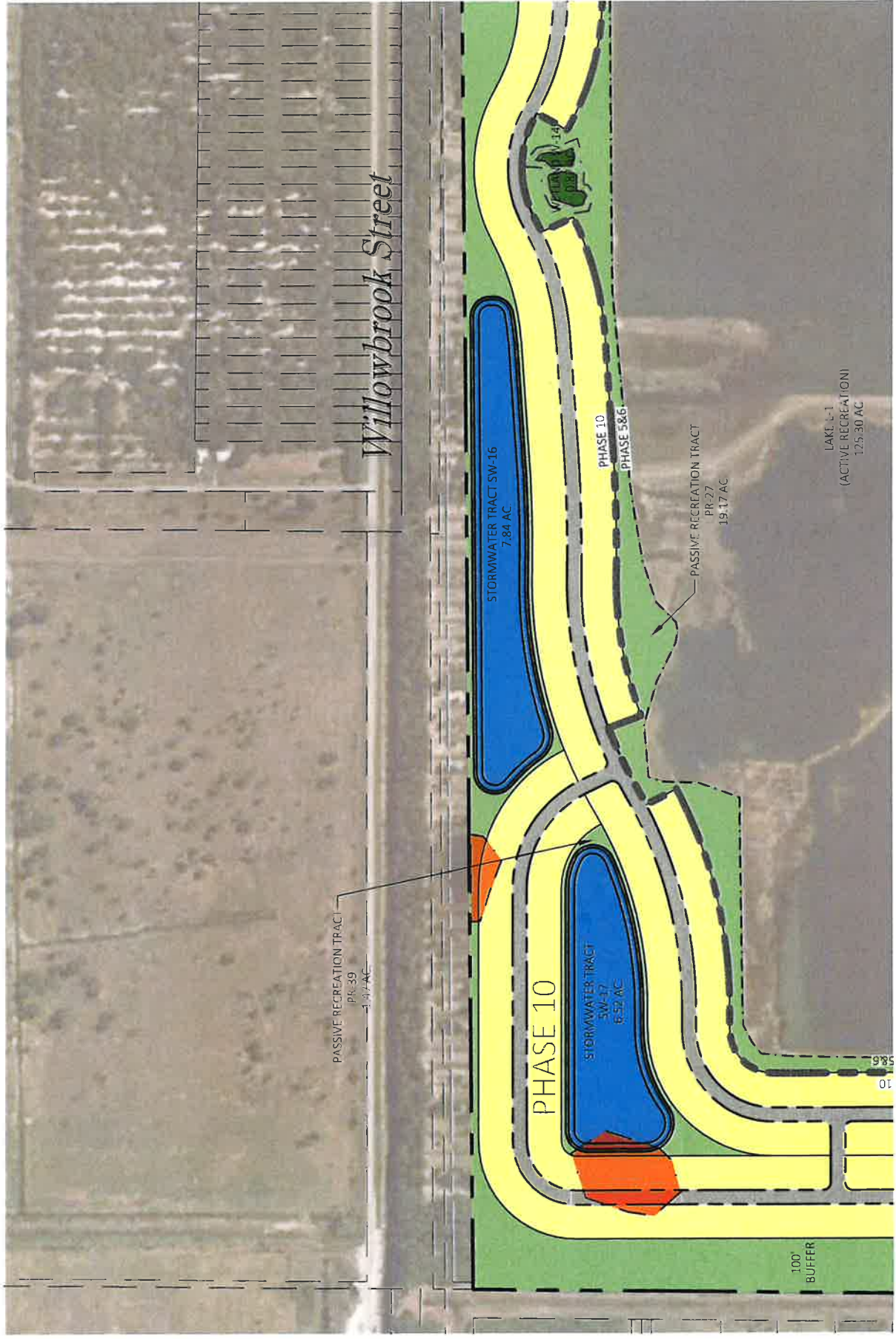
ZONE X

AE 0.40

3

2

1



Willowbrook Street

PHASE 10

STORMWATER TRACT SW-16
7.84 AC

STORMWATER TRACT
SW-17
8.52 AC

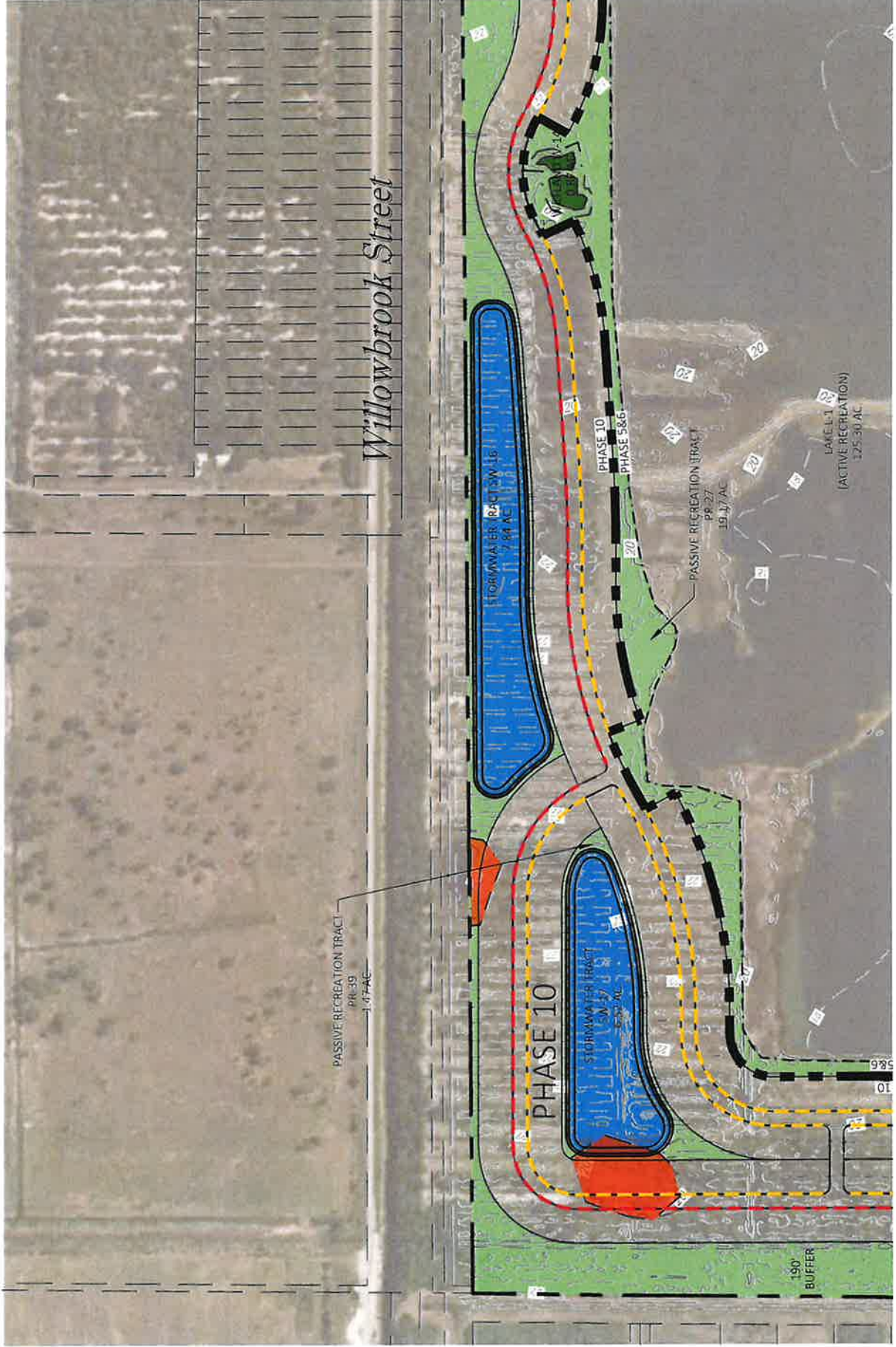
PASSIVE RECREATION TRACT
PR-39
1.57 AC

PHASE 10
PHASE 5&6

PASSIVE RECREATION TRACT
PR-27
19.17 AC

100'
BUFFER

LAKE 1-1
(ACTIVE RECREATION)
125.30 AC



Land Use Table

1. Development Acreage Summary

Total Site Area: 1,109.57 acres

Residential Land Use Summary

Residential Acreage	Units Allowed (per Residential 4		Unit allowab
	Future Land Use Density, 4 units per		
	gross acre)		
	Future Land Use		
Residential Acreage	Designation		Maxim Dens
	Max. Density	Total Allowed Units	
	4.0 du/ac	4322	
Gross Residential Area: 1,080.42 acres			

Commercial Land Use Summary

Commercial Acreage	Commercial Sq. Ft. Allowed (Per Community Commercial Future Land Use, 1.0 FAR)		Propo
	Future Land Use		
	Designation	Total Allowable	
	Max. Density	Commercial Sq. Ft.	
Gross Commercial Area: 26.1 acres		1.00 FAR	1,136,916
			Comn maximu

2. Proposed Future Land Use

Residential 4 (1,080.42 acres) & Community Commercial (26.1 acres)

3. Existing Zoning

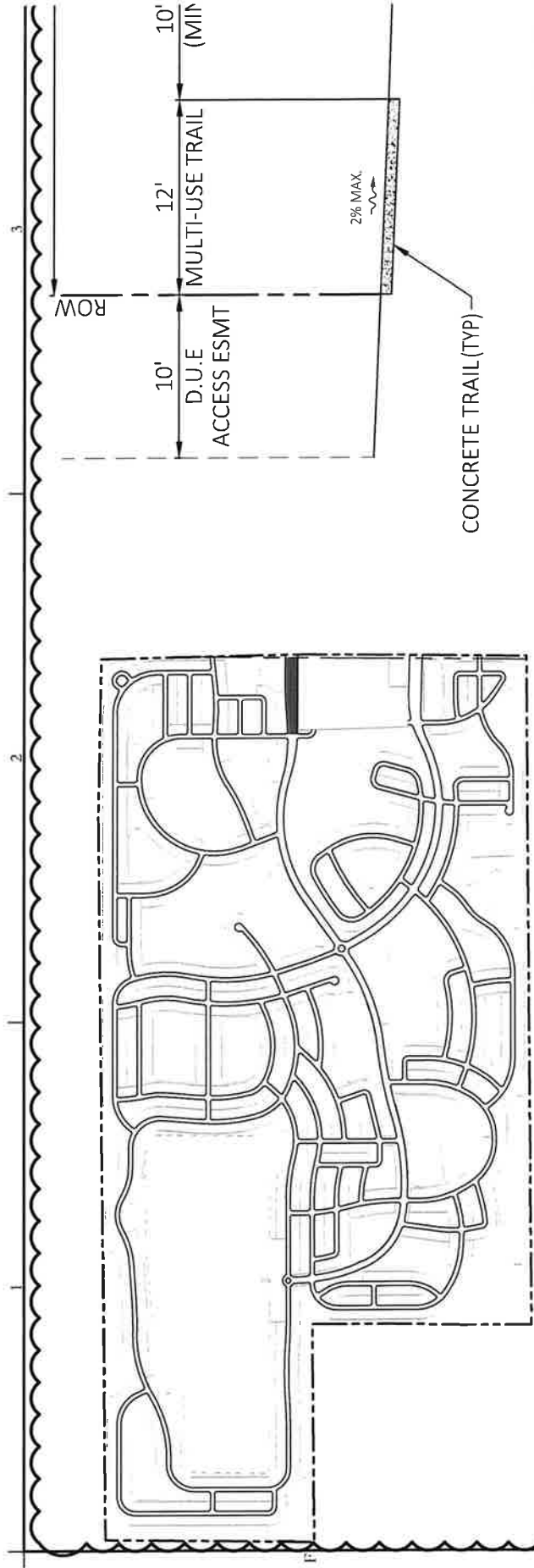
General Use (GU) & Agricultural Residential (AU)

4. Proposed Zoning

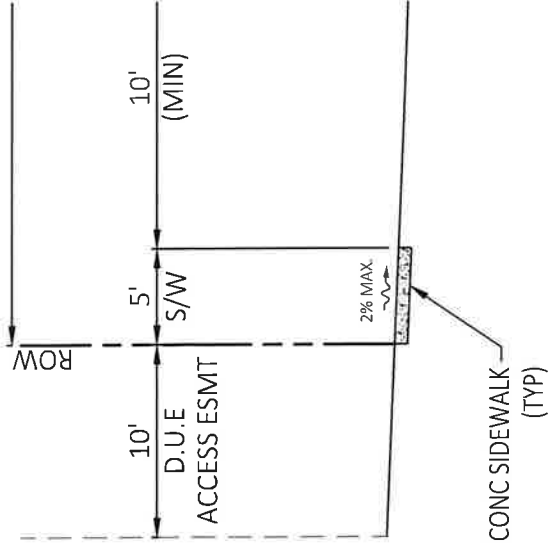
Planned Unit Development (PUD)

5. Residential Standards

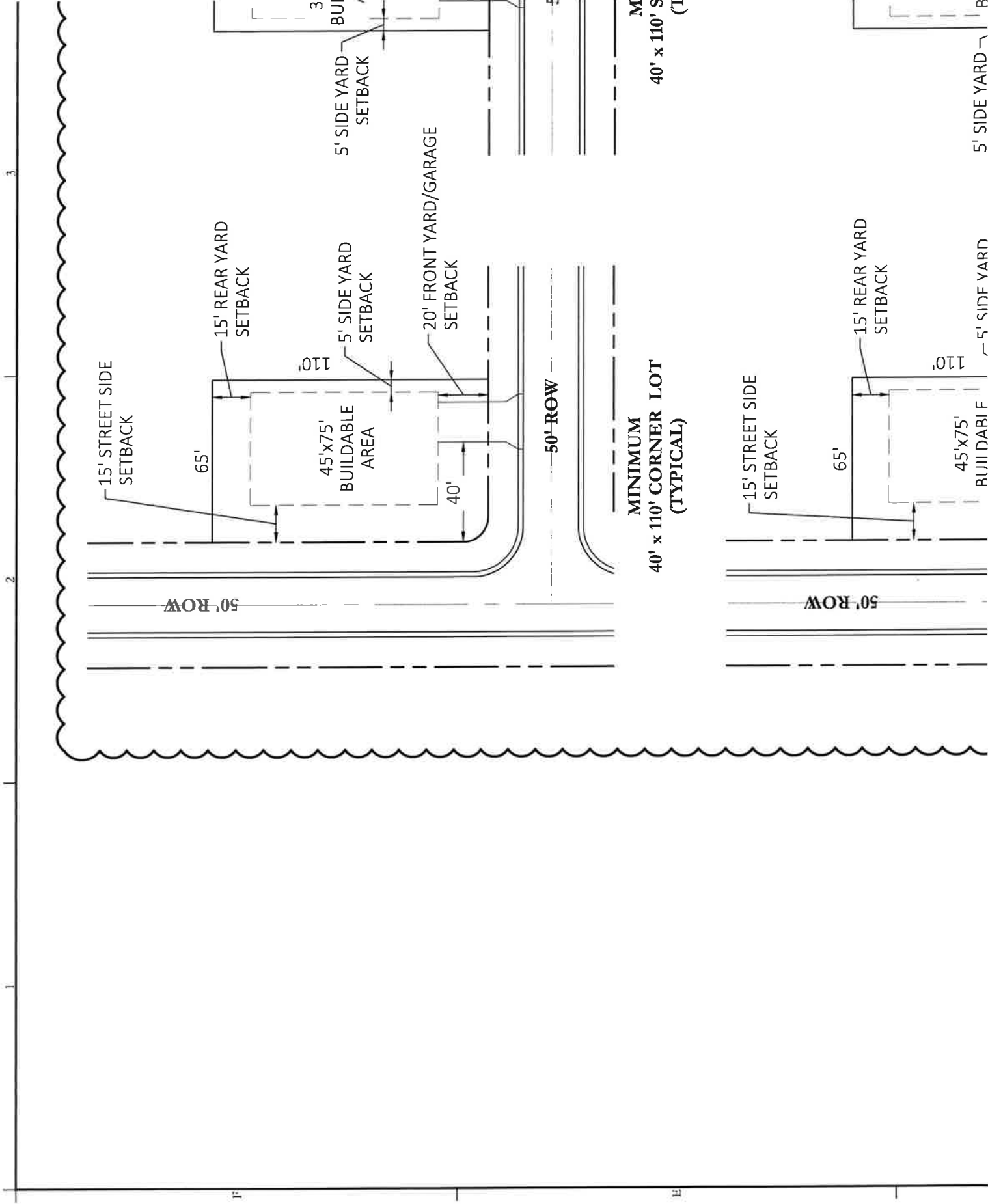
Detached Single-Family Lots		
40' SF Lots ¹	50' SF Lots	60'



TYPE 'F' CURB
GUTTER (TYP)



TYPE 'F' CURB
GUTTER (TYP)



