



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

8/6/2020

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### Subject:

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

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

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

### Summary Explanation and Background:

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

The property retains split FLU (Future Land Use) designations of RES 2 (Residential 2) and PI (Planned Industrial). A companion application for a Small-Scale Comprehensive Plan Amendment accompanies this rezoning request to amend the FLU designation on the 4.845-acre portion of the property located east of Hammock Road from PI to RES 2.

The proposed BDP limits the lot size to a half acre on the 4.845-acre parcel (eastside of Hammock Rd.) and no more than 5 lots. The BDP allows the Developer the ability to transfer some of those units to the westside of Hammock Rd. up to 4 units.

The surrounding parcels are a mixture of single-family residential, single-family mobile home, and planned industrial. The abutting property to the south is a 71.76-acre undeveloped parcel in the City of Titusville that retains the Planned Unit Development Zone classification with 143 units and a 6,000 sq.ft. minimum lot size.

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

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

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**Planning and Zoning Board meeting.**

On July 1, 2020, the Applicant submitted a revised BDP with additional conditions that are referenced in the Addendum.

On July 6, 2020, the Planning and Zoning Board heard the request and recommended approval with a BDP submitted and modified buffers stipulated as follows: a 25-foot buffer on the north property line of the east 4.845-acre parcel, to be a continuation of the 15-foot perimeter undisturbed vegetative buffer; and a 25-foot buffer on the west property line of the west 26.328-acre parcel with a 6-foot opaque fence. The vote was 5:1.

**Clerk to the Board Instructions:**

Upon receipt of resolution, please execute and return to Planning and Development.

H1.7.2  
-2017.9

## **District 2 Disclosures**

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

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

##### **Emails:**

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

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

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

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

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

##### **Phone:**

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

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

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

### **Administrative Policy 1**

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

### **Administrative Policy 2**

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

#### **Criteria:**

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

### **Administrative Policy 3**

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

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
  2. actual development over the immediately preceding three years; and
  3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

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

**Criteria:**

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

#### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

**Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

#### **CONDITIONAL USE PERMITS (CUPs)**

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.



- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**19PZ00158**

**Theodore C. Goodenow**

**AU (Agricultural Residential) to RU-1-9 (Single-Family Residential) with a BDP (Binding Development Plan) limited to 62 lots**

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

Planning and Zoning Board: 07/06/20

Board of County Commissioners: 08/06/20

**Consistency with Land Use Regulations**

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

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

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

**Background and Purpose of Request**

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

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

approximately 1,250 feet from the Indian River Lagoon. At this point, staff anticipates this property to be developed in two separate projects as there is no interconnectivity between the two parcels. Also, based on the design, there maybe a need to have two separate stormwater ponds. This will be determined at a later stage of development.

The property has been AU zoned since 1958. There have been no prior zoning requests on the subject property.

## **Land Use**

This site retains split Future Land Use (FLU) designation of RES 2, which allows residential development with a maximum gross density of up to two (2) units per acre, and Planned Industrial (PI). A companion Small Scale Comprehensive Plan Amendment application 20S.02 (20PZ00024) was submitted accompanying this rezoning request to amend the FLU designation on the 4.85 portion of the project site located east of Hammock Road from PI to RES 2. The requested change of zoning from AU to RU-1-9 with a BDP is consistent with the proposed Future Land Use Map (FLUM), but is not consistent with the current FLUM of PI for the portion of the property east of Hammock Road. Neither AU nor RU-1-9 zoning is permitted in PI FLU designation. 20PZ00024 would have to be approved by the Board in order for the requested rezoning from AU to RU-1-9 to be considered. The applicant is requesting this zoning in order to tailor lot dimensions and area to obtain the maximum gross density of 2 units per acre permitted by RES 2 FLU.

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

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

The subject parcel does not serve as a transition between land uses with a density greater than two (2) units per acre and areas with lesser density. The subject parcel is surrounded by PI land use and residential parcels of 0.5 acres or larger. The portion of the subject property located east of Hammock Road is not immediately adjacent to Residential 2 (RES 2) Future Land Use designation.

Only a portion of the southern boundary of subject parcel to the west of Hammock Road is located adjacent to an incorporated area and that unincorporated area retains a low density residential FLU designation. On the west side of Hammock Road the City of Titusville boundary is located approximately 200 feet to the south, where a developed parcel with Heavy Industrial Zoning and Industrial Future Land Use currently exists.

## **Environmental Constraints**

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

- Wetlands/Hydric soils
- Indian River Lagoon Septic Overlay

- **Protected Species**

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

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US-1, between Dairy Road and State Road 46, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 40.05% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 1.41%. The corridor is anticipated to continue to operate at 41.46% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

According to the School Impact Analysis Capacity Determination (CD-2019-18) dated November 20, 2019, the proposed development for the subject property is projected to generate 17 elementary students, 5 middle school students, and 10 high school students. CD-2019-18 concludes: "At this time, Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the [proposed development on the subject property]."

The subject property is neither served by county nor city potable water. The nearest county potable water is approximately 3,000 feet east northeast of the property. The closest city potable water provided by City of Titusville Utilities is approximately 900 feet south of the property on the west side of Hammock Road.

The subject property is neither served by county nor city sanitary sewer. The nearest sanitary sewer is provided by City of Titusville Utilities and is located on Truman Scarborough Way, approximately 2,800 feet south of the property. The nearest county sewer is approximately 1.6 miles to the west of the property at the intersection of Parrish Road and Briarcliff Way.

The applicant's BDP states the project will connect to City of Titusville water and sewer. If centralized potable water is not provided, centralized sanitary sewer must be provided for densities greater than 2 units per acre per Future Land Use Element (FLUE) Policy 1.2 E that states: "Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system."

### **Applicable Land Use Policies**

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

The RU-1-9 classification permits single-family residences on minimum 6,600 square foot lots with minimum widths of 66 feet and depth of 100 feet. The minimum house size is 900 square feet.

The adjacent properties to the north across Parrish Road retain Rural Residential Mobile Home (RRMH-1) and Single-Family Mobile Home (TR-1 and TR-2) zoning classifications and are currently developed with lot sizes ranging from 0.52 to 1.4 acres. The adjacent property to the south is 0.52 acres, retains TR-1 zoning, and is developed with a single-family manufactured home. The other property abutting to the south is a ~~45.29~~ 71.76 acre undeveloped parcel in the City of Titusville that retains City of Titusville Planned Unit Development Zone (PUDZ) zoning and Low Density Residential FLU designation with four pockets of City of Titusville Open Space Recreation (OR) zoning and Conservation FLU. The properties to the east and across Hammock Road (northern half) of the east lot line are developed under the TR-2 zoning classification with lots ranging in size from 0.5 to 0.59 acres. The abutting property to the east (southern half) of the east lot line is undeveloped and retains Planned Industrial Park (PIP) zoning. The seven properties abutting the subject property to the west all retain RR-1 zoning and are all developed with single-family homes with lot sizes ranging from 1.03 to 1.64 acres. The developed character of the area is half-acre to one-acre developed single family sites.

In review of Administrative Policy 3 (c), concerning the compatibility of the proposed rezoning with adjacent and surrounding historical and actual land use patterns, the fact that there have been no zoning actions within ½ mile of the subject property within the last three years, and the most recent request 14PZ-00061 approved September 4, 2014 downzoned the property from Rural Residential (RR-1) with a BDP to Agricultural Residential (AU), the RU-1-9 zoning classification is neither an established nor emerging zoning classification within the surrounding area. Further, Administrative Policy 4 states: "The character of the area must not be materially or adversely affected by the proposed rezoning or land use application." The neighboring lots are one-half acre or larger in size and have a rural neighborhood character. Although the required BDP limits the potential density to 62 single-family lots with central water and sewer connection, which allows RU-1-9 to be considered within the RES 2 FLU per Section 62-1255, RU-1-9 is not an established zoning classification in the neighborhood. Compatibility can be achieved by increasing the minimum lot size to ½ acre.

### **For Board Consideration**

The applicant is seeking a change of zoning classification from Agricultural Residential (AU) to Single-Family Residential (RU-1-9) in order to develop a residential subdivision of up to 62 single-family lots. The request is accompanied by a Binding Development Plan (BDP) limiting the project density to two units per acre and committing to connection to central water and sewer. This rezoning request is accompanied by a companion SSCPA from PI to RES 2 20S.02 (20PZ00024) that would need to be approved by the Board in order for this rezoning to be considered.

The Board may wish to consider if introducing RU-1-9 zoning classification is consistent and compatible with the surrounding RRMH-1 and TR-2 zoning classifications. The Board may wish to consider whether the proposed BDP helps mitigate the potential impacts to the surrounding area and the proximity to the Indian River Lagoon.

The Board should note: the Code requires a landscaping & wall buffer when residential abuts a commercial or industrial zoning classification. The burden of the improvement is on the commercial/industrial zoned properties. The Board may wish to consider requiring the applicant provide the buffering at the time of development.

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

**Item # 19PZ00158**

**Applicant:** Theodore Goodenow, Chad Genoni

**Zoning Request:** Applicant wants to build a 62-unit subdivision on 31.43 acres.

**P&Z Hearing Date:** 03/09/20; **BCC Hearing date:** 04/02/20

**Tax ID No:** 2105262

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

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

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

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

**Land Use Comments:**

**Wetlands/Hydric Soils**

The subject parcel contains 100% hydric soils (Copeland-Bradenton-Wabasso complex, and Riviera sand), and a small area of mapped SJRWMD wetlands along the southern property boundary, as shown on the USDA SCSSs soils, and SJRWMD FLUCCS Wetlands maps, respectively; indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally

established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and Section 62-3696.

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

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

#### **Protected Species**

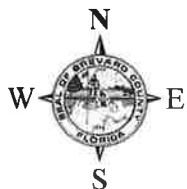
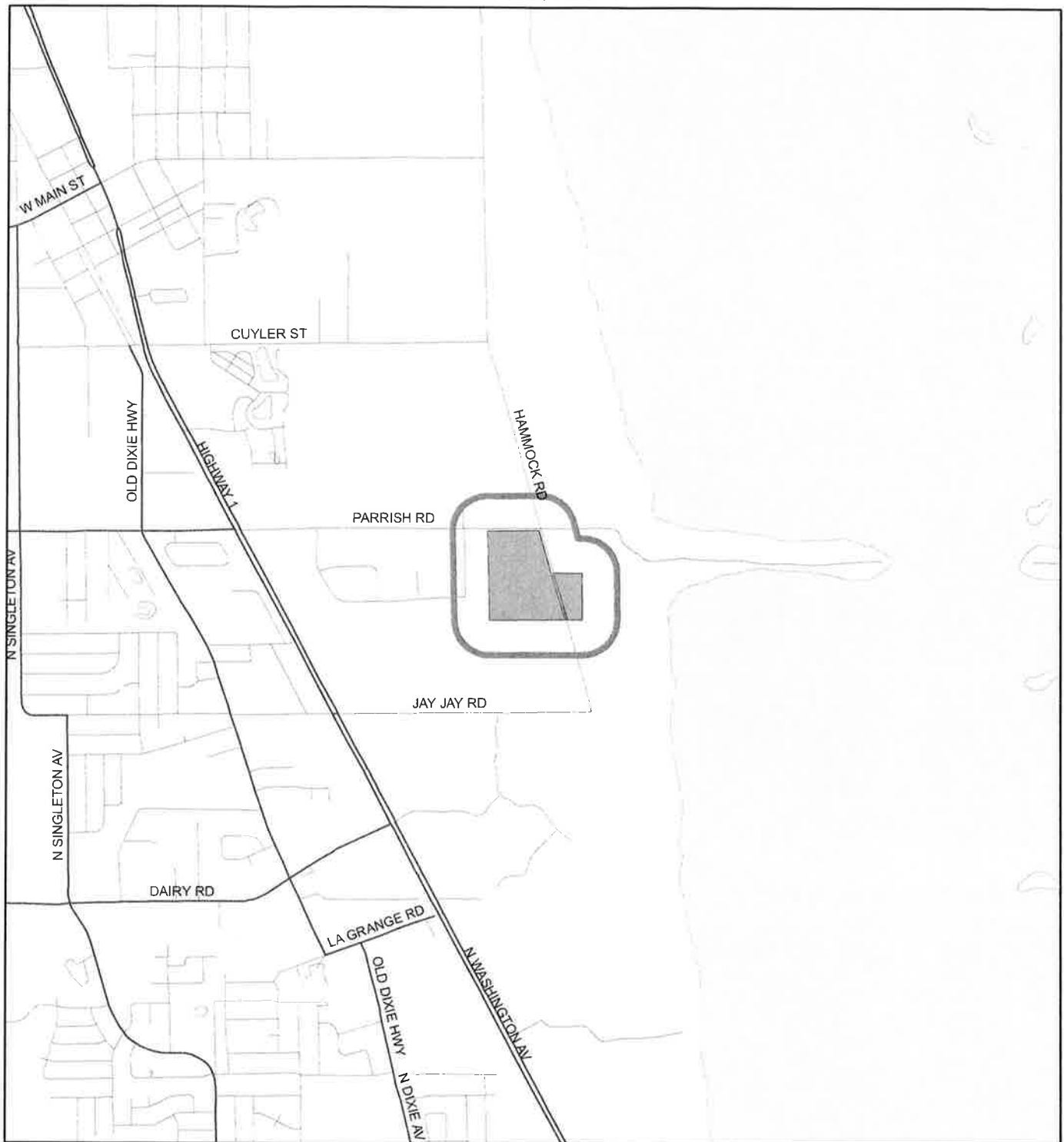
Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.



# LOCATION MAP

GOODENOW, THEODORE C.

19PZ00158



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

Buffer Distance: 500 feet

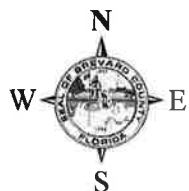
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

- Buffer
- Subject Property

# ZONING MAP

GOODENOW, THEODORE C.  
19PZ00158



1:4,800 or 1 inch = 400 feet

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

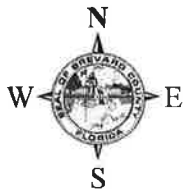
Produced by BoCC - GIS Date: 1/6/2020

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

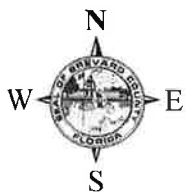
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

# AERIAL MAP

GOODENOW, THEODORE C.

