



Agenda Report

Public Hearing

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Tabular
unsub 5/4

4/6/2023

H.13.

Subject:

Crane View, LLC (Steve Anderson) requests a change of zoning classification from RU-2-15, with an existing BDP, to RU-2-30, removal of existing BDP, and adding a new BDP. (22Z00071) (Tax Account 24112341) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-2-15 (Medium Density Multi-Family Residential), with an existing BDP (Binding Development Plan), to RU-2-30 (High-Density Multi-Family Residential), removal of existing BDP, and adding a new BDP.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-2-15 with an existing BDP, to RU-2-30, removal of existing BDP and adding a new BDP on 3.95 acres to develop the site as a multi-family complex with 90 units. The existing BDP limits the property to 48 units. This request would allow a density of 23 units/acre. The proposed RU-2-30 classification permits high density multi-family residential development of up to 30 unit per acre. Multi-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100 feet of lot width and depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75 feet of lot width depth. The applicant has submitted a companion application (22SS00016) to this Rezoning request to change the Future Land Use from RES 15 and NC to RES 30 DIR.

The character of the area is commercial along the west corridor of N. Courtenay Parkway (SR-3), with residential land uses further west in the surrounding areas. To the north is two, 1.12-acre parcels, each with RU-2-30 zoning and developed as condominiums. To the south are eight, 0.19-acre parcels and one 0.34-acre parcel developed as a single-family residential with RU-1-11 zoning. To the east, across N. Courtenay Parkway is a 1.88-acre parcel developed as retail commercial with BU-1-A zoning. To the west are three, 0.24-acre parcels developed as a single-family residential with RU-1-11 zoning.

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

MIRA heard the request on Thursday, February 23, 2023 and recommended approval.

On March 13, 2023, the Planning & Zoning Board heard the request and voted 8:2 to recommend approval.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

22Z00071

Crane View, LLC

**RU-2-15 (Medium-Density Multi-Family Residential) with a BDP
to RU-2-30 (High-Density Multi-Family Residential) and Amendment of BDP**

Tax Account Numbers: 2412341
Parcel I.D.: 24-36-14-00-589
Location: West side of N. Courtenay Pkwy., approximately 580 feet south of Butler Avenue (District 2)
Acreage: 3.95 acres

MIRA: 02/23/2023
Planning & Zoning Board: 03/13/2023
Board of County Commissioners: 04/06/2023

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-2-15	RU-2-30
Potential*	48 Multi-Family units with existing BDP	90 multi-family units with proposed BDP
Can be Considered under the Future Land Use Map	NO RES 15 & NC	YES** RES 30

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Approval is pending approval of companion request 22SS00016 which proposes to amend the Future Land Use designation from Residential 15 (RES 15) and Neighborhood Commercial (NC) to all Residential 30 (RES 30).

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-2-15 (Medium-Density Multi-Family Residential) with an existing Binding Development Plan (BDP) to RU-2-30 (High-Density Multi-Family Residential), and applicant is proposing an amendment of BDP on 3.95 acres to develop the site as a multi-family complex with an amended BDP limited to 90 multi-family residential units. The 3.95-acre subject property currently has unfinished and dilapidated multi-family structures from a previous site plan.

There are five (5) active liens on open code enforcement cases (21CE-01807, 20CE-01187, 18CE-00793, 18CE-00742, and 16CE-02285) associated with this property including two active violations for unsafe structure and failure to maintain vacant structure.

The existing Binding Development Plan (BDP) states:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit density to 48 units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida.
4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.
5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on May 29, 2008. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.
6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

The site has frontage on N. Courtenay Pkwy. (SR-3) and is located in the Merritt Island Redevelopment Area (MIRA).

The original zoning of the subject property was AU (Agricultural Use) the parcel was rezoned to RU-1 (Single-Family Residential) on August 04, 1960 per zoning action **Z-382**.

The RU-1 zoning on the parcel was Administratively replaced with the new zoning classification RU-1-11 on June 1, 1972 per zoning action **Z-2980**.

The parcel was rezoned from RU-1-11 to BU-1-A (Neighborhood Commercial) on the east 200 feet and to RU-2-15 (Medium-Density Multi-Family) on the remainder of the parcel on July 9, 1981 per zoning action **Z-5691**.

The parcel was rezoned from BU-1-A on the east 200 feet to BU-1 (General Retail Commercial) with the remainder rezoned from RU-2-15 to BU-1-A with a Binding Concept Plan (BCP) for professional office only on May 26, 1987 per zoning action **Z-7795**.

The parcel was rezoned from BU-1-A with a Binding Concept Plan and BU-1 to RU-2-12 (Medium-Density Multi-Family Residential) with removal of the Binding Concept Plan; and approval of a Conditional Use Permit (CUP) for an Independent Living Facility on August 3, 2000 per zoning action **Z-10413**.

The parcel was approved for a Conditional Use Permit (CUP) for an Adult Congregate Living Facility in an RU-2-12 zoning classification and removing the existing CUP for an Independent Living Facility on March 7, 2002 per zoning action **Z-10675**.

The Conditional Use Permit (CUP) **Z-10675** for an Adult Congregate Living Facility in an RU-2-12 zoning classification was Administratively removed on February 1, 2007 per zoning action **Z-11317(23)**.

The parcel was rezoned from RU-2-12 to RU-2-15 with a Binding Development Plan (BDP) limiting density to 48 units on July 9, 2008 per zoning action **Z-11432**.

Land Use

The subject property is currently designated as Residential 15 (RES 15) and Neighborhood Commercial (NC) FLU. The existing RU-2-15 zoning can be considered consistent with the existing RES 15 and NC FLU designation.

A companion application, **22SS00016**, if approved, would amend the Future Land Use designation from Residential 15 (RES 15) and Neighborhood Commercial (NC) to all Residential 30 (RES 30).

The proposed RU-2-30 zoning can be considered consistent with the proposed Residential 30 (RES 30) FLU designation.

The existing FLU RES 15 designation would allow for 59 units under FLUE Policy 2.10 if the Board deemed the scale and intensity as compatible with the abutting residential development.

When considering the existing development potential of the subject site, this request actually represents an increase of approximately 59 units.

Applicable Land Use Policies

FLUE Policy 1.3 – addresses the Residential 30 Directive land use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within this element. Parameters for this future land use designation include:

Criteria:

- A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

- 1. Areas located east of Interstate-95; and

The subject site is located 6.6 miles east of Interstate-95 (I-95).

2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or

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

3. Areas adjacent to existing Residential 30 land use designation; and

The subject site is not adjacent to an existing RES 30 land use designation. This request can be considered an introduction of RES 30 into the area. The closest RES 30 DIR is 3.1 miles south of the subject property on South Tropical Trail.

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to an arterial roadway. North Courtenay Parkway is classified as an Urban Principal Arterial roadway.

- B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or

The subject site is not part of an approved redevelopment plan.

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

The subject site is within the Merritt Island Redevelopment Agency (MIRA); however, the proposal is not part of a redevelopment plan approved by Board of County Commissioners.

The applicant has submitted a companion application (22SS00016) to this Rezoning request to change the FLU from RES 15 and NC to RES 30.

The proposed BDP limits the parcel to density of 90 dwelling units per acre.

- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from

perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The applicant has not proposed a Planned Unit Development. The subject site is not located within the CHHA.

The parcel is located in the Merritt Island Redevelopment Area (MIRA). Staff will update Board with results of this meeting.

FLUE Policy 1.2 - Public Facilities and Services Requirements

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

Criteria:

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

The subject site is within the City of Cocoa's service area for potable water. The closest centralized sewer line (Brevard) is located on the west side of N. Courtenay Pkwy. (SR-3). Connection to centralized sewer and potable water is required under Criterion C, above.

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

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

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

The applicant proposes to rezone 3.95 acres to RU-2-30 zoning classification and amend an existing BDP for the purpose of developing a multi-family complex with up to 90 units. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

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

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

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

1. historical land use patterns;

The character of the area is commercial along the west corridor of N. Courtenay Pkwy. (SR-3) with residential land uses further west in the surrounding areas. There are four (4) FLU designations within 500 feet of the subject site: CC, NC, RES 6 and RES 15. The predominant FLU designation along this west section of N. Courtenay Pkwy. is RES 15.

Although the abutting parcels to the north are zoned RU-2-30 (30 units per acre density) these parcels have a FLU designation of RES 15 (15 units per acre density) which is not consistent/compatible with RU-2-30 zoning. This request may be considered an introduction of RES 30 (30 units per acre density) into the area along the west N. Courtenay Pkwy. (SR-3).

The most recent FLU amendment (21S.09) in this area was adopted March 3, 2022 by Ordinance 22-05 to change the FLU designation from NC to CC on 0.92 acres 233 feet to the southeast of the subject property on N Courtenay Parkway. That parcel is currently undeveloped.

2. actual development over the immediately preceding three years.

There has not been any actual development within this area in the preceding three (3) years.

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

While there has not been any new development in the preceding three (3) years, one zoning action has been approved within one-half mile.

20Z00042, approved by the Board on November 3, 2022, was a request to amend a BDP to add car wash use on an 8.89-acre parcel with BU-1 zoning located approximately 136 feet northeast of the subject property at the southeast corner of Skyline Boulevard and North Courtenay Parkway.

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

No material violation of relevant policies has been identified.

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

The developed character of the area is commercial along the west side of N. Courtenay Pkwy (SR-3) abutting the east 200 feet of the parcel along the north and transitions to residential zoning abutting the south of the property and the west of the property. The residential zoning in the area is RU-2-15 medium density multi-family residential abutting the parcel to the north and RU-1-11 single-family residential abutting the parcel to the south and west which allows for 7,500 sq. ft. lots.

The existing RES 15 and NC designations on the parcel would allow for 59 units under FLUE Policy 2.10 if the Board deemed the scale and intensity as compatible with the abutting residential development.

When considering the existing development potential of the subject site, this request represents an increase of approximately 31 units.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Multi-family and bank	RU-2-30 & BU-1-A	RES 15 & NC
South	Single-family	RU-1-11	RES 15
East	Road Right-of-Way East of ROW Commercial retail plaza	East of ROW BU-1-A	NC
West	Single-family	RU-1-11	RES 15

To the north is two 1.12-acre parcels, each with RU-2-30 zoning and developed as multi-family condominiums.

To the south are eight 0.19-acre parcels and one 0.34-acre parcel developed as a single-family residence with RU-1-11 zoning.

To the east, across N. Courtenay Pkwy., is a 1.88-acre parcel developed as retail commercial with BU-1-A zoning.

To the west are three 0.24-acre parcels developed as a single-family residence with RU-1-11 zoning.

The current RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The proposed RU-2-30 classification permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Pkwy., from Crockett Blvd. to Pioneer Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 68.62% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.91%. The corridor is anticipated to operate at 69.53% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development. There is sufficient capacity at Mila Elementary School, Jefferson Middle School, and Merritt Island High School for the total of projected and potential students from this development.

The parcel is within the City of Cocoa utilities service area for public water. The closest centralized sewer line (Brevard County) is located on the west side of N. Courtenay Pkwy. (SR-3).

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary
Item #22Z00071

Applicant: Steve Anderson/Larry Poliner

Zoning Request: RU-2-15 to RU-2-30, with new BDP limiting to 90 units

Note: Applicant wants to demo partially completed residential development, and construct new multi-family development.

P&Z Hearing Date: 03/13/23; **BCC Hearing Date:** 04/06/2023

Tax ID No: 2412341

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Taveres fine sand, 0-5% slopes) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 2 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

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 and minimum landscaping requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

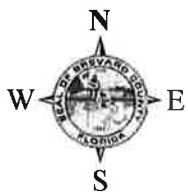
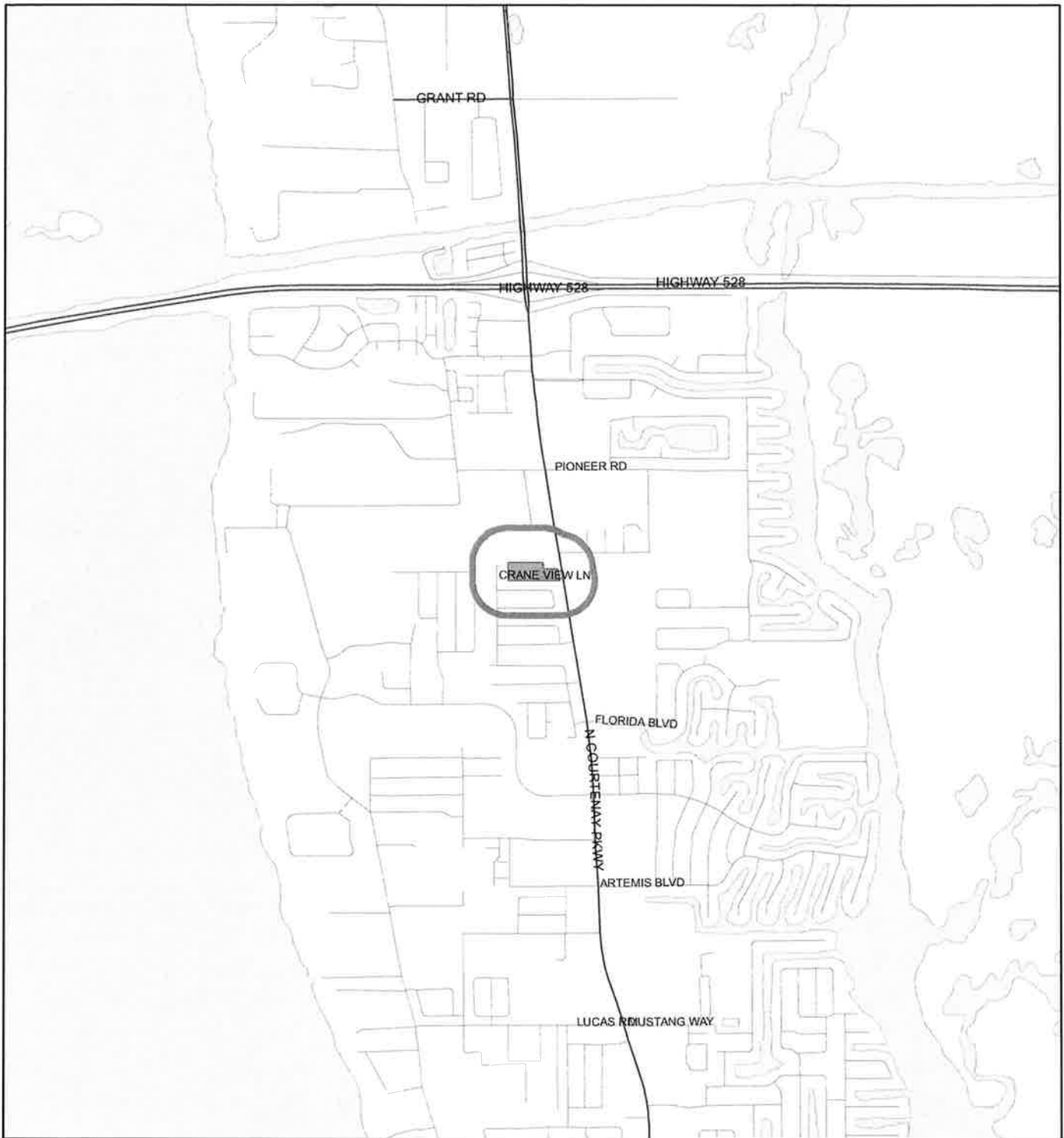
Protected Species

Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

CRANE VIEW LLC

22Z00071



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

Buffer Distance: 500 feet

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

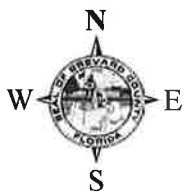
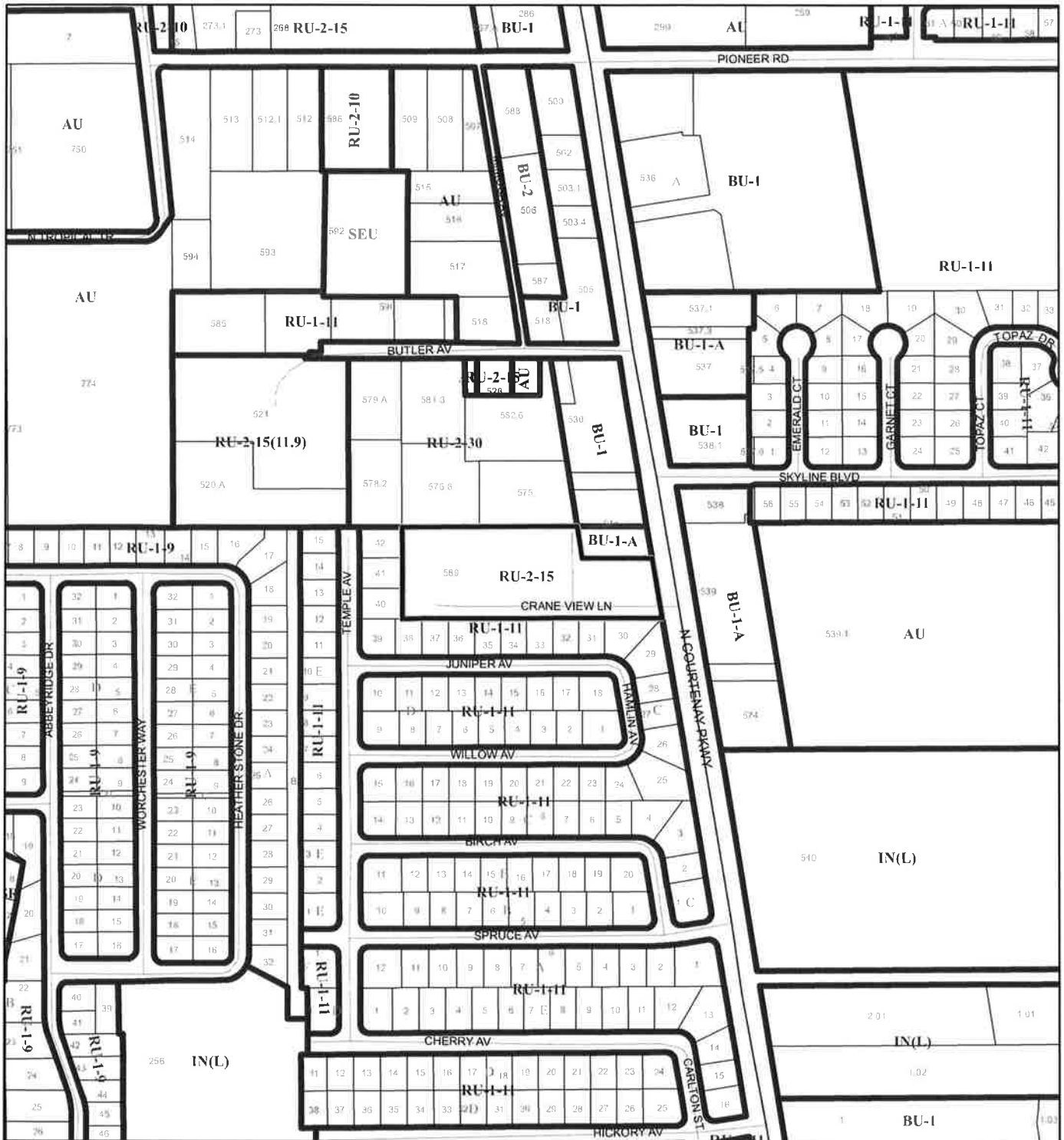
Produced by BoCC - GIS Date: 1/25/2023

— Buffer
■ Subject Property

ZONING MAP

CRANE VIEW LLC

22Z00071



1:4,800 or 1 inch = 400 feet

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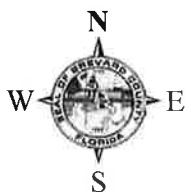
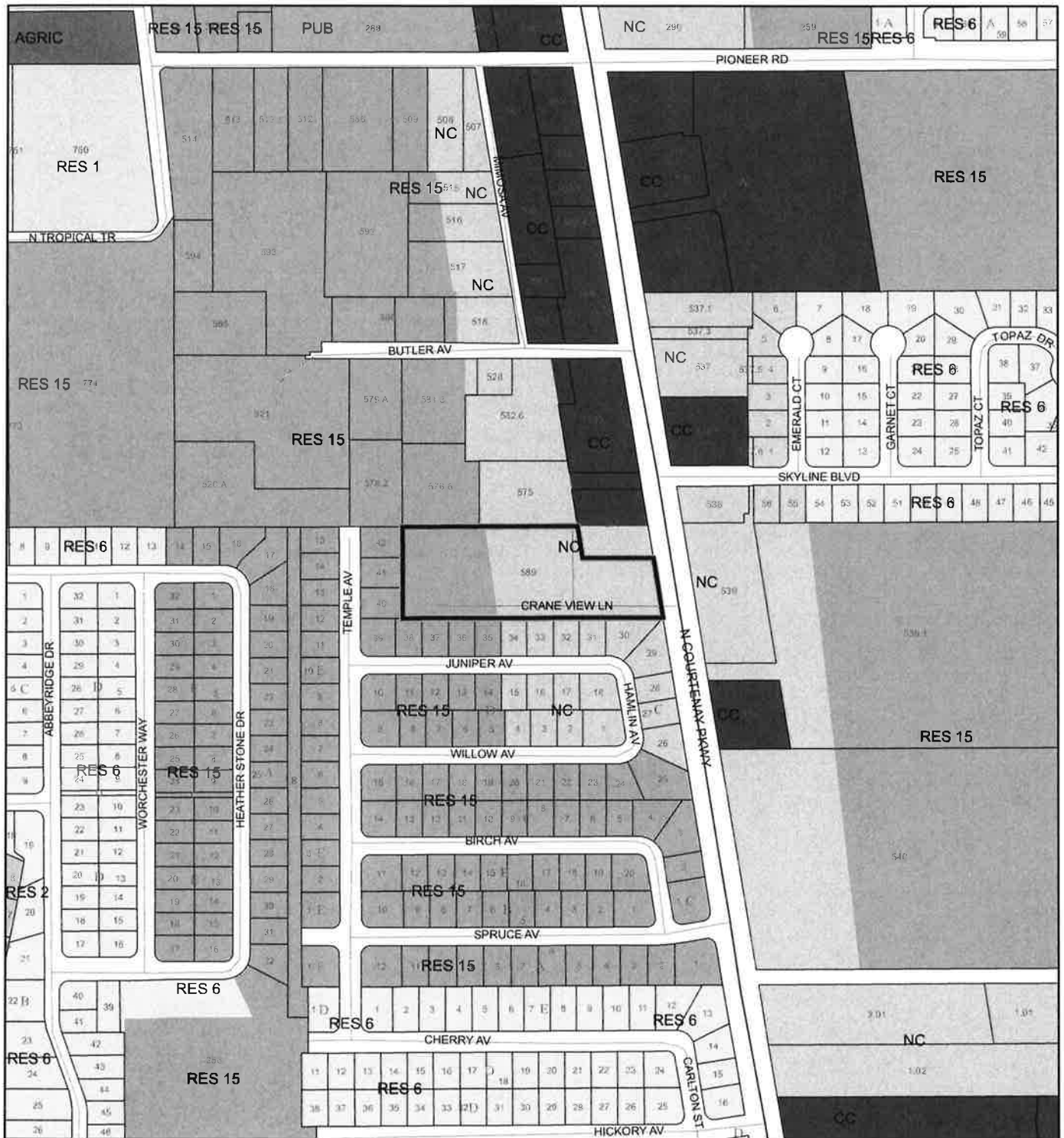
Produced by BoCC - GIS Date: 1/25/2023

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

CRANE VIEW LLC

22Z00071



1:4,800 or 1 inch = 400 feet

— Subject Property
 — Parcels

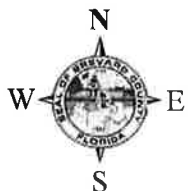
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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AERIAL MAP

CRANE VIEW LLC

22Z00071



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2022

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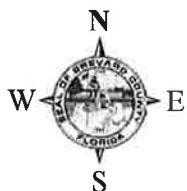
 Subject Property

 Parcels

NWI WETLANDS MAP

CRANE VIEW LLC

22Z00071













1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/13/2023

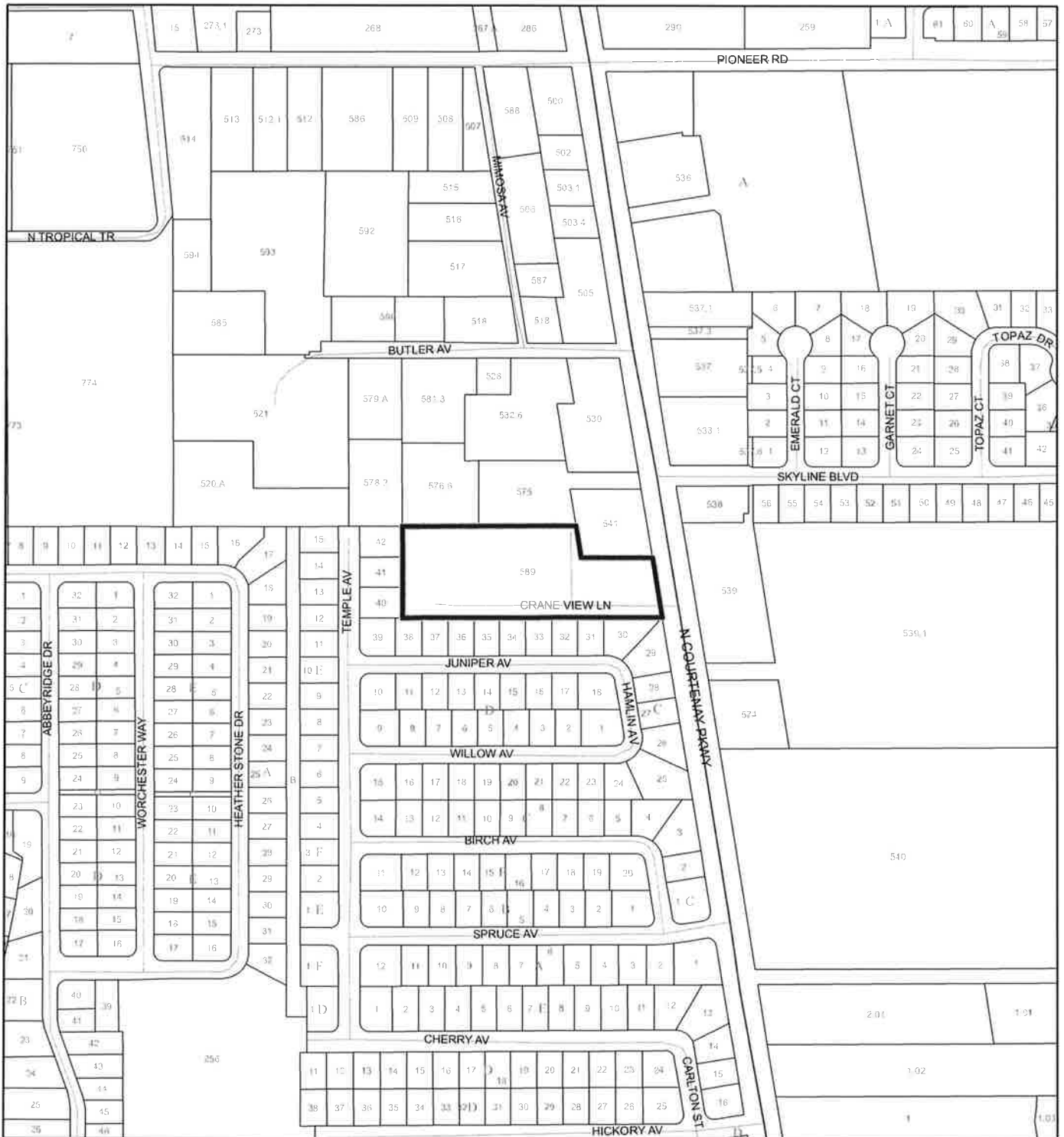
National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

