



AGENDA REPORT
May 24, 2018

SUBJECT:

Public Hearing, Re: Watermark Investors, LLC, and Diocese of Orlando, John G. Noonan, Bishop (Bruce Moia) request a change of Zoning classification from GU, BU-1, BU-2, IU, and IU-1 to PUD, and waivers for 40-ft. lot width, and 4,800 sq. ft. lot size. The property is 129 +/- acres, located on the west side of U.S. Hwy 1, approx. 0.22 mile south of Broadway Blvd., Cocoa. (18PZ00014) (District 1)

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of Zoning classification from GU (General Use), BU-1 (General Retail Commercial), BU-2 (Retail, Warehousing, and Wholesale Commercial), IU (Light Industrial), and IU-1 (Heavy Industrial) to PUD (Planned Unit Development), and waivers for 40-ft. lot width, and 4,800 sq. ft. lot size.

SUMMARY EXPLANATION and BACKGROUND:

The applicants are seeking a change of Zoning classification from GU, BU-1, BU-2, IU, IU-1 to PUD for the purpose of developing a subdivision comprising of 417 single family homes on reduced-size lots. This application includes waivers for lot width and lot area (request to utilize 40-foot width and 4,800 square-foot lot size versus the standard 50 foot width requirement and minimum lot area of 5,000 square feet).

The Board should be aware that approval of a PUD zoning request not only entails review of the zoning request itself, but also of the PDP (Preliminary Development Plan) that accompanies the request. The PDP has been included as an attachment, and has been reviewed for sufficiency by staff. Code provisions for this review and approval, as well as staff comments regarding the PDP submission are included below for reference.

The Board shall review the PDP and either approve, approve subject to conditions, or disapprove the PDP application. Unlike typical zoning changes, the Board may stipulate conditions for development of a PUD. Approval of the PDP indicates approval of the PUD zoning subject to acceptance of the final development plan. The decision of the Board shall be based upon a consideration of the facts specified as review criteria for the

Planning and Zoning Board in Section 62-1448(b)(5) of the Land Development Regulations.

The Board may wish to consider the following:

- Whether the proposed PUD Zoning classification and associated PDP depicting development of a subdivision comprising of 417 single family homes on reduced-size lots demonstrates consistency and compatibility with the surrounding land uses.
- Whether two waivers requested should be supported as a part of the PDP's review: waiver to lot area, and waiver to lot width.
- Ways to mitigate potential incompatibilities between existing industrial uses and the proposed single-family residential subdivision.

On May 7, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval.

Staff contact: Erin Sterk, Interim Planning & Zoning Manager, erin.sterk@brevardfl.us

ATTACHMENTS:

- Description**
- **Staff Comments**
- **Maps**
- **PDP Page 1**
- **PDP Page 2**
- **PDP Page 3**
- **PDP Page 4**
- **PDP Page 5**
- **PDP Page 6**
- **Agency Correspondence**
- **Additional FYI**
- **PUD Code**

NA

RESOLUTION NO. 18PZ00014

Corrected

On motion by Commissioner Isnardi, seconded by Commissioner Barfield, the following resolution was adopted by a unanimous vote:

WHEREAS, WATERMARK INVESTORS, LLC, AND DIOCESE OF ORLANDO, JOHN G. NOONAN, BISHOP – (Bruce Moia) – request a change of classification from GU (General Use), BU-1 (General Retail Commercial), BU-2 (Retail, Warehousing, and Wholesale Commercial), IU (Light Industrial), and IU-1 (Heavy Industrial) to PUD (Planned Unit Development); and waivers for 40-ft. lot width, and 4,800 sq. ft. lot size, on property described as: SEE ATTACHED

Section 30,

Township 23S,

Range 36E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from GU, BU-1, BU-2, IU, and IU-1 to PUD; and waivers for 40-ft. lot width, and 4,800 sq. ft. lot size, be APPROVED as recommended, and that the zoning classification relating to the above described property be changed to **PUD**, and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 24, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Rita Pritchett, Chair
Brevard County Commission

As approved by Brevard County Commission on May 24, 2018.

ATTEST:



SCOTT ELLIS, CLERK
(SEAL)



(P&Z Hearing – May 7, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

Legal Description:

A parcel of land lying in **Section 30, Township 23S, Range 36E**, Brevard County, Florida, being more particularly described as follows: Commence at a railroad spike monumenting the SW corner of said Section 30 and run N00deg09'19"E, along the west line of the SW ¼ of said Section 30, a distance of 800 ft. to the NW corner of lands described in ORB 5505, Page 8025, the point of beginning; thence continue N00deg09'19"E, along said west line, a distance of 1,863.51 ft. to a 5/8 inch iron (stamped "Allen") which monuments the west ¼ corner of said Section; thence N00deg33'33"E, along the west line of the NW ¼ of said Section, a distance of 1,315.98 ft. to the SW corner of "Replat of Hardeeville", recorded in Plat Book 19, Page 148 of the Public Records of Brevard County, Florida; thence N89deg52'38"E, along the south line of said subdivision, a distance of 1,319.59 ft. to the SE corner of said "Replat of Hardeeville", said point being on the east line of the SW ¼ of the NW ¼ of said Section 30; thence S00deg32'18"W, along said east line, a distance of 229.29 ft. to a point 100 ft. north of the south line of the north ¼ of the SE ¼ of the NW ¼; thence S.89deg'54'22"E, parallel with and 100 ft. north of said south line, a distance of 1,281.49 ft. to a point on the west right-of-way line of U.S. Hwy 1 (a 143-ft. wide right-of-way); thence S00deg13'32"W, along said west right-of-way line, a distance of 183.97 ft. to a point on the easterly extension of the north line of MacArthur Heights, according to the plat thereof, as recorded in Plat Book 16, Page 135 of said Public Records; thence N89deg51'08"W, along said extension and said north line, a distance of 1,219.48 ft. to a point on the aforesaid east line of the SW ¼ of the NW ¼ and along the west line of said MacArthur Heights, a distance of 578.30 ft. to the SW corner of said subdivision; thence N89deg46'51"W, parallel with the south line of said NW ¼ a distance of 280 ft. to the NW corner of lands of the Diocese of Orlando (A/K/A Blessed Sacrament Catholic Church); thence S00deg32'18"W along a west line of said lands, said line being 280 ft. distant west of the east line of the SW ¼ of the NW ¼ of said Section 30, a distance of 329.56 ft. to a point on the north line of said SW ¼; thence S00deg08'31"W, parallel with and 280 ft. distant from the east line of the west ½ of said SW ¼, a distance of 234.66 ft.; thence S89deg46'51"E, parallel with the north line of said SW ¼, a distance of 1,504.12 ft. to a point on the aforesaid west right-of-way line of U.S. Hwy 1; thence S00deg13'32"W, along said west right-of-way line, a distance of 579 ft. to the SE corner of aforesaid lands The Diocese of Orlando (A/K/A Blessed Sacrament Catholic Church), said point being 814.06 ft. distant south, by right angle measurement, from the aforesaid north line of the SW ¼; thence N89deg46'51"W, along the south line of said lands which is 814.06 ft. distant from said north line of the SW ¼, a distance of 1,503.25 ft.; thence S00deg08'31"W, a distance of 14.67 ft. to a 4"x4" concrete monument (no identification) which marks the NW corner of Williams Point Complex according to the plat thereof, as recorded in Plat Book 19, Page 121, of said Public Records; S00deg13'32"W, along the west line of said Williams Point Complex, a distance of 1,095.39 ft. to the SW corner thereof; thence S89deg53'28"E, along the south line of said subdivision, a distance of 1,503.23 ft. to a point on the aforesaid west right-of-way line of U.S. Hwy 1; thence S00deg13'32"W, along said west right-of-way line, a distance of 59.80 ft. to the NE corner of lands described in ORB 4269, Page 2305; thence N89deg52'38"W, along the north line of said lands, a distance of 150 ft. to the NW corner thereof; thence S00deg13'32"W, along the west line of said lands, a distance of 358.20 ft. to a point 320 ft. north of the south line of said SW ¼ of Section 30; thence N89deg52'38"W, parallel with and 320 ft. distance from said south line of Section, a distance of 1,171.02 ft. to the NW corner of lands described in ORB 5294, Page 2038; thence S00deg08'24"W, along the west line of said lands, a distance of 295 ft. to a point on the north right-of-way line of Camp Rd., said point being 25 ft. distance from said south line of the SW ¼; thence N89deg52'38"W, along said north right-of-way, distance of 620.61 ft. to a point which is 600 ft. distant east from the aforesaid west line of Section 30; thence N00deg09'19"E, parallel with and 600 ft. distance from said west line, a distance of 775 ft.; thence N89deg52'38"W, parallel with the south line of said Section 30, a distance of 600 ft. the point of beginning; containing 129 +/- acres. Located on the west side of U.S. Hwy 1, approx. 0.22 mile south of Broadway Blvd. (Tax parcel 251 = 5082 & 5083 Persimmon Ln., Cocoa; Tax Parcel 252 = No assigned address; Tax Parcel 258 = 5135 & 5145 N. U.S. Hwy 1, Cocoa.)

W.A.

RESOLUTION NO. 18PZ00014

On motion by Commissioner Isnardi, seconded by Commissioner Barfield, the following resolution was adopted by a unanimous vote:

WHEREAS, WATERMARK INVESTORS, LLC, AND DIOCESE OF ORLANDO, JOHN G. NOONAN, BISHOP – (Bruce Moia) – request a change of classification from GU (General Use), BU-1 (General Retail Commercial), BU-2 (Retail, Warehousing, and Wholesale Commercial), IU (Light Industrial), and IU-1 (Heavy Industrial) to PUD (Planned Unit Development); and waivers for 40-ft. lot width, and 4,800 sq. ft. lot size, on property described as: SEE ATTACHED

Section 30, Township 23S, Range 36E, and,

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved; and,

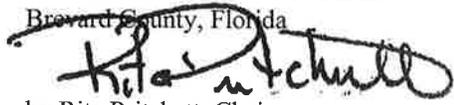
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BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from GU, BU-1, BU-2, IU, and IU-1 to PUD; and waivers for 40-ft. lot width, and 4,800 sq. ft. lot size, be APPROVED as recommended, and that the zoning classification relating to the above described property be changed to AU, and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 24, 2018.

ATTEST:

SCOTT ELLIS, CLERK
(SEAL)

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

by Rita Pritchett, Chair
Brevard County Commission
As approved by Brevard County Commission on May 24, 2018.

(P&Z Hearing – May 7, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

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REZONING REVIEW WORKSHEET

**IV.A.
18PZ00014**

Commission District # 1

Hearing Dates: P&Z 05/07/18

BCC 05/24/18

**Owner Name: WATERMARK INVESTORS, LLC, AND DIOCESE OF ORLANDO,
JOHN G. NOONAN, BISHOP**

Request: GU, BU-1, BU-2, IU, an IU-1 to PUD

Subject Property:

Parcel ID# 23-36-30-00-251; 23-36-30-00-252; 23-36-30-00-258

Tax Acct.# 2317197; 2317198; 2317200

Location: West side of U.S. Hwy 1, approx. 0.22 mile south of Broadway Blvd.

Address: Tax Parcel 251 = 5082 & 5083 Persimmon Ln., Cocoa; Tax Parcel 252 = No assigned address. In the Cocoa area; Tax Parcel 258 = 5135 & 5145 N. Hwy 1, Cocoa.

Acreage: 129 +/- acres

Consistency with Land Use Regulations

- NO** Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-1, BU-2, GU, IU and IU-1	PUD with two waivers 1) Use 40' lot widths 2) Use 4,800 sq. ft. lot
Potential*	3 SF lots in GU area	PDP proposes 417 SF units
Can be Considered under FLU MAP	NO**, Commercial and Industrial zoning not consistent with Residential 4	YES Residential 4

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.** Only that portion zoned GU is consistent with Residential 4 FLUM.

Background & Purpose of Request

The applicants are seeking a change of Zoning classification from General Use (GU); General Retail Commercial (BU-1); Retail, Warehousing and Wholesale Commercial (BU-2); Light Industrial (IU) and Heavy Industrial (IU-1) to Planned Unit Development (PUD) for the purpose of developing a subdivision comprising of 417 single family homes on reduced-size lots. This application includes waivers for lot width and lot area (request to utilize 40 foot width and 4,800 square foot lot size versus the standard 50 foot width requirement and minimum lot area of 5,000 square feet).

A zoning action to rezone the property to the RU-1-7 Zoning classification with a limitation of 520 single-family units (4 units per acre) was heard last year under **17PZ00002** by the Board on May 4, 2017. The rezoning proposal accompanied a Large Scale Comprehensive Plan Amendment, which changed the property to the

Residential 4 Future Land Use designation. The Zoning was approved as RU-1-7, but the required Binding Development Plan (BDP) was never filed and hence the rezoning was considered withdrawn. This left the zoning as it currently is today, but left it inconsistent with the Comprehensive Plan.

Special Considerations for PUD Zoning

The Planned Unit Development (PUD) is a concept which encourages and permits variation in development by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space from that required in any one residential Zoning classification. The purpose of a PUD 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.

A Preliminary Development Plan (PDP) must be submitted with a request for the PUD Zoning classification. The decision of the Planning and Zoning Board on the PDP included with the application shall include the findings of fact that serve as a basis for its recommendation.

The Board should be aware that approval of a PUD zoning request not only entails review of the Zoning request itself, but also of the PDP that accompanies the request. The PDP has been included within the package, which has been reviewed for sufficiency by staff. Code provisions for this review and approval as well as staff comments regarding the PDP submission are included below for reference.

Section 62-1448 (b) (4) of Brevard County Code defines the review procedure for approval of the Preliminary Development Plan and tentative zoning, and that the Planning and Zoning Board shall recommend one of the following to the Board of County Commissioners:

1. approval,
2. approval subject to conditions, or
3. disapproval

In making its recommendation, **Section 62-1448 (b) (5)** of Brevard County Code clarifies that 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.
- b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.
- c. Prevention of erosion and degrading of surrounding area.
- 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.
- e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.
- f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
- g. The availability and adequacy of water and sewer service to support the proposed planned unit development.
- h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.
- 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.

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

The applicant has provided all of the exhibits required by Section 62-1448 (b) (2) of Brevard County Code except for the name of the architect. The Preliminary Development Plan includes a total of 133.19 acres of common open space, of which 13.32 acres is designated as active recreation. The types of passive and active recreation uses proposed include: conservation/preservation areas, a clubhouse complex with swimming pool, active recreation playground and park, exercise trail, volleyball and tennis courts, three (3) gazebos and a grass playing field. The development is proposed in three (3) phases. Open space will be administered by a master homeowner association to be established by the developer.

The applicants will need to dedicate the appropriate amount of right of way for both Industrial Drive and Camp Road, including the portion of each roadway that Brevard County Public Works has been maintaining historically, in addition to the necessary amount of right of way as required by today's land development regulations. At this time, the survey or the Tract Exhibit does not provide enough information to properly evaluate the details, which will need to be addressed at the time of platting. For the platting, the Boundary Survey, the Title Opinion, and the Plat will need to use the same, identical singular metes and bounds legal description. Please note, turn lanes or other improvements required by other agencies, may necessitate additional County right of way needs. Final evaluation of these details has the potential to affect the final subdivision design and lot yield.