AERIAL MAP

BORUCH-DAVID LLC

23LS00001



1:36,000 or 1 inch = 3,000 feet

PHOTO YEAR: 2023

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: 3/15/2024

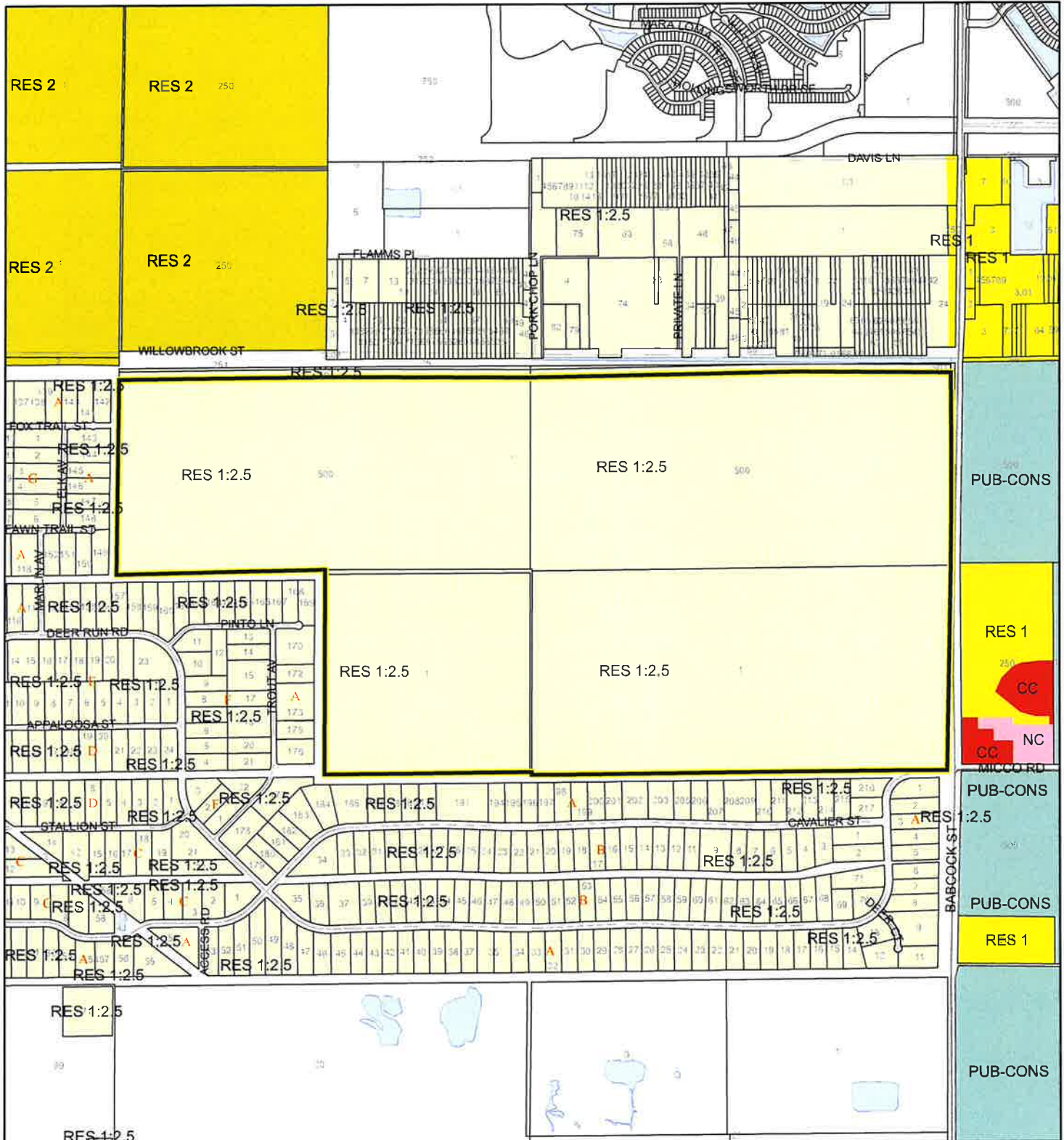
 Subject Property

 Parcels

FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:21,600 or 1 inch = 1,800 feet

Subject Property

Parcels

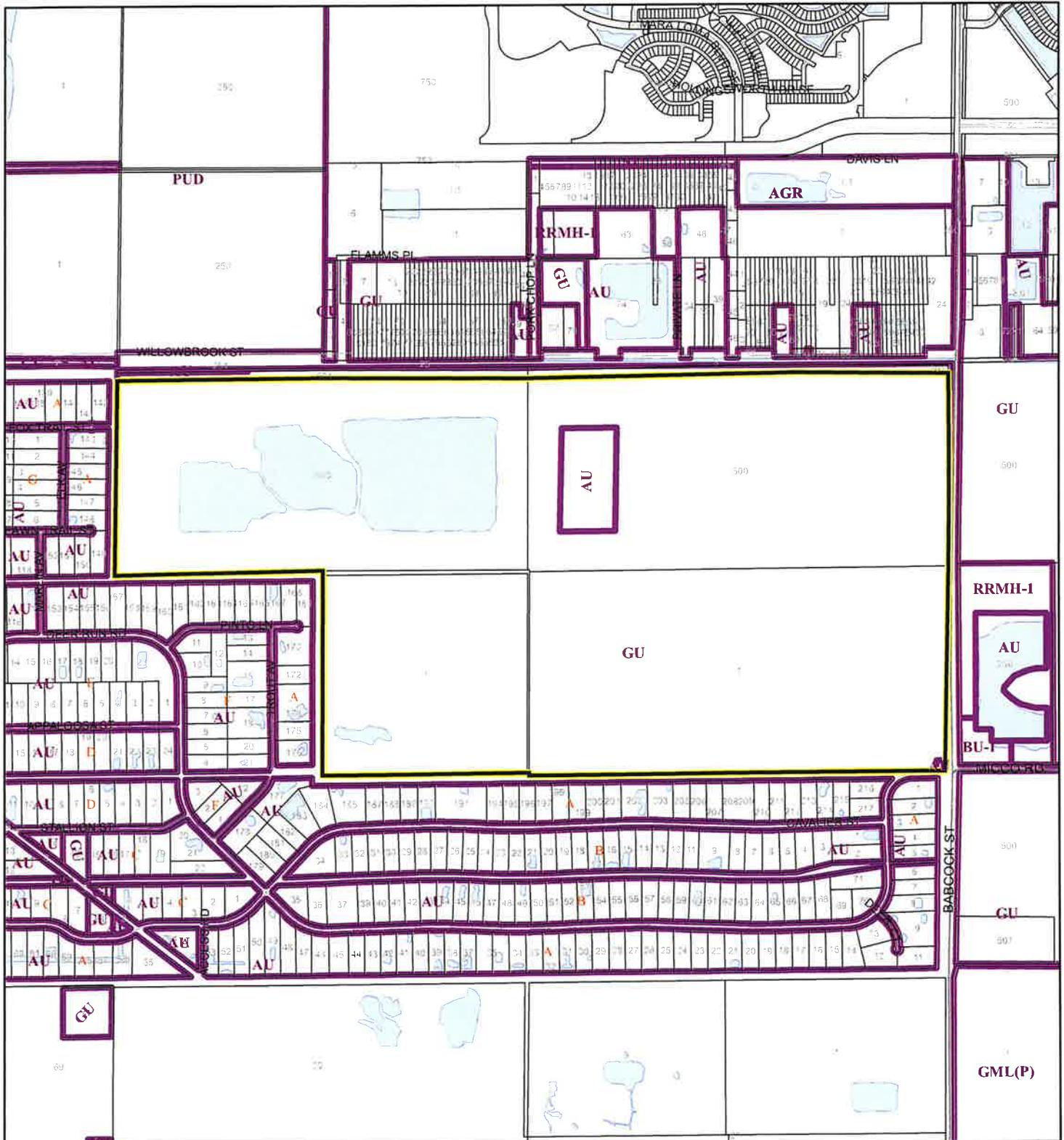
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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ZONING MAP

BORUCH-DAVID LLC

23LS00001



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— Subject Property

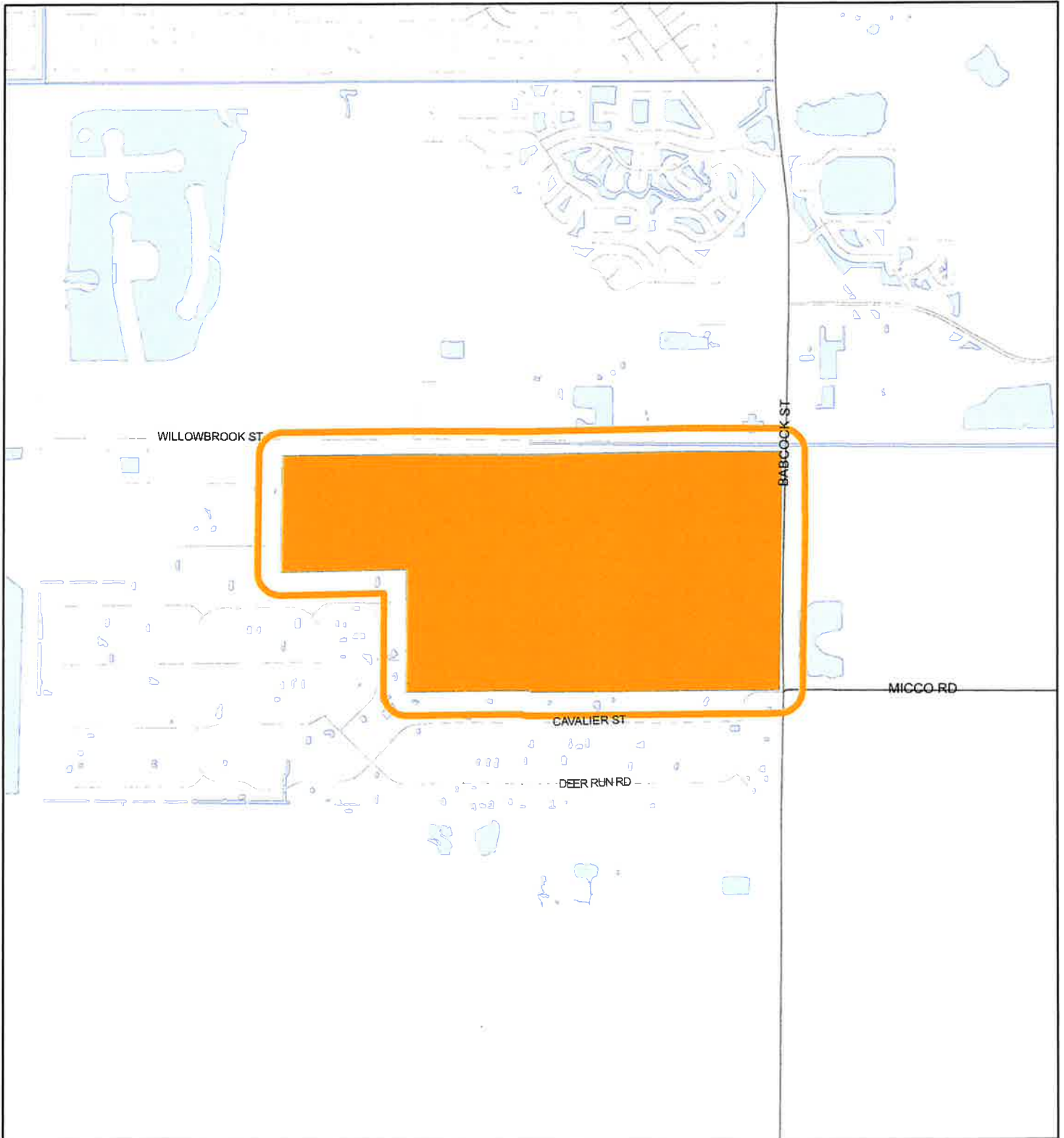
□ Parcels

□ Zoning

LOCATION MAP

BORUCH-DAVID LLC

23LS00001



1:36,000 or 1 inch = 3,000 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.

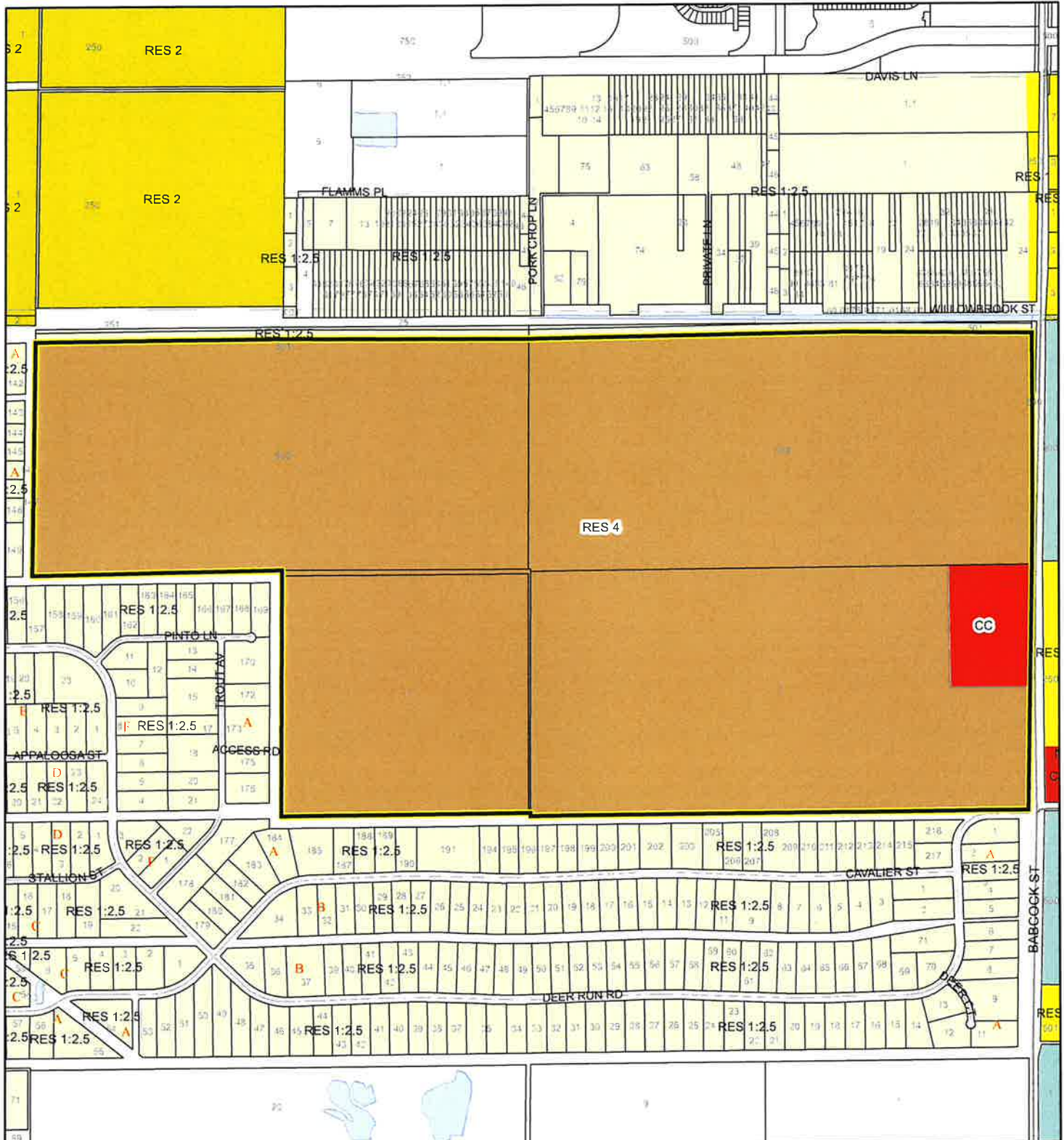
Produced by BoCC - GIS Date: 3/5/2024

Buffer
Subject Property

PROPOSED FUTURE LAND USE MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

Subject Property

Parcels



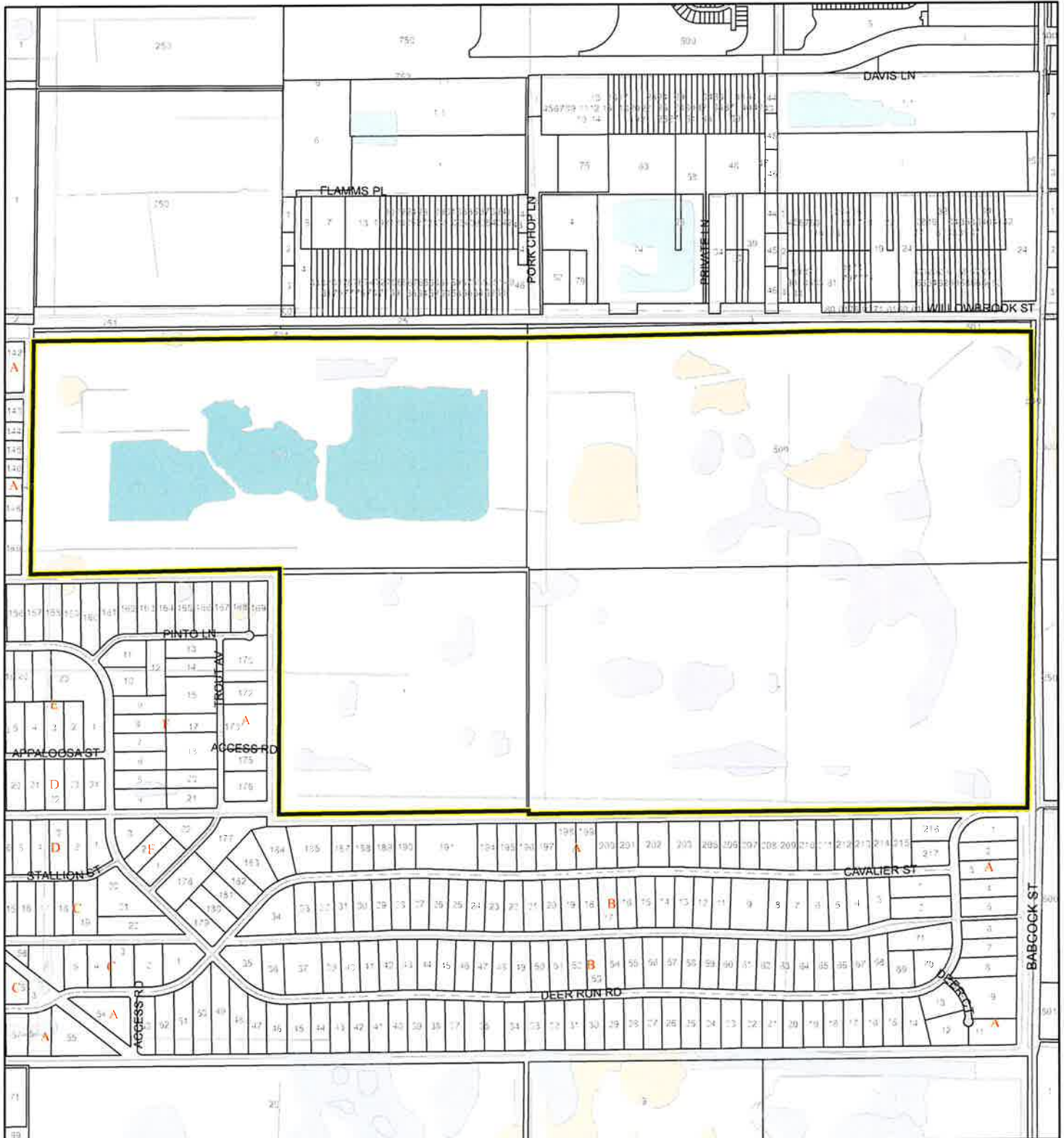
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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NWI WETLANDS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

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

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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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

BORUCH-DAVID LLC

23LS00001



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USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