19PZ00158




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2019

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

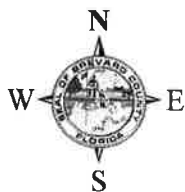
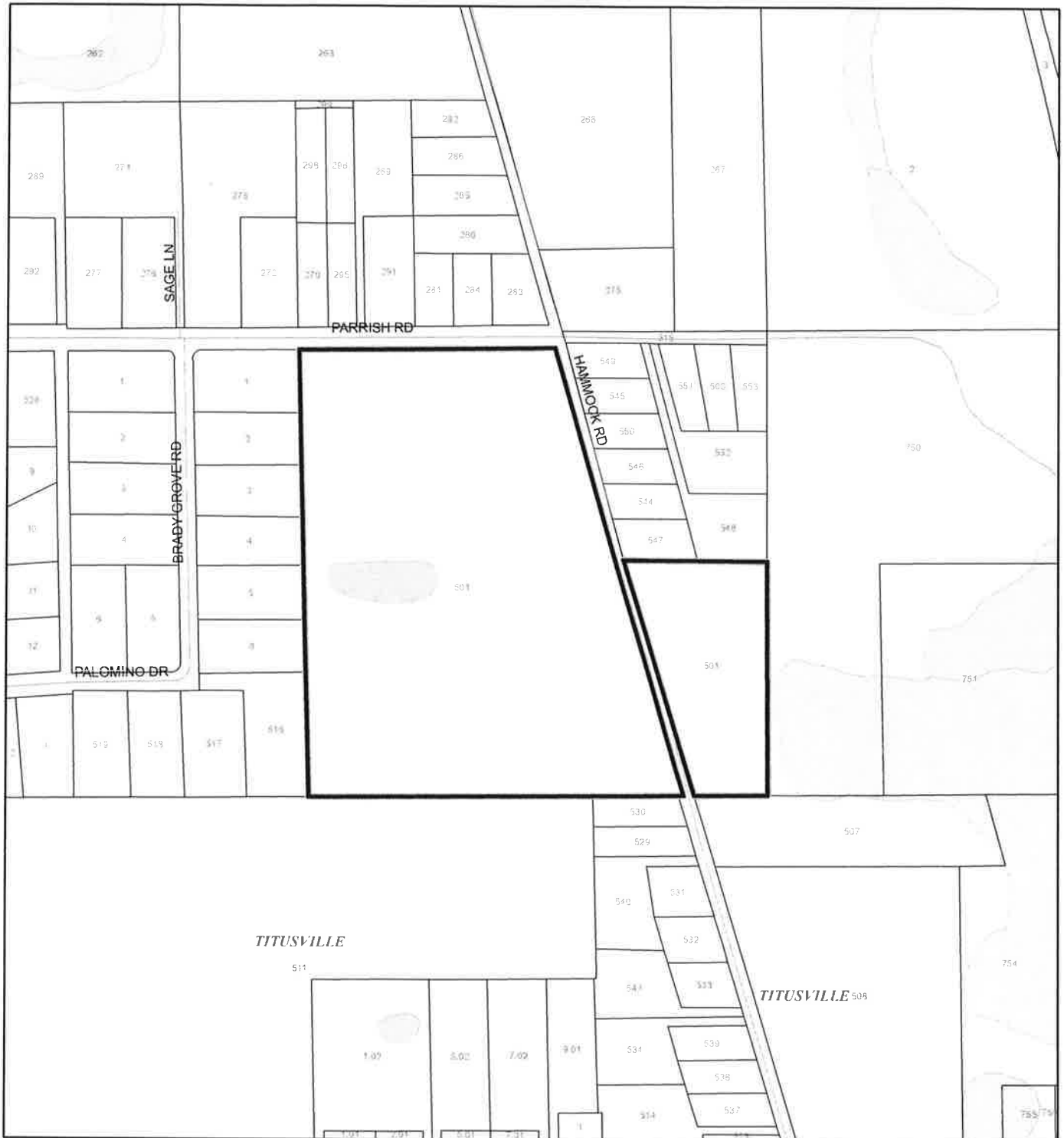
 Subject Property

 Parcels

# NWI WETLANDS MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

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

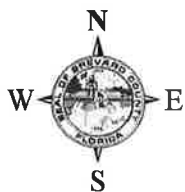
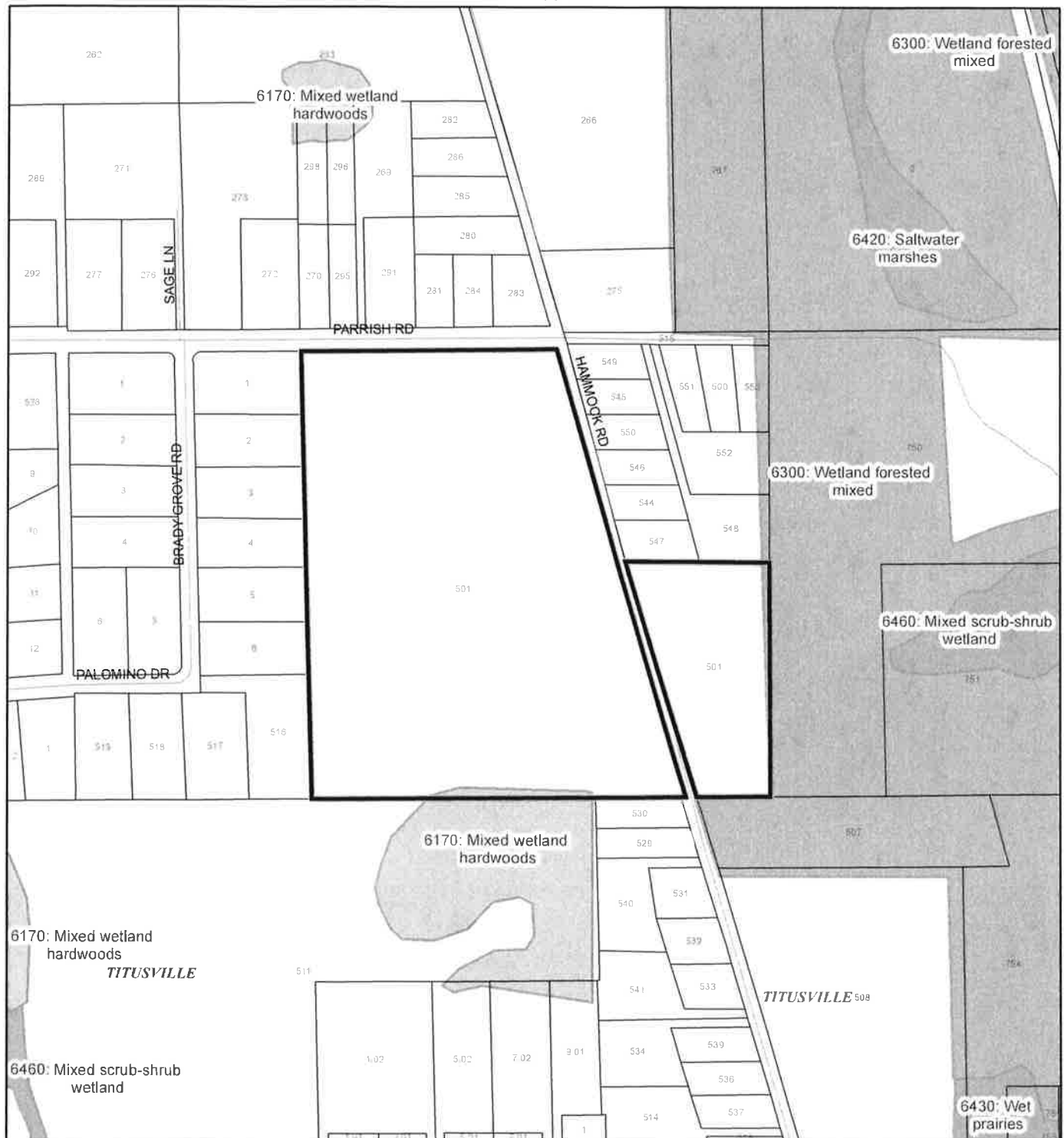
## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

GOODENOW, THEODORE C.

19PZ00158




1:4,800 or 1 inch = 400 feet

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

## SJRWMD FLUCCS WETLANDS

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

 Subject Property

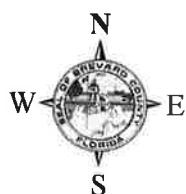
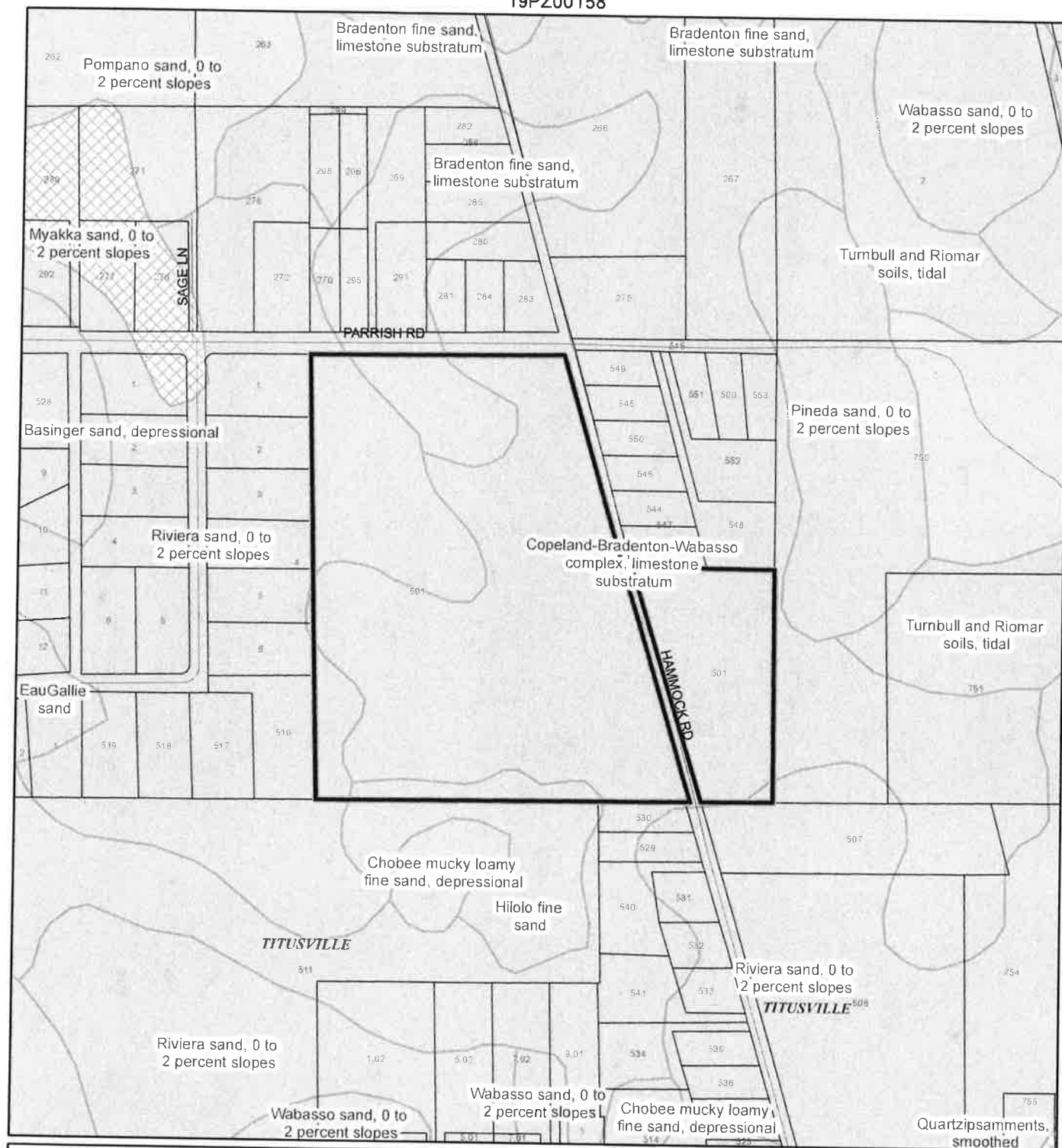
 Parcels