Staff Note:

The Preliminary Development Plan (PDP) is part of the zoning application for a PUD and therefore is conceptual in nature. 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. Additional details on the Preliminary Development Plan that are normally required at the Final Development Plan stage will not be reviewed by staff. Accordingly, PUD zoning approved by the Board of County Commissioners will not be viewed as a waiver of land development regulations that are applied at the Final Development Plan stage of review.

Waivers Requested with Preliminary Development Plan

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.

(d) Minimum lot area, frontage and setbacks; accessory uses.

- (1) The minimum lot size for detached single-family structures shall be an area not less than 5,000 square feet and having a width of not less than 50 feet. 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 (e.g., are directly adjacent to or abut a common open space area) and the arrangement of dwelling units provides for adequate separation of units and the living area of the dwelling unit or units is properly related to the configuration of the proposed lots.

This application is seeking waivers for **lot width**, requesting to utilize 40 foot width, rather than the standard 50 foot width required, and to **lot area**, requesting to utilize a 4,800 square foot lot size, rather than the minimum lot area of 5,000 square feet required for the PUD Zoning classification.

Land Use Compatibility

The subject parcel retains the Residential 4 (Res 4) Future Land Use (FLU) designation. **FLUE Policy 1.7** addresses the Res 4 Future Land Use designation, which affords an additional step down in density from more highly urbanized areas. Res 4 permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the Future Land Use Element.

The current GU, BU-1, BU-2, IU, an IU-1 Zonings are inconsistent with the Res 4 FLU Designation, due to the prior request for rezoning to RU-1-7 being considered withdrawn after the BDP was never filed in May 2017. The PUD request limiting development to 417 SF units is consistent with the Residential 4 FLU designation.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

Please refer to comments provided by the Natural Resource Management Department.

Applicable Land Use Policies

This area of Brevard County, just outside of Cocoa, is characterized by a mixture of industrial, commercial and single-family mobile home Zoning classifications and land uses. These parcels, when combined, are bordered by the Highway US1 and Camp Road corridors and the Florida East Coast Railroad right of way. The central portion of the subject property abuts an existing industrial park on the east property line and additional developing industrial parcels along its western border.

The Board may wish to consider ways to mitigate potential incompatibilities between existing industrial uses and the proposed single-family residential subdivision. Typically, if residential uses are present before land is developed for industrial uses, then the industrial parcels have additional buffering requirements when developing. Although Performance Standards are found in the Zoning code which define the maximum thresholds for noise, odor, vibration, smoke, etc., that adjacent industrial uses must comply with. The Board may wish to consider whether additional mitigation measures should be considered for inclusion within the Preliminary Development Plan, such as additional landscaping, berming, increased setbacks, decorative fencing or any other measures found to reduce the impacts of placing a single-family subdivision adjacent to industrial uses.

Adjacent property to the north of this site is zoned Single-family mobile home (TR-1). TR-1 is a single family residential mobile home Zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet. Property lying to the east of this site is zoned TR-1, General retail commercial (BU-1), Retail, warehousing and wholesale commercial (BU-2), Light Industrial (IU), and General Tourist Commercial (TU-1) Zoning classifications. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. The BU-2 Zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. Possible incompatibilities are due to the intensive nature of commercial activities permitted by the BU-2 classification and possible noise, light, traffic and other nuisance factors potentially associated with BU-2 activities. The IU Zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet. TU-1 is a general tourist commercial Zoning classification which permits hotels and motels among its listed uses. It also permits BU-1-A type retail uses in conjunction with and accessory to a hotel or motel with a minimum of 25 rooms. The minimum lot size is 15,000 with a minimum width of 100' and minimum depth of 150'. Maximum density allowances range from 8 units per acre (in the South Beaches area) to 30 units per acre (in the North Beaches, Mainland and Merritt Island Redevelopment Area). Adjacent zoning to the south is General Use (GU) and TR-1. The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. Adjacent zoning to the west is Agricultural residential (AU), IU and Heavy

Industrial (IU-1). The AU Zoning classification permits single-family residences and agricultural pursuits on 2 ½ 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. IU-1 is the heaviest industrial Zoning classification in the Code. It permits heavy manufacturing, including outside activities such as livestock yards and commercial incinerators. The minimum lot size is 40,000 square feet with a minimum width and depth of 200 feet.

Parcel # 509 located to the southwest corner of this site has traditionally used access from inside this property. The access is named Gopher Tortoise Trail. It appears the Preliminary Development Plan (PDP) doesn't provide for continued access for this outparcel. Parcel # 509 does appear to have frontage onto Camp Road and the owner of the residence on this lot may need to develop a new driveway to provide access to the home site.

Sanitary Sewer service is available through the City of Cocoa with service provided adjacent to the property along both Camp Road and Highway US 1. In compliance with Indian River Lagoon initiatives and with the commitment that accompanies the Large Scale Comprehensive Plan Amendment changing the Future Land Use from industrial to residential, the applicant has stipulated that the proposed project will connect to sewer and instead of utilizing septic systems, as well as having public water and wastewater utility connections.

Transportation Concurrency Analysis

	ADT	PM PEAK				ADT	PM PEAK		
Trips from Existing Zoning	67	7	Segment Number	36002	Trips from Existing Zoning	67	7	Segment Number	052
Trips from Proposed Zoning	3,970	417	Segment Name	Highway 1 Camp - Broadway Blvd.	Trips from Proposed Zoning	3,970	417	Segment Name	Camp Road Grissom to US1
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D	Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	D
Current Volume	28,128	2,532	Directional Split	0.5	Current Volume	2,666	240	Directional Split	0.5
Volume With Proposed Development	32,098	2,889	ITE CODE		Volume With Proposed Development	6,636	597	ITE CODE	
Current Volume / MAV	67.31%	67.31%	210		Current Volume / MAV	17.09%	17.09%	210	
Volume / MAV with Proposal	76.81%	76.81%							
Current LOS	D	D							
OS With Propos	D	D							
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency		Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

The subject parcel has direct access from two roadways: US Highway 1 (North/South) and Camp Road (East/West). A preliminary concurrency analysis evaluated whether the impact of trips anticipated to be generated by the increase in development potential would create a deficiency on either Camp Road or US 1. If 100% of the project's trips were to impact either roadway, the analysis does not demonstrate a deficiency in Level of Service and each corridor still remains under capacity. A Transportation Impact Analysis (TIA) will be required when proposing development, which shall include a LOS analysis at both the Camp Road/US 1 and Camp Road/Grissom Parkway intersections.

School Concurrency Analysis

At this time, the concurrency service area for the middle and high school levels are projected to have insufficient capacity to accommodate the maximum potential residential development resulting from the proposed Watermark PUD's rezoning.

Considering the total adjacent middle and high school service areas, including those of Space Coast Jr/Sr High School, McNair Middle School and Rockledge High School, there is sufficient capacity for the total projected student memberships to accommodate the Watermark PUD's rezoning. This accommodation for predicting development and potential redistricting of students is done in coordination between Brevard County Government and Brevard County Schools, through intergovernmental coordination. A copy of the Brevard Public Schools concurrency analysis is included in the package for Board consideration.

For Board Consideration

The Board may wish to consider whether the application proposing a change of Zoning classification from General Use (GU); General Retail Commercial (BU-1); Retail, Warehousing and Wholesale Commercial (BU-2); Light Industrial (IU) and Heavy Industrial (IU-1) to Planned Unit Development (PUD) and the associated Preliminary Development Plan (PDP) depicting the development a subdivision comprising of 417 single family homes on reduced-size lots demonstrates consistency and compatibility with the surrounding land uses.

The Board should be aware that approval of a PUD zoning request not only entails review of the Zoning request itself, but also of the PDP that accompanies the request. The PDP has been included within the package, which has been reviewed for sufficiency by staff. Code provisions for this review and approval as well as staff comments regarding the PDP submission are included in these staff comments for reference.

The Board should determine whether the Preliminary Development Plan should be:

1. Approved,
2. Approved subject to conditions, or
3. Denied

The Board may wish to consider whether two waivers requested should be supported as a part of the PDP's review:

1. Waiver to lot area, requesting a 4,800 square foot lot size, rather than the minimum lot area of 5,000 square feet required
2. Waiver to lot width, requesting a 40 foot width, rather than the standard 50 foot width required

The Board may wish to consider ways to mitigate potential incompatibilities between existing industrial uses and the proposed single-family residential subdivision.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review

SUMMARY

Item #: 18PZ00014	Applicant: Watermark - Harris
Request: BU-1, GU, IU, IU-1, BU-2 to PUD	
P&Z Hearing Date: 05/07/18	BCC Hearing Date: 05/24/18

This is a preliminary review based on environmental maps available to the Natural Resources Management (NRM) Department at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Hydric Soils/Wetlands	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Mapped Florida Scrub Jay

Comments:

**This review relates to the following property: Twp. 23, Rng. 36, Sec. 30;
 Tax ID Nos. 2317198, 2317197, 2317200**

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Basinger sand), indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, site plan or permit submittal.

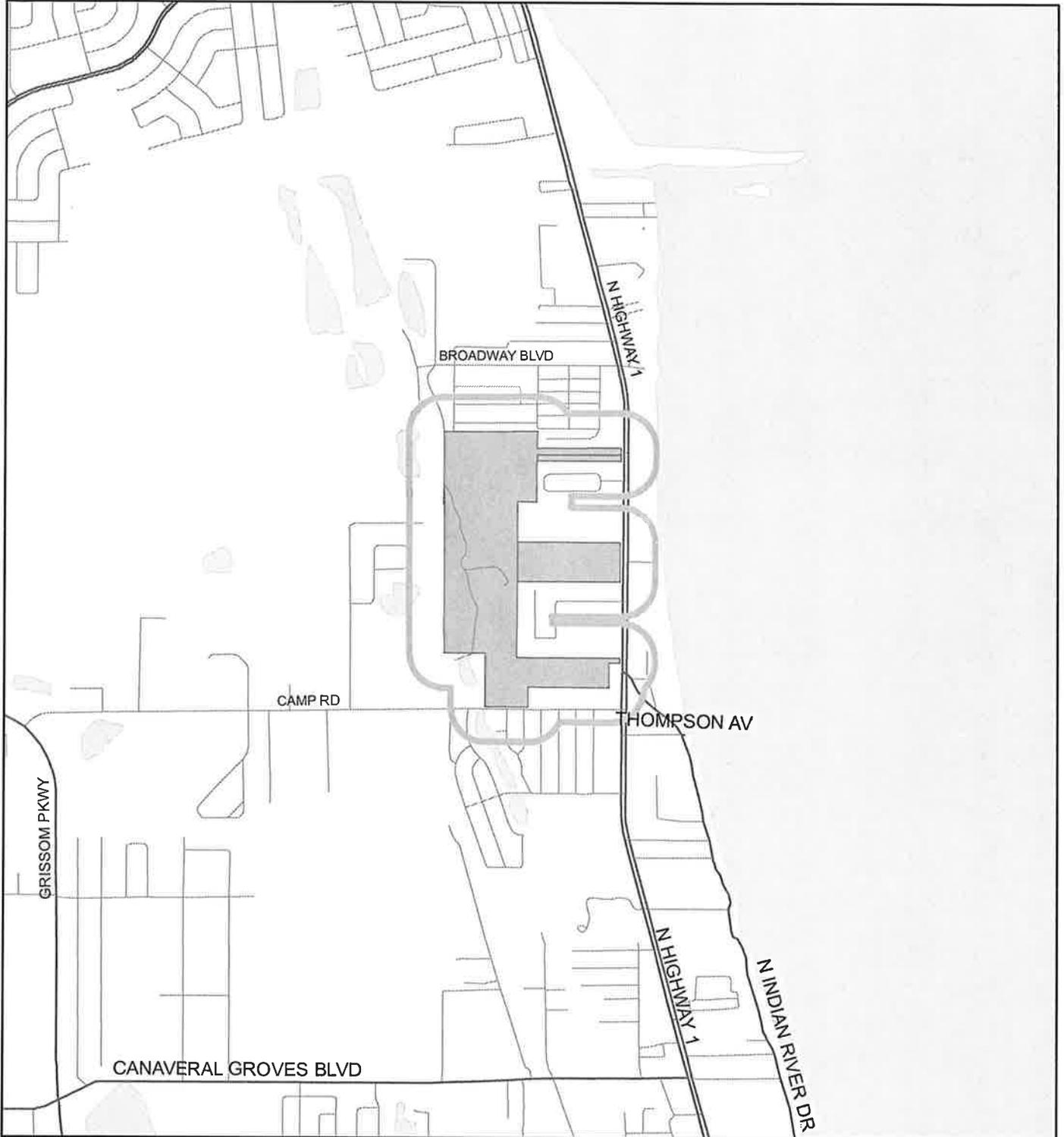
The subject parcel contains mapped aquifer recharge soils (Basinger sand, Pomello sand, Paola-Urban land complex 0 to Bradenton, Paola fine sand 0 to Candler-Urban land complex, and Cocoa sand). The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

A portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Additionally, a large, mapped Florida Scrub Jay polygon exists approximately 500 feet to the west of the project site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

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. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP
WATERMARK INVESTORS, LLC
18PZ00014