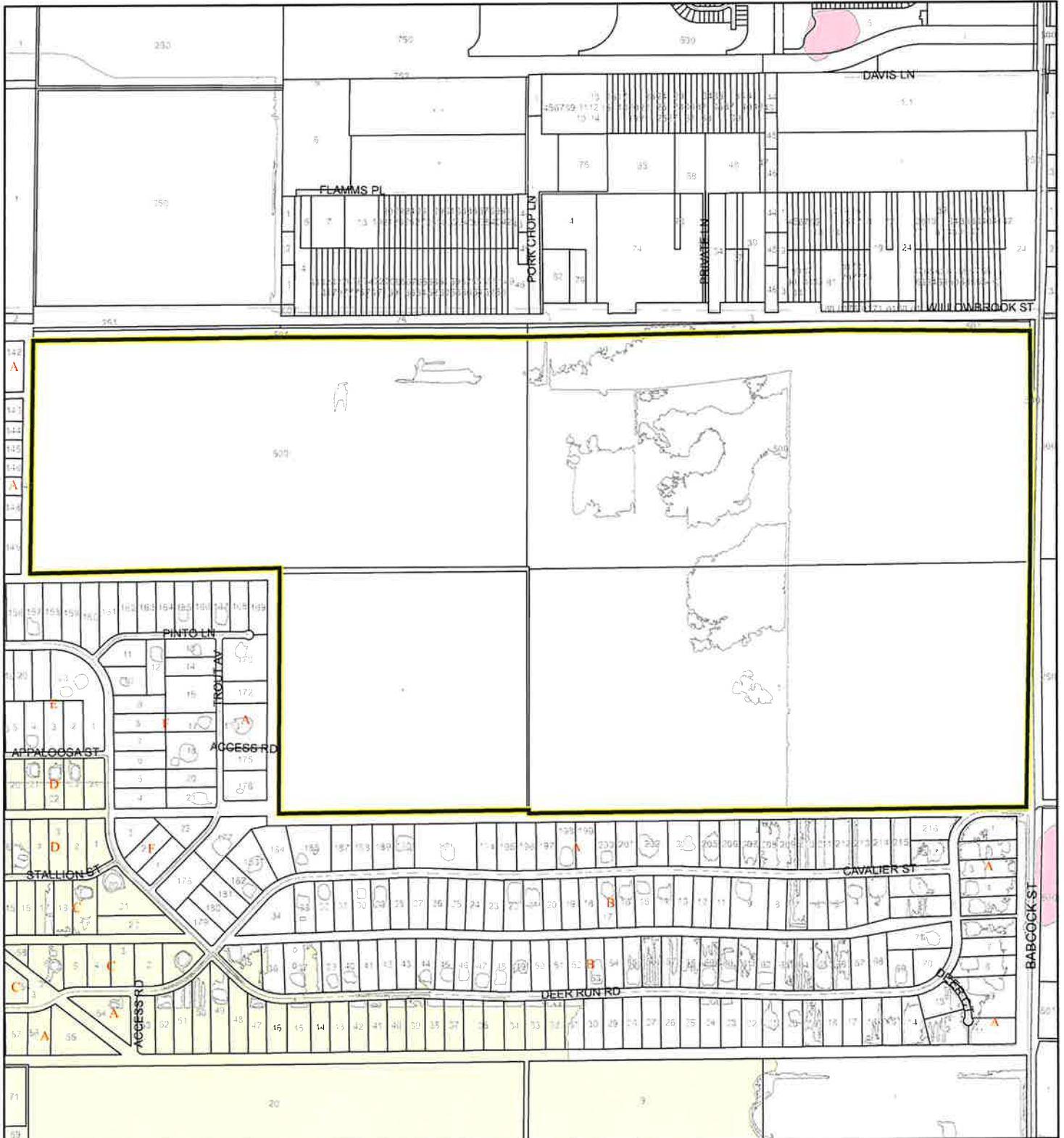
Subject Property

Parcels

FEMA FLOOD ZONES MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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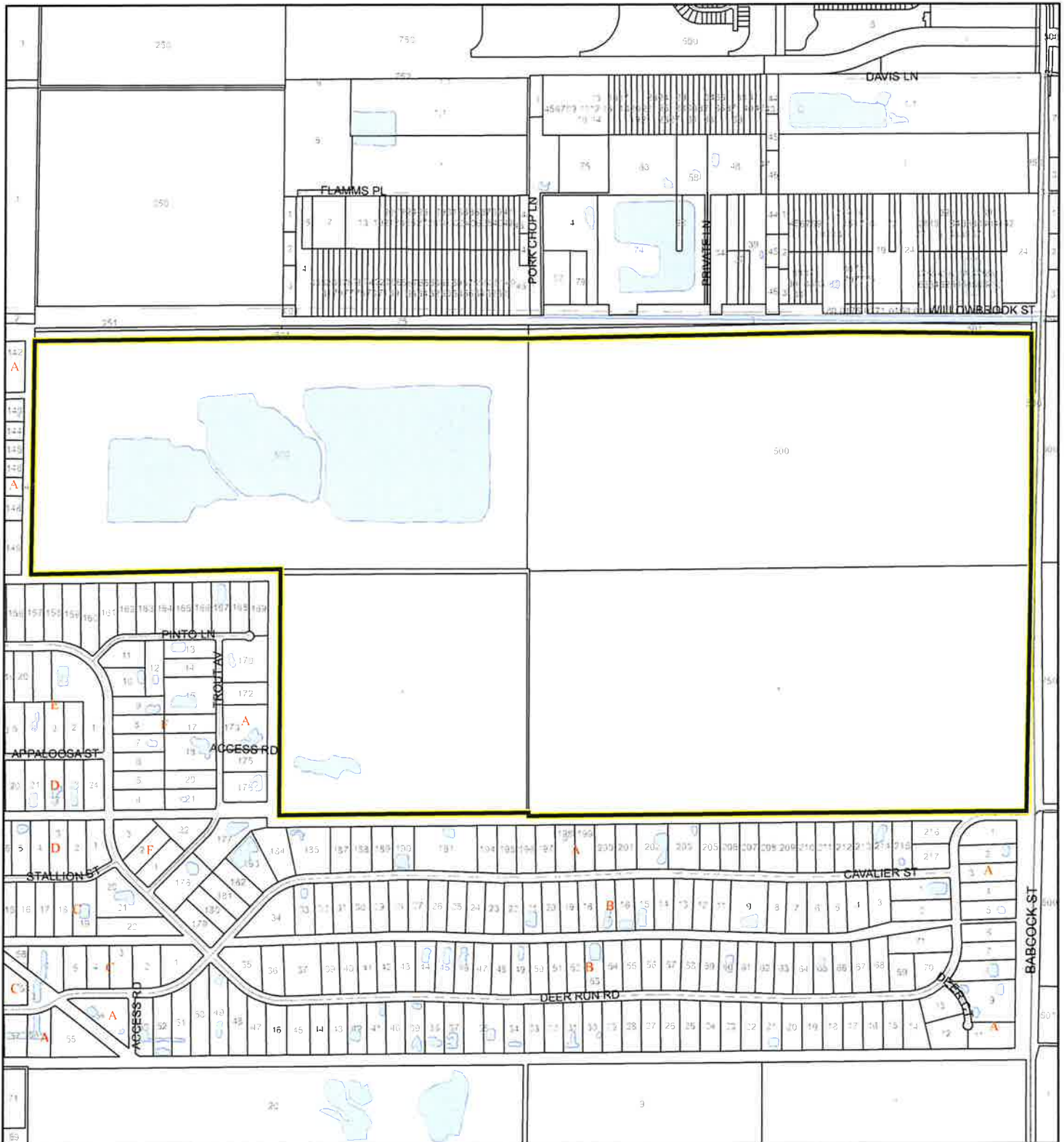
FEMA Flood Zones

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

COASTAL HIGH HAZARD AREA MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

Subject Property

Parcels

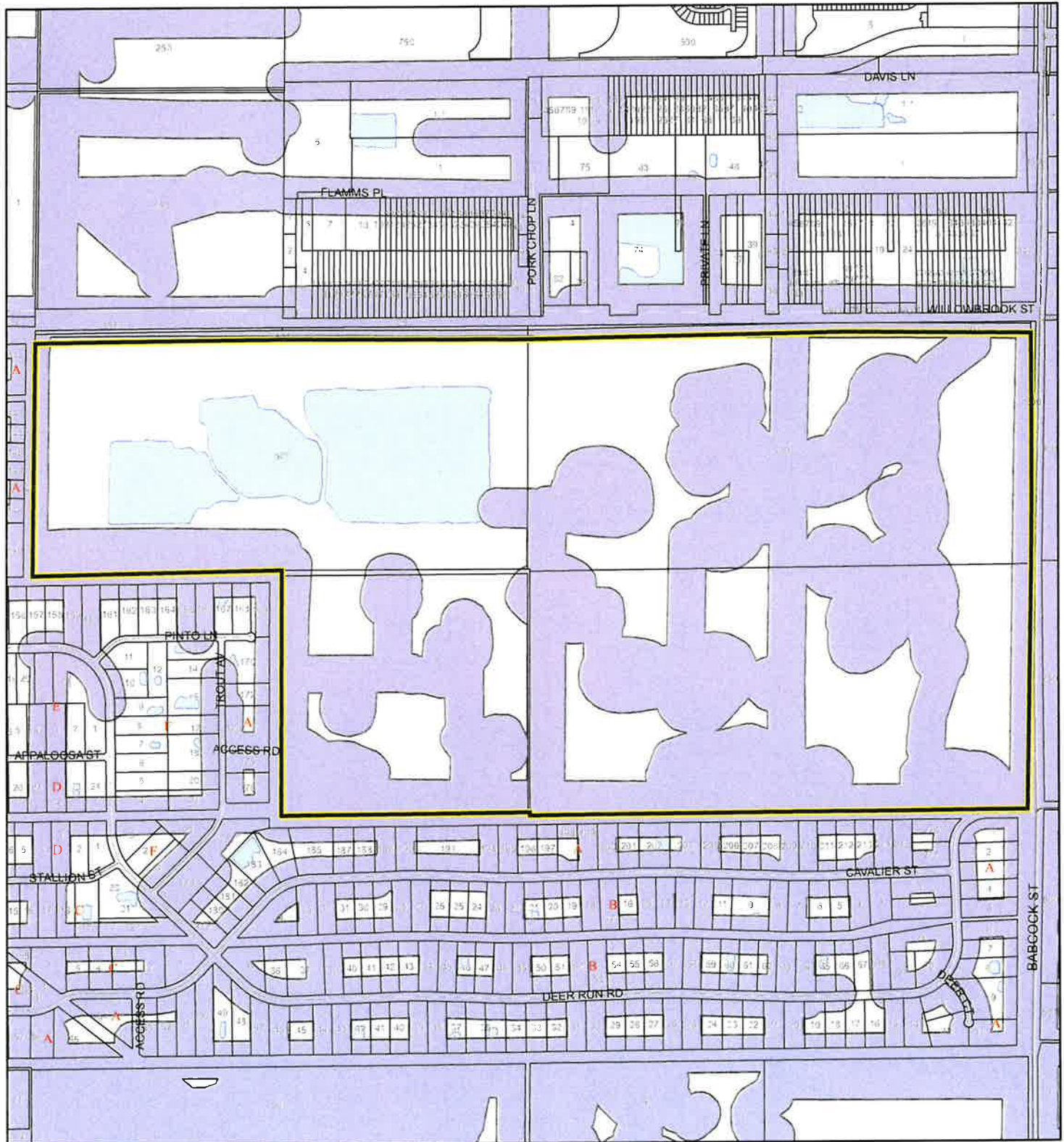
Coastal High Hazard Area

SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

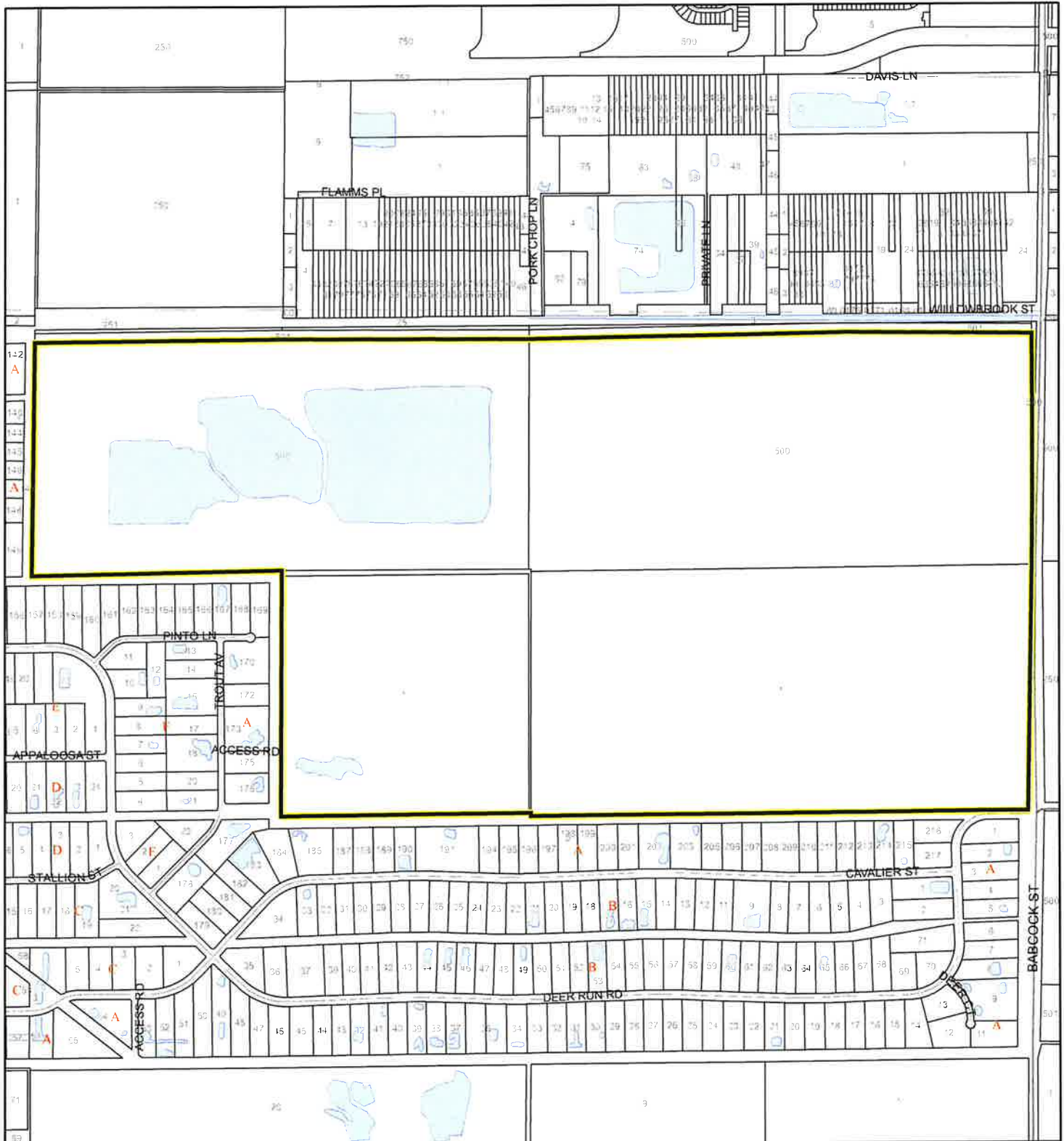
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

 Subject Property

 Parcels

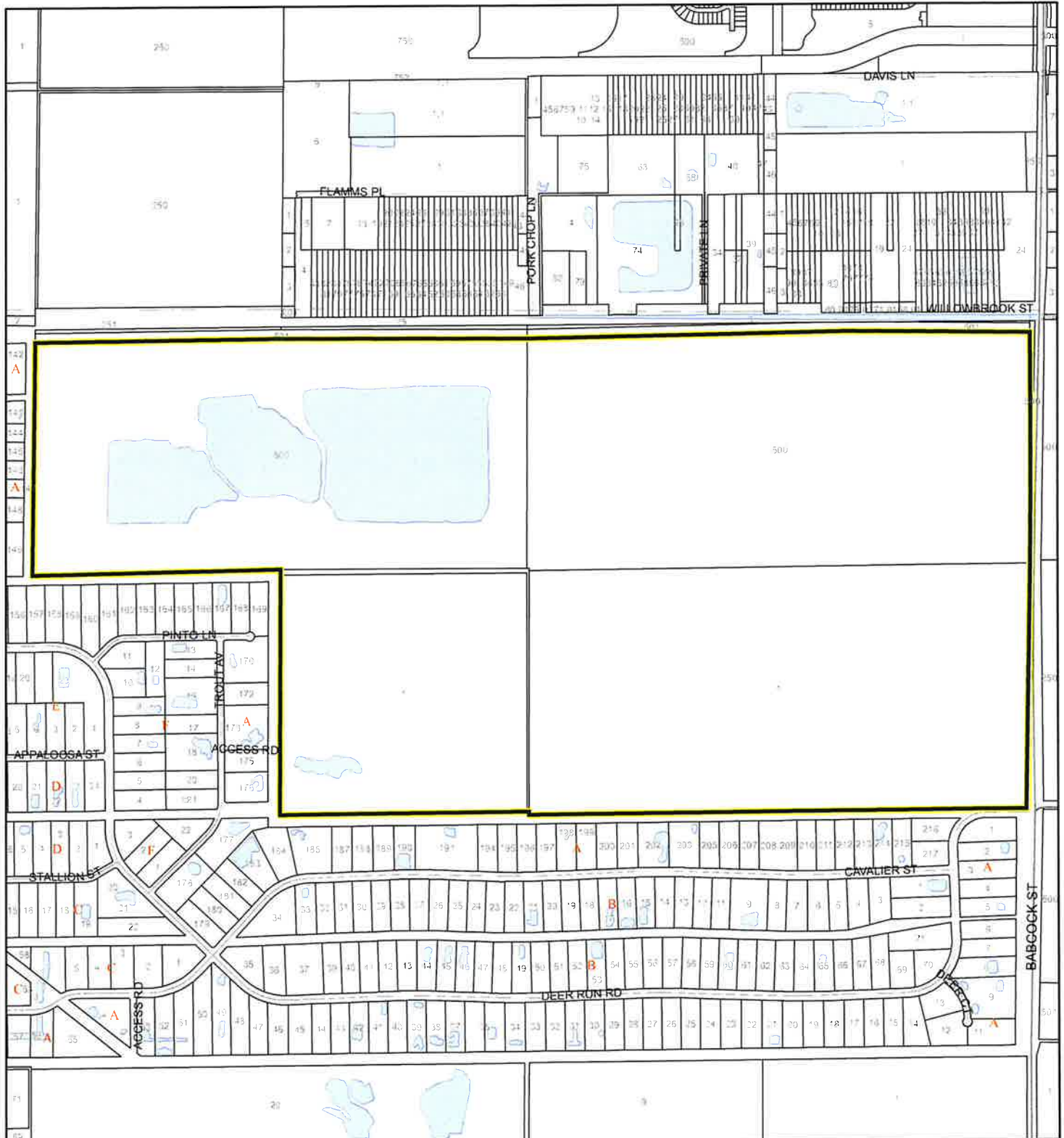


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BORUCH-DAVID LLC

23LS00001



1:18,000 or 1 inch = 1,500 feet

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Produced by BoCC - GIS Date: 3/5/2024