CRANE VIEW LLC

22Z00071



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/13/2023

SJRWMD FLUCCS WETLANDS

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

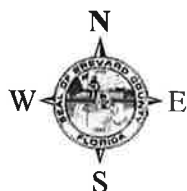
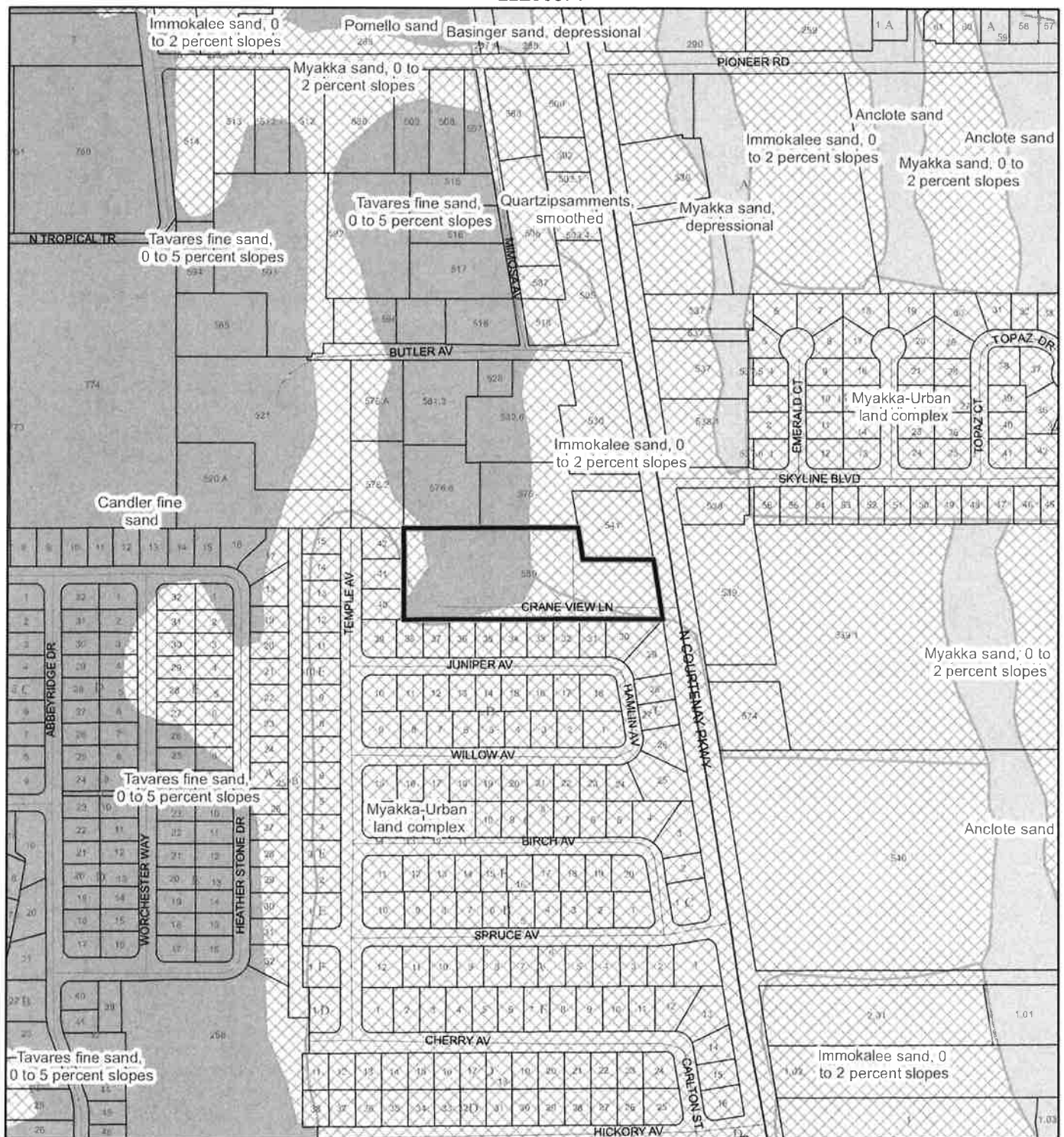
Subject Property

Parcels

USDA SCSSS SOILS MAP

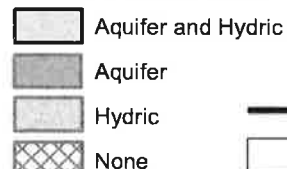
CRANE VIEW LLC

22Z00071



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils



— Subject Property
 □ Parcels

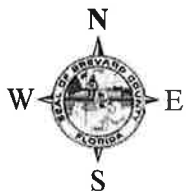
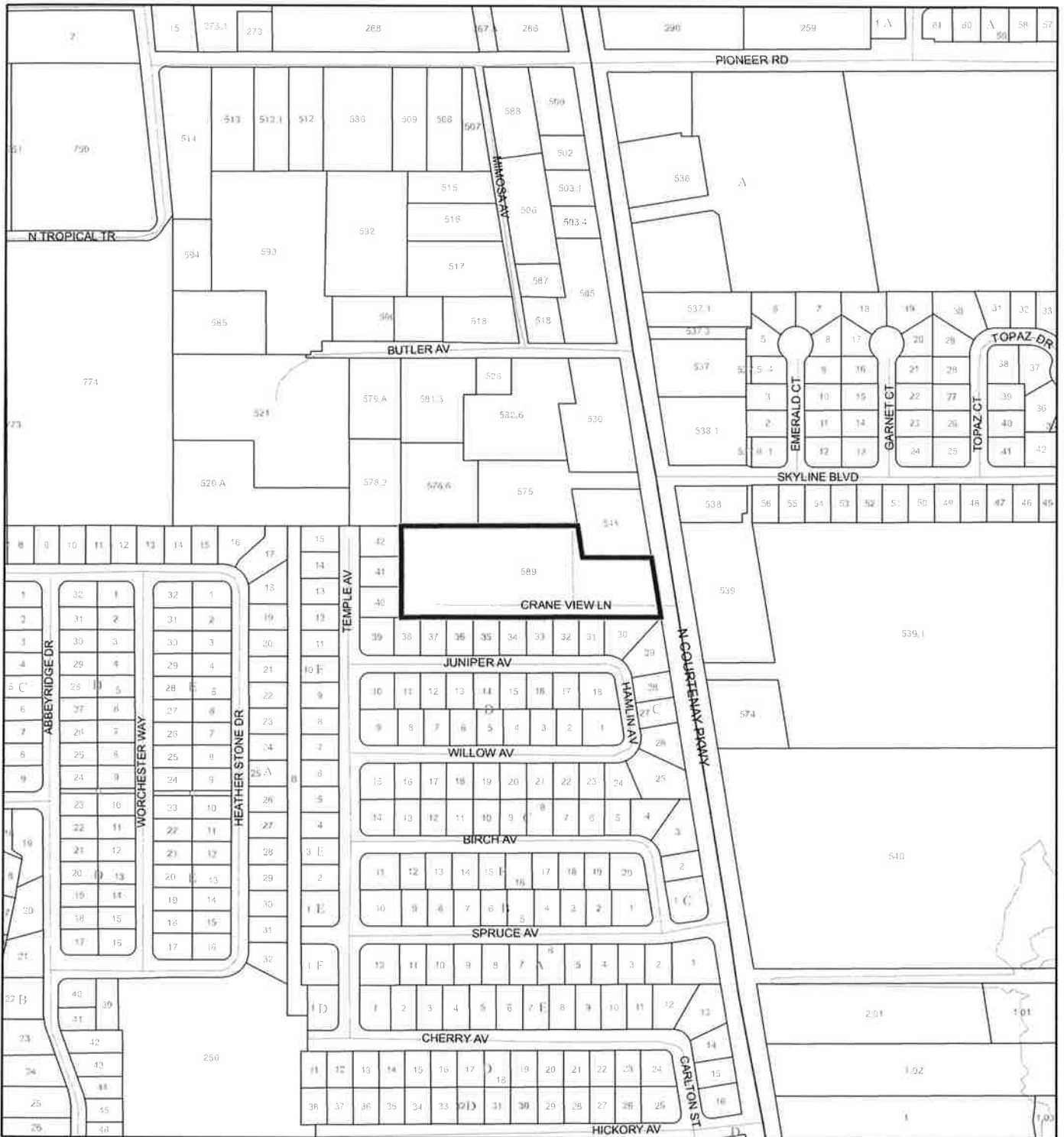
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 1/13/2023

FEMA FLOOD ZONES MAP

CRANE VIEW LLC

22Z00071

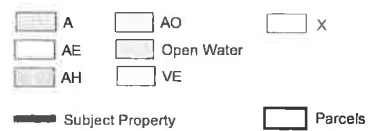


1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/13/2023

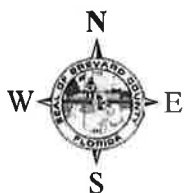
FEMA Flood Zones



COASTAL HIGH HAZARD AREA MAP

CRANE VIEW LLC

22Z00071



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

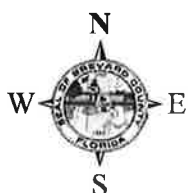
Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CRANE VIEW LLC

22Z00071



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

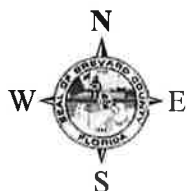
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

CRANE VIEW LLC

22Z00071



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 Subject Property

 Parcels

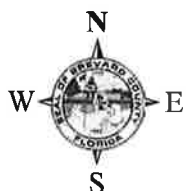


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

CRANE VIEW LLC




22Z00071



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Produced by BoCC - GIS Date: 1/13/2023

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CRANE VIEW LLC

22Z00071







1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/13/2023

SJRWMD FLUCCS Upland Forests

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

 Subject Property  Parcels

QNE3037



School Board of Brevard County

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

Dr. Mark W. Mullins, Ed.D., Superintendent



December 19, 2022

Mr. Paul Body, Planner III
Land Development Section
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Falling Leaf Development
School Impact Analysis – Capacity Determination CD-2022-51**

Dear Mr. Paul Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2412341 (Parcel ID number: 24-36-14-00-589) containing a total of approximately 3.9 acres in District 2, Brevard County, Florida. The proposed development includes 90 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

Multi-Family Homes		90	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.11	9.9	10
Middle	0.02	1.8	2
High	0.05	4.5	5
Total	0.18		17

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



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mila	707	707	707	707	707
Jefferson	873	873	873	873	873
Merritt Island	1,962	1,962	1,962	1,962	1,962

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mila	432	430	444	417	416
Jefferson	622	583	580	583	535
Merritt Island	1,523	1,494	1,454	1,401	1,389

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mila	-	-	3	3	3
Jefferson	1	5	10	14	17
Merritt Island	2	10	20	26	33

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mila	-	-	10	10	10
Jefferson	-	-	2	2	2
Merritt Island	-	-	5	5	5

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

School	2022-23	2023-24	2024-25	2025-26	2026-27
Mila	432	430	457	430	429
Jefferson	623	588	592	599	554
Merritt Island	1,525	1,504	1,479	1,432	1,427

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

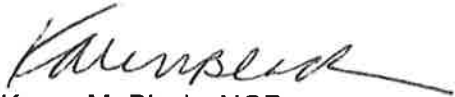
School	2022-23	2023-24	2024-25	2025-26	2026-27
Mila	275	277	250	277	278
Jefferson	250	285	281	274	319
Merritt Island	437	458	484	531	536

At this time, Mila Elementary School, Jefferson Middle School, and Merritt Island Senior High School are projected to have enough capacity for the total of projected and potential students from the Falling Leaf development.