1:24,000 or 1 inch = 2,000 feet
Buffer Distance: 500 feet

— Buffer
■ Subject Property

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 2/19/2018

ZONING MAP

WATERMARK INVESTORS, LLC
18PZ00014



1:7,200 or 1 inch = 600 feet

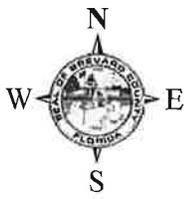
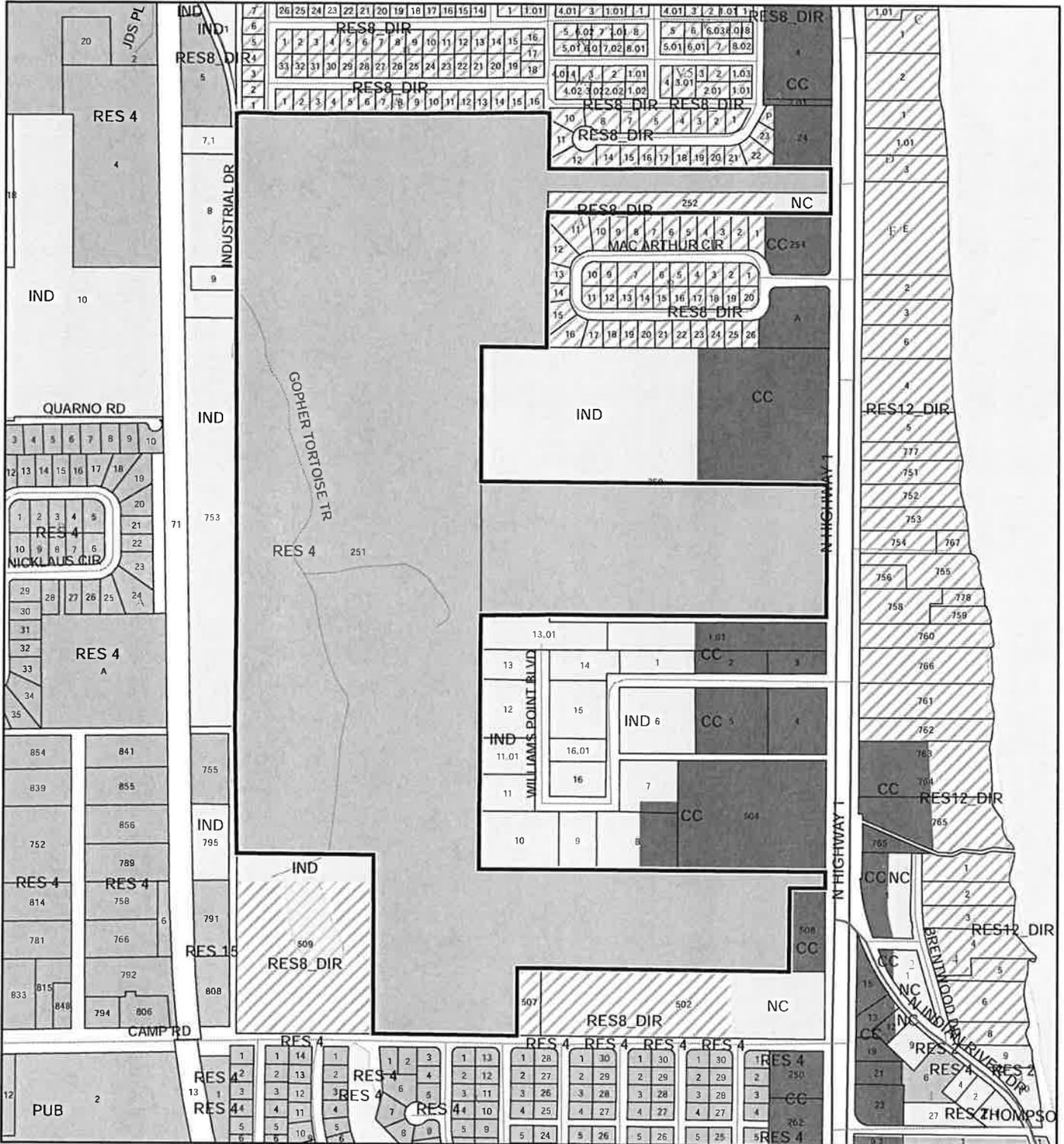
- Subject Property
- Parcels
- Zoning

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

FUTURE LAND USE MAP

WATERMARK INVESTORS, LLC

18PZ0014



1:7,200 or 1 inch = 600 feet

-  Subject Property
-  Parcels

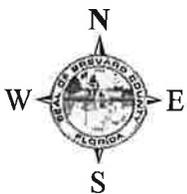
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 2/19/2018

AERIAL MAP

WATERMARK INVESTORS, LLC

18PZ00014



1:9,600 or 1 inch = 800 feet

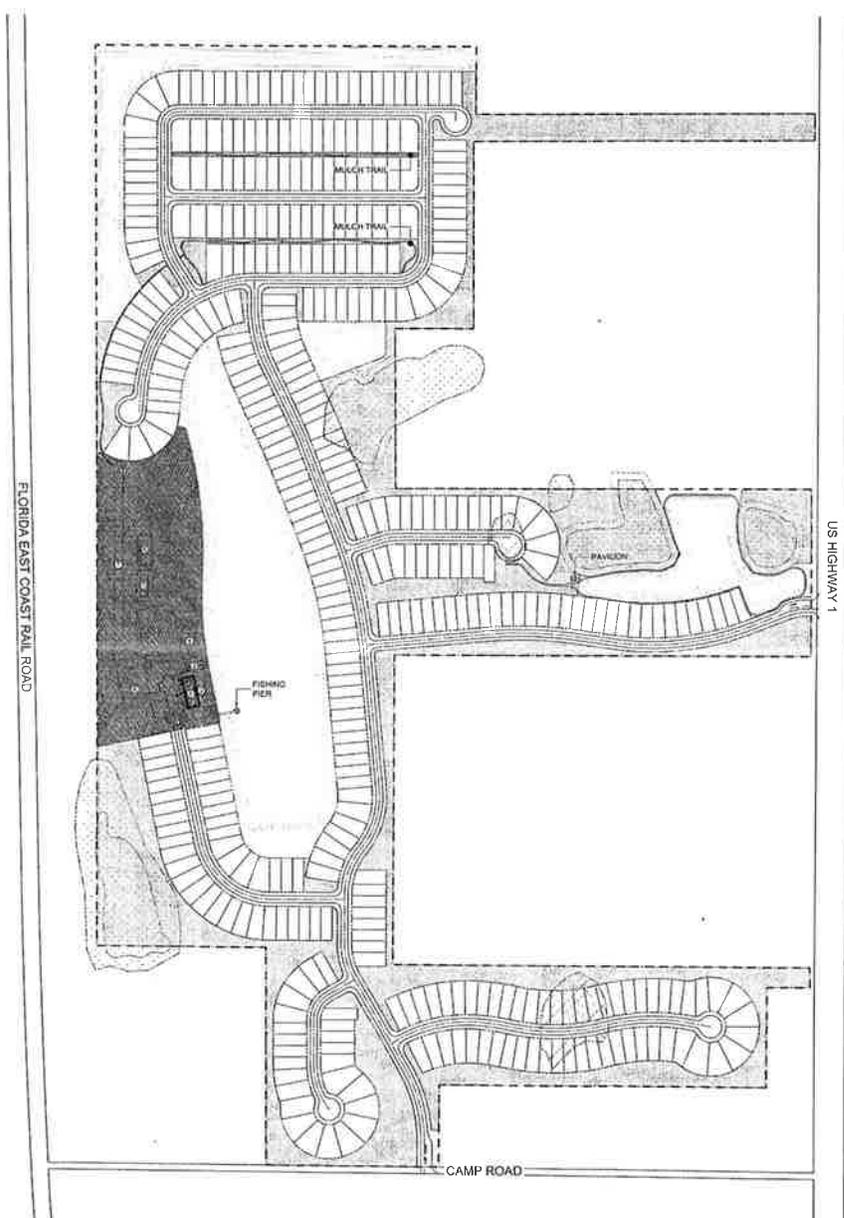
PHOTO YEAR: 2017

 Subject Property

 Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 2/19/2018



SITE DATA

TOTAL SITE	* VARIANCE
SINGLE-FAMILY RESIDENTIAL	4.12 368 AC @24%
SPRING/COURT/RECREATIONAL AND OPEN AREA	1.1 395 AC @24%
REQUIRES ACTIVE	1.11 102 AC @17%
REQUIRES PASSIVE	
PROPOSED COMMON RECREATIONAL AND OPEN AREA	4.35 456 AC @24%
PROPOSED ACTIVE	1.6 200 AC @34%
PROPOSED PASSIVE	2.75 281 AC @48.4%
CONSERVATION	1.9 203 AC @24%

- PROPOSED AS THE OPEN SPACES AMENITIES**
- CLUBHOUSE
 - COMMUNITY POOL
 - SHUFFLE BOARD COURTS
 - TOT LOT
 - TRAMPOLINE
 - BASKETBALL COURT
 - FOOTBALL
 - GENERAL OPEN FIELD
- PROPOSED PASSIVE OPEN SPACE AMENITIES**
- PICKNICK BENCHES
 - OUTDOOR CALL STATION
 - TRAIL
 - MULCH WALKING TRAIL
 - FISHING PIER
- PROPOSED ACTIVE OPEN SPACE TRACT AMENITIES**
- PICKNICK BENCHES
 - OUTDOOR CALL STATION
 - TRAIL
 - WALKING TRAIL
 - FISHING PIER
- TRACT BY AMENITIES**
- CLUBHOUSE
 - COMMUNITY POOL
 - SHUFFLE BOARD COURTS
 - TOT LOT
 - TRAMPOLINE
 - BASKETBALL COURT
 - FOOTBALL
 - GENERAL OPEN FIELD
 - BASKETBALL

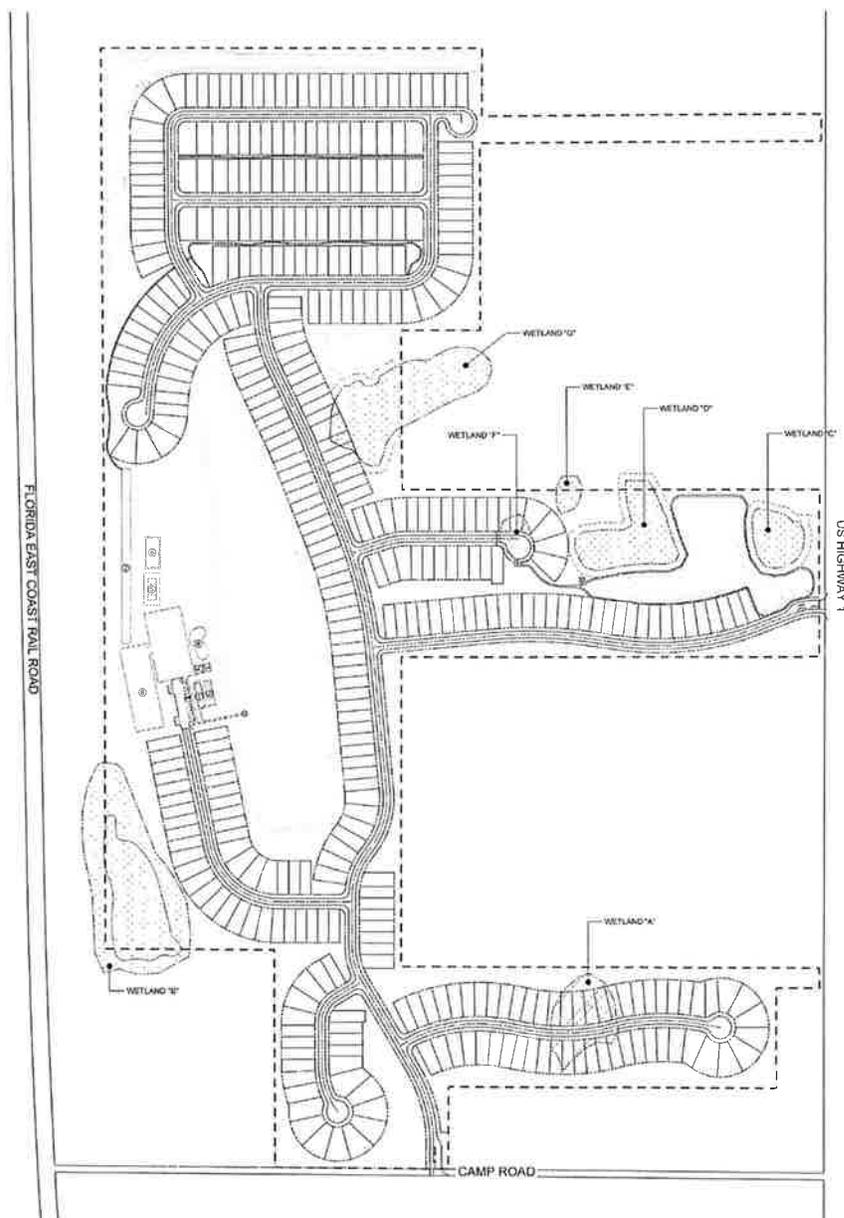
WATERMARK PUD

COMMON RECREATION & OPEN SPACE EXHIBIT

MBV
ENGINEERING, INC.
PCIA BOWEN VILLAZAR & ASSOCIATES
Civil • Structural • Surveying • Environmental



14



LEGEND

 EXTENSIVE WETLAND LIMITS
 WETLAND BUFFER LIMITS

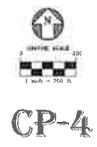
SITE DATA

TOTAL WETLANDS	4,187.91 AC
WETLAND 1A	1,175.00 AC
WETLAND 1B	1,175.00 AC
WETLAND 1C	1,175.00 AC
WETLAND 1D	1,175.00 AC
WETLAND 1E	1,175.00 AC
WETLAND 1F	1,175.00 AC
WETLAND 1G	1,175.00 AC
WETLAND 1H	1,175.00 AC
WETLAND 1I	1,175.00 AC
WETLAND 1J	1,175.00 AC
WETLAND 1K	1,175.00 AC
WETLAND 1L	1,175.00 AC
WETLAND 1M	1,175.00 AC
WETLAND 1N	1,175.00 AC
WETLAND 1O	1,175.00 AC
WETLAND 1P	1,175.00 AC
WETLAND 1Q	1,175.00 AC
WETLAND 1R	1,175.00 AC
WETLAND 1S	1,175.00 AC
WETLAND 1T	1,175.00 AC
WETLAND 1U	1,175.00 AC
WETLAND 1V	1,175.00 AC
WETLAND 1W	1,175.00 AC
WETLAND 1X	1,175.00 AC
WETLAND 1Y	1,175.00 AC
WETLAND 1Z	1,175.00 AC

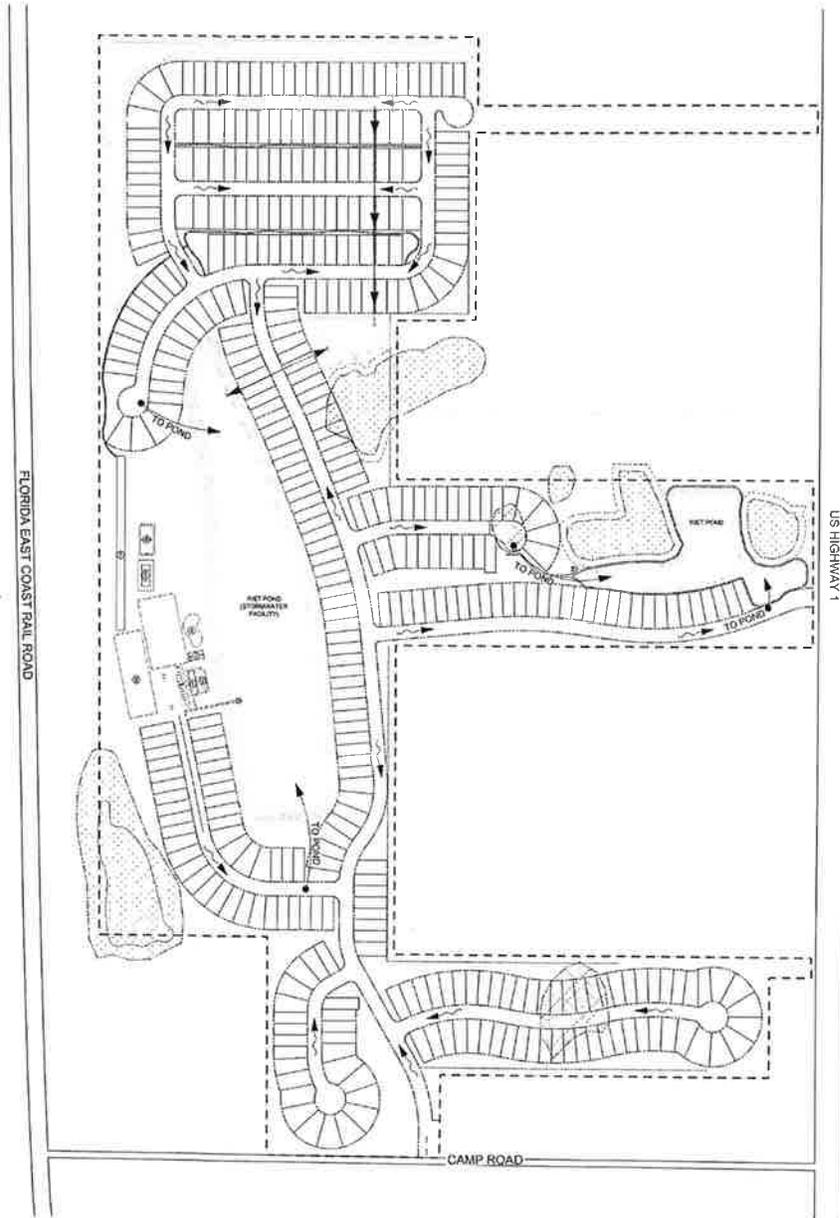
WATERMARK PUD

WETLAND IMPACT EXHIBIT

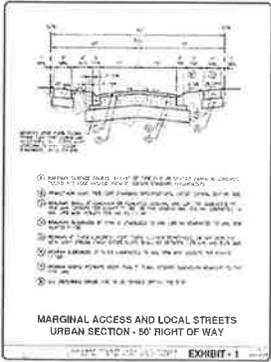
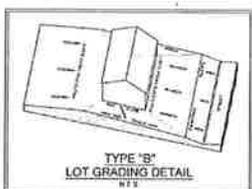
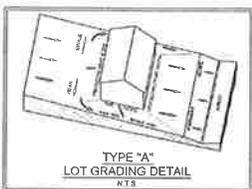
MBV
 ENGINEERING, INC.
 P.O. BOX 1000, VILLAVIEJA, FL 32909
 CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL



CP-4



NOTE
 * ALL LOTS AND SWALES WILL BE GRADED TO CONVEY STORMWATER PLUMPTO EITHER INTERNAL DRAINAGE CONVEYANCE SYSTEM OR DIRECTLY INTO THE STORMWATER MANAGEMENT FACILITIES.
 # NO EXISTING POSITIVE LEGAL CONVEYANCES TO FOOT OR BY THE SITE WILL BE REQUIRED TO COUNTER THE FOOT STORM EVENTS WITH WEST DIRECTION AND STORMWATER DIVERTING.