SJRWMD FLUCCS Upland Forests

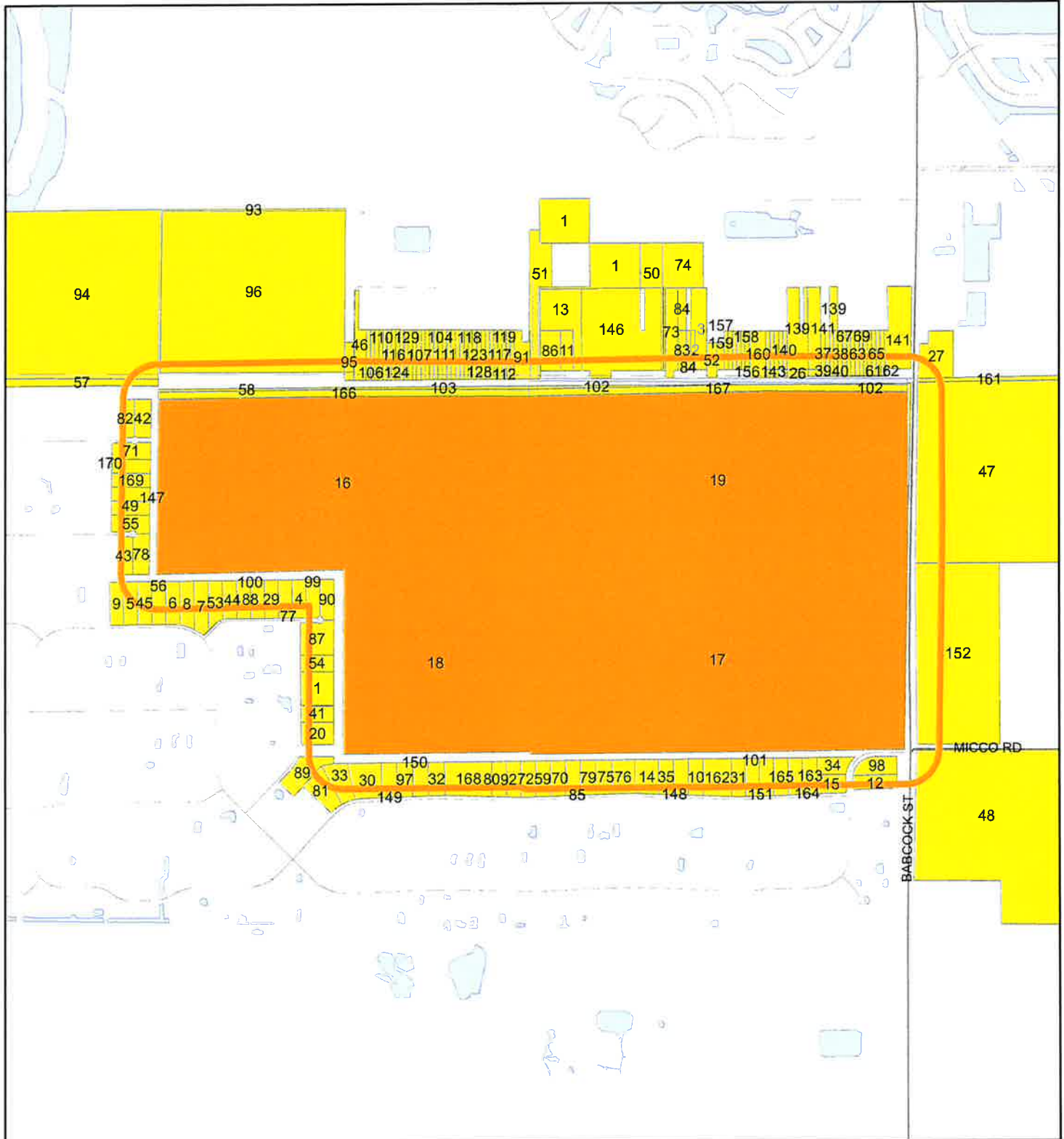
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

RADIUS MAP

BORUCH-DAVID LLC

23LS00001



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

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 3/5/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

From: williamsvic86@gmail.com
To: [Champion, Kristen](#)
Cc: [Denise Williams](#)
Subject: ID#23LS00001
Date: Friday, April 12, 2024 6:50:17 PM

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

Hello.

I am the land owner at 128 Cavalier st. Palm Bay Fl. 32909 located on the south boundary of the proposed building site. I would like to know if any provisions will be taken to fence the south canal on the north side of the canal?

I assume that a major concern for this development would be consideration for safety especially for the children living in the new development. I have had to deal with alligators and wild bore in and near the canal. Please provide information as to any considerations under discussion.

Thanks, Vic Williams 937-212-9631.

Sent from my iPhone

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public comment received 23LS00001
Date: Monday, April 15, 2024 8:13:09 AM
Attachments: [Agenda Item Number G5 \(23LS00001\).msg](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, she has received the attached public comment for 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov
7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23S00001
Date: Monday, April 15, 2024 8:55:37 AM
Attachments: [Public Comment G5 \(23LS00001\).pdf](#)
[image001.png](#)
[image002.png](#)

Good morning Kristen,

On behalf of Commissioner Feltner, please see the attached public comment our office received.
Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: abutti@aol.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Agenda Item Number G5 (23LS00001)
Date: Sunday, April 14, 2024 6:37:56 PM

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

County Commissioners,
I live in Deer Run and my property backs up to this property.
I am concerned about Sun Terra proposed land rezoning.
I would like to see it stay 1 unit per 2.5 acres, as that would be compatible with Deer Run.
I am concerned about wildlife, wetlands, water, septic, roadway improvements, traffic issues, public services.
Please, do not rezone this area.
Anita Butti
222 Cavalier St. (have lived here 31 years)

Thanks for your time,
Anita

From: [Champion, Kristen](#)
To: webhog1@yahoo.com
Subject: RE: April 15 P&Z Meeting
Date: Monday, April 15, 2024 10:08:00 AM

Perfect, we'll see you this afternoon.

The Chair of the Board will give everyone an opportunity to speak after each item is presented.

Please let me know if there's anything else we can assist with in the meantime.

Respectfully,

Kristen

Kristen K. Champion, Special Projects Coordinator III

Brevard County Planning and Development
2725 Judge Fran Jamieson Way
Bldg. A-114
Viera, FL 32940
(321)350-8300

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Monday, April 15, 2024 8:25 AM
To: Champion, Kristen <Kristen.Champion@brevardfl.gov>
Subject: Re: April 15 P&Z Meeting

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

I plan on attending the meeting.

Marty Piatkowski
Palm Bay, FL
Enjoy life now... it has an expiration date.

On Monday, April 15, 2024, 8:16 AM, Champion, Kristen <Kristen.Champion@brevardfl.gov> wrote:

Good morning,

Your email has been received. Will you be attending this afternoon, or would you like to submit me another electronic response that I can add to the file for public comment to the Board members?

Respectfully,

Kristen

Kristen K. Champion, Special Projects
Coordinator III

Brevard County Planning and Development

2725 Judge Fran Jamieson Way

Bldg. A-114

Viera, FL 32940

(321)350-8300

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Sunday, April 14, 2024 4:27 PM
To: Champion, Kristen <Kristen.Champion@brevardfl.gov>
Subject: April 15 P&Z Meeting

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

Hi,

I'd like to be able to comment on Agenda Item Number G5 (23LS00001) at the April 15, 2024 meeting.

Thank you,

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date

From: [Neil Adams](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Re: Sunterra Development- Deer run community impact
Date: Monday, April 15, 2024 2:45:39 PM

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

Hello,

This is a follow-up for some more information that is very important that the county and builder are aware of.

Deer Run has its own canal system to handle runoff water during heavy rains and hurricanes. Two huge pumps in the back of the community pump water out of this canal system and into the C54 system.

If this community is built, water runoff from it, if not controlled, could cause flooding in our community. during the past hurricane, we had runoff water from that property pushed through the ground and into our canal system, where the red circle is in the picture below.



Please, Make sure they complete the necessary steps to insure no run-off water will cause issue for our community in the future.

On Monday, April 15, 2024 at 02:23:12 PM EDT, Neil Adams <nail1114@yahoo.com> wrote:

Dear Commissioner

Hello, My name is Neil Adams and my property will directly be effected by this community.

My address is 308 Pinto Ln Palm Bay fl 32909

I am writing to express my strong opposition to the proposed rezoning of the parcel of land located next to my residence. The proposed change from R1 to R4) raises significant concerns for our community and the quality of life for its residents.

1. Traffic and Safety Concerns: The existing traffic situation on the 2 lane Babcock is already challenging, especially with all the dump trucks running from the 2 mines south of our community. Adding multi-family housing will exacerbate traffic congestion.
2. School Overcrowding: Our local schools are already operating at or above capacity. Approving multi-family dwellings without addressing school concurrency could strain educational resources and affect the quality of education for our children.
3. Wildlife Habitat Preservation: The proposed development may destroy local wildlife habitat. We have observed wildlife in the area, and any planned development should consider its impact on the environment.
4. Property Values: Introducing R4 4homes per acre could lower property values in our community. Such developments are inconsistent with the character of our existing neighborhoods.
5. Community Consensus: While we understand that development may be inevitable, it is essential to consider the sentiments of the local community. Nearly all residents in our Deer run community oppose the addition of multi-family housing due to the potential adverse effects mentioned above.
6. Buffer They define: they are defining a 50Ft + buffer between us and the community. how ever if they clear the land per county code removing all the pepper trees then there would be no buffer left! please grant an exception to leave the natural buffer already in place.
7. Noise and fear for Hoses In community: Communities zoned R4 will produce more noise than R1 communities. please also consider that fact that many homes in our community have hoses that will be impacted by the noise from the Sunterra development.
8. In light of these concerns, I urge you to disapprove the proposed rezoning. I believe my opinions are shared by many others who may not have had the opportunity to attend meetings or write letters.

Thank you for your attention to this matter. I trust that you will consider the long-term impact on our community when making your decision.

Sincerely, Neil Adams

From: [Justin Neal](#)
To: [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Rezoning of property bordering Deer Run
Date: Monday, April 15, 2024 1:57:57 PM

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

Good afternoon,

I am a homeowner in Deer Run who is within 500ft of the property that is proposing a rezoning to from its existing 1 residence per 2.5 acres to 4 residences per acre. This development will certainly displace all of the wildlife that reside between this 1100+ acres and Deer Run. All of these deer, turkey, bobcats, coyotes and many others will be driven away and increase the likelihood of animal and vehicle accidents on Babcock due to construction pressure of their habitat. We moved down here from West Melbourne just a few years ago to get away and have a piece of property in this equestrian community to enjoy the wildlife. Keeping this property rural and in the current zoning of 1 residence per 2.5 acres is the best we can hope for to still have some peaceful interactions with wildlife. For our equestrian folks in the neighborhood the added stress on their horses from all of the construction activity could be severe. We have so many neighborhoods being built off the St John's Heritage Parkway that are currently small size lots and packed in houses. I ask to please leave the properties south of Willowbrook road with the larger property sizes for zoning so we can still have some rural left in Brevard County to share for future generations.

Thanks,

Justin Neal

From: [Gloria Kanungo](#)
To: [Commissioner, D1](#)
Subject: Rezoning Sun Terra Property
Date: Monday, April 15, 2024 1:35:24 PM

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

Ms Pritchett,

I am writing in reference to the proposed rezoning of property that was recently purchased by Sun Terra.

I am a resident of the Deer Run Community which adjoins this property. As you are aware, there is massive development in South Brevard, there needs to be checks and balances. There are already several high density developments completed and under construction just north of this property, with other projects proposed on Micco Rd and St Johns Parkway. Brevard County does not have the infrastructure in place to accommodate another high density development. **Ex: roads, schools, fire, police, ambulance, and parks.**

This property should stay consistent with the zoning of Deer Run not the proposed R4. There would be a substantial impact to wildlife, the development borders environmentally sensitive land and a wildlife sanctuary.

I ask you as **our representative** to consider what is best for your constituents and **VOTE NO!!!!!!**

Regards,

Gloria Kanungo
174 Deer Run Rd.

Dear Commissioner,

This letter is in regards to the proposed large scale Sun Terra project west of Babcock Street and south of Willowbrook Street in unincorporated Brevard County.

The builder would like to build 3,246 homes plus commercial units creating a high density housing environment.

There are many potential impacts to the area regarding this development.

If the developer plans on installing wells for the large amount of homes in the proposed project, do we really know the impact on the aquifer? What will be the impact on the wells that supply water to the neighboring equestrian community Deer Run?

If the developer plans on septic tanks for all the dwellings what is the impact on the environment?

What type of buffer or separation will occur between the high density project and the established equestrian neighborhood Deer Run? The builder currently plans on only a 50 foot buffer which is not nearly enough.

If the current greenery which consists mostly of Brazilian Pepper trees is to be used this will not be enough of a screen since the invasive pepper trees have to be removed.

The noise levels in the area will increase with construction of dwellings, roads, commercial and recreation areas. How will the noise be minimized for the adjacent Deer Run neighborhood?

The amount of traffic in the area will increase exponentially. It has already increased with the huge increase of dump trucks and all of the new developments near the St. John's Heritage Parkway. Babcock street is currently insufficient for the amount of traffic.

There is an abundance of wildlife currently living on the acreage of the proposed development.

The wildlife will be pushed out. Bird, mammal and reptile environments will be destroyed. Canopy and wetlands will be lost.

Environmental impact studies need to be done before any disturbances occur on the acreage.

There are no fire stations within a 5 mile radius. There are no police stations within a 5 mile radius.

The current fire stations are already overwhelmed.

What are the plans for one or more fire stations?

Hospitals and medical offices are already overwhelmed. What are the plans for additional medical services? At a minimum there should be consideration for a free standing ER in the vicinity near all of the proposed development.

Schools are already at or near capacity.
What are the plans for additional schools?

I do not believe the current electrical grid can handle all of this growth? How and when will the grid be upgraded to ensure seamless electric power?

The canals that run around and through the Deer Run Community could potentially spill over and flood Deer Run if the proposed project dumps water into the canals during the building and post building time frames especially during hurricanes and periods of heavy rains due to storms.

Questioning why the existing Compound is not being used for these high density developments.

Brevard County originally zoned the property that is under discussion for this project many years ago as a continuance of Deer Run in order to protect the equine environment and wildlife. This is currently zoned for 1 home per 2.5 acres just like Deer Run. We also have preserves across the street East of this proposed high density project which will have a large impact on the wildlife in this area.

All of these concerns/issues need to be discussed and addressed as necessary to minimize impacts to the Deer Run Equestrian Community and the local environment.

Thank You

Minde Gibson
8510 Trout Ave

From: [Neil Adams](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sunterra Development- Deer run community impact
Date: Monday, April 15, 2024 2:23:20 PM

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

Dear Commissioner

Hello, My name is Neil Adams and my property will directly be effected by this community.

My address is 308 Pinto In Palm Bay fl 32909

I am writing to express my strong opposition to the proposed rezoning of the parcel of land located next to my residence. The proposed change from R1 to R4) raises significant concerns for our community and the quality of life for its residents.

1. Traffic and Safety Concerns: The existing traffic situation on the 2 lane Babcock is already challenging, especially with all the dump trucks running from the 2 mines south of our community. Adding multi-family housing will exacerbate traffic congestion.
2. School Overcrowding: Our local schools are already operating at or above capacity. Approving multi-family dwellings without addressing school concurrency could strain educational resources and affect the quality of education for our children.
3. Wildlife Habitat Preservation: The proposed development may destroy local wildlife habitat. We have observed wildlife in the area, and any planned development should consider its impact on the environment.
4. Property Values: Introducing R4 4homes per acre could lower property values in our community. Such developments are inconsistent with the character of our existing neighborhoods.
5. Community Consensus: While we understand that development may be inevitable, it is essential to consider the sentiments of the local community. Nearly all residents in our Deer run community oppose the addition of multi-family housing due to the potential adverse effects mentioned above.
6. Buffer They define: they are defining a 50Ft + buffer between us and the community. how ever if they clear the land per county code removing all the pepper trees then there would be no buffer left! please grant an exception to leave the natural buffer already in place.
7. Noise and fear for Hoses In community: Communities zoned R4 will produce more noise that R1 communities. please also consider that fact that many homes in out community have hoses that will be impacted by the noise from the Sunterra development.
8. In light of these concerns, I urge you to disapprove the proposed rezoning. I believe my opinions are shared by many others who may not have had the opportunity to attend meetings or write letters.

Thank you for your attention to this matter. I trust that you will consider the long-term impact on our community when making your decision.

Sincerely, Neil Adams

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public Comments received 23LS00001
Date: Thursday, April 25, 2024 8:19:55 AM
Attachments: [Please deny the SunTerra rezoning request - here's why....pdf](#)
[South Brevard Rezoning \(Sunterra\).pdf](#)
[Sun Terra.pdf](#)
[Sunterra Development.pdf](#)
[URGENT Sun Terra Lakes Development meeting May 2nd,2024.pdf](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, attached are additional comments received for 23LS00001.

Thank you for your support of her office.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov
7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Jim Araiza](#)
To: [Commissioner, D1](#)
Subject: Please deny the SunTerra rezoning request - here's why...
Date: Wednesday, April 24, 2024 4:56:01 PM

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

Dear Commissioner Pritchett,

I oppose the SunTerra zoning request.

As a property owner in adjacent Deer Run Equestrian Community, the most compatible zoning for the SunTerra property is exactly what Brevard County desired this area to be: R1.

Our current county commissioners, and those who preceded you, have ALWAYS placed great emphasis on quality of life and protection of our local environment.

