



AGENDA REPORT
February 7, 2019

Flamingo Land Company, Inc. (Rick Kern) requests a change of zoning classification from IU to RU-1-7. (18PZ00072) (District 1)

SUBJECT:

Public Hearing, Re: Flamingo Land Company, Inc. (Rick Kern) requests a change of zoning classification from IU (Light Industrial) to RU-1-7 (Single-Family Residential), with a BDP (Binding Development Plan). The property is 27.99 acres, located on the north side of Canaveral Groves Blvd., approximately 0.4 miles west of U.S. Highway 1. (18PZ00072) (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 Light Industrial (IU) to Single-Family Residential (RU-1-7).

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of zoning classification from Light Industrial zoning (IU) to Single-Family Residential (RU-1-7) with a Binding Development Plan limiting residential development to 4 units/acre and requiring all dwelling units constructed on the property to be connected to sanitary sewer.

The Board may wish to consider whether the proposed RU-1-7 zoning classification is consistent and compatible with surrounding development trends, as there is a variety of zoning classifications within the immediate area surrounding the property, including BU-1, BU-2, TR-1-A, RU-1-11 and IU.

There are several residential zoning classifications that are consistent with the proposed RES 4 Future Land Use designation. The applicant has selected RU-1-7, which is not typically consistent with RES 4, for the purpose of developing single-family residences on smaller lots, with a minimum width of 50', depth of 100', and floor area of 700 square feet. The BDP proposes to limit the overall development potential to 111 single family residences on the property, allowing for the proposed zoning classification to be

considered consistent with the proposed Future Land Use designation.

The proposed change of zoning classification to RU-1-7 should not be approved without the prior approval of the Large Scale Comprehensive Plan amendment (Industrial to Residential 4) and the requirement that the proposed BDP be recorded as part of the approval to make the proposed RU-1-7 zoning classification consistent with the Comprehensive Plan and Land Development Regulations.

On January 28, 2019, the Planning and Zoning Board voted unanimously to approve the request with a Binding Development Plan limiting residential development to 4 units per acre, and requiring all dwelling units constructed on the property to be connected to sanitary sewer.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **Maps**
- ▢ **School Concurrency**
- ▢ **Draft BDP**
- ▢ **P&Z Minutes**

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 and 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 zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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 service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.

REZONING REVIEW WORKSHEET

18PZ00072

Commission District # 1

Hearing Dates: P&Z 11/19/18

BCC 12/06/18

Owner Name: FLAMINGO LAND COMPANY, INC.

Request: IU to RU-1-7 with BDP 4 units/acre

Subject Property:

Parcel ID# 23-36-31-00-516

Tax Acct.# 2317712

Location: North side of Canaveral Groves Boulevard, between Morris Avenue and Devoe Avenue

Address: No assigned address. In the Cocoa area.

Acreage: 27.99

Consistency with Land Use Regulations

YES

Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255

NO**

Proposal can be considered under the Future Land Use Designation. Sec. 62-1255

YES

Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	IU	RU-1-7
Potential*	487,698 square feet	111 Single-family lots 4/acre per BDP
Can be Considered under FLU MAP	YES Industrial	NO** Industrial

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. **Requires Large Scale Amendment from IND to Res 4.

	ADT	PM PEAK		
Trips from Existing Zoning	3,399	473	Segment Number	053B
Trips from Proposed Zoning	1,057	111	Segment Name	Canaveral Groves Blvd Grissom to US 1
Maximum Acceptable Volume (MAV)	15,600	1,404	Acceptable LOS	E
Current Volume	5,337	480	Directional Split	0.5
Volume With Proposed Development	6,394	575	ITE CODE	
Current Volume / MAV	34.21%	34.21%	210	
Volume / MAV with Proposal	40.99%	40.99%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Light Industrial zoning (IU) to Single-Family Residential (RU-1-7) with a Binding Development Plan limiting residential development to 4 units/acre and requiring all dwelling units constructed on the property to be connected to sanitary sewer prior to issuance of a certificate of occupancy.

This site was originally zoned Agricultural Residential (AU) in 1958. The first rezoning under **Z-881** changed the zoning from AU to IU zoning on December 6, 1962. A conditional use permit for a Truss Manufacturing Plant was denied by the Board under **DNZ-10903** on March 4, 2004. The current property owner has owned this lot since September 30, 2005. According to the applicant, the market is more conducive for residential development than industrial development at this time.

Land Use Compatibility

The subject property retains the Industrial (IND) Future Land Use designation, but has a companion Large Scale Comprehensive Plan Amendment application seeking Residential 4 (Res 4).

FLUE Policy 1.7 – addresses the Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element.

The applicant is currently processing a Large Scale Comprehensive Plan amendment to request the change in land use from Industrial to Residential usage. If approved to Residential 4, the applicant will still need to limit development to 4 units per acre as required by the proposed Binding Development Plan. Should the comprehensive plan amendment fail, then this zoning request should be denied.

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

Environmental Constraints

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

Applicable Land Use Policies

The applicant is requesting the smallest single-family detached residential Zoning classification in both land area and living area. The RU-1-7 classification permits single-family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet. Through the proposed Binding Development Plan (BDP), development yield is limited to 4 units per acre and upon 27.99 acres, a total of 111 single-family lots could be proposed. The BDP also includes a provision for sewer connection prior to individual certificates of occupancy being granted, in order to ensure that the provision of the Comprehensive Plan's Res 4 FLU designation are met.

Adjacent zoning to the north across Fox Place is Single-Family Residential (RU-1-11). The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

Zoning to the east of this lot across Devoe Avenue is Light Industrial (IU). The IU zoning classification permits light industrial land uses within enclosed structures. The minimum lot size is 20,000 square feet, with a minimum width of 100 feet and a minimum depth of 200 feet.

Zoning to the south across of Canaveral Groves Blvd is a mixture of Retail, Warehousing and Wholesale Commercial (BU-2), General Use (GU), Agricultural Residential (AU), Single-family Residential (RU-1-13) and Low-Intensity Institutional Zoning IN(L). The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture. IN(L) is an institutional "light" zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature. The institutional use zoning classification is divided into two types, Low intensity (L) and High Intensity (H). Low intensity uses are low impact and are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land used designations.

Zoning to the west across Morris Avenue is a composite of Restricted Neighborhood Retail Commercial (BU-1-A), Single-family mobile home (TR-1-A) limited under a BDP to 17 units under **17PZ00074** and recorded in ORB 8032 on Pages 2272-2274, dated November 22, 2017, and Government Managed Lands (GML) with a Conditional Use Permit (CUP) for Additional lighting for sports fields and a CUP for motocross/off road vehicle facility. This park facility is known as the Space Coast Communities Sports Complex and is a Brevard County park site. The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet. TR-1-A is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 5,000 square feet (minimum) with a lot width of 50 feet and a lot depth of 100 feet. The purpose of the GML government managed lands zoning classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

Zoning trends for the area include the above mentioned zoning change **17PZ00074**, which was a residential change from TR-1 to TR-1-A with a BDP located due west of this site. Two zoning actions occurring in a SE direction from 2,100 – 2,400 feet were zoning actions: **16PZ00118** and **16PZ00109**. **16PZ00118** was a rezoning from PIP, BU-1, RVP and AU to RU-1-7 on 48.258 acres and was approved with a BDP recorded in ORB 7946, Pages 289-393 dated July 26, 2017 limiting density to four (4) dwelling units per acre and requiring connection to public water and sewer for the entire development. **16PZ00109** was a rezoning from PIP to BU-2 zoning on 6.27 acres adopted on February 2, 2017. A third recent zoning action occurred to the NE about 700 feet away from this lot. That zoning action was **16PZ00102**. **16PZ00102** was a rezoning from AU and RU-2-15(12) to RU-1-7 with a BDP limiting development to 4 units/acre and required connection to a new sanitary lift station, gravity collection system and force main to serve the development prior to issuance of a certificate of occupancy on 56.17 acres adopted on December 1, 2016. The fourth and last zoning action **16PZ00067** was a rezoning from GU and RU-1-7 to GML(I) on 28.19 acres adopted on October 13, 2016. This zoning action is located about 2,500 feet due north of the current zoning site.