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

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

Sincerely,



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

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-51

David G. Lindemann, AICP, Director of Planning & Project Management,
Facilities Services
File CD-2022-51

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2021-22 to 2026-27

Brevard County Public Schools



Summary		2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools	10/15/21	84%	85%	85%	85%	85%	85%
Highest Utilization Middle Schools	84%	84%	84%	84%	84%	84%	84%
Highest Utilization Jr / Sr High Schools	84%	84%	84%	84%	84%	84%	84%
Highest Utilization High Schools	101%	101%	100%	99%	95%	94%	97%

School	Type	Grades	Utilization Factor	School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
				FISH Capacity	10/15/21 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Adm	Elementary	PK-6	100%	751	830	84%	751	632	84%	751	684	83%	751	739	98%	773	752	91%	773	738	95%
Anderson	Elementary	K-6	100%	884	592	67%	884	591	67%	884	599	68%	884	599	67%	884	565	64%	884	564	63%
Arriba	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	728	81%
Atlanta	Elementary	PK-6	100%	739	529	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	578	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	58%
Cambodia	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	266	50%	570	264	50%
Carroll	Elementary	K-6	100%	751	814	82%	751	613	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	448	78%	573	437	76%	573	414	72%
Colonia	Elementary	PK-6	100%	751	462	62%	751	464	64%	751	546	73%	751	568	76%	751	560	76%	751	572	76%
Coquina	Elementary	K-6	100%	1,114	534	75%	1,114	531	75%	1,114	557	78%	1,114	572	80%	1,114	586	84%	1,114	602	85%
Crest	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	78%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	556	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	644	66%	980	639	65%	980	633	65%	980	611	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	668	69%	968	641	67%	968	627	65%	968	640	68%
Enterprise	Elementary	K-6	100%	729	505	69%	729	606	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Faughn	Elementary	PK-6	100%	789	531	76%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	659	81%
Germi	Elementary	K-6	100%	711	427	60%	711	442	62%	711	460	64%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	502	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	623	359	57%	623	357	57%	623	386	61%	623	399	63%	623	400	64%	623	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indianola	Elementary	K-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	878	94%
Lockmar	Elementary	PK-6	100%	952	632	71%	952	631	71%	952	594	63%	952	578	61%	952	559	60%	952	520	57%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	563	71%	790	565	72%	790	551	70%
Monatee	Elementary	K-6	100%	998	643	64%	998	655	66%	998	655	66%	998	633	63%	998	602	60%	998	553	56%
McAuliffe	Elementary	PK-6	100%	918	534	58%	918	633	69%	918	624	68%	918	583	64%	918	568	62%	918	548	60%
Meadowdale Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	824	74%	1,114	820	74%	1,114	850	77%	1,114	850	77%
Meadowdale Primary	Elementary	K-6	100%	824	578	70%	824	678	82%	824	731	89%	824	725	88%	824	734	89%	824	731	88%
Mrs.	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	416	59%
Mrs.	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	452	62%	725	446	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	563	58%	968	554	57%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	338	52%	654	343	53%	654	343	53%	654	343	53%	654	343	53%	654	343	53%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	562	57%	983	562	57%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	500	88%	569	517	91%	569	524	92%	569	528	92%	569	532	92%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	638	75%	852	630	74%	852	606	71%	852	605	71%	852	602	70%
Quart	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	684	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Rivera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Rosewell	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	180	32%
Sabal	Elementary	PK-6	100%	765	516	68%	765	507	66%	765	516	68%	765	523	67%	765	516	66%	765	530	66%
Sea Park	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	722	74%	976	698	72%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Shenwood	Elementary	PK-6	100%	809	498	61%	809	498	61%	809	498	61%	809	498	61%	809	498	61%	809	498	61%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	913	634	69%	913	629	69%	913	629	69%
Surfside	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	565	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	941	408	43%	941	407	43%	941	372	39%	941	345	37%	941	329	36%	941	329	36%
Turner	Elementary	PK-6	100%	910	641	70%	910	642	71%	910	655	72%	910	642	71%	910	609	67%	910	608	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	65%	874	621	71%	874	642	73%	874	659	75%	874	684	76%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	466	61%	811	464	58%	811	422	51%	811	422	51%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	585	57%	1,030	671	65%	1,030	742	73%	1,030	826	80%	1,030	902	89%
Westside	Elementary	K-6	100%	857	728	85%	857	761	89%	857	815	95%	857	855	97%	857	872	97%	857	865	97%
Williams	Elementary	PK-6	100%	715	464	65%	715	463	65%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	23,890		42,471	30,134		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	

Middle School Concursancy Service Areas														
Grade	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,171	77%
Central	7-8	90%	960	843	88%	960	843	88%	960	843	88%	960	843	88%
Del Mar	7-8	90%	680	510	75%	680	510	75%	680	510	75%	680	510	75%
Herbert	7-8	90%	680	510	75%	680	510	75%	680	510	75%	680	510	75%
Jackson	7-8	90%	680	510	75%	680	510	75%	680	510	75%	680	510	75%
Jefferson	7-8	90%	873	622	71%	873	622	71%	873	622	71%	873	622	71%
Johnson	7-8	90%	1,064	690	65%	1,064	690	65%	1,064	690	65%	1,064	690	65%
Kearney	7-8	90%	888	682	77%	888	682	77%	888	682	77%	888	682	77%
McCall	7-8	90%	781	480	61%	781	480	61%	781	480	61%	781	480	61%
McCall	7-8	90%	611	336	55%	611	336	55%	611	336	55%	611	336	55%
Southwest	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	940	78%	1,211	940	78%
Score	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	747	73%	1,024	747	73%
Middle Totals			10,247	7,595		10,247	7,595		10,247	7,595		10,247	7,595	
Junior / Senior High School Concursancy Service Areas														
Grade	Jr / Sr High	90%	2,084	1,516	73%	2,084	1,516	73%	2,084	1,516	73%	2,084	1,516	73%
Cocoa Beach	Jr / Sr High	90%	1,445	943	65%	1,445	943	65%	1,445	943	65%	1,445	943	65%
Space Coast	Jr / Sr High	90%	1,852	1,556	84%	1,852	1,556	84%	1,852	1,556	84%	1,852	1,556	84%
Jr / Sr High Totals			5,381	4,015		5,381	4,015		5,381	4,015		5,381	4,015	
Senior High School Concursancy Service Areas														
Grade	9-12	95%	1,451	1,077	74%	1,451	1,077	74%	1,451	1,077	74%	1,451	1,077	74%
Astronaut	9-12	95%	2,263	1,653	73%	2,263	1,653	73%	2,263	1,653	73%	2,263	1,653	73%
Bayshore	9-12	95%	2,221	1,605	72%	2,221	1,605	72%	2,221	1,605	72%	2,221	1,605	72%
East Galie	9-12	95%	2,314	1,991	86%	2,314	1,991	86%	2,314	1,991	86%	2,314	1,991	86%
Heritage	9-12	95%	2,370	2,210	93%	2,370	2,210	93%	2,370	2,210	93%	2,370	2,210	93%
Marbourne	9-12	95%	1,982	1,523	77%	1,982	1,523	77%	1,982	1,523	77%	1,982	1,523	77%
Marina Island	9-12	95%	2,631	1,286	49%	2,631	1,286	49%	2,631	1,286	49%	2,631	1,286	49%
Palm Bay	9-12	95%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,568	85%
Rodriguez	9-12	95%	1,527	1,513	99%	1,527	1,513	99%	1,527	1,513	99%	1,527	1,513	99%
Satellite	9-12	95%	1,846	1,231	67%	1,846	1,231	67%	1,846	1,231	67%	1,846	1,231	67%
Truville	9-12	95%	2,203	2,216	101%	2,203	2,216	101%	2,203	2,216	101%	2,203	2,216	101%
Viera	9-12	95%	22,627	17,378		22,627	17,378		22,627	17,378		22,627	17,378	
High Totals			22,627	17,378		22,627	17,378		22,627	17,378		22,627	17,378	
Schools of Choice (Not Concursancy Service Areas)														
Grade	K-6	100%	475	406	85%	475	406	85%	475	406	85%	475	406	85%
Freedom 7	Elementary	100%	481	396	82%	481	396	82%	481	396	82%	481	396	82%
South Lake	Elementary	100%	569	498	88%	569	498	88%	569	498	88%	569	498	88%
Stevenson	Elementary	100%	618	544	88%	618	544	88%	618	544	88%	618	544	88%
West Melbourne	Elementary	100%	1,077	921	86%	1,077	921	86%	1,077	921	86%	1,077	921	86%
Edgewood	Jr / Sr High	100%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
West Shore	Jr / Sr High	100%	4,484	3,711		4,484	3,711		4,484	3,711		4,484	3,711	
Schools of Choice			85,210	63,889		85,210	63,889		85,210	63,889		85,210	63,889	
Brevard Totals			85,210	63,889		85,210	63,889		85,210	63,889		85,210	63,889	

Notes

1. FISH Capacity is the sum of line factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
2. Student Membership is reported from the Fall Final Membership Count (10/15/2021).
3. Davis Demographics School Site Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concursancy Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concursancy service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (Daycare for students with infants) enrollment number are assumed to be constant
 - Current Front-to-attendance patterns are assumed to remain constant
 - Nongeocoded student addresses are assumed to continue in their attendance schools
 - Charter School Growth
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

Falling Leaf Location Map



**Falling Leaf
CD-2022-51
90 Multi-Family Units**

Schools Affected by Development:
Mila Elementary School
Jefferson Middle School
Merritt Island High School

Drawn By:
Planning & Project Management
Blake Stinson
12/19/2022

0 0.05 0.1 0.2 0.3 Miles



Prepared by: Island Oaks of Brevard, LLC
Address: 812 E. Strawbridge Ave, Melbourne FL 32901

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 8 day of July, 2008 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Island Oaks of Brevard, LLC, a Florida limited liability corporation (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner desires to develop the property as Island Oaks Condominium and pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit density to 48 units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida.

CFN 2008131643, OR BK 5875 PAGE 3339
Recorded 07/09/2008 at 01:33 PM, Scott Ellis, Clerk of
Courts, Brevard County
Pgs:5

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

5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on

May 29, 2008

In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

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

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

ATTEST:



Scott Ellis, Clerk
(SEAL)

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

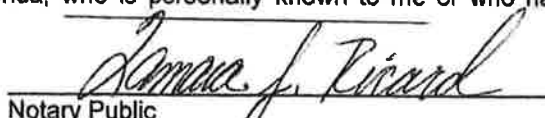


Truman Scarborough, Chairman
As approved by the Board on July 8, 2008

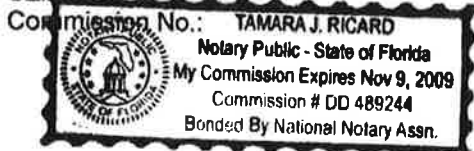
STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 8 day of July, 2008, by Truman Scarborough, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires


Notary Public

SEAL



Tamara J. Ricard
(Name typed, printed or stamped)

RETURN: Clerk to the Board #27

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

[Signature]
Fred C. Malik
(Witness Name typed or printed)

[Signature]
Amy Myers
(Witness Name typed or printed)

DEVELOPER/OWNER

Island Oaks of Brevard, LLC

812 E Strawbridge Ave, Melbourne FL 32901
(Address)

[Signature]
(President)
Peter Flotz
(Name typed, printed or stamped)

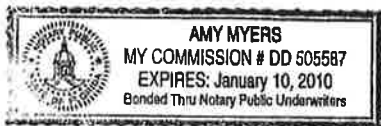
STATE OF Florida §

COUNTY OF Brevard §

The foregoing instrument was acknowledged before me this 31 day of March, 2008, by Peter Flotz, President of Island Oaks Brevard who is personally known to me or who has produced _____ as identification.

My commission expires 1/10/10
SEAL
Commission No.:

[Signature]
Notary Public
Amy Myers
(Name typed, printed or stamped)



JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated Dec. 27, 2007, given by Island Oaks of Brevard, LLC as mortgagor, in favor of the undersigned, Coastal Bank, as mortgagee, recorded in Official Records Book _____, page _____, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS

Teresa Moore
TERESA MOORE
 (Witness name typed or printed)
B.G. Fitch

Coastal Bank
1701 N. Atlantic Avenue, Cocoa Beach, FL 32931
 (Address)

Sue Eastling
 Authorized Agent Signature
SUE EASTLING VICE PRESIDENT
 (Name/title typed, printed or stamped)

B.G. Fitch
 (Witness name typed or printed)

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 31st day of March, 2008, by Sue Eastling, who is personally known to me or who has produced _____ as identification.

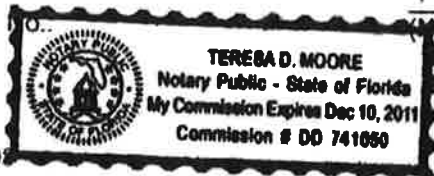
My commission expires

SEAL

Commission Expires

Notary Public

TERESA D. MOORE
 (Name typed, printed or stamped)



Rev. 3/31/2008

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

LEGAL DESCRIPTION
(OFFICIAL RECORDS BOOK 2907, PAGE 159)

A PARCEL OF LAND LYING IN THE SW ¼ OF SECTION 14, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 42, BLOCK "C", CARLTON GROVES, SUBDIVISION NO. 3, AS RECORDED IN PLAT BOOK 16, PAGE 126 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN EAST 701.5 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD A1A; THENCE SOUTH 09°03'28" EAST ALONG SAID RIGHT-OF-WAY 267.03 FEET TO THE NORTHEAST CORNER OF LOT 30, BLOCK "C", OF SAID SUBDIVISION; THENCE NORTH 263.73 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

COMMENCE AT THE NORTHEAST CORNER OF TH AFOREMENTIONED LOT 42; THENCE RUN EAST 701.5 FEET TO THE WEST OF ROIGHT-OF-WAY LINE OF STATE ROAD A1A, ALSO KNOWN AS NORTH COURTENAY PARKWAY SAID POINT ALSO BEING THE POINT OF BEFINNING OF SAID LESS OUT PARCEL, THENCE RUN N 09°03'28" W FOR 93.03 FEET; THENCE RUN EAST FOR 201.42 FEET TO THE POINT OF BEGINNING.

Prepared by: STEVE ANDERSON
Address: 2605 OSCEOLA AVE #1102
ORLANDO FL 32801

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 3 day of JAN, 2023 between the
BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of
the State of Florida (hereinafter referred to as "County") and
CRANE VIEW LLC
(hereinafter referred to as "Developer/Owner")

RECITALS

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

WHEREAS, Developer/Owner has requested the RU-2-30 zoning classification(s)
and desires to develop the Property as
FALLING LEAF APARTMENTS, and pursuant to the Brevard
County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their
reference
2. The County shall not be required or obligated in any way to construct or maintain or participate in any
way in the construction or maintenance of the improvements. It is the intent of the parties that the

Rev. 11/28/2022


1064

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

3. Developer/Owner shall provide a _____ foot buffer on the _____ portion of the Property.
4. The Developer/Owner shall limit density to 22.5 units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations. TOTAL 90 UNITS
5. The Developer/Owner shall limit ingress and egress to
HWY STATE RD #3 COURTEWAY PARKWAY.
6. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
7. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
8. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
9. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
10. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 9 above.