Indeed, that is what drew us to Deer Run and southern Brevard County county: spacious neighborhoods and wildlife, supported by YOUR commission's dedication to adequate infrastructure and safety!

Approving SunTerra's request for R4 zoning would abandon your commission's long-standing commitment to protect south Brevard County. Adequate infrastructure is not in place, nor in the current budget to support the requirements of the massive R4 community desired by SunTerra.

I support development – everyone needs a place to live and call their own. The new Sun Terra neighbors should enjoy the same protections currently in place for our Deer Run community. We have accessible streets and adequate infrastructure to support our quality of life, our wildlife, and the environment. A massive R4 development will not only adversely affect Deer Run, but also the new residents of SunTerra. We will all suffer...

I don't believe that's what you and your fellow commissioners envision for our community. I know it's not the vision your predecessors had when they addressed the best-use zoning of southern Brevard County!

Developers rarely know (or care) what is "best" for a community. You do! Please stay the course...

Thank you for your service, Rita...

With appreciation,

Jim Araiza
105 Deer Run Road

Palm Bay, FL 32909
305-720-7245

From: [zach Levy](#)
To: [Commissioner, D1](#)
Subject: South Brevard Rezoning (Sunterra)
Date: Tuesday, April 23, 2024 1:34:08 PM

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

Hello Ms Rita,

My name is Zach Levy, I am a land owner and hopeful future resident of 179 Deer Run Rd. I currently live in South East Palm Bay, and have lived in this area my whole life.

My wife and I are working towards moving our family to the Deer Run community to raise our young children in a place filled with space to play and listen to the sounds of nature.

The South St John's Heritage Parkway development is exciting in that it opens the Deer Run area to easier access to the rest of the county via I-95, and we are supportive of the general development of the area. That said, I am concerned by the level of allowed re-zoning of the land (especially that directly adjoining to Deer Run) to allow densely packed homes. I am concerned over the noise pollution, the traffic increase, and the displaced water that could further flood the already flood prone Deer Run; additionally I am concerned about the available resources of fire, police, medical, and educational facilities to cover this area that is quickly booming in population.

I understand the benefit to the development, and I would like to ask that requests for rezoning (namely the Sunterra development) be denied. Again, I am for development, I just ask it not be as densely packed as Sunterra is proposing directly by Deer Run. I ask this not only out of personal desire to live in peace, but also out of concern that not enough foresight is going in to the pace of development in our area.

Thank you for your time,
Zach Levy

From: [Big Morly](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra
Date: Tuesday, April 23, 2024 10:21:01 PM

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

Hello, I own a property in Deer Run, I bought this property mainly because of the area, it is a perfect community to live in because of its tranquility, its natural habitat and the space we have between houses, now I am reviewing the information about a construction of thousands of houses in the vicinity of Deer Run, this would put an end to everything mentioned above, this new community of thousands of houses with spaces between them with less than half an acre would be putting an end to the type of construction zone, with the tranquility of all the neighbors of Deer Run, with the animals in the areas, this would also leave less land that helps with the rainwater that is so needed in this area, these thousands of houses would also be depreciating our houses.

I don't understand why a millionaire company wants to do a project on wetland lands with trees, plants and animals unique to the area and the county can easily allow it and a person who is not at the economic level of that company, the county puts so many restrictions on him. , so many inspections and only to tell you that you cannot build because the land is wetlands and there are protected species, it is impossible for any person to clean a lot of more than one acre due to all the county restrictions and now a millionaire company is easy to destroy a large area of wetland land with so much natural life.

I would like to know where the deer, wild pigs, turtles, turkeys and all the birds that inhabit those lands would go? Or if this company would pay the thousands of dollars that the county charges to move these animals to a safe area, I would also like to know if they would be planting the number of trees that the county requests for each one they remove on those lands, if you have an answer For this please let me know.

From: [Bill Sergent](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sunterra Development
Date: Tuesday, April 23, 2024 9:17:42 AM

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

Good afternoon,

My name is William Sergent and I live in the Deer Run subdivision at 325 Pinto Lane, across the street from where the proposed new development would be built.

I would like to say I'm happy to see our community grow, but I, like many other residents in Palm Bay are concerned about the unmitigated growth. I've been through this before and what was a nice place to live, became a nightmare. I previously lived in a town that was adjacent to Murfreesboro, TN. Over the past ten years, it has almost doubled in size to 175,000 residents. The infrastructure is lacking, traffic is a nightmare, schools are over crowded, new ones can't be constructed quick enough and there's a huge shortage of teachers and bus drivers. Not to mention the increase in crime, taxes (approx 50% over the few past years) and an overall negative impact on the way of life.

We too welcomed the growth but we realized that sometimes you regret what you asked for. Having attended the Sunterra meeting at Comfort Suites, there doesn't seem to be much of a plan for anything but construction. There's not enough schools and most are already frozen, infrastructure is lacking, not enough first responders, hospitals, etc, etc, etc. Sounds and looks familiar. The overcrowding that negatively impacted so many things is the main reason I moved from Tennessee. It's not the same place as the farms, agriculture, open spaces and wildlife have been replaced by thousands of homes. Unfortunately, it looks like Palm Bay and Brevard County are headed down the same path as Murfreesboro, TN.

Personally, and I speak for many, I'm not in favor of any new development until some of the above situations are addressed. Unless the course of things change, I foresee another Murfreesboro scenario. I would ask for your consideration to delay any new development until the concerns of the citizens have been addressed and we are actually ready and able to support new building, including Sunterra.

Sincerely,

William and Tamara Sergent
325 Pinto Lane
Palm Bay, 32909
615-430-9241

From: [JoAnn Young](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: URGENT: Sun Terra Lakes Development meeting May 2nd, 2024
Date: Wednesday, April 24, 2024 4:22:06 PM

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

Good afternoon Commissioners,
My name is JoAnn Young. I am a real Estate Broker and a resident of Deer Run in Southern Brevard. My husband and I own two adjacent properties totalling 5 acres that will border the recently purchased Sun Terra Development. We have attended the developer's meeting & the Planning and Zoning meeting for changing the future use of said development. In my business profession I have worked with the county making inquiries on future land use and conformity. In my conversations with department employees, the county seems to want to keep conformity with the surrounding properties. The reasons are obvious. The future land use for the 1100+ acres of Sun Terra is 1 residence per 2.5 acres - The same as Deer Run. Sun Terra has requested Res 4 with a cap at 3. The planning and zoning committee is recommending Res 2 for your commissioners meeting.
While I as a real Estate Broker welcome any new development, we have our concerns for such density for this area of Brevard that abutts to Deer Run.
Our main concerns are the following:

- Deer Run already has flooding issues. Due to no sewer system in Deer Run, the new development will be sharing the same canals and ditches for runoff as our two parcels (5 acres) that border the west side of the new development. A small canal will be between our borders. We are gravely concerned about the density of 2700-3200+ homes built up higher than ours that will shed runoff water into a small area.
- South Babcock Street is a "D" rated road and has been on the schedule to be widened for some time. There are many developments on the schedule around Deer Run and the intersection of Deer Run Rd and Babcock St. The amount of vehicles just in Sun Terra Lakes could be as high as 6000+ if each home has two vehicles. This does not include traffic from other subdivisions already approved nearby. We believe the widening of Babcock St. should take place before allowing any homes to be built. The St. Johns Heritage Pkwy's remaining 14 miles to connect to Malabar Rd. should also be taken into consideration before allowing the large volume of traffic to consume us.
- The proposed buffer for Sun Terra Lakes from Deer Run is rather

small in some areas. One resident only has a 50 ft buffer from property line to property line. We were advised there would be a natural tree line of the existing trees. I will remind you that most of the tree line is Brazilian Pepper trees currently. If you were to approve the Planning and Zoning's suggestion, Many of their homesite lots will be of the size 40x80 as we were informed by the developer. Could we increase the buffer, or install a berm separating the two developments thus retaining more of their own runoff and allow them to create their own canals for water runoff?

- I lived in Kingsmill Subdivision in Melbourne for 17 years and watched my neighborhood flood in major storms and rainfall over and over again due to a neighborhood built behind Kingsmill higher in elevation that shared the same retention ponds as Kingsmill and not enough space to retain nor culvert size to carry the water fast enough under Lake Washington Rd. It was tragic watching the homes in the back flood. Some are still recovering from mold issues.
- We do not have school aged children but understand there are no schools or teachers to support this density.
- There is no Fire station within 9-11 miles of Deer Run and we already pay high insurance premiums for that reason. We will need more than one station if all the development planned is coming any time soon.

Again, we do not have an issue with new development. We welcome it! However, we would like to see it arrive more properly planned, more conforming to Deer Run's sized lots and without harm to the neighboring Deer Run Community.

We ask that you vote to keep the future land use "AS IS".

Thank you for your time and consideration.

Sincerely,

--

James & JoAnn Young
8423 Elk Ave
Palm Bay, FL 32909

Real Estate Broker
321-243-4917



From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment 23LS00001 May 2, 2024 Zoning Agenda
Date: Thursday, April 25, 2024 8:31:00 AM
Attachments: [Public Comment 23LS00001_multi.pdf](#)
[image001.png](#)
[image002.png](#)

Good morning Kristen,

On behalf of Commissioner Feltner, please see the attached public comments which our office has received pertaining to item 23LS00001.

Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

Mascellino, Carol

From: JoAnn Young <goldensforever@gmail.com>
Sent: Wednesday, April 24, 2024 4:21 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: URGENT: Sun Terra Lakes Development meeting May 2nd,2024

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Good afternoon Commissioners,

My name is JoAnn Young. I am a real Estate Broker and a resident of Deer Run in Southern Brevard. My husband and I own two adjacent properties totalling 5 acres that will border the recently purchased Sun Terra Development. We have attended the developer's meeting & the Planning and Zoning meeting for changing the future use of said development.

In my business profession I have worked with the county making inquiries on future land use and conformity. In my conversations with department employees, the county seems to want to keep conformity with the surrounding properties. The reasons are obvious. The future land use for the 1100+ acres of Sun Terra is 1 residence per 2.5 acres - The same as Deer Run. Sun Terra has requested Res 4 with a cap at 3. The planning and zoning committee is recommending Res 2 for your commissioners meeting.

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Kingsmill higher in elevation that shared the same retention ponds as Kingsmill and not enough space to retain nor culvert size to carry the water fast enough under Lake Washington Rd. It was tragic watching the homes in the back flood. Some are still recovering from mold issues.

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We ask that you vote to keep the future land use "AS IS".

Thank you for your time and consideration.

Sincerely,

James & JoAnn Young
8423 Elk Ave
Palm Bay, FL 32909

Real Estate Broker
321-243-4917



Mascellino, Carol

From: Jim Araiza <jaraiza@1800yachtcharters.com>
Sent: Wednesday, April 24, 2024 5:03 PM
To: Commissioner, D4
Subject: Please deny the SunTerra rezoning request - here's why...

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

Dear Commissioner Feltner,

I oppose the SunTerra zoning request.

As a property owner in adjacent Deer Run Equestrian Community, the most compatible zoning for the SunTerra property is exactly what Brevard County desired this area to be: R1.

Our current county commissioners, and those who preceded you, have ALWAYS placed great emphasis on quality of life and protection of our local environment.

Indeed, that is what drew us to Deer Run and southern Brevard County county: spacious neighborhoods and wildlife, supported by YOUR commission's dedication to adequate infrastructure and safety!

Approving SunTerra's request for R4 zoning would abandon your commission's long-standing commitment to protect south Brevard County. Adequate infrastructure is not in place, nor in the current budget to support the requirements of the massive R4 community desired by SunTerra.

I support development – everyone needs a place to live and call their own. The new Sun Terra neighbors should enjoy the same protections currently in place for our Deer Run community. We have accessible streets and adequate infrastructure to support our quality of life, our wildlife, and the environment. A massive R4 development will not only adversely affect Deer Run, but also the new residents of SunTerra. We will all suffer...

I don't believe that's what you and your fellow commissioners envision for our community. I know it's not the vision your predecessors had when they addressed the best-use zoning of southern Brevard County!

Developers rarely know (or care) what is "best" for a community. You do! Please stay the course...

Thank you for your service, Rob...

With appreciation,

Jim Araiza
105 Deer Run Road
Palm Bay, FL 32909
305-720-7245

Mascellino, Carol

From: Big Morly <morly464@gmail.com>
Sent: Tuesday, April 23, 2024 10:21 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Sun Terra

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

Hello, I own a property in Deer Run, I bought this property mainly because of the area, it is a perfect community to live in because of its tranquility, its natural habitat and the space we have between houses, now I am reviewing the information about a construction of thousands of houses in the vicinity of Deer Run, this would put an end to everything mentioned above, this new community of thousands of houses with spaces between them with less than half an acre would be putting an end to the type of construction zone, with the tranquility of all the neighbors of Deer Run, with the animals in the areas, this would also leave less land that helps with the rainwater that is so needed in this area, these thousands of houses would also be depreciating our houses.

I don't understand why a millionaire company wants to do a project on wetland lands with trees, plants and animals unique to the area and the county can easily allow it and a person who is not at the economic level of that company, the county puts so many restrictions on him. , so many inspections and only to tell you that you cannot build because the land is wetlands and there are protected species, it is impossible for any person to clean a lot of more than one acre due to all the county restrictions and now a millionaire company is easy to destroy a large area of wetland land with so much natural life.

I would like to know where the deer, wild pigs, turtles, turkeys and all the birds that inhabit those lands would go? Or if this company would pay the thousands of dollars that the county charges to move these animals to a safe area, I would also like to know if they would be planting the number of trees that the county requests for each one they remove on those lands, if you have an answer For this please let me know.

Mascellino, Carol

From: zach Levy <zlevy0715@gmail.com>
Sent: Tuesday, April 23, 2024 1:36 PM
To: Commissioner, D4
Subject: South Brevard Rezoning (Sunterra)

Categories: Carol

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

Hello Mr Feltner,

My name is Zach Levy, I am a land owner and hopeful future resident of 179 Deer Run Rd. I currently live in South East Palm Bay, and have lived in this area my whole life.

My wife and I are working towards moving our family to the Deer Run community to raise our young children in a place filled with space to play and listen to the sounds of nature.

The South St John's Heritage Parkway development is exciting in that it opens the Deer Run area to easier access to the rest of the county via I-95, and we are supportive of the general development of the area. That said, I am concerned by the level of allowed re-zoning of the land (especially that directly adjoining to Deer Run) to allow densely packed homes. I am concerned over the noise pollution, the traffic increase, and the displaced water that could further flood the already flood prone Deer Run; additionally I am concerned about the available resources of fire, police, medical, and educational facilities to cover this area that is quickly booming in population.

I understand the benefit to the development, and I would like to ask that requests for rezoning (namely the Sunterra development) be denied. Again, I am for development, I just ask it not be as densely packed as Sunterra is proposing directly by Deer Run. I ask this not only out of personal desire to live in peace, but also out of concern that not enough foresight is going in to the pace of development in our area.

Thank you for your time,
Zach Levy

Mascellino, Carol

From: Bill Sergent <wsargent1@yahoo.com>
Sent: Tuesday, April 23, 2024 9:17 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Sunterra Development
Categories: Carol

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

Good afternoon,

My name is William Sergent and I live in the Deer Run subdivision at 325 Pinto Lane, across the street from where the proposed new development would be built.

I would like to say I'm happy to see our community grow, but I, like many other residents in Palm Bay are concerned about the unmitigated growth. I've been through this before and what was a nice place to live, became a nightmare. I previously lived in a town that was adjacent to Murfreesboro, TN. Over the past ten years, it has almost doubled in size to 175,000 residents. The infrastructure is lacking, traffic is a nightmare, schools are over crowded, new ones can't be constructed quick enough and there's a huge shortage of teachers and bus drivers. Not to mention the increase in crime, taxes (approx 50% over the few past years) and an overall negative impact on the way of life.

We too welcomed the growth but we realized that sometimes you regret what you asked for. Having attended the Sunterra meeting at Comfort Suites, there doesn't seem to be much of a plan for anything but construction. There's not enough schools and most are already frozen, infrastructure is lacking, not enough first responders, hospitals, etc, etc, etc. Sounds and looks familiar. The overcrowding that negatively impacted so many things is the main reason I moved from Tennessee. It's not the same place as the farms, agriculture, open spaces and wildlife have been replaced by thousands of homes. Unfortunately, it looks like Palm Bay and Brevard County are headed down the same path as Murfreesboro, TN.

Personally, and I speak for many, I'm not in favor of any new development until some of the above situations are addressed. Unless the course of things change, I foresee another Murfreesboro scenario. I would ask for your consideration to delay any new development until the concerns of the citizens have been addressed and we are actually ready and able to support new building, including Sunterra.

Sincerely,

William and Tamara Sergent
325 Pinto Lane
Palm Bay, 32909
615-430-9241

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment - 23LS00001 Agenda 05/02/24
Date: Thursday, April 25, 2024 12:19:41 PM
Attachments: [Public Comment 23LS00001_Vadney.pdf](#)
[image001.png](#)
[image002.png](#)

Good afternoon Kristen,

On behalf of Commissioner Feltner; please see the attached public comment concerning item 23LS00001 on the May 2, 2024 agenda. Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

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From: [Cheryl Salov Vadney](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Thursday, April 25, 2024 12:11:06 PM

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

Dear Commissioner Steele,

Good morning and thank you for your representation of South County. Because I have lived here for twenty-three years, I realize how special this area has become to me; and to my neighbors too. I was a suburban girl but now I'm more of a farm girl.

I live in the Deer Run subdivision. I am a recent widow so I maintain my 2.7 acres mostly by myself now. It's hard, sweaty work but I love this land.

A new proposed subdivision has come to our attention which will be built on about 1,000 acres to the north of Deer Run. As I know you are aware, the Planning and Zoning Commission has reduced the density in SunTerra from four homes per acre to 2. As I understand it, due to the available buildable acres, there will be more homes per acre than two.

We've seen alot of development in South County lately. Some good, some not so much. SunTerra could be a lovely addition to the area if it remains consistent with the surrounding lands. We are blessed to have the Micco Scrub Preserve, the EELs land and Deer Run. Here in my subdivision, the minimum lot size is 2.5 acres. Some folks have more. It was the original intent of the Brevard County for the future density of this land to be one home on 2.5 acres. That certainly seems more in keeping with the current landscape.