# USDA SCSSS SOILS MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

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

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

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

## FEMA Flood Zones

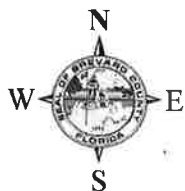
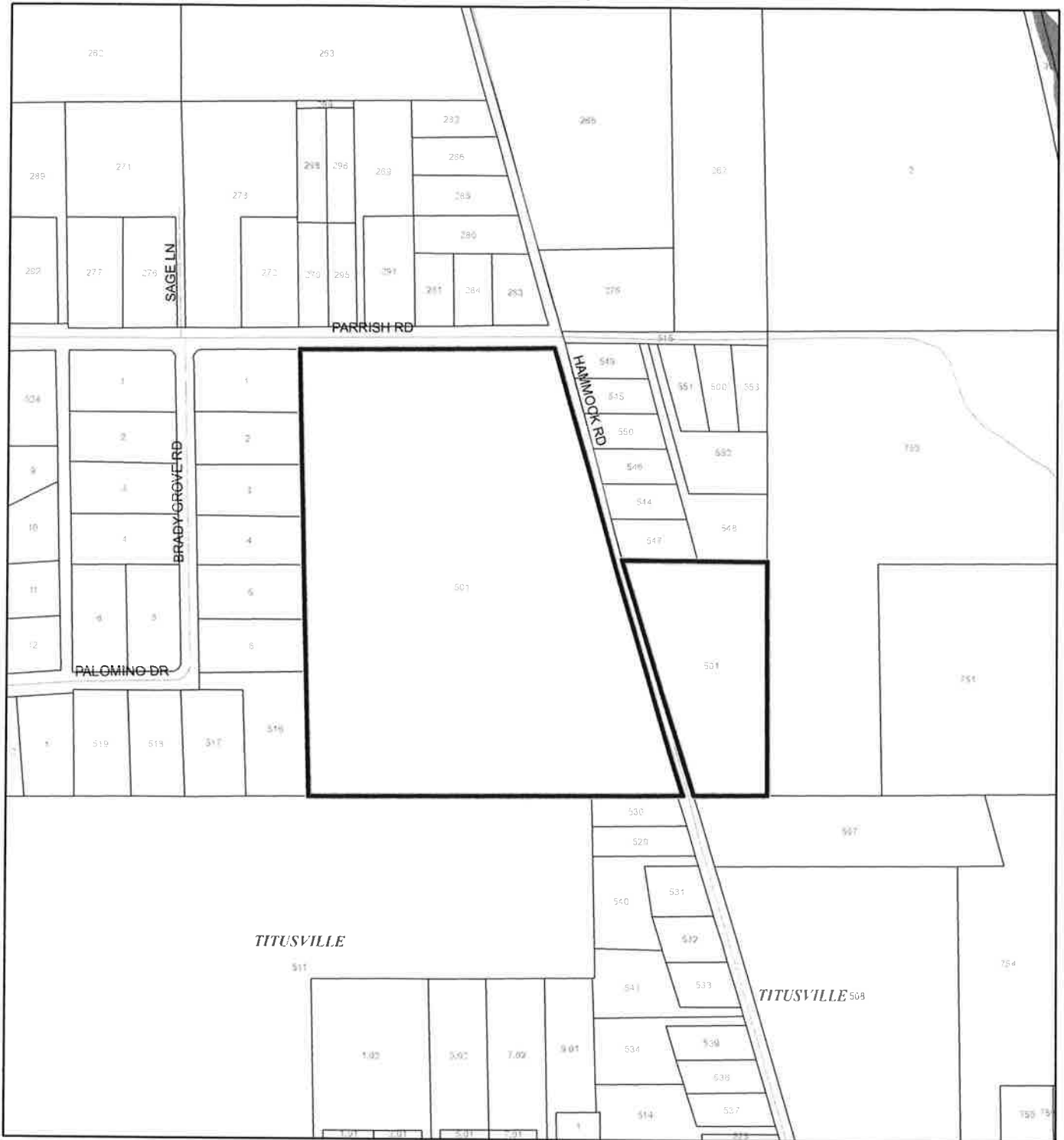
- |   |            |                      |
|---|------------|----------------------|
| A   | AO         | X                    |
| AE  | Open Water | X Protected By Levee |
| AH  | VE         |                      |
| 0.2 Percent Annual Chance Flood Hazard                      |            |      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



# COASTAL HIGH HAZARD AREA MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

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

— Subject Property

□ Parcels

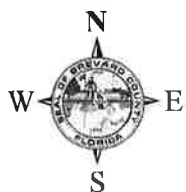
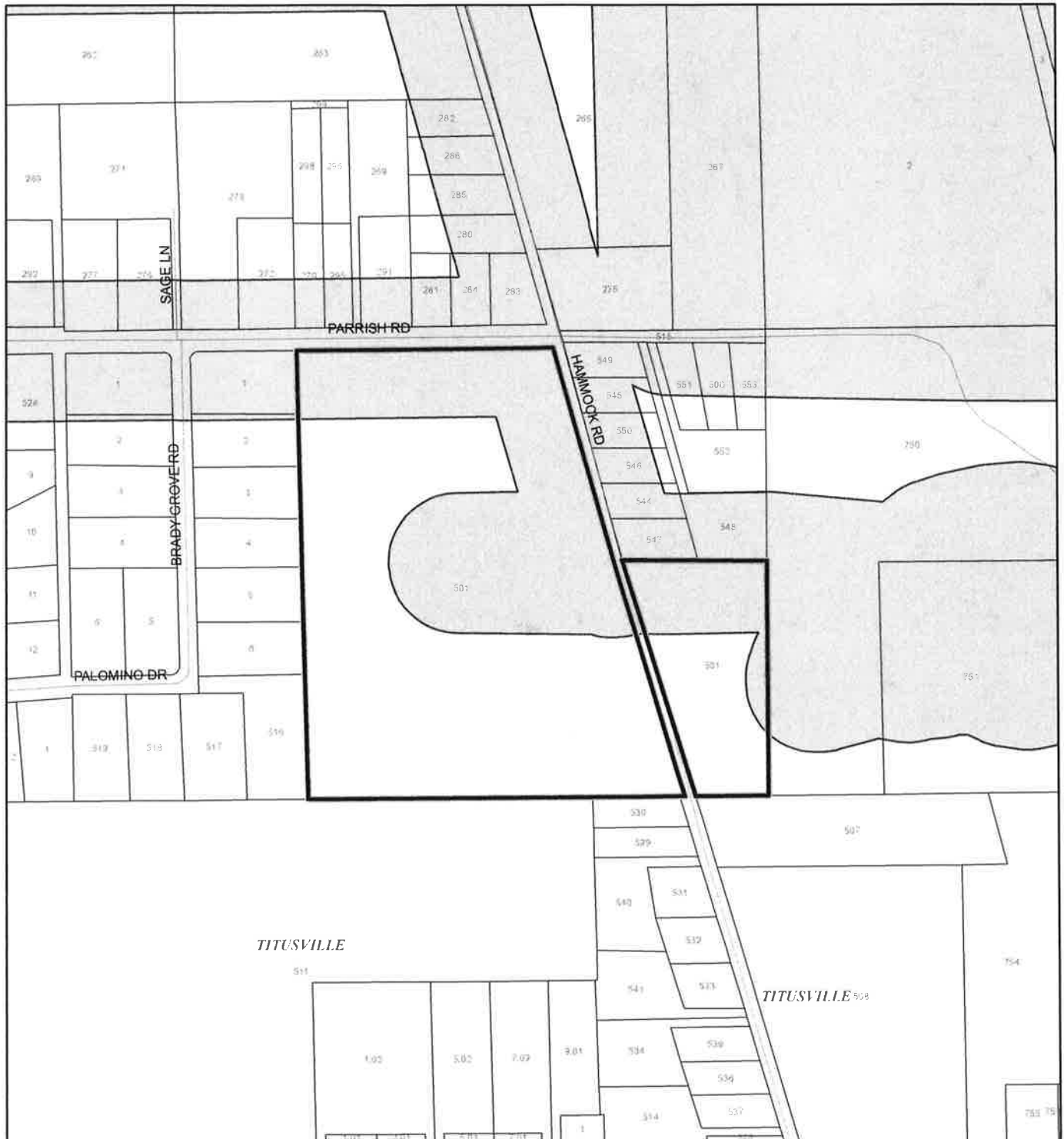
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

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

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

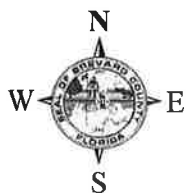
■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

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

 Subject Property

 Parcels

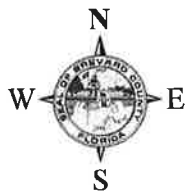


Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

GOODENOW, THEODORE C.




19PZ00158



1:4,800 or 1 inch = 400 feet

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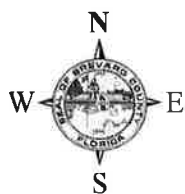
Produced by BoCC - GIS Date: 1/6/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

GOODENOW, THEODORE C.

19PZ00158



1:4,800 or 1 inch = 400 feet

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

## SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

# School Board of Brevard County

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

School Concurrency  
19PZ00158  
Goodenow

Public  
Schools 

November 20, 2019

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

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

Dear Mr. Quintas,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property includes Tax Account 2105262 (Parcel ID: 21-35-21-00-501) containing approximately 31.43 acres in the City of Titusville, Brevard County, Florida. The proposed single-family development includes 62 homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2018-19 to 2023-24 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2018-19 to 2023-24* which is attached for reference.

Single Family Homes		62	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	17.36	17
Middle	0.08	4.96	5
High	0.16	9.92	10
Total	0.52		32

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

An Equal Opportunity Employer

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

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

**Projected Student Membership**

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

**Students Generated by Previously Issued SCADL Reservations**

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

**Cumulative Students Generated by  
Proposed Development**

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

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

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

At this time, Mims Elementary School, Madison Middle School and Astronaut High School are projected to have enough capacity for the total of projected and potential students from the Brooks Landing Phase 2 development.

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

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

Sincerely,



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

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

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



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



Summary				2018-19		2019-20		2020-21		2021-22		2022-23		2023-24	
Highest Utilization Elementary Schools				103%		100%		100%		100%		100%		99%	
Highest Utilization Middle Schools				81%		82%		82%		100%		99%		95%	
Highest Utilization Jr / Sr High Schools				86%		89%		86%		86%		92%		94%	
Highest Utilization High Schools				95%		96%		97%		100%		100%		99%	

School	Type	Grades	Utilization Factor	School Year 2018-19			School Year 2019-20			School Year 2020-21			School Year 2021-22			School Year 2022-23			School Year 2023-24		
				FtBH Capacity	10/15/19 Membership	Total Capacity Utilization	Future FtBH Capacity	Student Projection	Total Capacity Utilization	Future FtBH Capacity	Student Projection	Total Capacity Utilization	Future FtBH Capacity	Student Projection	Total Capacity Utilization	Future FtBH Capacity	Student Projection	Total Capacity Utilization	Future FtBH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
New Central Elementary	Elementary	K-6	100%	751	711	9%	751	717	0%	970	913	3%	970	938	60%	970	958	81%	970	968	81%
Abner	Elementary	PK-6	100%	751	711	95%	751	717	96%	970	913	94%	970	938	97%	970	958	98%	970	968	98%
Anderson	Elementary	K-6	100%	584	720	81%	584	706	83%	694	690	79%	694	690	78%	694	699	79%	694	706	80%
Apollon	Elementary	K-6	100%	902	847	94%	902	851	95%	902	872	97%	902	895	99%	902	901	100%	902	901	99%
Atlanta	Elementary	PK-6	100%	739	713	96%	739	683	93%	739	666	90%	739	659	89%	739	650	88%	739	645	87%
Audubon	Elementary	PK-6	100%	781	538	70%	781	538	71%	781	488	64%	781	488	64%	781	478	63%	781	483	63%
Cambridge	Elementary	PK-6	100%	785	661	85%	785	658	85%	785	641	82%	785	624	82%	785	616	81%	785	623	81%
Cape View	Elementary	PK-6	100%	540	381	70%	540	378	70%	540	348	64%	540	328	60%	540	320	58%	540	327	60%
Carroll	Elementary	K-6	100%	751	684	89%	751	681	91%	751	637	85%	751	597	79%	751	565	75%	751	561	74%
Chalenger I	Elementary	PK-6	100%	673	371	55%	673	377	56%	673	341	51%	673	326	48%	673	319	47%	673	325	48%
Columbia	Elementary	PK-6	100%	751	478	64%	751	448	60%	751	448	60%	751	440	59%	751	447	60%	751	437	58%
Covina	Elementary	K-6	100%	711	518	73%	711	482	68%	711	427	60%	711	404	57%	711	374	53%	711	357	50%
Cree	Elementary	PK-6	100%	1,184	848	72%	1,184	853	72%	1,184	848	72%	1,184	876	74%	1,184	918	78%	1,184	937	81%
Crofton	Elementary	PK-6	100%	795	532	67%	795	536	68%	795	569	71%	795	621	78%	795	626	79%	795	621	78%
Discovery	Elementary	PK-6	100%	980	644	66%	980	606	62%	980	583	60%	980	577	59%	980	562	57%	980	562	57%
Endicott	Elementary	PK-6	100%	990	652	66%	990	649	66%	990	713	72%	990	690	69%	990	699	71%	990	677	68%
Enterprise	Elementary	K-6	100%	729	589	82%	729	620	85%	729	666	91%	729	615	84%	729	633	87%	729	643	88%
Faegle	Elementary	PK-6	100%	789	831	105%	789	975	123%	789	940	119%	789	708	89%	789	732	93%	789	745	94%
Guthrie	Elementary	K-6	100%	711	456	64%	711	457	64%	711	461	65%	711	430	60%	711	417	59%	711	418	59%
Gulfview	Elementary	PK-6	100%	777	655	84%	777	517	67%	777	521	67%	777	510	66%	777	512	66%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	371	59%	629	366	58%	629	347	55%	629	345	55%	629	366	58%	629	362	58%
Holbert	Elementary	PK-6	100%	605	407	67%	605	310	51%	605	312	51%	605	327	54%	605	309	51%	605	311	51%
Imperial Estates	Elementary	K-6	100%	729	639	88%	729	630	86%	729	630	86%	729	638	87%	729	629	86%	729	611	83%
Isabella	Elementary	K-6	100%	798	740	93%	798	737	92%	798	741	93%	798	740	93%	798	750	94%	798	768	96%
Jupiter	Elementary	PK-6	100%	930	728	78%	930	686	74%	930	745	80%	930	735	79%	930	628	68%	930	668	72%
Lockhart	Elementary	PK-6	100%	952	699	74%	952	674	71%	952	664	70%	952	645	68%	952	654	69%	952	677	71%
Longleaf	Elementary	PK-6	100%	790	647	82%	790	646	82%	790	613	78%	790	605	77%	790	591	75%	790	608	76%
Manatee	Elementary	K-6	100%	954	949	99%	954	950	100%	954	950	100%	954	951	100%	954	954	100%	954	954	100%
McArthur	Elementary	PK-6	100%	918	777	85%	918	753	82%	918	693	75%	918	655	71%	918	604	66%	918	595	65%
Madisonville Intermediate	Elementary	3-6	100%	1,114	858	77%	1,114	887	79%	1,114	881	79%	1,114	888	80%	1,114	943	85%	1,114	978	88%
Madisonville Primary	Elementary	K-6	100%	824	628	76%	824	637	77%	824	596	72%	824	652	79%	824	702	85%	824	704	85%
Mile	Elementary	PK-6	100%	707	405	57%	707	449	64%	707	442	63%	707	447	63%	707	447	63%	707	483	68%
Mina	Elementary	PK-6	100%	729	479	66%	729	473	65%	729	450	62%	729	458	63%	729	485	67%	729	478	66%
Oak Park	Elementary	PK-6	100%	958	722	75%	958	675	71%	958	665	69%	958	637	67%	958	629	66%	958	622	65%
Ocean Breeze	Elementary	PK-6	100%	654	532	81%	654	524	80%	654	511	78%	654	497	76%	654	490	75%	654	490	75%
Palm Bay	Elementary	PK-6	100%	1,005	615	61%	1,005	607	60%	1,005	622	62%	1,005	648	65%	1,005	649	65%	1,005	683	68%
Pinewood	Elementary	PK-6	100%	569	517	91%	569	506	89%	569	517	92%	569	518	92%	569	518	92%	569	530	93%
Pine Valley	Elementary	PK-6	100%	852	688	81%	852	682	80%	852	632	74%	852	607	71%	852	613	72%	852	604	71%
Quail	Elementary	PK-6	100%	1,032	1,039	100%	1,032	1,144	109%	1,032	1,070	104%	1,032	947	92%	1,032	875	85%	1,032	874	85%
Riverside	Elementary	PK-6	100%	777	652	84%	777	657	85%	777	721	93%	777	685	88%	777	653	84%	777	644	83%
Rockwell	Elementary	K-6	100%	599	350	58%	599	350	58%	599	328	55%	599	321	53%	599	324	54%	599	323	54%
Sabal	Elementary	PK-6	100%	780	538	69%	780	533	68%	780	518	66%	780	507	65%	780	494	63%	780	485	62%
Salem	Elementary	PK-6	100%	878	853	97%	878	877	100%	878	894	102%	878	952	108%	878	987	112%	878	1,072	123%
Sea Park	Elementary	PK-6	100%	491	321	65%	491	333	68%	491	301	61%	491	302	61%	491	306	62%	491	306	62%
Shenwood	Elementary	PK-6	100%	909	499	55%	909	442	49%	909	428	47%	909	410	45%	909	407	45%	909	423	46%
South Lake	Elementary	K-6	100%	481	311	65%	481	344	72%	481	348	73%	481	348	73%	481	348	73%	481	348	73%
Sumner	Elementary	PK-6	100%	913	820	90%	913	800	87%	913	693	76%	913	644	70%	913	593	65%	913	544	60%
Sunrise	Elementary	K-6	100%	755	679	90%	755	665	88%	755	656	87%	755	615	81%	755	498	66%	755	517	68%
Swansea	Elementary	K-6	100%	541	450	83%	541	456	84%	541	442	82%	541	421	78%	541	420	78%	541	392	72%
Tropical	Elementary	K-6	100%	919	825	91%	919	821	89%	919	809	88%	919	829	91%	919	815	89%	919	836	91%
Tuner	Elementary	PK-6	100%	874	562	64%	874	519	59%	874	521	60%	874	509	58%	874	502	57%	874	516	59%
University Park	Elementary	PK-6	100%	811	473	58%	811	458	56%	811	468	58%	811	472	59%	811	471	59%	811	463	57%
Wesley	Elementary	K-6	100%	857	769	90%	857	724	84%	857	743	87%	857	737	86%	857	829	97%	857	852	99%
Williams	Elementary	PK-6	100%	718	582	81%	718	589	82%	718	574	80%	718	555	77%	718	521	73%	718	505	70%
Elementary Totals				41,810	33,185		41,854	32,732		42,824	32,417		42,951	32,693		43,044	32,185		43,244	33,993	