For Board Consideration

The applicant is seeking a change of Zoning classification from Light Industrial zoning (IU) to Single-Family Residential (RU-1-7) with a Binding Development Plan limiting residential development to 4 units/acre and requiring all dwelling units constructed on the property to be connected to sanitary sewer.

The proposed change of Zoning classification to RU-1-7 should not be approved without the prior approval of the Large Scale Comprehensive Plan amendment (Industrial to Residential 4) and the requirement that the

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proposed BDP be recorded as part of the approval to make the proposed RU-1-7 Zoning classification consistent with the Comprehensive Plan and Land Development Regulations.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review**

SUMMARY

Item #: 18PZ00072

Applicant: Susan Moore

Zoning Request: IU to RU-1-7 w/BDP

LPA Hearing: 11/19/18

BCC Hearing: 12/16/18

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

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

Comments:

**This review relates to the following property: Twp 23, Rng. 36, Sec. 31;
Tax ID No. 2317712**

The subject parcel contains mapped NWI and SJRWMD wetlands and hydric soils (Tomoka muck, undrained) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. An Environmental Assessment Report prepared by Andrew Conklin Environmental Services on May 16, 2018, delineated 4.27 acres of wetlands on the southwest portion of the site. 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 Sections 62-3694(e) and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

The subject parcel contains mapped aquifer recharge soils (Orsino Fine sand and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

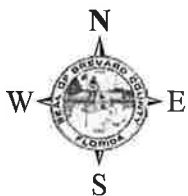
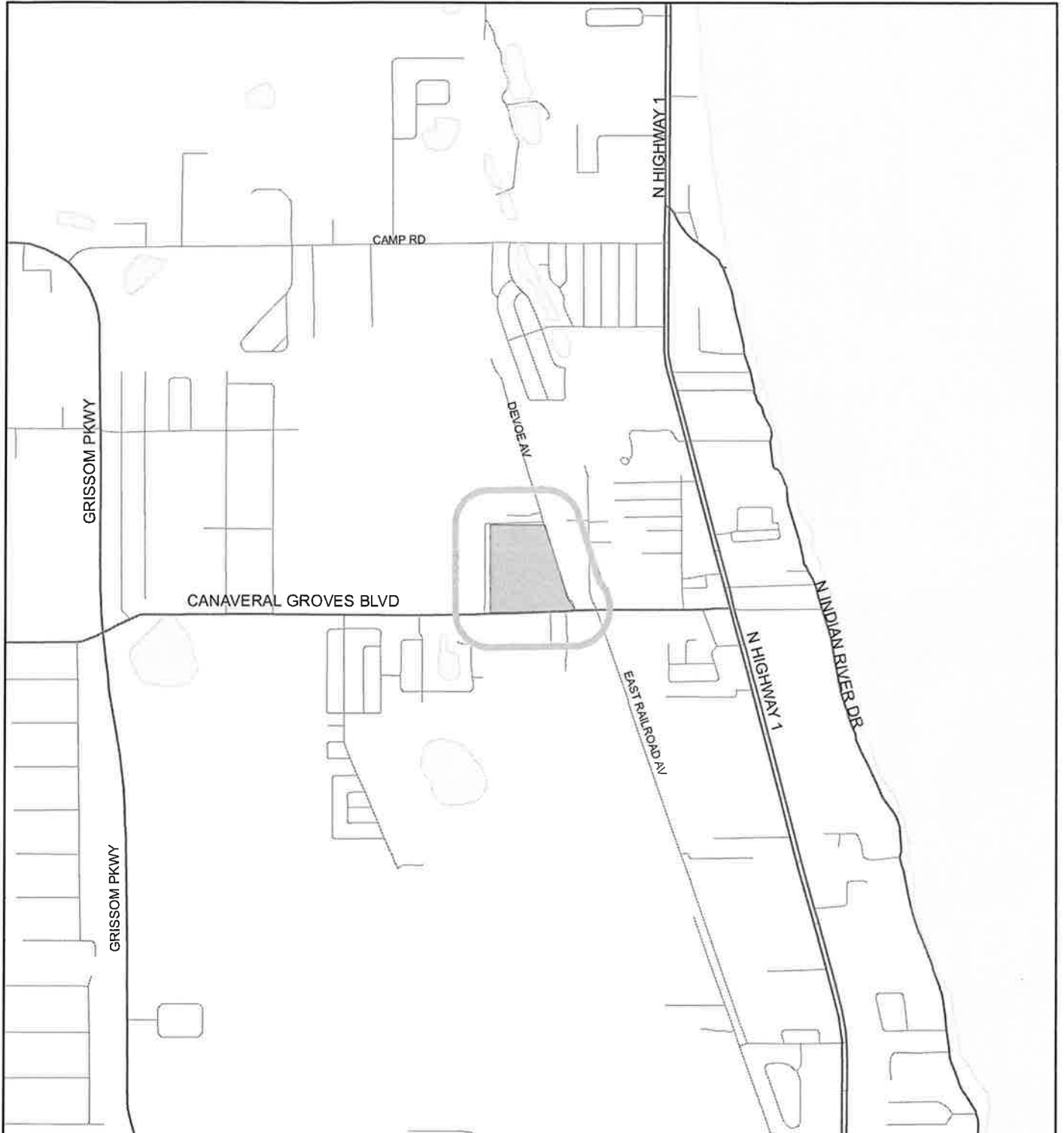
A large portion of the property is mapped as being within the isolated floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Additional impervious area, often associated with increased density, increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62,

Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Information available to NRM indicates that federally and/or state protected species may be present on the property. An Environmental Assessment Report prepared by Andrew Conklin, confirmed existence of gopher tortoises on the property. In addition, a large Florida Scrub Jay polygon is mapped to the north of the parcel as shown on the Scrub Jay Occupancy Map. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant shall obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service (FWS), as applicable. NRM will require FWS clearance letter or permit for Florida Scrub Jays.

The project contains mapped polygons of SJRWMD Florida Land Use and Cover Classification System (FLUCCS) codes: 4340- Upland Mixed Coniferous/Hardwood trees and 3300- Mixed Upland non-forested. In addition, the Environmental Assessment Report prepared by Andrew Conklin, identified FLUCCS codes: 4250- Temperate hardwoods, 4210- Xeric Oaks, and 4110- Pine flatwoods. Live Oaks and Chapman's Oaks were identified in the Environmental Assessment Report and may be classified as Protected or Heritage Specimen Trees (greater than 24 inches in diameter). Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. In addition, per Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP
FLAMINGO LAND COMPANY, INC.
18PZ00072



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.