WATERMARK PUD

DRAINAGE MAP EXHIBIT

MBV
 ENGINEERING, INC.
 MOYA BOMLES VILLANAR & ASSOCIATES
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CP-5



WATERMARK PUD

TOPOGRAPHIC EXHIBIT

MBV
ENGINEERING, INC.
MEMBER FIRM OF THE MCGRAW-HILL CONSTRUCTION GROUP

CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL

CP-6

Ritchie, George C

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:05 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark
Attachments: 18PZ00014 (1).pdf

Good afternoon everyone,

I have been presented a preliminary development plan for the development of a new PUD in Cocoa located on the west side of Highway 1 just north of Camp Road. (Tax Accts: # 2317197, 2311798 and 2317200). Please review the proposal from the standpoint of your agency's responsibilities and respond to me by February 26, 2018. While the project will still require Subdivision plat approval, the Board of County Commissioners and the applicant should be advised of potential compliance issues. Staff is looking for major issues that would keep the project from being approved as proposed; site plan review analysis is not sought for this specific review. Thank you for your assistance.

Address Assignment – Regina Mahaney, 911 Database/Addressing Coordinator or Natasha Petrie
County Surveyor - Mike Sweeney, PSM
Environmental Health Services – Christie McNamara or Scott Bauman
Fire Rescue - Frank Scates, Fire Marshal or Douglas Carter, Assistant Fire Marshal
Land Development – Tad Calkins, Assistant Director for Planning and Development
Land Development – Andrew Holmes, Engineering Manager
NRM – Darcie McGee, Special Projects Coordinator IV
NRM – Harvey Wheeler, Construction Coordinator
Parks and Recreation -Terry Stoms, Special Projects Coordinator III
Public Works/Road & Bridge – Keith Alward, Area Manager
Transportation – Corrina Gumm, P.E., Engineer III
Utilities Services Department –Jim E. Helmer, Director

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.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

Ritchie, George C

From: Alward, Keith A
Sent: Thursday, February 15, 2018 3:29 PM
To: Ritchie, George C
Subject: RE: Comments for a new PUD development - Watermark

Hi George,

I am no longer with Road & Bridge, you may want to check with Susan Jackson as to who she would want from Road & Bridge to receive these.

Thanks,

Keith Alward
Brevard County Public Works
Special Projects Coordinator II
2725 Judge Fran Jamieson Way, Bldg, A
Viera, Florida 32940
321-637-5437 ext. 52384

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:07 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; McGee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

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2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

Ritchie, George C

From: Gumm, Corrina
Sent: Friday, February 16, 2018 1:32 PM
To: Ritchie, George C
Subject: RE: Comments for a new PUD development - Watermark

George,

Traffic Engineering has no concerns at this time.

Thanks,

Corrina Gumm, P.E.
Traffic Operations Program Manager
Brevard County Public Works
(321) 633-2077

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:07 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; McGee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

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George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

Ritchie, George C

From: Sweeney, Michael
Sent: Monday, February 19, 2018 8:49 AM
To: Sterk, Erin; Ragain, Rebecca; Ritchie, George C
Subject: RE: Comments for a new PUD development - Watermark

Agreed

Best regards,
Mike Sweeney, PSM
Brevard County Surveyor

From: Sterk, Erin
Sent: Friday, February 16, 2018 4:56 PM
To: Ragain, Rebecca; Ritchie, George C
Cc: Sweeney, Michael
Subject: RE: Comments for a new PUD development - Watermark

Sounds good to me if Mike and George agree.

From: Ragain, Rebecca
Sent: Friday, February 16, 2018 10:42 AM
To: Ritchie, George C
Cc: Sweeney, Michael; Sterk, Erin
Subject: Re: Comments for a new PUD development - Watermark

If the plan does not need to be revised due to additional right of way needs, we can move forward and perhaps add an advisory statement that the need for right of way on Camp road will be addressed with the subdivision plat review. Does that work for everyone?

Sent from my iPhone

On Feb 16, 2018, at 8:42 AM, Ritchie, George C <George.Ritchie@brevardfl.gov> wrote:

Is this a concern I need to have addressed now before the BCC or a subdivision comment for a future review of a subdivision? I thought the legal description accounts for frontage to Camp Road.

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.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

From: Sweeney, Michael
Sent: Thursday, February 15, 2018 3:16 PM
To: Ritchie, George C; Mahaney, Regina R; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

George,
Please note that if they are using Camp Road as an access connection, the abutting deeds do not include a strip along Camp Road, however we have not found any deeded or platted right of way documents for that portion of Camp Road. If the development abuts Camp Road, this may be an opportunity to address some of the right of way concerns for Camp Road.

Best regards,
Mike Sweeney, PSM
Brevard County Surveyor

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:07 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
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Natasha Petrie

County Surveyor - Mike Sweeney, PSM

Environmental Health Services – Christie McNamara or Scott Bauman

Fire Rescue - Frank Scates, Fire Marshal or Douglas Carter, Assistant Fire Marshal

Land Development – Tad Calkins, Assistant Director for Planning and Development

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Ritchie, George C

From: Mahaney, Regina R
Sent: Wednesday, February 21, 2018 4:57 PM
To: Ritchie, George C
Cc: Assignment, Address
Subject: RE: Comments for a new PUD development - Watermark
Attachments: Backup.pdf

George,

Address Assignment will require 9 street name choices to be submitted for review and approval.

We will need to know the status of all existing structures that are addressed off of the officially named accesses of (Gopher Tortoise Trail and Persimmon Lane) per Resolution #95-64. I have attached backup documentation.

All but one structure is within the boundaries of this proposed plat; however, Tax Account: 2317206 (Parcel 509) is not and we could not locate any additional access for this property.

No other major issues from our perspective have been noted at this time.

If you have any questions or our office can be of further assistance, please let me know.

Thank you.

Regina R. Mahaney
9-1-1 Addressing Coordinator
Brevard County E9-1-1 Administration
2725 Judge Fran Jamieson Way
Building A, Suite 120
Viera, FL 32940-6022
Office: (321) 690-6846 Ext. 1
Fax: (321) 690-6842
address.assign@brevardfl.gov

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Ritchie, George C

From: Ritchie, George C
Sent: Wednesday, February 21, 2018 5:03 PM
To: 'Bruce M'
Cc: Sterk, Erin
Subject: FW: Comments for a new PUD development - Watermark
Attachments: Backup.pdf

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Phone # (321)633-2070 ext 52657

Fax # (321)633-2152



Meeting Date:
3/21/95

AGENDA	
Section	Consent
Item No.	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Naming Gopher Tortoise Trail and Persimmon Lane, located in Township 23 South, Range 36 East, Sections 30, District 1.

DEPT./OFFICE: Growth Management Department
Geographic Research Division *MW*

Requested Action:

It is recommended that the Board of County Commissioners adopt a Resolution to officially name Gopher Tortoise Trail and Persimmon Lane, a 25 foot wide trail, located Township 23 South, Range 36 East, Section 30, Brevard County, Florida.

Summary Explanation & Background:

This naming is being requested by the property owner Mrs. Patricia Bayer. While investigating a misroute situation in the Emergency 911 data base our office determined that there were several residents living on Mrs. Bayers' property. These residents were using Williams Point Boulevard and Camp Road addresses. Further research determined that these residents had no access to Williams Point Boulevard or Camp Road, making it nearly impossible for an emergency vehicle to locate any of these residents in a timely manner. Our office contacted Mrs. Bayer regarding the addresses and location of each resident in order to determine how these residents are accessing this property. We further suggested that in order to help provide for the safety of these tenants, the access trails should be named. Mrs. Bayer agreed and contacted each tenant for name suggestions for the private access trails. By naming the trails, addresses may be assigned that accurately depict the exact location of these residents. The new street names would be entered into the Emergency 911 Data Base and depicted on the official maps of record. This action will assist Emergency Services in providing efficient and effective Emergency Response. Brevard County will not maintain these access trails.

Florida State Statute 336.05 authorizes the Board of County Commissioners to name and rename streets. The Brevard County Code Section 20.2.1 establishes requirements for the naming of certain streets, and gives the Board of County Commissioners the sole authority to approve street naming and renaming. Denial of Adoption of the Resolution will result in the subject street (s) not being entered into the Emergency 911 System and residents not being issued street addresses.

Adoption of the attached Resolution naming these trails, will allow the street name (s) to be entered into the Emergency 911 System, street addresses to be assigned and denotation on the official maps of record.

The fiscal impact from Fund 046, Account 2780-6
Geographic Research Division is as follows:

Revenue received for Recording Fee	\$ 10.50
Administrative Fee	\$ 14.50

Petitioner has paid appropriate Fees

Exhibits Attached: Resolution naming Gopher Tortoise Trail & Persimmon Lane. Map indicating street to be named and surrounding area.

County Administrator's Office

Department

GTR
Gary T. Ridenour
Growth Management Department

RETURN: Clerk to the Board

RESOLUTION NO. 95- 64

A RESOLUTION TO OFFICIALLY NAME
GOPHER TORTOISE TRAIL AND PERSIMMON LANE
FOR EMERGENCY 911 PURPOSES

Sandy Crawford Clerk Circuit Court
Recorded and Verified Brevard County, FL.
Pgs. 2 # Pages 2
Tract No. 1.50 Fee 2.00
Stamp-Book
Stamp-Fee
Be Recorded described

WHEREAS, the Board of County Commissioners of Brevard County, Florida, has been requested to name
road (s) and/or street (s):

Naming Gopher Tortoise Trail and Persimmon Lane, private access trails more particularly described as follows: Gopher Tortoise Trail, a private access located in Section 30, Township 23, Range 36, extending southeasterly from existing Industrial Drive for approximately 2700 feet, located in Section 25, Township 23, Range 35 and being parallel to two Borrow Pits within Tax Parcels 259, 506 and 509, Persimmon Lane, a private access trail located in Section 30, Township 23, Range 36, extending easterly approximately 700 feet, between two Borrow Pits within Tax Parcel 506, from existing north, south private trail reconfigured as indicated on the attached map marked "Exhibit A", and:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, that:

1. The aforementioned names, be adopted for the above described easement, road, flag lot stem and/or street name.
2. By naming this access (s), road (s), flag lot stem and/or street (s), Brevard County in no way accepts maintenance responsibilities for said road (s) and/or street (s).
3. It shall be the property owners responsibility to place the appropriate street sign (s) and keep said road (s) and/or street (s) clear and accessible for emergency vehicles until such time as the Board of County Commissioners makes a determination as to maintenance responsibilities for this roadway.
4. This Resolution be recorded in the Official Records Books in the office of the Clerk of the Circuit and County Courts, and a copy of same be forwarded to the Post Office serving that area, Supervisor of Elections and all concerned public safety agencies for their information, and that the proper notations be made on all maps of record.

7 6 8 5 5 7

95 MAR 23 AM 9:20

DONE, ORDERED AND ADOPTED, in regular session, this 21st day of March, A.D., 1995.
STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the foregoing is a true and correct copy of Resolution No. 95-64 witness my hand and official seal this 28th day of March 19 95.

SANDY CRAWFORD
Clerk Circuit Court
BY *E. M. Kelly* D.C.
ATTEST:
Sandy Crawford
Sandy Crawford, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By *Nancy N. Higgs*
Nancy N. Higgs, Chairman

AS APPROVED BY THE BOARD ON 3-21-95

(SEAL)

BK3464 PG0869

Ejdn

BREVARD County

BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



GEOGRAPHIC RESEARCH DIVISION, ADDRESS ASSIGNMENT OFFICE
Address Assignment / E-911 System
2725 St. Johns St., Suite A-146, Viera, Florida 32940

(407) 833-2081
FAX (407) 633-2081

April 4, 1995

Patricia J.W. Bayer
P.O. Box 551
Sharpes, FL 32959

Dear Mrs. Bayer:

Re: Naming Gopher Tortoise Trail & Persimmon Lane, private street (s) and/or access
Located in Sec.25/30, Twp.23 South, Range 35/36 East.

This is to notify you that the Board of County Commissioners, on March 21, 1995, officially named the following private access/street (s).

Gopher Tortoise Trail & Persimmon Lane

As a result of this street naming it will be necessary to change your address to indicate the new street name and number range.

- 4866 Gopher Tortoise Trail , for House located north of Camp Rd
- 4867 Gopher Tortoise Trail for Tri located north of Camp Road
- 5082 Persimmon Lane for Mobile home southeast corner lake # 1
- 5083 Persimmon Lane for Mobile home located northeast corner lake 2
- 5084 Persimmon Lane for mobile home mid lake # 2

Attached is a copy of the resolution and map indicating what was named.

Florida State statutes, Section 316.0745 states:

~~"(5) It is unlawful for any public body to sell any traffic control signal, guide or directional sign or device it manufactures to any nongovernmental entity or person."~~

TRUMAN SCARBOROUGH, JR.
District 1

RANDY O'BRIEN
District 2

NANCY HIGGS
District 3

MARK COOK
District 4

SCOTT ELLIS
District 5

TOM N. JENKINS
County Manager

SCOTT L. KNOX
County Attorney

SANDY CRAWFORD
Clerk

April 4, 1995
Patricia J.W. Bayer
Page 2

Since it has been determined that Brevard County can not sell street name signs to private individuals, and a need exist to install a street name sign on your private roadway, the following criteria should be adhered to in order that uniformity can be established with Brevard County signing. Brevard County does not maintain or install these signs.