2014

My commission expires
SEAL
Commission No.:



Notary Public

(Name typed, printed or stamped)



SCOTT FAST
Notary Public
State of Florida
Comm# HH179727
Expires 9/27/2025





INTEROFFICE MEMORANDUM

DATE: February 24, 2023

TO: Jeffrey Ball, Planning & Zoning Manager
Jennifer Jones, Special Projects Coordinator

FROM: Larry Lallo, Executive Director on behalf of the
Merritt Island Redevelopment Agency Board of Directors

RE: **Applicant Name: Crane View LLC**
February 23, 2023 Merritt Island Redevelopment Agency Board Review of Zoning
Application Number 22Z00071

Pursuant to Section 62-2114 of Brevard County Code, "When an application is made to the planning and zoning board for a change in zoning or approval of a conditional use permit, or to the board of adjustment for a variance, for property located in the Merritt Island redevelopment area, the application shall be forwarded to the Merritt Island redevelopment agency prior to the applicable public hearing before the planning and zoning board or the board of adjustment."

On February 23, 2023 at their regular meeting, the Merritt Island Redevelopment Agency Board of Directors reviewed the above referenced Zoning Application and voted unanimously to recommend approval of the change in the Future Land Use designation from RES 15 and NC to RES 30 DIR and a zoning change from RU-2-15 to RU-2-30 subject to the following conditions:

1. Placement of a new BDP Agreement on the site limiting the development to three (3) stories and a maximum number of 90 residential dwelling units equating to a not-to-exceed density of 23 units per acre.
2. A maximum building height of thirty-five feet (35').
3. MIRA Board review of a preliminary and final site plan.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 13, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Lorraine Koss (D2-Alt.); Ben Glover, Vice Chair (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); Bruce Moia; and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Jane Hart, Planner III; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Crane View, LLC (Steve Anderson)

A Small Scale Comprehensive Plan Amendment (22S.19), to change the Future Land Use designation from RES 15 (Residential 15) and NC (Neighborhood Commercial) to RES 30 DIR (Residential 30 Directive), on 3.95 +/- acres, located on the west side of N. Courtenay Pkwy., approx. 0.11 mile south of Butler Ave. (2104 Falling Leaf Ln.; 242, 252, 262, & 272 Crane View Ln., Merritt Island) (22SS00016) (Tax Account 2412341) (District 2)

Crane View, LLC (Steve Anderson)

A change of zoning classification from RU-2-15 (Medium Density Multi-Family Residential) with an existing BDP (Binding Development Plan), to RU-2-30 DIR (High Density Multi-Family Residential, Directive), removal of existing BDP, and adding a new BDP, on 3.95 +/- acres, located on the west side of N. Courtenay Pkwy., approx. 0.11 mile south of Butler Ave. (2104 Falling Leaf Ln.; 242, 252, 262, & 272 Crane View Ln., Merritt Island) (22Z00071) (Tax Account 2412341) (District 2)

Steve Anderson, 260 S. Osceola Drive, Orlando, stated the property has been in its current state for approximately 20 years. The request for RU-2-30 includes a BDP limited to 90 units; the project will be good for the community; and it will be the nicest, newest, and closest apartment complex to the Space Center. He noted the Merritt Island Redevelopment Agency board recommended approval of the request.

No public comment.

Henry Minneboo stated the property has been in a dilapidated state for a long time, and he remembers the last rezoning request in 2008 when there were many people present who lived in the area and were very much against anything above the 48 units allowed in the existing BDP. He said people on Merritt Island have told him they are disappointed, and now kids on the west side of N. Courtenay will have to walk across the busy road to get to school. He said the request today is to double the units, and he doesn't understand why 48 units aren't compatible on three acres of land. He said he doesn't see anything good coming out of increasing it from 48 units to 90 units.

Mr. Anderson stated in order for the project to work, it has to be 90 units. He said there is plenty of room in the schools and with water, so no accommodations have to be made for the community. It's a great project for the community, and it will serve a lot of people who work at the Space Center.

Bruce Moia pointed out that over the last 10 years he's talked to developers who have tried to develop the property but could not make it work.

John Hopengarten asked how far the property is from the high school. Mr. Anderson replied it is within 1,000 feet. Mr. Hopengarten stated a bus wouldn't be feasible, so kids would have to walk or be driven to school. He said the property can't remain in its current state. He mentioned the existing BDP and stated this is another opportunity to remove a BDP and replace it with another.

Mr. Anderson stated the proposed BDP caps the maximum units allowed, which would be 120 units under RU-2-30. He pointed out the growth on Merritt Island and stated the closest neighbor to the north is also zoned RU-2-30.

Robert Sullivan stated the development will increase traffic and density in the area, and the applicant is saying it is compatible housing. He said people who want to live in high density also want to live where there is high entertainment value. There are a lot of single-family homes in the area. He said he is also reluctant to trade one BDP for another; there was a BDP for a reason, and there was considerable opposition to get it to 48 units. He stated BDPs are not binding if they can be removed or replaced, and he is not in favor of changing BDPs.

Mr. Anderson stated he doesn't have the history of how it got to 48 units, but taking it to 90 units is what makes it a viable development for any stakeholder.

Bruce Moia stated he doesn't agree that BDP's cannot be changed, and a decision a board made 40 years ago may or may not apply, so he doesn't see changing a BDP to be an issue. He stated as for the school issue, apartments don't generate a lot of school impact.

Motion by Bruce Moia, seconded by Debbie Thomas, to recommend approval of the Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 15 and NC to RES 30 DIR. The motion passed 8:1, with Minneboo and Sullivan voting nay.

Motion by Bruce Moia, seconded by John Hopengarten, to recommend approval of the change of zoning classification from RU-2-15 with an existing BDP, to RU-2-30 DIR, removal of existing BDP, and adding a new BDP. The motion passed 8:1, with Minneboo and Sullivan voting nay.

Mascellino, Carol

From: Kathryn Beckman <beckmankathryn98@gmail.com>
Sent: Tuesday, March 28, 2023 12:26 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4;
Commissioner, D5
Subject: Hearing for April 6, 2023
Attachments: Petition of Section 8.pdf

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

Please find attached a petition to stop or alter the proposed change to a building / design construction.
If you have any additional questions or concerns, Please don't hesitate to contact us at 321.449.0621.

Kindest Regards,
Kurt and Kathryn Beckman

Date:

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

D3.Commissioner@BrevardFL.gov.

D4.Commissioner@BrevardFL.gov.

D5.Commissioner@BrevardFL.gov.

Re:Rezoning Case ID#22SS00016 & 22Z00071

Set For Hearing April 6, 2023 @ 5 P.M.

Gentlemen & Ladies:

I am a property owner in Carlton Groves Subdivision. My neighborhood is immediately south of and contiguous to the parcel subject to the above rezoning request.

This parcel is only 3.95 acres for which the Petitioner is seeking to construct 90 dwelling units.

When you subtract the square footage needed for access roads, the retention pond, the parking lots, the dumpsters/utility pads and the maintenance facility, there remains only about a 1.8 acre foot print, at the most, upon which to place 90 dwelling units.

The density will be a minimum of 50 units per acre which will necessitate a high rise building towering above the neighboring single family homes and existing two story apartments, to the west and north of the subject parcel.

This type of extreme residential density is wholly incompatible with existing improvements surrounding the parcel. Zoning of this magnitude is wholly out of place with the character of this location in the heart of Merritt Island.

With 1.5 vehicles per unit, the parking lot will have to hold a minimum of 135 vehicles, not counting fire lanes and loading areas.

I respectfully request that this petition be denied or, at the least, the density be reduced to 15 units.

Name:

Kathryn Beckner

Property Address: *250 Birch Avenue* Merritt Is., Fla.

Date: March 28, 2023

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

D3.Commissioner@BrevardFL.gov.

D4.Commissioner@BrevardFL.gov.

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Name: 

Property Address: 250 Birch Avenue Merritt Is., Fla.

Mascellino, Carol

From: Stephanie Maltby <shmaltby@gmail.com>
Sent: Thursday, March 30, 2023 12:06 PM
To: Commissioner, D3; Commissioner, D2; Commissioner, D1; Commissioner, D4; Commissioner, D5
Subject: Rezoning Case ID#22SS00016 & 22Z00071 and Hearing on 4/6/23
Attachments: 205 Willow ave ltr to cc.pdf

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

County Commissioners:

Please see attached letter regarding the above mentioned rezoning cases.

Thank you,
Matthew and Stephanie Maltby
Property Owners
205 Willow Ave., Merritt Island, FL 32953
407-288-2893

Date: 3/30/23

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

D3.Commissioner@BrevardFL.gov.

D4.Commissioner@BrevardFL.gov.

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Name: Matthew & Stephanie Maltby

Property Address: 205 Willow Ave., Merritt Is., Fla.

Date: 3/30/23

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

D3.Commissioner@BrevardFL.gov.

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Name: Matthew & Stephanie Maltby

Property Address: 205 Willow Ave., Merritt Is., Fla.

Date:

Objection
22SS00016 & 22Z00071
Crane View

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov.

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Name:

Kathryn Beckman

Property Address:

250 Birch Avenue Merritt Is., Fla.

Date: March 28, 2023

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

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Name: 

Property Address: 250 Birch Avenue Merritt Is., Fla.

Mascellino, Carol

From: Carol <carol722@prodigy.net>
Sent: Sunday, April 2, 2023 2:14 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Re: Rezoning case ID#22SS00016 & 22Z00071
Attachments: rezoning petition.pdf

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

To whom it may concern,
For your consideration re: Rezoning case ID#22SS00016 & 22Z00071 on April 6, 2023 Sincerely, Carlton Groves 235 Birch Ave property owner Carol Nutter

Date: April 2, 2023

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

D3.Commissioner@BrevardFL.gov.

D4.Commissioner@BrevardFL.gov.

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Name: Carol Nutter Carol Nutter

Property Address: 235 Birch Ave, Merritt Is., Fla.

Date:

Objection
22SS00016 & 22Z00071
Crane View

To Hon. County Commissioners of Brevard County, Fla.

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Kathryn Beckma

Property Address: 250 Birch Avenue Merritt Is., Fla.

Date: March 28, 2023

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D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

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Name: Carol Nutter Carol Nutter

Property Address: 235 Birch Ave, Merritt Is., Fla.

Date: 3/30/23

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D1.Commissioner@BrevardFL.gov.

D2.Commissioner@BrevardFL.gov.

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Name: Matthew & Stephanie Maltby

Property Address: 205 Willow Ave., Merritt Is., Fla.

Date: April 4, 2023

To Hon. County Commissioners of Brevard County, Fla.

D1. Commissioner@BrevardFL.gov.

Rita Britchett

D2. Commissioner@BrevardFL.gov.

Tom Goodson

D3. Commissioner@BrevardFL.gov.

John Tobia

D4. Commissioner@BrevardFL.gov.

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Name: Michael Iannuzzi

Property Address: 205 Birch Ave., Merritt Is., Fla.

32953

Mascellino, Carol

From: miannuzzi@cfl.rr.com
Sent: Tuesday, April 4, 2023 2:05 PM
To: Commissioner, D4
Subject: FW:
Attachments: IMG_20230404_140034_01.jpg

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

From: 3214462068@vzwpix.com
To: miannuzzi@cfl.rr.com
Cc:
Sent: Tuesday April 4 2023 2:00:41PM
Subject:

Date: April 4, 2023

To Hon. County Commissioners of Brevard County, Fla.

D1.Commissioner@BrevardFL.gov. Rita Pritchett

D2.Commissioner@BrevardFL.gov. Tom Goodson

D3.Commissioner@BrevardFL.gov. John Tobia

D4.Commissioner@BrevardFL.gov. Rob Feltner

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Name: Michael Iannuzzi

Property Address: 205 Birch Ave., Merritt Is., Fla.