1. FISH Category is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2018-19 are reported from the FISH database as of October 10, 2018.
2. Student Membership is reported from the Fall Final Membership Count (10/12/18).
3. Davis Demographics Schoolwide Enrollment Forecasting (Enrollment for Academic) estimates future student populations by analyzing the following data:
  - Development Projections from Bravard County Local Government Jurisdictions
  - Bravard County School Concurrence Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Bravard County Birth rates by age group
4. Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current From To attendance patterns are assumed to remain constant
  - Nonrecorded student addresses are assumed to continue in their attendance schools.
  - Charter School Growth
5. In order to maintain utilization rates lower than the 100% level of service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. Relocatable Classrooms are assumed to add future student stations as listed below:
  - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
  - Intermediate relocatable classrooms are proposed to be added at Aurora Elementary, Chandler Elementary, Coquett Elementary, Imperial Elementary, Greenwood Elementary, Quail Elementary, Salem Elementary, Sunrise Elementary, Delaware Middle School, Jackson Middle School and Kennedy Middle (Total of 42 Classrooms)
  - High school relocatable classrooms are proposed to be added at Westview (Total of 4 Classrooms)
7. Redistricting was approved for the 2019-20 school year and the projected enrollment for 2019-20 is adjusted for those areas. Future redistricting is planned for a new central area elementary school in 2020-21.
8. The following proposals for additional permanent capacity are included in this analysis:
  - A 12 classroom addition at Costa Jorja Junior High School is assumed to add 200 student stations starting in 2019-20
  - A new central area elementary is assumed to add 870 student stations starting in 2020-21. Student enrollment projections were adjusted for the 2020-21 school year.



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

**TO:** Board of County Commissioners

**FROM:** Tad Calkins, Director

**Cc:** Frank Abbate, County Manager  
John Denninghoff, P.E., Assistant County Manager

**DATE:** July 23, 2020

**SUBJECT:** **19PZ00158 (Theodore Goodenow) Addendum to Staff Comments**

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The purpose of this memo is to provide the Board an updated analysis of the third draft of the Binding Development Plan (BDP). During the June 15, 2020, public hearing the Planning and Zoning Board (PZ) tabled the zoning application due to concerns relating to the number of lots allowed on the eastern side of Hammock Road. At the July 6, 2020 PZ meeting, the applicant submitted the copy of the third draft BDP. On July 22, 2020, the applicant submitted the 4<sup>th</sup> draft of the BDP, containing the following special conditions. (*Staff comments in italics*):

- a. The Developer/Owner shall limit the project density to 62 Units with the current Future Land Use Designation of RES 2. *RES 2 Future Land Use designation is consistent with the west side of Hammock Rd.*
- b. The Developer/Owner will hook up to Titusville Water and Sewer services. *Comp plan does not require water & sewer services for 2 units to the acre.*
- c. The total maximum density for the project will include the 4.845 acres of land on the east side of Hammock Rd. and the 26.328 acres of land on the west side of Hammock Rd. and shall be limited to a cumulative 62 units. *This is not a reduction or restriction on the number of units; 62 units is the maximum number of units that RES 2 will allow on the property.*
- d. The land on the East side of Hammock Rd. shall be limited to half-acre or larger lots. Any lots allowed by the zoning category on the eastern portion of the Property can be recaptured on western portion of the Property so that the average density of the east side and west side combined are 2 units per acre or 62 units total. *While this condition appears to restrict the number of units, it allows the applicant to allocate 8 units from the east side to the west side of Hammock Rd. The west could be developed with a total of 60 instead of 52 units.*
- e. The minimum lot size is 9,000 sq. ft. for lots on the west side of Hammock Rd. *Requires the minimum lot size in the development to be larger than the 6,600 sq. ft. minimum size of the zoning classification.*

- f. There shall be a 25' buffer on the west property line of the west 26.328-acre parcel that will include landscaping or a fence. There shall be a 25' buffer that will include landscaping on the north property line of the east 4.845-acre parcel. The pepper trees along the north property line of the east 4.845-acre parcel shall be cleared at the time of site development, provided they are not in wetlands that would require mitigation. *At the July 6, 2020, the Planning and Zoning Board to recommend the following inclusion:*

*A 25-foot buffer on the north property line of the east 4.845-acre parcel, to be a continuation of the 15-foot perimeter undisturbed vegetative buffer; and a 25-foot buffer on the west property line of the west 26.328-acre parcel with a 6-foot opaque fence. The board should note the Subdivision Code requires a 15-foot natural buffer tract along the perimeter of the subdivision.*

The Board may wish to consider whether these stipulations within the proposed BDP mitigate potential impacts of the requested zoning classification with the existing development within the surrounding area.

Attachment: 4<sup>th</sup> Draft Binding Development Plan, revised July 22, 2020.

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

**BINDING  
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Theodore C. Goodenow, (hereinafter referred to as Owner").

**RECITALS**

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

WHEREAS, Developer/Owner has requested the RU 1-9 zoning classification and desire to develop the Property as a Single-Family Subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

WHEREAS, the County is authorized to regulate development of the

Property. NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The following conditions shall apply:
  - a. The Developer/Owner shall limit the project density to 62 Units with the current Future Land Use Designation of RES 2.

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

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

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

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

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

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

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

ATTEST:

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

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

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

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

WITNESSES:

OWNER

Theodore C. Goodenow

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

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

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

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

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

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

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

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

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

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

SEAL

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

(Name typed, printed or stamped)



**Exhibit "A"**

Account 2105262

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

Buffer area, 25' wide

Perimeter Buffer

Scale: 1"=10'

Buffer shrubs to be planted as needed 4' on center the length of the buffer. Type to be either 3 gallon Walter's Viburnum or 3 gallon Florida Privet.

Property line

GRAPHIC SCALE

( IN FEET )

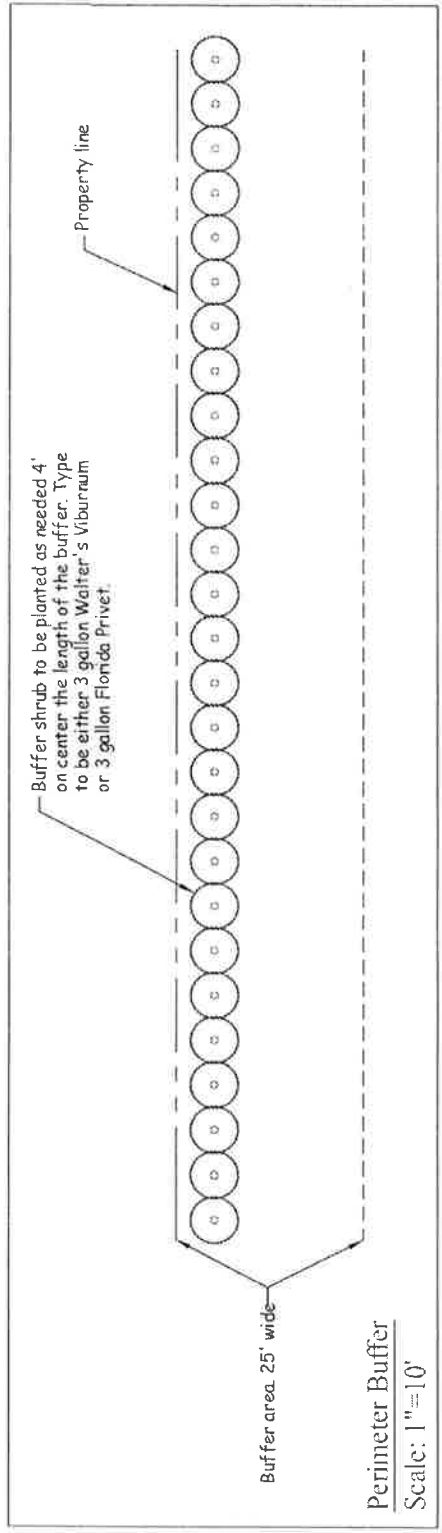
1 inch = 10 feet



**Exhibit "A"**

Account 2105262

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



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

GRAPHIC SCALE



**FNGLA** FNGLA Certified  
Landscape Professional

Brian K. Alderfer  
HC00 02184

Scale: as indicated throughout the plan.

**Environmental Design Services**  
Landscape and Hardscape Design and Consulting  
1875 E. Highway 1A, Suite 200  
Fort Lauderdale, FL 33316  
Phone: (954) 371-1000  
Fax: (954) 371-1001

REVISIONS

No.	Date	Description
1	08-22-20	Initial Design

Landscape Buffer Plan

L-1

Project No.	08-0000
Drawn By	B.K.A.
Designed By	B.K.A.
Checked By	B.K.A.
Printing & Color	Printed
Sheet	1 of 1

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board/Local Planning Agency met in regular session on **Monday, June 15, 2020, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Ron Bartcher; Brian Hodgers; Harry Carswell; Ben Glover; Mark Wadsworth, Chair; Peter Filiberto, Vice Chair; Bruce Moia; Joe Buchanan; and Dane Theodore.

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

### **Excerpt of Complete Minutes**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Joe Buchanan seconded the modified motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 7, 2020**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Brian Woltz; Ron Bartcher; Ian Golden; Brian Hodgers; Joe Buchanan; Peter Filiberto, Vice Chair; and Bruce Moia.

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

### Excerpt of Complete Minutes

Vice Chair Filiberto appointed Brian Hodgers as Chair Pro Tem. Mr. Filiberto excused himself from the meeting.

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

A change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units. The property is 31.43 acres, located on the west side of Hammock Road, approximately 650 feet south of Parrish Road. (1930 Hammock Road, Titusville) (19PZ00158) (Tax Account 2105262) (District 1) This item was tabled from the 06/15/20 P&Z meeting.

(All documents presented to the board can be found in file 19PZ00158, located in the Planning and Development Department).

Kim Rezanka, Cantwell & Goldman Law Firm, Cocoa Village, stated in June the board approved the change in Future Land Use that will allow the rezoning to be possible on the west side of Hammock Road. The subject property is a total of 31.43 acres, with almost 5 acres on the east side of Hammock Road and over 26 acres on the west side of Hammock Road, and the request is for RU-1-9 with a BDP. There is TR-2 to the north of the parcel on the east side at 0.5 acres; there are 1-acre lots to the west of the west parcel, and then there is a PUD in the City of Titusville to the south of the parcel on the west side, and then there are some smaller lots on the south side, adjacent to Hammock Road.