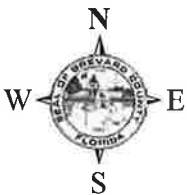
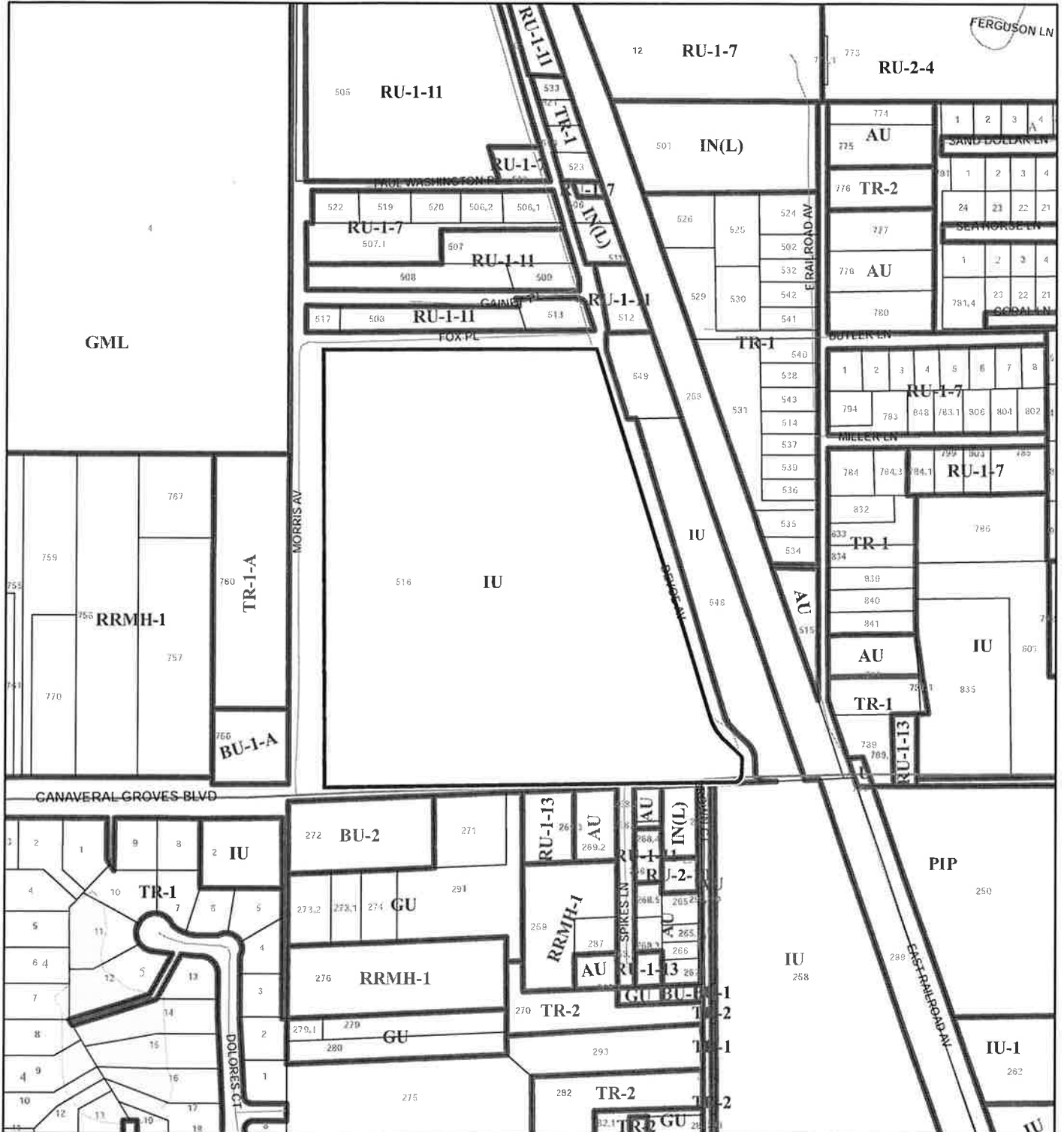
Produced by BoCC - GIS Date: 6/15/2018

— Buffer
■ Subject Property

ZONING MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



1:4,800 or 1 inch = 400 feet

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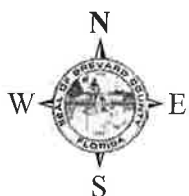
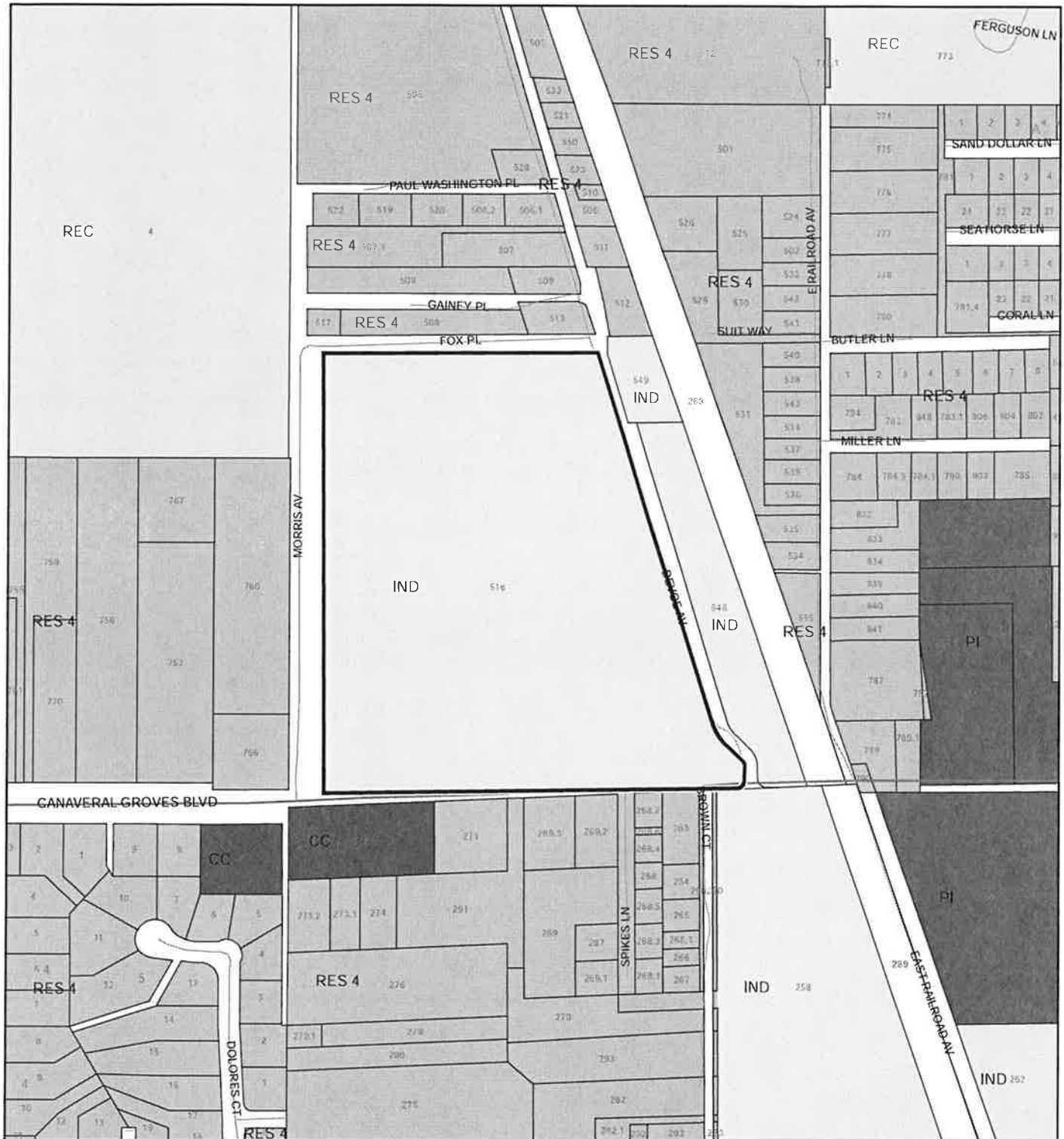
Produced by BoCC - GIS Date: 6/15/2018