The are so many concerns of which I'm sure you are aware; being built in phases, the construction will seem never ending. We have grave concerns regarding schools, fire response, law enforcement, traffic and Babcock St. and not the least of which, the wildlife. Deer Run has seen an explosion in the wild boar and deer population which has caused a great deal of destruction. We always had some but now it is every single day. There is less and less land available to the wildlife.

It is my hope that you vote to maintain the vision of the original intent of one home per 2.5 acres. I also hope to have the pleasure of meeting you on May 2.

Sincerely,

Cheryl Salov Vadney

349 Stallion St. Palm Bay FL 32909

(321) 409-8369

cherylsalov@hotmail.com

From: [Schmadeke, Adrienne](#)
To: [Champion, Kristen](#)
Subject: 23LS00001 public comment
Date: Thursday, April 25, 2024 2:16:58 PM
Attachments: [SunTerra Development.pdf](#)

Good afternoon Ms. Champion,

On behalf of Commissioner Pritchett, she has received the attached public comment for 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: [Cheryl Salov Vadney](#)
To: [Commissioner, D5](#)
Cc: [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Thursday, April 25, 2024 12:11:06 PM

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

Dear Commissioner Steele,

Good morning and thank you for your representation of South County. Because I have lived here for twenty-three years, I realize how special this area has become to me; and to my neighbors too. I was a suburban girl but now I'm more of a farm girl.

I live in the Deer Run subdivision. I am a recent widow so I maintain my 2.7 acres mostly by myself now. It's hard, sweaty work but I love this land.

A new proposed subdivision has come to our attention which will be built on about 1,000 acres to the north of Deer Run. As I know you are aware, the Planning and Zoning Commission has reduced the density in SunTerra from four homes per acre to 2. As I understand it, due to the available buildable acres, there will be more homes per acre than two.

We've seen alot of development in South County lately. Some good, some not so much. SunTerra could be a lovely addition to the area if it remains consistent with the surrounding lands. We are blessed to have the Micco Scrub Preserve, the EELs land and Deer Run. Here in my subdivision, the minimum lot size is 2.5 acres. Some folks have more. It was the original intent of the Brevard County for the future density of this land to be one home on 2.5 acres. That certainly seems more in keeping with the current landscape.

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Sincerely,

Cheryl Salov Vadney

349 Stallion St. Palm Bay FL 32909

(321) 409-8369

cherylsalov@hotmail.com

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D4](#)
Subject: Public Comment 23LS00001 May 2, 2024 Zoning Agenda
Date: Wednesday, May 1, 2024 2:12:01 PM
Attachments: [Public Comment 23LS00001 Roman.pdf](#)
[Public Comment 23LS00001 Winegar.pdf](#)
[image001.png](#)
[image002.png](#)

Kristen,

On behalf of Commissioner Feltner, please see the attached public comments he received pertaining to 23LS00001 on the May 2, 2024 Zoning Agenda. Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

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From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracomunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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Dear Commissioners,

As residents of Deer Run, my husband and I are writing to express our thoughts regarding the proposed Sunterra development, particularly its impact on our property, which borders the potential construction site. While we acknowledge and appreciate the inevitability of progress in our community, we wish to raise some concerns for your consideration.

Firstly, we rely on a Shallow well for our water supply, and we are apprehensive about the potential negative effects of the dewatering process required for the installation of the proposed lake behind our property. Given its proximity, any adverse consequences could directly impact our household.

Secondly, the proposed removal of the invasive Brazilian pepper trees, which currently serve as a natural barrier, raises concerns about the prolonged exposure of our property to the construction activities that will follow. Maintaining a certain level of privacy and aesthetic appeal in our backyard is important to us, and we seek assurances that measures will be taken to address this issue.

Furthermore, we need to understand the developer's plans for mitigating stormwater runoff in a manner that will not adversely affect our properties. As responsible homeowners, we recognize the importance of sustainable development practices and wish to ensure that our community's natural resources are preserved.

It is worth noting that we do not oppose the development outright. On the contrary, we believe that with proper consideration and ongoing dialogue, the future development could contribute positively to our growing area. We are encouraged by the developer's willingness to engage with the community openly and take our concerns seriously.

In conclusion, we respectfully urge you to address the aforementioned issues in your planning process and to keep the lines of communication open as the project progresses. By doing so,

we believe that together we can ensure a mutually beneficial outcome for all stakeholders involved.

Thank you for your attention to our concerns.

Thank you!

Mary Roman

Lic. Real Estate Broker

State of Florida

Southern Signature Realty, LLC.

Southern Commercial Management/Southern Companies

Office: 954-670-2808 Cell: 954-914-8764

mary@maryroman.com www.southern-companies.com



Please help others in their decision to hire us and kindly leave a review by following the links above!!

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:35 PM

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

Dear Commissioners Steele, Pritchett, Goodson, Tobia, and Feltner,

I live in Deer Run and am writing to express concern about the SunTerra development north of our neighborhood.

I am not against development in our little slice of Florida paradise, but I would like to stress that it needs to be compatible with our adjacent established neighborhood.

I believe we are the only horse community left in this county. As such, all of our properties are at least 2.5 acres in size. We value the quiet rural lifestyle here and abundant wildlife. It makes me shudder to think of the proposed houses almost touching each other crammed together on tiny yards – which would be within view just on the other side of our property.

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Please realize what a gem our community is that offers an alternative to classic suburbia in Brevard and vote to keep it that way with your choices going forward. And of course you are already aware of our other concerns regarding schools, fire response, roads, water, health care, etc. I want to continue looking out at our backyard the way it is now, which as I write this contains 250 whistling ducks, 3 deer, dozens of nesting purple martins, screech owl family with 3 babies, sandhill crane family, and a dozen wild turkeys. Thank you very much for your attention to this matter.

Sincerely,
Pam & Richard Winegar
194 Cavalier Street
Palm Bay, FL 32909
(321) 431-9570
pgwinegar@aol.com
Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

District 2 Disclosures
5/2/2024 BOCC Zoning Meeting

G.5. JEN Florida 48, LLC (Kim Rezanka) requests a Large-Scale Comprehensive Plan Amendment (2023-2), to change the Future Land Use designation from RES1:2.5 to RES 4 and CC. (23LS00001) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

- On 4/14/2024, received email from Anita requesting to not rezone this area.
- On 4/15/2024, received emails from the following with opposition to the project as proposed:
 - Gloria Kanungo
 - Justin Neal
 - Neil Adams – two separate emails
- On 4/15/2024, received email from Minde Gibson with a letter regarding concerns/issues to be discussed and addressed to minimize impacts to the Deer Run Equestrian Community and the local environment
- On 4/23/2024, received emails from the following with opposition to the project as proposed:
 - William and Tamara Sergent
 - Big Morly
 - Zach Levy
- On 4/24/2024, received emails from the following with opposition to the project as proposed:
 - James & JoAnn Young
 - Jim Araiza
- On 4/25/2024, received email from Cheryl Salov Vadney opposing the project as proposed.
- On 4/26/2024, received email from Sarah Neal with opposing the project as proposed.
- On 5/1/2024, received emails from the following:
 - Mary Roman – raising some concerns/issues for consideration
 - Pam & Richard Winegar with opposition to the project as proposed

From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracommunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
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[image007.png](#)
[image008.png](#)

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In conclusion, we respectfully urge you to address the aforementioned issues in your planning process and to keep the lines of communication open as the project progresses. By doing so, we believe that together we can ensure a mutually beneficial outcome for all stakeholders involved.

Thank you for your attention to our concerns.

Thank you!

Mary Roman

Lic. Real Estate Broker

State of Florida

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Southern Commercial Management/Southern Companies

Office: 954-670-2808 Cell: 954-914-8764

mary@maryroman.com www.southern-companies.com



Please help others in their decision to hire us and kindly leave a review by following the links above!!

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:35 PM

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194 Cavalier Street
Palm Bay, FL 32909
(321) 431-9570

pgwinegar@aol.com

Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

From: [Commissioner, D1](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#); [Schmadeke, Adrienne](#)
Subject: Public Comments 23LS00001
Date: Thursday, May 2, 2024 8:52:02 AM
Attachments: [Sun Terra Project.pdf](#)
[SunTerra Development.pdf](#)
[Sunterra Lakes Development Babcock St. Palm Bay.pdf](#)
[SunTerra Zoning .pdf](#)

Good morning Ms. Champion,

On behalf of Commissioner Pritchett, attached are more public comments received for 23LS00001.

Thank you for your support of her office.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov
7101 S. US Hwy 1
Titusville, FL 32780

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From: webhog1@yahoo.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra Project
Date: Wednesday, May 1, 2024 4:44:38 PM

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

Attention Commissioners:

The owners/applicants (JEN Florida 48 LLC / Poulos and Bennett LLC) wish to develop 1,109 acres that has a future land use of RES 1:2.5. To the west and south of this project is the Deer Run community, also having a future land use of RES 1:2.5.

According to the county's Future Land Use Element:

Residential 1:2.5 (maximum of 1 unit per 2.5 acres)

Policy 1.10

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- B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

The owners/applicants desire to develop at a higher density serves no benefit to traffic, police and fire safety, schools or the environment. Their only desire is increased profit.

If the owners/applicants wish to develop this property, then it should be developed at 1 unit per 2.5 acres (minimum lot size), with no PUD density bonuses.

Thank you.

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date

From: pgwinegar@aol.com
To: [Commissioner, D5](#); [Commissioner, D4](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D1](#)
Subject: SunTerra Development
Date: Wednesday, May 1, 2024 1:01:37 PM

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Residents of Deer Run for 13 years
Owners of 7.5 acres directly abutting new development

From: [Mary Roman](#)
To: [Commissioner, D5](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: jdunn@sunterracommunities.com; elliott@elliottroman.com
Subject: Sunterra Lakes Development/Babcock St. Palm Bay
Date: Wednesday, May 1, 2024 12:15:22 PM
Attachments: [image003.png](#)
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[image005.png](#)
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Thank you!

Mary Roman

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State of Florida

Southern Signature Realty, LLC.

Southern Commercial Management/Southern Companies

Office: 954-670-2808 Cell: 954-914-8764

mary@maryroman.com www.southern-companies.com



Please help others in their decision to hire us and kindly leave a review by following the links above!!

From: [Sarah Neal](#)
To: [Commissioner, D1](#)
Subject: SunTerra Zoning
Date: Friday, April 26, 2024 8:18:33 AM

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

Dear Ms. Pritchett,

As a mother of a two-year-old and part of a young family, I want to express our deep concern about the proposed changes to our beloved Deer Run community. Our little ones thrive in this haven of nature, and we're committed to keeping it safe and full of wildlife for them to explore and enjoy.

The proposed SunTerra zoning request is troubling for us. It threatens to disrupt the peaceful lifestyle we cherish. Currently, Deer Run is zoned Agriculture, with spacious 2.5-acre parcels allowing for a harmonious coexistence with nature. However, SunTerra's plan to rezone to R4, with the potential for up to 13 homes per acre, is simply incompatible with our way of life.

Imagine looking out from our yards and seeing rows of houses instead of the serene landscape we're accustomed to. The noise, the congestion—it's a stark contrast to the tranquility we've come to love. And it's not just about us; it's about preserving this environment for our children and the generations to come.

Moreover, the proposed development poses a threat to our precious natural habitats, including the Micco Scrub Sanctuary. These areas are vital for our local wildlife and contribute to the rich biodiversity of Brevard County. We must protect them for the sake of our children's future.

Infrastructure concerns also weigh heavily on our minds. How will our roads cope with the influx of thousands of vehicles? Who will bear the cost of necessary expansions and upgrades? These are questions that demand answers, especially when it comes to vital services like water, sewage, fire, police, and healthcare.

Our schools are already stretched to their limits, with no clear plan to accommodate additional students. The shortage of teachers and bus drivers further exacerbates the problem. We simply cannot afford to compromise on our children's education and well-being.

And let's not forget about stormwater drainage. The proposed development threatens to exacerbate flooding issues, putting our homes and families at risk. We've invested in initiatives to protect our waterways, yet SunTerra's plans could undo all that progress.

In essence, Deer Run thrives on its sense of community and connection to nature. We moved here because we believed in the vision for this area—a vision that respected the environment and valued our quality of life. Without proper safeguards in place, SunTerra's proposal puts all of that at risk.

Add to your post

As a concerned mother and member of this community, I urge you to join me in opposing this zoning request. Together, we can ensure that Deer Run remains a safe haven for wildlife and a nurturing environment for our families. Thank you for listening.

With regards,

Sarah Neal 306 Fox Trail Street Palm Bay, FL 32909



From: [Commissioner, D2](#)
To: [Champion, Kristen](#)
Cc: [Commissioner, D2](#)
Subject: D2 Disclosure List
Date: Thursday, May 2, 2024 9:25:24 AM
Attachments: [image001.png](#)

Good morning Kristen,
Can you please add the below email to our disclosure list?

- On 5/1/2024, received email from Marty Piatkowski opposing the project as proposed

Thank you and have a great day,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtenay Parkway Suite 200
Merriitt Island, FL 32953
Ph: (321) 454-6601
E-mail: Susan.Smith@brevardfl.gov

From: webhog1@yahoo.com <webhog1@yahoo.com>
Sent: Wednesday, May 1, 2024 4:45 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Subject: Sun Terra Project

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Attention Commissioners:

The owners/applicants (JEN Florida 48 LLC / Poulos and Bennett LLC) wish to develop 1,109 acres that has a future land use of RES 1:2.5. To the west and south of this project is the Deer Run community, also having a future land use of RES 1:2.5.

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- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

The owners/applicants desire to develop at a higher density serves no benefit to traffic, police and fire safety, schools or the environment. Their only desire is increased profit.

If the owners/applicants wish to develop this property, then it should be developed at 1 unit per 2.5 acres (minimum lot size), with no PUD density bonuses.

Thank you.

Marty Piatkowski

Palm Bay, FL

Enjoy life now... it has an expiration date

From: [Patricia Hagin](#)
To: [Champion, Kristen](#)
Cc: [John](#)
Subject: Fwd: Deer Run Community Resident at 332 Pinto Lane, Palm Bay, Florida 32909, Response to Rezoning Property Located Directly Behind My Home/Property
Date: Thursday, May 2, 2024 9:55:57 AM

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

Good morning Ms. Champion,

Over the past year my husband and I have been building a home that is now 500 ft of property owned by JEN Florida 48, LLC per your card and notice ID# 23LS00001.

My main concern of this development is any engineering of the property that would increase threat of flooding to my property. Will/can the property owners receive notice from builders that land preparation to build near adjoining current property owners like us will not Increase potential flooding?

Another concern, is the home to acre ratios. We are 1 residential to 2.5, which is nice but has been costly to prep for build and we don't want to see our property value decrease. Recommend, ALL builds that are within 500 feet of our property maintain at least a 4 to one acre ratio.

My last concern is the impact of the migration of nature as the property is cleared. Will the county be monitoring the migration and ensure adjacent property owners are protected from such migration?

I apologize for just getting this to you sooner as I was traveling and just got your card.

I am in Ohio this week so will not be attending the meeting.

Thank you for considering our concerns.

Patricia Hagin

332 Pinto Lane, Palm Bay, FL

614 886 1369

>
>
>
>

From: [Commissioner, D4](#)
To: [Champion, Kristen](#)
Cc: [Bellak, Christine](#); [Wines, Katie](#); [Commissioner, D4](#)
Subject: Public Comment -05/02/24 Agenda Item 23LS00001
Date: Thursday, May 2, 2024 10:26:08 AM
Attachments: [Public Comment 23LS00001 Piatkowski.pdf](#)
[image001.png](#)
[image002.png](#)

Kristen,

On behalf of Commissioner Feltner, please see the attached public comment our office received.
Thank you.

Carol Mascellino, Chief of Staff
County Commissioner Rob Feltner, District 4
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940
PH: 321-633-2044
www.brevardfl.gov

Please note: Florida has a very broad public records law. Most written communications to and from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.

From: webhog1@yahoo.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Sun Terra Project
Date: Wednesday, May 1, 2024 4:44:35 PM

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

Attention Commissioners:

The owners/applicants (JEN Florida 48 LLC / Poulos and Bennett LLC) wish to develop 1,109 acres that has a future land use of RES 1:2.5. To the west and south of this project is the Deer Run community, also having a future land use of RES 1:2.5.

According to the county's Future Land Use Element:

Residential 1:2.5 (maximum of 1 unit per 2.5 acres)

Policy 1.10

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The Residential 1:2.5 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 1:2.5 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

The owners/applicants desire to develop at a higher density serves no benefit to traffic, police and fire safety, schools or the environment. Their only desire is increased profit.

If the owners/applicants wish to develop this property, then it should be developed at 1 unit per 2.5 acres (minimum lot size), with no PUD density bonuses.

Thank you.

Marty Piatkowski
Palm Bay, FL

Enjoy life now... it has an expiration date



DISTRICT 4 COMMISSION OFFICE
2725 Judge Fran Jamieson Way, #C-214
Viera, FL 32940-6698
T: 321-633-2044
D4.Commissioner@brevardfl.gov

April 17, 2024

To: Kristen Champion, Special Projects Coordinator III
From: Rob Feltner, District 4 Commissioner

Re: Disclosure **23LS00001**
Tax Accounts: 3000277, 3000368, 3000827, 3000829

Concerning **23LS00001** on the May 2, 2024 Brevard County Planning and Zoning Agenda; Commissioner Rob Feltner met with Mr. James Dunn and Mr. Daniel Edwards. Discussion entailed compatibility of the project to the area, concerns of the residents of Deer Run and Large-Scale Comprehensive Plan Amendment (2023-2).

This meeting took place on April 16, 2024, in the District 4 Commission Office and lasted 18 minutes.

Sincerely,

Rob Feltner
Brevard County Commissioner
District 4

From: [Stern, Danielle](#)
To: [Richardson, Morris](#)
Cc: [Champion, Kristen](#); [Steele, Jason](#)
Subject: disclosure
Date: Wednesday, April 24, 2024 1:07:47 PM

Commissioner Steele has asked me to email you and let you know that he had a conversation with Kim Rezanka today regarding the items on the next Commission Zoning meeting.

Danielle Stern
Chief of Staff
District 5 County Commissioner Jason Steele
490 Centre Lake Drive NE
Suite 175
Palm Bay, FL 32907
(321)253-6611

From: [Schmadeke, Adrienne](#)
To: [Champion, Kristen](#)
Cc: [Pritchett, Rita](#); [Alward, Keith A](#)
Subject: 23LS00001
Date: Thursday, April 25, 2024 2:35:24 PM

Good afternoon Ms. Champion,

On behalf of Commissioner Pritchett, she would like to disclose that on Thursday, April 25, she had a 20 minute meeting with Kim Rezanka, Jim Dunn, and Dan Edwards where she listened to the information regarding 23LS00001.