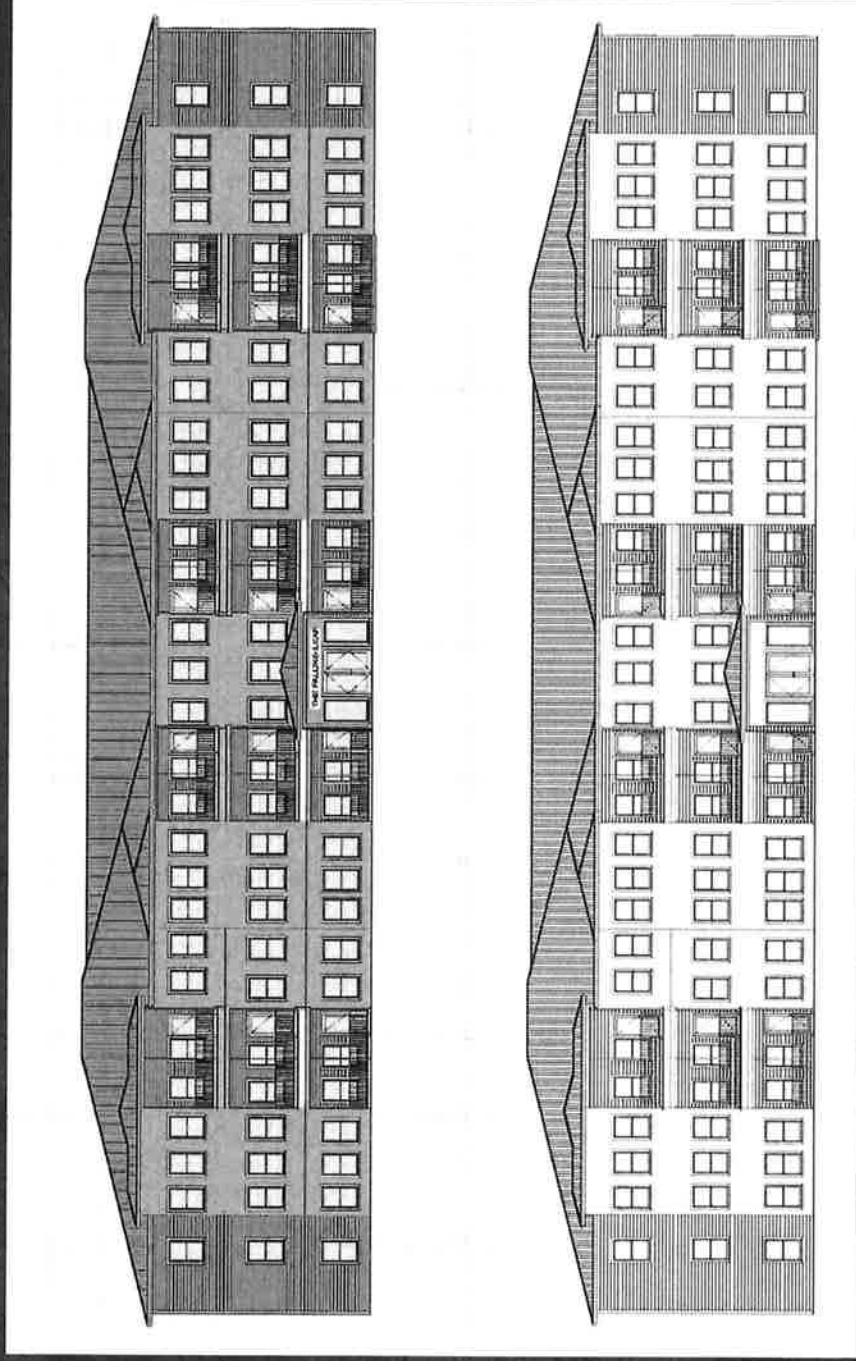
32953

The Falling Leaf

Upscale Affordable Housing
90-unit 3-story building 35-High
Merritt Island FL. Brevard County



The Falling Leaf



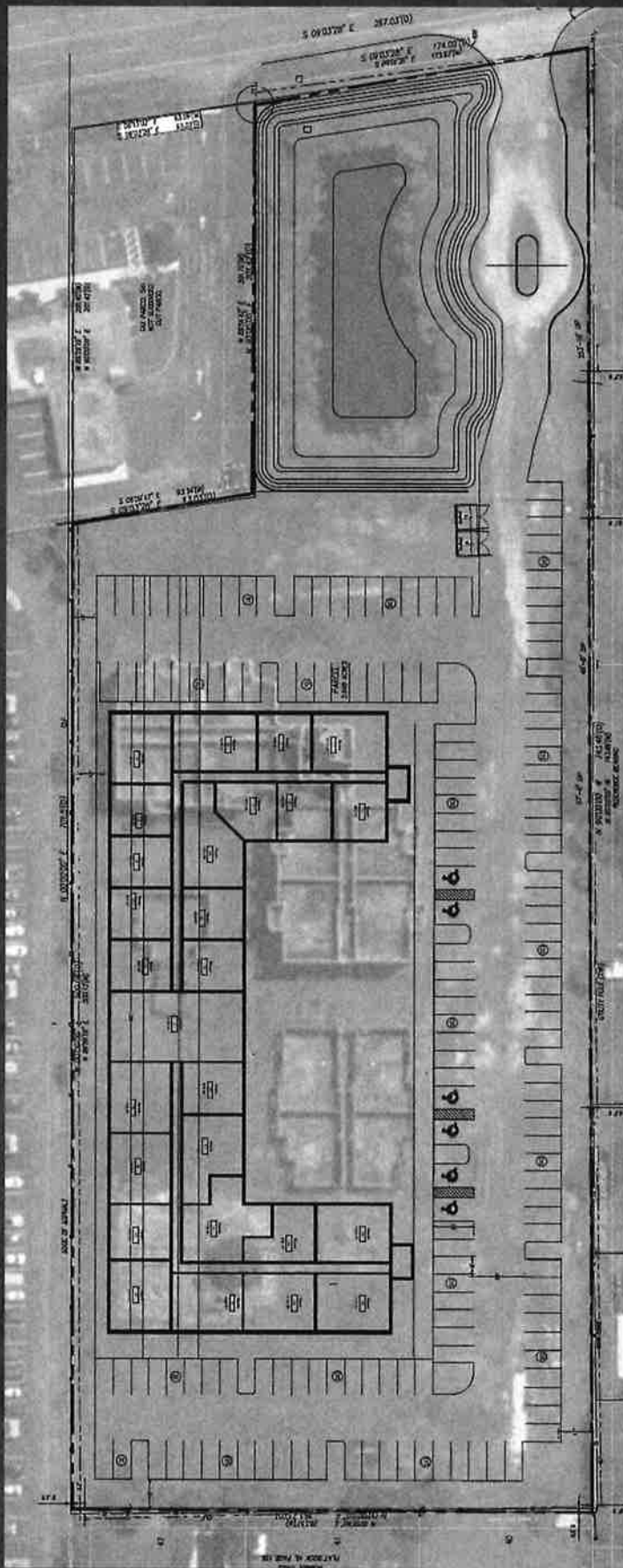
90 Multifamily Units

Location

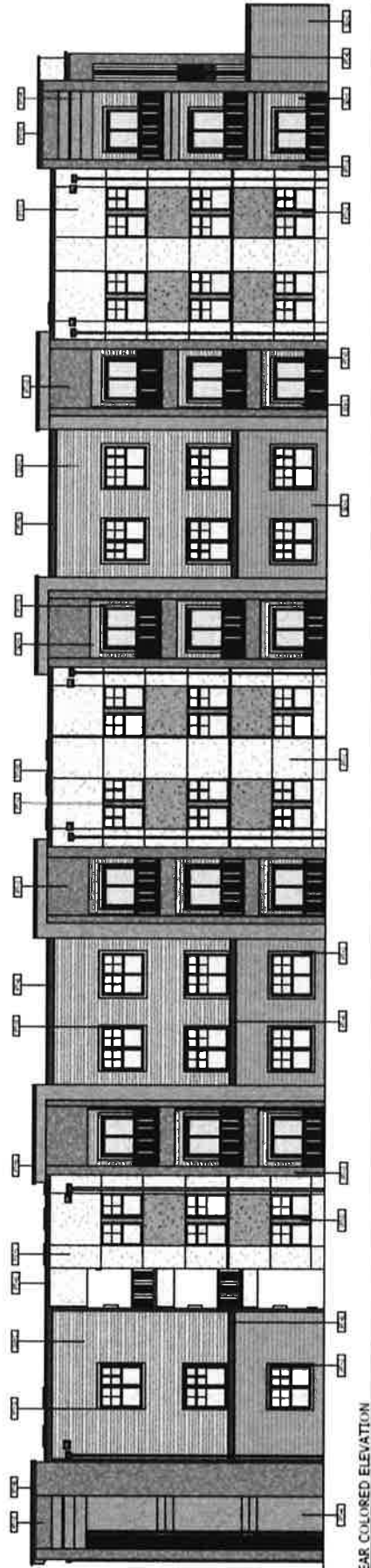


West side of N. Courtenay Pkwy., approximately 580 feet south of Butler Avenue (District 2)