She stated the BDP specifies the project will hook up to water and sewer, and the total maximum density for the project will be 62 units. The lot on the east side of Hammock Road will have no more than 5 units on half-acre lots, and then the property can be transferred to the other side. There was an issue of whether a transfer of density rights was an issue, but in working with staff, they said it doesn't apply here because of the zoning, Future Land Use, and other reasons. The project will be one subdivision with Hammock Road in the middle of it. The minimum lot size shall be 9,000 square feet due to the way the property has to be developed with buffers and because of the consistency with the PUD to the south. The BDP further states there shall be a 25-foot buffer on the west property line of the west 26.328-acre parcel. Said buffer may be included in the rear and/or side lot setback; and there shall be a 25-foot buffer on the north property line of the east 4.845-acre parcel.

She stated in paragraph 2(f) of the BDP, the sentence, 'Said buffer may be included in the rear and/or side lot setback' has been stricken because there was some confusion at the last meeting as to what that meant, and the concern was to make sure there was the 25-foot buffer to the north on the east

parcel because those houses were closer to a proposed development than those were on the west side of the west parcel.

Ron Bartcher stated the same wording occurs differently in that same paragraph, and asked if Ms. Rezanka intended to strike that as well. Ms. Rezanka replied no, it's only intended to be stricken at the end of 2(f). She stated most of the houses west of the western parcel are set pretty far back, so it wasn't conveyed that it was a substantial issue, but if that would make the board more comfortable, she can do that.

Mr. Bartcher asked what kind of buffer is intended. Ms. Rezanka replied there will likely be a fence, but they will do whatever the code requires. Mr. Bartcher asked if the buffer would be open space. Ms. Rezanka replied there will be a fence, and there will be trees that will have to be put in because that is what is required. Mr. Bartcher noted a landscape buffer is not mentioned in the BDP, and he would be more comfortable if it was a landscape buffer.

Bruce Moia stated he spoke to Ms. Rezanka because he had concerns after the last meeting. In a subdivision in Brevard County, a 15-foot buffer is required around the entire property that is an undisturbed vegetative buffer. He said on the east side, the north 25 feet is already existing vegetation that creates a wall, so the board could keep that because those houses are pretty close to that property. On the west side it is all clear, so in lieu of it being a 15-foot undisturbed natural vegetative buffer, it would be 25 feet on the west side of the west parcel, the north side of the east parcel, so that whatever is there is there and if they want to plant in it they can, but they have to preserve what is there. He said the language may need to be clarified. It's whatever that perimeter buffer is and that perimeter buffer would extend from 15 feet to 25 feet on those two areas of the site.

Mr. Bartcher asked what size and type of fence would be installed. Ms. Rezanka replied she assumes it will be a wooden fence, but it will be whatever the code requires and it will be opaque.

Jeanne Allen, Natural Resources Management stated the landscaping code doesn't require any kind of vegetative buffer between residential uses. If the board wanted it to say 'vegetative', that would be important. If it's 25 feet wide it can be Type A, which is usually 20 feet; Type B is 15 feet. She said Type A would be a tree every 25 feet, a large shrub every 4 feet on center, and a small shrub every 3 feet on center, so Type A would be the closest.

Mr. Moia stated the board could ask for a Type A buffer or an opaque 6-foot fence.

Jeffrey Ball asked if Mr. Moia wants the opaque Type A buffer on the western portion of the western parcel, and then on the north on the eastern portion of the property. Mr. Moia replied no, the buffer on the north part of the east parcel would be the undisturbed 25 feet along the north line, because there is already vegetation there, so they wouldn't have to plant additional landscaping. He said on the west, it could be a 6-foot opaque fence with a 25-foot undisturbed buffer on the western border of the west parcel.

Mr. Bartcher asked Ms. Rezanka if the proposed lots could be larger than 9,000 square feet. Ms. Rezanka replied no, 9,000 square feet is all Mr. Genoni can commit to because the engineering still needs to be done.

Public Comment:

Terri LaPlante, 4052 Friar Tuck Lane, Melbourne, urged the board to vote against the rezoning due to the proximity to the Lagoon and the railway that leads to the Kennedy Space Center. She said it's an error to believe that as long as the developer hooks up to water and sewer there is not an issue with polluting the Lagoon, and she fails to see that the developer has taken sufficient action to protect the Lagoon. The latest study shows the retention ponds once believed to reduce nutrient load by 80% are showing nutrient load reduction of 50%. She asked if the developer is willing to use a native land cover rather than sod and turf grass. Turf grass requires fertilizers and pesticides, which end up in the Lagoon along with some of the sod. She said leaving a natural habitat of trees would help the stormwater management and pollution control. She stated the Florida Department of Environmental Protection has mandated that since the North Indian River Lagoon is an impaired water that does not currently meet State water quality standards, new developments in the basin cannot increase nutrient loads to the Lagoon.

David Montgomery, Palm Bay, stated he is a retired engineer and he sat through the Brooks Landing Phase I project in Titusville and he's concerned about the apparent stormwater runoff doesn't seem adequate for a low-lying area. The only drainage along there for overflow in severe storm events would be Jay Jay Road. He stated it is not clear how a high-density housing development could retain stormwater on the property without shunting it to the Indian River several times a year.

Ms. Rezanka pointed out that the land is already cleared on the west, and to some extent on the east, and it is an old grove land, so the project will increase drainage. She stated Administrative Policy 7 deals with drainage problems on surrounding properties, and the land development code requires all drainage to be retained, and this will increase the ability to retain runoff. She said she doesn't believe the project is considered high density because it's two units per acre. There is no concept plan because it's not required at zoning; before the board today is whether or not the proposed zoning is compatible with the surrounding zoning. She said to the south of this property on the western parcel is TR-1 zoning, which is 7,500 square-foot lots, so 9,000 square-foot lots are not incompatible with what is allowed to the south. She requested approval with a BDP as amended to add a 6-foot opaque fence as discussed.

Joe Buchanan stated he visited the property and his observation is that the orchards are pretty much gone and there's not much vegetation there. Any development there would help absorb more moisture. He said what the developer wants to do may improve the saturation and absorption of rainwater, stormwater, and drainage. The other thing he noticed about continuity is that the TR-1 houses on the west side are not really going to be impacted by this development, and whatever happens there is going to be an improvement to the area.

Mr. Moia stated the BDP solves a lot of issues the board talked about. There were quite a few speakers at the last meeting and now there are only two, so he thinks they made the majority of people happy with the reduced density and increased lot size on the east side and the buffering they are doing on the west side. He said he doesn't know if the public speakers understand the requirements that have to be adhered to. The stormwater ponds are not the same ponds that used to be done years ago; the requirements now are very strict and they are done so they do not increase the loading any more than what is there now. Historically, this property has discharged directly into the Indian River Lagoon probably causing a significant amount of damage to the Lagoon and to now put in a system that will meet all the State and local standards will be a major improvement to the area. He said he's happy with the BDP and the concessions the developer has made.

Motion by Bruce Moia, seconded by Joe Buchanan, to approve the request for a change of zoning classification from AU to RU-1-9, with a BDP limited to 62 units; a 25-foot buffer on the north property line of the east 4.845-acre parcel, to be a continuation of the 15-foot perimeter undisturbed vegetative buffer; and a 25-foot buffer on the west property line of the west 26.328-acre parcel with a 6-foot opaque fence. The vote was 5:1, with Ron Bartcher voting nay.



11.2

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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Ms. Jones,

Please include this email in the packet.

Thanks,



John Tobia  
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

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

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

Commissioner:

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

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

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

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

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

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

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

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

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

Kay St. Onge  
2360 Maryland Avenue  
Titusville, FL 32796

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

Commissioner:

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

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

"To ensure that future growth does not add to the degradation of the North IRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations. LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. These activities could offset loads from future growth and, therefore, may reduce the reductions needed from the entities in future BMAP iterations.

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

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

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

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

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

Kay St. Onge  
2360 Maryland Avenue  
Titusville, FL 32796

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

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

Dear Commissioner Smith,

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

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

Please deny the Future Land Use change.

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

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

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

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

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

**REZONING (19PZ00158)**

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

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

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

### CONCLUSION

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

Thank you for considering my opinion.

Sincerely,

Mary Sphar  
825 Cliftons Cove Ct.  
Cocoa, FL 32926

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

**Commissioner Curt Smith,**

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

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

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

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

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

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

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

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

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

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

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

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

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

Dear Commissioners:

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

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

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

We request and strongly recommend rezoning and development



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

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

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

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

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

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

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

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

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

correct flooding caused by recent developments.

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

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

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

Graphic provided by David Monty Montgomery

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

Dear Commissioner Pritchett -

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

Thank you for your consideration.

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

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

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

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

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

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

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

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

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

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

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

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

# Brevard Re-Zoning Request 19PZ-00158

## Resident and Citizen Comments

for

Brevard County Commissioners Meeting on 6 August 2020, 5PM

H 1  
H 2  
Goodenow  
Speaker  
Subm-Hall

### Two Items For Commissioners:

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

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



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



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

REFERENCE

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

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

Brevard County Commissioner:

**Rita Pritchett** Commissioner, District One

email: D1.Commissioner@brevardfl.gov

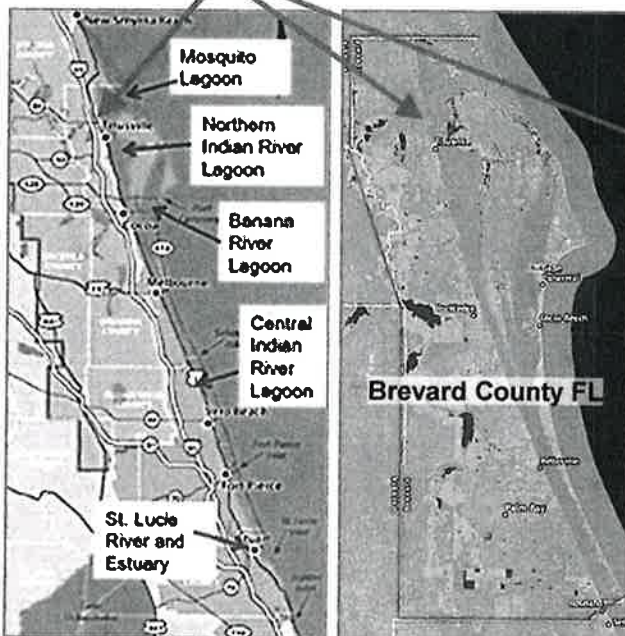
Additional Voting Commissioners:

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

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

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

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



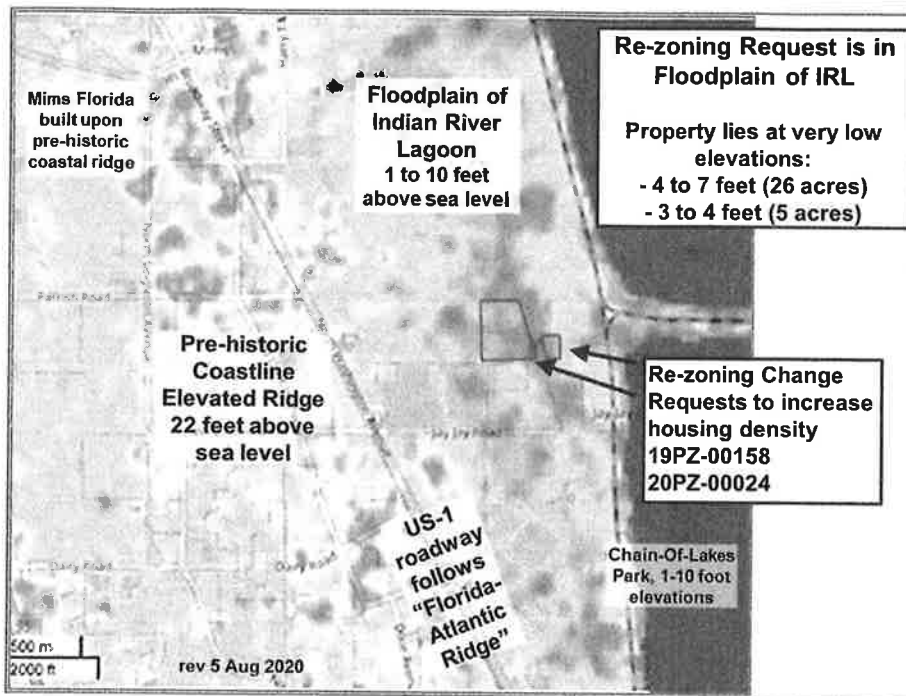
Parrish Re-Zone Request 6Aug2020-B, slide 2



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

- approve
- deny
- table for further details

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



Topographic view shows unusual low elevation of these properties.

Stormwater flows to these areas.

There is nowhere for accumulated stormwater to go.