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

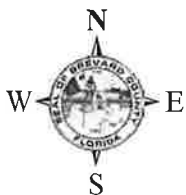
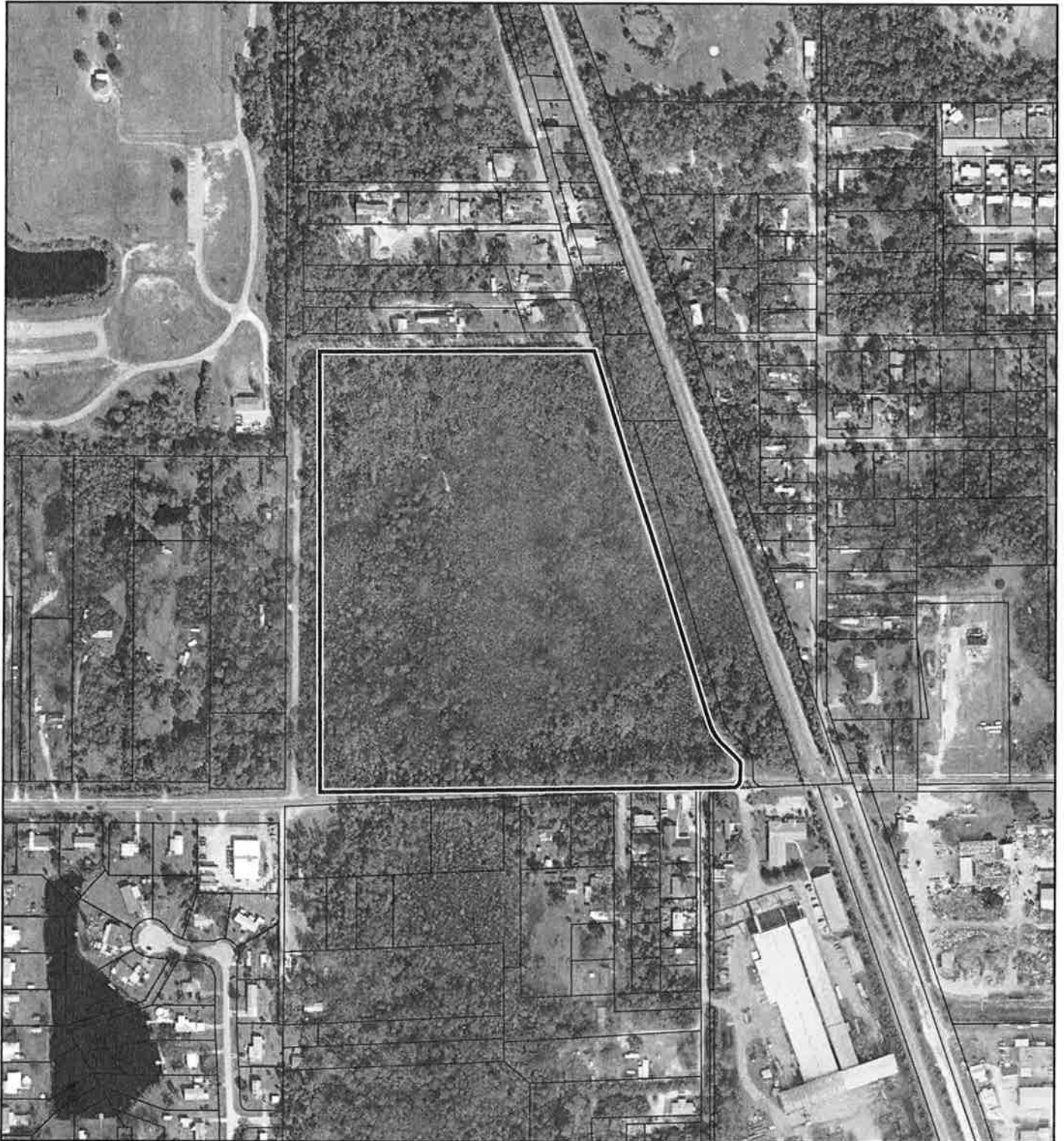
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/15/2018

AERIAL MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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Produced by BoCC - GIS Date: 6/15/2018

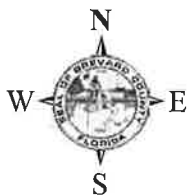
— Subject Property

□ Parcels

NWI WETLANDS MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/15/2018

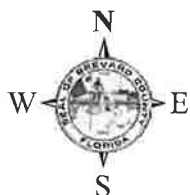
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| 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

FLAMINGO LAND COMPANY, INC.

18PZ00072



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: 6/15/2018

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

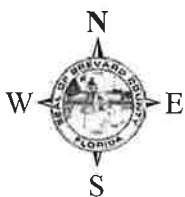
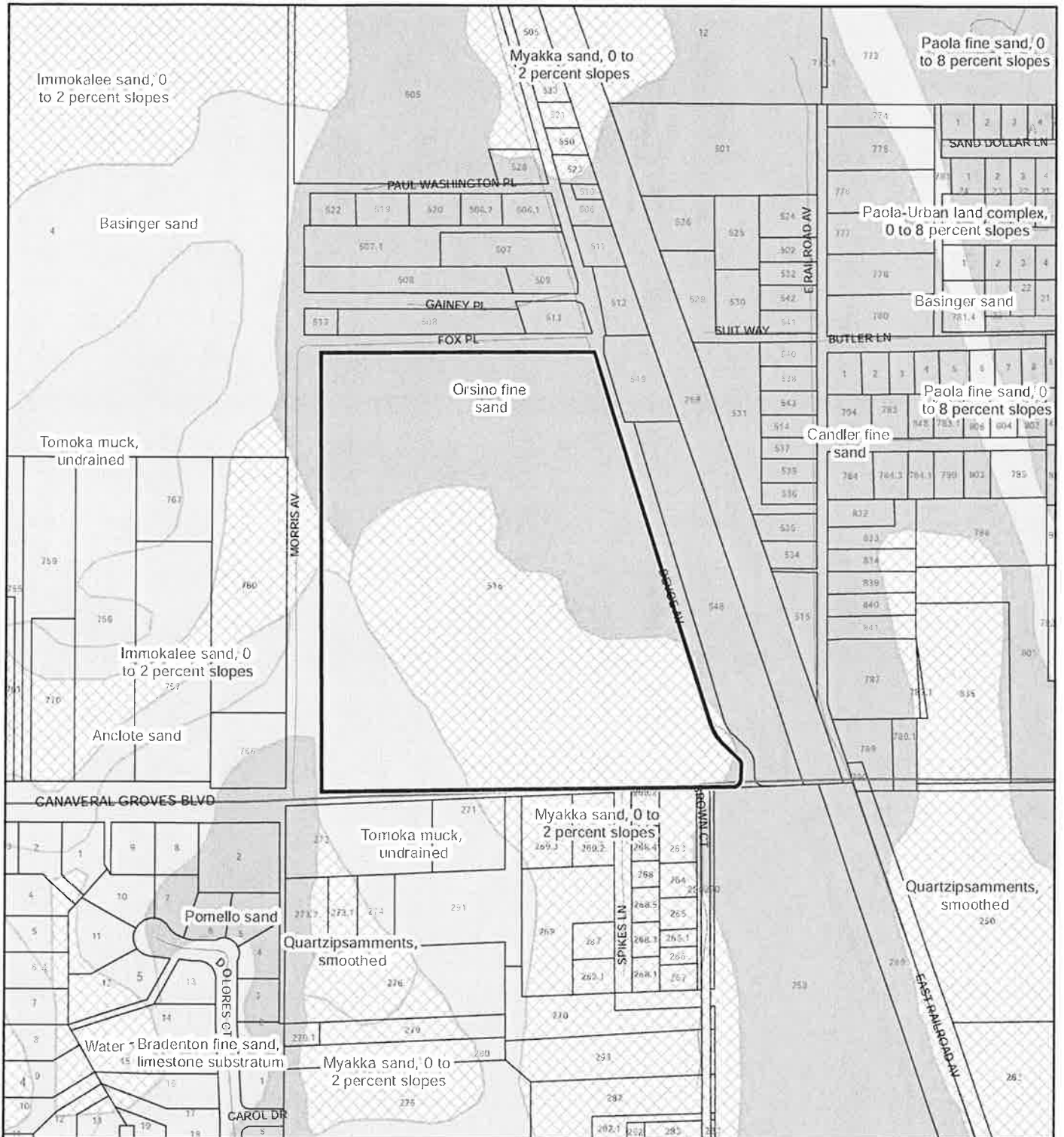
 Subject Property