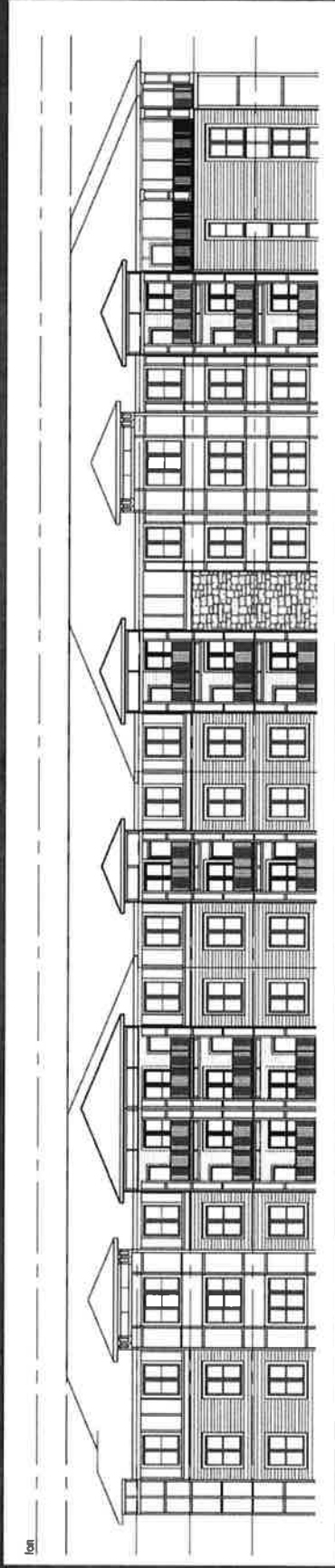
Site Plan



Elevation

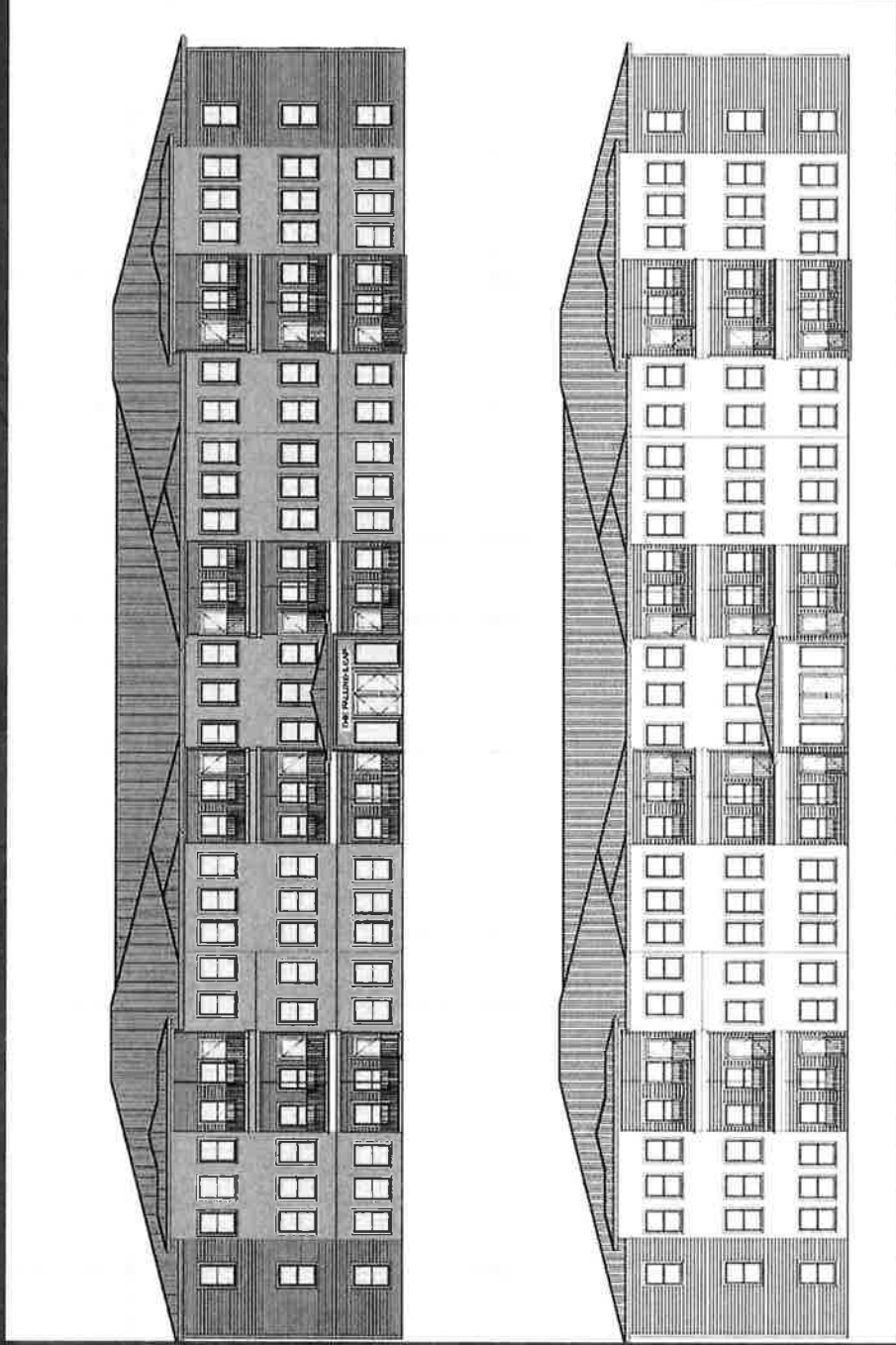


REAR COLORED ELEVATION



Front

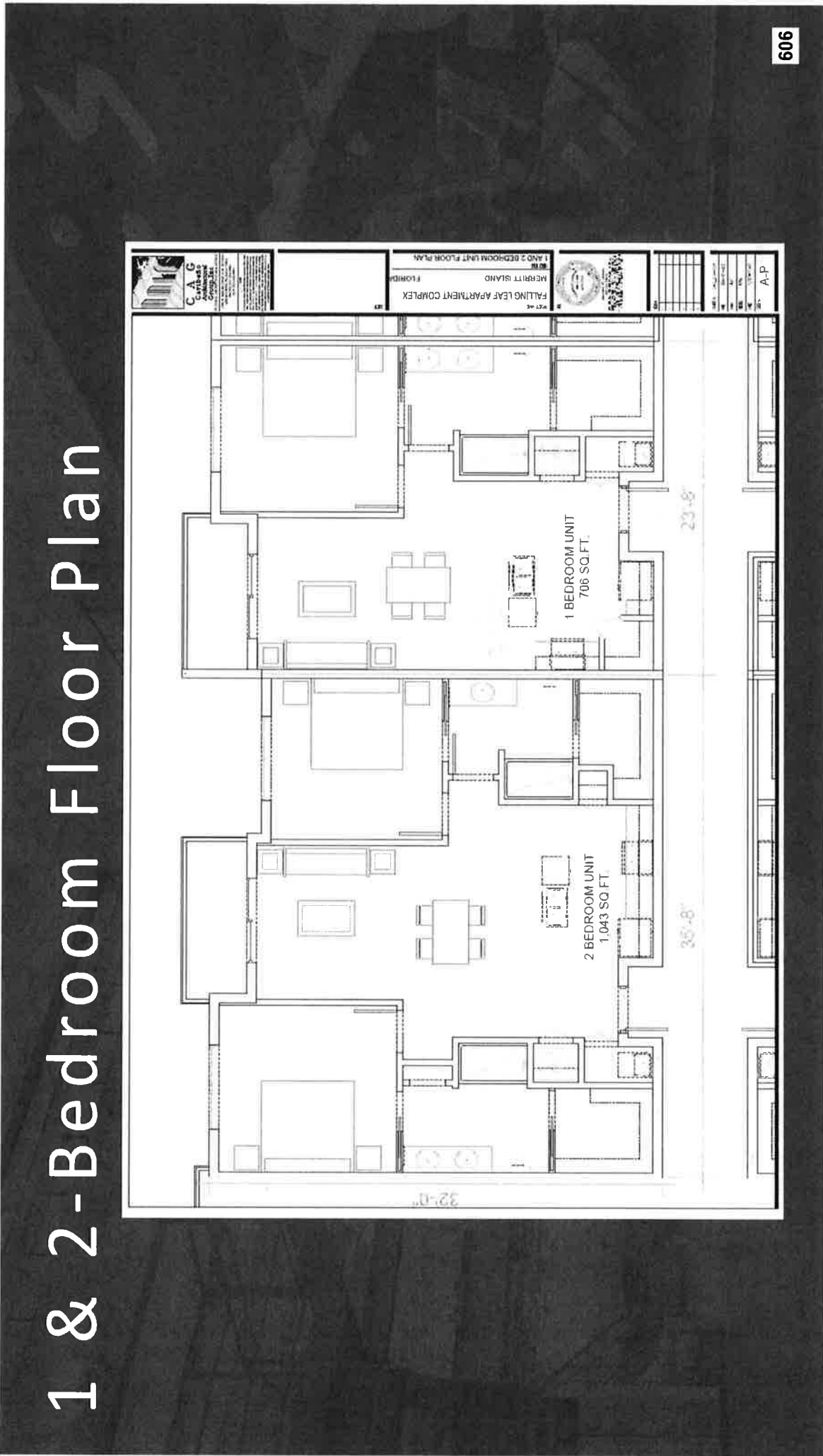
Elevation



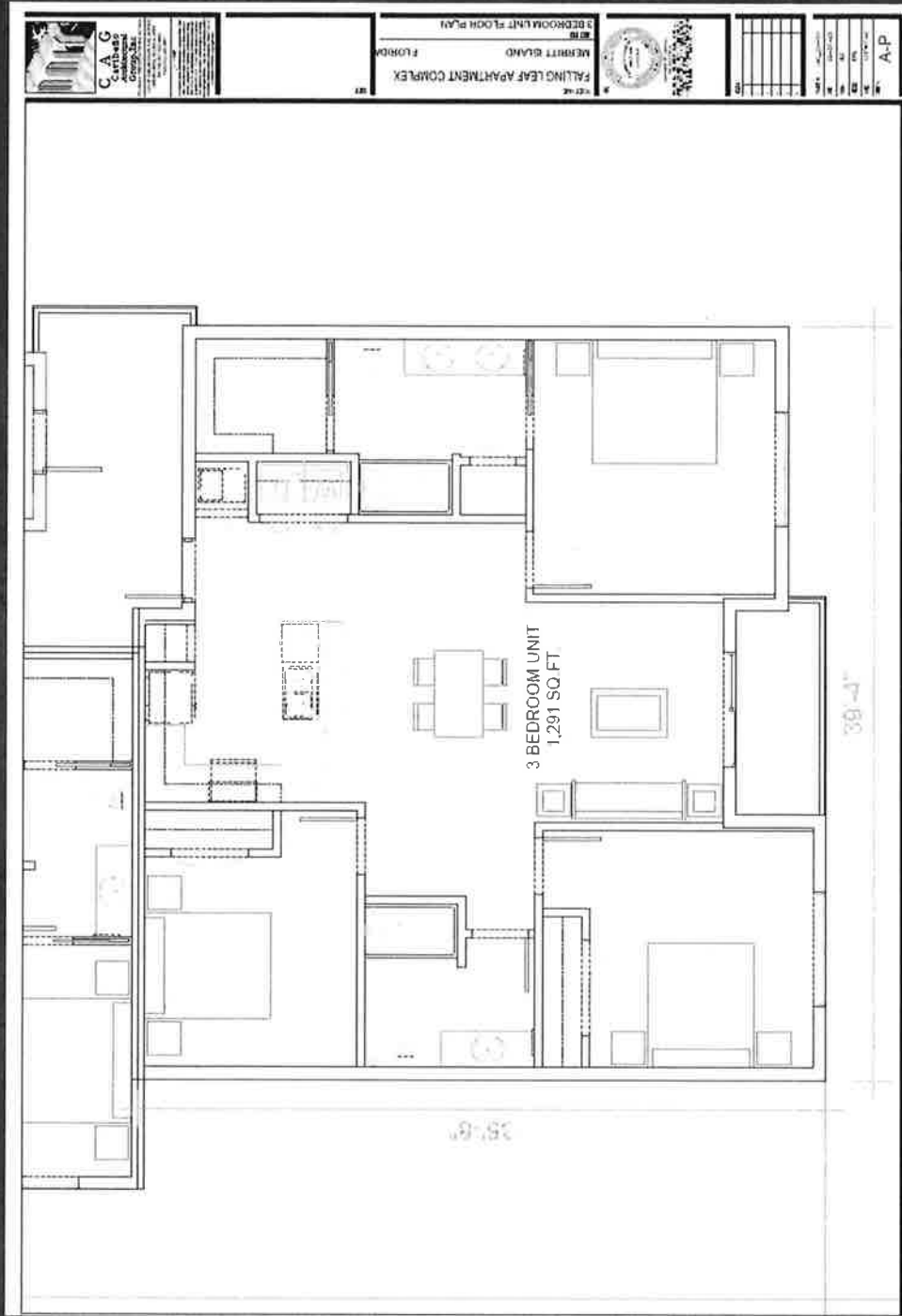
Color Scheme



1 & 2-Bedroom Floor Plan



3 Bedroom Floor Plan



**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 22S 19 (22SS00016)
Township 24, Range 36 Section 14*

Property Information

Owner / Applicant: Crane View LLC

Adopted Future Land Use Map Designation: Residential 15 (RES 15) and
Neighborhood Commercial (NC)

Requested Future Land Use Map Designation: Residential 30 Directive (RES 30 DIR)

Acres: 3.95 acres

Tax Account #: 2412341

Site Location: West side of N. Courtenay Parkway, approximately 580 feet east of Butler
Avenue

Commission District: 2

Current Zoning: Medium-Density Multiple-Family Residential (RU-2-15) with a Binding
Development Plan (BDP)

Requested Zoning: High-Density Multiple-Family Residential (RU-2-30) and
amendment of a Binding Development Plan (BDP) (22Z00071)

Background & Purpose

The applicant is requesting to change the Future Land Use designation on 3.95 acres of
land from Residential 15 (RES 15) and Neighborhood Commercial (NC) to Residential
30 Directive (RES 30 DIR) to develop the site as an apartment complex with up to 90
multi-family residential units. The subject property is currently vacant with four (4)
partially constructed buildings.

The subject property retains RES 15 and NC Future Land Use designations. The
closest RES 30 Directive is 3.1 miles to the south of the subject site on S. Tropical Trail.
If approved, this request would equate to 23 units per acre with limitations within the
BDP.

There are five (5) active liens on open code enforcement cases (21CE-01807, 20CE-
01187, 18CE-00793, 18CE-00742, and 16CE-02285) associated with this property

including two active violations for unsafe structure and failure to maintain vacant
structure.

A companion rezoning application was submitted accompanying this request to change
the zoning classification from RU-2-15 (Medium-Density Multiple-Family Residential)
with a Binding Development Plan (BDP) to RU-2-30 (High-Density Multiple-Family
Residential) with the removal and replacement of a Binding Development Plan (BDP)
(22Z00052).

The existing RU-2-15 zoning can be considered consistent with the existing RES 15
FLU and NC FLU designations, as provided in Sec. 62-1255.

The proposed RU-2-30 zoning can be considered consistent with the existing NC FLU,
as provided in FLU Policy 2.10; however, the proposed RU-2-30 zoning may not be
considered consistent with the existing RES 15 FLU, as provided in Sec. 62-1255.

The proposed RU-2-30 zoning can be considered consistent with the proposed RES 30
DIR FLU, as provided in Sec. 62-1255.

Comprehensive Plan Policies/Comprehensive Plan Analysis

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

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

Policy 1.2

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

Criteria:

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

**This Future Land Use Amendment request to change from RES 15
and NC to RES 30 DIR will require a connection to a centralized water
and sewer service.**

- D. Where public water service is available, residential development proposals

with densities greater than four units per acre shall be required to connect to a centralized sewer system.

The subject site is within the City of Cocoa's service area public water. This Future Land Use Amendment request to change from RES 15 and NC to RES 30 DIR will require a connection to a centralized water and sewer service.

Residential 30 Directive (maximum of 30 dwelling units per acre)

Policy 1.3

The Residential 30 Directive Future Land Use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within the Future Land Use Element. Parameters for this future land use designation include:

Criteria:

A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

1. Areas located east of Interstate-95; and

The subject site is located 6.6 miles east of Interstate-95 (I-95).

2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or

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

3. Areas adjacent to existing Residential 30 land use designation; and

The subject site is not adjacent to an existing RES 30 land use designation. This request can be considered an introduction of RES 30 into the surrounding area. The closest RES 30 DIR is 3.1 miles south of the subject property on South Tropical Trail.

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to an arterial roadway, North Courtenay Parkway is classified as an Urban Principal Arterial roadway.

B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the

following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or
The subject site is not part of an approved redevelopment plan.

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

The subject site is within the Merritt Island Redevelopment Agency (MIRA); however, the proposal is not part of a redevelopment plan approved by Board of County Commissioners.

The applicant has submitted a companion application to this Future Land Use Amendment requesting to rezone from RU-2-15 with a Binding Development Plan (BDP) to RU-2-30 and remove the existing BDP and add a new BDP (22Z00071).

The proposed BDP limits the parcel to density of 90 dwelling units per acre.

C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The applicant has not proposed a Planned Unit Development. The subject site is not located within the CHHA.

Administrative Policy 3

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

Criteria:

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

1. historical land use patterns;

The character of the area is commercial along North Courtenay Parkway with residential land uses in the surrounding areas. There are four (4) FLU designations within 500 feet of the subject site: CC, NC, RES 15, and RES 6. The predominant FLU designations along this section of North Courtenay Parkway are NC and CC.

This request can be considered an introduction of RES 30 DIR into the area along North Courtenay Parkway. The closest RES 30 DIR FLU designation is located approximately 3.1 miles south of the subject property on South Tropical Trail. That parcel is currently undeveloped.

The most recent FLU amendment (21S.09) in this area was adopted March 3, 2022 by Ordinance 22-05 to change the FLU designation from NC to CC on 0.92 acres 233 feet to the southeast of the subject property on N Courtenay Parkway. That parcel is currently undeveloped.

2. actual development over the immediately preceding three years; and
- There has not been any new development immediately adjacent to the subject property in the preceding three (3) years.
3. development approved within the past three years but not yet constructed.

While there has not been any new development in the preceding three (3) years, one zoning action has been approved within one-half mile.

20Z00042, approved by the Board on November 3, 2022, was a request to amend a BDP to add car wash use on an 8.89-acre parcel with BU-1 zoning located approximately 136 feet northeast of the subject property at the southeast corner of Skyline Boulevard and North Courtenay Parkway.

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

No material violation of relevant policies has been identified.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed

rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

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

The developed character of the area along North Courtenay Parkway to the north of the subject parcel is mostly commercial that transitions to multi-family residential to the west.

South of the subject property is a mix of commercial, institutional, and residential development. There is an older single-family residential neighborhood (platted in 1962) immediately adjacent to the south of the subject property. The residential zoning in the area is RU-1-11 single-family residential which allows one quarter (1/4) acre lots.

There are multiple parcels with multi-family zoning classifications within a one-half mile radius of the subject property ranging from RU-2-10 to RU-2-30. The closest RU-2-30 zoning classification is located immediately to the north of the subject property on 6.3 acres developed as a condominium complex (Island Village Condominiums). Property Appraiser records indicate a total of 93 units in Island Village Condominiums Phases A through F which equates to a built-out density of approximately 14.76 units per acre.