The street name sign should be a 6"x 24" blade made of aluminum, covered with reflective material, showing a white background with green letters, both sides. Installation instructions are included on the attached diagram.

Several sign companies listed in the Yellow Pages can provide your signing needs. To minimize liabilities, a STOP sign is suggested.

We appreciate your cooperation. If we can be of further assistance please feel free to call.

Very truly yours,



Sharon G. Camp
Address Assignment Supervisor
E911 Address Assignment

/sgc

Attachments: A/S

CC: Truman Scarborough, Jr., Commissioner, District 1
John Sternagel, Director, Land Development Division
Gwen Heller, Land Development Specialist III

Ritchie, George C

From: Bruce M <brucem@mbveng.com>
Sent: Wednesday, February 21, 2018 6:16 PM
To: Ritchie, George C
Cc: Sterk, Erin
Subject: RE: Comments for a new PUD development - Watermark

Thanks George. This seems pretty minor and it will be addressed during the subdivision preliminary plat/engineering approval process.

Do you agree? If so, is this the only comment? Are we OK for public hearing? Or are you sending us one department comments at a time as you receive them?

Bruce A. Moia, P.E.

President, MBV Engineering, Inc.
1250 W. Eau Gallie Blvd., Unit L, Melbourne, FL 32935
P: 321.253.1510 C: 321.243.0583 F: 321.253.0911
BruceM@mbveng.com www.mbveng.com

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Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

This is not within our service area

Jim Helmer
Director
Brevard County Utility Services Department
Phone: (321) 633-2091
Fax: (321) 633-2095

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Cc: Sterk, Erin
Subject: RE: Comments for a new PUD development - Watermark

Gravity sewer mains to public lift station, then connect by forcemain to existing 6" forcemain (Cocoa public sewer) in the Camp Road ROW.

Bruce A. Moia. P.E.

President, MBV Engineering, Inc.
1250 W. Eau Gallie Blvd., Unit L, Melbourne, FL 32935
P: 321.253.1510 C: 321.243.0583 F: 321.253.0911
BruceM@mbveng.com www.mbveng.com

From: Ritchie, George C [<mailto:George.Ritchie@brevardfl.gov>]
Sent: Monday, February 26, 2018 10:38 AM
To: Bruce M <brucem@mbveng.com>
Cc: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Subject: FW: Comments for a new PUD development - Watermark

Bruce, how are you providing sewer for the Watermark PUD?

From: Ragain, Rebecca
Sent: Monday, February 26, 2018 10:31 AM
To: Ritchie, George C; Sterk, Erin
Cc: Calkins, Tad
Subject: RE: Comments for a new PUD development - Watermark

You might ask Bruce how they are going to provide sewer.

From: Ritchie, George C
Sent: Monday, February 26, 2018 10:15 AM
To: Sterk, Erin
Cc: Ragain, Rebecca; Calkins, Tad
Subject: FW: Comments for a new PUD development - Watermark

If this is not within the County's service area how are they going to obtain sewer? Should I call City of Cocoa?

From: Helmer, Jim E
Sent: Monday, February 26, 2018 9:56 AM
To: Ritchie, George C; Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

This is not within our service area

Jim Helmer
Director
Brevard County Utility Services Department
Phone: (321) 633-2091
Fax: (321) 633-2095

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:07 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

Good afternoon everyone,

I have been presented a preliminary development plan for the development of a new PUD in Cocoa located on the west side of Highway 1 just north of Camp Road. (Tax Accts: # 2317197, 2311798 and 2317200). Please review the proposal from the standpoint of your agency's responsibilities and respond to me by February 26, 2018. While the project will still require Subdivision plat approval, the Board of County Commissioners and the applicant should be advised of potential compliance issues. Staff is looking for major issues that would keep the project from being approved as proposed; site plan review analysis is not sought for this specific review. Thank you for your assistance.

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Fire Rescue - Frank Scates, Fire Marshal or Douglas Carter, Assistant Fire Marshal
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Land Development – Andrew Holmes, Engineering Manager
NRM – Darcie McGee, Special Projects Coordinator IV
NRM – Harvey Wheeler, Construction Coordinator
Parks and Recreation -Terry Stoms, Special Projects Coordinator III
Public Works/Road & Bridge – Keith Alward, Area Manager
Transportation – Corrina Gumm, P.E., Engineer III
Utilities Services Department –Jim E. Helmer, Director

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George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114

Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

Ritchie, George C

From: Stoms, Terrence K
Sent: Monday, February 26, 2018 3:30 PM
To: Ritchie, George C
Subject: RE: Comments for a new PUD development - Watermark

I have reviewed the Watermark PUD plans and they show that the recreations requirements will be met. Let me know if you need any further information.

Terry Stoms

Special Projects Coordinator III

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:07 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; McGee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

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Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

Ritchie, George C

From: Allen, Jeanne
Sent: Tuesday, February 27, 2018 4:14 PM
To: Ritchie, George C
Subject: RE: Comments for a new PUD development - Watermark
Attachments: 4340 FLUCCS code.PNG

George

Are you still looking for feedback on this?

My only concern is that there are couple of 'Upland mixed coniferous/hardwood ' FLUCCS codes of 4340 on southern part of the project as shown on attached. These codes typically have Specimen Oaks. Some of the 4340 polygons overlap open space areas which is good, but houses overlay portions of the 4340 code too. The amenity area completely overlays one of the 4340 polygons and there are structures proposed. Don't know if and where the Specimen Oaks are at this point and that really needs to be determined to save any of them before the PUD design is set in stone.

That being said, if there are specimen oaks in the open space areas or even close to an open space area, they need to preserve Specimen oaks the greatest extent feasible which includes moving proposed houses and structures around to save them.

Other NRM concerns were addressed in 18PZ00014 comments.

Please call if need to – thank you

Jeanne

From: Mcgee, Darcie A
Sent: Tuesday, February 27, 2018 2:48 PM
To: Arnal, Vanessa; Allen, Jeanne
Subject: FW: Comments for a new PUD development - Watermark

From: Ritchie, George C
Sent: Tuesday, February 27, 2018 11:29 AM
To: Mcgee, Darcie A
Subject: RE: Comments for a new PUD development - Watermark

Sure.

From: Mcgee, Darcie A
Sent: Tuesday, February 27, 2018 9:23 AM
To: Ritchie, George C
Subject: RE: Comments for a new PUD development - Watermark

I just realized Jeanne & Vanessa weren't copied. Can you give us today please. thanks!

From: Ritchie, George C
Sent: Monday, February 26, 2018 3:57 PM

To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

Does anyone still need to remit comments from your agency's point of view?

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:05 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

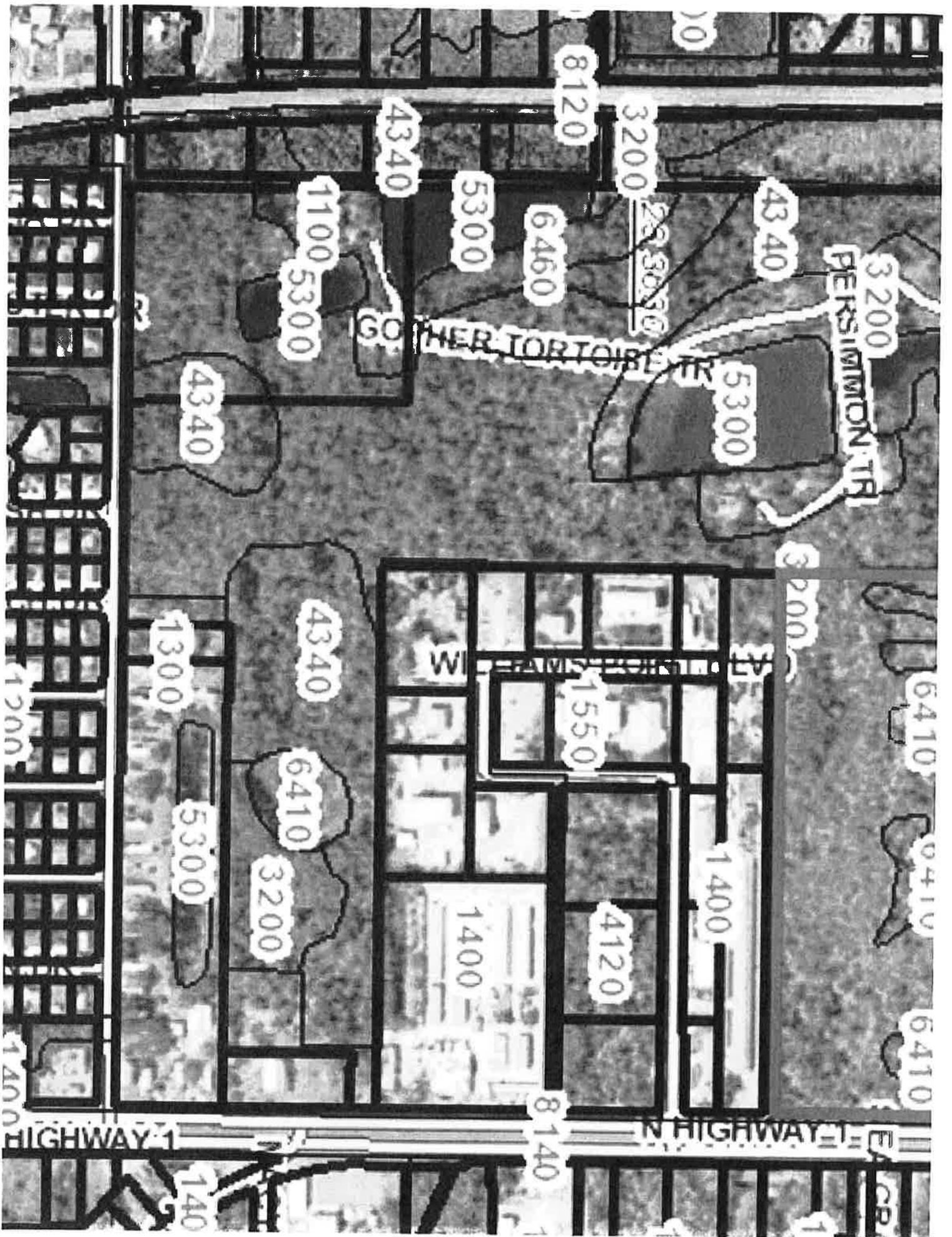
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George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940



Ritchie, George C

From: Allen, Jeanne
Sent: Thursday, March 01, 2018 10:28 AM
To: Ritchie, George C
Subject: Watermark PUD comments

George,
Here are our comments for Watermark.
Thank you
Jeanne

From: Mcgee, Darcie A
Sent: Thursday, March 1, 2018 10:25 AM
To: Allen, Jeanne
Subject: RE: Watermark PUD

The Board may wish to request additional information regarding the presence of Specimen Trees prior to approval of the final development plan in order to explore options to preserve Specimen Trees to the Greatest Extent Feasible. The proposed PUD contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Heritage Specimen Trees (greater than 24 inches in diameter) are included in this FLUCCS code and likely exist in the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for additional preservation and canopy coverage standards required for plat approval. Land clearing is not permitted without prior authorization by NRM.

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Basinger sand), indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65 3694(c)(6). Wetland delineations are subject to confirmation by the St. Johns River Water Management District. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, site plan or permit submittal.

It appears from a review of the PDP that the applicant proposes to exceed the maximum impervious area in aquifer recharge soils permissible per Chapter 62, Article X, Division 2, Aquifer Protection (35% or 45% based on site elevations). The subject parcel contains mapped aquifer recharge soils (Basinger sand, Pomello sand, Paola-Urban land complex 0 to Bradenton, Paola fine sand 0 to Candler-Urban land complex, and Cocoa sand). Thus, at the time of plat review, the applicant shall demonstrate that post-development recharge volume shall meet or exceed the pre-development recharge volume.

A portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Additionally, a large, mapped Florida Scrub Jay polygon exists approximately 500 feet to the west of the project site. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

From: Allen, Jeanne
Sent: Wednesday, February 28, 2018 3:13 PM
To: Mcgee, Darcie A
Subject: Watermark PUD

Darcie,

George wants us to comment, so this is what I propose. Also, I really want this opportunity to educate the Boards on some of our codes. After all, they did ask for direction on the drainage codes. I know You prefer not to use the definition of Greatest Extent Feasible, but I think it is important, because it is the teeth behind moving structures around before a plan is finalized.

The proposed PUD contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) code 4340 – Upland Mixed Coniferous/Hardwood trees. Heritage or Specimen trees are included in this FLUCCS code and may exist on the project area. Natural Resource Management Department (NRM) recommends that a tree survey of Specimen trees be completed prior to approval of the final development plan in order to preserve any Specimen trees to the Greatest Extent Feasible. Per the Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the Purpose and Intent of ordinance is to encourage the Protection of Heritage or Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions - Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas.

Jeanne

Jeanne Allen FCHP, PE

Environmental Resources Management
Natural Resources Management Department
2725 Judge Fran Jamieson Way
Viera, Florida 32940
321-633-2016 Ext. 52425

Jones, Jennifer

From: Ritchie, George C
Sent: Thursday, April 12, 2018 8:19 AM
To: Sterk, Erin; Ragain, Rebecca; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

Jennifer, please flag this email in the Board's packages. Survey says they will need a portion deeded to the county for Camp Road.

From: Sweeney, Michael
Sent: Wednesday, April 11, 2018 2:32 PM
To: Sterk, Erin; Ritchie, George C; Ragain, Rebecca
Cc: Vitale, Anthony; Holmes, Andrew
Subject: RE: Comments for a new PUD development - Watermark

To all;

The lands described in the latest deed for Tax Parcel 2317197 from Light Findings LLC to Watermark Investors LLC as described in Official records Book 8016, Page 2134 has a southerly boundary as being a portion of the south line of the West 1/2 of the SW 1/4 of Section 30 which is approximately the centerline of the asphalt roadway for Camp Road.

It appears the applicant has re-written the overall description which now excludes the south 25 feet of their portion of the West 1/2 of the SW 1/4 of Section 30. This still leaves the south 25 feet which contains Camp Road technically owned by Watermark Investors LLC less any prescriptive rights by Brevard County over Camp Road by Chapter 95-361. This leaves a gap between the limits of maintenance and north line of the south 25 feet. We do not allow gaps with respect to subdivisions. Our research did not find any deeded or platted right of way for this portion of Camp Road.

On the south side of Camp Road, we have the Plat of Williams Point Trailer Town by Plat Book 17, Page 83, which created 25 feet of right of way south of the section line.

To alleviate this gap and create a right of way totaling a minimum of 50 feet wide (25 feet each side of the section line), the applicant will need to provide the County with a deed for this 25 foot strip prior to platting. Another option would be to re-write the legal into a singular description to include all the lands within Official records Book 8016, Page 2134 (the south line being the section line) and create a 25-foot wide tract on the plat for dedicated right of way to be owned by Brevard County.

For the platting, the Boundary Survey, the Title Opinion, and the Plat will need to use the same, identical singular metes and bounds legal description.