 Parcels

USDA SCSSS SOILS MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/15/2018

USDA SCSSS Soils

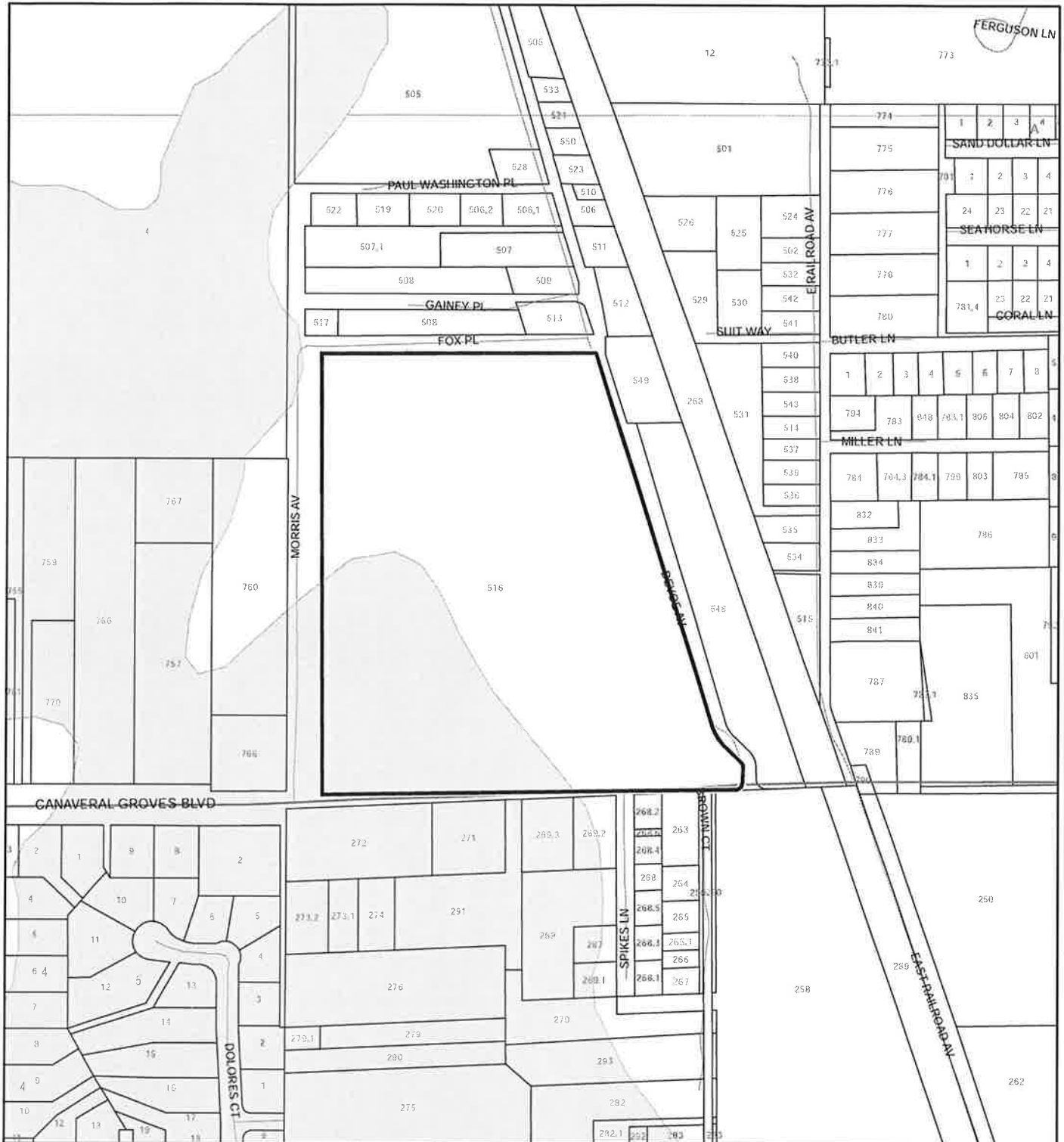
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/15/2018

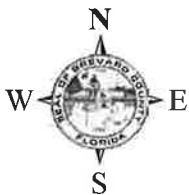
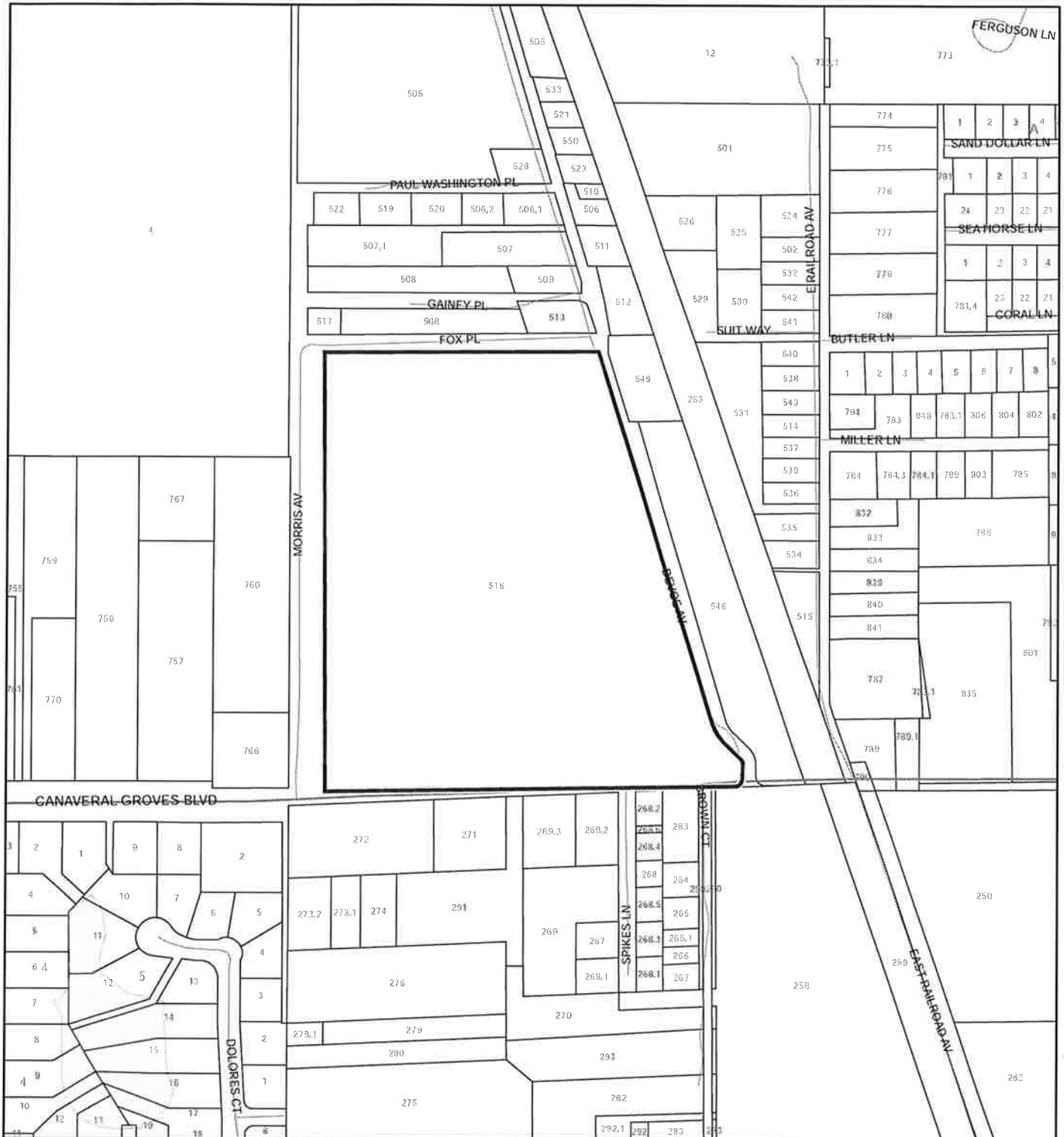
FEMA Flood Zones

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

EAGLE NESTS MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



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Produced by BoCC - GIS Date: 6/15/2018