Kind Regards,

Adrienne Schmadeke



Adrienne Schmadeke
Legislative Aide
Brevard County Commission, District 1
Commissioner Rita Pritchett
[321.607.6901](tel:321.607.6901) | Adrienne.Schmadeke@brevardfl.gov

7101 S. US Hwy 1
Titusville, FL 32780

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.



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

2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905
www.Brevardfl.gov

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

April 26, 2024

To: Kristen Champion
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Champion,

Regarding the upcoming agenda item G.5 (application #23LS00001) for the zoning meeting to be held on May 2, 2024, please be advised in advance that I spoke with the following parties at the District 3 Commission Office, 2539 Palm Bay Road NE, Suite 4, Palm Bay, FL 32905, on April 24, 2024:

Kim Rezanka
Jim Dunn
Dan Edwards

The meeting lasted approximately thirty minutes, during which the above individuals provided details regarding the amendment request.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

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



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

2539 Palm Bay Rd NE, Suite 4
Palm Bay, FL 32905
www.Brevardfl.gov

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

May 2, 2024

To: Kristen Champion
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Champion,

Regarding the upcoming agenda item G.5 (application #23LS00001) for the zoning meeting to be held on May 2, 2024, please be advised in advance that I spoke with the following party via phone on May 2, 2024:

Kim Rezanka

The phone call lasted approximately three minutes, during which the above individual provided answers to questions regarding the amendment request.

Sincerely,

John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

District 3 Includes:

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

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Excerpt of complete agenda.

G.7. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled The 1988 Comprehensive Plan, setting forth the adoption of Large Scale Comprehensive Plan Amendment Cycle 2023-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date; a. Plan Amendment Cycle 2023-2, a proposal by JEN Florida 48, LLC., to amend Part XI, the Future Land Use Element to change the Future Land Use Map Series designation from RES 1:2.5 (Residential 1 per 2.5 acres) to RES 4 (Residential 4) and CC (Community Commercial). The property is approx. 1,110 acres +/-, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. **(23LS00001)** (No assigned address.) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

G.8. JEN Florida 48, LLC (Kim Rezanka) requests a change of zoning classification from GU (General Use) & AU (Agricultural Residential) to PUD (Planned Unit Development) with Removal of (CUP) Conditional Use Permit for Commercial Borrow Pit, on property described as Tax Parcel 500 and Tax Parcel 1, less and except canal and road rights-of-way. The property is approx. 1,110 acres +/-, located in the Southern Brevard County area, on the west side of Babcock St., approx. 250 ft. south of Willowbrook St. **(23PUD00005)** (No assigned address.) (Tax Account 3000277, 3000368, 3000827, 3000829) (District 5)

Trina Gilliam read the companion applications into the record.

Ms. Gilliam requested to read in the 14 conditions of approval and pointed out that the applicant's PowerPoint revises three, or requests to revise three, of those conditions and seeks clarification on one of them.

- 1) The proposed development shall be capped at 3 units per acre.
- 2) Approval of requested waiver from Sec. 62-1446(g). The storage of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers, and other similar vehicles on the single-

family lots as allowed by Brevard County code Sec. 62-2217 provided each lot will have a 20' driveway capable of parking recreational vehicles.

- 3) Approval of requested waiver from Sec. 62-1446(d)(1) to permit lots smaller than 5,000 square feet and less than 50 feet in width shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.
- 4) Approval of requested waiver from Sec. 62-1446(d)(3)(b) to allow residential structures of two stories or less, and a minimum building separation of 10' (rather than 15') provided that proposed structures do not abut utility easements or otherwise affect the ability to provide and maintain utility service to each lot.
- 5) Approval of the commercial uses as allowed in the BU-1 zoning classification per 62-1482.
- 6) Approval of waiver to Sec. 62-2957(c) as it relates to the number of project ingress and egress to Babcock Street; the waiver is subject to the spine roadways: a) providing at a minimum of two (2) approved access points for each cluster of 350 dwelling units, and b) single family and/or multifamily lots shall not have individual direct access to a spine road, and c) the projects internal roadway network satisfying Florida Fire Prevention Code requirements including but not limited to 1:18.2, 1:18.4.5 and 1:18.5.
- 7) Approval of the requested waiver to Sec. 62-1446 to reduce the rear setback for residential principal structures from 20 feet to 15 feet shall have a substantial relationship to a 15' common open space tract directly adjacent to the affected dwelling units.
- 8) Closure of the borrow pit permit shall be in accordance with Sain John River Water Management District (SJRWMD) requirements.
- 9) Reclamation of the existing lake shall include littoral plantings along the pond slope in accordance with Florida Fish and Wildlife Conservation Commission (FWC) comments provided.
- 10) Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan the Developer shall:
 - a. Execute an agreement including, but not limited to, a Proportionate Fair Share agreement, with the County and appropriate municipal entities addressing and/or mitigating any infrastructure deficiencies relating to the offsite transportation impacts as identified in a traffic study. The agreement shall include provisions requiring the developer to design, permit, and construct the identified improvements. In addition, the agreement will identify timeframes for the necessary improvements, and monitoring and updating the traffic study as appropriate.
 - b. Execute an agreement with the County addressing infrastructure deficiencies relating to Fire Rescue. Said agreement will account for the developer providing the land, site design, and permitting of the construction of a fire station, in addition to the necessary equipment for operation. Appropriate impact fees credits may be requested as applicable under Brevard County Code of Ordinances and Florida Statute.
- 11) Prior to County approval of a construction plan and/or Preliminary Plat/and or Site Plan, the Developer shall demonstrate that adequate water and sewer services will be available to the development and are available prior to issuance of Certificate of Occupancy.
- 12) Address all staff comments regarding the PDP prior to, or concurrent with, site plan and subdivision submittals.

- 13) In accordance with Sec. 62-1301, if it is the opinion of the zoning official that an amendment to the PDP warrants Board evaluation, such modifications shall be submitted for Board approval.
- 14) If the development is to have on-street parking, the developer/owner shall establish a financial mechanism for maintenance of internal roadways prior to County approval of a construction plan and/or preliminary plat and/or site plan.

Jeffrey Ball in his address to the Board added "those conditions were for your consideration to be consistent compatible with the surrounding area in addition. The applicant will provide a BPD containing the following waivers and conditions. When we read condition number 10, it references proportionate fair share agreement. Lastly, there are city comments from Palm Bay that were handed out to you before the meeting that's just as an FYI. Most of those comments will be addressed during the site plan subdivision review process. With the comprehensive plan Amendment being a large scale, there are comments received from the state agencies that are included in your packet. It was addendum number two. There are conditions from the Central Florida of Fish and Wildlife. I just want you to be aware those were the comments from the state agencies and has staff analysis to those."

Kim Rezenka, 1290 US1, Rockledge, Florida. Ms. Rezenka was there on behalf of Jen Florida 48 LLC, the owner of the property for Sun Terra Lakes. The Sun Terra Communities partners with Jen Florida 48 and here representing Sun Terra is Richard German and Dan Edwards. The engineer records, Poulos and Bennett, represented by Andrew Ivy to answer specific questions about the PUD and the engineering involved and planner, Jesse Anderson, formerly the assistant growth management director with Palm Bay. Planner with Poulos and Bennett was there also to answer any questions about compatibility or any of these conditions that were not clear on when speaking. This is the second go at this. She went on to say "you had the transmittal hearing back I believe in April. It went to County Commission in May and was transmitted up. You all recommended two units to the acre. We have asked for four units to the acre, limited to three, which is now limited by the PUD as you'll see further on in this presentation. the County Commission recommended four units the acre limited to three. There was also a condition that if necessary, the owner would agree to donate two acres to a fire station. And we're still willing to help with the fire station issue but we're concerned this condition goes a little too far based upon all the other development that's coming in the area. So again, we are seeking a large-scale future Lane use Amendment on 1,957 acres to allow mixed use development. The PUD is on your agenda this evening. 1 182.57 acres is requested for RES-4 limited to three units per acre by the PUD and 27.33 acres of community commercial for 398,000sf of retail. The PUD zoning at 3 units per acre would allow 3,241 units and 398,000 Square ft of commercial. The location is near deer run south of Willowbrook street, west of Babcock Street also known as County Road 507. If you look to the where Badcock intersects with the bottom yellow line, you'll see deer Run Road. Starting at Deer Run Road going west all the way around the property is a canal structure. So, there's a good extra 100 foot of canal right away there that serves as a buffer between all of the properties to the north. Where it says Willowbrook Street there's a sliver of land there that is in the county which prohibits this land from entering into Palm Bay. There's no way to annex into Palm Bay and we are staying in the county. As you recall this is a challenging project. There is a bit of opposition from Deer Run. This is a transitional area as you'll see quite a bit of this property in this area is going higher dense than these 5 units to 20 units to the acre. There are some infrastructure challenges, but Florida Statutes and The Brevard County Comps Plan and ordinances address that. So, as we go forward with any proportionate fair share that's necessary, we have to be granted the conditions. Though we believe are a bit overreaching, that's why we've asked for some suggestions to changes as you'll see. There are seven large developments in this area that are coming on the

Board, and this is all of the development that is coming forward. Rolling Meadows in Willowbrook are actually in Brevard County. They went into Palm Bay and then came back out of Palm Bay in 2014. They are vested here at Brevard County at two units to the acre. You have Water stone and Cypress Bay that are anywhere from 5 to 20 units to the acre. Emerald Lakes East is 3.5 units to the acre. Calumet Farms is 2.5 units to the acre. Peat Holding is 10 units to the acre. Ashton Park is 5.5 units the acre.

This is a 2-mile radius this is showing how the area is transitioning into a more dense and how this property indeed does serve as a transition between Deer Run to all these other developments in the area. That is where we believe the compatibility is shown, because of the expanding nature of this area. With that we want to talk about Transportation. As we know that has been a big issue that Babcock Street does not have capacity. James Taylor with Kimley-Horn is going to discuss that.”

James Taylor, 200 South Orange Avenue, Orlando Florida. Mr. Taylor explained “I am the traffic engineer for the project, and we have done quite a bit of traffic analysis on this. We still have some to go. The first thing that we looked at is the evaluation of what the future land use would have as a maximum impact. If that does go through, we did identify both short-term and long-term deficiencies in the area as required by the state. To do that visioning exercise we did u conclude that Babcock Street will need to be widened to four lanes at some point in the future in 2035 and in 2045. The study that we're embarking on now is the traffic impact study dialing in specific intersections and driveways in some more detail on the roadway capacity and specific to the site plan that's being proposed. Before we put pen to paper on that exercise, we get with staff early and we talk about the methodology of the assumptions that are going to go into that study, what sort of background traffic is going to be on the road, and where the trips from the project are going to go. That process has concluded, and we got approval today with conditions that if we're accepting up of the traffic impact study (TIA) will start. We are going to be identifying in that study intersection driveway operational performances and we're also going to be looking at future transportation deficiencies. These deficiency impacts need to be mitigated for the future growth.

This is an exhibit from the TIA methodology and what we're going to move forward with when we study these impacts. This percentage that you see on the screen are the percent of trips that are going to impact each roadway segment in this five-mile plus study area radius. What we're going to conclude in this study is where the deficiencies are and what portion of those deficiencies are attributed to this project. The improvements that we may identify are going to include things for site access such as turn Lanes of driveways or traffic control devices such as traffic signals. We're also going to identify where there are needs for off-site capacity for roadways such as Babcock Street. Eventually that's going to lead into what the mitigation agreement looks like. So, you heard staff reading to the record about 15 conditions in the staff report and we have some modifications that we would like to put on the record tonight for at least four of those. For the traffic one, 10(a) that was read in record, I'm just going to go over it and then speak through the strikeouts and additions that's being requested by the applicant team, “prior to County approval of a construction plan, preliminary plat, and/or site plan, the developer shall....and there's two more conditions to this but for (a).... execute an agreement including...” we'd like to strike that out and say, “may include but not limited to a proportionate share agreement with the county and appropriate municipalities addressing and/or mitigating any infrastructure deficiencies related to off-site Transportation impacts as identified in the traffic study”. “The agreement” not “shall” but “may” is what we're requesting “... include provisions requiring the developer to design, permit, and construct the identified improvements.”. Before I go on I'd like to talk about why these things are being requested. This is to provide flexibility. The developer may come to an agreement with City and County that widens a portion of the road in that case there

wouldn't be a proportionate share agreement, or they may only enter into a proportionate share agreement and not necessarily widen the road. So, one of the two will happen, and then the next addition there is "...those improvements will happen at a cost to the developer proportionate to the project's impacts." We didn't think that it was clear in this statement it reads as if anything that is a deficiency will be identified for impact to fund and construct 100 percent. We wanted to clarify that. And with that I will turn it over to back to Ms. Rezanka."

Henry Minneboo asked Ms. Rezanka "Kim can I ask you a question after Mr. Taylor's statement. The spite strip is that what you and I will both call that to the north legally and technically, have we pursued at all to try to get access on that. I mean is that just exercise and futility."

Ms. Rezanka responded "there's another developer that's looking at that, but I don't know where the county is going with that. I don't know that this development would have access to that, and it appears that the St John Heritage Parkway may prevent Willowbrook from being expanded for use for large development."

Mr. Minneboo in turn said "Mr. Taylor would you even... I mean here you got a tremendous road right next to the...."

Ms. Rezanka responded "the problem with Willowbrook is the right of way are owned by private people even though the county has maintained 22 ft of it. It's not sufficient for a four-lane road that the county has maintained. I'm sure you're aware of how that all works. I've been looking at that road for several months. Mr. Minneboo understood the technical issues. Ms. Rezanka continued on to describe the characters of the project. She stated "what you see here is the proposed development program, proposed maximum dwellings, and proposed maximum commercial. The open space has actually increased since we've been here last time due to redesigns and the open space still might go even further than that. This was just to show you again the cross-section showing the buffers from Deer Run and others to the north because there is a 100t canal, the proposed buffer track is 50 ft, and so that really leaves you a minimum 150 ft property to property line before you even have setbacks for both. This was to show that there's going to be a larger buffer than you would normally expect because of that natural buffer canal. This is the phasing plan. This is C3 in the seven-page PUD and this shows how the phasing is going to go. There is a legend that's on the page in the PUD. What is important about this is that red line that surrounds the exterior lots, that is the line outside of which you will only have 60 ft by 110 ft lots. The larger lots have been moved out to the perimeter and there's a variety of natural buffer such as the Lakes and the Wetlands. The passive recreation is in the lighter green, active Recreation is in the middle green, and then the Wetland is in the dark green. The wetlands to the most extent are going to be preserved for this property. There are some impacted wetlands but quite a bit are being saved.

These are the waivers that have been requested. I believe Miss Gilliam has read them into the record and these are the waivers that will allow this project to be developed. There were several conditions added to these waivers that we are asking to be changed mostly because they're unclear. I don't know what "substantial relationship" means and we don't have these lots identified. We just got this back last Thursday when we got the staff report. We would ask that these be stricken on three and seven. The number 10(a), that Mr. Taylor explained, is to allow flexibility to make sure that this development only pays for its fair share and doesn't design a road structure for 22,000 homes. (b) is similar and we are working with Palm Bay Fire Rescue, who has as its number one priority to put a fire station at Sunrise Elementary.

We're working with them to have a meeting set to contribute to Palm Bay's fire station. They have a higher rate of impact fee of \$700 a unit versus our \$50 a unit here in Brevard County. Also, their station will serve 10,000 homes. If Brevard County requires us to put in one station it would only serve 3,000 homes. We're working with Brevard County. We've met with Brevard County. We're meeting with Palm Bay. There is an interlocal agreement and a joint planning agreement that would allow this to happen. That's part of what we anticipate with a binding development agreement and a proportionate fair share. We're just not there yet and the way (b) is written is that they will provide everything for a fire station when it may not be necessary when there's a new fire station going in two miles up the road. That's why we've asked for that change. With (14) we just are not understanding what (off street parking) is. I guess we'll find out more between now and County Commission if this is approved here.

Regarding school impacts, there's been a concurrency review. High schools are fine, middle schools are fine, the elementary school is a problem. I know Mr. Hopengarten talked about that when we were here last time. We are working with Karen Black. All the developers in the area are meeting to try to find a solution and to do whatever proportionate fair share that is required by Florida Statute and the developer will commit to that as well. As for the utilities, there's a will serve letter that was in your packet and with that we would request approval of the comprehensive plan Amendment, request approval of the PUD with the waivers request as modified on the screen in front of you. We're here to answer any questions you have."

Public Comment:

Joanne Young, 8423 Elk Ave., Palm Bay, 32909. Mrs. Young noted "I am a bordering resident of Deer Run. My husband and I own five acres that border this property. Two and a half acres and two and a half acres. I own 8413 also. I have followed this case all the way from the community meeting. To the first Planning and Zoning meeting and then the county. I have bugged your staff for many months asking a lot of questions. I've consulted with environmentalists, and I've talked to other developers as well. My trade is I'm a real estate broker. I welcome development. I sell real estate in Palm Bay and Brevard County. My husband and I moved from the Lake Washington area of Melbourne to southern Brevard five years ago for a quieter lifestyle. More room to garden and have our little chickens. I said we own five contiguous Acres that border this development. That's 400 feet of land that runs along a canal. Some of the canals in Deer Run are not 100 feet. Some of these neighbors will only have a 50-foot border. I have a few comments, probably more questions than comments. One of my questions was the developer already told us that they had not yet done their environmental study. So that was one of my questions because that is a requirement for anyone who wants to build on vacant land in Deer Run. Will they be held to the same standard for wetlands as Deer Run buyers are? Another concern is the size of the Lots on the border. When we went to the community meeting, they said that the border lots would be larger than what they're proposing today. 60 by 120 is not even a quarter acre. And the Deer Run lots are average two and a half acres and some neighbors have eight acres that border this. We do have concerns about the size of the lots. My husband and I do and other neighbors that we've talked to as well. The County Commissioners overrode your votes a few months ago because you voted for RES-2 and you got outvoted on that by the county. Our other concern is the flooding because we already have a problem in Deer Run with that. There's already an auxiliary pump in the back that's being reconditioned right now. We need to know if this development is going to be sharing the same canals as Deer Run. The developer stated that impact fees from this development would help build the roads and widen Babcock Street. We had a concern about a traffic light at Micco Road and Deer Run Road. When

does this take place in the plan. We were very grateful for a fire station, and we would be relieved of the burden of high-cost insurance if it could be built in the very early stages of development. We also wanted to know what was going to happen with the recreational Lake. Please define."