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

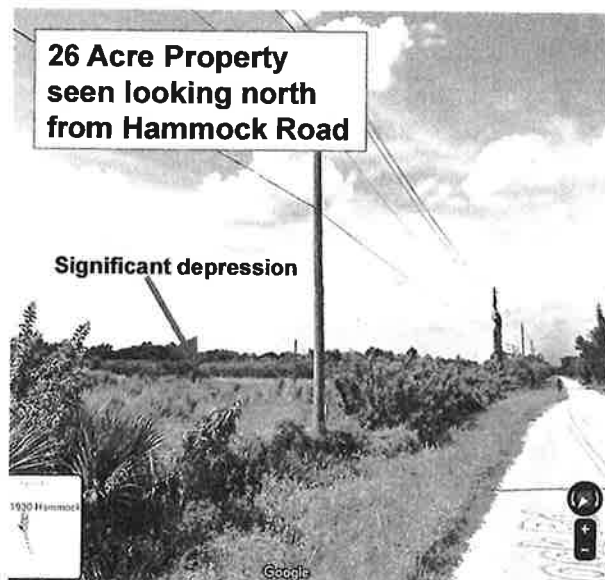
**No concept of stormwater mgmt provided. Risk of flooding remains high for future homeowners and area residents.**

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

## Views of Property

Properties sit in depressions alongside Hammock Road

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



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

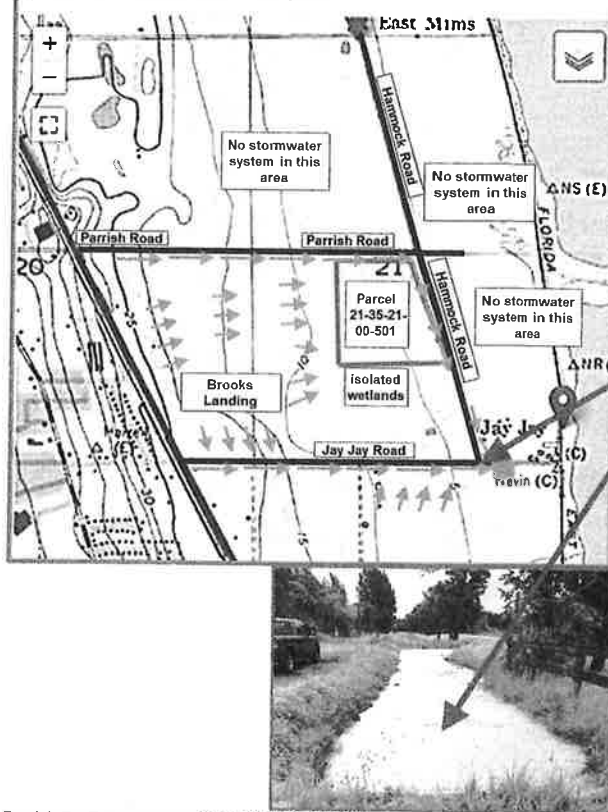
**No outlet for flood waters.**

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



## Concern: Current Stormwater Deadlock at Jay Jay Road

### Brevard County Florida Topographic Maps



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

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

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

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

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

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

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

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

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

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

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

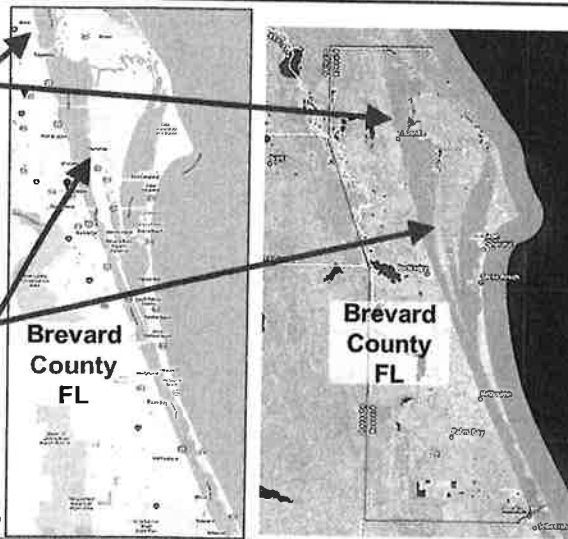
Location of North Brevard 26 and 5 acre parcels with requests for zoning change to build several dozen homes.

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

"Pine Island Conservation Area" "Stormwater Mgmt System"

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

rev 27 July 2020



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

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



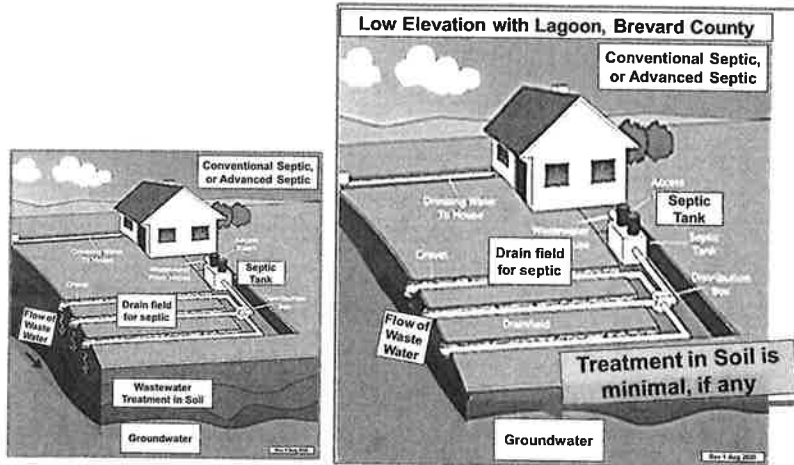
## Sewer or Septic: Major Concern Area

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

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

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

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

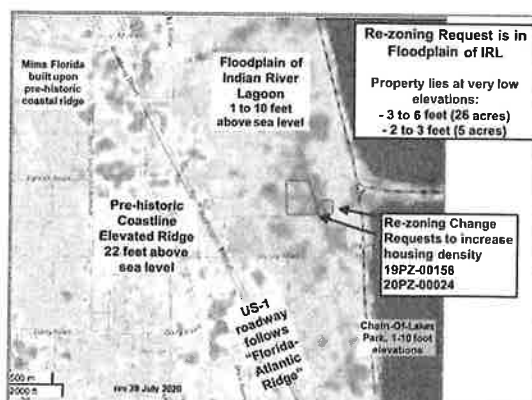


**With septic, drain fields are directly connected to Lagoon groundwater**

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

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

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



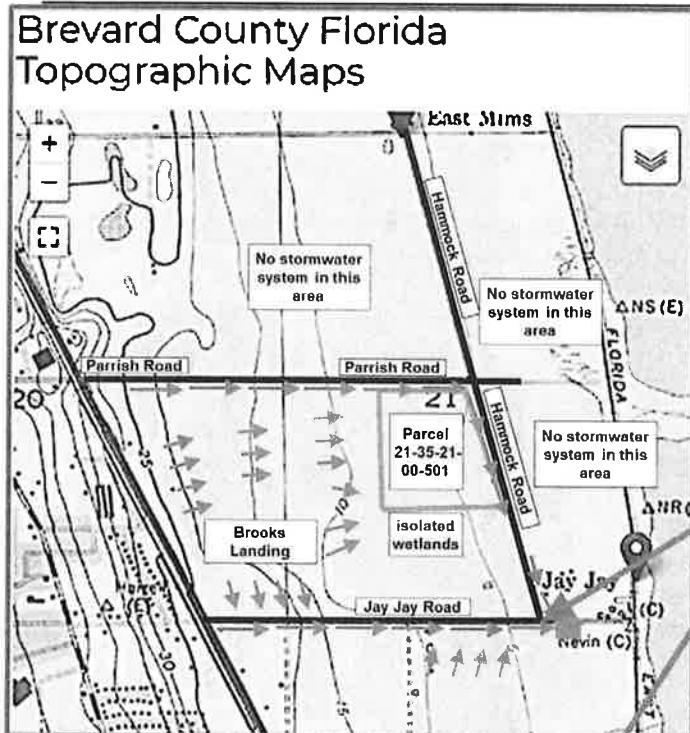
Parrish Re-Zone Request 6Aug2020-B, slide 8

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

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

## Concern: Current Stormwater Deadlock at Jay Jay Road

### Brevard County Florida Topographic Maps



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

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

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

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

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

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

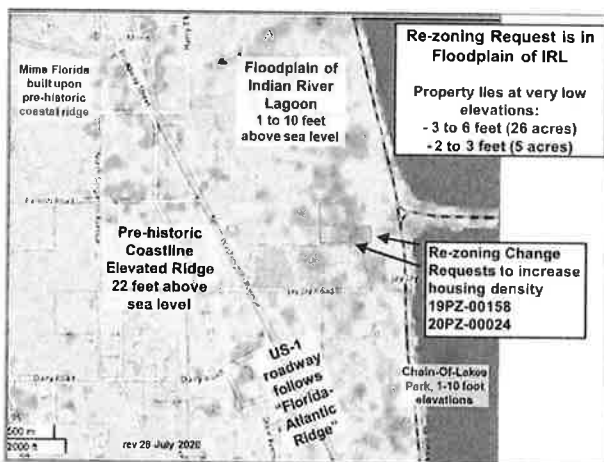
Future spillover from Brooks Landing will connect with Jay Jay Road south-side ditch. This will make current flood problems worse. There is no ditch on northside. Jay Jay Road southside ditch currently floods over into northside properties.

**Area currently floods during storms  
(both roads and properties).**

**Additional development has negative  
impact, given no stormwater system.**

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

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



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

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

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

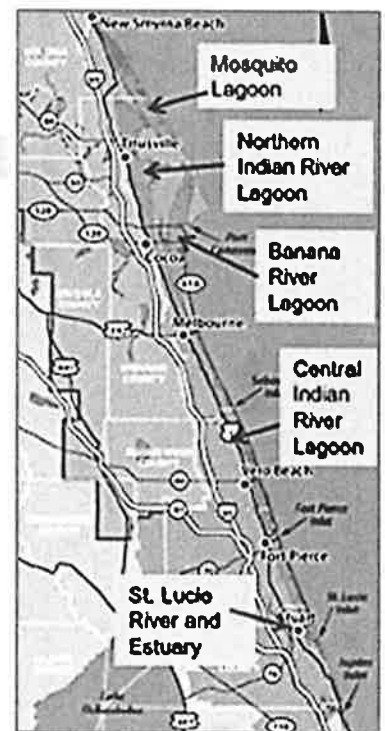
## Backup and Reference Slides

## Basing Management Action Plan (BMAP) Note

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

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



**REFERENCE SLIDE**

**Satellite View  
from ESRI  
imaging**

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

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

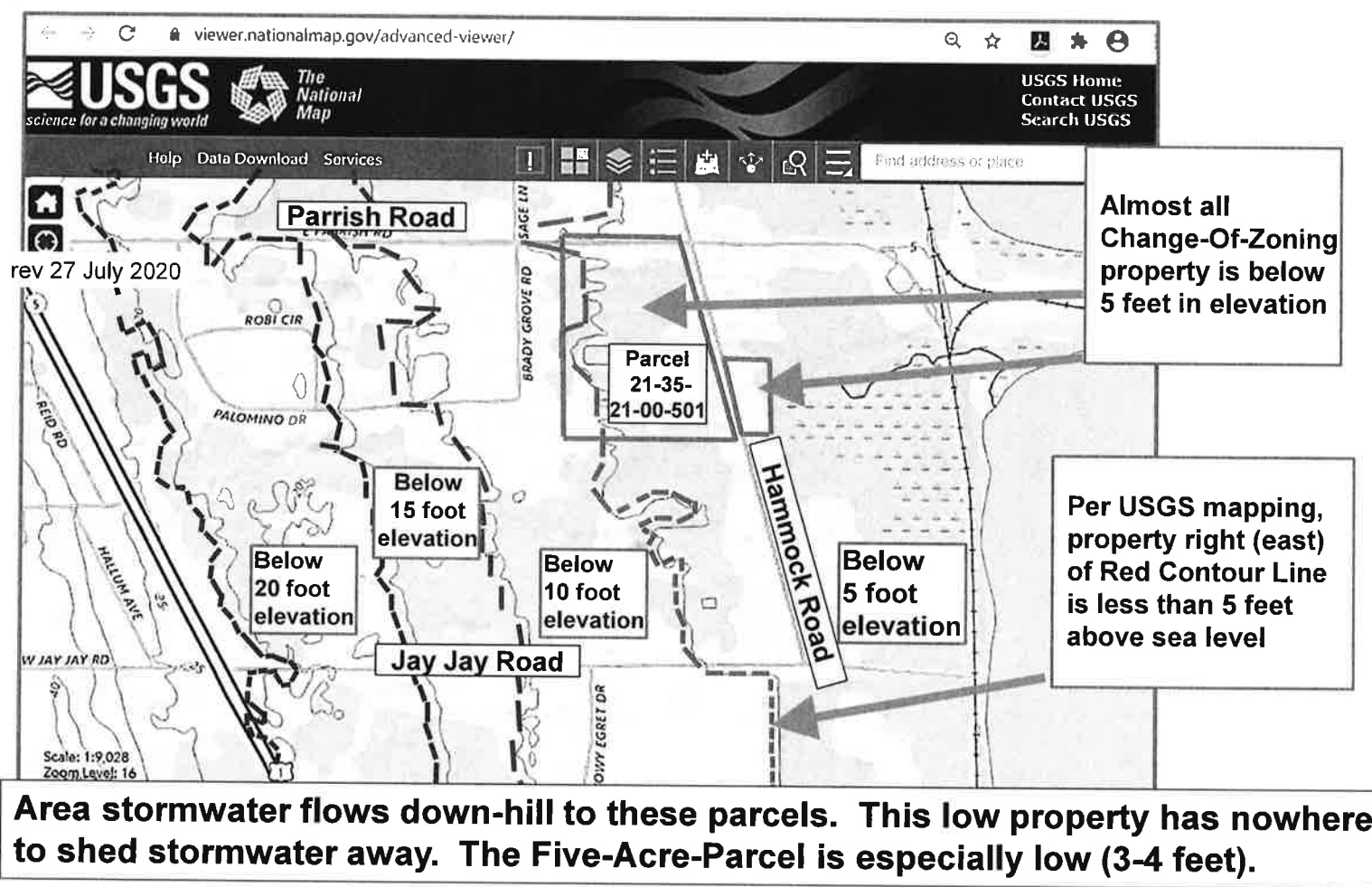
file: "GDB - Goodenow RU 1-9 rev2clean.pdf"

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

[illegible]

## Extreme Low-Level Elevation Concerns

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





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

### Staff Comments, Brevard County:

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

5 acre parcel is now included with, *and in addition to*, the 26 acres. However, they are not physically connected.  
Recent Legal Description, combines two parcels (non-contiguous) into one property.