Please note, turn lanes or other improvements required by other agencies, may necessitate additional County right of way needs.

Best regards,
Mike Sweeney, PSM
Brevard County Surveyor

From: Sterk, Erin
Sent: Wednesday, April 11, 2018 11:21 AM
To: Ritchie, George C; Ragain, Rebecca

Cc: Sweeney, Michael
Subject: RE: Comments for a new PUD development - Watermark

Based on yesterday's conversation about what the PDP associated with the PUD "vests" the applicant for, do we need to include this as a comment within the staff report or request that the applicant revise the submittal before it goes to the Board? It may result in shifting some units north or even the loss of a unit, so I want to be clear about what this holds them/us to in the future.

From: Ritchie, George C
Sent: Monday, February 19, 2018 8:17 AM
To: Sterk, Erin; Ragain, Rebecca
Cc: Sweeney, Michael
Subject: RE: Comments for a new PUD development - Watermark

I also think it should be part of the future subdivision review not at the zoning stage to obtain PUD zoning.

From: Sterk, Erin
Sent: Friday, February 16, 2018 4:56 PM
To: Ragain, Rebecca; Ritchie, George C
Cc: Sweeney, Michael
Subject: RE: Comments for a new PUD development - Watermark

Sounds good to me if Mike and George agree.

From: Ragain, Rebecca
Sent: Friday, February 16, 2018 10:42 AM
To: Ritchie, George C
Cc: Sweeney, Michael; Sterk, Erin
Subject: Re: Comments for a new PUD development - Watermark

If the plan does not need to be revised due to additional right of way needs, we can move forward and perhaps add an advisory statement that the need for right of way on Camp road will be addressed with the subdivision plat review. Does that work for everyone?

Sent from my iPhone

On Feb 16, 2018, at 8:42 AM, Ritchie, George C <George.Ritchie@brevardfl.gov> wrote:

Is this a concern I need to have addressed now before the BCC or a subdivision comment for a future review of a subdivision? I thought the legal description accounts for frontage to Camp Road.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Sweeney, Michael
Sent: Thursday, February 15, 2018 3:16 PM
To: Ritchie, George C; Mahaney, Regina R; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
Subject: RE: Comments for a new PUD development - Watermark

George,
Please note that if they are using Camp Road as an access connection, the abutting deeds do not include a strip along Camp Road, however we have not found any deeded or platted right of way documents for that portion of Camp Road. If the development abuts Camp Road, this may be an opportunity to address some of the right of way concerns for Camp Road.

Best regards,
Mike Sweeney, PSM
Brevard County Surveyor

From: Ritchie, George C
Sent: Thursday, February 15, 2018 3:07 PM
To: Mahaney, Regina R; Sweeney, Michael; christie.mcnamara@flhealth.gov; Scates, Franklin B; Calkins, Tad; Holmes, Andrew; Mcgee, Darcie A; Wheeler, Harvey; Stoms, Terrence K; Alward, Keith A; Gumm, Corrina; Helmer, Jim E
Cc: Ragain, Rebecca; Sterk, Erin; Jones, Jennifer
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NRM – Harvey Wheeler, Construction Coordinator

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Brevard County Planning & Development Department
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Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

POTABLE WATER SERVICE CAPACITY AVAILABILITY CERTIFICATE

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

I. Unit of Government or Entity Issuing Certificate: City of Cocoa

II. Applicant/Owner Information

Owner: WATERMARK INVESTORS, LLC Applicant: Craig Harris
Address: 1270 N. ORANGE AVE SUITE D Address: 210 S. Hoagland Blvd
WINTER PARK, FL 32789 Kissimmee, FL 34741

Phone No. (home) _____ Phone No. (home) _____
(work) _____ (work) 407 590-0146

III. Legal Description and Development Proposal

23 36 30 00 251 & 258
Township Range Section Subdivision Block/Parcel Lot

Subdivision Name N/A
Site Acreage 128.4 Zoning Classification GU, IU, IU-1 (EXISTING) (PUD PROPOSED)

If Residential Type of Residential RES4
Maximum Number of Dwelling Units 417

If Non-residential Specific Uses _____
Square Footage _____

IV. Availability of Potable Water Service

The following potable water capacities are available as of the date of this application.

417 # of units or equivalent non-residential units

110,505 gallons/day @ 265 gallons/residential unit/day

Affected Facility: Claude H Dyal Plant

As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.

As of the date of this application potable water capacities are not available.

Lorna Etzman, Eng.
Signature and Title

City of Cocoa
Jurisdiction

12-8-17
Date

V. The subject property is in an area not served by a public water supply system and will be utilizing a private well. Location of said well(s) must be shown on site plan.

Signature and Title

Jurisdiction

Date

SANITARY SEWER SERVICE CAPACITY AVAILABILITY CERTIFICATE

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I. Unit of Government or Entity Issuing Certificate: City of Cocoa

II. Applicant/Owner Information

Owner: <u>WATERMARK INVESTORS, LLC</u>	Applicant: <u>Craig Harris</u>
Address: <u>1270 N. ORANGE AVE SUITE D</u> <u>WINTER PARK, FL 32789</u>	Address: <u>210 S. Hoagland Blvd</u> <u>Kissimmee, FL 34741</u>
Phone No. (home) _____	Phone No. (home) _____
(work) _____	(work) <u>407 590-0146</u>

III. Legal Description and Development Proposal

<u>23</u>	<u>36</u>	<u>30</u>	<u>00</u>	<u>251 & 258</u>
Township	Range	Section	Subdivision	Block/Parcel Lot
Subdivision Name <u>N/A</u>				
Site Acreage <u>128.4</u>		Zoning Classification <u>DU, RU, RU-1 (EXISTING) PUD PROPOSED</u>		
If Residential	Type of Residential <u>RES4</u>			
	Maximum Number of Dwelling Units <u>417</u>			
If Non-residential	Specific Uses _____			
	Square Footage _____			

IV. Availability of Sanitary Sewer Service

The following sanitary sewer capacities are available as of the date of this application.
417 # of units or equivalent non-residential units (annexation agreement/lift station)
104,250 gallons/day @ 250 gallons/residential unit/day
 Affected Facility: Sellers Plant
 As of the date of this evaluation sufficient capacity is available for the project described in Sections III & IV.
 As of the date of this application sanitary sewer capacities are not available.

<u>Lorna Ethron Eng.</u>	<u>City of Cocoa</u>	<u>12-8-17</u>
Signature and Title	Jurisdiction	Date

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

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

Signature and Title	Jurisdiction	Date

SOLID WASTE CAPACITY RESERVATION CERTIFICATE

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

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

II. Applicant/Owner Information:

Owner WATERMARK INVESTORS, LLC
Address 51270 N. ORANGE AVE SUITE D
5 WINTER PARK, FL 32789
Phone No. (Home) _____
(Work) _____

Applicant Craig Harris
Address 210 S. Hoagland Blvd
Kissimmee, FL 34741
Phone No. (Home) _____
(Work) 407 590-0146

III. Legal Description and Development Proposal:

Section 23 Township 36 Range 30
Subdivision N/A Block 00 Lot 251 & 258

Site Acreage 128.4 Zoning Classification GU, IU, IU-1 (EXISTING) PUD PROPOSED

If Residential: Type of Residential RES4
Maximum Number of Dwelling Units 417

If Non-Residential: Specific Uses _____
Square Footage _____

IV. Capacity Reservation for Solid Waste

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

834 tons/year

DEVELOPMENT ORDER Site Plan

Reservation Period:

Beginning 12/8/17
Ending 12/7/18

Affected Facility: BREVARD COUNTY LANDFILL

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

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

Joanneel Administration Secretary
Signature and Title

Date 12/8/17

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School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Desmond K. Blackburn, Ph.D., Superintendent

January 10, 2017

Ms. Erin Sterk
Planner III/Grants Administrator
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Watermark Subdivision
School Impact Analysis – Capacity Determination CD-2017-01**

Dear Ms. Sterk,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on January 10, 2017. The subject property consists of two parcels, tax account numbers 2317200 and 2317197, containing approximately 130 acres in Brevard County, Florida. The proposed Land use change would result in an increase in the number of residential units permitted by 501 dwelling units. The School Concurrency Determination of this proposed development has been undertaken based on the proposed development. The following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2017-18 to 2021-22 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2016-2017 to 2021-22* which is attached for reference.

Single Family	501		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	140.28	140
Middle	0.08	40.08	40
High	0.16	80.16	80
Total	0.52		260

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

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Fairglen	753	753	819	885	951
Cocoa	1,782	1,782	1,850	2,007	2,142
Cocoa	1,782	1,782	1,850	2,007	2,142

Projected Student Membership

School	2017-18	2018-19	2019-20	2020-21	2021-22
Fairglen	707	755	820	878	927
Cocoa	1,599	1,724	1,858	2,012	2,147
Cocoa	1,599	1,724	1,858	2,012	2,147

Students Generated by Previously Issued SCADL Reservations

School	2017-18	2018-19	2019-20	2020-21	2021-22
Fairglen	-	-	-	-	-
Cocoa	-	-	-	-	-
Cocoa	-	-	-	-	-

**Cumulative Students Generated by the
Watermark Subdivision**

School	2017-18	2018-19	2019-20	2020-21	2021-22
Fairglen	-	39	77	116	140
Cocoa	-	11	22	33	40
Cocoa	-	22	44	66	80

**Total Projected Student Membership (includes
Cumulative Impact of the Watermark Subdivision)**

School	2017-18	2018-19	2019-20	2020-21	2021-22
Fairglen	707	794	897	994	1,067
Cocoa	1,599	1,735	1,880	2,045	2,187
Cocoa	1,599	1,746	1,902	2,078	2,227

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Fairglen	46	(41)	(78)	(109)	(116)
Cocoa	183	47	(30)	(38)	(45)
Cocoa	183	36	(52)	(71)	(85)

At this time, the concurrency service area for the middle and high school levels are projected to have insufficient capacity to accommodate the maximum potential residential development resulting from the Watermark Land Use change.

Because there is a shortfall of available capacity in the concurrency service area of the Watermark Subdivision, the capacity of adjacent concurrency service areas must be considered, per Interlocal Agreement Section 13.2(e). The adjacent Elementary School



Concurrency Service Areas are those of Atlantis, Enterprise, Challenger 7, Cambridge, and Saturn. The adjacent Middle School Concurrency Service Areas are those of Space Coast Jr/Sr High School and McNair Middle School. The adjacent High School Concurrency Service Areas are those of Space Coast Jr/Sr High School and Rockledge High School. A table of capacities of the *Adjacent School Concurrency Service Areas* that could accommodate the impact of the Watermark Subdivision is shown.

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Enterprise	729	729	729	729	729
Space Coast	1,812	1,812	1,812	1,812	1,812
Space Coast	1,812	1,812	1,812	1,812	1,812

Projected Student Membership

School	2017-18	2018-19	2019-20	2020-21	2021-22
Enterprise	530	499	473	450	441
Space Coast	1,520	1,485	1,526	1,590	1,606
Space Coast	1,520	1,485	1,526	1,590	1,606

Students Generated by Previously Issued SCADL Reservations

School	2017-18	2018-19	2019-20	2020-21	2021-22
Enterprise	-	-	-	-	-
Space Coast	-	-	-	-	-
Space Coast	-	-	-	-	-

**Cumulative Students Generated by the
Watermark Subdivision**

School	2017-18	2018-19	2019-20	2020-21	2021-22
Enterprise	-	39	77	116	140
Space Coast	-	11	22	33	40
Space Coast	-	22	44	66	80

**Total Projected Student Membership (includes
Cumulative Impact of the Watermark Subdivision**

School	2017-18	2018-19	2019-20	2020-21	2021-22
Enterprise	530	538	550	566	581
Space Coast	1,520	1,496	1,548	1,623	1,646
Space Coast	1,520	1,507	1,570	1,656	1,686

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

School	2017-18	2018-19	2019-20	2020-21	2021-22
Enterprise	199	191	179	163	148
Space Coast	292	316	264	189	166
Space Coast	292	305	242	156	126



Considering the adjacent elementary, middle, and high school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Watermark Subdivision Land Use change.

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

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

Sincerely,



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

Enclosure: *Brevard County Public Schools Utilization 2016-17 to 2021-22*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2017-01



January 25, 2018

Mr. George Ritchie
Brevard County Planning & Development
2725 Judge Fran Jamieson Way
Viera, FL 32940

Via Email <George.Ritchie@brevardfl.gov>

Subject: Watermark PUD – Rezoning & Comp Plan Amendment
Brevard County, FL
Engineer's Project Number: 16-1071

Dear Mr. Ritchie:

Per our submitted design for the Rezoning request to PUD, our typical lot plan is of a 40 foot wide lot with minimum area of 4,800 square feet. These lot dimensions fail to meet minimum code required by Section 62-1446 (d) (1).

Based on the location of the project, the market conditions, the desire of the developer, the amount of open space provided, and in order to avoid as many wetland impacts as possible, we are formally requesting a waiver from the Board of County Commissioners.

Thank you in advance for your consideration. Should you require further information or clarification, please call.

Sincerely,

Bruce A. Moia, P.E.
President

Exhibit A – PUD Zoning code

Subdivision V. - Planned Unit Developments^[2]

Sec. 62-1441. - PUD—Definitions and rules of construction.

For the purpose of this subdivision, certain words and terms used in this subdivision shall be defined as provided in this section. Words used in the present tense shall include the future tense, words used in the singular number shall include the plural number, and words used in the plural number shall include the singular number. The word "shall" is mandatory. The word "person" includes any individual, group of persons, firm, corporation, association or organization, and any legal public entity.

Common open space means a parcel or parcels of land, or a combination of land and water, within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space shall be integrated throughout the planned unit development to provide for a linked recreational/open space system. All common open space shall complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.

Development plan means the total site plan of the planned unit development drawn in conformity with the requirements of this subdivision. The development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads and common open space.

Development schedule means a comprehensive statement showing the type and extent of development proposed and the order in which development is to be undertaken. A development schedule shall contain an exact description of the relative order of development of residential, non-residential, common open space and other improvements. The purpose of the development schedule is to assure that 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.

Development of Regional Impact and DRI means a development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. This term shall have the same meaning as defined in F.S. ch. 380.06. The DRI sub-designation of the PUD zoning classification is intended to implement the DRI land use designation of the county comprehensive plan for approved DRI projects with residential components. The classification and sub-designation may comprise some or all of a DRI.

Final engineered development plan means the engineered subdivision plan approved by the board of county commissioners and recorded with the clerk of the circuit court of the county according to the provisions of this subdivision, or the approved engineered site plan for any stage or tract within the PUD.

Planned unit development and PUD means an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible uses and common open space.

Preliminary development plan means the development plan approved by the board of county commissioners and filed with approval by the county of a planned unit development zoning classification on the official zoning map of the county.

Preliminary development plan application means the application for zoning approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this subdivision.

Tract means an area delineated within a stage, except single-unit lots, which is separate unto itself, having a specific legal description of its boundaries. A tract will delineate all land uses such as common open space, recreational areas, residential areas (except single-unit lots), commercial areas and all other applicable areas.

(Code 1979, § 14-20.11(B); Ord. No. 95-48, § 1, 10-19-95; Ord. No. 03-52, § 1, 12-16-03)

Cross reference— Definitions generally, § 1-2.