— Subject Property

□ Parcels

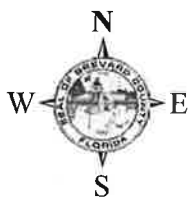
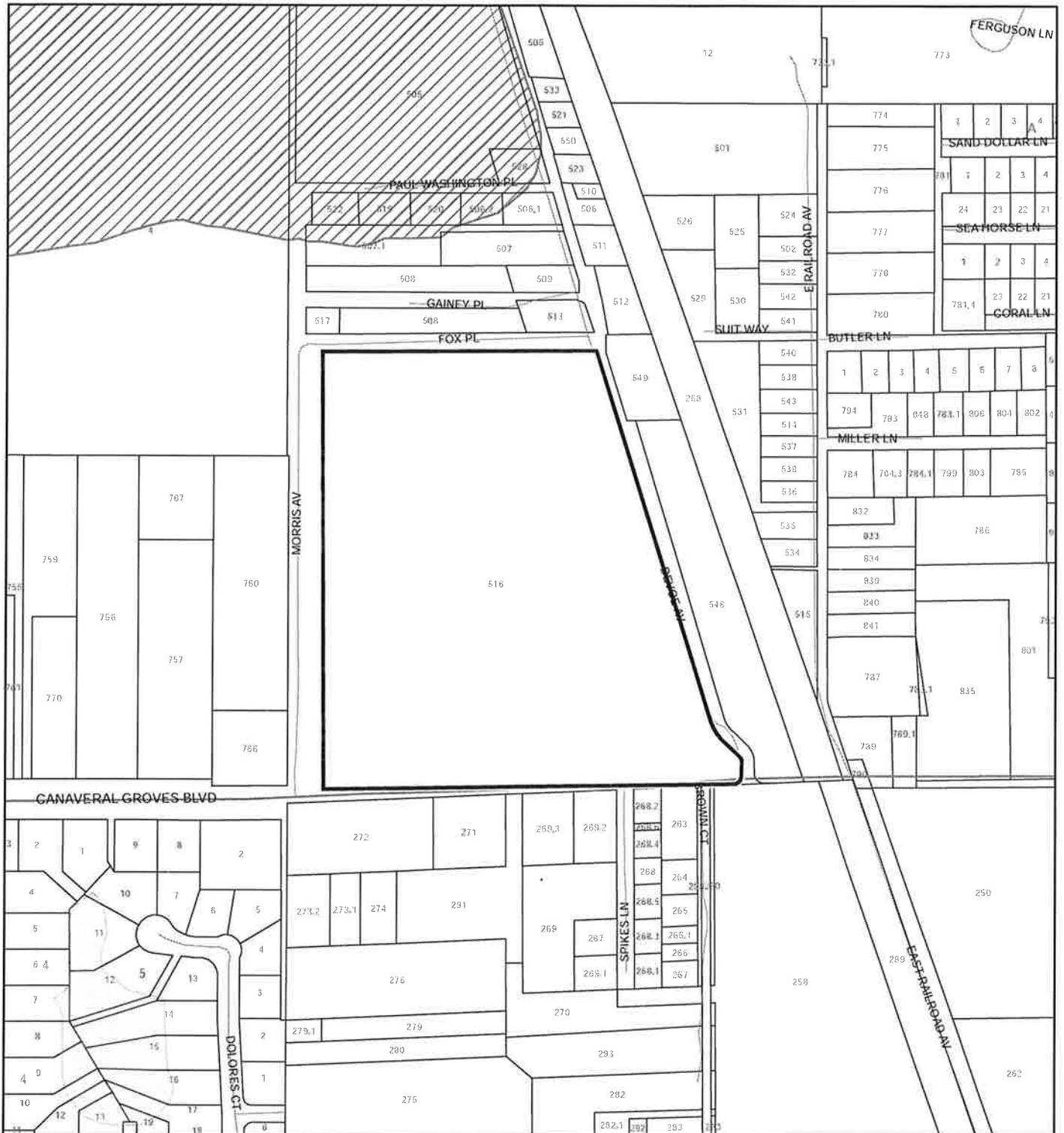


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

FLAMINGO LAND COMPANY, INC.




18PZ00072



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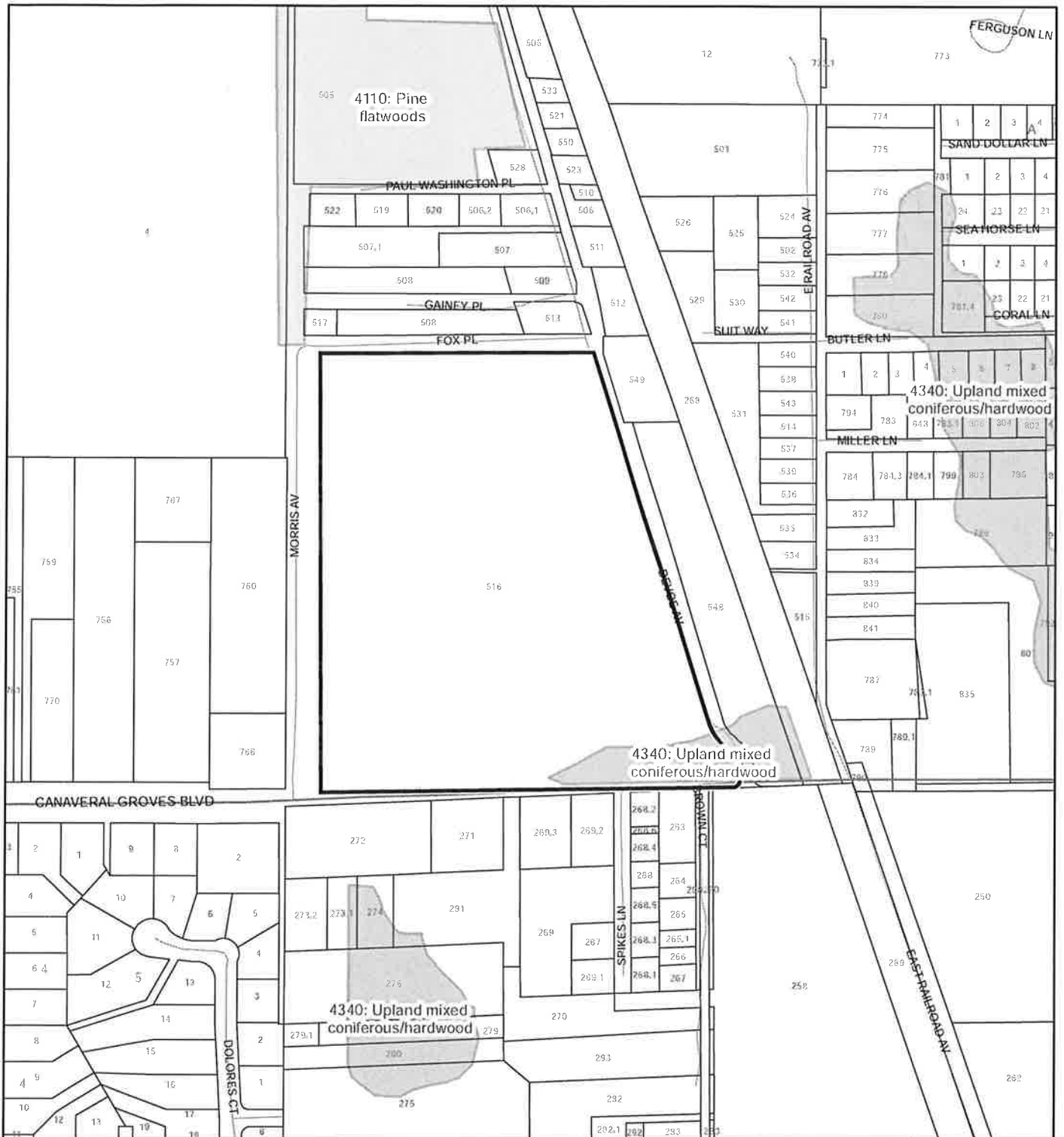
Produced by BoCC - GIS Date: 6/15/2018

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

FLAMINGO LAND COMPANY, INC.

18PZ00072



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/15/2018

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
Desmond K. Blackburn, Ph.D., Superintendent

FYI School Concurrency
18PZ00072
Flamingo Land Co.



June 5, 2018

Mr. Paul Body
Planning & Development Department
Brevard County Board of County Commissioners
2726 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Fox Glen Subdivision
School Impact Analysis – Capacity Determination CD-2018-15**


Dear Mr. Paul Body,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account 2317712 (Parcel ID: 23-36-31-00-516) containing approximately 27.99 acres in Brevard County, Florida. The proposed single family development includes 102 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 2017-18 to 2022-23 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2017-2018 to 2022-23* which is attached for reference.