Billy William, 5 Buck Court, Palm Bay, 32909. Mr. William started by saying "you previously recommended two residents per acre. Don't know what has changed or if you're going to keep up with what you all agreed on before. What happens if Palm Bay doesn't build the fire station? I believe during the County Commission meeting that the two acres was agreed upon by the developer. Now it sounds like they're trying to back out or get something for it. So, my thought of if they're trying to back out of it, the approval should be backed out by the by the County. A study shouldn't be happening right now because Micco Road is closed, and the Heritage Parkway is all messed up. Nobody's coming that way. If they did a study now it wouldn't be correct. Thank you."

End of Public Comment.

Kim Rezenka approached in response to the public comment. She noted the Environmental Studies will be conducted. They're required before any further. The engineering is not done yet, so the environmental study will have to be done before all that can be completed. The applicant will be required to abide by the wetland's requirements of the county 1.8 percent, and it's intended to do that. She believed they are actually impacting less than that as shown currently. The recreation will be private. Ms. Rezenka said "I know there was some discussion that we might try to open it up to the public, but it was going to be private. There were some concerns about the way the roads were and the size of the roads. At this point it is going to be private recreational. Regarding the two-acre fire station, we're happy to donate that land but the county has come back and said okay you donate the land you and build it.... you equip it and you basically pay for everything. That exceeds what the agreement was. The agreement was kind of.... it wasn't tied to the transmittal of the future land use...it would have to be tied to the PUD. We are happy to pay the fair share. We're happy to donate the land if that's all it would take. That's probably close to \$1 million. Palm Bay's fire station is going to cost \$27 million. We, the developer, can't agree to pay \$27 million in exchange for a \$1-2 million piece of property. That's why those issues have come about. With that we would ask for approval with the modified or removed conditions."

Mark Wadsworth asked for clarification "let me get this right, that would be Palm Bay's fire station?"

Ms. Rezenka replied, "it is but there is an interlocal agreement and a joint planning agreement with Palm Bay for Fire and Emergency Services."

Mark Wadsworth noted it was nice of them to donate that land.

Ms. Rezenka added the donation would be towards their fire station at Sunrise Elementary most likely.

With that understanding Mr. Wadsworth went on to ask "now where is the Publix's coming in? Is that right there at Heritage and Babcock? Because that whole area there is..."

Ms. Rezenka pointed out "it's right there, kind of where the 26.0 is. It's right at St John Heritage Parkway on the east side of Babcock."

Robert Sullivan addressed a question to staff. "Has a preliminary concurrency study been performed?"

Jeffrey Ball answered "what we look at the trip generation rate for the amount of residents and the amount of commercial and what the design capacity of South Babcock is. In essence, yes."

Mr. Sullivan rephrased "okay but that was for roadway, solid waste, potable water, drainage, sanitary, and public schools?"

Mr. Ball noted yes.

Robert Sullivan asked lastly "so you've already done your county concurrency preliminary study and you've evaluated all of the negotiations that they've put up?"

Mr. Ball said "the negotiation is just preliminarily based on what we are reviewing today. Obviously if this gets approved there would be more finite discussions as far as the next step. If the board approved this plan as is, the next phase would be the subdivision plan review. In that we will do another current concurrency review and determine if there is enough capacity to support the uses requested.

Mr. Sullivan indicated "I'm looking at the April 1 letter from Palm Bay where they're saying the city does not currently have a capacity for commercial fire flow demands in this area nor any additional sewer capacity. Should we be moving forward with something? Unless you know we have a definite either agreement saying that they are going to bring that fire flow capacity and adequate sewer or that capacity has to be existing."

Mr. Ball suggested "what I can tell you is the staff report identifies some infrastructure deficiencies. In order to move forward to get construction plan approval the applicant will need to provide letters from any of the utility providers that will provide whether it's water and sewer or transportation or solid waste. They will need to provide the certificate capacity at the next stage."

Mr. Sullivan stated "so City of Palm Bay has basically said no we don't have that capacity. How are we moving forward with a zoning change if we don't meet the three units per acre? Apparently, it would work if it was at two units per acre and that's what I think we recommended at the last time."

Jeffrey confirmed that is correct.

Mr. Sullivan regarded to the fact of the matter that currently at three units per acre it doesn't meet concurrency.

Mr. Ball clarified "again there are concurrency deficiencies that'll have to be worked out during the next phase. As stated in our staff report there is a need for water and sewer."

Mark Wadsworth looked to the applicant and asked that the engineer approach. He added "just hearing what Robert is saying, is this going to be septic tank and drain field."

Speaker 1, Engineer of Record replied no.

Mr. Wadsworth clarified "so you're going to need utilities."

The Speaker 1, Engineer of Record responded "yes sir. We intend to extend lines down Babcock Road from Palm Bay and we have a Will Serve from the City of Palm Bay. We have been working with Palm Bay for about a year now. We have met with them probably four or five times. I understand that they have a new head there. We're trying to set up a call with them sometime in the next week or two. There will be upsizing of lines. We understand that there's some concern about capacity right now and meeting what the project ultimately will be. This project will be phased. There will be a phase one where we'll be using capacity that is available now or will come online soon. I understand that there are plant expansions and then those expansions will supply the ultimate supply that the project needs."

Mr. Sullivan questioned if they are anticipating that the spine utilities will come down Babcock Road?

Speaker 1, Engineer of Record said yes.

Robert Sullivan asked "okay, so when does the city look at that infrastructure improvement?"

Speaker 1, Engineer of Record said "the extension will probably be done by us. With a utility upsize agreement in place. That would probably need to happen with phase one, which we hope would probably next year."

Robert Sullivan then added "also with the traffic you were talking about four lane Babcock? Because you know you want to put the utilities underground before you widen the road." James Taylor, the traffic engineer, carried on the response and confirmed all needs are to be coordinated. Mr. Sullivan then wished to know more about the timeline.

James Taylor said, "so I'm hearing next year for the utilities if all goes well with the city and the road improvements will have to accommodate those as well."

Mr. Sullivan in turn asked, "if we're looking at a year out, which I think is aggressive, can we come back when you have all of these negotiations finalized with staff well?"

Mr. Taylor believe it's going to be in staff's hands to go through the PB review and site plan review and access review and all those things well.

Mr. Sullivan carried on and stated, "I'm looking at particularly the RES-2 to RES- 4 or the RES-3, now that it's an agreement to RES-3, that there's some time for us to have something other than 20 minutes' worth of review."

Mr. Taylor did not think the request is to get this approved at the board in phases. He stated "I think the request is to approve the future land use all at once, the PUD, limit the density to three units to the acre and then move forward with site planning with staff. "

Mr. Sullivan conveyed "like our recommendation that last time was for two residents per acre. That's where we're coming."

Tad Calkins asked further clarify Mr. Sullivan's concern. He sated "staff's condition number 11 stipulates that they will demonstrate prior to subdivision plan approval that the city will provide water and that it has to be available prior to us issuing a CO. The other thing I would say is, I believe that you also questioned whether we were in agreement with the condition modifications that the applicant

has presented. I would say that we have provided our conditions that we perceive, and we'll be taking forward and the applicant is asking you to consider their changes here today."

Mr. Wadsworth redirected and said "so staff taking it back to you again. Item G7 large scale plan Amendment and G8 the zoning classification. All these other items as you were just clarifying are going to be handled prior to, correct?"

Mr. Calkins confirmed that was correct.

Mr. Wadsworth concluded "John was saying we be sure we've got the water, the sewer, roads, street signs, whatever the case may be. We need to I guess zero back end on the zoning part."

Public Comment:

Billy William approached and asked "If that comes two or three years down why are we going to rezone it when they can't do it until three or four years? Why don't they come back when they have Palm Bay give you a letter saying we'll be ready to go on this date? Nobody has that. Please don't change your mind from when you did last time."

End of Public Comment:

After some consideration Mr. Bartcher noted "it seems to me that this project is coming before us way before it should. You know there's the response times for firefighting do not meet our current standards, there's a shortage capacity for elementary school students, Babcock Road can't support the traffic that's being proposed, and Palm Bay doesn't and won't have the capability for a while. So, they could come back to us next year and all of these problems could be solved and we could say hey you're in great shape. It's also a case of we have to depend on if we can prove it now and then hope really that these other entities do what they're going to say what they say they might do. They have no commitments to do anything yet and the way government works sometimes it's a little slower than we kind of expect. I just think this is way too early to do this. Our primary job is to determine consistency and compatibility with the surrounding area and in consistency you know we've got a little chart that shows us what about consistency. Now we don't really have to worry about that, but compatibility is something else that we need to look at. They've gone to quite a distance to try find compatibility for their project. I say take a look at their immediate neighbor's traffic. The existing neighborhood has about 300 homes, the new one's going to have 3,000 homes. We're going to have ten times the amount of traffic coming from this division and what's already there, site design wise, the existing neighborhood developments have lot sizes of over 100,000 square feet. These they're 7500 square feet, 14 times smaller. There's no compatibility there. Those are just things that would be considered in the normal assessment of compatibility and yet they're basically being ignored. Those are my concerns. One it's way too soon and the other is this development is not compatible with the existing neighborhood. If you want to go out and find neighborhoods farther away. I mean I know that can be done. Then you can do that, but you ought to be looking at your next-door neighbors."

Motion to recommend denial of item G7 by Ron Bartcher, seconded by Robert Sullivan. The vote failed 4 to 3.

Henry Minneboo said "you know when you have a project of this magnitude it's extremely cumbersome from the very beginning dealing with government today is probably one of the most difficult things you can do. These guys got just literally tons and tons of significant expenditures on

what's ahead of them and I'm just not sure that's our decision to make. I think the compatibility part will come in time. Whether they get the proper sewage, whether they get the proper water. They got a monstrous road to go. I think as a planning zoning board all we're doing is just putting the key in the dash and letting them go from this point on because there's a tremendous amount of work. This isn't a \$1,000 job. This is millions into doing this project. It doesn't make me in favor of it, I just don't think we need to get involved in every aspect. Well, if you can't get a fire station we shouldn't allow you to have it. I think that's not our decision. They've got to move forward. The County's got to work with it. The agreement isn't even worked out. That's why I'm in favor of this just moving forward to let him move forward."

Brian Hodgers addressed a question to Kim Rezanka. "I can't find it in this thousands of pages we have up here, but you showed a map of multiple communities around this that are similar in density. Was it in your presentation or do we actually have that?" Ms. Rezanka noted it was there.

Mr. Hodgers asked, "are all of those in the City of Palm Bay or are some of them in Brevard?"

Ms. Rezanka answered "Rolling Meadows and Willowbrook are in Brevard County. They're immediately to the north and west. They are in the County and they're two units of the acre. We're asking for three units of the acre. They're vested at two units of the acre."

Mr. Hodgers said in consideration "So to Ron's point that you're too far out, that falls on them as Henry was saying if they want to burn cash and go down this path over the next one or two years. And they may never get this project built, correct? I don't think that we're here to deny that if that's what they want to go forward, but the density is an issue. The commission already approved it. We didn't. They did. So, we deny it now, the Commission's likely going to approve it again. I don't know where we're at. You're at three to the acre, correct?"

Ms. Rezanka confirmed "yes sir and again it may turn out to be two and a half once engineering is done. To get this project off the ground with 1,100 acres, the engineering that has to go into it for the water and in the sewer. Because they're paying for it, not Palm Bay. Palm Bay is just saying you can have our water. It's a long process. It's a PUD process. We have to come back with the final development plan within three years or the zoning reverts back. So there is that stop gaff. If it this doesn't go anywhere, it'll go back to the to the zoning that we had before. We would ask that you allow the opportunity to go forward. Proportionate fair share is the law in this state. You can't deny it because we have don't have school concurrency now. We have to provide the concurrency. That's the same with traffic. That's how the whole proportion fair share ordinance has been written that we have to have it before we can build. But you can't deny it because we don't have it now; that's the state statute."

John Hopengarten asked "are we still at RES-4 because the County Commission said they agreed with RES- 4 but with the condition that you only put three units per acre. That's what you're asking. The other thing is that you had a long list of conditions. They're objecting to some of those conditions." Mr. Hopengarten wished to know how the Board's vote today will affect that.

Jeffrey Ball noted "we are presenting the application as we see fit in the conditions written as we see fit. If the Board has a difference of opinion and wants to entertain that I would suggest that you make that part of your motion. That way we can bring that in front of the Board for their decision to make. To clarify this item for the land use, this Board recommended RES- 2 it was transmitted to RES- 4 up

to the state. Now it's coming back from the state as RES-4. The zoning is the mechanism is the top cap the density at three units the acre. So that's where the cap is. It's part of the zoning, not the land use."

Mr. Calkins further stated that the conditions are on the PUD not the land use application.

Mr. Hopengarten said "which is the zoning. Which is what we're still talking about."

Tad Calkins responded, "I believe that the ruling is on G7."

Debbie Thomas confirmed "so the conditions need to be discussed in G8."

Motion to recommend approval of item G7 by Debbie Thomas, seconded by Brian Hodgers. The vote passed 4 to 3.

Mark Wadsworth carried on to item G.8.

Debbie Thomas requested that Ms. Rezenka come back up again to go back over the requested changes and allow staff input.

Kim Rezenka approved and commenced by stating "number three and number seven. These are requesting smaller lot sizes and reduction of rear setbacks. Staff added the condition they shall have a substantial relationship to a 15t common open space track directly adjacent to the affected dwelling units. The concern we had was the "substantial relationship". Who defines that as a very ambiguous term. We've not been able to address that with staff. We got these staff comments on Thursday, but we're concerned about that substantial relationship because we do not know what it means. Regarding 10A, that is a proportionate fair share for traffic impacts and again we do not believe it's incumbent upon Sunterra to pay for all 20,000 homes that are coming into this area. We wanted to have flexibility. They're going to pay their fair share. They have to by law. But the way it was written is that they shall do it all. We did not think that was fair. Same with (b) in terms of the fire station. Although they did agree to donate two acres of land, the county has come back and said you're going to donate the land, pay for site design permitting construction, and the necessary equipment. Which according to Palm Bay would be \$27 million. Where the land to be donated is about \$1 million. That's excessive for what we were requesting. We will certainly pay the fair share. We'll work with the county and with Palm Bay to make sure there's a fire station because the residents of Sunterra need to be safe as well. We're just looking for flexibility. We thought these two were overreaching."

Tad Calkins stated "I would say that our conditions are what we felt were appropriate going forward. If the board wants to consider the applicant suggested changes, then you can do that and we'll include that in your recommendation."

Ms. Thomas then continued with "that being said... the 10B and the \$27 million fire station, is it the County's position that they're expecting that to be the \$27 million? If that's what it comes out to cost for the fire station to be the responsibility of the developer.

Mr. Calkins confirmed "the county does not have the money to put in or to build a fire station in that area. It's not a CIP project. We don't have a CIP project for the roadways at this time. We don't have the ability, because of that entering into the proportionate share agreement that they're suggesting, until that gets on the CIP. The fire station that we asked for was not \$27 million. We just did one with

the Viera company and it came out to be about \$6 million. The problem I think for the applicant is they're looking for reimbursement through impact fees and our amount of impact fees are not what the city is collecting. We have no objection to the applicant working with the City and the County and coming up with an agreement on how to provide fire services down there. The county at this point does not have the money to build a fire station down there. It would have to be a joint effort between the three parties, or it would have to be the applicant's responsibility."

Ms. Thomas questioned further "and regardless to whether this was left in there as is or not, that is something that has to be met regardless before this project continues on?"

Tad Calkins noted that was correct.

Henry Minneboo added "Kim and her group got this information on Thursday. We probably shouldn't be having a discussion on a Monday. This isn't like we're giving somebody a residential lot. This is a major magnitude and here we are debating it on Monday because they got it on Thursday. I know Kim well enough. I'll assure you everything you said is not going to happen in that agreement. We should have had it together. We should have even tabled this item. It's becoming convoluted."

Mr. Sullivan agreed with Mr. Minneboo and said this was very short notice to digest on the magnitude. He recommended to deny.

Mr. Wadsworth held the motion for discussion.

Brian Hodgers wondered "where did the disparity come from between 27 million and 6 million?"

Mr. Calkins explained "the fire station that Ms. Rezenka is referring to is a city fire station. I don't have any idea what their standards are or what kind of equipment they're looking for that. The one that we suggested, or we were hoping for was similar to the one that we just did with the Viera Company."

Kim Rezenka agreed and stated "Tad and the fire chief in Brevard County did tell us it was a \$6 million fire station but because Palm Bay is building one at Sunrise Elementary, Fire Station 8, it's \$27 million based upon their fire estimate. It serves 10,000. So, it's probably a larger station but we shouldn't have a \$6 million station and a \$27 million station within two miles of each other. I was just trying to show you the discrepancy of the costs and the fact that 3,100 homes probably can be better served by the Palm Bay Station. That's what we want the opportunity to work. I have the numbers if you're interested. I can even send you the whole fire report for Palm Bay and all the stations they're building, \$173 million I think is what they're looking for to upgrade all of their fire stations. We're happy to work with staff between now and County Commission."

Mark Wadsworth conveyed "that's where I'm headed. I don't know how many people a fire station can hand handle. If the fire station going there is considered a percentage of your development, are you willing to modify? Debbie I'm hearing what you're saying in that your statement is to pick up your share as far as the subdivision."

Mr. Hodgers added that there are other developments going in that have not even started yet that are going to be in the same phase. Therefore, the applicant will be sharing that \$27 million.

Ms. Rezenka said "that's what makes more sense to us than building a separate fire station for Brevard County when there's not that much in Brevard County that would need that. We're just looking for flexibility. That's all we're looking for."

Brian Hodgers suggested at the end of the day if the fire station's not there they can't complete the project. It goes back to his earlier statement that they've got a long road ahead of them if they can't comply with what the county needs for fire service.

Motion to recommend denial of item G8 by Robert Sullivan, with no second. The vote failed.

Motion to recommend approval of item G8, as originally written by the County and to allow for discussions to continue between the Developer and the County to come to agreement, by Debbie Thomas and seconded by Brian Hodgers. The vote passed 4 to 3.