Sec. 62-1442. - Same—Purpose and intent.

- (a) The planned unit development 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.
- (b) This subdivision is intended to establish procedures and standards for planned unit developments within the unincorporated areas of the county, in order that the following objectives may be attained:
 - (1) Accumulation of significant areas of usable open spaces for the preservation of natural amenities.
 - (2) Flexibility in design to take the greatest advantage of natural land, trees, historical features and other features.
 - (3) Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environment and living units.
 - (4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.
 - (5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.
 - (6) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.
 - (7) Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the county of proposed land use, site considerations, lot and setback considerations, public needs and requirements, and health and safety factors.
- (c) 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. Where the PUD is part of a development of regional impact, the applicant may also propose alternative development standards to any land development regulation in articles II, VIII, IX, or XIII of chapter 62 of the Brevard County Code, in addition to those in articles VI or VII. 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. 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.

(Code 1979, § 14-20.11(A); Ord. No. 95-48, § 1, 10-19-95; Ord. No. 09-35, § 1, 12-15-09)

Sec. 62-1443. - Same—Permitted uses.

(a) The PUD zoning classification is designed to allow an applicant to submit a proposal for consideration, for any use or mixture of uses, and to allow the board of county commissioners to approve any proposal which it believes to be in the best interest of the public health, safety and welfare, along with any conditions or limitations thereon which the board of county commissioners deems advisable. Rezoning to the PUD zoning classification shall be an entirely voluntary procedure to be pursued only at the option of the applicant. Approval of the PUD zoning classification rests with the board of county commissioners, based upon its determination that the proposed development is in the best interests of the county. However no nonresidential land uses shall be permitted within the PUD unless the following criteria area met:

(1) Nonresidential land uses accessory to planned residential uses may be requested within the PUD provided they meet one of the following locational criteria.

a. Where the proposed nonresidential use is located consistent with the future land use map series; or

b. Where the proposed nonresidential use is completely internal and accessory to the proposed development and the developer demonstrates to the satisfaction of the board of county commissioners that the land uses proposed demonstrates a rational development scheme, interrelated to the development as a whole, which promotes the goals of the PUD zoning classification found in section 62-1442.

(2) Nonresidential land uses which are not permitted uses in the BU-1 zoning classification must be specified in the preliminary development plan (PDP) application. Proposed uses, setbacks, building heights, buffers and signs shall be submitted with the PDP along with a narrative justification of how these elements help meet the goals of the PUD zoning classification found in section 62-1442.

(3) Parks and public recreational facilities.

(4) Institutional uses such as, but not limited to schools, churches or other public or nonprofit uses as specifically designated on the preliminary development plan.

(5) Uses designated and permitted as part of a DRI development order.

(b) Permitted uses with conditions are as follows:

Group homes, level I development within any residential tracts, subject to the requirements set forth in section 62-1835.9.

Group homes, level II development within multi-family residential tracts, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Resort dwellings.

(Code 1979, § 14.20.11(C); Ord. No. 95-47, § 48, 10-19-95; Ord. No. 95-48, § 1, 10-19-95; Ord. No. 96-16, § 51, 3-28-96; Ord. No. 2003-03, § 24, 1-14-03; Ord. No. 03-52, § 2, 12-16-03; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 27, 12-6-07)

Editor's note— Ord. No. 03-52, § 2, adopted December 16, 2003, enacted provisions designated as subsections (a)(4) and (a)(5). At the discretion of the editor, the provisions formerly designated as subsection (a)(4) have been redesignated as subsection (a)(6).

Sec. 62-1443.5. - Same—Accessory buildings and uses.

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. Accessory uses customary to non-residential uses are permitted within non-residential tracts. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(Ord. No. 2002-49, § 30, 9-17-02)

Sec. 62-1444. - Same—Conditional uses.

Uses otherwise listed as conditional use permits in this division 5, subdivision III of this article may be specified as part of a preliminary development plan application process without the necessity to request a separate conditional use permit, as long as the requested use is consistent with the comprehensive plan. Owners of parcels within the PUD may request additional conditional use permits after the preliminary development plan is approved by undertaking the standard conditional use permit application process without applying for an amendment to the PUD preliminary development plan.

(Code 1979, § 14.20.11(D); Ord. No. 95-47, § 49, 10-19-95; Ord. No. 95-48, § 1, 10-19-95; Ord. No. 95-49, § 18, 1995)

Sec. 62-1445. - Same—Maintenance and operation of common facilities and common open space.

- (a) Common open space, drainage systems, private roads and other related common facilities shall be maintained for their intended purpose as expressed in the final development plan. One or a combination of the following methods shall be utilized for maintaining common facilities:
- (1) Maintenance may be provided for by public dedication to the county. This method is subject to formal acceptance by the county in its sole discretion.
 - (2) Maintenance may be provided for by establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common facilities.
 - (3) Maintenance may be provided for by retention of ownership, control and maintenance of common facilities by the developer.
 - (4) The developer may also request or the county may require that the maintenance of common facilities be funded through a municipal service taxing or benefit unit as provided by F.S. § 125.01.
 - (5) Maintenance may be provided by a community development district or other non-profit, public or quasi-public agency whose stated purpose includes perpetual maintenance of such common facilities.
- (b) All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. Such deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

- (c) All common open space and recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
- (d) If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:
 - (1) The developer must establish the association or nonprofit corporation prior to the sale of any lots, parcels or tracts.
 - (2) Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development, and the association or corporation shall not discriminate in its members or shareholders.
 - (3) The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, and shall provide for the maintenance, administration and operation of such land and any other land within the planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land.
 - (4) If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space, or appropriate shares in the association.

(Code 1979, § 14-20.11(E); Ord. No. 95-48, § 1, 10-19-95; Ord. No. 03-52, § 3, 12-16-03)

Sec. 62-1446. - Same—Land use regulations.

- (a) *Minimum size.*
 - (1) The minimum size for a PUD shall be ten acres, except within the Merritt Island Redevelopment Area, where the minimum size for a PUD shall be seven acres.
- (b) *Maximum density.*
 - (1) The average density permitted in each PUD shall be established by the board of county commissioners, upon recommendation of the planning and zoning board. The criteria for establishing an average density include existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the recommended density of any land use involving the area in question. In no case shall the overall number of dwelling units permitted in the PUD be inordinately allocated to any particular portion of the total site area.
 - (2) Where a developer elects to develop the property in stages, the cumulative density with each subsequent stage must be approximately the same as the overall density approved for the entire project in that such cumulative density shall not vary upward more than two units per acre, except in the PUD-DRI classification and sub-designation, where the approved DRI maximum density shall control. Upon completion of all stages, the final density shall not exceed the density approved in the preliminary development plan.
- (c) *Minimum common recreation and open space.* A portion of the gross site acreage shall be delineated as tracts for common recreation and open space to be weighted based upon the mixture of residential uses in the PUD according to the following schedule:

	Percent
Multifamily and single-family attached	25

Single-family and duplex with lots < ½ acre	10
Single-family with lots ≥ ½ acre	0

Gross site acreage, for the purpose of this section, shall be defined as the total acreage of the parcel designated PUD, less any portions that are designated for commercial, industrial or institutional use.

Regardless of the above, common recreation open space shall be provided at a minimum rate of 1.5 acres per 100 residential units, regardless of type. Required open space may be satisfied by either active recreation or passive recreation open space, as defined by section 62-1102.

Allocation of common recreation and open space facilities shall be determined utilizing the definition of the term "usable common open space" in section 62-1102.

(d) *Minimum lot area, frontage and setbacks; accessory uses.*

- (1) The minimum lot size for detached single-family structures shall be an area not less than 5,000 square feet and having a width of not less than 50 feet. 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 (e.g., are directly adjacent to or abut a common open space area) and the arrangement of dwelling units provides for adequate separation of units and the living area of the dwelling unit or units is properly related to the configuration of the proposed lots.
- (2) Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly, via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The county shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area to meet emergency needs, to conduct county services, and to generally ensure the health and safety of the residents of the PUD.
- (3) Setbacks and minimum distances between structures are as follows:
 - a. Single-family detached structures shall be set back not less than five feet from the side lot lines for lots less than 75 feet in width. Seven and one-half feet from the side lot lines for lots at least 75 feet but less than 100 feet in width, and ten feet from the side lot lines for lots at least 100 feet in width. Single-family detached structures shall be set back not less than 20 feet from the rear lot line, except that screened porches may be set back not less than ten feet. On a corner lot, the side street setback shall be not less than 15 feet. However, if a corner lot is contiguous to a key lot, then the side setback shall be in accordance with the front setback provided in subsection (d)(4) of this section. The board of county commissioners may reduce the required side setbacks and the distances between structures provided that proposed structures do not abut utility easements or otherwise affect the ability to provide and maintain utility service to each lot.
 - b. Separation between structures of two stories or less shall be 15 feet.
 - c. Separation between structures of three stories shall be 20 feet.
 - d. Separation between structures of four stories shall be 25 feet.
 - e. Separation between structures over four stories shall be five feet for each additional story.
 - f. Between structures of varying heights, the larger distance separation shall be required.

- (4) Except for single-family detached structures, setbacks required between the nearest part of any building wall and the edge of any public right-of-way or private street pavement shall be 25 feet unless waived by the board of county commissioners based on the recommendation of the planning and development services department and the public works department. For single-family detached structures on local public streets, the front setback shall be a minimum of 20 feet, except that an open porch attached to the residence may be set back a minimum of ten feet. On local private streets, the single-family detached structure shall be set back a minimum of 45 feet from the centerline of the private local street, except that an open porch may be set back a minimum of 35 feet from the centerline. A minimum 25-foot setback shall be maintained between the wall of any structure and the property line along the perimeter of the PUD unless waived by the board of county commissioners at the time the preliminary development plan is approved.
 - (5) On property bordering the ocean, a minimum of 30 percent of the ocean frontage shall be left open as breezeway/visual corridor. On property bordering a river, a minimum of 30 percent of the river frontage shall be left open as breezeway/visual corridor.
 - (6) On property bordering the ocean, setbacks from the ocean on oceanfront property shall be governed by the provisions of article XII of this chapter.
 - (7) Accessory structures shall be located behind the front building line of the principal structure. Accessory structures shall be set back not less than five feet from the side and rear lot lines for lots less than 75 feet in width, seven and one-half feet from the side and rear lot lines for lots at least 75 feet but less than 100 feet in width, and ten feet from the side and rear lot lines for lots at least 100 feet in width. On a corner lot, the side street setback shall be not less than 15 feet; however, if a corner lot is contiguous to a key lot, then the side setback shall be in accordance with the front setback provided in subsection (4), above.
 - (8) Nonresidential tracts shall be subject to the same development standards as are found in the BU-1-A, BU-1, BU-2 or industrial zoning classifications, as appropriate.
- (e) *Maximum height of structures.*
- (1) Where the property abuts any other land designated for single-family residential use or zoned for such use on the PUD preliminary or final development plan, the maximum height shall be 35 feet.
 - (2) Where the property abuts any other land designated for attached single-family or multifamily residential use or institutional use or zoned for such uses on the PUD preliminary or final development plan, the maximum height shall be 45 feet.
 - (3) Where the property abuts any other land designated for commercial use on the PUD preliminary or final development plan or zoned for commercial or industrial use, the maximum height shall be 60 feet.
 - (4) Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
 - (5) Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.
- (f) *Minimum floor area per unit.*
- (1) Single-family dwellings, attached or detached: 900 square feet unless waived by the board of county commissioners.
 - (2) Duplex: 750 square feet per unit.
 - (3) Multifamily dwellings:
 - a. Efficiency: 400 square feet.
 - b. One bedroom: 500 square feet.

- c. Two bedrooms: 750 square feet.
- d. Three bedrooms: 900 square feet.
- (4) Hotel and motel units, where permitted: 300 square feet.
- (5) The internal design of the structure shall be compatible with the lot and adjacent single-family dwellings.
- (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.
- (h) *Underground utilities.* Within the PUD, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Primary facilities providing service to the site of the PUD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted aboveground. The planning and zoning board may require that substations be screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the PUD.
- (i) *Development standards.* The minimum construction requirement for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of article VII of this chapter, pertaining to subdivisions. Design requirements with respect to streets, sidewalks and drainage may be waived by the county commission upon the recommendation of the planning and development services department and the public works department.

(Code 1979, § 14-20.11(F); Ord. No. 95-48, § 1, 10-19-95; Ord. No. 97-43, § 1, 11-20-97; Ord. No. 01-23, § 1, 5-22-01; Ord. No. 01-30, § 8, 5-24-01; Ord. No. 03-52, § 4, 12-16-03)

Sec. 62-1447. - Reserved.

Editor's note— Ordinance No. 95-48, § 1, adopted October 19, 1995, deleted § 62-1447 in its entirety. Formerly, such section pertained to classification of applications and derived from § 14-20.11(G) of the 1979 Code.

Sec. 62-1448. - Same—Approval of preliminary development plan and tentative zoning.

- (a) *Preapplication conference.* Before submission of a preliminary application for approval of a planned unit development zoning classification, the developer and his registered engineer, architects or site planner are encouraged to meet with the zoning official and such other personnel as necessary to determine the feasibility and suitability of his application. This step is encouraged so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of site and plan preparation.
- (b) *Preliminary application.*
 - (1) *Generally.* A preliminary application shall be submitted to the county by the developer requesting approval of the site as a planned unit development zone. The preliminary application shall contain the name of the developer, the surveyor and the engineer who prepared the development plan and topographic data map, and the name of the proposed planned unit development per the nomenclature provided in section 62-1447. (See PUD illustrations concerning the level of detail required.)
 - (2) *Exhibits; contents of development plan.* The following exhibits shall be attached to the preliminary application:

- a. A vicinity map indicating the relationship between the planned unit development and its surrounding area, including adjacent streets and thorough- fares.
- b. A development plan that shall contain but not be limited to the following information:
 1. The proposed name or title of the project, and the name of the engineer, architect and developer.
 2. North arrow, scale (one inch equals 200 feet or larger), date and legal description of the proposed site.
 3. The boundaries of the tract shown with bearings, distances, closures and bulkhead lines, all existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
 4. The name and location of adjoining developments and subdivisions.
 5. Proposed parks, school sites or other public or private open space.
 6. Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.
 7. Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary nonresidential uses, and the total number of dwelling units.
 8. Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
 9. Delineation of specific areas designated as a proposed stage.
 10. A general statement, including graphics, indicating proposed corridors of drainage and their direction, natural drainage areas, specific areas which are to function as retention lakes or ponds, anticipated method for accommodating runoff (curb and gutter, swales or other method), and treatment methods for discharge into area waterways for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.
 11. The general location within the site of each primary residential and secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.
 12. The proposed method of dedication and administration of proposed common open space.

(3) *Submittal.*

- a. The PUD zoning application and preliminary development plan shall be submitted concurrently to the county.
- b. The application shall include 18 black or blue line prints of the development plan of the proposed planned unit development, and the required exhibits.

(4) *Review procedure.*

- a. The preliminary development plan shall be reviewed formally by the county zoning office and such other departments of county government as necessary to determine the consistency of the plan with county plans and policies prior to the submission of the PUD zoning application to the planning and zoning board of the county. The planning and zoning board shall then review the preliminary plan.