Single Family Homes		102	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.28	28.56	29
Middle	0.08	8.16	8
High	0.16	16.32	16
Total	0.52		53

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


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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Fairglen	797	797	797	797	797
Cocoa	1,782	2,052	2,052	2,052	2,052
Cocoa	1,782	2,052	2,052	2,052	2,052

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Fairglen	716	763	780	796	797
Cocoa	1,639	1,734	1,813	1,891	1,967
Cocoa	1,639	1,734	1,813	1,891	1,967

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Fairglen	-	-	-	-	-
Cocoa	-	-	-	-	-
Cocoa	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Fairglen	-	3	11	20	29
Cocoa	-	1	3	6	8
Cocoa	-	2	6	11	16

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Fairglen	716	766	791	816	826
Cocoa	1,639	1,735	1,816	1,897	1,975
Cocoa	1,639	1,736	1,819	1,902	1,983

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Fairglen	81	31	6	(19)	(29)
Cocoa	143	317	236	155	77
Cocoa	143	316	233	150	69

At this time, Fairglen Elementary is not projected to have enough capacity for the total of projected and potential students from the Fox Glen Subdivision. Because there is a shortfall of available capacity in the concurrency service area of the Fox Glen Subdivision, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Atlantis Elementary School, Challenger 7 Elementary School, Saturn Elementary School, Cambridge Elementary School and Enterprise Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Fox Glen Subdivision is shown:

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Challenger 7	595	595	595	595	595

Projected Student Membership

School	2018-19	2019-20	2020-21	2021-22	2022-23
Challenger 7	578	551	536	523	502

Students Generated by Previously Issued SCADL Reservations

School	2018-19	2019-20	2020-21	2021-22	2022-23
Challenger 7	-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School	2018-19	2019-20	2020-21	2021-22	2022-23
Challenger 7	-	3	11	20	29

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Challenger 7	578	554	547	543	531

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

School	2018-19	2019-20	2020-21	2021-22	2022-23
Challenger 7	17	41	48	52	64

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Fox Glen Subdivision.

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

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

Sincerely,

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

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

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years
2017-2018 to 2022-23*
Copy: Susan Hann, Director Planning & Project Management
File CD-2018-15

Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2017-18 to 2022-23



Summary		2017-18		2018-19		2019-20		2020-21		2021-22		2022-23			
Highest Utilization Elementary Schools:		97%		97%		99%		99%		100%		100%			
Highest Utilization Middle Schools:		85%		82%		100%		99%		99%		99%			
Highest Utilization High Schools:		94%		95%		97%		90%		92%		95%			
School	Type	Grades	Utilization Factor	School Year 2017-18		School Year 2018-19		School Year 2019-20		School Year 2020-21		School Year 2021-22		School Year 2022-23	
				FISH Capacity	Member-ship	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection	Future FISH Capacity	Student Projection
Elementary School Concurrence Service Areas															
New Central Elementary	Elementary	K-6	100%	751	669	751	685	751	692	870	681	870	681	870	681
Allen	Elementary	PK-6	100%	884	736	884	753	884	769	884	753	884	753	884	753
Anderson	Elementary	K-5	100%	902	877	902	841	902	829	1,012	1,008	1,012	1,008	1,012	1,008
Apelo	Elementary	K-5	100%	747	675	747	718	747	689	747	682	747	682	747	682
Atlantis	Elementary	PK-6	100%	761	566	761	554	761	563	761	545	761	548	761	548
Audubon	Elementary	PK-6	100%	765	680	765	670	765	679	765	687	765	691	765	691
Cambridge	Elementary	PK-6	100%	548	390	548	381	548	384	548	374	548	359	548	367
Cape View	Elementary	PK-6	100%	751	652	751	682	751	683	751	622	751	622	751	622
Carroll	Elementary	K-6	100%	573	551	573	578	573	580	573	566	573	565	573	565
Chalanger 7	Elementary	PK-6	100%	751	514	751	467	751	453	751	439	751	456	751	443
Columbia	Elementary	PK-6	100%	993	990	993	943	993	943	993	915	993	943	993	915
Coquina	Elementary	PK-6	100%	1,154	888	1,154	900	1,154	919	1,154	944	1,154	972	1,154	990
Crest	Elementary	PK-6	100%	795	578	795	553	795	552	795	568	795	568	795	555
Discovery	Elementary	PK-6	100%	980	572	980	594	980	672	980	668	980	673	980	692
Endeavour	Elementary	PK-6	100%	960	817	960	739	960	773	960	769	960	781	960	800
Enterprise	Elementary	K-6	100%	729	560	729	585	729	593	729	541	729	545	729	562
Fairplay	Elementary	PK-5	100%	797	586	797	716	797	707	797	700	797	706	797	710
Gertner	Elementary	K-6	100%	711	430	711	438	711	419	711	414	711	405	711	380
Goview	Elementary	PK-6	100%	777	586	777	570	777	570	777	586	777	588	777	605
Harbor City	Elementary	PK-6	100%	829	391	829	386	829	392	829	386	829	392	829	405
Holland	Elementary	PK-6	100%	995	485	995	485	995	502	995	506	995	506	995	405
Imperial Estates	Elementary	PK-6	100%	729	682	729	638	729	638	729	605	729	605	729	484
Indianapolis	Elementary	K-6	100%	798	746	798	704	798	708	798	734	798	757	798	669
Jupiter	Elementary	PK-6	100%	930	755	930	691	930	719	930	750	930	859	930	804
Lockhart	Elementary	PK-6	100%	922	743	922	699	922	695	922	675	922	671	922	689
Lomleaf	Elementary	PK-6	100%	700	613	700	657	700	663	700	620	700	620	700	618
Longleaf	Elementary	K-5	100%	954	914	954	853	954	856	954	907	954	907	954	851
McAuliffe	Elementary	PK-6	100%	913	794	913	753	913	741	913	715	913	743	913	806
Medford Intermediate	Elementary	K-6	100%	1,114	1,002	1,114	853	1,114	857	1,114	786	1,114	784	1,114	806
Meadowline Primary	Elementary	3-6	100%	824	746	824	638	824	653	824	664	824	661	824	655
Mia	Elementary	PK-6	100%	707	404	707	409	707	402	707	409	707	420	707	469
Mims	Elementary	PK-6	100%	725	510	725	399	725	397	725	405	725	422	725	438
Oak Park	Elementary	PK-6	100%	972	892	972	776	972	776	972	792	972	813	972	817
Ocean Breeze	Elementary	PK-6	100%	654	507	654	513	654	503	654	512	654	503	654	504
Palm Bay	Elementary	PK-5	100%	1,005	932	1,005	804	1,005	598	1,005	588	1,005	547	1,005	553
Pineview	Elementary	PK-6	100%	852	729	852	680	852	532	852	639	852	631	852	554
Port Malabar	Elementary	PK-6	100%	852	729	852	680	852	657	852	621	852	616	852	624
Quest	Elementary	PK-6	100%	1,038	1,000	1,038	1,075	1,038	1,217	1,236	1,004	1,236	1,019	1,236	1,004
Rosetta	Elementary	PK-6	100%	777	681	777	646	777	682	777	682	777	687	777	694
Rosevelt	Elementary	K-6	100%	599	360	599	333	599	365	599	378	599	378	599	357
Sabal	Elementary	PK-5	100%	785	544	785	535	785	548	785	557	785	565	785	573
Saturn	Elementary	PK-6	100%	976	784	976	689	976	686	976	688	976	697	976	1,020
Sea Park	Elementary	PK-6	100%	461	317	461	318	461	340	461	358	461	358	461	378
Shenwood	Elementary	PK-6	100%	609	460	609	442	609	453	609	443	609	443	609	392
South Lake	Elementary	K-6	100%	529	460	529	400	529	400	529	400	529	400	529	300
Surfside	Elementary	PK-5	100%	917	838	917	813	917	847	917	891	917	937	917	967
Surfside	Elementary	K-6	100%	755	686	755	596	755	659	755	659	755	631	755	604
Surfside	Elementary	K-6	100%	549	455	549	485	549	473	549	474	549	472	549	485
Tropical	Elementary	K-6	100%	910	797	910	798	910	799	910	828	910	848	910	879
Turner	Elementary	PK-6	100%	874	609	874	583	874	583	874	518	874	507	874	502
University Park	Elementary	PK-6	100%	811	514	811	451	811	483	811	498	811	489	811	502
Westside	Elementary	K-6	100%	755	733	755	625	755	696	755	657	755	657	755	651
Williams	Elementary	PK-6	100%	817	564	817	546	817	542	817	541	817	541	817	561
Elementary Totals				41,882	33,522	41,936	33,021	42,134	33,402	43,070	33,825	43,324	34,222	43,444	34,668