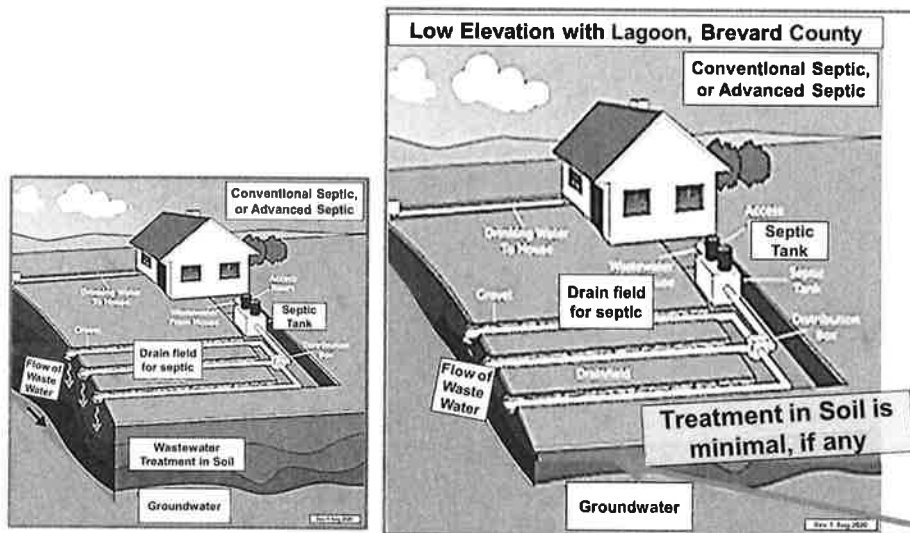


**Mixing of 26 acre and 5 acre parcels creates complex and unusual documents (BDP and rezoning requests).**

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

## Sewer or Septic: Major Concern Area

To date, no agreements for connection to Titusville sewer.



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

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

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

## FEMA FLOOD ZONES MAP

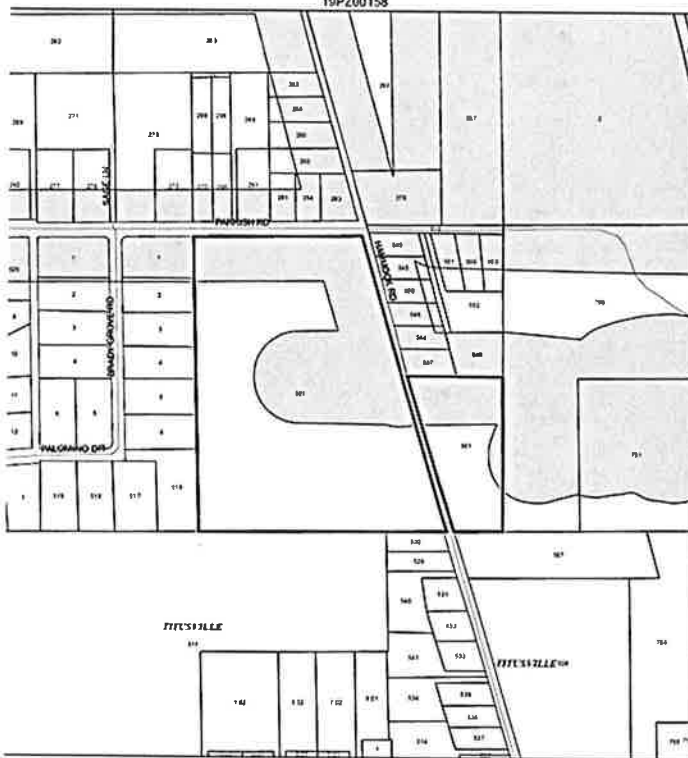
GOODENOW, THEODORE C  
19P200158

00158

**REFERENCE SLIDE**

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

GOODENOW, THEODORE C  
19PZ00158



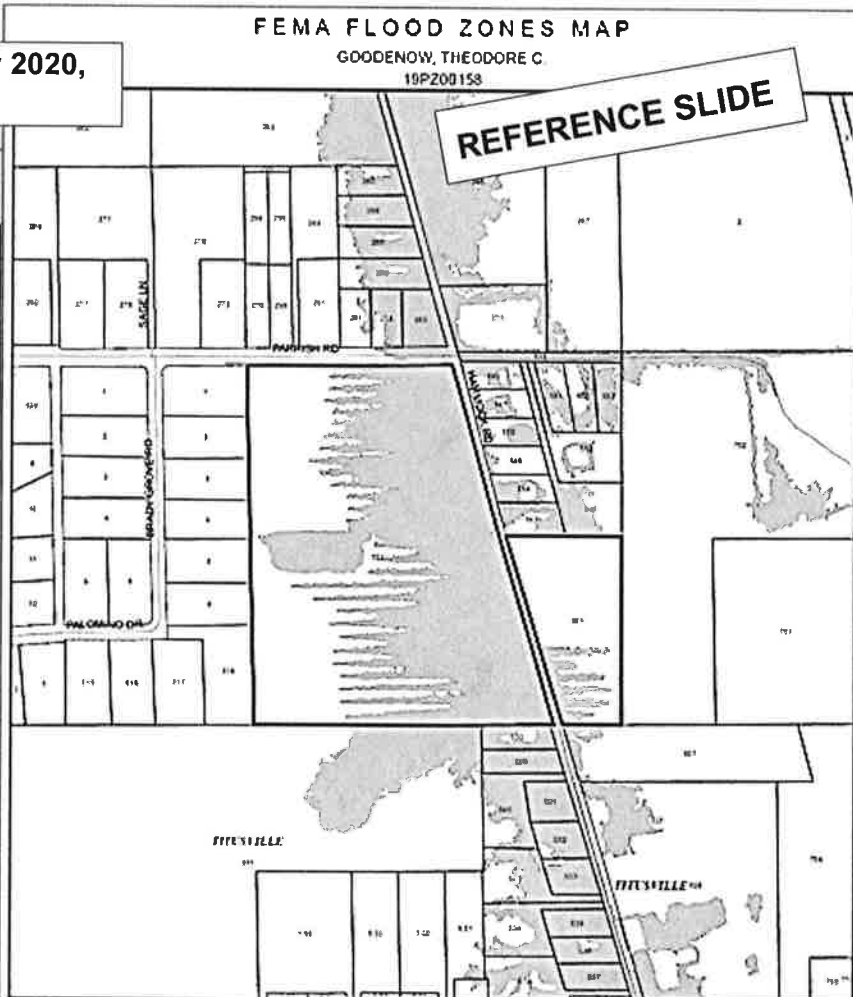
14,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 1/5/2020

— Subject Property  
 ■ Parcels  
**Septic Overlay**  
 ■ 40 Meters  
 ■ 60 Meters  
 ■ All Distances

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

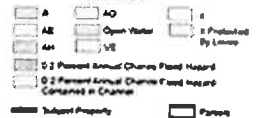


14,800 or 1 inch = 400 feet

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

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

FEMA Flood Zones



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



Planning and Zoning Board / Local Planning Agency  
Brevard County Government Center  
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida  
Agenda  
Monday, July 6, 2020

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

**Call To Order**

Approval of Minutes - June 15, 2020

**H. Public Hearings**

**19PZ 00158**

- H.1.** Theodore Goodenow (Chad Genoni) requests a change of zoning classification from AU to RU-1-9. (19PZ00158) (Tax Account 2105262) (District 1)
- H.2.** Richard R. Jr., and Gina M. Wrubel, Trust, request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from NC to CC. (20PZ00051) Tax Account 2000354) (District 1)
- H.3.** Richard R. Jr., and Gina M. Wrubel, Trust, request a change of zoning classification from AU to BU-1. (20Z00003) (Tax Account 2000354) (District 1)
- H.4.** McD Family Trust, LLC, requests an amendment to an existing BDP in a BU-2 zoning classification. (20Z00004) (Tax Account 2323791) (District 1)
- H.5.** Canaveral Landing, LLC, requests a change of zoning classification from TR-1 to TRC-1 with a CUP for the Cluster Development of Mobile Homes and a BDP limiting residential development to 100 units. (20Z00006) (Tax Account 2314846) (District 1)
- H.6.** 3101 Gannett Plaza, LLC (Kevin Saltman) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with an Indoor Family Entertainment Center, in the BU-1 and BU-2 Zoning Classifications. (20Z00007) (Tax Accounts 2602422 & 2602423)

**Public Comment**

**Adjournment**

**Agenda Report**

2725 Judge Fran Jamieson Way  
Viera, FL 32940



**Public Hearing**

**REFERENCE SLIDE**

H.1.

7/6/2020

**Subject:**

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

**Fiscal Impact:**

None

**Dept/Office:**

Planning and Development

**Requested Action:**

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

**Summary Explanation and Background:**

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

The property retains split FLU (Future Land Use) designations of RES 2 (Residential 2) and P1 (Planned Industrial). A companion application for a Small-Scale Comprehensive Plan Amendment accompanies this rezoning request to amend the FLU designation on the 4.85 acre portion of the property located east of Hammock Road from P1 to RES 2.

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

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

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

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

Brevard County Board of County Commissioners

Page 1 of 2

Printed on 6/29/2020  
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H.1.

7/6/2020

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

**STAFF COMMENTS**  
**19PZ00158**  
**Theodore C. Goodenow**

**REFERENCE SLIDE**

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

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

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

**Consistency with Land Use Regulations**

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

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

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

**Background and Purpose of Request**

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

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

The 26 acre and 5 acre parcels are not considered separately

Reference from Zoning Meeting on 6 July 2020:

"19PZ 00158" is the Zoning Ref #

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

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

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

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

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

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

We must look to the future.

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

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

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

A-2

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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FYI

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

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

Dear Mr. Calkins,

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

Thank you.

Marlys Breckle

Titusville



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

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Objection  
19PZ00158  
20PZ00024  
Goodenow

FYI

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

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

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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FYI

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

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

Dear Mr Calkins:

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

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

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

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

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

Lew Kontnik

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

H/O 321 775 3327

C 805 558 2295

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

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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FYI

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

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

Mr. Tad Calkins,

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

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

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

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

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

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

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

Description of the proposed development.

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

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

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



**Project: Brooks Landing**

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

0 200 400 800 Feet

2018 Aerial, Brevard County, Florida



AES Proj #: 18100

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

Dear Ms. Jones,

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

Gratefully yours,

Mrs. Nayra Atiya  
Titusville, Florida



Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [dbotto1](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Brooks Landing Phase 2  
**Date:** Monday, June 15, 2020 11:06:58 AM

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

Dear Mr. Calkins,

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

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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FYI

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

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

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

i hope the right questions have been asked Before Approval.

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

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

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

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

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

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

RE:

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

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

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

Best regards,

Ruthie

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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FYI

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

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

Director Calkins,

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

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

Please vote down items 1 and 2.

Respectfully,

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

Dear Mr. Tad Calkins,

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

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

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

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

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

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

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

May you be Happy & Well,

Michael Myjak  
Titusville Environmental Commission

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

---

FYI

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

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

Dear Mr. Calkins,

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

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

Deny this change.

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

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

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

---

FYI

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

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

sorry forgot to ID myself:

Toni Shifalo  
715 Tropic Street  
Titusville, 32796

321-512-9900

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

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

To the Planning and Zoning Board:

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

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

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



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

Please vote NO on these agenda items.

Toni Shifalo

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

---

FYI

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

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

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

Mr. Calkins:

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

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

Sincerely, Lisa Ruckman

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

Objection  
19PZ00158  
20PZ00024  
Goodenow

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

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

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

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

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

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

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

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

Thank you for considering the viewpoints stated above.

Kay St. Onge  
Titusville Tree Team

Objection  
19PZ00158 &  
20PZ00024  
Goodenow

**From:** [Calkins, Tad](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** Fwd: Please deny the high density zoning  
**Date:** Monday, June 15, 2020 3:15:35 PM

---

FYI

Sent from my iPhone

Begin forwarded message:

**From:** Deborah Longman-Marien <deblongmanmarien@yahoo.com>  
**Date:** June 15, 2020 at 2:28:21 PM EDT  
**To:** "Calkins, Tad" <tad.calkins@brevardfl.gov>  
**Subject:** Please deny the high density zoning

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

Please deny Item one and two on the agenda. Please deny the high density zoning requested. As a citizen who cares about the lagoon, which we are spending much to clean up, this will not help.

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

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

Approval of this application will not be good for the lagoon as development takes place north of Titusville. A number of citizens worked very hard on the Mims Small Area Plan, which the community backed. A big component of the Mims SAP was protection for the lagoon. It was hoped that new development just south of Parrish Road would follow the

direction of the Mims SAP.

We are spending millions of dollars and many people are doing hard physical work to clean up the lagoon. It makes absolutely no sense to allow additional high-density development to occur near its waters, especially in an area that has no history of that?

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Smith, Nathan](#); [Pritchett, Rita](#); [Ball, Jeffrey](#); [Calkins, Tad](#)  
**Subject:** FW: Brooks Landing Phase 2  
**Date:** Wednesday, August 5, 2020 11:26:48 AM  
**Attachments:** [BMAPexcerpt.docx](#)  
[image001.png](#)

---

Jennifer,

On behalf of Commissioner Pritchett, attached please find an email regarding the item for the August 6 zoning agenda.

Thanks,

*Marcia Newell*

Chief Legislative Aide to Commissioner Rita Pritchett

[Marcia.newell@brevardfl.gov](mailto:Marcia.newell@brevardfl.gov)



**District 1 Commission Office**

2000 S. Washington Avenue, Suite 2

Titusville, Florida 32780

321-607-6901

***Please note:***

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

**From:** dbotto1 <[dbotto1@cfl.rr.com](mailto:dbotto1@cfl.rr.com)>

**Sent:** Wednesday, August 5, 2020 10:48 AM

**To:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; Commissioner, D5 <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>

**Subject:** Brooks Landing Phase 2

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

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

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

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

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

We must look to the future.

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



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

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

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#); [Calkins, Tad](#); [Ball, Jeffrey](#)  
**Subject:** FW: Hammock Road Zoning Change, Deny Pending Additional Info  
**Date:** Wednesday, August 5, 2020 2:49:39 PM  
**Attachments:** [Parrish Re-Zone Request 6Aug2020-A.pdf](#)  
[image001.png](#)

---

Jennifer,

On behalf of Commissioner Pritchett, attached please find email our office just received regarding the Brooks Landing item on the agenda for August 6. I know that they are in a briefing right now with the Commissioner.

Thanks.