- b. Upon completion of its review, the planning and zoning board shall recommend to the board of county commissioners the approval, approval subject to conditions, or disapproval of the preliminary development plan application.
 - (5) *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.
 - b. Compatibility within the planned unit development and relationship with surrounding neighborhoods.
 - c. Prevention of erosion and degrading of surrounding area.
 - 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.
 - e. The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.
 - f. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
 - g. The availability and adequacy of water and sewer service to support the proposed planned unit development.
 - h. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.
 - 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.
 - j. The conformity and compatibility of the planned unit development with any adopted development plan of the county.
 - k. The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses with the proposed planned unit development.
 - (6) *Action by board of county commissioners.* Upon receiving the recommendation of the planning and zoning board, the board of county commissioners shall, at a regularly scheduled public meeting, review the recommendation and preliminary development plan, and either approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the PUD zoning subject to acceptance of the final development plan. The decision of the board of county commissioners shall be based upon a consideration of the facts specified as review criteria for the planning and zoning board in subsection (b)(5) of this section.
 - (7) *Record of preliminary application.* If the preliminary development plan application is approved by the board of county commissioners, a copy of the application and required exhibits shall be maintained within the zoning division of the county.
- (c) *Amendment to approved preliminary development plan.* 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.

- (d) *Developments of regional impact (DRI).* any preliminary development plan approved under this section on a parcel that also constitutes some or all of a development of regional impact pursuant to F.S. ch. 380 shall be consistent with the provisions of this section as well as the provisions of the DRI development order and accompanying master plan. Approval of the DRI development order and master plan, including subsequent changes to such approved plan, shall constitute approval of, or changes to, the preliminary development plan, and shall not require separate action on the preliminary development plan. Any such project shall be designated as PUD-DRI on the official zoning maps.

(Code 1979, § 14-20.11(H); Ord. No. 95-48, § 1, 10-19-95; Ord. No. 97-49, § 7, 12-9-97; Ord. No. 03-52, § 5, 12-16-03)

Sec. 62-1449. - Same—Approval of final development plan; site plans.

- (a) *Time limits.* The developer shall have three years from the date of the approval of the preliminary development plan for a planned unit development classification in which to file a final development plan application for the entire property or any stage thereof. However, where a preliminary development plan approved under this section also constitutes some or all of a development of regional impact pursuant to F.S. Ch. 380, such preliminary development plan shall have the same lifetime as prescribed in the development order of the DRI. At the request of the developer, the zoning official may extend the period required for filing of such application for successive periods of one year each unless and until the comprehensive plan has been amended causing the preliminary development plan to become inconsistent with the comprehensive plan.
- (b) *Approval procedure; required submittals; recording of final development plan.*
- (1) *Approval procedure.*
- a. *Preapplication conference; coordination with county agencies.*
1. Reserved.
 2. The other county departments and agencies which should be contacted for guidance prior to submittal of a final development plan are the zoning office, public safety, the public works department and environmental health services. The applicant should have the PZ Form 100 initialed by each department and division contacted.
- b. *Reserved.*
- (2) *Scope and contents of final development plan; recording of final development plan; site plans.* The final development plan application may request approval for the entire planned unit development or any stage designated in the preliminary development plan containing a minimum of ten acres. A final development plan, in addition to containing the exhibits, schedule, information and documents required in subsection (b)(2)a of this section, shall conform to the requirements for site plans.
- a. *Exhibits; required information.* The following exhibits shall be attached to the final development plan application:
1. *Development plan.* The location and dimensions of each primary residential, secondary nonresidential and open space/recreational tract, including each tract's points of ingress and egress. The legal description of each of such tracts and the specific number of units, including the range of unit types to be constructed within each tract, shall be specified. These items will be affixed to the original linen drawing for recording purposes.

2. *Development schedule.* The development schedule shall contain the following information:
 - i. The order of construction of the tracts and blocks as delineated in the preliminary development plan.
 - ii. The proposed schedule for the construction and improvement of residential, non-residential, common open space, and other improvements relative to one another for the purpose described in the definition of "development schedule" as shown in section 62-1441.

(Code 1979, § 14-20.11(I); Ord. No. 95-48, § 1, 10-19-95; Ord. No. 97-49, § 8, 12-9-97; Ord. No. 03-52, § 6, 12-16-03)

Sec. 62-1450. - Same—Review of physical layout and amenities.

The county shall have the right to evaluate the physical layout, and amenities of the planned unit development and to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the development to ensure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the county.

(Code 1979, 14-20.11(J); Ord. No. 95-48, § 1, 10-19-95)

Sec. 62-1451. - Reserved.

Editor's note— Ordinance No. 95-48, § 1, adopted October 19, 1995, deleted § 62-1451 in its entirety. Formerly, such section pertained to issuance of building permits and derived from § 14-20.11(K) of the 1979 Code.

Sec. 62-1452. - Reserved.

Editor's note— Ordinance No. 95-48, § 1, adopted October 19, 1995, deleted § 62-1252 in its entirety. Formerly, such section pertained to bonds and derived from § 14-20.11(L) of the 1979 Code.

Sec. 62-1453. - Same—Termination of PUD zone.

Failure to submit final development plan. Failure of the developer to submit a final development plan for the entire development or a stage within the time periods specified in section 62-1449 shall cause approval of the complete preliminary development plan to be considered inactive pending reapplication by the applicant or administrative action by the board of county commissioners pursuant to section 62-1152.

(Code 1979, § 14-20.11(M); Ord. No. 95-48, § 1, 10-19-95)

Sec. 62-1454. - Reserved.

Editor's note— Ordinance No. 95-48, § 1, adopted October 19, 1995, deleted § 62-1454 in its entirety. Formerly, such section pertained to enforcement and derived from § 14-20.11(N) of the 1979 Code.

Sec. 62-1455. - Same—Transfer of development rights.

Where a developer owns more than one tract or parcel of land within the unincorporated area of the county, and each such tract or parcel meets the minimum size requirement of ten acres, or five acres in the South Beach areas of the county, the uses permitted in a planned unit development may be transferred from one tract or parcel of land to the other tract or tracts of land provided the following conditions are met:

- (1) The transfer of such uses must be justifiable as enhancing the use or nonuse of land in the public interest. The protection and preservation of some area of environmental concern is a prime example of the intent of this provision.
- (2) The tracts of land need not be contiguous; however, they shall be in close proximity to each other.
- (3) The activities and proposed uses of each tract must complement and be an integral part of the development of the other tract or tracts of land.
- (4) The transfer of uses from one parcel to the other shall not increase the overall density permitted for the total acreage involved.
- (5) When a use has been transferred from one tract of land to another, then the transfer shall be noted in the PUD file maintained by the county zoning office, and such designations and transfer of land shall become a binding condition on the use of the land for the developer and all subsequent owners of the property.
- (6) The transfer of the land uses may include a transfer of primary residential uses, secondary nonresidential uses, motel and hotel units and restaurants; provided, however, the transferred motel and hotel units may only be transferred to a tract or parcel of land that meets the minimum size requirement of 20 acres.

(Code 1979, § 14-20.11(O); Ord. No. 95-48, § 1, 10-19-95; Ord. No. 97-49, § 9, 12-9-97)

State Law reference— Regulations authorizing transfer of development rights encouraged, F.S. § 163.3202(3).

Secs. 62-1456—62-1460. - Reserved.

Secs. 62-1471—62-1480. - Reserved.

IV.A

OBJECTION
18PZ00014
Watermark Investors

Jones, Jennifer

From: Newell, Marcia
Sent: Tuesday, May 22, 2018 4:17 PM
To: Jones, Jennifer
Subject: FW: County Commissioner Rita Pritchett --Zoning Meeting March 7

Did you get this one for Thursday? It says March 7 but it is for IV A.

Thanks,

Regards,

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardcounty.us



District 1 Commission Office
2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

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: Mascellino, Carol
Sent: Monday, May 21, 2018 2:37 PM
To: Newell, Marcia
Subject: FW: County Commissioner Rita Pritchett --Zoning Meeting March 7

From: Mascellino, Carol
Sent: Thursday, May 03, 2018 3:39 PM
To: Pritchett, Rita
Subject: FW: County Commissioner Rita Pritchett --Zoning Meeting March 7

From: Patricia Bayer [mailto:bayeriii@juno.com]
Sent: Thursday, May 03, 2018 2:00 PM
To: Commissioner, D1

Cc: Bayer, Patricia JW

Subject: County Commissioner Rita Pritchett --Zoning Meeting March 7

May 3, 2018

To the Honorable County Commissioner Rita Pritchett:
D1.Commissioner@BrevardFL.gov

Our names are Patricia and Henry Bayer III, we live at 4866 Gopher Tortoise Trail, Cocoa, FL and at 5240 North US#1, Cocoa, FL. Both homes are in District 1 of Brevard County and in close proximity to the subject land on the agenda. We are writing to restate our concern for the numerous Gopher Tortoises on this property. One incompleted tortoise survey had a count of over 200 tortoises. The previous owner, Light Findings, LLC chose to ignore the state's warnings and continued to bulldoze and clear the land without doing the Federally mandated tortoise survey. Two mobile homes were removed and the land around them cleared without a state permit. There had been dozens of tortoises living along side the two mobile homes for over 40 years. The tortoises were not humanely removed as required by the Florida Fish and Wildlife Conservation Commission. The land clearing is viewable from the new aerials on the Brevard County Property Appraisers website

The letter we sent concerning this property last year is copied below. We do not know if any of the other problems were resolved and should not have been attempted until there was permission given from the state to bring in heavy equipment.

Thank you for the opportunity to address this issue again.

If we can be of any assistance please contact us at:

Patricia J.W. Bayer 321-638-4660 (h) 321-795-7870 cell

P.O. Box 551 Sharpes, Fla. 32959-0551

bayeriii@juno.com

Henry W. Bayer III 321-636-5768 (h) 321-271-4146 cell

5240 North US#1, Cocoa, Fla. 32927

On 3/1/2017 10:42 PM, Patricia Bayer wrote:

March 1, 2017

To the Honorable County Commissioner Rita Pritchett:

Our names are Patricia and Henry Bayer III, we live at 4866 Gopher Tortoise Trail, Cocoa, FL and at 5240 North US#1, Cocoa, FL. Both homes are in District 1 of Brevard County and in close proximity to the subject land on the agenda.. We are writing to voice our opinion to the request for changing the Comprehensive Plan Amendment of the property owned by Light Findings, LLC at the meeting on March 2, 2017.

In our opinion the Light Findings, LLC land should not be used for homes especially not for nice homes on 1/4 acre lots. They would be situated between low rent and high crime residential areas. They would also be subjected to many possible toxic situations from the surrounding businesses and industries. The church property would possibly be located far enough from any toxic accidents.

When we owned the land now owned by Light Findings, LLC we researched through the offices at the Viera Government Center about the various zonings on it and the property value in relation to each zoning. We were told that since the land had been used for a Septic Tank Company, a cement plant, a sawmill, mining activities and an auto salvage company that the land had been permanently damaged and that the value would be considered very low. Directly to the west of the land and running north and south of it along the railroad tracks have been asphalt plants dating back to the 1950s. In 1991 a high priority ground water investigation was done by the Florida Department of Environmental Regulation with assistance from the DER Central District. They dug 23 monitor wells on the subject property to determine flow and concentration of the groundwater contamination in the Mobile Ranch area. The source was found at the north end from an old asphalt plant property where barrels were buried. Mobile Ranch used private wells so all of them had to be placed on city water to protect the homeowners. The rest of the asphalt plant property nor the groundwater south of the one site was not searched for contamination but all the old plant workers told local property owners that many barrels were buried during the time the plants were operated. There were not any containments or remediation in the 1980s for the asphalt spills.

There are three mining constructed lakes on the property. After heavy rains there would be fish kills in the north lake from the auto salvage fluids. There is currently an underground storage for a septic company located there. Heavy rainfall would probably contaminate the water with human waste. The coquina lakes were originally dug at least 20 feet around the edges to prevent cattails from taking over the lakes. The cattails in the lakes now are growing where the sides have caved in from the long droughts in recent years. The lakes get hot in the summer and there were scuba diver training teams that told us that they found the Brain-Eating Amoeba, *Naegleria fowleri*. The lakes also attract alligators and are filled with the exotic waterweed Hydrilla.

The subject property is located on the north and south between two mobile home developments started in the early 1960s. Alongside the north end of the property is Cliff Berry, Inc. an industrial and commercial waste and emergency response toxic spill cleanup business. They use tankers and semi-trucks 24/7 365. They also service the human waste from the cruise ships. To the west of the railroad tracks is Quarno's Auto Salvage and the Morningside Mobile Home Park. Adjacent to the property on the northeast is a failed subdivision from the 1940s called MacArthur Circle that consists of a mixture of mobile/manufactured homes and a few cement block homes. To the southeast is the Williams Point Complex with car repair businesses, a gun testing company, Harrack Trucking and Landscaping, SPEC-R Racing and Performance Parts and Travelynx tour bus maintenance. These are all very noisy companies at the Complex.

The railroad tracks to the west of the property is for lane changing of freight trains. There is a siding track where a train pulls off and all the cars bang together one at a time as the train stops and another passes it. This noise can be heard in the early morning hours all the way to the river homes. Then the train must restart by re-aligning the train cars with more bangs. The really heavily loaded trains will shake the ground and rattle house windows.

A current search of the Florida Department of Law Enforcement's website for locating sexual offenders and predators will show 15 within a 1/2 mile of Light Findings, LLC's address on Industrial Drive and 86 within a mile radius. The offenders' locations are split between Mobile Ranch and Williams Point Mobile homes. Some are in temporary residence at the county jail which is in the one mile radius. There is daily walking traffic on Camp Road from the prison to US#1 to catch the bus. There are several lawyers and bail bondsmen to serve the prisoners within the same radius.

In our 35 years living here we must note that we have to call the County Sheriff's Department 3-4 times a year for theft, trespassing or property damage. The sheriffs are also called to the Mobile Ranch homes area on a daily basis. It might be of interest to check the crime reports for the immediate areas surrounding this plan to build new homes.

This letter is to also notify the Natural Resources Management Department that there are at least 6 abandoned septic tanks on the property. For their record there are over 200 Federally protected gopher tortoises on the property. We spoke with the BKI Environmental Consulting team from Indialantic, FL before they had finished the gopher tortoise survey and not all of the portions of the property were to be included in their survey.

It might be of interest to note that on the Property Appraiser's website the Light Findings, LLC land is listed as having a price of \$1.5 million on 8/17/2007 but no one ever paid that for the property. The 111 acres were sold at county auction for \$100 on 4/29/2014.

The applicant states that "The property was formerly used as a mining pit which now lies dormant and abandoned, creating an **eyesore** for the community." There are no empty pits on the property. There are three lakes fed by underground streams. These lakes are not visible from any public road and the private road is fenced and locked at all times.

Thank you for the opportunity to address this issue.

If we can be of any assistance please contact us at:

Patricia J.W. Bayer 321-638-4660 (h) 321-795-7870 cell
P.O. Box 551 Sharpes, Fla. 32959-0551
bayeriii@juno.com

Henry W. Bayer III 321-636-5768 (h) 321-271-4146 cell
5240 North US#1, Cocoa, Fla. 32927