Middle School Concurrency Service Areas													
Central	7-8	90%	1,525	1,121	74%	1,525	941	870	75%	1,525	1,224	1,224	1,525
DeLaure	7-8	90%	941	801	85%	941	659	479	73%	1,000	984	984	1,000
Howser	7-8	90%	659	533	81%	659	448	340	51%	659	495	495	659
Jackson	7-8	90%	533	448	84%	533	340	280	53%	533	448	448	533
Johnson	7-8	90%	448	340	76%	448	280	220	49%	448	340	340	448
Kennedy	7-8	90%	340	280	82%	340	220	180	53%	340	280	280	340
Madison	7-8	90%	280	220	79%	280	180	140	50%	280	220	220	280
McHale	7-8	90%	220	180	82%	220	140	110	55%	220	180	180	220
Southwest	7-8	90%	180	140	78%	180	110	90	50%	180	140	140	180
Stone	7-8	90%	140	110	79%	140	90	70	50%	140	110	110	140
Middle Totals			5,990	4,262	81%	5,990	3,360	2,632	81%	5,990	4,262	4,262	5,990
Junior / Senior High School Concurrency Service Areas													
Cocoa	Jr / Sr High	90%	1,782	1,399	78%	1,782	1,056	870	49%	2,052	1,691	1,691	2,052
Cocoa Beach	Jr / Sr High	90%	1,466	1,004	68%	1,466	882	606	41%	1,466	946	946	1,466
Space Coast	Jr / Sr High	90%	1,812	1,507	83%	1,812	1,056	870	48%	1,812	1,507	1,507	1,812
Jr / Sr High Totals			5,060	4,209	83%	5,060	4,218	4,218	83%	5,060	4,376	4,376	5,060
Senior High School Concurrency Service Areas													
Astronaut	9-12	95%	1,446	1,076	74%	1,446	1,056	73%	73%	1,446	1,121	1,121	1,446
Boyside	9-12	95%	2,235	1,718	77%	2,235	1,686	75%	75%	2,235	1,589	1,589	2,235
Eau Gallie	9-12	95%	2,209	1,657	75%	2,209	1,678	76%	76%	2,209	1,655	1,655	2,209
Peninsula	9-12	95%	2,314	1,778	77%	2,314	1,721	74%	74%	2,314	1,706	1,706	2,314
Melbourne	9-12	95%	2,356	2,217	94%	2,356	2,189	93%	93%	2,356	2,207	2,207	2,356
Merritt Island	9-12	95%	1,915	1,569	82%	1,915	1,532	80%	80%	1,915	1,544	1,544	1,915
Palm Bay	9-12	95%	2,613	1,587	61%	2,613	1,629	62%	62%	2,613	1,621	1,621	2,613
Rockledge	9-12	95%	1,689	1,537	91%	1,689	1,532	91%	91%	1,689	1,547	1,547	1,689
Satellite	9-12	95%	1,516	1,336	88%	1,516	1,329	88%	88%	1,516	1,375	1,375	1,516
Trusville	9-12	95%	1,672	1,412	75%	1,672	1,470	79%	79%	1,672	1,472	1,472	1,672
Viera	9-12	95%	2,277	2,109	93%	2,277	2,181	96%	96%	2,277	2,207	2,207	2,277
High Totals			22,442	17,990	80%	22,442	16,003	71%	71%	22,442	18,456	18,456	22,442
Schools of Choice (Not Concurrency Service Areas)													
Freedom 7	Elementary	100%	475	414	87%	475	414	87%	87%	475	414	414	475
Stevenson	Elementary	100%	569	495	87%	569	508	89%	89%	569	508	508	569
West Melbourne	Elementary	100%	618	530	86%	618	552	89%	89%	618	552	552	618
Edgewood	Jr / Sr High	100%	1,072	943	88%	1,072	950	89%	89%	1,072	950	950	1,072
West Shore	Jr / Sr High	100%	1,264	956	76%	1,264	956	76%	76%	1,264	956	956	1,264
Schools of Choice Totals			3,998	3,351	84%	3,998	3,360	84%	84%	3,998	3,360	3,360	3,998
Brevard Totals			83,332	69,990	84%	83,332	66,322	79%	79%	83,332	68,993	68,993	83,332

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2017-18 are reported from the FISH database as of October 13, 2018.
2. Student Membership is reported from the Fall Final Membership Count (10/13/18).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Enroll Survival Rates
 - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nonenrolled student addresses are assumed to continue in their attendance schools.
 - Charter School Growth
5. In order to maintain utilization rates lower than the 100%, Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Apollo Elementary, Challenger 7 Elementary, Coquina Elementary, Imperial Estates Elementary, Pinewood Elementary, Quest Elementary, Sunrise Elementary, Delaura Middle School, Jackson Middle School and Kennedy Middle (Total of 42 Classrooms)
 - High school relocatable classrooms are proposed to be added at Viera High (Total of 8 Classrooms)
7. Redistricting was approved for the 2018-19 school year and the projected enrollment for 2018-19 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 Cocoa JHS High School is assumed to add 300 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.

Prepared by: _____

Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 2018 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Flamingo Land Company, Inc., a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

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

WHEREAS, Developer/Owner has requested the RU-1-7 zoning classification and desires to develop the Property as a single family subdivision, pursuant to the Brevard County Code, Section 62-1157; and

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

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

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent



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

2. The Developer/Owner shall limit density to 4 units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

3. As part of its plan of development, Developer/Owner shall make a sanitary sewer connection to the City of Cocoa sanitary sewer system. The connection shall include a new sanitary sewer lift station, gravity collection system and forcemain to serve the development. All dwelling units constructed on the property described in Exhibit "A" shall be connected to sanitary sewer prior to issuance of a certificate of occupancy.

4. 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.

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

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

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

8. 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 8 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 Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Kristine Isnardi, Chair
As approved by the Board on _____

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

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WITNESSES:

DEVELOPER/OWNER

FLAMINGO LAND COMPANY, INC

2185 W. King St., Cocoa, FL 32926

(Witness Name typed or printed)

(Address)

(President)

Susan Moore, president

(Witness Name typed or printed)

(Name typed, printed or stamped)

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Susan Moore, President of Flamingo Land Company, Inc., _____, who is personally known to me or who has produced _____ as identification.

My commission expires

Notary Public

SEAL

Commission No.:

(Name typed, printed or stamped)

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EXHIBIT "A"

LEGAL DESCRIPTION

All that part of Government Lot 3 in Section 31, Township 23 South, Range 36 East, that lies West of a line that is 37 feet West of and parallel to the centerline of Florida East Coast Railway right of way (main track), less road rights of way for Morris Avenue, Fox Place, Devoe Avenue, and Canaveral Groves Boulevard.

** limited to that portion lying west of Devoe Ave.*

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Local Planning Agency/Planning and Zoning Board met in regular session on Monday, January 28, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Ron Bartcher; Ben Glover; Scott Langston; Mark Wadsworth; Bruce Moia; and Peter Filiberto.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Mary Taylor, Customer Service Specialist; and Jennifer Jones, Special Projects Coordinator II.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Excerpt of complete agenda.

Flamingo Land Company (Rick Kern):

requests a change of zoning classification from IU (Industrial Use) to RU-1-7 (Single-Family Residential). The property is 27.99 acres, located on the north side of Canaveral Groves Boulevard, between Morris Avenue and Devoe Avenue. (No assigned address. In the Cocoa area.) (18PZ00072) (District 1)

Henry Minneboo - Anybody have any questions?

No public comment.

Bruce Moia – I'll motion to approve.

Mark Wadsworth – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.