As provided in FLU Policy 2.10, residential development or the integration of residential development with commercial development can be permitted in the Neighborhood Commercial (NC) land use designation, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and area designated for residential use on the Future Land Use Map, as provided in FLU Policy 2.10. Residential development may be permissible in commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street.

The existing RES 15 and NC FLU designations would allow for 59 units under FLUE Policy 2.10 if the Board deemed the scale and intensity as compatible with the abutting residential development.

When considering the existing development potential of the subject site (59 units), this request actually represents an increase of approximately 31 units.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Commercial; Multi-family	BU-1-A & BU-1; RU-2-30	NC & CC; RES 15
South	Single-family	RU-1-11	RES 15
East	Retail Commercial	BU-1-A	NC
West	Single-family	RU-1-11	RES 15

To the north is a 0.92-acre parcel designated as NC and CC FLU and developed as a commercial financial institution.

To the south is a single-family residential neighborhood (platted in 1962) with RES 15 FLU.

To the east, across North Courtenay Parkway, is a 0.51-acre parcel and a 1.98-acre parcel, both designated as NC FLU and developed as retail commercial.

To the west is a single-family residential neighborhood (platted in 1962) with RES 15 FLU.

Concurrency

The preliminary concurrency analysis did not indicate that the proposed development would cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area public water. The closest centralized sewer line (Brevard County Utilities) is located adjacent to the subject property on the west side of North Courtenay Parkway. The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development.

Environmental Constraints

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

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

Historic Resources

According to information provided by the Florida Master Site File of the Florida Division of Historic Resources, there are no recorded cultural resources associated with the subject site.

For Board Consideration

The Board may consider if the request to introduce RES 30 is consistent and compatible with the surrounding area and the comprehensive plan.

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Comprehensive Plan Review & Summary
Item #22SS00016

Applicant: Steve Anderson/Larry Poliner

FLU Request: RES 15 & NC to RES 30, with new BDP limiting to 90 units

Note: Applicant wants to demo partially completed residential development, and construct new multi-family development.

P&Z Hearing Date: 03/13/23; **BCC Hearing Date:** 04/06/2023

Tax ID No: 2412341

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Taveres fine sand, 0-5% slopes) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 2 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage

treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

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 and minimum landscaping requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 933-2070 Phone / (321) 933-2074 Fax
<https://www.brevardfla.gov/PlanningDev>

STAFF COMMENTS 22Z00071

Crane View, LLC

RU-2-15 (Medium-Density Multi-Family Residential) with a BDP to RU-2-30 (High-Density Multi-Family Residential) and Amendment of BDP

Tax Account Numbers: 2412341

Parcel I.D.: 24-36-14-00-589

Location: West side of N. Courtenay Pkwy., approximately 580 feet south of Butler Avenue (District 2)

Acreage: 3.95 acres

MIRA: 02/23/2023

Planning & Zoning Board: 03/13/2023

Board of County Commissioners: 04/06/2023

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning Potential*	RU-2-15 48 Multi-Family units with existing BDP	RU-2-30 90 multi-family units with proposed BDP
Can be Considered under the Future Land Use Map	NO RES 15 & NC	YES** RES 30

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. ** Approval is pending approval of companion request 22SS00016 which proposes to amend the Future Land Use designation from Residential 15 (RES 15) and Neighborhood Commercial (NC) to all Residential 30 (RES 30).

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-2-15 (Medium-Density Multi-Family Residential) with an existing Binding Development Plan (BDP) to RU-2-30 (High-Density Multi-Family Residential), and applicant is proposing an amendment of BDP on 3.95 acres to develop the site as a multi-family complex with an amended BDP limited to 90 multi-family residential units. The 3.95-acre subject property currently has unfinished and dilapidated multi-family structures from a previous site plan.

There are five (5) active liens on open code enforcement cases (21CE-01807, 20CE-01187, 18CE-00793, 18CE-00742, and 16CE-02285) associated with this property including two active violations for unsafe structure and failure to maintain vacant structure.

The existing Binding Development Plan (BDP) states:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall limit density to 48 units and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida.
4. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.
5. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on May 29, 2008. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.
6. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

The site has frontage on N. Courtenay Pkwy. (SR-3) and is located in the Merritt Island Redevelopment Area (MIRA).

The original zoning of the subject property was AU (Agricultural Use) the parcel was rezoned to RU-1 (Single-Family Residential) on August 04, 1960 per zoning action Z-382.

The RU-1 zoning on the parcel was Administratively replaced with the new zoning classification RU-1-11 on June 1, 1972 per zoning action Z-2980.

The parcel was rezoned from RU-1-11 to BU-1-A (Neighborhood Commercial) on the east 200 feet and to RU-2-15 (Medium-Density Multi-Family) on the remainder of the parcel on July 9, 1981 per zoning action Z-5691.

The parcel was rezoned from BU-1-A on the east 200 feet to BU-1 (General Retail Commercial) with the remainder rezoned from RU-2-15 to BU-1-A with a Binding Concept Plan (BCP) for professional office only on May 26, 1987 per zoning action Z-7795.

The parcel was rezoned from BU-1-A with a Binding Concept Plan and BU-1 to RU-2-12 (Medium-Density Multi-Family Residential) with removal of the Binding Concept Plan, and approval of a Conditional Use Permit (CUP) for an Independent Living Facility on August 3, 2000 per zoning action Z-10413.

The parcel was approved for a Conditional Use Permit (CUP) for an Adult Congregate Living Facility in an RU-2-12 zoning classification and removing the existing CUP for an Independent Living Facility on March 7, 2002 per zoning action Z-10675.

The Conditional Use Permit (CUP) Z-10675 for an Adult Congregate Living Facility in an RU-2-12 zoning classification was Administratively removed on February 1, 2007 per zoning action Z-11317(23).

The parcel was rezoned from RU-2-12 to RU-2-15 with a Binding Development Plan (BDP) limiting density to 48 units on July 9, 2008 per zoning action Z-11432.

Land Use

The subject property is currently designated as Residential 15 (RES 15) and Neighborhood Commercial (NC) FLU. The existing RU-2-15 zoning can be considered consistent with the existing RES 15 and NC FLU designation.

A companion application, 22SS00016, if approved, would amend the Future Land Use designation from Residential 15 (RES 15) and Neighborhood Commercial (NC) to all Residential 30 (RES 30).

The proposed RU-2-30 zoning can be considered consistent with the proposed Residential 30 (RES 30) FLU designation.

The existing FLU RES 15 designation would allow for 59 units under FLUE Policy 2.10 if the Board deemed the scale and intensity as compatible with the abutting residential development.

When considering the existing development potential of the subject site, this request actually represents an increase of approximately 59 units.

Applicable Land Use Policies

FLUE Policy 1.3 – addresses the Residential 30 Directive land use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within this element. Parameters for this future land use designation include:

Criteria:

A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

1. Areas located east of Interstate-95; and

The subject site is located 6.6 miles east of Interstate-95 (I-95).

2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or
The subject site is not located adjacent to an incorporated area.

3. Areas adjacent to existing Residential 30 land use designation; and
The subject site is not adjacent to an existing RES 30 land use designation. This request can be considered an introduction of RES 30 into the area. The closest RES 30 DIR is 3.1 miles south of the subject property on South Tropical Trail.

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

The subject site has direct access to an arterial roadway, North Courtenay Parkway is classified as an Urban Principal Arterial roadway.

- B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or

The subject site is not part of an approved redevelopment plan.

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

The subject site is within the Merritt Island Redevelopment Agency (MIRA); however, the proposal is not part of a redevelopment plan approved by Board of County Commissioners.

The applicant has submitted a companion application (22SS00016) to this Rezoning request to change the FLU from RES 15 and NC to RES 30.

The proposed BDP limits the parcel to density of 90 dwelling units per acre.

- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from

perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The applicant has not proposed a Planned Unit Development. The subject site is not located within the CHHA.

The parcel is located in the Merritt Island Redevelopment Area (MIRA). Staff will update Board with results of this meeting.

FLUE Policy 1.2 - Public Facilities and Services Requirements

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

Criteria:

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

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

The subject site is within the City of Cocoa's service area for potable water. The closest centralized sewer line (Brevard) is located on the west side of N. Courtenay Pkwy. (SR-3). Connection to centralized sewer and potable water is required under Criterion C, above.

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

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

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

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

The applicant proposes to rezone 3.95 acres to RU-2-30 zoning classification and amend an existing BDP for the purpose of developing a multi-family complex with up to 90 units. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage.

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

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

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

1. historical land use patterns;

The character of the area is commercial along the west corridor of N. Courtenay Pkwy. (SR-3) with residential land uses further west in the surrounding areas. There are four (4) FLU designations within 500 feet of the subject site: CC, NC, RES 6 and RES 15. The predominant FLU designation along this west section of N. Courtenay Pkwy. is RES 15.

Although the abutting parcels to the north are zoned RU-2-30 (30 units per acre density) these parcels have a FLU designation of RES 15 (15 units per acre density) which is not consistent/compatible with RU-2-30 zoning. This request may be considered an introduction of RES 30 (30 units per acre density) into the area along the west N. Courtenay Pkwy. (SR-3).

The most recent FLU amendment (21S.09) in this area was adopted March 3, 2022 by Ordinance 22-05 to change the FLU designation from NC to CC on 0.92 acres 233 feet to the southeast of the subject property on N Courtenay Parkway. That parcel is currently undeveloped.

2. actual development over the immediately preceding three years.

There has not been any actual development within this area in the preceding three (3) years.

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

While there has not been any new development in the preceding three (3) years, one zoning action has been approved within one-half mile.

20Z00042, approved by the Board on November 3, 2022, was a request to amend a BDP to add car wash use on an 8.89-acre parcel with BU-1 zoning located approximately 135 feet northeast of the subject property at the southeast corner of Skyline Boulevard and North Courtenay Parkway.

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

No material violation of relevant policies has been identified.

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

The developed character of the area is commercial along the west side of N. Courtenay Pkwy (SR-3) abutting the east 200 feet of the parcel along the north and transitions to residential zoning abutting the south of the property and the west of the property. The residential zoning in the area is RU-2-15 medium density multi-family residential abutting the parcel to the north and RU-1-11 single-family residential abutting the parcel to the south and west which allows for 7,500 sq. ft. lots.

The existing RES 15 and NC designations on the parcel would allow for 59 units under FLUE Policy 2.10 if the Board deemed the scale and intensity as compatible with the abutting residential development.

When considering the existing development potential of the subject site, this request represents an increase of approximately 31 units.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Multi-family and bank	RU-2-30 & BU-1-A	RES 15 & NC
South	Single-family	RU-1-11	RES 15
East	Road Right-of-Way East of ROW Commercial retail plaza	East of ROW BU-1-A	NC
West	Single-family	RU-1-11	RES 15

To the north is two 1.12-acre parcels, each with RU-2-30 zoning and developed as multi-family condominiums.

To the south are eight 0.19-acre parcels and one 0.34-acre parcel developed as a single-family residence with RU-1-11 zoning.

To the east, across N. Courtenay Pkwy., is a 1.88-acre parcel developed as retail commercial with BU-1-A zoning.

To the west are three 0.24-acre parcels developed as a single-family residence with RU-1-11 zoning.

The current RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The proposed RU-2-30 classification permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Pkwy., from Crockett Blvd. to Pioneer Road, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 68.62% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.91%. The corridor is anticipated to operate at 69.53% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The school concurrency indicates there is enough capacity for the total of projected and potential students from the proposed development. There is sufficient capacity at Mila Elementary School, Jefferson Middle School, and Merritt Island High School for the total of projected and potential students from this development.

The parcel is within the City of Cocoa utilities service area for public water. The closest centralized sewer line (Brevard County) is located on the west side of N. Courtenay Pkwy. (SR-3).

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary
Item #22Z00071

Applicant: Steve Anderson/Larry Poliner

Zoning Request: RU-2-15 to RU-2-30, with new BDP limiting to 90 units

Note: Applicant wants to demo partially completed residential development, and construct new multi-family development.

P&Z Hearing Date: 03/13/23; **BCC Hearing Date:** 04/06/2023

Tax ID No: 2412341

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Taveres fine sand, 0-5% slopes) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 2 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

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 and minimum landscaping requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

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.

THANK YOU

District 2 Disclosures
4/6/2023 BOCC Zoning Meeting

H.12. Crane View, LLC (Steve Anderson) requests a Small Scale Comprehensive Plan Amendment (22S.19) to change the Future Land Use designation from RES 15 and NC to RES 30 DIR. (22SS00016) (Tax Account 2412341) (District 2)

H.13. Crane View, LLC (Steve Anderson) requests a change of zoning classification from RU-2-15, with an existing BDP, to RU-2-30, removal of existing BDP, and adding a new BDP. (22Z00071) (Tax Account 24112341) (District 2)

- On 3/28/2023, received email from Kathryn Beckman with opposition to the rezoning and requests that this petition be denied or at least the density be reduced to 15 units
- On 3/30/2023, received email from Matthew & Stephanie Maltby with opposition to the rezoning and requests that this petition be denied or at least the density be reduced to 15 units
- On 4/2/2023, received email from Carol Nutter with opposition to the rezoning and requests this petition be denied or at least the density be reduced to 15 units
- On 4/4/2023, received emails from the following:
 - Rory Iannuzzi with opposition to the rezoning and requests this petition be denied or at least the density be reduced to 15 units
 - Michael Iannuzzi with opposition to the rezoning and requests this petition be denied or at least the density be reduced to 15 units