*Marcia Newell*

Chief Legislative Aide to Commissioner Rita Pritchett

[Marcia.newell@brevardfl.gov](mailto:Marcia.newell@brevardfl.gov)



**District 1 Commission Office**

2000 S. Washington Avenue, Suite 2

Titusville, Florida 32780

321-607-6901

**Please note:**

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

**From:** Monty <montyfrompalmbay@gmail.com>  
**Sent:** Wednesday, August 5, 2020 2:42 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>  
**Subject:** Hammock Road Zoning Change, Deny Pending Additional Info

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

Commissioner Pritchett,

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

The attached slide package captures discussions and site visits, with inputs from multiple folks. Please flip through the first 7 slides as possible.

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

Although not required by Brevard process, sensitive nature of this development (to local stormwater and to Lagoon health) makes it appropriate for Developer to provide information before allowing such a dramatic change to housing density. Impacts to Brevard stormwater maintenance costs, flooding of nearby homes, and future homeowner flooding problems warrant this.

Thanks for your efforts,

David Monty Montgomery, PE

Brevard (District 3) Environmental Scientist

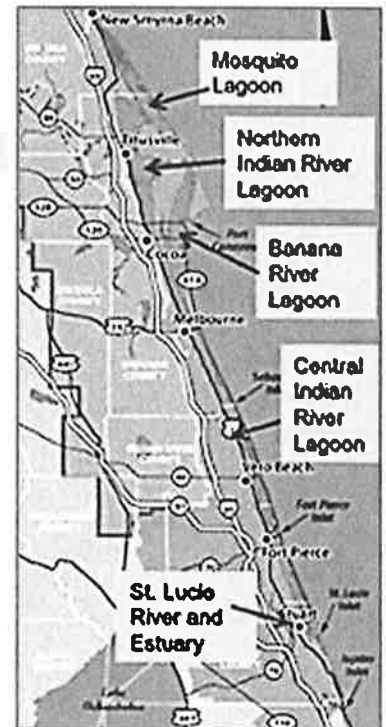
## Backup and Reference Slides

## Basing Management Action Plan (BMAP) Note

---

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

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



**STAFF COMMENTS**  
**19PZ00158**  
**Theodore C. Goodenow**

**REFERENCE SLIDE**

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

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

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

**Consistency with Land Use Regulations**

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

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

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

**Background and Purpose of Request**

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

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

The 26 acre and 5 acre parcels are not considered separately

Reference from Zoning Meeting on 6 July 2020:

"19PZ 00158" is the Zoning Ref #

Objection  
19PZ00158  
20PZ00024  
Goodenow

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Mascellino, Carol](#); [Pritchett, Rita](#); [Smith, Nathan](#); [Calkins, Tad](#); [Ball, Jeffrey](#)  
**Subject:** FW: Rezoning 19PZ-00158 and 20PZ-00024 Brooks Landing Phase 2  
**Date:** Wednesday, August 5, 2020 3:22:33 PM

---

Jennifer,

Another email regarding Brooks Landing.

Marcia

**From:** kay st. onge <stongekay@yahoo.com>  
**Sent:** Wednesday, August 5, 2020 3:04 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>  
**Subject:** Rezoning 19PZ-00158 and 20PZ-00024 Brooks Landing Phase 2

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

Commissioner:

Please accept this email as a public comment for the rezoning of 19PZ-000158 and 20PZ-00024 (Brooks Landing Phase 2). This proposed subdivision's close proximity to the Indian River Lagoon requires careful scrutiny as Florida Department of Environmental Protection's Basin Management Action Plan mandates that,

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

"To ensure that future growth does not add to the degradation of the North IRL, local governments must be proactive in controlling loads from future growth. Options to address future loading include low-impact development (LID) standards and Florida-friendly landscaping to further minimize the impacts of existing development and new development through local development regulations. LID is an approach to development that employs land planning, design practices, and technologies to conserve natural resources and reduce infrastructure costs. These activities could offset loads from future growth and, therefore, may reduce the reductions needed from the entities in future BMAP iterations.

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

Brevard Commissioners should take note that the Titusville City Council tabled the approval of Brooks Landing Phase 1 Sketch Plat on July 28 due to their concerns about the stormwater management system in that proposed development. This 72 acre 143 home proposed subdivision has a legal positive outfall to the Indian River Lagoon.

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

The City of Titusville has not yet agreed to provide sewer hookups for this development. Sewage systems are absolutely unacceptable for any houses proposed so close to the Indian

**River Lagoon.** No houses should be built east of Hammond Road, with or without sewer hookup, as this would particularly jeopardize the Lagoon.

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

Kay St. Onge  
2360 Maryland Avenue  
Titusville, FL 32796



H.1/H.2.

# **Brevard County Board of County Commissioners**

August 6, 2020

- PRESENTED ON BEHALF OF -

**THOEDORE GOODENOW (CHAD GENONI)**

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

**&**

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

KIMBERLY BONDER REZANKA, ESQ.  
Cantwell & Goldman, P.A.  
96 Willard Street, Suite 302  
Cocoa, FL 32922

## Sec. 62-3202. - General.

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

.....

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

.....

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

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

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

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

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

.....

- (6) Impacts to wetlands from residential and mixed-use land development activities, on a cumulative basis, shall not exceed one and eight-tenths percent of the non-commercial and non-industrial acreage of a DFL, PUD, parcel acreage or, if the project is within a new town overlay (as defined in chapter 11 policy 9.2), one and eight-tenths percent of the non-commercial and non-industrial acreage within the applicable new town overlay.

52 So.3d 19

District Court of Appeal of Florida,  
First District.

KATHERINE'S BAY, LLC, Intervenor, Appellant,  
v.

Ronald J. FAGAN and Citrus County, Appellees.

No. 1D10-939.

Dec. 14, 2010.

\*\*\* Start Section

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

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



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

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

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

\*\*\* Start Section

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

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

III. Conclusion

For the reasons explained...

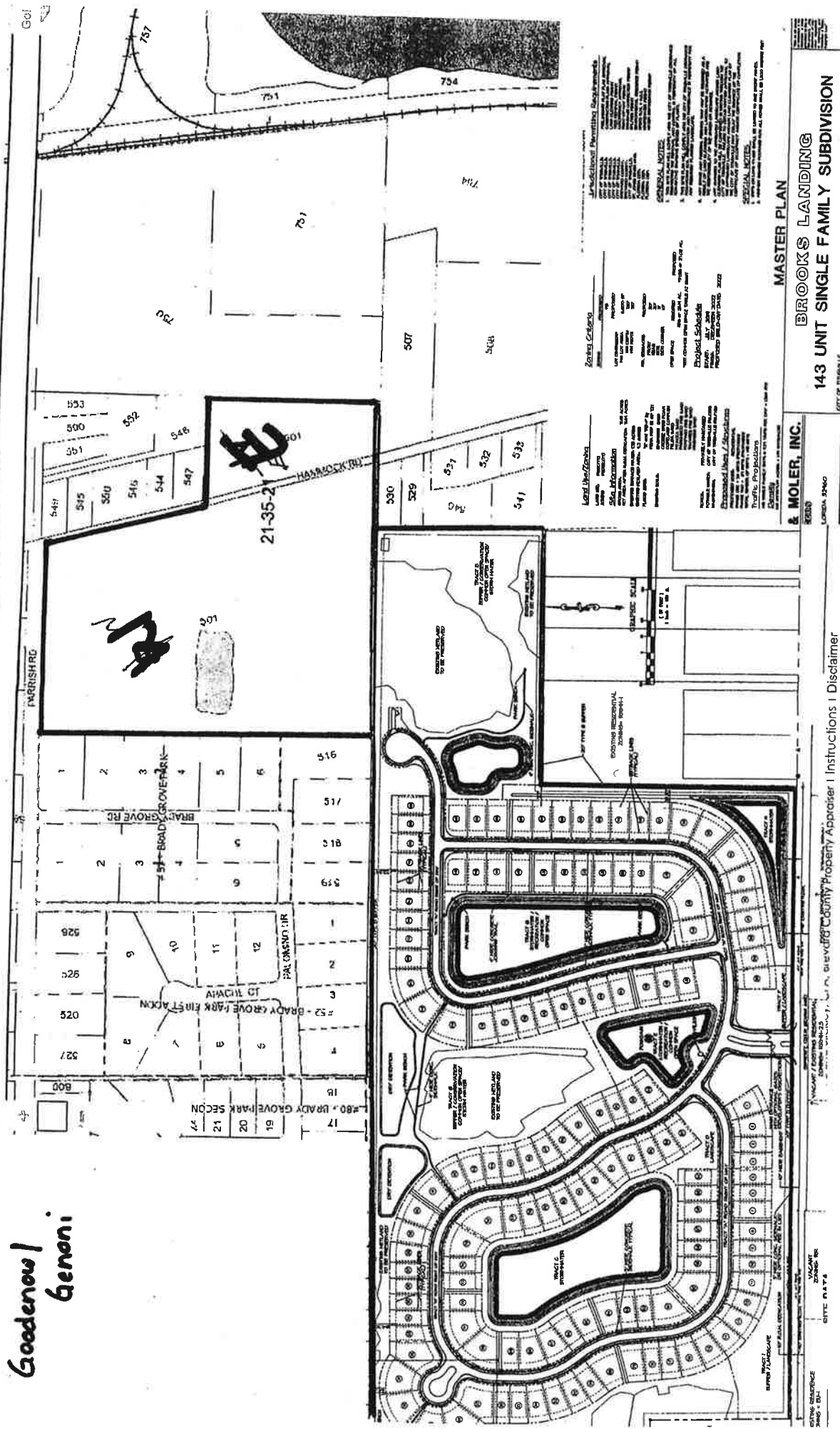
§ 163.3164 (9), Fla. Stat.

Goedenow!  
Genoni

Account (1234567)

**FARRISH RD**

60



143

143

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

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

(1) *Permitted uses.*

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

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

Motels.

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

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

Boatbuilding facility.

Preexisting use.

Recovered materials processing facility.

Single family residence.

(2) *Accessory uses.*

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

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

Convention or exhibit hall.

Dining facilities.

Recreational facilities.

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

Change of nonconforming agricultural use.

Land alteration (over five acres).

Marinas, commercial or recreational.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Rev. 8/6/20

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

**BINDING  
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Theodore C. Goodenow, (hereinafter referred to as Owner").

**RECITALS**

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

WHEREAS, Developer/Owner has requested the RU 1-9 zoning classification and desire to develop the Property as a Single-Family Subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

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

WHEREAS, the County is authorized to regulate development of the Property. NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The following conditions shall apply:
  - a. The Developer/Owner shall limit the project density to 62 Units with the current Future Land Use Designation of RES 2.

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

3. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

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

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



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

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

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

ATTEST:

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

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

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

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

WITNESSES:

OWNER

Theodore C. Goodenow

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

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

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

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

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

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

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

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

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

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

SEAL

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

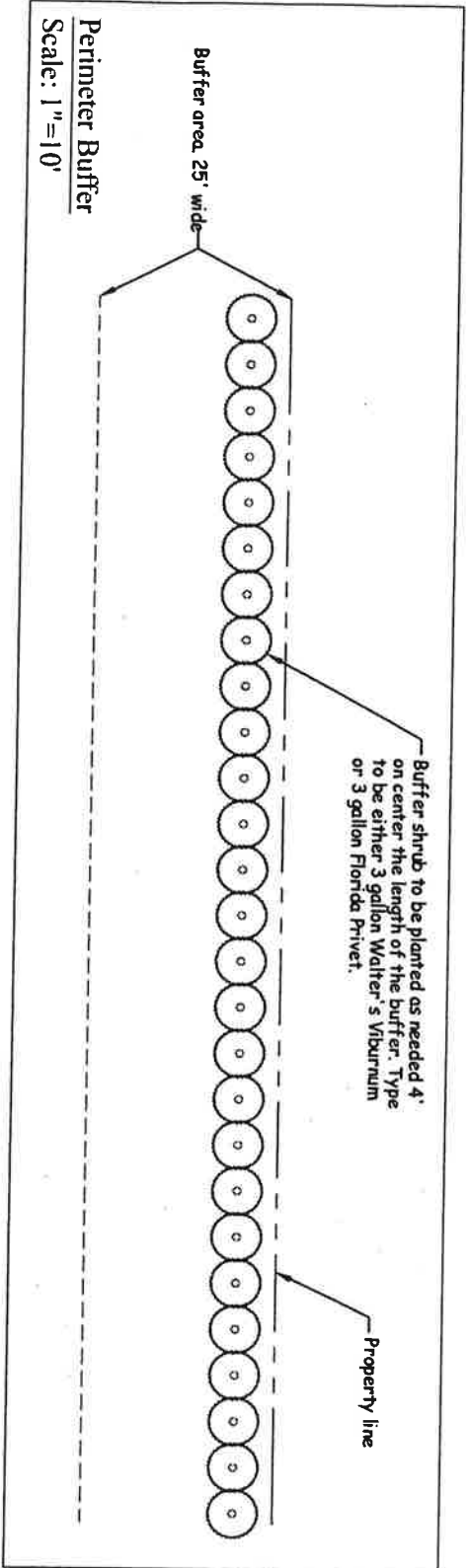
(Name typed, printed or stamped)

**Exhibit "A"**

Account 2105262

N 1/2 of NE 1/4 of SW 1/4 lying W of Hammock Rd & S 1/2 of NE 1/4 of SW 1/4 Exc RD R/W Pars 502, 506 & 543

# Exhibit "B"



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



**FNGLA** Florida Native Landscaping Association  
 FNLCA Certified  
 Horticulture Professional  
 Brian K. Alderfer  
 HCO 02184

Sheet 1 of 1

**Environmental Design Services**  
 Landscape and Irrigation Design and Construction  
 141 East Dwyer Blvd.  
 Suite 100, Fort Lauderdale, FL 33301  
 Phone: (321) 766-4141  
 Fax: (321) 775-9653

Revisions:	No.	Date	Description
1			
2			
3			
4			
5			
6			
7			

**Landscape Buffer Plan**

L-1

Project No.	000000
Drawn By	BKA
Checked By	BKA
Design Scale	1"=10'